

CODE OF LAW PRACTICE

**Royal Decree No. (M/38)
28 *Rajab* 1422 [15-October 2001]
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PART ONE
DEFINITION OF
THE PRACTICE OF LAW AND ITS REQUIREMENTS

Article 1:

As herein used, the phrase "law practice" shall mean representation of third parties before courts of law, the Board of Grievances, and other committees as may be set up pursuant to laws, decrees and decisions to consider the cases falling within their respective jurisdictions. It shall also mean rendering consultancy services based on the principles of Shari'ah and the rule of law. Whoever practices this profession shall be called a lawyer. Any person shall be entitled to litigate for himself.

Article 2:

The Ministry of Justice shall prepare a general list of the names of practicing lawyers and another list of non-practicing lawyers, as of the time of registration. The two lists shall include the particulars specified by the implementing regulations of this Code. The Ministry of Justice shall transfer the name of a lawyer who ceases to practice the profession for a period exceeding one year from the list of practicing lawyers to the list of non-practicing lawyers subject to the restrictions included in the implementing regulations of this Code.

Article 3:

A person who practices law shall have his name included in the list of practicing lawyers, and shall satisfy the following requirements:

- (a) He must be a Saudi national. However, a non-Saudi shall be entitled to practice law subject to the terms of agreements concluded between the Kingdom and other countries.
- (b) He must be a holder of a degree from a Shari'ah college or a bachelor of law from one of the Kingdom's universities or an equivalent of any of these degrees obtained from abroad, or a post-graduate diploma of legal studies from the Institute of Public Administration.
- (c) He must have at least three years of practical legal experience. This period may be reduced to one year for a holder of a Master's degree in Shari'ah or in law, or an equivalent of any of these degrees, or a post-graduate diploma in law for the graduates of a Shari'ah college. This requirement shall not apply to a holder of a doctorate in these fields of specialization.
- (d) He must be of good conduct and not under interdiction.
- (e) He must not have been subjected to any *hadd* (Qur'anic prescribed punishment) or any other sentence in connection with a crime that impugns integrity, except where a minimum period of five years has expired since execution of that sentence.

(f) He must be a resident of the Kingdom.

The Minister of Justice shall cause to be prepared a declaration form to be signed by the applicant wherein he confirms that the requirements of paragraphs stated in (d), (e), and (f) of this article are complied with.

Article 4:

The provisions of paragraphs (b) and (c) of Article 3 shall not apply to an applicant who has previously practiced as a judge in the Kingdom for a minimum period of three years.

Article 5:

The application for registration shall conform to the form specified in the implementing regulations of this Code and shall be submitted to the "Lawyers Registration and Admission Committee" that shall be formed as follows:

- (1) A deputy of the Ministry of Justice to be appointed by the Minister of Justice, as Chairman.
- (2) A representative of the Board of Grievances whose rank shall not be less than the rank of a Chief of a Court of class A, to be appointed by the Chairman of the Board of Grievances, as a member.
- (3) A lawyer who has been practicing law for a minimum period of five years, to be appointed by the Minister of Justice, as a member.

The competent authority shall name a substitute in case of absence of a member of this committee. The term of membership of this committee shall be three years renewable for another term.

Article 6:

The committee provided for in Article 5 shall meet with all members present, and its decisions shall be adopted by majority vote. The committee shall ensure that the provisions stated herein have been complied with, and shall decide on any application, if complete, within a period not exceeding thirty days from the date of filing. In case of rejection of any application, the reasons for such rejection must be stated if so requested. An aggrieved applicant may file an appeal with the Board of Grievances within sixty days from the date on which he is notified of the decision adopted by this committee

Article 7:

Following registration on the list, a license to practice law shall be granted pursuant to a resolution by the Minister of Justice, in conformance with the form specified in the implementing regulations of this Code. This license shall be valid for a term of five years and may be renewed in accordance with the conditions herein provided for. Upon the issuance of a license, the applicant

shall pay a fee in the amount of SR 2,000, and shall pay SR1,000 for each renewal.

Article 8:

The Ministry of Justice shall notify the courts of law, the Board of Grievances, and the committees referred to in Article 1 herein of the names of lawyers who have been registered in the list of practicing lawyers, immediately upon the issuance or renewal of the license. A list showing the names and addresses of practicing lawyers shall be prepared and kept at the court and at the Board of Grievances. This list shall be available for perusal by any interested party.

Article 9:

A lawyer who ceases to practice the profession for a period exceeding one year shall notify the Ministry of Justice in a form to be specified by the implementing regulations of this Code.

Article 10:

A professional partnership for practicing law may be formed by two or more of the lawyers whose names are registered in the list subject to the requirements of the Professional Partnerships Regulations.

**PART TWO
DUTIES AND RIGHTS OF LAWERS**

Article 11:

A lawyer shall practice the profession in accordance with the Shari'ah and laws in force. He shall refrain from any act that compromises the dignity of the profession and shall comply with the relevant rules and instructions.

Article 12:

A lawyer shall not refer to personal matters concerning his client's adversary or representative, and shall refrain from any offensive language or accusation, as may have a negative impact on integrity.

Article 13:

Subject to Article 12, a lawyer may choose whatever strategy he may deem appropriate for defending the interests of his client and, in so doing, shall not be questioned in connection with the content of his written or oral arguments.

Article 14:

- (1) A lawyer shall not personally, or through another lawyer, accept any case or render any advice against his present or former employer except after the expiry of a minimum period of five years from the date of termination of his relation with that employer.
- (2) A lawyer who acts for a client on a part-time basis pursuant to a contract shall not accept any case or render any advice against that client before the expiry of three years following termination of that contract.

Article 15:

A lawyer shall neither personally nor through another lawyer agree to represent an adversary of his client or otherwise provide him with any assistance, even in the form of an opinion, in connection with a case that he has previously handled or in connection with any other related matter even after expiry of his power of attorney.

Article 16:

Anyone who has been a judge prior to practicing law shall not personally, or through another lawyer, accept a case that has previously come before him.

Article 17:

Anyone who has previously provided an opinion in connection with a certain case, whether as an employee or an arbitrator or an expert, shall not accept that case.

Article 18:

The lawyers whose names are registered on the list of practicing lawyers shall be exclusively entitled to litigate on behalf of third parties before courts of law or the Board of Grievances or the committees referred to in Article 1 hereunder. By way of exception, third parties may be represented by the following:

- (a) An attorney-in-fact in one to three cases. If he has previously handled three cases on behalf of three different persons, he shall not be entitled to represent any other party.
- (b) Husbands, in-laws, or any next-of-kin up to the fourth degree.
- (c) A legal representative of a corporate person.
- (d) A trustee, a guardian, and an administrator of an endowment in connection with their trusteeship, guardianship, and administration cases.
- (e) An administrator of the public treasury with respect to matters within his jurisdiction, pursuant to the law and regulations.

Article 19:

The courts of law, the Board of Grievances, the committees referred to in Article 1 hereof, government agencies, and the investigation authorities shall facilitate the lawyer's discharge of his assignment, and shall enable him to attend any interrogation and peruse any relevant documents. His request shall not be denied except for a valid reason.

Article 20:

A lawyer or an attorney-in-fact shall present the original deed of his power of attorney or a certified copy thereof to the court, the Board of Grievances, or the committees referred to in Article 1 hereof. These documents shall be presented during the first hearing of the case. Should the principal attend any hearing with his lawyer, the clerk, or whoever is so acting shall record that in the proper minutes, and this entry shall constitute a power of attorney. If the lawyer is in possession of a duly certified general power of attorney entitling him to represent one of the litigants, he shall be relieved from filing the original deed, or he may present the original deed and a copy thereof, and the judge shall verify that copy against the original deed.

Article 21:

Each lawyer shall have one or more places of business for handling the cases entrusted to his care and shall notify the Ministry of Justice of the address of his place of business and of any change of address.

Article 22:

Upon expiration of a power of attorney, the lawyer in charge of the case shall, on demand, return to his principal the deed of power of attorney and the original documentation. However, if his fees have not been paid, he shall be entitled to make copies, at the expense of his principal, of all supporting documents, and shall retain the original papers and documents until the principal has paid the fees due and the cost of making copies thereof. A lawyer is not under any obligation to deliver to his principal the drafts of the documents he has filed with the court or any letters addressed to him. However, he must, on demand, provide his principal, at his principal's expense, with copies of these documents.

Article 23:

A lawyer shall not disclose any confidential information which has been communicated to him or of which he has become aware in the course of practicing his profession even after expiration of his power of attorney, unless such non-disclosure constitutes a violation of a Shari'ah requirement.

Similarly, he shall not, without a legitimate cause, decline to represent his client before the case has been concluded.

Article 24:

A claim filed by a principal against his lawyer in connection with the documents deposited with that lawyer shall not be heard after the expiry of a period of five years from the date on which that lawyer completed his assignment, except where such documents have been claimed by registered mail, with an acknowledgement of receipt, prior to expiry of that period, in which case computation of that period shall run from the date of receipt of that mail.

Article 25:

A lawyer shall not be entitled to purchase any or all of the disputed rights in respect of which he was the appointed representative.

Article 26:

The lawyer's fees and method of payment shall be determined by agreement with his client. If there was no such agreement, or if the agreement was disputed or void, such fees shall be assessed by the court that has adjudicated that case, pursuant to a request by either the lawyer or the client, consistent with the effort expended by the lawyer and the benefit obtained by the client. This rule shall also apply to any subsidiary claim ensuing from the original case.

Article 27:

A client shall be entitled to dismiss his lawyer; however, he shall pay all the fees agreed upon if it is established that such dismissal was without valid cause, except where the competent court decides otherwise with respect to such dismissal or to the full payment of the fees.

Article 28:

In case of death of the lawyer, and if his heirs and the client fail to agree on the fees, the competent court shall assess such fees consistent with the effort exerted by the deceased, the benefit obtained by the client, the stage of the proceedings, and the concluded agreement.

PART THREE DISCIPLINARY ACTION

Article 29:

First: The name of a lawyer shall be stricken off the list and his license revoked in case a *hadd* (Qur'anic prescribed punishment) or any other punishment in connection with a crime that impugns integrity has been entered against him.

Second: Without prejudice to a claim for compensation by any aggrieved party or to any other claim, any lawyer who violates the provisions of this Code or its implementing regulations, or commits a breach of his professional duties or any act as may be incompatible with the professional standards shall be subject to one of the following sanctions.

- (a) Warning.
- (b) Reprimand.
- (c) Suspension of practice for a period not exceeding three years.
- (d) Striking his name off the list and revoking his license.

Article 30:

The Prosecutor shall, either of his own accord or pursuant to instructions by the Minister of Justice or any court of law or the Board of Grievances or any of the committees referred to in Article 1 of this Code, initiate disciplinary proceedings against the said lawyer.

Article 31:

The Minister of Justice shall, pursuant to a resolution, set up one or more committees to consider the imposition of the sanctions provided for in Article 29 hereof. This committee shall be called "the Disciplinary Board", and it shall consist of a judge and two experts, one of whom is to be selected from the class of lawyers who have been practicing the profession for a minimum period of ten years. The Minister of Justice shall appoint one of the board members to act as Chairman. Membership of this Board shall be for a term of three years and shall be renewable for a similar period.

The meetings of the Board shall be attended by all members and its decisions shall be taken by majority vote. These decisions shall be appealable to the Board of Grievances within sixty days from the date of notifying the lawyer concerned of the sanctions imposed on him.

Article 32:

The lawyer shall be summoned to appear before the Disciplinary Board. This summons shall give a short account of the violation of which he is charged and of the evidence thereof, at least fifteen days prior to the date set for the hearing. The lawyer may appear in person or be represented by another lawyer. The Disciplinary Board may require his personal appearance, and if he fails to appear after having been summoned twice, the Board may issue a default decision.

Article 33:

The decision of the Disciplinary Board shall be issued after the prosecution and lawyer's defense have been heard. The reasoning for such decision must be stated. The decision and the reasoning thereof shall be read out in full in a closed session. The Ministry of Justice shall, within fifteen days from the effective date of the final decision, notify the courts of law, the Board of Grievances and the competent authorities of that decision. Such decisions shall be kept in a special register. In all cases, disciplinary actions shall be communicated by a member of the Disciplinary Board. Delivery of a copy of the decision to the lawyer concerned in an official manner shall be treated as adequate notice. When the decision has become final, whether it be striking off the lawyer's name from the list or suspension of his practice, only the decision thereof shall be published, at the lawyer's expense, in one or more of the papers issued in the locality of the lawyer's place of business. Should there be no paper in that locality, it shall be published in a paper in the nearest locality.

Article 34:

After having been notified or provided with a copy of a default decision, the lawyer concerned shall have fifteen days to appeal. The appeal shall be addressed to the Chairman of the Disciplinary Board, either by the lawyer concerned or through his representative.

Article 35:

Upon suspending a lawyer from practicing law, his name shall be transferred from the list of practicing lawyers to the list of non-practicing lawyers. A suspended lawyer shall not be entitled to conduct his practice throughout the duration of suspension, failing which his name may be struck off the lawyers' list and his license may be revoked. The Minister of Justice may, pursuant to a recommendation by the committee provided for in Article 5 hereof, issue instructions relating to pending cases that were being handled by suspended lawyers.

Article 36:

A lawyer whose name has been struck off the list pursuant to a decision issued by a disciplinary board may, after three years from the effective date of that

decision, apply to the Lawyers Registration and Admission Committee to reinstate his name.

Article 37:

A term of imprisonment not exceeding one year and a minimum fine of SR30,000, or both, may be imposed on:

- (a) A person who holds himself out as a lawyer or practices law in violation of the provisions of this Code.
- (b) A lawyer who practices law after his name has been struck off the list. These forms of punishments shall be imposed by a competent court.

**PART FOUR
GENERAL AND TRANSITIONAL PROVISIONS**

Article 38:

Saudi lawyers and consultants who hold valid licenses issued by the Ministry of Justice or the Ministry of Commerce pursuant to the regulations that were then in force may continue their practice, provided that they shall, within five years from the effective date hereof, file applications to the Lawyers Registration and Admission Committee referred to in Article 5 hereof for registration. This commission shall have their names registered on the list and provide them with new licenses pursuant to the provisions of this Code. The competent authority that had previously issued these licenses shall send to the said committee all the papers and other documents pursuant to which these licenses were issued.

However, the Minister of Justice may extend the period herein specified to a maximum not exceeding five years for Saudi lawyers who are holding such licenses as long as they satisfy the requirements provided for in Article 3 herein, excluding the qualification requirement referred to in paragraph (b) of the said article, provided they pay the renewal fees referred to in Article 7 hereof.

Article 39:

Subject to the stipulations of paragraph (a) of Article 3 hereof, non-Saudis who hold valid licenses that have been issued prior to the implementation of the Council of Ministers Resolution No. 116, dated 12/7/1400H, may continue to practice as consultants, but only on a temporary basis, subject to the following conditions:

- (1) A non-Saudi shall carry out his practice on a full time basis.
- (2) He shall not litigate before courts of law, the Board of Grievances, or the committees referred to in Article 1 hereof; and the competent authorities shall not allow him to litigate.
- (3) He shall reside in the Kingdom for a minimum period of nine months a year.
- (4) He shall satisfy the requirements for registration, excluding citizenship.

- (5) Copies of his qualifications and his old license shall be filed with the Ministry of Justice within six months of the date of implementation of this Code. The Ministry of Justice shall prepare a special register for licensed non-Saudis, and shall provide them with temporary permits. The Minister of Justice shall determine the particulars to be entered in this register and in the license. He shall also specify the duration and expiry date of such license. A license shall be deemed terminated by force of law should any of the requirements mentioned herein be lacking.

Article 40:

A lawyer licensed pursuant to Article 39 may have his own practice or may enter into partnership with a Saudi lawyer. Such lawyer shall not be entitled to seek the assistance of a non-Saudi lawyer, whether he be a sole practitioner or partnership.

Article 41:

A Saudi lawyer and any lawyer holding a license pursuant to paragraph (a) of Article 3 hereof may be assisted in his practice, where necessary, by one or more non-Saudi lawyers pursuant to an employment agreement, under his responsibility and supervision, subject to the following conditions:

- (1) The licensed lawyer shall attend to his practice regularly and shall sign all correspondence issued by his firm in connection with the relevant cases. However, he may delegate his authority to any of the Saudi lawyers or to any other lawyer who is licensed pursuant to paragraph (a) of Article 3 hereof.
- (2) A non-Saudi lawyer shall satisfy the requirements for registration, excluding citizenship, and shall have a minimum of five years of practical experience.
- (3) His practice shall be restricted to providing assistance and the preparation of submissions in the name of the lawyer who is holding the license. He shall not represent third parties before courts of law, the Board of Grievances, or the committees referred to in Article 1 hereof.

Article 42:

The Minister of Justice shall issue the implementing regulations for this Code, and these regulations shall be published in the Official Gazette. He shall also issue any decisions necessary for such implementation.

Article 43:

This Code shall be published in the Official Gazette and shall come into force ninety days thereafter. It shall supersede any rules that are inconsistent therewith.

