

**STATUTES
OF THE CHAMBER OF ADVOCATES
APPROVED IN THE 13 JANUARY 1872 MEETING**

As emended in the meetings of 1 July 1878, 5 January, 1880, 6 November, 1898, 19 October, 1901, 26 October, 1901, 3 November, 1912, 3 January, 1913, 28 January 1916, 19 January 1952, October, 1966, 20 and 27 December 1966 and 15 December 2002.

Preamble

Since it is advisable to constitute the CHAMBER OF ADVOCATES in terms of established laws and regulations, the Advocates who are associates of and contributing members to the maintenance of the Chamber granted to them by Government Letter of 9 January 1861 –containing the express declaration and intelligence that the dispositions contained in the said letter are to remain fully operative – assembled in the 18 January 1877 meeting, have adopted the following Statutes.

Article 1

All graduate Advocates having obtained the Government Warrant, have a right to be Members of the Chamber of Advocates, subject, however, to the instructions contained in the said Government Letter and to the present Statutes.

Article 2

The Chamber shall have a separate and distinct legal personality. The purpose of the constitution of the said Chamber is to give existence to the Body of Advocates as a moral and self-regulating entity.

Article 3

The Chamber shall exercise its functions, either directly in the general meeting, or through the Committee.

Article 4

It shall be the principal attribution of the Chamber, and the main duty of the Committee, to safeguard the honor, dignity, and rights of Advocates as a moral (juridical) body and without regard to private relations, and to supervise the carrying out of their duties owned by the same to such body.

Article 5

In case of a member of the Chamber is found guilty of any reprehensible action which is derogatory to the honor and dignity of the Legal Profession (body), or who contravenes specific orders or the general dispositions issued by the Chamber or the Committee, the Secretary shall have to convene a session of the committee in order to discuss the issue and to decide, where necessary, what punishment ought to be inflicted on the guilty party. Notice of such session shall also be given to the interested member who shall have the right to have his defense heard.

The punishment inflicted, which may vary from an admonishment and reprimand to expulsion from the Chamber, and which may include a fine (multa) not exceeding two hundred Maltese Liri, shall be notified to the guilty party by registered letter from the Secretary.

The Member so punished may, within ten days from receiving such letter, lodge an appeal in writing against (contesting) the decision of the Committee in front of a General Meeting; the quorum of members present, for the validity of such Extraordinary General Meeting, shall be at least thirty members of the Chamber.

In default and in case of the confirmation or modification of the punishment inflicted by the Committee, the same shall be notified to the members by a notice affixed in the conference room where the Chamber assembles.

For the purpose of the first paragraph of this article, the following acts shall be considered as reprehensible and derogatory of the honor and dignity of the Legal Profession:

- a) The taking over of patronage where the advocate or advocates who had formerly directed such patronage had not given their consent or have not been fully satisfied (except where there is valid reason for non-payment), or where there do not exist valid reasons which require the pressing and urgent necessity of patronage, and in default of payment or in the event of urgent necessity, the advocate shall be about to take over or who has taken over patronage shall fail in his duties where he does not give preventive and timely notice to his colleague or colleagues who had formerly directed such patronage.
- b) The acceptance of consulting, on the same matter, clients who are already assisted without preventively informing the other advocates;
- c) The abuse of money or other substances of which the advocate comes into possession or has to hold in connection or by reason of his office, or the use of the same, if not on behalf of and for the purpose indicated to him by the client or clients who have made the delivery thereof;
- d) The abuse of the client's trust whether directly or indirectly and whether for one's own benefit or for that of third parties;

- e) The exploitation to one's own benefit of third parties who are not so entitled, of information which comes to the knowledge of the advocate by reason of the exercise of his legal profession;
- f) The denigration or criticism made with third parties of the professional ability or of the character of one's own colleagues;
- g) The participation, direct or indirect, in operations or transactions or delegations or deputations in which the advocate intervenes also as legal consultant unless he preventively and in a detailed manner discloses to all the parties concerned his interest in his extra-professional capacity;
- h) The legal consultancy to persons whose interest are incompatible with each other;
- i) The abusive communication with the opposing party without the knowledge of the latter's advocate;
- j) The preventive contracting, direct and indirect, of stipulations "quotae litis" or the payment to third parties who are not advocates of a part of the judicial and extra-judicial costs.
- k) The clear adhesion, directed towards the purpose of preserving or obtaining clients, to the acceptance of legal fees which are less than those fixed by tariffs, resulting from various instances of such abuse, or even from the fact that one's own clients (even without mentioning the identity of the advocate) indicate either verbally or in writing the possibility of legal assistance against payment of legal fees which are less than those fixed by tariff.
- l) The direct and indirect use agents or go-betweens and persons for the soliciting of clients or of work;

- m) The giving of professional propaganda, whether personally or through third parties, whether verbally or in writing, direct or indirect, and including also the persistent mention and insistence made by clients (even if the identity of the advocate is not mentioned), in the sense that one's own advocate would be available, and provided that the participation to public discussions or the contribution to articles and monographs on legal issues, also on newspapers and magazines not specializing on the subject, will not be in violation of this provision where such are of a standard and quality which go beyond mere divulgation;
- n) Any violation of the Code of ethics for Lawyers as drawn up, from time to time, in accordance with the Commission for the Administration of Justice Act, Chapter 369, which Act is deemed to form an integral part of these statutes
- o) Any other act which is held to be seriously reprehensible or derogatory of the honor and dignity of the legal class (profession) and which is in breach of the principles of professional ethics.

Any allegations have to be made in writing and must be addressed to the Secretary of the Chamber and should contain sufficient information in order to give rise to an exhaustive and expeditious investigation; saving the right of the Committee to commence and continue investigations "ex officio".

Article 6

Other attributions of the Chamber are:

- 1) The right to nominate an Honorary President and Honorary Members of the Chamber;
- 2) The fixing of payments to be made by the active Members.
- 3) The examination and approval of the accounts in the manner prescribed in article 37.

Article 7

The attributions of the Committee, besides those, which result from specific provisions, are:

- 1) The admission of Advocates as Members of the Chamber and of foreign Advocates as a members by correspondence;
- 2) The execution of the Chamber's deliberations;
- 3) The economic administration and the reception of the yearly contributions made by the members or of any other sum owned to the Chamber;
- 4) The correspondence with the authorizes and with other persons through the Secretary;
- 5) The resolution of any differences which arise between Advocates, members of the Chamber, relative to their profession, when such members demand a decision thereon;
- 6) The convening of general assemblies
- 7) The supervision of the proper observance of the statutes and of the good internal order in the conference rooms where the Chamber assembles;
- 8) The nomination of representatives of the Chamber of Boards, Committees and governmental or private Commissions.

Article 8

The Chamber elects its Committee every two years.

Article 9

The committee of the Chamber of Advocates shall be composed of eleven members as follows::

- a) President
- b) Vice President
- c) Secretary
- d) Treasurer,
- e) Public relations Officer
- f) Six Directors appointed by the Committee to implement and monitor the policies taken by the Chamber in various different fields.

Provided that the above-mentioned posts may not be occupied by the same person for more than two consecutive terms.

Article 10

- a. The election of the committee should take place every two years during the last two weeks of January. All paid up members are eligible for the post and they should be proposed and seconded by paid up members. Their names together with those of the proposer and the seconder are to be sent to the secretary of the Electoral Commission composed of three members to be elected in the General Meeting to be held in December. The proposed candidate is to express his desire to accept such nomination on the application.
- b. The list of candidates shall be hung in the Chambers a least eight days prior to the election

- c. The election shall be held during a working day, between 09.00am till 15.00hrs. The day shall be set by the Committee in collaboration with the Electoral Commission and notified to all members three weeks before.
- d. The Electoral Commission shall be entrusted with the running and control of the election, which shall take place by secret ballot and shall proceed to verify the votes once the electoral process has closed. It shall also be entrusted with publishing the list of elected candidates.
- e. The first eleven candidates obtaining the highest number of votes shall be deemed to have been elected. In the eventuality that two or more candidates occupy the eleventh post and have the same number of votes, same shall be requested to declare whether they are interested in occupying the post or not and, should more than one be interested in the eleventh post, another election shall be held for the eleventh post within three days from the date of the Election
- f. Should the number of candidates be less than eleven, all the candidate shall be deemed to have been elected without the need of holding Elections and the Committee may co-opt the necessary members in order to complement the Committee as provided above.
- g. The votes are to be counted in the presence of any members who would like to attend
- h. Within eight days from the election, the Committee shall hold its first sitting and proceed to appoint the various Official posts.

Article 11

a. The Committee shall hold ordinary annual general meeting and extraordinary general assemblies.

b. The ordinary annual general meeting shall be held annually on a day to be fixed by the Committee with the object of:

- a) Providing for the election of the Committee for the following term, should the two year period have lapsed;
- b) Discuss and approve the accounts of the previous year
- c) Discuss the performance of the Committee
- d) Decide upon any matters the Committee may deem necessary.

c. The date of such meetings is given by means of notices indicating the object of the meeting/session.

Article 12

The deliberations made in the general meetings, whether ordinary or extraordinary, are valid whenever not less than twenty active members have participated therein, of which at least six must form part of the Committee.

If, however the ordinary or extraordinary meeting cannot, in default of the presence of the said number of members, proceed to make deliberations, members present shall constitute a quorum and the meeting shall be competent to make valid deliberations.

The presence of at least six members of the Committee is required for the validity of the meetings and the acts of the Committee.

Article 13

The extraordinary general meetings are to be fixed by the Committee by a notice, delivered or sent to the individual members of the Chamber, indicating the object, the date and time of the meeting.

Article 14

The meeting mentioned in the above preceding article may be quoted for any purpose approved by the Committee.

Such demand to convene such meetings is to be approved by the Committee, unless it is signed by ten active Members at least and signifies the object of the meeting.

Article 15

The Committee is convened by the President, or in his absence or due to a supervening impediment, by the Vice-President, where he deems fit, by means of a circular signed by the Secretary indicating the object, the date and the time of the meeting.

The meeting of the Committee may be convened or held upon the demand of two Members of the same.

Article 16

A letter makes the demand for the admission of an Advocate as an active member of the Chamber to the Secretary, which is to be recorded in a book kept for such purpose by the Secretary.

Article 17

The above-mentioned letter or demand will entail the obligation on the part of the person making the demand to observe the present Statutes.

Article 18

Every active Member must pay to the Treasurer an admission fee to be established by the Committee from time to time and the Committee shall assign a locker, if any is required, following, in the case of members admitted on the same day, the alphabetical order of the surnames.

Every active Member to whom the use of a locker shall have been granted cannot transfer it to other Members without the consent of the Committee or of a Member delegated by the latter.

Any Member who fails to pay the membership fees shall not have the right to retain the locker assigned to him and the Committee shall have the faculty of taking possession thereof if the said Member does not deliver the keys.

Article 19

Where a Member of the Chamber finds himself in the impossibility of making use of the Chamber, he may, upon a request in writing, be exempted, from the date of such request, from paying the fees mentioned in this Statute.

Article 20

Every Member, who due to default of payment has ceased to be such, may be readmitted by making payment of all the sums due by him, and through which he shall have incurred such default, and any further payments fallen due during such period, due to which he shall have ceased to be a Member of the Chamber.

Article 21

In special cases the Committee shall concede an extension for the payment of arrears due.

Article 22

The member who is re-admitted in terms of the above-preceding article, is exempted from the formalities contemplated in article 16.

Article 23

Any member who for any reason whatsoever has ceased to be such, loses every right on the objects, of whatever nature, which belongs to the Chamber.

Article 24

The Chamber shall have in its employment at its own service and for the service of the conference room, two porters, who are to observe orders given by the Committee.

Article 25

The Committee may give any direction and adopt any measure, in order that the use of the conference room, granted exclusively to the Advocates, remains exclusively at their disposal.

Article 26

In case of the loss of one of its members, the Committee shall immediately substitute him with one ad interim; and shall within eight days convene an extraordinary general meeting – unless within such time an ordinary one takes place – for the election of the lost member.

Such election shall take place by a secret ballot.

Article 27

It is the office of the President to chair all the meetings, whether general or of the Committee, occupying a distinguished position therein – to sign the process verbal of the same – to represent the Chamber at all occasions – to defend its existence and its rights – to contribute to augment its importance and its prerogatives – and in particular to be the guardian for the observance of the Statutes.

Article 28

Where the President is absent or otherwise prevented from attending, he is substituted by the Vice-President – and again in the absence of the latter, the most senior Member of the profession from those present will act in his stead.

Article 29

It is the office and duty of the Secretary to preserve the archives of the Chamber – to keep the proces verbales of the general meetings and of those of the Committee in two separate books indicating the progressive number of the meeting, the date and time, the names of those present, and countersigning them after being signed by the President – to take care of the correspondence of the Chamber, by preserving in a book for that purpose a copy of such letters which, by order of the Chamber and of the Committee according to the case, are sent, and the originals of those received – to keep, in another book, a list of the Members of the Chamber with the date of their admission in the chamber and in the Legal Profession – to affix in the conference room a notice containing the names of the members of the Committee.

Article 30

Saving the provisions of the article 30, should the Secretary be absent, the President or his substitute shall, when a meeting is in session, charge one of those present to act in his stead.

Article 31

The treasurer is responsible for the funds of the Chamber – such person may legitimately require that any payment owed be made to him, even by judicial means – he has the duty to propose, in a general meeting, that a voting be made for extraordinary expenses.

The treasurer is obliged to give an account of his administration upon its termination, that is, at the end of December of each year.

Article 32

In viewing of the object of his office and for the purposes of the above-preceding article the treasure is to keep a Cashbook according to law.

Article 33

The Chamber shall in its ordinary meeting of December, nominate an Auditor to whom the treasure shall give any information and justification, which is required of him.

Article 34

The Directors are specially charged with the exact execution of regulations – to see to the maintenance of the order and decency of the chamber – to take cognizance of any report which is made to them, and to bring it to the attention of the Committee, so that the latter can make provision, by bringing it to the cognizance of the Chamber in session.

Article 35

In all cases not contemplated in these Statutes the Chamber shall in general meeting, make provision by means of a resolution, which shall be incorporated in the Statutes, if the Chamber, in passing the resolution, shall so order.

