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| **Presidency of the RepublicCivil CabinetSubchefia for Legal Affairs** |

[**Law No. 1060, OF FEBRUARY 5, 1950.**](http://legislacao.planalto.gov.br/legisla/legislacao.nsf/Viw_Identificacao/lei%201.060-1950?OpenDocument)

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| [Text compiled](http://www.planalto.gov.br/ccivil_03/leis/L1060compilada.htm) | Establishes standards for the granting of legal aid to the needy. |

**THE PRESIDENT OF THE REPUBLIC:**

        I know that the Congress decrees and I sanction the following Law:

~~Article 1 The federal and state governments grant legal aid to the needy in terms of this Act~~

        Article 1. The federal and state governments, regardless of collaboration that can receive the municipalities and the Order of Lawyers of Brazil - OAB, grant legal aid to the needy under this Act [(Amended by Law No. 7510 of 1986)](http://www.planalto.gov.br/ccivil_03/leis/1980-1988/L7510.htm#art1)

        Article 2. Enjoy the benefits of this Act nationals or foreigners residing in the country, they need to resort to criminal justice, civil, military or work.

        Single paragraph. - It is needed for legal purposes, all those whose economic situation does not allow you to pay the court costs and attorney's fees, subject to support themselves or family.

        Article 3. Legal aid covers the following exemptions:

        I - judicial fees and stamps;

        II - the fees and expenses payable to judges, prosecutors and organs of justice clerks;

        III - expenditure on publications indispensable in charge of the newspaper publication of official acts;

        IV - the indemnities payable to witnesses, when employed, the employer will receive full salary as if they were in service, except the right regressive against the federal government, the Federal District and the Territories, or against public power state in the States ;

        V - lawyers' fees and experts.

        VI - the cost of the examination of the genetic code - DNA that is ordered by a judicial investigation of the actions of parenthood. [(Included by Law No. 10,317, 2001)](http://www.planalto.gov.br/ccivil_03/leis/LEIS_2001/L10317.htm#ART1)

        VII - deposits required by law to file an appeal, filing a lawsuit and other procedural inherent in the exercise of defense and the contradictory. [(Included by Complementary Law No. 132 of 2009).](http://www.planalto.gov.br/ccivil_03/leis/LCP/Lcp132.htm#art17)

        Single paragraph. The publication of a notice in a newspaper in charge of disclosure of official acts, as defined in item III, without publication in another journal. [(Included by Law No. 7288 of 1984)](http://www.planalto.gov.br/ccivil_03/leis/1980-1988/L7288.htm#art1)

~~Article 4 The part that you want to enjoy the benefit of legal aid, require the judge to grant them authority, stating in its application or salary income and charges that perceives themselves and the family.~~

        Article 4. The party will enjoy the benefits of legal aid by simple statement in itself application, that is unable to pay the court costs and attorney's fees, subject himself or his family. [(Amended by Law No. 7510, 1986)](http://www.planalto.gov.br/ccivil_03/leis/1980-1988/L7510.htm#art1)

        ~~§ 1 - The petition shall be appraised by a certificate stating the applicant is in need and can not afford the costs. This document will be sent, free of postage and handling fee, by the police or by the mayor.~~        ~~§ 1 The petition will be instructed by a certificate stating the applicant is in need and can not afford the costs. This document will be sent, free of postage and handling fee, by the police or by the Mayor, being dismissed in view of the employment contract evidencing that it realizes wages equal to or less than twice the legal minimum regional.~~[~~(Amended by Law No. 6707, 1979)~~](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6707.htm#art1)

        § 1. Presumably poor, until proven otherwise, those who assert this condition under this law, under penalty of up to ten times the legal costs. [(Amended by Law No. 7510 of 1986)](http://www.planalto.gov.br/ccivil_03/leis/1980-1988/L7510.htm#art1)

        ~~§ 2 - in state capitals and the Federal District, the Mayor's certificate of competency may be issued by expressly designated by the same authority.~~

        § 2. The challenge of the right to legal aid does not suspend the ongoing process and will be made ​​in case apart. [(Amended by Law No. 7510 of 1986)](http://www.planalto.gov.br/ccivil_03/leis/1980-1988/L7510.htm#art1)

        § 3 The presentation of the portfolio of labor and social security, legalized, where the judge will verify the need for the part, replace the certificates required under § § 1 and 2 of this article. [(Included by Law No. 6654 of 1979)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6654.htm#art1)

        Article 5. The judge, if no grounds to refuse the request, shall judge him to plan, motivating or not the approval within seventy-two hours.

        § 1. Granted the request, the judge determines that the legal aid service, organized and maintained by the state, where there indicate, within two days the lawyer who sponsor the cause of the needy.

        § 2. If there is no service in the state of legal aid, he maintained, it will be an indication to the Bar, for their State Sections or Subsections Municipal.

        § 3. In municipalities where there are no subsections of the Order of Lawyers of Brazil. the judge will make the appointment of the attorney who will sponsor the cause of the needy.

        § 4. Will be preferred for advocacy lawyer and indicate that the person declaring accept the charge.

        § 5 In states where legal aid is organized and maintained for them, the Public Defender, or whoever has charge equivalent will be notified personally of all acts of the process, in both instances, counting them twice in all deadlines. [(Included by Law No. 7871 of 1989)](http://www.planalto.gov.br/ccivil_03/leis/1989_1994/L7871.htm#art1)

        Article 6. The application, when made in the course of action, not to suspend, and the judge may, in the face of the evidence, grant or deny the benefit plan of care. The application in this case is assessed separately attaching to the respective cars to the main cause, after the incident resolved.

        Article 7. The opposing party may, at any stage of the litigation, requiring the withdrawal of welfare benefits provided to prove the absence or disappearance of the essential requirements to be granted.

        Single paragraph. Such request shall not suspend the course of action and will proceed in a manner determined at the end of Article 6. this Law

        Article 8. Occurring the circumstances mentioned in the previous article, the judge may, ex officio, order the revocation of benefits, after hearing the interested party within forty-eight hours extendable.

        Article 9. The benefits of legal aid comprises all acts of the process until the final decision of the case in all instances.

        Article 10. Individual and are granted in each case occurring benefits of legal aid, which does not convey to the assignee of law and extinguished by the death of the beneficiary may, however, be granted to the heirs who continue to demand and need for such favors, in manner established by this Law

        Article 11. The fees of attorneys and experts, court costs, legal fees and postage will be paid by the loser, when the winner recipient of assistance is in question.

        § 1. The attorney's fee shall be arbitrated by the court up to a maximum of 15% (fifteen percent) of the net profit in the execution of the sentence.

        § 2. The losing party may sue the winner to recover the costs, including attorney's fees, subject to proof that the latter lost the legal status of need.

        Article 12. The party benefited from the exemption from payment of fees will be obligated to pay them, provided they can do so without prejudice to support themselves or family, within five years from the date of final judgment, the assisted unable to fulfill such payment obligation will be prescribed.

        Article 13. If the assisted unable to answer, in part, the costs of the proceedings, Judge arrange to pay the costs that will be divided between those who are entitled to receive them.

        ~~Article 14. Lawyers for the assistance given or appointed by the Judge shall be required, except for good reason, at the discretion of the judge, to sponsor the cause of the needy, under penalty of Cr 200.00 (two hundred cruises) to Cr $ 1,000.00 (one thousand cruises) .
        § - The fines provided for in this Article shall inure to the benefit of the lawyer assuming sponsorship of the cause.~~

        Article 14. The professionals designated to carry the burden of legal or expert, as applicable, except for good reason provided by law or, in its absence, at the discretion of the competent judicial authority, are bound to their fulfillment, under penalty of Cr $ 1,000.00 (one thousand cruises) to Cr $ 10,000.00 (ten thousand cruise), subject to adjustment established in [Law No. 6205 of April 29, 1975](http://www.planalto.gov.br/ccivil_03/leis/L6205.htm), subject to appropriate disciplinary action. [(Amended by Law No. 6465 , 1977)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6465.htm#art1)

        § 1 In the absence of indication for care or by a party, the judge will ask the board of its class. [(Included by Law No. 6465 of 1977)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6465.htm#art1)

        § 2 The penalty provided in this article will benefit the professional to assume the charge in question. [(Renumbered to Section One, with new writing, by Law No. 6465 of 1977)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6465.htm#art1)

        Article 15. Are reasons for denial of the mandate by the lawyer appointed or appointed:

        § 1 - being unable to practice law.

        § 2 - be a proxy appointed by the other party or to her professional relationships of current interest;

        § 3 - need to be absent from the seat of judgment to serve another term previously granted or to defend their own interests unavoidable;

        § 4 - had already expressed his opinion in writing contrary to the law intends to plead to the needy;

        § 5 - be given to the other party a written opinion on the feud.

        Single paragraph. The refusal prompted the judge, who plan to grant permanent or temporary, or denegará.

        Article 16. If the lawyer to appear in court, does not display the mandate given by the instrument assisted the judge determines that exarem in the minutes of hearing the terms of that grant.

        Single paragraph. The power of attorney shall not be required when the party is represented in court by attorney integral entity of public law mandated under the law, to provide free legal aid, except: [(Included by Law No. 6248 of 1975)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6248.htm#art1)

        a) the acts referred to in [art. 38 of the Code of Civil Procedure](http://www.planalto.gov.br/ccivil_03/leis/L5869.htm#art38) ; [(Included by Law No. 6248 of 1975)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6248.htm#art1)

        b) the request for the opening of investigation for the crime of private action, the proposition prosecution or private offering representation for a crime against public guests. [(Included by Law No. 6248 of 1975)](http://www.planalto.gov.br/ccivil_03/leis/1970-1979/L6248.htm#art1)

        ~~Article 17. It will feature an interlocutory appeal against decisions made as a result of application of this Act, unless the decision is denial of care, in which case the offense is to petition.~~

        Article 17. It will appeal against decisions made ​​as a result of the application of this law, the appeal shall be received only in effect when the judgment remanding the grant request. [(Amended by Law No. 6014 of 1973)](http://www.planalto.gov.br/ccivil_03/leis/L6014.htm#art9)

        Article 18. Scholars of law, from the 4th grade, may be appointed for legal aid, or appointed by the court to assist the sponsorship of the causes of the needy, and shall be subject to the same obligations imposed by this Act to lawyers.

        Article 19. This Act shall come into force thirty days after their publication in the official Gazette of the Union repealed otherwise.

        Rio de Janeiro, February 5, 1950, 129 and 62 of the Independence of the Republic.

EURICO G. DUTRA *Adroaldo Mesquita da Costa*

This does not replace the text published in the Gazette of 13.02.1950