

## **The Law of Lawyers No. 173 of 1963 with all its amendments**

According to article (44) of the constitution and with agreement of the cabinet this law was certified:

Section (1)

The conditions for practicing law

Article (1)

Any one practice law should be registered at the schedule of lawyers.

Article (2)

Any person registered at the schedule of lawyers should have the following conditions:

First: He should be an Iraqi person or a Palestinian living in Iraq with full civil.

Second:

1. Having obtained a college degree in law or any equalized degree from one of the Iraqi University.
2. OR obtained a primary college degree in law or any equivalent from one Arab or foreign Universities admitted in Iraq after passing an examination on Iraqi laws held by the board of the Bar and the board have the right request the assistant of specialist in this field.

Third:

1. He should not be above sixty years old except for judges, prosecutors, counselor and assistance counselor at the state conclusive council who worked at that post for at east three years and the lawyer who practiced law for a period not less than three years and the member of teaching committee at law school who obtain a degree in law and teacher at that school for a period not less than three years.
2. The judges and prosecutors who retired for reaching the age of retirement according to the resolution of the revolution command council No. (1021) dated 13.9.1983 should not registered at the schedule of lawyers.

Fourth: The person should be of good reputation and worthy for the respect required to the carrier of lawyer.

Fifth: The person should not be sentenced for a crime or mistmiar only after two years from finishing the penalty.

Sixth: He should not be dismissed from work or carrier for reason connected to honor or honesty only after two years from that.

Seventh: He should not suffer of psychological problem that should prevent him from practicing law.

Eighth: Should not be retired according to the law of lawyers retirement found.

Article (3)

Without violating the roles of the agreements between Iraq and other countries.

A. The lawyer who is a member at one of the Bars of Arab countries has the right to trail in specific cases in front of an Iraqi court at the degree similar to his degree after proving that he is continuing practice law under the condition of and with the agreement of the president of the Bar. The lawyer of Syria would be exempted from that condition.

B. A lawyer can participate a lawyer not register to one of the Arab Bars under the permission of the president of the bar after the permission of minister of Justice, after proving that he is practicing law till that time at his country.

Article (4)

It is not allowed to \_\_\_\_\_ between practicing law and the following:

First: The presidency of legislative authority.

Second: The ministry

Third: The Public jobs and employment at the official semi-official and governmental offices.

Fourth: To be hired at commercial companies or companies constructed under special previdage by the government except for the post of head or member of the board or lawyer or legal.

Section (Two)

At The Schedule of Lawyer

Article (5)

1. The schedule of lawyers should include all the names of lawyers according to the date of registration showing the date of registration, their residence, Their level, them date they paid the participation from and punishment. Marking the name of the retired lawyers or these whose name were dismissed.
2. The Bar during the month February of every year, should prepare a list of lawyer who paid the participation fees during the January month of that year and attached to a lit of names of retired lawyers and send a copy of these to the ministry of justice and other ministries, courts, officers and lawyers rooms.

Article (6)

- A. The request of registration at the schedule attached to required document to prove the availability of conditions required according to this law to the Bar.
- B. The Board of the Bar decides the acceptance or refusal of the request. If the decision was refusal of the request the reason should be stated.
- C. The Board should accept or refuse the request within (15) day after the submission unless postponed this for necessary reasons and the postponed should include the reason for that.
- D. The decision should be declared to the
- E. If the period of (45) days passed from the date of submitting the request without being accepted or refused by the board of Bar this action will be considered an acceptance of the request.

Article (7):

If the decision was refusal of the request according to item (3) of the second article the request should not be renewed before a year from the date when the decision becomes final unless the reason of refusal has been finished.

Article (8):

The name of the lawyer should not be registered to the schedule of lawyers unless he pay to the Bar the registration fees and the lawyer should pay the Bar during the month of January of every year the participation fees.

Article (9):

First: The registration fees the schedule of lawyer would be:

1. (300) ID to these whose age is above (4) years and graduated from law school for more them (3) years.
2. (150) ID to these who occupy the position of judge or persecutor for period not less than (5) year or these who occupied the post f district attorney period not less than (7) years or the post of counselor or assistant counselor at the state convulsive council for a period not less than (3) years or teacher at law school for a period not less than (3) years.
3. (100) ID to these who did not post (45) years of age and have not graduated from law school for a period of (3) years and have not practice law for a period not more than whose name where dismissed from the schedule and re-registered his name.

Second: The fees for expanding the capacities:

1. (20) ID to anyone who request expanding his capacities according to paragraph (B) of item (1) of article (20) of the law.
2. (50) ID to the one who request the expansion of capacities according to item (c) of the same article.

Article (10):

1. The lawyer is not allowed to renew his participation to the Bar after the end of January unless he pays the fees in addition to the amount of (50) ID.
2. If the lawyer does not pay the fees for two years, his her name would be exempted from the schedule and if he wish to get back to practice he should submit a new request.
3. The request of the lawyer will be refused if his name where cancelled more then once and after two years starting from the date of canceller his name for the last time.

Article (11):

The lawyer can not practice law but after repeating the oath at the court of appeal with the presence of the president of Bar or his deputy as follows:

I swear by god to do my mission by honesty of carrier and adetaim its tradit.

Article (12):

The courts, official and semi-offices should not allow any lawyer to practice law without being registered to the schedule.

Article (13):

The Bar should decide omitting the name of a lawyer from the schedule if he lost one of the conditions for practicing law stated by article (2).

Article (14):

If the lawyer appointed to posts stated by article (4) his name would be omitted from the schedule stating from the date of appointment.

Article (15):

The name of the lawyer would be registered again after the reason of omission his name from the schedule according to article (14) of the law is finished with the decision of the Board of the Bar after submitting a request.

Article (16):

It is not allowed for any lawyer whose name was omitted from the schedule and his relation to the carrier have been cut for any reason to practice law before according to the law.

Article (17) :

Any official office or governmental office hired a lawyer should send a copy of order of appointment to the Bar.

Section Three

Exercis to Ractice Law

## **Section (4)**

### **Rights and Duties of Lawyer**

#### **Chapter (1)**

#### **Rights of Lawyers**

Article (22)

1. It is not allowed to any person other than lawyers registered on the schedule of lawyer to provide legal advice or to present other people at court interrogation offices and police stations.
2. Excluding from the previous item it is allowed:

First : for the parties at cases of agricultural reform court of first instance and court of personal status to let their relative of first and second degree to represent them at court.

Second: For the retired lawyer to represent his wife or relatives only.

Third: For the state offices to send one of its employees who have obtained B.A in law to represent them in front following cases:

- A. Cases where the governmental office is a party in it and its value is not more than (1000) I.D.
- B. The cases among the governmental offices without consideration to the value of the cases.

Fourth : For the clerk of a lawyer to follow up the cases of the lawyer.

3. The punishment of anybody who practice any of the mentioned jobs at item (1) other than these who were mention at item (2) of this article will be imprisonment for a period not more than six months and a fine of not more than (5) I.D. and in case of repeating the punishment will be doubled.

#### Article (23)

1. The cases of governmental office –including banks and national companies –when they want to hire a lawyer to detain their interests disrupted by a committee called the committee of cases distribution.

2. The committee includes three members one represents the ministry of finance and second represents the bank and their appointment ended by the end of the year

#### Article (24)

The lawyer has the right to use the legal method to defend his client and he is responsible for every thing mentioned his memorandum of defense.

#### **Article 34:**

Should not be registered companies in any kind unless the contract drafted by lawyer and exempt from that contract witch official and semi- official part of it.

#### **Article 35:**

- 1- Each Iraqi company or industrial project has capital (100 000 I.D.) and more should nominate legal consular who his name in the lawyers schedule.
- 2- Each foreign companies or its branch practice its work in Iraq should nominate legal consular who his name in the lawyers schedule.
- 3- If that sides which mentioned in this article not nominate legal consular within 30 days from the date of this law valid that should pay a compensation to bar association fund with (10 I.D.) for each day till date of nominate the legal consular . And the period of (30) days for companies, branches and projects which establish after the validity of this law starting from the date of its foundation.

### **Section (7) The lawyer bar**

#### **Chapter (1) The General Committee**

#### Article (74):

The Bar includes all lawyers whose names are registered on the schedule of lawyers and it has a legal personality based in Baghdad and it has the right to own money and rights.

#### Article (75) :

The lawyers Bar is a member of the association of the Arab Bar and acting in corporate with lawyer in the Arab countries to promote the level of lawyers under the slogan of the association.

Article (76):

The General Committee of the Bar includes all the registered lawyers on the schedule except for the retired lawyers. The Committee is headed by the president of the Bar or his deputy in case of their absence it headed by the oldest member of the board. In case of the absence of all members of the board the oldest member of the comm will head it.

Article (77):

The missions of the General Committee are as follows:

1. Discussing the deeds of the board certification the budget for the prewise year and decide the budget of the current year prepared by the board for the
2. Review the lawyers affairs mentioned at the meeting agenda and discuss the suggestions concerned then.
3. Electing the board according to this law.

Article (78) :

1. The general committee gathers once every two years during the first half of January.
2. The General Committee gathers irregularly in two cases.
  - A. By the dicsion of the Board of the Bar.
  - B. Under the request of 10% of the registered lawyer. The request should include the purpose of the meeting.

Article (79) :

1. The board will desiced the date of the regular meeting and it should be published in two local papers , at the head quarter of the Bar and lawyers room (15) days before the date or the committee should gather at the (16<sup>th</sup>) day of January.
2. The board decides the date of irregular meeting of the general committee at the first meeting after the submitting of the request but it should be within the period of (15) days from the day of the decision or the minister of justice will decide the date.
3. In any case the date should be announced.

Article (80) :

The legal presence for the regular meeting and irregular meeting should not be less then 25% of the total number of the lawyer and if this not achieve the meeting will be postponed to the second day. In the case of irregular meeting which was t be he under item (2) of article (78) the legal presence should not be less then the majority of the committee members or otherwise the meeting will be canceled and should not be held for the same reason.

Article (81):

The Committee is not allowed to review matters other than these the meeting was held for or connected to them.

Article (82):

Majority takes the resolutions of the committee.

## **Chapter (2)**

### **The Board of the Bar**

Article (83):

The Board which includes of the president and (10) original member in addition to (5) reserved member replacing the original members according to the law, runs the affairs of the Bar.

Article (84):

The President and the Board members are to be elected for two years and the president should not be elected for more than two periods starting from the date of validity of this law.

Article (85):

1. Any lawyer want to be elected for the post of resident or member of the bard should be a member of the general committee and should not be prevented from practicing law for a period more than one year unless that penalty had happened three years ago.
2. In view of the article (38) .
  - A. The nominees for the post of the president should have been practicing law for more then (10) years.
  - B. The nominees for the post of member of the Board shall have be practicing law for more then (5) years.

Article (86):

During the first meet the Bard should elect for the Bar and a secretary for a period of two years might elect some replacement to them among its members.

Article (87):

In Addition to the specialties stated by the law review all matters related to the lawyers and ensure their rights some of which are the following:

1. Identify the authorities of the Bar agent and general secretary.
2. Appointing the employees their salaries, promotion them and dismiss them according to rolls adopted by the Bard and the Bard can give the pensions.
3. Preparing the budget for the coming two years and the final budget for the last year after being reviewed by legal Auditor and send them to the general committee for certification.
4. Supervision over the rooms of lawyers and chose somebody to run them outside Baghdad.

5. Establishment and management of lawyer clubs ----- to the law of association.
6. Establishment of committee mentioned by this law and any other committee to facilitate the implementation of its articles.
7. Granting a license to the clerk of the lawyer and withdrawal of that license

Article (88)

- 1- The board should gather once a week regularly and might gather irregularly after the call of the president or after the request of at least three members to discuss a certain subject.
- 2- The meeting of the board is not correct unless attended by at least six members headed by the president or the agent of the bar
- 3- The decisions issued by the majority of the present members and if the votes are equal, the side of the president will be preferable
- 4- It is not allowed for the council to amend his resolution only under the majority (3/4) of its members at least and the conditions for submitting that subject on the agenda of the board and informing the members of that matter a week before the dated meeting

Article (89)

- 1- The president will represent the bar in front of legal and administrative offices implement the resolutions of the general committee and the board and sign under the permission of the board the contract. He also has the right to defend the rights of the bar and to interfere by himself or by anybody representing the bar at court to defend its interest.
- 2- The bar deputy practice the authorities of the president in case of the later absence in addition to practice the authorities given to him by the board or the president

Article (90)

If the president or any member of the bar should lose one condition of his election to that post the board decides that he lose that post. If he absent five meetings of the board should consider

Article (91)

- 1- If the post of the president is vacant for any reason the deputy of the bar will take that post for the remaining term. In case of the vacancy of some posts at the board representing a minority of the genuine members of the board the board will replace them by the reserved members
- 2- when the reserved members of the board win their post according to article(97) of this law and in case of the vacancy of one post of genuine members, the board elect one of reserved member to take over that post; according to item (1) of this article.

Article (92)

- 1- Members of the general committee will be called for a meeting to elect a new board in two cases:
  - A. At the termination of the period
  - B. If all the posts of the board were vacant due to resignation or for any reason.
- 2- They would be called for a meeting also to fill the vacancies for the remaining period in two cases:
  - A. The vacancy of the post of the preside who still have the term of one year or more.
  - B. If most of the post of the board member were vacant.

Article (93)

1. The Board should call for a meeting to the general committee (15) days before the end of the Board ten at last for electing new Board. The Board continues to work till the election of the new board.
2. In the two cases mentioned in item (2) of article (92) the board should decide at its first meeting to call the members of the general committee to elect the president or the member who left their post within two months from the date of the vacancy of these post.
3. In case of the vacancy f all the posts of the Board due to resignation or for any reasons a committee of the members would be established appoint by the minister of justice, two of the should be judges and three lawyer have the conditions of being elected to the Bard. That committee would handle the affairs of the Bar and have all the authorities of the board and the member appointed by the minister of justice as the head of the committee would have all the authorities of the president of the Bar. That committee should call for a meeting for the general committee to elect new board within two months.
4. The date of general committee meeting will be announced at two local papers, at the building of the Bar and at the lawyers room (15) days prior to it at least.
5. If the Board or the committee mentioned in item (3) should not specify the date of elect according to the previous items, the minister of justice will do so.
6. The election would happen according to article (80).
7. If the specified date is within the court vacation the date should be within the month after the end of the vacation.

Article (94) :

1. Every candidate lawyer to the members of the board should sign a form prepared by the bar and submit it to the bar in order to have receipt.

2. If the bar refused receive the form for any reason the candidate can deliver them to Baghdad court of appeal to send it to the bar. The form will be considered legally delivered starting from the day of delivery to
3. The form should be delivered (15) day prior to the election to the bar or the court of appeal or otherwise. The nomination will be considered not valid.

#### Article (95)

The board should verify the form and decide if it is accepted or refused for missing one of the conditions stated by the law. The decision should be announced at the HQ within two days from the submitting of the form otherwise it will be considered accepted to those whose nomination were refused can go to the supreme court within (3) days after being notified of the decision and the court should issue its decision within three days

#### Article (96)

The candidate can withdraw his nomination whenever he wants.

#### Article (97)

If the period ended and there is no other candidate to compete with, the first candidate will be considered winner without any need for election, and the general committee should issue a statement on this matter according to article (99) that statement should be sent to the sub committees and the general committee should take the necessary action enlisted to article (106) of this law.

#### Article 98)

the election for the posts of the Bar will be as follows:

the president alone under one list

the genuine and reserved member and one list

the election of both lists will be at the same time but in two boxes with different colors similar to the color of voting paper

The election of any person not mentioned in one of the two lists will be cancelled.

#### Article (99)

The election will be under the supervision of general committee gathered at the Bar's building at the city of Baghdad and sub-committees gathered at the court of appeal of criminal court at the cities where there is no appeal court, each committee will include the senior court of appeal at the centre of every election committee.

#### Article (100)

the election will be according to schedule prepared by the Bar includes the names of the lawyers at every city who have the right to vote and send every election committee two copies of these lists (7) days prior to the election day at least one copy

should-----  
----- building of the Bar or court of appeal or criminal court.  
the election committee will decide immediately upon any objections by any lawyer concerning the dismissal of his name from the schedule or any candidate concerning mentioning any name in that schedule against the law

Article (101)

The Bar should prepare stamped election cards and send number of them to every election committee equal to the number of lawyers registered at its schedule at the stated in article (100)

Any lawyer should vote at the election's day in front of the committee after shown his I.D card and the committee will mark his name.

Article (102)

The committees start its work at nine o'clock in the morning till the hour 17, 00 at none of the same day and the committee should not stop before all the lawyers who attained at that time finish voting.

Article (103)

The committee has the right to send any person who is not a voting lawyer out of the site of election and every one who cause disturbances during the election process. the committee have the right to issue an order of arrest against any body commit a crime or try to the concerned authorities the committee can request the help of the police.

Article (104)

after the termination of the voting the committees should immediately start sorting the vote and write a record the result and all the adopted procedures signed by all member of the committee every candidate is allowed to attend the voting the sub-committees should report the result attached to the record the committee should put all the election cards in a separate envelope and unused cards in another envelope both envelopes should be sealed and be sent to the general committee.

Article (105)

The sorting operation should consider the following:  
not to neglect the paper that have been put in another box -----  
-----not  
contain all the names of the candidates the paper that contains names more than the requested number the last name should be neglected.  
The blank card should be neglected.

Article (106)

The general committee should announce the result after receiving the sourcing result from the sub-divisions and should inform minister of Justice the court of cassation , the court of appeal and the candidate with this result in writing the day after election

Article (107)

If the election did not occur at he stated day for any reason another day should be stated according to this law

**Section (8)**  
**Disciplinary authority**

Article (108)

Every lawyer that violated the duty of the legal profession or disgrace the reputation of the lawyers or violated the rules of this law should be punished.

Article (109)

The disciplinary punishments, which could be imposed on the lawyer, are  
Notification: by a written memorandum-----  
-----again.  
prohibition from practicing law for a period not more than one year starting from the date of informing the lawyer with the final decision  
omitting the lawyers name from the schedule and the dismissal of the lawyer from the membership of the bar and prevent him from practicing law starting from the day of being informed by the decision

Article (110)

The disciplinary of the lawyer is the specialties of a council formed by the board of the Bar headed by one of the board member and membership of two lawyers not of the board members who have the necessary condition appointed by the board. The Supreme Court could review the decisions of that committee.  
At the beginning of every year two genuine lawyer and two reserved lawyers for he membership of the committee

Article (111)

The disciplinary case should not impose on a lawyer only by the decision of the board of the Bar or the district attorney.

Article (112)

The board of the Bar should follow the procedures he rules adopted by the code of criminal law trials unless contradict to the rules of this law.

Article (113)

The disciplinary case should be reviewed secretly after hearing the defense of the lawyer or the lawyer representing him the other part can hire a lawyer to defend his interest. The decision should be made by majority and should contain the version and the reasons accompanied by the decision are to be read in secret trail.

Article (114)

The council would have all the specialties of the court in connection to the order of the trial and calling the witnesses the refusal to testify the council have the right to make the necessary investigations to prevail the truth

Article (115)

The memorandum and judicial paper are to be reported by one of the Bar's employ according to stated methods according to the law.

Article (116)

The council would review the cases ever with the absence o the parties or one of them and the accused one do not have the right to object.

Article (117)

The members of the council could be dismissed for any reason of judges dismiss stated at the law of civil trial.

Article (118)

The decision for temporary suspension or omitting should be announced at the HQ and lawyers room and a copy of the decision should be sent to ministry of Justice and Supreme Court and also should be announced at the local papers.

Article (119)

All the final decision of the disciplinary council should be recorded at special record and a copy of it should be kept at the file of the lawyer

Article (120)

The period of temporary suspension of practicing law as part of the period of work and if the lawyer practiced law during that period the penalty will be omitting the lawyer name from schedule.

Article (121)

Any one whose name was omitted from the schedule of lawyers can request reregister his name at the schedule after three years of the date when the decision become final. The board of the Bar can accept the request if the board decides that the period after the decision is enough for the rehabilitation of the lawyer, in case of the refusal of the request the lawyer can renew his request after two years.

Article (122)

Any criminal court issue a judgment against any lawyer should send a copy of the judgment to the Bar and minister of justice

Article (123)

If the lawyer violated the traditions and moral of the profession, the board of the Bar has the right to notify him or prevent him fro practice law for periods not more than three months and this decision can be reviewed by the supreme court within the period of (15) days from date of issue and if the board find out that the violation demand harder punishment. The board would send the case to council of disciplinary to review it; this procedure would not influence the right of the district attorney to send the lawyer to the disciplinary council.

**Section (9)**

**The finance of the lawyer**

Article (124)

The finance of the Bar includes the following:

1. Registration fees at the schedule of the lawyer
2. Annual participation fees
3. The governmental participation of not less than (2000)I.D
4. The fees of the license of lawyer clerk
5. The profits of Bar’s publication
6. Donation and other legal resources
7. The fees of any certification made by the -----  
-----as follows

- A. (10) fils of every (10) dinnar
- B. the sponsorship in this item is limited to the following

First: Judicial sponsorship concerned to legal disputes of any amount.  
 Second: the sponsorship of the lawyer to his son’s parents and brothers at ay amount  
 Third : the financial sponsorship to the others for amount not exceeding the amount of (5000) ID  
 the estimation of the lawyer financial status is for the boar of the Bar.  
 The board of the Bar can establish At the centre of every court of appeal a committee of three lawyers and grant them the authority to estimate the financial status of the lawyer at the mentioned.

Article (125)

The financial year of the Bar start at the first day of January of every year .

Article (126)

the board of the Bar is the responsible authority over the finance of the Bar , collect them , preserve them and certify the expenses required by the board according to the -----

the board of the bar should appoint an Auditor to audit the budget of the Bar

#### Article (127)

In case of special circumstances prevent the meeting of the general committee at its ordinary meeting to certify the budget the fees would be collected on the bases of last budget till the meeting of the general committee.

#### Article (128)

all money and assistes should be deposit by the name at one bank  
the money of the “Bar should not be dealt with unless under the decision of the board  
the bills of deposit should be signed by the president and the cashier together

#### Article (129)

if the Bar were to be dismissed for any reason its assists go to the lawyers retirement fund and manage by a committee appointed by the minister of Justice.

#### Section (11)

The reviewing of the decisions

#### Article (165)

The minister of Justice and 10% of the lawyer registered at the schedule have the right to request a reviewal of the decisions of the general committee and the decision of the board refusing the request of inviting the general committee for irregular meeting and the results of election within (15) days of the date of announcing the decisions.

#### Article (166)

the concerned lawyer has the right to request reviewal of the decision of the board in the following cases:

the refusal of request to registered a name at the schedual of lawyer or omitting the name of a lawyer from that name

specfy the period requested fro level and election or any purposes mentioned at law

2. the district attorney has the right to request of reviewal of any decision of the board concerning the registra ----- the name of a lawyer on the schedule of lawyers

3. the concerned lawyer and his heirs to request reviewal of the decisions of the committee of fund concerning the matters related to lawyers retirement.

4. the date of request of reviewal is (15) days stating from the day of notification of the decision to the district attorney or it concerned lawyer or his heirs of the decision or the termination of the date stated at item (H) of the article six.

Article (167)

The district attorney, the board of the Bar and the cxoncerned lawyer to request reviewal the decisions of council of disciplinary within (15) days from the date of issue.

Article(168)

The request should be submitted to the court of cassation including the reuse. For reviewal at the dates stated at the previous articles or the request will not be accepted in shape

Section (12)

General rules

Article (169)

The committee established according to the order of ministry of justice date February 1. 1965 ----- To manage the affairs of the Bar till the election and meeting of the new board of the Bar. The committee should specify the date of the election according to the law within two months.

Article (170)

With respect to item (6) of article (4) of this law the lawyer whose name was omitted from the schedule according to item (4) of article (5) of law No. (157) 1964 has the right to request re-register his name on the schedule

Article (171)the board would grant the necessary rules to facilitate the implementation of this law

Article (172)

Law No. (157) for 1964 here by cancelled and any rule contradicting this law is not valid.

Article (173)

This law will come to power from the date of publication.

Article (174)

The minister should implement this law