

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: - Every attorney, whether or not a member - trainee attorney Respondent: - Member of the Zurich Bar Association	Informal procedure ² following a written request	Dispute among colleagues, all related arguments	- 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: - Client (representation possible) Respondent: - 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: - Board of Directors of the Zurich Bar Association - Member - Third party Respondent: - Member of the Zurich Bar Association	- Procedure in accordance with the regulation on the procedure before the Ethics Court (§ 17 of the Statutes) - Subsidiary to procedures before the Supervisory Commission ³	Violation of professional or ethical rules	- Warning - Reprimand - Fine 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.
Commission on Legal Fees				
Request for advice on an invoice for legal fees (§ 18 f of the Statutes)	Applicant: - Client - Member Respondent: - Member of the Zurich Bar Association	Procedure in accordance with the Regulation on the procedure before the Commission on Legal Fees	All elements of the invoice for legal fees. The appropriateness of the reported time expenditure is considered in grave and obvious cases only.	- 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				
<p>The procedure follows the rules of criminal procedure. Art. 29 / 30 of the Rules of Conduct must be observed.</p>				

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