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THE DISCIPLINARY LIABILITY OF LITHUANIAN LAWYERS: A COMPARATIVE APPROACH

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ABSTRACT

The article presents basic findings about courts of honor in Lithuania. The data about disciplinary violations in five legal professions—judges, lawyers, prosecutors, notaries, and bailiffs—was obtained while implementing a scientific project on certain issues of legal ethics. The article provides data on the following issues: subjects initiating disciplinary cases; the number of cases for each legal profession; decisions taken in cases of disciplinary violations; categories of disciplinary violations; sanctions provided. The article is intended to initiate further discussion about these matters among scientists, practitioners, and the general public, not just in Lithuania but in other countries as well.

KEYWORDS

Disciplinary liability, legal ethics, judges, attorneys, prosecutors, notaries, bailiffs

NOTE

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INTRODUCTION

As in many European countries, in Lithuania issues of legal ethics are not being widely researched or treated as serious issues by the representatives of legal professions and scholars. There is almost no research intended to inform the wider society about the analyses of ethical dilemmas of lawyers; there are few situations in which perspectives of “cleaning” up this profession are seriously discussed.¹ Lithuania is one of five countries of the European Council (together with Ukraine, Georgia, the Republic of Moldova, and Norway)² in which the number of disciplinary proceedings against judges is rather high—more than 5 cases per 100 judges: 5,3 cases per 100 judges in 2010³ and 7,8 cases in 2012.⁴

Lithuanian society’s trust in the legal professions is rather low. “It should be noted that although the public recognizes the importance of lawyers’ assistance, in the cultural context a lawyer is one of the most ridiculed and criticized legal professions.”⁵ On average less than fifty percent of society trusts the various legal professions. Society distrusts bailiffs and judges the most.

Table 1. Trust in legal professions in Lithuania in 2010–2011⁶

Legal professions	Society trust %						
	2005	2006	2007	2008	2009	2010	2011
Judges	18	14	24	25	15	14	20
Attorneys	33	43	40	41	31	31	41
Prosecutors	20	19	29	28	13	12	22
Notaries	51	57	58	58	53	58	66
Bailiffs	6	15	15	17	12	14	19

The prestige of a judge in society is rather low, while lawyers are often accused of legal nihilism, having a clannish system, and protectionism. The analysis

¹ Giedrė Lastauskienė, “Advokato profesija: prieštaras jos pobūdis ir kontrolė” [Attorneyship: Its Contradictory Nature and Control], *Jurisprudencija–Jurisprudence* 20 (4) (2013): 1475.

² The data for 2010. In 2012 the other 4 countries with the highest rates are: Iceland, Republic of Moldova, Norway, and the UK – England and Wales.

³ *Evaluation Report on European Judicial Systems* (completed version), The European Commission for the Efficiency of Justice (CEPEJ) (2012): 291 // http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2012/Rapport_en.pdf (accessed October 15, 2014).

⁴ *Report on European Judicial Systems – Edition 2014 (2012 Data): Efficiency and Quality of Justice*, The European Commission for the Efficiency of Justice (CEPEJ) (2014): 353 // http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf (accessed October 15, 2014).

⁵ Giedrė Lastauskienė, *supra* note 1: 1490.

⁶ The data is taken from the scholarly article: Julija Kiršienė and Charles F. Szymanski, “Vertybinių nuostatų ugdymo, rengiant teisininkus universitete, galimybės” [A Value-Based Approach to Teaching Legal Ethics], *Jurisprudencija–Jurisprudence* 19 (4) (2012): 1328.

of the practice of professional courts of honor has not been systemically accessible to the general public (except disciplinary violations by judges), and discussions about ethical violations and the consequences of such violations in the society are fragmented and lack transparency. "There is no evidence that the Lithuanian Bar Association has a clear position concerning lawyers' ethics and expresses it in such a way that no lawyer could question the assessment of behavior non-compliant with ethical principles."⁷

This article aims to fill this gap by providing basic findings about courts of honor in Lithuania. The data will be useful for practitioners, academics, and the general public, as it should help for better identification of the actual problems which appear in legal professions, better understanding between legal professionals and society. This is the first step in looking for possible solutions. The author expects that the article will initiate further discussions among scientists, practitioners and the general public, not just in Lithuania but in other countries as well.

The data about disciplinary violations in five legal professions—judges, advocates, prosecutors, notaries and bailiffs⁸--was obtained while implementing a scientific project on certain issues of legal ethics.⁹ The initial intent was to analyze the data from disciplinary violations for the last ten years (i.e. 2002-2012), but the data for the planned period was obtained only from one legal profession—notaries; from judges the data for 2003-2012, from prosecutors and advocates for 2008-2012, and from the bailiffs the data from 2004-2012 was obtained. The differing time periods were also related to the fact that there were certain changes in regulation of disciplinary liability, so even if the data was obtained it could cause some problems in comparison and analysis. Another reason for not getting data for the required period involved human recourse—the decisions were not impersonal and self-governing bodies of the analyzed legal professions had no additional person to make the data available for the project team. The authorities of the legal professions distrusted the members of the project team. The scientists searching possibilities how to obtain data provided written consent not to use or reveal personal data obtained and/or to be legally liable in case the promise is infringed,

⁷ Giedrė Lastauskienė, *supra* note 1: 1490.

⁸ There are five legal professions in Lithuania which are regulated by the State—judge, advocate, prosecutor, notary and bailiff. Each profession including their functions, obligations, acceptance to the profession and disciplinary issues are regulated by separate laws. There are certain requirements established for the persons willing to enter legal professions: legal education (master of integrated legal studies, or bachelor and master in law, except bailiffs for which bachelor in law suffices) practice, good reputation and good health.

⁹ The group of scientists in the Faculty of Law in Vytautas Magnus University is implementing scientific project about legal ethics (starting in 2011—ending in 2014) the aim of which is to present general and comparative analysis of legal regulation and implementation of legal ethics. The title of the project: *The concept of the improvement of Lawyers' Ethics regulation and ethical training*. It is financed by Lithuanian Research Council, No. MIP-020/2011. More information about it could be found on the webpage: http://teise.vdu.lt/index.php?option=com_content&view=article&id=344.

no access to the files of disciplinary violations (except judges) was obtained. These complexities may signal a lack of trust and transparency in the legal professions themselves, could also lead to some inaccuracies in the data.

Except for the decisions of the Judicial Court of Honour¹⁰, it was really very difficult to obtain data from the authorities of other legal professions. In some cases it took even more than half a year until the data was provided. The Bar of Attorneys and the Chamber of Notaries did not provide decisions by the courts of honor, but merely filled in required tables. The Chamber of Bailiffs refused to provide decisions of the Court of Honor and refused to fill in the tables. For this, basic data was obtained with the help of the Ministry of Justice, taking the data from the Ministry archives.¹¹

The data in the article is provided on the following issues: subjects initiating disciplinary cases; the number of cases for each legal profession; decisions taken in cases of disciplinary violations; categories of disciplinary violations; sanctions provided.

1. THE NUMBER OF DISCIPLINARY VIOLATIONS

During the period analyzed, the one-year average shows from 0,8% up to 9% of disciplinary cases (with disciplinary violations), which is significant diversity. Authorities obtained much more applications and complaints; however, many complaints of this kind are not given action.¹² For instance in 2010 there were 227 complaints requesting to initiate disciplinary cases for judges, while in 94 cases (41% of all cases) it was decided not to initiate a disciplinary case. In 2011 there were 373 complaints, with refusals in 282 cases (75%). The number of complaints in 2012 increased to 435; accordingly, decisions not to initiate a disciplinary violation case were made in 362 cases (or 83%). Increased numbers may indicate that society does not understand the content and meaning of disciplinary liability, or it may indicate an increase in society's dissatisfaction in the profession, or it may indicate society's greater involvement in the protection of their rights. Decisions not to initiate disciplinary cases for judges were motivated by three groups of reasons: 1) Appealed court actions were, as an exception, related to the implementation of justice in concrete cases. The commission is not empowered to evaluate the validity and legality of court decisions. There were complaints related to the procedural

¹⁰ Decisions of the Judicial Court of Honour from 2009 are available on this web page: <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0&from=40>.

¹¹ The Ministry of Justice has the cases which were initiated or controlled by the Ministry of Justice. Only these cases are discussed in the article. However the Chamber of Bailiffs provided the numbers of cases initiated to the Bailiffs' for infringements of legal ethics, so this number is accurate.

¹² Data about actual number of complains was obtained only from two professions: from judges (full information), from advocates(partially).

court decisions, but there were no reasons for a decision that the procedural acts indicated incompetence or avoidance to decide the case. 2) The commission did not find objective data indicating the unethical behavior of a judge, nor were preliminary facts about unethical behavior confirmed. 3) The actions which were the basis of the complaint did not form the basis for disciplinary liability as established in the Law of the Courts.

The number of complaints about the unethical behavior of lawyers also increased during the period analyzed here. For instance, the number of complaints in 2012 was 233 cases, while in 2010 it was only 162; however, substantiated applications on average made up just 17% (the percentage is uneven; for instance in 2004 only 4%, while in 2007 it is almost 37%).

The number of cases in which disciplinary violations were initiated is different among the legal professions analyzed here: the greatest number of cases is with bailiffs, and the lowest number is with judges. Accordingly, for bailiffs it was 8,8% (10,6 cases/120 persons), for advocates it was 1,8% (32 cases/1676 persons), for prosecutors it was 1,5% (12 cases/851 persons), for notaries it was 1,13% (2,7 cases/242 persons), and for judges it was 0,8% (5,8 cases/741 person) from the total number (from each respective profession).

The table in Figure 1 (below) indicates that the greatest number of cases initiated for judges was in 2010-2011.

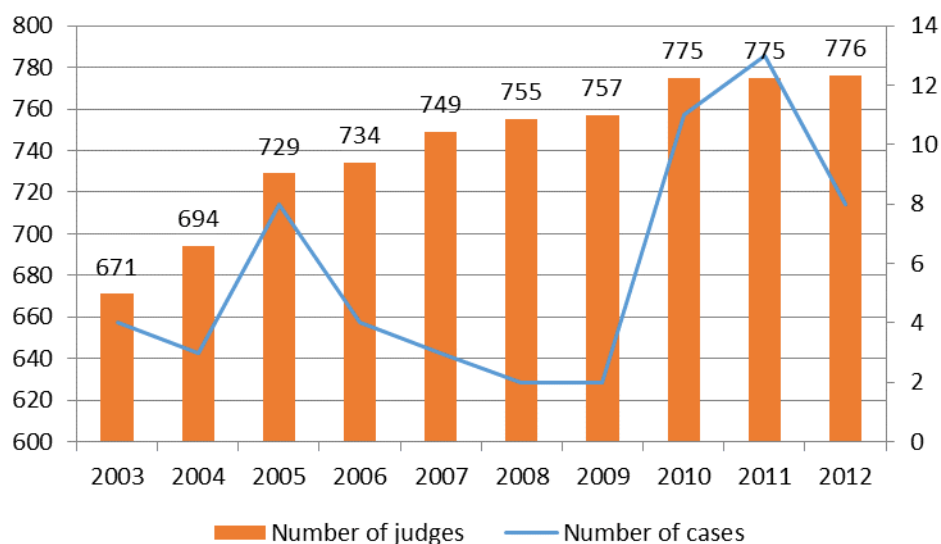
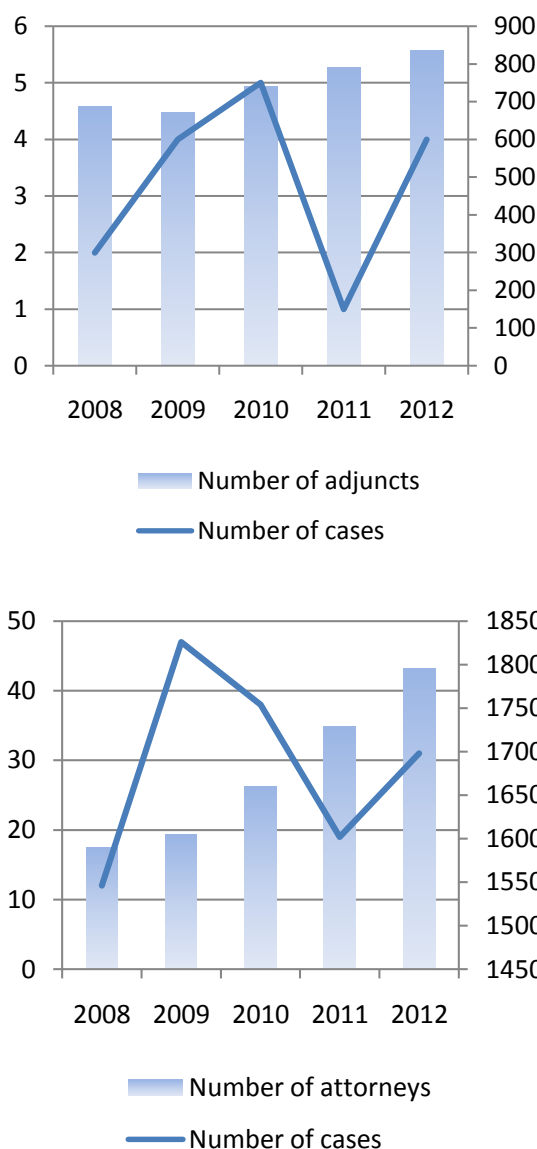


Figure 1. Cases of ethical infringements by judges in 2003-2012

Lawyer is the only legal profession where there were cases for disciplinary violations as well as for adjuncts. But the number of cases initiated is much lower than for lawyers (on average, only 0,4% of the general number of adjuncts, while

the number of disciplinary cases initiated for lawyers was four times higher—1,8% of the total number in the profession).



Figures 2 and 3. Cases of disciplinary violations by attorneys (and their adjuncts) during the period of 2008-2012¹³

The greatest number of disciplinary cases (25 cases) for prosecutors was initiated in 2011, and the lowest number was in 2009 (just 5 cases).

¹³ The number of violations is not precise, because in 2009-2010 a significant number of cases were cases in which the behaviour of lawyers toward the Bar was considered (e.g. unpaid membership fees, missing required documents, such as health certificate or insurance of activity) as not unsuitable to the Bar. In 2011 no such cases were considered, while in 2012 all such cases were counted as one big case, while in previous years each such cases were counted separately.

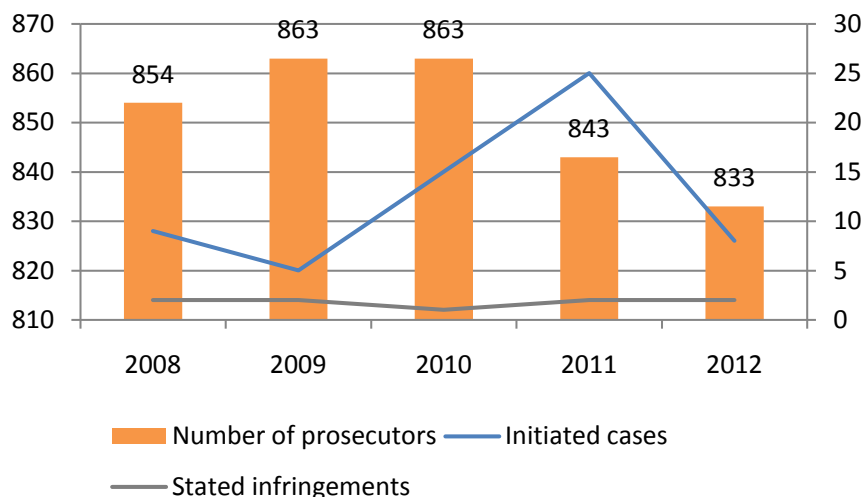


Figure 5. Cases of disciplinary violations by prosecutors in 2008-2012

The number of notaries in the period analyzed here is rather stable, but in the period of 2006 to 2010 there was an increase in cases of disciplinary violations. In all the situations analyzed, the disciplinary cases for notaries were initiated expressly against notaries, though in two cases the complaints were related with the inappropriate behavior of the officers in the notary office.

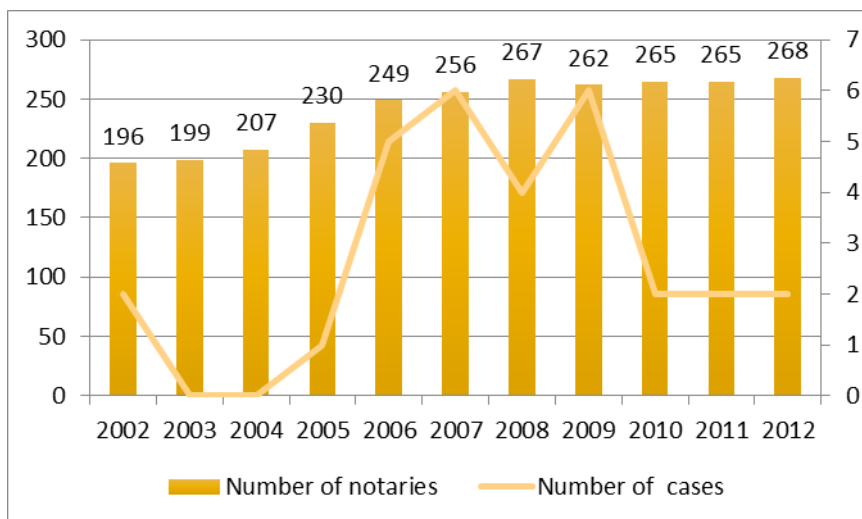


Figure 6. Cases of disciplinary violations by notaries in 2002-2012

All of the cases for disciplinary violations for bailiffs (with the exception of one case in 2006) were initiated expressly against the bailiffs. By decision of 2006¹⁴ the disciplinary case for inappropriate behavior with clients was initiated to the adjunct of the bailiff—the adjunct was impolite, rude, and refused to explain the actions for the client. But there was no hearing of the case, because the adjunct was removed

¹⁴ Decision of the Honour Court of Bailiffs (October 16, 2006, no.17/06).

from the office. It appears as though leaving the profession is a good means of avoiding disciplinary liability.

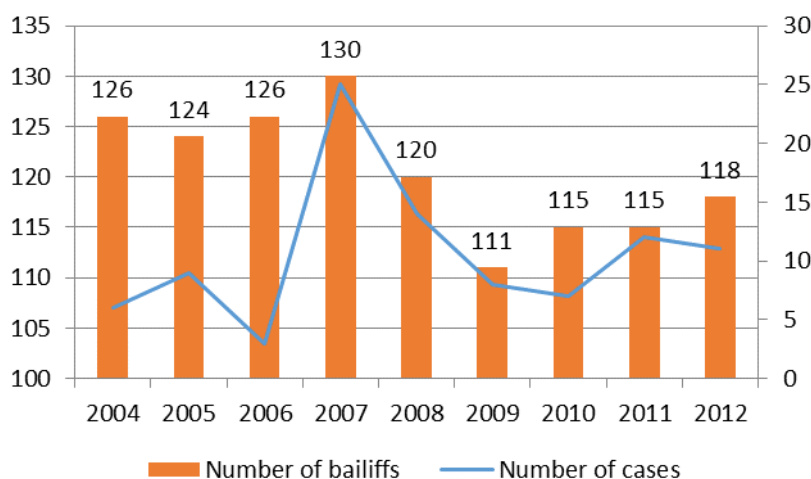


Figure 7. Cases of ethical infringements by bailiffs in 2004-2012

2. THE SUBJECTS INITIATING DISCIPLINARY CASES

The subjects who initiated disciplinary cases differ and depend upon the specifics of the profession in question: most cases for judges were initiated by the chair of the court (43 percent); most cases for lawyers and notaries were brought by clients (43 and 36 percent, respectively); for prosecutors most complaints were obtained by the party in the process (52 percent); for bailiffs, this category was dominated by reviews of their activity together with complaints of interested parties (28 percent).

Only with the changes enacted in the Law of the Courts in 2008¹⁵ did every person who thinks that a judge engaged in a disciplinary infringement get accorded the right to apply for initiation of a disciplinary case for a judge. Until 2008, this right was provided only for a certain group listed in the law (such as the chair of the court, etc.). This novelty could be one of the reasons why the number of applications increased after 2008. A significant number of cases (31 percent) were initiated by complaints from various services (for instance, the service for Tobacco and Alcohol control, the Chamber of Bailiffs, members of Parliament), and also by parties to the proceedings, their representatives, and citizens.

¹⁵ *Law on Courts of the Republic of Lithuania*, Official Gazette (1994, no. 46-851; 2002, no. 17-649), Art. 84, Sec. 4.

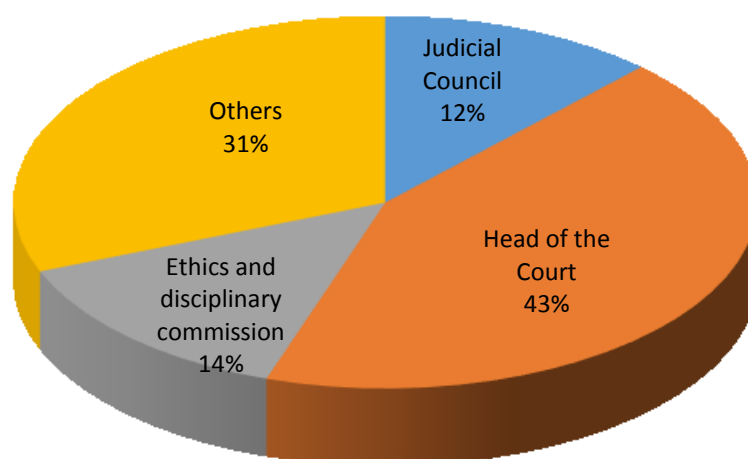


Figure 8. Subjects initiating cases against judges

Disciplinary cases for lawyers in most cases were initiated by clients (except in the year 2009, when the Council of the Bar initiated mass cases for failure to comply with the specific duties to the Bar, such as non-payment of membership fees, failure to provide health certificates and insurance of professional activity). However, analogously to judges and prosecutors, there are also complaints from parties to the proceedings, from courts, and from other agencies of law enforcement.

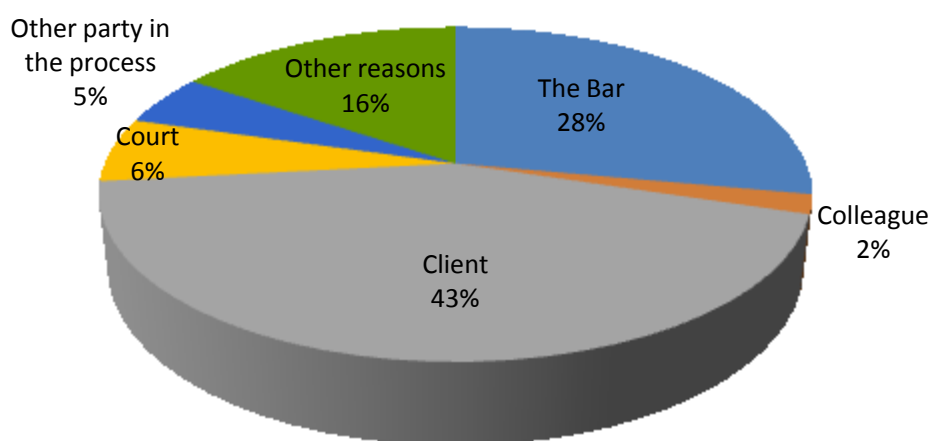


Figure 9. Subjects initiating cases against lawyers

Disciplinary cases for prosecutors in most cases were initiated by the individual party to the proceedings, even though some cases were started by receiving complaints from colleagues. A significant number of cases (24 percent)

were initiated by other persons, not related with the services of prosecutor (for instance by a neighbor, by a former girlfriend, by the party of previous conflict in the night club, the party of civil transaction, etc.).

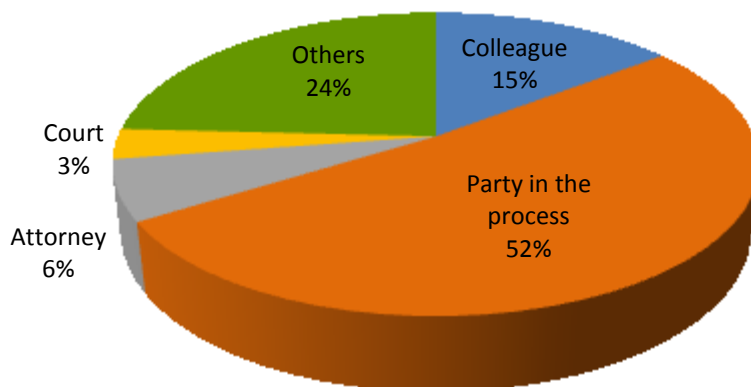


Figure 10. Subjects initiating cases against prosecutors

For the initiation of disciplinary cases against notaries and bailiffs, the mass media played a rather important role: it was 13 percent in the cases of notaries, and for bailiffs 8 percent of all disciplinary cases were initiated by mass media players. The typical situation is that some negative information about a notary or bailiff appears in the media somewhere, and afterwards that information is checked by the organs of the Bar. If the information is confirmed, then a case is started.

The largest number of disciplinary cases for notaries was started on the initiative of clients, except 2007, when four cases were initiated by complaints from law enforcement agencies. Two cases were initiated by receiving complaints from a colleague.

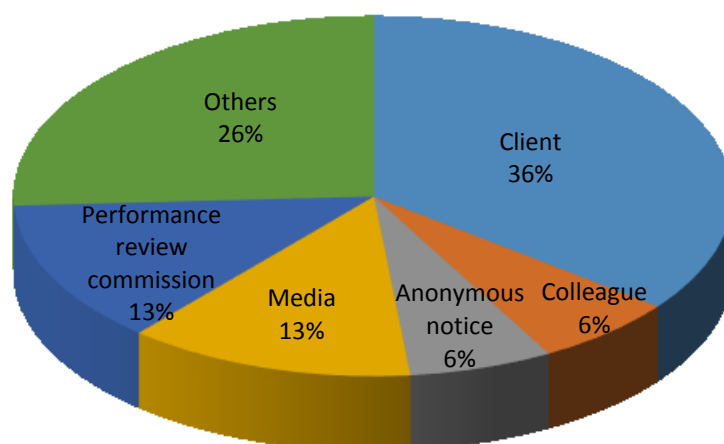


Figure 11. Subjects initiating cases against notaries

The cases for bailiffs are in most instances initiated after examining their performance (30%). Such evaluations could be prepared after getting complaints about their activity, and also in order to ascertain whether a bailiff corrected the deficiencies identified during ordinary inspection. Of course a special check is not performed every time a complaint is registered—among other circumstances, it depends on the reasonableness of the complaint.

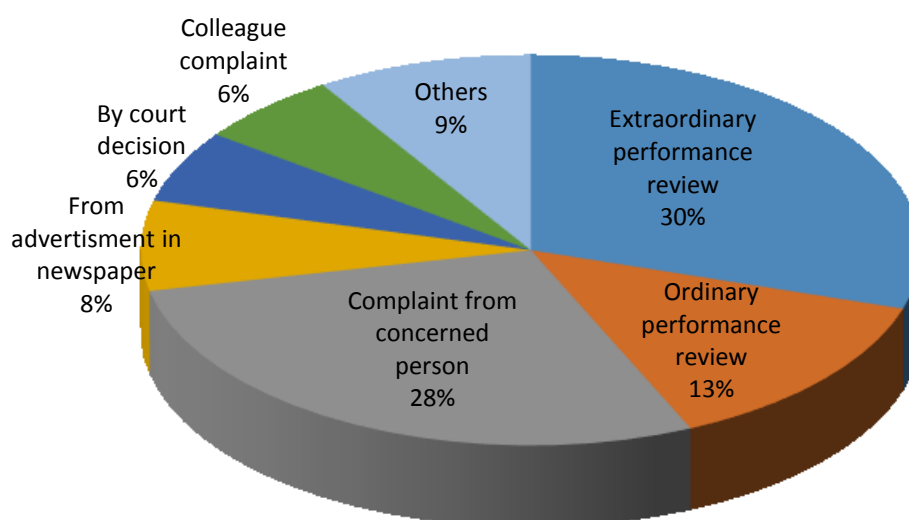


Figure 12. Subjects initiating cases against bailiffs

Nine percent of complaints (against bailiffs) are obtained from various state institutions (such as Mayor, the minister of Justice) including institutions of law enforcement (such as prosecutor and etc.).

3. DECISIONS TAKEN IN CASES OF DISCIPLINARY VIOLATIONS

The subjects hearing disciplinary cases and the composition of these cases have some disparities, but the main principles (except prosecutors' cases) are the same.

Each legal profession (except prosecutors) has a Court of Honor, which is composed of the members of their own particular legal profession,¹⁶ nominated to the Court applying a special procedure established by legal acts (for instance, two members of the attorney's group to the Court of Honor of Attorneys are nominated by the Minister of Justice while the remaining three members are elected in the general meeting of the Lawyers)¹⁷. The structures of the courts of honor show some insularity, and therefore distrust from society, as they themselves decide possible violations. The first institution to become open for society representatives was the prosecutors, followed by the judges (as already mentioned, from July 1, 2014, four members representing society are delegated to the Judiciary Court of Honor). For hearing cases of possible violation(s) of ethics, the Commission of Prosecutorial Ethics was established, to which from the first of January, 2012, three representatives of society are delegated by the heads of the State (one by the President of Lithuania, one by the head of Parliament, and one by the head of Lithuanian government). However the Law regarding the Prosecutor's offices provides great discretion to the prosecutor general, as he has the right to confirm violations of ethics by himself (without applying to the Commission). The sanctions for violation of ethics are also provided by the Prosecutor General, taking into account recommendations of the Commission or from another subject who has reviewed prosecutors' violations of official duties;¹⁸ but there is no obligation to use

¹⁶ Such rules for formation of the Judiciary Court of Honor were in force up till July 1, 2014. The new rules related to the formation of the Judiciary Court of Honor are in force from the first of July, 2014, and the number of members is extended from 9 to 10 members. The new regulation indicates that 4 members from society are invited. They are delegated by the highest State institutions (2 by the President of Lithuania and other 2 by the Chairman of Lithuanian Seimas) (*Decision of Judicial Council for approval of Regulations of Judiciary Honour Court* (May 30, 2014, no. 13P-68- (7.1.2) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/teismu-savivalda-teiseju-garbes-teismas-apie/> (accessed September 9, 2014)).

¹⁷ *Law on the Bar of the Republic of Lithuania*, Official Gazette (2004, no. 50-1632), Art. 61.

¹⁸ The law provides that deputy prosecutor general or chief or deputy chief prosecutor from a department in the general prosecutor's office or any territorial prosecutor's offices may provide recommendations regarding sanctions. Such suggestions may be given only after review of prosecutor's service done in accordance with the established regulations (*Law on the Public Prosecutor's Office*, Official Gazette (1994, no. 81-1514; 2003, no. 42-1919), Art. 41, Sec. 4).

these recommendations—the prosecutor general has rather wide discretion to make his own decisions.¹⁹

Notwithstanding the procedural differences in each profession, after the hearing of a case in any of the professions, one of the possible decisions is termination of the case without finding violation. The number of cases terminated on this basis is rather diverse among the professions: for notaries just 4 percent of the cases were terminated on this basis; for prosecutors it was 61 percent of all of the disciplinary cases initiated. In disciplinary cases heard by the courts of honor (except in investigations of prosecutors) disciplinary sanctions were delivered in 52 percent to 73 percent of all the cases heard.

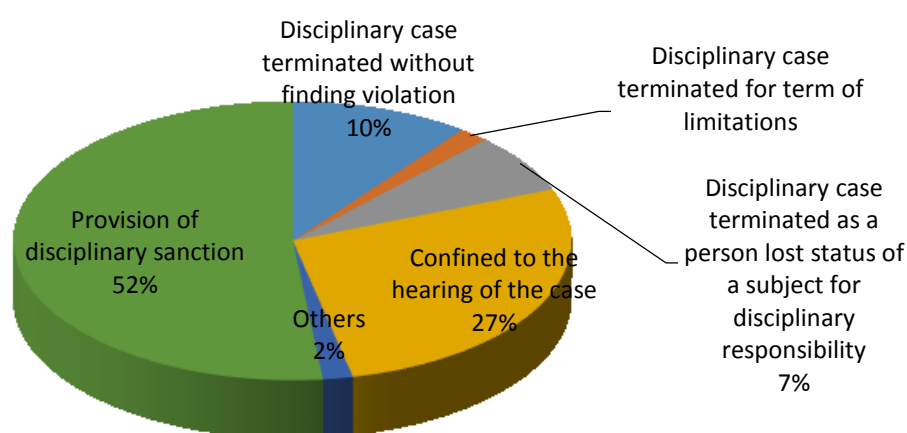


Figure 13. Decisions taken in judges' cases

Sanctions for judges found in violation were provided in more than half of the disciplinary cases. The decision to limit the case to just a hearing was taken in more than one fourth of the analyzed cases. This decision was made most often in two particular categories of cases: inadequate performance of duties, and improper behavior in leisure time.²⁰

When providing a decision in the first category of cases, it was taken into account that the judge's improper actions had no consequences (i.e. there was no substantial damage in the case; for instance, in one case a judge delayed making a decision in a case for more than two months;²¹ in another case the judge infringed

¹⁹ The law provides that suggestions and recommendations both from the Commission of Prosecutorial Ethics and by other enumerated subjects are not binding for the prosecutor general (*ibid.*, Art. 41, Part 4).

²⁰ Up till 1st September 2008 administrative offence (example car accident, intoxication with alcohol and etc.), made in a leisure was established as one of categories of disciplinary cases (*Law on Courts of the Republic of Lithuania*, Official Gazette (2008, Nr. 81-3186; in force from September 1, 2008).

²¹ Decision of the Judiciary Honour Court (November 23, 2005, no. 8) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 12, 2014). The Judiciary Honour Court evaluated that the procedural rights of the parties were restricted

upon the legal regulations for changing a court decision²²; in the third case there was a violation of the established deadlines for certain actions,²³ and so forth.

Some examples of the second category of cases include a judge who caused a car accident and, after hitting the other car, fled the scene of the accident.²⁴ In another case a judge was highly intoxicated in a public place, could not coordinate his actions, and could not coherently speak.²⁵ In the author's opinion, the decision in the latter case was too mild, as the judge's behavior was humiliating, in particular because it was in a public place.

By way of conclusion, we may say that the Judiciary Court of Honor usually made the decision not to provide sanctions in the cases in which there was no complaint from the parties to the process; evaluating violations of official duties,

in this case as they could not give appeal in proper time. Such behaviour was predetermined by difficult family circumstances and provided related documents. The court evaluated the fact that appeals were accepted and this infringement did not made substantial damages.

²² Decision of the Judiciary Honour Court (April 18, 2007, no. 21P-2) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 12, 2014). In this case the judge issued two different court decisions in the same criminal case—in one a person was given a 1 year imprisonment sanction, while in the second decision (for the same crime) an arrest sanction of 45 days was given. The first decision was publicly announced and given to the offender while the second one was in the case and was sent to the offender and prosecutor. The judge explained in detail how the technical mistakes remained in the first document because of his overload. The Judiciary Court of Honor took into account mitigating circumstances, considering the fact that it was the first violation during his 14 years of practice, that at that time he had a big workload in the court and that the offence was made because of carelessness.

²³ In this case the judge infringed upon mortgage registration terms. About 10 percent of all registered mortgages by this judge were registered later than during three working days (which is the maximum time provided by the law). The judge explained that the main reason was heavy workload and also that she tried to help people; instead of rejecting documents which were filled out incorrectly, she established some term for their amendment. Such practice by the Judiciary Court of Honor was evaluated as against the law, humiliating the profession of a judge. The main arguments for why she was not provided any sanction were that her infringements had no negative consequences, and no complaints were made because of such a behaviour (the case was initiated by the Chair of the court), it was the first violation during her 14 years practice (Decision of the Judiciary Honour Court (April 16, 2008, no. 21P-2) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 12, 2014)).

²⁴ Until September 1, 2008, the judge had immunity from administrative liability and if he made a possible administrative offence the material was provided to the Judiciary Court of Honor for a decision about whether disciplinary violation was made in the case. From the established date (Changes of the Law of Courts, Official Gazette, 2008, no. 81-3186) administrative offence is no longer treated as a disciplinary violation. In such cases possible infringements are decided in administrative cases (i.e. no immunity is left for administrative offence). In this case the judge, while driving a car, was careless and had not considered the bad weather conditions and hit a car in the next lane. After the accident the judge left the scene. The judge explained that he left the place because of sudden panic (i.e. worry, fright, excitement). The court took into account that damages were very minimal, and that the person sincerely regretted the act (Decision of the Judiciary Honour Court (October 25, 2006, no. 21P-4) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 14, 2014)).

²⁵ In this case the judge was taken to the police office. He did not provide (his legal and identifying) documents, and he did not say his name or his living place. A heavy level of (alcohol) intoxication was established—3,02 permille (per thousand). The judge explained that on that day he met his relative from another city they had dinner in the bar and drank some alcoholic drinks. After dinner he decided to go home, which was close, but suddenly he felt bad and stopped in the street. The judge thinks that this happened because he took some medicine for blood pressure and that this medicine may have reacted with the alcohol. The Judiciary Court of Honor took into account that the violation was not during his serving hours; it was a case which could not be treated as abuse as it was his first violation; and no negative consequences were established (Decision of the Judiciary Honour Court (September 5, 2007, no. 21P-3) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 14, 2014)).

the large work load was taken into account, as well as whether it was a first time offense, and how long the person had held the office.

In four cases there was a decision to terminate a disciplinary case when the person (upon his own request) was removed from the office. The Judiciary Court of Honor justifies such decisions by the fact that in accordance with the legal regulations in force, the mission of the judiciary court of honor is to decide on disciplinary violations by judges. One of the conditions for a disciplinary violation is that the subject of the violation is a judge. Other persons are not and could be not subjects of these violations. A person who lost the status of a judge because of his removal from the office also loses his status as a subject of a disciplinary case.²⁶ Such practice could be evaluated as allowing the (former) subject of the case to evade negative consequences (and still remain in good moral standing) and to apply for legal professions in the future without limitations, since no infringement was established. It should be examined whether there is the possibility in such a case to suspend the subject's removal from the office until the decision in a possible disciplinary violation case is enacted.

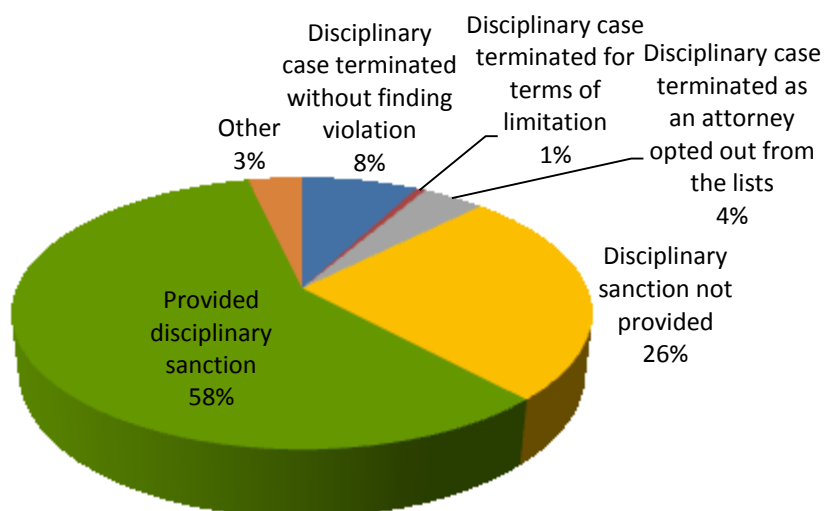


Figure 14. Decisions taken in attorneys' cases

Even more cases (termination of services) of possible disciplinary violations (7 cases during the period analyzed) were closed by the Court of Honor of Advocates, based on the same reasoning as in the judges' cases.

²⁶ For example, Decision of the Judiciary Honour Court (December 23, 2011, no. 21P-13) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 14, 2014).

The decision to limit the matter to the hearing of the case without provision of any sanctions²⁷ was applied almost in the same amount of cases as for the judges, and usually it was related to small violations— in at least 17 cases it was connected with improper behavior towards the Council of the Bar. Prior to the hearing of the case the advocate would remove the deficiencies and express regret for the actions and no real damage occurred.

For prosecutors, in 61 percent of the cases the case was terminated without finding a violation. Such decisions were made typically for one of two reasons: either there was not enough evidence, or these were complaints obtained for possible improper implementation of official duties (procedural decisions taken by prosecutor), which is not the purview of the Commission. For example, there is the decision of the Commission in 2011²⁸ in which it was stated that there is no other factual evidence except the applicant's own message. An example of the second case is the decision in 2008 in which the Commission stated that the possible infringements mentioned in the complaint are directly attributable to the regulatory realm of criminal procedure, and therefore the Commission does not have the authority to hear the case.²⁹

A very questionable decision was made in a case from 2008, in which no violation of ethics was found by the Commission because the situation was exceptionally private. While celebrating his birthday in a hotel, one prosecutor hit another prosecutor several times for supposedly disrespectful behavior with his (the former prosecutor's) wife.³⁰ It seems to follow from the decision of the commission that unethical behavior outside of work is tolerated, which would otherwise be against legal regulation, especially as the matter was described in the daily newspaper "Lietuvos žinios" (in English – "Lithuanian News"). However, the Commission stated that though the actions of both prosecutors were intolerable, no infringement of ethics was found, for the reason that the activities were of an exceptionally private nature, which is not regulated by the code of ethics.

²⁷ Two grounds of confining the matter to only the hearing of the case, and sanctions not being provided, are treated as one category for counting reasons, since both of them indicate the same consequences, just using different words.

²⁸ Decision of the Commission of Prosecutorial Ethics (March 4, 2011, no. 1.6-5).

²⁹ The Commission stated that, in accordance with the complaint, the prosecutor made these violations: he did not inform the necessary persons about the detention and the arrest of family members of the arrested person; he did not solve the request of the arrested person to take care about his property; he intentionally did not allow him to meet relatives, or representatives of mass media, etc. The Commission declared that these offences belong to the sphere of criminal procedure and that the Commission is not empowered to solve such Issues (Decision of the Commission of Prosecutorial Ethics (December 18, 2008)).

³⁰ Decision of the Commission of Prosecutorial Ethics (October 23, 2008).

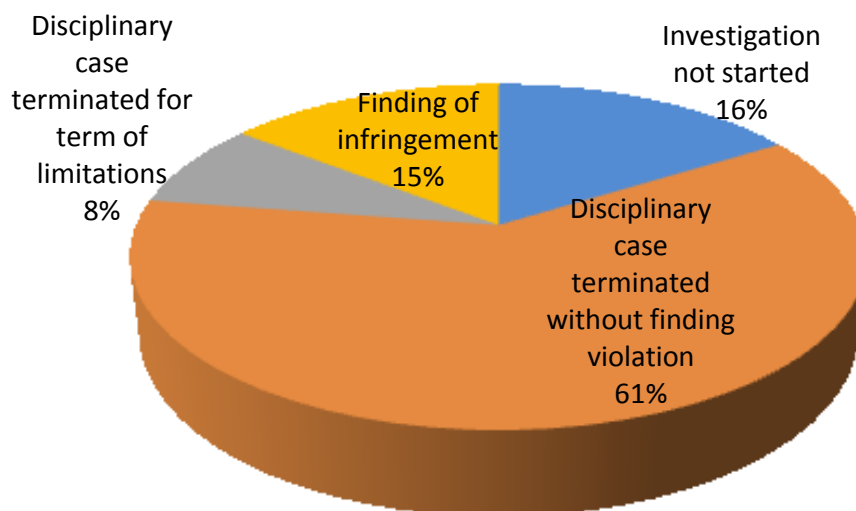


Figure 15. Decisions taken in prosecutors' cases

In disciplinary cases of notaries, the provision of sanctions dominated. This was the case in 73 percent of all heard cases. Only in one case was a decision to close the case made. The newly appointed notary lacked collegiality—he applied to the notary presidium asking for a conclusion about the possibility of establishing a new notary bureau in a certain place, without taking into account the opinion of other notaries already sitting in the same building or near the building.³¹ In reaching a decision it was taken into account that the notary promised (in written form) not to establish a new bureau at the requested address.

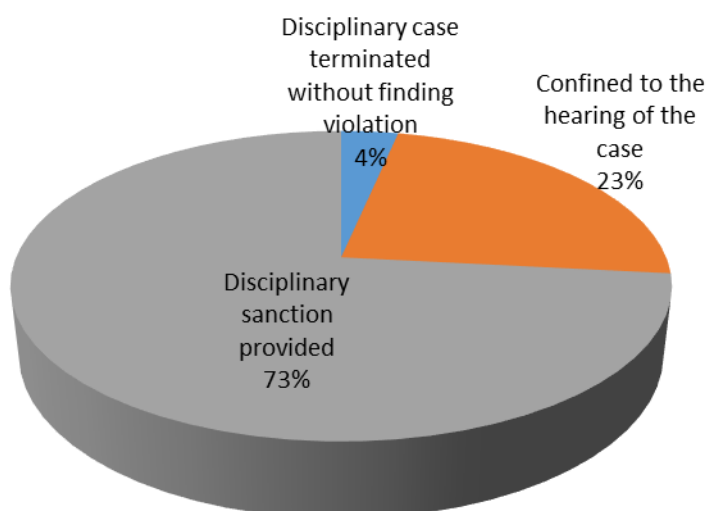


Figure 16. Decisions taken in notaries' cases

³¹ Decision of the Notaries' Court of Honor (April 20, 2005).

Decisions to terminate cases for bailiffs have some specificity in comparison with other professions. In most occasions the cases were terminated for one of two reasons: if a bailiff made some procedural violation which could not be reviewed by the court, and for the usage of business cards as unfair competition. In 2007 there were 12 cases for usage of business cards. Some cases were terminated without finding an infringement. For example, in one case there was a public announcement in the legal journal "Juristas" in which information about the bailiff was provided: the name and address of the bailiff's office, telephone, and fax. The Court of Honor found out that the bailiff had a contract with the publisher of the journal, who arranged to publish the bailiff's business card (just once) and later to publish just information about organized auctions, and publications, or consultations prepared by the bailiff. In the opinion of the court of honor, there was no infringement, because publication of a business card is not unfair competition but rather the provision of information which is announced on the web page of the bailiffs, or in the telephone books. Information about state officers and their implemented functions should be easily available to the general society. If the provision of any information would be treated as an advertisement it would be against the principles of reasonableness and publicity.³²

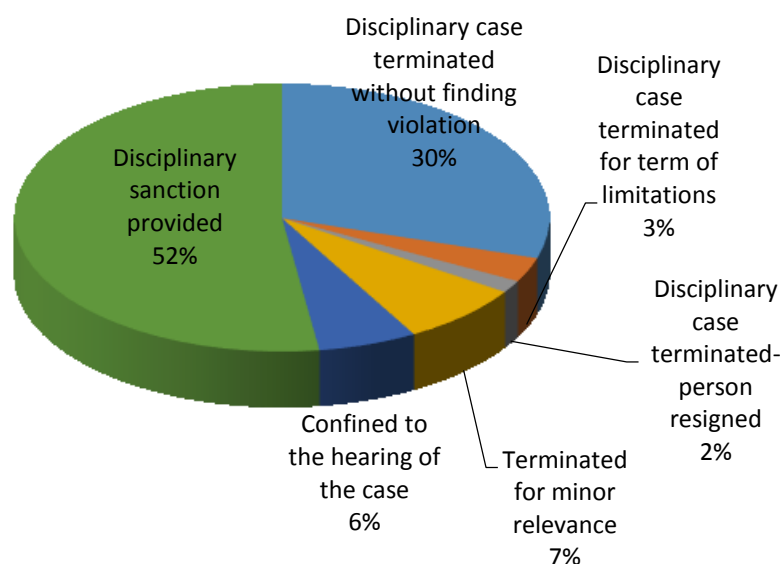


Figure 17. Decisions taken in bailiffs' cases

³² Decision of the Honour Court of Bailiffs (November 16, 2007, no. 37/07).

Analogously to the cases of judges and advocates, there was also loss of bailiff status as a reason for terminating cases; however, during the period analyzed here only one such case was established. From 2010 an additional basis for termination of a case was introduced: termination of a case for minor nature,³³ which is not provided as such in any other profession. For instance, in a decision of 2012 the Court terminated a case for minor nature, because the violation was not current—there were changes in legal acts about how to collect the debts from the debtor.³⁴ The court reasoned that sanctioning in such a case would not reflect the aims of the sanctions, i.e. it would not prevent other bailiffs from committing the same violation. In other cases a decision was made based on some formal small violations, which reflects a truly minor nature of infringement.³⁵

4. VIOLATIONS ESTABLISHED

Disciplinary liability is defined in the laws of each legal profession. Disciplinary offenses contain two to three categories. One category of disciplinary infringements established in each profession is infringements of ethical code.³⁶ In the laws of judges and prosecutors ethical violations are divided into two categories: 1) violations, by which the name of a judge or prosecutor is degraded, and 2) remaining violations of the code of ethics,³⁷ which looks a bit artificial as both types of violation usually humiliate the profession as such.

Another category of violations which is characteristic to all five legal professions is violations of requirements established in specific laws (for notaries and bailiffs either for violations or other legal norms).³⁸ For instance, we see this in article 83 of the Courts Law, where a case is treated as a disciplinary violation when a judge infringes on restrictions related with their depoliticization (must be apolitical) or other activities (are not allowed to have other jobs).³⁹ In the Law on the Bar, the legislation is more general—it is simply declared for violations of the Law on the Bar.⁴⁰

The ethical code of each legal profession enumerates and explains in detail the most important principles of ethics. These differ from profession to profession,

³³ This basis changed the basis to terminate the case with the hearing of the case.

³⁴ Decision of the Honour Court of Bailiffs (January 1, 2012, no. 71/10).

³⁵ For example, in one case the bailiff had not indexed (increased) compulsory execution costs for her debtors – this obligation was established by a legal regulation (Decision of the Honour Court of Bailiffs (July 13, 2012, no. 91/12)).

³⁶ Each legal profession has its own separate code of ethics.

³⁷ *Law on the Public Prosecutor's Office*, *supra* note 18, Art. 39-1, Sec. 2; *Law on Courts*, *supra* note 15, Art. 83, Sec. 2.

³⁸ *Law on the Notarial Profession of the Republic of Lithuania*, Lithuanian Aidas (1992, no. 28-810), Art. 7-1; *Law on Bailiffs of the Republic of Lithuania*, Official Gazette (2002, no. 53-2042), Art. 13, Sec. 1.

³⁹ *Law on Courts*, *supra* note 15, Art. 83.

⁴⁰ *Law on the Bar*, *supra* note 17, Art. 52.

taking into account their different status and mission (for example, for advocates the most important ones are avoiding conflict of interests, impartiality, and confidentiality,⁴¹ while for judges it is respect for people, respect and loyalty for the state, and justice and impartiality, etc.⁴²). Usually at the end of each code there are certain norms related to liability for the violation of the principles.

The law on Courts establishes three categories of disciplinary violations: for an action demeaning to the judicial office; for violation of other requirements of the Code of Ethics of Judges; for non-compliance with the limitations on the work and political activities of judges provided by law.⁴³ Action demeaning to the judicial office is defined as an act incompatible with the judge's honor and is in conflict with the requirements of the Code of Ethics of Judges whereby the office of the judge is discredited and the authority of the court is undermined. The following is also recognized as misconduct in the office: negligent performance of any specific duty of a judge or omission to act without a good cause shall also be regarded an act demeaning the office of a judge.⁴⁴

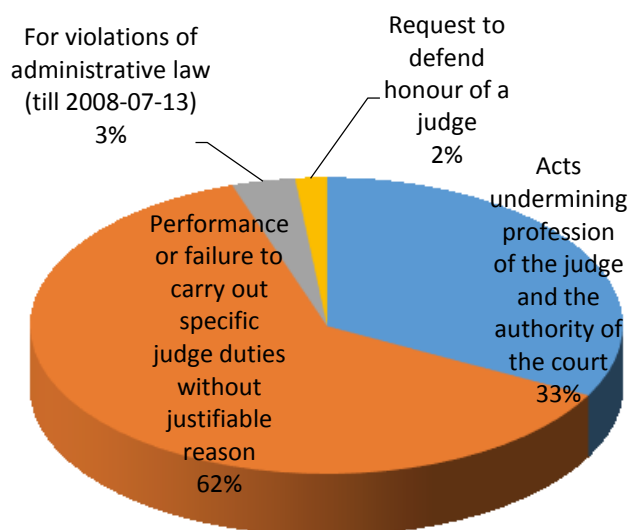


Figure 18. Categories of disciplinary violations by judges from 2003 to 2012

⁴¹ *The Code of Professional Conduct of Advocates of the Republic Lithuania*, adopted at the general meeting of lawyers held on 8 April 2005, Official Gazette (2005, no. 130-4681).

⁴² The Code of Ethics of Judges of the Republic of Lithuania, adopted at the general meeting of judges held on June 28, 2006 (no. 12P-8) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/teismu-savivalda-teiseju-garbes-teismas-apie/> (accessed October 31, 2014).

⁴³ *Law on Courts*, *supra* note 15, Art. 83.

⁴⁴ *Ibid.*

The lawyers' disciplinary violations heard by the Court of Honor are classified into four main categories: lawyer relations with client; lawyer relations with courts and other institutions; lawyer relations with the Council of the Bar and colleges; lawyer relations with society.⁴⁵ It is evident that the three categories of violations are related with external relations (clients, other institutions and society) and one category with internal relations. External relations in the two first categories are based on the professional activity(s) of the attorney, while violations related to society usually are not—for instance, conflict with neighbors.

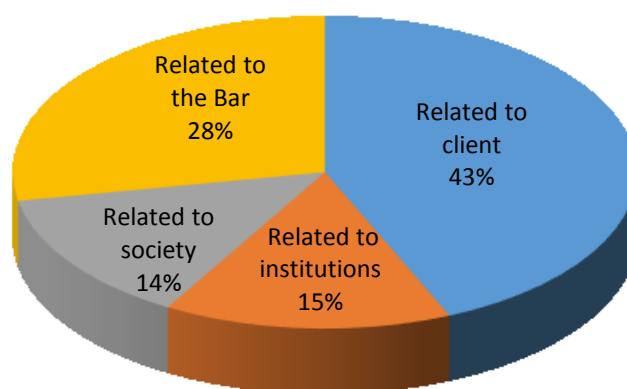


Figure 19. Categories of disciplinary violations by attorneys 2008-2012

Violations related to the clients—clearly the largest category—is the most important taking into account specificity of the profession. This category is further divided into three subcategories: violations of loyalty, confidentiality and conflict of interests, ill-timed provision of services and duties to client together with the quality of services.

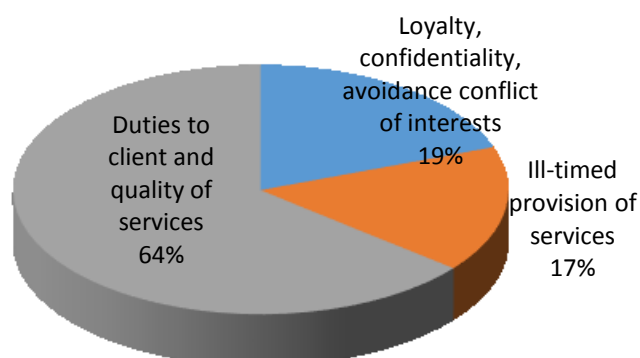


Figure 20. Categories of disciplinary violations in relations to clients by attorneys 2008-2012

⁴⁵ *Review of the Cases of Lithuanian Honour Court of Advocates*, provided to the advocates in the general meeting held on April 18, 2011, Vilnius (April 19, 2008–April 20, 2011): 32.

In nine of ten cases of disciplinary violations by prosecutors, they are related with improper provision of official duties, mostly unrelated to the qualification, but with the lack of civil (polite and cultural) communication issues.

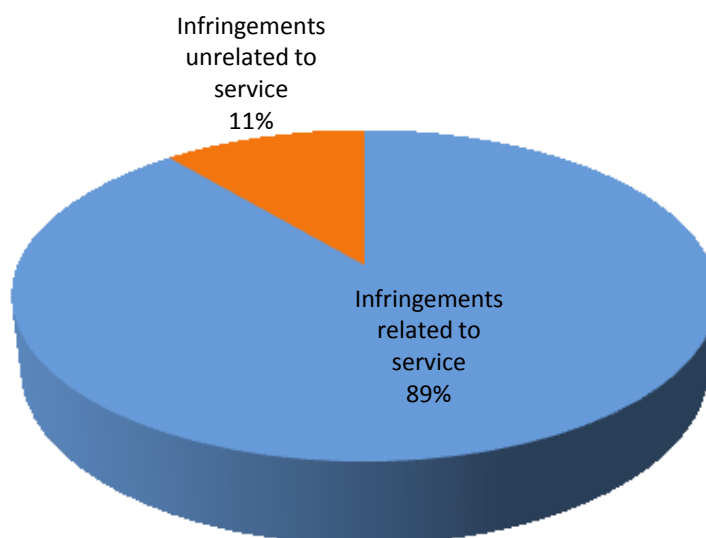


Figure 21. Categories of disciplinary violations by prosecutors 2008-2012

All disciplinary violations related to service done by prosecutors can be further classified into three groups:

- Incorrect public opinion about colleagues, institutions, and their representatives (37 %);
- Abusive communication with parties in the process (38 %);
- Abusive communication with colleagues (25 %).

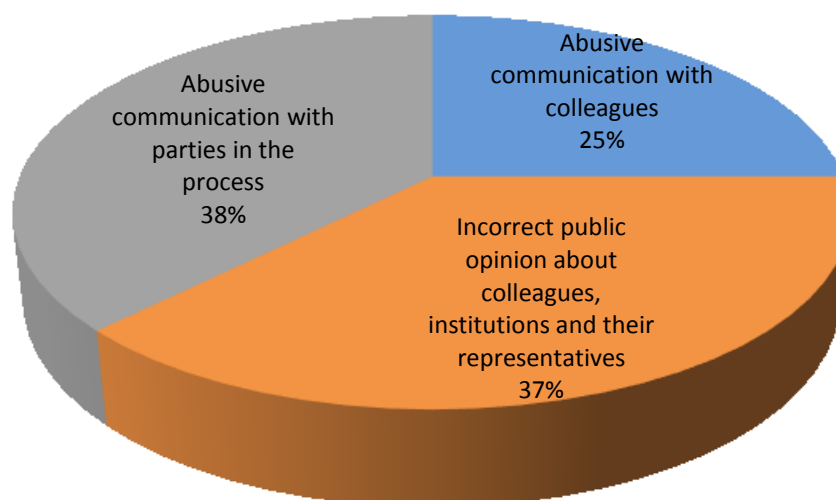


Figure 22. Categories of disciplinary violations related to services by prosecutors 2008-2012

Disciplinary violations related with improper provision of services also dominated among notaries. They comply with more than 2/3 (77%) of all fixed violations from 2002 to 2012. These violations can be further divided into four categories. Analogously to the prosecutor cases, almost 1/3 of the infringements were related with abusive, incorrect behavior. Only one case had other reasons. In 2008 a notary abused his office—he had access to the data about personal property (kept in the Register centre) and provided it to an attorney.⁴⁶

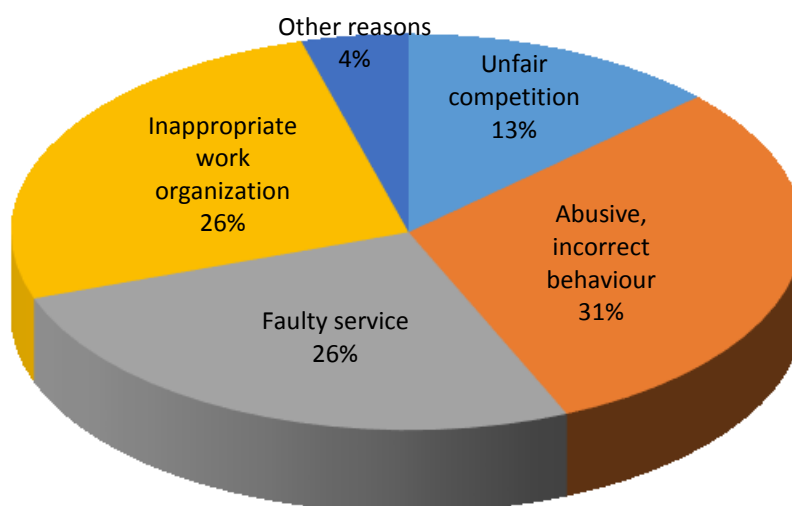


Figure 23. Categories of disciplinary violations related to services by notaries 2002-2012

Only 2% (1 case) of all disciplinary violations established by the Bailiff's Court of Honour were unrelated to the services provided (by decision of the Court one bailiff was provided reprimand because she was driving under the influence of alcohol and caused an accident).⁴⁷

Infringements related to services provided (98%) can be classified into four categories:

- Unqualified service (44 %);
- Inappropriate work organization (19 %);

⁴⁶ Decision of the Notaries' Court of Honour (March 28, 2008).

⁴⁷ Decision of the Honour Court of Bailiffs (October 21, 2008, no. 52-8).

- Unfair competition (18 %);
- Abusive, incorrect behavior (4 %).

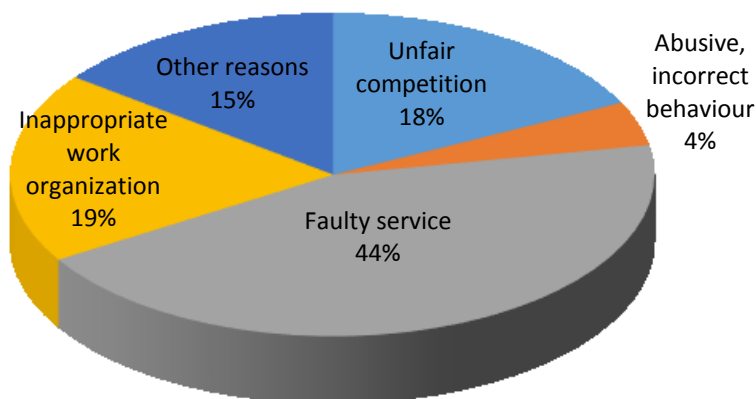


Figure 24. Violations in provision of services by bailiffs 2004-2012

A rather significant part of the infringements, 15%, are for reasons unrelated to the previously named categories. During the period analyzed there were ten such cases. Two of them were related to conflicts of interest. In one case the bailiff was representing the interests of his wife—an attorney collecting money from other bailiffs.⁴⁸ In the second case a bailiff did not opt out from a case in which the debtor was her brother.⁴⁹ Two other cases were related with improper behavior of the bailiff while communicating with the Chamber of Bailiffs. In one case, during an unexpected inspection, the bailiff refused to provide the required documents.⁵⁰ In another case the bailiff did not provide the required information to the Chamber after its request.⁵¹ In two cases bailiffs accessed personal data about property not related with their bailiff duties. For instance, in one case the bailiff was interested in the financial situation of a person and was searching through his data.⁵²

5. THE DISCIPLINARY SANCTIONS PROVIDED

The disciplinary sanctions which may be imposed for disciplinary violations in the legal professions analyzed in this study are rather similar. The most severe sanction is removal from the office; the most popular sanctions are milder ones—reprimand and censure. Both notaries and bailiffs are allowed to provide one more sanction—temporary termination of services.

⁴⁸ Decision of the Honour Court of Bailiffs (February 11, 2009, no. 40/07).

⁴⁹ Decision of the Honour Court of Bailiffs (December 9, 2009, no. 65/09).

⁵⁰ Decision of the Honour Court of Bailiffs (February 27, 2007, no. 19/07).

⁵¹ Decision of the Honour Court of Bailiffs (June 11, 2008, no. 48/8).

⁵² Decision of the Honour Court of Bailiffs (July 16, 2008, no. 49/08).

When deciding which sanction to impose for judges, one of the circumstances usually taken into account is whether the violation occurs was a first time offense, if the damages were compensated, if there was proper organization of work after the violation, and whether there was sincere remorse. Other circumstances, such as work experience, workload, fault (intentional or negligent), reaction in society, and other circumstances important in each actual case, are also taken into account.

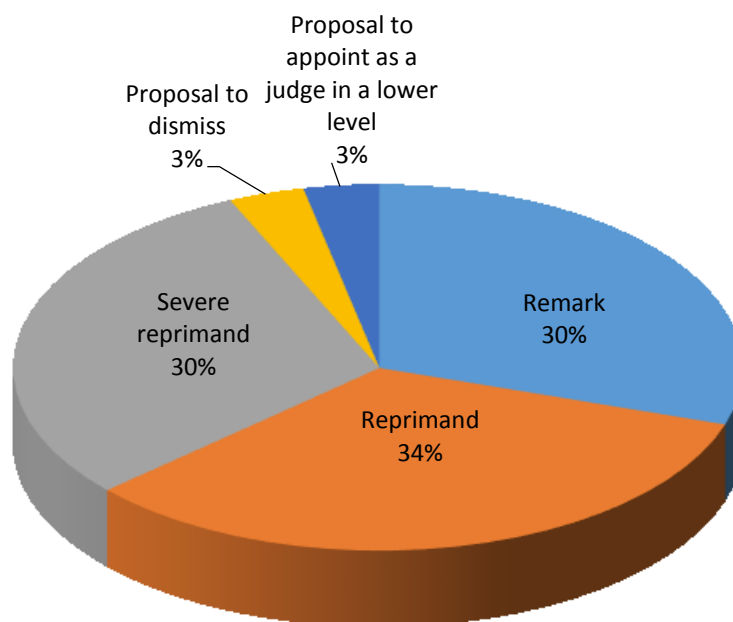


Figure 25. Sanctions for judges

Usually three categories of penalties are provided for judges: censure, and two categories of reprimand. The most severe penalty, recommendation to remove from office, was suggested in just one case—a case in which the judge in his public speeches used improper language, expressed contempt for other members of society, and aimed to discredit his colleagues and the authority of the court.⁵³

Severe reprimands were provided in cases in which there were severe or multiple procedural violations; the severity of the violation and the negative consequences of the infringement were taken into account.

⁵³ Decision of the Judiciary Honour Court (December 23, 2011, no. 21P-10) // <http://www.teismai.lt/lt/teismu-savivalda/teismu-savivalda-teiseju-garbes-teismas/tgt-sprendimai/?archyve=1&type=0> (accessed July 16, 2014).

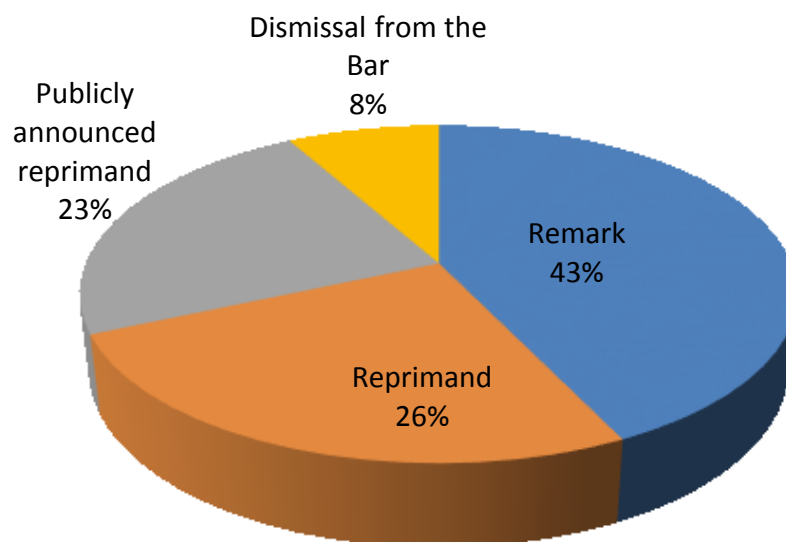


Figure 26. Sanctions for attorneys

For attorneys simple remark was the dominant sanction. The most severe sanction—removal from the Bar—was applied rarely. During the period analyzed it was used only in 8 cases, which, bearing in mind the large number of lawyers, is not high. Usually it is applied for very serious violations and obviously inappropriate and sometimes even criminal behavior toward clients or towards the Council of the Bar. For instance, in a 2011 decision a person was reasonably removed from profession of attorney because he cheated his clients for a long period of time, manipulated them for 10,000 litas, and ruined 4 cases (he took no action in the cases and lied to the clients, saying he was doing something right up until the clients received adverse judgments, due to procedural inactivity).⁵⁴

In another case a lawyer was removed from the Bar, because, after concluding a service agreement with the client and taking the fee, he did not provide the agreed services, had no permanent place of office (a closed stock company was acting in his name), and did not have the basic documents required for implementation of the services, such as a health notice, insurance, failed payment of membership fees to the Bar.⁵⁵

⁵⁴ Decision of the Honour Court of Advocates (May 17, 2012).

⁵⁵ Decision of the Honour Court of Advocates (March 15, 2012).

From the data provided in lawyers' cases it would appear⁵⁶ that for analogous cases different sanctions could be provided. For instance, in 2009 non-payment of membership fee to the Bar, and non-provision of insurance, received the evaluation and decision to just hear the case with no penalties provided.⁵⁷ However, in almost identical situations (i.e. no aggravating circumstances, previously not punished, removed circumstances of violation, had sincere remorse) more stringent penalty-remarks were provided.⁵⁸

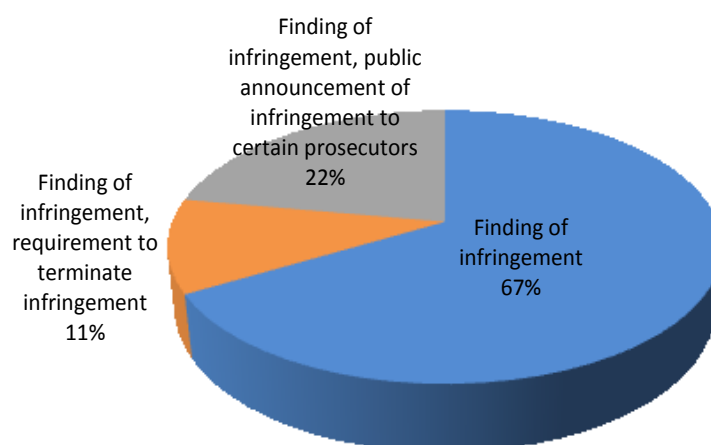


Figure 27. Penalties for prosecutors

The Commission of Prosecutorial Ethics, analogously to the courts of honor, is empowered to recommend the following sanctions: remark, censure, decreasing of qualification certificate, removing to lower position, and removal from the office.⁵⁹ But, as can be seen from the diagram, none of these sanctions was provided. Probably the main reason for this is a contradiction in legal acts, which was removed at the beginning of 2012.⁶⁰

⁵⁶ These issues may arise because not complete data was provided (decisions of the Honour Court of Advocates were not provided and the filling of the table could be not precise).

⁵⁷ Decisions in 9 cases taken by the Honour Court of Advocates (October 8, 2009).

⁵⁸ Decisions in 3 cases taken by the Honour Court of Advocates (October 8, 2009).

⁵⁹ *Law on the Public Prosecutor's Office*, *supra* note 18, Art. 40. However in accordance with the Code of Conduct of Prosecutors of the Republic of Lithuania in force from 2004, the commission was empowered to suggest the following sanctions (this regulation was in force till January 9, 2012 // http://www.google.lt/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&sqi=2&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.prokuraturos.lt%2FLinkClick.aspx%3Ffileticket%3DqUhjv7d65Ik%3D%26tabid%3D212&ei=FnhTVNXyB4PB7gaVw4CoBQ&usq=AFQjCNGNk26wczP6m0dTuuMGL_dvsMXreQ&bvm=bv.78677474,d.d2s (accessed October 20, 2014)): the acknowledgement of the breach, the obligation to terminate the non-ethical conduct, the obligation to perform an excuse, the warning, a public declaration of the decision (information), the proposal to reimburse the moral injury. The norm was not in accordance with the law (*The Code of Conduct of the Prosecutors of the Republic of Lithuania*, approved by the order of the Prosecutor General of the Republic of Lithuania, Official Gazette (2004, no. 76-2634)).

⁶⁰ In accordance with the Code of Ethics in force from 2004, the commission was empowered to suggest the following sanctions (this regulation was in force till January 9, 2012): the acknowledgement of the breach, the obligation to terminate the non-ethical conduct, the obligation to perform an excuse, the

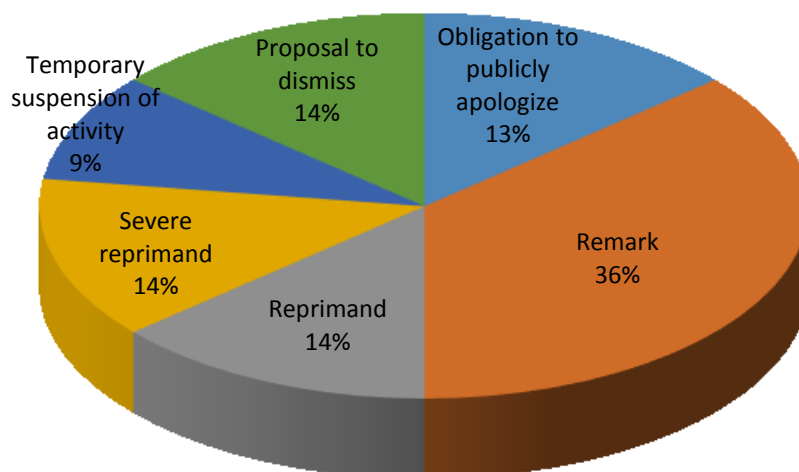


Figure 28. Sanctions for notaries

For notaries, similar to judges and lawyers, in more than 30 percent of the cases a remark was given as a sanction. For representatives of the profession of notary, there is one additional sanction available: obligation to publicly apologize. In practice, this sanction was given in just three cases. For instance, in the decision of October 4, 2007, it was given because the notary was impolite and intolerant, the applicant and other persons who accompanied the applicant were forced to wait for a long time, and they were insultingly and disrespectfully spoken to about the Russian nation and their language.⁶¹

Similar to bailiffs, for notaries there is the possibility for temporary suspension of activity. During the period analyzed this penalty was applied in just two cases. Both cases were related to possible intoxication with alcohol: in the first case for refusal to check drunkenness after a car accident;⁶² in the second case it was for inappropriate behavior in the office.⁶³

The suggestion of removal from office was given to notaries in three cases,⁶⁴ involving alcohol abuse, persons being punished who had previous offenses, and persons who did not cooperate with the Court of the Honor of Notaries.

warning, a public declaration of the decision (information), the proposal to reimburse the moral injury. The norm was not in accordance with the law (*ibid.*).

⁶¹ Decision of the Honour Court of Notaries (October 4, 2007).

⁶² Decision of the Honour Court of Notaries (March 19, 2009).

⁶³ Decision of the Honour Court of Notaries (August 12, 2009).

⁶⁴ Decisions of the Honour Court of Notaries (April 11, 2008; October 16, 2009; February 5, 2010).

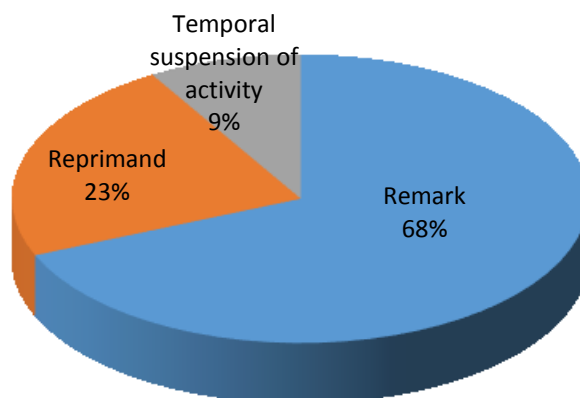


Figure 29. Sanctions for bailiffs

Just three sanctions were applied in practice for disciplinary violations of bailiffs. The most severe sanction—removal from office—was not applied during the period analyzed. Temporary suspension of activity was given in just three cases and for slightly different violations. In the decision of May 31, 2005, this sanction was given to the bailiff who, after receiving a small sum of money (10litas) for provision of certain certificate, did not record the payment and did not deposit the money into the account, and later he requested that an employee of the bank falsify the date of the deposit (to make it one month earlier than the actual time) and provided such false explanations to the Minister of Justice. In this case a suspension of activity for five months was given.⁶⁵

A suspension of activity for two months was given in two cases: in one because of improper use of bailiff's forms (documents). Incitements to the debtor to pay the debts in good faith were provided on these forms in the name of some company.⁶⁶ In the second case this decision was made because a bailiff scolded and threw out of the office a social worker who escorted a debtor. There was also a strong smell of the alcohol on the bailiff.⁶⁷

CONCLUSIONS

1. The largest number of disciplinary cases per year during the period analyzed was with bailiffs—8,8% (10,6 cases). Lawyers were the second largest—1,8% (32 cases), then prosecutors—1,5% (12 cases), then notaries—1,13% (2,7 cases). The smallest number of cases was initiated for judges—just 0,8% (5,8 cases) per year, which is 9 times lower than the ones initiated for the bailiffs.

⁶⁵ Decision of the Honour Court of Bailiffs (May 31, 2005, no. 10/05).

⁶⁶ Decision of the Honour Court of Bailiffs (August 5, 2011, no. 78/11).

⁶⁷ Decision of the Honour Court of Bailiffs (March 9, 2010, no. 66/10).

However, Lithuania is one of the five countries of the European Council in which the number of initiated disciplinary cases for judges is the highest.

2. The subjects who initiated disciplinary cases are rather diverse, but at least partially this is predetermined by the peculiarities of the profession: most cases for judges were initiated by the chair of the court (43 percent), most cases for advocates were started on initiative from clients (43 percent), for prosecutors most cases were initiated by the parties in the proceedings (52 percent), for notaries most cases were initiated by clients (36 percent), for bailiffs most cases were initiated by unexpected or unusual reviews of activity (30 percent) together with complaints from interested parties (28 percent).

3. For initiation of disciplinary violations the mass media played a significant role in two professions: for notaries 13% of all cases were initiated by mass media sources, and for bailiffs this was the case in 8% of the cases.

4. The number of disciplinary violations charges initiated by colleagues (except prosecutors, where complaints from colleagues make up 15% percent of all cases) is not high: reports from notaries and bailiffs make up only 6% (2 and 4 cases respectively during the period analyzed), complaints by lawyers comprise 2% (just 3 cases), and among judges there was only 1 such case.

5. During the last three years the number of complaints intended to initiate disciplinary cases for judges and ensuing refusals to start the procedure, significantly increased: in 2010 refusals counted for 41 percent, and in 2011 it was 75 percent, while in 2012 this was the case for 83 percent of the total number of complaints. It is a similar situation with lawyers: complaints make up on average just 17 percent, but this number is ranged significantly. For example, in 2004 these complaints made up just 4 percent, while in 2008 and 2011 (respectively) the percentage was around 20.

6. In each of the five professions, the body hearing the disciplinary violation case has the power to terminate the case for certain reasons (e.g. there is no violation found, for term of limitations, subject lost his position, etc.). The largest number of cases terminated was for prosecutors—61% of all cases. For bailiffs the number of terminated cases was 30%; for judges it was 10%; for lawyers 8%; and for notaries just 4%. Cases were terminated in three professions for loss of legal status: for judges – 7%, advocates – 4%, bailiffs – 2% of the total number of cases.

7. In all professions the decision to limit itself to the review of disciplinary action was made: for judges this was in 27% of cases; for notaries 23%, for lawyers 26%; for prosecutors- 67 %; and for bailiffs it was made in 6% of the total number of cases. A decision to provide sanctions (except prosecutors) was made in

more than 50 percent of the cases. The greatest number of sanctions was given to notaries: for notaries it was given in 73% of the cases; for lawyers it was in 70% of the cases; for judges and bailiffs in 52% of the cases, and for prosecutors in just 3% of all decided cases.

8. The sanctions provided for disciplinary cases were as follows:

8.1. Censure was most often was given to bailiffs, and constituted 68% of all their sanctions; for lawyers it was 43%, for notaries 36%, and for judges 30%;

8.2. Reprimand was most often provided to judges—34% of the sanctions for judges were reprimand; for advocates – 26%; for bailiffs – 23%, for notaries – 14% of the total number of penalties;

8.3. During the analyzed period, severe reprimand was provided for representatives of two professions: for judges 30%; for notaries 14 %;

8.4. Removal from profession was suggested to the representatives of three professions: for notaries – 14% advocates – 8%, judges – 6% of all sanctions provided;

8.5. 9% of all sanctions were specific to bailiffs and notaries, with the action of temporary termination of activity;

8.6. Rather unusual sanctions were provided for prosecutors. In 67% of cases recognition of violation dominates; in 22 % of cases, as an additional sanction, the public announcement of the violation to the prosecutors in a certain territory was provided; and in one case there was the requirement to terminate unethical behavior.

9. In all professions there was a high percentage of violations related with professional activity. Respectively, among prosecutors these violations made up 89%, among notaries – 77%, among lawyers – 43 %, among judges – 62%, and among bailiffs – 44%.

10. A significant number of violations by lawyers not otherwise reflected in other professions (28 percent) are violations related with the bodies of self-governance – The Council of the Bar.

11. It may be concluded that part of disciplinary violations are related with infringements of general norms of ethics (such as lack of polite and civil communication with clients, other parties, and institutions, and intoxication, and so forth.

12. The decision about the severity of the sanction usually takes into account the consequences of the violation, behavior after violation, if it is the first violation, and if the offender cooperated with the institutions of self-governance.

13. There is no systematic view, no uniformity in selection and provision of sanctions, and no uniformity in deciding what actions constitute a disciplinary violation. It would be useful if such guidelines were provided.

14. Disciplinary violations are committed in part for lack of qualification and professional knowledge. This may indicate the need for additional training.

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