

Necessary Actions of Civil and Judicial Lawyers in Defending Offenders with Mental Disorders in the Legal Systems of Iran and Canada

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Defendants often invoke mental disorders at the time of the crime as a basis for seeking exemption from criminal responsibility. In Iran, only first-grade judicial lawyers are authorized to handle legal matters, whereas in Canada, due to the differentiation of types of legal representation, even civil lawyers can support defendants. This study employs an analytical-descriptive method and aims to compare the necessary supportive actions for defendants with mental disorders in the legal systems of Iran and Canada. In Canada, the limitations on supporting defendants are significantly fewer than in Iran, making it easier to pursue all administrative and judicial issues of the defendant. Although mental disorder at the time of committing a crime is considered a factor in exempting criminal responsibility, and both the Iranian and Canadian legal systems recognize this, Iran lacks an acceptable procedural framework for proving this claim, rendering Article 202 of the Iranian Criminal Procedure Code practically ineffective. In Canada, there are highly reliable procedures for proving mental disorders such as bipolar disorder, and upon confirmation by forensic medicine, criminal responsibility for the defendant can be easily waived.

Keywords: willpower, civil advocacy, judicial advocacy, mentally incapacitated offender, Canada.

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1. Introduction

The primary distinction between humans and animals lies in the possession of "reason." Accordingly, governments have sought to establish punishments for prohibited actions, compelling individuals to reason and refrain from such actions out of fear of punishment. Clearly, those devoid of reason do not learn from punishment and are likely to reoffend under any circumstances. Therefore, according to prominent criminal law and criminology scholars, punishments that have no effect on individuals without

reason are deemed futile and are instead replaced with mandatory measures for their recovery. Some individuals may not be considered insane but may commit crimes unintentionally due to mental health issues (Khaleghi & Rajab, 2013). Article 149 of the Islamic Penal Code explicitly states: "If the perpetrator was suffering from a mental disorder at the time of the offense to the extent that they lacked willpower or discernment, they are considered insane and bear no criminal responsibility." However, this pertains to the substantive aspect of the matter. From a procedural perspective (administrative matters of the judiciary are



entirely procedural in nature), such a situation is practically non-existent. To protect the victim's rights, punishment is imposed on the defendant who claims a mental disorder at the time of the crime solely based on the commission of typically criminal acts.

In Iran, only first-grade judicial lawyers are authorized to handle cases under the jurisdiction of the First Criminal Court. Consequently, accessing legal support poses challenges. In Canada, civil lawyers under specific conditions can handle such cases, thereby facilitating legal support with greater ease. Therefore, supporting these types of defendants has become an administrative-judicial challenge.

The research question is: What are the challenges faced by judicial lawyers and legal consultants in supporting defendants with mental disorders in Iran and Canada?

It appears that Canada's administrative-judicial system places greater emphasis on the need for credible evidence and, despite being rooted in common law, has outlined an administrative process to minimize errors in diagnosing such cases. In contrast, none of these measures have been implemented in Iran. Moreover, the distinction between types of legal representation in Canada simplifies judicial proceedings.

2. Research Background

Pajoohi and Shams Natari (2022) argued that in Iran's legal administrative and judicial literature, there are no barriers to the realization of crimes, making the application of Article 149 of the Islamic Penal Code impractical. Asgari and colleagues (2022) pointed to contradictions in administrative regulations, ultimately rendering legal provisions ineffective (Pajoohi & Shams Natari, 2022).

Diaz (2020) highlighted the technical capabilities required to diagnose obsessive-compulsive personality disorder at the time of the crime. Klag and Reed (2023) stated that to exempt defendants claiming insanity, the impairment of discernment at the time of the crime must be connected to the will (Diaz, 2020).

Gatner and colleagues (2023) criticized the categorization of legal representation, deeming it inappropriate (Gatner et al., 2023). Whitehead (2023) argued that specialized legal representation fosters corruption (Whitehead, 2023). Hartwigson (2023) suggested simple yet lawful administrative advocacy as a suitable approach to advancing judicial justice

(Hartvigsson, 2023). Perrin (2023) recommended advanced specialization for lawyers in complex criminal cases (Perrin, 2023).

Mullally and colleagues (2023) identified mental disorders as a sole factor for exempting criminal responsibility in England (Mullally et al., 2023). Marinos and colleagues (2023) described Canada's legal system as a pioneer in criminal justice (Marinos et al., 2023).

Ricciardelli and colleagues (2024) criticized Eastern legal systems, deeming them a hindrance to proper utilization of laws (Ricciardelli et al., 2024). Jafari and colleagues (2024) recommended that Eastern legal systems model themselves after Western systems (Jafari & Saheb Bayati, 2024).

3. Research Methodology

This research adopts a reasoning and descriptive-analytical approach. Information was gathered using library and documentary methods, including the study of jurisprudential texts, comparison with the views of legal scholars, examination of legal provisions, judicial opinions, and their alignment with international documents. The research method involves library and documentary techniques, with data collected from books, journals, and legal websites. Tools for data collection include research notes and consultations with academic and, when necessary, religious experts involved in legal and jurisprudential matters. Data analysis is conducted descriptively and analytically.

4. Legal Representation Mechanism in Canada's Judicial System

In Canada, as in Iran, there is a Bar Association, and law graduates obtain a license to practice law after passing examinations and completing specific training programs. Similarly, civil advocacy exists in both countries. The following sections elaborate on this topic.

4.1. Specialized Advocacy

Unlike in Iran, where holders of a law license can handle diverse legal cases without specialization, Canada recognizes three types of advocacy: 1) civil-legal, 2) criminal, and 3) general. Civil-legal and criminal advocacy, as their names suggest, apply to civil and criminal cases, respectively. Each lawyer specializes in

one area, determined by their academic focus and relevant qualifying examinations (Martin, 2018).

General legal advocacy involves public legal matters such as cases before administrative tribunals, constitutional court representation, advocacy for politicians in public law cases, and handling procedural legal matters (Martin, 2018). Notably, Canada has a public law court with dual jurisdiction: first, to adjudicate constitutional disputes between government entities, and second, to address citizens' procedural legal complaints against governmental organizations (Parmar, 2019).

Procedural legal matters can be pursued by representatives under two scenarios. When a civil lawyer (i.e., any non-bar member) is chosen, actions must adhere to specified conditions, avoiding redundancies. Bar-certified lawyers specializing in criminal or civil-legal advocacy also have representation rights but, unlike civil lawyers, do not require organizational approval for their eligibility. However, lay individuals serving as civil lawyers for procedural legal matters must obtain organizational approval. Thus, specialization has minimal effect on their procedural activities (Lado & Rumelt, 2021).

General legal advocates, however, have broad jurisdiction in procedural matters and, without additional approvals, can act under the Bar Association of the defendant's residence or a specific organization. Their authority extends to handling procedural legal issues even after the client's death, with the agreement remaining valid (Hernandez, 2020). However, for substantive procedural matters such as property transfers or account withdrawals, a formal power of attorney must be drafted at a notary office, which becomes void upon the client's death.

4.2. *Limiting the Liability of Bar-Certified Lawyers*

Under Canada's Civil Code principles (amended in 2020), a bar-certified lawyer contracted for procedural legal matters can handle all procedural issues. If their actions involve substantive changes to the client's rights or property, they must act without undermining the client's rights and derive no benefit beyond their fees (Heavin & Keet, 2020).

According to the latest interpretation of these provisions by the Supreme Court in 2021, any contract granting procedural legal powers exceeding the Civil Code's provisions is invalid (Gershengoren, 2022).

Thus, bar-certified general lawyers are competent to handle all procedural legal matters for their clients. If financial transactions are involved, they must be made in the client's name, with the lawyer only facilitating the process (Bermingham, 2021).

When the legal contract is arranged through the Bar Association, it represents general procedural jurisdiction, remaining effective after the client's death. If drafted within an organization's legal unit and subject to restrictions, disputes may arise between the lawyer and the organization posthumously. Such disputes are resolved procedurally through the governor's office and substantively through the judiciary. Meanwhile, civil legal representation becomes entirely void upon the client's death (Schwöbel-Patel, 2019).

One distinctive feature of general bar-certified lawyers is their authority to continue handling incomplete procedural matters after the client's death. Civil lawyers lack this right. However, initiating new procedural matters is not permitted for general lawyers following the client's death, constituting their sole limitation.

4.3. *Implicit Powers in Legal Representation*

As mentioned, bar-certified general lawyers in Canada possess implicit procedural powers that do not require explicit enumeration. While these powers are broadly applicable, they may be limited by organizational stipulations during contract drafting within the organization's legal unit. Organizations, however, cannot restrict lawyers from engaging with other entities and can only impose limitations regarding procedural and substantive matters within the organization (Salyzyn & Simons, 2021).

Thus, organizations have the authority to influence legal representation contracts, which are private law agreements. This issue is widely debated in public law literature, particularly regarding the extent to which governments can intervene in private contracts. In Iran, labor contracts are a notable example of government intervention in private agreements. However, organizational authority to limit procedural lawyers' powers is unmatched globally compared to Canada.

In civil advocacy, these restrictions are even more pronounced. Civil advocacy contracts for procedural legal matters are entirely pre-designed by the organization and must be officially registered. Notably, in civil legal representation for procedural matters, no

powers beyond those explicitly granted to the lawyer are assumed. Conversely, general bar-certified lawyers are always presumed to have implicit general powers (Smyth et al., 2021).

5. Claims of Mental Disorders by Defendants to Exempt Criminal Responsibility

In most cases involving defendants charged with serious crimes, claims of insanity are frequently observed. In Iran, only judicial lawyers are authorized to pursue legal proceedings in such cases, while civil lawyers handle the defendant's administrative matters. If necessary, a guardian may be appointed (Ansari & Dehghani, 2017). In Canada, without the need for a guardian, general bar-certified lawyers are permitted to handle the defendant's administrative matters, and all bar-certified lawyers, regardless of specialization, are allowed to defend the accused. One of the most significant mental disorders recently observed in cases seeking exemption from criminal responsibility is bipolar disorder (Boyer & Nicholls, 2024).

Bipolar disorder, also known as manic-depressive illness, is a type of mood disorder and mental illness. Individuals with this condition experience extreme behavioral changes. The onset of the disorder is usually accompanied by a depressive episode, followed by one or more periods of mania. In fewer cases, the disorder begins with a manic or hypomanic episode (Biju & Shrivastava, 2020).

Although "mania" and "hypomania" indicate bipolar disorder, they often occur during depressive episodes. In fact, individuals with bipolar disorder spend more time in a depressive state than in mania. Depression is a debilitating mood state, and its diagnosis in bipolar individuals is identical to that in other individuals. Symptoms include depressed mood, lack of pleasure, feelings of worthlessness or intense guilt, changes in appetite and weight, altered sleep patterns, fatigue, impaired concentration, and suicidal thoughts or behaviors (Grajzl & Murrell, 2021).

5.1. Cognitive and Intellectual Impairment

In both Iranian and Canadian legal systems, lawyers defending defendants can succeed in mental disorder claims if they demonstrate that the disorder caused cognitive impairment. In Canada, civil lawyers handling

administrative matters are authorized to submit petitions on such grounds, whereas in Iran, only judicial lawyers can undertake such legal proceedings. In Canada, submitting petitions is considered part of administrative tasks (Keyvani-Far et al., 2021).

It has been established that bipolar disorder does not impair reason or discernment; however, it can affect the patient's intelligence. This means the patient may suddenly feel disconnected from reality, akin to entering a dreamlike state. Upon returning to a normal state, the individual may or may not remember the episode. Thus, intelligence is temporarily subdued without affecting the fundamental capacity of reason (Holness, 2021).

In Iran, the administrative procedure for proving this condition is limited to forensic examinations pursued by judicial lawyers. In Canada, any lawyer authorized to handle administrative matters can pursue this issue and navigate the complexities of proving the disorder.

5.2. Loss of Willpower

As discussed in the previous section, if the patient's intelligence is impaired at the moment of exercising willpower, the physical act can be considered involuntary. Scientifically, this condition is plausible (Holness, 2021). Therefore, if a decision was made during a moment of mental clarity but the physical act occurred during a dissociative state, willpower cannot be established (Mohammadi, 2016).

Substantively, this principle is shared by both the Iranian and Canadian legal systems: if the loss of willpower due to a mental disorder can be proven, the defendant will be exempt from responsibility. Administratively, however, the standards of proof and the competent authorities differ between the two systems.

5.3. Loss of Autonomy

Loss of autonomy refers to the inability to choose between two or more options. While "willpower" and "autonomy" share certain similarities, they are distinct legal constructs (Gholami et al., 2018). In Iran, the absence of autonomy is considered a factor that negates criminal responsibility, whereas in England, it is viewed as a justification for the crime (Mohammad-Hosseini et al., 2018).

According to psychological studies, mental disorders such as bipolar disorder, schizophrenia, and pedophilia

may temporarily eliminate alternative options from the individual's mind. In this state, the affected person momentarily perceives only one option and chooses it with their will and volition. This issue predominantly arises in cases of self-defense or under conditions of extreme fear (Thomas, 2022, p. 55).

6. Administrative-Judicial Procedures

A prominent issue in Iran's administrative-judicial framework in criminal law is the absence of a clear establishment of "impediments to crime realization." As a result, the occurrence of any crime necessitates prosecutorial involvement. Claims of mental disorders at the time of committing a crime are examined both substantively and procedurally, often revealing contradictions in this context (Aghaeinia, 2016).

Canada's legal system, being common law-based, operates on customary rules. However, adherence to written laws is more apparent in Canada compared to other common law countries (Diaz, 2020). It seems that the Canadian government seeks to increase adherence to laws by drafting new regulations for administrative matters (Hopson, 2020). Regarding the administrative-judicial system for criminal case handling, Canada has adopted an effective approach that balances flexibility within legal frameworks while ensuring equitable consideration of the rights of offenders and victims.

6.1. Unutilized Legal Provisions in Iran

According to Article 202 of Iran's Code of Criminal Procedure, if an investigating judge suspects during inquiries that the defendant was insane at the time of the crime, they must gather information from the defendant's relatives and other witnesses, obtain forensic reports, and, upon confirmation of insanity, submit the case to the prosecutor with a decision to halt proceedings. If the prosecutor concurs and the insanity persists, the individual may, by necessity and under the prosecutor's order, be referred to specialized care and treatment centers within the Welfare Organization or the Ministry of Health. These centers are obligated to accept the individual, and refusal to comply with the prosecutor's order will result in penalties under the Islamic Penal Code (Biglari, 2017).

At first glance, this legal provision seems to establish a form of "impediments to crime realization," even though

this concept is not formally recognized in Iran's administrative-judicial system. However, a broader interpretation of this article, particularly its second note, reveals exceptions that dilute its applicability. It is important to note that, like other countries, Iran categorizes crimes into four types—1) diya (blood money), 2) qisas (retribution), 3) hudud (prescribed punishments), and 4) ta'zir (discretionary punishments)—as specified in Article 14 of the Islamic Penal Code.

Since individuals with mental disorders who commit murder or cause physical harm are not subjected to qisas, and their punishment is converted to diya, it can be inferred that the second note of Article 202 applies to hudud and qisas crimes. However, as qisas is converted to diya for the mentally disordered, this is not explicitly addressed in the mentioned note (Aghaeinia, 2016).

The first note of the article states that regulations for this matter should be drafted with the cooperation of the Ministries of Justice and Health, which has not been realized to date. The second note specifies that for crimes punishable by diya, the provisions apply, but the conversion of qisas to diya for mentally disordered individuals renders the concept of "impediments to crime realization" practically absent in the administrative-judicial literature of Iran (Shiravi & Rostamian, 2011).

This concept is valid only for ta'zir crimes. For other crimes, such as murder, which is the most common offense committed by individuals with mental disorders, the legal contradictions prevent the application of "impediments to crime realization."

6.2. Preliminary Proceedings in Iran

Iran's judicial system incorporates administrative processes influenced by its judicial nature. Since administrative systems are deeply tied to executive functions, the executive branch is considered the apex of Iran's administrative structure, with governors acting as top administrative managers at the provincial level. Although the judiciary is administratively and managerially independent from the executive branch, it relies on executive mechanisms for its operations and engages with administrative-executive issues within its scope (Mousavi-Zadeh, 2019).

All criminal cases in Iran begin with the prosecutor's office. After initial investigations, the case is referred to the criminal court for a verdict.

According to the Code of Criminal Procedure, crimes are reported to the prosecutor's office through private complaints, prosecutor notifications, reports by judicial officers, or other authorized officials. If sufficient evidence supports the accusation, the defendant is summoned, and based on the severity of the crime, pretrial detention or other measures are ordered (Babaei-Mehr, 2021). The prosecutor's office, aided by judicial officers, conducts investigations to gather and complete evidence to establish the crime. This process is explicitly outlined in the Code of Criminal Procedure. Once sufficient evidence is collected, the prosecutor acts as the plaintiff and submits the case to the court for a ruling. The ruling is issued and follows the appeals process if applicable. The prosecutor's office also oversees the enforcement of criminal judgments and directly initiates execution after the verdict is issued.

The prosecutor's office intervenes only when initial evidence of a crime is available. The determination of sufficient evidence is the responsibility of the judicial authority (e.g., assistant prosecutor, investigating judge, or prosecutor, as needed). The prosecutor's office proceeds with the investigation and determines pretrial measures based on the crime's nature.

According to Article 217 of the Code of Criminal Procedure, to ensure the defendant's availability and prevent escape or concealment, as well as to secure the victim's rights for compensation, the investigating judge issues appropriate orders after informing the defendant of the charges and conducting necessary inquiries if sufficient evidence exists.

As evident, the legislator references "criminal liability" and initial evidence to justify pretrial measures (Estavari & Emami, 2021).

Therefore, when criminal liability exists but the defendant is exempt from punishment, the prosecutor's office applies the same procedural measures regardless of the punishment. The potential punishment may influence the type of pretrial measure but not its issuance. If the act or omission in question is not deemed a crime under the law, the prosecutor's office refrains from intervening. In such cases, the individual is only interrogated as a witness or informant. If the individual's presence in court is necessary, relatively simple

measures are imposed. Hence, attributing criminal liability plays a crucial role in determining procedural measures.

6.3. *Administrative-Judicial Innovation in Canada*

As previously mentioned, mental disorders at the time of committing a crime pose a persistent challenge for judicial systems. In legal systems based on codified law, which impose strict requirements on evidence and limit judicial discretion, the exemption of defendants claiming mental disorders from punishment often faces significant procedural obstacles, primarily in criminal procedural law (Yavari & Mehraram, 2018).

In contrast, common law systems exhibit greater reliance on judicial discretion, even if it risks undermining the rights of victims. Consequently, baseless claims of mental disorders at the time of the crime may sometimes be accepted (Nobahar & Khat Shab, 2017).

Canada's administrative-judicial system has adopted a notable approach to addressing these issues. Over the past decade, it has developed procedural standards for four specific mental disorders that may exempt individuals from punishment. In collaboration with psychologists and legal scholars, Canada's Supreme Judicial Council—the highest judicial authority operating ceremonially under the Governor-General—drafted regulations for this area. These regulations were disseminated to forensic medicine institutions and judicial authorities, and reports based on these procedures hold the status of official documentation (Jones, 2023; Jones, 2022).

The legislative branch did not participate in creating these laws; instead, the Supreme Judicial Council used its authority to formalize them within Canada's administrative-judicial traditions, underscoring the independence of the judiciary (Kayll, 2020). A similar innovative approach can be observed in Canada's civil legal processes, though these are beyond the scope of this discussion.

The procedural formalization of bipolar disorder as grounds for criminal responsibility exemption represents a significant innovation in Canada's common law system. A defendant claiming insanity is referred by the court or prosecutor to forensic medicine, where the following factors are monitored discreetly over three days (Naem et al., 2021):

- **Overconfidence or grandiosity:** Tested by introducing a harmless snake into the holding cell to observe the defendant's reaction.
- **Reduced need for sleep:** The defendant's sleep patterns are monitored.
- **Excessive talkativeness or compulsive need to speak:** Assessed through one-hour daily interviews.
- **Dream recording:** The defendant is given paper and pen to document their dreams.
- **Distractibility:** Monitored by introducing various sounds.
- **Psychomotor agitation:** Observed throughout the period.
- **Sexual desires:** Assessed using a sexual doll placed in the environment.
- **Masturbation during bathing:** Monitored discreetly.

At the end of the first three-day period, the responsible officer submits a report concluding either (1) the possibility of a disorder or (2) no possibility of a disorder. If the latter is reported, the individual is deemed mentally fit and returned to the judicial system for further proceedings. If the former is indicated, a second three-day assessment is initiated, including the following steps (Kamali, 2023):

- **Feelings of sadness, anxiety, or emptiness:** Evaluated through interviews.
- **Lack of motivation or interest in life:** Monitored.
- **Weight changes:** Regularly measured.
- **Fatigue:** Assessed through exercise tests.
- **Remorse in cases involving harm to others:** Monitored.
- **Concentration:** Evaluated using specific tasks.
- **Suicidal tendencies:** Monitored using a weapon loaded with blanks.

If a second positive possibility is reported, a final three-day assessment is conducted (Jones, 2022). This phase includes the provision of food and alcohol, monitoring the defendant's behavior over 24 hours, and assessing potential substance misuse (McLaughlin et al., 2023). In the final stage, a three-day dietary regimen is implemented to monitor stress responses. The diet includes the following (Mehmood et al., 2021):

- **Omega-3 fatty acids:** Provided at lunch, as studies indicate their potential to alleviate depressive symptoms in bipolar patients.
- **Magnesium:** Provided in the evening, derived from whole grains, beans, and dark leafy vegetables, offering effects similar to lithium, a common bipolar treatment.
- **Caffeine:** Administered in the morning to evaluate its potential to exacerbate mania.

At the end of this stage, forensic medicine compiles a final report, which is forwarded with the defendant to the judicial system (Long, 2020).

A judicial authority conducts the final interrogation, addressing the impact of bipolar disorder on the crime (e.g., cognitive impairment, loss of willpower, or timing of its onset and conclusion). This interrogation typically occurs twice: once by investigators and again by the judicial authority, with a detailed report prepared subsequently (Strange, 2020).

If the judicial authority is part of the prosecution office, the report is submitted to the prosecutor, who may approve dismissal of the case or issue an indictment. If a trial judge has referred the defendant for forensic assessment, they provide a final ruling based on the report (Pfau, 2020).

If cognitive impairment or loss of willpower at the time of the crime, or at the decision-making stage connected to the crime, is confirmed, the defendant is acquitted, and investigative proceedings conclude. However, the defendant is transferred to a psychiatric facility for treatment. If forensic medicine denies the presence of bipolar disorder, the defendant is treated as mentally fit, and an appropriate sentence is issued (Mackay et al., 2023).

Notably, if loss of willpower at the time of the crime or during decision-making is proven, judicial proceedings continue to their conclusion. In such cases, the defendant is exempted from punishment, and treatment measures are applied. The key distinction here is that administrative judicial processes proceed to completion (Jokar & Moghaddadi, 2022).

7. Similarities and Differences in the Studied Cases in Iran and Canada

As discussed, when judicial proceedings in forensic medicine follow the specified procedures, forensic reports and subsequent opinions from investigative

authorities acquire the status of uncontested official documents and can serve as the basis for verdict issuance. Procedurally, such verdicts cannot be appealed, thus ensuring strong judicial backing.

The Code of Criminal Procedure permits a decision to halt investigations for individuals deemed insane under specific circumstances. However, due to the lack of scientific recognition of bipolar disorder in Iran's judiciary, issuing such decisions in this context is not feasible. Additionally, forensic medicine cannot definitively diagnose bipolar disorder, and even in cases of diagnosis, there is insufficient certainty regarding the disorder's presence at the time of the crime (Tabatabai Motameni, 2018). While substantively these individuals cannot be punished for their actions (per Article 149 of the Islamic Penal Code), procedurally, the inability to establish this condition means the disorder has no impact on judicial proceedings.

The first significant difference between Iran's administrative-judicial system and Canada's in cases involving bipolar patients is the presence and formal recognition of "impediments to crime realization." In Iran, this results in a heavier administrative burden on the judiciary.

The second difference lies in the procedural approach to identifying the effects of bipolar disorder at the time of the crime. Despite Canada's common law system, the establishment and formalization of regulations in this area as official documents were unexpected and have resolved many challenges in the Canadian judiciary. In Iran, despite its codified legal system and the explicit wording of Note 1 to Article 202 of the Code of Criminal Procedure, no regulations have been developed for this matter. Furthermore, forensic reports can overturn preliminary judgments during appeals, a practice that undermines procedural stability.

8. Conclusion

In Canada, administrative and civil lawyers, under certain conditions, are allowed to handle judicial matters, facilitating support for defendants with greater ease. In Iran, only judicial lawyers can intervene, which leads to both administrative obstacles and potential misuse of authority, hindering the exoneration of defendants. It is recommended to distinguish between types of legal representation and to allow civil lawyers to defend bipolar patients. Civil lawyers, being familiar with

the patient's history, are better positioned to provide evidence, a practice effectively utilized in Canada.

In both Iran and Canada, mental disorders at the time of the crime are considered grounds for exemption from criminal responsibility, with no substantive disagreement on this principle. However, procedural differences exist. The lack of a clear administrative framework in Iran prevents the effective application of Note 1 to Article 202 of the Code of Criminal Procedure, whereas Canada has an explicit framework for establishing such claims. Therefore:

- It is recommended that the Iranian judiciary draft and disseminate guidelines for recognizing mental disorders that may lead to criminal acts after conducting scientific studies in this area.
- It is recommended that the judiciary model its forensic practices on Canada's approach to identifying four specific mental disorders associated with criminal behavior and develop similar facilities in Iran.
- It is recommended that the legislature formalize the establishment of "impediments to crime realization" through amendments to the Code of Criminal Procedure.
- It is recommended that, following consultations with the Cabinet or the Administrative Justice Court, administrative representation contracts drafted within an organization's legal unit or the Bar Association be recognized as official documents.
- It is recommended that judicial lawyers be granted special administrative authority for handling procedural matters, establishing general principles and frameworks for administrative legal representation.
- It is recommended that the authority of local governments in resolving administrative disputes be expanded, as observed in countries like France and Lebanon.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

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Ethical Considerations

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