

Decree
Pertaining to the Organization and Operation
of Bar Association of Lao PDR

- According to the Article No. 69 of the Constitution of Lao People's Democratic Republic;
- According to the Law on proceeding of criminal cases;
- According to the Law on proceeding of civil cases;
- According to the Decree No. 94/PM of the Prime Minister, dated December 1, 1992 on the organization and operations of the Ministry of Justice.

The Prime Minister issues the Decree:

Chapter 1
General principles

Article 1 The Bar Association of Lao People's Democratic Republic is an organization of law professionals who exercise the profession of lawyer in accordance to the Constitution and Laws, under the supervision of the Ministry of Justice. Its duty is to provide assistance to individuals and legal entities in law matters, give clarification on proceedings to ensure justice and at the same time participate in law education and dissemination to the population.

Article 2 The Bar Association has following rights and duties:

1. Protect the lawful rights and interests of individuals and legal entities in civil cases, criminal cases, economic cases and others.
2. Provide law counseling to individuals and legal entities;
3. Make comments and suggestions on drafting, improvement and amendment of laws and regulations to the Ministry of Justice.
4. Provide Law education and dissemination

Article 3 The Bar Association must strictly operate in accordance to laws and regulations

Article 4 The Minister of Justice is responsible for nomination or removal of lawyers and issue license to lawyers upon the proposal of the Bar Association.

Lawyers can involve in legal service only with official license.

Chapter 2
Organization of the Bar Association

Article 5 The Bar Association is composed with:

1. The Association's members;
2. The Congress of lawyers;
3. The Board of the Bar Association;
4. The Control/Audit committee of the association;

Article 6 The Congress of lawyers is a supreme organization of the association which is composed of all lawyers – members. The ordinary congress of the lawyers is convened once a year. If necessary, extra-ordinary congress can be convened.

The resolutions of the congress of lawyers is valid only when more than half of the total number of meeting's participants vote for.

The congress of lawyers can be convened only when more than two third of its members present.

Article 7 The Congress of lawyers has following rights and duties:

1. Listen to and approve the activity report of the association's board and the control/audit committee of the Bar Association.
2. Elect or remove board's members and members of control/audit committee of the Bar Association
3. Determine salary and remuneration to board's members and members of control/audit committee of the Bar Association
4. Approve an annual activity plan and financial plan of the Bar Association
5. Make decision on award or sanction to lawyers
6. Improve, amend or add to by-law of the Bar Association
7. Consider other important issues

Article 8 The Board of the Bar Association is composed of 1 President, 1 Vice-President and 3 Board's members.

The Board of the Bar Association is elected and removed by the congress of lawyers for a period of three years.

Article 9 The Board of the Bar Association is a permanent organ of the Bar Association, executing duties on behalf of the association during period between congresses, except those activities described in the Article No. 7 of this Decree. Plenary meeting of the board must be convened once every three months upon the proposal of the President of the board.

Article 10 The Board of the Bar Association has following rights and duties:

1. Prepare and organize the congress of lawyers;
2. Summarize and submit activity plan and financial plan of the Bar Association;
3. Supervise and lead the operation of lawyers;
4. Receive and consider application of candidate lawyer;
5. Make request on nomination or removal of lawyer and on issuance of prosecution license to lawyer;
6. Upgrade political capacity, competence of lawyers;
7. Participate in law dissemination to the population;
8. Organize training for practice lawyers
9. Receive salary and other remunerations
10. Establish relations with Party and Government's organizations, mass organizations, economic and social organizations and others;
11. Establish relations with international organizations of lawyers;
12. Implement other rights and duties assigned by the Ministry of Justice;

Article 11 The Control/Audit committee of the Bar Association is composed of one President and two committee's members, which are elected and removed by the congress of lawyers for a period of three years. The committee performs control function on activity of the association's board and lawyers. The control/audit

committee must convene a meeting at least once every six months to summarize results of controlling/auditing and functioning of lawyers.

Article 12 The Control/Audit committee of the Bar Association has following rights and duties:

1. Monitor and control/audit the activity of the association's board and lawyers;
2. Summarize and report the results of controlling/auditing to the congress of lawyers;
3. Monitor and control/audit financial activity of the association;
4. Receive remuneration according to the decision of the congress of lawyers;

Chapter 3 Conditions, Rights and Obligations of Lawyers

Article 13 Conditions of candidate lawyer are the following:

1. Lao citizenship;
2. Good qualities, loyal to the Nation and the interests of Lao people, fair practice and possession of lawyer's ethics;
3. Possession of high law school degree or equivalent, or middle level law school degree or equivalent, with at least five years experience in judicial work;
4. He/she has never been convicted by the Court, except for minor faults due to lack of precaution;
5. He/she must not be a public servant;
6. He/she must not have psychiatric diseases or other diseases discriminated by the society;
7. He/she has been trained at the association for at least one year.

Article 14 Lawyer has following rights and duties:

1. Strictly perform his/her profession in accordance to the Constitution, laws and regulations, and by-law of the Bar Association;
2. Elect and be elected to the Board of the association or the control/audit committee of the Bar Association;
3. Make comments and suggestions and participate in solving problems of the Bar Association;
4. Accept or refuse to assist in legal case and receive lawyer's fee in accordance with the laws;
5. Involve in case proceedings at all level of courts and in the whole country;
6. Give legal counseling; protect the rights and lawful interests of the client in civil cases, criminal cases, economic cases and others.
7. Resign from being lawyer;
8. Contact through letter correspondence or meet with client at all stage of case proceeding. In case of his/her client is in custody, before meeting him/her the lawyer should receive written permission from the responsible authority;
9. Listen to the order, arbitration, decision or verdict of the courts and orders of investigating authority and of the prosecutor on his/her client;
10. Examine case documents, take note or photocopying case document related to his/her client. But the examination of case documents, taking note and photocopying of documents should be done in presence of the responsible person for the case.
11. Be a law advisor for individuals and legal entities;
12. Make comments and suggestions on drafting of laws, improvement and amendment of regulations to the board of the association;
13. Pay membership fee to the Bar Association and other taxes to the government in accordance with laws and regulations;

14. Keep confidentiality of the information disclosed by the client;
15. Dissemination of laws and other regulations;
16. Clarify case proceedings
17. Execute other rights and duties in accordance with laws ad regulations;

Article 15 The Bar Association and lawyers do not have the rights to interpret the meanings of any article of Laws.

Chapter 4 Appointment of lawyer in case proceedings

Article 16 Appointment of lawyer in case proceeding depends on agreement between the client and the lawyer himself/herself in written form. The client has the right to select one or more lawyers to assist in the same case.

The lawyer, before involvement in case proceedings must submit an appointment letter from the client and an authorization for involvement submitted to investigation and control authority, the prosecutor or courts according to the stage of case proceeding.

Article 17 A lawyer has no right to proceed for plaintiff and defendant in the same case. The lawyer can assign another lawyer to continue the case under the written consent of the client. The client has the right to withdraw a case from one lawyer to refer to another one, with prior notice to the previous lawyer and payment of lawyer's fee for the portion of work which had been carried out.

Article 18 Lawyers are prohibited to advertise his/her ability to the detriment of others for the purpose of attraction of client, or assign others to attract clients.

Article 19 When the lawyer was selected and appointed by the client to conduct the case, he/she must conduct the case until the end as agreed upon except for the case described in the Article 17 of this Decree.

Article 20 In conducting the case, the lawyer must implement his/her rights and duties within the limits authorized by the client. In case of violation the rights and duties assigned, the lawyer must be responsible for any damage occurred to the client.

Article 21 In civil cases, economic cases and others, the lawyer conducts the case proceeding on behalf of or as representative of his/her client. If the court had made an arbitration and judgment on civil case, economic cases and others in the presence of the lawyer, that arbitration and judgment is considered as having been witnessed by client too.

For criminal case, the lawyer does not have the right to represent his/her client. He/she can be only an assistant and attend the session when his/her client provides information to the investigating authority, the prosecutor and the court. On the sitting date of the court, if the lawyer was absent without reason, he/she is considered having given up the rights for further objection.

Article 22 During prosecution, the lawyer has the right to make comments and suggestions, explanations, make an appeal verbally or in written form. He/she also has the right to recommend an appropriate method for clarifying the case to the responsible party of the case.

Article 23 The lawyer has the right to postpone the meeting of the court onto the other date upon justifiable reason. The responsible party of the case will determine the duration of the extension appropriately.

When the investigation at the court had terminated, lawyer must read the statement prior to the judgment of the court.

During investigation of criminal case, the defendant has the rights to give his opinion as the last person, and similarly his/her lawyer also has right to give his/her opinion as the last person.

Article 24 In case of appeal, cancellation or probation, the lawyer must make a written statement with his/her relevant arguments attached to the application for appeal not later than 20 days after the date the application form was submitted. The reply statement must be submitted within the limit of 20 days after the date the appeal application or the cancellation application was received. After that deadline the court can consider the case without eventual further statement of lawyer.

Article 25 In relationship with the investigating authority, the prosecutor and the court, the lawyer should dress politely and behave appropriately. During the proceeding, lawyers are prohibited to use impolite words or to despise others even in his/her statement.

Article 26 During the proceeding, if the lawyer was blocked, mistreated or threatened, he/she has also the right to report to the Board of the association for problem solving.

Article 27 The appointment of lawyer to conduct a case shall terminate in following cases:

1. The client cancels it by himself/herself in written form;
2. The client and the lawyer agree among themselves in written form;
3. The case conducting had terminated as agreed;
4. The lawyer asks to withdraw in written form;
5. The Courts decision

Article 28 Lawyer who is going to involve in conducting the case or carry out the activity of the Bar Association abroad must receive an approval of the Minister of Justice upon the request from the association's board.

Chapter 5 Lawyer's fee

Article 29 The lawyer's fee is composed of labor cost and operational expenses of the lawyer.

The lawyer's fee must be based on written agreement between the client and the lawyer or based on court's decision in case the lawyer was assigned by the court by duty.

Determination of lawyer's fee is based on duration for study the documents and based on other expenses related to the case.

Article 30 Lawyers are prohibited in asking the lawyer's fee in exchange of the pledge for winning or loss of the case and without determined amount.

Article 31 In giving legal advice to individuals or legal entities, the lawyer has also the right to charge his/her fee based on written agreement between the two parties.

Chapter 6 Finance of the Bar Association

Article 32 Funding of the Bar Association can be from:

1. Application's fee from candidate lawyers in accordance with the by-law of the Bar Association;
2. Membership's fee from lawyers in accordance with by-law of the Bar Association;
3. Assistance from the government, social organizations, international organizations and others;

Article 33 Fund of the Bar Association is used as the following:

1. Salary or remuneration to board's members, control/audit committee's members and office's staff in the association's apparatus.
2. Operations of the Board of the association and the control/audit committee;
3. Organization of meetings of the Bar Association;
4. Political and technical training of lawyers;
5. Social welfare of lawyers and others.

Article 34 The board of the association must make a summary report and present annual financial plan to the meetings of lawyers.

Chapter 7 Award and sanction

Article 35 Active lawyers, with outstanding performance and good cooperation in case proceeding, law implementation and ensuring of social justice shall receive appropriate award in accordance with Party and government's policy.

Article 36 Lawyers violating laws and regulations shall be sanctioned as the following:

1. Be warned or asked to write confession letter;
2. Prohibited to involve in case conducting for a maximum period of three years;
3. Removed from being lawyer.
4. In case that the lawyer had committed criminal offence, he/she shall be prosecuted by laws, and the case must be reported immediately to the Bar Association and the Ministry of Justice.

Chapter 8 Stamp of the association's board, The control/audit committee and lawyers

Article 37 The board of the association, the committee of control/audit and the lawyers have their own stamp of oval form with following wording:

1. Stamps of the Board of association and the control/audit committee have following wordings: "Lao People's Democratic Republic" in the upper side, and the wording: "The Bar Association" in the lower side, while the wording: "The Board of the association or the Control/audit committee" is written in the middle.

2. The stamp of lawyer has “the name of the province where his office is located” in the upper side, “the Bar Association” in the lower side, and “Lawyer” in the middle.

Chapter 9
Final Provisions

Article 38 The Ministry of Justice is assigned to develop and implement this Decree.

Article 39 Ministries, ministry equivalent organizations, provinces, municipality and all relevant parties must be informed and strictly implement this decree.

Article 40 This Decree supercedes the Decree No 24/PCM dated March 30, 1989 of the Council of Ministers on lawyers and is effective from the date of its signature.

Vientiane February 21, 1996

Prime Minister
Khamtay Siphandone