

The Status of Attorney-Ship in Crime Prevention

Seyed Mohamamd Hussieni, Abass Shafei Ardestani*

Islamic Azad University, E-Campus, Tehran, Iran

*E-mail: ardestani4646@yahoo.com

Received for publication: 20 December 2015.

Accepted for publication: 19 March 2016.

Abstract

Nowadays, crime prevention has achieved an important status in criminal laws so that it has become a priority for communities to fight against delinquency. This important issue which is the result of efforts by criminologists, jurists and other connoisseurs of social issues has been always emanated from this thinking that prevention is better than treatment. Crime prevention not only prevents crimes and victimization but also improves social security and helps sustainable development of nations. Effective responsible crime prevention promotes citizens' life quality and it requires the participation and contribution by all levels of the government in order to pave the way and develop an ambience in which public organizations and all sectors of social society including lawyers could play their role in crime prevention better and to mitigate the risk of crime occurrence as well as its potential impacts on individuals and societies through influencing over different factors. Attorney ship is a special job with distinguished social status and numerous civil, legal and professional responsibilities. Anyone is aware of the importance and necessity of attorney ship, its effectiveness and its explicit and implicit roles in defending the rights of people and citizens as well as the selection of judiciary attorneys among people with scientific and specialized competencies. In this vein, attorney ship entity in Iran and the world is based on approved international documents, legal norms and law enforcements recipes and its legal aspects should be developed over time commensurate to social needs and requirements as well as the rights of people and this profession.

Keywords: Prevention, attorney, attorney ship, attorney ship status, crime

Introduction

In Islamic texts, attorney ship has a special status and an attorney is a trusted person. Nowadays, social needs have created judiciary attorney ship profession and one should not consider it as a simple representation since it has an excellent position in judiciary system and it balances the courts and monitors on the performance of legal executors. In fact, it is a public profession with a heavy responsibility on implementing public will. Therefore, it has many behavioral and ethical principles regarded to some extent by lawmaker even though nothing is written about them and it is only attorney who is obliged to it due to ethics and professional commonality. Curbing the crimes by preventive techniques is regarded more than ever. Punishment approach on crime has little profits and paramount limitations while crime prevention strategies and policies are various with numerous advantages. Prevention priority over treatment is important since prevention plays a vital role in keeping the individuals and society health and it is too much easier and cheaper than treatment (Azmayesh, 2011: 110). It seems that attorney ship entity has played its role in treating the crimes while it has also a preventive dimension ignored so far by expanding the functions, attorney can play new roles in social prevention format. Its importance is revealed when we know that attorney ship entity can impact on crime occurrence processes and acts as a barrier against criminal thinking and impetus; likewise, in trial step, by leading the claim toward justice, the attorney can pave the way for recidivism in a preventive manner and can reveal the roots and reasons of crime prevention. As a

result, it would be possible to modify and treat crime committer which can yield to crime prevention. Therefore, attorney can play a vital role in crime prevention and, as a result, crime reduction decisively. In present paper, we analyze the status and role of attorney ship in this regard.

Crime prevention and its types

Prevention concept

Prevention means to prevent, to forbid and to take contingencies in order to prevent bad and unexpected events (Moein, 1983: 395). Although prevention definitions and categorizations are equal to the number of criminology connoisseurs, one can briefly say that prevention to prevent a delinquency and abnormality to forbid crime occurrence (Gessen, 1991: 67). Thus, in criminological terms, prevention includes initiatives to identify and assess the danger of crime and to adopt needed guidelines to prevent its occurrence (Shiri, 2007: 17). The aim is to mitigate delinquency. Ardabili (2007: 75) believes that prevention includes any criminal policy measure – without emphasis on penalty threatening or its implementation – aims at constraining the possibility of a criminal occurrence through different ways. French distinguished criminologists, Richard Gessen excludes penal initiatives based on the goals and the ways to achieve them and defines prevention as “a set of initiatives – except than penal ones – that their ultimate aim is to limit the domain of crime commission and to make it impossible or difficult or to mitigate the possibility of crime commission partially or uniquely.” In criminology, prevention is to prevent a delinquent by using different intervening techniques. Scientifically, one can say that prevention mean any criminal policy action aimed at limiting the possibility of crime occurrence though making it impossible or difficult without resorting to penalty or its execution. In other words, whenever there is a society, there is a crime. In a special perception on this situation, Durkheim believes that crime is a normal part of society and is a complementing component of it (White and Hins, 2004: 148). Put it differently, he believes the occurrence of a certain amount of crimes is normal and even a tool for society’s health and it is more likely for the same reason that some criminologists had considered no status for prevention and believes that one should talk about crime rate reduction since the ideal of crime elimination is not and will be not realized and the proponents of such opinions on modern criminology which is called actuarial justice demanded to discount the rate of crime in an endurable level for the society (Najafi Abrandabadi, 2007: 59 – 60). However, talking about the impossibility of full crime elimination does not mean the incapability to control it and to mitigate crime rate through preventive techniques. Preventive methods used as treatment before occurrence. Crime prevention would create opportunities to use humanitarian and low cost approaches on crime. In some cases, governments carry the main responsibility while active contribution by society and other parts of civil society is a necessary component of effective crime prevention. Particularly, societies should play a vital role in determining crime prevention, execution and evaluation and supporting sustainable financial resources. It is the responsibility of all levels of the government to create and develop such grounds. Involving society and its cooperation/collaboration is an important element of crime prevention in such guidelines (Mohamamd Nasl, 2012: 25 – 22).

Although the term society may be defined in different ways, its nature is to involve local civil society in which relevant governmental organizational all parts of civil society including lawyers so that they can play their role better in crime prevention. Therefore, they create a ground to disseminate information and training broadly. Additionally, they are especially ready to serve the society. Therefore, they readily need preventive guidelines (Mohammad Nasl, 2012: 24) and can identify the best practices, analyze the trend of crimes, provide technical aids and organize experience exchanges so that we can represent a proper plan for crime occurrence prevention since the first step of executing a proper security programs is to identify existing threats (Khanalipour,

2011: 19). In this vein, similar to crimes prevention techniques also include various types in different individual, social, ethical, cultural and training and, finally, penal aspects. In fact, when non-penal methods fail in keeping the values, the strongest tool namely penalty is resorted. It means that penal laws are adopted and perpetrators are punished so that future delinquencies by criminals and other people are prevented.

Types of prevention

Prevention involves different penal and non-penal methods even though some scientists have only believed in prevention abstract meaning namely non-penal (active) prevention guidelines. They believe that reactive barriers by society are out of the scope of prevention. Among such criminologists, Gessen (1991: 68) defines prevention as a set of criminal policy initiatives except than penal system intervention. Noteworthy, when talking about prevention, we mean to use its broad concept namely a wide range of penal and non-penal initiatives to nullify crime commission factors and delinquency reduction (Moazami, 2007: 93) including reaction of society against crimes including punishment, discretionary initiatives, compensating victims' losses, rehabilitation of criminals, as well social actions conducted before crime commission to nullify family, individual and environmental crime generating factors:

a) *Penal prevention (reactive or precedent)* which monitors penal initiatives before and after crime occurrence which plan to decrease delinquency by using criminal justice system mechanism. It means that crime prevention initiative is being identified in current societies as a golden tool of criminal policy in different legal, judicial, executive and police levels. It can be partly realized by posing penal executive guarantees on criminal perpetrators and consequently, planting the seed of deterrence in the hearts of both potential and de facto criminals and partly through correcting and rehabilitating delinquents during punishment.

In such kind of prevention, crime is decreased through executing the laws, arresting and imprisoning delinquents. It usually requires repeated costs. However, this kind of prevention can be useful in encouraging further non-penal prevention by potential delinquents. Penal prevention by penal threat of penal law follower on the one hand and implementing such threats through punishing those ones who have negated penal prohibitions on the other hand, indicate general and particular prevention.

General prevention: General prevention means deteriorating aspects of penal laws especially punishment by this argument that fear of arrest and punishment would dispense people from crime commission. Therefore, by criminalizing some behaviors such as theft and traffic and determining punishments for perpetrators and deteriorating those individuals who may tend to commit crimes in the case of lacking any punishment, lawmaker would prevent crimes.

Special prevention: Special penal crime prevention is to prevent recidivism realized by article 5(2) of Principle 156 of Constitution Law on the tasks of Judiciary.

b) *Non-penal prevention (active or antecedent)* which means a proper non-penal initiative prior to crime occurrence through mitigating, eliminating or nullifying crime generating reasons and showing improper situation of commission opportunities to prevent crimes in two social (society oriented and growth oriented) and situational prevention (Shiri, 2007: 18 – 19) and in another categorization of primary prevention (paying attention to crime generating conditions) and secondary prevention (paying attention to in delinquency risk groups) (Moazemi, 2007: 93). However, this kind of prevention is before crime occurrence. It is referred to crime prevention by raising needed effort and the danger of crime commission by potential delinquents through such initiatives as hardening the target, access control, supervision and reducing crime interests. It means to recourse non-curbing and non-forcing initiatives, eliminating the stress of crime targets and

removing the economic, cultural, social, situational and training motivations. They are used for reintegration and regulation of people and protecting crime targets to prevent crime occurrence since the aim of non-penal preventive initiatives are procuring security and attracting the satisfaction of society's members in public places and locations (Najafiabrandabadi, 2004: 585; Mohammad Nasl, 2012: 189). Non-penal prevention in criminology is divided into two situational and social types.

Social prevention

Social prevention is a set of initiatives aim at nullifying factors impact on crime evolution and it means intervention in public and personal environments. Public social environments like economic, cultural and political environments are common for all. Social personal environments like family, neighborhood and social prevention use such environment to impact on individuals' personality evolution process. Such impact on the process shaping the personality can be practical through educational initiatives like training, encouragement, punishment so on. Social prevention is based on the theory that different factors impact on crime and this prevention looks for identifying these factors and attempts to control them which would finally prohibit people from being criminal as well as elimination or reduction in crimes and creating a healthy society.

Social prevention is a set of preventive initiatives for all environments surrounding the individual in reintegration process which impact on social functions. This method of crime prevention attempts to improve the health of family life, training, housing, job opportunities and leisure times to create a healthy and secure ambience by focusing on supplementary programs. In fact, social prevention is the aim of influencing on individuals' personality directly or indirectly in order to avoid its organization based on delinquency motivations.

Situational prevention

Situational prevention is a kind of prevention that by changes in the situation of a person in the risk of delinquency and victimization or changing environmental conditions like time and location attempts to prevent crime by a person who has decided to commit the crime. Situational prevention function would deprive criminal from tools and opportunities of crime commission. In other words, situational prevention would focus on situation before crime and is faced with the process of transition from thinking. Situational prevention attempts to change the conditions of crime on acting out by which crime equation will damage criminal (Khazaei, 1998: 130).

Attorney and the status of attorney ship in crime prevention

Part one: attorney

French jurist, Emile Litter defines attorney as someone whose job is to complain in the court. Wolter asserts: attorney is a scientist with greater personality than those ones who receive lower money for an incompetent claim. Such attorney is a good advisor but where is an advisor who can also be a good attorney?

According to article 656 of civil law, attorney is someone who is assigned by someone else to do a job through a contract.

Attorney is assigned by a legal or natural person through attorney ship contract to do a job. Attorney ship by legal and natural persons are used in legal affairs as well as complaint and defense in the court as the representative of legal or natural persons and for such transactions as trade and other transactions for which irrevocable attorney ship is used. It means that the owner of a property or home appoints buyer as attorney to transfer property and home to his/her name. Through attorney, people learn the ways to protect their assets and rights and their legal usage, to organize their contracts, to establish legal relations, to be protected from risks of illegal actions by other people and to defend against their anti-law behaviors. If using attorney is generalized in the society, people would pursue their legal actions by more reliability. In fact, as people refer to doctors and

psychologists for treatment and prevention, they need attorney to prevent crimes and resolve their legal/criminal affairs. In present paper, we consider the role of attorney ship in crime prevention; hence, attorney ship can play a vital role in eliminating or limiting crime generating factors.

Attorney is obliged to use his/her best to defend client's legal rights without any fear and external influence and respecting the trust. In this line, he does not have the right to exceed attorney ship and in such case or default and ignorance, he/she will be liable. Another assignment of the attorney regarding the client is not to accept the attorney ship of other party. The attorney cannot accept the attorney ship of two parties of a single claim. Keeping client's information and all secrets revealed by such attorney ship relationship as well as any other issue which would harm the client are, inter alia, other assignments of the attorney and it involves the prohibition of revealing the secrets even upon the termination of attorney-ship relation.

The independence of attorney in relation with judicial system

In performing his professional tasks, attorney is independent and the requirement for such independence is that he should not be faced with unjustified interventions by administration of justice authorities and employees and in the case of facing, he should not be forced to accept and follow them and he should enjoy needed legal supports. Here, the manifests of independence are not stopped in such level since the relations between administration of justice and attorney in claims and defenses need mutual obligations.

Today the right of using attorney or legal advisor in all judicial process is respected. Key importance of this right along with other just trial is so that one of the conditions of just trials is the right of the accused to use attorney. The role of the accused's attorney in all trial steps is important in terms of criminal justice system and it helps trial incumbents in judicial decision making and prevents judicial mistakes. The necessity of attorney attendance in different steps of trial is that the accused will be alone against prosecutor if there is no attorney and by full knowledge on legal principles and regulations as well as judicial facilities, the prosecutor will be in superior status to the accused and under such circumstances, it is necessary that the attorney can freely defend his/her client against prosecutor. In Iran, the participation of attorney in crimes which lead into retaliation, execution, and life sentence is compulsory. Additionally, based on article 35 of Iranian Constitution Law, in all courts, the parties are entitled to appoint an attorney and if they are not able to do that, the law has forecasted using appointed attorney for them. The right of the accused to use attorney in all steps of trial in accordance with new law has many positive aspects. Lawmaker has respected the right of accused to use attorney So that it has ordered that if the accused does not introduce attorney in crimes which would lead into punishments that deprive him/her from life or life sentence in preliminary investigations, it is necessary that interrogator selects a court appointed attorney for him/her.

The attendance of attorney in trial steps would cause the velocity and accuracy in trial and good performance of judicial authorities as well as enhancement the legal knowledge of judicial connoisseurs. As a human, the judge should promote his knowledge despite of his experience and legal knowledge (Rajabi, 2007: 101). In this way, all attorneys can play an effective role in defending the accused and in crime prevention by studying all aspects of laws and using the most recent judicial data in a direct scientific and practical interaction with judge. For prevention and mitigating the crimes, cooperation and interaction among all organs and judiciary is necessary since NGOs and other entities including attorneys can play a vital role in this regard. As mentioned by Iranian Supreme Leader and the Head of Iranian Judiciary on preventive policies, building a culture is the most practical way to achieve this aim which should be taken serious. Crime prevention is a priority in judicial entities. It is not sufficient to fight crimes in the society and all organs should

prevent crime occurrence. Attorneys play a vital role in crime prevention. Crime prevention also plays a critical role in mitigating the volume of entering cases in Administration of Justice and all organs should cooperate with Judiciary in this regard (Ashury, 2000: 88).

Although attorney is defined in society, all people agree that its philosophy roots in prevention and collaboration. Besides, it is recognized that attorney's approach is society – oriented. Therefore, a comprehensive crime prevention plan which considers the needs of certain societies based on accurate analysis would involve the rationality of a society – oriented attorney. Attorneys play an influential role in crime prevention and they should regard such important assignment.

Part two: attorney-ship status in crime prevention

Attorney-ship: lexically, it means to designate and assign and, legally, it is to conclude a conclusion by which one party would appoint someone to conduct an affair. A person who gives attorney-ship called client the person to whom attorney-ship is granted is called attorney (Jafari Langrid, 1984: 144). In article 65 of civil law, attorney-ship is defined as a contract by which one part assigns another party to do something.

Attorney-ship is a contract by which one party assigns another party to do something. A party who give attorney-ship is called client and the party who receives attorney-ship is called attorney. In courts, pursuing the cases and defending them is conducted by a party or an attorney of the administration of justice. In courts, attorney-ship is conducted by administration of justice attorney. He/she can attend in all steps of trial for legal and penal cases and anyone can give attorney-ship to an attorney for all steps of trial, penal court, legal court, family court, administering legal verdicts, administering penal verdicts, Province Appeal Court and Supreme Appeal Court.

In jurisprudential and legal books, attorney-ship is defined as “استتابه في التصرف” (see Mohaghegh Heli, 1408 Lunar, vol. 2: 151; Fazel Abi, 1477 Lunar, vol. 2: 36). In article 656 of civil law, vice-regency concept is seen in attorney-ship contract: attorney-ship is contract by which one party selected another party as vice-regent. To the same reason, vice-regency exists between attorney and client. Article 622 of civil law clarifies that attorney-ship should be given in affairs that client can himself/herself perform them and it is clear that client's capability means his/her competency to conduct a legal act for which it has selected an attorney.

Attorney-ship legal meaning

Article 656: attorney-ship is contract by which one party selected another party as vice-regent.

Article 660: attorney-ship may be absolute for all affairs or for certain issues.

Article 662: attorney-ship should be given in affairs that client can himself/herself perform them and it is clear that client's capability means his/her competency to conduct a legal act for which it has selected an attorney. In cases, it is observed that attorney-ship can be transferred absolutely without any conditions determined by lawmaker otherwise in cases attorney-ship is against Sharia.

General principles of attorney-ship

Article 1: to conduct its professional tasks rightly, the attorney is obliged to below principles:

1. He should consider his professional mission and obliges to his oath.
2. He would keep his professional independence against judicial officials and clients.
3. He attempts to promote his professional competency (skills, experience, and practical readiness) as legal knowledge.
4. He would consider justice and rule of law and avoids revengefulness and annoyance.
5. He behaves so that there would be no doubt on his independence, honor, trust and authenticity.

6. He would not ignore his professional assignments due to his considerations on judge, client and other individuals.
7. He is obliged to law, consciousness, professional ethics and requirements.
8. He is honestly obliged to his client's interests and does his best to supply legal interests of his client (Afrasyabi, 2004: 194 – 195).
9. He would do his professional services rightly, responsibly and on-time.
10. He would not reveal the secrets of clients or confidential he is aware due to his profession.
11. He disseminates dispute solution culture through amicable ways and attempts to resolve the problems though peace and judgment before any claim

Article 2: attorney respects human rights and justice through below principles:

1. He attempts to defend humans' radical rights social justice and legal/judicial security of citizens.
2. He would not keep silent against tyranny, injustice and illegal procedures/initiatives and is not just looking for his material prosperity.
3. He gives priority to national and public interest and justice execution against the interests of him. His client and other individuals.
4. He would stand in the position of defense when he believes that the client is entitled (Afrasyabi, 2002 & 2004: 184 – 185).
5. In providing client's entitlement, he would select a fair method and avoids incompetent ways.

Article 3: to progress national legal system and promoting the status of attorney-ship, the attorney would use always below principles:

1. He looks for solutions to remove current problems in legal and judicial system and attorney-ship profession (Aghayaei, 2003: 180 – 181)
2. He allocates a part of his time to cooperate with the Bar Association in order to implement the goals and functions of the Association and to promote attorney-ship profession
3. He supports correlation of attorneys as well as dignity and status of attorney-ship profession and attempts for its promotion

Article 4: in his relations with the court and client, an attorney would always respect below principles:

1. He does not permit his personal opinions and political propensities damage his professional function.
2. He attempts to show his humility and avoids fawningly behaviors against individuals, client and court
3. He does not use illegally the condition and disappointment of client.

Justice execution and citizenship behavior

Article 5: to protect citizens' rights and justice execution in his relations with clients, an attorney should:

1. Not claim or prosecute which knows it is false or its falseness is clear.
2. Not ignore the rights of other parties in the excuse of realizing his client's rights and he should make it possible to clarify reality and justice execution by his professional behavior.
3. Resign if he understands during trial that his client has no right should work to prevent violating any right (Anvarizadeh and Bakhtar, 2006: 111).

4. Ask immediately to stop any cheating or acts against law, justice and fair when he understands during attorney-ship and should resign if his client does not pay attention.
5. Use procedural norms to realize his client's rights but should use them as an excuse to prolong trial and interference in procedure.
6. Avoid advices by those clients who look for illegal purposes.
7. Attempt to resolve disputes and, if needed, attend in judicial authorities for testimony if he is involved as author or advisor in preparing a document.

Article 6: whenever, the performance of judicial or governmental organizations, authorities and officials or employees with other legal or natural persons requires violating law and justice or violating fundamental rights and liberties, personal security, trial right, healthy life right and environmental rights of citizens or attorneys' professional rights/principles, the attorney should react properly and inform important cases to competent authorities or the Bar Association and provides all evidences and documents in this regard.

Supporting human rights and radical liberties require that all citizens can access legal services and independent attorneys who enjoy needed scientific and ethical competency as well as the potency to conduct their professional functions to defend their clients. Those attorneys who can contribute in running administration of justice system and promoting right realization in the society are independent attorneys who respect human rights. Ensuring radical rights and liberties specially defending the rights of individuals require paving the way for attorney-ship ran by independent The Bar Association which can protect attorney's dignity and supply their ethical and professional needs.

The importance and status of attorney-ship

Attorney-ship is a holy and high ranking status described by the Divinity. Attorney-ship has a high status in Islamic texts and attorney is seen as a trusted person. In current situation that social needs have created attorney-ship profession, it should not be seen only as a simple representativeness and vice-regency since attorney-ship is a peerless status in Administration of Justice system and creating the balance in courts as well as inter-organizational supervision on the performance of law executors. In fact, it is a public profession with a heavy responsibility for executing public will. Therefore, attorney-ship has many behavioral and ethical ceremonies occasionally considered by lawmaker. However, many of these ceremonies are not recorded and the lawyer is only obliged them by ethics and professional codes.

On the other hand, although societies are regulated by a system based on the verdicts of people and all individuals are required to respect the law, there are many individuals who do not obey law via their wealth and power and believe that they are higher than law. The role and status of law is manifested here further since attorney fights against these law violators only by relying upon law and his consciousness and asks for the help of legal authorities. The difficulty of such campaign reveals when attorney is only obliged to justice and law and do his best for law protection. On this basis, attorney-ship has a peerless holiness emanated from the important role and status of lawyer in justice cycle and protection of law, reviving the rights of people and supporting persecutors in identifying the right. Therefore, due to importance of attorney-ship and its role in legal and social system, today world has accepted the need to attorney-ship profession and the existence and capability of attorneys in any system and society is a clear indicator of civilization , culture and democracy (Ahmadi, Syahkalrudi, Nikzad, 2012: 173). On the same basis, the courts should be indifferent to the role of attorney who acts as the representative of his client to help him/her to achieve his/her rights. They should not consider attorney as a claim party and should know him as their colleague in realizing justice and law. The most important enemy of attorney-ship can be seen as bad practices by some attorneys that their actions are in the hands of evils like a sharp sword and

they take steps against ethical principles and attack attorney-ship community while there is not thorough text that gathers legal and moral rights and assignments of attorney-ship professional behavior code would remove some deficiencies. Since attorney does not violate the law in his defenses and since attorney-ship enemies can be seen in any profession, only strong intra-professional relations can ensure the survival and health of attorney-ship and these rules cannot be thoroughly diagnosed and formulated except than attorneys. Therefore, the need to a comprehensive recipe which can be represented as a reliable basis to adopt updated and efficient laws is highly felt.

One can considered professional ethics as norms between pure ethics and law as practical norms and the only persons who can recognize them rights are attorneys. Thus, efforts on defining original norms on attorney-ship make it necessary that both attorneys and others have tools and norms to measure correct and incorrect behaviors and to avoid incompetent descriptions by those ones who lack adequate proficiency or goodwill. As the first step in crime prevention, cultural and social initiatives play a vital role in mitigating the crimes and social damages which should be paid attention further. Currently, prevention approach is focused more on cultural activities in different fields. Attorney can guide the youth and other classes of the population to Virtue and Prevention of Vice and persuade them to participate in cultural, social and religious activities. Proliferating Islamic culture in society can prevent crime occurrence and many criminal files. Providing preventive guidelines on social problems and damages of neighborhoods and avoiding parallel works with other organs can have a remarkable impact on crime prevention and mitigation.

The status of attorney-ship profession

Article 7: to respect and promote attorney-ship profession status in the society, attorney should:

1. Pursue proper activities toward social development
2. Avoid any behavior which mitigate attorney-ship profession status in public opinions and clients
3. Not perform another job in contrary to attorney-ship profession
4. Establish an office in a location suitable for attorney-ship and should establish relevant conditions for admission and reception his/her clients
5. Oblige to health competition principle and avoid any penetration and using unethical techniques to achieve the attorney-ship for a case
6. Not abuse the trust, simplicity and unawareness of others for his or his client's benefit
7. Not act in contrary to his honor due to his client's request in order to achieve more interests
8. Clearly reflect the demands of all parties in devising documents and contracts through respecting legal procedures
9. Not pay sums to others for introducing a client and should not receive sums or assets from his colleagues for this
10. Avoid any campaign in a commercial manner for his own client
11. Pay his profession's taxes on time.

1. Not operate in legal institutes established or managed by non-clients.

Article 8: to respect and promote attorney-ship profession status near clients and parties, the attorney should:

1. Attempt to update his legal knowledge, to conduct comparative studies and to get ware of new defense methods.

2. Not show the problem of client more complicated and dangerous than what it is in reality in order to achieve attorney-ship and his own interests and should contempt of having credit or penetration in administrative or judicial authorities.
3. Consider his capabilities, experiences and specialties in accepting the cases.
4. Be honest in expressing his capability and scientific/practical competencies regarding the issue of attorney-ship and in estimating the costs and the possibility of progresses in claims.
5. Not accept attorney-ship for which he is not proficient in terms of attorneys' categorization.
6. Not contribute in attorney-ship fees for people who do not have attorney-ship license.
7. Not encourage clients to false claims.
8. Not receive any sum as attorney-ship fee or other costs from client or his relative in court appointed attorney-ship and should not be selected attorney of his client in the same case.
9. Not accept to pay trial costs by attorney-ship fee contract.
10. Not receive a loan from his client, should not give loan to him or should not act as guarantor for his client's debt.
11. Not participate in a tender on attorney-ship asset/property directly or indirectly.
12. Not behave so that another party perceives that he is ready to receive a sum or benefit.
13. Pay attention to proper apparel commensurate to attorney-ship profession, appearance and physical health.
14. Not go to the place of residence or work of natural persons to attract a client on to negotiate in this regard and should not provide attorney-ship service in public places.

Conclusion

Personal and social differences are, inter alia, important crime reasons. In fact, crime is the product of mutual actions between person and environment. Not only we can understand criminal events by studying its circumstance fully, but also crime prevention crimes indicate focusing on crime opportunity reduction. These policies are simply a complementary of current efforts to discount personal tendencies to commit a crime through social plans or threatening to punishment. Crime prevention belongs to any part of the society including attorneys, government, commerce, public organs and so on. Well running the society means to satisfy citizens' needs through accountable and sustainable ways. In treating the problems of crimes, bailiffs and criminal justice system certainly play a key role in prevention. However, role playing by other sections including attorneys, schools and health is necessary in prevention. By well management and planning, one can prevent crime prevention. In this regard, the cooperation between government and citizens/attorneys can play a vital role in crime prevention. It is proposed that enjoying skillful familial or personal attorneys would improve the level of awareness and experience of citizens and reduce density of trials in courts through providing needed information, services, consultancy and conducting administrative affairs. A main organ in fair trial and criminal justice realization in our country emphasized by lawmaker is the attendance of an active and regulated attorney in steps of trial. Judicial justice and "ignorant to wise" rule in all complicated affairs and problems makes it necessary to revoke a person with information and expertise in relevant issues. Obviously, if the accused does not enjoy strong support and defense of an attorney in trial steps, he will not be able to defend against judicial authority due to lack of legal awareness. The principle of necessity of an attorney attendance in trial steps would ensure the accused's defensive rights in a penal procedure and makes issued verdict closer to justice and fairness. Therefore, the attendance of attorney is a right for the accused not an assignment. In crimes that its penalty is to deprive of life or life sentence, if the accused does not introduce an attorney, interrogators is obliged to determine an

appointed attorney. In the laws of less country the right of using attorney is expressed so explicitly by Iranian lawmaker. Studying new innovations and achievements of Iranian Penal Procedure Law on the right of the accused to enjoy attorney indicates lawmaker's efforts in radical changes at previous legal and judicial approaches while it is no free from legal and executive deficiencies. Based on studies and results achieved in present paper, it is hoped that below guidelines can be an effective step in reducing legal and executive depreciation of new law on the right of the accused to have an attorney.

- Training the judges of the public prosecutor's office, courts and attorneys to realize the accused's rights
- Universities can take an effective step in recognizing legal and executive gaps on new law and to fill them by organizing specialized seminars on attorney-ship and the right of having attorney in Iranian Laws and its comparative study with other countries.
- A law should come to effect which is comprehensive through in all aspects and satisfies all needs of the society. Therefore, empirical aspect of laws indicates weakness in adopting laws and their execution by lawmaker and in contrary to the dignity of people. Thus, it is recommended that in remained time to enforce new law, government and Ministry of Justice exchange the opinions of law experienced and competent connoisseurs in filling legal and executive gaps.
- Through culture-building, the right of the accused to have attorney and attorney-ship status in trial steps in media and training authorities witness many positive impacts in implementing such important issue in the society in better and perfect manner.

References

- Afrasyabi, M.S. (2004). Attorney's professional responsibility in USA, The Bar Association, 15 & 16.
- Afrasyabi, M.S. (2004). Working in attorney ship profession in California, The Bar Association, 25 & 26.
- Aghabali, J. (2003). The authenticity of attorney against Judiciary System and its treatment with keeping the secrets and client's expedience, The Bar Association Journal, 11 & 12.
- Ahmadi, A.A., Siahkalrudi, M. & Nikzad, A. (2012). Professional ethics management, Mahkame Publications., 1st edition.
- Anvarizadeh, M. & Bakhtar, S.A. (2006). What attorneyship trainees should know, Navaye Edalat Publication, 1st edition.
- Ardability, M. (2007). General criminal laws, vol. 1, Tehran: Mizan Publication.
- Ashury, M. (2000). Criminal justice (series of articles), 1st edition, Tehran: Ganj Danehs Library
- Ashury, M. (2003). The alternatives of prison or intermediate sanctions, 1st edition, Tehran: Gerayesh Publication.
- Azmayesh, A. (2011). The role of attorneys in social justice realization, Attorney Journal, Khorassan Bar Association.
- Fazayeli, M. (2008). Fair trial, Tehran, Legal Researches Institute, Shahr Danesh.
- Fazelabi, H. (1417 Lunar Year). Kashf Al-Romuz, Qom, Islamic Publications Office.
- Gessen, R. (1991). Applied criminology, Mahdi Kaynia, 1st edition, Motarjem Publication.
- Jafari Langrudi, A. (1984). Laws terminology, 7th edition, Tehran: Ganj Danesh Publication.
- Khanalipour, S. (2011). Crime technical prevention, Tehran: Mizan Publication.
- Khazani, M. (1998). Penal process (series of papers), Tehran: Ganj Danesh Publication.
- Mansoor, J. (2007). Civil law, Tehran, Didar Publication.
- Mansoor, J. (2007). Iranian Constitution Law, Tehran, Didar Publication.
- Moazemi, Sh. (2007). Criminological prevention, Majd Quarterly, 1.

- Mohaghegh Hely, Ahmed Bin Mohammad Bin Fahd (1407 lunar). Almohazeb Albare, Qom Islamic Publications Office.
- Mohammad Nasl, Gh. R. (2012). Crime prevention basics, Tehran: Mizan Legal Foundations.
- Najafiabrandabadi, A.H. (2004). Fair crime prevention, Criminal Science Journal (a series of article to appreciate Dr. Ashury), Tehran: SAMT Publication.
- Najafiabrandabadi, A.H. (2007). Studying Crime Prevention Act by a law enforcement approach, Crime Prevention Studies Quarterly, Prevention Police Journal, 3.
- Rajabi, E. (2007). Police and citizenship rights, Master's thesis, Penal Laws and Criminology, Mofid University.
- Shiri, A. (2007). Studying and criticizing crime prevent Act, Crime Prevention Quarterly of Police, 2.
- White, R. & Henies, F. (2004). Crime and criminology (Trans: A.Salimi), 1st edition, Hawza and University Research institute.