

The Rules of the Bar Association (Registration and Supervision over Foreign Attorneys and Fees), 5772 – 2012

By virtue of its authority according to section 94, 98 (13) and 109 of the Bar Association Law, 5721- 1961 (hereinafter the "Law") and under the approval of the Minister of Justice, the National Council of the Israel Bar Association hereby enacts these following rules:

Definitions

1. In these rules –

- "Applicant" - Whoever requests to be registered in the Registry;
- "Foreign Country" - A country outside of Israel;
- "Affidavit" - A written declaration that was given and certified in one of the following ways:
 - 1) According to section 15 of the Evidence Ordinance [New Version], 5731- 1971;
 - 2) According to section 57 (5) or 50A of the Notary Law, 5736- 1976 (hereinafter: the "Notary Law").

Documents that must be enclosed with the Application

2. (a) Applications to be registered in the registry (hereinafter – "Application") shall be submitted to the Bar Association with the following documents:
 - (1) An approval of the authorized body to grant a license to practice law in a Foreign Country that the Applicant has a valid license to practice law in that country;
 - (2) Evidence, to the satisfaction of the Bar Association that the Applicant serves as a lawyer or served in a judicial position outside of Israel, for at least five years, during the adjacent period prior to submitting the registration application;
 - (3) Approval of an official body in the Foreign Country in which the Applicant was authorized to practice law (hereinafter the "Authorization Country") regarding the criminal past of the Applicant, including details regarding criminal convictions or pending criminal proceedings; the Bar Association is entitled to exempt the Applicant from enclosing such approval if it was proven to its satisfaction that there is an obstacle in obtaining it;
 - (4) Approval of the body authorized to perform disciplinary proceedings for lawyers or those serving in a judicial position, respectively, in the Authorization Country regarding their absence, and if existing – details regarding them, of disciplinary convictions or pending disciplinary proceedings against the Applicant.
 - (5) An affidavit of the Applicant that there are no pending criminal proceedings or disciplinary proceedings against him and that he was not convicted outside of Israel by a criminal offense or disciplinary offense, and if such proceedings are pending against him or he was convicted as mentioned – full details regarding the proceedings or

- the conviction;
- (6) Consent from the Applicant that he agrees that the Bar Association shall obtain information from the criminal records regarding him according to the provisions of the Criminal Registry and Facilitation of Rehabilitation Law, 5741- 1981;
 - (7) Confirmation that he has one of the securities according to section 98F (a)(4) of the law, and the provisions of the Minister of Finance in an order according to section 98F (a)(4)(b) of the law exist in respect to it.
- (b) The documents according to sub- section (a)(1) and (3) to (7) shall be submitted in their original form with at translation into English or Hebrew which was certified according to the Notaries Law including section 50A of that law.
- (c) Evidence as mentioned in paragraph (2) in sub- section (a) shall be submitted in their original form or a certified copy according to the Notaries Law including section 50A of that law and a translation as mentioned in sub- section (b) shall be enclosed with them.
- (d) An Applicant whose Authorization Country is not among the list of countries set forth in the addendum shall add to his application, in addition to the documents mentioned in sub section (a), also the following documents:
- (1) Documents that indicate that he has complied with the professional education and qualification requirements that a person having a license to practice law in the Authorization Country is required to fulfill.
 - (2) Documents that indicate the disciplinary supervision and proceedings which a person having a license to practice law in the Authorization Country is subject to.
- (e) If it becomes apparent to the Bar Association that the center of the Applicant's activities in the framework of his practice of law outside of Israel is in a Foreign Country that is not the authorized country, the Bar Association is entitled to demand that he also enclose with his application, in addition to the documents set forth in sub- section (a), an approval of the authorized body in that same country according to which he is entitled to practice law in it on the basis of a license that was given to him in the authorized country and certificates regarding convictions and proceedings that are pending as mentioned in paragraphs (3) and (4) in sub- section (a).

Professional Ethics Exam as a Condition to the Application

3. An application as mentioned in section 2 shall not be submitted unless the Applicant has passed the professional ethics exams for foreign lawyers given by the Bar Association according to section 98F (a)(3) of the law in the two years prior to submitting the application, unless the Bar Association is of the opinion that the circumstances of the matter justify recognizing an exam that was given prior to that period.

Handling Fees

4. The Applicant shall pay a handling fee upon submitting his application in the amount of 532 NIS.

Early Publishing and Objections

5. (a) Once per month the Bar Association shall present the list of the candidates to be included in the Registry in the Supreme Court, in every District Court, at the office of each District Committee and on the internet website of the Bar Association.
(b) Within twenty one days after presenting the list any person is entitled to submit an objection to the requested approval.
(c) Upon presenting the list the Bar Association shall mention the place for submitting objections and the date mentioned in sub- section (b): an objection shall be submitted in writing which shall set forth the grounds for the objection.
(d) At the end of the period stipulated in sub- section (b) the Bar Association shall hear the objections, if existing, and it will decide in them.
(e) If the Bar Association saw that there is an apparent ground according to section 98 F (b) of the law, not to include an Applicant in the Registry in spite of his qualifications, it shall notify him of this in writing and a date shall be scheduled for him to voice his arguments before it or before a committee that it appointed for this, before it decides this matter.

Decision to Include in the Registry

6. If the Bar Association decided to register a foreign lawyer in the Registry it shall notify him of this in writing and register him in the Registry, upon payment of the fee as mentioned in section 7 (b).

Annual Fee and Updating Fees

7. (a) A foreign attorney shall pay to the Bar Association each year, an annual fee in the amount of 2940 NIS.
(b) Notwithstanding the aforesaid in sub- section (a) the foreign attorney shall pay the Bar Association in the year in which it registered him in the Registry, a relative annual fee in the amount equal to the number of months of the year left after the date of registering him in the Registry to the month of December of that year multiplied by the amount of the annual fee as mentioned in sub- section (a) divided by twelve; in this respect, a part of a month is considered a whole month.
(c) The sum of the fee stipulated in sub- section (a) and the sum of the fee stipulated in section 4 shall change on the 1st of October of each year by the rate of change of the index that was published in the previous month of September, as opposed to the index that was published in the month of September of the previous year; the General Manager of the Bar Association shall publish in a notice in the Official Gazette the rates of the fees as updated according to this sub section.

Maintaining Validity of Registration

8. (a) Each three years after he is registered in the Registry, the foreign lawyer

shall present before the Bar Association certificates as mentioned in paragraphs (1), (3) and (4) in section 2 (a); a foreign lawyer that has fulfilled the provisions in section 2 (e) shall also present before the Bar Association certificates according to this section.

- (b) The Bar Association is entitled to demand that a foreign lawyer present to it the certificates as mentioned in sub- section (a) even if three years have not passed since he was registered or since he last submitted them, if facts were revealed in light of which the Bar Association is of the opinion that a circumstance of the circumstances set forth in section 98G (a)(1), (b)(1), or (c) of the law have occurred in respect to him. Nothing in this provision can derogate from the obligation imposed on the foreign lawyer according to section 98H of the law.

Addendum (section 2(d)

The Countries which are members in the Organization for Economic and Cooperation and Development

Approved.

_____, 5775
(_____, 2012)
(HM 3-____)

Zvi Firon
Chairman of the National
Council of the Bar Association

Yakov Neeman
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