

Legal procedures against attorneys in the Canton of Zurich

AUTHORITY	PARTIES	PROCEDURE	COMPLAINT/CAUSE	SETTLEMENT
Internal association procedures¹				
Board of Directors				
Request for mediation to the Board of Directors: Disputes among colleagues (§ 13 (1) d of the Statutes)	Applicant: <ul style="list-style-type: none"> - Every attorney, whether or not a member - trainee attorney Respondent: <ul style="list-style-type: none"> - Member of the Zurich Bar Association 	Informal procedure ² following a written request	Dispute among colleagues, all related arguments	<ul style="list-style-type: none"> - No willingness for a mediation of the Respondent - Retreat - successful mediation / settlement - unsuccessful mediation
Request for mediation to the Board of Directors: Disputes between client and member (§ 13 (1) e of the Statutes)	Applicant: <ul style="list-style-type: none"> - Client (representation possible) Respondent: <ul style="list-style-type: none"> - Member of the Zurich Bar Association 	Informal procedure ³ following a written request	Dispute arising from the contractual relation between attorney and client, all related arguments	- ditto
Ethics Court				
Complaint to the Ethics Court (§ 16 f of the Statutes)	Applicant: <ul style="list-style-type: none"> - Board of Directors of the Zurich Bar Association - Member - Third party Respondent: <ul style="list-style-type: none"> - Member of the Zurich Bar Association 	<ul style="list-style-type: none"> - Procedure in accordance with the regulation on the procedure before the Ethics Court (§ 17 of the Statutes) - Subsidiary to procedures before the Supervisory Commission³ 	Violation of professional or ethical rules	<ul style="list-style-type: none"> - Warning - Reprimand - Fine <p>Additionally, the Ethics Court can apply to the Board of Directors to undertake an expulsion from the Zurich Bar Association and/or to file a complaint with the Supervisory Commission.</p>
Commission on Legal Fees				
Request for advice on an invoice for legal fees (§ 18 f of the Statutes)	Applicant: <ul style="list-style-type: none"> - Client - Member Respondent: <ul style="list-style-type: none"> - Member of the Zurich Bar Association 	Procedure in accordance with the Regulation on the procedure before the Commission on Legal Fees	<p>All elements of the invoice for legal fees.</p> <p>The appropriateness of the reported time expenditure is considered in grave and obvious cases only.</p>	- Recommendation for amicable settlement

¹ Substantive claims against lawyers can only be decided by the civil court ultimately.

² The informal mediation procedure before the Board of Directors pursuant to § 13 (1) d and e of the Articles of Association is possible in any case, even if a complaint to the Ethics Court or to the Supervisory Commission can be considered.

³ Cf. § 16 (4) of the Statutes: «If a complaint concerning the same matter is brought simultaneously before a regulatory authority and before the Ethics Court, the Ethics Court shall hear the complaint only to the extent that it concerns a violation of ethical rules.»

LEVEL OF JURISDICTION / PROCEDURE	PARTIES	CHARACTERISTICS	COMPLAINT/CAUSE	SETTLEMENT
Procedures external to the association				
Supervisory Commission of the attorneys in the Canton of Zurich				
Disciplinary proceedings (Art. 17 BGFA; §§ 30 ff. Attorneys Act)	Defendant: - Attorney (the complaining person or institution (applicant) is not party to the proceedings, § 30 (2) Attorneys Act)	Institution of proceeding: - Authority ex officio (Obligation to report according to Art. 15 BGFA / § 39 Attorneys Act) - Third party - Board of Directors of the Zurich Bar Association	Violation of professional rules	- Warning - Reprimand - Fine - Prohibition to exercise the profession (temporary or permanent)
Release from attorney-client privilege (§§ 30 ff. Attorneys Act)	Applicant: - Attorney	Only if client does not give consent or consent cannot be obtained (§ 33 Attorneys Act)		- Preliminary release - Release
Civil court⁴				
<p>Substantive claims against attorneys can only be decided by the civil court ultimately. This applies in particular to:</p> <ul style="list-style-type: none"> • Charges arising from the contractual relationship, such as <ul style="list-style-type: none"> - Claims for compensations - Accountability - Surrender of files - Surrender of assets • Complaints regarding fees in connection with the quality of the service rendered • Disputes among colleagues arising from partnership issues • Claims arising out of employment contracts <p>The procedure follows the rules of civil procedure. Art. 29 / 30 of the Rules of Conduct must be observed.</p>				
Criminal proceedings				
The procedure follows the rules of criminal procedure. Art. 29 / 30 of the Rules of Conduct must be observed.				

⁴ According to Art. 12 lit. f BGFA, attorneys are obliged to take out a professional indemnity insurance.