

cerning the Association's elections, the rules of procedure for investigating the offences, the kinds of offences and their penalties, promotions, apprenticeship and the advocates licences within two months of the sanctioning of this law. The regulations will come to effect after the approval of the Minister of Justice.

Article 23.

In order to purge the present advocates, the office of the Disciplinary Prosecutor of Advocates of Teheran is charged to investigate the complete records of all advocates practicing in the Capital within six months and the records of advocates practicing outside the Capital within one year of the sanctioning of this law, and refer the cases of those found not competent to act as an advocate to the Disciplinary Court of Advocates for further investigation. The said court is bound to hear the case within two months of its receipt, and if it finds the advocate incompetent to continue with the legal profession, it will uncloak him. The Minister of Justice, the Disciplinary Prosecutor of Advocates and the condemned advocate may file an appeal against the judgement of the Disciplinary Court of Advocates at the Disciplinary Court of Judges. The decision of the latter is final.

Article 24.

The decree law concerning the Independence of the Bar Association of the month of Esfand 1331, that part of the law concerning the legal profession of the month of Bahman 1315, section 8 of Article one of the budget law for the year 1326 as sanctioned by the National Consultative Assembly (the lower House) and other laws and regulations concerning the legal profession which are contrary to the contents of this law, are hereby repealed.

Article 25.

The Ministry of Justice may with the approval of the High Judicial Council assign first class advocates to judicial services. In this case the number of years of first class practice will be counted as equivalent of years of judicial Service and will determine the judicial grading of the assigned advocate.

Article 26.

The Ministry of Justice is charged with the enforcement of this law.

prosecuted to continue his practice, they may ask the Disciplinary Court of Advocates for his temporary suspension. The court is bound to give priority to the request, and in case it gives judgement in favour of suspension, the orders can be executed. Also, in case six of the members of the Executive Board have a similar request, the President of the Association is obliged to ask the court for the suspension of the advocate, who is being prosecuted.

The suspended advocate may appeal against this judgement, and also the Minister of Justice and the president of the Bar Association, may appeal against a non-suspension order.

The High Disciplinary Court of Judges must give priority to these cases and its judgement is final.

Article 19.

The charges for the services rendered by an advocate, if not agreed upon previously between himself and his client, are determined in accordance with a tariff which should be proposed by the Bar Association and approved by the Minister of Justice. The third parties are only bound with this tariff unless the charges previously agreed upon are less than those of the tariff.

Article 20.

Whoever abuses an advocate in the course of his legal duties or as result of such duties, will be sentenced to a correctional imprisonment of 15 days to 3 months.

Article 21.

In cases when the Minister of Justice is confronted with an offence by one of the members of the Board directors of the Bar Association, or, Judges and the Prosecutor of the Disciplinary Court in the course of their duties, he will refer the case to the Prosecutor-General of the Court of Cassation. The Prosecutor-General will direct the investigations in whatever way he finds appropriate, in the event he finds determinable proof, he will refer the case to the High Disciplinary Court of Judges for a judgement.

Article 22.

In accordance with the provisions and contents of this law, the Bar Association will draw up the regulations for the administration of the Association, such as the regulations con-

Association may appeal against the dismissal of the case and the judgements of 4th degree and above, within ten days of the communication of the order, taking in view the distance in accordance with the Code of Civil Procedure. The appeals are to be filed at the Disciplinary Court of Judges and the decision of the said court is final.

Article 15.

In the event that the President or the Prosecutor of the Court of First Instance and or the President or the Prosecutor of the Court of Appeal (Court of Province) notice an infringement of law committed by an advocate which can be prosecuted, they must report the case in writing to the Office of the Disciplinary Prosecutor of Advocates.

In the event that the said prosecutor's office finds the charges relevant, after drawing the bill of indictment will forward the case to the Disciplinary Court of Advocates. Otherwise will inform the prosecutor of Province (Court of Appeal) of its opinion including the reasons behind the opinion. If the said prosecutor does not surrender to the opinion of the Office of the Disciplinary Prosecutor of Advocates, he may directly ask the Disciplinary Court of Advocates, to go through with the case.

Article 16.

Whenever the Minister of Justice finds that an advocate should be prosecuted, he may file a suit at the Disciplinary Court of Advocates, stating his reasons, and also, in the event that he is not satisfied with the judgement of the said court, he may appeal against it.

Article 17.

As from the date when this law comes into effect, no advocate may be suspended or prohibited from his practice, unless a final order is issued by the Disciplinary Court.

Article 18.

In the event that the Minister of Justice and or the President of the Bar Association, for a certain reason, do not consider it advisable to allow a certain advocate who is being

Article 12.

In cases when the advocate or his wife are related directly or through marriage, up to third degree from second class relationship, with the judge or the prosecutor or the assistant prosecutor or the judicial interrogator, he is prohibited from accepting cases, directly or indirectly, before that court or that prosecutor or that judicial interrogator.

Article 13.

The Office of the Disciplinary Prosecution of advocates is authorized to investigate the infringements (of the law) by advocates and licenced agents and to prosecute the same. The Office is comprised of the prosecutor and the necessary number of assistant prosecutors who are elected through a secret ballot by the Board directors of the Association for a period of two years.

After investigating the infringements and the complaints, if the Office of the Disciplinary Prosecutor, finds proof of the guilt it will proceed to prosecute at the court. Otherwise it will throw out the bill.

Appeals against this order of no true bill by the complainant and the President of the Association may be filed at the Disciplinary Court of the Advocates within ten days of the communication of the order, taking in view the distance in accordance with the Code of Civil Procedure.

If the Disciplinary Court of Advocates accepts the appeal, it will proceed with the case and give its judgement.

Article 14.

The Disciplinary Court of Advocates has jurisdiction over cases of infringement of law by the advocates and licenced agents. The said court is comprised of 3 first class advocates who are elected for a term of two years by the Board of directors of the Bar Association, and for the same term of office the Board of directors elects two first class advocates as reserve members for the court, to seat at the bench while the original members are absent or ill. The first, second and third degree judgements are final. But the ex-parte upon whose complaint the proceedings have started can appeal against all judgements and also the Office of the Disciplinary Prosecutor of Advocates and the President of the Bar

exception of the professors of the Faculty of law, Economics and Political Science who are teaching in one of the law branches, upon the permission of the University.

- 3) The interdicted and also those below the age of 25.
- 4) Those deprived for life from government service by a court ruling.
- 5) The persons reputed to be morally corrupt and are notorious for using intoxicating elements and narcotic drugs, and for actions contrary to the chastity.
- 6) Those convicted for a criminal charge in general and those convicted for charges of misdemeanor concerning unchastity, dishonesty and the ones inconsistent with the dignity of the legal profession, at the discretion of the board of Directors of the Bar Association or in cases when the law deprives a person of certain social rights.
- 7) Those who are being tried for the above charges of crime or misdemeanor.
- 8) Those who have been disbarred by a court order from practicing law.

Article 11.

The advocates who apply for promotion must, as well as fulfilling the conditions required by law, obtain a certificate attesting the proper discharge of duties as an advocate from the following authorities.

If the domicile of the advocate is situated in places where a district court (Peace Court) or a court of first instance exists, the above certificate must be certified by the presidents of the above courts and the public prosecutor or his substitutes. In case the domicile of the advocate is situated at the seat of the Province, the above certificate must be also certified by the President of the Courts and the Prosecutor of Province (Attorney-General of the Province).

N. B.

The above judicial authorities will if necessary, issue the certificate, after consulting their subordinates.

Article 8.

The following persons are issued with first class advocate's licences by the Bar Association :-

- a) Those who have served for ten continuous years or 15 alternate years in the judiciary and have at least had five years of service as the president or a member of a court and their judicial competence must not have been revoked by the High Disciplinary Court of Judges.
- b) Those who hold a law degree and have served for five years with the judiciary and their judicial competence must not have been revoked by the High Disciplinary Court of Judges.
- c) Members of either house of Parliament who have in addition to the membership of the judicial committee, taught at the law faculty or done administrative work for at least twenty years at the Ministry of Justice or the Department of Land Registration, provided that their applications for a licence are received within two months of the sanctioning of this law.

N. B.

Those who hold a law degree and have served for two years in the judiciary, will not have to undergo the period of apprenticeship. But in this case, the periods of suspension from service will not count as a part of the necessary two years condition for obtaining a licence.

Article 9.

Those who have held an advocates licence up to this date and their competence has not be revoked, are recognised as advocates.

Article 10.

The following will not be licenced to practice law:

- 1) Foreign citizens.
- 2) Judges, civil servants, municipal employees and the employees of the agencies which are wholly or partly government owned, while in active service, with the

Disciplinary Prosecutor and his assistants must not be members of prohibited political parties.

In the case of the infringement of this rule the High Disciplinary Court of Judges will deprive them of the membership of the Board, of Directors, the Disciplinary Court and the Office of the Disciplinary Prosecutor of the Bar Association. The High Disciplinary Court of Judges is obliged to juridicate as soon as it is informed of the case. The decision of the Court is final.

Article 5.

The Board of Directors of the Bar Association of the Capital will elect by secret ballot from its members a president two vice-presidents, two secretaries and two inspectors for a term of office of one year. In other district, the Board of Directors will have a president a vice-presidents, a secretary and an inspector.

Article 6.

The duties of the Bar Association are as follows:-

- a) To issue advocate's licences to those who fulfill the legal qualifications.
- b) To administer the affairs concerning the profession and to supervise the activities of the advocates and the licenced agents of legal matters.
- c) To attend to the infringements by advocates and licenced agents and to arrange for their disciplinary prosecution, through the Office of the Disciplinary Prosecutor and the Disciplinary Court.
- d) Legal aid.
- e) To provide means for the academic and practical advancement of advocates.

Article 7.

From the date when this law comes into effect onwards, licences for practicing law will only be issued to the holders of a law degree from the internal or foreign law faculties. After having received their licences, the above mentioned persons must undergo a period of at least one year of apprenticeship. Then, after being tested and passed, the Bar Association will issue them with a first class licence.

domicile of the elected advocate must be at the seat of the province throughout the period of his membership.

Article 3.

The General Council of the Bar Association of each province is formed by the advocates practising in the district and fulfilling the following qualifications, and meeting once every two years, in order to elect the members of the Board of Directors.

The advocates with the following qualifications are qualified to elect the Board of Directors.

a) First and second class advocates provided that:

1 - No disciplinary action of 4th degree and above has been taken against them.

2. They are not in a state of suspension from practicing law.

Article 4.

The members of the Board of Directors of the Bar Association will be elected for a period of two years from amongst the first class advocates of each district who fulfill the following qualifications:

a) To be at least 35 years of age

b) To hold a university law degree and to have at least ten years of practice as an advocate or a judge, provided that 5 years of this be as a first class advocate.

c) The advocates who do not hold a law degree can be elected if they have 20 years of practice as an advocate or 20 years of practice as an advocate and a judge provided that 5 years of this period be a practice as a first class advocate.

d) Not to have had a disciplinary action of 4th. degree and above taken against them.

e) Not to have a bad reputation.

N. B.

President and the members of the Board of Directors of the Bar Association, the members of the Disciplinary Court, and the

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THE LAW CONCERNING THE INDEPENDENCE OF THE IRANIAN BAR ASSOCIATION OF 5TH. OF ESFAND 1333 (FEB. 1954)

Article 1.

The Iranian Bar Association is an independent institution and a legal entity which is set up at the seat of each Court of Province (Court of Appeal).

In areas where, so far, a Bar Association has not been established, its establishment will depend upon the condition that there are at least sixty advocates practicing in that district and so long as the number of advocates has not reached the above specified limit, the advocates of that district will be subjected to the rules and the disciplines of the Bar Association of the Capital.

The Bar Association consists of the following sections:-

- a) The General Council
- b) The Board of Directors
- c) The Office of the Disciplinary Prosecutor of Advocates
- d) The Disciplinary Court of Advocates

Article 2.

The Bar Association of each district will be governed by the Board of Directors. The Board of Directors of the Bar Association of the Capital consists of 12 principle members and six substitute members. In other seats of the Courts of Province, it will consist of five principle members and three substitute members. The Board of Directors is charged with the administration of the affairs of the Association and the Chairman of the Board will be the President of the Association and he is the legal representative of the Association before all official authorities. The President of the Association will manage all administrative and legal activities of the association.

N. B. To remain a member of the Board of Directors the