
Lawyers

The lawyer profession

The profession of lawyer is governed by Law no 8/70 and aims at achieving the mission of justice by providing legal advice and defending rights and interests. The lawyer shall be bound to follow the recommendations of his client only insofar as they do not conflict with consistency, conscience and the interests of the client.

Legal texts sponsoring the lawyer profession

Law no 8/70 of 11/3/1970: Regulations of the profession of lawyer

Law no 58/66 of 10/9/1966: The creation of a Mutual Fund at the Beirut Bar Association & the Tripoli Bar Association

Law no 62/88 of 12/8/1988: The two Retirement Funds of Lawyers of Beirut and Tripoli

Decision no 1377 of 2/5/1991: Procedures of proportional tax collection in favor of the two Bars of Beirut and Tripoli

Law no 20/80 of 20/6/1980 on granting loans to lawyers who are damaged by the events

Decision of 15/11/1996 on the Statute of the Beirut Bar Association

The lawyer's bar association

There are two Bar Associations for lawyers in Lebanon: in Beirut and in Tripoli.

Lawyers whose offices are situated in all the Mouhafazats (governorates) except the Mouhafazat of North Lebanon are registered in the Beirut Bar Association.

Lawyers whose offices are situated in the Mouhafaza of North Lebanon are registered in the Tripoli Bar Association.

No lawyer may practise in Lebanon 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 at once.

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

Each of the two Bar Associations shall be considered as a judicial person and shall enjoy financial and administrative independence. Each Bar has its own Fund known as "The Bar Fund".

The organs of the Bar Associations shall be formed of the general assembly, the Council of the Bar and the President.

The general assembly

It is the highest recourse authority for lawyers. The general assembly holds its ordinary session every year on the first Sunday of the month of November and an extraordinary session every time the Council of the Bar deems it necessary or upon the request of one third of the lawyers who are entitled to attend.

The general assembly is chaired by the President of the Bar. In his absence, the assembly shall be presided 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.

The session of the general assembly is 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 session shall be called fifteen days later, and that second meeting shall be considered as duly held whatever the number of members present.

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

Only those practising 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 or voters.

The calling to the general assembly meeting:

Practising lawyers who are entitled to take part in the both general ordinary and extraordinary assemblies are called upon by registered mail sent to them or by an announcement published in three newspapers and a copy of which is posted hung up on the door of the Bar's building as well as all offices of the Bar in related areas.

The ordinary general assembly:

It manages ordinary annual activities of the general assembly:

The election of the President, of the members of the Council of the Bar and of the members of the Retirement Fund Committee.

Auditing and approval of the last accounts of the precedent year and approval of the budget for the following year.

Determination of the annual fees to be paid by lawyers to the Bar Fund and to the Retirement Fund.

The extraordinary general assembly:

It shall examine exclusively the items listed in the notice calling the meeting or in the decision of the Council of the Bar and none other.

The bar council

The Council of the Beirut Bar Association shall be formed of 12 members including the President. 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.

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

The President is elected for a period of two years. He can be re-elected only two years after the end of his term of office.

Members of the Council of the Bar are elected for three years. Each year the mandate of one third of the members shall come to an end. A member can be re-elected only once, two years after the end of his term.

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

The candidacy for the presidency and membership of the Council of the Bar is submitted to the Council. Any candidacy submitted after the 1st of October of the year during which the elections are due shall be rejected.

The Council of the Bar must ascertain that the candidacy fulfils all legal requirements then issue its decision accepting or rejecting it before the 10th of October, failing which it shall be considered as accepted. The decision of the Council of the Bar can be appealed.

Voting is by secret ballot and all rules and regulations regarding elections are set out in the Statute regulations.

Shall be considered winner the candidate who obtained the relative majority of votes. Should there be parity of votes, the candidate with the oldest registration on the Roll shall win. In case of parity, the elder shall be considered elected.

Should the Presidency become vacant for any reason whatsoever, the general assembly shall be called to a meeting within 30 days as of the date the post became vacant to elect a new President. If the remaining term of office is less than 6 months, the secretary shall undertake the responsibilities of President ad interim for the remaining period of office.

Should a membership of the Council 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.

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 extraordinary assembly is convened to a general election of the members of the Council of the Bar. As for the President, he shall remain in office.

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

Meetings of the Council of the Bar:

The meetings of the Council are considered legally valid only if they are held in their appointed times or at the dates set by the President and attended by an absolute majority of members.

The decisions of the Council shall be carried by the majority. In case of parity, the President shall have a casting vote.

Any member of the Bar shall be entitled to obtain from the offices of the Bar a certified copy of the Council's decisions.

Powers of the Council of the Bar:

The council manages the business of the Bar Association and shall have, in particular, to undertake the following tasks:

Decide about applications to join the Bar and applications for appointment to Association employments.

Draw up and amend the Statute of the Bar as well as the regulations relating to the Bar Association.

Determine, modify and collect the registration fees.

Implement the decisions of the general assembly.

Prepare and execute the yearly budget.

Act as a conciliator between lawyers in matters relating to professional practice.

Convene the meetings of the general assembly.

Represent the Bar Association in professional international conferences.

Contact authorities and stakeholders for matters of interest to the Association.

Encourage the acceptance of trainees in the offices of practising lawyers.

Issue instructions to lawyers concerning the practice of their profession.

Supervise the Lawyers' Rooms as well as all the institutions affiliated to the Bar Association.

Grant authorizations to help lawyers exercise their profession and define the conditions of such authorizations.

Set rules and regulations of training and take the decision in relation to ending or extending the

training period.

Set up cash prizes financed by the Bar Fund for the authors of notable scientific works.

Grant financial assistance to lawyers.

Powers of the President:

The President represents the Bar and enjoys the following powers:

Supervise the management of the Bar and defend its interests.

Preside the general assembly and the Council of the Bar, implement the decisions of each of them and sign the contracts they approve.

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

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

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

Work towards settling disputes arising between lawyers on professional matters.

The President 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.

The bar fund

The resources of the Fund are:

Registration fees of acts being elaborated at the Bar.

Fees of registration on the roll of trainees and the General Roll.

Annual fees paid by the lawyers to this Fund.

Miscellaneous incomes and donations.

The assets of the Bar Fund are allocated to the payment of the general expenses requested for the Bar, cash subsidies for lawyers, Retirement Fund, Cooperative Fund, the Bar's Library and all the other expenses that are approved by the Council of the Bar.

Perequisites to attend the bar association

Persons who want to practise as lawyers should meet the following requirements:

Enjoy Lebanese citizenship since at least ten years.

Enjoy civic rights, be over 20 years of age and under 65.

Be a holder of the Lebanese Baccalaureate, 2nd part, of the Lebanese Law Degree and of the qualifying certificate.

Behave in a way that inspires trust and respect.

Have not been convicted for a criminal or disciplinary act for reasons contrary to honour and dignity.

Have not been previously discharged from public office or from a profession for reasons contrary to honour and dignity.

The subjects relating to the qualifying certificate will be distributed among the four years of studies required to obtain the Law Degree. 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.

Lawyers' rights and duties

Lawyers' rights and advantages

Consultations and Powers of attorney:

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:

Before Criminal courts.

Before the Court of Cassation and Administrative Courts in all cases.

Before the Court of Appeal for all civil, religious and sectarian cases.

Before First Degree Court for unassessed civil cases with the exception of personal status cases and other cases in which the value disputed is above 1,000,000 LBP (Lebanese pounds).

For matters of urgency before the judge des referes with the exception of "gracious pleas" (without objection).

Before the executive bureau for the execution of judgements, bonds and other contracts and act the value of which is over 300,000 LBP (Lebanese pounds).

Before appeal expropriation committees.

Every company with share capital including limited liability companies the paid up capital of which is one million LBP (Lebanese 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 practising lawyers registered in the Bar and to pay him a yearly fee. No commercial company shall be registered unless it has complied with this obligation.

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

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

Power to plead before the Courts:

The lawyer shall be entrusted to represent his clients and plead before the Courts by an official power given to him or by an appointment by the President of the Bar.

A quarter of the share allocated to the notary public out of all taxes levied on the powers of

attorney shall be paid into the treasury of the Bar in the area of which they are established. The said share is levied by way of a special stamp edited by each of 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.

The lawyer shall be appointed by the President of the Bar to plead in the following cases:

When granting judicial assistance to a person in litigation.

When several lawyers have refused a case, although it is a just cause.

When the Criminal Court or the Juvenile Court requests the appointment of a lawyer for an accused or a person under-age who has not appointed a lawyer.

If a lawyer dies, if his name is struck off the Roll, if he is arrested or if there is an impossibility for him to carry out the work; in this case, the mandate of the lawyer is limited to taking temporary measures to protect the interests of the client until he chooses another lawyer.

The lawyer's honorarium:

The lawyer shall be entitled to fees for the work undertaken within the scope of the profession and to be reimbursed for the expenses incurred in the course of the case entrusted to him.

Fees shall be determined by an agreement concluded between the lawyer and his client. Should there be a written agreement, the lawyer may request its enforcement through the executive bureau after obtaining the authorization of the President of the Bar. The Court of Appeal shall be the only competent court to examine matters of lawyers' fees and decide on objections to the execution of the written agreement between the lawyer and his client.

Should the case give rise to other unforeseen cases, the lawyer shall be entitled to claim legal fees for them. The fees of a lawyer are considered as a privileged debt.

Immunities & Guarantees:

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.

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

No proceedings can be undertaken against a lawyer for an action resulting from the practice of his profession or in the course of it except by a decision or authorization of the Council of the Bar which shall assess whether the action resulted from the practice of the profession or was in the course of it. The decision authorizing or refusing the proceedings must be taken within a month as of the notification in writing of the President of the occurrence of the action. Should the one month period expire without the decision being taken, the authorization is considered as having been given tacitly (tacit authorization).

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

Benefit from the Cooperative Fund & the Retirement Fund:

The Cooperative Fund:

A cooperative Fund has been established in both the Beirut Bar & Tripoli Bar. This Fund is subject to the following rules:

The Fund is a judicial person managed by the Council of the Bar which has set for it rules and regulations whose enforcement is possible only once ratified by the Minister of Justice.

The resources of the Fund are composed of stamps called “cooperative stamps” edited by both Bars. Lawyers should affix these stamps on papers and documents to be submitted to courts such as, among others: assignments, conclusions, powers of attorney, execution applications.... These stamps should be also affixed on reciprocal contracts that are registered at the Land Registry or the Trade Register, on the contracts registered before the notary public and the arbitration contracts.

The resources of this Fund are assigned for medical and social insurances and the implementation of any social project for the benefit of lawyers. The Council of the Bar should determine and implement guarantees and projects.

All lawyers registered in both Bars, all attorneys at law, intern or retired lawyers can benefit from insurances.

Should the two-year period as of the birth of this right expire, there will be forfeiture of the right to claim for the benefits and services offered by the Cooperative Fund.

The Retirement Fund:

A special Retirement Fund was established in each of the Beirut and Tripoli Bar Institutes.

The resources of this Fund are:

State contributions

The income of the stamps to be affixed by lawyers

The share for the pension fees

The pension stamp half of the value of which shall be paid into the Cooperative Fund.

Lawyers' fees of a value of a quarter per cent of the value of the judgements passed on cases that are subject to proportional fees. A lawyers' flat fee shall be collected for judgements that are subject to flat judicial fee.

The amount that the general assembly decides to withdraw from the Bar treasury at the end of every year.

Revenues from the assets of the Fund.

Beneficiaries of the Retirement Fund are:

Any Lebanese lawyer aged 60 and registered since at least 30 years on the Roll of the Bar to which he belongs provided he requested retirement. The internship period is included in the calculation of years of work.

Any Lebanese lawyer registered since at least fifteen years in the Bar and suffering a permanent handicap which prevents him from practising his profession or undertaking any other activity.

In case of the death of the Lebanese lawyer, his family which is composed of: his non-divorced legitimate wife, provided that the marriage was celebrated before the lawyer became eligible for retirement;

Legitimate male children under the age of 18 years or those who are studying, are under the age of 25 years and don't have a remunerated work, in addition to children, regardless their age, who suffer a permanent handicap which prevents them from working;

Legitimate unmarried female children who don't have a remunerated work;

Parents if they have no other support than their deceased son;

The unmarried lawyer's sister who used to live with him, who has no other support than him and who does not work for a salary.

Lawyers' duties

The Lawyer's duties:

The lawyer must abide by a number of objective rules, otherwise he will be liable to disciplinary or criminal sanctions. He also has duties to his clients and colleagues.

Objective Rules:

The lawyer must have an office in the area of the Bar Institute to which he is affiliated and is not authorized to have more than one office. Civil professional companies can be set up, grouping practicing lawyers as associates. The object of these civil companies shall be to practice the profession of lawyer. The deed of association must be drawn up in writing and registered with the Bar; the same applies to any amendment to the deed. The lawyer is prohibited from seeking to obtain clients through advertisement, brokers, intermediaries or any other means and shall not assign part of his fees to any person other than a lawyer.

The lawyer is prohibited from advertising his office. He is not entitled to have, at the entrance of his office, anything more than a sign-board bearing his name.

Duties of the lawyer to his clients:

In all his undertakings, the lawyer must abide by the principles of honor, rectitude and honesty. He shall fulfill all the duties and tasks afforded by the rules and traditions of his mandate as lawyer.

The lawyer is prohibited from buying litigious rights.

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

The lawyer may renounce his mandate subject to notifying the client and the court and to taking all necessary precautions to prevent any damage to his client from this renunciation.

At the termination of his mandate, the lawyer should 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.

The lawyer cannot 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 case related with the previous one even after the termination of his mandate.

The lawyer shall not divulge secrets 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.

Duties of the lawyer to his colleagues:

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

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

The lawyer may, very exceptionally, accept to be retained in civil cases in order to take measures of conservation of assets in order to protect rights which would otherwise be lost, and that before obtaining the authorization of the President of the Bar.

Censorship over lawyers' activity

Lawyers professional activities are supervised by the Disciplinary Council especially created for this purpose.

Lawyers who fail to comply with the duties of their profession shall be liable to disciplinary or

criminal sanctions.

The Disciplinary Council:

The Disciplinary Council examines, according to clearly defined procedures, complaints submitted against a lawyer and which may require the application of disciplinary sanctions.

The Disciplinary Council is composed by the President of the Bar or by his delegate as chair, and and two members chosen by the President among the members of the Council of the Bar for a period of one year; one of the two members may be a lawyer registered on the General Roll since at least ten years.

All members of the Disciplinary Council or one of them may be challenged whenever there exists one of the causes for challenging judges.

The submitted challenge request shall be examined and decided upon by the Council of the Bar.

Procedures adopted by the Disciplinary Council:

A lawyer is 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 his delegate or should the lawyer fail to appear after having received notice of the hearing.

The President shall seek to have the matter settled promptly.

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 practising.

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

The hearings before the Disciplinary Council shall be “in camera”. Convenings and judgements shall be notified according to regulations.

Decisions of the Disciplinary Council shall be notified to the President of the Bar and to the general prosecutor of the Court of Appeal within ten days of their publication.

Disciplinary decisions can be opposed.

Sanctions:

Disciplinary Sanctions:

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

Any practising lawyer who fails to comply with the duties of his profession 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:

warning

blame

suspension from practice for a maximum period of three years

striking off the Roll of his name

The suspension from practice for a maximum period of three years:

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

When deciding the temporary suspension from practice of a lawyer, the Disciplinary Council may provide for denying said lawyer the right to be elected a member of the Council of the Bar for a maximum period of ten years. This additional sanction is imposed when a lawyer is convicted for intentionally failing to fulfill a duty he should fulfill as part of a responsibility he should assume within the Council of the Bar.

Criminal Sanctions:

Any person who pretends to be a lawyer or practises unduly the profession of lawyer shall be liable to a penalty of six months to three years of imprisonment and to a fine of 25,000 LBP to 100,000 LBP.

Any lawyer who practises 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 of imprisonment and to a fine of 25,000 LBP to 100,000 LBP.

Any person who provides legal advice without being a lawyer or a professor in a law faculty shall be liable to a penalty of up to one month of imprisonment and to a fine of 10 LBP to 100 LBP.

Any lawyer who resorts to an intermediary to acquire clients or 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 of imprisonment and to a fine of 50 LBP to 1,000 LBP or to one of these sanctions.