



شعبة الترجمة الرسمية
Official Translation Department

The Code of Law Practice

Royal Decree No. M/38
October 15, 2001

Translation of Saudi Laws



NOTE:

The translation of Saudi laws takes the following into consideration:

- Words used in the singular form include the plural and vice versa.
- Words used in the masculine form include the feminine.
- Words used in the present tense include the present as well as the future.
- The word “person” or “persons” and their related pronouns (he, his, him, they, their, them) refer to a natural and legal person.



The Code of Law Practice

Part 1: Definition and Requirements of Law Practice

Article 1

In this Law, the term law practice shall mean representing third parties before courts of law, the Board of Grievances, and other committees which may be set up pursuant to laws, orders, and decisions to consider cases falling within their respective jurisdictions. It shall also mean rendering consultancy services based on the principles of Sharia and the rule of law. Whoever practices this profession shall be called a lawyer. Any person shall be entitled to legally represent 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 names of lawyers who cease 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 stated 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, after satisfying the following requirements:

- a) He must be a Saudi national. Non-Saudis may practice law subject to the terms of agreements concluded between the Kingdom and other countries.
- b) He must hold a degree from a Sharia college or a bachelor of law from a Saudi university, or an equivalent of any of these degrees obtained from abroad, or a post-graduate diploma in legal studies from the Institute of Public Administration.
- c) He must have at least three years of relevant legal experience. This period may be reduced to one year for holders of a Master's degree in Sharia or law, or an equivalent thereof, or a post-graduate diploma in law for graduates of a Sharia college. This requirement shall not apply to holders of doctorate degrees in these fields of specialization.
- d) He must be of good conduct and not under interdiction.
- e) He must not have been sentenced 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 elapsed since the execution of said sentence.
- f) He must be a resident of the Kingdom.



The Minister of Justice shall prepare a declaration form to be signed by the applicant wherein he confirms that the requirements stated in paragraphs (d), (e), and (f) of this Article have been satisfied.

Article 4

The provisions of paragraphs (b) and (c) of Article 3 shall not apply to applicants who have at least three years of experience as judges in the Kingdom.

Article 5

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

1. A representative from the Ministry of Justice to be appointed by the Minister of Justice, chairman.
2. A representative from the Board of Grievances whose rank shall not be lower than the rank of a Chief of a Court of class A, to be appointed by the Chairman of the Board of Grievances, member.
3. A lawyer who has been practicing law for a minimum of five years, to be appointed by the Minister of Justice, member.

The competent authority shall name a substitute in case of the 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 met, and shall decide on any application, if complete, within a period not exceeding 30 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 60 days from the date on which he is notified of the decision adopted by the Committee.

Article 7

Following registration on the list, a license to practice law shall be granted pursuant to a decision by the Minister of Justice, in accordance with a form specified in the implementing regulations of this Code. This license shall be valid for a period of five years and may be renewed in accordance with the conditions provided for herein. The applicant shall pay a fee of 2,000 riyals for the issuance of a license, and 1,000 riyals for renewal.

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 in 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 provisions of the Law of Professional Companies.

Part 2: Duties and Rights of Lawyers

Article 11

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

Article 12

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

Article 13

Subject to Article 12, a lawyer may choose any strategy he deems appropriate to defend 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 accept any case or render any advice either personally, or through another lawyer, 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 not agree to represent either personally, or through another lawyer, 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 the expiry of his power of attorney.



Article 16

Anyone who has been a judge prior to practicing law shall not accept either personally, or through another lawyer, any 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, arbitrator, or 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, the Board of Grievances, or the committees referred to in Article 1 herein. 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) Trustees, guardians, and administrators of endowments 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

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

Article 20

A lawyer or 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 the same 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 and providing a certified copy thereof shall suffice, 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 changes thereto.

Article 22

Upon expiration of a power of attorney, the lawyer in charge of the case shall return to his principal, on demand, 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 the expiration of his power of attorney, unless such non-disclosure constitutes a violation of a Sharia requirement. Similarly, he shall not withdraw from representing his client before the case has been concluded, without a legitimate reason.

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 calculation of that period shall commence 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 is no such agreement, or if the agreement is disputed or void, such fees shall be assessed by the court adjudicating the case, pursuant to a request by either the lawyer or the client, consistent with the effort exerted 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 agreed upon fees 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 a lawyer's death, and if the deceased lawyer's 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 lawyer, the benefit obtained by the client, the stage of the proceedings, and the concluded agreement.

Part 3: Disciplinary Action

Article 29

1. The name of a lawyer shall be struck from the list and his license revoked in case he is sentenced to a **hadd** (Qur'anic prescribed punishment) or any other punishment in connection with a crime that impugns integrity.
2. 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, commits a breach of his professional duties, or performs any act that is incompatible with professional standards shall be subject to one of the following penalties:
 - 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 initiate disciplinary proceedings against said lawyer, either of his own accord or pursuant to instructions by the Minister of Justice, any court of law, the Board of Grievances, or any of the committees referred to in Article 1 of this Code.

Article 31

The Minister of Justice shall form, pursuant to a resolution, one or more committees to consider the imposition of the disciplinary penalties provided for in Article 29 hereof.

This committee shall be called "the Disciplinary Committee", 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 10



years. The Minister of Justice shall appoint one of the members to act as Chairman. Membership of this Committee shall be for a term of three years and shall be renewable for a similar period.

Committee meetings 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 60 days from the date of notifying the lawyer concerned of the penalties imposed on him.

Article 32

The lawyer shall be summoned to appear before the Disciplinary Committee. This summons shall give a short account of the violation of which he is charged and the evidence thereof, at least 15 days prior to the date set for the hearing. The lawyer may appear in person or be represented by another lawyer. The Disciplinary Committee may require his personal appearance, and if he fails to appear after having been summoned twice, the Committee may issue a default decision.

Article 33

The decisions of the Disciplinary Committee shall be issued after the prosecution and lawyer's defense have been heard. Reasoning for such decisions must be stated. The decision and the reasoning thereof shall be read out in full in a closed session. The Ministry of Justice shall notify, within 15 days from the effective date of the final decision, 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 Committee. 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 newspapers issued in the locality of the lawyer's place of business. Should there be no newspaper in that locality, it shall be published in a newspaper in the nearest locality.

Article 34

After having been notified or provided with a copy of a default decision, the lawyer concerned shall have 15 days to appeal. The appeal shall be addressed to the Chairman of the Disciplinary Committee, 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. If he fails to comply with the same, his name shall be



struck off the lawyers' list and his license shall be revoked. The Minister of Justice shall, 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 disciplinary decision issued by the Disciplinary Committee 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 or a minimum fine of 30,000 riyals, or both, may be imposed on:

- a) a person who impersonates a lawyer or practices law in violation of the provisions of this Code; and
- b) a lawyer who practices law after his name has been struck off the list.

Such punishments shall be imposed by a competent court. The sentence may provide for the publication of an abstract summary at the expense of the convicted person in one or more local newspapers or any other appropriate medium, according to the type, gravity, and effect of the crime or violation committed, provided that such publication is executed after the judgment becomes final.

Part 4: General and Transitional Provisions

Article 38

Saudi lawyers and consultants who hold valid permits or 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 file applications, within five years from the effective date hereof, to the Lawyers Registration and Admission Committee referred to in Article 5 hereof for registration. The Committee shall register their names on the list and provide them with new licenses pursuant to the provisions of this Code. The competent authority that had previously issued these permits and licenses shall send to said Committee all the papers and other documents pursuant to which these permits or licenses were issued.

However, the Minister of Justice may extend the period herein specified to a maximum period 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 said Article, provided that they pay the renewal fees specified in Article 7 hereof.



Article 39

Subject to the provisions of paragraph (a) of Article 3 hereof, non-Saudis who hold valid licenses that have been issued prior to the implementation of Council of Ministers Resolution No. 116, dated 12/7/1400H, may continue to practice only as consultants 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 these entities shall not accept his litigation.
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 previous 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 grant them temporary licenses. The Minister of Justice shall determine the particulars to be entered in the register and the license. He shall also specify the duration and expiry date of such license. A license shall be deemed terminated by force of law in case of the absence of any of the requirements mentioned herein.

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 said lawyer is an individual or company.

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 contract, 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 the firm in connection with relevant cases. However, he may assign a representative from among any of the Saudi lawyers or 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 relevant experience.
3. His practice shall be restricted to providing assistance and preparing submissions in the name of the lawyer who is holding the license. He shall not enter into litigation 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 their implementation.

Article 43

This Code shall be published in the Official Gazette and shall enter into force 90 days thereafter. It shall supersede any rules that are inconsistent therewith.