

**Law No. 11/2008
of 30 July**

**ON THE JURIDICAL REGIME GOVERNING PRIVATE LEGAL PROFESSION AND
LAWYERS TRAINING**

The State has the duty to regulate the exercise of private legal profession to ensure that it contributes towards the good administration of justice and the safeguarding of the rights and legitimate interests of citizens. The exercise of private legal profession should also be guided by the social interest resulting from the nature of the very functions of lawyers, in compliance with the constitutional rule contained in article 135 of the Constitution of the Republic.

It is therefore important to define the statute of private lawyers and to establish the necessary mechanisms for their professional training, and ensure that the exercise of legal profession takes place with due respect for the basic deontological norms.

Independence is one of the *sine-qua-non* conditions for the legal profession to be effectively exercised. As a matter of fact, lawyers cannot be subjected to any form of control whatsoever on the part of the political power on pain of risking to put at stake the public mission entrusted to them. Notwithstanding the acknowledgement that the establishment of a Bar Association at present would be premature, an organ was however established, i.e., the Legal Profession Management and Discipline Council, which will exercise the functions of management and discipline of this professional class.

Thus, pursuant to articles 97.1 and 135 of the Constitution of the Republic, the National Parliament enacts the following to have the force of law:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Object**

The present statute establishes the rules governing the exercise of private legal profession in Timor-Leste as well as the statute of, and the professional training for, lawyers.

**Article 2
Requirements for registration**

1. Unless otherwise provided, the exercise of the legal profession and the use of the respective title shall be limited to those individuals registered in that capacity with the Legal Training Centre until such time as the Bar Association is established and starts its functions.

2. Registration with the Legal Training Centre to exercise the legal profession shall be open to any individual who, cumulatively:
 - a) Holds a bachelor's degree in Law;
 - b) Has a written and spoken command of at least one of the official languages of Timor-Leste;
 - c) Has attended and successfully passed the training course provided for in the present statute;
 - d) Is an adult, pursuant to the applicable civil legislation;
 - e) Presents a certificate of criminal record to enable to guarantee the moral idoneity of the lawyer for the exercise of the legal profession.
3. Registration to exercise the legal profession shall also be open to any individual who, cumulatively, proves:
 - a) To hold a bachelor's degree in Law;
 - b) To be fully qualified for exercising the legal profession in Timor-Leste or in another civil law country;
 - c) To be acquainted with the legal system applicable in Timor-Leste;
 - d) To have a written and spoken command of at least one of the national languages.
4. For the purposes of subparagraph b) of paragraph 3 above, fully qualified to exercise the legal profession shall mean any national professional who has effectively practiced as a judge, prosecutor, or public defender for a minimum period of four years.
5. For the purposes of subparagraph b) of paragraph 3 above, fully qualified to exercise the legal profession shall also mean any expatriate lawyer who has exercised the legal profession for a minimum period of five years.
6. It shall be incumbent upon the Legal Training Centre to undertake the necessary steps in order to confirm the requirement referred to in subparagraph b) of paragraph 3 above.
7. In order to certify the requirements referred to in subparagraphs c) and d) of paragraph 3 above, candidates shall have to undergo and successfully pass public examinations organized to that end by the Legal Training Centre Pedagogical Board.

Article 3

Restrictions to the right to register

1. Registration shall not be open to any individual who:

- a) Has been convicted by a final sentence of imprisonment for committing an intentional crime;
 - b) Is not fully enjoying his or her civil rights;
 - c) Has been declared by a final sentence to be incapable of administering his or her own person and property;
 - d) Finds himself or herself in a situation of incompatibility with, or is inhibited from, the exercise of the legal profession;
 - e) Being a magistrate, public defender, or civil servant, has been removed, has been retired, or has been placed in a situation of inactivity for lack of moral idoneity.
2. Practicing lawyers and probationary lawyers finding themselves in any of the situations referred to in paragraph 1 above may, depending on the situation, have their registration suspended or cancelled.
 3. Any individual criminally sentenced to effective imprisonment for having committed an intentional crime and whose criminal record has been cancelled may, after 3 years have elapsed from the date of cancellation, apply for his or her registration as a lawyer as long as the competent entity, after undertaking an inquiry and hearing the applicant, concludes that the applicant's behaviour over the previous three years shows that he or she has idoneity to exercise the profession.

Article 4
Proof of holding a bachelor's degree

1. The proof of holding a bachelor's degree referred to in article 2 shall be made through a diploma or certificate of the respective degree describing the subjects constituting the respective training course and respective classification or, alternatively, the curricular plan of the training course.
2. Whenever the documents referred to in the preceding paragraph are not drafted in an official language of Timor-Leste, presenting their respective translation into one of the national languages shall be mandatory.
3. The diploma or certificate bearing proof of completion of a bachelor's degree shall be certified by a competent service to be defined by the Ministry of Education.

CHAPTER II TRAINING

Article 5 Objective

The objective of the training course for the exercise of the legal profession is to provide the candidates with the opportunity to develop technical/professional and deontological skills necessary to enable them to perform the respective functions in an effective manner.

Article 6 Requirements for candidacy

Timorese citizens wishing to be admitted for the training course for the exercise of the legal profession shall meet the following requirements, cumulatively:

- a) To hold a bachelor's degree in Law;
- b) To have knowledge of at least one of the official languages;
- c) To be adult, pursuant to the applicable legislation;
- d) Not to have been sentenced to effective imprisonment for committing an intentional crime, without prejudice to the provision of paragraph 3, article 3, of the present statute;
- e) To be fully enjoying his or her civil rights;
- f) Not to have been declared incapable of administering his or her own person and property by a final sentence.

Article 7 Competitive examination

1. It shall be incumbent upon the Government to determine, by the end of August of every year, the number of seats available in the training course for the exercise of the legal profession.
2. Once the number of available seats has been determined, the notice on the opening of the competitive examination shall be published.
3. The notice on the opening of the competitive examination shall contain:
 - a) The requirements for candidacy referred to in article 6;
 - b) An indication of the number of available seats;
 - c) The tests to be undertaken, the respective subjects, and the date and venue where the tests will take place;
 - d) The deadline for submitting applications;
 - e) The composition of the jury for the competitive examination.

4. Applications for the competitive examination, to be addressed to the Director of the Legal Training Centre, shall contain a statement of honour declaring that the candidate meets the requirements provided for in subparagraphs e), f), and g) of article 7 above, the falsity of which shall entail the exclusion of the candidate from the course or the ineffectiveness of its attendance.

Article 8

Jury

1. The jury of the competitive examination for selecting the candidates shall be composed of three effective members and three alternate members appointed by the Legal Training Centre.
2. The members of the jury shall preferably be selected from among law graduates with professional experience as lawyers, judges, prosecutors, public defenders, teachers of law or teachers of the Legal Training Centre.
3. The instruction confirming the appointment of the jury shall contain the names of its Chairperson and respective substitute.

Article 9

List of candidates

1. Once the deadline for submitting candidacies has ended, the list of admitted and non-admitted candidates, if any, shall be affixed, and claims regarding the decision of the jury can be filed with the Legal Profession Management and Discipline Council within 10 days from the date the list has been affixed.
2. Once the claims have been decided on, or where no claims exist, the final list containing the admitted candidates shall be published.

Article 10

Subsidiary regime for selecting candidates

The norms contained in articles 8 to 11 of Decree- Law no. 15/2004 of 1 September on the Recruitment and Training for Professionals of the Judiciary and of the Office of the Public Defender shall be applied, *mutatis mutandis*, to the candidates selection process and, based on the number of available seats pursuant to article 7, the best classified candidates shall be admitted for attending the course.

Article 11

Training stages

1. The training for the exercise of the legal profession shall be composed of a theoretical learning stage and a probation stage.

2. The theoretical learning stage shall have a 15-month duration and is intended to strengthen the knowledge acquired by the candidates during the graduation course and to enable them to have a command of the matters directly linked to the practice of the legal profession, and shall be administered by teachers and trainers of the Legal Training Centre or appointed by the Managing Board to that effect.
3. The theoretical learning stage shall end with the attribution of a final rating, to be determined on the basis of the evaluation of the trainees by the respective teachers and trainers and taking into account, namely, the written tests and the tasks, the oral performance, the interest demonstrated, the degree of verbal and written fluency in the official languages, as well as other factors relevant to the effective performance of the functions of a legal professional.
4. The criteria described in the preceding paragraph shall be evaluated in a joint meeting by the trainers and teachers, who shall attribute the trainees an arithmetic classification in a 0 to 20 rating scale, and those obtaining a classification equal to, or higher than, 10 shall be considered successful trainees.
5. Candidates failing in the theoretical learning stage shall not be admitted for the probation stage, without prejudice to their possibility to reapply for attending a new training course.
6. The probation stage shall have a nine-month duration and is intended to put the trainees in contact with the reality of the exercise of the legal profession, the judicial system, the services related with administration of justice and the practical use of the acquired theoretical knowledge.
7. The probation stage shall end with the evaluation of the trainees through aggregation tests in which a final test classification will be attributed acknowledging the aptitude or lack of aptitude of the trainees for exercising the legal profession.
8. Trainees obtaining a final classification equal to, or higher than, 10 on a rating scale of 0 to 20 shall be considered to be qualified for the exercise of the legal profession.
9. Candidates not qualified for the exercise of the legal profession shall forfeit the status of probation lawyers, without prejudice to their possibility to attend a new course after successfully passing in a new competitive examination.
10. The programmatic content of the training, both at the theoretical learning stage and at the probation stage, shall include the learning of the official languages and shall be approved by the Legal Training Centre Pedagogical Board on an annual basis.

11. Additionally, complementary training activities can be carried out at any time during the training stages.

Article 12
Probation lawyer

1. Unless they find themselves in a situation of incompatibility, trainees successfully passing the theoretical learning stage and admitted to the probation stage may exercise the functions of probationary lawyers, for which purpose they should request the issuance of the respective professional license. The provisions of Chapter IV shall apply, *mutatis mutandis*.
2. From the time of their registration, probationary lawyers shall mandatorily comply with the norms governing the exercise of the legal profession.
3. During the probation period, probationary lawyers may autonomously practice the following acts proper of the legal profession:
 - a) Exercise of legal profession in criminal proceedings relating to semi-public crimes;
 - b) Exercise of legal profession in non-criminal proceedings the value of which does not exceed \$1,000;
 - c) Legal consultations.
4. Probationary lawyers may also practice acts proper of the legal profession in all other proceedings provided they are duly accompanied by a lawyer who shall ensure the safeguarding of their performance and who has not been punished through a disciplinary penalty higher than a fine;
5. Probationary lawyers should indicate their professional status in all acts proper of the legal profession in which they intervene.

CHAPTER IV
REGISTRATION AND CERTIFICATION

Article 13
Registration and seniority

Candidates successfully completing the training course for the exercise of the legal profession may apply for registration as lawyers and their seniority as lawyers shall count from the date of submission of the application for registration.

Article 14
Application for registration

1. Until such time as the Bar Association comes into existence, applications for registration to exercise the legal profession shall be addressed to the Chairperson of the Legal Profession Management and Discipline Council.
2. As well as the application for registration, candidates shall prove that they satisfy the requirements referred to in article 2 and shall indicate their complete names, including their functions, activities and professional address, and shall also attach their criminal record certificate.
3. The candidates may indicate in the application for registration the short names which they intend to use in the exercise of the legal profession.
4. The need for candidates to provide evidence of meeting the requirements referred to in paragraph 2 above shall be dispensed with in cases where such evidence already exists in the archives of the Legal Profession Management and Discipline Council.

Article 15
Certification and professional license

1. Applicants shall be issued a professional license upon registration.
2. Professional licenses shall be signed by the Chairperson of the Legal Profession Management and Discipline Council and shall contain the commencement date and, where applicable, the ending date of the professional activity, including the following data:
 - a) The cancellation of the professional license and the date of its commencement;
 - b) The suspension of the exercise of legal profession and the date of its commencement;
 - c) Any final disciplinary penalty and the date of the respective decision;
 - d) The lifting or cancellation of the suspension of the registration and the date of commencement of such lifting or cancellation;
 - e) The annotation of other relevant facts, such as change of business address.
3. Registrations and annotations shall be made by the administrative services of the Legal Profession Management and Discipline Council and shall be contained in the individual file organized for each lawyer.
4. Professional licenses may be re-issued in case of loss or inutilization, in which case they shall be endorsed with the words “duplicate”, with the respective charges being borne by the applicant.

Article 16
List of lawyers

Until such time as the Bar Association comes into existence, the services of the Legal Profession Management and Discipline Council shall organize and maintain an updated list of the registered lawyers and shall distribute it annually to the several judicial services and, at request, to other public or private services provided that, in the latter case, the services of the Legal Profession Management and Discipline Council are authorized by the lawyers to that effect.

Article 17
Suspension of registration

1. Registration shall be suspended:
 - a) At the request of applicants intending to interrupt the exercise of the legal profession;
 - b) Where the interested party starts exercising a function that is incompatible with the exercise of the legal profession;
 - c) Where the lawyer has been convicted in a disciplinary penalty of suspension following a decision made in the framework of a final disciplinary proceeding;
 - d) Where the interested party has been suspended from exercising the legal profession by judicial decision;
 - e) In the other cases provided for by law.
2. Suspension from exercising a function that is incompatible with the exercise of the legal profession shall take place following information provided by the lawyer to be suspended or, officiously, after he or she has been heard.
3. Suspension shall always imply the return of the professional license and the interruption of the exercise of legal profession in Timor-Leste for as long as the reason causing the suspension persists, and the judicial authorities shall be informed of such fact.
4. Where the return of the professional license does not take place within a period of 15 days, a request can be made to apprehend it judicially.

Article 18
Lifting of suspension

- 1) Suspension of registration shall be lifted:
 - a) In the case referred to in subparagraph a), paragraph 1, of article 17, at the request of the interested party;

- b) In the case referred to in subparagraph b), paragraph 1, of article 17, whenever the respective cause ceases;
 - c) In the case referred to in subparagraph c), paragraph 1, of article 17, when the respective disciplinary penalty has been undergone;
 - d) In the case referred to in subparagraph d), paragraph 1, of article 17, when the deadline established by the judicial decision has elapsed.
 - e) In the case referred to in subparagraph e), paragraph 1, of article 17, pursuant to the respective law.
2. Lifting of the suspension shall enable the interested party to immediately exercise the legal profession provided it is certified by the competent service.
 3. The judicial authorities shall be immediately informed of the lifting of the suspension.

Article 19 **Cancellation of registration**

- a) Registration shall be cancelled following request by any interested party wishing to abandon the exercise of the legal profession, upon death of the lawyer or probationary lawyer, and in the other cases where, pursuant to the law, cancellation is to take place.
- b) *Mutatis mutandis*, the provisions of paragraphs 3 and 4 of article 17 and paragraphs 2 and 3 of article 18 shall apply to cancellation.

Article 20 **Registration fees**

1. Registration of lawyers, as well as annotations, cancellations and issuance of professional licenses shall require the payment of a fee, the amount of which shall be determined by a joint decision of the Minister of Planning and Finance and the Minister of Justice and shall constitute State revenue.
2. The provisions of paragraph 1 above shall also apply to acts of dismissal.

CHAPTER V
EXERCISE OF THE LEGAL PROFESSION

SECTION I
GENERAL PROVISIONS

Article 21
Principal function

The principal function of lawyers shall be to contribute to the good administration of justice and to safeguard the right and legitimate interests of the citizens.

Article 22
Practicing the legal profession

1. Unless otherwise provided, only individuals authorized to exercise the legal profession pursuant to the present statute may practice it in any jurisdiction, instance, authority, or public or private entity.
2. Without prejudice to provisions contained in any other legislation, acts of the legal profession shall mean:
 - a) The exercise of forensic mandate;
 - b) Legal consultation;
 - c) The exercise of a mandate with powers to negotiate the establishment, change, or extinction of legal relations;
 - d) The preparation of contracts and the practice of preparatory acts for the establishment, change, or extinction of legal business, namely those made with registrars and notary offices;
 - e) Negotiation for collection of credits;
 - f) The exercise of the mandate in the framework of claims or impugnation of administrative or fiscal acts, or before any public corporate body or respective organs or services, even where they raise or discuss mere matters of fact.
 - g) Those acts resulting from the exercise of the right of citizens to accompany themselves by a lawyer before any authority.
3. The following shall be excepted from the stipulations of the preceding paragraphs:
 - a) The exercise of functions of a public defender;
 - b) The preparation of written legal opinions by teachers of the Law Schools or by other jurists of recognized merit; and
 - c) The exercise of legal consultation by jurists of recognized merit and by individuals holding a master's degree or a PhD in Law recognized by the Ministry of Education.

Article 23
Forensic mandate

1. Forensic mandate shall mean the judicial mandate to be exercised in any court, including courts of arbitral commissions, pursuant to the law.
2. Forensic mandate shall not be the object of any measure or agreement impairing or limiting the free choice of the lawyer by the principal.

Article 24
Legal counsel

1. Legal counsel shall mean the activity of legal counseling consisting in the interpretation and application of legal norms at the request of a third party.
2. For the purposes of paragraph 1 above, advisory and consultancy activities practiced directly by holders of a bachelor's degree in law in a public or private institution shall not be considered legal counseling.

Article 25
Freedom of exercise

Forensic mandate, representation, and assistance by lawyers shall always be admissible and shall not be impeded before any jurisdiction, authority, or public or private entity, namely when it is intended for defending rights, representing disputed legal relationships and ascertaining interests, or in cases of mere verification, even where these are of an administrative, unofficial, or of any other nature, within the limits of the law.

Article 26
Treatment and conditions

1. Magistrates, authority agents, and civil servants must accord lawyers, when in the exercise of the profession, a treatment that is compatible with the dignity of the legal profession as well as adequate conditions enabling them to fully perform their functions.
2. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.
3. During trial hearings, lawyers shall have their own bench.
4. Whenever possible, court facilities should always make available a working room specifically intended for lawyers.

Article 27
Preference in the treatment

Lawyers, when in the exercise of their functions, shall be afforded preferential attention in any public service.

Article 28
Special protection

Whenever, in the exercise of their functions, ponderous security reasons so determine, lawyers shall enjoy special protection to be provided by the authorities and organs of police.

Article 29
Examination of proceedings, books and documents and requests for certifications

1. In the exercise of their profession, lawyers may request from any court or public department the examination of proceedings, books or documents not considered to be of a restricted or secret nature and that are related with the representation of their clients.
2. In the exercise of their profession, lawyers may also request, verbally or in writing, that photocopies be made or certificates be issued without the need for them to produce a letter of attorney.

Article 30
Applications and right to protest

1. In the course of a hearing or of any other act or service in which they intervene, lawyers shall be allowed, at any time they deem appropriate, to apply, verbally or in writing, for any thing they consider to be convenient to the duty of representation.
2. Where, for any reason whatsoever, a lawyer is not granted the floor, or the petition is not recorded in the minutes, the lawyer may exercise the right to protest, indicating the subject of the petition and the objective that he or she had in mind.
3. The protest shall be recorded in the minutes and shall, for all purposes, be considered as submission of invalidity, pursuant to the law.

Article 31
Right to communicate with the clients

Lawyers are entitled to, pursuant to the law, communicate personally and in a restrict manner with their clients, particularly when the latter are imprisoned or detained in a civil or military facility.

Article 32
Searches, apprehensions, inventories and similar actions in a lawyer's office

1. Searches, apprehensions, inventories, and similar actions in a lawyer's office or in any other place where lawyers have files can only be ordered and conducted by a judge.
2. Whenever possible, the judge shall convene the interested lawyer to be present during the actions referred to in paragraph 1 above.
3. The judge shall also communicate the Legal Profession Management and Discipline Council of the fact so that, where possible, the presence of its representative can be secured.
4. Whenever they present themselves or are convened by the judge, relatives or employers of the interested lawyer may also be present during the actions referred to in paragraph 1 above.
5. No mail relating to the exercise of the profession can be apprehended, save where such mail is related to a criminal fact in relation to which the lawyer has been made a defendant.
6. Mail referred to in paragraph 5 above shall comprise the following:
 - a) Mail exchanged between the lawyer and the person who has entrusted or intended to entrust him or her a mandate or has requested his or her legal counseling, even where this request has been refused or has not yet been satisfied;
 - b) Written instructions or information about the requested mandate or legal counsel.
7. The service record shall expressly mention the people present at the operations as well as any occurrences that may take place while the operations are taking place.

Article 33
Professional dressing

It shall be mandatory for lawyers, when pleading verbally, to use the gown, the model of which, including of any other accessory of the professional dressing, shall be established by the Legal Profession Management and Discipline Council.

SECTION II
PROTECTION OF EXEMPTION, INDEPENDENCE, AND DIGNITY

Article 34
Work contract and other cases

1. Any form of appointment or contract, either of a public or of a private nature, namely a work contract, under which the lawyer exercises his or her activity, shall observe the principles and rules of a deontological character referred to in the present statute, and shall not affect the lawyer's full exemption and technical independence before the employer.
2. Any contractual stipulations, including any guidance or instructions of the contracting party with a view to restricting the exemption and independence of the lawyer or violating, in any manner whatsoever, the deontological principles of the profession, shall be considered null and void.

Article 35
Incompatibilities

1. The exercise of the legal profession shall be incompatible with the holding of any post or the discharging of any activity or function that diminishes the exemption, independence, and dignity of the profession.
2. Unless otherwise provided, the exercise of the legal professional shall be incompatible with the holding of the following offices, activities or functions:
 - a) Holders or members of organs of sovereignty and respective advisers, members and functionaries or agents of the respective offices, with the exception of the Members of the National Parliament;
 - b) Provider of Human Rights and Justice and respective advisers, members, and functionaries;
 - c) Judicial magistrates, magistrates of the Public Prosecution, public defenders or functionaries of any court or assigned to the respective services;
 - d) Members of executive bodies or of the directorate of local government, their functionaries or agents;
 - e) Notaries or public registrars and functionaries of the respective services;

- f) Leaders, functionaries or agents of any public service at the central or local government level, even where such services are personalized, with the exception of the teachers;
 - g) Members of the defense or security forces on active service;
 - h) Mediators and auctioneers;
 - i) Any other office, activity or functions considered to be incompatible with the exercise of the legal profession by a specific law.
3. Incompatibilities shall not apply to individuals who are retirees, separated from service, reservists, inactive or under leave without pay.

Article 36
Impediments to the exercise of the legal profession

1. Impediments reduce the scope of the exercise of the legal profession and constitute relative incompatibilities of the forensic mandate and the legal counsel in view of a given relationship with the client, with the disputed issues, or by unconciliable availability for the profession.
2. A lawyer shall be prevented from exercising the legal profession when:
- a) The public service in which he or she is a teacher is a part or an intervening party in the cause;
 - b) He or she has intervened in the respective proceeding in his or her capacity as a judicial magistrate or as a magistrate of the Public Prosecution, a defense lawyer, a judicial functionary, a witness, a declarant, or a specialist;
 - c) He or she has aided, advised, or represented the adversary party on the same matter;
 - d) The matter is linked to another matter in which he or she is assisting, advising, or representing, or has assisted, advised, or represented, the opposing party;
 - e) His or her spouse or relative, or akin in the right line or up to the second degree of the collateral line, participates in the judicial proceeding as a magistrate, defender, or bailiff;
 - f) He or she pleads against an employee to which he or she is linked as a subordinate worker.

Article 37
Verification

- a) The Legal Profession Management and Discipline Council may request from the entities having professional relations with lawyers, including the lawyers themselves, the information that it deems necessary in order to check the existence of any incompatibility or impediment.

- b) Where such information is not provided by the lawyer within 30 days from the date of receipt of the request, the Legal Profession Management and Discipline Council may decide on the suspension of the subscription.

Article 38
Obligation to communicate

1. Magistrates, public defenders, and civil servants are obliged to inform the Legal Profession Management and Discipline Council of situations of illegal or irregular exercise of the legal profession that come to their knowledge.
2. Any individual aware of any illegal or irregular exercise of the legal profession may also inform the Legal Profession Management and Discipline Council thereof.

CHAPTER V
PROFESSIONAL DEONTOLOGY

Article 39
Deontological duties

1. In the exercise of the legal profession and outside of it, lawyers should behave as servers of justice and the law and, as such, they shall show themselves as deserving the honor and the responsibilities inherent to them.
2. In the exercise of the legal profession, lawyers shall, irrespective of the circumstances, always maintain the highest independence and exemption and not take advantage of their mandate to pursue objectives other than those of a mere professional nature.
3. Lawyers shall observe punctually and scrupulously the duties provided for in the present statute as well as all those duties imposed on them by the law and the professional praxis vis-à-vis other lawyers, magistracies, public defenders, clients, and any public or private entities.
4. Lawyers should behave with honesty, integrity, rectitude, loyalty, courtesy, and sincerity.

Article 40
Duties vis-à-vis the community

The following shall constitute duties of the lawyer vis-à-vis the community:

- a) Strive for the good enforcement of the laws, for the quick, effective, and good administration of justice, and for the improvement of the juridical culture and institutions;

- b) Protest against violations of human rights and fight any arbitrariness that come to their knowledge in the exercise of the legal profession;
- c) Not to advocate against express law, not to use illegal means or expedients, nor to promote services manifestly dilatory, useless, or prejudicial to the correct enforcement of the law or to the discovery of truth;
- d) Refuse pleading in matters that he or she considers to be unjust;
- e) Refuse any mandate or provision of professional services that, under any circumstance, do not result from a direct and free choice by the mandant of the interested party;
- f) Not to make any publicity nor to ask for clients, either directly or through an intermediary, save in the cases permitted by law;
- g) Refuse to provide services whenever there are serious suspicions that the operation or juridical performance at stake aims at obtaining illicit results and the interested party is not willing to abstain from such operation;
- h) Refuse to receive and manage funds that do not correspond strictly to a matter entrusted to him or her.

Article 41
Professional secrecy

1. Lawyers are obliged to keep professional secrecy with regard to the following:
 - a) Facts relating to professional matters disclosed to them by their clients or on their instructions while in the exercise of the legal profession;
 - b) Facts communicated to them by any colleagues also obliged to keep professional secrecy with respect to the same facts;
 - c) Facts communicated to them by a co-author, co-defendant, or co-interested party of their clients or respective representatives;
 - d) Facts which the clients' opposing party or respective representatives have communicated to them in the course of negotiations for amicable agreement and that are relevant to the claim.
2. Obligation of professional secrecy exists regardless as to whether or not the services requested or entrusted to the lawyer involve any judicial or extra-judicial representation, should or should not be remunerated, or the lawyer has or has not accepted to represent or to execute the service, and the same shall apply to all lawyers who, either directly or indirectly, have had intervention in the service.
3. Professional secrecy shall also be extended to documents or other things having a direct or indirect relation to the facts at stake.
4. Professional secrecy shall cease in relation to everything that is absolutely necessary for protecting the dignity, rights, and legitimate interests of the lawyers themselves and the clients or their representatives upon prior authorization of the Legal Profession Management and Discipline Council.

5. Statements made by lawyers in violation of professional secrecy shall not be used as evidence in court.
6. Without prejudice to the provisions of paragraph 4 above, lawyers may maintain the professional secrecy.
7. The duty to keep professional secrecy in regard to the facts described in paragraph 1 above shall be extensive to individuals collaborating with lawyers in the exercise of their professional activity, and the sanction provided for in paragraph 5 above shall apply in case of violation.
8. The regime provided for in the present article shall not prejudice the provisions contained in the procedure laws.

Article 42
Publicity and public discussion

1. Lawyers shall be barred from making any kind of advertisement through circulars, announcements, the media or placards indicating the exercise of the legal profession or through any other form, either directly or indirectly, of professional publicity, namely divulging the name of their clients.
2. Lawyers shall not promote nor authorize the circulation of news relating to judicial matters or to other professional matters entrusted to them.
3. Lawyers shall not interfere or attempt to interfere, through the media, in the settlement of judicial pleadings or in other pending matters.
4. Lawyers shall not discuss pending matters in public or through the media nor contribute to such discussions.

Article 43
Exceptions

1. For the purposes of article 42 above, the following shall not constitute publicity:
 - a) Indication of academic titles or reference to the lawyers association to which they belong;
 - b) Use of boards outside the offices, insertion of mere announcements in newspapers, and use of visit cards or letter paper as long as they merely indicate the name of the lawyer, the office address, and the working hours.
2. In exceptional cases justified by public interest, the Legal Profession Management and Discipline Council may authorize that statements be made to the media safeguarding, however, the professional secrecy and the independence of the other judicial operators.

Article 44
General duty of civility

In the exercise of the legal profession lawyers shall proceed with civility, namely towards other lawyers, public defenders, magistrates, functionaries, experts, interpreters, witnesses and other involved parties, without prejudice to the duty of adequately protect the interests of their clients.

Article 45
Representation against lawyers, public defenders, or magistrates

Before promoting any judicial, disciplinary, or any other diligence against other lawyers, public defenders or magistrates, lawyers should communicate to them in writing of their intention, providing them with the explanations they deem necessary, save where they are diligences or acts of a secret or urgent nature.

Article 46
Duties towards the client

1. The following shall constitute duties of lawyers vis-à-vis their clients:
 - a) Refuse a mandate or refuse to provide services in the cases referred to in article 36;
 - b) Provide clients with a conscientious opinion on what they are entitled to, and can expect, under the law, as well as, whenever so requested, provide clients with information on the progress of the matters entrusted to them;
 - c) Study carefully and zealously any matter entrusted to them by the clients by using every resources of his or her experience, knowledge and activity;
 - d) Keep professional secrecy;
 - e) Advise on every aspect that they consider to be fair and equitable;
 - f) Indicate, whenever possible, the total estimate amount of the fees he or she intends to charge for the requested services by identifying, in addition to the maximum and minimum value of his or her work per hour, the rules upon which the fees are determined;
 - g) Inform the client of all moneys that he or she has received from him or her, regardless of their origin, and present a note on fees and expenses;
 - h) Put to good use all values, documents, or objects entrusted to him or her;
 - i) Not to enter into contracts on the object of the matters entrusted to him or her for self advantage nor otherwise request or accept participation in the results of the cause;
 - j) Not to abandon the representation of the client or the follow-up of the matters entrusted to him or her without justified reason.

2. Lawyers shall undertake every effort to prevent their clients from exercising any reprisals against the opposing party, the lawyer of the opposing party, public

defender, magistrate, or other intervening party or from being impolite towards them.

3. Even where a justified reason exists, lawyers shall not abandon the representation or the follow-up of the matters at stake in a manner that makes it impossible for the client to obtain assistance from another lawyer in due time;
4. Where there is abandon of representation or of follow-up of the matters at stake and where values have been received in advance or for payment of expenses or of any other charges, any amounts remaining from such advanced values shall be returned to the client as soon as possible.

Article 47 **Value of the fees**

1. When determining the fees, lawyers shall observe the schedule of fees and shall act with moderation by considering the amount of time spent, the difficulty and urgency of the matter, the importance of the services effectively rendered, the results obtained, the degree of intellectual creativity, the economic position of the interested party, as well as other professional usages.
2. Without prejudice to the provision of paragraph 3 below, a prior agreement may be entered into determining a fee schedule, which may take the form of a fixed retribution.
3. Where no prior agreement in writing has been entered into, the lawyer shall present the client with the respective amount of payable fees with a detailed description of the services rendered.

Article 48 **Schedule of fees**

The schedule of fees shall be prepared by the Legal Profession Management and Discipline Council and published in the Official Gazette.

Article 49 **Prohibitions**

Lawyers shall be prohibited from:

- a) Demanding a part of the object of debt or any other thing by way of payment;
- b) Sharing fees, except among colleagues who have collaborated;
- c) Establishing that the right to fees is conditional upon the results of the proceeding or business;

Article 50
Payment of fees

1. Fees shall be paid in money.
2. Lawyers may request advance payments on fees, by way of deposit, and, where this request is not met, they shall have the right to renounce the mandate.

Article 51
Provisions and responsibilities of lawyers for payment of costs and other charges

1. Provisions asked as advance fees or for payment of expenses shall not exceed a reasonable estimate of the likely final fees and expenses.
2. Lawyers may only be held accountable for the provisions that clients have made available for the purpose of paying expenses or any other charges and shall not be obliged to use the provisions they may have received from clients for payment of their fees as long as the clients are aware of the fact that such provisions have been allocated for payment of lawyers' fees.

Article 52
Restitution of documents and values to the client at the end of the mandate

1. Once the representation entrusted to lawyers ceases, lawyers shall return the documents, values or objects that may have been handed over to them and that are necessary for proving the client's case or whose retention may cause serious damages to the client.
2. As regards other values and objects under their custody, lawyers shall enjoy the right of retention in order to guarantee payment of fees and reimbursement of expenses.

Article 53
Duties vis-à-vis magistrates

1. Without prejudice to their independence, lawyers shall always treat magistrates with the respect owed to their function and shall abstain from interfering in their decisions either directly, in conversations or in writing, or through an intermediary, and they shall be considered as being the interested party itself.
2. Lawyers are particularly prevented from sending or causing to send to magistrates any memories or from resorting to disloyal methods for protecting the interests of the parties.

Article 54
Relations with witnesses

Lawyers shall be prevented from establishing contacts with witnesses or other intervening parties to the proceeding with the objective of instructing or influencing them, or otherwise altering their testimonial.

Article 55
Reciprocal duties among lawyers

1. The following shall constitute duties for lawyers in their reciprocal relations:
 - a) To act with the highest correction, civilness, and frankness, abstaining themselves from any personal attack, dishonorable criticism or depressing references;
 - b) Not to make public statements on a matter known to have been entrusted to another lawyer, save in the presence of the latter or with his or her prior consent;
 - c) To act with the highest loyalty, not attempting to obtain illegitimate or undue advantages for their own clients;
 - d) Not to contact or maintain relations, even in writing, with any opposing party represented by a lawyer, save where this has been previously authorized by the latter or is a result of a legal or contractual imposition;
 - e) Not to invoke in public, particularly in court, any failed transactional negotiations, either verbal or written, in which they have intervened as lawyers;
 - f) Not to sign opinions, procedural pieces, or other professional writings not made by them or in which they did not collaborate.
2. The duties referred to in paragraph 1 above shall also apply to lawyers and public defenders in their reciprocal relations.

CHAPTER VI
DISCIPLINE

Article 56
Disciplinary infraction

Lawyers who, by commission or omission, violate maliciously and culpably any of the duties provided for in the present statute and in other applicable legislation, shall be considered as having committed a disciplinary infraction.

Article 57

Legal Profession Management and Discipline Council

1. Until such time as the Bar Association is established, it shall be incumbent upon the Legal Profession Management and Discipline Council to exercise disciplinary power over lawyers.
2. The Legal Profession Management and Discipline Council shall be composed of five members, three of which shall be appointed by the Legal Training Centre, one appointed by the Lawyers Association of Timor-Leste, and one appointed on a rotative basis from among the non-governmental organizations that develop their activities in the area of Justice.
3. The Lawyers Association of Timor-Leste and each of the non-governmental organizations referred to in the preceding paragraph shall nominate one effective member and one alternate member to the Legal Profession Management and Discipline Council. The alternate member shall replace the effective member in the latter's absences or impediments.
4. The members of the Legal Profession Management and Discipline Council shall have a four-year term.
5. The Chairperson of the Legal Profession Management and Discipline Council shall be elected from among the members appointed by the Legal Training Centre.

Article 58

Competences of the Legal Profession Management and Discipline Council

Until such time as the Bar Association is established, it shall be incumbent upon the Legal Profession Management and Discipline Council to undertake the following activities, among other competences established in the present law:

- a) To issue lawyer's professional license at the request of the interested party;
- b) To organize a list of registered lawyers and keep it up-dated;
- c) To determine the professional dressing;
- d) To verify the existence of incompatibilities and impediments, in accordance with articles 36 and subsequent articles;
- e) To authorize the lifting of the professional secrecy, in accordance with article 41;
- f) To authorize that statements be made to the media;
- g) To initiate disciplinary proceedings against lawyers who violate the norms contained in the present law;
- h) To file civil liability suits, in accordance with article 66.

Article 59
Disciplinary action

1. The disciplinary procedure shall be initiated by decision of the Legal Profession Management and Discipline Council based on the knowledge of facts that are likely to amount to a disciplinary infraction.
2. Any lawyer-defendant may be assisted by a lawyer of his or her choice.
3. Until such time as the Bar Association and respective by-laws are established, discipline of lawyers shall be governed, *mutatis mutandis*, by the pertinent norms of the Statute of the Judicial Magistrates, with exception of the provisions of paragraphs 2 and 3 of its article 104.

Article 60
Determination of penalties

1. Lawyers shall be subject to the following penalties:
 - a) Admonition;
 - b) Fine up to 180 days;
 - c) Suspension up to two years;
 - d) Suspension for more than two years and up to fifteen years;
2. Enforced penalties shall always be registered.
3. Amnesties shall not prejudice the effects produced by the enforcement of penalties and they shall be annotated in the respective individual proceeding.
4. The penalty provided for in subparagraph a) of paragraph 1 may be enforced irrespective of the proceeding as long as a hearing has taken place and the person to be penalized has been given the possibility to defend himself or herself.

Article 61
Admonition penalty

The admonition penalty shall apply to offences of little gravity and shall consist in the mere reproof or reprehension for the irregularity committed and is intended to warn the lawyer that the committed action or omission may prejudice the exercise of his or her functions or may reveal itself to be incompatible with the dignity required of him or her.

Article 62
Fine penalty

1. The fine penalty shall apply to cases of negligence or disinterest in complying with the duties of the function which cannot be punished only by the admonition penalty.
2. The fine penalty shall vary between 5 and 50 US dollars per day.

Article 63
Suspension penalty

1. The suspension penalty shall consist in the prohibition to exercise the function of legal profession for a certain period of time.
2. The suspension penalty of up to two years shall apply to cases of serious negligence or serious disinterest in complying with the professional duties.
3. The suspension penalty for a period higher than two years and up to fifteen years shall be applicable where the lawyer, in the exercise of his or her functions:
 - a) Reveals such lack of honesty that seriously prejudices the good administration of justice or the interests of the assisted person;
 - b) Deliberately prejudices, by any means whatsoever, the person he or she is providing assistance for his or her own interest or for a third party's interest;
 - c) Has committed acts amounting to intentional crimes and has manifestly and seriously violated the duties of a lawyer.

Article 64
Appeals

Appeals against final decisions of the organs responsible for registration and certification of the exercise of the legal profession and for the exercise of the disciplinary power over lawyers shall be filed with the Court of Appeals, pursuant to the law.

CHAPTER VII
CRIMINAL AND CIVIL LIABILITY

Article 65
Crime of illicit exercise of the legal profession

1. A penalty of imprisonment of up to 3 years or of fine of up to 360 days shall be imposed on any person who, in violation of article 22:
 - a) Undertakes acts proper of the legal profession; or
 - b) Aids or collaborates in the exercise of acts proper of the legal profession.
2. The same penalty shall be imposed to any person who, without being legally registered and certified to exercise the legal profession, uses any type of identification of, or any reference to, the exercise of the legal profession arrogating to himself or herself, either expressly or tacitly, the quality of a lawyer.

Article 66
Civil liability

1. For purposes of civil liability, any acts committed in violation of article 22 shall be presumed as culpable acts.
2. The Legal Profession Management and Discipline Council has legitimacy to file civil suits in order to obtain compensation for damages against public interests the protection of which falls under its jurisdiction.
3. Compensations provided for in paragraph 2 above shall revert to the State.

CHAPTER VIII
FINAL AND TRANSITIONAL PROVISIONS

Article 67
Execution of a freedom-depriving measure

When serving a freedom-depriving measure lawyers shall be placed in a facility specifically intended for that purpose or under a regime of separation from other freedom-deprived citizens.

Article 68
Transitional period

1. During a transitional period of four years from the date of the publication of the present law, the exercise of the legal profession shall be permitted to individuals holding a bachelor's degree in law who register for that purpose with the Legal Profession Management and Discipline Council and who, regardless of the legal requirements, prove that they have already practiced acts of the legal profession before the entry into force of the present law.
2. For the purposes of paragraph 1 above, registration and proof of having exercised the legal profession shall be made before the Legal Profession Management and

Discipline Council. Proof shall be made upon production of certification issued by the Court certifying the practice of acts of the legal profession.

3. Applicants referred to in the previous paragraphs shall be issued a professional license the validity of which shall terminate at the end of the period referred to in paragraph 1 above.
4. Individuals referred to in the previous paragraphs who, after the timeframe provided for in paragraph 1 above has elapsed, cease to be able to exercise acts of the legal profession, shall inform the respective clients of such fact in order to enable them to obtain the assistance of a lawyer in due time.
5. In the cases referred to in paragraph 5 above, where values have been received in advance as fees or for the payment of expenses or of any other charges, any exceeding part of such values shall be returned to the client on the date in which the relevant clients receive the information referred to in paragraph 5 above.
6. During the transitional period, trainees registering themselves pursuant to paragraph 1 above shall not be subjected to the limitations imposed by paragraphs 3 and 4 of article 12 of the present statute.
7. Individuals referred to in the preceding paragraphs shall be obliged to comply with the provisions contained in any legislation or regulation relating to the exercise of the legal profession for their registration, namely the norms relating to duties and discipline provided for in chapters V and VI of the present statute.

Article 69

Establishment of the Bar Association

1. After the period of 3 years has elapsed and until such time as the Bar Association is established, the Government shall, upon advice of the Legal Training Centre, undertake adequate studies on an annual basis to assess whether the necessary conditions exist for the establishment of the Bar Association.
2. So long as the Bar Association is not established, the norms referring to the Bar Association or to its organs shall be understood as intended to the Legal Profession Management and Discipline Council.
3. The studies and advice referred to in paragraph 1 above shall be forwarded to the National Parliament.

Article 70

Sporadic exercise of the legal profession

1. Lawyers not registered pursuant to the present statute shall be allowed to sporadically exercise the legal profession provided they inform the entity in control of the proceeding that their clients prefer to be represented or assisted by him or her.
2. Sporadic exercise of legal profession shall mean any service not undertaken on a regular basis.

Article 71
Continued training

Continuous training constitutes a duty for lawyers and the Legal Training Centre should promote the organization of seminars, conferences and training courses to ensure the permanent updating of technical/juridical knowledge and deontological principles, including the prerequisites for the exercise of the legal profession.

Article 72
Headquarters and administrative services

1. The Government shall guarantee, from 2009, the necessary budget for the set-up of the headquarters and the functioning of the administrative services of the Legal Profession Management and Discipline Council.
2. Until such time as its headquarters is set-up, the Legal Profession Management and Discipline Council shall operate in the facilities of the Legal Training Centre.

Article 73
Society of Lawyers

The establishment and functioning of societies of lawyers shall be the object of a specific statute.

Article 74
Entry into force

The present statute shall enter into force ninety days after its publication.

Approved on 10 June 2008.

The Speaker of the National Parliament,

Fernando La Sama de Araújo

Promulgated on 14 July 2008

For publication.

The President of the Republic,

Dr. José Ramos-Horta