



On approval of the Model Charter of the Chamber of Legal Advisors

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan of September 28, 2018 No. 1464. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 25, 2018 No. 17604.

Unofficial translation

In accordance with subparagraph 17) of Article 23 of the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance", **I hereby ORDER:**

1. To approve the attached Model Charter of the Chamber of Legal Advisors.

2. In accordance with the procedure established by the legislation, the Department of Registration Service and Organization of Legal Services of the Ministry of Justice of the Republic of Kazakhstan shall:

1) ensure state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days of the state registration of this order, send it both in Kazakh and Russian to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for its official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) within ten calendar days after the state registration of this order, send a copy of it for official publication in periodicals;

4) place this order on the Internet resource of the Ministry of Justice of the Republic of Kazakhstan.

4. Control over the execution of this order shall be entrusted to the supervising Deputy Minister of Justice of the Republic of Kazakhstan.

5. This order shall take effect ten calendar days after the day of its first official publication

*Minister of Justice of the
Republic of Kazakhstan*

M. Beketayev

Approved by order
No. 1464 of the
Minister of Justice of the
Republic of Kazakhstan
dated September 28, 2018

Standard Charter of the Chamber of Legal Consultants

Footnote. The Standard Charter - in the wording of the Order of the Minister of Justice of the Republic of Kazakhstan dated 27.08.2021 No. 750 (shall be enforced ten calendar days

after the date of its first official publication); as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 734 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. The "Chamber of Legal Consultants" (hereinafter referred to as the Chamber) is an organization based on mandatory membership, established for the purpose of regulating the activities of providing legal assistance and monitoring the activities of its members in terms of their compliance with the requirements of the legislation of the Republic of Kazakhstan on advocacy and legal assistance, the rules and standards of the Chamber, the Code of Professional Ethics, included in the register of chambers of legal consultants, which unites at least two hundred legal consultants on the terms of membership.

2. The Chamber is a non-profit organization, has separate property, an independent balance sheet or an estimate in its ownership or operational management; has the right to open bank accounts in accordance with the procedure established by law; can acquire and exercise property and personal non-property rights; has a seal, stamps and letterheads with the full name of the organization in the state and Russian languages, and also an emblem (symbolism) registered in accordance with the established procedure; has the right to be a plaintiff and a defendant in court.

3. The Chamber is formed and operates on the principles of legality, equality and voluntary expression of the will of its members, transparency, self-government and self-financing.

4. In its activities, the Chamber is guided by the Constitution of the Republic of Kazakhstan, the Civil Code of the Republic of Kazakhstan, the Laws of the Republic of Kazakhstan "On Advocacy and Legal Assistance", "On non-profit organizations", "On Self-regulation", and other regulatory legal acts of the Republic of Kazakhstan and this Charter.

5. Full name of the Chamber:

in the state language _____;

in Russian _____.

6. Location of the

Chamber: _____

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Chapter 2. Objectives and main activities of the Chamber

7. The purpose and main activity of the Chamber is to provide legal assistance in order to protect the rights, freedoms and legitimate interests of individuals and legal entities.

8. Functions of the Chamber:

- 1) establish the rules of professional conduct and the Code of Professional Ethics;
- 2) establish the rules and conditions for admission to the chamber;
- 3) establish, in agreement with the authorized body, standards for the provision of legal assistance, criteria for the quality of legal assistance and ensure their implementation by members of the chamber;
- 4) ensure the placement at least once a year on its Internet resource of summary and analytical information on the generated average cost of legal services provided by members of the chamber for the previous period, starting from the date of the last placement of this information, based on data provided by members of the chamber, taking into account confidentiality requirements;
- 5) establish the scope and procedure for providing comprehensive social legal assistance;
- 6) ensure advanced training of its members in accordance with the approved standards of the chamber;
- 7) organize information and methodological support for members of the Chamber of legal advisers;
- 8) organize work on the provision of legal assistance guaranteed by the state in accordance with the legislation of the Republic of Kazakhstan;
- 9) represent the interests of its members in state bodies, non-state organizations, including foreign and international ones;
- 10) monitor compliance by members of the Chamber of legal advisers with the requirements of the legislation of the Republic of Kazakhstan on advocacy and legal assistance, rules and standards for providing legal assistance, the Code of Professional Ethics;
- 11) organize work to ensure compliance by legal consultants with the requirements of the legislation of the Republic of Kazakhstan on combating corruption, countering the legalization (laundering) of proceeds from crime and the financing of terrorism;
- 12) consider issues of holding members of the Chamber of legal advisers liable for violation of the requirements of the Law of the Republic of Kazakhstan "On advocacy and legal assistance," the legislation of the Republic of Kazakhstan on advocacy and legal assistance, rules and standards of legal assistance, the Code of Professional Ethics;
- 13) promote the organization of professional practice by graduates of organizations after secondary, higher legal education;
- 14) summarize the practice and make recommendations and proposals for further improvement and development of legal aid;
- 15) maintain a register of members of the Chamber of legal advisers;
- 16) develop and approve methodological recommendations on combating the legalization (laundering) of proceeds from crime and the financing of terrorism for legal advisers, taking into account the specifics of their activities;
- 17) analyze and monitor the activities of legal advisers within its competence to identify the risks of legalization (laundering) of proceeds from crime and financing of terrorism,

summarize the practice of applying the legislation of the Republic of Kazakhstan on countering legalization (laundering) of proceeds from crime and the financing of terrorism and make proposals for its improvement with the annual provision of such information to the authorized financial monitoring body in the form and within the time frame established by the authorized financial monitoring body;

18) perform other functions established by the Law of the Republic of Kazakhstan "On advocacy and legal assistance," the legislation of the Republic of Kazakhstan, this Charter.

Footnote. Paragraph 8 - in the wording of the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 734 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

9. The Chamber is engaged in entrepreneurial activity only insofar as it corresponds to its statutory goals.

10. The Chamber may establish associations in order to coordinate activities, as well as represent and protect interests.

Chapter 3. Rights and obligations of the Chamber

11. The Chamber has the right to:

1) represent and protect the rights and interests of its members, as well as to be their representatives in relations with state bodies, individuals and legal entities in case of their appeal;

2) make proposals to state bodies on the adopted regulatory legal acts infringing on the rights and legitimate interests of members of the Chamber;

3) receive from central and local state authorities and local self-government bodies the information necessary to perform the functions of the Chamber, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, with the exception of information constituting state secrets, commercial and other secrets protected by law;

4) appeal in court decisions, actions (inaction) of state bodies, local self-government bodies, public associations, organizations, officials, civil servants subject to judicial challenge ;

5) participate in judicial and pre-trial dispute resolution, including arbitration;

6) cover their work in the media;

7) organize professional training and retraining of members of the Chamber;

8) approve the rules and standards of the Chamber;

9) monitor the members of the Chamber in terms of their compliance with the requirements of the rules and standards of legal assistance, the conditions of membership in the Chamber;

10) apply the measures of influence provided for by the laws of the Republic of Kazakhstan and the charter of the Chamber, in relation to its members.

12. The Chamber is obliged to:

1) comply with the legislation of the Republic of Kazakhstan, the charter of the Chamber and the rules and standards adopted by it;

2) take measures within their powers to prevent violations of the rights and legitimate interests of individuals and legal entities;

3) carry out explanatory work among members to improve their legal literacy;

4) inform members about the receipt and expenditure of money;

5) ensure information transparency of its activities and the activities of its members;

6) coordinate with the authorized body and the regulatory state body the rules and standards being developed on the provision of legal assistance based on mandatory membership (participation);

7) analyze the activities of its members on the basis of information provided by them to the Chamber in the form of reports, followed by submission to regulatory state bodies in accordance with the laws of the Republic of Kazakhstan, the charter of the Chamber or other document approved by the decision of the general meeting of the members of the Chamber;

8) bring to the attention of the regulatory state body information on violations by its member of the legislation of the Republic of Kazakhstan, rules and standards for the provision of legal assistance, as well as measures of influence applied against members of the Chamber, in accordance with the procedure established by the laws of the Republic of Kazakhstan, the charter of the Chamber or other document approved by the decision of the general meeting of the members of the Chamber;

9) quarterly provide the authorized body with information on the inclusion of members in the chamber of legal consultants, suspension of membership and exclusion from membership.

13. The legislation on labor, social insurance and social security applies to full-time employees of the Chamber.

Chapter 4. Membership, conditions, procedure for admission and loss of membership in the Chamber

14. Admission to the membership of the Chamber of Legal Consultants is carried out in compliance with the provisions of this Charter.

15. Membership in the Chamber of Legal Consultants for persons providing legal assistance in the form of representation of interests of individuals and legal entities in civil cases is mandatory.

16. A member of the Chamber is an individual who has a higher legal education, at least two years of work experience in a legal specialty, has passed certification, and provides legal assistance.

17. The Chamber of Legal Consultants may provide additional requirements for members of the Chamber.

18. Certification is carried out in the form of a comprehensive test for knowledge of the legislation of the Republic of Kazakhstan.

The procedure and conditions for certification for entry into the Chamber of Legal Consultants are determined by the Chamber of Legal Consultants in consultation with the authorized body.

19. Membership in the Chamber is formalized by submitting to the executive body a personal written application for admission to the Chamber of Legal Consultants. The application indicates the surname, first name, patronymic, place of residence, data of the identity document of the citizen, in cases where the person submitting the application is in an employment relationship with a legal entity, then additionally indicates the name of the legal entity, location and bank details.

20. To join the Chamber of Legal Consultants, the applicant submits:

- 1) a document on higher legal education;
- 2) a certificate of the absence of an outstanding or unexpunged conviction record;
- 3) documents confirming the presence of work experience in the legal profession for at least two years;
- 4) the results of the certification.

21. The decision on admission to membership of the Chamber is made by the collegial governing body of the Chamber.

22. Exit from the Chamber is carried out voluntarily, on the basis of a written application.

23. The loss of membership in the Chamber is carried out in the following cases:

1) the death of a citizen who is a member of the Chamber, declaring him dead, recognizing him as missing in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

2) liquidation of the Chamber;

3) the entry into force of the court decision on the exclusion from the register of chambers of legal consultants.

24. A member of the Chamber may be expelled in connection with his violation of the requirements of the legislation of the Republic of Kazakhstan on advocacy and legal assistance, rules and standards of legal assistance, the Code of Professional Ethics, as well as in case of violation of the requirements of this charter.

25. Members of the Chamber have equal rights and bear the same duties.

26. Members of the Chamber have no rights to the property transferred by them to the Chamber, including membership fees, unless otherwise provided by the legislation of the Republic of Kazakhstan. They are not liable for the obligations of the Chamber in which they participate as members, and these Chambers are not liable for the obligations of their members, unless otherwise provided by the legislation of the Republic of Kazakhstan on self-regulation.

27. Members of the Chamber have the right to:

1) represent the rights and interests of persons who have applied for legal assistance in courts, state, other bodies and organizations whose competence includes the resolution of relevant issues;

2) request and receive from all state bodies, local self-government bodies and legal entities the information necessary for the provision of legal assistance;

3) in the manner and within the limits established by the legislation of the Republic of Kazakhstan, independently collect the factual data necessary for the provision of legal assistance, as well as submit them to state bodies and officials;

4) study the materials concerning the person who applied for legal assistance, including procedural documents, court cases, and record the information contained therein in any way not prohibited by law;

5) request expert opinions on a contractual basis to clarify issues arising in connection with the provision of legal assistance and requiring special knowledge in the field of science, technology, art and other fields of activity;

6) submit petitions, bring complaints in accordance with the established procedure against decisions and actions (inaction) of state authorities, local self-government, public associations, organizations, officials and civil servants infringing on the rights and legally protected interests of persons who have applied for assistance;

7) use all means and methods not prohibited by law to protect the rights and legitimate interests of persons who have applied for legal assistance;

8) conduct conciliation procedures;

9) provide comprehensive social legal assistance;

10) submit their recommendations on the activities of the Chamber by participating in the general meeting of the members of the Chamber;

11) to elect and be elected to the bodies of the Chamber;

12) receive information about the activities of the Chamber;

13) participate in the actions of the Chamber;

14) contribute additional funds and provide methodological assistance in carrying out the activities of the Chamber.

28. Members of the Chamber are obliged to:

1) comply with the requirements of the current legislation of the Republic of Kazakhstan on advocacy and legal assistance, as well as the requirements of the rules and standards of the Chamber of Legal Consultants;

2) comply with the rules of the Code of Professional Ethics established by the Chamber of Legal Consultants, as well as pay contributions established by the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance";

3) be guided in professional activity by the principles of providing legal assistance;

4) be a member of one of the chambers of legal consultants to provide legal assistance in the form of representation of the interests of persons in court;

- 5) inform the client about the impossibility of his participation in the provision of legal assistance due to the occurrence of circumstances preventing its provision;
- 6) ensure the safety of documents received from the client and third parties when providing legal assistance;
- 7) submit, at the request of the client, a copy of the professional liability insurance contract of the legal consultant;
- 8) at the request of the client to submit an extract from the register of the members of the Chamber of legal consultants, of which he is a member;
- 9) conclude an agreement on non-disclosure of confidential information with the client, if the client does not object to this;
- 10) perform any actions not prohibited by law to establish factual circumstances aimed at ensuring the rights, freedoms and legitimate interests of the client;
- 11) at the request of the client, keep copies of documents that were used in the provision of legal assistance on paper or electronic media or in the form of electronic documents for three years from the date of completion of legal assistance;
- 12) constantly improve their skills;
- 13) carry out professional liability insurance.

Chapter 5. Procedure for formation, competence and terms of office of the governing bodies of the Chamber

29. The management and control bodies of the Chamber are:

- 1) The supreme governing body of the Chamber is the general meeting of the members of the Chamber of Legal Consultants;
- 2) Collegial management body - the Management Board;
- 3) The executive body of management is the Chairman of the Chamber;
- 4) The control body is the Audit Commission.

30. The management and control bodies of the Chamber are located at the location of the legal entity.

31. General meetings of the members of the Chamber are divided into annual and extraordinary.

32. The time and place of the general meeting of the members of the Chamber of Legal Consultants, as well as the issues of the proposed agenda are determined by the executive body.

33. The regular meeting is convened annually by the Chairman of the Chamber.

34. The Chairman of the Chamber notifies the participants of the date of convocation of the meeting and the proposed agenda 10 calendar days before the date of convocation of the meeting. The notice indicates the time and place of the meeting, as well as the proposed

agenda. The meeting is not held earlier than the announced time, except in cases when all participants of the chamber or their representatives have already been registered, notified and do not object to changing the time of the open meeting.

35. The General Meeting is considered competent, provided that at least one third of the members of the Chamber or their representatives with duly executed powers are present at it.

36. In case of absence of the required number of members of the Chamber at the general meeting, the General meeting is subject to reconvening. In case of reconvening, the meeting is considered competent if an indefinite number of participants of the Chamber is present at it.

37. The agenda of the repeated general meeting should not differ from the agenda of the held general meeting.

38. The rules of procedure of the meeting, decisions on the agenda and proposals are adopted by a simple majority of the members of the Chamber present, each member of the Chamber present has one casting vote.

39. Decisions of the general meeting of the members of the Chamber are taken by a simple majority of the votes of the members present by open voting. At the general meeting, each member of the Chamber has one vote.

40. An extraordinary convocation of the General meeting is held by the decision of the Chairman, the Board of the Chamber or at the request of 1/3 of the members of the Chamber.

41. The exclusive competence of the general meeting of members of the Chamber includes:

- 1) adoption of the charter of the Chamber, amendments and (or) additions to it;
- 2) approval of the rules and standards of the Chamber, amendments and (or) additions to them;
- 3) establishment of specialized bodies of the Chamber, approval of regulations on them and rules for their activities;
- 4) election of the Chairman of the Chamber and members of the collegial management body, early termination of the powers of the said body or early termination of the powers of the head or its individual members;
- 5) appointment of the persons to the position of the Chairman of the Chamber performing the functions of the executive management body, their early dismissal from office, as well as the formation of the executive management body and termination of its powers;
- 6) election of members of the control body (audit commission) of the Chamber in accordance with the procedure established by the charter of the Chamber;
- 7) approval of the regulations on the disciplinary commission of the Chamber;
- 8) approval of measures of influence, the procedure and grounds for their application, the procedure for considering cases of violation by members of the Chamber of the requirements of the rules and standards of the Chamber, the conditions of membership in the Chamber;
- 9) determination of the Chamber's priority areas of activity, principles of formation and use of its property;

10) approval of reports of the collegial management body, executive management body, control body (audit commission) and specialized bodies in the form, in the manner and with the frequency established by the charter of the Chamber;

11) approval of the budget of the Chamber, amendments and additions to it, approval of the annual financial statements of the Chamber;

12) making a decision on the reorganization or liquidation of the Chamber, appointment of a liquidator or a liquidation commission;

13) consideration of appeals of persons on the groundlessness of exclusion from the members of the Chamber;

14) approval of the rules and standards of the Chamber;

15) appointment of an audit organization to verify the accounting and financial statements of the Chamber;

16) making other decisions in accordance with the laws of the Republic of Kazakhstan and the charter of the Chamber.

42. The General Meeting of the members of the Chamber has the right to take into consideration any other issue concerning the activities of the Chamber.

43. The collegial body of the Chamber consists of at least three persons who are elected by the general meeting of the members of the Chamber for a term of three years.

The Board's decisions are made by a simple majority of votes. Each Board member has one vote.

44. Competence of the Board of the Chamber:

1) decides on the conduct of inspections of the activities of the executive body of the Chamber;

2) provides the general meeting of the members of the Chamber with a candidate or candidates for appointment to the position of the executive governing body of the Chamber and their dismissal from office;

3) approves the list of persons who may be proposed as arbitrators for their selection by the participants of disputes considered on their applications in the arbitration formed by the Chamber;

4) approves the regulations on the procedure and forms of professional training, professional development of legal consultants;

5) makes decisions on joining the Chamber or exclusion from the Chamber on the grounds provided for by the Laws of the Republic of Kazakhstan or the charter of the Chamber.

45. The Chairman of the Chamber is the highest official of the Chamber, heads the executive body and is personally responsible for its activities throughout the financial year. He is accountable to the members of the Chamber and organizes the implementation of their decisions taken at general meetings. Only an individual from among the members of the Chamber can act as the Chairman of the Chamber. Labor relations with the Chairman of the

Chamber are regulated in accordance with the labor legislation of the Republic of Kazakhstan

The Chairman of the Chamber is elected by the General Meeting for a term of two years, with the right to be re-elected once for the same term.

46. Competence of the executive management body of the Chamber:

1) preparation of annual estimates of income and expenses, reports, introduction of operational, statistical and accounting records of economic activities of the Chamber;

2) determination of the place and time of the general meeting;

3) organization and verification of the execution of decisions of the meeting;

4) disposal of the funds of the Chamber, within the approved budget of income and expenses;

5) exercise of other powers not referred by this Charter to the competence of the general meeting.

47. The executive management body of the Chamber has the right to:

1) represent the interests of the Chamber in all state bodies, organizations and enterprises;

2) act on behalf of the Chamber without a power of attorney;

3) issue power of attorney;

4) open settlement and other accounts in banks;

5) conclude and terminate contracts, agreements and contracts, including employment;

6) hire and dismiss employees of the Chamber, as well as issue orders for their transfer, determine the remuneration system, set the size of official salaries and personal allowances, resolve bonus issues, take incentive measures and impose disciplinary penalties;

7) may at any time prematurely refuse to perform the duties assumed by the Chairman of the Chamber, notifying the general meeting of the Chamber one calendar month before the date of termination of powers.

48. Control over the financial and economic activities of the Chamber is carried out by the Audit Commission, elected by the general meeting of members of the Chamber for a period of three years.

49. The re-election of the Chairman of the Chamber and the composition of the Audit Commission may be carried out at the recommendation of the members of the Chamber at any ordinary (extraordinary) general meeting of the Chamber.

50. The Audit Commission has the right to demand from the officials of the Chamber all the necessary accounting, financial and other documents, as well as personal explanations on the issues of the Chamber's activities.

51. The financial year is established from January 1 to December 31 of the current year. Accounting and reporting are conducted in accordance with the procedure established by the current legislation of the Republic of Kazakhstan.

52. At the request of the Audit Commission, an extraordinary general meeting of the Chamber may be convened.

Chapter 6. Procedure for making amendments and additions to the Charter of the Chamber

53. Amendments and additions to the charter of the Chamber are within the exclusive competence of the General Meeting.

54. Recommendations for amendments or additions to the Charter of the Chamber are submitted for consideration by the general meeting of the members of the Chamber, the Board or at the request of at least 1/3 of the members of the Chamber.

55. The decision on amendments or additions to the charter of the Chamber is taken by the general meeting of the members of the Chamber by a three-quarters majority vote.

Chapter 7. Source of formation of funds, property

56. The Chamber, in accordance with the current legislation, may have buildings, structures, equipment, inventory, money, as well as other property necessary in use or ownership for the material support of the Chamber's activities.

57. The property transferred to the Chamber and its structural subdivisions is the property of the Chamber. Members of the Chamber have no property rights to the property of the Chamber. They are not responsible for the obligations of the association and its structural divisions, and the association is not responsible for the obligations of its members.

58. The sources of the formation of the property of the Chamber are:

- 1) mandatory contributions of members of the Chamber;
- 2) voluntary property contributions and donations;
- 3) funds received from the provision of educational services related to entrepreneurial activity, commercial or professional interests of the Chamber;
- 4) funds received from the sale of information materials related to entrepreneurial activities, commercial or professional interests of the members of the Chamber;
- 5) other receipts not prohibited by law.

59. Annual membership fees are established in the Chamber of Legal Consultants.

The amount of annual membership fees must be at least fifteen times and not more than seventy-five times the size of the monthly calculation index established by the law on the republican budget for the corresponding financial year.

The procedure for the intended use, as well as informing its members about the receipt and expenditure of money, is carried out annually at reporting meetings.

60. The funds of the Chamber cannot be redistributed among its members and are used only to achieve the statutory goals and objectives.

Chapter 8. Procedure for reorganization and liquidation of the Chamber

61. Reorganization of the Chamber (merger, accession, division, separation, transformation) is carried out by decision of the general meeting, or by decision of judicial

bodies in cases provided for by legislative acts of the Republic of Kazakhstan. The reorganization of the Chamber entails the transfer of the rights and obligations belonging to the Chambers to its legal successors.

62. Liquidation of the Chamber:

- 1) by decision of the general meeting of the Chamber;
- 2) by a court decision.

63. The decision on liquidation is made at the general meeting in the same manner as the decision on reorganization.

64. The liquidation of the Chamber is carried out by the liquidation commission appointed by the general meeting or the court. From the moment of appointment of the liquidation commission, the powers to manage the property and affairs of a legal entity are transferred to it. The Liquidation Commission evaluates the property of the Chamber, identifies debtors and creditors, takes measures to pay the debts of the Chamber to third parties, draws up the liquidation balance sheet and submits it to the general meeting of the members of the Chamber. The Liquidation Commission acts in court on behalf of the liquidated legal entity.

65. The liquidation of the Chamber is carried out in accordance with the procedure and terms provided for by the Civil Code of the Republic of Kazakhstan.

66. Liquidation of a chamber based on compulsory membership, its members are obliged to join another Chamber based on compulsory membership within three months without paying an entrance fee.

67. The property and funds of the liquidated Chamber, after settlements with creditors, are transferred for the purposes specified in this Charter.

68. The liquidation of the Chamber is considered completed after making an entry about it in the National Register of Business Identification Numbers.