

## Translation of Liechtenstein Law

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**Lawyers Act (RAG)**  
of 08 November 2013

I hereby grant My consent to the following resolution adopted by Parliament:<sup>1</sup>

**I. General provisions**

## Article 1

*Object and purpose*

1) The present Act shall regulate the admission to the lawyer's profession as well as the practice of the lawyer's profession in Liechtenstein.

2) It shall in particular transpose:

- a) the Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (EEA compendium of laws: Annex VII - 2.01);
- b) the Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (EEA compendium of laws: Annex VII - 2a.01);
- c) the Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (EEA compendium of laws: Annex VII - 1.01);
- d) the Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial

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<sup>1</sup> Report and application as well as comments from the Government no. 43/2013 and 84/2013

system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141 of 5 June 2015, p. 73).<sup>2</sup>

## Article 2

### *Designations*

The designations used in this Act to denote persons, professions and functions shall include persons of male and female gender alike.

## II. Liechtenstein lawyer

### A. Access to the lawyer's profession

## Article 3

### *Requirements to practise the lawyer's profession*

1) No person shall be allowed to practise the lawyer's profession, unless such person meets the requirements listed in paragraph 2 and has been entered in the register of Liechtenstein lawyers (register of lawyers).

2) The requirements pursuant to paragraph 1 shall be:

- a) the capacity to act;
- b) trustworthiness;
- c) Liechtenstein citizenship or citizenship of another State that is a party to the Agreement on the European Economic Area (EEA) or a State deemed to be equivalent thereto under international treaties;
- d) the successful taking of the bar exam (Rechtsanwaltsprüfung) or the aptitude test, or the exercise of an effective and regular activity for three years as provided for in Art. 74 et seqq.;
- e) in the event of the taking of the bar exam, practical activity as provided for in Art. 4 as well as completion of a training as provided for in Art. 5;
- f) domestic law office as provided for in Art. 10; and

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<sup>2</sup> Art. 1 paragraph 2 sub-paragraph d inserted by LBGl. 2017 no. 164.

g) taking out professional indemnity insurance as provided for in Art. 26.

3) Upon submission, the evidence of the fulfilment of the requirements set out in paragraph 2 sub-paragraphs a, b and g may not be older than three months.

4) The documents as provided for in Annex VII of the Directive 2005/36/EC shall be equivalent to the evidence provided for in paragraph 2.

#### Article 4

##### *Practical activity*

1) The practical activity required for the practice of the lawyer's profession shall last for two years.

2) The practical activity shall consist of an activity in a legal profession and it shall comprise:

- a) an activity of twelve months with a Liechtenstein lawyer; and
- b) an activity of six months:
  - 1. in a Liechtenstein court;
  - 2. with the Liechtenstein Prosecution Service;
  - 3. with a Liechtenstein lawyer; or
  - 4. with an administrative agency of the State of Liechtenstein, if the activity in the legal profession is conducive to the practice of the lawyer's profession; and
- c) an activity covering the remaining duration:
  - 1. with a lawyer;
  - 2. in a court or with a Prosecution Service; or
  - 3. with an administrative agency or at an enterprise, if the activity in the legal profession is conducive to the practice of the lawyer's profession.

3) In the cases provided for in paragraph 2 sub-paragraph c, the time spent in any activities in a legal profession abroad shall be recognized to an extent of no more than 50%.

4) The practical activity may be recognized no sooner than from the successful completion of the studies provided for in Art. 5.

## Article 5

*Proof of professional training*

1) The practice of the lawyer's profession shall require the completion of studies of Austrian or Swiss law at a university with a master's, licentiate's or a Magister's degree in legal science or an equivalent diploma.

2) Proof must be provided of the fact that, in the course of the studies mentioned in paragraph 1, adequate knowledge has been obtained in the following fields of knowledge:

- a) Austrian or Swiss civil law and Austrian or Swiss civil procedural law;
- b) Austrian or Swiss criminal law and Austrian or Swiss criminal procedural law;
- c) Austrian or Swiss constitutional law, including fundamental and human rights, and Austrian or Swiss administrative law, including administrative procedural law.

3) If law studies were completed with an academic degree in legal science at a university of a State which is a party to the EEAA and if such studies do not include any training in either Austrian or Swiss law, then such studies shall be equivalent to the completion of the studies provided for in paragraph 1, if the skills taught in the course of the training correspond to those taught in the course of the studies mentioned in paragraph 1; the Liechtenstein Chamber of Lawyers shall decide on the equivalence.

4) If there are doubts with regard to the equivalence of the studies referred to in paragraph 3, the Chamber of Lawyers may, at the expense of the applicant, obtain an expert opinion on this subject.

## Article 6

*Bar exam (Rechtsanwaltsprüfung)*

1) Any person who has fulfilled the requirements set out in Art. 3 paragraph 2 sub-paragraphs a, b, c and e shall be admitted to the bar exam.

2) Registration for the bar exam may be made no sooner than one month prior to the end of the practical activity prescribed in Art. 3 paragraph 2 sub-paragraph e. The Chamber of Lawyers shall decide on the admission.

3) The bar exam shall be taken before the examination commission for lawyers. It shall fix the place and time of the exam.

4) The bar exam shall include a written paper in each of the areas of civil law, criminal law, administrative law and state law (Staatsrecht), and an oral exam in these areas of law and in other areas of law with importance for the practice of the lawyer's profession.

5) If the written bar exam has not been passed, it may be taken again no sooner than after the expiration of one year. If the second written exam is not passed either, one final repetition of the exam may be taken no sooner than after the expiration of three years after the first exam.

6) If the oral bar exam has not been passed, it may be taken again at the next exam date. If the second oral exam is not passed either, a second and final repetition of the entire bar exam may take place no sooner than after the expiration of three years after the first exam.

7) If the bar exam has been passed, the examination commission shall issue a certificate.

8) The Government shall provide further details by ordinance.

#### Article 7

##### *Entry in the register of lawyers*

1) Any person who provides proof of the fulfilment of the requirements set out in Article 3 shall, upon application, be entered by the Chamber of Lawyers in the register of lawyers.

2) The Chamber of Lawyers shall conduct the necessary enquiries and, if the entry is to be refused, it shall hear the applicant beforehand.

3) The applicant shall receive a certificate evidencing the entry in the register of lawyers.

4) Any person who fulfils the requirements for the entry in the register of lawyers as provided for in Art. 3 paragraph 2 sub-paragraphs a to e, but who does not practise the lawyer's profession, shall be entered in the register of Liechtenstein lawyers capable of being entered therein. The legal consequences of the entry in the register of lawyers shall not apply to the persons concerned until they start to practise their profession.

## B. Rights and duties

### Article 8

#### *Scope of the right of representation*

- 1) Lawyers shall have the exclusive power:
  - a) to provide legal advice on a professional basis; and
  - b) to represent parties on a professional basis, both in and out of court, as well as in all public and private matters.
- 2) A lawyer's right of representation shall extend to all courts and administrative agencies. Any reference to this power shall render any documentary proof unnecessary in all courts and before all administrative agencies.
- 3) The statutory powers of legal agents, trustees and patent lawyers shall not be affected by the preceding provisions.

### Article 9

#### *Professional title*

No person shall be allowed to use the professional title of "Rechtsanwalt" (lawyer), unless such person has been entered in the register of lawyers (Art. 7 paragraph 1). This shall be subject to Articles 61, 80 and 86.

### Article 10

#### *Obligation to have a law office*

- 1) Lawyers shall be obliged to have a law office located in Liechtenstein.
- 2) The location of the law office must effectively and permanently fulfil the requirements for the practice of the lawyer's profession both in terms of space, personnel and in terms of organisation.
- 3) If a lawyer does not meet his or her obligation as provided for in paragraphs 1 and 2, despite having been requested to do so, the Chamber of Lawyers shall forbid him or her to practise the lawyer's profession until he or she has provided proof that he or she has met this obligation.

## Article 11

*Own responsibility*

Lawyers shall be obliged to practise their profession independently, in their own name and at their own responsibility.

## Article 12

*Professional honour*

Lawyers shall be obliged to preserve the honour and reputation of the legal profession by acting truthfully and honourably.

## Article 13

*Incompatible activities*

It shall be incompatible with the practice of the lawyer's profession to engage in such activities as shall be incompatible with the reputation of the legal profession.

## Article 14

*Duties of representation*

Lawyers shall be obliged to carry out the engagements they have accepted in accordance with the law and to represent the rights of their client vis-à-vis anyone with loyalty and conscientiousness. They shall be authorised to openly put forward anything that they deem to be conducive, according to the law, to represent their client, to use the client's means of attack and defences in any way, shape or form not in conflict with their power of attorney, their conscience and the law.

## Article 15

*Confidentiality*

1) Lawyers shall be obliged to maintain confidentiality on the matters entrusted to them and on the facts of which they have otherwise obtained knowledge in their professional capacity and which shall be kept secret in the interests of their clients. In court and other administrative proceedings,



they shall be entitled to this confidentiality in line with the procedural provisions.

2) The right of lawyers to secrecy may not be circumvented by judicial or other administrative measures, in particular by an examination of the lawyers' auxiliary staff, or by an order for the handing over, or by the seizure, of documents, video, audio or data storage media; this shall not affect any special rules for the further specification of this prohibition.

3) The right of lawyers to secrecy as provided for in paragraph 2 shall also extend to any and all correspondence between the lawyer and their clients and regardless of where and under whose control this correspondence covered by professional secrecy is.

4) If a lawyer exercises any activities covered by the Due Diligence Act, he or she shall be obliged, upon demand, to provide the supervisory bodies and the FIU Financial Intelligence Unit with any and all information and documents, to hand over any and all copies and to provide any and all information which they need to fulfil their duties.<sup>3</sup>

#### Article 16

##### *Duties to report and to provide information*

1) Lawyers shall immediately report any change in the requirements provided for in Art. 3 paragraph 2 to the Chamber of Lawyers in writing.

2) Upon demand, the Chamber of Lawyers shall be provided with any and all information and documents which it needs to fulfil its duties.

#### Article 17

##### *Conflict of interests*

1) Lawyers shall be obliged to refuse the representation or even the mere provision of any advice, if they have represented the adverse party in the same matter or in any related matter. Furthermore, they may not provide services or advice to both parties in the same matter.

2) If the lawyer has acted as a mediator, he or she shall not be allowed to act in a one-sided manner when advising and representing one of the parties in this or any related matter against other parties who have participated in the mediation.

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<sup>3</sup> Art. 15 paragraph 4 amended by LGBI. 2016 no. 44.

## Article 18

*Execution of an engagement*

1) Lawyers shall be obliged to execute the business entrusted to them as long as the engagement exists. They shall be responsible for non-execution.

2) Lawyers shall be authorised to terminate the representation of their clients, in which case they shall be obliged to represent the client for another 14 days, calculated from the receipt of the termination notice, insofar as this is necessary to protect the client from any legal disadvantages.

3) There shall be no such obligation, if the client has revoked the engagement.

## Article 19

*Documents and files*

1) If the representation of a client has ended, lawyers shall be obliged, upon the client's request, to return to the client the originals of the documents and files that belong to such client. However, they shall be authorised, if their costs of representation have not been paid, to make and retain the copies, at the client's expense, of the documents to be returned which are required to prove such costs.

2) Lawyers shall not be obliged to hand over to the client any drafts of writings, letters by the client to the lawyer or other reference files, as well as any proof of payments made and not yet refunded to them. However, they shall be obliged to hand over to the client copies thereof at the client's request and at the client's expense.

3) The obligation provided for in paragraph 2 as well as the obligation to retain the files shall expire after the expiration of ten years, calculated from the moment in time in which the representation has ended.

4) The files may be retained in writing, electronically or in a comparable manner, provided that they can be made readable again at any time. Any files retained electronically or in a comparable manner shall have the same probative value as those readable without auxiliary means.

#### Article 20

##### *Power of attorney*

Lawyers shall not be obliged to return the power of attorney to the client; however, the latter shall be authorised to render the revocation of the power of attorney visible on the same.

#### Article 21

##### *Substitution*

1) If lawyers are prevented from performing their function, they may be substituted by another lawyer. In this process, their statutory liability shall be maintained.

2) If lawyers are permanently prevented from performing their function or if they are absent for a longer period of time, the Chamber of Lawyers shall be informed of the substitution, and the Chamber of Lawyers shall also inform the courts and administrative agencies thereof.

#### Article 22

##### *Trainee lawyers with the authorization to act as a substitute and to represent*

1) If there is a statutory requirement to retain a lawyer, lawyers may also be represented in all courts and before all administrative agencies, at their responsibility, by a trainee lawyer who is employed by them and who is authorised to act as a substitute (trainee lawyer with the authorization to act as a substitute).

2) If there is no statutory requirement to retain a lawyer, lawyers may be represented in all courts and before all administrative agencies, at their responsibility, by a trainee lawyer who is employed by them and who is not authorised to act as a substitute (trainee lawyer with the authorization to represent).

3) Lawyers shall ensure that the trainee lawyer gets fully trained in line with the profile of the lawyer's profession and they shall use him or her accordingly.

#### Article 23

##### *Fees*

- 1) Lawyers shall be at liberty to agree any fees with their client.
- 2) The fees shall be based on the type and extent of the work done, on the difficulty of the case and on the amount in dispute.
- 3) Lawyers may not lay claim to all or any part of the litigious claim or the litigious matter as fees. Nor shall they be allowed to have all or any part thereof assigned or pledged to them.

#### Article 24

##### *Duty to deduct and to issue and account statement*

Lawyers shall be authorised to deduct the sum of their expenses and fees from the cash funds which they receive for their clients, insofar as they are not covered by any advance payments received, however, they shall be obliged to immediately issue an account statement to their client.

#### Article 25

##### *Lien in respect of a cost reimbursement claim*

- 1) If a party is awarded costs in proceedings before a court, an administrative agency or an arbitration tribunal or if such costs are awarded by way of a settlement, the lawyer who represented the party last shall have a lien in respect of the party's cost reimbursement claim, due to his or her entitlement to reimbursement of the cash expenses and to remuneration for the representation in these proceedings.
- 2) The party shall not be authorised to offset its cost reimbursement claim against its other claims or liabilities against whomsoever or to make dispositions thereof at the expense of the lawyer entitled to the lien.
- 3) The party obliged to reimburse the costs may make effective payment of the costs to the party only if the lawyer entitled to the lien has expressly waived any payment to him or her.

## Article 26

*Professional indemnity insurance*

1) Every lawyer shall be obliged to take out professional indemnity insurance to cover any claims for damages against him or her resulting from his or her professional activity. He or she shall maintain the insurance coverage during his or her professional activity, and he or she shall furnish evidence thereof to the Chamber of Lawyers, if the latter so demands.

2) If the lawyer does not meet his or her obligation as provided for in paragraph 1, despite having been requested to do so, the Chamber of Lawyers shall forbid him or her to practise the profession of lawyer until he or she has furnished evidence that he or she has met this obligation.

3) The minimum insured sum shall be 1 million francs per year.

4) In the event that the right to practise the lawyer's profession expires or is suspended, the professional indemnity insurance coverage must provide for a follow-up liability of at least three years. The deductible may not exceed 10% of the insured sum per case of damage.

5) The "special conditions" of the insurance contract must include the following text: "The policyholder instructs the insurer to inform the Chamber of Lawyers of the Principality of Liechtenstein in the event that the insurance coverage is suspended or ends".

## Article 27

*Advertising*

1) Lawyers shall be allowed to inform about their services and about them insofar as the information provided is objectively true, directly related to the profession and justified by an interest of the persons seeking legal assistance. They may not advertise their services or themselves in an overly commercial manner.

2) Lawyers may neither cause nor tolerate that any third parties engage in any advertisement for them that they are themselves not allowed to engage in.

### C. Legal aid and ex officio defence

#### Article 28

##### *Appointment of a lawyer*

1) If the court has decided to provide a lawyer, or if the grant of legal aid implicates any such provision, the party concerned shall be entitled to the appointment of a lawyer by the Chamber of Lawyers.

2) The board of the Chamber of Lawyers shall rely on fixed rules for the appointment; these shall ensure that the assignment of lawyers with membership in the Chamber of Lawyers to cases, and the distribution of their workload, is made as equally as possible.

#### Article 29

##### *Acceptance of the case and grounds for refusal*

1) Lawyers appointed in accordance with Art. 28 shall accept the representation or defence of a party in line with the decision on their appointment and act in this regard with the same care as a freely chosen lawyer.

2) They shall have the right to refuse the acceptance of the case for important reasons or to demand the early dismissal as a lawyer appointed pursuant to Art. 28. Important reasons shall include in particular:

- a) a conflict of interests;
- b) a serious breakdown of the relationship of trust, if any such breakdown is asserted both by the party and by the appointed lawyer.

3) The board of the Chamber of Lawyers shall decide whether any of the important reasons set out in paragraph 2 applies.

## Article 30

*Right to remuneration against the party*

1) Lawyers appointed in accordance with Art. 28 shall have a right to remuneration against the party they represent or defend, subject to additional procedural rules, only insofar as the losing adverse party reimburses costs to it.

2) The party shall not be allowed to waive a right to reimbursement of costs referred to in paragraph 1, or to make other dispositions in respect thereof or to offset against the same. In all other respects, Art. 25 shall apply mutatis mutandis.

## Article 31

*Right to remuneration against the State of Liechtenstein<sup>4</sup>*

1) Lawyers appointed in accordance with Art. 28 who, pursuant to procedural rules, would otherwise have no right to remuneration shall, for the provision of their services, have a right to remuneration against the State of Liechtenstein pursuant to the applicable provisions of the lawyers' rates, provided that the services were necessary for taking the appropriate legal action. In this regard, however, the following differences shall apply:<sup>5</sup>

- a) up to an amount in dispute of 50,000.00 francs the full costs shall be remunerated in accordance with the applicable rates;
- b) in case of an amount in dispute of more than 50,000.00 francs the costs corresponding to the amount in dispute of 50,000.00 francs shall be remunerated in accordance with the applicable rates in full, whereas the costs for the amount in dispute exceeding 50,000.00 francs shall be reduced by 40%. If the amount in dispute exceeds 300,000.00 francs, the right to remuneration shall be calculated on the basis of an amount in dispute of 300,000.00 francs;
- c) for marriage, partnership and family cases, including any related preliminary injunction proceedings, and for any claims of a pecuniary nature which may be associated therewith, the right to remuneration shall be calculated on the basis of an amount of no more than 50,000.00 francs;
- d) for criminal proceedings, the following amounts shall be remunerated:
  1. for indictments:

<sup>4</sup> Art. 31 subject heading amended by LGBl. 2016 no. 407.

<sup>5</sup> Art. 31 paragraph 1 introductory sentence amended by LGBl. 2016 no. 407.

- aa) for infractions: 150.00 francs;
  - bb) for misdemeanours: 375.00 francs;
  - cc) for crimes: 750.00 francs;
2. for applications for evidence and all other submissions, insofar as they do not fall under sub-sub-paragraph 3 or under rate item 1 of the legislation on rates for lawyers and legal agents, the remuneration laid down in sub-sub-paragraph 1, but if the applications are very short, 50%;
- 3.
- aa) for the lodging of appellate remedies: one quarter of the remuneration laid down in sub-sub-paragraph 1;
  - bb) for objections with the exception of objections on costs, for protests, for applications for reinstatement and for applications for reopening a case: twice the remuneration laid down in sub-sub-paragraph 1;
  - cc) for elaborations of an appeal and for elaborations of an appeal on points of law as well as responses in respect thereof: three times the remuneration laid down in sub-sub-paragraph 1;
  - dd) for objections on costs: the remuneration laid down in rate item 2 of the legislation on rates for lawyers and legal agents; but in no event more than the remuneration laid down for indictments; the value of the matter shall be calculated in accordance with Art. 12 of the Act on the Rates for Lawyers and Legal Agents;
4. for trials or for the participation in a judicial inspection or in any other taking of evidence outside the trial, in addition in a judicial seizure: for the first 30 minutes and for each additional 30 minutes, even if they have just begun, the remuneration laid down for indictments multiplied by one, and from the sixth 30 minutes, even if they have just begun, half of the remuneration laid down for indictments;
5. for hearings in the second instance: for the first 30 minutes twice the amount of the remuneration laid down for indictments, for each additional 30 minutes, even if they have just begun, the remuneration laid down for indictments multiplied by one, and from the sixth 30 minutes, even if they have just begun, half of the remuneration laid down for indictments;
6. for the representation of civil claimants and victims to whom legal aid has been granted: half of the remuneration provided for in sub-sub-paragraphs 1 to 5.



2) Together with the right to remuneration, the reimbursement of the necessary cash expenses shall be asserted as well. Internal cash expenses, in particular costs incurred for photocopies, postage and telephone charges, shall be included in the flat rate and shall not be remunerated separately. Necessary external cash expenses, in particular charges incurred for extracts from the land register or commercial register, photocopies at court and translation costs, shall be remunerated separately; these cash expenses shall be listed in the lawyer's invoice individually and proof of them shall be provided accordingly.<sup>6</sup>

3) In civil matters and criminal matters, the trial court of first instance shall decide on the amount of the remuneration and the reimbursement of cash expenses. The invoice periods shall each last from 1 October to 30 September of the following year. Interim invoices shall be permissible in justified cases. On penalty of forfeiture of the right, the application for the determination of costs for a given invoice period shall be filed in each case no later than four weeks from the end of the invoice period. The ruling on the determination of costs shall not bind the party enjoying legal aid or the accused (defendant). The proceedings on the determination of costs shall be governed by the respective code of procedure.<sup>7</sup>

4) In proceedings before the State Court, the latter shall decide on the amount of the remuneration and the reimbursement of cash expenses. The invoice periods shall each last from 1 October to 30 September of the following year. Interim invoices shall be permissible in justified cases. On penalty of forfeiture of the right, the application for the determination of costs for a given invoice period shall be filed in each case no later than four weeks from the end of the invoice period. The ruling on the determination of costs shall not bind the party enjoying legal aid.<sup>8</sup>

5) The paragraphs 1 to 4 shall apply to the remuneration of the services of an ex officio defence counsel *mutatis mutandis*, insofar as his or her right to remuneration proves to be uncollectible, in whole or in part, from the person that he or she has represented. The right shall be deemed to be uncollectible, if, given the expected circumstances, no success in the compulsory enforcement proceedings can be expected.<sup>9</sup>

6) In administrative proceedings which may not be made pending in the ordinary courts of law, lawyers appointed in accordance with Art. 28 shall have a right to remuneration against the Chamber of Lawyers pursuant to paragraph 1. The board of the Chamber of Lawyers shall

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<sup>6</sup> Art. 31 paragraph 2 amended by LGBL 2016 no. 407

<sup>7</sup> Art. 31 paragraph 3 amended by LGBL 2016 no. 407.

<sup>8</sup> Art. 31 paragraph 4 amended by LGBL 2016 no. 407.

<sup>9</sup> Art. 31 paragraph 5 amended by LGBL 2016 no. 407.

decide on the amount of the remuneration and the reimbursement of cash expenses. The invoice periods shall each last from 1 October to 30 September of the following year. Interim invoices shall be permissible in justified cases. On penalty of forfeiture of the right, the application for the determination of costs for a given invoice period shall be filed in each case no later than four weeks from the end of the invoice period. The ruling on the determination of costs shall not bind the party enjoying legal aid. For the coverage of these rights to remuneration, the State of Liechtenstein shall grant adequate advance payments to the Chamber of Lawyers. The Chamber of Lawyers shall establish an annual statement.<sup>10</sup>

## D. Law firms

### Article 32

#### *Purpose*

1) Lawyers may, for the joint exercise of the profession, form an association with other lawyers in a law firm, if its purpose is limited to the provision of legal advice on a professional basis and to the representation of parties in legal matters, including the necessary ancillary activities and management of the company assets.

2) Except as provided otherwise below, the provisions of this Act on Lawyers shall apply to law firms *mutatis mutandis*.

### Article 33

#### *Type of legal entity and company name*

1) The types of legal entities that the company partners/members may use for the association shall be the simple partnership (*einfache Gesellschaft*), the general partnership (*Kollektivgesellschaft*), the limited partnership (*Kommanditgesellschaft*), the public limited company (*Aktiengesellschaft*) and the limited liability company (*Gesellschaft mit beschränkter Haftung*). Law firms, which take the form of a public limited company, may issue no shares other than registered shares.

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<sup>10</sup> Art. 31 paragraph 6 inserted by LGBl. 2016 no. 407.

2) Appropriate measures must be taken to ensure that external parties can see that the law firm exists. In addition to the indication that the lawyer's profession is practised, the company name shall include the family name of at least one the law firm's company partners/members. Any additional designations as well as any names of other persons who are no company partners/members of the law firm may not be included in the company name. If a company partner/member leaves the law firm, his or her name may continue to be included in the company name, subject to his or her consent.

3) The participation of law firms in other law firms as well as the association of several law firms into one group association shall not be permissible.

#### Article 34

##### *Entry in the register of law firms*

1) An application shall be filed with the Chamber of Lawyers for entry of the law firm in the register of law firms. Art. 7 paragraphs 2 and 3 shall apply mutatis mutandis.

2) The Chamber of Lawyers shall verify whether the partnership agreements, the articles of association and any additional agreements between the company partners/members comply with the statutory requirements, and it shall refuse the entry in the register of law firms, if they have not been complied with.

3) Insofar as the entry in the commercial register is necessary for the law firm to acquire legal personality, the documents that are necessary for the entry and pursuant to the present Act shall be submitted to the Chamber of Lawyers prior to the application. The Chamber of Lawyers shall issue a certificate to the Office of Justice to the effect that the statutory requirements have been met and that, following the entry in the commercial register, the firm will be entered in the register of law firms. Without this certificate, the firm may not be entered in the commercial register.

4) The law firm shall be entered in the register of law firms, if proof has been provided that:

a) the firm meets the requirements as provided for in Art. 32 to 36; and

b) the firm is not in liquidation and no insolvency proceedings are pending on its assets.<sup>11</sup>

5) The law firms entered in the register shall inform the Chamber of Lawyers of any modification to the documents to be presented during the entry procedure and to the composition of the company partners/members. If these modifications are in conflict with the statutory requirements, the firm shall, after having been heard before, be struck off the register of law firms, if it fails to re-establish the lawful situation within a time period set by the Chamber of Lawyers.

#### Article 35

##### *Professional indemnity insurance*

1) The law firm shall be obliged to provide evidence of the fact that professional indemnity insurance has been taken out which includes the law firm and any and all lawyers working in the same and the coverage of which corresponds to the type and extent of risks associated with the firm's activity.

2) The insured sum shall be:

- a) for the simple partnership, the general partnership and the limited partnership at least 1 million francs per company partner. If any such partnership has more than five company partners, the insured sum shall amount to at least 5 million francs;
- b) for legal person at least 5 million francs.

3) In all other respects, Art. 26 paragraphs 2, 4 and 5 shall apply mutatis mutandis.

#### Article 36

##### *Company partners/members*

1) Only lawyers who have been entered in the register of lawyers may be company partners/members of a law firm.

2) Company shares, stock or capital contributions may not be held for the account of any third parties, and no third parties may participate in the profit of the law firm.

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<sup>11</sup> Art. 34 paragraph 4 sub-paragraph b amended by LGBl. 2020 no. 385.

3) Company partners/members may authorize only company partners/members to exercise the rights of company partners/members.

4) In order to practise the lawyer's profession, the company partners/members may be members of one law firm only.

#### Article 37

##### *Management*

If the management or administration is conferred upon a third party, such third party must be a lawyer and entered in the register of lawyers.

#### Article 38

##### *Representation of the law firm*

1) As part of the execution of an engagement, each lawyer must be authorised alone to represent the law firm or all of the company partners/members.

2) If a law firm with legal capacity represents parties in courts or before administrative agencies as part of their representation on a professional basis, their representative must be entered as a lawyer in the register of lawyers.

3) Art. 42 shall apply to the representation of the law firm by lawyers in an employment relationship, while Art. 43 shall apply mutatis mutandis to the representation of the law firm by trainee lawyers.<sup>12</sup>

#### Article 39

##### *Independence of the exercise of the profession*

1) The law firm's company partners/members and the law firm shall ensure that the lawyers working in the company may practise their profession independently, insofar as they are in charge of, and bear the sole responsibility for, a certain case.

2) This shall be subject to the company partners'/members' right to issue instructions to employees of the company, who are lawyers themselves and who are involved in the handling of a case as auxiliary staff.

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<sup>12</sup> Art. 38 paragraph 3 amended by LGBL 2016 no. 407.

3) General agreements between the company partners/members on the exercise of the lawyer's activity in the company, in particular those on a certain business policy and any related acceptance or refusal of certain cases, shall be permissible.

#### Article 40

##### *Duties of professional and ethical conduct*

1) Lawyers who are part of a law firm shall remain responsible, under disciplinary rules, for the fulfilment of their duties of professional and ethical conduct.

2) The responsibility, under disciplinary rules, for the fulfilment of the duties of professional and ethical conduct may not be restricted or abolished by a partnership agreement or by resolutions of the company partners/members or the management, or by management measures.

#### Article 41

##### *Liquidation*

Only a lawyer entered in the register of lawyers may be appointed as the liquidator of a law firm.

### **E. Lawyers in an employment relationship**

#### Article 42

##### *Employment relationship and professional duties*

1) As far as an employment relationship is concerned the object of which also includes activities that are part of the authorised tasks of a lawyer, lawyers may enter into any such relationship only with a lawyer or a law firm.

2) A lawyer's own responsibility for the exercise of his or her profession in an employment relationship shall be preserved in line with the provisions laid down in Art. 11.

3) A lawyer's rights and duties resulting from the rules of professional and ethical conduct shall also apply to lawyers in an employment relationship. They shall be personally responsible, under disciplinary

rules, for the fulfilment of their duties of professional and ethical conduct; this responsibility may be neither restricted nor abolished.

4) As part of the execution of an engagement, each lawyer in an employment relationship shall alone be authorised to represent the employing lawyer or the employing law firm in accordance with Art. 8.<sup>13</sup>

## F. Trainee lawyers

### Article 43

#### *Basic principle*

1) Any person who fulfils the requirements set out in paragraph 2 and who is entered in the register of trainee lawyers may act as a trainee lawyer as defined by Art. 22. Art. 7 paragraphs 1 to 3 shall apply mutatis mutandis.

2) The requirements referred to in paragraph 1 shall be:

a) for the trainee lawyer authorised to act as a substitute:

1. the successful taking of the Liechtenstein bar exam or of an equivalent foreign bar exam; or
2. the fulfilment of the requirements as provided for in Art. 3 paragraph 2 sub-paragraphs a and b and Art. 5 as well as the exercise of a practical activity covering a period of at least twelve months with a Liechtenstein lawyer or in a Liechtenstein court;

b) for the trainee lawyer authorised to represent, the fulfilment of the requirements as provided for in Art. 3 paragraph 2 sub-paragraphs a and b and Art. 5.

3) The scope and extent of the trainee lawyer's right of representation shall be governed by Art. 8 and Art. 22.

4) The Chamber of Lawyers shall issue legitimation documents to trainee lawyers who are employed by a lawyer. These documents shall evidence the authority to act as a substitute or the right to represent.

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<sup>13</sup> Art. 42 paragraph 4 inserted by LGBl. 2016 no. 407.

## Article 44

*Professional rights and duties*

The trainee lawyers shall be subject to the regulations on the lawyers' professional rights and duties, insofar as they are applicable to them.

## Article 45

*Disciplinary power*

The disciplinary power with regard to the trainee lawyers shall be exercised by the disciplinary court in accordance with the provisions laid down in Art. 46 et seqq.

**G. Disciplinary rules****1. General matters**

## Article 46

*Disciplinary offence*

1) Any lawyer who is at fault in violating the duties of his or her profession, or who, as a result of his or her professional conduct, tarnishes the honour and reputation of the legal profession shall commit a disciplinary offence.

2) A lawyer commits a disciplinary offence on account of his or her extra-professional conduct if such conduct is capable of substantially affecting his or her trustworthiness.

## Article 47

*Limitation period*

1) The prosecution of a lawyer for a disciplinary offence shall become time-barred, if:

- a) within one year from the Court of Appeal having obtained knowledge of the facts underlying a disciplinary offence, no disciplinary proceedings have been initiated, or if disciplinary proceedings finished with res judicata effect have not been re-opened against him or her;



b) within five years from the end of the disciplinary conduct no decision disposing of the matter in a final manner has been rendered.

2) The running of the time-limits as provided for in paragraph 1 shall be suspended, if, due to the facts underlying the disciplinary proceedings, criminal court proceedings are pending, or if criminal preliminary enquiries are conducted, for the duration of these proceedings.

3) If a disciplinary offence also constitutes a judicially punishable act and if the criminal limitation period is longer than the time limit set out in paragraph 1 sub-paragraph b, the criminal limitation period shall replace the said time limit.

4) If the lawyer commits another disciplinary offence of the same kind within the limitation period, there shall be no time bar pursuant to paragraph 1, until the limitation period has also expired for this disciplinary offence.

#### Article 48

##### *Disciplinary penalties*

1) The following disciplinary penalties shall be applied:

- a) written reprimand;
- b) fines up to the amount of 50,000.00 francs;
- c) prohibition of the practice of the lawyer's profession for up to one year;
- d) deletion from the register of lawyers.

2) The disciplinary penalty of the prohibition of the practice of the lawyer's profession may be conditionally suspended in whole or in part with a probationary period of at least one year and a maximum period 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) A fine may also be imposed in addition to the disciplinary penalty of the prohibition of the practice of the lawyer's profession which is imposed unconditionally or suspended conditionally in whole.

4) In consideration of the type of the disciplinary offence, the prohibition of the employment of trainee lawyers may also be imposed as an ancillary penalty.

5) Upon imposition of the disciplinary penalty, special consideration shall be given to the amount of fault and to the disadvantages caused in

particular to the population seeking legal assistance. Upon the imposition of a fine, the income and asset situation shall also be taken into consideration.

## 2. Jurisdiction

### Article 49

#### *Disciplinary court*

1) The disciplinary power over lawyers shall be exercised by the Court of Appeal as disciplinary court.

2) The disciplinary court may delegate the conduct of the disciplinary investigations to a legally qualified judge acting as investigating judge.

3) Art. 44 of the Judges Service Act (Richterdienstgesetz) shall apply to the appointment of the investigating judge *mutatis mutandis*.

## 3. Disciplinary proceedings

### Article 50

#### *Basic principle*

1) Disciplinary proceedings against lawyers shall be initiated *ex officio* or in response to a report.

2) The criminal authorities shall immediately inform the disciplinary court if criminal proceedings have been initiated against a lawyer for a crime or a misdemeanour.

3) A disciplinary offence shall not be prosecuted if the lawyer's fault is minor and if his or her conduct has resulted in no consequences or in merely insignificant consequences.

4) § 305 and § 306 paragraph 1 of the Code of Criminal Procedure shall apply to the reimbursement of costs *mutatis mutandis*.

5) In disciplinary proceedings against lawyers, only the disciplinary accused and the Chamber of Lawyers shall have the status of a party with the rights to file applications and objections.

## Article 51

*Disciplinary investigations*

- 1) Disciplinary investigations may be initiated only through a ruling of the disciplinary court (initiating ruling).
- 2) The initiating ruling shall set out the accusations in a specific manner.
- 3) In the course of the disciplinary investigations, the accusation of a violation of duties brought forward against the disciplinary accused shall be investigated and the facts shall be clarified insofar as this is necessary to be able to discontinue the disciplinary proceedings or to refer the matter to an oral hearing.
- 4) If the facts are already sufficiently clear, the disciplinary court may refuse to initiate disciplinary investigations or, after the examination of the disciplinary accused, instead of the initiation of disciplinary investigations, immediately refer the matter to an oral hearing (referral ruling).
- 5) The ruling on the initiation of disciplinary investigations or on the immediate referral of the matter to an oral hearing shall initiate the disciplinary proceedings.
- 6) No ordinary means of appeal may be lodged against the rulings referred to in paragraphs 1 and 4.

## Article 52

*Examinations and finding of the facts*

- 1) If a ruling on the initiation of disciplinary investigations has been rendered, the files shall be forwarded to the investigating judge.
- 2) The investigating judge shall examine the disciplinary accused and, if necessary, witnesses and experts, and investigate any and all circumstances necessary for a full clarification of the facts ex officio. If the disciplinary accused refuses to comply with a summons or to make a statement on the accusations, this shall have no influence on the proceedings.
- 3) The provisions set out in the Code of Criminal Procedure shall apply to the examination of the disciplinary accused, the witnesses and the experts.

## Article 53

*Inspection of files and supplementation of the disciplinary investigations*

1) The investigating judge shall allow the disciplinary accused and his or her defence counsel to inspect the files in accordance with the provisions set out in the Code of Criminal Procedure.

2) If the disciplinary accused files an application for supplementation of the disciplinary investigations, the investigating judge shall carry out the same. If the investigating judge has concerns about granting any such application, he or she shall obtain a ruling from the disciplinary court.

3) The disciplinary court may order the supplementation of the disciplinary investigations ex officio.

4) After the conclusion or supplementation of the disciplinary investigations, the investigating judge shall forward the files to the disciplinary court.

## Article 54

*Ruling to discontinue the proceedings or referral ruling*

1) If the disciplinary court deems that there is no ground for a continuation of the disciplinary proceedings, it shall render a ruling to discontinue the proceedings.

2) In the opposite case, the disciplinary court shall render a ruling on the referral of the matter to an oral hearing (referral ruling).

3) The referral ruling shall set out the accusations in a specific manner.

4) The rulings set out in paragraphs 1 and 2 shall be served upon the disciplinary accused.

5) No ordinary means of appeal may be lodged against the referral ruling provided for in paragraph 2.

## Article 55

*Oral hearing*

1) The disciplinary accused, his or her defence counsel and the Chamber of Lawyers shall be summoned to the oral hearing.

2) The provisions of Title 14 of the Code of Criminal Procedure shall govern the conduct of the hearing mutatis mutandis.

3) At the beginning of the oral hearing, the referral ruling shall be read out loud.

#### Article 56

##### *Contents and announcement of the decision*

1) The decision of the disciplinary court must acquit the disciplinary accused of the offences he has been charged with or the said decision must find him or her guilty. If a conviction is rendered and a disciplinary penalty is imposed, the decision shall also include the punishment related to the disciplinary penalty.

2) The decision, together with the grounds for the decision, shall be announced immediately after the end of the oral hearing and shall be served upon the accused within two weeks.

#### 4. Preliminary measures

#### Article 57

##### *Preliminary measures*

1) The disciplinary court may order preliminary measures against a lawyer, if

- a) the lawyer has been finally convicted by the court of a crime or a misdemeanour;
- b) the disciplinary penalty of deletion from the register of lawyers has been pronounced, or
- c) criminal proceedings have been initiated against the lawyer in connection with his or her professional activity

and if, taking into account the nature and the seriousness of the disciplinary offence the lawyer is accused of, due to concerns over serious disadvantages, in particular to the interests of the population seeking legal assistance or the reputation of the legal profession, the preliminary measure is necessary.

2) Prior to the decision on a preliminary measure, the lawyer concerned and the Chamber of Lawyers must be given the opportunity to state their point of view.

3) Preliminary measures shall be in particular:

- a) the supervision of the management of the law office by the board of the Chamber of Lawyers;
- b) the deprivation of the right of representation in certain or all courts or before certain or all administrative agencies;
- c) the preliminary prohibition of employment of trainee lawyers;
- d) in the cases set out in paragraph 1 sub-paragraphs a and b, the preliminary prohibition of the practice of the lawyer's profession.

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

5) Upon the final conclusion of the disciplinary proceedings, the preliminary measures shall cease to be in force.

## H. Expiration and suspension of the legal profession

### Article 58

#### *Expiration and suspension*

1) The right to practise the lawyer's profession shall expire:

- a) upon death;
- b) upon the loss of the capacity to act;
- c) upon the legally binding opening of bankruptcy proceedings until the legally binding termination thereof, and upon the legally binding refusal to open insolvency proceedings for lack of assets covering the costs;<sup>14</sup>
- d) upon the loss of citizenship pursuant to Art. 3 paragraph 2 sub-paragraph c;
- e) upon a waiver;
- f) upon a disciplinary decision;

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<sup>14</sup> Art. 58 paragraph 1 sub-paragraph c amended by LGBl. 2020 no. 385.

g) upon a supervisory measures pursuant to Art. 28 paragraph 1 sub-paragraph i of the Due Diligence Act.<sup>15</sup>

2) The right to practise the lawyer's profession shall be suspended if:

- a) the practice of the lawyer's profession has been prohibited in the course of disciplinary proceedings, or
- b) the practice of the lawyer's profession has been prohibited because no domestic law office or no professional indemnity insurance has been maintained;
- c) a supervisory measures has been taken pursuant to Art. 28 paragraph 1 sub-paragraph h of the Due Diligence Act.<sup>16</sup>

2a) A supervisory measure pursuant to Art. 28 paragraph 1 sub-paragraph k of the Due Diligence Act shall suspend the right to manage and represent a law firm.<sup>17</sup>

3) In the cases referred to in paragraphs 1 to 2a, a temporary substitute shall be appointed for the lawyer. Any such substitute shall also be appointed, in the event that a lawyer becomes ill or is absent, for the duration of his or her being prevented from performing his or her function, unless the lawyer himself or herself has named or has been able to name a substitute pursuant to Art. 21, in which case the temporary substitute shall have the status of a substitute as provided for in Art. 21. The Chamber of Lawyers shall appoint the temporary substitute.<sup>18</sup>

4) In the cases referred to in paragraph 1, a deletion from the register of lawyers shall be made upon application or ex officio. If all statutory requirements are met, a re-entry in the register of lawyers shall be possible.

5) In the cases referred to in paragraphs 2 and 2a, the lawyer shall continue to be entered in the register of lawyers and he or she shall thus continue to be a member of the Chamber of Lawyers; however, he or she shall temporarily be banned from practising the lawyer's profession.<sup>19</sup>

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<sup>15</sup> Art. 58 paragraph 1 sub-paragraph g inserted by LBGBl. 2017 no. 164.

<sup>16</sup> Art. 58 paragraph 2 sub-paragraph c inserted by LBGBl. 2017 no. 164.

<sup>17</sup> Art. 58 paragraph 2a inserted by LBGBl. 2017 no. 164.

<sup>18</sup> Art. 58 paragraph 3 amended by LGBL. 2017 no. 164.

<sup>19</sup> Art. 58 paragraph 5 amended by LGBL. 2017 no. 164.

### III. Establishment of lawyers from the European Economic Area

#### A. Establishment under the professional title used in the home State

##### Article 59

##### *Basic principle*

1) Nationals of a State which is a party to the Agreement on the European Economic Area (EEA) who are authorised in their home State to practise the lawyer's profession under any of the professional titles listed in the Annex to this Act may establish themselves on domestic territory to practise the lawyer's profession, provided that they are entered in the register of established European lawyers (established European lawyers) upon application.

2) Apart from the rules of ethical conduct applicable in the home State, the established European lawyer shall, with regard to all activities that he or she exercises on domestic territory, be subject to the same rules of professional and ethical conduct as the domestic lawyers.

3) Nationals from other States may also establish themselves on domestic territory for the purposes of paragraphs 1 and 2 to practise the lawyer's profession, provided that an international treaty to this effect has been entered into with these States. Art. 65 shall be excepted from this.

##### Article 60

##### *Entry in the register of established European lawyers*

1) The Chamber of Lawyers shall decide on the application for entry in the register of the established European lawyers. The applicant shall furnish evidence of the following:

- a) a certificate to the effect that he or she is a member of this profession, issued by the authority competent in the home State. The Chamber of Lawyers may demand that the certificate should not be older than three months upon its submission;
- b) the fulfilment of the requirements referred to in Art. 3 paragraph 2 sub-paragraphs a to c, f and g.



2) The application and the documents to be attached thereto shall, insofar as they originate from the applicant, be filed in German. The other documents shall be submitted with an officially certified translation, if they are worded in a language other than German.

3) The Chamber of Lawyers shall conduct the necessary enquiries and, if the entry is to be refused, it shall hear the applicant beforehand.

4) The applicant shall receive a certificate evidencing that the entry has been made.

#### Article 61

##### *Professional title*

1) Any person who is entered in the register of established European lawyers and practises the lawyer's profession on domestic territory shall, in this context, use the professional title that he or she is entitled to use in the home State under the legislation applicable there, in the language or in one of the languages of the home State. In addition, he or she shall indicate the professional organisation of which he or she is a member in the home State or the court to which he or she is admitted under the regulations of the home State, as well as the home State.

2) The designation "europäischer Rechtsanwalt" (European lawyer in English) as used in this Act may not be used as a professional title nor for advertising purposes (Art. 27).

#### Article 62

##### *Professional status*

1) Except as provided otherwise, the established European lawyer shall be authorised to engage in the same professional activities as any lawyer entered in the register of lawyers.

2) An established European lawyer shall have the status of a lawyer entered in the register of lawyers. However, he or she shall not be authorised:

- a) to be elected as an officer of the Chamber of Lawyers;
- b) to train trainee lawyers;
- c) to be appointed as legal aid lawyer, legal aid defence counsel or ex officio defence counsel.

## Article 63

*Domestic lawyer acting in conjunction with the established European lawyer (Einvernehmensrechtsanwalt)*

1) In proceedings in which the party must be represented by a lawyer or in which a defence counsel is mandatory, an established European lawyer may act as representative or defence counsel of a party only in conjunction with a lawyer entered in the register of lawyers (Einvernehmensrechtsanwalt - domestic lawyer acting in conjunction with the established European lawyer). That lawyer must ensure that the established European lawyer will observe the requirements of proper administration of justice in the course of the representation or defence. Unless agreed otherwise by the parties involved, no contractual relationship shall be established between the domestic lawyer acting in conjunction with the established European lawyer and the party.

2) Proof of work in conjunction with each other shall be furnished to the court or the administrative agency in writing when the first procedural act is taken. The court or the administrative agency shall be informed of any revocation of the work in conjunction in writing. It shall have effect only for the future. Procedural acts for which no evidence of work in conjunction has been furnished at the time when such acts are taken shall not be deemed to have been taken by a lawyer. The domestic lawyer acting in conjunction with the established European lawyer shall inform the Chamber of Lawyers in writing both of the fact that work in conjunction has been established and of the fact that such work in conjunction may have been revoked.

## Article 64

*Supervision and disciplinary power*

1) The established European lawyer shall be subject to the supervision by the Chamber of Lawyers (Art. 91 et seqq.) and to the disciplinary power of the Court of Appeal (Art. 46 et seqq.).

2) Prior to the initiation of disciplinary proceedings, information of such initiation shall be provided to the competent authority of the home State, with all relevant details included therein, and it shall also be informed of the course of the proceedings. The competent authorities shall collaborate during the disciplinary proceedings. In the appeal proceedings, the competent authority of the home State must be given the opportunity to submit a comment.

3) The suspension or expiration of the authority to practise the lawyer's profession in the home State shall directly imply that the person concerned shall be temporarily or definitely banned from exercising his or her activity as an established European lawyer in Liechtenstein.

#### Article 65

##### *Law firm in the home State*

1) If established European lawyers are part of an association for joint practice in their home State, they shall inform the Chamber of Lawyers of this fact. They shall indicate the designation of the association and the type of legal entity. The Chamber of Lawyers may instruct them to provide additional expedient information on the association concerned.

2) Established European lawyers may, in legal dealings, use the designation of an association for joint practice of which they are a part in their home State, and they may also practise the legal profession as part of a branch office of this company. This shall be subject to the fact that the provisions on the law firms as provided for in Art. 32 et seqq. apply mutatis mutandis.

#### Article 66

##### *Expiration or suspension of the authority*

Art. 58 shall apply mutatis mutandis to the expiration or suspension of the authority to practise as an established European lawyer.

#### Article 67

##### *Collaboration with the competent authorities in other States*

1) The competent domestic authorities shall work in close collaboration with the competent authorities of the home States. They shall provide mutual assistance in line with the principle of mutuality and the assurance of confidentiality of the exchanged information in order to facilitate the application of the provisions set out in this Act and in Directive 98/5/EC and in order to prevent that the provisions might be misapplied for circumvention purposes.

2) The Chamber of Lawyers shall in particular inform the competent authority in the home State of entries in, and deletions from, the register of established European lawyers.

## **B. Integration after the taking of the aptitude test or after three years of practice**

### **1. Integration following the aptitude test**

#### Article 68

##### *Prerequisites*

1) Nationals of a State which is a party to the Agreement on the European Economic Area (EEA) who have obtained a diploma which shows that the holder meets the professional requirements necessary for the direct access to a profession listed in the Annex to this Act shall, upon application, be entered in the register of lawyers, provided that they have successfully taken the aptitude test.

2) A diploma resulting from a training which has not predominantly taken place in the EEA shall authorise its holder to establish himself or herself as provided for in paragraph 1, if:

- a) the holder has effectively and lawfully practised a profession listed in the Annex to this Act for a minimum period of three years; and
- b) the State which is a party to the Agreement on the European Economic Area (EEA) which has recognised the diploma attests that the profession has been practised as provided for in sub-paragraph a.

3) Nationals of other States shall, upon application, also be entered in the register of lawyers pursuant to paragraphs 1 and 2, provided that they have successfully taken the aptitude test and provided that an international treaty to this effect has been entered into with these States.

#### Article 69

##### *Aptitude test*

1) The aptitude test is a test limited to the professional knowledge of the applicant, made by the State, with the aim of assessing the ability to pursue the lawyer's profession on domestic territory.

2) The aptitude test must take account of the fact that the applicant is a professional qualified to practise the lawyer's profession in a State which is a party to the Agreement on the European Economic Area (EEA).

## Article 70

*Admission to the aptitude test*

- 1) The Chamber of Lawyers shall decide on the admission to the aptitude test.
- 2) The admission to the aptitude test shall be refused if the applicant does not meet the statutory requirements or if the necessary documents and declarations are not submitted or made.

## Article 71

*Subjects and contents of the test*

- 1) The subjects of the test shall be the compulsory subject “civil law”, two elective subjects and legal aspects of the lawyer’s profession. The applicant shall choose one elective subject from each of the two elective subject groups:
  - a) administrative law or state law (Staatsrecht);
  - b) areas of civil law not covered by the compulsory subject, administrative law or criminal law.
- 2) The applicant may not choose the same elective subject from the two elective subject groups.
- 3) The contents of the test shall be the areas of the compulsive subject and of the two elective subjects to be specified further by ordinance, as well as the related procedural laws, including the fundamentals of court organisation law, levy of execution law and insolvency law.

## Article 72

*Written and oral test*

- 1) The aptitude test shall comprise a written part and an oral part. It shall be taken in German.
- 2) The written test shall comprise two parts. One part relates to the compulsory subject, the other one relates to the elective subject chosen by the applicant.
- 3) The applicant shall not be admitted to the oral test, unless both written parts meet the requirements; if this is not the case, the test shall not be deemed to have been passed.

4) The oral test shall comprise the legal aspects of the lawyer's profession as well as the elective subject in which the applicant has not taken a written test.

#### Article 73

##### *Conduct and assessment of the aptitude test*

1) The examination commission for lawyers shall be competent for holding the aptitude test.

2) The examination commission shall decide on the basis of the overall impression of the performance in the written and oral tests whether the applicant has the knowledge required by Art. 69.

3) Art. 6 paragraphs 2 and 5 to 7 as well as Art. 96 shall apply to the conduct of the aptitude test *mutatis mutandis*.

## **2. Integration after three years of practice**

#### Article 74

##### *Prerequisites*

1) Any person who furnishes evidence in accordance with Art. 75 that he or she has effectively and regularly practised as an established European lawyer on domestic territory in the field of Liechtenstein law, including EEA law or Community law, for a minimum period of three years shall, upon application, be entered in the register of lawyers.

2) The effective and regular practice shall mean the actual practice of the profession without interruption. The practice must be on a self-employed basis.

3) Interruptions due to events of daily life shall not be taken into account. Interruptions up to a duration of three weeks shall, as a general rule, be interruptions of daily life.

4) The assessment of an interruption as defined in paragraph 3 shall take account of all circumstances of the individual case as well as of the reason for, the duration and frequency of, the interruption.

## Article 75

*Evidence of the effective and regular practice for three years*

1) The applicant shall send his or her application for entry in the register of lawyers to the Chamber of Lawyers and he or she shall enclose any and all useful information and documents. He or she shall furnish evidence of the number and type of legal matters of Liechtenstein law that he or she has handled, as well as of the duration of his or her practice.

2) For the purpose of furnishing evidence of the legal matters of Liechtenstein law that the applicant has handled, he or she shall submit case lists which must include information on the case number, the subject matter, the duration, type and extent of practice as well as the state of the matter. Furthermore, anonymised work samples shall be presented.

3) The Chamber of Lawyers shall forward the submitted documents to the examination commission for lawyers. The examination commission shall decide on the evidence of the effective and regular practice for three years in Liechtenstein law.

4) The examination commission may request that the applicant explain the information and documents orally or in writing that he or she has provided and that he or she submit additional written records and documents to clarify and specify the necessary evidence.

5) Art. 60 paragraph 2 shall apply mutatis mutandis to the information and documents of the applicant.

**3. Integration in case of shorter practice in Liechtenstein law**

## Article 76

*Basic principle*

1) Any person who has effectively and regularly practised as an established European lawyer on domestic territory for a minimum period of three years, but who has not practised Liechtenstein law throughout this period, shall, upon application, be entered in the register of lawyers, provided that he or she furnishes the evidence referred to in paragraphs 2 and 3.

2) The applicant shall furnish the evidence referred to in Art. 75 paragraph 2. Furthermore, he or she shall provide any and all information

and submit any and all documents which are suitable to provide evidence of his or her knowledge and professional experience in Liechtenstein law.

3) In its decision, the examination commission for lawyers shall take into account the type and extent of professional practice as well as any and all knowledge and professional experience in Liechtenstein law, in addition participation in courses and seminars on Liechtenstein law, including the rules of professional and ethical conduct for lawyers.

#### Article 77

##### *Meeting*

1) If the examination commission for lawyers has come to the conclusion that the application for entry in the register of lawyers might be granted on the basis of the findings obtained from the information and documents that have been provided, it shall invite the applicant to meet in person. In all other cases, the applicant shall have no right to meet.

2) The aim of the meeting is to verify whether the applicant has effectively and regularly practised as an established European lawyer in the fields of Liechtenstein and EEA or Community laws and whether he or she is able to continue to pursue this practice. The content of the meeting shall relate to the professional practice of the applicant and any other experience he or she has gained in Liechtenstein law.

3) Another aim of the meeting shall be to make sure that the applicant has sufficient knowledge of the German language.

### **IV. Exercise of the freedom to provide services**

#### Article 78

##### *Admission*

1) Nationals of a State which is a party to the Agreement on the European Economic Area (EEA) who are authorised in their home State to practise the lawyer's profession under any of the professional titles listed in the Annex to this Act shall be admitted to temporary cross-border professional practice on national territory (European lawyers providing services).



2) Activities as provided for in Art. 8 shall be deemed to constitute professional practice.

3) If the cross-border professional practice is no longer of a temporary nature, the requirements for the establishment of lawyers from the EEA as provided for in Art. 59 et seqq. shall apply to any further professional practice.

4) Nationals from other States may also temporarily engage in the cross-border practice as lawyer on national territory as provided for in paragraphs 1 to 3, provided that an international treaty to this effect has been entered into with these States.

#### Article 79

##### *Entry in the register of lawyers; law office*

European lawyers providing services shall be neither obliged nor authorised to be entered in the domestic register of lawyers or to establish a domestic law office.

#### Article 80

##### *Professional title*

European lawyers providing services who practise the lawyer's profession on domestic territory shall in this context use the professional title that they are entitled to use in the country of their establishment (home State) under the legislation applicable there, in the language or in one of the languages of the home State and they shall indicate the professional organisation of which they are a member in the home State or the court to which they are admitted under the regulations of the home State, as well as the home State. Art. 61 paragraph 2 shall apply.

#### Article 81

##### *Domestic lawyer acting in conjunction with the European lawyer providing services (Einvernehmensrechtsanwalt)*

In proceedings in which the party must be represented by a lawyer or in which a defence counsel is mandatory, European lawyers providing services must use the services of a domestic lawyer as provided for in Art. 63 acting in conjunction with the European lawyer providing services. This

shall not apply in the event that the European lawyer providing services has successfully taken the aptitude test (Art. 68 et seqq.).

#### Article 82

##### *Authorised recipient*

1) For service purposes in court and administrative proceedings, the European lawyer providing services shall, as soon as he or she acts in proceedings in court or before administrative agencies, appoint a lawyer entered in the register of lawyers as authorised recipient; the court or the administrative agency shall be advised of the appointment of such lawyer. Any service destined for the European lawyer providing services shall be effected to the authorised recipient.

2) If no authorised recipient has been appointed, the domestic lawyer acting in conjunction with the European lawyer providing services shall be deemed to be the authorised recipient in the proceedings referred to in Art. 81. In all other cases, service to the European lawyer providing services shall be made by way of deposit with the court or the administrative agency.<sup>20</sup>

#### Article 83

##### *Supervision*

1) European lawyers providing services shall be supervised by the Chamber of Lawyers.

2) Prior to the start of any practice on domestic territory, European lawyers providing services shall inform the Chamber of Lawyers of his or her intention to practise and furnish evidence of his or her qualification as lawyer.<sup>21</sup>

3) Repealed<sup>22</sup>

4) Repealed<sup>23</sup>

5) The board of the Chamber of Lawyers shall be obliged:

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<sup>20</sup> Art. 82 paragraph 2 amended by LGBL 2016 no. 407.

<sup>21</sup> Art. 83 paragraph 2 amended by LGBL 2014 no. 207.

<sup>22</sup> Art. 83 paragraph 3 repealed by LGBL 2014 no. 207.

<sup>23</sup> Art. 83 paragraph 4 repealed by LGBL 2014 no. 207.

- a) to advise and instruct European lawyers providing services on questions related to the professional duties of a lawyer;
- b) to supervise the fulfilment of the duties incumbent on these persons;
- c) to prohibit the provision of services and, if applicable, to inform the courts or administrative agencies thereof as soon as the requirements referred to in paragraph 2 are not, or no longer, met;
- d) to inform the competent authority of the home State of decisions taken with regard to this person.

#### Article 84

##### *Professional duties*

European lawyers providing services shall be subject to the professional duties incumbent on the lawyers pursuant to this Act.

#### Article 85

##### *Disciplinary power*

The disciplinary power over European lawyers providing services shall be exercised by the disciplinary court in accordance with the provisions laid down in Art. 46 et seqq.

#### Article 86

##### *Representation in individual case*

1) Lawyers who are neither nationals of a State which is a party to the Agreement on the European Economic Area (EEA) nor persons treated as equivalent thereto under international treaties may, upon application, be admitted to Liechtenstein courts or before Liechtenstein administrative agencies as the representative or defence counsel of a party in individual cases, provided that reasons which are particularly worthy of consideration apply.

2) Prior to the start of any practice on domestic territory, the lawyer shall furnish to the Chamber of Lawyers evidence of the following:

- a) fulfilment of the requirements referred to in Art. 3 paragraph 2 subparagraphs a and b and Art. 83 paragraph 2;
- b) the written engagement letter or, if applicable, the power of representation issued by the client or principal.

3) Evidence of the admission shall be furnished to the courts or administrative agencies.

4) Art. 79 to 85 shall apply mutatis mutandis to lawyers who have been admitted.

## V. Organisation and implementation

### A. General provisions

#### Article 87

##### *Institutions*

The following persons shall be entrusted with the implementation of this Act:

- a) the Chamber of Lawyers;
- b) the examination commission for lawyers;
- c) the disciplinary court;
- d) the courts.<sup>24</sup>

#### Article 88<sup>25</sup>

##### *Processing of personal data*

1) The institutions entrusted with the implementation of this Act may process personal data, including personal data on criminal convictions and criminal offences of the persons subject to this Act, insofar as this is necessary for the fulfilment of their tasks under this Act.

2) There shall be no duty to provide information or to communicate as provided for in Art. 14 and Art. 34 of Regulation (EU) 2016/679, and the data subject shall have no right to access pursuant to Art. 15 of Regulation (EU) 2016/679, insofar as their fulfilment would disclose information which must be kept secret due to predominantly legitimate interests of the Chamber of Lawyers or any third parties. Art. 33 paragraph 2 and Art. 34 paragraph 2 of the Data Protection Act shall apply mutatis mutandis.

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<sup>24</sup> Art. 87 letter d inserted by LGBl. 2016 no. 407.

<sup>25</sup> Art. 88 amended by LGBl. 2018 no. 327.

3) The institutions entrusted with the implementation of this Act shall take all technical and organisational measures necessary to protect the data referred to in paragraph 1.

4) Subject to overriding legitimate grounds, the data referred to in paragraph 1 shall be kept for a minimum period of ten years after they are no longer necessary for the fulfilment of the tasks as provided for in paragraph 1 and shall then be erased.

5) The Government may provide further details by ordinance.

#### Article 89

##### *Official secrecy*

1) The institutions entrusted with the implementation of this Act as well as any additional persons they might call in shall, for an indefinite period of time, be bound by official secrecy rules in respect of the confidential information of which they have become aware during their official work.

2) The information subject to official secrecy may not be disclosed. This shall be subject to criminal provisions and special statutory provisions.

#### Article 90

##### *Fees*

1) The fees shall be based on the schedule of fees as determined by the Chamber of Lawyers.

2) In order to be valid, the schedule of fees shall require the approval of the Government and it shall be published in the Liechtenstein Law Gazette.

## B. Liechtenstein Chamber of Lawyers

### Article 91

#### *Composition, type of legal entity and legal position*

1) The Liechtenstein Chamber of Lawyers (Chamber of Lawyers) shall be formed by all lawyers entered in the register of lawyers and in the register of established European lawyers.

2) The Chamber of Lawyers is an independent corporate entity of public law. It shall be subject to the overall supervision by the Government. In its own sphere of responsibilities, the supervision by the Government shall be limited to the verification of the lawfulness of the Chamber of Lawyers' conduct of its administrative business.

3) In disciplinary proceedings pursuant to Art. 46 et seqq. the Chamber of Lawyers shall have the status of a party with unlimited party rights.

### Article 92

#### *Obligations*

1) The Chamber of Lawyers shall pursue, promote and represent the professional and economic interests of the lawyers who are members of the Chamber. In this context, an obligation of the Chamber of Lawyers shall be in particular to preserve the honour, reputation and the independence of the legal profession and to safeguard the rights and to monitor the duties of its members.

2) The Chamber of Lawyers shall manage its business, unless such business is expressly assigned to the plenary assembly, by its board and by the DDA supervisory committee.<sup>26</sup>

3) Insofar as persons subject to due diligence as defined by Art. 3 paragraph 1 sub-paragraph m of the Due Diligence Act (DDA) are concerned, the Chamber of Lawyers shall be competent for:<sup>27</sup>

- a) supervision of the execution of the Due Diligence Act (DDA); and
- b) supervision under the Act on the Enforcement of International Sanctions (ISG).

<sup>26</sup> Art. 92 paragraph 2 amended by LGBL 2017 no. 164.

<sup>27</sup> Art. 92 paragraph 3 amended by LGBL 2020 no. 14.

## Article 93

*Plenary assembly*

- 1) The plenary assembly shall be in charge of the following matters:
- a) election of the President, the Vice-President and the other members of the board;
  - b) election of external auditors;
  - b<sup>bis</sup>) election of the DDA supervisory committee;<sup>28</sup>
  - c) fixation of the internal rules of procedure of the Chamber of Lawyers; the internal rules of procedure shall require the approval of the Government;
  - d) fixation of the annual contributions of the members of the Chamber to defray the administrative costs;
  - e) approval of the draft budget of receipts and expenses;
  - f) approval of the annual accounts;
  - g) enactment of rules of ethical conduct;
  - h) enactment of fee guidelines; and
  - i) enactment of training guidelines.

2) The amount of the contributions shall be equal for all members of the Chamber.

3) Unless the internal rules of procedure contain stricter rules, the plenary assembly shall be quorate, if at least one fourth of the members of the Chamber are present; it shall pass its resolutions by a simple majority. The passing of resolutions on the internal rules of procedure shall mandatorily require the presence of at least half of the members of the Chamber and a majority of two thirds.

4) In order to be legally valid, the internal rules of procedure of the Chamber of Lawyers shall require the approval of the Government.

## Article 94

*Board*

- 1) The board of the Chamber of Lawyers shall be composed of five members who are entered in the register of lawyers.

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<sup>28</sup> Art. 93 paragraph 1 sub-paragraph b<sup>bis</sup> inserted by LBGl. 2017 no. 164.

2) The President, the Vice-President and the other members of the board shall be elected from among the members of the Chamber by an absolute majority of the votes of the persons present. The term of office shall be three years. Re-election shall be permissible.

3) The sphere of responsibilities of the board shall include in particular:

- a) decisions on applications pursuant to Art. 6, 7, 34, 43, 60, 70, 75, 83 and 86;
- b) maintaining the registers referred to in this Act, in particular the register of lawyers, the register of law firms, the register of lawyers capable of being entered in the register of lawyers, the register of trainee lawyers and the register of established European lawyers; these registers shall be published on the homepage of the Chamber of Lawyers;
- c) interaction with authorities and third parties;
- d) the fixation and collection of the annual contributions of the members of the Chamber;
- e) the preparation of expert opinions on the reasonableness of the fees and the remuneration of the services of lawyers as well as the requested amicable settlement in a dispute on this subject;
- f) the settlement of disputes between members of the Chamber;
- g) the appointment of a lawyer pursuant to Art. 28 and the fixation of the remuneration and advance payments pursuant to Art. 31 paragraph 6;<sup>29</sup>
- h) decisions as to whether an important reason as provided for in Art. 29 paragraph 3 applies;
- i) supervision in line with the rules of ethical conduct;
- k) the appointment of a temporary substitute (Art. 57 paragraph 3);
- l) supervision of the practice of established European lawyers (Art. 64) and of European lawyers providing services (Art. 83);
- m) exercise of the party rights of the Chamber of Lawyers in disciplinary proceedings;
- n) supervision of the management of the law office pursuant to Art. 57 paragraph 3 sub-paragraph a;
- o) preparation of the business and calling of the plenary assembly;
- p) exercise of the party rights in appeal proceedings;
- q) execution of the resolutions passed by the plenary assembly;

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<sup>29</sup> Art. 94 paragraph 3 sub-paragraph g amended by LBGl. 2016 no. 407.



- r) submission of proposals for legislation and expert opinions on bills;
- s) naming of a member of the examination commission for lawyers (Art. 96);
- t) the organisation of basic and further training events or collaboration with other organisers of such events;
- u) collaboration with foreign lawyers' organisations;
- v) decision on objections to decisions rendered pursuant to paragraph 4;
- w) decisions on applications by the DDA supervisory committee, and the taking of supervisory measures pursuant to Art. 28 DDA and Art. 5b ISG as well as the imposition of fines as provided for in Art. 31 DDA and Art. 11 paragraph 1a ISG;<sup>30</sup>
- x) the election of ad hoc members of the DDA supervisory committee;<sup>31</sup>
- y) the enactment of the schedule of fees; this shall be subject to Art. 90 paragraph 2;<sup>32</sup>
- z) the designation of the data protection officer.<sup>33</sup>

4) For the purpose of independent execution, the board may delegate certain business to the President, individual members of the board or individual members of the Chamber of Lawyers, in particular in the matters referred to in paragraph 3 sub-paragraphs c, f, g and k.

#### Article 95

##### *Fixation of contributions and charges*

The legally binding fixation of contributions and charges shall constitute an execution title as defined by the Execution Act.

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<sup>30</sup> Art. 94 paragraph 3 sub-paragraph w amended by LBGl. 2020 no. 14.

<sup>31</sup> Art. 94 paragraph 3 sub-paragraph x inserted by LBGl. 2017 no. 164.

<sup>32</sup> Art. 94 paragraph 3 sub-paragraph y inserted by LBGl. 2017 no. 164.

<sup>33</sup> Art. 94 paragraph 3 sub-paragraph z inserted by LBGl. 2018 no. 327.

### C) Examination commission for lawyers

#### Article 96

##### *Examination commission*

1) The Government shall appoint the examination commission for lawyers for a term of four years each. It shall be composed of five members and of as many substitute members. It shall be made up of one member each of the State Court (Staatsgerichtshof), the Supreme Court (Oberster Gerichtshof), the Court of Appeal (Obergericht) and the Administrative Court (Verwaltungsgerichtshof) and of a lawyer named by the Chamber of Lawyers. The Government shall determine the chairperson.

2) The members of the examination commission shall be independent in the exercise of their office and shall be bound to secrecy.

## VI. Collaboration

#### Article 97<sup>34</sup>

##### *Collaboration of the courts and the Financial Market Authority with the Chamber of Lawyers*

1) The courts shall, without being requested to do so, forward to the Chamber of Lawyers all decisions of a disciplinary, criminal or administrative nature which it needs to fulfil its duties under this Act and the Due Diligence Act.

2) The Chamber of Lawyers and the Financial Market Authority shall, without being requested to do so, forward to each other all information and documents which they need to fulfil their supervisory duties under the Due Diligence Act. Information referred to in Art. 17 paragraph 2 of the Due Diligence Act shall remain reserved.

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<sup>34</sup> Art. 97 amended by LGBI. 2017 no. 164.

## Article 98

*Collaboration with competent authorities of States which are a party to the Agreement on the European Economic Area (EEA)*

1) The Chamber of Lawyers shall afford mutual assistance to the competent authority of another State which is a party to the Agreement on the European Economic Area (EEA) in order to facilitate the application of Directive 2005/36/EC.

2) The Chamber of Lawyers shall inform the competent authority of another State which is a party to the Agreement on the European Economic Area (EEA) of the existence of disciplinary, criminal or administrative penalties.<sup>35</sup>

3) In compliance with the statutory data protection provisions, the Chamber of Lawyers may exchange the information referred to in paragraphs 1 and 2 with the competent authorities of another State which is a party to the Agreement on the European Economic Area (EEA) if:

- a) the sovereignty, security, public order, or other significant national interests are not impaired or violated;
- b) the recipients at, or persons employed and mandated by, the competent authority of the State which is a party to the Agreement on the European Economic Area (EEA) are subject to an equivalent obligation of secrecy;
- c) it is ensured that the transmitted information is used for no purposes other than for purposes relating to the legal aspects of the profession;
- d) the information is passed on only for the purposes to which the Chamber of Lawyers has expressly consented.

4) In all other respects, the provisions of the Due Diligence Act shall apply to the collaboration of the Chamber of Lawyers with the competent authority of another State which is a party to the Agreement on the European Economic Area (EEA) in the field of Directive (EU) 2015/849.<sup>36</sup>

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<sup>35</sup> Art. 98 paragraph 2 amended by LGBl. 2017 no. 164.

<sup>36</sup> Art. 98 paragraph 4 inserted by LGBl. 2017 no. 164.

## VII. Means of appeal

### A. Administrative proceedings

#### Article 99

*Objections to decisions rendered by the Chamber of Lawyers, the examination commission for lawyers and the Government*

1) Decisions and decrees within the meaning of Art. 94 paragraph 4 may be appealed, by way of objection, to the board of the Chamber of Lawyers within 14 days of service.

2) Decisions and decrees of the board of the Chamber of Lawyers may be appealed, by way of objection, to the Government within 14 days of service; those pursuant to Art. 94 paragraph 3 sub-paragraph w may be appealed, by way of objection, to the Administrative Court. The election of ad hoc members of the DDA supervisory committee pursuant to Art. 94 paragraph 3 sub-paragraph x may not be contested.<sup>37</sup>

3) Decisions and decrees of the examination commission for lawyers may be appealed, by way of objection, to the Government within 14 days of service.

4) Decisions and decrees of the Government may be appealed, by way of objection, to the Administrative Court within 14 days of service.

### B. Disciplinary proceedings

#### Article 100

*Objections to decisions rendered by the disciplinary court*

1) Rulings by the disciplinary court to discontinue the proceedings, the imposition or refusal by the disciplinary court of preliminary measures as well as any decision by the disciplinary court disposing of the matter in a final manner may be appealed, by way of objection, to the Supreme Court within 14 days of service.

2) The provisions laid down in §§ 238 et seqq. of the Code of Criminal Procedure shall apply mutatis mutandis to the objection proceedings.

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<sup>37</sup> Art. 99 paragraph 2 amended by LGBL 2017 no. 164.

## Article 101

*Suspensive effect*

Objections to the imposition or refusal of a preliminary measure (Art. 57) shall have no suspensive effect.

**VIII. Criminal provisions**

## Article 102

*Infraction*

Any person who, without justification, bears the title of “Rechtsanwalt”, “Rechtsagent” or “Rechtsanwalts-gesellschaft” or any of the professional titles listed in the Annex to this Act shall be punished by the Court of Justice with a fine of up to 50,000.00 francs, and if the said amount is non-collectible, with imprisonment of up to six months.

## Article 103

*Misdemeanour*

Any person who, on a commercial basis, practises an activity reserved by this Act to lawyers or legal agents shall be punished by the Court of Justice for a misdemeanour with imprisonment of up to three months or with a fine of up to 180 daily rates.

**IX. Transitional and final provisions**

## Article 104

*Implementing ordinances*

1) The Government shall issue the ordinances required for the implementation of this Act.

2) It may issue ordinances to bring the professional titles mentioned in the Annex to this Act in line with any changes in circumstances.

## Article 105

*Repeal of previous law*

The following shall be repealed:

- a) Act of 9 December 1992 on Lawyers (Lawyers Act; RAG), LGBL. 1993 no. 41;
- b) Act of 16 December 1994 amending the Act on Lawyers, LBGl. 1995 no. 22;
- c) Act of 23 March 1995 amending the Act of 9 December 1992 on Lawyers, LGBL. 1995 no. 105;
- d) Act of 07 December 1995 amending the Act on Lawyers, LBGl. 1996 no. 18;
- e) Act of 16 April 1997 amending the Act on Lawyers, LBGl. 1997 no. 116;
- f) Act of 19 June 1997 amending the Act on Lawyers, LBGl. 1997 no. 151;
- g) Act of 16 December 1999 amending the Act on Lawyers, LBGl. 2000 no. 53;
- h) Act of 20 June 2002 amending the Act on Lawyers, LBGl. 2002 no. 109;
- i) Act of 22 November 2002 amending the Act on Lawyers, LBGl. 2003 no. 21;
- k) Act of 18 June 2004 amending the Act on Lawyers, LBGl. 2004 no. 184;
- l) Act of 25 November 2005 amending the Act on Lawyers, LBGl. 2005 no. 283;
- m) Act of 26 April 2007 amending the Act on Lawyers, LBGl. 2007 no. 155;
- n) Act of 23 May 2007 amending the Act on Lawyers, LBGl. 2007 no. 177;
- o) Act of 23 May 2007 amending the Act on Lawyers, LBGl. 2007 no. 195;
- p) Act of 29 May 2008 amending the Lawyers Act, LBGl. 2008 no. 192;
- q) Act of 23 October 2008 amending the Lawyers Act, LGBL. 2008 no. 361;
- r) Act of 22 October 2009 amending the Lawyers Act, LBGl. 2009 no. 327;

- s) Act of 20 October 2010 amending the Lawyers Act, LBGl. 2010 no. 390;
- t) Act of 16 March 2011 amending the Lawyers Act, LGBL. 2011 no. 362.

#### Article 106

##### *Registers of lawyers*

The persons and companies entered with the FMA in the registers referred to below upon the entry into force of this Act shall be entered ex officio in the registers with the same titles to be maintained by the Chamber of Lawyers:

- a) register of lawyers;
- b) register of Liechtenstein lawyers capable of being entered in the register of lawyers;
- c) register of established European lawyers;
- d) register of law firms;
- e) register of law firms with their company partners/members;
- f) register of branch offices of law firms;
- g) register of branch offices of law firms with their company partners/members;
- h) register of trainee lawyers with lawyers;
- i) register of the trainee lawyers of the law firms;
- k) register of legal agents.

#### Article 107

##### *Previous extent of professional practice*

The persons entered in the register of lawyers upon the entry into force of the Act of 9 December 1992 on Lawyers, LGBL. 1993 no. 41, as well as the legal agents (Art. 108) shall continue to be authorised to practise the following activities on a professional basis without a special licence:

- a) financial consulting;
- b) business consulting;
- c) bookkeeping.

## Article 108

*Legal agents*

- 1) Any person may practise the legal agent's profession who
  - a) prior to 27 February 1958 was registered with the Government as a legal agent and who, upon the entry into force of the Act of 9 December 1992 on Lawyers, still practised this profession; or
  - b) prior to the entry into force of the Act of 9 December 1992 on Lawyers had received a licence for the practice of the legal agent's profession from the Government.
- 2) The legal agents licensed pursuant to paragraph 1 shall bear the professional title of "Rechtsagent" or any other professional or business title licensed by the Government prior to the entry into force of the Act of 9 December 1992 on Lawyers.
- 3) Legal agents shall be authorised to provide legal advice on a professional basis and to represent parties in courts and before administrative agencies on a professional basis. In proceedings in which representation by a lawyer is mandatory, legal agents shall be treated as equivalent to lawyers, with the exception of proceedings before the State Court.
- 4) As regards the other rights and duties of the legal agents, Art. 9, 12 to 21, 23 to 27 shall apply mutatis mutandis.
- 5) The disciplinary power over the legal agents shall be exercised by the Court of Appeal in its capacity as disciplinary court in accordance with the provisions laid down in Art. 46 et seqq.
- 6) The Chamber of Lawyers shall maintain a register of the legal agents. It shall be accessible to the public on the homepage of the Chamber of Lawyers and it shall be updated regularly.

## Article 109

*Professional indemnity insurance*

Any existing professional indemnity insurance shall be adjusted to the requirements referred to in Art. 26 and Art. 35 within six months from the entry into force of this Act.



## Article 110

*Pending FMA proceedings*

Previous law shall apply to any FMA proceedings pending upon the entry into force of this Act.

## Article 111

*Pending disciplinary proceedings*

Any disciplinary proceedings pending in the Court of Appeal or in the Supreme Court upon the entry into force of this Act shall be governed by the provisions of this Act, if the decision on the initiation or discontinuation of disciplinary proceedings has not yet been rendered. If this is not the case, previous law shall apply.

## Article 112

*Entry into force*

Subject to the expiration of the referendum time limit without a referendum having been brought, this Act shall enter into force on 01 January 2014, or otherwise on the date after it has been announced.

On behalf of the Reigning Prince of Liechtenstein:

signed: *Alois*

Hereditary Prince

signed: *Adrian Hasler*

Head of the Princely  
Government

**Annex**  
(Art. 59, 68, 78 and 102)

### Relevant professional titles for licensed lawyers

Belgium:	Avocat/Advocaat/Rechtsanwalt
Bulgaria:	Адвокат
Denmark:	Advokat
Germany:	Rechtsanwalt
Estonia:	Vandeadvokaat
Finland:	Asianajaja/Advokat
France:	Avocat
Greece:	Δικηγόρος
Ireland:	Barrister/Solicitor
Iceland:	Lögmaður
Italy:	Avvocato
Latvia:	Zvērināts advokāts
Lithuania:	Advokatas
Luxemburg:	Avocat
Malta:	Avukat/Prokuratur Legali
Netherlands:	Advocaat
Norway:	Advokat
Austria:	Rechtsanwalt
Poland:	Adwokat/Radca prawny
Portugal:	Advogado
Rumania:	Avocat
Sweden:	Advokat
Switzerland:	Avocat/Advokat/Rechtsanwalt/Anwalt/ Fürsprecher/Fürsprech/Avvocato

Slovakia:	Advokát/Komerčný právnik
Slovenia:	Odvetnik/Odvetnica
Spain:	Abogado/Advocat/Avogado/Abokatu
Czech Republic:	Advokát
Hungary:	Ügyvéd
United Kingdom:	Advocate/Barrister/Solicitor
Cyprus:	Δικηγόρος

173.510

## Transitional Provisions

173.510 Lawyers Act (RAG)

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## Liechtenstein Law Gazette

2015

no. 370

issued on 23 December 2015

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### Act of 06 November 2015 amending the Lawyers Act

...

#### II. Transitional Provisions

This Act shall apply to the remuneration of services provided after its entry into force<sup>38</sup>.

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<sup>38</sup> Entry into force: 01 January 2016

**Liechtenstein Law Gazette**

2016

no. 407

issued on 01 December 2016

**Act**  
of 28 September 2016  
**amending the Lawyers Act**

...

**II.****Transitional Provisions**

On penalty of forfeiture of the related right, the legal aid services provided prior to the entry into force<sup>39</sup> of this Act shall be invoiced to the Chamber of Lawyers in accordance with the previous law by 15 January 2017. The Chamber of Lawyers shall deal with the invoices received within the prescribed time limit in accordance with the previous law at the expense of the 2016 national budget by 31 January 2017 and transfer the advance payments which are not needed to the National Financial Accounting Office.

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<sup>39</sup> Entry into force: 01 January 2017