Law organising the profession of lawyer

N° 8/70 with its amendments(*)

Translated by
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Title one
Preliminary provisions

Chapter 1
The profession of lawyer

Article 1
This law organises the profession of lawyer which aims at establishing justice by providing legal opinions and defending rights.

Article 2
The profession of lawyer serves public interest. Therefore the practicing lawyer benefits from the rights, immunities and guarantees provided by this law and is subject to the obligations it forsees.

Article 3
The lawyer shall be bound to follow the recommendations of his client only insofar as they do not conflict with his conscience and with the interests of his client.

Chapter two
The Bar Association

Article 4
There are two Bar Associations for lawyers in Lebanon, one in Beirut, one in Tripoli.

Lawyers whose offices are situated in all the mohafazats except the mohafazat of North Lebanon are registered in the Beirut Bar Association.

Lawyers whose offices are situated in the mohafazat of North Lebanon are registered in the Tripoli Bar Association. No lawyer may practice in Lebanon

(*) decree – Law n° 385 dated 13/1/1971; Law n° 42/91; Law n°18/78; Law n°21/83.
without being registered in one of the two Associations. No lawyer may be registered in both Associations or in one of those and a foreign Bar Association.

Any lawyer whose name is registered on the roll of lawyers must have an office within the area of the Association to which he belongs.

Title two
The practice of the lawyer's profession

Chapter one
Qualifying as a lawyer

1 - Conditions to become a lawyer

Article 5
(amended by law N° 42 dated 19/2/1991)

Any person wishing to practice as a lawyer should fulfil the following conditions:

1 - Enjoy Lebanese citizenship since at least ten years
2 - Enjoy civic rights, be over 20 years of age and under 65.
3 - Be a holder of the Lebanese Baccalaureat, second part, of the Lebanese law degree and of the qualifying certificate foreseen in the following Article.

The rights of the beneficiaries of the exemption provided in paragraph /2/ of Article /20/ of the law organizing Higher Education published on January 26, 1961 concerning the equivalence with the Lebanese baccalaureat are safeguarded. Are equally safeguarded the rights of those who entered their names for the examinations of the Lebanese baccalaureat, second part, and obtained official certificates in lieu of the diploma as well as the rights of those who obtained a foreign diploma of secondary high studies within Lebanon or outside it and obtained and equivalence for it, and that between the years 1987 and 1991.

4 - Behave in a way that inspires trust and respect
5 - Have not been convicted for a criminal or disciplinary act
6 - Have not been previously discharged from public office or from a profession for reasons contrary to honour and dignity.

Article 6
(amended by the first paragraph of law N°18 dated 18/12/1978)

The subjects relating to the diploma of qualification will be distributed among the four years of studies required to obtain the diploma of law studies, and the subjects will be defined by a decision taken by the Council of the Lebanese
University after having been approved by both Bar Associations of Beirut and Tripoli. Should a dispute arise about the definition of said subjects, the Council of Ministers shall settle the matter by a decree.

Additional Article
(Article 3 of law No 18 issued on 18/12/1978)

The provisions of the first Article of law No 18/78 shall apply to law students who wish to practice as lawyers.

They should submit a written declaration to that effect to the faculty together with their applications for registration in the first year of studies.

They may submit the declaration during the following years of studies on condition they study the subjects required in the precedent years and take the exams relating to them.

The subjects of the qualification diploma and their exams are compulsory for any student who has obtained a degree in Lebanese law and has not studied the subjects of the qualification diploma.

As for the students who obtained their law degree abroad and do not have a degree in Lebanese law, they may study the subjects relating to the qualification diploma during the same year in which they study Lebanese law.

The decision and the decree provided for in the first Article and relating to the definition of the subjects of the qualification diploma must be issued within four months of the entry into force of this law. They must indicate how the exams for the qualification diploma are to be organised and how that diploma, which is independent from the degree in law studies, can be obtained.

All the exams for the qualification diploma shall take place at the Lebanese University before an examination panel formed as follows:

A judge appointed by the Higher Judicial Council: Chairman
Three lawyers from the Beirut Bar Association chosen by its President: Members

Two lawyers from the Tripoli Bar Association chosen by its President: Members

Five professors chosen by the President of the Lebanese University among those who teach law in law faculties in Lebanon: Members

2 - Rules for registration

Article 7

Applications for registration should be submitted to the Council of the competent Bar Association together with the documents ascertaining that the conditions provided for in Article 5 have been fulfilled.
The Council of the Bar shall take a decision about the application within two months of its submission, and shall give the grounds for its decision. Should the Council decide to investigate the behaviour of the applicant, the period shall be extended to four months. Should the said period end without a decision of acceptance or refusal being taken, the applicant is entitled to refer the matter to the Civil Court of appeal of the mohafazat in which the Bar Association he is applying to is located.

Article 8
The recourse is submitted to the Court of appeal within thirty days of the notification to the applicant of the decision of refusal or of the expiry of the four months period indicated in the preceding Article. As soon as the recourse is submitted to the Court of appeal, it requests the file of the applicant from the Bar Association and the Council is bound to send it within a maximum of two weeks to the Court together with the remarks is deems fit.

Article 9
Whenever the Court of appeal examines the applications for registration, two members of the Council of the Bar appointed by the President sit together with the members of the Court. Should one or both representatives of the Bar Association not attend, or should they not be appointed, the Court shall hear the matter with its usual members.

3 - Taking the oath

Article 10
When the decision in favour of the registration of the lawyer, whether on the roll of trainees or on the roll of practicing lawyers is published, the lawyer takes the following oath before the Civil Court of appeal, in the presence of the President of the Bar or of his representative:

« I swear by God Almighty, and by my honour, to respect the secrecy of my profession, to work for it faithfully, to preserve its ethics and traditions, to respect its laws and rules, to abstain in words or in writing, whether in pleadings or as counsel, from anything that may be contrary to morals or ethics or that may endanger national security, and to respect the Judiciary and to behave in all my undertakings in a way that inspires trust and respect».

No lawyer may begin to practice before taking this oath.
4 - Registration of trainees

**Article 11**

(amended by law N° 18 dated 18/12/1978)

(and by law N° 42 dated 19/2/1991)

The lawyer who registers in one of the two Bar Associations shall undergo a training period of three years in the offices of a lawyer practicing before the Court of appeal.

This provision does not apply to the magistrate who spent in the judiciary a period equal to the training period nor to the professors who taught law subjects for three years at least nor to lawyers before the Court of appeal who are requesting anew their registration.

**Article 12**

The trainee who requests his registration in a Bar Association shall indicate, in his application, the name of the lawyer in whose office he intends to train and shall produce a document ascertaining the said lawyer is ready to accept a trainee in his office.

**Article 13**

The trainee shall produce together with his application the following documents:

1 - The three diplomas provided for in paragraph 3 of Article 5.
2 - His convictions record.
3 - His identity card.
4 - The acceptance of the lawyer with whom he will do his training.
5 - A receipt of his payment of the registration fees foreseen in the rules of procedure.

**Article 14**

The application for registration on the roll of trainees shall be submitted to the President of the Bar who transmits it to one of the members of the Council of the Bar who draws up a report indicating whether the legal conditions have been met.

The application together with the report and documents is transmitted to the Council which takes its decision in accordance with the provisions of this law.

5-Prohibitions and limitations in the practice of the profession

**Article 15**

While in practice, no lawyer shall:

1 - Occupy any public office or service except that of member of Parliament or of a municipal council, except also an office or service the occupant of which is not remunerated.
2 - Work in the fields of trade, industry or journalism (with the exception of legal or scientific journalism) nor in general in any profession which aims at making a profit.

3 - Act as chairman, vice-chairman or manager or a company, whatever its type.

4 - Work as an expert before the courts or any other authority or institution.

5 - Undertake work that is contrary to the independence of the lawyer or to the dignity of the legal profession.

6 - Act as Speaker of Parliament or Prime Minister. Any lawyer who is to occupy such a position shall stop practicing his profession as soon as he takes office and shall inform the President of the Bar of the fact.

Article 16
Any lawyer who occupied the position of minister is forbidden, for a period of one year after leaving his office, from accepting directly or through another lawyer a case in relation with the ministry he headed that is before the courts or the official institutions, nor shall he accept to be a member of the board of the public institutions that are supervised by the ministry he headed.

Article 17
A lawyer who is a member of Parliament shall not accept, either directly or through another lawyer, a case for the State or one of its public institutions.

Article 18
A lawyer who has been elected a member of a municipal council shall not accept, directly or indirectly through another lawyer, a case in favour or against that municipality.

Article 19
A public servant who has left his position and is practicing as a lawyer shall not accept, directly or through another lawyer, a case against the administration which employed him and that for a period of three years after leaving his employment.

Article 20
A former judge who is practicing as a lawyer shall not accept a case that was submitted to him while he was a magistrate.

Article 21
Any person who expressed an opinion about a case that was submitted to him in his capacity as public servant or arbitrator or expert shall not accept a mandate to act as a lawyer in that case.
Chapter 2
Training

1 - Rights of the trainee

Article 22
The trainee shall not use the qualification « lawyer » without adding to it that of «trainee». He shall not set up an office of his own before the end of his training.

Article 23
The trainee lawyer may move from one law office to another during his training period on condition he informs the Council of the Bar and obtains the agreement of the new office and of the Council.

Article 24
The trainee lawyer may plead during his training in the name of the lawyer in whose office he is registered before the following courts:
1 - Courts of first instance, committees and councils whatever their type.
2 - The Court of appeal for minor offences, but only for the defendants
3 - The Criminal court, for the accused.

Article 25
The trainee lawyer is entitled to plead in his own name before all courts as soon as he is entered on the general roll.

2 - Duties of the trainee

Article 26
The Council of the Bar organises conferences for the trainees at the dates and times set by the President. The President or his delegate chair the conferences, act as moderators and draw up a list of attendance of the trainees.
A trainee who has not attended at least two thirds of the conferences may have his training period extended by a decision of the Council of the Bar.

Chapter 3
End of training and registration on the roll

Article 27
(amicided by law N° 18/78 dated 18/12/1978)
(and by law N° 42 dated 19/2/1991)
(and by law N° 95 dated 21/9/1991)
The application for registration on the roll of lawyers shall be submitted to the Council of the Bar, and is subject to the special provisions appearing here below:
First: The application submitted by the trainee lawyer

The application shall be submitted at the end of the training period, together with the following documents:

1 - A certificate from the lawyer with whom he trained indicating that the trainee worked regularly during three years.

2 - A certificate from the secretariat of the Bar Association indicating he attended more than two thirds of the training conferences.

3 - A list of the cases or matters to the study and pleadings of which he contributed, signed by himself and by the lawyer with whom he trained, each under his own responsibility.

4 - Receipts certifying payment of the registration transfer fee, of the retirement fund fees, and of the yearly contribution fee he is due to pay as of the date of his registration on the roll.

Second: The application submitted by a former judge

The application shall be submitted once the judge is no longer in office and shall be subject to the following special provisions:

The former judge is not subject to the age condition provided in Article 5 of this law. Moreover, the conditions provided in this Article are considered as having been met and ascertained by the certificate given to the judge by the relevant administrative authority indicating he has held a judicial position for at least three years and that he has not been dismissed for disciplinary reasons which affect honour and dignity.

The judge exempted from the age condition and who has adhered to the judge's mutual fund shall not enjoy, when joining the Bar Association, all the social benefits provided by the Association to its members including the retirement pension and the social and medical benefits.

Article 28

The Council of the Bar shall have a right of appreciation as to registering the trainee on the roll or extending his training period.

Article 29

(amended by law № 42 dated 19/2/1991)

Should the decision of the Council of the Bar reject the application to terminate the training and register on the roll, or should no decision whether of acceptance or rejection be taken within two months of its submission, the applicant for
registration shall be entitled, within a period of two months as of his notification that his application has been rejected or as of the end of the two month period set for examining the application, to refer the matter to the Civil Court of appeal in accordance with the provisions or Articles 7, 8 and 9 of the law organising the profession of lawyer.

Article 30
The Council of the Bar shall keep a roll of practicing and trainee lawyers in accordance with its rules of procedure.

Article 31
Should a lawyer be late in paying his fees for three consecutive years, and have no valid reason accepted by the Council of the Bar, a warning shall be sent to him and, one month after the date of the warning, his name shall be struck off the roll. The lawyer shall not be entitled to adhere to the Bar Association unless he pays again the registration fee.

Title two
Organisation and management of the bar associations

Article 32
Each of the two Bar Associations of Beirut and Tripoli shall be formed of the lawyers who are members and who are registered on the roll.

Article 33
Each of the two Bar Associations shall be considered as a corporate body and shall enjoy financial and administrative independence.

Article 34
The organs of the Bar Associations shall be formed of the General Assembly, the Council and the President.

Chapter 1
The General Assembly

Article 35
The General Assembly is the highest recourse for lawyers. It shall hold its ordinary meeting each year on the first Sunday of November. It shall hold an extraordinary meeting every time the Council of the Bar deems it necessary or if a request is submitted to the Council by one third of the lawyers entitled to take part in the meeting.
Article 36

(amended by law № 42 dated 19/2/1991)

The General Assembly shall be chaired by the President and, in his absence, by the former President among those present who was first elected to the office, failing which by the Secretary General then by the oldest member of the Council.

Article 37

The ordinary General Assembly shall be held at the date indicated in Article 35 of this law. As for the extraordinary General Assembly, it shall be held at the date set by the Council of the Bar. The practicing lawyers entitled to take part in those two meetings shall be convened by a letter addressed to them or by a notice published in three daily newspapers and a copy of which is hung on the door of the offices of the Association and on the door of each room of the premises of the Association in the regions it covers.

Article 38

The meeting of the General Assembly shall be considered as duly held if attended by more than half the electors entitled to take part in the vote. Should there be no quorum, another meeting shall be called fifteen days later, and that second meeting shall be considered as duly held whatever the number of people present.

Decisions, including the results of elections, shall be taken by a simple majority.

Article 39

Only those lawyers registered on the roll and who have paid in due time their yearly fees shall be entitled to take part in the General Assembly or to be candidates.

Article 40

The agenda of the annual ordinary General Assembly shall include:

1- The election of the President, of the members of the Council of the Bar and of the members of the Retirement Fund Committee mentioned in the third paragraph of Article 3 of decree-law № 180 dated 21/5/1942.

2- Final auditing of the accounts of the precedent year and approval of the budget for the following year.

3- Determination of the annual fees to be paid by the lawyers to the Association and to the Retirement Fund.
Article 41

The extraordinary General Assembly shall examine the items listed in the notice calling the meeting or in the decision of the Council of the Bar and none other.

Chapter 2
The Council of the Bar

1 - Membership of the Council
Article 42

The Council of the Beirut Bar Association shall be formed of twelve members including the President, and the Council of the Tripoli Bar Association shall be formed of six members including the President.

The Council of the Bar shall organise the mode of election of the President and members.

Former Presidents are ex officio permanent members of the Council but do not take part in the vote.

Article 43

The President shall convene a meeting of the Council of the Bar to be held three days at most after the date of each election. During the meeting, the Secretary general, the Treasurer and the Court delegate shall be elected by secret ballot.

Article 44

The President of the Association shall be elected for a period of two years. He can be reelected only two years after the end of his term of office.

Article 45
(amended by law № 21 dated 26/8/1983)

Members of the Council of the Bar shall be elected for three years and each year the mandate of one third of the members shall come to an end. A member can be reelected only once, then a period of two years has to elapse after the end of his term of office before he can be elected again.

In exceptional cases where more than one third of the members are elected, a drawing by lots shall be carried out as soon as the election operations are over and at the first meeting held by the Council of the Bar in order to ensure the implementation of the rule of annual renewal by thirds of the Council as provided for in the first paragraph above. The membership of the President during his term of office shall not be included in the draw. The term of office of each member whose name has been drawn shall be considered as a full term whatever its length.
Immediately after the entry into force of this law, there shall be a draw to eliminate two thirds of the members of the Council of the Beirut Bar Association elected in 1981. Once substitute members have been elected, another draw shall be carried out among them to choose four members whose term of office will exceptionally be of two years instead of three.

**Article 46**

No lawyer shall be elected President unless he has been registered for at least twenty years on the roll of practicing lawyers and unless he is a member of the Council of the Bar.

No lawyer shall be elected a member of the Council of the Bar unless he has been registered for at least ten years on the roll of lawyers.

**Article 47**

The candidacy for the presidency and membership of the Association shall be submitted to the Council of the Bar by the candidate in person or by fifty lawyers at least among those entitled to take part in the General Assembly.

Any candidacy submitted after the first of October of the year during which the elections are due shall be rejected.

**Article 48**

The Council of the Bar shall ascertain that the candidacy fulfils all legal requirements then issue its decision accepting or rejecting it before the tenth of October, failing which it shall be considered as accepted.

The decision of the Council shall be notified to the candidate by registered letter immediately after it is issued and a copy shall be hung up on the door of the offices of the Association.

**Article 49**

The decision to accept or reject the candidacy can be appealed by any interested person three days at most after the decision is deposited at the secretariat of the Association.

The Court of appeal in private deliberation shall take a decision within three days.

**Article 50**

Voting is by secret ballot and all rules and regulations regarding elections shall be set out in the rules of procedure.
Article 51

Shall be considered elected the candidate who obtained the simple majority of votes. Should there be equality of votes, the candidate with the oldest registration date shall win; in case of equality, the oldest in age shall be considered elected.

Article 52

Should the Presidency become vacant for any reason whatsoever, the General Assembly shall be called to a meeting within thirty days of the date the post became vacant to elect a new President if the remaining term of office is over six months. In that case, the elected President completes the term of office of the former President. However, should the remaining term of office be of less than six months, the Secretary General shall undertake the responsibilities of President ad interim for the remaining period of office.

Article 53

(amended by law N° 42 dated 19/2/1991)

Should a membership of the Council of the Bar become vacant, the post shall be filled by the substitute member who, at the last elections, obtained the highest number of votes immediately after the elected members.

Should there be no substitute and should two or more, and up to half the memberships become vacant, the Council of the Bar shall pursue its activities and be formed of the remaining members until the first General Assembly which shall elect those who shall fill the vacant post(s).

Should more than half the memberships become vacant before the first of July, an extraordinary General Meeting shall be convened within a period of one month, the first ten days of which shall be devoted to submitting candidacies to fill those posts.

In all the above-mentioned cases, the elected member shall replace the former member for his remaining term of office.

Article 54

The Council of the Bar shall be considered dissolved if more than two thirds of the memberships become vacant; in such a case, the General Assembly shall be convened to a general election of the members of the Council. As for the President, he shall remain in office.

Article 55

Any member of the Council who shall not attend three consecutive meetings without a valid excuse shall be considered as having resigned from office.
2 - Meetings of the Council of the Bar

Article 56
The meetings of the Council shall be considered legally valid only if they are held in their appointed times or at the dates set by the President.

Article 57
The meetings of the Council shall be legally valid only if attended by a majority of members.

Article 58
(amended by law No 42 dated 19/2/1991)
The decisions of the Council shall be carried by the majority of those present. In case of equality, the President shall have a casting vote. Any person concerned shall be entitled to obtain from the offices of the Association a certified copy of the Council's decisions.

3 - Powers of the Council and the President

Article 59
(amended by law No 18/78 dated 18/12/1978)
The Council shall manage the business of the Association and shall be, in particular, undertake the following tasks:

1 - Decide about applications to join the Association and applications for appointment to Association employments.
2 - Draw up and amend the rules of procedure of the Association as well as all the regulations relating to the Association.
3 - Determine, modify and collect the registration fees.
4 - Implement the resolutions of the General Assembly.
5 - Prepare the yearly budget and execute it.
6 - Act as a conciliator between lawyers in matters relating to professional practice.
7 - Convene the meetings of the General Assembly.
8 - Represent the Association in professional international conferences.
9 - Contact authorities and persons for matters of interest to the Association.
10 - Encourage the acceptance of trainees in the offices of practicing lawyers.
11 - Supervise the behaviour of lawyers.
12 - Issue instructions to lawyers concerning the practice of their profession.
13 - Supervise the Lawyer's Room as well as all the institutions affiliated to the Association.
14 - Grant authorizations to help lawyers exercise their profession and define the conditions of such authorizations.
15- Organise training and take the decision in relation to ending or extending the training period.

16- (cancelled)

17- Set up cash prizes financed by the Association's funds for the authors of notable scientific works.

18 - Grant financial assistance to lawyers.

**Article 60**

The President shall represent the Association and enjoy in particular the following powers:

1 - Supervise its management and defend its interests.

2 - Preside the General Assembly and the Council, implement the decisions of each of them and sign the contracts they approve.

3 - Institute proceedings in the name of the Association, intervene personally or through a Council member chosen by him in any matter interesting the Association or a lawyer and appear in the capacity of personal plaintiff in each matter relating to acts that affect the honour of the Association or of one of its members.

4 - Appoint and dismiss the representative of the Association in the centre of each judicial district and define his powers.

5- Appoint the lawyers required to provide judicial assistance and the lawyers who have, if necessary, to defend persons indicted or under age.

6- Work towards settling disputes arising between lawyers on professional matters.

**Title three**

**Rights and duties of lawyers**

**Chapter 1**

**Rights and privileges of lawyers**

1 - Consultations and powers of attorney

**Article 61**

(amended by the law implemented by decree No 385 dated 13/1/1971)

(and by law No 42 dated 19/2/1991)

Only duly appointed lawyers can appear before the courts and a lawyer shall be appointed in all the instances provided by the law and in the following cases:

1 - Before the Criminal court.
2 - Before the Court of cassation and in all cases before administrative courts.

3 - Before the Court of appeal for all civil, communitary and religious cases.

4 - Before the courts of first instance for unassessed civil cases with the exception of personal status cases and for other cases in which the value disputed is above three hundred thousand Lebanese pounds.

5 - In cases of sittings in chambers for matters of urgency (juge des reférés) with the exception of 'gracious pleas'.

6 - Before executive bureaus for the execution of judgments, bonds and all contracts the value of which is over three hundred thousand Lebanese pounds.

7 - Before appeal expropriation committees.

Article 62

(amended by the law implemented by decree N° 385 dated 13/1/1971)

(and by law N° 18/78 dated 18/12/78)

(and by law N° 42 dated 19/2/1991)

Every joint stock company and every financial company including limited liability companies the paid up capital of which is one million pounds or above operating in Lebanon, whether the company has headquarters or a branch in the Lebanese territory, shall be obliged to retain permanently a lawyer from among the practicing lawyers registered on the roll of the Association and to pay the lawyer a yearly fee.

Should the company have a branch in North Lebanon, said branch should have its own lawyer from among the lawyers registered on the roll of the Tripoli Bar Association.

The lawyer should inform the Association that he has been retained failing which disciplinary procedures can be taken against him.

No commercial company as defined in this Article shall be registered after the publication of this law unless it proves it has complied with this obligation.

Article 63

(amended by the law implemented by decree N° 385 dated 13/1/1971)

(and by law N° 42 dated 19/2/1991)

The lawyer shall not be allowed to accept to be retained with yearly fees by more than five commercial companies from among those obliged to retain a lawyer in accordance with Article 62 of the law organising the profession of lawyer.
Article 64
(canceled by the law implemented by decree N° 385 dated 13/1/1971)

2 - Power to plead before the courts

Article 65
The lawyer shall be entrusted to plead before the courts by an official power given to him by his client, or by an ex officio appointment by the President of the Bar.

Article 66
The lawyer shall be appointed ex officio by the President of the Bar to plead in the following circumstances:
1 - When granting judicial assistance to a person.
2 - When several lawyers have refused a case, although it is a just cause.
3 - When the Criminal court or the juvenile court request the appointment of a lawyer for an accused or a person under-age who has not appointed a lawyer.
4 - If a lawyer dies, if his name is struck off the roll, if he is arrested, if his property is attached or if there is an impossibility for him to carry out the work.

In this case, the mandate of the ex officio lawyer is limited to taking temporary measures to protect the interests of the client of that lawyer until he chooses another lawyer.

Article 67
(amended by law N° 18/78 dated 18/12/1978)
A quarter of the share allocated to the notaries out of all taxes levied on the powers of attorney shall be paid into the treasury of the Bar Association in the area of which they are established.

The said share shall be levied by way of a special stamp edited by both the Beirut and the Tripoli Bar Associations and the notary public shall affix the stamp on all the powers of attorney drawn up by him.

3 – Fees

Article 68
The lawyer shall be entitled to fees for the work undertaken within the scope of the profession, and to collect the expenses incurred in the course of the case entrusted to him.
Article 69
(AMENDED BY LAW N° 42 DATED 19/2/1991)

FEES SHALL BE DETERMINED BY AN AGREEMENT CONCLUDED BETWEEN THE LAWYER AND HIS CLIENT.

IN CIVIL CASES, SHOULD THE FEES EXCEED 20% OF THE VALUE OF THE CONTENDED MATTER, THE COURT MAY REDUCE THEM.


THE COURT OF APPEAL DEALING WITH MATTERS OF FEES SHALL EXAMINE THE OBJECTIONS TO THE EXECUTION OF THE WRITTEN AGREEMENT IN ACCORDANCE WITH CURRENT PROCEDURES; ITS RULING SHALL BE FINAL AND NO ACTION WHATSOEVER FOR CANCELLATION OF THE DECISION CAN BE ACCEPTABLE. MOREOVER THE SUBMISSION OF THE CLAIM SHALL NOT STAY EXECUTION UNLESS THE COURT OF APPEAL DECIDES OTHERWISE.

WHEN A CLIENT TERMINATES WITHOUT A VALID REASON A YEARLY FEE AGREEMENT, OR WHEN THE PERMANENT LAWYER IS DISABLED, OR RETIRED, OR HAS DIED, THE CLIENT IS BOUND TO PAY THE LAWYER OR HIS HEIRS INDEMNITIES AMOUNTING TO ONE MONTH FOR EVERY YEAR OF APPOINTMENT, ON THE BASIS OF THE LAST FEES OR YEARLY INDEMNITIES PAID.

AFTER TWENTY YEARS OF APPOINTMENT, THE LAWYER WITH YEARLY APPOINTMENTS WHO REACHES THE AGE OF SIXTY SHALL REQUEST TO BE RELEASED FROM HIS MANDATE. IN SUCH A CASE, THE CLIENT SHALL PAY THE INDEMNITIES FORESEEN IN THE PRECEDING PARAGRAPH.

Article 70

SHOULD THE CASE GIVE RISE TO OTHER UNFORESEEN CASES, THE LAWYER SHALL BE ENTITLED TO CLAIM LEGAL FEES FOR THEM.

Article 71

SHOULD THE LAWYER HIMSELF DECIDE, FOR VALID REASONS, TO PUT AN END TO HIS RELATION WITH THE CLIENT, HE MAY CLAIM FEES FOR THE WORK UNDERTAKEN; HOWEVER, SHOULD THE CLIENT SEVER THE AGREEMENT WITH THE LAWYER, THE LATTER IS ENTITLED TO CLAIM THE FULL AMOUNT OF HIS FEES.

Article 72

THE FEES OF A LAWYER ARE CONSIDERED AS A PREFERENTIAL DEBT, ON CONDITION THIS PRIVILEGE DOES NOT INTERFERE WITH THE RIGHTS WHICH THE LAW CONSIDERS AS PREFERENTIAL OR WITH THE CHATTELS REAL REGISTERED BEFORE THE LEGAL ACTION WAS UNDERTAKEN OR THE CLAIM FOR FEES SUBMITTED.
Article 73
(amended by law N° 18/78 dated 18/12/1978)
(and by law N° 42 dated 19/2/1991)

In all proceedings relating to fees, the lawyer may start a legal action claiming his fees and expenses after obtaining the authorization of the President of the Association.

The First President of the Court of appeal appoints one of the presidents of the chambers of the court to examine the case, hear both parties and obtain the opinion of the Council of the Bar.

A request to rescind the ruling of the appointed judge may be made before the Chamber of the First President of the Court; the latter may submit the request to another chamber than that which issued the ruling subject of the rescission claim.

The request, under penalty of rejection, must be submitted within a fifteen day period beginning on the date the ruling was notified.

No legal action whatsoever for cancellation of the ruling relating to the rescission can be acceptable.

The cases still pending before the competent courts on the basis of previous laws shall be judged according to the provisions existing when they were instituted.

4 - Immunities and guarantees

Article 74

The rights of the defence are sacred. No lawyer may be considered responsible, nor can an action for defamation or slander be instituted against him, for any of his pleadings, whether verbal or written, as long as he remains within the limits of defence.

Article 75

No lawyer may be detained on suspicion in a case for defamation following his sayings or writings in the course of his professional duties. And no judge of the court before which the incident occurred may participate in the consideration of the case.

Article 76
(amended by law N° 18/78 dated 18/12/1978)

Any offence against a lawyer in the course of his professional duties or arising from them shall subject the perpetrator, the accomplice and the instigator to the same penalty that applies when that offence is committed against a judge; however the ruling can be rescinded according to ordinary means.
Article 77

(amended by the law enforced by decree № 385 dated 13/1/1971)

Any ruling of a judge that provides searching a lawyer's office or seizing the money found there or making an inventory of its contents shall be executed only after a period of twenty four hours at least has elapsed as of depositing a copy of the ruling in the offices of the Association to which the lawyer is affiliated, together with an invitation to the President to attend himself the proceedings or to delegate a member of the Council for that purpose.

Article 78

(amended by the law enforced by decree № 385 dated 13/1/1971)

No seals shall be affixed on the offices of a lawyer with a view to ensure the collection of a tax or duty unless a period of ten days at least has elapsed after the interested person has been notified in writing, and after the offices of the Association to which he is affiliated have received notice of the matter, and all that taking into account the provisions of Article 12 of decree-law № 147 dated 12/6/1959 and of Article 13 of decree № 2832 dated 14/12/1959 and the drawing up of a report on the matter.

Article 79

(amended by law № 18/78 dated 18/12/1978)

Save in the case of «flagrante delicto», no lawyer shall be interrogated about a crime attributed to him before notifying the President of the Bar who may attend himself the cross-examination or delegate a member of the Council.

- No proceedings can be undertaken against a lawyer for an action resulting from the practice of his profession or in the course of it save by a decision of the Council of the Bar authorising the proceedings and the Council of the Bar shall assess whether the action resulted from the practice of the profession or was in the course of it.

- The decision authorising or refusing the proceedings must be taken within a month of the President having been notified in writing of the occurrence of the action; should the one month period expire without the decision being taken, the authorisation is considered as having been given tacitly.

The decisions of the Council of the Bar and those of the Managing Committee of the Pension Fund can be rescinded before the Court of appeal, within a period of ten days following the notification; the Council of the Bar shall choose two of its members who shall sit with the judges of the Court to hear the case.

The Managing Committee of the Pension Fund shall choose the two members from its own membership when the matter concerns the Fund.
Additional Article
-(Article 2 of law N° 42 dated 19/2/1991)
Notwithstanding the provisions of the last paragraph of Article 14 of decree-law N° 22 dated 23/3/1985, the decisions of the Council of the Bar mentioned in the amended Article 79 may be rescinded by the Court of appeal within a period of fifteen days following the notification.

Chapter 2
Lawyers' duties

Article 80
The lawyer, in all his undertakings, shall abide by the principles of honour, rectitude and honesty and shall fulfil all the duties imposed on him by the law and the rules and traditions of his profession.

Article 81
The lawyer is prohibited from contacting witnesses in the case he is dealing with and listening to their evidence before they give it in court, or of discussing with them any question relating to the evidence.

Article 82
The lawyer is prohibited from buying litigious rights.

Article 83
Civil professional companies can be set up, grouping practicing lawyers as associates, and the object of these companies shall be to practice the profession of lawyer.

The deed of association shall be drawn up in writing or registered with the Bar Association; the same applies to any amendment to the deed. Lawyers associated or cooperating in the same offices are prohibited from pleading against each other, or of representing in legal or administrative proceedings two parties with different interests.

Article 84
The lawyer shall have an office in the area of the Bar Association to which he is affiliated, and is not authorized to have more than one office.

Article 85
The lawyer shall be prohibited from seeking to obtain clients through advertising, brokers, intermediaries or any other means and shall not assign part of his fees to any person other than a lawyer.
Article 86
The lawyer shall be prohibited from advertising his office. He shall not be entitled to have, at the entrance of this office, anything more than a sign-board bearing his name.

Article 87
The lawyer shall be responsible towards his client for carrying out his task in accordance with the provisions of the laws and the terms of his mandate.

Article 88
(amended by law N° 42 dated 19/2/1991)
The lawyer may renounce his mandate after having accepted its subject to notifying the client and the court and to taking all due precautions to prevent any damage to his client from this renunciation.

Should the lawyer be unable, for any reason whatsoever, especially if the place of residence of the client is unknown, to notify him of this renunciation, the matter shall be submitted to the court hearing the case which shall decide peremptorily the validity of the renunciation once it has ascertained the impossibility of notifying it to the client. In such a case, the court shall discharge the lawyer from the duty of representing the client and the latter shall be notified the subsequent proceedings of the case in accordance with legal procedure.

Article 89
Once the lawyer has executed his mandate, he shall return to the client all the documents received from him, if so requested.

The right of the client to request the return of the documents shall be barred at the end of five years from the termination of the case.

Article 90
The lawyer shall not accept a mandate from the adversary of his client, nor give him any help, not even counseling, in the case for which he accepted the mandate or in a related case even after the termination of his mandate.

Article 91
The lawyer receiving annual or monthly legal fees for lawsuits or counseling shall not accept any lawsuit or give any counseling to the adversary of his client.

Article 92
The lawyer shall not divulge a secret confided to him or which he became aware of through his profession, even after the termination of his mandate. He shall not testify against his client in the present case for which the mandate was given nor in a former one.
Article 93

Whenever a lawyer is offered a mandate in a case which was entrusted to a colleague, he shall refuse acceptance of the mandate until the colleague gives his authorisation, or else he shall request the authorisation of the President of the Bar.

Article 94

(amended by law N° 42 dated 19/2/1991)

1 - A lawyer shall not accept a mandate in a case against a colleague nor initiate personal proceedings against a colleague before obtaining the authorisation of the President of the Bar.

2 - The request of an authorisation shall be submitted to the President of the Bar who, if he fails in his efforts to conciliate the disputing parties, shall take a decision in a maximum period of thirty days as of the registration of the request at the Secretariat of the Bar Association. Should the time period elapse without a decision being taken, the authorisation is considered as given by right and each of the parties is entitled to oppose the explicit or implicit decision of the President of the Bar before the Council of the Bar within ten days of the notification of the explicit decision or of the date of the implicit decision. The Council shall take a decision as to the opposition within thirty days of its submission to the Council, failing which the opposition shall be considered as rejected.

3 - The explicit or implicit decision of the Council on this matter can be rescinded in accordance with the principles of the amended last paragraph of Article 79.

4 - Notwithstanding the first paragraph of this Article, the lawyer may, very exceptionally, accept to be retained in a civil case in order to take measures of conservation of assets aimed at protecting rights which would otherwise be lost, and that before obtaining the authorization of the President of the Bar, subject to his submitting a request for the authorization within ten days at most of the taking of said measures.

Article 95

The lawyer shall wear the lawyers' gown every time he appears before the courts.
Title four
Discipline of lawyers

Chapter 1
The Disciplinary Council

Article 96
The Disciplinary Council shall be chaired by the President of the Bar or by his delegate, and shall include two members chosen by the President among the members of the Council for a period of one year; one of the two members may be a lawyer who has been registered on the roll for at least ten years.

The members of the disciplinary court as well as the lawyer appearing before it and his legal counsel shall all wear the lawyers' gown.

Article 97
The members of the disciplinary council or one of them may be challenged whenever there exists one of the causes for challenging a judge provided in the law on the Rules of civil procedure.

The Council of the Bar shall examine the challenge request and takes its decision in accordance with the rules governing the challenging of judges.

Chapter 2
Sanctions

Article 98
In the case of a slight contravention by a lawyer, the President of the Bar shall send him a fraternal warning, without bringing the lawyer before the Disciplinary Council.

Article 99
Any practicing or trainee lawyer, who fails to comply with the duties of his profession as defined in this law or who, in the course of the profession or outside the profession, commits an action or behaves in a manner that dishonours the profession, shall be subject to the following disciplinary sanctions:
1 - A warning
2 - A blame
3- A suspension from practice for a maximum period of three years.
4 - The striking off the roll of his name

Article 100

The period of suspension from practice is not taken into account when calculating the training period or the retirement period or any other time period required to assume responsibilities within the Council of the Bar.

Article 101

The Disciplinary Council, when deciding the suspension from practice of a lawyer, shall draft, within its decision, a special paragraph denying said lawyer the right to be elected a Member of the Council of the Bar for a maximum period of ten years.

Chapter 3

Procedure of the Disciplinary Council

Article 102

A lawyer shall be brought before the Disciplinary Council only on the basis of a decision taken ex officio by the President or following a complaint or an information submitted to him.

A lawyer shall not be brought before the Disciplinary Council except after having been heard by the President or whoever he delegates for the purpose or should the lawyer fail to appear after having received notice of the hearing.

The President shall seek to have the matter settled promptly.

Article 103

The fact that a lawyer is no longer in practice shall not prevent disciplinary measures being taken against him for actions he committed before he stopped practicing.

Article 104

Any court rendering a criminal judgment against a lawyer shall communicate a copy of said judgment to the President of the Bar.
Article 105

The Disciplinary Council shall adopt the investigation and judgment procedures which guarantee the rights of defence and fairness, and the lawyer brought before it may appoint one lawyer.

Article 106

The proceedings before the Disciplinary Council shall be "in camera" and the convening and judgments shall be notified according to regulations.

Article 107

The decisions of the Disciplinary Council shall be notified to the President of the Bar and to the prosecution department of the Court of appeal within ten days of their publication.

Chapter 4

Means of appeal

Article 108

The disciplinary decisions rendered by default can be opposed by the lawyer against whom they were taken within a period of ten days as of his notification in person or by a registered letter with acknowledgment receipt. The Disciplinary Council shall examine the opposition and take a decision within fifteen days at most of the submission of the opposition claim.

The lawyer as well as the prosecution department of the Court of appeal are entitled to appeal any decision of the Disciplinary Council and both appeals shall be submitted within ten days of the notification.

The appeal of the decisions of the Disciplinary Council shall be submitted to the Court of appeal which shall hear it "in camera" after having been joined by two member of the Council of the Bar chosen by said Council among those members who did not examine the case in first instance. The appellant shall be entitled to appoint one lawyer only.

Article 109

Whoever has been the object of a disciplinary decision striking his name off the roll shall be entitled, five full years after the decision was taken, to submit a request to the Council of the Bar to have his name restored on
the roll. Should the Council of the Bar decide that the five years where sufficient to erase the effects of the deed, it shall decide to restore his name on the roll. Should the Council of the Bar reject the request, it cannot be renewed before a period of two years. After two rejections, no other request can be submitted.

Title five

Chapter 1

Penalties

Article 110
(amended by law N° 42 dated 19/2/1991)

Any person who shall pretend to be a lawyer or shall practive unduly the profession of lawyer shall be liable to a penalty of six months to three years imprisonment and to a fine of twenty five thousand to one hundred thousand Lebanese pounds.

Article 111
(amended by law N° 42 dated 19/2/1991)

Any lawyer who Pratices the profession after having been forbidden to do so whether during the period of his suspension or after having been struck off the roll by a confirmed disciplinary decision shall be liable to a penalty of six months to three years imprisonment and to a fine of twenty five thousand to one hundred thousand Lebanese pounds.

Article 112

Any person who shall provide legal advice without being a lawyer or a professor in a law institute shall be liable to a penalty of up to one month imprisonment and to a fine of ten pounds to one hundred pounds.

Article 113

Any person who endeavours, for a commission, to provide clients to a lawyer shall be liable to a penalty of one month to one year imprisonment and to a fine of fifty to one thousand pounds or to both.
If that person is a public official, the penalty shall be increased within the limits provided in Article 257 of the Code of criminal law.

Any intermediary shall expelled from the Law Courts by the Prosecution department at the request of the President of the Bar. Should he return again without a valid reason, he shall be liable to a penalty of one week to three months imprisonment and to a fine of ten to one hundred pounds or to one of those two penalties.

**Article 114**

Any lawyer who resorts to an intermediary to acquire clients shall be liable to the penalty provided in the first paragraph of the precedent Article and shall be suspended from Practice for a period of one year at least. In case of repetition of the offence, the lawyer shall be struck off the roll.

**Chapter 2**

**Miscellaneous provisions and temporary measures**

**Article 115**

The President of the Bar can authorize a foreign lawyer to plead before the Lebanese Courts in a given case subject to reciprocal treatment from the Bar to which the lawyer belongs.

**Article 116**

*(amended by law N° 42 dated 19/2/1991)*

The documents and decisions of the Council of the Bar and the decisions of the Disciplinary Council shall be notified according to the rules foreseen in this law and to those defined in the rules of procedure of the Bar Association.

**Additional Article**

*(Article 3 of law N° 42 dated 19/2/1991)*

In the case of contracts the value of which is over two million Lebanese pounds and which are recorded in the Land Register or the Trade Register or by a notary, and in the case of arbitration contracts, a proportional tax shall be levied, against a receipt, at the rate of one per thousand of the value of these contracts, in favour of the cooperative fund and the pension fund