

Tel Aviv, 25 in Kislev, 5771

02/12/2010

01670210

Re: **Procedure for Handling Ethics Complaints (Conflict of Interests)**

Basic Rules

1. In these rules:

The "parties to the Complaint": the Defendant, the Complainant, the Defendant's attorney, the Complainant's attorney.

"Position holders in the Complaint System": a member of the Ethics Committee, an attorney of the Ethics Committee, assistant attorney, attorney of the Ethics Committee in disciplinary or legal proceedings, a member of the office that assists work of the Ethics Committee, or a member of the appointing Committee according to section 18D of the Bar Association Law.

2. A Complaint against the lawyer shall be handled, as a rule, in the Ethics Committee of the District of the Bar Association in which he is registered.
3. Complaints against interns shall be handled in the National Ethics Committee.
4. Complaints against lawyers whose membership in the Bar Association was suspended, that refer to the period in which they were suspended, shall be handled in the National Ethics Committee.
5. Complaints against members of the Disciplinary Tribunal of the Bar Association, shall be handled in the National Ethics Committee.
6. If a Complaint was received in the Ethics Committee, and according to subject matter it must be heard in another Committee, the Committee receiving the Complaint must transfer the Complaint to the Committee authorized to hear it according to sections 2-5 above.
7. The chairman of the Ethics Committee may decide that due to special importance, or a public matter, a Complaint that was submitted to the Committee which he heads- shall be handled by the National Ethics Committee. If the chairman of the National Ethics Committee decided to handle such Complaint – he shall notify this to the chairman of the relevant District Ethics Committee, who can present his position in this matter before the chairman of the National Ethics Committee.
8. If there is a real concern that the District Ethics Committee is in a conflict which does not allow it to handle a certain Complaint, the Committee shall transfer the Complaint to the National Ethics Committee to handle. The National Ethics Committee shall be entitled to handle the Complaint itself, or

transfer it to another District Committee, as shall be decided by the chairman of the National Committee.

9. In the event there is a real concern that the National Ethics Committee is in a conflict of interests that does not allow it to handle a certain Complaint, the Committee shall transfer the Complaint to the District Ethics Committee to handle which is not prevented from handling it, as the chairman of the National Ethics Committee shall determine.

Handling Complaints against Position Holders

10. The District Ethics Committee shall not handle a Complaint in respect to which one of the parties is a member of the District Committee or a position holder in the District Complaint System, or a Complaint in respect to which there is direct involvement of one of the position holders mentioned above. The Complaint shall be transferred to another District Ethics Committee to handle, as the chairman of the National Ethics Committee shall determine.
11. The National Ethics Committee shall not handle a Complaint in respect to which one of its parties is a member of the Central Committee, or a position holder in the National Complaint System, or a Complaint in respect to which there is a direct involvement of one of the position holders mentioned above. The Complaint shall be transferred to be handled by another District Ethics Committee that is not prevented from hearing it, according to the decision of the chairman of the National Committee.
12. If the National Ethics Committee has been requested to handle a Complaint in respect to which one of its parties is a member of the Central Committee, or a position holder in the National complain system, or a Complaint in respect to which there is direct involvement of one of the position holders above, and this is by virtue of its authority as an additional Complainant according to section 63 of the Bar Association Law, 5721- 1961 (hereinafter the "Law"), it shall notify the Complainant that it is prevented from doing so, and it shall clarify to him his right to approach the attorney general or state attorney in lieu of the Committee.

Consolidated Hearing of a Complaint

13. If the Ethics Committee has seen that a Complaint that it handles deals with the same factual affair of a Complaint handled at another Ethics Committee, it shall approach the other Committee and it shall agree where the Complaint shall be heard together. If the Committees do not reach an agreement regarding the place to handle the Complaint – the chairman of the National Ethics Committee shall decide this matter.

A Specific Conflict of Interests of Position Holders in the Complaint System

14. If a position holder in the Complaint System saw that there is a real concern that he is in conflict of interests that prevents him from hearing a certain Complaint, he shall notify the chairman of the Committee of this without any

delay and he shall refrain from handling the Complaint. According to the nature of the matter the chairman of the Committee shall decide if the member must be prevented from being present in the hearings, or whether it is sufficient that he not participate in the hearing and vote, and this shall be documented in the Complaint protocol or file.

15. If the chairman of the Committee himself is in conflict of interests as mentioned, he shall transfer the matter on an administrative and material level to his substitute and in his absence to the senior of his deputies.
16. Without derogating from the generality of the aforesaid, it is presumed that there is a conflict of interests if the cases set forth hereafter:
 - a. The position holder was involved in the matter contemplated in the Complaint as an attorney, arbitrator, mediator, witness, professional consultant, expert or in any other manner.
 - b. The position holder is a family member or close friend of one of the parties to the Complaint.
 - c. The Complaint raises questions connected to elections in the Bar Association or to the activities of those elected in it, and the position holder is involved himself in the elections or he is elected and involved in this activity.
 - d. One of the parties to the Complaint is a client of the position holder, or he was his client in the last 5 years.
 - e. One of the parties to the Complaint is employed in an office in which the position holder acts, or he was employed there in the last 3 years.
17. A position holder in the Complaint System shall not represent a client against the Committee that he serves in, or any other Ethics Committee.
18. If a written Application was received at the office of a member of the Ethics Committee concerning a Complaint, he shall refrain from responding to the letter, and he shall transfer it to the Committee's secretariat, which shall notify this to the sender. If such Application as mentioned was received verbally the member shall notify him that he is prohibited from receiving the Application, and he shall update the Committee's secretariat of this.
19. A position holder at the Complaint System shall not disclose information given to him by virtue of his position in matters concerning the Complaint that was handled at the Complaint System, except for information that is permitted for publication.

Queries

20. These rules shall also apply to handling queries, mutatis mutandis. However, the National Ethics Committee may handle any query that was referred to it.

Miscellaneous

21. The chairman of the Ethics Committee shall be responsible for performing this procedure in the Ethics Committee that he heads.
22. If the Ethics Committee hears a Complaint against a lawyer that belongs to another District, it shall handle all stages of it, and if a Complaint is filed in it, the Complaint shall be conducted by the attorney near it.
23. If the Ethics Committee received a Complaint of an attorney registered in another District, it shall notify the District Ethics Committee that it is handling the Complaint, of its decision to set it aside or to put the Defendant on trial and the results of the Complaint proceeding.
24. If the Ethics Committee decided to file a Complaint against a member of the National or District disciplinary Committee, a member of the District or Central Committee, a member of the Ethics Committee or member of the National council – the Committee attorney shall notify this to the chairman of the institution in which the Defendant serves.

Dror Arad- Eylon

Chairman of the National Ethics Committee