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THE NATIONAL ASSEMBLY
KINGDOM OF CAMBODIA

LAW ON

ARTICLE 13:

The Bar Association shall not be subordinate to any political party, any religious organization, or any other organization. All ideological, religious, or political expressions shall be prohibited.

The Bar Association is a self-financing organization, but it may not conduct any activity resulting in profits.

SECTION 2: ELECTION

ARTICLE 14:

The President of the Bar Association and the Members of the Bar Council shall be elected separately in the General Assembly of the Bar Association. The persons who shall be entitled to vote are all those lawyers who have been registered in the Bar List and whose right to vote has not been lost due to any disciplinary sanction.

ARTICLE 15:

The persons entitled to stand for election as President of the Bar Association are those lawyers who have registered their names in the Bar List for at least 3 years, and whose rights to vote have not been lost because of any disciplinary sanction.

The persons entitled to stand for election as members of the Bar Council are those lawyers who have registered their names in the Bar List for at least 2 years and who have not lost the right to vote.

ARTICLE 16:

A vote shall be organized by the General Assembly of the Bar Association once every 2 years to elect the President of the Bar, and once every 3 years to elect the members in the Bar List right 3 vote.

SECTION 3:

The above decisions shall be communicated to all members of the Bar Association by appropriate means.

ARTICLE 22:

Every decision of the Bar Council affecting any lawyer shall be communicated to such concerned lawyer by registered mail or hand delivery with acknowledgment of receipt.

ARTICLE 23:

Decisions made by the Bar Council on matters outside its jurisdiction or contrary to the provisions of laws or regulations in force may be rejected by the Appeal Court following a complaint from the General Prosecutor to the Appeal Court.

ARTICLE 24:

A lawyer may file a complaint against any decision of the Bar Council which causes the loss of the benefits of the profession. If the decision has not been communicated to the lawyer, that lawyer shall request the Bar Council to review the matter again before he or she makes an appeal complaint against it. The Bar Council must make its decision on such request within two months after summoning the concerned lawyer to express his or her opinion. This new decision shall be communicated to the concerned person. If no new decision is made within the above stated period, the previous decision shall be considered null and void.

ARTICLE 25:

Every denied complaint against a decision of the Bar Council shall be submitted to the Appeal Court. This complaint may be submitted on the day after the decision is made.

- judges who have served their profession for over 5 years and former judges who have a Secondary Certificate in Law (Certificate de la Capacité' en Droit) and have served their profession for over 2 years.

The Certificate of Lawyer's Professional Skill shall not be required for:

- those who have received a Bachelor of Law Degree (License en Droit) and who have been working in the legal or judiciary field for more than 2 years.
- those lawyers who originally had Khmer nationality and who have been registered in the Bar of a foreign country.
- those who have received a Doctorate of Law Degree.

SECTION 2: ACCEPTANCE INTO THE LEGAL PROFESSION

ARTICLE 33:

A decision by the Bar Council to accept an application to engage in the legal profession shall occur following a determination that all the conditions have been fulfilled in conformity with the specifications of this law and in view of the opinion of the General Prosecutor to the Appeal Court.

Such decision shall be communicated to the concerned person and the General Prosecutor to the Appeal Court.

The Bar Council may not decide to disapprove without first having summoned the concerned person at least 10 days in advance to be present before it to state his or her opinion. This summons shall be done through registered mail or delivered directly by hand with the acknowledgment of receipt.

Such decision of the Bar Council may be appealed in accordance with the conditions as provided for in Article 25 above.

ARTICLE 34:

Lawyers who have been accepted to engage in the legal profession shall first take a sworn oath at the Appeal Court, in the presence of the President of the Bar Association. This oath shall state as follows:

"I swear that I shall implement my profession with dignity, conscientiousness, honesty, humanity, and with an independent mind, and in observance of the Constitution and Laws of the Kingdom of Cambodia".

SECTION 3: TRAINING

ARTICLE 35:

Those lawyers whose names have just been registered in the Training List shall attend a one year training course in accordance with the procedures set forth in the Internal Rules of the Bar;

Association, except for any lawyer who has received authorization to be exempted from attending the training. The procedure for the training shall primarily consist of:

- additional training organized by the Bar Association;

- engagement in work as a real associate in a Lawyer's Office.

ARTICLE 36:

The training shall be carried out under supervision of a Lawyer assigned by the Bar Association to be the chief responsible for such training course.

ARTICLE 37:

Upon the termination of the training, the Bar Council shall make a decision to register in the Bar list based on a report of the chief responsible for the training. The Bar Council may decide to order continuing training, not to exceed one year, for a trainee who does not have sufficient competence. A decision not to register the name on the Bar List shall be considered a rejection of such lawyer. A decision to refuse registration into the Bar List or onto the Continuing Training List cannot take effect without convening the concerned person in order to state his or her opinion in accordance with the conditions as set forth in the Article 33. An appeal may be made against this decision, according to the conditions stated in Articles 24 and 25.

ARTICLE 38:

Every year the Bar Council shall draw up the Bar List and the Training List and send them to the General Prosecutor and all adjudicate courts. These lists shall include:

- The names of lawyers who have been registered in the Bar List with their addresses;
- The names and the addresses of lawyers under training.

ARTICLE 39:

The order of registration of lawyers in the Bar List shall be determined according to the date when the lawyers took their oaths and the decision by the Bar Council to authorize the registration.

SECTION 4: PLACEMENT OUTSIDE OF THE LIST**ARTICLE 40:**

With legitimate reason, a lawyer may request to be put outside of the Bar List for a period of 2 years maximum at a time.

ARTICLE 41:

The Bar Council shall decide to put any lawyer outside of the List if such lawyer is in a situation of incompatibility or if such lawyer is unable to practice his or her profession.

Complaints against such decisions shall be conducted in accordance with the procedures established in Article 33.

ARTICLE 42:

Any lawyer who placed outside of the List may not perform his or her profession and may not use his or her title as a lawyer and moreover he or she shall be excused from all obligations related to the profession; but still he or she shall remain under the administration of the Bar Association. The placement outside of the Bar List shall not prevent any proceedings concerning disciplinary actions.

SECTION 5: TITLE OF HONORARY LAWYER

ARTICLE 43:

The Bar Council may give the title of Honorary Lawyer to any lawyer who has ceased to practice the legal profession, after he or she has performed in this profession for at least 15 years.

ARTICLE 44:

The Honorary Lawyer remains a member of the Bar Association and may still participate in the General Assembly of Lawyers; he or she has the right to give views and attend various events.

In special cases, the Honorary Lawyer may advise clients and be assigned as a conciliator, mediator or arbitrator.

ARTICLE 45:

The Bar Council may remove the title of Honorary Lawyer when that lawyer does anything to abuse his or her honor or dignity. In this event, the procedure in the Article 33 must be complied with.

CHAPTER FOUR: PROCEDURES FOR PROFESSIONAL PRACTICE

SECTION 1: THE PRACTICE OF LAW INDIVIDUALLY OR COLLECTIVELY

ARTICLE 46:

Lawyers may practice their profession individually or within the context of a group or a Law Firm which is lawfully established.

This Firm must have a character of a civil company in which all of its members are lawyers. An Honorary Lawyer may remain as a member of his or her original Firm.

A beneficiary is a person who is entitled to receive a legacy from a lawyer who is deceased; he or she may hold a share of the business for 3 more years maximum. At the end of this 3 year period, such share of the business shall be sold to any lawyer or to the Firm.

ARTICLE 47:

Groups or Law Firms shall be governed by the Law Governing Groups and Companies; but the provisions of those regulations shall not effect the principles for the administration of the legal profession.

ARTICLE 48:

Lawyers shall be allowed to sign agreements with members of other independent (libérales) professions in order to combine their abilities. However, such agreement should not affect the rules of the legal profession, especially the observance of confidentiality.

ARTICLE 49:

All the agreements made between a Khmer lawyer and any other Khmer lawyer, or any foreign Lawyer, or a member of any liberal profession, shall be submitted to the Bar Council for examination and approval and communicated to the General Prosecutor to the Appeal Court. In such case, the procedures specified in Article 33 apply.

SECTION 2: PROFESSIONAL AFFILIATIONS**ARTICLE 50:**

A lawyer may practice the legal profession in affiliation with another lawyer.

ARTICLE 51:

A lawyer working an affiliate shall fulfill works in the name of and under the responsibility of his or her affiliates. He or she may not perform his or her works without the agreement of his or her affiliates, but he or she has full right to choose the means for his or her works. He or she may refuse any mission which he or she believes to be contrary to his or her own conscience.

ARTICLE 52:

In any case, the affiliation may not prevent a affiliate from establishing his or her personal office, or prevent him or her from respecting the obligations of the profession and the rules of the legal profession. He or she works on his or her own behalf when defending his or her clients.

Contracts of affiliation shall be prepared and sent to the Bar Council.

CHAPTER FIVE: REGULATION OF THE PROFESSION - DISCIPLINE**SECTION 1: INCOMPATIBILITY****ARTICLE 53:**

The legal profession shall be incompatible with the performance of public functions and commercial businesses, whether directly or indirectly.

ARTICLE 54:

Lawyers given functions in the Royal Government, or given mandates as deputies in the National Assembly, may remain as members of the Bar Association, but shall cease to perform the legal profession until the termination of such function or mandate.

ARTICLE 55:

A lawyer who is a former government official may not intervene in defending clients against the ministry and service of the administration to which he or she was previously subordinated until five years after the date he or she resigned from this previous function.

SECTION 2: DISCIPLINE**ARTICLE 56:**

The Rules of the lawyers' profession shall be specified by the Internal Rules of the Bar Association. These rules will ensure the observance by the lawyers of the principles of the oath they have taken.

ARTICLE 57:

All the activities for attracting clients, individual advertisements, or persistent unsolicited offers to clients for legal defense are prohibited.

Only advertisements made collectively are authorized. These advertisements shall be proper and shall not adversely effect the dignity of lawyers.

ARTICLE 58:

Lawyers shall maintain absolute confidentiality. Lawyers shall determine by their own conscience and with the consent of the client what issues to raise in order to defend the interests of the client.

Lawyers may not abuse the confidentiality of the profession and may not be forced to abuse the confidentiality of their professions, even before the court.

The following shall be considered as confidential: consultation, advice, and non-official documents prepared by the lawyer for his or her client, and correspondence sent between the lawyer and his or her client.

SECTION 3: DISCIPLINARY SANCTIONS

ARTICLE 59:

Any lawyer who abuses the rules of the profession or commits any act affecting the ethics or honor of lawyers shall be subject to disciplinary sanction, even if such act was committed outside the performance of his or her profession.

ARTICLE 60:

A charge shall be made either directly by the Bar Council or upon complaint from a third person or from the General Prosecutor to the Appeal Court. The Bar Council shall assign a lawyer to serve as rapporteur. The complaint shall be communicated in advance to the concerned person, who shall have access to the file of the complaint and enabled to give statements to defend himself or herself. If there is an investigation, such information shall also be communicated to the concerned person. The report shall be sent to the concerned person together with a letter of summons, and the file shall also be given to such person for examination. The letter of summons shall be sent either by registered mail with the acknowledgment of receipt, or by written notification delivered at least 15 days before the meeting takes place. The concerned person may choose a lawyer to defend him or her, but the concerned person may not be personally absent with just a delegate to represent him or her without special consideration and approval in advance based on a valid motive.

Within 2 months, if no response is made to the complaint of the General Prosecutor or of the third person, the Bar Council's failure to respond shall be considered as a rejection of such complaint. An appeal may be made against such rejection within 2 months after the expiration of the 2 month period previously stated.

ARTICLE 61:

A decision of the Bar Council, with statement of precise reasons, shall be communicated to the concerned person and to the General Prosecutor within 15 days from the date of issuance

The General Prosecutor to the Appeal Court shall assure and monitor the application of disciplinary sanctions and temporary ceasing from function.

SECTION 4: COMPENSATION

ARTICLE 68:

Lawyers shall receive compensation according to the terms agreed upon between them and their clients and depending on the volume of work, the extent of their ability as demonstrated in the course of the work, the difficulty of th

Lawyers shall have a separate accounting for their profession which is in conformity with the law and Internal Rules. Any settlement of payment using a fund or deposited object shall be processed through a separate account.

Lawyers shall present their professional books of accounts and their individual books of accounts, if any, to a Controller appointed by the Bar Council.

ARTICLE 73:

A lawyers shall demonstrate that he or she has paid his or her premium of insurance/bond through the Bar Association, to insure his or her responsibility in his or her profession and insurance for a fund and for valuables for which the lawyer has kept the deposit. Such premium of insurance/bond shall be included in the amount of contribution due to be paid by lawyers as determined by the Bar Association.

CHAPTER SEVEN: REPLACEMENT- ADMINISTRATIVE WORKS

ARTICLE 74:

Any lawyer who shall be temporarily unable to perform his or her profession may assign a replacement after receiving approval from the President of the Bar Association. In case there is no such assignment of a replacement, the President of the Bar Council shall automatically assign a replacement.

ARTICLE 75 :

A Decision prohibiting the practice of profession for a period of time or suspending the practice of the profession temporarily, or placing a lawyer outside of the Bar List shall also indicate the assignment of a lawyer for replacing and managing the lawyer' s office. If the lawyer who manages the office is occupied, the President of the Bar Association shall issue a decision assigning a replacement.

ARTICLE 76:

When a lawyer dies or ceases practicing his or her profession, the President of the Bar Association shall assign a lawyer to be in charge of proceeding with the remaining case files, to audit the books of accounts, and then to close down the office.

CHAPTER EIGHT: PENALTIES

CHAPTER NINE: TRANSITIONAL PROVISIONS

ARTICLE 79:

The role of defending clients as lawyers in criminal cases may be fulfilled by Defenders who are not lawyers according to the Criminal Procedure in force.

ARTICLE 80:

Those who may be selected to take the examination to attend the Lawyer's Training Course are:

- those defenders who have capability to fulfill this function and who have already in fact fulfilled this function continuously for two years in connection with the provincial and municipal courts. These Defenders shall have at least two years of university studies;
- those civil servants who have been working in government service for at least 2 years and who are holders of the Certificate in Law (Certificat de la Capacité' en Droit).

Those who have a Bachelor Degree of Law (Licence en Droit) or a law degree of equivalent value shall not need to take the examination.

ARTICLE 81:

Only those who have never been condemned to imprisonment for any crime may be admitted to be registered in the list of candidates selected for attending the Lawyer's Training Course in accordance with above article.

ARTICLE 82:

The Training Course shall have a period of at least 8 months. The program and procedures of this training, as well as the program and procedures for the examination for testing the results of this training, in the event that the Bar Council has yet not been established, shall be determined by a Prakas (decision) of the Minister of Justice. Those who pass the above examination shall receive a Skill Certificate for practicing the Lawyer's Profession.

ARTICLE 83:

Those for whom a Skill Certificate for practicing the Lawyer's Profession shall not be required and who shall not need to attend the training course are:

- those who have Bachelor Degree of Law (Licence en Droit), or who have Law Certificate which is declared as the equivalent, and who have been serving in the field of Law or Judiciary so far for at least 2 years;
- those who have Doctorate of Law; and
- those judges or former judges who have been serving in the profession for at least 2 years.

ARTICLE 84:

Before establishing the Bar Association, the General Prosecutor to the Appeal Court shall have the duty to receive and examine applications for practicing the legal profession and shall convene those who have fulfilled all the conditions to take an oath in front of the Appeal Court to become lawyers with full rights and to participate in the General Assembly to create the Bar Association.

ARTICLE 85:

The General Assembly shall organize a vote under the responsibility of the lawyer who is the most senior in terms of age in order to select the President of the Bar Association and the (members of) the Bar Council.

ARTICLE 86:

One year later, a vote shall be organized to elect a new President of the Bar Association and (members of) the new Bar Council. This vote shall be cast by all the lawyers who are in the Bar List.

ARTICLE 87:

If necessary, the mandates of the initial Bar Council and that of the elected President of the Bar Association may be extended until the result of the vote fo.0006 T

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