



DISTINCTIVE FEATURES OF THE SUSPENSION OF THE STATUS OF LAWYERS IN FOREIGN LEGAL SYSTEMS

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ABSTRACT

This thesis examines the legal foundations, application procedures, and practical mechanisms of the suspension of lawyer status in foreign legal systems. It analyzes the experience of various countries, highlighting the main reasons, duration, and procedural aspects of suspending legal practice. The paper also discusses the role and significance of the suspension mechanism within the legal system, the restrictions imposed during this period, and its impact on the legal status of lawyers. Based on a comparative analysis of foreign experience, the thesis offers conclusions and proposals for improving national legislation.

In the United States, the regulation of the legal profession is carried out at the state level rather than the federal level. Each state's highest court delegates authority to the state bar to oversee attorney discipline and licensing. The term "state bar" refers to an official organization that governs and regulates the practice of law in each state. These organizations:

- ❖ License attorneys (granting the right to practice law);
- ❖ Enforce professional ethics rules;
- ❖ Impose disciplinary measures (such as warnings, suspension, or disbarment);
- ❖ Require continuing legal education.¹

Complaints regarding attorney misconduct are reviewed by special disciplinary commissions or courts. Disciplinary sanctions may be applied in several stages — from admonition and warning to temporary suspension or disbarment, which permanently revokes the license to practice law.²

In Germany, a developed European country, lawyers operate within a federal legal system. The professional activity of attorneys is regulated by the Bundesrechtsanwaltsordnung (BRAO).³ Professional standards are defined in the Berufsordnung für Rechtsanwälte (BORA) and other related regulations. Disciplinary matters are handled through a three-tier system of Anwaltsgericht (attorney courts). If serious criminal or ethical violations are established, a Berufsverbot (professional ban) may be imposed, meaning the lawyer is prohibited from practicing law.

¹ The ABA is Fighting for the Rule of Law. <https://www.americanbar.org/>

² Model Rules of Professional Conduct <https://www.americanbar.org/groups/>

³ Federal Code for Lawyers (Bundesrechtsanwaltsordnung – BRAO) <https://www.gesetze-im-internet.de/>

Under Article 155 of the BRAO, a lawyer who is subject to a *Berufsverbot* “may not engage in professional activity.” Sanctions include warnings, fines (up to 25,000 euros), temporary bans from specific areas of practice for one to five years, or full disbarment. Cases involving serious misconduct, such as criminal convictions, lead to removal from the register of attorneys. Decisions of disciplinary courts can be appealed to higher courts, including the *Landgericht*, *Oberlandesgericht*, and the Federal Court of Justice (BGH).

In the Russian Federation, the status of lawyers is regulated by the Federal Law “On Advocacy and the Bar in the Russian Federation”. Article 16 of this law specifies the grounds for the temporary suspension of lawyer status.⁴ Such grounds include: appointment or election to a state position, inability to perform professional duties for more than six months, military service, declaration of a lawyer as missing, or mandatory medical treatment ordered by a court.⁵ Lawyers may also voluntarily request suspension for personal reasons.

Suspension is temporary, and the status may be reinstated once the underlying cause ceases to exist. However, if the suspension exceeds 2.5 years, the lawyer’s license is revoked. Violation of the Code of Professional Ethics may result in permanent disbarment.⁶ The decision to suspend is made by the council of the regional bar association. Suspension halts the operation of legal guarantees associated with professional status, and reinstatement must occur within one to ten years, depending on the grounds for suspension.

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⁵ Berufsordnung in der Fassung vom 01.10.2022 https://www.brak.de/fileadmin/BORA_Stand_01.10.2022.pdf

⁶ Федеральный закон “Об адвокатской деятельности и адвокатуре в Российской Федерации” от 31.05.2002 N 63-ФЗ https://www.consultant.ru/document/cons_doc_LAW_36945/