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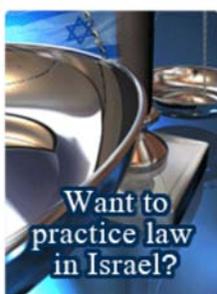


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18.03.2009

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The Israel Bar Association

1. Overview

The Israel Bar Association was established in 1961 as an autonomous statutory entity, under the **Bar Association Law -1961**, in order to incorporate the lawyers in Israel and to assure the standard and integrity of the legal profession. The Bar Association is a body corporate, and is subject to inspection by the State Comptroller. Membership is mandatory and is a pre-requisite to practicing law in Israel. All the elected officers, including the President, function on a voluntary basis.

The number of active lawyers in Israel as at May 2007 is 35,575, of which 14,770 are women, 20,805 men, 21,951 under the age of 40 and 12,154 were licensed in the past 5 years.

The ratio of lawyers to the general population in Israel is among the highest in the world .

2. Statutory Functions

The functions of the Israel Bar are stipulated by law and include :

- To register, supervise and hold examinations for legal interns;
- To license new lawyers and to issue licenses to practice law in Israel;
- To take disciplinary measures against lawyers and legal interns .

Additionally, the Bar Association has the right to do the following:

- To express its opinion on draft bills concerning the courts and legal proceedings;
- To provide legal assistance to needy persons; to serve as arbitrator and to appoint arbitrators;
- To act to protect the professional interests of Bar Association members;
- To establish insurance funds, pension funds and other institutions of mutual assistance for members of the Bar Association;
- To initiate activities and operations of legal research in general, and Jewish law in particular, and to participate in such activities and operations;
- To engage in publishing legal literature .

3. Legislative involvement

The Israel Bar plays an active role in the legislative process and receives from the Knesset all legislative bills. These are examined by special professional legislative committees who then voice an opinion which is brought before the professional committees of the Knesset either before or after the bills have been put to a formal vote .

The Israel Bar also maintains an in-house professional lobbyist, who voices and promotes the opinions of the Bar to Knesset members .

4. The Structure

The Functional Structure of The Israel Bar is demonstrated in **Figure 1** .

The Israel Bar operates through the following institutions:

- The President;
- The National Council;
- The Central Committee;
- Five District Committees (regional jurisdictions) Jerusalem, Tel Aviv & Central Region, Haifa, and the Southern and Northern districts .

The disciplinary system is made up of the National Disciplinary Tribunal and five District Disciplinary

Tribunals .

The President, the National Council, the District Committees and the chairmen of the District Committees are elected once every four years in general, egalitarian, secret, direct and national elections, by all members of the Bar Association .

The National Council acts as the legislative arm of the Bar Association. Proposals for changes and amendments to the Bar Association Law, and regulations enacted thereunder, are deliberated by the National Council before being presented to the Minister of Justice for approval .

The Central Committee , chaired by the President, serves as the executive arm of the Bar, and manages its affairs. The Central Committee consists of 17 members. In addition to the Central Committee there are some 100 professional legislative and international relations sub-committees, in which about 2,000 lawyers are active on a voluntary basis .

The Bar Association Auditor : Pursuant to the Bar Association Law, the National Council elects an internal auditor for a period of five years .

The Bar also has a number of associated entities operating on its behalf :

The Publishing House : Operates as a limited company, and publishes CDs of case law, the quarterly journal "Hapraklit", the advocates' diary and professional literature .

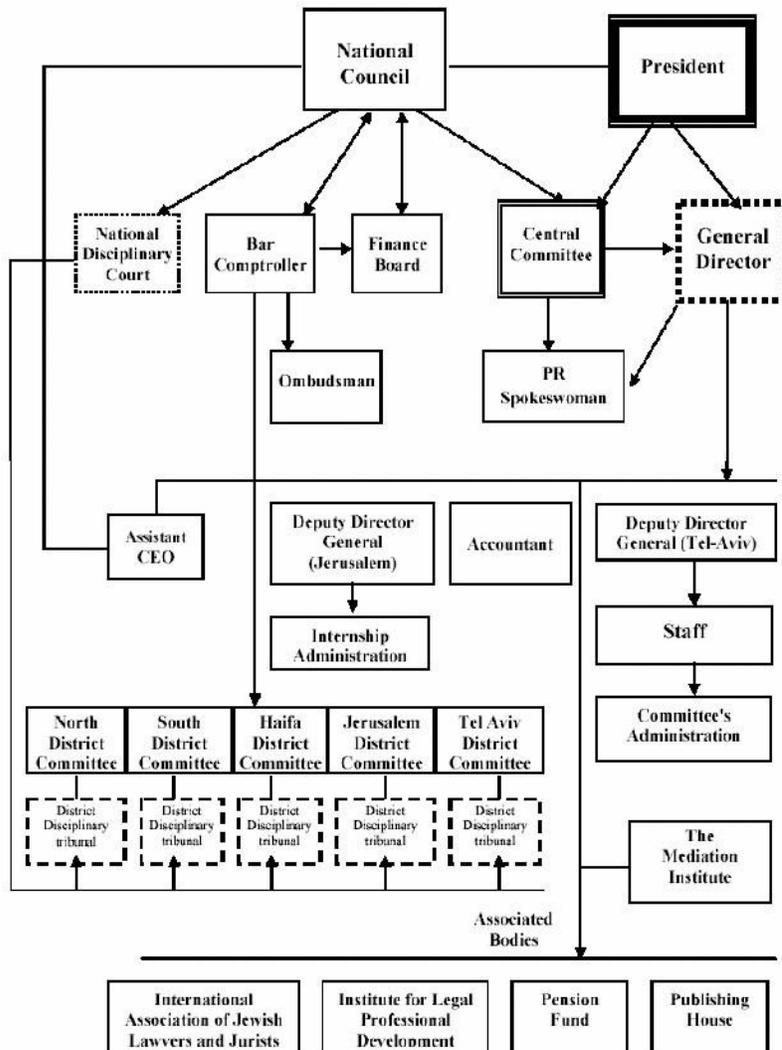
The Institute of Continuing Legal Education : An independent non-profit organization founded by the Bar for continuing legal studies.

The Pension Fund : The fund is not open to new members. Efforts are being made to establish a new fund.

The International Association of Jewish Lawyers and Jurists , which is supported by the Bar, was established in 1969 in recognition of the importance of collaboration between Israeli lawyers and their Jewish counterparts throughout the world .

The Mediation Institute , in which some 1000 advocates are registered as mediators, classified according to their areas of expertise and experience .

Functional Structure – Figure 1



5. Budget

The Bar Association's budget is financed by annual membership payments and fees imposed by law, the amount of which varies in accordance with the member's experience and age, and is presented each year for approval by the National Council.

6. Interns and Candidates for Membership

Under law, the Israel Bar is in charge of the registration, supervision and examination of legal interns, seeking admission to practice as lawyers. A person is competent to be a lawyer in Israel if he has a recognized academic degree in law, has served the statutory legal internship period and has passed the Bar examinations (written and oral).

The legal internship period must be served with a lawyer who has been practicing law for at least 5 years (called a "tutor"), who has been approved by the Bar Association to serve as instructor. The internship period is presently one year; however a committee, appointed to examine the internship issue, headed by a justice of the District Court, has recommended that it be extended to two years .

The Bar Association has the authority **not to admit** to its ranks anyone who has been convicted of an offense involving moral turpitude, or if facts are discovered which give the Bar Association grounds for believing that the candidate is not worthy of serving as a lawyer. Such decision by the Bar Association is also subject to scrutiny by the Supreme Court.

7. Protecting the Boundaries of the Profession

By law, only a lawyer who is a member of the Israel Bar has the right to perform professional legal services, such as preparing documents of a legal nature for other persons, and providing legal consultation, as well as representing people before State authorities and in the courts (subject to the reservations set forth in the Bar Association Law).

The Bar maintains a 'Profession-Defense Committee' (PDC) that examines complaints regarding acts by non-authorized legal or other professionals, or organizations encroaching upon the legal profession. The Committee decides upon the appropriate legal action to be taken.

8. The Disciplinary System

In order to preserve the professional standard and the public's confidence in the profession, the Law obligates the Israel Bar to maintain an internal disciplinary system .

Complaints against lawyers are brought before the District Ethics Committees (DEC). The DEC then decides whether to submit charges against the lawyer. The Attorney-General and Prosecutor-General are also authorized to submit charges against lawyers .

The Disciplinary Tribunal is comprised of two instances – The District Disciplinary Tribunals (DDT) and a National Disciplinary Tribunal (NDT), which serves as the appeals instance for decisions of the DDT's. Appeals of decisions of the National Disciplinary Tribunals may be lodged, in certain cases, with the Supreme Court of the State of Israel .

It is important to note that the judges in the disciplinary tribunals are members of the Bar Association who are elected to these positions, and they serve on a **voluntary basis** .

9. Planned Reform of the Disciplinary System

Advanced discussions are presently being held on a proposed bill initiated by the Ministry of Justice concerning an extensive structural reform in the disciplinary process. It is proposed that the disciplinary hearings be conducted publicly (open hearings). Disciplinary judgments will be published. This reform changes the current situation, where the opinions on the complaints are submitted by volunteer members of the ethics committee itself.

10. Professional Ethics

The ethical duties and rules applicable to lawyers and legal interns are stipulated by the Bar Association Law and the bylaws enacted by the National Council. These ethical duties include the duty to act loyally for the benefit of the client's interest, attorney-client privilege, the duty to uphold the honor of the profession, the duty to assist the court to carry out justice, the duty to refrain from soliciting clients, etc .

In recent years, a number of ethics rules have been revised in order to suit new economic-and technological-legal realities. Inter alia, rules have been established permitting lawyers to advertise in printed media and on the Internet, subject to conditions and limitations. Furthermore, lawyers have been permitted to engage in professions such as auditing/accounting, property appraisal and others, but not on the same matter or for the same client. Rules have also been established enabling lawyers to receive non-monetary payment .

11. Activities and Benefits for Members

Many activities are carried out for the benefit of members, especially for **young lawyers** admitted to the Bar within the past 5 years. These benefits include reduced annual membership fees, assistance fund, consumer

club, social activities and more .

The Israel Bar has also created a **Job Placement Office** that operates within the framework of the Bar. The Bar has also negotiated an improved **professional liability policy** for its members .

[The Annual Meeting in Eilat](#) each spring incorporates fascinating professional sessions on a wide range of legal and social issues, ceremonial events, and a range of social activities. The Meeting has become an important forum for legal discourse in Israel .

12. The Pro-Bono ("Sahar Mitzvah") Program

At the end of April 2002, the Central Committee approved the Pro-Bono program, an initiative of the President, [Dr. Shlomo Cohen](#), to establish a legal aid (pro-bono) system to provide legal aid to needy individuals who cannot afford to pay for legal services (a situation that infringes upon their legal rights).

The program's objective is to increase accessibility to the legal system, and to defend the rights of those who do not have the means to hire professional legal services. To date, the number of volunteering advocates exceeds 1700 .

The **Help-Center** supplies initial legal aid. The intention is to provide initial aid only and to help people to help themselves. At the help centers, volunteer lawyers inform people of their legal rights and obligations and provide guidance about how to exercise rights. This service is provided to anyone who arrives at a centre, without checking eligibility criteria .

Legal representation under the Program is provided only to those who meet the eligibility criteria, as determined by a District Committee. It is important to note that the Ministry of Justice also provides legal representation for individuals of limited means, in accordance with the criteria in the 1973 Legal Aid Regulations .

The criteria set by the Israel Bar come into play only after an applicant has been refused governmental legal aid. There is no overlap with cases handled by the Ministry of Justice's Legal Aid Department. Legal aid is not provided in tort cases or in cases where lawyers can accept contingency fees .

13. Right to Legal Representation

The Supreme Court has recognized the right to legal representation as a basic right, overridden only by explicit legislation.

The Bar waged a legal battle against the constitutionality of regulations prohibiting prisoners from meeting counsel when there is a genuine fear that such a meeting might enable the perpetration of an offense that jeopardizes the safety of the State or the public .

The Supreme Court ruled that the regulation was unconstitutional, since the law appointing the Minister did not grant him authority to enact such a regulation violating basic human rights .

14. The Israel Bar and The Courts

The Bar regularly conducts a substantive dialogue with the Courts Administration and holds many meetings with judges and lawyers to examine widespread contentious issues between lawyers and the Courts Administration .

The Bar and the Supreme Court have a joint team that examines matters pertaining to Supreme Court proceedings. The Bar is involved in all the courts' activities, such as formulating civil procedure rules, planning the courts' future computer system and planning new courts .

The Bar plays a central role in the process of selecting judges and in strengthening the court's status.

One of the Bar's most important activities in this context is providing feedback on the functioning of the judges, in all instances throughout Israel .

15. The Israel Bar and the Society

In addition to the Pro-bono Program, the Israel Bar takes clear stands on basic principles of law, protecting the rule of law and basic human rights. For example, the Bar opposes initiatives to limit the powers of the Supreme Court. The Bar also operates Detention and Imprisonment Supervision Teams (DST and IST).

The Bar is also involved in projects to fight violence in society and in schools .

16. Anti Terror and Money Laundering Activity

The Law Prohibiting Money Laundering was enacted in 2000, establishing the Israel Money Laundering Prohibition Authority (IMPA). The law defines "Money Laundering" as performing a property transaction, on property originating directly or indirectly from an offense, or used to commit an offense, or enabling the commission of an offense, with the object of concealing or disguising its source, the identity of the owners of the rights therein, its location, its movements or the performance of a transaction with respect to such property.

The law was enacted taking into consideration the Israel Bar's concerns pertaining to the balance between the attorney-client privilege and preventing the financing of criminal and terrorist activity through the proceeds of criminal activity and money laundering. The Bar succeeded in exempting the legal sector from the need to report regularly to the Israeli Financial Intelligence Unit (FIU). Lawyers are still subject to the IMPA as individuals, if assisting or facilitating a crime .

The law establishes broad reporting duties and has revolutionized the management of bank accounts, especially in connection with opening and managing "client-trust" accounts and "deposit-expenses" accounts for lawyers' clients. When opening a trust account for a client, the lawyer must reveal the identity of the beneficiary of the account .

The only exception is a special waiver pertaining to the immediate disclosure of beneficiaries in a special "lawyers expense deposit" account. In such an account, client's funds received to cover future expenses up to a fixed cumulative limit need not be reported

The prohibition of money laundering continues to raise questions of lawyers' ethics and privileges, and recently the Knesset enacted the Prohibition of the Financing of Terrorism Law, which renamed the IMPA the "Israeli Money Laundering and Terror Financing Prohibition Authority" .

17. International Relations

The International Relations of the Israel Bar are coordinated by specific International Relations committees (IRC). Each IRC is dedicated to a state or a region, such as French speaking countries, German speaking countries, Asia and the Pacific etc.

The Bar maintains good relations with some of the largest international advocates organizations (UIA, IBA, LAWASIA) and with bar associations throughout the world, including: the Philadelphia Bar Association, the American Bar Association, the Law society of England and Wales, Ordine Delgi Avvocati Di Verona, The National Council of Legal Advisors of Poland, the Ilustre Colegio de Abogados de Madrid, the Ankara Bar Association, the Austrian Bar and more.

Especially warm relations are maintained with the German Federal Bar Association, the Conseil National des Barreaux (CNB) and the Rentrée du Barreau de Paris. Friendship agreements, the preparation of common plans and mutual delegation exchanges have been agreed upon with the ACLA (All China Lawyers Association) the CNB, the Ilustre Y Nacional Colegio De Abogados De Mexico, the Federacion Argentina De Colegios De Abogados, the German Federal Bar Association, the Lawyers' Council of Thailand and the Polish Bar Council .

The Bar's representatives, including the President of the Bar and the Chairmen of the International Relations Committees, participate in regular conventions of the various fellow bar associations, and in some cases, also serve at senior positions.

Meetings are held between the members of the Bar's committees and ambassadors and representatives of the diplomatic community in Israel .

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