

# The Bar Association Act, 5721-1961

Full updated version

## The Bar Association Act, 5721-1961

Private Law & Economics – Regulation of Occupation – Lawyers

Authorities & Administrative Law – Regulation of Occupation – Lawyers

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## The Bar Association Act, 5721-1961\*

\* Published S.B. 5721-1961 No. 347 of 22.6.1961 page 178 (Bills 5719-1959 No. 395 page 370).

Amended S.B. 5722-1962 no. 355 of 7.12.1961 page 15 (Bills 5722-1962 no. 492 page 18) – amendment no. 1.

S.B. 5723-1963 No. 391 of 21.3.1963 page 66 (Bills 5723-1963 No. 554 page 224) – amendment No. 2

S.B. 5723-1963 No. 404 of 16.8.1963 page 145 (Bills 5723-1963 No. 567 page 314) – amendment No. 3

S.B. 5725-1965 No. 441 of 8.1.1965 page 25 (Bills 5724-1964 No. 603 page 108) – amendment No. 4

S.B. 5728-1968 No. 515 of 22.12.1967 page 12 (Bills 5727-1967 No. 735 page 170) – amendment No. 5

S.B. 5731-1971 No. 635 of 5.8.1971 page 178 (Bills 5731-1971 No. 904 page 4) – amendment No. 6

S.B. 5731-1971 No. 635 of 5.8.1971 page 180 (Bills 5731-1971 No. 921 page 90) – amendment No. 7

S.B. 5732-1972 No. 647 of 17.2.1972 page 36 (Bills 5732-1972 No. 980 page 156) – amendment No. 8

S.B. 5736-1976 No. 800 of 10.3.1976 page 126 (Bills 5735-1975 No. 1171 page 181) – amendment No. 9

S.B. 5739-1979 No. 830 of 25.11.1976 page 7 (Bills 5736-1976 No. 1222 page 148) – amendment No. 10

S.B. 5738-1978 No. 908 of 10.8.1978 page 198 (Bills 5735-1976 No. 1142 page 6) – amendment No. 11

S.B. 5740-1980 No. 968 of 13.4.1980 page 108 (Bills 5739-1979 No. 1382 page 84) – amendment No. 12

S.B. 5740-1980 No. 968 of 13.4.1980 page 110 (Bills 5739-1979 No. 1393 page 142) – amendment No. 13

S.B. 5745-1985 No. 1155 of 7.8.1985 page 197 (Bills 5741-1981 No. 1546 page 407) – amendment No. 14;

\$\$\$ See clause 7 on the matter of transitional provisions.

7. The provisions of the act in the matter of internship shall not apply to the following, and the provisions of the main act prior to its amendment by this act shall continue to apply to them;

(1) One who started his internship prior to the commencement of this act, while he did not hold a graduate diploma or confirmation that he had fulfilled the faculty's requirements to receive a graduate diploma;

(2) One who prior to the commencement of this act had concluded his studies in the faculty towards a graduate degree, and was eligible at that time to start his internship, but started it after the commencement of the act, and not later than the 5746-1986 academic year;

(3) One who started his internship following the commencement of this act, having in his possession confirmation from the faculty that he was eligible to proceed to his final year of studies in the 5746-1986 academic year, and that he had passed all the examinations of the prior academic years;

Providing that in any of the events mentioned in this clause, the internship shall be completed within 18 months of the intern receiving from the faculty a graduate diploma or confirmation that he has fulfilled the requirements of the faculty to receive a graduate diploma, or confirmation that he he has completed his period of studies in the faculty, and he has no more than two examinations remaining to fulfill the faculty's requirements to obtain a graduate diploma. ###

Amended \*\*\* S.B. 5747-1987 No. 1206 of 5.3.1987 page 39 (Bills 1987 No. 1808 page 76) in clause 21 to amendment No. 15; \$\$\$ beginning on 7.8.1985. ###

S.B. 5747-1987 No. 1206 of 5.3.1987 page 36 (Bills 5747-1987 No. 1808 page 76) – amendment No. 15

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S.B. 5749-1989 No. 1278 of 4.7.1989 page 64 (Bills 5748-1988 No. 1902 page 288) – amendment No. 16; \$\$\$ see clause 4 in the matter of validity.

4. On the matter of one who was elected deputy chairman of a disciplinary court prior to the commencement of this act, this act shall be deemed to have been in force at the time of the election. ###

S.B. 5750-1990 No. 1313 of 4.4.1990 page 119 (Bills 5750-1990 No. 1983 page 150) – amendment No. 17

S.B. 5751-1991 No. 1360 of 20.6.1991 page 172 (Bills 5751-1991 No. 2043 page 170) – amendment No. 18 (high education ongoing reform) 5751-1991.

S.B. 5752-1992 No. 1383 of 13.2.1992 page 72 (Bills 5751-1991 No. 2070 page 319) – amendment No. 19 of clause 20 to the Courts Act (No. 15), 5752-1992.

S.B. 5753-1993 No. 1406 of 7.1.1993 page 20 (Bills 5753-1993 No. 2143 page 2) – amendment No. 20 of clause 31 to the Arrangement in the State's Market Act (Legislation amendments toward accomplishment of the budget goals), 5753-1993.

S.B. 5754-1994 No. 1477 of 4.8.1994 page 272 (Bills 5753-1993 No. 2201 page 340) – amendment No. 21

S.B. 5754-1994 No. 1477 of 4.8.1994 page 272 (Bills 5753-1993 No. 2200 page 336) – amendment No. 22

S.B. 5754-1994 No. 1482 of 5.9.1994 page 364 (Bills 5754-1994 No. 2302 page 628) – amendment No. 23

S.B. 5755-1995 No. 1518 of 11.4.1995 page 189 (Bills 5755-1995 No. 2368 page 337) – amendment No. 24

S.B. 5758-1998 No. 1661 of 19.3.1998 page 176 (Bills 5758-2000 No. 2835 page 158) – amendment No. 26; \$\$\$ -amendment No. 26; \$\$\$ see clauses 16-18 on the matter of commencement, transitional provisions and special provisions.

16. (a) In the matter of registration of Bar members pursuant to clause 12a of the main act, according to the wording in clause 3 of this act –

(1) A Bar member who was registered in the voters register that was in force in the matter of the elections to the Bar institutions that were held on 16<sup>th</sup> Tamuz, 5759-1999 (June 30 1999), shall be deemed registered in the district according to his registration in the aforementioned voters register;

(2) One who was a member of the Bar prior to the commencement of clauses 12 and 12a of the main act according to the wording in clause 3 to this act, and was not included in the voters register pursuant to clause (1), shall be deemed registered in the district of his main place of work as recorded in the Bar.

(b) If a hearing in a complaint against a lawyer in a district disciplinary court had started prior to the commencement of clause 64 to the main act, according to the wording in clause 11 to this act, the hearing shall continue in the same court.

17. (a) The commencement of clauses 9(a)(6), 9a(d), 12, 12a, 13, 15(a) and 64 to the main act according to the wording in clauses 1 through 4, 6(f) and 11 to this act respectively, as well as the commencement of clause 16 to this act – shall be three months from the publication date of this act.

(b) The cancellation of Chapter 7 b to the main act as aforementioned in clause 15 to this act - came into force on 27<sup>th</sup> Adar 5755-1995 (March 29<sup>th</sup> 1995).

18. The Bar's northern district as stated in clause 12(4) to the main act according to the wording in clause 3 of this act, shall be gradually implemented as follows –

1) The first district committee of the Northern district shall be elected at the time of the first



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elections for the district committees held after the publication of this act; Before the aforesaid elections, the Bar shall register those Bar members who are registered in Haifa district, and whose registered location in the Bar, for the purposes of clause 12a to the main act according to the wording in clause 3 of this act, is within the North district as members of the North district, and shall notify those members of this fact: provisions concerning the registration arrangements and appeals thereof shall be defined in the regulations;

- 2) Until the election of the first district committee, the Haifa district area shall continue to be the jurisdiction of the Haifa and Nazareth district courts, and the institutions of the Haifa district Bar shall continue to be those of both districts jointly;
- 3) The first elections of the members of the North district disciplinary courts shall take place at the election date of all the members of the disciplinary courts, that shall take place for the first time following the elections stated in paragraph (1);
- 4) Until the election of the members of the North district disciplinary court, a plaintiff may file a claim against a lawyer registered in the North district to the Haifa district disciplinary court, notwithstanding the provision of clause 64(a) to the main act according to the wording in clause 11 to this act;
- 5) If the hearing of a complaint pursuant to clause (4) had begun prior to election of the North district disciplinary court members, the said hearing shall continue in the Haifa district disciplinary court; if no hearing of the complaint had begun prior to election of the court members, the hearing shall be transferred to the North district disciplinary court. ###

S.B. 5760-2000 No. 1738 of 28.5.2000 page 182 (Bills 5758-1998 No. 2725 page 406) – amendment No. 27 in clause 2(a) of The Regulation of Advertising of Professionals Act (legislative amendments), 5760-2000.

S.B. 5762-2002 No. 1823 of 15.1.2002 page 96 (Bills 5761-2001 No. 2982 page 527) – amendment No. 28 in clause 4 to The Freedom of Occupation Act (leniency in limitations – age, residency and other occupation) (legislative amendments), 5762-2002.

S.B. 5763-2003 No. 1891 of 27.5.2003 page 384 (Government Bills No. 23 page 251) – amendment No. 29.

S.B. 5764-2004 No. 1932 of 21.3.2004 page 327 (Bills 5762-2002 No. 3150 page 747) – amendment No. 30 in clause 6 of the Holders of Judicial Office Act (prevention from sitting on the bench) (legislative amendments), 5764-2004.

S.B. 5765-2005 No. 2020 of 8.8.2005 page 745 (Government Bills 5764-2004 No. 77 page 298) – amendment No. 31 in clause 16 to the Administrative Courts Act (amendment No. 15) 5765-2005.

S.B. 5768-2008 No. 2160 of 3.7.2008 page 595 (Government Bills No. 388 page 602) - amendment No. 32; \$\$\$ see clause 27 regarding commencement, application and transitional provisions.

27. (a) The commencement of clauses 60a, 63, 70 and 71 to the main act, according to the wording in clauses 12, 13, 18 and 19(3) to this act shall be on the effective date

(b) The provisions of clauses 65a and 69b to the main act, according to the wording in clause 16 and 17 to this act, shall apply to claims filed on the commencement date of this act and thereafter.

(c) The provisions of clause 71 to the main act, according to the wording in clause 19(1) and (2) of this act, and 41(c) of the Notary Act, according to the wording in clause 25(1)(a) of this act, shall apply to an appeal against a verdict of the national disciplinary court filed on the commencement date of this act and thereafter.

(d) The provisions of clause 72 and 78 to the main act, according to the wording of clauses 21 and 22 to this act, and clauses 41(d) and 42(d) to the Notary act according to the wording of

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clause 25 to this act, shall apply to a claim for which no disciplinary ruling had been given on the commencement date of this act.

(e) The members of the national disciplinary court and the district disciplinary courts presiding prior to the commencement of this act, shall continue to serve in office until the effective date, and in the matter of their office, the provisions of the main act according to the wording prior to the commencement of this act shall continue to apply.

(f) In the matter of a claim filed prior to the effective date, the national ethics committee or a district ethics committee shall replace the national committee or a district committee, as plaintiff or appellant, as the case may be, starting from the effective date. ###

Amended \*\*\* S.B. 5769-2009 No. 2201 of 29.6.2009 page 149 – amendment No. 32 (amendment) 5769-2009. ###

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*Establishing the Bar* 1. The Israeli Bar Association (hereinafter: "the Bar") is hereby established to unite lawyers in Israel and work for the standard and integrity of the legal profession.

*Functions of the Bar* 2. The Bar:  
(1) shall register interns, supervise their internship and examine them;  
(2) shall qualify lawyers by accepting them as members of the Bar;

*(Amendment no. 33)  
5769-2009* (2a) shall maintain a register of foreign lawyers, pursuant to the provisions of the Eighth Chapter A;

*(Amendment no. 33)  
5759-2009* (3) shall conduct disciplinary hearings for its members, for foreign lawyers registered in the register mentioned in paragraph (2a) and for interns;

*(Amendment no. 34)  
5770-2009* (4) shall provide legal relief to those with limited means who are not entitled to such relief from the State pursuant to the law;

all pursuant to this Act;

*Activities of the Bar* 3. The Bar may, inter alia,  
(1) give an opinion on bills concerning the Courts and legal procedures;

(2) (Deleted)

*(Amendment no. 34)  
5770-2009* (3) Act as an arbitrator and appoint arbitrators;

(4) Work to defend the professional interests of members of the Bar;

(5) Establish insurance funds, pension funds and other institutions for mutual assistance for members of the Bar;

(6) Initiate actions and enterprises involving legal research in general, and of Hebrew law in particular, and participate in such actions and enterprises;

(7) Engage in the publication of legal literature.

*The Bar – a corporation* 4. The Bar is a corporation, competent for any legal obligation, right and action.

*Place of domicile of the Bar* 4a. The Bar is domiciled in Jerusalem.

*(Amendment no. 5)  
5728-1967*

*The Bar – an audited entity* 5. The Bar shall be audited by the State Comptroller.

## Second Chapter: The Bar's Institutions

*The Bar's Institutions* 6. The Bar's institutions shall be as follows:

*(Amendment no. 24)  
5755-1995* (1) Head of the Bar;

(2) National Council;

(3) Central Committee;

(4) District Committees;

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- (5) National Disciplinary Court;
- (6) District disciplinary courts;
- (Amendment no. 24) (7) Bar Comptroller;  
5755-1995
- (Amendment no. 32) (8) National Ethics Committee;  
5768-2008
- (Amendment no. 32) (9) District Ethics Committees.  
5768-2008
- Restriction on term of office*  
(Amendment no. 24) 6a. The term of office to which a member of the Bar is elected or appointed by the  
5755-1996 Central Committee shall not exceed three consecutive terms of office, and this shall apply to anyone elected or appointed by the National Council, excluding the term of office of a member of the Central Committee; this clause shall not apply to a salaried employee of the Bar.
- (Amendment no. 24) 7. (Cancelled)  
5755-1996
- Head of the Bar*  
(Amendment no. 24), 8. (a) The Head of the Bar shall be elected by members of the Bar from among  
5755-1995 their number, for four years, at a time determined by the National Council, providing that this shall not fall during the summer recess of the Courts; the ballot shall be personal, general, equal, secret, direct and national.
- (b) (1) The elected Head of the Bar shall be the candidate who receives the largest number of votes, providing that he receives at least two fifths of the valid votes;
- (2) If no candidate receives the percentage of votes stated in paragraph (1), the ballot shall be held again two weeks later, with the two candidates who obtained the largest number of valid votes in the first ballot; the candidate who obtains the most valid votes in the second ballot shall be elected.
- Deputy Head of the Bar*  
(Amendment no. 9) 8a. (a) The National Council shall elect a deputy for the Head of the Bar from  
5736-1976 among the members of the Central Committee in an equal, personal and secret ballot.
- (Amendment no. 15) (b) If the Head of the Bar is temporarily unable to perform his duties, the Deputy  
5747-1987 shall serve as Head of the Bar in his place.
- Election of Head of the Bar by the Council*  
(Amendment no. 15) 8b. (a) If the Head of the Bar resigns, dies or is permanently unable to perform  
5747-1987 his duties, in the event that he has completed at least three years in this position, the National Council shall elect a Head of the Bar to replace him in an equal, personal and secret ballot.  
(Amendment no. 24) 5755-1995
- (Amendment no. 24) (a1) If the Head of the Bar resigns, dies or is permanently unable to perform  
5755-1995 his duties before completing at least three years in this position, the members of the Bar shall choose a Head of the Bar in a special ballot.
- (Amendment no. 24) (a2) The special ballot shall be held on the date determined by the National  
5755-1995 Council, and no later than 90 days from the day on which the position of Head of the Bar becomes vacant; the special ballot shall be subject to the provisions of clause 8.
- (b) The Head of the Bar elected pursuant to this clause shall serve until the end of the term of office of the Head of the Bar in whose place he was elected.

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*Removing the Head of the Bar from office*

*(Amendment no. 24) 5755-1995*

8c. (a) The National Council may, by the decision of a majority of at least two thirds of its members, remove the Head of the Bar from office; such decision shall be deemed a decision by the Council to disperse.

(b) The ballot for the National Council and the Head of the Bar shall be held no later than the end of<sup>\*</sup> sixty days following such decision.

(c) The National Council shall not discuss removing the Head of the Bar from office except pursuant to a proposal from the Central Committee accepted by a majority of at least two thirds of its members; the Central Committee shall only discuss such a proposal pursuant to a request by most of its members or most of the National Council members.

(d) The Central Council shall not propose removing the Head of the Bar from office unless a year has elapsed since his election; this shall be after the Head of the Bar is given the opportunity to state his case before the Central Committee and the National Council, himself or through his representative who is not a member of the National Council; the Central Committee shall define, with the approval of the National Council, a procedure on this matter.

(e) The deliberations of the National Council pursuant to this clause shall take place at a meeting intended for this purpose only or at consecutive meetings so intended; the discussion shall start no later than twenty days following the decision of the Central Committee; the date of the first meeting shall be communicated to all members of the National Council in writing, at least twenty days in advance.

*The National Council*

*(Amendment no. 24) 5755-1995*

9. (a) The National Council shall consist of the following:

(1) Head of the Bar and the previous Head of the Bar;

(2) The Director General of the Ministry of Justice.

(3) The State Lawyer;

(4) The Chief Military Lawyer;

*(Amendment no. 19) 5763-2003*

(5) Twenty eight members to be elected by the Bar members on the day of the ballot for the Head of the Bar in a general, equal, proportional, secret, direct and national ballot.

*(Amendment no. 26) 5760-2000*

(6) Three members from each district, namely the chairman of the District Council and two Bar members registered in that district, to be selected by the District Council in a secret ballot.

(b) If the Head of the Bar prior to the currently serving Head of the Bar resigns from his membership of the National Council, dies or is otherwise permanently prevented from serving on it, he shall be replaced by a previous Head of the Bar, and this provision shall apply in the same way whenever the place of the previous Head of the Bar becomes vacant.

*Filling a vacant place on the National Council*

*(Amendment no. 12) 5740-1960*

9a. (a) One who was a member of the National Council by virtue of clause 9(a)(5) or by virtue of this sub-clause and ceased to hold office before the elections pursuant to that clause, shall be replaced by the candidate whose name on the list of candidates for membership appears immediately after the names of candidates who

<sup>\*</sup> The original states "out of"

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(Amendment no. 29)  
5763-2003 were elected in the previous ballots for the National Council or who became members of the National Council by virtue of this sub-clause, as applicable.

(b) If the candidate indicated in sub-clause (a) previously entered in this way, or was disqualified or unable to be a member of the National Council for any other reason, or notifies the chairman of the National Council in writing that he does not wish to be a member of the Council, then he shall be replaced by the candidate whose name appears next on the aforesaid list, and so forth.

(c) If there is nobody on the list of candidates to fill the vacant place as stated in sub-clause (a), the Head of the Bar shall appoint another Bar member, in consultation with the public on whose behalf the candidacy of the Member whose place has become vacant was proposed.

(Amendment no. 26)  
5760-2000  
(Amendment no. 29)  
5763-2003 (d) If a member of the National Council is elected by a District Council pursuant to clause 9(a)(6) and ceases to serve other than following the election of another in his place, the District Council shall elect another Bar member registered in the same district to replace him.

(Amendment no. 29)  
5763-2003 (e) Cancelled.

*Ending of term of office due to absence from Council meetings*  
(Amendment no. 12)  
5740-1980 9b. (a) A member of the National Council who is absent from Council meetings for three consecutive months, and if during three months there were less than three meetings – from three consecutive meetings, shall cease to serve as a member of the Council, on the terms and at the time determined in this clause or pursuant thereto.

(b) The conditions for ending the term of office as aforesaid are:

(1) The National Council has not given prior permission for the Council member's absence;

(2) The chairman of the National Council has sent the Council member, immediately following the second meeting from which he was absent, notice by registered mail with details of the National Council meetings from which he was absent and indicating that notice is sent by virtue of this sub-clause.

(c) If the chairman of the National Council sees that the Council member is absent from the Council meetings as stated in sub-clause (a) and that the conditions in sub-clause (b) are met, he shall send him notice by registered mail specifying the meetings from which the Council member was absent and compliance with the terms of sub-clause (b) and shall indicate that such notice is sent by virtue of this sub-clause.

(d) If a member of the National Council fails, within the period specified in the rules on this matter, to submit a request to the chairman of the National Council to cancel the notice pursuant to sub-clause (c), he shall cease to be a member of the National Council at the end of this period, unless the chairman of the National Council has already cancelled the notice pursuant to sub-clause (e); if such request is submitted, the National Council shall discuss it and if it decides to reject it, the applicant shall cease to hold office when the decision is taken.

(e) The chairman of the National Council may cancel the notice pursuant to sub-clause (c) if he is persuaded that the absence of the National Council member was due to illness, military service in the IDF, or a public mission.

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(f) In the case of a member of the National Council who, if not for the contents of this sub-clause, would have ended his term of office due to his absence from Council meetings, and who has not been replaced by any other Bar member pursuant to clause 9a(a), he shall continue to serve as a member of the National Council notwithstanding any other provisions of this clause, until another person is elected or appointed to replace him.

*Term of Office*  
(Amendment no. 12)  
5740-1980

10. The term of office of the Head of the Bar shall continue until another is elected to replace him; the term of office of members of the National Council shall be until others are elected or appointed to replace them, as applicable. The term of office of members of the Central Committee and the District Committees shall be until others are elected to replace them.

(Amendment no. 15)  
5747-1987

*The Central Committee*

11. (a) The Central Committee is the Bar's executive institution, and it holds all the powers of the Bar that are not specifically assigned by legislation to any other of its institutions.

(Amendment no. 24)  
5755-1995

(b) The Central Committee shall be composed of the following:

(1) The Head of the Bar, who shall be its chairman;

(Amendment no. 29)  
5763-2003

(2) 16 members to be chosen by the National Council from among its members as follows:

(a) Every three members of the National Council from each District, as specified in clause 9(a)(6) shall elect one of their number to be a member of the Central Committee;

(Amendment no. 29)  
5763-2003

(b) The remaining members of the National Council who are not among those specified in the aforesaid clause 9(a)(6) shall elect 11 of their number to be members of the Central Committee in an equal, proportionate and secret ballot.

(Amendment no. 24)  
5755-1995

(c) The dates of the election of the Central Committee on the matter of this clause and the election arrangements shall be defined in the Rules.

*A Central Committee member whose place becomes vacant*  
(Amendment no. 24)  
5755-1995

11a. (a) If a district representative resigns from the Central Committee, dies or is permanently unable to perform his duties, the representatives of the same District Committee of the National Council shall elect his replacement.

(b) If a member of the Central Committee elected by the Council resigns from his position as a member of the Central Committee, dies or is permanently unable to perform his duties, the National Council shall choose another of its members to replace him.

*Managing Central Committee meetings and determining the agenda*  
(Amendment no. 24)  
5760-2000

11b. (a) The chairman of the Central Committee shall manage the meetings of the Central Committee and determine their agenda.

(b) If a third of the members of the Central Committee wish to include a matter in the agenda, the chairman shall include the matter for discussion at the first meeting held after receipt of this request.

*Districts of the Bar Association*  
(Amendment no. 26)  
5760-2000

12. The following are the districts of the Bar Association:

(1) Jerusalem District, covering the jurisdiction of the Jerusalem District Court;

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- (2) Tel Aviv District, covering the jurisdiction of the Tel Aviv-Jaffa District Court;
- (3) Haifa District, covering the jurisdiction of the Haifa District Court;
- (4) Northern District, covering the jurisdiction of the Nazareth District Court;
- (5) Southern District, covering the jurisdiction of the Beer Sheba District Court

### *Registration of Bar members in the Districts*

(Amendment no. 26)  
5760-2000

12a. (a) Every member of the Bar shall be registered in one of the Bar's districts within which his place of work or place of residence is located, as he chooses; The member shall notify the Bar by which place he wishes to be registered; a Bar member shall not be registered in more than one district.

(b) The provisions regarding registration procedure and any changes to it, including the criteria for moving a registration from one district to another, shall be determined in the Rules.

### *Composition of the District Committee*

(Amendment no. 5)  
5728-1967

(Amendment no. 26)  
5760-2000

(Amendment no. 26)  
5760-2000

13. (a) In each district of the Bar Association there shall be a District Committee, which shall be elected by and from among the members of the Bar registered in that district, in a general, equal, proportionate, secret and direct ballot.

(b) The chairman of the District Committee shall be elected by and from among the members of the Bar registered in that district, at the time of elections to the Central Committee, in a general, equal, proportionate, secret and direct ballot.

(Amendment no. 9)  
5737-1976

(c) Members of the District Committee shall elect a deputy for the chairman of the District Committee from among their members in an equal, personal and secret ballot.

(Amendment no. 14)  
5747-1987

(d) If the chairman of the District Committee is temporarily unable to perform his duties, the deputy shall act as chairman in his place.

(Amendment no. 15)  
5747-1987

(e) If the chairman of the District Committee resigns, dies or is permanently unable to perform his duties, the District Committee shall elect a chairman in his place in an equal, personal and secret ballot.

(Amendment no. 15)  
5747-1987

(f) The chairman of the District Committee elected pursuant to sub-clause (e) shall serve until the end of the term of office of the chairman of the District Committee in whose place he was elected.

(Amendment no. 26)  
5760-2000

(g) The District Committee shall not act contrary to the decisions of the Central Committee.

### *National Disciplinary Court*

(Amendment no. 15)  
5747-1987

(Amendment no. 32)  
5768-2008

14. (a) Members of the National Disciplinary Court shall be appointed by the Appointments Committee to be established pursuant to the provisions of clause 18d (in this clause – the Appointments Committee) for a period of four years, from among the members of the Bar who are eligible to serve; the number of members of the Disciplinary Court shall be determined in the Rules.

(Amendment no. 15)  
5747-1987

(b) Anyone who has served as a member of the National Disciplinary Court for three consecutive periods shall not be appointed to this position in the following period.

(Amendment no. 26)  
5760-2000



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(Amendment no. 32)  
5768-2008

*District disciplinary courts*

(Amendment no. 15)  
5747-1987

(Amendment no. 26)  
5760-2000

(Amendment no. 32)  
5768-2008

(Amendment no. 15)  
5747-1987

(Amendment no. 26)  
5760-2000

(Amendment no. 32)  
5768-2008

*Fitness to serve as a member of a disciplinary court*

(Amendment no. 15)  
5747-1987

(Amendment no. 32)  
5768-2008

15. (a) In each district of the Bar Association there shall be a District Disciplinary Court whose members shall be appointed by the Appointments Committee for a period of four years from among the Bar members registered in that district who are eligible to serve; the number of members of each District Disciplinary Court shall be determined in the Rules

(b) Anyone who has served as a member of a District Disciplinary Court for three consecutive periods shall not be appointed to this position in the following period.

16. (a) Anyone who has been a member of the Bar for at least eight years is eligible to serve as a member of the National Disciplinary Court; anyone who has been a member of the Bar for at least five years is eligible to serve as a member of a District Disciplinary Court; however the following shall not be eligible to serve as a member of a disciplinary court –

(1) Anyone who has been convicted by a Court or a Military Court of an offense involving moral turpitude;

(2) Anyone who has been convicted by a disciplinary court of a disciplinary offense and has been punished by suspension or removal from the Bar, or who has received another punishment but ten years have not yet elapsed from the date of his conviction.

(Amendment no. 32)  
5768-2008

(b) A member of the National Council and a member of the District Council are not eligible to be appointed to or to serve as members of the Disciplinary Court.

*End of office of members of disciplinary courts*

(Amendment no. 15)  
5747-1987

(Amendment no. 32)  
5768-2008

(Amendment no. 32)  
5768-2008

17. (a) The period of service of members of the disciplinary courts shall be until others are appointed in their place.

(b) A member of a disciplinary court that has begun hearing a particular matter is permitted to complete the case even if his period of service has ended.

(c) Deleted

*Expiry of Disciplinary Court member's term*

(Amendment no. 15)  
5747-1987

(Amendment no. 32)  
5768-2008

17a. The period of service of a member of a disciplinary court is stopped in one of the following cases:

(1) He has resigned by giving written notice of resignation to the Chairman of the Appointments Committee.

(2) The Appointments Committee has decided that he is permanently unable to perform his duties and has given him written notice thereof.

(3) He meets one of the defined circumstances which prevent him being elected as a member of a disciplinary court pursuant to clause 16.

(4) He is no longer a member of the Bar.

(Amendment no. 32)  
5768-2008

(5) The Appointments Committee has found that there are facts which make him unfit to serve as a member of a disciplinary court, and has

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given him written notice thereof.

*Suspension of  
member of a  
disciplinary court  
(Amendment no. 32)  
5768-2008*

17a1. If an indictment has been filed against a member of a disciplinary court in a Court or Military Court due to an offense of moral turpitude, or he has been put on disciplinary trial pursuant to this Act or pursuant to another law, the Appointments Committee may suspend him from his office, by giving notice in writing, until a final verdict is delivered in the matter or until the end of the disciplinary proceedings against him, as applicable.

*Replacement of  
members of  
Disciplinary Court  
(Amendment no. 32)  
5768-2008*

17b. If the place of a member of a disciplinary court becomes vacant, the Appointments Committee shall appoint a member of a court to serve in that Court for the remainder of his term of office.

*Chairman, deputies  
and composition  
(Amendment no. 15)  
5747-1987  
(Amendment no. 16)  
5749-1989  
(Amendment no. 32)  
5768-2008*

18. (a) Members of every Disciplinary Court shall select from among their number with the approval of the Appointments Committee a chairman of the Court and four deputy chairmen (hereinafter: the Presidency).

(b) Three members of the Presidency shall form a legal forum for any action by the Presidency; no action taken by the Presidency shall be harmed only because one of its members has vacated his place; if the place of the chairman of the Court becomes vacant, all powers pertaining to him pursuant to this Act are granted to the Presidency until a chairman is appointed.

*(Amendment no. 16)  
5749-1989*

(c) Each Disciplinary Court shall conduct hearings sitting as three; the Presidency shall determine which of the Court's members shall sit in judgement on a specific case.

*(Amendment no. 13)  
5740-1980  
(Amendment no. 32)  
5768-2008*

(d) If a member of a disciplinary court, other than the presiding judge, is prevented from taking part in a hearing, the hearing shall take place, notwithstanding the contents of sub-clause (c), before the remaining two members of the Court, unless the presiding judge decides to postpone the hearing; this provision shall also apply if the hearing began before three members and one of the members other than the presiding judge is unable to continue.

*Bar Comptroller  
(Amendment no. 24)  
5755-1995*

18a. (a) The Bar shall have an internal comptroller who shall be elected by the National Council in a secret ballot for a term of office of no less than five years; with respect to the Internal Comptroller Act 5752-1992, the Bar shall be deemed a public body within the meaning of the aforesaid Act.

(b) One who has served two terms of office as internal comptroller shall not be eligible for election to an additional term.

*Ethics Committees  
(Amendment no. 32)  
5768-2008*

18b. (a) The following shall be members of the National Ethics Committee:

(1) Members of the Bar appointed by the Central Committee with the approval of the Appointments Committee, providing that anyone who has served pursuant to clause 16(a)(1) or (2) shall be appointed.

(2) Public representatives who meet the criteria of eligibility pursuant to sub-clause (c) and who are appointed by the Appointments Committee.

(b) In every district of the Bar there shall be a District Ethics Committee with the following members:

(1) Members of the Bar registered in that district and appointed by the

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District Committee of that district with the approval of the Appointments Committee, providing that nobody who meets that criteria stated in clause 16(a)(1) or (2) shall be appointed.

(2) Public representatives who meet the criteria for fitness as stated in sub-clause (c), appointed by the Appointments Committee.

(c) Those who meet all the following criteria are eligible to serve as public representatives on the National Ethics Committee or on a District Ethics Committee (in this clause: "Ethics Committee"):

(1) He is a lawyer and not a member of the Bar, or a member of the Bar whose membership is restricted pursuant to clause 52b.

(2) He has not been convicted of a criminal offense or a disciplinary offense whose severity, nature or circumstances make him unfit to act as a public representative on an Ethics Committee.

(d) (1) The total number of members of the Ethics Committee shall be determined in the Rules.

(2) The number of public representatives to be appointed by the Appointments Committee for an Ethics Committee shall be no greater than one quarter of the total number of members of the Ethics Committee; in an Ethics Committee with less than 11 members, the number of public representatives appointed as stated shall be no less than one member, and in an Ethics Committee with at least 11 members, the number of public representatives shall be no less than 2.

(e) The Central Committee or the District Committee shall select from among the members of the National Ethics Committee or the District Ethics Committee who are not public representatives, as applicable, the Committee chairman; the selection must be approved by the Appointments Committee.

(f) A member of the Ethics Committee shall be appointed for a period of four years, and he may be re-appointed, providing that he shall not serve for more than two consecutive terms.

(g) The term of office of an Ethics Committee member is terminated in one of the following cases:

(1) He resigns by submitting a written resignation to the chairman of the Appointments Committee.

(2) He meets one of the criteria that prevent him from serving as an Ethics Committee member pursuant to sub-clauses (a) to (c), as applicable.

(3) The Appointments Committee has determined that he is permanently unable to perform his duties or has discovered the existence of certain facts that make him unfit to serve as a member of an Ethics Committee, and has given him written notice thereof.

(e) A District Ethics Committee shall not act contrary to the decision of the National Ethics Committee.

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5768-2008

Committee there shall be a prosecutor; the prosecutor shall meet all the criteria of fitness for serving in a District Disciplinary Court as specified in clause 16(a) and shall not be a member of one of the Bar's institutions.

(b) The prosecutors shall investigate complaints of disciplinary offenses by lawyers being handled by the Ethics Committee to which they are attached, and shall submit their findings and recommendations to them, and shall also represent the Ethics Committee to which they are attached in proceedings before the Disciplinary Court and before the Courts, and shall advise them on all matters relating thereto.

(c) The prosecutors shall be paid a salary by the Bar; provisions regarding the manner of their appointment and ending their appointment shall be defined in the Rules, providing that the service of a prosecutor shall not be stopped without his consent, except with the approval of the Appointments Committee in a decision passed by a clear majority.

(d) In order to perform his duties pursuant to this clause, the lawyer may seek the assistance of a Bar member, whether or not he is employed by the Bar.

*Appointments  
Committee*

*(Amendment no. 32)  
5768-2008*

18d. (a) The Appointments Committee shall have seven members, as follows:

(1) A former High Court Judge or former President of a District Court, to be appointed by the Minister of Justice in consultation with the head of the Bar Association, and he will be the chairman;

(2) Two members of the Bar Association in one of the positions of the Legal Service of the Civil Service, in a local authority or in a legally established corporation, appointed by the Minister of Justice.

(3) Two members of the Bar chosen by the National Council;

(4) Two members of the Bar as specified below:

(a) On the matter of Appointments Committee decisions regarding the National Disciplinary Court, the National Ethics Committee and the prosecutors attached to them – two members of the Bar chosen by the Central Committee;

(b) On the matter of Appointments Committee decisions regarding a District Disciplinary Court, a District Ethics Committee, and the prosecutors attached to them – two members of the Bar registered in the relevant district and chosen by the District Committee of that district.

(b) Anyone who meets the criteria of eligibility to serve in the National Disciplinary Court pursuant to clause 16(a), is fit to serve as a member of the Appointments Committee pursuant to paragraphs (2) to (4) of sub-clause (a).

(c) A member of the Appointments Committee shall be appointed for a period of four years, and may be re-appointed, providing that he shall not serve more than two consecutive terms.

(d) The Appointments Committee shall determine its working arrangements and procedures for its hearings, to the extent that such are not defined in this Act or according to it.

*Working  
arrangements of the  
Institutions*

19. The Bar's Institutions shall define their working arrangements to the extent that they are not defined in this Act, in the Regulations or in the Rules.

**Third Chapter: Limits of the Profession and its Unique Aspects**

*Uniqueness of  
actions*

20. The actions specified below shall not be done by way of occupation, or for payment even if not by way of occupation, except by a lawyer:

(1) Representation of another person and any pleading or other action in his name before any Court, arbitrators and entities and people with judicial or quasi-judicial powers;

(2) Representation of another or any other action in his name before –

The Office of Execution

The Land Registry Bureau

The competent clerk on matters of the Condominium Act, 5713-1952

The Companies Registrar

The Partnerships Registrar

The Cooperative Associations Registrar

The Patents and Samples Registrar

The Trade Marks Registrar

The Assessment Clerk and representative of Income Tax on the matter of the Income Tax Order

A manager for the purpose of the Land Betterment Tax Act, 5709-1949

An estate tax executor for the purposes of the Estate Act, 5709-1949

(3) Preparation of documents of a legal nature for another person, including representation of another person in legal negotiations on the preparation of such documents;

(4) Provision of legal advice and opinions.

*Maintaining  
provisions*

21. The provisions of clause 20 do not affect any of the following:

(1) The powers of the Attorney General and his representatives;

(2) Representation before religious courts and military courts.

(3) Representation before a Court, Court of Justice, body or other person where such representation is regulated by legislation, including the provisions of clause 236 of the Income Tax Order.

(4) The powers of a patent agent pursuant to the Patents & Samples Order and pursuant to the Trade Marks Order, 1938.

(5) The rights of accountants to pursue the duties permitted to them by law;

(6) Representation of an organization of employees or employers or of a member of them by the representative of such organization, in arbitration on work matters or in connection with a work contract;

(7) Provision of a legal opinion by a person who is asked to do so by a

lawyer or by one of the authorities of the Government;

*(Amendment no. 14)  
5755-1955*

(8) Representation before arbitrators where one of the litigators in the arbitration is a foreign resident or a corporation registered abroad, by a foreign resident qualified to practice law in the country where he is domiciled.

*Right of  
representation by a  
lawyer*

22. A person who has empowered a lawyer is entitled to be represented by him before any State authority, local authority, and other entities and persons fulfilling public duties pursuant to the law; nothing in this provision derogates from any power to demand the presence or personal action of the person represented, and it does not affect the legislation that regulates representation before such authority, body or person.

*External defense in  
special cases  
(Amendment no. 5)  
5728-1967*

23. A person who is not an Israeli citizen and who is accused of an offense for which the punishment is death pursuant to the Prevention & Punishment of Genocide Act, 5710-1950, or pursuant to the Bringing Justice to Nazis and their Helpers Act, 5710-1950, or who is being investigated for such an offense, may appoint for himself, with the approval of the Minister of Justice, a defender who is not a lawyer within the meaning of this Act, if he is qualified to practice law abroad; the Minister of Justice may approve such appointment in special circumstances and after consultation with the National Committee of the Bar Association; a defense lawyer whose appointment is approved as aforesaid, shall be deemed a lawyer within the meaning of this Act; the Minister of Justice may, in special circumstances, with the consent of the President of the Supreme Court, and when the accused is put on trial – with the consent of the Court before which he is being tried, rescind approval given; if such approval is rescinded – the appointment of the defense lawyer is void.

#### **Chapter 4: Qualification for the Profession**

*General provision*

24. A person is fit to be a lawyer if he meets the following criteria:

- (1) He has a higher legal education;
- (2) He has undergone a period of internship;
- (3) He has passed the Bar examinations;

All as specified in this chapter.

*Higher legal  
education  
(Amendment no. 18)  
5751-1991*

25. On the matter of clause 24, the following have a higher legal education:

(1) A graduate of a faculty of law in an institution in Israel or of a college of law that are recognized as institutions of higher education pursuant to the Council for Higher Education Act, 5718-1958.

*(Amendment no. 5)  
5728-1968*

(2) A graduate of law studies at an institution outside Israel that has been recognized, for the purposes of this provision, by the Hebrew University of Jerusalem as an institution of higher education; or someone who studied at such an institution and passed examinations that in the opinion of the Hebrew University of Jerusalem are suitable to be deemed as granting higher legal education;

*(Amendment no. 25)  
5758-1998*

(2a) A graduate of legal studies at an institution in Israel with a license pursuant to clause 25d or pursuant to clause 25i of the Council for Higher Education Act, 5718-1958, which is an extension or branch of an institution outside Israel,

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providing that such institution is recognized pursuant to paragraph (2).

*(Amendment no. 3)  
5723-1963*

(3) Anyone who has qualified outside Israel to practice law and has engaged for at least two years in legal practice or served in a judicial position for which only the holder of a legal education is eligible.

*(Amendment no. 18)  
5751-1991*

(4) Anyone who has completed studies at a college of law recognized for this purpose as stated in clause 25b.

*The Committee for  
Accreditation of  
Extra-Budget Legal  
Colleges  
(Amendment no. 18)  
5751-1991*

25a. (a) The Minister of Justice shall appoint a Committee with eleven members (hereinafter: "the Accreditation Committee") to grant recognition to an extra-budget college of law (in this clause and in clauses 25b to 25e – "College of Law"); and shall appoint a chairman thereof pursuant to sub-clause (b).

(b) The members of the Committee are as follows:

(1) Two members appointed by the Minister of Justice, one of whom shall be the chairman, and they shall be decided from among - the Attorney General, the Director General of the Ministry of Justice, the deputies to the Attorney General.

(2) Two professors of law from a list submitted by the Deans of the law faculties;

(3) A retired judge appointed by the President of the Supreme Court;

(4) A member of the Pedagogic Secretariat of the Ministry of Education and Culture, appointed by the Minister of Education and Culture;

(5) Two members of the Bar Association as determined by the Central Committee of the Bar;

(6) An accountant determined by the Chamber of Accountants in Israel.

(7) An economist determined by the President of the Bank of Israel.

(8) A member determined by the Center of Local Government in Israel.

(c) If one of those specified in sub-clause (b) is not chosen for the Committee within three months of the commencement of this clause or from the expiry date of the appointment, the Minister of Justice shall select the member, as stated in sub-clause (b), instead of that body.

(d) The term of office of the Accreditation Committee shall be five years.

(e) If the place of a Committee member becomes vacant or he is permanently unable to fulfill his duties, another member shall be appointed to replace him for the remaining term of that Committee.

(f) The Committee shall determine its working arrangements and procedures for its discussions, unless otherwise determined in this Act or pursuant thereto.

*Recognition of the  
College of Law  
(Amendment no. 18)  
5751-1991*

25b. (a) The Accreditation Committee may recognize a college of law for the purposes of clause 25(4), providing that all the following criteria are met:

(1) The course of studies is no less than three years;

(2) Criteria for accepting students have been defined;

(3) The scope of studies is similar to that in the faculty of law in

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institutions of higher education.

(4) The College maintains, other than from Government budget sources, a fund for scholarships or grants scholarships, to help students in need to pay for tuition; the help shall be given to at least 20% of the studies at the rate of at least 25% of the College's accepted tuition fees.

(b) Cancellation of recognition given to a College of Law, including due to a breach of or failure to observe any of the criteria specified in sub-clause (a), shall be done by the Accreditation Committee according to the procedures and rules for cancelling recognition of a recognized institution pursuant to the Council for Higher Education Act, 5718-1958, mutatis mutandis, providing that there shall be no restriction on freedom of opinion and conscience.

*Accreditation of a College of Law as a Recognized Institution of Higher Education*  
(Amendment no. 18)  
5751-1991

25c. (a) A College of Law that is recognized for the purposes of clause 25 may submit an application for accreditation as a recognized institution pursuant to clause 9 of the Council for Higher Education Act, 5718-1958.

(b) If a College of Law is recognized for the purposes of clause 25, and for the purpose of accreditation as a recognized institution pursuant to sub-clause (a), it has changed its form of incorporation or merged with another corporation, whether existing or new, the recognition granted to it as a College of Law for the purposes of clause 25 is deemed granted to the new incorporation, providing that this does not involve any other change that could affect such accreditation.

*Rule for an institution recognized before the commencement of clause 25b*  
(Amendment no. 18)  
5751-1991

25d. (a) For an institution recognized for the purposes of clause 25 before the commencement of clause 25b, whether temporarily or permanently, such recognition is deemed for all intents and purposes, until four years have elapsed from the commencement of clause 25b, unreserved accreditation of the College of Law; cancellation of such recognition is in the power of the Accreditation Committee pursuant to the provisions of clause 25b(b).

(b) If an institution as aforesaid in sub-clause (a) has not been accredited by the Accreditation Committee pursuant to clause 25b at the end of the aforesaid four years, the validity of its recognition shall expire; however, it shall continue to be deemed a recognized institution as aforesaid for those who began their studies at the institution before the expiry of such recognition.

*Legal status of College of Law students*  
(Amendment no. 18)  
5751-1991

25e. The legal status of students at a College of Law with government authorities and public institutions shall be the status of students at a recognized institution of higher education.

*Criteria for registration as interns*  
(Amendment no. 3)  
5723-1963  
(Amendment no. 14)  
5745-1985  
(Amendment no. 18)  
5751-1991

26. The following are eligible for registration as interns:

(1)<sup>1</sup> Anyone who has received from a faculty as specified in clause 25(1) a graduate diploma or confirmation that he has satisfied the faculty's requirements to obtain a graduate diploma, or confirmation that he has completed his period of studies in the faculty and has no more than two examinations to satisfy the faculty's requirements to obtain a graduate

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<sup>1</sup> See Rules of the Bar Association (Internship) (Temporary Provisions), 5767-2007, [Collected Regulations 5767 no. 6554](#) dated 23.1.207 p. 477. See Rules of the Bar Association (Internship) (Temporary Provisions), 5768-2008, [Collected Regulations 5768 no. 6653](#) dated 6.3.2008, p. 604.



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- diploma; in this paragraph, "faculty" – including a College of Law within the meaning of clause 25(1).
- (Amendment no. 25)  
5758-1998
- (2) A graduate as stated in clause 25(2) or (2a), after demonstrating sufficient knowledge of the Hebrew language, and after passing the Bar's examinations on the Laws of Israel, apart from examinations from which he is exempt pursuant to the Regulations, but he may register as an intern even if he has not yet passed two of these examinations.
- (3) One who meets the criteria stated in clause 25(3), after demonstrating sufficient knowledge of the Hebrew language;
- (Amendment no. 17)  
5750-1990
- (Amendment no. 18)  
5751-1991
- (4) One who has obtained from a College as stated in clause 25(4) confirmation that he has completed his period of studies at the College and has met the requirements for obtaining a diploma of completion of studies.
- Exceptional terms for registration as an intern*  
(Amendment no. 22)  
5794-1994
- 26a. Notwithstanding the contents of clause 26, the National Council may with the approval of the Constitution, Legislation and Law Committee of the Knesset, determine rules for registering an intern even at an earlier or later date than the date on which the criteria specified in the aforesaid clause are met.
- Refusal of the Bar to register an intern*  
(Amendment no. 31)  
5765-2005
27. The Bar may, after giving the candidate an opportunity to state his case, refuse to register him as an intern in spite of his eligibility pursuant to clause 26, if facts are discovered in light of which the Bar believes that the candidate is not fit to serve as a lawyer. If the Bar refuses to register an intern, it shall notify the candidate of its reasons in writing.
- (Amendment no. 31)  
5765-2005
28. (Cancelled)
- Supervisors*
29. (a) Internship will be conducted by supervisors; and the following are permitted to act as supervisors for interns:
- (1) A judge from the Supreme Court and a judge from a District Court;
- (1a) A judge from a Labor Court;
- (Amendment no. 7)  
5731-1971
- (2) A judge from a Magistrate's Court whose total seniority as a member of the Bar and as a judge is no less than five years;
- (Amendment no. 10)  
5737-1976
- (2a) A traffic judge who was appointed pursuant to the fourth chapter of the Traffic Order, and whose total seniority as a member of the Bar and as a judge is no less than five years;
- (3) A military legal judge within the meaning of the Military Jurisdiction Act, 5716-1955, whose total seniority as a member of the Bar and as a judge is no less than five years;
- (Amendment no. 35)  
5771-2011
- (3a) A recorder within the meaning of clause 52a(b) whose total seniority as a member of the Bar and as a recorder is no less than five years;
- (4) A member of the Bar with seniority of five years who is approved by the Bar as fit to be a supervisor;
- (Amendment no. 22)  
5754-1994
- (5) A member of the Bar with seniority of five years who serves in one of the legal service positions in the Civil Service, in a local authority or in a legally established corporation, as defined for the purposes of this

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provision by the Minister of Justice in the Order.

- (Amendment no. 21)  
5754-1994
- (b) One who is permitted to be a supervisor pursuant to paragraphs (1) and (1a) of sub-clause (a) or one who is permitted to be a supervisor pursuant to paragraphs (2) to (5) of that sub-clause and whose total seniority as a member of the Bar and as a judge is no less than five years, may, with the Bar's approval, supervise two interns.
- Cancellation of approval*  
(Amendment no. 7)  
5731-1971
30. The Bar may, after giving the Bar member an opportunity to make his case, cancel approval given pursuant to clause 29(4) if one of the following criteria is met:
- (1) The Bar learns, from a complaint submitted by a District Committee, the Attorney General or the State Prosecutor, that the member has failed to properly fulfill his duties as supervisor;
- (2) The member has been convicted by a disciplinary court and in view of this conviction the Bar believes that he is not fit to serve as a supervisor.
- (Amendment no. 31)  
5765-2005
31. (Cancelled)
- Number of interns*
32. The number of interns that one supervisor can supervise shall be defined in the Rules.
- Employment of interns*
33. A supervisor shall not employ an intern except in legal work.
- Continuation of internship under another supervisor*
34. An intern who wishes to continue his internship under another supervisor, shall not do so except with the approval of the Bar.
- Period of internship*  
(Amendment no. 3)  
5723-1963
35. (a) The duration of internship shall be twelve months.
- (b) For one who qualified overseas to practice law and served overseas as a lawyer or in a judicial position for at least two years, and for one who has served overseas for at least two years in a judicial position for which only a person with legal education is qualified, the duration of internship shall be one year, and the Bar may reduce this period providing that it is no less than six months; if he served as aforesaid for less than two years – the Bar may reduce his obligatory period of internship providing it is no less than a year.
- (Amendment no. 23)  
5754-1994
- (c) (Cancelled)
- (Amendment no. 3)  
5723-1963
36. (Cancelled).
- Representation of the Supervisor's client*
37. In the last six months of his internship, the intern is permitted to represent his supervisor's client in the Magistrate's Court, providing that the supervisor shall be present in the Court or the Court has permitted him to continue the representation even in the supervisor's absence.
- Examinations on the Laws of Israel*  
(Amendment no. 3)  
5723-1963)
- 37a. One who complies with the conditions stated in clause 25(3) must take the Bar Association's examinations on the laws of the State of Israel, excluding examinations from which he is exempt pursuant to the Regulations.
- Internship examinations*  
(Amendment no. 3)  
5723-1963
38. (a) At the end of the internship period, the candidate for membership of the Bar must sit the Bar's examinations in practical subjects; however, one who was qualified overseas to practice law and who served overseas as a lawyer or in another

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judicial position for at least five years, and one who served at least five years overseas in a judicial position for which only the holder of a legal education is qualified, and he began his internship within ten years of his arrival in Israel, is exempt from this examination.

(Amendment no. 14)  
5745-1985

(b) One who is registered as an intern pursuant to clause 26(1) by virtue of confirmation of completing his studies in a faculty shall not sit for the internship examinations until after obtaining a graduate diploma or confirmation that he has fulfilled all the requirements of the faculty for obtaining a graduate diploma; one who is registered pursuant to clause 26(2) or (3) before completing all the Bar examinations on the laws of Israel from which he is not exempt, shall not take the internship examinations until after sitting for those examinations.

Examinations  
program and  
arrangements

(Amendment no. 3)  
5723-1963  
(Amendment no. 33)  
5769-2009

39. The program of examinations pursuant to clauses 26(2), 37a, 38 and 98f(a)(3) and their arrangements shall be stipulated in the Regulations.

Examinations  
Committee

40. The examinations pursuant to clause 38 shall be held before an examinations committee of three people, including a judge who shall be the chairman, and two lawyers, one of whom is a member of the Legal Service; an examination committee shall be formed from the list of examiners defined by the Minister of Justice.

Professional  
discipline of  
candidates

41. During the period of his internship until the final decision regarding his acceptance as a member of the Bar, the candidate is under the authority of the Bar and its disciplinary jurisdiction, and the customs of professional ethics apply, mutatis mutandis, to him also; for a breach of discipline the Disciplinary Court may impose on a candidate a caution, a reprimand, disqualification from acceptance to the Bar, for a period of no more than three years or permanently; and if the offense amounts to a breach of his obligations as an intern or damage to the integrity of the examinations – also cancellation of the internship, wholly or in part, and cancellation of the examination. The provisions of clauses 62 to 74 shall apply, mutatis mutandis, to the disciplinary law against a candidate.

The intern's legal  
status is that of an  
employee

(Amendment no. 7)  
5731-1971  
(Amendment no. 37)  
5774-2014

41a. (a) The legal status of an intern, for all intents and purposes excluding the legislation specified in the Addendum, shall be the legal status of the supervisor's solicited employee, and if the supervisor is the salaried employee of another, that other shall be deemed the intern's employer; this clause does not apply to a soldier on internship in the Israel Defense Force.

(b) The Minister of Justice, with the approval of the Labor Committee of the Knesset, may change, add to or subtract from the Addendum.

## Fifth Chapter: Membership of the Bar Association

General provision  
(Amendment no. 28)  
5762-2002

42. A person who is fit to be a lawyer and is a resident of Israel and an adult shall become a lawyer on admission as a member of the Bar.

Preliminary  
publication and  
objections

(Amendment no. 33)  
5769-2009

43. The names of candidates for membership in the Bar or for registration in the Register as defined in clause 98a shall be published in the manner defined in the Rules, and within the period defined in the Rules any person may submit to the Bar an objection to acceptance of a candidate.

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*Refusal by the Bar to accept a member (Amendment no. 31) 5775-2005*

44. (a) The Bar may, after giving the candidate an opportunity to make his case, refuse to accept him as a member of the Bar, notwithstanding his fitness –

(1) if the candidate has been convicted of a criminal offense that in the circumstances amounts to an offense of moral turpitude, and the Bar believes that in light of such conviction he is not suitable to serve as a lawyer;

(2) if other facts have been revealed – whether by the ruling of a disciplinary court or from an objection submitted pursuant to clause 43, or by other means – and the Bar believes that in light of these facts the candidate is not suitable to serve as a lawyer;

*(Amendment no. 28) 5762-2002*

(3) (Deleted.)

*(Amendment no. 31) 5765-2005*

(b) If the Bar decides not to accept a candidate as a member of the Bar, it shall inform him of its reasons in writing.

*(Amendment no. 31) 5765-2005*

45. (Cancelled.)

*Registration in the Register, certificate and practice of the profession*

46. If the Bar decides to accept the candidate, or the Supreme Court cancels its refusal to accept him, the Bar shall register the candidate in the Register of Bar Members and shall give him a certificate of membership; from the date of such registration, the candidate is authorized to practice the profession of law.

*Cancellation of membership (Amendment no. 31) 5765-2005*

47. A District Disciplinary Court may cancel the registration of a Bar member in the Register of Members and cancel his membership of the Bar, if it is proven that such registration was obtained by fraud; the provisions of clause 70 shall apply to the decision of the Disciplinary Court pursuant to this clause.

*Expiry of membership*

48. The membership of a member of the Bar shall expire if one of the following criteria is met:

(1) He has notified the Bar in writing of his resignation from it;

*(Amendment no. 31) 5765-2005*

(2) He has ceased to be a resident of Israel; the date on which a member ceases to be a resident of Israel shall be determined by the Bar;

(3) He has been declared bankrupt;

(4) He has been sentenced by a disciplinary court to removal from the Bar and the penalty has been executed.

*Suspension of membership*

49. The membership of a member of the Bar shall be suspended -

*(Amendment no. 26) 5760-2000*

(1) If he has been adjudged legally incompetent due to mental illness – for as long as the ruling is not cancelled, or if the Bar has decided, on the basis of a certificate from a district psychiatrist, that he is not able to serve as a lawyer due to mental illness – for as long as the decision is not cancelled.

*(Amendment no. 31) 5765-2005*

(2) If he has been sentenced to suspension by a disciplinary court – throughout the period of suspension.

*Maintaining authority and rights (Amendment no.26) 5760-2000*

50. One who has resigned from the Bar or whose membership has expired for another reason, remains subject to the authority of the Bar for everything that occurred before his membership expired; and he may also collect his fees for

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services that he provided prior to that.

*Suspended member of the Bar (Amendment no. 26), 5760-2000*

50a. The provisions of this Act shall apply to a member of the Bar who has been suspended just as they apply to a member of the Bar whose membership has been restricted pursuant to clause 52b, to the extent that clauses 59d and 97 do not contain special provisions for the case.

*Renewal of membership*

51. One who resigns from the Bar and one whose membership has expired for another reason, and such reason is void, may seek renewal of his membership of the Bar; renewal of membership shall be subject to the provisions of clauses 42 to 47, mutatis mutandis, providing that the Bar shall not refuse to renew his membership except on the basis of a conviction or events that occurred after expiry of membership.

*Reservation regarding renewal of membership*

52. Notwithstanding the contents of clause 51, one who is sentenced to removal from the Bar shall not seek renewal of his membership before ten years have elapsed since his removal, and the Bar may, at its discretion, agree or refuse to renew the membership.

*Stoppage of Bar membership for judges, religious judges or recorders for the duration of their term in office. (Amendment no. 1) 5722-1961 (Amendment no. 35) 5771-2011 (Amendment no. 35) 5771-2011*

52a. (a) The membership of a Bar member who is appointed a judge or a judge in a religious court is stopped for as long as he holds this office, and this applies to one who before the commencement of this Act was registered in the Register of Lawyers pursuant to the Lawyers Order, 1938, and was at that time serving as a judge or religious court judge, as aforesaid; on this matter, "judge" -

(1) A judge within the meaning of the Courts Act [Combined version], 5744-1984;

(2) A military legal judge within the meaning of the Military Jurisdiction Act, 5715-1955, serving in this capacity as part of the permanent force of the Israeli Defense Force.

(3) A judge within the meaning of the Labor Court Act, 5729-1969.

*(Amendment no. 35) 5771-2011*

*(Amendment no. 35) 5771-2011*

(b) The membership of a Bar member who is appointed a recorder is stopped for as long as he holds this office; on this matter, "recorder" -

(1) A recorder pursuant to clause 84 of the Courts Act [Combined version] 5744-1984.

(2) A recorder pursuant to clause 17 of the Labor Courts Act, 5729-1969.

(3) A recorder pursuant to clause 2(b) of the Family Courts Act, 5755-1995.

*(Amendment no. 35) 5771-2011*

(c) On conclusion of the term of office of one who was appointed a judge, religious court judge or recorder as stated in sub-clauses (a) or (b), the Bar shall renew his membership, but the Bar may refuse to renew the membership as aforesaid if during his period of office as a judge, religious court judge or recorder, he was convicted of a criminal offense or a disciplinary offense and the Disciplinary Court that convicted him decided to end his term of office, and the Bar believes that due to the nature, severity or circumstances of the criminal offense or the

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disciplinary offense, as applicable, he is not fit to serve as a lawyer.

(Amendment no. 35)  
5771-2011

(d) If membership of the Bar of one who was appointed a judge, religious court judge or recorder is renewed pursuant to sub-clause (c), and after such renewal of Bar membership, he is convicted of a criminal offense committed before such renewal of his membership, the Bar may cease his membership of it if it believes that due to the nature, severity or circumstances of the offense he is not fit to serve as a lawyer.

(Amendment no. 35)  
5771-2011

(e) In this clause, "convicted" of a criminal offense – including where the Court has determined that he committed the offense.

*Restricted membership*

(Amendment no. 3)  
5723-1963  
(Amendment no. 26)  
5760-2000

52b. A member of the Bar who is not practicing law – if in general or as the representative of the Attorney General – may so notify the Bar in writing, and as long as he does not cancel this notification, he shall be subject to the provisions of this Act excluding the provisions of clause 60, with the following changes:

(1) He shall not perform any activities that are restricted to lawyers pursuant to this Act, and if he performs such an action, he shall be treated according to clause 96.

(Amendment no. 26)  
5760-2000

(2) He shall not elect and shall not be elected to any Bar institutions and shall not be appointed or elected to any position in it, excluding the position of representative of the public on the National Ethics Committee or on a District Ethics Committee, pursuant to clause 18b;

(3) He does not owe membership fees and other levies imposed by the Bar on its members.

## Sixth Chapter: Professional Ethics and Disciplinary Judgement

*Maintaining the honor of the profession*

53. A lawyer shall maintain the honor of the legal profession and shall refrain from anything that could damage the honor of the profession.

*Exclusion of representation due to membership in an Appointments Committee*

(Amendment no. 24)  
5755-1955  
(Amendment no. 30)  
5764-2004  
(Amendment no. 36)  
5771-2011

53a. A lawyer who is a member of the Committee for Selection of Judges, the Committee to Appoint Members of a Religious Court, or the Committee to Appoint Recorders of the Execution Office shall not represent any party in a court, a religious court, a labor court or an execution court in which the serving judges, religious court judges or execution recorders are elected or appointed on the basis of a recommendation of the committee on which he serves, for as long as he is a member of that committee; this provision shall not apply to representation of a party in the Supreme Court, in a Religious Court of Appeal, or in a National Labor Court.

*Exception regarding representation on grounds of the judge's disqualification*  
(Amendment no. 30)  
5764-2004

53b. (a) If a lawyer is asked to undertake the representation of a party to court proceedings and he has a basis for assuming that accepting such representation will cause the judge who has been assigned to hear these proceedings withdrawing from the case due to the existence of one of the grounds for disqualification specified below, he shall not accept such representation unless the proceedings are linked to previous proceedings in which the lawyer represented that party, or if the Court has permitted such representation in response to a request submitted by the lawyer:

(1) The judge assigned to hear the proceedings is a relative of the lawyer or there is some other material relationship between them;

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(2) The judge assigned to the case or a close relative of the judge has a material financial or personal interest in the lawyer;

(b) On the matter of this clause –

"Court" – including a labor court, military court, Rabbinical court, Shariah court, and Druze religious court;

"Relative" – spouse, parent, spouse's parent, child, sibling, grandparent, grandchild, and also the child or spouse of any of these, and including one who was the guardian or acted as a foster family of the judge or for whom the judge was the guardian or acted as his foster family;

"Close Relative" – spouse, parent, child, sibling and also the child or spouse of any of these, and including one who was the guardian or acted as a foster family of the judge or for whom the judge was the guardian or acted as his foster family;

"Judge" – including a judge and representative of the public in a labor court, a military judge, a religious court judge, a kadi, kadi-madhav, and also a recorder in a court or labor court.

"Linked Proceedings", referring to previous proceedings – an appeal or petition for leave to appeal against previous proceedings, or other proceedings directly linked to previous proceedings and dealing with the same set of facts.

*Duty to the client  
and to the Court*

54. In fulfilling his duties the lawyer shall act for the good of his client with loyalty and dedication, and shall assist the Court in its work.

*Arranging publicity  
(Amendment no. 27)  
5760-2000*

55. (a) A lawyer shall not either directly or indirectly make publicity for his work except in accordance with the Rules defined by the National Council with the approval of the Minister of Justice and the Constitution, Legislation and Law Committee of the Knesset.

(b) The aforesaid Rules shall define the types, formats and methods of advertising permissible for lawyers, providing that they shall not mislead or harm the public or amount to damage to the honor of the profession; the same Rules shall also define cases and formats in which the lawyer may or must indicate his name and profession.

*Ban on soliciting to  
obtain work*

56. A lawyer shall not, either in person or through another, solicit any person to give him professional work.

*Use of titles*

57. A lawyer shall use the title "Lawyer" to indicate his profession, or a similar foreign title as determined in the Rules, and only this title. Nothing in this provision prevents the use of an academic title or a title whose use is regulated by another law.

*Ban on partnership  
(Amendment no. 5)  
5728-1968*

*Act (no. 11) 5738-  
1978 (Amendment  
no. 33) 5769-2009*

58. A lawyer shall not practice his profession in partnership with a person who is not a lawyer or with a person who is not a foreign lawyer, as this is defined in clause 98a, and shall not share his revenues, whether gross or net, with such a person in exchange for services, assistance or any other benefit to his work. However, a lawyer may share his income with the spouse, children and parents of a present or past partner who died while still a member of the Bar or while still registered in the Register as defined in clause 98a, and of a lawyer or foreign lawyer from whom he acquired his business.

*Ban on engaging*

59. A lawyer shall not employ in his office, without a permit from the Bar, a

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*others (Amendment  
no. 33) 5769-2009*

person whose membership of the Bar has been suspended, or whose registration in the Register is pending – during such period of suspension or being pending, as applicable, or a person who has been removed from the Bar or whose registration in the Register has been erased; for this purpose, "Register" – as defined in clause 98a.

*Exceptions for  
employment in a  
legal firm  
(Amendment no. 11)  
5738-1978  
(Amendment no. 33)  
5769-2009*

59a. (a) A lawyer shall not engage in his profession as a member of a company of lawyers unless the following conditions are met:

- (1) The company is registered in Israel pursuant to the Companies Order and it has no limit on the liability of its shareholders;
- (2) The purposes of the company, according to its memorandum, are the joining together of lawyers, actions relating to the practice of law, activities to manage the company and its assets and invest its profits, and the support activities required for all this, and the Prospectus of Incorporation states that the company shall not have the powers specified in the Second Addendum of the Companies Order.
- (3) All members of the company and its directors are members of the Bar or foreign lawyers as defined in clause 98a.

*(Amendment no. 33)  
5769-2009*

(b) A lawyer shall not engage in his profession as a member of more than one company of lawyers.

*Company name  
(Amendment no. 11)  
5738-1978  
(Amendment no. 33)  
5769-2009*

59b. The name of a company of lawyers shall only include the names of members of the company.

*Restriction on  
sharing revenues  
(Amendment no. 11)  
5738-1978  
(Amendment no. 33)  
5769-2009*

59c. (a) A company of lawyers shall not share its revenues, notwithstanding the contents of its Memorandum, Articles or any other document, with anyone who is not a lawyer or a foreign lawyer, although it may share its revenues with the spouse, children and parents of a present or past member who died while still a member of the Bar or while still a foreign lawyer, as defined in clause 98a, or with a lawyer or foreign lawyer from whom the company acquired its business.

(b) If a member dies or ceases to be a member of the Bar and his share of the company has not been transferred, the members of the company shall purchase it within the period, in the manner, on the date and on the terms specified in the Rules.

*Ban on participation  
by one who is  
suspended (Amendm  
ent no. 11) 5738-  
1978*

59d. (a) A member of a company of lawyers whose membership of the Bar has been suspended shall not be entitled during his period of suspension to any payment from the company apart from payments for services provided before such suspension, nor to any part of the company profits earned during the time of his suspension, and the company shall not pay him, or another on his provisions or on account of his membership rights, anything that he is not entitled to receive pursuant to this sub-clause.

(b) A member of a company of lawyers whose membership of the Bar has been suspended shall not exercise any right or power he has as a member of the company or as a director or clerk of the company, as long as he is suspended as aforesaid, and the company shall not act according to such provisions.



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- Company liability for damages*  
(Amendment no. 11), 5738-1978
- 59e. On the matter of the Damages Order [New version], a company of lawyers is deemed liable for damages for any action or omission in a matter in which its members acted as lawyers.
- Maintaining liability and laws*  
(Amendment no. 11), 5738-1978
- 59f. (a) The existence of a company of lawyers and the fact of a lawyer being a member therein does not detract from –
- The lawyer's personal liability as it would have been if the company or his membership therein had not existed;
- The application of the provisions of this Act to the lawyer.
- (b) If a lawyer or a partnership of lawyers continue to engage in the profession in the framework of a company of lawyers, this shall not be deemed a cessation of practicing the profession for the purposes of any law.
- Other occupation*  
(Amendment no. 28) 5762-2002
60. (a) A lawyer shall not engage in any other occupation in circumstances that could lead to a conflict of interest between his occupation as a lawyer and his other occupation.
- (b) Without derogating from the generality of the foregoing in sub-clause (a), the National Council, with the approval of the Minister of Justice and of the Constitution, Legislation and Law Committee of the Knesset, shall define in the Rules, circumstances that shall be deemed likely to create a conflict of interest as stated in sub-clause (a).
- Preliminary opinion*  
(Amendment no. 32) 5768-2008
- 60a. (a) The National Ethics Committee may give a preliminary opinion on disciplinary matters concerning lawyers and interns.
- (b) A District Ethics Committee may give a preliminary opinion on disciplinary matters concerning lawyers at the request of a lawyer registered in that district, on a matter concerning him.
- (c) A preliminary opinion from the National Ethics Committee shall be binding on all District Ethics Committees.
- Disciplinary offenses*  
(Amendment no. 33) 5769-2009
61. These are disciplinary offenses:
- (1) A breach of any of the provisions of clauses 53 to 60 or of any other law that imposes an obligation or prohibition on a lawyer in connection with his profession;
- (2) A breach of the rules of professional ethics defined according to clause 109 or clause 98m(3);
- (3) Any other action or omission unbecoming to the legal profession.
- Jurisdiction of disciplinary courts*  
(Amendment no. 35) 5771-2011
62. For a disciplinary offense, even if committed overseas, a lawyer shall be answerable to the Bar's disciplinary courts.
- 62a. (Cancelled.)
- Right to submit a complaint*  
(Amendment no. 32) 5768-2008
63. The National Ethics Committee, a District Ethics Committee, and the Attorney General and the State Prosecutor (hereinafter: "the plaintiff") may submit a complaint to a disciplinary court on account of a disciplinary offense, whether on their own initiative or according to the complaint of another person; the plaintiff may appoint a person – in general or for a specific matter – to represent him and

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make his case in any proceedings pursuant to this chapter.

*Local jurisdiction*  
(Amendment no. 26)  
5760-2000

64. (a) The hearing for a disciplinary offense shall be held before the disciplinary court in the district wherein the accused lawyer is registered; if proceedings began before submission of a complaint in the district wherein the lawyer is registered, or a complaint has been submitted to such district disciplinary court, the proceedings shall continue in the same district, even if meanwhile the lawyer has been registered in another district.

(b) The chairman of the National Disciplinary Court may, at the request of the plaintiff or the accused, instruct that the hearing of the complaint be transferred to the disciplinary court of another district, as long as the hearing has not yet begun.

(Amendment no. 32)  
5768-2008

(c) If the accused is a member of a District Disciplinary Court, the complaint shall be submitted to a disciplinary court in another district.

*Independence*  
(Amendment no. 32)  
5768-2008

64a. In the fulfillment of his duties, a member of a District Disciplinary Court is subject to no authority except that of the law.

*Legal procedures*

65. The legal procedures for disciplinary courts shall be defined in the Rules.

*Open nature of the hearing*  
(Amendment no. 32)  
5768-2008

65a. (a) Disciplinary courts shall hold their proceedings in public.

(b) Disciplinary courts may hear all or part of a specific matter behind closed doors, if it feels this is necessary, for reasons to be recorded, in one of the following cases:

- (1) To protect state security or the State's foreign relations;
- (2) To protect morals;
- (3) To protect the interest of a minor or helpless individual as defined in clause 368a of the Penal Code, 5737-1977 (in this Act – the Penal Code), and any person with any mental retardation or disability, as defined in the Investigation and Evidence Procedures Act (Adjustment for persons with mental retardation or disability), 5766-2005;
- (4) To protect the interest of the plaintiff or accused in a sexual offense or an offense under the Sexual Harassment Protection Act, 5758-1998.
- (5) To protect the interest of the plaintiff or victim in an offense according to clause 377a of the Penal Code;
- (6) Public proceedings could deter a witness from testifying freely or testifying at all;
- (7) Public proceedings could reveal a trade secret;
- (8) Public proceedings could interfere with the right to privacy;
- (9) Public proceedings could cause material damage to the professional interests of the accused or the interests of another, which is greater than the damage to the public interest from preventing public proceedings.

(c) If a disciplinary court decides to hold proceedings behind closed doors, it may permit a person or type of persons to be present during some or all of the proceedings.

(d) The plaintiff is entitled to be present at the proceedings concerning a

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complaint submitted on the basis of his complaint, being held behind closed doors pursuant to this clause, and he is also entitled to have a companion selected by him present at such proceedings; however the disciplinary court may, for special reasons to be recorded, refuse to permit the presence of the plaintiff or of his companion during some or all of the proceedings.

(e) The proceedings in public and the proceedings behind closed doors pursuant to this clause shall be subject to the provisions regarding the ban on publicity in clause 70(a), (b), (d) and (f) of the Courts Act [Combined version], 5744-1984 (hereinafter: "the Courts Act"), as applicable mutatis mutandis.

(f) If a disciplinary court decides to hear all or part of a specific matter behind closed doors, it shall send a copy of its decision to the Attorney General or to one who has been authorized for this purpose.

(g) The decision of the disciplinary court pursuant to sub-clause (b) can be appealed by the accused, the plaintiff, and also the National Ethics Committee or the Attorney General, even if they are not the plaintiffs, and an interested party; an appeal pursuant to this clause shall be in accordance with the provisions of clauses 70 and 71.

*Auxiliary powers  
(Amendment no. 13)  
5740-1980*

66. (a) Clauses 9 to 11 and 27(b) of the Commissions of Inquiry Act, 5729-1969, shall apply mutatis mutandis to disciplinary courts as if they were commissions of inquiry; however –

(1) Travel and accommodation costs and fee for lost time pursuant to the said clause 27(b) shall be paid by the Bar;

(2) Penalties imposed by a disciplinary court pursuant to the said clause 11 may not exceed the amount of 300 shekels; the penalties shall be paid to the Bar.

(b) Anyone who fails to attend a disciplinary court proceeding to which he has been legally summoned, and fails to justify his absence satisfactorily, may be obliged by the court, in addition to any other steps taken pursuant to this clause, to pay costs in the amount to be determined, if such failure to attend or forced attendance incurs costs.\*

*Evidence*

67. A disciplinary court may, for special reasons to be specified in its decision, accept evidence even if it is not admissible in a court.

*Transfer of files and  
documents  
(Amendment no. 15)  
5747-1987*

67a. If a court or someone holding judicial powers pursuant to clause 1(b) of the Basic Law: Judgement, has ordered the chairman of a disciplinary court to submit a court file or any document contained therein, the chairman shall submit them together with notice regarding the confidentiality of the hearing.

*Penalties  
(Amendment no. 13)  
5740-1980  
(Amendment no. 15)  
5747-1987*

68. These are the penalties that a disciplinary court is authorized to impose on an accused found guilty of a disciplinary offense:

(1) A caution;

(2) A reprimand;

(3) A fine of no more than 25,000 New Israeli Shekels for each offense, to be paid to the Bar Association;

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- (4) Suspension for a defined period of no more than ten years;
- (5) Expulsion from the Bar.

*Conditional suspension (Amendment no. 15) 5747-1987*

68a. (a) If a disciplinary court imposes the penalty of suspension, it may instruct in the verdict that all or part of the penalty shall be conditional.

(b) One who is sentenced to conditional suspension shall only suffer the penalty if – within the period specified in the verdict, which shall be no less than one year and no more than three years (hereinafter: "the conditional period") – he commits a disciplinary offense pursuant to this Act as determined by the court in the verdict (hereinafter: "additional offense") and is convicted of this offense within the conditional period or thereafter.

(c) The conditional period shall begin on the date of the verdict, and if the guilty party is at that time under penalty of suspension – from the end of that suspension, and all unless the disciplinary court instructs otherwise.

*Activating conditional suspension (Amendment no. 15) 5747-1987*

68b. (a) If one who is subject to conditional suspension is convicted of an additional offense, the disciplinary court shall order the activation of the conditional suspension.

(b) An order pursuant to sub-clause (a) may be given by the disciplinary court that convicts the guilty party of the additional offense, and it may be given by a different composition of the aforesaid court.

(c) An order pursuant to sub-clause (a) can be appealed; such appeal can be included in an appeal against the conviction for the additional offense.

(d) On the matter of clause 69(b), an order issued pursuant to sub-clause (a) shall be deemed a decision regarding suspension.

*Consecutive periods of suspension (Amendment no. 15) 5747-1987*

68c. One who has received the penalty of suspension for an additional offense and a penalty of conditional suspension has been activated against him, shall serve two consecutive periods of suspension, unless the disciplinary court that convicted him of the additional offense instructs, for reasons to be recorded, that all or part of the two periods shall be concurrent.

*Commencement of activated suspension (Amendment no. 15) 5747-1987*

68d. One against whom a conditional suspension has been activated shall begin to serve the penalty on the date of issue of the activating order, unless the disciplinary court indicates a different starting date.

*Concurrent suspension (Amendment no. 15) 5747-1987*

68e. (a) One who has been sentenced in one trial to periods of suspension for different offenses, unless the disciplinary court has ordered that he shall serve all or part of such periods consecutively, shall only serve the longest period of suspension.

(b) One who has been sentenced to suspension and before serving the full penalty is again sentenced to suspension, and the disciplinary court that last convicted him has not instructed that he should serve all or part of the suspension penalties consecutively, shall only serve one period of suspension, and that shall be the longest period.

*Other Court decisions*

69. (a) A disciplinary court may –

- (1) convict an accused of a disciplinary offense and not impose any penalty on him;

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(2) order a convicted accused to pay the court costs to the State, the Bar and the plaintiff in an amount determined by the court;

(3) order an accused convicted of obtaining fees in circumstances that constitute a disciplinary offense to repay all or part of such fees;

*(Amendment no. 15)*  
*5747-1987*

(4) order an accused to pay, for each offense of which he is convicted, compensation to the plaintiff or to another person harmed by the offense, in an amount not exceeding 25,000 New Israeli Shekels; such payment does not exempt the accused from liability for damage pursuant to any law;

(5) order a plaintiff to pay court costs to the State, the Bar and the accused in an amount determined by the court, if the accused is acquitted and the court finds that the complaint was submitted negligently or vexatiously or without foundation;

*(Amendment no. 26)*  
*5760-2000*

(5a) order the Bar to pay the defense costs of the accused in an amount determined by the court, if the accused is acquitted and the court finds that there was no foundation for the complaint or that other circumstances justify this; if the Attorney General or the State Prosecutor filed the complaint, the court may order the Treasury to pay the aforesaid costs;

(6) order publication of all or part of the verdict, indicating the name of the accused or without indicating his name, all as determined by the court.

*(Amendment no. 13)*  
*5740-1980*  
*(Amendment no. 16)*  
*5749-1989*

(b) If in its verdict the disciplinary court imposes on the accused suspension or removal from the Bar, all or part of the decision and verdict, as determined by the court, shall be published, notwithstanding the contents of sub-clause (6a), indicating the name of the accused.

*(Amendment no. 16)*  
*5749-1949*

(c) the removal or suspension from the Bar shall be published in Reshumot, in one of the Bar's publications, and in a newspaper as determined by the Central Committee;

*(Amendment no. 13)*  
*5740-1980*

(d) a disciplinary court may provide intermediate relief of the types and in the manners determined in the Rules.

*Majority decision*  
*(Amendment no. 13)*  
*5740-1980*

69a. If the members of the court are divided in their opinions, the majority view shall prevail; if there is no majority for one view – the view that in the opinion of the court president is easiest on the accused shall prevail; but if there is no majority view regarding the type of penalty or its extent, or the extent of any temporary suspension, the member of the court who proposes the most severe type of penalty or extent of penalty or temporary suspension shall be deemed to have joined the opinion of the member of the court whose proposal is the closest to his proposal.

*Making the verdict*  
*available for public*  
*inspection*  
*(Amendment no. 32)*  
*5768-2008*

69b. (a) The Bar shall make all verdicts of disciplinary courts available for public inspection, indicating the name of the accused, and shall enable anyone who so wishes to obtain a copy of the verdict; if all or part of the hearing in the disciplinary court was held behind closed doors or if the disciplinary court decides to prohibit publication pursuant to clause 70 of the Courts Act, the court shall give provisions regarding the conditions, including changes and omission of details, whereby the verdict shall be available for public inspection, and it may, for special reasons to be recorded, instruct that the whole verdict shall not be made available for public

inspection.

(b) The National Council may, with the approval of the Minister of Justice, determine in the Rules the duration, location and manner whereby the Bar shall make the verdict available for public inspection as stated in sub-clause (a), and it may determine in such Rules a fee or payment for obtaining a copy of the verdict.

*Appeal to the National Disciplinary Court (Amendment no. 15) 5747-1987*

70. The accused and the plaintiff may appeal the verdict of a district disciplinary court before the National Disciplinary Court, and the National Ethics Committee and the Attorney General may also appeal the verdict, even if they were not the plaintiffs.

*Appeal to the Jerusalem District Court (Amendment no. 5) 5728-1967 (Amendment no. 15) 5747-1987 (Amendment no. 32) 5768-2008*

71. The accused and the plaintiff may appeal the verdict of the National Disciplinary Court before the Jerusalem District Court within thirty days of receiving the verdict; and the National Ethics Committee and the Attorney General may also appeal the verdict as aforesaid, even if they were not the plaintiffs.

*Powers of the court hearing an appeal (Amendment no. 32) 5768-2008*

71a. A court hearing an appeal may issue any decision that the disciplinary court was qualified to issue.

*Postponement of execution (Amendment no. 32) 5768-2008*

72. (a) Execution of the verdict of a disciplinary court shall not be delayed solely because it is possible to appeal the verdict or that all the proceedings of an appeal filed against the verdict have not yet been completed.

*(Amendment no. 32) 5768-2008*

(a1) The disciplinary court, and if an appeal is filed – the court of the appeal, may order a delay in execution of the verdict of the disciplinary court until the appeal is decided or until an earlier date than the one it determines, on the conditions that it determines or without conditions.

*(Amendment no. 13) 5740-1980*

(b) If there is no further appeal against a guilty verdict, the disciplinary court that imposed the penalty, and if there was an appeal – the disciplinary court or the court that decided the appeal, may, for reasons to be recorded, delay the execution of all or part of the verdict, to a date it determines, on the conditions that it determines or without conditions.

*(Amendment no. 32) 5768-2008*

(c) A decision pursuant to this clause shall be subject to the provisions of clauses 70 and 71.

*Appeal of a verdict against a plaintiff (Amendment no. 15) 5747-1987*

73. A verdict of a disciplinary court that orders a plaintiff to pay costs pursuant to clause 69(a)(4) or (5) can be appealed like the verdict of a magistrate's court in a civil matter.

*Monetary charges (Amendment no. 26) 5760-2000*

74. (a) An order of costs against an accused pursuant to clause 69(a)(2), (3) or (4), an order of costs against a plaintiff pursuant to clause 69(a)(5), and an order of costs against the Bar pursuant to clause 69(a)(5a) can be executed like the verdict of a court in a civil matter.

(b) A charge against the State pursuant to clause 69(a)(5a) shall be executed like the verdict of a court in a civil matter against the State.

*Criminal conviction*

75. If a lawyer is convicted of a criminal offense in a court or a military court in a final verdict, a district disciplinary court may, at the request of a plaintiff, impose on him one of the penalties stated in clause 68, if it finds that under the circumstances

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the offense involves moral turpitude.

*Appeal*

76. The decision of a district disciplinary court pursuant to clause 75 shall be subject to the provisions of clauses 70 to 72.

*Notice of criminal conviction*

77. A court or a military court that convicts a lawyer of a criminal offense shall submit to the Bar, through the Attorney General, a copy of the verdict; the Minister of Justice may determine, in an Order, types of offense to which this clause shall not apply.

*Temporary suspension (Amendment no. 32) 5768-2008*

78. (a) (Cancelled)

*(Amendment no. 5) 5728-1967*

(b) If a lawyer is convicted of a criminal offense in a court or a military court, a district disciplinary court may, at the request of a plaintiff and if it finds that under the circumstances the offense involves moral turpitude, suspend him temporarily from engaging in his profession until a final decision is reached on a request submitted pursuant to clause 75; if no such request is submitted within thirty days of the date when the conviction becomes final, or if the conviction is quashed, the temporary suspension is cancelled.

*(Amendment no. 13) 5740-1980*

(c) If a lawyer is charged with a criminal offense in a court or a military court, a district disciplinary court may, at the request of a plaintiff and if it finds that under the circumstances the offense with which the lawyer is charged involves moral turpitude, suspend him temporarily from practicing all or part of his profession of law, all as determined by the court, until the case is decided in the court or in the military court; if he is convicted – this decision is deemed a decision pursuant to sub-clause (b).

*(Amendment no. 16) 5749-1989*

(d) If the court has decided to impose a temporary suspension pursuant to this clause, it may determine that the decision shall be published in the manner it instructs.

*(Amendment no. 16) 5749-1989*

(e) A decision pursuant to this clause shall be subject to the provisions of clauses 70 and 71.

*(Amendment no. 16) 5749-1989*

(f) Execution of a decision on temporary suspension or publication of temporary suspension pursuant to this clause shall not be delayed solely because it is still possible to appeal the decision or that the proceedings of an appeal have not yet ended.

*(Amendment no. 26) 5760-2000*

(g) If a lawyer is temporarily suspended pursuant to this clause, the temporary period of suspension shall be taken into account in the execution of any penalty imposed on him.

*Status of the Attorney General (Amendment no. 4) 5725-1965*

79. (a) The Attorney General or his proxy may appear, argue, bring evidence and cross examine witnesses in any hearing pursuant to this chapter, even if he is not the plaintiff or appellant.

(b) At any time until the verdict is given in a district disciplinary court, the Attorney General may halt the proceedings for a disciplinary offense of a member of the Bar serving in one of the positions in the Legal Service of the Civil Service if the offense was committed in the course of exercising his duties or in connection with his position; the proceedings shall be halted by written notice to the plaintiff, and if

the hearing has commenced – also to the disciplinary court; if such notice is given, the proceedings shall be halted, and it is permissible to renew them if the notice is cancelled.

*Disciplinary law  
and criminal law*

80. (a) A hearing pursuant to this chapter shall not delay or cancel a criminal trial for the same action or omission.

(b) If a lawyer is charged with a criminal offense on account of an action or omission that also forms the grounds for a hearing before a disciplinary court pursuant to this chapter, the disciplinary court may halt its proceedings until the final verdict is given in the criminal case.

### **Seventh Chapter: Fee Matters**

*Minimum tariff  
(Amendment no. 20)  
5753-1992*

81. The National Council of the Bar Association may determine a minimum tariff for fees for legal services, that shall serve as a recommendation for members of the Bar, but not be binding on them.

*Maximum tariff*

82. If the Minister of Justice determines in the Regulations certain types of service for which a maximum tariff must be set, the National Council of the Bar shall determine such tariff; once a maximum fee is set for a particular service, no lawyer shall set or receive a higher fee for it, except with permission granted by the District Committee for a particular case.

*Approval of fees*

83. Fee tariffs set pursuant to clauses 81 or 82 must be approved by the Minister of Justice.

*Ban on fees based  
on results*

84. (a) A lawyer shall not set or receive for his services in a criminal case a fee that depends on the outcome of the case.

(b) If a lawyer sets or receives a fee depending on the outcome in a case that is not criminal, and the Bar deems that such fee is excessive, it may, at the client's request, determine a suitable fee.

(c) If a maximum tariff is set for a lawyer's fee pursuant to this Act or in other legislation – a fee within the limits of the tariff is not deemed excessive.

*Ban on inclusive fee*

85. A lawyer shall not set and shall not receive from his client a payment that includes his fee and his expenses without distinguishing between the fee and the expenses, and without detailing the expenses.

*Breach of clauses  
82-85 – Disciplinary  
offense (Amendment  
no. 20) 5753-1992*

86. A lawyer who has set or received a fee contrary to clauses 82 to 85 is guilty of a disciplinary offense; however, nothing in a breach of clauses 84 or 85 shall deny him a proper fee for his service.

*Return of excessive  
fee*

87. One who has paid a fee above what is due pursuant to clauses 82, 84 or 86, may demand return of the balance, notwithstanding any agreement.

*Right of delay  
(Amendment no. 5)  
5728-1967*

88. To secure payment of his fee and reimbursement of his expenses, a lawyer may withhold client's money that has come to him with the client's consent in connection with his service to the client, excluding alimony and support for a wife and minor children, and he may also withhold his client's assets and documents that have come into his possession in connection with his service to the client; providing that he has submitted a claim for his fee or his expenses within three months of the day on



which the client demanded in writing what was withheld as aforesaid.

*Bar's opinion on fees*

89. The Bar shall express its opinion on any question concerning a lawyer's fee if it is required to do so by a court, religious court, arbitrator, body or person with judicial or quasi-judicial authority.

**Seventh Chapter A: Appointee replacing Lawyer in certain cases**

*Appointment of counsel*

89a. (a) If a lawyer dies or resigns from the Bar, or his membership therein is cancelled, suspended or expires, or he is prevented from performing his duties (in this chapter – the Lawyer), and proper handling of his clients' affairs is not assured – the district court (in this chapter – the Court), at the request of the District Committee, may appoint a member of the Bar with his consent to be responsible for the Lawyer's professional matters and to handle them.

(b) The request shall be brought to the knowledge of the Lawyer's clients as the District Committee sees fit.

(c) The Lawyer, his guardian or one who is granted the Lawyer's assets, shall be the respondents to the request.

(d) If the Court sees that continuing legal proceedings as normal could cause irreparable damage or serious damage, it may at any time after submission of the request give any intermediate relief that is able to protect the interests of the Lawyer's clients, including appointment of a temporary appointee; and it may do so according to one party only.

*General or specific appointment*

89b. (a) The appointment can be general for all the Lawyer's professional matters, or specific to certain types of matters or certain matters.

(b) No-one shall be appointed to handle a matter that was being handled by the Lawyer if he represents the other party in that matter.

*Term of appointment*

89c. The term of the appointment shall not exceed two years; however the Court may at any time, at the request of the District Committee, extend or reduce the term of the appointment, or release the appointee from the matter for which he was appointed; as long as the appointment is in force, the appointee may not resign from his duties except with the Court's permission.

*Status of a trustee*

89d. (a) An executor of the Lawyer, his guardian or his heirs or other trustee of his property (hereinafter – Trustee) who is himself a lawyer shall not handle the professional matters of the Lawyer unless appointed to do so.

(b) If an appointee is appointed to handle a particular case, the Lawyer shall not handle it so long as the appointment is in force; the Lawyer and the Trustee must give the appointee, on demand, any documents, deposits and other articles belonging to the client that were in the Lawyer's possession.

*Powers of the appointee*

89e. The appointee, on matters for which he was appointed, is treated like one who has been hired by the Lawyer's client; however, the appointee shall not have the powers to deal with the following:

- (1) A matter for which another lawyer has a power of attorney from the client and the appointee knew of this;
- (2) A matter which the client has refused to allow the appointee to

handle, by written notice.

*Notice to the client* 89f. The appointee, as soon as possible after the appointment, shall notify the Lawyer's client whose case he has been authorized to handle.

*Notice to the legal instance* 89g. If the Lawyer was representing a litigant in a legal proceeding, the appointment shall notify the instance before which the legal proceeding was being conducted of his appointment.

*Fees and expenses* 89h. (a) Any fees and expenses received by the appointee shall be transferred to the Lawyer or Trustee, as applicable, less any fees and expenses due to the appointee for any actions he has performed; the Court shall set the amount of the appointee's fee.

(b) If the fees and expenses received by the appointee do not cover the fee due to him, and the clients have paid the Lawyer fees and expenses for actions performed by the appointee, the Lawyer or the Trustee, as applicable, must complete his fees from the amounts so paid by the clients.

(Amendment no. 26)  
5760-2000

### **Seventh Chapter B: Pension Fund**

(Cancelled)

(Amendment no. 26)  
5760-2000 89i. (Cancelled).

(Amendment no. 26)  
5760-2000 89j. (Cancelled).

(Amendment no. 26)  
5760-2000 89k. (Cancelled).

(Amendment no. 26)  
5760-2000 89l. (Cancelled).

(Amendment no. 26)  
5760-2000 89m. (Cancelled).

(Amendment no. 26)  
5760-2000 89n. (Cancelled).

### **Eighth Chapter: Miscellaneous Provisions**

*Professional confidentiality* 90. Articles and documents exchanged between a client and a lawyer that are materially linked to the professional service provided by the lawyer to the client shall not be disclosed by the lawyer in any legal proceeding, investigation or search, unless the client has waived their immunity.

*Confirmation of Power of attorney*  
(Amendment no. 15)  
5747-1987 91. A power of attorney given in Israel to a lawyer to take action in an area that is linked to the professional service provided by a lawyer to a client, including obtaining money and other articles for the client in this matter, if the client's signature on such power of attorney is confirmed in writing by the lawyer, does not require other confirmation, notwithstanding the contents of any law.

*Transfer of Power of attorney* 92. A lawyer who has been given a power of attorney to act in the areas specified in clause 20 or to obtain money and other articles for his client on this matter, may, with the client's consent, authorize another lawyer in writing to act in his place.

*Financing Bar activities*  
(Amendment no. 32)  
5768-2008 93. (a) The Bar may, according to a decision of the National Council, impose on its members a membership fee and levies to finance its activities. Such decision shall be reported in Reshumot.

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- (Amendment no. 13)  
5740-1980
- (b) For a member of the Bar who fails to pay his membership dues following written demand for payment from the Head of the Bar, or from a member of the Central Committee as determined by the Head of the Bar with the Bar's approval, the Court may, at the Bar's request, issue an Order for payment of the membership dues. Such payment order can be executed like a final verdict of a court, however within fifteen days of receiving the Order, the Bar member may ask the Court, by way of a motion, to cancel it and the Order shall not be executed before the end of such period, and if such request is submitted – before it is approved.
- (Amendment no. 14)  
5745-1985
- (c) If a member of the Bar fails to pay his membership dues by the date determined for such payment in a decision of the National Council, the payment in arrears shall be subject to linkage differentials as specified in sub-clause (d).
- (Amendment no. 14)  
5745-1985
- (d) If a member of the Bar pays his membership dues after March 31<sup>st</sup> of the year to which the membership dues apply, linkage differentials shall be added to the membership dues at the rate of increase in the Index between the Index published in January of the year for which the membership dues are to be paid and the Index last published before actual payment; in this matter, "Index" – the consumer price index published by the Central Bureau of Statistics.
- (Amendment no. 14)  
5745-1985
- (e) The linkage differential added pursuant to this clause is treated, with regard to its collection, like membership dues.
- (Amendment no. 14)  
5745-1985
- (f) If a member of the Bar fails to pay his membership dues for a period of three years, the Bar shall send him notice of his obligation to pay the membership dues within 15 days; if the member fails to pay his debt within such period, his membership of the Bar shall expire.
- Fees for services*  
(Amendment no. 33)  
5769-2009
94. (a) The Bar may, with the approval of the Minister of Justice, set fees for the services that it provides to non-members and also annual fees to be imposed on foreign lawyers; such fees shall be published in Reshumot.
- (Amendment no. 33)  
5769-2009
- (b) The provisions of clauses 93(b) to (f) shall apply, mutatis mutandis, to annual fees imposed on foreign lawyers pursuant to sub-clause (a).
- (Amendment no. 33)  
5769-2009
- (c) In this clause, "foreign lawyer" – as defined in clause 98a.
- Budget*
95. The budget of the Bar shall be determined by the National Council; the budgets of district committees – by these committees.
- Professional trespass*
96. Anyone who is not a lawyer and who performs an action reserved by this Act for lawyers, shall be liable for a fine of five thousand liras.
- Impersonation*  
(Amendment no. 33)  
5769-2009
97. (a) Anyone who impersonates a lawyer, and a lawyer who during his period of suspension performs an action that is reserved by this Act for lawyers, shall be liable for one year's imprisonment or a fine of five thousand liras.
- (Amendment no. 33)  
5769-2009
- (b) The provisions of sub-clause (a) shall apply to a foreign lawyer as defined in clause 98a as if he were a lawyer, mutatis mutandis.
- Denying a fee claim*  
(Amendment no. 33)  
5769-2009
98. (a) A court shall not relate to a claim for a fee for a service given by one who is not a lawyer, if it amounts to a service that is reserved by this Act for lawyers.
- (Amendment no. 33)  
5769-2009
- (b) The provisions of sub-clause (a) shall apply to a foreign lawyer as defined in clause 98a as if he were a lawyer, mutatis mutandis.

*(Amendment no. 33)  
5769-2009*

**Eighth Chapter A: foreign lawyers and Foreign Law Firms**

*(Amendment no. 33)  
5769-2009*

**Section A: Definitions**

*Definitions*

*(Amendment no. 33)  
5769-2009*

98a. In this chapter –

"Register" – a register of foreign lawyers kept by the Bar pursuant to the provisions of clause 98f and the provisions according to clause 98m;

"Foreign Law Firm" – one of the following:

(1) A corporation incorporated outside Israel and complying with all the following:

(a) Its purpose is to provide legal services;

(b) All or some of its members or partners hold a license to practice law outside Israel;

(c) The center of its activity is outside Israel;

(2) An individual who holds a license to practice law outside Israel and for whom the center of such activity is outside Israel;

"foreign lawyer" – one who is registered in the Register;

"Legal Service on a matter of Foreign Law" – one of the following:

(1) Legal advice and opinion on a matter of law applying in the country in which the provider of the service is qualified to practice law (in this chapter – Foreign Law);

(2) Preparing documents of a legal nature that are subject to Foreign Law, for another person, including representing another person in legal negotiations before preparation of such document.

*(Amendment no. 33)  
5769-2009*

**Section B: Provision of legal services by a foreign lawyer**

*Provision of legal  
services on a foreign  
law matter by a  
foreign lawyer*

*(Amendment no. 33)  
5769-2009*

98b. (a) Notwithstanding the provisions of clause 20, a foreign lawyer may provide legal services on a matter of foreign law.

(b) The provisions of clauses 50, 51 and 52 shall apply to a foreign lawyer on all aspects of his business in Israel providing legal services on a matter of foreign law, as if he were a lawyer, mutatis mutandis, and with these changes: every provision of the aforesaid clauses that mentions resignation from the Bar, expiry of membership or removal from the Bar shall apply with regard to a foreign lawyer as if referring to the erasure of his record from the Register, and every provision in the aforesaid clauses that mentions renewal of membership shall apply with regard to a foreign lawyer as if referring to renewal of his record in the Register.

(c) The provisions of the Sixth Chapter, and the provisions of any law regarding lawyers' fees and lawyer-client confidentiality, shall apply to a foreign lawyer in all aspects of his business in Israel providing legal services on a matter of foreign law, as if he were a lawyer, mutatis mutandis, and with these changes:

(1) Every provision in the Sixth Chapter that mentions suspension of a lawyer from his membership in the Bar shall apply with regard to a foreign lawyer as if referring to conditions imposed on his record in the

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Register, and every provision in the Sixth Chapter that mentions removal of a lawyer from the Bar shall apply with regard to a foreign lawyer as if referring to erasure of his record from the Register;

(2) Notwithstanding the provisions of clause 62, a foreign lawyer shall be answerable to the Bar's disciplinary courts only if one of the following conditions is met:

(a) All or part of the disciplinary offense was committed in Israel.

(b) The disciplinary offense was wholly committed outside Israel and it concerns a legal service regarding foreign law that was given, wholly or in part, in Israel.

(3) Notwithstanding the provisions of clause 64, the hearing on a disciplinary offense committed by a foreign lawyer shall be held before a disciplinary court in the district where the center of his activity in Israel is located.

(4) Clause 75 shall apply to verdicts given outside Israel.

(d) If the condition specified in clause 98f(a)(1) ceases to apply to the foreign lawyer, the foreign lawyer shall not be permitted to provide legal services on matters of foreign law pursuant to sub-clause (a) from the date on which the said condition ceases to apply, even if his record has not yet been erased from the Register or his record is made conditional pursuant to the provisions of clause 98g.

*Duty to indicate the title "foreign lawyer" and the country of qualification*  
(Amendment no. 33)  
5769-2009

98c. A foreign lawyer shall indicate the fact that he is a foreign lawyer and the name of the country in which he was qualified to practice law, in each of the following:

(1) On his office letterhead;

(2) On every document relating to his professional work that mentions his name.

(3) Whenever the obligation to indicate the fact of being a lawyer is imposed by law on a lawyer.

*Provision of legal service on a matter of foreign law by one who is not a lawyer or a foreign lawyer*  
(Amendment no. 33)  
5769-2009

98d. (a) Notwithstanding the provisions of clause 20 and the provisions of this Section, anyone who holds a license to practice law outside Israel, if he receives a permit from the Central Committee or from one authorized by the Central Committee on this matter, may provide legal services on a matter of foreign law in Israel, even if he is not a lawyer or a foreign lawyer, providing that the center of his activity in the framework of practicing law is outside Israel, and the legal service regarding foreign law is given in Israel not by way of business.

(b) The Central Committee shall inform an applicant for a permit of its decision within 30 days of receiving the application; if the aforesaid period has elapsed and the Central Committee has not yet given its decision, the permit shall be deemed granted.

*Obtaining money on trust by a foreign lawyer*  
(Amendment no. 33)  
5769-2009

98e. A foreign lawyer who receives money on trust, shall deposit the same in an account managed in Israel, in a banking corporation within the meaning of the Banking Act (Licensing), 5741-1981.

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(Amendment no. 33)  
5769-2009

## Section C: Register of foreign lawyers

Register of foreign  
lawyers  
(Amendment no. 33)  
5769-2009

98f. (a) The Bar shall keep a Register in which it records applicants who comply with all the following criteria:

(1) He holds a valid license to practice law outside Israel in a country in which the educational and training requirements for the legal profession and the disciplinary supervision is satisfactory, in the opinion of the Bar;

(2) He worked as a lawyer or served in a judicial office, outside Israel, for at least five years, shortly before his application for registration;

(3) He passed the examinations given by the Bar in professional ethics applicable to foreign lawyers; such examinations shall also be given in the English language;

(4) (a) He attaches confirmation that he holds one of the types of collateral below (in this clause – the Collateral), in order to ensure compensation for anyone who is injured by any of his actions or omissions, concerning a legal service he provided wholly or in part in Israel on a matter of foreign law:

(1) A guarantee;

(2) Insurance;

(3) A deposit;

(b) The Minister of Finance, with the consent of the Minister of Justice, after consultation with the Bar, and with the approval of the Constitution, Legislation and Law Committee of the Knesset, shall determine in an Order provisions regarding the collateral, including provisions regarding the insurer's identity, the amounts of the collateral and its details; such provisions may be different for each type of collateral.

(b) The Bar may refuse to record an applicant in the Register even if he complies with all the criteria specified in sub-clause (a), after giving him a chance to state his case before it, if one of the following conditions is met:

(1) He has been convicted, in Israel or outside Israel, of a criminal offense or a disciplinary offense that, due to its nature, severity or circumstances, renders him unfit for registration in the Register; on this matter, the criteria that the Bar shall take into account regarding a criminal conviction outside Israel shall be the criteria specified in law regarding conviction for that offense in Israel, *mutatis mutandis*.

(2) Other facts have been revealed that in its opinion render him unfit for registration in the Register.

(c) With regard to its powers under this clause, the Bar may demand from the applicant details and confirmations on the following matters:

(1) Criminal offenses or disciplinary offenses of which he was convicted outside Israel;

(2) Criminal proceedings or disciplinary proceedings being conducted against him outside Israel;

(3) Details of his professional education and training.

(d) Every three years following his registration in the Register, the foreign lawyer shall submit to the Bar details and confirmations, to its satisfaction, that he holds a valid license to practice law outside Israel, and that he has not committed any criminal offense or disciplinary offense outside Israel during the aforesaid three years; if the foreign lawyer fails to submit such details and confirmations within six months of the end of the aforesaid three years, the Bar may erase him from the Register.

*Erasure and  
Suspension of a  
record in the  
Register  
(Amendment no. 33)  
5769-2009*

98g. (a) The Bar shall erase from the Register the record of a foreign lawyer if one of the following conditions is met:

(1) His license to practice law outside Israel is cancelled.

(2) He asks for his record to be erased from the Register.

(3) He is accepted as a member of the Bar pursuant to the provisions of clause 42;

(4) He has been declared bankrupt;

(5) A disciplinary court has imposed on him the penalty of erasure from the Register.

(6) A disciplinary court has decided, at the request of a plaintiff, that his record should be erased from the Register, due to one of the following, and has instructed the Bar to do so:

(a) He has been convicted outside Israel of a disciplinary offense that due to its nature, severity or circumstances, renders him unfit to be registered in the Register, a disciplinary court in Israel is not qualified to try the case pursuant to the provisions of clause 98b(c)(2), and his license has not been withdrawn on account of the said conviction.

(b) Other facts have been revealed, whether by a verdict or in another way, that do not amount to a disciplinary offense that a court is qualified to try pursuant to the provisions of clause 98b(c)(2), but which render him unfit for registration in the Register.

(7) A disciplinary court has decided, at the request of a plaintiff, that his registration has been shown to have been obtained by fraud.

(b) The Bar shall make the registration of a foreign lawyer in the Register conditional, if he meets one of the conditions specified in the following paragraphs, during the period specified therein:

(1) His license to practice law outside Israel is conditional or he has been suspended from practicing law outside Israel – for the duration of such condition or suspension, as applicable.

(2) He meets one of the circumstances specified in paragraph (1) of

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clause 49 – for the period specified in that paragraph, as applicable.

(3) A disciplinary court has imposed on him a penalty of making his registration conditional – for the period stipulated.

(c) In the case of a foreign lawyer against whom an indictment or a disciplinary complaint has been filed outside Israel, a disciplinary court may at the request of a plaintiff, and if it finds that in the circumstances of the offense attributed to the foreign lawyer, its nature, severity or circumstances render him unfit for registration in the Register, make his registration conditional until the end of any criminal or disciplinary proceedings against him, as applicable.

*Notice to the Bar of grounds for erasure of a record or making it conditional*  
(Amendment no. 33)  
5769-2009

98h. If with respect to a foreign lawyer, any of the circumstances specified in clause 98g(a)(1), (4) or (6)(a) or 98g(b)(1) or (2) apply, or if he has been convicted of a criminal offense outside Israel, he shall immediately notify the Bar accordingly.

(Amendment no. 33)  
5769-2009

## Section D: A Foreign Law Firm

*Israeli branch of a foreign law firm*  
(Amendment no. 33)  
5769-2009

98i. (a) Notwithstanding the provisions of this Act, a foreign law firm may maintain a branch in Israel, providing that all the following criteria are met for the branch:

(1) At least one lawyer or one foreign lawyer is employed therein;

(2) Without a permit from the Bar, no lawyer is employed in the branch whose membership of the Bar has been suspended – during the suspension period, or a foreign lawyer whose registration in the Register is conditional – during such conditional period, and also, without a permit from the Bar, no person is employed in the branch who has been removed from the Bar or whose record has been erased from the Register.

(b) The provisions of clauses 59d to 59f shall apply, mutatis mutandis, with respect to a foreign law firm that is a corporation and maintains a branch in Israel, on all matters pertaining to its professional activity in Israel, as if it were a company of lawyers.

*Name of a branch in Israel of a foreign law firm*  
(Amendment no. 33)  
5769-2009

98j. The name of a branch in Israel of a foreign law firm can be the name of the foreign law firm, providing that wherever the name of the branch is indicated, it shall be noted that it is a branch of a foreign law firm, with the name of the country where its center of activity is located.

*Occupation of a lawyer or foreign lawyer as a member, partner or employee of an Israeli branch of a foreign law firm*  
(Amendment no. 33)  
5769-2009

98k. (a) Notwithstanding the provisions of clauses 58 and 59a, a lawyer or a foreign lawyer may engage in his profession in a branch in Israel of a foreign law firm, as a partner or a member; however, a lawyer shall not be a partner or member of such foreign law firm if the firm shares its revenues with one who is not a lawyer or who does not hold a license to practice law outside Israel, and if the firm is a corporation – also if there is a limit to the liability of its shareholders.

(b) A lawyer or foreign lawyer may engage in his profession in the branch in Israel of a foreign law firm as a salaried employee; however, a lawyer shall not engage in his profession as a salaried employee of a branch in Israel of a foreign law firm that is a corporation, unless all its members are lawyers or hold a license to practice law outside Israel, or if the firm has any limit on the liability of its



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members.

(c) A lawyer or foreign lawyer shall not engage in his profession as a member or partner or salaried employee in the branch in Israel of a foreign law firm that has been ordered to cease its activity in Israel pursuant to clause 98(l).

(d) A lawyer or foreign lawyer shall not engage in his profession as a member of a foreign law firm if he is a member of a company of lawyers, and a lawyer or foreign lawyer shall not be a member of more than one foreign law firm.

*Stopping the activity of a branch in Israel of a foreign law firm (Amendment no. 33) 5769-2009*

98l. (a) A disciplinary court may, at the request of a plaintiff, instruct the foreign law firm that has a branch in Israel and has breached one of the provisions applicable to it pursuant to this chapter, or if a lawyer or foreign lawyer engaged in his profession as a partner, member or salaried employee of such firm has breached one of the provisions applicable to it pursuant to this Act, to cease such breach.

(b) If the disciplinary court finds that the foreign law firm is continuing to breach the provisions or has not taken steps to cease the breach, it may instruct it to halt the activity of its branch in Israel, within the period stipulated and for a period of time not exceeding three years.

(c) The firm may notify the authority qualified to supervise lawyers in the country wherein the center of activity of the foreign law firm that maintains a branch in Israel is located, of the instruction given to it pursuant to sub-clause (a) or (b).

(d) The decision of the disciplinary court pursuant to this clause shall be subject to the provisions of clauses 70 to 72, mutatis mutandis.

*(Amendment no. 33) 5769-2009*

## Section E: Rules regarding Foreign Lawyers and Foreign Law Firms

*Rules regarding foreign lawyers and foreign law firms (Amendment no. 33) 5769-2009*

98m. The National Council may, with the approval of the Minister of Justice, determine in the Rules provisions on these matters:

- (1) Arrangements for registration of foreign lawyers in the Register;
- (2) Periodic reports regarding their fitness to practice law outside Israel that the foreign lawyers must submit to the Bar;
- (3) Special provisions regarding professional ethics for foreign lawyers required due to the nature of their occupation as foreign lawyers;
- (4) Special duties of disclosure that shall apply to foreign lawyers and foreign law firms;
- (5) Legal arrangements in proceedings pursuant to clause 98l.
- (6) Special provisions regarding the activity in Israel of branches of foreign law firms.

<b>Chapter 9: Transitional provisions</b>	
<i>Registered lawyers</i>	99. One who prior to the commencement of this act was registered in the Lawyers Register subject to the Lawyers Order, 1938 (herein – the Lawyers Register), and was a resident of Israel at the time, shall be a member of the Bar on the commencement of this act.
<i>Membership of lawyers in certain</i>	100. One who prior to the commencement of this act was registered in the Lawyers

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<i>cases</i>	Register and was not a resident of Israel, or whose practice of the profession was suspended by the Legal Council, or who meets the criteria stated in clause 48(3), may request to be accepted into the Bar; his acceptance shall be subject, mutatis mutandis, the provisions of clauses 42 to 47; the same shall apply to anyone whose name was stricken from the Lawyers Register by an order of the Legal Council, and ten years have passed since, however the Bar has the right, subject to its discretion, to agree or refuse to accept him to the Bar.
<i>Calculation of supervisor seniority</i>	101. One who prior to the commencement of this act was registered in the Lawyers Register, his period of registration shall be deemed as a seniority period in the matter of clauses 16 and 29, and one who prior to the commencement of this act was authorized to act as a supervisor, shall be deemed as if authorized to act as a supervisor according to clause 29(4).
<i>Calculation of the internship period (amendment No. 3) 5723-1963</i>	102. An internship that started prior to the commencement of this act shall be considered in accordance with the Legal Council Order, 1938, as an internship pursuant to this act; one whose period of internship was reduced by the Legal Council, shall have his internship pursuant to this act reduced by the same period, provided that he started his internship prior to the commencement of this act or within two years after its commencement, and clause 35(c) shall not apply to him.
<i>Reduction of the internship period for one who provided a special service (Amendment No. 8) 5732-1972</i>	102a. One who prior to Iyar 5 <sup>th</sup> 5709 (4 <sup>th</sup> May 1949) provided a special service to the Jewish community in Palestine, the establishment of the State, or the State, may have the period of his internship reduced by the Bar, provided it shall not be less than one year.
<i>Protection of examinations</i>	103. One who was tested pursuant to the regulations under the Legal Council Order, 1938, shall have such examinations deemed examinations according to this act.
<i>Academic studies protection (amendment No. 2) 5723-1963</i>	103a. One who received from the Hebrew University of Jerusalem confirmation of completing his law studies according to the curriculum of the Academic School of Law and Economics in Tel Aviv, shall be deemed, for the purpose of clause 24, as having higher education, and he has the right to enroll as an intern subject to the terms stated in clause 26(2).
<i>Maintenance of appointments</i>	104. One who was appointed prior to the application of this act according to clause 4(3) of the Lawyers Act, 1938, shall be deemed to have been appointed according to clause 23 of this act.
<i>Continuation of actions</i>	105. Any action that the Legal Council started prior to the commencement of this act it shall conclude, notwithstanding the contents of clause 111, unless it has transferred the continued handling of it to the Bar, subject to regulations that shall be set by the Minister of Justice.
<i>Disciplinary offenses prior to the commencement of the act (amendment No. 1) 5722-1962)</i>	105a. A disciplinary offense according to the Lawyers Order, 1938, and the regulations based on it, that was committed prior to the commencement date of this act, if the Legal Council had not begun hearing it prior to that date, shall be heard in front of the Bar's disciplinary courts as if it were a disciplinary offense according to this act that was committed after its commencement.
<i>Transfer of authorities and liabilities</i>	106. Wherever legislation apart from this Act qualifies or compels the Legal Council or the Israeli Bar Association or any of its institutions or the Advocates



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	stated in this clause, the Minister of Justice is authorized to set regulations on that matter, that shall remain in force until the National Council, subject to the Minister's approval, shall set rules to replace them; as long as such regulations have not been set, the Bar shall act as far as possible in the way the Legal Council acted.
<i>Implementation and regulations</i>	110. The Minister of Justice is responsible for implementing this act, and he has the authority to set regulations for its implementation, subject to the provisions of clause 109.
<i>Cancelation and preservation</i>	111. The Lawyers Order, 1938, and the Legal Council Order, 1938, are void; however, the regulations that were set pursuant to them shall remain in force, subject to changes deriving from this Act, as if they were set according to it, as long as they were not cancelled in the rules or the regulations based on this act.
<i>Writers of motions</i>	112. The Writers of Motions Order (granting of licenses) – is void; one who received a license according to the said order prior to 28 <sup>th</sup> Nisan 5695 (May 1 <sup>st</sup> 1935), and whose license was valid on the date this act was passed by the Knesset, and the Minister of Justice or anyone appointed by the Minister of Justice had approved in writing, within three months of that date, his engagement in providing the service stated in clause 28(3) of the Lawyers Act, 1938, may, notwithstanding the contents of clause 20 of this Act, continue to provide the service stated in clause 28(3) of the Lawyers Act, 1938, as if such clause had not been cancelled; the same shall apply to anyone who has confirmation in writing from the Minister of Justice, or anyone appointed by the Minister of Justice, that during the aforesaid period he was engaged in providing such service prior to 2 <sup>nd</sup> Iyar 5709 (May 1 <sup>st</sup> 1949) and continued to do so until the passing of this act by the Knesset.
<i>Commencement of validity</i>	113. The commencement of the validity of this act, with the exception of clause 108, shall be after nine months from its passage by the Knesset.
<i>(Amendment No. 7) 5731-1971</i>	<b>Addendum</b>
	<b>(Clause 41a)</b>
	<ul style="list-style-type: none"> <li>(1) The Severance Compensation Act, 5723-1963;</li> <li>(2) The Employment Service Act, 5719-1959;</li> <li>(3) The Discharged Soldiers Act (return to employment), 5709-1949;</li> <li>(4) The Civil Service Act (appointments), 5719-1959;</li> <li>(5) The Civil Service Act (discipline), 5723-1963</li> <li>(6) The Civil Service Act (pensions) [combined version], 5730-1970;</li> <li>(7) The Civil Service Act (restriction of political party activity and fund raising), 5719-1959;</li> </ul>

**Yitzhak Ben Zvi**  
President of the State of Israel

**Pinhas Rozen**  
Minister of Justice

**David Ben Gurion**  
Prime Minister

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