

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Bar Association
of Lao PDR

**Rules
of the Bar Association
of Lao PDR**

Vientiane 9/8/2002

Executive Committee

Mek Savalee

**Rules
of Bar Association
of the Lao People's Democratic Republic**

- With reference to Article No. 69 of the Constitution of Lao People's Democratic Republic;
- According to the Decree No. 64/PM, dated 21/2/1996 of the Prime Minister on the organization and operation of the Lao PDR Bar Association;
- The Third annual general meeting of Bar Association, which was held on June 14th 2002 in Vientiane Capital has examined and approved the following rules:

Objectives

Article 1 The rules of Lao PDR Bar Association aim to manage/inspection the organization and operations of members of the Lao Bar Association according to their roles as described in Decree No. 64/PM, dated 21/2/1996 of the Prime Minister.

Article 2 The Lao PDR Bar Association is a social legal entity of lawyers who independently practice the profession of lawyer within the framework of the Constitution and Laws of Lao PDR. It is therefore one of several organizations of the judicial system (courts, prosecutors, investigation organs and Bar Association). It is administratively under the supervision of the Ministry of Justice and performs three main duties at the same time:

- Provide legal assistance to individuals and legal entities.
- Give clarification on proceedings at the different levels of court to ensure justice
- Participate in legal education and law dissemination to the population (according to Article No. 1 of the Decree No. 64/PM, dated 21/2/1996 of Prime Minister).

Article 3 Criteria of candidates to be professional lawyers

3.1. With respect to Article No. 13 of the Decree No 64/PM, dated 21/2/1996 of Prime Minister; a lawyer wishing to be a member of the Lao PDR Bar Association must submit an application form to the executive committee of the Lao PDR Bar Association at its office in Vientiane, during official working hours.

3.2. The application must include following documents:

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| a. | Signed application form, hand written or typed | 2 copies |
| b. | Certificate of residence with photo | 2 copies |
| c. | Certificate of graduation from high or middle level law school (copy) | 2 copies |
| d. | Certificate attesting more than five years working experience as a judicial officer (in case of certificate from middle level law school or equivalent) | 2 copies |
| e. | Certificate No. 3 for not having been convicted | 2 copies |
| f. | Certificate of resignation from the Public Sector (if he/she was a former public servant) | 2 copies |
| g. | Medical Health Certificate | 2 copies |
| h. | Curriculum Vitae | 2 copies |
| i. | Application fee of 30,000 kip paid to the secretary | |

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|----|---|---------------------|
| j. | in exchange for a receipt
Photo 3 x 4 size | 2 copies
4 units |
|----|---|---------------------|

3.3. The President of the Executive committee of the Lao PDR Bar Association will consider that application by himself or assign a Executive Committee member to consider and collect needed information in accordance with the criteria described in Article No. 13 of Decree No. 64/PM and then make a report to the Executive Committee for final decision within the period of 60 days after the date the complete application form was received.

The decision of the Executive Committee regarding this issue will be based on the majority's opinion.

3.4. In the case that the applicant fully conforms to the required criteria, the Executive Committee will make a request to the Minister of Justice for approval and nomination of the candidate as lawyer or intern lawyers accordingly.

Article 4 Intern lawyer

4.1. Intern lawyer is a legal professional who has been trained as a lawyer as recognized by decree of the Minister of Justice. Candidates to become intern lawyer and members of the Lao PDR Bar Association must receive training on the code of ethics and receive the lawyers qualification technical training for at least one year with a lawyer's office as assigned by the Executive committee President.

4.2. After the period of one year, the supervising lawyer shall prepare a written report to the President of the Executive Committee attesting whether the intern lawyer has fulfilled all requirements of a lawyer or not, or the intern lawyer must continue his training for some more months, or in case of his/her incapability to be a lawyer; then a report must be addressed to the association's Executive Committee for consideration and making a final decision, before requesting the Minister of Justice to definitely withdraw the candidate from the list of intern lawyers.

4.3. During the training period, intern lawyer must pass general law exams, law on case proceedings, ethics of lawyers and others through involvement in case proceedings as assigned by the supervising.

4.4. Intern lawyers do not have the right to vote. They only have the right of expression during meetings.

Article 5 Classification of lawyers (list)

5.1. Lawyers of Lao PDR must be registered at the office of the Lao PDR Bar Association in Vientiane Capital. Their identity code must correspond to the reference number of the Decree of Minister of Justice with details about the Decree No., date of the Decree for nomination of each lawyer.

5.2. For those lawyers who have passed away, the date and place of death must be recorded too.

5.3. Different awards received by each lawyer must be recorded as well as the clarification on the type of medals received, award level, congratulating organizations and date.

5.4. Lawyers subject to warning and having written letter of confession; lawyer having been temporary prohibited from being involved in proceedings for a

certain period of time; when a lawyer is deprived the lawyer's status moderately or seriously; when a lawyer is convicted of a criminal offence, degree of the punishment, from which court.

Article 6 The General Meeting

- 6.1. The President of the Executive Committee, and in case of his/her absence the Vice President shall be the chairman of the General Meeting, while another Executive Committee's member shall act as meeting's secretary.
- 6.2. The ordinary general meeting shall be convened once a year, normally in mid December each year. Extra-ordinary meeting can be convened any time when necessary and proposed by the Executive Committee or by request of at least half of the association members.
- 6.3. General Meeting of the Bar Association, both ordinary and extra-ordinary shall be held at the office of the association in Vientiane or in other place selected by the Executive Committee.
- 6.4. The Executive Committee of the association is responsible for preparation of and leading the General Meeting of the association.
- 6.5. The Invitation or Circular Note for the General Meeting must indicate the venue, the date and the agenda of the General Meeting. The invitation or the circular note must reach members residing in Vientiane at least 7 days before the start of the meeting and at least 15 days for those residing in provinces.
- 6.6. Vote for resolution of the General Meeting can be done by hand count method or secret voting upon the consent of the meeting, and should be based on the majority of voice; more than half of the total number of meeting's participants. In case the number of voices of the vote is equal, the second round vote and subsequent rounds should be organized until the majority of voices is obtained.

Article 7 Recording of the minutes of meeting

- 7.1. Every meeting of Bar Association such as Executive Committee's meeting, inspection committee's meetings and the meeting of lawyers must be recorded. The minutes are signed by the chairman and secretary of the meeting. The minutes must list clearly the name of participants, the date and the contents of the meeting.

Article 8 Election of Executive Committee members

- 8.1. Executive Committee members which mean its President, Vice-President and three other Executive Committee's members are elected or removed by the General Meeting. Their period of duty is three years starting from the election date. The Executive Committee is the permanent organ of the Lao PDR Bar Association.
- 8.2. After voting, the candidate having received the highest number of votes will be nominated as the Executive Committee's President. The second by the rank of votes received will be Vice-President and others in subsequent rank are members of the Executive Committee.

Article 9 Distribution of tasks among Executive Committee members

- 9.1. The Executive Committee's President guides and supervises activities of Bar Association according to Decree No 64/PM dated 21/02/1996 of Prime Minister.
- 9.2. The President is responsible for implementation of resolutions of the General Meeting of the association together with other members.
- 9.3. He/she represents the Bar Association in to the Party's and Government's organizations at central and provincial levels, in relation to mass organizations, both domestic and international, in relation to courts, prosecutors, investigation and inspection organ of Ministry of National Security and Ministry of Defense, in order to enhance the role of the Bar Association.
- 9.4. He/she is a political and ideological leader and regularly supervises the operations of all members of the Bar Association and intern lawyers.
- 9.5. He/She represents the Bar Association in its relations with international organizations of lawyers to exchange experience and promote cooperation for improvement of performance of the Lao PDR Bar Association in implementing its role.
- 9.6. Informs members of the Bar Association about the situation in order to be to correct it timely.
- 9.7. Represents the Bar Association in fulfilling training tasks and disseminating laws and press releases, radio and television appearances on lawyers' problems and other laws, or assigns this task to other lawyers.
- 9.8. Represents and leads the delegation in negotiations with individuals and legal entities, both domestic and international, or assigns this task to other lawyers.
- 9.9. Is responsible for the welfare of lawyers based on the capacity available at that period of time.
- 9.10. Is responsible for the deposit and withdrawal of money from banks, or can assign this task to a Executive Committee member.
- 9.11. Is responsible to sign all documents on behalf of the Lao PDR Bar Association.
- 9.12. Is responsible for signing the handing over or receiving the assistance from the government, other organizations, both domestic and international.
- 9.13. Represents the Lao PDR Bar Association at domestic and international meetings.

Article 10 The Vice-President of the Executive Committee executes the tasks assigned by the President of the Executive Committee and replaces the President during his/her absence or his/her incapability to perform his/her tasks for whatever reason.

Article 11 The President of the Executive Committee is responsible in the distribution of tasks to all three Executive Committee members.

Article 12 Beside those tasks assigned to the President of the Executive Committee, there are other tasks which can be summarized as the following:

1. Administrative and protocol tasks
2. Finance and accounting tasks
3. Tasks related to members of the association and law training and dissemination.

Article 13 Administration and protocol activities are delegated to the Executive Committee member and include the main works as follows:

- Keeping of stamp of the Executive Committee
- Reception activity (with recording of in and out documents)
- Drafting of letters, invitations, congratulation card and others
- Domestic and international guest reception
- Hiring and removal of office staff
- Preparation of meetings of the Executive Committee and the General Meeting of the Bar Association (documentation, material, venue, protocol, invitation, ...)
- Archiving and disseminating of documents
- Reporting on activity of the Bar Association (3 months, 6 months and one year).
- Planning of activity of the Bar Association (3 months, 6 months and one year).
- Specific planning for request the assistance from the government, mass organizations, international organizations and reporting on implementation of aid projects received to the Ministry of Justice and relevant organizations.
- Keep under confidentiality the documents of the association by stamping “Confidential” on the upper corner of the document, envelope or paper which are needed to be kept confidential.

Article 14 Finance and accounting works are assigned to a Executive Committee member and include following main tasks:

- Receiving and managing the money and materials of the Bar Association
- Keeping a record of revenue and expenditure and disbursement of materials of the Bar Association
- Keeping and making the inventory of assets and belongings of the association periodically
- Active in fund raising from the government, individuals and legal entities both domestic and international through organizing lectures or other appropriate activities...
- Opening of a bank account on behalf of the Lao PDR Bar Association in local currency (kip) or in hard currency as appropriate.
- This Executive Committee member is responsible for deposit and withdrawal of money from the bank account by signing together with the President or Vice-President of the Executive Committee in case the latter was assigned by the former.
- The amount allowed to be kept as petty cash outside the bank account must not exceed 500,000 kips (five hundred thousand kips)
- Preparing written reports on revenue, expenses and balance in the bank account of the Bar Association every 3 months, 6 months and year.
- Facilitate the work of visiting inspector committee (auditors)
- Report on financial status and material inventory (revenue-expenditure) of the Bar Association must be presented in written form to monthly meeting of lawyers.

Article 15 Tasks concerning the members of the Bar Association and law education and dissemination are assigned to a Executive Committee's member and include the following main tasks:

- Keeping and storing of CVs and a list of lawyers and intern lawyers in order to classify their first name and last name, their date of birth, law degrees and other degrees, qualification and specific skills, identity code, date of nomination as lawyer from the Ministry of Justice...
- Short term, middle term and long-term planning for upgrading qualification skills, political, law and ethical matters of lawyers and intern lawyers
- Monitoring and improvement of the works
- Receiving applications and comments on operation of lawyer from different sources, studying them and making reports to the association's Executive Committee for consideration.
- Summarizing strengths and weaknesses of lawyers and intern lawyers for consideration of the President and the Executive Committee.
- Prepare necessary documents for upgrading legal knowledge and ethics of lawyers
- Assisting the President of the Executive Committee in considering applications of candidate lawyer (by studying the CV and work experience with details as much as possible)
- Studying the feasibility of producing magazine or news bulletins regarding the Bar Association in Lao and foreign languages based on capability. This activity can be started immediately when it is feasible.
- Preparing training curriculum on lawyer's work to be included in the training at the judge training center and judicial activity of the Ministry of Justice.
- Studying and drawing lessons on the organization and operations of lawyers in countries where political direction and administration are not contradictory to that of Laos such as the Socialist Republic of Vietnam, People Republic of China, and other countries.
- Disseminating the results of those studies to lawyers and intern lawyers in order to enhance their knowledge

Article 16 Election of Inspection Committee (Auditors)

- 16.1. Inspection committee is composed of one president and two other members who are elected or removed by the General Meeting. The committee has three years period of duty, starting from the date of election.
- 16.2. After the voting, one who received most votes will be elected as president and the other two as members of the inspection committee.
- 16.3. Inspection committee is not a permanent organ as is the Executive Committee of the association.
- 16.4. The President of the inspection committee supervises and leads all activities and assigns task to each member. The committee must meet at least once every six months in order to summarize activities which have been implemented.

Article 17 Rights and duties of inspection committee

In addition to the tasks described in the Article No. 12 of the Decree No 64/PM dated 21/02/1996 of the Prime Minister, the committee must also implement following tasks:

- 17.1. Inspection/Audit the implementation of administration and protocol work by studying reports and relevant work plans or following-up project for monitoring the operation of Executive Committee members and preparing verbal or written suggestions to the association Executive Committee or to the General Meeting for improvement.
- 17.2. Inspection/Audit finance and accounting by checking the 3 months, 6 months and yearly financial statement reports and preparing comments to the

association's Executive Committee or to the ordinary or extra-ordinary General Meeting.

- Check the bank account statement of the association at any time and make suggestions for improvement to the President of the Executive Committee or to the General Meeting.

- Check the increase or decrease in material assets of the association.

- Inspection and follow up the implementation of financial policy of the Executive Committee and the Lao PDR Bar Association.

17.3. Inspection all activities of the association's Executive Committee in management of lawyers and in law education and dissemination to the population.

17.4. During annual General Meeting, inspection/audit committee must present its auditing report to the meeting for information and official approval.

Article 18: Rights and obligations of lawyers in their operations

18.1 To implement rights and obligations as stated in the Article 14 of Prime Minister's Decree No.64/PM dated 21 February 1996 pertaining to the organization and operations of Lao PDR Bar Association, lawyers and intern lawyer shall have required qualities and observe code of ethics, act with honor and independently according to the constitution and the laws of Lao PDR as reference.

18.2 In the implementation of rights and obligations, lawyers shall be registered in a unit or regional office defined by Bar Association. Now Vientiane City has 8 unit offices but is in position to expand more if appropriate and the provinces have 6 regional offices which also could expand if appropriate, these are:

- Regional office No.01 located in Pakse Champassack province covers Attopeu, Sekong provinces.

- Regional office No.02 located in Savannakhet covers also Saravane province.

- Regional office No.03 located in Thakhek Khammouane province, covers also Borikhamxay province.

- Regional office No.04 located in Luang Prabang covers also Sayaboury province.

- Regional office No.05 located in Udomxay province covers also Phongsaly and Luang Namtha provinces.

- Regional office No.06 located in Phonsavan, Xiengkhouang province covers also Houaphan province and Special Zone.

Each unit and regional office consists of:

- One chief of unit or regional office
- One deputy chief
- One secretary

The administrative organization of Lao PDR Bar Association is under the direction of Executive Committee of Administration and Inspection Committee of Lao PDR Bar Association.

18.3 The organization and operations of each unit or regional office has to be first approved by Executive Committee of Bar Association as well as the internal regulations before the implementation.

18.4 The professional activities of members within units or regional offices shall be supervised by Inspection Committee of Bar Association aiming at smooth and improved operation of lawyers in the service of Lao multi-ethnic population.

18.5 Rights and obligations of the Executive Committee of management of unit or regional office:

- Implementation of the plan and order of higher authorities;
- Finance and treasury management;
- Management and distribution of draft documents for the appointment of lawyers and agreement pertaining to members of unit or regional office, collection of monthly fees based on the regulations and report to Executive Committee of Administration of Bar Association.
- Lead and implement the service for the benefit of the population; Contribution to the dissemination of laws and regulations and assess the implementation of laws in the localities.
- Establish relations with higher authorities and relevant organizations in judicial systems as per the mandate;
- Protection of official stamp and use the stamp correctly;

18.6 Rights and obligations of members in unit or regional office

All lawyers in unit or regional office have equal rights in legal service to the population based on individual capacity, under the supervision of the management committee of unit or regional office; they are entitled to pay monthly obligation fees to Bar Association, annual contractual fees to the government, some percentage of the revenue from legal services and other fees defined by the Bar Association.

Lawyers who do not pay fees mentioned above in the period exceeding 6 months without sufficient reasons shall have their lawyer's license withdrawn; for the case of intern lawyers, they shall undergo an additional 6 months of training.

18.7 Every lawyer entitled to practice law shall have a license issued by Ministry of Justice as defined in Article 4 of Prime Minister's Decree No.64/PM dated 21 February 1996.

18.8 For the honor and security of lawyers, lawyers shall accept the clients or visitors requesting for counseling service in the unit or regional office or in private office with the exception when it is required join in the office of other's organization.

Article 19 Interrelationship between lawyers

19.1. All lawyers - members of the Lao PDR Bar Association are colleagues in the same profession, providing legal assistance to their clients. They must respect each other. In working for plaintiff or defendant, hating or attacking each other is not a good behavior.

19.2. Competing for clients is a violation of the Decree No 64/PM of the Prime Minister. Therefore before accepting any client, the lawyer should check whether he or she is being assisted by another lawyer or not. If it is the case, that client must be refused or if necessary, the concerned lawyer should be contacted for mutual understanding.

19.3. Competent and experienced lawyers must fully help intern lawyers.

19.4. Intern lawyers should respect and love lawyers too.

Article 20 The appointment of lawyer and contract for legal service shall follow the form issued by Bar Association, dated and signed by the client and the lawyer and the contract stamped officially and registered by relevant organization (provincial finance service or Court registration office).

Article 21 Award and sanctions to lawyers must follow the Articles No. 35-36 of Decree No. 64/PM dated 21/02/1996 of Prime Minister. To ensure that activity:

- 21.1. All the five members of the Executive Committee must constitute the committee for award and sanction to lawyers of the Lao PDR Bar Association.
- 21.2. Every year, before December 20th, the committee must select outstanding lawyers of the year to submit to the annual General Meeting and get approval from the Ministry of Justice.
- 21.3. The Executive Committee is assigned to implement the sanction, by using warning note or written confession against lawyer who commit mistake that is not serious and does not cause serious damage, without referring to the General Meeting.
- 21.4. In case of serious violation of Decree No. 64/PM of Prime Minister, and this by-law and criminal law up to the point that he/she was prohibited to involvement in case proceedings or remove from lawyer profession, the committee for award and sanction must report to the ordinary or extraordinary General Meeting for voting and submitting to Ministry of Justice, and issuing a resolution.

Article 22 This by-law of Bar Association has been presented to and approved by the General Meeting on June 14, 2002.

Article 23 This by-law supercedes all previous by-laws which had been presented to and approved by the General Meeting on September 30, 1996 and is effective from the date of official signature of the Minister of Justice.

Vientiane August 1, 2002

Minister of Justice
Kham Ouane Boupha