

Liechtenstein Law Gazette

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Act of 9 December 1992 on Lawyers

I give My consent to the following Act passed by Parliament:

I. Access to the profession of lawyer

Art. 1

Requirements

Article 1

Preconditions

1) A person entered in the list of Liechtenstein lawyers (List of Lawyers) may exercise the profession of lawyer. A person shall be entered into the List of Lawyers who¹

- a) is capable of acting,
- b) is trustworthy,
- c) has Liechtenstein citizenship or the citizenship of a Contracting Party to the Agreement on the European Economic Area or enjoys equivalent status pursuant to an international agreement,²
- d) has residency in the Principality of Liechtenstein or another Contracting Party to the Agreement on the European Economic Area,³

¹ Article 1, paragraph 1 introductory sentence amended by Liechtenstein Law Gazette LGBl. 2003 No. 21.

² Article 1, paragraph 1(c) amended by LGBl. 2003 No. 21.

³ Article 1, paragraph 1(d) amended by article 77.

- e) has passed the lawyers' or qualifying examination or provides evidence of three years of actual and regular work in accordance with the requirements of articles 54f et seq.,¹
 - f) if he or she has taken the lawyers' examination, provides evidence of practical experience in accordance with article 2, or if he or she has taken the qualifying examination, provides evidence of practical experience equivalent to the activities required by article 2,²
 - g) maintains his or her law office in Liechtenstein (article 9) and³
 - h) provides evidence of liability insurance (article 25).⁴
- 2) Repealed⁵

Art. 2

Practical work

1) The practical work necessary for practising law shall consist of work in the legal profession with a court and with a lawyer. It may also consist of work in the legal profession with a notary public or, if such activities are expedient for the profession of lawyer, with a Liechtenstein administrative authority or with a university or college.

2) Practical work within the meaning of Para. 1 shall have a duration of two years. Of these, at least one year must be spent with a lawyer⁶ and six months with Liechtenstein courts.

3) Equivalent practical work within the meaning of Para. 1 abroad shall be counted against the duration of practical work that need not compulsorily be spent with Liechtenstein courts.

4) Practical work may be counted at earliest from the successful completion of the studies mentioned in Art. 1 (1)(e).

¹ Article 1, paragraph 1(e) amended by LGBl. 2003 No. 21.

² Article 1, paragraph 1(f) amended by LGBl. 2003 No. 21.

³ Article 1, paragraph 1(g) amended by LGBl. 2003 No. 21.

⁴ Article 1, paragraph 1(h) amended by LGBl. 2003 No. 21.

⁵ Article 1, paragraph 2 repealed by LGBl. 2003 No. 21.

⁶ Transitional provisions on Art. 2 (2): "Persons who have to be admitted to the lawyer examination pursuant to Art. 72 (2) of the Act of 9 December 1992 on the Lawyer Examination may work as lawyers after having successfully completed that examination without having to prove one year of practical work with a lawyer." (LGBl. 1996 No. 18).

Art. 3

Admission to the lawyer examination

- 1) An applicant shall be admitted to the lawyer examination if he
 - a) has his place of residence in Liechtenstein or carries out practical work there within the meaning of Art. 2,
 - b) meets the requirements of Art. 1 (1)(a) to (c) and (e), and
 - c) has done practical work in the legal profession in the amount of two years, of which at least six months must have been with Liechtenstein courts and at least one year must have been with a lawyer or with a Liechtenstein administrative authority (Art. 2).¹
- 2) An applicant may apply for the lawyer examination no earlier than one month before the completion of the practical work prescribed in Para. 1 (c). Admission will be decided upon by the Government.²
- 3) Lawyer examinations shall take place in spring and autumn as required.
- 4) If the lawyer examination has not been successfully passed, it may be repeated no earlier than one year later. If the second examination is not passed, either, a second and last repetition is possible no earlier than three years after the first examination.

Art. 4

Written and oral examination

- 1) The lawyer examination shall include one written paper each from civil law, criminal law, administrative law, and state law, and an oral examination in these and other fields of law necessary for practising law.
- 2) An applicant shall first take the written examination under the supervision of a member of the Examining Committee.
- 3) The oral examination shall take place no earlier than one month and no later than two months after the last written examination has been taken. It shall be taken before the Examining Committee.
- 4) The Government shall by ordinance issue rules of examination on proposal of the Examining Committee and determine the examination fee.

¹ Art. 3 (1) amended by LGBl. 1996 No. 18.

² Art. 3 (2) amended by LGBl. 1996 No. 18.

Art. 5

Examining Committee

- 1) The lawyer examination shall be taken before the Examining Committee for Lawyers.
- 2) The Examining Committee for Lawyers shall be appointed by the Government for a term of office of four years each. It shall consist of five members and as many replacement members. It shall include one member each of the State Court, the Supreme Court, the Court of Appeal, and the Administrative Court of Appeal as well as one lawyer appointed by the Chamber of Lawyers. The Government shall determine the chairperson.
- 3) The members of the Examining Committee shall be independent in performing their duties.
- 4) The Examining Committee shall determine the place and time of the examination.
- 5) After the lawyer examination has been passed, the Examining Committee shall issue a certificate to that effect.
- 6) Decisions or orders of the Examining Committee may be appealed for legal or procedural defects within 14 days from service by complaint to the Government. The same shall apply if the complaint is continued to the Administrative Court of Appeal.

Art. 6

Entry in the list of lawyers

- 1) Anyone who wants to practise law shall apply to the Government for entry in the list of lawyers, proving all legal requirements (Art. 1 (1)) and stating the address of his law office (Art. 9).
- 2) The Government shall make the necessary investigation and hear the applicant if it is intended to refuse registration.
- 3) The applicant shall receive a certificate that he has been registered.

II. Rights and duties of lawyers

Art. 7

Scope of right of representation

- 1) Lawyers shall be granted the power
 - a) to provide legal counseling on a professional basis and
 - b) exclusively to represent parties on a professional basis in all judicial and extrajudicial and all public and private matters.
- 2) The right of representation of lawyers shall extend to all courts and administrative authorities.
- 3) The powers granted by law to legal agents, professional trustees, and patent attorneys shall not be affected by the provisions above.¹

Art. 8²

Designation of profession

- 1) Only the following persons shall be entitled to use the designation of profession of "*Rechtsanwalt*" (lawyer) or an equivalent designation:
 - a) persons who are entered in the list of lawyers (Art. 6) subject to Art. 64 (2);
 - b) foreign lawyers who are admitted for the transboundary practice of law in the Principality of Liechtenstein as citizens of a contracting party of the Agreement on the European Economic Area pursuant to Art. 55 and 59 and subject to Art. 57;
 - c) foreign lawyers admitted by the Government pursuant to Art. 68 in an individual case for the representation or defence of a party before Liechtenstein courts or administrative authorities, subject to the application of Art. 57 *mutatis mutandis*.
- 2) Persons who are not included in Para. (1)(b) and (c) but are authorised by virtue of foreign law to use the designation of "*Rechtsanwalt*" or an equivalent designation may only use that designation in the Principality of Liechtenstein with an indication of their law firm address abroad.

¹ Article 7, paragraph 3 amended by LGBl. 2003 No. 21.

² Art. 8 amended by LGBl. 1997 No. 116.

Art. 9

Obligation to have a law firm

- 1) Lawyers are obliged to have a law firm that is located in Liechtenstein.
- 2) The above obligation shall be deemed fulfilled if the space, staff and organisation available meets the requirements for practising law.

Art. 10

Partnerships of lawyers

1) Two or more lawyers may form a partnership of lawyers in the form of a civil law association or a collective partnership if the following requirements have been met:

- a) only persons who have been entered in the list of lawyers may be partners;
- b) every partner must be liable personally and without a limit;
- c) the activities of the partnership must be limited to those of lawyers, including the necessary auxiliary activities and the administration of the partnership's assets;
- d) each partner must be authorised to manage and represent the partnership separately;
- e) the existence of the partnership of lawyers must be made visible to the outside;

2) Every lawyer who belongs to a partnership of lawyers shall be personally accountable for meeting the obligations of his profession and trade. That obligation cannot be limited or cancelled by the partnership agreement or by resolutions of the partners or by management measures.

3) Partnerships of lawyers must apply with the Government for registration in the list of lawyers. Art. 6 shall apply accordingly.

Art. 11

Own responsibility

Lawyers are obliged to follow their profession independently, in their own name and on their own responsibility.

Art. 12

Professional honour

Lawyers are obliged to preserve the honour and the reputation of their profession by honest and honourable conduct.

Art. 13

Incompatible occupation

Carrying out occupations that are contrary to the reputation of the profession shall be incompatible with the practice of law.

Art. 14

Duties of representation

Lawyers are obliged to carry out the representations they have assumed in accordance with the laws and to defend the rights of their parties against anybody faithfully and diligently. They are authorised to frankly plead anything they deem suitable pursuant to the law to represent their clients, and to use measures of attack and defence in any way that is not contrary to their power of attorney, their conscience, or the law.

Art. 15

Secrecy

1) Lawyers are obliged to secrecy on the matters entrusted to them and on the facts which they have learned in the course of their professional capacity and whose confidentiality is in the best interests of their client. They shall have the right to such secrecy subject to the applicable rules of procedure in court proceedings and other proceedings before Government authorities.

2) The lawyer's right to secrecy must not be circumvented by judicial or other authority measures, in particular by interrogating helpers of the lawyer or by ordering the delivery or the seizing of documents or image, sound or data media, subject to special provisions for delimitating this prohibition.

Art. 16

Conflict of interests

Lawyers are obliged to decline representation or even the giving of counsel if they represent the opposing party in the same matter or in a matter in connection with it. A lawyer also must not serve both opponents in the same case.

Art. 17

Fulfilment of commission

1) Lawyers are obliged to conduct the business they have been entrusted with as long as the commission exists. They shall be liable for non-compliance.

2) Lawyers are authorised to terminate the representation of their clients, in which case a lawyer shall continue representing the client for a term of 14 days from service of the notice of termination to the extent necessary for protecting the client from legal disadvantages.

3) That obligation shall not exist if it is the client who cancels the commission.

Art. 18

Delivery and retaining of documents and files

1) After representation has ended, the lawyer is obliged to return to the client on request the originals of the documents and files belonging to the client; however, he shall be entitled - in case the costs of his representation have not been corrected - to make and retain at the client's cost copies of the documents to be delivered to the party necessary for determining such costs.

2) The obligation to keep files shall expire after then years reckoned from the time representation ceased.

Art. 19

Power of attorney

A lawyer is not obliged to return to the client the issued power of attorney issued; however, the latter may indicate the cancellation of the power of attorney on the same.

Art. 20

Substitution

A lawyer may substitute another lawyer in the case of prevention subject to the liability stated in the law.

Art. 21

Apprentice lawyers authorised to substitute

1) Where it is required by law to retain a lawyer, a lawyer may also have himself represented - at his liability - at all courts and administrative authorities by an apprentice lawyer working in his law firm (Art. 28) and authorised to substitute.

2) An apprentice lawyer shall be authorised to substitute if he has successfully completed the Liechtenstein lawyer examination or an equivalent foreign lawyer examination.

3) A lawyer may have himself represented at all courts and administrative authorities by an apprentice lawyer working in his law firm and not authorised to substitute. Where there is an absolute statutory requirement to be represented by a lawyer, such representation shall only be possible if the apprentice lawyer meets the requirements Art. 1 (1)(a), (b) and (e) and has been working with a lawyer in Liechtenstein or with the Court of Justice for a minimum of 18 months.¹

4) The Government shall issue permits to the apprentice lawyers working with a lawyer which show the authority to substitute pursuant to Para. 2 or the authority to represent pursuant to Para. 3.

Art. 22

Fee

1) The lawyer is entitled to freely agree with clients on his fee.

2) The fee shall be determined according to the manner and extent of efforts, the difficulty of the case, and the amount in dispute.

3) The lawyer must not claim part or all of the claim or object in dispute as his fee, nor is he allowed to have it assigned or pledged to him.

¹ Art. 21 (3) amended by LGBl. 1997 No. 116.

Art. 23

Deduction and obligation to account

The lawyer may deduct the sum of all expenditures and his fee from any amount he receives for his client, as far as these are not covered by advance payments received. However, he shall render account to his client on this forthwith.

Art. 24

Right of lien in a claim for refunding of costs

1) If a party has been awarded costs or promised the refunding of costs in a settlement agreement in proceedings before a court, another public authority, or a court of arbitration, the lawyer who last represented that party shall have a right of lien in the party's claim for the refunding of costs for his claim for refunding of expenditures and for remuneration in these proceedings.

2) The party obliged to refund costs may at any time pay the costs with legal effect to the lawyer who has the right of lien and, as long as the latter has not claimed payment, also to the party.

Art. 25

Liability insurance

1) Every lawyer shall prove to the Government before starting the practice of law that there is a liability insurance for covering any claims for damages against him on the basis of that activity. He shall maintain that insurance for the duration of his professional activities and prove this to the Chamber of Lawyers on request.

2) If the lawyer fails to meet his obligation under Para. 1 despite being requested to, the Government shall prohibit him to practise law until he has proven that he has met that obligation.

3) The minimum amount insured shall be 1 million Swiss Francs.

Art. 26

Assignment of a lawyer

1) If the court has decided that a lawyer is to be assigned or if the granting of legal aid includes such assignment, the party shall have a claim to get a lawyer assigned from the Chamber of Lawyers.

2) The board of the Chamber of Lawyers shall proceed according to fixed rules in making the assignment; these shall ensure that the lawyers who are members of the Chamber are assigned and strained as equally as possible.

3) The lawyer assigned pursuant to Para. 1 shall assume the representation or defence of the party in accordance with the order of assignment and perform this with the same diligence as a lawyer that has been freely chosen. Subject to procedural provisions with more extensive contents, he shall have a claim for remuneration to the party represented or defended by him only to the extent as the defeated party will have to refund costs. The lawyer appointed pursuant to Para. 1 shall have the right to refuse the mandate for important reasons, which the board of the Chamber of Commerce shall decide upon.

4) Lawyers appointed pursuant to the above provisions who would not have any other claim for remuneration under procedural law shall have a claim for remuneration against the Chamber of Lawyers in the amount of:

- a) their full costs pursuant to the applicable tariff up to an amount in dispute of CHF 50,000;
- b) their full costs pursuant to the applicable tariff for an amount in dispute of CHF 50,000 plus costs reduced by 40 % pursuant to the applicable tariff for the amount in dispute exceeding CHF 50,000.

The refunding of the necessary cash expenditures shall be asserted together with the claim for remuneration. The board of the Chamber of Lawyers shall decide on the amount of the remuneration and the refunding of expenditures as well as the possible granting of an advance payment.¹

5) The State shall pay to the Chamber of Lawyers the necessary advances for covering the claims for remuneration by lawyers assigned pursuant to Para. 1 who would not have another claim for remuneration pursuant to laws of procedure. The Chamber of Lawyers shall render account annually on the advances paid.

¹ Art. 26 (4) amended by LGBl. 1997 No. 151.

Art. 27

Advertising

1) The lawyer may inform people on his services and his person as long as the information is correct as to the facts, directly related to his profession, and justified because of an interest of persons seeking legal counsel. He shall advertise neither about his services nor about himself.

2) The lawyer may neither cause nor suffer other third parties to carry out advertising for him that is prohibited to him.

III. Apprentice lawyers

Art. 28

Requirements

Anyone who meets the requirements of Art. 1 (1)(a), (b) and (e) and has been entered in the list of apprentice lawyers may work as an apprentice lawyer within the meaning of Art. 21. Art. 6 shall apply mutatis mutandis.

Art. 29

Professional duties

Apprentice lawyers shall be subject to the provisions on the professional duties of lawyers as far as such provisions are applicable to them.

Art. 30

Disciplinary power

Disciplinary power on apprentice lawyers shall be exercised by the Court of Appeal pursuant to the provisions of Art. 31 to 37.

IV. Disciplinary power

Art. 31

Disciplinary offences

1) A lawyer who negligently violates the obligations of his profession or by his professional conduct damages the honour or the reputation of his profession commits a disciplinary offence.

2) A lawyer commits a disciplinary offence by extra-professional conduct if it is suited to substantially affect his trustworthiness.

Art. 32

Jurisdiction

Disciplinary power over lawyers shall be exercised by the Court of Appeal.

Art. 33

Disciplinary proceedings

1) Disciplinary proceedings against lawyers shall be initiated ex officio or after an information has been placed.

2) The criminal law authorities shall inform the Court of Appeal forthwith if criminal proceedings are initiated against a lawyer for a crime or a misdemeanour.

3) The Chamber of Lawyers shall have the right to submit applications and complaints in disciplinary proceedings against lawyers. The orders and decisions listed in Art. 36 shall also be served on the Chamber of Lawyers.

Art. 34

Disciplinary penalties

1) The following disciplinary penalties shall be used:

- a) written reprimand;
- b) fines up to the amount of 50,000 Swiss Francs;

- c) prohibition of practising law for up to one year;
- d) permanent prohibition of practising law.

2) The disciplinary penalty of the prohibition of practising law may be suspended partly or as a whole with a probationary period of at least one year and a maximum of three years if it can be assumed that the threat of such penalty will suffice to prevent the accused from committing further disciplinary offences.

3) It shall be possible to impose a fine in addition to a disciplinary penalty prohibiting the practice of law that has been awarded or suspended on probation as a whole.

4) The penalty of prohibiting the occupation of apprentice lawyers can be imposed as an ancillary penalty depending on the nature of the disciplinary punishment.

5) When imposing the disciplinary penalty, special consideration shall be given to the amount of fault and to the disadvantages caused in particular to the public seeking legal counsel. When imposing a fine, the income and the assets of the lawyer shall also be taken into consideration.

Art. 35

Preliminary measures

1) The Court of Appeal may order preliminary measures against a lawyer if

- a) the lawyer has been finally convicted by the court for a crime or misdemeanour;
- b) the disciplinary penalty of permanent prohibition of practising law has been awarded;

and if the preliminary measure is necessary because it must be apprehended that grave disadvantages in particular for the public seeking legal counsel or for the reputation of the profession will result taking into account the nature and the seriousness of the disciplinary offences the lawyer is accused of.

2) The lawyer must be given an opportunity to state his point of view.

3) Preliminary measures shall be the following in particular:

- a) the monitoring of the conduct of the law firm by the board of the Chamber of Lawyers;
- b) deprivation of the power to represent before certain or all courts or administrative authorities;

c) the preliminary prohibition to employ apprentice lawyers.

4) Preliminary measures shall be cancelled, modified or replaced by others if it turns out that the requirements for ordering them do not or do no longer apply, or if circumstances have changed considerably.

5) The preliminary measures shall lose their force upon the final conclusion of the disciplinary proceedings.

Art. 36

Appeal

Orders for the initiation or discontinuation of proceedings, orders for the implementation or refusal of preliminary measures, and decisions imposing disciplinary penalties may be appealed within 14 days from service by complaint to the Supreme Court.

Art. 37

Rules of procedure

As far as nothing to the contrary has been prescribed above, disciplinary proceedings against lawyers shall be subject to the provisions of the Code of Penal Procedure *mutatis mutandis*.

V. Expiry of lawyer permit

Art. 38

1) The authority to practise law shall cease to exist:

- a) cancelled¹
- b) cancelled²
- c) by loss of capacity to act;
- d) by the final opening of bankruptcy proceedings until its final conclusion and by the final dismissal of an application to start bankruptcy proceedings for lack of funds;

¹ Art. 38 (1) (a) cancelled by Art. 75.

² Art. 38 (1) (b) cancelled by Art. 75.

- e) by discontinuation of the domestic law firm address;
- f) by waiver by the lawyer;
- g) as a result of a disciplinary decision.

2) In the above cases, the lawyer shall be stricken from the list of lawyers on application or ex officio.

3) If all legal requirements have been met, re-entry in the list of lawyers shall be possible.

VI. Liechtenstein Chamber of Lawyers

Art. 39

Composition and legal form

1) The Liechtenstein Chamber of Lawyers, hereinafter called Chamber of Lawyers, is formed by all lawyers entered in the list of lawyers.

2) The Chamber of Lawyers is a corporation under public law. It shall be subject to the supervision of the Government for preserving legality.

Art. 40

Duties

1) The Chamber of Lawyers shall preserve the honour and the reputation and supervise compliance with the duties of the legal profession.

2) The Chamber of Lawyers shall carry out its business through the board unless expressly assigned to the plenary assembly.

Art. 41

Plenary assembly

- 1) The plenary assembly shall have the following duties:
- a) the election of the president, the vice-president, and the other members of the board;

- b) the appointment of an audit authority;¹
- c) the determination of the rules of procedure of the Chamber of Lawyers;
- d) the determination of the annual contribution to be made by Chamber members for covering the costs of administration;
- e) the approval of the estimate for income and expenditures;
- f) the approval of the annual accounts;
- g) the issuing of professional guidelines;
- h) the issuing of fee guidelines;
- i) the issuing of training guidelines.

2) Contributions shall be of the same amount for all Chamber members.

3) Unless the rules of procedure contain stricter provisions, the plenary meeting shall constitute a quorum if at least one quarter of the Chamber members is present; it shall pass its resolutions by simple majority. Resolutions on the rules of procedure shall compulsorily require the presence of at least one half of the members and a majority of two thirds.

4) The rules of procedure of the Chamber of Lawyers shall require the consent of the Government to be valid.

Art. 42

Board

1) The board of the Chamber of Lawyers shall consist of five members.

2) The president, the vice-president and the other board members shall be elected from among the Chamber members with the absolute majority of votes of the persons present. The term of office shall be three years. Re-election shall be possible.

3) The board's duties shall include:

- a) dealing with the authorities and third parties;
- b) the prescription and collection of the annual contributions by Chamber members;
- c) the preparation of opinions on the adequacy of the fees and the remuneration of services of a lawyer as well as - on request - the settling of disputes on that matter;

¹ Art. 41 (1)(b) amended by LGBl. 2000 No. 279.

- d) the settling of disputes between Chamber members;
- e) the appointment of lawyers pursuant to Art. 26 and the determination of the remuneration and the advances;
- f) the monitoring of the free exchange of services of lawyers pursuant to Art. 59;
- g) the exercising of the right to submit applications and complaints in disciplinary proceedings;
- h) the monitoring of the conduct of law firm business pursuant to Art. 35 (3)(a);
- i) the calling of meetings of the plenary assembly and the preparation of its business;
- k) the execution of resolutions of the plenary assembly;
- l) the making of proposals for laws and the preparation of opinions on bills;
- m) the designation of a member of the Examining Committee for Lawyers;
- n) the organisation of training and further education events or cooperation with other organisers of such events;
- o) cooperation with foreign lawyers' associations.

Art. 43

Prescription of contributions

The final prescription of contributions shall be a title for execution within the meaning of the *Exekutionsordnung* (Execution Act).

Art. 44

Appeal

1) Decisions or orders of the board of the Chamber of Lawyers can be appealed within 14 days from service by complaint to the Government.

2) Decisions of the Government can be appealed within 14 days from service by complaint to the Administrative Court of Appeal.

VII. Residence of lawyers from the European Economic Area

Art. 45

Professional requirements

1) A citizen of a contracting party of the Agreement on the European Economic Area holding a diploma certifying the professional requirements for direct access to one of the professions listed in the Annex to this Act may reside as a lawyer in the Principality of Liechtenstein if he has been entered in the list of lawyers on request.

2) Diplomas in terms of Para. 1 shall be diplomas, examination certificates or other proof of proficiency within the meaning of Art. 1 (a) of the Council Directive of 21 December 1988 for the general regulation of the recognition of university diplomas concluding at least three years of vocational training.

Art. 46

Entry in the list of lawyers

1) The Government shall decide on the application for entry in the list of lawyers. The applicant shall furnish proof:

- a) on the permit pursuant to Art. 45;
- b) on meeting the requirements of Art. 1 (1)(a) and (b);
- c) that he has a place of residence in a contracting state of the Agreement on the European Economic Area;
- d) on practical work equivalent to the activities required by Art. 2;
- e) on the successful completion of the aptitude test (Art. 47 et sqq.);
- f) on a law firm address in the Principality of Liechtenstein;
- g) on the existence of a liability insurance in the sense of Art. 25.

2) The Chamber of Lawyers shall have the position of a party in the proceedings pursuant to Para. 1.

Art. 47

Aptitude test

The aptitude test is a state examination exclusively concerning the professional knowledge of the applicant that is intended to assess his ability to practise law in the Principality of Liechtenstein.

Art. 48

Holding of aptitude test

The aptitude test shall be held by the Examining Committee for Lawyers (Art. 5).

Art. 49

Admission to aptitude test

- 1) The Government shall decide on the admission to the aptitude test.
- 2) There shall be no admission to the aptitude test if the applicant does not fulfil the legal requirements or does not submit or make the necessary documents and statements.

Art. 50

Examination subjects and contents of examination

1) The examination subjects shall be civil law as the compulsory subject, two elective subjects, and the professional laws concerning lawyers. The applicant shall determine one elective subject each from the two groups of elective subjects:

- a) administrative law or state law;
- b) fields of civil law not covered by the compulsory subject, administrative law, or criminal law.

The applicant must not choose the same elective subject in both groups of electives.

2) The contents of the examination shall be the areas of the compulsory subject and the two elective subjects to be determined in detail by ordinance as well as the corresponding rules of procedures including the essentials of the organisation of the court system, execution law, and bankruptcy law.

Art. 51

Written and oral examination

1) The aptitude test shall consist of a written and an oral part. It shall be taken in German.

2) The written examination shall include two papers. One paper shall concern the compulsory subject and the other to an elective subject to be determined by the applicant.

3) The applicant shall only be admitted to the oral examination if both written papers meet the requirements; otherwise, the examination shall be deemed not passed.

4) The oral examination shall include the professional law of lawyers as well as the elective subject in which the applicant has not written a paper.

Art. 52

Assessment of aptitude test

The examining committee shall decide upon the total impression of the performance shown in both the written and the oral examination whether the applicant has the knowledge necessary under Art. 47.

Art. 53

Appeal

Decisions or orders of the Examining Committee may be appealed for legal or procedural defects within 14 days from service by complaint to the Government. The same shall apply if the complaint is continued to the Administrative Court of Appeal.

Art. 54

Applicable provisions

Articles 3 (3) and (4), Art. 4 (2) and (3) as well as Art. 5 (4) and (5) shall apply mutatis mutandis to the implementation of the aptitude test.

VIII. Freedom to provide services

Art. 55

Admission

1) Citizens of a contracting party of the Agreement on the European Economic Area who are authorised to practise law under one of the designations listed in the Annex to this Act shall be admitted to the preliminary transboundary practice of law in the Principality of Liechtenstein.¹

2) The practice of law shall include the activities of Art. 7 (1) and (2).

3) If the transboundary provision of services loses its preliminary character, further practice of law shall be subject to the requirements for the residence of lawyers from the European Economic Area pursuant to Art. 45 et sqq.²

Art. 56

Entry in the list of lawyers; seat of law firm

The persons described in Art. 55 shall not be obliged to register but also not entitled to being registered in the list of lawyers in the Principality of Liechtenstein and to having a law firm address in Liechtenstein.

Art. 57³

Designation of profession

Anyone practising law in the Principality of Liechtenstein pursuant to Art. 55 shall use the designation of profession he is authorised to use in the state of his law firm (country of origin) under the laws applicable there and in the language or in one of the languages of the country of origin, and shall also state the address of his law firm in the country of origin.

Art. 57a⁴

Lawyer of agreement

1) In proceedings in which the party must be represented by a lawyer or in which a lawyer must defend the party, the lawyer active under Art. 55 may

¹ Art. 55 (1) amended by LGBl. 2000 No. 53.

² Art. 55 (3) inserted by LGBl. 2000 No. 53.

³ Art. 57 amended by LGBl. 1997 No. 116.

⁴ Art. 57a inserted by LGBl. 1997 No. 116.

only act in agreement with a lawyer entered in the list of Liechtenstein lawyers (lawyer of agreement). It shall be up to the latter to influence the foreign lawyer to observe the requirements of due administration of justice in representation or defence. There shall be no contractual relationship between the domestic lawyer and the party unless determined otherwise by the participants.

2) Agreement shall be proven in writing to the court or the administrative authority with the first procedural act. The court or the administrative authority shall be informed in writing on any cancellation of agreement. It shall only have effect for the future. Procedural acts for which there is no proof of agreement at the time they have been carried out shall be deemed not carried out by a lawyer. The Chamber of Lawyers shall be informed in writing of the making as well as of any cancellation of agreement.

3) Paragraphs (1) and (2) shall not apply to foreign lawyers who have successfully completed the aptitude test (Art. 47 et sqq.).

Art. 58

Authorised recipient

1) As soon as they start acting at courts or administrative authorities, the persons described in Art. 55 shall designate a domestic lawyer for service in judicial and administrative proceedings, such designation being to the court or the administrative authority. Service intended upon the persons designated in Art. 55 shall be performed upon the authorised recipient.

2) If no authorised recipient has been designated, the lawyer of agreement mentioned in Art. 57a shall be the authorised recipient. In all other cases, service upon the foreign lawyer shall be deemed performed by deposit with the court or the administrative authority.¹

Art. 59

Supervision

1) The performance of the activities admissible under this Act for the persons designated in Art. 55 shall be supervised by the Chamber of Lawyers.

2) Before starting activities in the Principality of Liechtenstein, the persons designated in Art. 55 shall supply proof:

a) on the permit pursuant to Art. 55;

¹ Art. 58 (2) inserted by LGBl. 1997 No. 116.

- b) on meeting the requirements pursuant to Art. 1 (1)(A) and (b);
- c) cancelled¹
- d) on a law firm address in a contracting state of the Agreement on the European Economic Area (country of origin);²
- e) on the report specified in Para. 3;³
- f) cancelled⁴
- g) on the existence of a liability insurance within the meaning of Art. 25.

3) A lawyer who intends to become active in the sense of Art. 55 shall report that intention to the Chamber of Lawyers. That report shall include the written commission or power of attorney to represent by the principal or the issuer of the power of attorney. If representation in proceedings is intended that are already pending, the report shall include information on the case (case number, parties, brief description of subject). The Chamber of Lawyers shall confirm the receipt of the report forthwith. The fact that the report has been made shall be proven to courts or administrative authorities on request.⁵

4) The board of the Chamber of Lawyers shall

- a) give advice and information to the persons designated in Art. 55 in matters concerning the professional duties of a lawyer;
- b) supervise compliance with the duties to which such persons are subject;
- c) prohibit the providing of services and if necessary inform the courts or administrative authorities if the requirements of Para. 2 are not or no longer met;
- d) inform the competent institution of the country of origin on decisions that have been taken with regard to that person.⁶

Art. 60

Professional duties

The persons designated in Art. 55 shall be subject to the professional duties due to lawyers under this Act.

¹ Art. 59 (2) (c) cancelled by LGBl. 2000 No. 53.

² Art. 59 (2) (d) amended by LGBl. 2000 No. 53.

³ Art. 59 (2) (e) amended by LGBl. 2000 No. 53.

⁴ Art. 59 (2) (f) cancelled by LGBl. 2000 No. 53.

⁵ Art. 59 (3) amended by LGBl. 2000 No. 53.

⁶ Art. 59 (4) inserted by LGBl. 2000 No. 53.

Art. 61

Disciplinary power

Disciplinary power over the persons designated in Art. 55 shall be exercised by the Court of Appeal pursuant to the provisions of Art. 31 to 37.

IX. Penal provisions

Art. 62

Administrative offence

Anyone who bears the designation of profession of "*Rechtsanwalt*" or "*Rechtsagent*" or an equivalent designation without being authorised to do so shall be punished by the Court of Justice for administrative offence with a fine of up to 50,000 Swiss Francs, and if the fine cannot be collected, with up to 6 months of imprisonment.

Art. 63

Misdemeanour

Anyone who carries out an activity reserved to lawyers or legal agents by this Act as a business shall be punished by the Court of Justice for misdemeanour with up to three months of imprisonment or a fine of up to 180 daily rates.

X. Transitional provisions

Art. 64

List of lawyers

1) The persons who are entered in the list of lawyers at the time this Act enters into force shall be entered ex officio into the list of lawyers to be kept by the Government regardless of whether or not they practise law at that time.

2) Persons who are entered into the list of lawyers pursuant to Para. 1 but do not practise law shall be exempt from the provisions of Art. 7 to 27 and 31

to 37 until they start practising law. They shall report the starting of law practice to the Government, stating their law firm address.

3) Apprentice lawyers entered in the list of lawyers on the basis of Para. 1 need not be entered in the list of apprentice lawyers.

Art. 65

Current extent of law practice

The persons entered in the list of lawyers at the time this Act enters into force as well as the legal agents (Art. 67) shall remain authorised to carry out the following activities without a special permit:

- a) asset management;
- b) financial consulting;
- c) business consulting;
- d) accounting.

Art. 66

Access to the profession without examination

Persons who at the time this Act enters into force meet the requirements of Art. 1 (3) of the Act dated 13 November 1968, LGBl. 1968 No. 33, shall be exempt from the requirements of Art. 1 (1)(f) and (g) of this Act for practising law.

Art. 67

Legal agents

- 1) The profession of legal agent may be exercised by persons who
 - a) were registered with the Government as a legal agent before 27 February 1958 and are still following that profession at the time this Act enters into force
 - b) have received a permit from the Government to work as a legal agent before this Act entered into force.

2) The legal agents admitted under Para. 1 shall bear the designation of profession of legal agent or another designation of profession or business permitted by the Government before this Act entered into force.

3) Legal agents are authorised to provide legal advice as a business and to represent clients with courts and administrative authorities as a business. Legal agents shall be equivalent to lawyers in proceedings in which there is an obligation to be represented by a lawyer with the exception of the State Court.¹

4) The provisions of Art. 9, 11 to 20, 22 to 25, and 27 of this Act shall apply mutatis mutandis as to the other rights and duties of legal agents. Orders of discontinuation pursuant to Art. 34 shall be issued by the Government.

5) The disciplinary power over legal agents shall be exercised by the Court of Appeal pursuant to Art. 31 to 37.

Art. 68²

Individual representation (outside the EEA)

1) Lawyers who are not citizens of a contracting party of the Agreement on the European Economic Area may be admitted by the Government in individual cases as the counsel in civil or criminal cases of a party before Liechtenstein courts or administrative authorities if there are reasons worth of special consideration.

2) Admission shall occur subject to the application mutatis mutandis of the provisions of Art. 59 (2)(a) and (b) as well as (d), (e) and (g).

3) Lawyers who have received a permit shall be subject to the provisions of Art. 57, 57a, 58, 60 and 61 of this Act mutatis mutandis.

Art. 69

Lawyer partnerships

Lawyer partnerships existing at the time this Act enters into force shall adjust to the provisions of Art. 10 within six months and register for entry in the list of lawyer partnerships.

¹ Art. 67 (3) amended by LGBl. 1997 No. 116.

² Art. 68 amended by LGBl. 1997 No. 116.

Art. 70

Liability insurance

The obligation to take out a liability insurance (Art. 25) shall also apply to lawyers and legal agents already active when this Act enters into force. The Government may set the corresponding time-limits.

Art. 71

Apprentice lawyers authorised for substitution

The apprentice lawyers authorised for substitution with a domestic lawyer shall be authorised to substitute within the meaning of Art. 21 if they have followed their profession for a term of five years.

Art. 72

Repetition of lawyer examination

1) Candidates taking a repeated lawyer examination after this Act entered into force shall in any event be deemed to meet the requirements for taking the examination.

2) Persons who at the time this Act entered into force met the requirements of practical training under the law applicable so far shall be admitted to the lawyer examination after this Act has entered into force provided that all other requirements have been met.

XI. Final provisions

Art. 73

Entering into force

With the exception of Art. 45 to 61, this Act shall enter into force on the date it is published.

Art. 74

Entering into force of Art. 45 to 61

1) Subject to Para. 2, Articles Art. 45 to 54 shall enter into force on the date the Agreement on the European Economic Area enters into force.¹

2) Citizens of a contracting party of the Agreement on the European Economic Area who did not already have their place of residence in the Principality of Liechtenstein shall not be subject to Art. 45 to 54 before 1 January 1997.

3) Under the precondition that the Principality of Liechtenstein is a contracting party of the Agreement on the European Economic Area after the mentioned time, Articles 55 to 61 shall enter into force on 1 January 1997.

Art. 75

Expiry

The following provisions of this Act shall expire on 31 December 1996 provided that the Principality of Liechtenstein is a contracting party of the Agreement on the European Economic Area at that time:

- a) Art. 38 (1)(a) and (b);
- b) Art. 68.

Art. 76²

Amendment of Art. 1 (1)(c)

On the date the Agreement on the European Economic Area enters into force, Art. 1 (1)(c) of this Act shall read as follows provided that the

¹ Art. 74 (1) amended by LGBl. 1995 No. 105.

² Art. 76 amended by LGBl. 1995 No. 105.

Principality of Liechtenstein is a contracting party of the Agreement on the European Economic Area at that time:

- c) holds Liechtenstein citizenship or the citizenship of a contracting state of the Agreement on the European Economic Area

Art. 77

Amendment of Art. 1 (1)(d)

From 1 January 1997, Art. 1 (1)(d) of this Act shall read as follows provided that the Principality of Liechtenstein is a contracting party of the Agreement on the European Economic Area at that time:

- d) has his place of residence in the Principality of Liechtenstein or in another contracting state of the Agreement on the European Economic Area

Art. 78

Executive ordinances

1) The Government shall issue the ordinances necessary for implementing this Act.

2) It may adjust the designations of profession listed in the Annex to this Act to any change in circumstances.

Art. 78a¹

Delegation of activities

The Government may delegate by ordinance the business assigned to it in Articles 3, 6, 10, 21, 46, 49, and 68 to an office for independent handling subject to appeal to the collective Government. The time-limit for complaints shall be 14 days from service of the respective decision or order.

¹ Art. 78a inserted by LGBl. 1995 No. 22.

Art. 79

Cancellation of current rules

Upon entering into force of this Act, the following rules shall be cancelled:

- a) the Act of 13 November 1968 on Lawyers, Legal Agents, Trustees, Asset Managers, Auditors, Financial Consultants, Business Consultants, and Tax Consultants, LGBl. 1968 No. 33, as far as lawyers and legal agents are concerned;
- b) the Act of 5 July 1979 on the Amendment of the Act of 13 November 1968 on Lawyers, Legal Agents, Trustees, Asset Managers, Auditors, Financial Consultants, Business Consultants, and Tax Consultants, LGBl. 1979 No. 44, as far as lawyers and legal agents are concerned;
- c) the Act of 29 April 1987 on the Amendment of the Act on Lawyers, Legal Agents, Trustees, Auditors, and Patent Attorneys, LGBl. 1987 No. 29, as far as lawyers and legal agents are concerned.

signed, *Hans-Adam*

signed, *Hans Brunhart*
Princely Prime Minister

Annex¹

Designation of profession for the lawyers admitted in the individual contracting states of the European Economic Area:

Belgium:	Avocat/Advocaat
Denmark:	Advokat
Germany:	Rechtsanwalt
Finland:	Asianajaja, Advokat
France:	Avocat
Greece:	Dikigoros
Eire:	Barrister, Solicitor
Iceland:	Lögmaður
Italy:	Avvocato
Luxembourg:	Avocat-avoué
Netherlands:	Advocaat
Norway:	Advokat
Austria:	Rechtsanwalt
Portugal:	Advogado
Sweden:	Advokat
Spain:	Abogado
United Kingdom:	Advocate, Barrister, Solicitor

¹ Annex amended by LGBl. 1997 No. 116.