

**Bar Association  
AMMAN**



# **The Bar Association Law**

Law No. (11) of 1972

and its amendments,

And

Issued Resolutions About the Bureau for the  
Interpretation of Laws

AND

Code of Ethics for the law practice and Code of  
Conduct

2022

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In The Name of Allah, Most Gracious, Most  
Merciful

# The contents of Bar Legislations

	<b>Page</b>
- Bar Association Law No. (11) of 1972 and its amendments	<b>7</b>
- Cancellations of the Bar Association Law	<b>51</b>
- Issued Resolutions About the Bureau for the Interpretation of Laws	<b>57</b>
- Professional ethics and codes of conduct	<b>109</b>

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In The Name of Allah, Most Gracious, Most Merciful

Allah says: ("Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice..")

God speaks the truth.

(58) (Surah An-Nisa)

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# **Bar Association Law**

**No. (11) of 1972, as amended**

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# Index of Bar Association Law No. (11) of 1972<sup>1</sup>

Law No. (32) of 1973<sup>2</sup>

Law No. (53) of 1976<sup>3</sup>

Law No. (51) of 1985<sup>4</sup>

Law No. (25) of 2014<sup>5</sup>

Law No. (6) of 2019<sup>6</sup>

	<b>Article</b>
Chapter 1: Composition and Objectives of the Bar Association	2-5
Chapter 2: Law Practice	
Chapter (3): Conditions for practicing law	6
Chapter 4: Functions and works that may not be combined them and law practice	7-10
Chapter 5: Joining the Bar Association	11-13
Chapter 6: Solicitors' Register	14-18
Chapter 7: Training	19-24
Chapter (3): Rights and Duties of Solicitors	25-37
Chapter 9: Duties of the Solicitor	38-52
Chapter 10: Disciplinary Power	53-62
Chapter 11: The Authority:	63-75
Chapter 12: Bar Council:	76-85
Chapter XIII: Appealing the decisions of the Bar Association	86-97
Chapter 14: Professional Service	98-99
Chapter 15: Bar Association Resources	100
Chapter 16: GENERAL	101-105

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<sup>1</sup>This Law was published on page 666 of issue 2357 of the Official Gazette dated 06/05/1972. With its promulgation, it replaced the Provisional Bar Association Act No. 15 of 1970, published on page 1216 of Issue No. 2258 of the Official Gazette dated 10/09/1970

<sup>2</sup> This Law is published on page (1243) of the Official Gazette No. (2429) dated 01/07/1973.

<sup>3</sup> This Law is published on page (2306) of the Official Gazette No. (2655) dated 16/09/1976.

<sup>4</sup> This Law is published on page (1327) of the Official Gazette No. (3340) dated 17/09/1985.

<sup>5</sup> This Law is published on page (4306) of the Official Gazette No. (5294) dated 16/07/2014.

<sup>6</sup> This Law is published on page (566) of the Official Gazette No. (5561) dated 17/02/2019.

## **The Bar Association Law**

### **No. (11) of 1972 and its amendments**

#### **Article (1):**

This Law shall be called (the Bar Association Law of 1972) and shall come into force from the date of its publication in the Official Gazette.

### **Chapter 1:**

#### **Composition and Objectives of the Bar Association**

#### **Article (2)**

Solicitors in the Hashemite Kingdom of Jordan form a Bar Association with two offices in Amman and Jerusalem.

#### **Article (3)**

The Bar Association shall enjoy legal personality and financial independence. Its affairs shall be handled by a council elected by the General Assembly in accordance with the provisions of This Law and represented by the President before the judicial and administrative authorities and before third parties.

#### **Article (4)**

The Bar Association is a member of the Arab Solicitors Union and works in cooperation with the Union and the Bar Associations in the Arab world to raise the level of the law practice under the slogan of the “Union” (Al-Haq Wal-Ourouba).

#### **Article (5):<sup>7</sup>**

The Bar Association carries out its activities to achieve the following objectives:

1. To defend the interests of the Bar Association and Solicitors, maintain the effectiveness of the law practice, and ensure the freedom of the Solicitor to perform his mission.
2. To organize the efforts of the members of the Bar Association to develop legal thought in the service of right, justice and progress and contribute to the development of legislation in order to facilitate justice without material impediments or administrative complications.
3. To activate legal research, encouraging those who carry it out, and raise the scientific level of the members of the Bar Association.
4. A. Provide economic, social and cultural services to members, organizing old-age, disability and death pensions, help when needed, and provide health care to ensure a decent life for members and their families.

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<sup>7</sup>Clause (b) of Paragraph (4) of Article (5) was amended by the amended Act No. (25) of 2014. Clause (c) was also added to the article by virtue of the amended Act No. (53) of 1976.

- b. Establish and develop Solicitors' retirement fund guaranteeing that the Solicitor receives a pension and does not affect this right as he receives a pension from the Treasury Fund or from any other party.
  - c. Establish and develop a cooperative fund for Solicitors to enhance cooperation among them and consolidate cooperative, professional, and material services for them.
5. Provide professional work for members, organize cooperation in the practice of the profession, and provide legal aid to citizens who are unable to do so.



## Chapter 2

### Law Practice

#### Article (6)

Solicitors are judicial officers who have taken a profession to provide judicial and legal assistance to those who request it for remuneration, including:

1. Represent third parties to claim and defend their rights:
  - a. Before all courts of all kinds and degrees except the Sharia courts.
  - b. With arbitrators, the prosecution departments, the administrative governors and the judicial officer.
  - c. at all administrative bodies and public and private institutions.
2. Prepare contracts and carry out the procedures required for this.
3. Provide legal consultations.

## Chapter 3

### Conditions for practicing law

#### Article (7)

The law practitioner is required to have his name registered in the register of mentoring Solicitors.

#### Article (8):<sup>8</sup>

1. Whoever requests to be registered in the register of Solicitors shall be:
  - a. a Jordanian national for at least ten years unless the applicant for registration was a national of an Arab country before obtaining Jordanian nationality, in which case the period of his dual nationality may not be less than ten years.
  - b. twenty-one years old.
  - c. fully eligible.
  - d. residing in the Hashemite Kingdom of Jordan as a de facto permanent resident.
  - e. With a good character and reputation. Further, he has not been convicted or sentenced for a moral crime or a disciplinary penalty for reasons affecting honor and dignity. His service in any job or work in any previous profession has not ended or his relationship with either of them has been severed for reasons of honor, honesty or morality. The Bar Council may carry out any procedures or investigations it deems necessary and appropriate to verify the existence of this requirement in the registration applicant.
  - f. The applicant shall hold a law degree from a recognized university or law institute, provided that this certificate is acceptable for the practice of the legal profession in the country that granted it.

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<sup>8</sup>This article was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

In implementation of the purposes of this paragraph, the Bar Council shall prepare, with the approval of the Ministry of Higher Education and Research or any other relevant authority, a list of recognized universities and legal institutes. The Council may, from time to time, in the same manner, add or delete the name of any university or institute registered in that list. The list and any amendment thereto shall be published in the Official Gazette.

- g. He has completed the training stipulated in Chapter 7 of This Law.
  - h. He shall not be an employee of the state, municipalities, private sector or any other function.
  - i. He shall not be affiliated with another Association.
  - j. He shall pay the fees prescribed under This Law and the regulations issued thereunder, Notwithstanding the provisions of any other legislation.
2. Jordanian Solicitors who have previously been licensed to practice law and registered in the mentoring Solicitor Register before the issuance of This Law are excluded from the conditions mentioned in paragraphs (f) and (g) of this article.

**Article (9):**

1. The mentoring Solicitor who is of a nationality of one of the Arab countries may request to be registered in the register of mentoring Solicitors, provided that he is of that nationality for at least ten (10) years prior to the date of submitting the application, provided that there is a similar text in the legislation of the country of which he is a national, and that he is subject to the provisions contained in paragraphs (b) - (f) of the previous article.
2. The trainee Solicitor (in training) who is of a nationality of one of the Arab countries may request to be registered in the register of trainee Solicitors, provided that he is of that nationality for at least ten (10) years prior to the date of submission of the application, provided that he is subject to the conditions mentioned in the previous paragraph and the provisions of Chapter 7 of This Law, and provided that his country of nationality treats the Jordanian trainee Solicitor similarly.

**Article (10)**

The Arab Solicitor affiliated with one of the Bar Associations of the Arab countries may plead jointly with a Jordanian Solicitor registered in the register of Solicitors before the courts in a specific case and with permission granted by the Bar council or the president in the event that the council does not meet for any reason whatsoever after verifying the status of the Solicitor requesting the pleading, provided that the Bar Association to which that Solicitor is affiliated treats Jordanian Solicitors similarly.

## **Chapter 4**

### **Functions and works that may not be combined them and law practice**

**Article (11)**

1. Law practice may not be combined with the following:
  - a. Legislative Power Presidency

- b. The Ministry
  - c. Permanent and temporary public or private positions with a salary or remuneration, except for mentoring Solicitors who practice law in an official or semi-official institution or company.
  - d. <sup>9</sup> Professionalization of trade, representation of companies or institutions in their business, and chairmanship or vice-chairmanship of the boards of directors of companies or institutions of all kinds and nationalities.
  - e. The position of a director in any company or official or semi-official institution or any position therein.
  - f. All acts that are incompatible with the independence or the dignity of the Solicitor.
2. <sup>10</sup>The provisions of this article do not apply to working in the human rights and cultural press, membership of representative councils, membership of teaching staff in Jordanian Law faculties, or working in the Bar Association on a full-time or part-time basis.

**Article (12):<sup>11</sup>**

1. Every Solicitor who no longer meets the conditions for practicing law as mentioned in Articles 7 and 8 or carries out one of the Laws stipulated in paragraph (1) of the previous article shall have his name transferred to the Register of Non-Practicing Solicitors by a decision of the Bar Council.
2. If the reasons set out in the previous paragraph are removed, the Solicitor shall be re-registered in the Solicitors' register by a decision of the Bar Council upon his request

**Article 13<sup>12</sup>**

1. A Solicitor who has previously held the position of minister may not accept to be delegated by himself or through another Solicitor in any lawsuit against the ministry he was handling or against any of the departments, institutions, and interests associated with it, for a period of three (3) years after he left the ministry.
2. A person who holds a public or private office and leaves it and practice law may not accept to be delegated by himself or through another Solicitor in any lawsuit against the public or private authority in which he held that position for a period of two (2) years following the end of his service therein.
3. A Solicitor who is a member of any of the public or private councils, committees, or bodies, including the legislative, municipal, and administrative councils, may not accept to be delegated by himself or by another Solicitor in any lawsuit against any of those councils, committees, or bodies, or against any of their subordinate authorities, during the term of his membership in them and for a period of two years after their expiration.

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<sup>9</sup> Thus, this clause was amended by the amended Act No. 51 of 1985. Prior to its amendment, clause (d) stated as follows:

(d) Professionalizing trade and representing foreign companies in their business.

<sup>10</sup> \* This paragraph was amended by virtue of the amended Act No. 51 of 1985 published on page (1327) of the Official Gazette No. 3340 dated 1/3/1989, which stipulates as follows:

<sup>11</sup> This article was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014

<sup>12</sup> \* This article was amended by the amended Act No. 51 of 1985.

4. A Solicitor who held a judicial position before practicing law may not accept to be delegated by himself or by another Solicitor in a lawsuit that was before him or in any subsidiary lawsuit or arising therefrom.
5. A person who has given his opinion in a case that has been presented to him in his capacity as an employee, arbitrator, judge or expert to accept the delegation in that case or in any branch case or arising therefrom.

## **Chapter 5**

### **Joining the Bar Association**

#### **Article (14):<sup>13</sup>**

Bar Association keeps three registers

1. The Register of Practicing Solicitors, in which the names of the Solicitors affiliated with the Bar Association who have paid the annual fees and all fees, receivables and revenues required of them for the Bar Association are recorded.
2. The Register of Non-Practicing Solicitors, in which the names of Solicitors affiliated with the Bar Association to whom the provisions of Articles (12) and(22) of This Law apply are registered.
3. Trainee Solicitors Register.

#### **Article (15):<sup>14</sup>**

- 1- The application for registration in the Register of mentoring Solicitors shall be submitted to the Bar Council with the documents proving the fulfillment of the conditions stipulated in Article 8. If a period of two months has expired from the date of submitting the application and the Bar Council has not issued a decision in this regard, the application shall be considered implicitly rejected, and the applicant shall have the right to challenge the implicit rejection decision.
- 2- Notwithstanding the provisions of any other legislation, only those who meet the conditions and requirements stipulated in This Law shall be registered in the register of Solicitors, mentoring Solicitors, or trainees.

#### **Article (16):**

The Minister of Justice, his representative, or any Solicitor mentoring Solicitor may appeal against any decision issued by the Bar Council that requires the registration of a Solicitor in the bar register. The applicant for registration has the right to appeal against the decision in which the council decides to dismiss his application.

#### **Article (17)**

1. Subject to paragraph (2) of Article 8, if the Bar Council finds that one of the registration conditions stipulated in Article (8) on which the Board relied in accepting the Solicitor's registration application is not available, or is incorrect, the Board has the right to reconsider and cancel this registration, and this decision may be appealed by the Solicitor.

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<sup>13</sup>This article was amended by the amended Act No. (25) of 2014.

<sup>14</sup>This article was amended by adding a second paragraph to it in the current text by virtue of the amended Act No. (25) of 2014.

2. The provisions of this article apply to Solicitors in training.

**Article (18)**

The rejection of the registration application due to the lack of the conditions stipulated in Article (8) does not preclude the submission of a new application if the applicant invokes the removal of the reason or reasons that led to the rejection. Upon renewal of the application, the Council has the right to reject it, and the claimant has the right to appeal this decision.

## Chapter (6) Solicitors' Register

### Article (19)

Each year, the Bar Council organizes a general register of the names of mentoring and practicing Solicitors, and another register of the names of Solicitors under training arranged in accordance with the Bylaws. A copy of the register of mentoring Solicitors, is sent to the Ministry of Justice, Public Prosecutions, courts, the Arab Solicitors Union, bar associations in the Arab countries, and trade union or international institutions that are properly notified after its publication in the Official Gazette.

### Article (20)

The Bar Association Council shall organize a special dossier for each Solicitor that includes everything related to it. The rules of procedure of the Bar Association shall determine the principles of organizing this dossier.

### Article (21)

1. Solicitors who have not paid the fees due within the time specified by the Bylaws or who have failed to take the legal oath set out in Article (23) of This Law shall not be registered in the annual register of practicing Solicitors. This shall not prevent the registration of the defaulting Solicitor again in the event that he pays the fees due in accordance with the association's regulations and in the event that he takes the legal oath.
2. Courts are prohibited from accepting mentoring Solicitor who are not registered in the register stipulated in Article (19) of This Law under penalty of nullity.

### Article (22):<sup>15</sup>

If a Solicitor is late in paying the annual due fees in accordance with the association's regulations for a period of two consecutive years or more or stops working for such a period, his name shall be excluded from the practicing Solicitors register, and if he requests re-registration in the register, he shall pay half of the registration fee again in addition to paying the other fees due to him.

### Article (23)

Solicitors registered in the mentoring Solicitor Register shall, within two months of the entry into force of This Law, and the Solicitor whose name is registered for the first time in the mentoring Solicitor Register, take the following oath before the Minister of Justice and in the presence of the President or two members of the Bar Council: (I swear to be loyal to the Lord and the homeland, to perform my work honestly and honorably as required by laws and regulations, to maintain the secret of the law practice, and to respect its Acts and traditions.)

### Article (24)

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<sup>15</sup>This article was amended by the amended Act No. (25) of 2014.

Every Solicitor who has practiced law and whose name is not mentioned in the annual practicing Solicitors register, shall be subject to the disciplinary penalties stipulated in This Law.

## Chapter 7 Training

### Article (25):<sup>16</sup>

1. The applicant who wishes to be registered in the register of Solicitors under training shall submit an application to the Bar Council accompanied by the supporting documents referred to in paragraph (1) of Article (8) of This Law, with the exception of item (g), along with all other papers required by the Bar's regulations.
2. The application shall include the name of the mentoring Solicitors who wishes to complete his training in his office and his written consent to accept the student as a trainee in his office and under his supervision, taking into account the provisions of Article (26) of This Law.
3. He shall be available for training work.
4. In the light of these documents and other information obtained by the Bar Council, the council may accept or reject the registration application, while indicating reasons, and the rejection decision may be appealed by the applicant to the Court of Justice.
5. If the council decides to accept the application, the applicant's name shall be recorded in the register of trainee Solicitors after paying the registration fee specified in the association's laws.
6. <sup>17</sup>A faculty member in any of the Jordanian faculties of Law who holds a doctorate degree in law has the right to register in the register of trainee Solicitors in the Bar Association, provided that he organizes the teaching dates in the college in a manner that enables him to comply with the terms, conditions, and duties of training stipulated in This Law and the regulations issued accordingly.

### Article (26):<sup>18</sup>

An institute for the training and qualification of Solicitors to practice law shall be established in the Bar Association, called the Solicitors Training Institute, provided that the method of its management, the method of training, its provisions, and the conditions for admission to it are determined by a special regulation issued for this purpose.

The provisions on training contained therein and the regulations issued thereunder shall remain in force until the issuance of the bar Training Institute's regulation and the commencement of the work of the Institute.

### Article 27<sup>19</sup>

- 1- Subject to the provisions of Article (28) and paragraph 3 of Article (35) of This Law, the duration of vocational training shall be two years for the holder of the first university degree in law, and one year for the holder of two postgraduate

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<sup>16</sup>This article was amended by the amended Act No. (25) of 2014 by adding paragraph (3) to it and re-numbering the following paragraphs.

<sup>17</sup> \* \* Article (23) was added by virtue of the amended Act No. 51 of 1985.

<sup>18</sup>This article was amended by the amended Act No. (25) of 2014.

<sup>19</sup> \*\* Article (27) was added under the amended Act No. 51 of 1985.



diplomas in law or a master's degree in law or a certificate of the Higher Institute of Law in one of the Arab countries or a doctorate in one of the subjects of Act.

- 2- The period of training for the profession shall be considered part of the practicing law period accepted for retirement purposes, provided that retirement returns are paid for it.

**Article (28):<sup>20</sup>**

Notwithstanding anything contained in any other legislation:

- 1- Anyone who occupies a judicial position within the meaning of the applicable Judicial Independence Law or occupies a judicial position in the Jordanian Armed Forces, Public Security, General Intelligence, Civil Defense or the Gendarmerie for a period of not less than two years shall be exempted from training on the law practice.
- 2- (a) Whoever holds the position of member of a customs court or its public prosecutor, or holds one of the positions of tax public prosecution, public prosecutor in public security, general intelligence, civil defense, or gendarmerie forces for a period of no less than four years after obtaining the first university degree in law, shall be exempted from training on the law practice.  
(b) If the service of those mentioned in Clause (a) of Paragraph (2) of this Article is for a period of not less than two years, they shall be exempted from training provided that they pass a special examination prepared by the Association for this purpose.
- 3- The following shall be exempted from half of the duration of the vocational training so that it becomes for a period of one year:
  - a. Whoever works as an advisor in the Legislation and Opinion Bureau or as a human rights advisor in the Jordanian Armed Forces, Public Security, General Intelligence, Civil Defense, or the Gendarmerie for a period of not less than four years after obtaining the first university degree in law.
  - b. The employee appointed to the civil courts and worked in them for a period of not less than five consecutive years after obtaining the first university degree in law.
  - c. The persons referred to in clauses (a) and(b) of this paragraph shall comply with all training requirements contained in This Law and the regulations issued thereunder

**Article (29):<sup>21</sup>**

1. The trainee who is accepted in the institute shall join the office of one of the mentoring Solicitors who have been registered in the association for a period of no less than five years or worked as a judge before being registered in the register of mentoring Solicitors for a period of no less than this period.
2. If the training applicant is unable to find a Solicitor to join him in his office, the Bar Council may attach him to the office of one of the mentoring Solicitors, and this Solicitor may not refrain from accepting him unless he gives an acceptable excuse.

**Article (30)**

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<sup>20</sup> \*\* Article (28) was added under the amended Act No. 51 of 1985.

This article<sup>21</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

1. The trainee Solicitor may, during the period of his training, move from one Solicitor's office to another after the approval of the Bar Council and fulfilling the necessary conditions for transfer stipulated in the Bylaw.
2. The Bar Council may assign the trainee to choose a mentoring Solicitor other than the one he has chosen if it is clear that the circumstances of the mentoring Solicitor do not enable him to properly supervise the trainee.

**Article (31):<sup>22</sup>**

The Bar Council may allow the trainee Solicitor to plead in person and under the supervision of his mentoring Solicitor and with his written authorization before the magistrate courts and the beginning after his graduation from the Solicitors Training Institute and before the Courts of Appeal after a period of six months from his graduation from this institute and joining the office of one of the mentoring Solicitors.

**Article (32):<sup>23</sup>**

The mentoring Solicitor and the trainee Solicitor who takes his place, shall track all transactions before all judicial and administrative authorities. They may jointly and individually attend the investigations before the police and the public prosecution.

**Article (33):<sup>24</sup>**

The trainee Solicitor shall not have the right to use the capacity of a Solicitor without attaching it to the word "trainee" or to establish his own office or announce his name on a council. Whoever violates this shall extend his training for a period of not less than one year. If he has moved to the register of mentoring Solicitors, he shall be subject to one of the penalties stipulated in Article (63) of This Law.

**Article (34):<sup>25</sup>**

1. The name of the trainee shall be deleted from the list by judgment after five years from his registration in the register of trainee Solicitors:
  - a. If he does not submit a request to transfer his name to the list of mentoring Solicitors roll; or:
  - b. If he does not complete the training tapes.
2. The disbarment decision shall be subject to appeal under the conditions stipulated in This Law.
3. The Solicitor whose name is removed from the schedule may request to be registered again as a trainee Solicitor after paying all the fees due again.

**Article 35<sup>26</sup>:**

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<sup>22</sup>The provisions of these articles have been repealed and replaced with the current text by virtue of the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

<sup>23</sup>The provisions of these articles have been repealed and replaced with the current text by virtue of the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

<sup>24</sup>The provisions of these articles have been repealed and replaced with the current text by virtue of the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

This article<sup>25</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

<sup>26</sup> \* This paragraph was amended by virtue of the amended Act No. 51 of 1985 published on page (1327) of the Official Gazette No. 3340 dated 1/3/1989, which stipulates as follows:

1. The trainee Solicitor shall, throughout the period of his training, abide by the terms, conditions, and duties of training stipulated in This Law, the regulations of the association, and any instructions issued by the council of the association to regulate the terms and duties of training for the law practice.
2. The trainee Solicitor may request the transfer of his name from the register of trainee Solicitors to the register of mentoring Solicitors after fulfilling the conditions and duties of training on the profession. The request shall be submitted to the president accompanied by a certificate of the fulfillment of these conditions and duties and the competence of the applicant from his mentoring Solicitor.
3. The Bar Council may investigate in the manner it deems appropriate to verify the competence of the trainee Solicitor who submitted the request to transfer his name to the mentoring Solicitors Register. In light of the results of the investigation, the council may decide to approve or reject the request, or to extend the training for an additional period not exceeding the original training period of the trainee Solicitor. After its completion, the Bar Council shall return to consider the request to transfer it to the mentoring Solicitors Register and shall issue its decision either to approve or reject it.

**Article (36)**

The Bar Council shall decide on every dispute that occurs between the trainee and his mentoring Solicitor due to training.

**Article (37)**

The mentoring Solicitor's office is considered a valid reporting home for the trainee during the training period.

## Chapter 8 Rights and Duties of Solicitors

### Article (38):<sup>27</sup>

1. Practicing law is a right limited to Solicitors registered in the Bar Association and not to others in accordance with the provisions of This Law.
2. Non-registered Solicitors may not practice the work stipulated in the first paragraph of article 6 except in the cases permitted by law.
3. Non-registered Solicitors may not practice as a profession or for profit, the work stipulated in the second and third paragraphs of Article 6.
4. Whoever violates the provisions of paragraphs (2) and (3) of this article shall be punished by detention for a period of no less than six (6) months and no more than two (2) years and a fine of no less than one thousand dinars (JD 1,000.00/-) and no more than five thousand dinars (JD 5,000.00/-). Any mentoring Solicitors registered with the Bar Association may take the status of a complainant and provide evidence in accordance with the provisions of the Code of Criminal Procedure after informing the President in writing.

### Article (39)

The Solicitor may pursue whatever course he deems fit in defending his client and shall not be responsible for what he states in his pleadings, in writing or verbally, which is required by the right of defense. Further, he shall not be responsible for the consultations he provides in good faith.

### Article (40):<sup>28</sup>

1. Notwithstanding the provisions of any other legislation, a Solicitor before the courts, circuits and authorities before which he exercises his profession shall enjoy complete freedom so that he may not be arrested or traced for any work he has done in the performance of his professional duties. A Solicitor before these courts, circuits and authorities before which he exercises his profession shall only be subject to disciplinary liability in accordance with the provisions of This Law.
2. The Solicitor must receive due care and attention to the dignity of the Solicitor from the courts and prosecution offices of all degrees, police departments, and all official departments and authorities before which he practices his profession, and to provide him with all the facilities required to carry out his duty. His requests may not be neglected without legal justification.
3. No Solicitor may be inspected during the trial.
4. The prosecution shall notify the Bar Association when initiating the investigation of any complaint against a Solicitor, and the President or his delegate may attend all stages of the investigation.
5. In the case of flagrante delicto, the President or his representative shall be informed as soon as possible of the procedures carried out.
6. Whoever assaults a Solicitor while performing the duties of his profession or because of its performance shall be subject to the penalty prescribed for whoever assaults a judge while performing his duties or because of its performance.

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<sup>27</sup> Article (38) was added under the amended Act No. 25 of 2014.

<sup>28</sup> Article (40) was added under the amended Act No. 25 of 2014.

**Article (41):**<sup>29</sup>

1. The litigants may not appear before courts of all kinds and degrees, arbitral tribunals, and enforcement departments except through the mediation of Solicitors representing them, excluding:
  - a. Appear before the magistrate courts in rights lawsuits whose value is less than one thousand dinars (JD 1,000.00/-), settlement lawsuits, lawsuits to correct the Place of Registration, criminal cases and enforcement cases whose value is less than three thousand dinars (JD 3,000.00/-), provided that they are reviewed by the person concerned with them directly or by a Solicitor.
  - b. Practicing and former Solicitors and judges.
2. It is not permitted, under penalty of nullity, to file any lawsuits before the Supreme Courts of Cassation and Justice, the Courts of Appeal, the Income Tax and Customs Courts, and the Courts of First Instance of all kinds, unless they are signed by one of the mentoring Solicitors under a duly organized power of attorney, with the exception of the Public Prosecution, the Administrative Public Prosecution, the Civil Public Defender, and his assistants.
3. The provision of this article does not apply to the interests of the government, public bodies, or endowments departments that may deputize for them in the pleading by one of their employees who have obtained a Law license.

**Article (42):**<sup>30</sup>

He may not register a contract or a regulation of any company or commercial establishment with the competent departments or any official authority, unless it is signed and executed by one of the practicing Solicitors.

**Article (43):**<sup>31</sup>

1. Any of the companies and institutions listed below shall appoint an attorney or legal advisor from among the Solicitors registered in the mentoring Solicitors Register
  - a. Public Joint Stock Companies and their Branches and Private Joint Stock Companies.
  - b. A limited liability company whose capital exceeds twenty thousand dinars (JD 20,000.00/-).
  - c. The foreign company or any branch or agency thereof or the regional or representative office.
  - d. The company or establishment registered with the development zones or free zones or with the Aqaba Special Economic Zone or the Petra Tourism Development Region Authority, regardless of its capital.
  - e. The exempted company and the non-profit company.
  - f. Any other company or institution whose capital is not less than fifty thousand dinars (JD 50,000.00/-).
2. The company or institution referred to in paragraph (1) of this article shall appoint the agent or legal advisor under a written contract and shall notify the

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This article<sup>29</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

<sup>30</sup> Article (42) was added under the amended Act No. 25 of 2014.

<sup>31</sup> Article (43) was added under the amended Act No. 25 of 2014.

Bar Association in writing of the name of its agent or legal advisor within sixty (60) days from the date of appointment

3. The Solicitor shall not be an advisor or general agent to more than five (5) institutions, companies, branches, or agencies involving the institutions, companies, branches, or agencies mentioned in this article, provided that they do not include more than two public shareholding companies.
4. If any company or institution obligated by virtue of the first paragraph of this article does not appoint a general agent or legal adviser within three (3) months from the date of applying This Law, or from the date of its incorporation or registration, it shall pay an amount of five dinars (JD 5.00/-) to the Bar Association's fund for each day that it is late for such appointment.
5. The Solicitor shall notify the Bar Association in writing of the names of the institutions, companies or entities for which he has appointed a general agent or legal advisor, as stipulated in the first and third paragraphs of this article, within a period not exceeding thirty (30) days from the date of his appointment. If he fails to do so, he shall be obliged to pay three times the fees due to the Bar Association in return for that appointment, in addition to an amount of five dinars (JD 5.00/-) for each day that he is late in submitting the notice.

#### **Article (44)**

1. <sup>32</sup> Notwithstanding the provisions of any Law or other legislation, the Solicitor shall have the right to ratify the signatures of his clients on private agencies if the power of attorney is related to one of the matters stipulated in Article 6 of This Law, and the Solicitor shall be personally responsible for the validity of these signatures.
2. The Solicitor, if necessary, whether he is an original litigant or an agent, may delegate him with a delegation signed by him and in a specific case. He shall be responsible for another Solicitor in any work entrusted to him under his POA and according to the conditions contained therein, unless there is a provision in the POA prohibiting such delegation. The delegation shall be exempt from fees, including import stamp duties.
3. Subject to paragraph (2) of this article, no Solicitor shall have the right to appear before any court except under a written power of attorney signed by his client and certified by him or by a legally competent authority. If the power of attorney includes multiple degrees in the courts, he shall pay a fee for presenting the account to the Bar Association for each of these degrees.
4. POAs shall be prepared by the notary public. It shall be sufficient for the court to be informed of these POAs to prove the right of the Solicitor to represent his client under them. The court may, if it wishes, keep a copy of them certified by the registrar, in addition to the presentation fee in accordance with the copy shown in the above-mentioned paragraph.

#### **Article (45)**

The Solicitor has the right to receive a fee for his work within the scope of his profession. He has the right to meet the expenses he paid in the cause of the case he was assigned to.

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<sup>32</sup> Thus, this paragraph was amended by the amended Act No. 32 of 1973 published on page 1243 of Issue 2429 of the Official Gazette dated 01/07/1973

**Article (46):<sup>33</sup>**

1. The Solicitor shall receive his fees in accordance with the contract between him and the principal, provided that the allowance for these fees does not exceed 25% of the real value of the disputed party, except in exceptional cases estimated by the Bar Council.
2. If the fees of the Solicitor are not determined by express written agreement, the competent committees of the Bar Association shall determine these fees after inviting the parties, taking into account the efforts of the Solicitor, the importance of the case and any other relevant factors.
3. If the lawsuit subject of the agreement results in unremarkable lawsuits, the Solicitor has the right to claim a fee allowance for them.
4. The court shall, at the request of the litigant, rule on the attorneys' fees. Further, it is responsible for determining their amount, provided that at the first instance stage they shall not be less than 5% of the value of the convicted person and shall not exceed one thousand dinars (JD 1,000.00/-) in any lawsuit, regardless of the value of the convicted person in it, and that the attorneys' fees in the appeal stage shall not exceed half of what the court of first instance rules.

**Article (47):**

If the Solicitor terminates the case by conciliation or arbitration as authorized by his client or the client refuses to follow up the case after signing the power of attorney for any reason, the Solicitor shall be entitled to the agreed fees unless there is a contrary agreement.

**Article (48)**

1. The client may dismiss his Solicitor. In this case, he shall pay the full fees for the completion of the task entrusted to the Solicitor if the dismissal is not based on a legitimate reason.
2. The Solicitor may waive the power of attorney for legitimate reasons, provided that his client is notified of this retirement and he may not use this right at an inappropriate time. In this case, the Solicitor may retain the fees he received, as determined by the Bar Council, in every dispute about the legality of the retirement and the consequences resulting therefrom.

**Article (49):<sup>34</sup>**

In the event of the death of the agent or his retirement, the Bar Council shall assess the attorney's fees according to the efforts he made and the agreement he concluded, if requested by an interested party. The decision of the council shall be subject to appeal within the period stipulated in Article (52) of This Law.

**Article (50)**

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This article<sup>33</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

This article<sup>34</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

1. The Solicitor shall hand over to his client all the money and original papers in his possession when the client requests the same.
2. When there is a written agreement on the fees, the Solicitor has the right to withhold money and papers equivalent to his requirements. In the absence of a written agreement, the matter shall be referred to the Bar Council with the right of the agent to keep the money and papers in his possession and request the seizure of any funds of the client as a result of the settlement of the dispute over the fees.
3. The principal's right to recover the papers and documents shall be forfeited ten (10) years after the end of the case.

**Article (51):<sup>35</sup>**

1. The attorney's fees shall have a privilege over what his client obtains as a result of the lawsuit subject of the power of attorney. This privilege shall be followed by the cases stipulated in the applicable laws.
2. The Solicitor whose fees have been ordered to be assessed in a reconciliation approved by the Fees Estimation Committee or the Objection Authority formed in accordance with the provisions of this Law or by the court or by a judgment issued by the Court of Appeal may obtain an order from the Chief of Execution considering these fees as an excellent debt on the funds and real estate subject of the lawsuit belonging to the person against whom the order of assessment, reconciliation or judgment is issued.

**Article (52):<sup>36</sup>**

1. The Bar Council shall form a committee or more of three practicing and mentoring Solicitors who have spent a period of no less than ten years practicing the profession, and shall designate among them a chairman to consider issues of estimating fees. The council may designate reserve members for this committee.
2. A. The decisions of the Fees Estimation Committee shall be objected to the Council of the Association.  
B. The Council may delegate any of its powers in this paragraph to one or more objection bodies consisting of five Solicitors who have spent a period of not less than fifteen (15) years practicing the profession. One of them shall be appointed as its chairman to consider the objection to the decisions of the Committee on Fee Issues. The Council may nominate reserve members for this body
3. The Objection Authority and the Fee Assessment Issues Committee shall apply the Code of Civil Procedure in matters not provided for in This Law. The decisions issued by the Fee Assessment Issues Committee shall be subject to objection before the Objection Authority in accordance with the provisions of paragraph (2) of this article within ten (10) days starting from the day following the issuance of the decision if it is in person or from the day following its notification if it is in person or in person. The decisions issued by the Objection Authority or the council shall be subject to appeal before the Court of Appeal, within which the Objection Authority is located within its jurisdiction, within (15)

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<sup>35</sup>This article was amended by repealing the paragraph (2) and replacing it with the current text by virtue of the amended Act No. (25) of 2014.

<sup>36</sup>The text of the article has been repealed and replaced with the current text by virtue of the amended Law No. (25) of 2014



days starting from the day following its issuance if it is in person or from the day following its notification if it is in person or in person. The judgment of the Court shall be final and shall be executed by the Execution Department.

4. The appellant shall be exempted from any fee or insurance, including stamp duty.
5. The President of the Court of Appeal shall, within three (3) days from the date of the request of the prevailing party, give the form of implementation of the decisions issued by the Fee Estimation Issues Committee or the Objection Authority if it does not appeal to the Court of Appeal to implement them through the mediation of the Execution Department.

## Chapter 9 Duties of the Solicitor

### Article (53)

1. A Solicitor shall have a proper office dedicated to the law practice and shall be entitled to take only one office in one country.
2. The Solicitor's office is considered a home for him and for the trainees in his office, in order to notify the decisions and papers issued by the Bar Association or related to the profession.
3. <sup>37</sup>Civil companies may be established between Solicitors in one office to practice law. The Bar Association shall be notified in writing of the establishment of the company within a period not exceeding thirty (30) days from the date of its formation or from the date of the accession of a new Solicitor. This obligation applies in the notice of the Bar Association to the establishment of cooperation without partnership between two or more Solicitors in one office. When applying the provisions of this paragraph, the following is required:
  - a. Partner or collaborated Solicitors working in one office may not plead against each other in any lawsuit or to represent in any lawsuit or the treatment of two parties with different interests.
  - b. The Solicitor shall not be a partner in more than one law firm in any way.
  - c. Each of the partner or collaborated Solicitors working in the same office shall have the right to appoint a general agent or legal adviser over the number of institutions and companies for which the Solicitor is entitled to be an agent or advisor in accordance with the provisions of This Law and the regulations issued pursuant thereto.

### Article (54):

The Solicitor shall abide by the principles of honor and integrity in his conduct and shall carry out all the duties required by This Law and by the regulations and traditions of the Bar Association.

### Article (55)

The Solicitor shall defend his client with all honesty and sincerity. He is responsible in the event that he is beyond the limitations of the power of attorney or his gross misconduct.

### Article (56)

The Solicitor shall behave towards the court in a manner consistent with the dignity of the Solicitor and shall avoid any act or deed preventing the course of justice.

### Article (57)

The Solicitor shall abide by the rules of decency and the traditions of law when he treated his colleagues. The Bar Council shall adjudicate in every behavioral dispute between Solicitors related to their profession.

### Article (58):

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<sup>37</sup> \* \* Article (23) was added by virtue of the amended Act No. 51 of 1985.

The Solicitor shall refrain from insulting his client's opponent, mentioning personal matters that offend him, or accusing him of harming his honor and dignity, unless this is necessitated by the state of defense or the need to defend the interests of his client.

**Article (59):<sup>38</sup>**

The Solicitor shall appear in the special robe specified in the Bylaws of the Bar Association during the performance of his duties in the courts and the prosecution services.

**Article (60)**

The Solicitor shall not, under penalty of liability:

1. Seek to bring lawsuits or customers by means of advertising or using intermediaries for remuneration or benefit.
2. purchase disputed issues and rights.
3. accept commercial bonds by transfer for his name, with the intention of claiming them without a power of attorney.
4. give testimony against his client regarding the lawsuit he has been entrusted with or to disclose a secret entrusted or known to him through his profession related to the secrets of clients before the judiciary in various circumstances, even after the expiry of his POA.
5. give an opinion or advice to his client's litigant in a lawsuit in which he has already accepted the power of attorney therein or in a lawsuit related to it, even after the expiry of his power of attorney.

**Article (61)**

An attorney under penalty of perjury may not accept power of attorney

1. On behalf of two litigants in one lawsuit.
2. against his client by a general power of attorney if he receives a monthly or annual fee for this power of attorney.
3. against a person who was his representative, in the same lawsuit or lawsuits stemming therefrom, even after the expiry of his POA.
4. Against a party that has previously informed him of its supporting documents and the direction of its defense in exchange for fees previously collected therefrom.

**Article (62)**

The Solicitor shall not accept the power of attorney in a lawsuit against a colleague or against the Bar Council before being approved by the President.

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This article<sup>38</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

## Chapter 10: Disciplinary Power

### Article (63)

1. Every Solicitor who breaches the duties of his profession stipulated in This Law and in the regulations issued thereunder or in the regulation of professional ethics issued by the Bar Council with the approval of the public body, exceeds his professional duties, fails to perform them, misleads justice, commits an act that affects the honor and dignity of the profession, or acts in his private life in a manner that degrades the profession, shall be subject to the following disciplinary penalties:
  - a. Warning
  - b. Reprimand
  - c. Prohibition from practicing the profession for a period not exceeding five (5) years.
  - d. Final disbarment
2. The provisions of this article and other disciplinary provisions and procedures shall apply to trainee Solicitors.

### Article (64):<sup>39</sup>

1. A Solicitor who is temporarily prohibited from practicing law may not open his office during the period of prohibition, nor carry out any other works of law practice.
2. The Solicitor referred to in the above-mentioned paragraph shall remain subject to the provisions of this law, and the period of prohibition shall be dropped from the calculation of the training and retirement periods.

### Article (65):<sup>40</sup>

1. The Bar Council shall form a disciplinary board or more than three mentoring advocates, and a number of reserve members who have spent a period of not less than ten (10) years practicing law, and a chairman shall be elected among them.
2. (a) Decisions of the disciplinary board shall be objected to the bar association.  
(b) The board may delegate any of its powers mentioned in paragraph (a) of this article to one or more appellate disciplinary council consisting of five advocates and a number of reserve members who have spent a period of not less than twenty (20) years, and a chairman shall be elected among them.

### Article (66):<sup>41</sup>

Members of disciplinary board and members of committees and bodies objecting to the estimation of fees may be dismissed or one of them may be dismissed when there is a reason for the dismissal of judges stipulated in the Code of Civil Procedure. The request

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This article<sup>39</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

<sup>40</sup>Articles (65) and (66) has been repealed and replaced with the current provision by virtue of the amended Law No. (25) of 2014 The material error mentioned in paragraph (b) of Article (65) has also been corrected by virtue of the correction published on page 7964 of the Official Gazette No. 5494 dated 31/12/2017)

<sup>41</sup>Articles (65) and (66) has been repealed and replaced with the current provision by virtue of the amended Law No. (25) of 2014 The material error mentioned in paragraph (b) of Article (65) has also been corrected by virtue of the correction published on page 7964 of the Official Gazette No. 5494 dated 31/12/2017)

for dismissal shall be submitted to the Bar Council, which shall decide on it within thirty (30) days from the date of its receipt to the bureau of the Bar Association in accordance with the principles of the dismissal of judges. The decision of the Bar Council shall be subject to appeal to the competent Court of Appeal, which shall decide on it within thirty (30) days from the date of its receipt by a decision that is not subject to appeal.

**Article (67):<sup>42</sup>**

If any member of the Disciplinary Board, members of the Appeal Disciplinary Boards, or committees and bodies objecting to the estimation of the fees, no longer fulfills one or more of the conditions qualifying him to practice law, or is unable to participate in the work of any of them for any reason, including his absence, the President shall appoint one of the reserve members to replace him.

**Article (68)**

- a. The disciplinary action shall be filed against the Solicitor:
  1. At the request of the Minister of Justice, the Head of the Public Prosecution, or the Attorney General.
  2. Based on a written complaint submitted by a Solicitor.
  3. Based on a written complaint submitted by one of the litigants.
- b. The complaint shall be submitted to the President, and the President shall request the respondent Solicitor to respond to the complaint within fifteen (15) days. The President may, by a decision of the Bar Council thereafter, if he finds reasons to pursue the complaint, refer this complaint to the Disciplinary Board of Inquiry.
- c. The Bar Council may refer a Solicitor to a disciplinary board if he is accused of behaviour that is incompatible with the duties of the Solicitor.

**Article (69)**

The separation of a Solicitor from a law practice does not prevent him from being prosecuted for acts committed during his practice of the profession.

**Article (70)**

1. The disciplinary board in the investigation or trial shall follow the methods in which it deems a guarantee of the rights of the defense and securing justice. The defendant's Solicitor may appoint one mentoring Solicitor to defend him. The board may decide to hear witnesses, and in the event that one of them fails to attend, a summons shall be issued against them to be executed by the Public Prosecution.
2. If the witness attends and refuses to testify or testifies falsely, the board shall decide to refer him to the Public Prosecution. In such a case, he shall be deemed to have refrained from testifying or to have given false testimony before an ordinary court.
3. The Bar Council may, upon the recommendation of the Disciplinary Board, if it deems that there are sufficient reasons, temporarily suspend the Solicitor from practicing the profession until the result of the investigation. This period shall be calculated for him out of the period during which he will be prohibited from practicing the profession if he is sentenced to do so.

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<sup>42</sup>This article was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

**Article (71)**

1. The sessions of the disciplinary board are confidential and the judgments issued by it may not be published before it becomes the final.
2. The statements of claim, judicial papers and judgments shall be communicated by one of the union's employees or by a report in the ways stipulated in the Code of Human Rights Procedures.

**Article (72):<sup>43</sup>**

1. The Disciplinary Board shall issue its decision to complain either to acquit the respondent Solicitor or to convict him and sentence him to one of the penalties stipulated in Article (63) of this Law.
2. The decision of the disciplinary board shall be subject to objection before the Bar Council, which may consider it or refer it to any of the appellate disciplinary boards formed under the provisions of this law within fifteen (15) days from the day following the date of its understanding if it is in person or from the day following the date of its notification if it is in person or in absentia.
3. The sentenced Solicitor has the right to appeal the decision issued by the Appellate Disciplinary Council to the Supreme Court of Justice within sixty (60) days from the day following the date of his understanding of the decision if it is in person, or from the day following the date of its notification if it is in person or in absentia

**Article (73):<sup>44</sup>**

1. Every criminal court that issues a judgment that includes the punishment of a Solicitor shall send to the Bar Council a copy of this judgment.
2. The Bar Council may impose any of the penalties referred to in Article (63) of this Law on the Solicitor who has been convicted by a final judgment of a felony or misdemeanor violating honor or honesty after verifying the circumstances of the case in which he was convicted.

**Article (74)**

Disciplinary judgments issued against the sentenced Solicitor after they become final, shall be recorded in a special register and referred to in the special file. These rulings shall be implemented by the Public Prosecution.

**Article (75):<sup>45</sup>**

Whoever fails to abide by the disciplinary decisions and judgments issued against him, including the punishment of banning from practicing the profession, shall be subject to the penalties stipulated in paragraph (4) of Article (38) of this law.

**Chapter 11**

**General Assembly:**

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<sup>43</sup>The text of the article has been repealed and replaced with the current text by virtue of the amended Law No. (25) of 2014

This article<sup>44</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

<sup>45</sup>The provision of these article have been repealed and replaced with the current provision by virtue of the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

### **Article (76)**

The General Assembly of the Bar consists of all the mentoring advocates:

1. Those registered in the bar register who have paid the annual fees and all the revenues required of them to the association at least thirty (30) days before the date of the meeting of the general assembly, which is held under the chairmanship of the president or his representative from among the members of the bar council in his absence.
2. The trainee Solicitors shall not participate in the meetings of the General Assembly.

### **Article (77)**

The General Assembly shall be responsible for:

1. Electing the President and members of the Bar Council .
2. Ratifying the final account for the past year, and approving the annual budget submitted by the Bar Council.
3. Considering the affairs of the law practice and its public affairs and working on everything that preserves its dignity.

### **Article (78):<sup>46</sup>**

The Council of Ministers shall issue the necessary regulations to implement the provisions of this law, including the following:

1. Bylaws of the Bar Association.
2. Solicitors' Retirement and Social Security regulation
3. A regulation of aiding and assisting Solicitors in cases of illness, disaster, or stoppage of work for reasons of force majeure.
4. A regulation of setting registration fees in the register of Solicitors, and re-registration fees.
5. A regulation of determining the fees to be charged to the Bar Association's fund of Solicitors for cases submitted to the Bar Council.
6. A regulation of a cooperative fund for Solicitors in which the services, resources and expenses of the fund, the method of achieving them and the provisions related to and regulating them are determined.
7. Solicitors Training Institute regulation.
8. Legal aid regulation

### **Article (79)**

The General Assembly of the Bar Association shall meet in ordinary session every year, at the time determined by the internal law of the Bar for the exercise of the competences set forth in Article (77).

### **Article (80)**

The General Assembly of the Bar Association shall meet in an extraordinary meeting to consider certain matters based on an invitation addressed to its members, based on the decision of the Bar Council or at the request of a team of mentoring Solicitors registered

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This article<sup>46</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

in the register of the Bar, their number shall not be less than five. In urgent cases, the President may call the General Assembly to convene by a decision issued by him indicating the reasons for this.

**Article (81)**

The president or, in his absence, his deputy shall invite the general assembly to meet when one of the cases stipulated in the previous articles is available, by notifying the mentoring Solicitors with personal letters sent to them, and with an announcement in the Bar Office or the local newspapers. The invitation shall be attached to the agenda.

**Article (82)**

If the meeting is extraordinary, it is not permitted to discuss other than the matters for which the meeting took place, unless they are related or subsidiary to it, at the discretion of the chairman of the general assembly.

**Article (83)**

1. The meeting of the general assembly shall not be valid except in the presence of the absolute majority of the registered mentoring Solicitors. If this majority does not meet the first time, the invitation shall be renewed again for a meeting to be held within fifteen (15) days from the date of the first meeting at most. The meeting shall be legal regardless of the number of attendees. As for the invitation to hold an extraordinary meeting, if the quorum for the meeting is not met in the first invitation, the request shall be forfeited.
2. The decisions of the General Assembly shall be taken by a relative majority of those present. If the votes are equal, the side of the Chairman shall prevail.

**Article (84)**

- a. <sup>47</sup>The election shall be held in secret unless the General Assembly deems otherwise and shall be held in the presence of the Minister of Justice or his delegate for this purpose.
- b. The President and the members of the Council shall be elected simultaneously and on two separate papers.
- c. In order to win the position of the President, the candidate must obtain an absolute majority of the members of the General Assembly present. If one of the candidates does not obtain that majority the first time, the election shall be re-elected in the same session. In the second election, the relative majority is sufficient to win the position. As for the members of the Council, they shall be elected by the relative majority they obtain the first time.

**Article (85)**

To join the Bar Council, the Solicitor shall:

1. be a mentoring Solicitor registered in the association's register and be at least thirty years old.
2. not have been sentenced to a penalty of prohibition from practicing law.

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<sup>47</sup> Thus, this paragraph was amended by canceling its contents and replacing it with the current provision by virtue of the amended interim law No. 53 of 1976 published on page 2306 of issue 2655 of the Official Gazette dated 16/09/1976.



3. The president shall be one of those who practiced the profession for a period of no less than ten (10) years and the member who practiced the profession for a period of no less than five years.
4. be nominated in accordance with the provisions of the rules of procedure.
5. As for those who have held judicial positions from the mentoring Solicitors, their judicial work is counted as if they were advocates.

## Chapter 12

### Bar Council:

#### 1 Article (86):<sup>48</sup>

1. The affairs of the association shall be handled by a council consisting of a president and ten (10) members elected by the general assembly. The term of the council shall be three years.
2. The provisions of paragraph (1) of this article shall apply to the Council existing upon the entry into force of the provisions of this amended law. This Council shall continue to exercise its powers until the expiry of a period of three years from the date of its election.

#### Article (87)

The chief may be re-elected for a second term. He shall not be re-elected thereafter except after the expiry of one term after the expiry of his previous term.

#### Article (88):<sup>49</sup>

1. At its first meeting, the Board shall elect from among its members a Deputy Chairman, a Secretary, a Deputy Chairman, a Treasurer and his Deputy.
2. The council shall appoint the members of the training and fee assessment committees, objection bodies, disciplinary boards, appeal objection and disciplinary boards, and the committees stipulated in this law and the regulations issued thereunder, which it deems necessary to organize its work within one month from the date of its election.
3. The council may form any other committees it deems necessary to organize its work.

#### Article (89)

The bylaws of the association shall determine the distribution of works among the members of the bar council, as well as the method of supervision of the secretary over administrative affairs and the supervision of the treasurer over financial affairs, and who must sign on behalf of the council in financial matters.

#### Article (90):<sup>50</sup>

The Bar Council shall meet regularly twice a month. It may meet at any time on an exceptional basis upon the invitation of the President or his deputy in his absence

#### Article (91)

The Bar Council shall immediately inform the Minister of Justice of the results of the elections carried out by the General Assembly, as well as the internal elections carried out

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<sup>48</sup>This article was amended to become the current revision by virtue of the amended Law No. (6) of 2019 published on page 566 of the Official Gazette No. 5561 dated 17/02/2019.

<sup>49</sup>The provision of these article have been repealed and replaced with the current provision by virtue of the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

This article<sup>50</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

by him and the decisions taken by him regarding the acceptance, rejection, or exclusion of applications for the registration of Solicitors.

**Article (92)**

1. If the position of the president becomes vacant for any reason whatsoever, his deputy shall take his place, if the remaining period for the expiry of his term is less than six (6) months, otherwise the public body shall be called to elect a new president who completes the remaining period for the original president.
2. If a member of the Bar Council resigns or his position becomes vacant for any other reason, he shall be called whoever obtained the majority in the previous election according to the sequence to succeed him, and if not, the council shall elect from among the registered mentoring Solicitors and those who meet the conditions mentioned to fill the vacant position as a continuation of the term of his predecessor.
3. If the number of members who have resigned or whose positions have been vacated exceeds half, the president or his representative shall call upon the general assembly to elect their successors and complete the term of the members who have replaced them.

**Article (93)**

The Bar Council shall be responsible for everything related to law, in particular:

1. Consider applications to register Solicitors and take decisions to accept or reject them.
2. Preserve the principles and traditions of the profession and defend the rights of the association and the dignity of its members.
3. Manage the affairs of the association and its funds and collecting the fees due to it.
4. Set regulations of different objectives and topics in order to implement the objectives of this law and present them to the General Assembly for approval.
5. Invite the General Assembly and implement its decisions.
6. Discipline Solicitors.
7. Appoint committees to determine fees in accordance with the rules of procedure.
8. Intervene between Solicitors and settle disputes related to the practice of the profession.

**Article (94)**

The meeting of the Bar Council shall be legal if the absolute majority of its members is present and decisions are issued by the absolute majority of those present. If the votes are equal, the body on whose side the president or the chairman of the session is on its side shall prevail.

**Article (95)**

The President represents the Bar, presides over the General Assembly and the Bar Council, implements its decisions and signs the contracts they approve. He has the right to litigate in the name of the Bar Association and the right to intervene by himself or by his representative from among the members of the Bar Council in every case that concerns the Bar. He may act as a plaintiff in every case related to acts that affect the dignity of the Bar Association or the dignity of one of its members.

### **Article (96)**

The Bar Council may appoint employees to manage its work with the salaries and wages it deems consistent with the efficiency of that employee and rent the buildings it needs.

### **Article (97)**

If the term of the Bar Council expires and (due to force majeure) the General Assembly is unable to meet and elect a new Council, the Council whose term is expired shall continue its work until a successor Council is elected.

## **Chapter 13**

### **Appealing the decisions of the Bar Association**

#### **Article (98)**

Decisions of the general assembly of the Bar Association, on elections or on other matters within its competence, may be challenged only before the court of justice, and by:

- a. The Director of Public Prosecutions by order of the Minister of Justice within fifteen days from the date of receiving the decision to his office; or
- b. from a number of registered mentoring Solicitors not less than twenty-five within fifteen days from the date of issuance of the decision of the General Assembly.

#### **Article (99)**

The decisions of the Bar Council that are subject to appeal before the Court of Justice mean:

- a. Decisions to accept the registration of the name of the Solicitor in the private register, whether he is a mentoring Solicitor or an apprentice, or to reject him, or to exclude him from the register. These decisions may be appealed by the stakeholder in the cases of rejection or exclusion within fifteen (15) days from the date of notification and by the Head of Public Prosecutions by order of the Minister of Justice in the event of acceptance within fifteen (15) days from the date of receiving the decision to his office.
- b. Decisions issued by the Council in relation to its formation or internal elections and all matters relating thereto. These decisions are not subject to appeal except by registered Solicitors whose number is not less than twenty-five mentoring Solicitors collectively within fifteen (15) days starting from the date of knowledge of the contested decision to them and within fifteen (15) days to the Minister of Justice starting from the date of arrival of the decision to his office.
- c. <sup>51</sup> Decisions issued by the Board regarding retirement rights and social security. Any of these decisions may be appealed by the stakeholder if the request is rejected in whole or in part within thirty days from the date of notification of the decision to him. Any of the mentoring Solicitors may also appeal the decision within thirty (30) days from the date of its issuance.

## **Chapter 14:**

### **Professional Service**

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<sup>51</sup>This paragraph was added by virtue of the amended Law No. 51 of 1985.

Article (100):<sup>52</sup>

- a. The President of Bar Association may assign any Solicitor to provide the Bar Association with a free professional service once a year. This free service is limited to:
  1. Lecture the trainees;
  2. Provide legal advice to trainees;
  3. Prepare legal classes, or lectures for Solicitors' conferences;
  4. Organize the work of conferences and permanent offices of the Arab Solicitors Union;
  5. Prepare human rights articles that should be published in human rights magazines or in a magazine issued by the Bar Association;
  6. Help the Bar Council in some of its work;
  7. Defend the Bar Association and any person found by the President to be poor and unable to pay any fees to the Solicitor and the President or whoever he authorizes to organize an agreement between the appointed Solicitor and the applicant for assistance to estimate the fees in the event that the applicant for assistance wins his lawsuit; or
  8. Every Solicitor who refuses without an acceptable reason to provide aid after being assigned to provide it or neglects the duty to defend honestly shall be subject to disciplinary penalties.

**Chapter 15**

**Bar Association Resources**

**Article (101)**

The fiscal year of the Bar begins on the first of January and ends at the end of December of each year.

**Article (102)**

- a. The Bar Association's resources consist of:
  1. Registration fees, re-registration fees and annual fees for the use of the profession.
  2. Fee for presentation of POAs.
  3. Civil fines and obligations payable in case of failure to act or notification of mandatory POAs.
  4. Returns collected for both the Pension Fund and the Mutual Fund.
  5. Subscription allowances in the Bar magazine, its performance and the prices of its publications.
  6. Donations and subsidies approved by the Council of Ministers.
  7. A percentage of no more than 5% of the Solicitor's income from law according to the final estimate at the Income Tax Department.
  8. A percentage of no more than 10% of what is ruled by the courts as attorneys' fees in human rights lawsuits.
  9. These resources and the manner of their imposition, collection and collection shall be specified in the bylaws or in any regulations established for this purpose.

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This article<sup>52</sup> was amended by the amended Act No. (25) of 2014 published in the Official Gazette No. 5294 dated 16/07/2014.

**Article (103)**

The Bar Council is the dominant over the funds of the Bar Association. One of its functions is to collect and save funds, propose to the General Assembly to determine the amount of fees, approve the disbursement of expenses required by the work of the Bar Association, its responsibility and laws within the limits of the appropriations allocated in its budget, and decide on all other matters related to the Bar. In emergency circumstances, it may issue one or more supplement to the budget to pay some expenses, provided that it is presented to the General Assembly at its first meeting after issuance.

**Article (104)**

1. Each year, the Board shall draw up a budget for the next fiscal year and submit it to the General Assembly for Ratification.
2. The Board shall submit the final account for the previous fiscal year to the General Assembly for ratification.
3. If exceptional circumstances prevent the General Assembly from convening on its general dates and ratifying the budget and the final account, it shall continue to collect and spend on the basis of the previous budget until the General Assembly meets and approves the new budget.

**Article (105)**

1. Money and securities shall be deposited in the name of the Bar Association in one or more banks appointed by a decision of the Bar Council .
2. Any of the funds of the Bar association may not be disposed of without a decision by the council.
3. Deposit and disbursement orders shall be signed by the President and the Treasurer or their representative by a decision by the council.
4. The bylaws shall determine the amount that may be kept in the bar association's treasury.
5. All matters referred to in this chapter shall be regulated by the rules of procedure.
6. Any expenses or salaries may spent from the appropriations allocated to them in the budget.

**Chapter 16**

**GENERAL**

**Article (106)**

The Bar Association shall be exempted from the Lore and Property Tax, from import stamp duties, and from postage stamps on its correspondence.

**Article (107):<sup>53</sup>**

The Bar council may decide to deduct any amounts from the payments of the cooperation fund in the Bar association and transfer them to the retirement and social

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<sup>53</sup>The provisions of articles 107 and 108 have been repealed and subsequent articles were renumbered in accordance with Amended Law No. (25) of 2014 published in Official Gazette No. 5294 dated 16/07/2014.

security fund in it or to the fund of the Bar association or to the two funds together in the proportion it specifies for each of them.

**Article (108):**<sup>54</sup>

Until the laws stipulated in this law are issued, all applicable laws upon its entry into force shall remain in force and effect as if they were issued thereunder, in all cases in which no contrary provision is absent in this law, in particular with regard to the determination of contributions and annual fees, the method of collecting them, and the settlement and disbursement of retirement salaries.

**Article (109):**<sup>55</sup>

"Subject to the provisions of the preceding article of this Law, the Bar Law No. 11 of 1966 and all amendments thereto shall be repealed. The laws issued thereunder shall be deemed legal and effective until amended or repealed by other laws."

**Article (110)**

The Prime Minister and the Minister of Justice are charged with implementing the provisions of this law.

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<sup>54</sup>The provisions of articles 107 and 108 have been repealed and subsequent articles were renumbered in accordance with Amended Law No. (25) of 2014 published in Official Gazette No. 5294 dated 16/07/2014.

<sup>55</sup>This article was amended by the amended Act No. (25).

## Cancellations

### **Bar Association Law No. (11) of 1972**

Article 110 of the Bar Association Law No. 11 of 1972 stipulates the following:

"Subject to the provisions of the preceding article of this Law, the Bar Law No. 11 of 1966 and all amendments thereto shall be repealed. The laws issued thereunder shall be deemed legal and effective until amended or repealed by other laws."

### **Bar Association Law No. 11 of 1966:**

This law was published on page 315 of issue 1905 of the Official Gazette dated 05/03/1966.

Its provisions were construed during its validity by virtue of the following two decisions issued by the Bureau for the Interpretation of Laws:

- **Resolution No. 11 of 1966** published on page 986 of Issue No. 1924 of the Official Gazette dated 01/06/1966, which interpreted Article 33 of the Law of the Bar Association No. 9 of 1955 and Article 80 of the Bar Law No. 11 of 1966, to state the following two points:
  1. Does the Bar Council, which was elected under the first law and whose one-year term did not expire on the date of the entry into force of the provisions of the new law, remain in place until the end of its session, or must another Council be elected to replace it in accordance with the provisions of the new law?
  2. Assuming that the council remains in place until the end of the term of its above-mentioned session, does it remain in its quorum stipulated in the old law, which is six members and the president, or is it necessary to hold elections to complete the quorum to ten members in accordance with Article 80 of the new law.

Does the term of office of these members last for a period of two (2) years in accordance with the provisions of this article, or does their membership expire at the end of the term of the Council, which is one (1) year in accordance with the old law.

- Resolution No. 11 of 1966 published on page 628 of Issue 2178 of the Official Gazette dated 16/06/1969, which interpreted Article 37 of the Bar Association Law No. 11 of 1966, to indicate the following:
  1. What is the meaning of (semi-government institution) phrase mentioned in paragraph (b) of this article and what are the elements that must be available in the institution to be considered a semi-government institution?
  2. Does this phrase include municipalities, village councils, concessionary companies and companies supported by state contributions?
  3. Is a Solicitor entitled to be a legal advisor with more than one governmental or semi-governmental institution?

**Articles 101 and 102 of the Bar Law No. 11 of 1966 stipulate the following:**

### **Article 101:**

Until the laws stipulated in this law are issued, all applicable laws upon its entry into force shall remain in force and effect as if they were issued thereunder, in all cases in which no



provision is absent in this law, in particular with regard to the determination of contributions and annual fees, the method of collecting them, and the settlement and disbursement of retirement salaries.

**Article 102:**

Taking into account the provisions of the previous article of this law, the Bar Association Law No. 9 of 1955 and all amendments thereto shall be repealed as of the date of this law.

**Bar Association Law No. (9) of 1955**

This law was published on page 152 of issue 1214 of the Official Gazette dated 16/02/1955.

Article (2) thereof has been interpreted in the light of Article (37) Paragraph (1) of the Income Tax Law No. 25 of 1964 by virtue of Resolution No. 7 of 1966 issued by the Bureau for the Interpretation of Laws published on page 863 of issue 1920 of the Official Gazette dated 16/05/1966, to indicate whether the taxpayer has the right to represent him in the procedures referred to in Article 37 referred to or shall the representative be a licensed Solicitor.

**Articles 53, 54 and 55 of the Bar Association Law No. 9 of 1950 stipulate the following:**

**Article 53:**

"The provisions of other laws that contradict the provisions of this law, with the exception of the laws of the Palestinian Rights Council, shall be repealed and shall remain applicable to students who have joined the Institute of Law since 1945 and before.

**Article 54:**

The Bar Association Law No. 31 of 1950 and the Ordinary Bar Association Law (as amended) No. 99 of 1951 are hereby repealed, provided that all the procedures under which they were carried out remain in force and that the roll of Solicitors under which they were organized is considered as if it had been organized under the provisions of this law.

**Article 55:**

The bylaws of the Bar Association shall remain in force with its amendments to the extent that its provisions do not conflict with the provisions of this law.

**Bar Association Law No. (31) of 1950**

This law was published on page 525 of issue 1036 of the Official Gazette dated 16/09/1950 and amended during its validity by virtue of the **Law Amending the Law of the Bar Association No. 99 of 1951** published on page 1318 of issue 1091 of the Official Gazette dated 16/12/1950.

The **provisions of the Bar Association Law No. 31 of 1950** interpreted Resolution No. 129/4/1952 issued by the Bureau for the Interpretation of Laws regarding the fee for presenting Solicitors' POAs before the courts and appointing the entity to which this fee

belongs. This decision was published on page 356 of Issue 1117 of the Official Gazette dated 02/08/1952.

**Article 50 of the Bar Association Law No. 31 of 1950 stipulates the following:**

**Article 50:**

"The provisions of other laws that contradict the provisions of this law, with the exception of the laws of the Palestinian Rights Council, shall be repealed and shall remain applicable to students who have joined the Institute of Law since 1945 and before.

**Bar Law No. (33) of 1944:**

This Law was published on page 276 of Issue 810 of the Official Gazette dated 09/12/1944, and was amended during its validity by virtue of the **amended Law No. 18 of 1949** published on page 70 of Issue 976 of the Official Gazette issued on 27/03/1949, in force as of the beginning of April 1949 and announced for ratification by the National Assembly by virtue of the announcement published on page 573 of Issue 1038 of the Official Gazette dated 01/10/1950.

It was issued under the Bar Law No. 33 of 1944(**laws under the Bar Law**) and published in Issue No. 226 of the Official Gazette dated 01/05/1929 and repealed by Article (7) thereof (laws issued under the Bar Law of 1928) published in Issue No. 194 of the Official Gazette dated 15 June 1928.

Article 17 of the Bar Law No. 33 of 1944 stipulates the following:

"The Bar Law of 1928 shall be repealed, with the related amendments published in Nos. 373 and 673 of the Official Gazette. However, this repeal shall not affect the validity of any regulation or order issued thereunder, unless regulations or orders are issued under this law that invalidate the effect of that regulation or order."

**Bar Law of 1928:**

This law was published as a draft in issue 194 of the Official Gazette dated June 15, 1928. Its implementation was announced in issue 200 of the Official Gazette dated 09/01/1928. It was amended during its validity by virtue of the amended law published in issue 200 of the Official Gazette dated 09/01/1928.

It was issued under the Bar Law of 1928 (**laws/under the Bar Law**) and published in Issue 226 of the Official Gazette dated May 1, 1929, and was repealed under the laws issued under the Bar Law of 1944 published in Issue 194 and announced in Issue 200 of the Official Gazette dated 01/09/1928.

Article 20 of the Bar Law of 1928 stipulates the following:

1. The **provisions of Chapters II and III of the Ottoman Bar laws** dated 12 Dhu al-Hijjah 1292 shall continue to apply in Transjordan to the extent that they are not contrary to the provisions of this law.
2. The Bar Law published in the Official Gazette No. 129 of 1 June 1926 and the laws on the Representation of the Government before the Regular Courts published in the Official Gazette No. 156 of 15 May 1927 are hereby repealed.

**Bar Law of 1926:**

This law was published in issue 129 of the Official Gazette dated June 1, 1926.

**Lawsuits Agents Law (Ottoman):**

The Lawsuits Agents Law (Ottoman) dated the first of Dhu al-Hijjah in 1301 AH and the Lawsuits Agents regulation in Courts were published on pages 346 - 359 of Part V of the Sader Group.

The (Tariff of wages taken by the attorneys of lawsuits) dated 16 Dhu al-Hijjah 1292 AH was also published on pages 359 - 361 of Part V of the Sader Group.

**Bar Law No. 32 of 1938 (Palestinian):**

This law was published in the Palestinian Gazette of 1938, and was amended during its validity under the following amended laws: -

- **Bar Law (Amendment) No. 52 of 1939**, published on page 201 of Appendix No. (1) to the excellent issue 968 of the Palestinian facts dated December 11, 1939.
- **The amended Bar Law No. 24 of 1941**, published on page 105 of Appendix No. (1) to the excellent issue 1134 of the Palestinian facts dated October 9, 1941.
- **The Amended Bar Law No. 4 of 1945**, published on page 26 of Appendix No. (1) to the excellent issue 1395 of the Palestinian facts dated March 8, 1945.
- **Bar Law (Amendment) No. 60 of 1946**, published on page 301 of Appendix No. (1) to the excellent issue 1536 of the Palestinian facts dated November 2, 1946.

**Issued Resolutions**  
**About the Bureau for the Interpretation**  
**of Laws**

**Bureau for the Interpretation of Laws and Regulations \***

**Decision No. (129) of 1952<sup>56</sup>**

On 28/06/1952, the Bureau for the Interpretation of Laws met at the request of the Prime Minister by virtue of his letter dated 3/6/1952 No. 21/158/3945 to consider the interpretation of the provisions of the Bar Association Law No. 31 of 1950 regarding the fee for presenting Solicitors' POAs and appointing the party to which this fee belongs.

After reviewing the letter of HE the Prime Minister dated 20/02/1952 No. 21/158/1357 and the letter of HE the Minister of Justice dated 24/5/1952 No. 15/03/3017 and the above-mentioned Law of the Bar Association, the Bar Law in the Two banks and the Rules of Procedure of the Bar Association published in Appendix No. 1 to No. 1063 of the Official Gazette, and after checking, we see that:

Article 48 of the Bar Association Law No. 31 of 1950 stipulates that the fees collected from Solicitors under the current Bar Law shall be subject to the budget of the Bar, and the matter of determining and collecting them shall be up to the Bar Council, as will be specified in the bylaws that will be drawn up after the approval of this law.

With reference to the Bar Law referred to in the above-mentioned Article 48, we find that Article 13 of the Bar Law in the East Bank and Article 21, paragraph 2 of the Bar Law in the West Bank stipulate that a fee of (200 fils) must be paid by the Solicitor when he presents the power of attorney before a regular court. Then came the above-mentioned Article 58, which made this fee dependent on the budget of the Bar and granted the Bar Council the right to meet it. Thus, this article has extracted from the public treasury the fee for presenting the power of attorney with other fees that were collected from Solicitors under the Bar Law and made it return to the Bar Fund.

Therefore, the regulation of attorneys' presentation fees No. 2 of 1952, which stipulated in Article 2 that the attorneys' presentation fee shall be collected from the Solicitor for the account of the treasury, its provisions are contrary to the provisions of the Law of the Bar Association in this regard. As the general legal principle does not allow the establishment of regulations that contradict the provisions of the laws and override their provisions, the provisions of the above-mentioned regulation do not affect the decision of Article 48 of the Law of the Bar Association stating that the fees collected from Solicitors under the Law of Solicitors, including the fee for the POA presentation, are subject to the budget of the Bar Association. In addition, Article 20 of the Law on the Formation of Regular Courts No. 71 of 1951, according to which the regulation in question was issued, allowed the Minister of Justice to set regulations on determining the fees that are collected in the courts and departments of the procedure and did not allow him to be subjected to the fees that other laws stipulate that the order to collect them belongs to a certain other party, as is the case with the POA presentation fee, which Article 48 of the Solicitors Law stipulates that the order to collect it belongs to the Bar Council and constitutes part of its imports.

Accordingly, we unanimously decide that the POA presentation fee in question, which is collected from Solicitors, belongs to the Bar fund and not to the public treasury account.

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<sup>56</sup>This decision was published in No. 1117 of the Official Gazette on page 356 dated 02/08/1952.

Solicitors

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Dated 28/06/1952.

**Decision No. (7) of 1966<sup>57</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister in his letter No. N/7/20863 dated 4/12/1965, the Bureau for the Interpretation of Laws met for the purpose of interpreting Article 2 of the Ordinary Solicitors Bar Law No. 9 of 1955 in the light of Article 37/1 of the Income Tax Law No. 25 of 1964 and indicating whether the taxpayer has the right to delegate an ordinary person to represent him in the procedures referred to in Article 37 referred to or that the representative shall be a licensed Solicitor.

After reviewing the letter of the Minister of Finance addressed to the Prime Minister on 25/11/1965 and scrutinizing the legal provisions, it is being clear to us that:

1. Article 2 of the Bar Association Law stipulates that representing clients before all official councils and committees, arbitrators, administrative staff, official departments and public institutions of all kinds is one of the functions of Solicitors, and that Article 25 prevents others from engaging in these matters.
2. The first paragraph of Article 37 of the above-mentioned Income Tax Law states the following: (The estimating officer may, whenever he deems necessary, send a written notice to any person assigned to him to prepare and submit to him within a reasonable period specified in the above-mentioned notice detailed information or additional statements on any of the matters required by this law to obtain or provide statements or information thereon. He may also request that person to attend in person or send an agent or representative or any other person on his behalf and to present for examination the accounting records, documents, statements and any restrictions that the estimating officer deems necessary to examine).

According to the provision of this paragraph, the law does not require the person who attends before the assessor on behalf of the taxpayer to be a regular Solicitor, but it may be a private person, as is clear from the phrase stating as follows: "to attend in person or send an agent, representative, or any other person on his behalf".

This is an exception to the general rule established in Article 2 of the Law of the Bar Association, which vests the right to represent clients before the official departments with Solicitors.

This is what we decide in the interpretation of the articles to be interpreted.

Dated 13/03/1966.

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<sup>57</sup>This decision was published in No. 1920 of the Official Gazette on page 863 dated 16/05/1966.

## Decision No. (11) of 1966<sup>58</sup>

### Issued by the Bureau for the Interpretation of Laws

At the request of HE the Prime Minister in his letter No. M/74/4603 dated 29/03/1966, the Bureau for the Interpretation of Laws met in order to interpret Article 33 of the Bar Association Law No. 9 of 1955 and Article 80 of the Ordinary Solicitors Law No. 11 of 1966 and to clarify the following points:

1. Does the Bar Council, which was elected under the first law and whose one-year term did not expire on the date of the entry into force of the provisions of the new law, remain in place until the end of its session, or must another Council be elected to replace it in accordance with the provisions of the new law?
2. Assuming that the council remains in place until the end of the term of its above-mentioned session, does it remain in its quorum stipulated in the old law, which is six members and the president, or is it necessary to hold elections to complete the quorum to ten members in accordance with Article 80 of the new law.

Does the term of office of these members last for a period of two (2) years in accordance with the provisions of this article, or does their membership expire at the end of the term of the Council, which is one (1) year in accordance with the old law.

After reviewing the letter of the Bar President addressed to the Prime Minister on 28/03/1966 and scrutinizing the legal provisions, it is being clear to us that:

1. Article 30 of the Bar Association Law No. 9 of 1955 stipulates that the General Assembly shall convene normally in the first half of March of each year to elect the Bar Council, meaning that the term of the Council is one year.
2. Article 33 of the same law stipulates that the Bar Council consists of a President and six members elected by the general assembly.
3. Article 80 of Solicitors Law No. 11 of 1966 stipulates that the Bar Council shall consist of a president and ten members elected by the General Assembly. The term of the Council shall be two years.
4. Article 102 of this law repealed the Bar Association Law No. 9 of 1955 and all amendments thereto, as of the date of entry into force of its provisions 1955 corresponding to 05/04/1966.

It is clear from these provisions that the new law has been amended in the composition of the Bar Council, so it shall be composed of the President and ten members after the old law required that it be composed of the President and six members only.

It also extended the duration of the Council's session to two years instead of one year.

Whereas nothing in the new law indicates the extent of the impact of this amendment on the status of the Bar Council elected under the provisions of the old law.

The provisions to be interpreted shall be interpreted in the light of the jurisprudential rules that search for the extent of the retroactivity of laws, and since the rule in this regard is that the application of the new law in time has two aspects:

A negative aspect is the lack of its retroactive effect so that it does not have prejudice to the legal positions that arose under the old law.

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<sup>58</sup>This decision was published in No. 1924 of the Official Gazette on page 986 dated 01/06/1966.



A positive aspect is its direct impact on the previously formed legal centers, which had not yet expired when it came into force, which was a modification of how these centers were formed.

What is based on this rule with regard to the subject of the research is that the Bar Council, which was established under the old law and its term did not expire upon the entry into force of the new law, remains in place until the expiry of its session stipulated in the old law.

However, since the new law was amended in the composition of the council, it stipulated that it consists of the President and ten members instead of the President and six members.

The new law, in application of its direct effect, applies to the existing council so that the number of its members shall be increased to ten pursuant to the above-mentioned article 80. As the term of council membership is the same as the term of the council's session, the new members elected to complete the quorum of the existing council expire at the end of the session of this council, which is one year from the date of its formation.

This is what we decide in interpreting the provisions to be interpreted.

Dated 08/05/1966

**Decision No. (11) of 1969<sup>59</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister in his letter No. T/3899/2/31 dated 22/04/1969, the Bureau for the Interpretation of Laws met in order to interpret Article (37) of the Solicitors Law No. 11 of 1966 and to indicate the following:

1. What is the meaning of (semi-government institution) phrase mentioned in paragraph (b) of this article and what are the elements that must be available in the institution to be considered a semi-government institution?
2. Does this phrase include municipalities, village councils, concessionary companies and companies supported by state contributions?
3. Is a Solicitor entitled to be a legal advisor with more than one governmental or semi-governmental institution? After reviewing the letter of the Bar President addressed to the Prime Minister on 15/04/1969 and scrutinizing the legal provisions, it becomes clear that Article (37) of the above-mentioned Solicitors Law stipulates the following:
  - a. Every public or foreign joint stock company operating in Jordan shall appoint a general agent for it from among the Solicitors recorded in the register of mentoring Solicitors within six months from the date of entry into force of this law or from the date of its incorporation. The company shall pay half a dinar for each day on which it is late in establishing a general agent for it.
  - b. The Solicitor recorded in the register of mentoring Solicitors may not work as an agent or legal advisor for more than five companies referred to in the previous paragraph, provided that the number of prescribed companies may be increased if these exceed the number of Solicitors and by a decision of the Bar Council, provided that the Solicitor may not be an agent for more than one governmental or semi-governmental institution and the Solicitor must notify the Bar of the companies for which he works as an agent

By reviewing the provisions of this law with regard to the first and second points that there is no definition in these provisions for governmental or semi-governmental institutions, so it is necessary to be guided by what has been established by administrative jurisprudence in this regard.

Referring to jurisprudential sources, it becomes clear that government institutions have been defined as the administrative departments established by law with the intention of contributing to the performance of state functions. The semi-government institutions are:

1. Non-governmental public institutions established by law and granted legal personality to carry out a certain type of public service and achieve a specific purpose or purposes under the supervision and control of the State, such as municipalities and village councils.
2. Bodies that are established by law to take care of the interests of certain communities of professionals and represent the interests of these communities and have individual powers derived from the law, which is a regulatory authority

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<sup>59</sup>This decision was published in No. 2178 of the Official Gazette on page 628 dated 16/06/1969.

to regulate their work and affairs and the authority to issue administrative decisions in these matters and then the authority to impose fees on them such as chambers of commerce, industry and agriculture and unions of self-employed professionals such as Solicitors, medicine, engineering and the like.

Such institutions and bodies have been called semi-governmental institutions because they are similar in some respects to government bodies. The concessionary joint-stock companies and companies in which the government contributes, do not fall within the concept of semi-governmental institutions, but rather fall within the meaning of public joint-stock companies stipulated in paragraph (a) of Article (37) to be interpreted, considering that public joint-stock companies as defined in item (a) of the second paragraph of Article (39) of the Companies Law No. 12 of 1964 include all public joint-stock companies, whether concessionary or the government is a shareholder in them or not.

As for the third point, although the power of attorney for persons and the provision of legal advice are the functions of Solicitors under Article 2 of the Law on Solicitors, paragraph (b) of Article (37) has differentiated between public or foreign joint stock companies and governmental or semi-governmental institutions with regard to the permissibility of the Solicitor carrying out these two functions, so it allowed him to be an agent or consultant for five companies only, while for governmental or semi-governmental institutions, no restriction has been placed on him except with regard to the power of attorney. As for the provision of legal advice to these institutions, there is no restriction on him as is clear from the provision.

Therefore, it is not forbidden for a Solicitor to be a legal advisor to more than one governmental or semi-governmental institution, but it is forbidden for him to be an agent for more than one institution.

This is what we decide in interpreting the provision to be interpreted.

Dated 18/05/1969

### **Decision No. (2) of 1971<sup>60</sup>**

#### **Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister, in his letter No. M/4/I dated 20/01/1971, the Bureau for the Interpretation of Laws met in order to interpret Article (43) of the Provisional Bar Association Law No. 15 of 1970 and indicate whether the provision of the article applies to contracts of incorporation of foreign companies or not?

After reviewing the letter of the Minister of Finance and Economy addressed to the Prime Minister on 16/01/1971 and scrutinizing the legal provisions, it becomes clear that the article to be interpreted stipulates the following:

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<sup>60</sup>This Law was published on page 455 of issue 2289 of the Official Gazette dated 01/04/1971. This decision was originally issued to interpret Article 43 of the provisional Law No. 15 of 1970, which was replaced by the current Law No. 11 of 1972, but we decided to publish it for consultation with the provisions contained therein in the interpretation of Article 42 of the Law.

No contract or law of any company or any civil or commercial contract whose value exceeds five hundred dinars (JD 5,000.00/-) or whose value is not specified, may be registered with the competent department or any official authority, unless:

1. It is signed by one of the mentoring advocates.
2. It is affixed with a Bar stamp in relation to or with the value determined by a decision by the bar council, ratified by the Minister of Justice, and published in the Official Gazette.

With reference to Chapter 6 of the Companies Law No. 12 of 1964, which searches for foreign ordinary companies, and Chapter 12, which searches for foreign joint stock companies, it becomes clear that Article 38 does not allow any foreign ordinary company to conduct its business in the Kingdom unless it is registered in the Companies Register and it must submit the registration application to the Companies Controller accompanied by a certified copy of its contract.

Article 219 stipulates that no foreign joint stock company may conduct business in the Kingdom unless it is registered under the provisions of this law. Article 230 requires these companies to attach a certified copy of their articles of association to the registration application submitted to the Companies Controller.

According to these provisions, it is clear that foreign companies, whether ordinary or joint stock companies, are subject to the registration stipulated in the Companies Law and that they shall attach their articles of association to the registration application for registration.

Whereas Article 43 of the above-mentioned Bar Association Law does not permit the registration of the contract of any company unless it is signed by one of the mentoring advocates and has been affixed with the stamp of the association stipulated in this article.

Since the phrase (any company) is absolute in the provision, it is valid and includes all companies subject to registration. Therefore, the contract of the foreign company is subject to the provision of this article when submitting the registration application, as are the contracts of other companies.

This is what we decide in interpreting the provision to be interpreted.

Dated 03/03/1971

**Decision No. (17) of 1972<sup>61</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister in his letter No. N/12077/21 dated 11/09/1972, the Bureau for the Interpretation of Laws met in order to explain the following:

1. Article 44 of the Bar Association Law No. 12 of 1972 and indicating whether it allows the mentoring Solicitor to certify special POAs that authorize him to represent the principal in transactions for the sale or discharge of immovable property or other disposals that take place at the Land Registry Department or that such POAs must be certified by the notary public or his representative?
2. The third paragraph of Article 38 of the same law and whether it is permissible to appoint a non-Solicitor to represent the client in actions carried out in the registration department or other official departments or not?

After reviewing the letter of the Minister of Finance/Lands and Survey addressed to the Prime Minister on 07/09/1972 and scrutinizing the legal provisions, we find, with regard to the first point that the first clause of Article 44 to be interpreted states the following:

(Notwithstanding the provisions of any Act or other legislation, the Solicitor shall have the right to ratify the signatures of his clients on private POAs, and the Solicitor shall be personally responsible for the validity of these signatures).

According to this provision, it is clear that the phrase (private POAs) mentioned therein has therefore been launched and includes all private POAs of all kinds, whether related to litigation or any specific legal act or acts, such as signing the sale, purchase, lease, mortgage and other acts, as long as the evidence of restriction is not contained in a provision or indication.

Therefore, private POAs that include authorizing the agent to represent the principal in certain acts that take place before the Registration Department are considered legal POAs if they are certified by a mentoring Solicitor and do not require that they be certified by the notary public or his representative.

Point 2: Paragraph 2 of Article 38 of the above-mentioned Bar Association Law is explicit as it states that non-Solicitors registered in the Bar Association to represent the clients of any of the Solicitors' work, whether with or without remuneration.

Whereas, the representation of clients before all official councils and departments is among the work of Solicitors, as is clear from the provision of paragraph 4 of Article 6 of the same law.

The basis of this is that non-Solicitors cannot be appointed to represent clients in the disposition transactions with the Registration Department or any other department.

This is what we decide by majority in the interpretation of the provisions to be interpreted.

Dated 24/09/1972.

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<sup>61</sup>This Law was published on page 2090 of issue 2389 of the Official Gazette dated 01/011/1972.

### Disagreement Decision

I disagree with the respected majority and believe that the articles to be interpreted cannot be interpreted unless the law practice is known, as the provision of the paragraph 3 of Article 38 to be interpreted shall be read in conjunction with the provision of the first paragraph of the same article, which **made the practice of law an exclusive right of Solicitors**. The definition of the law practice requires authority to Article 6 in all its paragraphs and phrases, not only to its fourth paragraph.

With reference to the above-mentioned article, we find that it defined Solicitors as persons who have taken a profession to represent litigants in lawsuits of all kinds, carry out their procedures and defend them, and provide each consultation to those who request it for remuneration, including, i.e. representing litigants and providing advice to them, the matters set forth in paragraphs 1-4 of the same article. According to this provision, the profession of Solicitors can be defined as the profession of representing litigants in various lawsuits, carrying out their procedures and defending them before the bodies set forth in paragraphs 1 and 4, and providing advice to those who request it for remuneration. Therefore, the representation of Solicitors to clients before these departments is contingent on the existence of a dispute between the principal and the concerned authority or any other person. In other words, I believe that the legislator intended from paragraphs 1 and 4 to extend the meaning of the word lawsuit before the courts to include any dispute or procedure in a dispute, even if it did not reach the stage of prosecution before any courts, whatsoever.

This interpretation is supported by the fact that the legislator, in the fourth paragraph, listed arbitrators among the parties before which Solicitors represent people and that there is no review before the arbitrators unless there is a dispute, which indicates that the legislator's intention when drafting the provision was to appoint Solicitors in the event of a dispute only. It is also supported by the rule that requires a narrow interpretation if the broad interpretation is cumbersome for the debtor, while the debtor here is the person who shall retain power of attorney. Obliging all people to retain Solicitors in all their life affairs burdens them with the conflict and interests it imposes on their freedoms as well as the financial obligations it imposes on them.

As for the second point, I therefore believe that any person may delegate in the affairs of administration and legal dispositions to any person, including Solicitors, if the matter entrusted to him is not in dispute.

As for the first point, I agree with the respected majority that the Solicitor has the right to ratify the signatures of his clients in relation to all types of private POAs, but I believe that this depends on appointing the Solicitor as a Solicitor. If his power of attorney as a husband, for example, he refuses to ratify the POAs, even if it is related to a dispute or a lawsuit. Moreover, the Solicitor does not have the power of attorney given to him as a member of society in a matter that is not in dispute on the form I described above.

Dated 24/09/1972

**Decision No. (25) of 1972<sup>62</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister in his letter No. N/15710/3/21 dated 20/11/1972, the Bureau for the Interpretation of Laws met in order to interpret Article 43 of the Bar Association Law No. 11 of 1972 and indicate whether the companies and institutions stipulated in the third paragraph are the same companies and institutions stipulated in the first paragraph or not?

After reviewing the letter of the Minister of Justice addressed to the Prime Minister on 16/11/1972 and scrutinizing the legal provisions, it becomes clear that Article 43, which is required to be interpreted, stipulates the following:

1. Every public commercial or industrial establishment, public joint stock company, or any foreign company or establishment, or any branch thereof, whatever its capital, shall appoint an agent or legal advisor from among the Solicitors recorded in the register of mentoring Solicitors, in writing, registered with the notary public.
2. If one of the companies or institutions registered in Jordan referred to in paragraph (1) of this article refuses to appoint an agent or legal adviser after three months from the date of entry into force of this law or from the date of its incorporation or registration, it shall pay an amount of Jordanian dinars to the Bar fund for each day of delay.
3. The bylaws of the Bar Association specify the number of companies and institutions to which a single Solicitor has the right to be an advisor or representative.

According to these provisions, it is concluded that the provisions of this article were developed for the purposes of a certain type of institutions and companies, which are the institutions and companies stipulated in the first paragraph of this article. It is prudent that this type of institutions and companies is important in public life and economic development, as the public interests are important because the projects they undertake are large projects in which a large number of people are required by law to seek the assistance of a mentoring Solicitor to prevent them from making mistakes that may result in serious harm to shareholders and citizens.

Therefore, the two words (companies and institutions) mentioned in the third paragraph of that article refers to the companies and institutions described in the first paragraph thereof, not companies and institutions of all kinds, as the purpose of placing the third paragraph is the mandatory POAs and consultations stipulated in the first paragraph to the largest number of Solicitors.

This is what we decide in interpreting the provision to be interpreted.

Dated 07/12/1972

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<sup>62</sup>This Law was published on page 2448 of issue 2397 of the Official Gazette dated 31/12/1972.

## Decision No. (29) of 1973<sup>63</sup>

### Issued by the Bureau for the Interpretation of Laws

At the request of HE the Prime Minister in his letter dated 08/11/1973 No. N/21/05/15360, the Bureau for the Interpretation of Laws met in order to interpret Article 44 of the Bar Association Law No. 11 of 1972 as amended by Law No. 32 of 1973 and to indicate whether the Solicitor has the authority under this article to ratify the signatures of his clients in the private POAs related to representing the client with the Land Department and registering in transactions of sale and disposal of immovable property and other actions related to these funds.

After reviewing the letter of the President of the Bar Association addressed to the Director of the Department of Lands and Survey and the letter of the Minister of Finance/ Lands addressed to the Prime Minister on 03/11/1973 and scrutinizing the legal provisions, it becomes clear that:

1. The first paragraph of Article 44 of the above-mentioned Bar Association Law, as amended in Article 6 of Law No. 32 of 1973, stipulates the following: (Notwithstanding the provisions of any law or other legislation, the Solicitor shall have the right to ratify the signatures of his clients on private POAs if the power of attorney is attached to one of the matters stipulated in Article 6 of this Law. In all cases, the Solicitor shall be personally responsible for the validity of these signatures).
2. Article 6 of the same law, as amended by Law No. 32 of 1973, stipulates the following:

Solicitors are judicial officers who have taken a profession to provide judicial and legal assistance to those who request it for remuneration, including:

1. Represent third parties to claim and defend their rights:
  - a. Before all courts of all kinds and degrees except the Sharia courts.
  - b. At the Arbitrators and Public Prosecution Chambers
  - c. at all administrative bodies and public and private institutions.
2. Prepare contracts and carry out the procedures required for this.
3. Provide legal consultations.

It is understood from the provision of the above-mentioned article 44 that the right of the Solicitor to ratify the signatures of his clients is limited to private POAs if the power of attorney is attached to one of the matters stipulated in Article 6 of the same law.

with reference to this article 6, we find that only the first paragraph of it discussed the power of attorney.

Therefore, the right of the Solicitor to ratify the signatures of his clients is limited to the matters discussed in this paragraph, which are the representation of others to claim and defend rights:

- a. Before all courts of all kinds and degrees except the Sharia courts.
- b. At the Arbitrators and Public Prosecution Chambers.

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<sup>63</sup>This Law was published on page 2466 of issue 2467 of the Official Gazette dated 31/12/1973.



- c. With all administrative authorities and public and private institutions, as for the matters stipulated in paragraphs 2 and 3 of this article, which are regulating contracts, carrying out the procedures required for this, and providing legal advice, they are out the scope of the power of attorney stipulated in this article.

It is based on this that the private POAs related to the representation of the client with the Land Department and the registration in the sale and disposal of immovable property and all other actions related to it do not fall within the concept of power of attorney to claim and defend rights. Therefore, the Solicitor does not have the right to ratify the signatures of his clients on these POAs, but it must be ratified by the notary public or other competent authority according to the law.

This is what we decide in interpreting the Article to be interpreted.

Dated 29/11/1973.

## Decision No. (17) of 1974<sup>64</sup>

### Issued by the Bureau for the Interpretation of Laws

At the request of HE the Prime Minister in his letter No. N/21/8429 dated 1972/7/1974, the Bureau for the Interpretation of Laws met in order to interpret the paragraph 1 of Article 43 of the Bar Association Law No. 11 of 1972 and to indicate the following:

1. Does the word (it) mentioned in this paragraph after the phrase (or any branch) is related to the last sentence, i.e. (any foreign company or establishment) so that the branch means the branch of the foreign company or establishment, or does this word refer to all previous sentences with conjunction (or) so that the branch means the branch of any of the institutions or companies stipulated in that paragraph, whether national or foreign?
2. Does appointment of a general agent or legal advisor by the head office of the company or institution in application of the provision to be interpreted exempt its branches located in the Hashemite Kingdom of Jordan from appointing a general agent or advisor for it, or shall each branch have a general agent or legal advisor?

After reviewing the letter of the Bar President addressed to the Prime Minister on 08/07/1974 and scrutinizing the legal provisions, we find that the first paragraph of Article 43 to be interpreted stipulates the following: Every public commercial or industrial establishment, public joint stock company, or any foreign company or establishment, or any branch thereof, whatever its capital, shall appoint an agent or legal advisor from among the Solicitors recorded in the register of mentoring Solicitors under a written contract registered with the notary public.

According to this provision, it is clear that the sentences contained therein before the word (it) were coupled with the conjunction (or).

Whereas, it is one of the linguistic and jurisprudential rules that , if “it” follows the sentences with Conjunction “and” or the like, it returns to the last sentence of it because it is close to it and the close is likely unless the evidence indicates otherwise

As nothing can be inferred from it that (it) refers to all the previous sentences, it refers to the last phrase, i.e. (the foreign institution or company). Therefore, the branch in question in the provision is the branch of the foreign institution or company only. Thus, this branch is legally mandated to appoint a general agent or legal adviser for it and not the branch of national institutions or companies. The reason for this distinction is apparent, i.e. the foreign institution or company is composed and registered abroad and its head office is there, as is clear from the provision of paragraphs 1 and 2 of Article 38 and articles 219 and 220 of the Companies Law. Its general agent or legal adviser does not have the right to be at the same time an agent or adviser for its branch in Jordan because the provision requires that the agent or adviser shall be a registered Solicitor in the Kingdom of Jordan. This law obliges any of its branches to appoint a general agent or legal adviser for it. As the national institutions or companies are composed and registered in the Kingdom and their head office is in the Kingdom and any of their

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<sup>64</sup>This Law was published on page 1634 of issue 2517 of the Official Gazette dated 01/10/1974.

branches can obtain the services of the general agent or legal advisor of the head office, the law did not require the branch to appoint an agent or advisor who is satisfied with an agent or advisor of the head office.

This is what we decide in interpreting the provision to be interpreted.

Dated 25/08/1974

## Decision No. (17) of 1975<sup>65</sup>

### Issued by the Bureau for the Interpretation of Laws

At the request of HE the Prime Minister in his letter No. SH/1/13997 dated 25/10/1974, the Bureau for the Interpretation of Laws met in order to interpret the phrase (commercial or industrial public institution) contained in the first paragraph of Article 43 of the Bar Association Law No. 11 of 1972 and to indicate its meaning.

After reviewing the letter of the Bar President addressed to the Prime Minister on 20/10/1975 and scrutinizing the legal provisions, it becomes clear that:

1. The paragraph 1 of Article 43 to be interpreted reads as follows: (Every public commercial or industrial establishment, public joint stock company, or any foreign company or establishment, or any branch thereof, whatever its capital, shall appoint an agent or legal advisor from among the Solicitors recorded in the register of mentoring Solicitors under a written contract registered with the notary public.)
2. The third paragraph of the same article stipulates the following: The bylaws of the Bar Association specify the number of companies and institutions to which a single Solicitor has the right to be an advisor or representative.)
3. Paragraph (e) of Article 44 of the bylaws of the Bar Association stipulates that a single Solicitor may not be an advisor or general agent for more than two or three companies and one or two institutions and one of the companies and institutions mentioned in Article 43 of the Bar Association Law.
4. On 08/11/1965, this Bureau issued a decision No. 19 published in the 1892 issue of the Official Gazette, in which it stated that public institutions are the institutions that:

#### **It has the following elements:**

- a. To be a person of administrative law and administered in accordance with the organization and methods of public law and use public authority in order to achieve its objectives
- b. The services performed by them shall be public services.
- c. Its funds are considered public funds and its accounts and controls follow the rules followed regarding state funds
- d. Its employees are considered public and their decisions are administrative decisions.
- e. It shall have the right to conclude contracts and to enjoy various financial privileges

In the light of this decision, the phrase (commercial or industrial public institution) mentioned in the first paragraph of Article 43 of the Bar Association Law means public institutions in which the above-mentioned elements are available and established by law, provided that the purpose of its establishment is to manage a public facility of a commercial or industrial stamp such as a high aviation institution, the Orphans Fund Management and Development Institution, the Maritime Corporation of the Port of Aqaba and other public institutions whose purpose was not commercial or industrial,

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<sup>65</sup>This Law was published on page 2371 of issue 2594 of the Official Gazette dated 01/12/1975.

such as the Central Bank. It does not fall within the concept of the institutions stipulated in Article 43/1.

Accordingly, such institutions are the ones that must appoint an agent or legal advisor from among the mentoring Solicitors in application of the provision of the first paragraph of Article 43 referred to, which applies to the provision of Article 44 of the bylaws of the Bar Association, which prevents one Solicitor from being an advisor or general agent for more than two or three companies and one or two institutions and one of the companies and institutions mentioned in Article 43 of the above-mentioned law.

Therefore, we decide to interpret the phrase to be interpreted in this way.

Dated 04/11/1975

**Decision No. (5) of 1977<sup>66</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister in his letter No. N/21/15571 dated 27/12/1976 , the Bureau for the Interpretation of Laws met in order to interpret paragraph (e) of Article 44 of the Bylaws of the Bar Association in the light of the first and third paragraphs of Article 43 of the Bar Association Law No. 11 of 1972 and to indicate the following:

If a Solicitor appoints a general agent or adviser for a number of companies or establishments equivalent to the maximum number allowed under the above-mentioned paragraph (e), is it permissible for him to be an agent or adviser for another company or establishment if this company or establishment has another agent appointed under the first paragraph of Article 43 or not.

After reviewing the letter of the Bar President addressed to the Prime Minister on 21/12/1976 and scrutinizing the legal provisions, it becomes clear that:

1. The paragraph 1 of Article 43 of the Bar Association Law No. 11 of 1972 stipulates the following: (Every public commercial or industrial establishment, public joint stock company, or any foreign company or establishment, or any branch thereof, whatever its capital, shall appoint an agent or legal advisor from among the Solicitors recorded in the register of mentoring Solicitors under a written contract registered with the notary public.)

The paragraph 3 states the following: The bylaws of the Bar Association specify the number of companies and institutions to which a single Solicitor has the right to be an advisor or representative.

2. Paragraph (e) of Article 44 of the bylaws of the Bar Association, as listed in the amended Law No. 20 of 1973, does not allow a single Solicitor to be an advisor or general agent for more than two or three companies and one or two institutions and one of the companies and institutions mentioned in Article 43 of the Bar Association Law.

According to these provisions, the drafter of the law has obligated every public joint stock company or any foreign institution or any branch thereof to appoint an agent or legal advisor from among the mentoring Solicitors, and he has also specified the number of companies or institutions for which a single Solicitor may be an adviser or agent.

Therefore, a single Solicitor may not be an agent or advisor to a number of companies or institutions that exceed the upper limit set out in paragraph (e) of Article 44 referred to above, whether the company or institution in excess of the number has one or more agents or legal advisers.

This is what we decide in interpreting the provision to be interpreted.

Dated 01/06/1977

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<sup>66</sup>This Law was published on page 1544 of issue 2709 of the Official Gazette dated 02/07/1977.

**Decision No. (1) of 1978<sup>67</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of HE the Prime Minister in his letter No. N/21/5299 dated 17/05/1978, the Bureau for the Interpretation of Laws met in the office of its President in order to interpret **clause (c) of the paragraph 1 of Article 11 of the Bar Association Law and clause 5 of paragraph (a) of Article 4 of the Law of the National Consultative Council and to indicate whether membership in the National Consultative Council** is considered a public function that may not be combined with law or is not considered a public function and may be combined with law practice.

After reviewing the Prime Minister's letter addressed to the Minister of Justice on 17/05/1978 and scrutinizing the legal provisions, it becomes clear that:

1. Article 11 of the Bar Association Law No. 11 of 1972 stipulates the following:
  - 1- Law practice may not be combined with the following:
    - a. Legislative Power Presidency
    - b. The Ministry
    - c. Permanent and temporary public or private positions with a salary or remuneration, except for mentoring Solicitors who practice law in an official or semi-official institution or company.
    - d. Professionalizing trade and representing foreign companies in their business.
    - e. The position of a director in any company or official or semi-official institution or any position therein.
    - f. All acts that are incompatible with the independence or the dignity of the Solicitor.
  - 2- The provision of this article does not apply to working in the legal and cultural press, membership of representative boards, and mentoring Solicitors in universities recorded in the mentoring Solicitors Register.
2. The clause 5 of paragraph (a) of Article 4 of the National Consultative Council Law No. 17 of 1978 stipulates that whoever is appointed as a member of the Council shall not be an employee who receives his salary from public funds, including municipalities.
3. Article 5 of the same last law stipulates the following:
  - a. The term of the Council shall be two (2) years, at the end of which it shall be reconstituted in accordance with the provisions of this law. The king may dissolve the council at any time and exempt its members or any of them from membership in the council or accept his resignation from it.
  - b. The council shall be deemed dissolved as a judge when electing and convening the representative council.
4. The paragraph 1 of Article 13 of the Bar Association Law No. 13 stipulates the following: (A Solicitor who is a member of the general legislative, municipal or administrative councils may not accept the power of attorney by himself or a Solicitor working for him against the councils in which he participates or their departments during the term of his membership).

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<sup>67</sup>This Law was published on page 1551 of issue 2788 of the Official Gazette dated 01/06/1978.

By extrapolating these texts, we find that there is nothing to be learned from them that membership in the National Consultative Council is considered a function with which it is forbidden to combine it with any other function. On the contrary, there are provisions that make it clear that this membership is not considered a function, namely:

1. The provision of the clause 5 of paragraph (a) of Article (4) of the National Consultative Council Law, which stipulated that whoever is appointed as a member of the Council should not be an employee. If the law considered a member of the Council an employee, it would not have stipulated that he shall not be an employee because with this requirement, he would have stipulated something impossible, as how can the employee be a non-employee? It is a rule that the impossible for itself may not be required or assigned.

This is not to say that what the purpose of the drafter of the law from this provision is that the membership of the Council can be combined as a function with any other function, because the provision does not indicate this lexical and contextual meaning...

2. The provision of Article 16 of the same law, which required the inclusion of the functions of the governing body of the National Consultative Council in the table of job formations without requiring the inclusion of the membership of the Council in the table, which indicates that membership is not a job, otherwise the law would have required its inclusion in the table as well as other jobs in accordance with the rule prescribed for public jobs stipulated in the civil service regulation, i.e. the general law related to employees, where the employee is described in Article 3 as the one whose job is included in the regulation of job formations issued under the General Budget Law of the State or the budget of one of the institutions and other government authorities.

As for the mere fact that a person receives a salary or allocations from the public treasury, it is not alone to consider him an employee.

3. The provision of paragraph (c) of Article 13 of the same law, which requires that the allocations determined by the Council of Ministers shall be paid to the members of the Council and authorizes the combination of these allocations and the retirement pension. If the member of the Council was an employee, it would not be permissible to combine the allocations he receives with the retirement pension.
4. Article 5 of the same law, which limited the term of the Council to two years and vested His Majesty the King with the right to dissolve it at any time, stipulates that the Council shall be considered dissolved by judgment upon the election and convening of the House of Representatives, which indicates conclusively that the law has given this Council a special status distinct from the rest of the situations it has given to employees.
5. The provision of the first paragraph of Article 13 of the Bar Association Law, which allows the Solicitor to be a member of public councils and practicing law at the same time, with the exception of accepting the power of attorney against the council in which he participates during the term of his membership. It is clear that the National Consultative Council is one of the general councils, so this provision applies to it so that whoever was a member of it may practice law, provided that he does not accept a power of attorney against him.



Accordingly, we decide that membership in the National Consultative Council is not considered a job. Therefore, it is not forbidden for the members of the Council of Solicitors to practice law during the term of their membership.

Resolution dated 18/05/1978.

**Decision No. (8) of 1980<sup>68</sup>**

**Issued by the Bureau for the Interpretation of Laws**

At the request of the Prime Minister in his letter No. 22/01/1484 dated 08/03/1980, the Bureau for the Interpretation of Laws met in the office of its President in order to interpret the paragraph 5 of Article 14 of the Retirement and Social Security Law for Solicitors of 1970 and to indicate whether this paragraph, which allows the period of practicing law before the Jordanian and Palestinian courts before the entry into force of the Bar Association Law No. 31 of 1950, is a period of practicing the profession for retirement purposes, is a legal paragraph to be applied or is contrary to the law because it gives the law a retroactive effect.

After reviewing the letter of the Bar President addressed to the Prime Minister on 26/02/1980 and scrutinizing the legal provisions, it becomes clear that:

1. The clause 2 of paragraph (a) of Article 72 of the Law of Statutory Solicitors No. 11 of 1966 allowed the establishment of Solicitors' retirement law providing retirement allowance and social security for them.
2. Based on this article, the Solicitors' retirement and social security law of 1970 was established. The paragraph 5 of article 14 of it stipulates that the period of practicing the profession before the Jordanian and Palestinian courts before the entry into force of the Law of Solicitors No. 31 of 1950 is considered a period of practicing the profession for retirement purposes if the Solicitor pays the fees due to the Bar and Treasury Fund.
3. The Interim Bar Association Law No. 15 of 1970, which replaced the Solicitors Law No. 11 of 1966, stipulated in the paragraph 2 of Article 79 that Solicitors' retirement and social security law shall be established. It is also stipulated in Article 109 that the regulations issued under Solicitors Law No. 11 of 1966 are considered legal and effective.
4. The Bar Association Law No. 11 of 1972, which replaced the Bar Association Law numbered laws and regulations for the implementation of its provisions, in particular the regulations set forth in this article, including the Solicitors Retirement and Social Security Law No. 15 of 1970, stipulates in Article 78 that all laws and regulations in force upon the entry into force of this law shall remain in force in all cases in which no provision contrary to this law is mentioned, in particular with regard to the settlement and payment of pensions, as well as in Article 110 thereof, provided that, taking into account the provisions of the previous article, the laws and regulations issued under Bar Law No. 11 of 1966 No. 11 of 1966 and all legal amendments thereto shall be considered valid until they are amended or repealed.
5. There is no provision in the Bar Association Law No. 11 of 1966, the Interim Bar Association Law No. 15 of 1970, or the Bar Association Law No. 11 of 1972 regarding the determination of the rules to be observed regarding the periods that are considered an exercise of the profession for retirement purposes. These laws do not stipulate any other rules related to the retirement of Solicitors.

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<sup>68</sup>This Law was published on page 1037 of issue 2944 of the Official Gazette dated 01/07/1980.

In the light of these provisions, we find that the drafter of the law in Articles 109 and 110 of the recent Bar Association Law No. 11 of 1972 has legitimized the Solicitors Retirement law of 1970, which is required to be interpreted. Further, its provisions are considered legal and valid in all cases in which there is no contrary provision in the above-mentioned law.

As no provision in the above-mentioned law violates the provisions of the above-mentioned association laws regarding retirement provisions.

Based on this, the provision of the paragraph 5 of Article 14 of this law, which allows the calculation of the period of practicing the profession before the Jordanian and Palestinian courts before the entry into force of the Law of Solicitors No. 31 of 1950, a period of practice of the profession for retirement purposes if the Solicitor pays the fees owed by it to the Bar Fund, is considered an applicable provision pursuant to the provision of the law that gave it legitimacy, as mentioned above.

This is what we decide in interpreting the point to be interpreted.

Decision dated 5 Rajab 1400 AH corresponding to 19/5/1980 AD

### Decision No. (3) of 1984<sup>69</sup>

#### Issued by the Bureau for the Interpretation of Laws

At the request of HE the Prime Minister in his letter No. N/10/10035 dated 26/01/1984, the Bureau for the Interpretation of Laws met in order to interpret Article 28 of the Bar Association Law No. 11 of 1972 and to indicate whether this article permits partial exemption from training if the period occupied by a person in a judicial position within the meaning of the Law on the Independence of the Judiciary or in a judicial position or a legal advisor in the Jordanian Armed Forces and Public Security is less than two years, so that this period is calculated on the basis of the legal training period or it may not be calculated.

After reviewing the letter of the Bar President addressed to the Prime Minister on 26/01/1984 and scrutinizing the legal provisions, it becomes clear that:

1. Article 27 of the above-mentioned Bar Association Law, as amended by Law No. 53 of 1976, stipulates the following: (The training period is two years for holders of a Bachelor of Laws or two postgraduate diplomas in law or a diploma of the Higher Institute of Law in an Arab country or a doctorate in one of the subjects of law... etc.)
2. Article 28, which is required to be interpreted, stipulates that training shall be completely exempted from holding a judicial position within the meaning of the Law on the Independence of the Judiciary, which is valid for a period of not less than two years. He shall also be exempted from holding a judicial position and a legal advisor in the Jordanian Armed Forces and Public Security for a period of not less than two years, provided that he holds a bachelor's degree in law or more.
3. The above-mentioned Bar Association Law did not explicitly provide for the possibility of partial exemption from training.

It is clear from the provision of Article 28 above that the legislator assumed that the experience that a judge or legal advisor can acquire within two years of his service in these two positions is equivalent to the experience that a trainee Solicitor can acquire during the legal training period of two years as well.

Whereas, the equivalent of the two-year period in these two cases for the purpose of calculating the legal training period shall result in the equivalent of the two identical parts of the period in each of them.

The basis of this is that the period of occupation of the judicial position or the position of legal advisor, which is less than two years, must be added to the training period due to the union of the cause in both cases pursuant to the legal rule that requires the union of the cause and the union of the referee.

This is what we decide in interpreting the provision to be interpreted.

Decision dated 19 Jumada Al-Awwal 1404 AH corresponding to 21/02/1984 AD

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<sup>69</sup>This Law was published on page 412 of issue 3219 of the Official Gazette dated 15/03/1984.

### Decision No. (3) of 1985<sup>70</sup>

#### Issued by the Bureau for the Interpretation of Laws

At the request of HE the Prime Minister in his letter No. N/10/13362 dated 23/12/1984, the Bureau for the Interpretation of Laws met in order to interpret Article 12 of the Bar Association Law No. 11 of 1972 in the light of the provision of Articles 8 and 24 of the same law and to indicate the following:

1. If there is a Solicitor recorded in the register of mentoring Solicitors because of the fulfillment of the registration conditions stipulated in the paragraph 1 of Article 8 referred to above and then his name was transferred to the register of Solicitors not practicing due to his occupation of a public position in the government pursuant to clause (c) of the first paragraph of Article 11 and the first paragraph of Article 12 of the same law. Then, a judgment was issued against him by the competent court to convict him of the crime of bribery and punish him with a legal penalty. When he spent the period of the sentence and was released, he submitted a request to the bar council to re-register him in the register of mentoring Solicitors: Is it permissible in this case to accept his application and re-register it, although the condition for practicing law stipulated in clause (e) of the provisions of the paragraph 1 of Article 8, which requires that the applicant for registration is not convicted of a felony or a moral crime in which he was not available at the time of submitting this application, or does the Bar Council have to consider this application and decide on it separately from the continued availability of the conditions required for registration stipulated in Article 8/1, including the condition not to be convicted of a felony or a moral misdemeanor.
2. Assuming that it is permissible to re-register based on the application for non-judgment indicated, does the Bar Council have the right to refer that Solicitor to the Disciplinary Board for trial and to impose one of the disciplinary penalties on him in accordance with Article 63 of the same law. Although the crime for which he was convicted and punished by the Criminal Court was committed while in office, i.e., before the decision was taken to re-register him

After reviewing the letter of HE the President of the Bar Association addressed to the Prime Minister on 18/12/1984 requesting the referral of the matter to the Bureau of Interpretation of Laws and the scrutiny of legal provisions, it becomes clear that:

- a. Article 8 of the Bar Association Law stipulates that whoever requests to be registered in the mentoring Solicitors Register shall meet the conditions stipulated in this article, including the condition set forth in clause (e) of the paragraph 1 thereof, which includes that the applicant shall not be convicted of a felony or a moral crime for reasons of honor and dignity.
- b. The first paragraph of Article 12 stipulates that every Solicitor who no longer meets the conditions for practicing the legal profession mentioned in Articles 7 and 8 or carries out one of the Laws stipulated in the first paragraph of Article 11 shall transfer his name to the Register of Non-Practicing Solicitors by a decision of the Bar Council

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<sup>70</sup> This decision is published on page (404) of the Official Gazette issue dated 17/02/2019.

The paragraph 2 of the same article stipulates that if the reasons set out in the previous paragraph cease to exist, the Solicitor shall be re-registered in the Solicitors' register by a decision of the Bar Council... etc.

- c. E. Article 24 of this law stipulates that every Solicitor who has practiced law and whose name is not mentioned in the annual advocates register, shall be subject to the disciplinary penalties stipulated in This Law.
- d. Article 63 of it stipulates that every Solicitor who violates the duties of his profession set forth in this law or in any law issued under it, exceeds or limits his professional duties, or commits an act that undermines the honor of the profession, shall be subject to the following disciplinary penalties:
  1. Warning
  2. Reprimand
  3. Prohibition from practicing law temporarily for a period not exceeding five years

According to these explicit provisions, it is clear that the condition not to be convicted of a felony or a moral crime stipulated in Clause (e) of the first paragraph of Article 8 shall be met by those who request to be recorded in the register of advocates, whether the application was submitted for the first time or ending if it was registered in this register. Then, no longer meets the above-mentioned condition, as is clear from the provision of Articles 8 and 12, which are required to be interpreted.

Based on the same, it is not permissible to re-register a person convicted of a felony or a moral crime in the register of advocates, even if the crime that he was convicted of occurred when he was an employee of the government because he no longer meets the conditions for practicing law as mentioned in Article 8. Therefore, after that, it is not necessary to discuss the issue of referring him to a disciplinary board as long as his disciplinary trial does not take place unless he is a practicing Solicitor.

This is what we decide in interpreting the provisions to be interpreted.

Decision dated 24 Jumada Al-Awwal 1405 AH corresponding to 14/02/1985 AD

## Decision No. (4) of 1987<sup>71</sup>

### Issued by the Bureau for the Interpretation of Laws

The Bureau for the Interpretation of Laws met in its quorum at the Court of Cassation at the invitation of the Prime Minister under his letter No. 107/13783 dated 22/02/1407 AH corresponding to 25/10/1986 to interpret the provisions of paragraphs (2 and 1) of Article 10 of the Bar Association Law No. 51 of 1985 and in the light of Article 12 of this law to indicate whether the organization of the public POA in the name of all Solicitors working jointly or in cooperation in one office is considered as a power of attorney for each Solicitor, so that each joint or cooperating Solicitor remains entitled to be entrusted with five public POAs from the parties bound by the power of attorney, or that the public POA is in the name of each Solicitor working jointly or in cooperation in one office in his name alone without being entitled to add the names of the Solicitors participating or cooperating in the same POA.

Upon reviewing the letter of the Bar President addressed to the Prime Minister and referring to the Bar Association Law No. 11 of 1972, we find the following:

Article 8 of the above-mentioned law stipulates that whoever requests to be registered in the Solicitors' register shall be a Jordanian national over twenty-three years of age, with full civil capacity, residing in the Hashemite Kingdom of Jordan and not convicted of a felony or a moral misdemeanor or a disciplinary penalty that violates honor and dignity.

Paragraphs 201 of Article 43 of the same law, as amended by Law No. 51 of 1985, stipulate the following:

1. Every public commercial or industrial establishment, every public joint stock company, any foreign company or establishment, or any branch or agency thereof, whatever its capital, and every private joint stock company or ordinary company whose capital exceeds one hundred and fifty thousand dinars (JD 150,000.00/-), if it appoints an agent or legal advisor from among the Solicitors recorded in the Solicitors Professors Register by virtue of a written contract registered with the Notary Public, which shall result in notifying the Association in writing of the name of its agent or legal advisor within one month from the date of his appointment.
2. The Solicitor shall not be an advisor or general agent to more than five (5) institutions, companies, branches, or POAs involving the institutions, companies, branches, or POAs mentioned in this article, provided that they do not include more than two public shareholding companies.

Paragraph 3 of Article 53 of the same Law, as also amended by Law No. 51 of 1985, stipulates the following:

3. Civil companies may be established between Solicitors in one office to practice law. The Bar Association shall be notified in writing of the establishment of the company within a period not exceeding thirty (30) days from the date of its formation or from the date of the accession of a new Solicitor. This obligation applies in the notice of the Bar Association to the establishment of cooperation without partnership between two or more Solicitors in one office... etc.

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<sup>71</sup> This Decision is published on page (565) of the Official Gazette No. (3465) dated 16/03/1987.

According to these provisions, which are intended to be interpreted, it becomes clear that whoever is entitled to practice the profession of law and be recorded in the Solicitors' register is the natural person who meets the conditions stipulated by the law, and the legal person is not entitled to practice that profession, including the civil law firm stipulated in Article 53 referred to in the above-mentioned Law of the Bar Association.

Based on this, the public POA organized by one of the institutions, companies, branches or agencies stipulated in paragraph (1) of Article 43 referred to in the Law of the Bar Association with the names of all Solicitors who practice law in a civil company in one office or in cooperation is considered as one POA for each of them and thus he is entitled to be an agent in five such joint agencies or in five public POAs individually in his name only or in five POAs, some of which are shared between him and other partners Solicitors in the office and others in his name only.

As for the second point, regarding the fact that the power of attorney is a contract under which the principal evaluates another person in his stead in a known permissible disposition as stipulated in Article 833 of the Civil Code and is held by the will of the principal and the agent together and does not depend on the will of the agent alone, the principal may appoint more than one Solicitor in any of his permissible dispositions.

This is what we decide in the required interpretation

Decision dated 27 Jumada Al-Awwal 1407 AH corresponding to 27/01/1987 AD.



**Decision No. (3) of 1988<sup>72</sup>**

**Issued by the Bureau for the Interpretation of Laws**

The Bureau for the Interpretation of Laws met at the Court of Cassation at the request of H.E. the Prime Minister in his letter No. N/10/15721 dated 23/04/1408 AH corresponding to 11/14/1987 containing a request to interpret the provisions of the third paragraph of Article 41 of the Bar Association Law No. 11 of 1972 to indicate whether the term public bodies mentioned therein includes municipalities.

Upon perusal of the third paragraph of Article 41 of the above-mentioned Bar Association Law, The provision of this article does not apply to the interests of the government, public bodies, or endowments departments that may deputize for them in the pleading by one of their employees who have obtained a Law license.

This Bureau has already issued its decision No. 11/7 dated 15/05/1969, as it decided that Non-governmental public institutions established by law and granted legal personality to carry out a certain type of public service and achieve a specific purpose or purposes under the supervision and control of the State, such as municipalities and village councils.

Whereas the municipalities were established under the Municipalities Law and considered their councils a legal person, they may sue and be sued in this capacity and assume the powers stipulated in Article 41 of this Law;

Whereas the funds of the Municipality shall be monitored to be expended in the interest of securing the services entrusted thereto and to exercise the powers vested therein by virtue of Article 41 of the Municipalities Law; Whereas all these matters are not personal, but public, the funds of the municipality are public funds, and it is known that this is one of the characteristics of public bodies.

The legislator also mentioned public bodies after mentioning the interests of the government and coupling it with the conjunction “or” that indicates the difference. So, the legislator's intention in public bodies is those bodies that do not fall within the interests of the government and its institutions. On the other hand, the article to be interpreted described the bodies referred to in general as distinguishing them from the owned bodies.

Whereas the municipality is not personally owned and has the characteristics of public bodies, it shall be covered by the provisions of the article to be interpreted. In this capacity, it shall have the right to delegate to it by pleading one of its employees who have obtained a law license;

Decision dated 27 Jumada Al-Thani 1408 AH corresponding to 18/02/1988 AD

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<sup>72</sup> This Law is published on page (14) of the Official Gazette annex of Issue No. (3540) dated 17/03/1988.

**Decision No. (9) of 1988<sup>73</sup>**

**Issued by the Bureau for the Interpretation of Laws**

The Bureau for the Interpretation of Laws met at the invitation of H.E. the Prime Minister in his letter No. n/10/3713 dated 01/08/1408 AH corresponding to 20/03/1988 to interpret some legal provisions in the Bar Association Law No. 11/1972, as amended.

Upon perusal of the letter of the President of the Bar Association attached to his state's letter dated 13/03/1988 requesting the interpretation of the first paragraph of Article 27 of the Bar Association Law of 1972 and indicating whether the holder shall obtain his qualification before registering as a trainee Solicitor for the first time in order that the training period is considered only one (1) year, or whether he shall equally obtain the qualification but registering as a trainee with the qualification after registering as a trainee.

Upon perusal of this article, as amended by Law No. 51 of 1985, we find that it states as follows: Subject to the provisions of Article (28) and paragraph 3 of Article (35) of This Law, the duration of vocational training shall be two years for the holder of the first university degree in law, and one year for the holder of two postgraduate diplomas in law or a master's degree in law or a certificate of the Higher Institute of Law in one of the Arab countries or a doctorate in one of the subjects of Act.

From this provision, we draw that the duration of the training of the holder of the first university degree is two years from the date of registration as a trainee Solicitor. The holder of two postgraduate diplomas in law, a master's degree in law, a certificate of the Higher Institute of Law in one of the Arab countries, or a doctorate degree, shall obtain a training for one year as his training in this case is after he has obtained more information and knowledge than he received during his studies to obtain the first university degree.

Whereas the rule of law is achieved when there is a reason for it, this is based on that considering the duration of the training is one year is sufficient to register the holder of the second degree in law if the training is after obtaining the second university degree.

However, if the period of his training based on the first law degree exceeds one year, it is sufficient for him to complete two years, even if he does not train after obtaining the second certificate for a period of one year on the basis of his acquired right.

If the period of his training before obtaining the second legal certificate is less than a year, he shall be trained for a full year after obtaining it so that he is entitled to register with the Bar Association as a mentoring Solicitor.

This is what we decide regarding the required interpretation.

Decision dated 3 Muharram 1409 AH corresponding to 16/08/1988 AD

**Disagreement Decision**

**For Mr. Issa Tamash**

**Head of the Legislation Bureau in the Prime Ministry**

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<sup>73</sup> This Decision is published on page (2224) of the Official Gazette No. (3585) dated 16/11/1988.

With respect to the opinion of the majority, I disagree with it for the following considerations and reasons:

1. The provision of Article 27 of the Bar Association Law No. 11 of 1972 is absolute with regard to the duration of training for Solicitors who hold certain academic qualifications, even if that period varies due to the type of educational qualification and degree. Article 27 stipulates that the duration of training for the profession shall be two years for the holder of the first university degree in law, and one year for the holder of two postgraduate diplomas in law or a master's degree in law or a certificate of the Higher Institute of Law in one of the Arab countries or a doctorate in one of the subjects of law).
2. The directive of this article is that it does not require that the trainee Solicitor has obtained one of the certificates or degrees higher than the first university degree in law before registering as a trainee Solicitor so that the duration of his training for the profession is considered one year. As long as this condition (restriction) is not explicitly stipulated, it cannot and may not be deduced from the provision of the article or from any word or phrase therein. Therefore, the duration of the training for the Solicitor is one year for anyone who obtains at any time one of these certificates or higher degrees in law. If he has obtained it before registering as a trainee Solicitor, he shall be trained for one year on the profession from the date of his registration. If he obtains it after registration, he shall be entitled to the remainder of the year in the training for the Solicitor if he has not completed it and ends with the training if he obtains one of these certificates or higher degrees in law after a year in training.
3. If it is said that the duration of the training for the Solicitor made one year for the holder of the certificate or higher degree in law because his certificate or degree makes him more knowledgeable, experienced and faster in the work of training for the profession than the holder of the first university degree, this statement is refuted by the following two legal reasons:

First: The work of training in law and the topics of training therein are the same, whether the trainee has a first university degree or a higher degree. Therefore, it is okay to calculate the period of training for him in law, regardless of the certificate he held during that period.

Second: The university degree in law, whether it is the first or higher, is not only required for the purposes of training in law, although the duration of the training has been determined on its basis, but it is also required for the purposes of practicing law also after the holder completes the prescribed training period, and applies to practice the profession effectively, so he does so, as his scientific certificates qualify him, at the highest level of practice.

4. As for the statute of limitations provisions in the Civil Code, or the general rules related to statute of limitations, they are not related to the subject of the training period for Solicitors and do not apply to them from any angle, for more than one reason, the most important of which is that the training on Solicitors has two periods, one of which applies to a certain category of trainee Solicitors, and the second applies to another category of trainee Solicitors that differ from the first category. The two training periods and the two categories of Solicitors are all together stipulated in the Bar Association Law. It was not stipulated in the first instance that a specific and one period for all trainee Solicitors was stipulated for

the time of their application, and a new law came after that amended the period of training, making it one year for all trainee Solicitors instead of two years, so it is correct to ask whether the new period, or the old period that shall be applied to this or that trainee Solicitor, as in the case of statute provisions that are based on the conflict of laws in terms of their application if the period differs from the new law. If the period in the new law differs from what it was in the old law, Paragraph (1) of Article 7 of the Jordanian Civil Law stipulates that “the new provisions related to the statute of limitations shall apply from the time they are implemented on any statute of limitations that has not been completed.” Paragraph (2) of the same article stipulates that the old provisions are the ones that apply to issues related to the commencement, cessation, and interruption of the statute of limitations for the period preceding the entry into force of the new provisions.

Paragraph (1) of Article 8 of the same law stipulates that if the new provision stipulates a shorter period of limitation than what the old provision stipulated, the old period shall run from the time the new provision comes into effect, even if the old period had begun before that. Paragraph (2) of this Article 8 concluded by saying that (if the remainder of the period stipulated in the old law is shorter than the period stipulated in the new provision, then the statute of limitations expires upon the expiration of this remainder). Thus, the statute of limitations, as clarified by these provisions of the Civil Code, falls, as I mentioned earlier, within the scope of the temporal application of the law in the event of a conflict of laws or legal provisions in terms of the time of their application and the difference in the period of time, i.e., the statute of limitations on the same right in the new law than in the old law.

Dated 8/16/1988

**Decision No. (7) of 1993<sup>74</sup>**

**Issued by the Bureau for the Interpretation of Laws**

The Bureau for the Interpretation of Laws met based on the Prime Minister's letter No. RS/2/5697 dated 07/05/1992 to interpret Article 4 of the Fees and Advocacy Stamps Law No. 11 of 1966 as amended by Law No. 6 of 1983 and to indicate whether graduation stipulated in this article means obtaining the first university degree only bachelor's or bachelor's degree or that word also includes obtaining the other academic degree, the second university degree/master's degree and the third university degree/doctorate.

After scrutiny and deliberation, it was found that Article 4 of the above-mentioned Fees and Advocacy Stamps Law stipulates the following:

- a. A fee of one hundred dinars (JD 100/-) shall be collected from those who are scheduled to be registered for the first time in the register of mentoring Solicitors in the Bar, provided that they have not graduated for three years.
- b. However, if more than three years have passed since his graduation, a registration fee of fifty dinars shall be collected from him for each year that has passed since his graduation until the date of submitting the registration application. In this case, the registration fee shall be calculated as follows:
  1. The part of the year is considered a full year
  2. If the period spent by the applicant for registration in a judicial position is deducted from the period that has passed since graduation
  3. If the registration fee to be collected in this case should not be less than two hundred dinars (JD 200/-).

According to this, it is clear that the word graduation was mentioned in four places in the provision of this article.

Whereas the regulation that included this provision was issued on the basis of the provisions of Article 72 of the Regular Solicitors Law No. 11 of 1966, while the provision itself was issued as an amendment and under the alternative law, the Bar Association Law No. 11 of 1972, it is necessary to infer the purposes of the legislator in the law to determine the meaning of the word "graduation" contained in the regulation.

Whereas, the intended graduation in the law is stated in the conditions for practicing the profession in the laws of 1966 and 1972 that the registration applicant shall have a law degree from a recognized university or law institute, provided that this certificate is acceptable for practicing the law in the country that granted it.

Whereas it is clear that the law degree from one of the universities mentioned in this provision means the first university degree, i.e. bachelor, what is based on this is that the word "graduation" contained in the regulation is intended to obtain the first university degree only.

This is what we decide about the interpretation required.

A decision issued on 11 Rabi Thani 1414 AH corresponding to 28/09/1993 AD

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<sup>74</sup> This Decision is published on page (2145) of the Official Gazette No. (3930) dated 01/11/1993.

**RPROFESSIONAL ETHICS  
AND CODE OF CONDUCT**

## “Introduction”

The Bar Association Law and the internal regulations of the Bar Association are devoid of comprehensive and integrated provisions that define the ethics of the law and the rules of conduct of Solicitors. Due to the importance of this subject, which has a great impact on the private and public spheres, according to the importance of the role played by the Solicitor in the scope of the work of law, where he exercises, in the name of his clients and on their behalf, the widest powers before the courts, as well as providing fatwas and legal advice through his work as a legal advisor, it has become necessary to write and publish the basic rules of professional responsibility in order to become known to natural and legal persons and in general to all members of the public and to be a reference regarding the professional duties of Solicitors and their rules of conduct.

In the preparation of these rules, it was noted that the development of the legislation of the bar associations in other Arab countries is generally similar to the development of the legislation of our association in terms of the lack of comprehensive and integrated provisions in this regard. Therefore, the trend was to the most ancient aspects in the law to quote and benefit. It was found that the American Bar Association is the most vital and effective in this field in terms of codification, classification and continuous development in light of the variables and what is revealed by application and practice. It should be noted that the general concept of the ethics of the law in America is derived from the traditions of the law in England for historical reasons due to the nature of the early white settlement in North America and to its long period of time under British control, but the law in America was not divided into two types of law: Solicitors and Barristers, as was and still is the case in England, which necessitated the emergence of differences in professional ethics and codes of conduct for the two types of Solicitors and because of the differences between the work of Solicitors of each type. Therefore, this statute came closer to the rules of professional responsibility in force in the Bar Association in America. It shall be noted here that the American Bar Association is the one that developed through its general body the rules of professional responsibility, which have been introduced and amended from time to time without these rules needing the consent or approval of any official legislative or executive authority.

In drawing up this statute in its current final form, the following has been taken into account:

- Include the provisions of the Jordanian Bar Association Law and the Bylaws related to professional ethics and codes of conduct.
- Include what was required by the changes in Jordan and what was revealed by the application and practice since the establishment of our union until now.
- Include the provisions of the legislation of the Arab Bar Associations the provisions related to professional ethics and codes of conduct. An important quotation has been made from the professional ethics and codes of conduct in force in Lebanon and Morocco, which are mainly derived from the professional ethics and codes of conduct in France.

This draft statute was drawn up in 1978. After it was approved by the Bar Council in principle, it was distributed to fellow Solicitors and judges to study it and provide readings to it in preparation for submission to the General Authority of the Bar Association for discussion and approval. In the meantime, it was published in the local

daily newspapers to inform the public opinion. On 06/04/1979, the General Authority discussed the draft and approved it in principle and formed a special committee to finalize it and then distribute it to the General Authority again, provided that the Authority reconvenes on 29/06/1979 for its final approval. This committee was formed under the chairmanship of the Bar Association President/ Ibrahim Bakr and the membership of mentoring Solicitors/ Yahya Hamouda, Suleiman Al-Hadidi, Abdul Khaliq Yaghmour, Hassan Hawa, Subhi Al-Qutb, Hussein Nasser, Shafiq Nabeel Hisham Al-Tal, Shahir Al-Talib, Nabeel Nabil Saadi Qishta, Ahmed Abu Arqoub and Salim Al-Zoubi. On 29/06/1979, the General Assembly met again and upon discussion and the introduction of some amendments to the final version, the general assembly approves the statute.

The reason for the delay in publishing and circulating the statute after it was finally approved by the General Assembly is due to the desire to issue it as an official regulation under Article (78) of the Bar Association Law. However, the efforts made in this regard did not work because the Ministry of Justice believes that the statute should be reformulated in accordance with the method in which the official regulations are drafted. Whereas this method requires this statute to be very briefly summarized, which may miss to a certain extent the purpose intended for it, the Bar Council found that the statute is not subject to the method of official regulations and its issuance as approved by the General Assembly, considering that its non-issuance as an official regulation does not reduce its impact and the need for Solicitors to abide by it and act accordingly because it is issued by the General Assembly, which is the highest authority in the Bar Association, and because it is a matter of private and internal affairs of the Bar Association.

The Bar Council, while publishing this statute and drawing attention to the fact that they have become effective and effective as of the date of their final approval by the General Assembly on 29/06/1979, requests all fellow, mentoring and trainee Solicitors and to abide by their provisions

As for the rules of judicial conduct published in this booklet, they are a literal translation of the rules of judicial conduct developed by the General Authority of the American Bar Association. As our association publishes these rules, it does so in order to see what is in force in countries with advanced judicial situations.

President of the Bar Associations  
Ibrahim Bakr

Amman 10/05/1980.



## **Law practice Ethics statute and Code of Conduct for Solicitors**

### **Introduction**

In any society whose constitution stipulates that the courts are open to all and are protected from interference in its affairs and that judges are independent and are subject to no authority in their judiciary other than the law, it requires that the judicial regulation continuously develops to a high degree of efficiency, boldness and integrity and that it remains as is until the people have absolute and firm confidence in the course of justice, and that the future of society depends to a large extent on the maintenance of pure justice. Justice can be maintained in this way only if the paths and motives of Solicitors are among other factors satisfied by all people of pure conscience.

The reputation of any organized group is characterized by the behavior of its members and the behavior of some Solicitors if misunderstood, even if it is proper in itself, can seriously harm the profession.

Law practice is a public service, a free, independent and ancient profession, and its traditions, which are the mainstay of its organization, have always, over the centuries and despite various political circumstances, enjoyed the power of sacred noble principles. So that it cannot be compromised without exposing the entire judicial regulation to shaking and without compromising the right to defend the rights and freedoms of citizens.

In order for the law practice to best perform its mission, it shall find its first guarantee in the efficiency and integrity of practicing Solicitors and in their adherence to moral values and the principles of honor and integrity.

The purpose of Law practice is to uphold the rule of law and perform the message of justice. It forms an integral part of the justice facility. Therefore, Solicitors are not required to follow the instructions of their clients except to the extent of their coalition, conscience, rule of law and the interest of the client.

Any statute drawn up for the law practice cannot be comprehensive of all the duties and ethics of the profession and the rules of conduct. Therefore, the content of this statute is only a general conduct guide so that the enumeration of the duties and rules contained in it does not mean that there are no statute of equal importance. However, it shall be emphasized in this field that the Solicitor is responsible for professional and behavioral error.

The definition of professional and behavioral error includes:

- a. Any violation of the laws and regulations or ignorance thereof if the client suffers material or moral damage as a result;
- b. Every breach of the duties, ethics and traditions of the profession and the binding rules of conduct;
- c. Any violation of honesty, integrity, integrity and decency, even if it relates to acts outside the profession; and

Every Solicitor who commits a professional error or violates any of the duties, ethics, traditions and rules of conduct, whether explicitly stipulated in the Bar Association Law

or in any regulation thereunder it or in this statute or not, shall be subject to the disciplinary penalties stipulated in the above-mentioned law.

**1. Duty of Advocate to Courts and Judges:**

- a. The Solicitor shall respect the courts and this respect is not limited to the person of the judge, but shall also include the status of the judge and preserve his prestige and dignity. As judges, by the nature of their functions, do not have full freedom to defend themselves, they deserve the support of Solicitors against any abuse or unfair criticism. As for the case in which there is a basis for a serious and rightful complaint against a judge, the Solicitor has the right and shall raise his grievance with the president and any competent authority. Only in this case, the complaint can be supported and the complainant shall be protected.
- b. The Solicitor may not file a complaint or lawsuit against a judge, whether the complaint or lawsuit is personal or on behalf of another person, without a written permission from the President.

**2. Attempts to exercise personal influence over courts:**

The Solicitor's excessive interest in the judge or his briefing him with unusual care and honor would expose both the judge and the Solicitor to misunderstandings of motives. The Solicitor may not contact the judge or discuss him privately on an existing case on the merits. The Solicitor who tries to obtain from the judge special attention or treatment shall be held accountable. Autonomy based on self-respect in the exercise of professional duty with regard to the duty to respect the position of the judge is the only appropriate basis for the collegial relationship and formal interaction between the judiciary and the Solicitor.

**3. Duty of the Solicitor towards the poor detainee:**

The advocate may not defend a poor detainee to request his exemption from this assignment for a non-material reason. Further, he shall make every effort in performing this duty.

**4. Defense of the Accused:**

The Solicitor has the right to defend the person accused of a crime regardless of the Solicitor's opinion on the responsibility of the accused for the crime and regardless of the position of the authority or any other party towards the accused and the charge. Otherwise, innocent persons who are victims of dubious circumstances may be deprived of the right of defense. If the Solicitor assumes the duty to defend, he shall present every defense allowed by law with all honor and boldness until the end of the prosecution, as no person may be deprived of his life or freedom without being guaranteed the right of sacred defense.

The primary duty of the Solicitor who represents the personal right and assists the Public Prosecution, is to ensure that justice is achieved in accordance with the provisions of the law, and any attempt to obscure the facts or evidence proving the innocence of the accused is a disciplinary violation.

**5. Conflicting influences and conflicting interests:**

Upon accepting any power of attorney, the Solicitor shall disclose to the client any relationship with the team or other parties, if any, and any interest in the subject matter of the dispute if that relationship or interest would affect the power of attorney. The representation of conflicting interests is considered a disciplinary violation. The Solicitor's obligation to be faithful to his duty towards his client and not to disclose his

secrets or what he entrusted to him under his POA prevents him from accepting any POA or assignment on behalf of others in matters or cases that may conflict with his above-mentioned obligation

**6. Multiple Attorneys and Difference of Opinion:**

- a. The client's request for additional assistance from another Solicitor may not be considered as evidence of mistrust of the previous attorney, but the second Solicitor shall reject the power of attorney if the former attorney does not agree to his assignment, but in the event of the attorney's dismissal, another Solicitor can replace him.
- b. In the event that there are multiple Solicitors in a case for one client, they shall cooperate in the preparation of the defense. In the event that they disagree on any matter vital to the interest of the client, they shall present the difference to the client, who shall determine the position of the difference and his decision shall be respected. However, in this case, the Solicitor that the client has overturned his opinion may withdraw from the case.
- c. It is not appropriate for the dignity of the law practice if a Solicitor directly or indirectly tries to take the work of another Solicitor, but the Solicitor has the right to provide appropriate advice to the person to whom he resorts to complain about an dishonest or negligent agent after informing the Solicitor complained of.

**7. Giving advice on the subject of the client's case:**

The Solicitor shall make an effort to obtain all the information related to his client's case before giving his advice on it. He shall provide the client with an explicit opinion on the subject of the lawsuit and its possible outcome, whether the prosecution is ongoing or expected, especially when the client's approval of the power of attorney is subject to or dependent on the Solicitor's confirmation of the success of the case.

**8. Negotiation with the opposing team:**

In no case, the Solicitor may not communicate with the litigant of his client on the subject of the dispute if this litigant has a Solicitor. Further, he may never undertake to negotiate or reach a settlement with him directly, but he shall deal with his agent only. The Solicitor in particular shall avoid anything that would mislead a team that has not been assigned a Solicitor. He may not advise him on the legal situation in the subject of the dispute.

**9. Obtaining an interest in litigation:**

Regarding the matter that is the subject of a lawsuit, the attorney-at-law may not buy any interest therein or accept the commercial assignment by transfer of his name with the intention of claiming it without a power of attorney.

**10. Trust**

The Solicitor shall refrain from doing any work that brings him personal gain or benefit by exploiting the trust placed in him by the client

The Solicitor shall immediately inform his client of any money he receives or collects on his behalf or comes into his possession, and shall provide him with the account thereon and pay it to him upon his request. If he is unable to contact his client within thirty (30) days, he shall notify the President in writing.

**11. Determination of fees:**

The Solicitor shall not inflate or diminish his services in determining his fees. He may not take advantage of his client's inexperience or weakness in order to obtain excessive fees

that exceed the services he has performed or can perform. The client's financial ability may not be considered a justification for the payment of fees that exceed the service provided to him. However, if he is poor, the fees shall be as low as possible or the services shall be provided free of charge.

In determining the amount of fees, the following shall be taken into account:

- a. Time, effort, novelty and difficulty of the relevant issues and the skill necessary to conduct the case or case.
- b. If the attorney's acceptance of the power of attorney would prevent him from being retained by others in cases that may arise from prosecution or involve the loss of another work.
- c. Fees recognized in the Bar Association
- d. The value of the subject matter of the dispute and the benefits that the client may receive from the services of the Solicitor.
- e. If the client's receipt of compensation or benefits is certain or probable.
- f. If the POA is temporary or one of the old or permanent clients.

These considerations are indicative and guidance and are not exhaustive, but in cases where it must be borne in mind that in determining fees, the law is an essential part of the process of achieving justice and is not a commodity for trafficking or profit.

(g)<sup>75</sup> The fees of the Solicitor who carries out law work with banks and other public joint stock companies shall not be less than an amount of five hundred dinars (JD 5,000/-) per month.

## **12. Fees Agreement:**

The agreement regarding attorneys' fees shall be in writing.

## **13. Prosecution of the client with fees:**

The Solicitor shall avoid disagreeing with his client on the fees to the extent consistent with the requirements of self-respect and with the right to reasonable compensation for the services. It is not permissible to resort to filing a lawsuit against the client except to prevent injustice, imposition of will or fraud.

## **14. The extent of the Solicitor's impulse to support his client's case:**

What most harms the reputation of Solicitors and deprives the law of popular appreciation and trust is the false claim that it is the duty of the Solicitor to take any road, even illegal, in the cause of his client's case. It is inappropriate for the Solicitor to assert, during the trial, his personal conviction that his client is innocent or that his case is fair.

However, the Solicitor is obligated to full sincerity and to show enthusiasm to the extent necessary to preserve and defend his rights and to make his best effort and be aware to ensure that he does not take from his client or not to withhold from him what is not permitted by law to take or withhold. The Solicitor may not, in this way, fear the anger of the judge and popular resentment or prompt him to fail to do his duty in full. The client is new in the judicial arena to receive the benefit of every legally permissible defense. His Solicitor shall provide him with this defense, but it shall never be forgotten that the Solicitor's task shall be carried out within the provisions of the law and not by derogating from it. The Solicitor's profession does not allow or require him to violate the law or practice fraud or fallacy for any client or any case. The Solicitor shall first respond to his

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<sup>75</sup> Based on the recommendation of the Bar Council and then the addition of this paragraph by virtue of the decision issued by the General Assembly at its meeting held on 15/03/2008.

conscience and conviction and not abide by the client's instructions except to the extent of its coalition and conscience. If the client's instructions contradict the Solicitor's conscientious conviction, he shall resign from the power of attorney and may not disclose this.

**15. Preventing the client from Misconduct:**

The Solicitor shall do his utmost to prevent his client from doing things that the Solicitor himself may not do, especially with regard to conduct towards courts, judges, witnesses, litigants and agents of litigants. If the client persists in misconduct, the Solicitor shall end his relationship with him.

**16. Hatred and personal matters between Solicitors:**

The litigants are the clients and not the Solicitors. Therefore, whatever the hatred between the clients, this is not permissible to affect the Solicitors in their ways and in their relationship with each other or with the litigants. All personal matters among the Solicitors shall be avoided. It is inappropriate for the Solicitor to be exposed to the personal matters of the other Solicitor or to attack him in any way anywhere and at any time. Arguments between Solicitors that would cause unnecessary delay or controversy should be avoided.

**17. Treatment of the Adversary and its Witnesses:**

The Solicitor shall treat the litigant and his witnesses with courtesy and respect and shall not be allowed to be drawn into the grudges and hatreds of his client. The client may not become a guardian of the conscience of the Solicitor in professional matters and shall not be entitled to ask his Solicitor to humiliate the litigant or his witnesses or to interfere with their personal affairs.

**18. The Solicitor introduces himself as witness for his client:**

The Solicitor shall avoid presenting himself as a witness to his client except when the testimony is essential to the achievement of justice, in which case the Solicitor shall abandon the pleading in the lawsuit.

**19. Existing Press and Cases:**

The Solicitor's talk in the newspapers about existing or expected cases may affect the course of the trial or harm the course of justice. Therefore, this behavior is generally unacceptable.

If there are exceptional circumstances in a case that justify the issuance of a statement to the public opinion, this statement may not be issued anonymously and any reference by one party to the facts shall be quoted from the minutes and papers of the case as they are in the court file, but even in such exceptional cases, it is more appropriate not to issue press statements unilaterally.

**20. Time-restriction and No Slowdown:**

- a. The Solicitor in the trials shall attend on the specified dates, be brief, enter directly into the subject matter of the trial, and avoid making any requests with the aim of delaying the adjudication of the subject matter of the case.
- b. The Solicitor may not take any action that results in the suspension or delay of the hearing of a lawsuit, such as filing an appeal or cassation to challenge a non-appeal or cassation decision, or take any other such action with the aim of delaying the adjudication of the lawsuit.
- c. The Solicitor shall attend the hearing appointed to issue the judgment. If he is unable to attend for a legitimate reason, he shall delegate another colleague.

- d. A Solicitor may not refuse without a legitimate justification to notify the judgment issued against his client in a human rights lawsuit.

**21. Honesty and fairness:**

Attorneys' conduct towards the court and other attorneys shall be frank, fair, upright and impartial.

It is contrary to frankness, fairness, probity and integrity if the Solicitor knowingly deviates from the contents of a paper or testimony or the words of the litigant's agent or the terms of a decision or jurisprudential or legal reference or if he relies on a decision that he knows to be overturned or based on legislation that he knows to be overturned without referring to it or presenting in the course of the discussion an incident that he knows to be unproven as fixed or if he misleads the litigant's agent with regard to the trial procedures.

It is incompatible with the profession and dishonorable to ignore the correct facts when taking witness statements, organizing affidavits and other documents, and drafting the lawsuit, defenses, and other regulations and pleadings.

The Solicitor may not offer to provide an environment that he knows is legally prohibited in the hope of misleading the court in accepting it. He may not raise objections during the discussion of his client's witness by the opposing agent in order to make the witness understand how to respond. He also may not make remarks or statements with the aim of influencing witnesses or listeners.

**22. Solicitor's Right to Dispose of Occasional Matters:**

The Solicitor may not allow his client to impose on him to do or act in a way that contradicts the concept of honor and integrity in incidental matters that do not affect the subject matter of the dispute, such as the agent's approval of the postponement request for a legitimate excuse related to the litigant's Solicitor.

**23. Counsel's Respect for Agreement with Adversary Agent:**

- a. The Solicitor may not disregard the customs and ethics of the profession even if the law allows it. Although the agreements reached by the agents of the two parties shall be recorded if they affect their rights, it is against the honor of the profession that the Solicitor fails to implement a verbal agreement properly reached with the Solicitor of the other party.
- b. The Solicitor shall not refer in his pleadings to conciliation or settlement negotiations he has made with the agent of the other party if such negotiations have stopped or failed to reach conciliation or settlement.

**24. Out-of-court professional conduct:**

The Solicitor shall abide in his consulting work, whether in his office or in the headquarters of public and private departments and institutions and companies, by the duties and ethics of the profession and the rules of conduct that shall be respected by the court. The Solicitor may not conceal in these works his status as a Solicitor or to resort to secret mediation, methods, or personal relations to reach a purpose free of logic.

The role of the Solicitor as a legal advisor, whether in providing legal services to a natural or legal person or in office legal work, is different from the role of the Solicitor in the court, where there is a Solicitor for the client of the litigant defending his interests and where there is a judge who issues the judgment after hearing the evidence and statements

of the agents of the two parties. Therefore, the Solicitor who works as a legal advisor shall take into account the following:

- a. Not to give fatwas contrary to an explicit provision in the law and not to create tricks to serve an invalid interest of the client at the expense of a rightful interest of another person.
- b. Not to give fatwas according to the desire of the person or persons in charge of managing an institution, company or work, but to give fatwas according to his legal jurisprudence, regardless of a personal consideration or desire of this or that person.
- c. The legal advisor to large public, private and mixed public, financial and commercial institutions, including companies, with regard to the matters submitted to him for legal opinion, shall take into account not only the literal provision of the law, but also the spirit of the law and the rules of justice and equity, so that his pioneer may restrain the subjective desire of public and private institutions to impose control or deviate from the goal of the law and not to enable those who are effective in these institutions to achieve subjective purposes.
- d. In his office work, which involves regulating a relationship between his client and another person not represented by a Solicitor (such as regulating contracts and all documents that give rise to rights and duties), the legal advisor shall carry out his work impartially, ensuring the interest of the two parties on the basis that his duty in this case is to provide legal service to the two parties equally, even in the case where he does not receive fees from the two parties, but only from his client.
- e. A Solicitor who has executed a contract or any other document at the request of two parties, one of whom was not his client, may not act on behalf of any of them if a dispute arises between them relating to the interpretation of this contract or document.
- f. The Solicitor who drafts a contract or document to regulate the relationship between two or more parties shall append that document with an explanation signed by him stating that he drafted the said document.

**25. Direct or indirect advertising:**

The following matters constitute a violation of his professional honour: Soliciting or seeking professional work by brokers, circulars, announcements, personal contact, or interviews outside of personal relationships. Indirect advertising to obtain professional work, such as providing comments in the media without the written consent of the President or suggesting them or seeking to spread the image of the Solicitor regarding cases or the way they are conducted and all that involves praise, all of this is detrimental to the traditions of the profession and undermines its reputation and is subject to disciplinary accountability.

**26. Inducing prosecution directly or by agents:**

Raising dispute and causing prosecution or the Solicitor to provide voluntary advice to file cases are contrary to the honor and traditions of the profession, except in those rare cases related to kinship ties or when it is the duty of the Solicitor to do so.

It is disgraceful for the Solicitor and advocate to do the following: Inspect for deficiencies in bonds and in the causes of actions and inform them for the purpose of delegating to file a lawsuit or to issue a judgment or to generate prosecution by searching

for the claimants of personal damage arising from accidents or for the claimants of the causes of actions to obtain powers of attorney on their behalf or using mediators for this purpose or to make payment or provide remuneration, directly or indirectly, to persons who attend lawsuits to his office and in particular to influence the detainees, the sick, the injured, the ignorant people, etc. to appoint a Solicitor in the name of neutral hidden advice or in any other way.

The duty towards the public and the profession requires every member of the association to be aware of any of these practices by any Solicitor to notify the association immediately to take the necessary disciplinary action.

**27. Preserving the ethics of profession:**

- a. The Solicitor shall disclose to the competent authority boldly and without favour any dishonest conduct issued by a Solicitor and shall accept, without hesitation, to appeal against his colleague if the latter has offended his client.
- b. The Solicitor is obligated towards the public and the profession to tell the prosecution if someone takes a false oath in any lawsuit.
- c. The Solicitor shall work hard at all times to preserve the ethics and dignity of the profession and seek to improve and develop laws, administer justice and consolidate the rule of law and the autonomy of the judiciary.

**28. Justified and Unjustified Prosecution:**

The Solicitor shall refuse to conduct the legal proceedings or in any transaction on any matter with any party or to make defenses if he is convinced that his client aims at exhaust the other party or to cause harm, injustice or abuse to him. Otherwise, his duty is to conduct the proceedings, as required by the justice of his client's case. Further, the Solicitor's appearance before the court shall be based on his conviction that his client's case in his opinion shall be considered and determined by the court. This applies to every act of the Solicitor.

**29. Freedom of Solicitor to accept power of attorney and responsibility to prosecute:**

- a. The Solicitor is not required to represent any person requested to do so. However, he may not, in criminal cases, refuse to represent the oppressed or defeated person if requested to do so except for reasons approved by the President.
- b. Each Solicitor shall decide, under his own responsibility, the type of legal service that he accepts to perform as a legal advisor, the lawsuits that he accepts to be filed on behalf of the plaintiffs and the lawsuits in which he accepts to defend on behalf of the defendants. Accordingly, the Solicitor shall be responsible for the wrong legal advice in filing dubious lawsuits and in urging legally unacceptable defenses and cannot avoid this responsibility by arguing that he was only implementing his client's instructions.

**30. Attorney's duty in the final analysis:**

Whereas Solicitors are the protectors of the law and the pillars of the judiciary, The Solicitor may not provide a service or advice in violation of law, in contempt of court, in corruption of a person or persons engaged in public service or acts of trust, or deceives and betrays the public, notwithstanding the strength of the natural or moral client and regardless of the importance of the civil or political lawsuit. If a Solicitor performs any such service or advice, he is subject to accountability and harsh condemnation.



On the other hand, a Solicitor who aims to provide service or advice to encourage and persuade his client to abide by the background rules, enhances the ethics of the profession and serves the best interests of his client.

Above all, the Solicitor feels very honored when he finds that he has gained a reputation for being successful in being the subject of individual trust and commitment to the public duty as an honorable man and an honest citizen.

**31. Partnership or cooperation between Solicitors in one office:**

Participation or cooperation in one office between Solicitors to practice the profession is permissible, subject to the following:

- a. Not to violate any law or custom.
- b. The name of the office may not be misleading.
- c. No partner or collaborator may not be non-practicing Solicitors.
- d. The name of the Solicitor shall be deleted from the name of the office upon the disbarment of the name of the said Solicitor from the register of practicing Solicitors.
- e. Partners or collaborators may not delegate or provide legal services to natural or legal persons in a site of conflicting interests.

**32. Distribution of attorneys' fees:**

Attorney's fees may only be distributed among Solicitors themselves.

**33. Intermediaries:**

- a. The Solicitor's professional services shall not be subject to or used by any agency or natural or juridical person by interference between the Solicitor and his client. The Solicitor's responsibilities and qualifications are personal. He shall avoid any relationships investing in his duties to serve mediators, as the Solicitor's relationship with his client shall be personal and his responsibility towards his client shall be direct. In this regard, charities providing assistance to the needy are not considered mediators.
- b. The Solicitor may accept to delegate any organization such as the association, club, commercial establishment or any legal person to provide legal services on any matters related to this organization as a stand-alone entity, but this delegation may not include the provision of legal services to the members of this organization in their own affairs.

**34. The duty of a Solicitor who retires from the judiciary or public service:**

- a. The Solicitor who has previously held a position in ministry, may not be delegated by himself or through another Solicitor in any lawsuit against the ministry he was handling or against any of the departments, institutions, and interests associated with it, for a period of three (3) years after he left the ministry.
- b. A government employee who has left the service and has worked as a Solicitor may not be delegated by himself or through another Solicitor in cases against the interest in which he was, for a period of three (3) years after leaving the service.
- c. A Solicitor who is a member of one of the boards, of any kind, may not be delegated by himself or through another Solicitor in a lawsuit against the party that is a member of its board or any department or branch thereof, throughout the period in which he was a member and for a period of three (3) years after the termination of his membership.

- d. A Solicitor who is a judge before practicing law may not accept to be delegated by himself or by another Solicitor in a lawsuit that was before him or in any subsidiary lawsuit or arising therefrom.
- e. A person who has given his opinion in a case that has been presented to him in his capacity as an employee, arbitrator, judge or expert to accept the delegation in that case arising therefrom.

**35. Client's Secrets:**

The Solicitor shall maintain the secrets of his client and is responsible towards him with absolute secrecy. This duty mandated to employees in his office and continues until the power of attorney is terminated. The Solicitor may not accept the power of attorney that is or could be involved in the disclosure or use of these secrets, whether for the benefit of the Solicitor or against the interest of the client without the client's knowledge and written consent, even if there are other sources that can be resorted to in order to access these secrets. The Solicitor shall withdraw from the power of attorney if he discovers that this duty prevents the full implementation of his obligation towards his old or new client.

However, if the client files a complaint against the Solicitor, the Solicitor can disclose the truth to the extent required to cancel this complaint.

The client's declared intention to commit a crime does not fall within the secrets that the Solicitor shall maintain. The Solicitor shall disclose this to the extent that it leads to the prevention of committing the crime or to the extent that it protects the person who may be harmed.

**36. Remuneration, Commission & Deduction: -**

The Solicitor may not accept remuneration, commission, Deduction or any benefits from others without the knowledge and written consent of his client.

**37. Witnesses:**

- a. The Solicitor may not seek to meet the witnesses of his client's litigant and discuss with them the subject of their testimonies before performing them in any human rights or criminal case with the purpose of suggesting to them that the truth shall be suppressed or deviated from, or with the aim of influencing them in any way.
- b. The Solicitor may meet with his client's witnesses before testifying in any human rights or criminal case in order to know what they will testify. However, the Solicitor may not influence these witnesses with the aim of suppressing or distorting the truth or with the aim of giving incorrect information at the time of testimony.

**38. Press:**

The Solicitor has the right to write legal articles and publish them in newspapers, but he may not cooperate with any newspaper for the purpose of providing legal answers to questions submitted by individuals related to their individual rights.

**39. Fees and expenses:**

- a. The Solicitor may not agree with his client to pay or bear on behalf of his client the fees and expenses of litigation, but he can, on the basis of good faith and in special circumstances, pay the fees and expenses provided that he recovers them.
- b. The Solicitor shall, if the client so requests, give him a receipt of the amount of the fees and any other expenses if the Solicitor has received them from the

client to pay them on his behalf. The receipt shall be clear and detailed so that the client can distinguish the amount of fees from the amount of other official fees and expenses.

**40. Attested Solicitors' Lists:**

The Solicitor may not authorize to publish his name in a list or lists of names of Solicitors whose actual or potential purpose, whether in terms of their use or in terms of their content, is to mislead, harm the public or the profession, undermine the honour of the profession, or reduce its status.

Any list or lists containing the names of Solicitors and information about them shall be certified by the Bar Association.

**41. Withdrawal:**

The right of the advocate or counsel to withdraw shall arise from a good reason and is not sufficient in some cases as a reason for the withdrawal with the consent of the client, as the Solicitor may not abandon his unfulfilled duty in a way that brings harm to his client except for reasons related to honor and self-respect.

If the client insists on the Solicitor to rely on an unfair or unethical method in conducting the proceedings, or if he persists in censuring the Solicitor for not making malicious defenses, or if he intentionally fails to observe the agreement or duty regarding the Solicitor's fees and expenses, the Solicitor shall have the right to withdraw, provided that the client is notified of this sufficiently in advance of the time when the client can appoint another Solicitor.

The Solicitor is also entitled to withdraw in the same manner mentioned above if he discovers that his client is not right in his lawsuit and insists on pursuing the lawsuit or if the Solicitor finds himself unable to effectively pursue the lawsuit. There are other cases that may arise so as to justify the Solicitor's withdrawal.

In all cases, when the Solicitor withdraws after he has received his fees or part of them, he shall return to the client what he does not actually deserve in proportion to the effort he has provided until the date of withdrawal.

**42. Practice and Unauthorized Business:**

- a. The Solicitor may not allow his professional services or his name to be used by any unauthorized or unlicensed individual or moral institution to deal with the work of a Solicitor.
- b. The Solicitor may not personally sponsor his client in a lawsuit or in judicial or administrative penal proceedings. He may not provide a personal guarantee on behalf of his client required by a legal or administrative lawsuit or executive procedures.
- c. The Solicitor may not visit a prisoner or detainee for a non-private reason unless he is assigned to defend him or asked to attend to appoint him. The Solicitor who deputizes for a prisoner or detainee shall organize a written agreement specifying the fees of the Solicitor. In the event that a written agreement is not organized, the Solicitor loses his right to claim his fees.

**43. Solicitor's duties and responsibilities towards his colleague in the lawsuit or in any procedures:**

- a. The Solicitor shall, in all summonses, requests, regulations, and pleadings submitted, mention the name of the litigant's attorney. If the notification of

any of these papers to the litigant's agent is not required by law for the party to which they are submitted, the Solicitor shall notify copies of them in a timely manner to the litigant's attorney.

- b. The Solicitor shall, before commencing the trial procedures in the lawsuit, verify that the litigant's attorney has reached the date of the hearing. If the documents of the lawsuit file prove that the notification has not occurred, the Solicitor shall request the court to notify the litigant's attorney.
- c. The Solicitor may not request the adjournment of the hearing of the lawsuit except for a legitimate reason. In this case, it shall result in informing the litigant's attorney in advance and before sufficient time so that the litigant's attorney is not surprised by the adjournment request on the day appointed for the consideration of the lawsuit except for one of the reasons of force majeure.

**44. The Solicitor's office:**

- a. The Solicitor shall have a decent office dedicated to the law business.
- b. A Solicitor who has registered for the first time in the register of mentoring Solicitors shall be allowed to remain without an office for a period not exceeding six (6) months from the date of his registration, during which he shall find a suitable office.
- c. The Solicitor's office shall in principle be different from his residence, but the bar council may, upon the written request of the Solicitor, allow him by a special decision to take an office in a special section of his house, provided that the council proves the following:
  1. The section of the housing residence designated for domestic purposes shall not be used as an office.
  2. This section should be separate from the housing residence.
- d. The Solicitor may not take the role of the courts and Solicitors' rooms or from any location other than his office as a place of trust for the litigants, and except in cases of legal persons whose work requires that, the Solicitor may not move to the house of the litigant or to his place of work to deputize for him or to provide the necessary legal services to him, in the Solicitor's office except in exceptional cases such as crippling illness or physical disability.