|  |  |
| --- | --- |
| Brastra.gif (4376 bytes) | **Presidency of the Republic Civil Cabinet Subchefia for Legal Affairs** |

[**Law No. 8906, FROM JULY 4, 1994.**](http://legislacao.planalto.gov.br/legisla/legislacao.nsf/Viw_Identificacao/lei%208.906-1994?OpenDocument)

|  |  |
| --- | --- |
|  | Treats of the Statute Law and the Order of Lawyers of Brazil (OAB). |

**THE PRESIDENT OF THE REPUBLIC,** I know that the Congress decrees and I sanction the following law:

TITLE I

Advocacy

CHAPTER I

Activity Advocacy

        Article 1 These are private advocacy activities:

        I - the postulation to [~~any~~](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127) organ of the Judiciary and the special courts; [(See ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)

        II - consulting activities, legal advice and direction.

        § 1 does not include the activity of private advocacy petition of habeas corpus in any court or tribunal.

§ 2 The constitutive acts and contracts of corporations, under penalty of nullity, may be admitted to record in bodies, when pursued by lawyers.

        § 3 It is forbidden to disseminate advocacy in conjunction with another activity.

        2 The attorney is indispensable to the administration of justice.

        § 1 In his private ministry, the attorney serves public and exerts social function.

        § 2 In the lawsuit, the attorney contributes, in postulating decision favorable to his client, to convince the judge, and his acts constitute munus public.

        § 3 In the profession, the lawyer is inviolable for his actions and manifestations, within the limits of the law.

        Article 3 The exercise of advocacy activity in Brazil and the name of the lawyer are private enrolled in the Order of Lawyers of Brazil (OAB)

        § 1 Wield activity advocacy, subject to the rules of this law, and the system itself that is subordinate, members of the Attorney General's Office, the Attorney of the National Treasury, Public Defenders and Prosecutors and Consulting Legal States , Federal District, the Municipalities and the respective indirect administration entities and foundations.

        § 2 The advocacy intern, regularly enrolled, can perform the acts referred to in art. 1, the general shape of the regiment, in conjunction with and under the responsibility of this attorney.

        Article 4 shall be automatically void the acts of private attorney practiced by anyone not enrolled in OAB, subject to civil penalties, criminal and administrative.

        Single paragraph. They are also null and void acts done by a lawyer prevented - under the impediment - suspended, or licensed to go to exercise activity incompatible with the law.

        Article 5 The lawyer postulates, in court or out, making proof of office.

        § 1 The lawyer, saying urgently, can act without proxy, forcing himself to present it within fifteen days, renewable for an equal period.

        § 2 The attorney for the forum in general enables the lawyer to perform all judicial proceedings in any court or agency, except those requiring special powers.

        § 3 The lawyer who resign from office will continue during the ten days following the notification of resignation, to represent the client, unless it is replaced before the end of that period.

CHAPTER II

Rights Lawyer

        Article 6 There is no hierarchy or subordination among lawyers, judges and prosecutors, should all treat each other with mutual respect and consideration.

        Single paragraph. The authorities, civil servants and clerks should dispense justice to the lawyer, the profession, treatment compatible with the dignity of the law and appropriate conditions to its performance.

        Article 7 The rights of the lawyer:

        I - exercise, with freedom, the profession throughout the country;

~~II - have observed, in the name of freedom and defense of professional secrecy, the sanctity of your office or workplace, your files and data from your correspondence and your communications, including telephone or similar, except in cases of search or magistrate determined by seizure and accompanied by representative of OAB;~~

II - the sanctity of their office or workplace, as well as their tools, their written correspondence, electronic, telephone and telematics, since for the practice of law; [(Amended by Law No. 11,767, 2008)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11767.htm#art1)

        III - communicate with your customers, personally and privately, even without proxy, when they find themselves arrested, detained or collected in civilian or military, although considered incommunicado;

        IV - to have the presence of representative of OAB, when caught red-handed, for reasons linked to the practice of law, for issuance of its self, under penalty of nullity, and in other cases, to express communication to the sectional OAB;

        V - not be taken prisoner, before final judgment, except in room Staff, with decent facilities and amenities, [~~well recognized by OAB,~~](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127) and, failing that, under house arrest; [(See ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)

        VI - freely enter:

        a) in the halls of the court sessions, even beyond cancelos separating the part reserved for magistrates;

        b) in rooms and dependencies hearings, secretaries, notaries, crafts justice, notary and registration services, and in the case of police stations and prisons, even off-duty time and regardless of the presence of the holders thereof;

        c) in any building or enclosure in which the judicial function or other public service where the lawyer should act or practice scoop evidence or information useful to the exercise of professional activity within or outside office hours, and be granted, provided that this ache any servant or employee;

        d) in any assembly or meeting that is participating or may participate in your client, or to whom it should appear, since armed with special powers;

        VII - remain sitting or standing and withdraw from any premises specified in the preceding item, regardless of license;

        VIII - go directly to the magistrates in the classrooms and offices, regardless of previously scheduled time or another condition, observing the order of arrival;

~~IX - orally sustain the reasons for any action or proceeding, the trial sessions, the rapporteur after vote in judicial or administrative proceedings for a period of fifteen minutes, unless more time is granted;~~[(See ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)    [( See ADIN 1105-7)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1105&processo=1105)

        X - to speak in the order in any court or by summary action to clarify misconception or doubts arising in relation to facts, documents or statements influencing the trial and to replicate or censorship accusation that you are asked;

        XI - complain verbally or in writing, before any court, tribunal or authority, against the breach of obligation of law, regulation or statute;

        XII - talking, sitting or standing in court, tribunal or body of collective deliberation Public Administration or Legislature;

        XIII - examine, in any court of the Judicial and Legislative, Public Administration or in general, records of cases completed or in progress, even without proxy, when not subject to secrecy, assured to obtain copies, may take notes;

        XIV - look at any police office, even without proxy, and flagrant acts of investigation, completed or in progress, although conclusive authority, can copy parts and take notes;

        XV - have a view of judicial or administrative proceedings of any nature, in office or in the office concerned, or remove them by legal deadlines;

        XVI - remove records of completed cases, even without proxy, for ten days;

        XVII - be publicly atoned when offended in the profession or because of it;

        XVIII - use the symbols of the private legal profession;

        XIX - refuse to testify as a witness in proceedings in which work or should work, or on fact related person who is or was a lawyer, even when authorized or requested by a constituent, as well as on the fact that constitutes professional secrecy;

        XX - withdraw from the room where you are waiting for trading judicial act, after thirty minutes of the appointed time and which still has not appeared that the authority should preside over it, upon notice filed in court.

        § 1 does not apply the provisions of sections XV and XVI:

        1) processes under the regime of secrecy;

        2) when there are original documents in case of difficult restoration occur or relevant circumstance justifying the stay of proceedings in the office, department or division, recognized by the authority in order motivated, delivered a letter by representation or by request of the interested party;

        3) until the end of the process, the lawyer who left there to return their cars within the statutory period, and only do so after subpoenaed.

        § 2 The lawyer has professional immunity and does not constitute libel, defamation [~~or contempt~~](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127) punishable any manifestation of his part in the exercise of their activity, in or out of court, without prejudice to any disciplinary action before the OAB, the excesses they commit. [(Vide ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)

        § 3 The lawyer can only be caught in the act, by reason of the profession, in case of non-bailable offense, as set forth in section IV of this article.

        § 4 The Judiciary and the Executive Branch should install in all courts, boards, courts, police stations and prisons, special rooms for permanent lawyers, using [~~control and~~](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127) secured the OAB. [(See ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)

        § 5 If the offense enrolled in OAB, the profession or job function or organ of OAB, competent counsel should promote public reparation of the victim, without prejudice to the criminal liability incurred by the offender.

§ 6 the   Gifts evidence of authorship and materiality of a crime on the part of counsel competent judicial authority may prescribe breaking the inviolability mentioned in section II of the **caput** of this Article, a decision motivated by issuing warrant of search and seizure, specific and detailed, to be completed in the presence of representative of OAB, and, in any event, the use of sealed documents, media and objects belonging to clients of the lawyer examined, as well as other working tools containing information about customers . [(Included by Law No. 11,767, 2008)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11767.htm#art1)

        § 7 the   The exception contained in § 6 to this article does not extend to clients of the lawyer ascertained that they are being formally investigated as its participants or co-authors for the same offense that gave rise to the breach of the inviolability. [(Included by Law No. 11,767, 2008)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11767.htm#art1)

        § 8 the  [(vetoed)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Msg/VEP-594-08.htm)[(Included by Law No. 11,767, 2008)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11767.htm#art1)

        § 9 the  [(vetoed)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Msg/VEP-594-08.htm)[(Included by Law No. 11,767, 2008)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11767.htm#art1)

CHAPTER III

Enrollment

        Article 8 To register as an attorney is necessary:

        I - civil capacity;

        II - diploma or certificate of graduation in law, obtained in an educational institution accredited and officially authorized;

        III - voter registration and discharge from military service, is Brazilian;

        IV - Approval Order for Examination;

        V - no exercise activity incompatible with the law;

        VI - moral character;

        VII - commitment to provide advice.

        § 1 The Order of Examination is regulated provision of the Federal Council of OAB.

        § 2 The Brazilian or foreign, if not have a law degree in Brazil, must show title graduation, obtained in foreign institution, duly revalidated, and meet the other requirements of this article.

        § 3 The moral unfitness, raised by anyone, must be declared by a decision to obtain at least two-thirds vote of all members of council jurisdiction in proceedings that comply with the terms of the disciplinary proceedings.

        § 4 It meets the requirement of good moral character who has been convicted of infamous crime, unless judicial rehabilitation.

        Article 9 To register as a trainee is required:

        I - fulfill the requirements mentioned in Sections I, III, V, VI and VII of the art. 8;

        II - have been admitted on probation professional advocacy.

        § 1 The traineeship advocacy, lasting two years, conducted in recent years the legal course, can be maintained by the respective higher education institutions by the Board of OAB, or sectors, legal bodies and law firms accredited by OAB, being required to study these Bylaws and Code of Ethics and Discipline.

        § 2 The inscription is made in the trainee Sectional Council in whose territory it lies in its legal course.

        § 3 The student who performs ongoing legal activity incompatible with advocacy can attend the training given by the respective institution of higher education, for learning purposes, not permitted to register in OAB.

        § 4 The traineeship can be completed by Bachelor of Law who wants to enroll in the Order.

        Article 10. The main application of attorney must be made at the Sectional Council in whose territory they seek to establish his place of business, in the form of the General Regulation.

        § 1 It is home to headquarters of professional advocacy activity, prevailing in doubt, the domicile of the individual lawyer.

        § 2 In the main, the lawyer should further promote enrollment in Sectional Councils in whose territories spend habitually exercises the profession considering habitualness judicial intervention that causes exceed five per year.

        § 3 For effective change of domicile to another professional federative unit, the lawyer must request the transfer of your subscription to the Sectional Council accordingly.

        § 4 The Sectional Council shall suspend the application for transfer of registration or additional to verify the existence of defect or illegality in the registration page, against her representing the Federal Council.

        Article 11. Cancels the registration of professional:

        I - so requests;

        II - suffer penalty of exclusion;

        III - died;

        IV - spend exercising, permanently, activity incompatible with the law;

        V - losing any of the requirements for registration.

        § 1 If there is one hypothesis of items II, III and IV, the cancellation should be promoted, ex officio, by competent counsel or due to communication by anyone.

        § 2 In the case of new application - it does not restore the previous registration number - the applicant must prove the requirements of sections I, V, VI and VII of the art. 8.

        § 3 In the case of item II of this article, a new application must also be accompanied by evidence of rehabilitation.

        Article 12. Licenses to the professional:

        I - so requires, for good reason;

        II - going to pursue, on a temporary basis, activity incompatible with the practice of law;

        III - suffer mental illness considered curable.

        Article 13. The professional identity document, as provided in the General Regulation of use is required in the exercise of activity or trainee lawyer and civil constitutes proof of identity for all legal purposes.

        Article 14. The indication of the name and registration number on all documents signed by the lawyer in the exercise of their activity.

        Single paragraph. You may not advertise or disclose any activity related to the practice of law or the use of the term law firm, unless instructed by name and registration number of lawyers that integrate or registration number of the law firm in OAB.

CHAPTER IV

From Law Firm

        Article 15. Lawyers can meet in civil service provision of law, in a disciplined way this law and regulation in general.

        § 1 The law firm acquires legal personality with the registry approved its incorporation in Sectional Council of OAB in whose territorial base is thirsty.

        § 2 applies to the law firm's Code of Ethics and Discipline, as applicable.

        § 3 of attorney must be granted to individual lawyers and state society of which they are part.

        § 4 No lawyer can integrate more than a law firm with headquarters or branches in the same territorial area of ​​the respective Sectional Council.

        § 5 The act of constituting branch must be registered in the register of the company and filed with the Board Sectional where they settle, leaving the partners required to further enrollment.

        Lawyers § 6 members of the same professional society can not represent clients in court opposing interests.

        Article 16. Not be eligible for registration, nor may work, law firms that have commercial form or characteristics, that adopt fancy name, which undertake activities to foreign lawyers, including partner not registered as a lawyer or advocate totally forbidden.

        § 1 The corporate name must include the name of at least one lawyer responsible for the society and may remain of the deceased partner, since such a possibility provided in the charter.

        § 2 The licensing partner to perform activity incompatible with the law on a temporary basis shall be recorded in the registry of the society, not changing its constitution.

        § 3 is prohibited registration in the civil registration records of corporations and joint commercial, company that includes, among other purposes, the activity of advocacy.

        Article 17. Besides the company, the partner responds subsidiary and unlimitedly for damage caused to customers by act or omission in the practice of law, without prejudice to disciplinary liability it may incur.

CHAPTER V

Employee's Lawyer

        Article 18. The employment relationship, as a lawyer, does not remove the exemption reduces the technical or professional independence inherent in advocacy.

        Single paragraph. Attorney employee is not required to provide professional services of personal interest of employers, outside the employment relationship.

        Article 19. The minimum wage lawyer's professional judgment shall be set in regulations, unless adjusted in agreement or collective bargaining agreement.

        Article 20. The working hours of the employee lawyer, the profession, may not exceed the daily duration of four continuous hours and twenty hours per week, unless collective agreement or in case of exclusive dedication.

        § 1 For the purposes of this article, it is considered as hours of work time in which the lawyer is available to the employer, pending or executing orders, in your office or on the road and being reimbursed the expenditure incurred on transportation, lodging and food.

        § 2 The hours worked in excess of the ordinary working day is paid for not less than an additional one hundred percent of the value of regular time, even if there is a written contract.

        § 3 The hours worked during the twenty hours a day until five o'clock the next day are paid as night, plus an additional twenty-five percent.

        Article 21. In cases where the employer is a party, or person represented by this, the fees are due to collapsing of lawyers employed.

        Single paragraph. The fees of collapsing, perceived lawyer employed by a law firm are shared between him and the employer, as provided in the agreement.

CHAPTER VI

Of Attorneys Fees

        Article 22. Providing professional service assures enrolled in OAB agreed entitlement to fees, set by the arbitration court and the tax loss.

        § 1 The lawyer, when indicated to sponsor because of legally needed, in case of failure of the Public Defender in local service provision, is entitled to the fees set by the judge, according to table organized by the Sectional Council of OAB, and paid by the State.

        § 2 In the absence of any stipulation or agreement, the fees are fixed by arbitration court in remuneration compatible with the work and the economic value of the issue can not be lower than those set in the table organized by the Sectional Council of OAB.

        § 3 Unless otherwise agreed, a third of the fee is due at the beginning of the service, another third to the lower court decision and the remainder at the end.

        § 4 If the lawyer does adduce as evidence his fee contract before shipping to the warrant lifting or precatory, the court must determine that you are paid directly by deducting the amount to be received by the constituent unless he proves already paid them.

        § 5 The provisions of this Article shall not apply in the case of mandate issued by a lawyer for defense in proceedings arising from an act or omission committed in the profession.

        Article 23. The fees included in sentencing by arbitration or succumbing belong to the lawyer, and this autonomous right to enforce the judgment in this part, may require that the precatory, when necessary, be issued in their favor.

        Article 24. The court decision fixing or arbitrate fees and stipulate that the written contract are enforceable and constitute preferential claim in bankruptcy, receivership, contest creditors, insolvency and civil-court settlement.

        § 1 The execution of the fees can be promoted in the same action in the case that the lawyer acted, if it suits you.

        § 2 In the event of death or incapacity of the civil lawyer's fees collapsing, commensurate with the work performed, are greeted by their legal representatives or successors.

        § 3 void any provision, clause, regulation or convention individual or collective pull of the right to receive attorney fees tax loss.

        § 4 The agreement made by the client of the lawyer and the other party, except acquiescence of professional, does not affect the fees, whether agreed or awarded by the sentence.

        Article 25. Prescribes in five years the collection action for attorney's fees, counting the term:

        I - the expiration of the contract, if any;

        II - the final and unappealable decision that set;

        III - the finalization of extrajudicial service;

        IV - the withdrawal or transaction;

        V - the resignation or termination of the mandate.

Article 25-A. Prescribes in five years the share of accountability for monies received by the lawyer of his client, or others on his behalf (art. 34, XXI). [(Included by Law No. 11,902, 2009)](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2009/Lei/L11902.htm#art1)

        Article 26. The lawyer substabelecido with reserve powers, fees may be charged without the intervention of the one who gave him the substitution.

CHAPTER VII

Of Incompatibilities and Impediments

        Article 27. The incompatibility determines the total ban, and the impediment, the partial ban on practicing law.

        Article 28. Advocacy is incompatible, even in his own cause, with the following activities:

        I - the chief executive and members of the Board of the Legislature and their legal substitutes;

        II - members of organs of the judiciary, prosecutors, courts and councils of all, the special courts, justice of the peace, judges classist, as well as all the function of exercising judgment in decision-making bodies of public administration conference direct and indirect; [(See ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)

        III - officeholders or management functions in public administration bodies directly or indirectly, in its foundations and its subsidiary companies or public utilities;

        IV - officeholders or functions linked directly or indirectly to any organ of the Judiciary and performing notary and registration services;

        V - officeholders or functions directly or indirectly linked to police activity of any kind;

        VI - any kind of military, both active;

        VII - officeholders or functions that have jurisdiction Release, collection or enforcement of taxes and contributions parafiscal;

        VIII - occupants of leadership and management roles in financial institutions, including private.

        § 1 The incompatibility remains even if the incumbent ceases to function or exercise it temporarily.

        § 2 does not include the assumptions of section III that do not hold the power of decision on relevant interests of a third party, in the opinion of competent counsel of OAB, as well as academic administration directly related to teaching law.

        Article 29. Prosecutors General, Attorneys General, Advocates General and heads of legal bodies of public administration directly, indirectly and are entirely legitimate foundational to the practice of law to function linked to exercise, during the investiture.

        Article 30. Are prevented from practicing law:

        I - the servers of the direct, indirect and foundational, against the Revenue that the remunerate is bound or to which the employer;

        II - the members of the Legislature, in its different levels, or against the legal entities of public law, public companies, joint stock companies, public foundations, parastatal entities or concessionaires or permittees of public service.

        Single paragraph. Not included in the assumptions of item I faculty of law courses.

CHAPTER VIII

Ethics of the Lawyer

        Article 31. The lawyer must proceed in a manner that makes it deserving of respect and contribute to the prestige class and advocacy.

        § 1 The lawyer, the profession must maintain independence in all circumstances.

        § 2 No fear of displeasing the magistrate or any authority, nor to incur unpopularity, the lawyer must hold in practice.

        Article 32. The attorney is responsible for acts that, in exercising professional practice of intentional fault.

        Single paragraph. In case of reckless deal, the lawyer shall be jointly liable with its client, since this related to damage to the opposing party, which will be determined in the action itself.

        Article 33. The lawyer agrees to comply strictly with the obligations set out in the Code of Ethics and Discipline.

        Single paragraph. The Code of Ethics and Disciplinary regulates the duties of the attorney to the community, customers, other professional and also advertising, sponsorship refusal, the legal duty of the general duty of urbanity and their disciplinary procedures .

CHAPTER IX

Infractions and Disciplinary Sanctions

        Article 34. Constitute disciplinary offense:

        I - the occupation, when prevented from doing so, or facilitating, by whatever means, to exercise its unregistered, prohibited or prevented;

        II - to maintain professional society outside the rules and principles established in this law;

        III - draw on bookie causes through participation in fees receivable;

        IV - raise or capture causes, with or without the intervention of third parties;

        V - intended to sign any written judicial or extrajudicial order not to have done, or has not cooperated;

        VI - advocating against literal provision of law, assuming good faith when based on unconstitutionality, the injustice of the law or judicial pronouncement earlier;

        VII - violating, without cause, professional secrecy;

        VIII - establish understanding with the other party without consent of the client or the lawyer science contrary;

        IX - harm by negligence, interest entrusted to his sponsorship;

        X - lead, consciously, by its own act, the cancellation or invalidation of the process that works;

        XI - abandon the cause without due cause or until ten days of notification of withdrawal;

        XII - refuse to pay, without due cause, legal assistance, when appointed because of inability of the Public Defender;

        XIII - to publish in the press, and usually unnecessary, or claims related to forensic cases pending;

        XIV - misrepresent the content of device law, doctrinal or citation dismissed, and depositions, documents and pleadings of the opposing party, to confuse opponents or dodge the trial judge;

        XV - make on behalf of a constituent, without the written permission of this, the third imputation actually defined as a crime;

        XVI - fail to comply within the prescribed period, determination emanating from the organ or authority of the Order in this matter for after duly notified;

        XVII - providing competition to clients or third parties to perform or act contrary to the law aimed at her diaper;

        XVIII - solicit or receive any constituent of importance for implementation unlawful or dishonest;

        XIX - receive values, the opposing party or a third party related to the object of the mandate, without express permission of the constituent;

        XX - indulge themselves, for any event, at the expense of customer or other party, by itself or intermediary;

        XXI - refuse, without justification, to account to client monies received from him or a third party on his behalf;

        XXII - retain, abused, or stray records received in cash or in trust;

        XXIII - stop paying contributions, fines and service prices due to OAB, after duly notified to do so;

        XXIV - focus on repeated errors evidencing professional ineptitude;

        XXV - keep conduct inconsistent with the law;

        XXVI - make fake proof of any of the requirements for enrollment in OAB;

        XXVII - become morally disreputable to the practice of law;

        XXVIII - practicing infamous crime;

        XXIX - practicing, the trainee act excess of their entitlement.

        Single paragraph. This includes conduct inconsistent:

        a) repeated practice of gambling, unauthorized by law;

        b) incontinence public and scandalous;

        c) habitual drunkenness or drug addiction.

        Article 35. Disciplinary measures include:

        I - censorship;

        II - suspension;

        III - exclusion;

        IV - fine.

        Single paragraph. Sanctions should include the settlements of the enrollee, after the decision becomes final and can not be the object of censure advertising.

        Article 36. Censorship is applicable in cases of:

        I - offenses defined in sections I through XVI and XXIX of art. 34;

        II - the precept violation of the Code of Ethics and Discipline;

        III - the precept violation of this law, when for the offense has not established a more severe penalty.

        Single paragraph. Censorship can be converted into warning in craft booked, no record of the settlements entered when this mitigating circumstance.

        Section 37. The suspension is applicable in cases of:

        I - offenses defined in sections XVII XXV of the art. 34;

        II - recidivism in disciplinary infraction.

        § 1 The suspension entails the offender interdiction exercise professional, throughout the national territory for a period of thirty days to twelve months, according to the criteria of individuation under this chapter.

        § 2 In the cases set forth XXI and XXIII of art. 34, the suspension lasts until fully satisfy the debt, including indexation.

        § 3 In the case of item of Article XXIV. 34, the suspension lasts until providing new evidence of qualification.

        Article 38. The exclusion applies in cases of:

        I - application by three times, the suspension;

        II - offenses defined in subsections XXVI XXVIII of the art. 34.

        Single paragraph. For the application of disciplinary exclusion requires the demonstration of two thirds of the members of the Sectional Council jurisdiction.

        Article 39. The fine, which varies between a minimum value corresponding to a maximum of annuity and its tenfold applies cumulatively to censure or suspension, upon aggravating circumstances.

        Article 40. In the application of disciplinary measures, are considered for mitigation, the following circumstances, among others:

        I - misconduct in the defense of professional prerogative;

        II - no previous disciplinary punishment;

        III - exercise diligent and proficient in office or position in any organ of OAB;

        IV - providing relevant services to the legal profession or the public cause.

        Single paragraph. The professional background of the enrollee, the mitigating circumstances, the degree of guilt revealed by him, the circumstances and the consequences of infraction are considered for the purpose of deciding:

        a) the appropriateness of cumulative application of fines and other disciplinary action;

        b) on the sleep time and the amount of the fine applicable.

        Article 41. Is it allowed to have suffered any disciplinary require one year after its implementation, rehabilitation, effective in the face of evidence of good behavior.

        Single paragraph. When the result of the disciplinary commission of a crime, the request for rehabilitation also depends on the corresponding criminal rehabilitation.

        Article 42. It is unable to discharge the mandate the professional to whom they are applied disciplinary sanctions of suspension or exclusion.

        Article 43. The claim to prescribe punishment of disciplinary infractions within five years from the date of official confirmation of the fact.

        § 1 applies to the entire disciplinary process prescription paralyzed for more than three years, pending order or judgment shall be filed ex officio or upon request of the interested party, without prejudice to the responsibilities of being cleared by stoppage.

        § 2 The prescription shall be interrupted:

        I - for the initiation of disciplinary proceedings or by valid notification made directly to the principal;

        II - the conviction appealed in any court or judge of OAB.

TITLE II

The Order of Lawyers of Brazil

CHAPTER I

Of the Organization and Purposes

        Article 44. The Order of Lawyers of Brazil (OAB), public service, legal personality and federative form, aims to:

        I - defend the Constitution, the law of the democratic rule of law, human rights, social justice, and strive for good law enforcement, the rapid administration of justice and the improvement of culture and legal institutions;

        II - promoting, uniquely, representation, advocacy, selection and discipline of lawyers across the Federative Republic of Brazil.

        § 1 The OAB does not hold with any organs of government bond functional or hierarchical.

        § 2 The use of the acronym Private OAB is the Order of Lawyers of Brazil.

        Article 45. The bodies of OAB:

        I - the Federal Council;

        II - the Sectional Councils;

        III - the subsections;

        IV - Boxes of Lawyers Assistance.

        § 1 The Federal Council, endowed with legal personality, based in the capital of the Republic, is the supreme organ of OAB.

        § 2 Sectional Councils, endowed with legal personality, have jurisdiction over the respective territories of the Member States, the Federal District and the Territories.

        § 3 The subsections are autonomous parts of the Sectional Council, in accordance with this law and its constitutive act.

        § 4 The Cash Assistance Lawyers, endowed with legal personality, are created by the Sectional Councils, when they rely on more than fifteen hundred subscribers.

        § 5 The OAB because it constitutes public service, enjoys immunity total tax relative to their assets, incomes and services.

        § 6 The acts of the organs of OAB conclusive unless reserved or internal administration, to be published in print or posted on the official forum, in full or in summary.

        Article 46. Compete with OAB determine and collect from their subscribers, contributions, service prices and fines.

        Single paragraph. Is enforceable extrajudicial the certificate issued by the competent board of the Council on credit provided in this article.

        Article 47. The payment of the annual contribution to the OAB exempts registered at their tables in mandatory payment of union dues.

        Article 48. The position of advisor or board member of an organ of OAB is free and compulsory exercise, considered relevant public service, including for purposes of retirement and availability.

        Article 49. The chairmen of the boards and Subsections of OAB have standing, judicially and extrajudicially, against any person who violates the provisions or purposes of this Act.

        Single paragraph. The authorities mentioned in this article are also entitled to intervene, even as assistants in investigations and trials as they are indicted, accused or aggrieved enrollees in OAB.

        Article 50. For purposes of this law, the chairmen of the boards of OAB and Subsections may request copies of parts cars and documents to any court, magistrate, notary public and the authorities with direct, indirect and basic. [(See ADIN 1127-8)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=1127&processo=1127)

CHAPTER II

Federal Council

        Article 51. The Federal Council is composed of:

        I - the federal councilors, members of the delegation of each federal unit;

        II - of its former presidents, acting as honorary members for life.

        § 1 Each delegation consists of three federal advisers.

        § 2 former presidents are entitled only to the voice sessions.

        Article 52. The presidents of the Sectional Councils, the Federal Council meetings, are held by the delegation reserved its right and only the voice.

        Article 53. The Federal Council has defined its structure and functioning of the General Regulation of OAB.

        § 1 The President, in the deliberations of the Council only has the casting vote.

        § 2 The vote is taken under delegated powers, and can not be exercised in matters of interest to represent unity.

§ 3 to the election for the choice of the Federal Executive Council, each member of the delegation shall be entitled to one (1) vote, forbidden to honorary members for life. [(Included by Law No. 11,179, 2005)](http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Lei/L11179.htm#art1)

        Article 54. The Board Federal:

        I - give effect to the purposes of OAB;

        II - represent, in or out of court, individual or collective interests of lawyers;

        III - ensuring the dignity, independence, powers and enhancement of advocacy;

        IV - represents, exclusively, the Brazilian lawyers in the organs of law and international events;

        V - edit and amend the General Regulations, the Code of Ethics and Discipline, and provisionses it deems necessary;

        VI - to adopt measures to ensure the smooth functioning of the Sectional Councils;

        VII - intervene in the Sectional Councils, where and when to see a serious violation of this law or regulation generally;

        VIII - revoke or modify, ex officio or through representation, any act, organ or authority of OAB, contrary to this law, the general regulation, the Code of Ethics and Discipline, and provisionses, heard the authority or body concerned ;

        IX - judge, on appeal, the issues decided by the Sectional Councils, in the cases provided for herein and in the general;

        X - provide for the identification of those enrolled in OAB and symbols on their private;

        XI - to consider the report and decide on the balance sheet and accounts of its board;

        XII - or arrange to meet approved annual report, balance sheet and accounts of the Sectional Councils;

        XIII - draw up lists constitutionally provided for, to fill the positions in the judicial courts of national or interstate, with lawyers who are in full exercise of the profession, prohibited the inclusion of the name of a member of the Board or other body of OAB;

        XIV - judge direct action of unconstitutionality of laws and normative acts, civil action, collective writ of mandamus, injunction and other shares whose legitimacy will be conferred by law;

        XV - collaborate with the improvement of legal courses, and opine previously in applications submitted to the competent authorities for the creation, recognition or accreditation of these courses;

        XVI - authorize, by an absolute majority of delegations, encumbrance or disposition of its assets;

        XVII - participate in public tenders, as provided by the Constitution and the law, in all its stages, when they are nationwide or interstate;

        XVIII - resolve any omissions herein.

        Single paragraph. The assistance referred to in section VII of this article requires prior approval by two thirds of the delegations, guaranteed the full rights of defense of the respective Sectional Council, naming himself interim board to run that fix.

        Article 55. The board of the Federal Council is composed of a President, a Vice President, a Secretary General, a Secretary General and a Treasurer.

        § 1 The President has national representation and the International Bar Association, having to call the Federal Council, presiding over it, represent it actively or passively, in or out of court, to promote his administration sheet and give effect to its decisions .

        § 2 The General Regulation defines the responsibilities of board members and order replacement in case of vacancy, leave, absence or incapacity.

        § 3 In the deliberations of the Federal Council, board members vote as members of their delegations, and the Chairman, only the casting vote and the right to overrule the decision, if it is not unanimous.

CHAPTER III

Council Sectional

        Article 56. The Sectional Council is composed of directors in proportion to their subscribers, according to criteria established in the general.

        § 1 are honorary lifetime members of their former presidents, only the right to speak in their sessions.

        § 2 The President of the Institute of Local Lawyers is an honorary member, only the right to speak at Council meetings.

        § 3 When present at meetings of the Sectional Council, the President of the Federal Council, the Federal Councillors members of his delegation, the President of Housing Assistance Lawyers and the Chairmen of Subsections have a voice.

        Article 57. The Sectional Council notes and exercises on its territory, skills, fences and functions assigned to the Federal Council, as appropriate and within its territorial jurisdiction and materials, and standards outlined in this law, the general regulation, the Code of Ethics and Discipline, and provisionses.

        Article 58. Incumbent upon the Sectional Council:

        I - edit your bylaws and resolutions;

        II - create subsections and Cash Assistance Lawyers;

        III - judge, on appeal, the issues decided by the President, by its board, the Court of Ethics and Discipline, by the boards of subsections and the Assistance of Lawyers;

        IV - monitor the implementation of the recipe, enjoy the annual report and decide on the balance sheet and accounts of its board, the boards of subsections and the Assistance of Lawyers;

        V - set the schedule of fees, valid for the whole state;

        VI - to complete the Exam Order;

        VII - decide applications for inclusion in the tables of lawyers and trainees;

        VIII - keep records of their subscribers;

        IX - to fix, change, and receive mandatory contributions, service prices and fines;

        X - participate in the preparation of tenders, in all its phases, as provided by the Constitution and laws within its territory;

        XI - to determine, exclusively, criteria for the costume of lawyers in professional practice;

        XII - modify and approve its annual budget;

        XIII - define the composition and functioning of the Ethics and Discipline, and choose its members;

        XIV - elect lists constitutionally provided for, to fill the positions in courts of justice within the framework of its competence and in the form of Provision of the Federal Council, prohibited the inclusion of members of the Board and any other body of OAB;

        XV - intervene in Subsections and Cash Assistance Lawyers;

        XVI - perform other duties set forth in the General Regulation.

        Article 59. The board of the Sectional Council has identical composition and powers equivalent to those of the Federal Council, in the form of bylaws that.

CHAPTER IV

Subsection

        Article 60. Subsection can be created by the Sectional Council fixing its land area and boundaries of competence and autonomy.

        § 1 The territorial area of ​​Subsection may cover one or more counties, or part thereof, including the state capital, with a minimum of fifteen lawyers, professionally domiciled therein.

        § 2 Subsection is managed by a board with powers and composition of the board equivalent to the Sectional Council.

        § 3 If there is more than one hundred attorneys, Subsection can be integrated also by a council in number of members fixed by the Board Sectional.

        § 4 The amounts referred to in § § 1 and 3 of this Article may be extended, as provided in the bylaws of the Sectional Council.

        § 5 The Board Sectional fix in your budget, appropriations for the maintenance of specific subsections.

        § 6 The Sectional Council, by a vote of two-thirds of its members, may intervene in Subsections where noted serious violation of the law or the bylaws of that.

        Article 61. Compete to Subsection, within its territory:

        I - give effect to the purposes of OAB;

        II - ensuring the dignity, independence and recovery advocacy, and assert the prerogatives of attorney;

        III - represent the OAB before the powers that be;

        IV - perform the tasks provided for in the general regulation or by delegation of powers of the Sectional Council.

        Single paragraph. The Board of Subsection, if any, is responsible for exercising the functions and powers of the Sectional Council, as the bylaws of this, plus:

        a) edit your bylaws, to be approved by the Sectional Council;

        b) edit resolutions within its jurisdiction;

        c) preparing and initiating disciplinary proceedings for judgment by the Court of Ethics and Discipline;

        d) receive request for inclusion in frames and trainee lawyer, instructing and issuing an opinion prior to Council decision Sectional.

CHAPTER V

The Assistance of Lawyers

        Article 62. The Housing Assistance Lawyers, with its own legal personality, is intended to assist those enrolled in the Sectional Council that bind.

        § 1 The box is created and acquires legal personality with the approval and registration of their status by the respective Sectional Council of OAB in the form of the General Regulation.

        § 2 The Box can, for the benefit of lawyers, promote security complement.

        § 3 The Board Sectional fix the compulsory contribution due by their subscribers, for the maintenance of the preceding paragraph, levied on acts arising out of the actual practice of law.

        § 4 The board of Caixa is composed of five members, with duties defined in its bylaws.

        § 5 It is up to half the recipe box of annuities received by the Sectional Council, considered the resulting value after deductions mandatory regulations.

        § 6 In the event of termination or deactivation of the box, your equity is incorporated into the respective Sectional Council.

        § 7 The Sectional Council, by a vote of two thirds of its members, may intervene in the Cash Assistance Lawyers in the case of non-compliance with its purposes, appointing interim board, the duration of the intervention.

CHAPTER VI

Elections and Mandates

        Article 63. Election of members of all organs of the OAB will be held in the second fortnight of November, the last year of office by a single ballot and direct election of lawyers regularly enrolled.

        § 1 The election in the manner and according to the criteria and procedures set forth in the general, attendance is mandatory for all lawyers registered in OAB.

        § 2 The candidate must demonstrate good standing with the OAB not hold office exonerável ad nutum, not have been convicted of disciplinary offense, unless rehabilitation, and effectively exercise the profession for more than five years.

        Article 64. Are considered candidates elected members of the ticket that wins a majority of the valid votes.

        § 1 plate to the Sectional Council shall be composed of candidates for the board and its directors and also the delegation to the Council and the Board of Federal Housing Assistance Lawyers for joint election.

        § 2 plate to subsection shall be made with candidates to the board, and his advice when.

        Article 65. The mandate in any court of OAB is three years, beginning on January 1 of the year following the election, unless the Federal Council.

        Single paragraph. The federal elected councilors begin their terms on February 1 of the year following the election.

        Article 66. Quench the mandate automatically, before its completion, when:

        I - there is no chance of cancellation of registration or licensing of the profession;

        II - the holder suffer disciplinary conviction;

        III - missing the holder, without good reason, the three consecutive meetings of each deliberative council or board of Subsection or the Assistance of Lawyers may not be renewed for the same period of office.

        Single paragraph. Extinct any mandate, in cases of this Article, the Council must Sectional choose the replacement, if no alternate.

        Article 67. The election of the Board of the Federal Council, which shall take office on February 1, obey the following rules:

        I - will be admitted to registration with the Federal Council of candidacy for the presidency, from six months to one month before the election;

        II - the application for registration shall be accompanied by the apoiamento of at least six Sectional Councils;

        III - until a month before the election, shall be required to complete the registration plate, under penalty of cancellation of their candidature;

~~IV - on Jan. 25, will proceed at all Sectional Councils, the election of Directors of the Federal Council, and the Chairman of the Sectional communicate in three days, the Federal Executive Council, the outcome of the election ,~~        ~~V - ownership of the results of the Sectionals, the Federal Executive Council shall count the votes corresponding to each Sectional Council a vote and announce the result.~~

IV - on January 31 of the year following the election, the Federal Council shall elect, in a meeting chaired by councilor oldest, and by secret ballot for a term of three (3) years, its board, who will take office the following day;[(Amended by Law No. 11,179, 2005)](http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Lei/L11179.htm#art1)

        V - will be considered elected the slate that obtains a simple majority vote of the Federal Councillors, this half plus one (1) of its members. [(Amended by Law No. 11,179, 2005)](http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Lei/L11179.htm#art1)

        Single paragraph. Except as candidate for President, the other members of the plate should be federal elected councilors.

TITLE III

Process in OAB

CHAPTER I

General Provisions

        Article 68. Unless otherwise specified, apply to alternative disciplinary rules of criminal procedure law and common, to other processes, the general rules of administrative procedure of the common law and civil procedure, in that order.

        Article 69. All time required for expression of lawyers, paralegals and third parties in general processes of OAB are fifteen days, including appeals.

        § 1 In the cases booked communication by letter, or personal service, the period is counted from the day immediately following receipt of the notification.

        § 2 In the cases published in the official media of the act or decision, the term begins on the next working day.

CHAPTER II

Disciplinary Process

        Article 70. The disciplinary power to punish those enrolled in OAB solely for the Sectional Council in whose territorial infringement occurred, unless the foul is committed before the Federal Council.

        § 1 It is for the Court of Ethics and Disciplinary Council Sectional competent judge disciplinary proceedings, instructed by Subsections rapporteurs or by the board itself.

        § 2 unappealable conviction should be immediately reported to the Sectional Council where enrollment has represented the main, to be included in the respective settlements.

        § 3 The Court of Ethics and Disciplinary Council where the accused has inscription principal may suspend him preventively in case of repercussions detrimental to the dignity of the legal profession after hearing it in a special session to which must be notified to attend unless if you do not meet the notification. In this case, the disciplinary process must be completed within ninety days.

        Article 71. The disciplinary jurisdiction does not exclude the common and, when the fact is a crime or misdemeanor, shall be communicated to the competent authorities.

        Article 72. The disciplinary process establishes itself ex officio or upon representation of any authority or person concerned.

        § 1 The Code of Ethics and Disciplinary establishes the eligibility criteria of representation and disciplinary procedures.

        § 2 The disciplinary procedure is being processed under wraps until its completion, only having access to your information the parties, their advocates and judicial authority.

        Article 73. Upon receipt of the representation, the President shall appoint rapporteur, responsible for investigating the case and offer a preliminary opinion to be submitted to the Court of Ethics and Discipline.

        § 1 When represented must be ensured full right of defense, and can follow the process in all terms, in person or by proxy, providing preliminary defense after being notified, closing arguments after instruction and oral defense before the Court of Ethics and Discipline , during the trial.

        § 2 If, after the preliminary defense, the rapporteur manifest itself by rejecting the injunction representation, this should be decided by the President of Sectional Council, to determine your filing.

        § 3 The deadline for preliminary defense may be extended for legitimate reasons, the judgment of the rapporteur.

        § 4 If the principal is not found, or is in default, the Board Chairman or subsection should appoint him counsel dative;

        § 5 is also permitted to review the disciplinary process, an error of judgment or conviction based on false evidence.

        Article 74. The Sectional Council may adopt the relevant administrative and judicial measures, aiming at the professional suspended or deleted return identification documents.

CHAPTER III

Resources

        Article 75. Be appealed to the Federal Government from all final decisions by the Board Sectional, where they are not unanimous or, if unanimous, contrary to this law, the decision of the Federal Council or other Sectional Council, and also the general regulation, the Code of Ethics and Discipline and provisionses.

        Single paragraph. In addition to the stakeholders, the Chairman Sectional is legitimized to bring the action mentioned in this article.

        Article 76. Be appealed to the Sectional Council of all decisions issued by its President, the Court of Ethics and Discipline, or the board of Subsection or the Assistance of Lawyers.

        Article 77. All resources have suspensive effect, except when addressing an election (Articles 63 and following), preventive suspension decided by the Court of Ethics and Discipline, and cancellation of registration obtained with false evidence.

        Single paragraph. The regulation governs the general appropriateness of specific resources within each judging body.

TITLE IV

General and Transitional Provisions

        Article 78. The Board of the Federal Bar Association, by resolution of two-thirds at least of the delegations, edit the general regulation of this statute, within six months from the publication of this law.

        Article 79. At the OAB servers, applies the labor regime. [(See ADIN 3026-4)](http://www.stf.jus.br/portal/peticaoInicial/verPeticaoInicial.asp?base=ADIN&s1=3026&processo=3026)

        § 1 At servers OAB, subject to the terms of Law No. 8112 of December 11, 1990, is granted the right to choose the labor regime, within ninety days from the effective date of this law, being assured opting payment compensation, retirement when, corresponding to five times the amount of the last payment.

        § 2 Servers that do not opt ​​for labor regime will be positioned in the frame extinction, guaranteed the right to purchase the previous legal regime.

        Article 80. The Federal and Sectional Councils should promote their conferences every three years, on a date that does not coincide with the election year, and periodically meeting of college presidents linked them with advisory purpose.

        Article 81. They do not apply to those who have originally assumed the position of President of the Federal Council or Councils Sectional, until the date of publication of this law, the standards contained in Title II, about the composition of these councils, being assured the full right to speak and vote in their sessions.

        Article 82. Apply the changes envisaged in this law, as the mandates, elections, composition and powers of the bodies of OAB, from the end of the term of the current members, whereby the Federal Councils and Sectional discipline their adaptation procedures.

        Single paragraph. The mandates of the members of the Bar Association, elected at the first election under the enforcement of this law, and in the form of Chapter VI of Title II, will begin the day after the expiration of the current term of office, ending on December 31 of the third year of office on Jan. 31 and the third year of his term, in this case with respect to the Federal Council.

        Article 83. Do not apply the provisions of art. 28, section II of this law, the prosecutors who, on the date of promulgation of the Constitution, be included in the forecasting of art. 29, § 3, of its Temporary Constitutional Provisions Act.

        Article 84. The trainee, enrolled in the appropriate table is exempted from Examination Order, provided that proves, within two years of enactment of this Act, the result of exercise and work placement or completion, with use, the stage of Forensic Practice and Judicial Organization held by the respective faculty, in the form of legislation.

        Article 85. The Institute of Brazilian Lawyers and institutions affiliated to it have quality before the OAB to promote what they consider the interest of lawyers in general or any of its members.

        Article 86. This law shall enter into force on the date of its publication.

Article 87. Revokes the context otherwise requires, especially [Law No. 4215 of April 27, 1963](http://www.planalto.gov.br/ccivil_03/leis/1950-1969/L4215.htm) , to [Law No. 5390, of February 23, 1968](http://www.planalto.gov.br/ccivil_03/leis/1950-1969/L5390.htm) , Decree-Law No. 505, of March 18, 1969, Law No. 5681, to July 20, 1971, to [Law No. 5.842, of December 6, 1972](http://www.planalto.gov.br/ccivil_03/leis/L5842.htm) , to [Law No. 5960, of December 10, 1973](http://www.planalto.gov.br/ccivil_03/leis/L5960.htm) , Law No. 6743, dated December 5, 1979, [Law No. 6884, of 9 December 1980](http://www.planalto.gov.br/ccivil_03/leis/L6884.htm) , Law No. 6994 of 26 May 1982, kept the effects of Law No. 7346 of July 22, 1985.

        Brasilia, July 4, 1994, 173 and 106 of the Independence of the Republic.

ITAMAR FRANCO *Alexandre de Paula Martins Dupeyrat*

This does not replace the text published in the Gazette of 05/07/1994.