

# **LAW**

## **On Lawyers**

*(No. 65/2006/QH11)*

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*This Law provides for lawyers and the practice of law.*

### **Chapter I**

#### **GENERAL PROVISIONS**

##### ***Article 1.-*** Governing scope

This Law provides for the principles, conditions, scope and forms of professional practice by, as well as criteria, rights and obligations of, lawyers, law-practicing organizations and socio-professional organizations of lawyers; the management of law practice and professional practice by foreign law-practicing organizations and foreign lawyers in Vietnam.

##### ***Article 2.-*** Lawyers

Lawyers are persons who fully meet the criteria and conditions for professional practice under the provisions of this Law and provide legal services at the request of individuals, agencies or organizations (hereinafter collectively referred to as clients).

##### ***Article 3.-*** Social functions of lawyers

Legal professional activities aim at contributing to the protection of justice, the economic development and the building of an equitable, democratic and civilized society.

##### ***Article 4.-*** Legal services provided by lawyers

Legal services provided by lawyers include participation in legal proceedings, provision of legal consultancy, representation of clients beyond legal proceedings and other legal services.

##### ***Article 5.-*** Principles for law practice

1. Observance of the Constitution and law.
2. Observance of the rules on legal professional ethics and conducts.
3. Independence, honesty and respect for objective truths.
4. Use of lawful measures for the best protection of clients' legitimate rights and interests.
5. Accountability before law for law-practicing activities.

## **Article 6.- Principles for management of law practice**

The management of law practice shall comply with the principle of combining the state management with the promotion of self-control of socio-professional organizations of lawyers, ensuring the observance of law and the rules of legal professional ethics and conducts.

## **Article 7.- Socio-professional organizations of lawyers**

Socio-professional organizations of lawyers are set up to represent lawyers and protect their legitimate rights and interests, provide professional training and retraining for lawyers, oversee lawyers in their observance of law and rules of professional ethics and conducts, and manage law practice in accordance with this Law.

Socio-professional organizations of lawyers include bar associations in provinces and centrally run cities and the national lawyers' organization.

## **Article 8.- Encouragement of *pro bono* legal aid**

The State encourages lawyers and law-practicing organizations to provide *pro bono* legal aid.

## **Article 9.- Prohibited acts**

1. Lawyers are forbidden to commit the following acts:

a/ Providing legal services to clients who have conflicting interests in the same criminal, civil or administrative case or civil affair (hereinafter collectively referred to as cases and affairs) as provided for by law;

b/ Intentionally supplying forged or untruthful documents or material evidences; instigating detainees, the accused, defendants or involved persons to make untruthful declarations or instigating clients to make complaints, denunciations or petitions in contravention of law;

c/ Disclosing information on cases, affairs or clients they have acquired in the process of professional practice, unless it is agreed by clients in writing or otherwise provided for by law.

d/ Harassing or deceiving clients;

e/ Receiving or asking for any money amounts or benefits other than remunerations and charges agreed upon with clients in legal service contracts;

f/ Establishing contacts or relations with persons conducting or participating in legal proceedings or with cadres or civil servants to act in contravention of law in the settlement of cases or affairs;

g/ Abusing law practice or the lawyer's title to cause harms to national security, social order or safety, infringing upon the State's interests, public interests or legitimate rights and interests of agencies, organizations or individuals.

2. Agencies, organizations and individuals may not commit acts of obstructing lawyers from practicing their profession.

## **Chapter II**

### **LAWYERS**

#### ***Article 10.-*** Criteria of lawyers

Vietnamese citizens who are loyal to the Fatherland, observe the Constitution and law, have good moral qualities, possess a law bachelor diploma, have been trained in legal profession, have gone through the probation of legal profession and have good health for law practice may become lawyers.

#### ***Article 11.-*** Conditions for law practice

A person who meets all the criteria specified in Article 10 of this Law, if wishing to practice law, must possess a law practice certificate and join a bar association.

#### ***Article 12.-*** Lawyer training

1. A person who possesses a law bachelor diploma may register to participate in a lawyer-training course at a lawyer-training establishment.

2. The lawyer-training duration is six months.

A person who completes the lawyer-training program shall be granted a graduation certificate by the concerned lawyer-training establishment.

3. The Justice Minister shall provide a framework program for lawyer training and the recognition of lawyer training overseas.

4. The Government shall provide for lawyer-training establishments.

#### ***Article 13.-*** Persons exempt from lawyer training

1. Those who have been judges, procurators or investigators.

2. Professors, associate professors of law; doctors of law.

3. Those who have been senior court examiners; senior procuracy inspectors; senior legal experts, researchers or lecturers.

4. Those who have been principal court examiners or principal procuracy inspectors; principal legal experts, researchers or lecturers.

#### ***Article 14.-*** Law practice probation

1. Persons who possess lawyer-training certificates may take probation at law-practicing organizations.

Unless it is reduced according to the provisions of Clauses 2 and 3, Article 16 of this Law, the law practice probation lasts 18 months. The probation duration is counted from the date of probation registration at a bar association.

Law-practicing organizations shall assign lawyers to guide probationers in the practice of law.

2. Law probationers shall register their probation with the bar associations of localities where law-practicing organizations in which they are taking probation are based.

Bar associations shall oversee the observance of the Regulation on law practice probation.

3. Law probationers may assist instructing lawyers in professional activities; must neither accept nor provide legal services for clients.

4. Upon the expiration of the probation period, instructing lawyers shall give written comments on probation results of probationers and send those comments to the bar associations where they register their probation.

5. The law-practice probation shall comply with the relevant Regulation promulgated jointly by the Justice Ministry and the national lawyers' organization.

**Article 15.-** Testing of law practice-probation results

1. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the national lawyers' organization in, testing law practice-probation results.

2. Law practice-probation results are tested by a council composed of a representative of the Justice Ministry's leadership as its chairman and representatives of the national lawyers' organization and some lawyers as its members. The council's membership is decided by the Minister of Justice.

The council shall test law practice-probation results according to the Regulation on law practice probation.

3. Persons who pass law practice-probation tests shall be granted certificates by the Justice Minister at the request of the law practice probation result-testing council.

**Article 16.-** Persons entitled to law practice probation exemption or reduction

1. Persons who are exempt from lawyer training as specified in Clauses 1, 2 and 3, Article 13 of this Law are also exempt from law practice probation.

2. Persons who are exempt from lawyer training as specified in Clause 4, Article 13 of this Law are entitled to reduction of two-thirds of the law practice- probation duration.

3. Persons who have worked as legal experts, researchers or lecturers or as court examiners or procuracy inspectors for 10 years or more are entitled to reduction of half of the law practice-probation duration.

**Article 17.-** Grant of law practice certificates

1. Persons who pass law practice-probation tests shall file dossiers of application for law practice certificates with the managing boards of the bar associations where they register their probation. A dossier of application for such a certificate comprises:

a/ An application for a law practice certificate;

b/ A curriculum vitae;

c/ A judicial record card;

d/ A copy of the law bachelor or master diploma;

e/ A copy of the lawyer-training certificate or paper evidencing the lawyer-training exemption according to the provisions of Clause 4, Article 13 of this Law;

f/ A copy of the law practice-probation certificate;

g/ A health certificate.

Within 7 working days after receiving a complete dossier, the managing board of the concerned bar association shall send, together with the dossier, a written proposal for the grant of a law practice certificate to the Justice Ministry.

2. Persons entitled to lawyer-training and law practice probation exemption shall file dossiers of application for law practice certificates with the Justice Ministry. Such a dossier comprises:

a/ An application for a law practice certificate;

b/ A curriculum vitae;

c/ A judicial record card;

d/ A copy of the law bachelor, master or doctorate diploma;

e/ Papers evidencing the lawyer-training exemption under the provisions of Clauses 1, 2 and 3, Article 13 and law practice probation exemption under the provisions of Clause 1, Article 16, of this Law;

f/ A health certificate.

3. Within 30 days after receiving complete dossiers of application for law practice certificates, the Justice Minister shall grant such certificates; in case of refusal, he/she shall notify the applicants and the managing boards of concerned bar associations thereof in writing, clearly stating the reasons therefor.

If their applications for law practice certificates are rejected, the applicants may lodge complaints in accordance with law.

4. Persons falling in one of the following cases are not granted law practice certificates:

a/ Working as cadres, officials or civil servants; as officers, professional personnel or defense workers in agencies or units of the people's army; as commanding or professional officers or non-commissioned officers in agencies or units of the people's security forces;

b/ Not permanently residing in Vietnam;

c/ Being examined for penal liability; having been sentenced for unintentional crimes or less serious intentional crimes and their criminal records have not yet been remitted; having been sentenced for serious, very serious or particularly serious intentional crimes;

d/ Being confined to a medical treatment establishment or reformatory as an administrative sanctioning measure or to administrative probation;

e/ Having lost their civil act capacity or having a restricted civil act capacity;

f/ The persons defined at Point a of this Clause who have been dismissed for under three years, counting from the date the dismissal decision takes effect.

**Article 18.-** Withdrawal of law practice certificates

1. The law practice certificate granted to a person shall be withdrawn if he/she falls in one of the following cases:

a/ Working as a cadre, official or civil servant; as an officer, professional personnel or defense worker in an agency or unit of the people's army; as a commanding or professional officer or non-commissioned officer in an agency or unit of the people's security force;

b/ No longer residing in Vietnam;

c/ No longer satisfying lawyers' criteria specified in Article 10 of this Law;

d/ Being disciplined in the form of having his/her name deleted from the list of lawyers of a bar association;

e/ Being deprived of the right to use the law practice certificate;

f/ Having been sentenced and the sentence has taken legal effect.

2. The Justice Minister has the power to withdraw law practice certificates and stipulate procedures for the withdrawal of those certificates.

**Article 19.-** Re-grant of law practice certificates

1. A person whose law practice certificate has been withdrawn according to the provisions of Point a, b or c, Clause 1, Article 18 of this Law may be considered for the re-grant of that certificate when they fully meet the criteria specified in Article 10 of this Law.

2. A person whose law practice certificate has been withdrawn according to the provisions of Point d, e or f, Clause 1, Article 18 of this Law may be considered for the re-grant of that

certificate when they fully meet the criteria specified in Article 10 of this Law and one of the following conditions:

a/ Three years have passed after the decision to withdraw the law practice certificate is issued to the lawyer who is disciplined in the form of having his/her name deleted from the list of lawyers of a bar association;

b/ The law practice certificate has been withdrawn because the lawyer has been deprived of the right to use that certificate for a definite period and that period has expired.

c/ The law practice certificate has been withdrawn because the lawyer has been sentenced for an unintentional crime or a less serious intentional crime, and his/her criminal record has been remitted after serving the penalty.

3. A person whose law practice certificate is withdrawn because of being deprived of the right to use that certificate for an indefinite period or having been sentenced for a serious, very serious or particularly serious intentional crime shall not be considered for the re-grant of a law practice certificate.

4. Procedures for the re-grant of law practice certificates shall comply with the provisions of Article 17 of this Law.

#### ***Article 20.-*** Joining bar associations

1. A person who possesses a law practice certificate may join a bar association of his/her choice for law practice.

2. A person who possesses a law practice certificate shall send a dossier for joining a bar association to that association's managing board. Such a dossier comprises:

a/ A written registration of joining the bar association;

b/ A curriculum vitae;

c/ A copy of the law practice certificate;

d/ A legal record card;

e/ A health certificate.

3. Within 10 working days after receiving a complete dossier for joining a bar association, the managing board of the bar association shall consider and decide on such joining; if the applicant falls in one of the cases defined in Clause 4, Article 17 of this Law, the managing board shall reject the application and state in writing the reasons therefor. The rejected applicant may lodge his/her complaint in accordance with Article 87 of this Law.

4. A person joining a bar association shall be granted a lawyer's card by the national lawyers' organization at the request of the bar association. The time limit for the grant of a lawyer's card must not exceed 30 days from the date the lawyer joins the bar association.

5. A lawyer who moves from one bar association to another shall fill in procedures to have his/her name deleted from the list of lawyers of the bar association of which he/she is a member in order to move to the new one and have his/her lawyer's card renewed.

**Article 21.-** Rights and obligations of lawyers

1. Lawyers have the following rights:

a/ To practice law, to select forms of law practice and forms of law-practicing organization in accordance with this Law;

b/ To practice law in the Vietnamese territory;

c/ To practice law overseas;

d/ Other rights as provided for by this Law.

2. Lawyers have the following obligations:

a/ To observe the law practice principles;

b/ To take lawful measures to protect legitimate rights and interests of their clients;

c/ To participate in legal proceedings in cases at the request of legal proceeding-conducting agencies.

d/ To provide *pro bono* legal aid;

e/ Other obligations as provided for by this Law.

### **Chapter III**

## **LAW PRACTICE**

### **Section 1. LAW PRACTICE BY LAWYERS**

**Article 22.-** Practicing scope

1. Participating in legal proceedings as defense counsels for detainees, the accused or defendants or as defenders of interests of victims, claimants or respondents in civil cases, or of people with related interests and obligations in criminal cases.

2. Participating in legal proceedings as representatives or defenders of legitimate rights and interests of claimants, respondents, persons with related rights and obligations in civil disputes, marriage and family, business, commercial, labor or administrative cases or affairs as well as in other cases and affairs specified by law.

3. Providing legal consultancy.

4. Representing clients beyond legal proceedings in order to carry out related legal tasks.



5. Providing other legal services in accordance with this Law.

**Article 23.-** Forms of law practice by lawyers

1. Practicing law in a law-practicing organization.

A lawyer may practice law in a law-practicing organization by establishing or joining in the establishment of the law-practicing organization or working for the law-practicing organization under a contract.

2. Practicing law individually.

3. Lawyers may opt for either of the two professional practice forms mentioned in Clauses 1 and 2 of this Article to practice law.

**Article 24.-** Acceptance and settlement of clients' cases or affairs

1. Lawyers shall respect clients' selection of lawyers; shall only accept cases and affairs suitable with their capabilities and settle them within the scope of the clients' requests.

2. When accepting cases or affairs, lawyers shall notify their clients of their rights, obligations and professional liabilities in the provision of legal services to clients.

3. Unless it is consented by clients or in *force majeure* circumstances, lawyers may not transfer cases or affairs they have accepted to others.

**Article 25.-** Confidentiality

1. Unless it is consented by clients in writing or otherwise provided for by law, lawyers may not disclose information on cases, affairs or clients they know in the course of professional practice.

2. Lawyers may not use information on cases, affairs or clients they know in professional practice for the purpose of infringing upon the State's interests, public interests or legitimate rights and interests of agencies, organizations or individuals.

3. Law-practicing organizations shall ensure that their staff members do not disclose information on their cases, affairs or clients.

**Article 26.-** Provision of legal services under legal service contracts

1. Lawyers shall provide legal services under legal service contracts, except for those who participate in legal proceedings at the request of legal proceeding-conducting agencies and those who practice law individually under labor contracts with agencies or organizations.

2. Legal service contracts must be made in writing with the following principal contents:

a/ Names and addresses of the client or his/her representative and of the representative of the law-practicing organization or the lawyer practicing law individually;

- b/ Service contents and contract performance duration;
- c/ Rights and obligations of the involved parties;
- d/ The mode of calculation of remuneration and specific remuneration levels; expenses (if any);
- e/ Liabilities incurred upon a breach of the contract.
- f/ The mode of settlement of disputes.

**Article 27.- Lawyers' participation in legal proceedings**

1. Lawyers' participation in legal proceedings shall comply with the procedural law and this Law.

2. When fully producing papers in one of the following cases, a lawyer may be granted by the legal proceeding-conducting agency a certificate of defense counsel, certificate of defender of interests of an involved party in a criminal case or certificate of defender of legitimate rights and interests of an involved party in a civil affair or administrative case (hereinafter collectively referred to as lawyer's certificate of participation in legal proceedings):

- a/ The lawyer's card, the client's written request for a lawyer and the introduction paper of the law-practicing organization or its branch where the lawyer practices law, in case such lawyer practices law in a law-practicing organization;
- b/ The lawyer's card, the client's written request for a lawyer and the introduction paper of the bar association of which the lawyer is a member, in case he/she practices law individually; the lawyer's card and the introduction paper of the agency or organization where the lawyer practices law individually under a labor contract in order to protect legitimate rights and interests of that agency or organization;
- c/ The lawyer's card and the document on lawyer nomination by a law-practicing organization or its branch where he/she practices law, for the lawyer who practices law in a law-practicing organization, or the lawyer's card and the document of lawyer nomination by the bar association, for the lawyer who practices law individually, in order to participate in legal proceedings in a criminal case at the request of the legal proceeding-conducting agency.

3. Unless otherwise provided for by law, the time limit for the grant of a lawyer's certificate of participation in legal proceedings is 3 days at most after the full receipt of the papers in one of the cases stipulated in Clause 2 of this Article.

4. Unless it is withdrawn, the lawyer is replaced or is not allowed to participate in legal proceedings as provided for by law, a lawyer's certificate of participation in legal proceedings is valid at all stages of legal proceedings.

5. When they need to contact individuals, agencies or organizations to exercise their rights, perform their obligations or carry out activities related to the defense or protection of interests of their clients, lawyers shall produce lawyer's cards and certificates of participation in legal proceedings.

**Article 28.-** Legal consultancy activities of lawyers

1. Legal consultancy means that lawyers guide, give opinions to or assist their clients in drafting papers related to the exercise of the latter's rights or the performance of the latter's obligations.

Lawyers may provide legal consultancy in all fields of law.

2. When providing legal consultancy, lawyers shall assist their clients in strictly observing law in order to protect the latter's legitimate rights and interests.

**Article 29.-** Lawyers' representation beyond legal proceedings

1. Lawyers may represent their clients in settling affairs related to the jobs they have taken within the scope and according to the contents of the legal service contracts or as assigned by agencies or organizations for which they practice law individually under labor contracts.

2. When representing their clients, lawyers have the rights and obligations as provided for by relevant laws.

**Article 30.-** Other legal services provided by lawyers

1. Other legal services provided by lawyers include assisting clients in performing jobs related to administrative procedures; providing legal advice in case of settlement of complaints; translating, certifying papers and transactions and assisting clients in performing other jobs in accordance with law.

2. When providing other legal services, lawyers have the rights and obligations as provided for by relevant laws.

**Article 31.-** *Pro bono* legal aid provided by lawyers

1. When providing *pro bono* legal aid, lawyers must be devoted to the legal aid-receivers as to their clients in charged cases and affairs.

2. Lawyers shall provide *pro bono* legal aid according to the charter of the national lawyers' organization.

**Section 2. LAW-PRACTICING ORGANIZATIONS**

**Article 32.-** Forms of law-practicing organizations

1. Forms of law-practicing organizations include:

a/ Lawyers' offices;

b/ Law firms.

2. Law-practicing organizations are organized and operate under the provisions of this Law and other relevant provisions of law.

3. A lawyer may only establish, or join in the establishment of, one law-practicing organization in the locality where exists a bar association of which he/she is a member. Where lawyers of different bar associations jointly set up a law firm, they may opt to establish it and register its operations in the locality where exists the bar association of which one of them is a member.

#### ***Article 33.- Lawyer's office***

1. A lawyer's office set up by a lawyer is organized and operates in the form of a private enterprise.

The lawyer who sets up a lawyer's office is the chief of the office and takes charge of fulfilling all the office's obligations with all his/her property. The chief of an office is the office's representative at law.

2. The name of a lawyer's office is selected by the lawyer according to the provisions of the Enterprise Law but must contain the phrase "*van phong luat su*" (lawyer's office), must not be identical to, or cause confusion with, the names of registered law-practicing organizations and must not contain words, phrases or symbols against the historical, cultural or ethical traditions as well as fine customs of the nation.

3. A lawyer's office has its own seal and account as provided for by law.

#### ***Article 34.- Law firm***

1. Law firms include law partnerships and limited liability law firms. Law firms' members must be lawyers.

2. A law partnership must be set up by at least two lawyers. Law partnerships do not have capital-contributing members.

3. Limited liability law firms include limited liability law firms with two or more members and one-member limited liability law firms.

A limited liability law firm with two or more members must be set up by at least two lawyers.

A one-member limited liability law firm is set up by one lawyer who is also the owner of the firm.

4. Members of a law partnership or limited liability law firm with two or more members shall reach agreement to nominate one of them to be the firm's director. The lawyer who owns a one-member limited liability law firm is the firm's director.

5. The names of law partnerships or limited liability law firms with two or more members shall be selected and agreed upon by all members; the names of one-member limited liability law firms shall be selected by the firms' owners in accordance with the Enterprise Law, which, however, must contain the phrase "*cong ty luat hop danh*" (law partnership) or "*cong ty luat huu han*" (limited liability law firm), must not be identical to, or cause confusion with, the names of other registered law-practicing organizations, and must not contain words,

phrases or symbols against the historical, cultural or ethical traditions as well as fine customs of the nation.

**Article 35.-** Registration of operations of law-practicing organizations

1. A law-practicing organization shall register its operations at the provincial/municipal Justice Service of the locality where exists the bar association of which the chief of the lawyer's office or the director of the law firm is a member. A law firm jointly set up by lawyers of different bar associations shall register its operations at the provincial/municipal Justice Service of the locality where the firm is based.

2. Law-practicing organizations shall send operation registration dossiers to the provincial/municipal Justice Services. Such a dossier comprises:

a/ A written request for operation registration, made according to a set form;

b/ A draft charter of the law firm;

c/ Copies of the law practice certificate and lawyer's card of the lawyer who sets up the lawyer's office, sets up or joins in setting up the law firm.

d/ Papers evidencing the headquarters of the law-practicing organization.

3. Within 10 working days after receiving a complete dossier, the provincial/municipal Justice Service shall grant an operation registration paper to the law-practicing organization; in case of refusal, it shall give written notice, clearly stating the reasons therefor and the person who is not granted that paper may lodge a complaint in accordance with law.

4. A law-practicing organization may start operation on the date it is granted the operation registration paper.

Within 7 working days after being granted the operation registration paper, the chief of the lawyer's office or the director of the law firm shall give a written notice together with a copy of the operation registration paper to the bar association of which he/she is a member.

**Article 36.-** Changes in contents of operation registration of law-practicing organizations

1. In case of a change in its name, address of its head-office, branch, transaction office, practice domains, membership, at-law representative or other contents in the operation registration dossier, within 10 working days after deciding on such change, a law-practicing organization shall make registration with the provincial/municipal Justice Service where it has registered its operations. In case of changes in the contents of its operation registration paper, the law-practicing organization shall be re-granted that paper.

Within 10 working days after making changes or receiving the re-granted operation registration paper, the law-practicing organization shall notify the bar association of the changes in writing.

2. When its operation registration paper is lost, torn, burnt or otherwise destroyed, a law-practicing organization shall be re-granted that paper.

**Article 37.-** Supply of information on contents of operation registration by law-practicing organizations

1. Within 7 working days after granting an operation registration paper or changing contents of operation registration of a law-practicing organization, the provincial/municipal Justice Service shall notify such in writing to the tax office, the statistical office, other competent state agencies and the People's Committee of the district, provincial town or city, the People's Committee of the commune, ward or township and the bar association in the locality where the concerned law-practicing organization is headquartered.
2. Organizations and individuals may request provincial/municipal Justice Services to supply information on operation registration contents of law-practicing organizations, grant copies of operation registration papers, certify changes in operation registration contents or extract those contents of law-practicing organizations and shall pay fees in accordance with law.
3. Provincial/municipal Justice Services shall supply in a timely manner all information on operation registration contents of law-practicing organizations at the request of organizations or individuals specified in Clause 2 of this Article.

**Article 38.-** Publicity of operation registration contents of law-practicing organizations

1. Within 30 days after being granted an operation registration paper, a law-practicing organization shall publish on a central daily or a daily of the locality where it registers its operations or on a law-specialized newspaper for three consecutive issues the following principal contents:
  - a/ Its name;
  - b/ Addresses of its head-office, branches and transaction offices;
  - c/ Its professional practice domains;
  - d/ Full names, addresses, serial numbers of law practice certificates of the lawyer who is the chief of the lawyer's office or the director of the law firm and other founding members;
  - e/ Serial number of the operation registration paper, place of operation registration and date of grant of the operation registration paper.
2. In case of a change in its operation registration contents, a law-practicing organization shall make public that change within the time limit and by the mode prescribed in Clause 1 of this Article.

**Article 39.-** Rights of a law-practicing organization

1. To provide legal services;
2. To receive remunerations from its clients.
3. To hire Vietnamese lawyers, foreign lawyers and others to work for it.

4. To cooperate with foreign law-practicing organizations.
5. To set up local branches or transaction offices.
6. To locate its practicing establishments overseas.
7. Other rights as provided for by this Law and relevant laws.

**Article 40.-** Obligations of a law-practicing organization

1. To operate only in the practice domains stated in its operation registration paper.
2. To fulfill its commitments to clients.
3. To nominate its lawyers to participate in legal proceedings according to the assignment of the bar association.
4. To create conditions for its lawyers to provide *pro bono* legal aid.
5. To pay compensation for damage caused by its lawyers to its clients in legal consultancy provision, in representation beyond legal proceedings or in the provision of other legal services.
6. To purchase professional liability insurance for its lawyers in accordance with the insurance business law.
7. To observe the labor, tax, financial and statistical laws.
8. To abide by the competent state agencies' requests for reporting, inspection or examination.
9. Other obligations as provided for by this Law and relevant laws.

**Article 41.-** Branches of law-practicing organizations

1. Branches of a law-practicing organization may be set up within or outside the province or centrally run city where that organization registers its operation. Branches of a law-practicing organization are its dependent units and operate under its authorization in the domains specified in its operation registration paper. The law-practicing organization shall take responsibility for operations of its branches. It shall nominate a lawyer to be the chief of each branch. The chief of a branch and members of the law-practicing organization working at that branch may also be lawyers of a bar association in the locality where the law-practicing organization registers its operations or where it locates its branch.
2. A branch of a law-practicing organization shall register its operations at provincial/municipal Justice Service of the locality where it is based. The law-practicing organization shall file a dossier for registration of operations of its branch with the provincial/municipal Justice Service. Within 7 working days after receiving a complete dossier, the provincial/municipal Justice Service shall grant an operation registration paper to the concerned branch; in case of refusal, it shall notify such in writing, clearly stating the

reasons therefor. The person who is not granted an operation registration paper may lodge a complaint in accordance with law.

A branch may operate from the date it is granted an operation registration paper. Within 7 working days after receiving the operation registration paper for its branch, the law-practicing organization shall send written notices together with copies of that paper to the provincial/municipal Justice Service, the bar association of the locality where it registers its operations and the bar association of the locality where its branch is based.

Upon changes in operation registration contents of its branch, within 10 working days after deciding on those changes, the law-practicing organization shall notify those changes in writing to the provincial/municipal Justice Service which has granted the operation registration paper to its branch and to the bar association of the locality where its branch is based.

3. A branch's operation registration dossier comprises:

- a/ A written request for registration of the branch's operations;
- b/ A copy of the operation registration paper of the law-practicing organization which sets up the branch;
- c/ A decision on the establishment of the branch;
- d/ Copies of the law practice certificate and the lawyer's card of the chief of the branch;
- e/ Papers evidencing the branch's office.

**Article 42.-** Transaction offices of law-practicing organizations

The transaction office of a law-practicing organization may be set up within a province or centrally-run city where that organization registers its operations. The transaction office is the place to receive cases, affairs and requests of clients. It may not provide legal services.

Within 5 working days after setting up a transaction office, a law-practicing organization shall notify in writing the transaction office's address to the provincial/municipal Justice Service of the locality where it registers its operations.

The provincial/municipal Justice Service shall write the address of the transaction office of the law-practicing organization in its operation registration certificate.

**Article 43.-** Opening of law-practicing establishments overseas

1. Law-practicing organizations may open law-practicing establishments overseas.
2. Within 10 working days after permitted by the foreign competent authority to open its law-practicing establishment overseas, a law-practicing organization shall notify such in writing to the provincial/municipal Justice Service, the tax office and the bar association of the locality where it registers its operations.



3. When terminating operations of its overseas law-practicing establishment, within 7 working days after the termination, the law-practicing organization shall notify such in writing to the provincial/municipal Justice Service, the tax office and the bar association of the locality where it registers its operations.

**Article 44.-** Nomination of lawyers to provide legal services in foreign countries

Law-practicing organizations may nominate lawyers to provide legal services in foreign countries at the request of their clients.

Lawyers who provide legal services in foreign countries shall observe the provisions of this Law and relevant laws.

**Article 45.-** Merger and consolidation of law firms

Law firms of the same type may be merged or consolidated. The merger and consolidation of law firms shall comply with the Enterprise Law.

**Article 46.-** Cessation of operations of law-practicing organizations

1. Law-practicing organizations may cease their operations but must, at least 10 working days before the cessation or resumption of their operations, send reports thereon to provincial/municipal Justice Services, tax offices, statistical offices and bar associations of the localities where they register their operations and where their branches are located. The cessation duration must not exceed two years.

2. A report on cessation of operations of a law-practicing organization has the following principal contents:

a/ The name of the law-practicing organization;

b/ The serial number and date of the issue of its operation registration certificate;

c/ The address of its head office;

d/ The cessation duration, the dates of starting and ending the cessation;

e/ The reasons for operation cessation;

f/ The report on the payment of debts and the handling of legal service contracts already signed with clients and labor contracts already signed with its lawyers and staff members.

3. Provincial/municipal Justice Services may request law-practicing organizations to cease their operations if detecting that the latter fail to meet the law-practicing conditions as provided for by law.

4. During their operation cessation periods, unless otherwise agreed upon, law-practicing organizations shall fully pay tax debts, continue paying other debts and complete contracts already signed with laborers.

With regard to legal service contracts which have been signed with their clients but have not yet been completed, law-practicing organizations shall reach agreement with those clients on the performance of the contracts.

5. When a law-practicing organization ceases its operations, its branches and transaction offices shall also cease their operations.

***Article 47.- Termination of operations of law-practicing organizations***

1. A law-practicing organization terminates its operations in the following cases:

a/ It terminates its operations at its own will;

b/ Its operation registration paper is withdrawn;

c/ The chief of the lawyer's office, the director of the one-member limited liability law firm or all members of the law partnership or members of the limited liability law firm with two or more members have their law practice certificates withdrawn;

d/ The law firm is merged or consolidated;

e/ The chief of the lawyer's office or the director of the one-member limited liability law firm dies.

2. When terminating its operations according to the provisions of Points a and d, Clause 1 of this Article, within 30 days before terminating its operations, a law-practicing organization shall notify such in writing to the provincial/municipal Justice Services and the bar associations of the localities where it registers its operations and where it locates its branch(es).

Before terminating its operations, a law-practicing organization shall fully pay tax debts; pay all other debts; complete all procedures for termination of labor contracts already signed with its lawyers and staff members; and complete all legal service contracts already signed with its clients. If failing to complete legal service contracts signed with its clients, it shall reach agreement with the latter on the performance of those contracts.

3. In case of termination of operations of a law-practicing organization according to the provisions of Points b and c, Clause 1 of this Article, within 7 working days after withdrawing the operation registration paper and/or the law practice certificate, the concerned provincial/municipal Justice Service shall notify such in writing to the bar association(s) and the tax office(s) of the locality(ies) where that law-practicing organization registers its operations and where it locates its branch(es).

Within 60 days after having its operation registration paper and/or law practice certificate withdrawn, a law-practicing organization shall fully pay tax debts; pay all other debts; complete procedures for termination of labor contracts already signed with its lawyers and staff members. With regard to legal service contracts which have been signed with its clients but have not yet been completed, the organization shall reach agreement with its clients on the performance of those contracts.

4. In case of operation termination under the provisions of Point e, Clause 1 of this Article, within 7 working days after the chief of the lawyer's office or the director of the one-member limited liability law firm dies, the concerned provincial/municipal Justice Service shall issue a decision to withdraw the operation registration certificate of the office or the firm.

Within 7 working days after withdrawing an operation registration paper, the provincial/municipal Justice Service shall notify such in writing to the bar associations and the tax office(s) of the locality(ies) where the concerned law-practicing organization registers its operations and where it locates its branch(es). The handling of property-related rights and obligations shall comply with the civil law.

**Article 48.-** Termination of operations of branches and transaction offices of law-practicing organizations

1. Branches or transaction offices of a law-practicing organization shall terminate their operations in the following cases:

a/ The law-practicing organization that has set up such branches or transaction offices terminates its operations;

b/ The termination is compliant with the decision of the law-practicing organization that has set up such branches or transaction offices;

c/ A branch's operation registration paper is withdrawn.

2. Law-practicing organizations shall fulfill all obligations and handle all issues related to the termination of operations of their branches or transaction offices.

### **Section 3. INDIVIDUAL PRACTICE OF LAW**

**Article 49.-** Lawyers practicing law individually

1. Lawyers practicing law individually are those who personally accept cases or affairs and provide legal services to their clients, take responsibility for their professional practice with all their property and operate in the form of private business households.

Lawyers practicing law individually may each register only one transaction place and have no seals.

2. Lawyers shall practice law individually by providing legal services for clients under legal service contracts or working for agencies or organizations under labor contracts.

**Article 50.-** Registration of individual law practice

1. A lawyer practicing law individually shall register his/her professional practice at the provincial/municipal Justice Service of the locality where exists a bar association of which he/she is member.

Lawyers practicing law individually shall send law practice-registration dossiers to provincial/municipal Justice Services. Within 7 working days after receiving complete

dossiers, provincial/municipal Justice Services shall grant law practice-registration papers; in case of refusal, they must issue written notices, clearly stating the reasons therefor. The applicants who are not granted law-practice registration papers may lodge complaints in accordance with law.

2. A dossier for registration of individual law practice comprises:

- a/ A written request for law practice registration, made according to a set form;
- b/ Copies of the law practice certificate and the lawyer's card;
- c/ Papers evidencing the transaction venue.

3. A lawyer may practice law individually from the date he/she is granted a law practice-registration paper.

Within 7 working days after being granted the law practice-registration paper, the lawyer practicing law individually shall send a written notice together with a copy of the law practice registration paper to the bar association of which he/she is a member.

**Article 51.-** Change in, and supply of information on, contents of registration of individual law practice

The change in, and supply of information on, contents of registration of individual law practice by lawyers who practice law individually shall comply with the provisions of Articles 36 and 37 of this Law.

**Article 52.-** Rights and obligations of lawyers practicing law individually under legal service contracts

1. Lawyers practicing law individually under legal service contracts have the following rights:

- a/ To provide legal services;
- b/ To receive remunerations from clients;
- c/ Other rights as provided for by this Law and relevant laws.

2. Lawyers practicing law individually under legal service contracts have the following obligations:

- a/ To operate only in the professional domains stated in their law practice-registration papers;
- b/ To strictly implement the contents of legal service contracts concluded with clients;
- c/ To pay compensations for damage caused to clients due to their faults in the provision of legal consultancy, representation beyond legal proceedings or in the provision of other legal services;
- d/ To purchase professional liability insurance in accordance with the insurance business law;

e/ To observe the tax, financial and statistical laws;

f/ To abide by the competent state agencies' requests on reporting, inspection and examination;

g/ Other obligations as provided for by this Law and relevant laws.

**Article 53.-** Rights and obligations of lawyers practicing law individually under labor contracts

1. Lawyers practicing law individually under labor contracts may provide legal services according to the contents of labor contracts concluded with agencies or organizations.

2. The rights and obligations of lawyers practicing law individually under labor contracts, of agencies and organizations hiring those lawyers shall comply with the labor law, this Law and relevant laws.

## **Chapter IV**

### **REMUNERATIONS AND EXPENSES; WAGES UNDER LABOR CONTRACTS**

**Article 54.-** Lawyers' remunerations

Clients shall pay remunerations for legal services provided by lawyers. The receipt of remunerations shall comply with this Law and relevant laws.

**Article 55.-** Grounds and modes of calculating remunerations

1. Remuneration levels are calculated on the following grounds:

a/ Contents and characteristics of legal services;

b/ Time and labor spent by lawyers on the provision of legal services;

c/ Experience and prestige of lawyers.

2. Remunerations are calculated by the following modes:

a/ Working hours of lawyers;

b/ Cases or affairs with package remunerations;

c/ Cases or affairs with remunerations calculated in percentages of the threshold costs of lawsuits or the value of contracts or projects;

d/ Long-term contracts with fixed remunerations.

**Article 56.-** Remunerations and expenses for lawyers who provide legal services under legal service contracts

1. Remuneration levels shall be agreed upon in legal service contracts; for criminal cases where lawyers participate in legal proceedings, remuneration levels shall not exceed the ceiling level set by the Government.

2. Traveling, accommodation and other reasonable expenses for the provision of legal services shall be agreed upon by the concerned parties in legal service contracts.

**Article 57.-** Remunerations and expenses for lawyers who participate in legal proceedings at the request of legal proceeding-conducting agencies

Lawyers who participate in legal proceedings at the request of legal proceeding-conducting agencies are entitled to remunerations and expenses according to the Government's regulations.

**Article 58.-** Wages for lawyers practicing law individually under labor contracts

Lawyers practicing law individually for agencies or organizations under labor contracts are entitled to wages as agreed upon in the labor contracts.

The agreement on and payment of wages shall comply with the labor law.

**Article 59.-** Settlement of disputes over remunerations, expenses and wages under labor contracts

1. The settlement of disputes over remunerations and expenses for lawyers shall comply with the civil law.

2. The settlement of disputes over wages for lawyers practicing law individually under labor contracts with agencies or organizations shall comply with the labor law.

## **Chapter V**

### **SOCIO-PROFESSIONAL ORGANIZATIONS OF LAWYERS**

#### **Section 1. SOCIO-PROFESSIONAL ORGANIZATIONS OF LAWYERS IN PROVINCES AND CENTRALLY RUN CITIES**

**Article 60.-** Bar association

1. A bar association is a socio-professional organization of lawyers in a province or centrally run city, having the legal person status, its own seal and bank account and operating on the principle of self-financing with revenues from membership fees, contributions of members and other lawful revenue sources.

2. A bar association may be set up in a province or centrally run city where exist three or more law practice certificate holders. The provincial/municipal People's Committee shall permit the setting up of a bar association after reaching agreement with the Justice Minister.

3. A bar association has its own charter to govern its internal relations.

4. Members of a bar association are lawyers.

The rights and obligations of members of a bar association are provided in its charter.

**Article 61.-** Tasks and powers of a bar association

1. To represent lawyers in professional practice and protect their legitimate rights and interests.
2. To supervise and coordinate with bar associations in other localities in supervising the observance of law, rules of professional ethics and conducts of member lawyers, lawyers practicing law in law-practicing organizations and locally based branches of law-practicing organizations; to discipline lawyers.
3. To supervise and coordinate with bar associations in other localities in supervising the operations of law-practicing organizations and their branches and transaction offices; to request law-practicing organizations to stop law-breaking acts and request competent state agencies to handle those acts.
4. To organize the registration of probationary lawyers and supervise them.
5. To receive dossiers of application for law practice certificates and request the Justice Ministry to grant those certificates.
6. To organize the registration of participation in the bar association; to organize the transfer and reception of lawyers; to request the national lawyers' organization to grant lawyer's cards.
7. To assign law-practicing organizations to nominate lawyers or directly nominate lawyers who practice law individually to participate in legal proceedings at the request of legal proceeding-conducting agencies.
8. To conciliate disputes between probationary lawyers, lawyers and law-practicing organizations; between clients and law-practicing organizations or lawyers.
9. To settle complaints and denunciations according to its competence.
10. To sum up and exchange experience, provide professional training and fostering and take other measures to raise professional skills of lawyers.
11. To gather and report lawyers' thoughts, aspirations, opinions and proposals.
12. To make arrangement for lawyers to participate in law dissemination and education.
13. To report to the national lawyers' organization on its organization and operation.
14. To send to the Justice Ministry and the provincial/municipal People's Committee its resolutions and decisions in accordance with law and upon request.

**Article 62.-** Bodies of a bar association

1. The plenary congress or lawyer deputies' congress of a bar association is its highest leading body.
2. The managing board of a bar association is the executive body of its plenary congress or lawyer deputies' congress, which is elected by the plenary congress or lawyer deputies' congress.
3. The commendation and disciplinary council of a bar association is elected by its plenary congress or lawyer deputies' congress according to the term of office of its managing board.

**Article 63.-** Charter of a bar association

1. Based on the provisions of this Law, the law on associations and the charter of the national lawyers' organization, the plenary congress or the lawyer deputies' congress of a bar association shall approve the charter of the bar association.

2. The charter of a bar association has the following principal contents:

a/ Tasks and powers of the bar association;

b/ Rights and obligations of members of the bar association;

c/ Procedures for registration of lawyers' probation, participation in the bar association, deletion of the name of a lawyer from the list of probationary lawyers or the list of members of the bar association and transfer of a lawyer from the bar association to another;

d/ The organizational structure, mode of election, relief from office or dismissal, tasks and powers of bodies of the bar association;

e/ The finance of the bar association;

f/ The commendation and discipline of lawyers;

g/ The fee for participation in the bar association and membership fee;

h/ Procedures for amendment and/or supplementation of the charter;

i/ The settlement of complaints and denunciations within the bar association;

j/ The relationship with other agencies and organizations.

3. Within 7 working days after a bar association's charter is approved, its managing board shall send the charter to the provincial/municipal People's Committee. Within 30 days after receiving that charter, the provincial/municipal People's Committee shall approve it. The bar association's charter takes effect after it is approved.

**Section 2. NATIONAL SOCIO-PROFESSIONAL ORGANIZATION OF LAWYERS**

**Article 64.-** National lawyers' organization



1. The national lawyers' organization is a socio-professional organization of lawyers nationwide, which represents lawyers and bar associations; has the legal person status, its own seal and bank account; and operates on the principle of self-financing with membership fee revenues, contributions of members and other lawful revenue sources.

Members of the national lawyers' organization are bar associations and lawyers. Lawyers participate in the national lawyers' organization through bar associations which they have joined.

2. The national lawyers' organization has its own charter.

The rights and obligations of members of the national lawyers' organization are provided for in its charter.

***Article 65.-*** Tasks and powers of the national lawyers' organization

1. To represent and protect the legitimate rights and interests of lawyers and bar associations nationwide.

2. To issue and oversee the observance of the rules of professional ethics and conducts by lawyers.

3. To coordinate with the Justice Ministry in issuing the Regulation on lawyers' probation and in training lawyers and examining lawyers' probation results.

4. To organize regular refresher courses on legal knowledge and professional skills for lawyers.

5. To organize reviews and exchange of professional experience among lawyers throughout the country.

6. To provide the uniform model for lawyers participating in court sessions and the form of lawyer's card; to grant, renew and withdraw lawyer's cards.

7. To provide for exemption from and reduction of remunerations for, and *pro bono* legal aid provided by, lawyers, the resolution of disputes over remunerations and expenses for lawyers.

8. To set lawyer's probation charges and bar associations' participation and membership fees.

9. To settle complaints and denunciations according to its competence.

10. To gather, report lawyers' thoughts, aspirations, opinions and proposals.

11. To join in law-making and jurisprudent research activities as well as in law dissemination and education.

12. To enter in international cooperation in relation to lawyers.

13. To send its resolutions and decisions to the Justice Ministry in accordance with law and upon request.

14. Other tasks and powers as provided for by its charter.

**Article 66.-** Bodies of the national lawyers' organization

1. Bodies of the national lawyers' organization include:

- a/ The national lawyer deputies' congress, which is its highest leading body;
- b/ The national lawyers' council, which is the leading body of the national lawyers' organization during the interval between two national lawyer deputies' congresses;
- c/ The executive board of the national lawyers' organization, which is the body administering all tasks of the national lawyers' organization during the interval between two national lawyer-deputies' congresses;
- d/ Other bodies specified by the charter of the national lawyers' organization.

2. Tasks and powers of bodies of the national lawyers' organization are provided for in its charter.

**Article 67.-** Charter of the national lawyers' organization

1. Based on the provisions of this Law and the law on associations, the national lawyer-deputies' congress shall approve the charter of the national lawyers' organization.

2. The charter of the national lawyers' organization has the following principal contents:

- a/ The guiding principles, purposes and logo of the national lawyers' organization;
- b/ The rights and obligations of members of the national lawyers' organization;
- c/ The procedures for participation in a bar association, withdrawal from the list of members of a bar association, transfer from a bar association to another by lawyers;
- d/ The lawyers' obligation of providing legal aid;
- e/ The uniform model for lawyers participating in court sessions and the form of lawyer's card; the procedures for grant, renewal and withdrawal of lawyer's cards;
- f/ The term of office, organizational structure, mode of election, relief from office, dismissal, tasks and powers of bodies of the national lawyers' organization and bar associations; the coordinative relationship between bar associations in the management of lawyers and law-practicing organizations;
- g/ The structure and number of deputies; tasks and powers of the national lawyer deputies' congress; procedures and order for organizing a congress;
- h/ The lawyer's probation charges; the fee for participation in bar associations and membership fee;

i/ The finance of the national lawyers' organization;

j/ The commendation and procedures for consideration of the disciplining of lawyers; procedures for settlement of complaints and denunciations;

k/ The relationship with other agencies and organizations.

3. Within 7 working days after the charter of the national lawyers' organization is approved, the national lawyers' council shall send it to the Justice Ministry. Within 30 days after receiving that charter, the Justice Minister shall approve it after reaching agreement with the Minister of Home Affairs. The charter of the national lawyers' organization takes effect after its approval.

## **Chapter VI**

### **PROFESSIONAL PRACTICE BY FOREIGN LAW-PRACTICING ORGANIZATIONS AND FOREIGN LAWYERS IN VIETNAM**

#### **Section 1. PROFESSIONAL PRACTICE BY FOREIGN LAW-PRACTICING ORGANIZATIONS IN VIETNAM**

**Article 68.-** Conditions for professional practice by foreign law-practicing organizations

Foreign law-practicing organizations which have been set up and lawfully practicing law in foreign countries, respect the Constitution and law of the Socialist Republic of Vietnam may practice law in Vietnam under the provisions of this Law.

**Article 69.-** Forms of professional practice by foreign law-practicing organizations

1. Foreign law-practicing organizations may practice law in Vietnam in the following forms:

a/ Branches of foreign law-practicing organizations (hereinafter called branches);

b/ Limited liability law firms with 100% foreign capital, joint-venture limited liability law firms (hereinafter collectively referred to as foreign law firms).

2. Branches and foreign law firms shall be organized and operate under the provisions of this Law, the enterprise law, the investment law and relevant laws.

**Article 70.-** Scope of professional practice by foreign law-practicing organizations

Branches and foreign law firms practicing law in Vietnam may provide legal consultancy and other legal services; may not nominate foreign lawyers to participate in legal proceedings in the capacity of defense counsels or defenders of interests of involved parties, representatives or defenders of legitimate rights and interests of involved parties before Vietnamese legal proceeding-conducting agencies; may nominate Vietnamese lawyers in their organizations to advise on Vietnamese law or participate in legal proceedings in the capacity of representatives or defenders of legitimate rights and interests of their clients before Vietnamese courts in

cases or affairs in which branches or foreign law firms provide legal consultancy, except for criminal cases.

**Article 71.- Branches**

1. Branches are dependent units of foreign law-practicing organizations, which are set up in Vietnam under the provisions of this Law.
2. Foreign law-practicing organizations and their branches shall take responsibility before Vietnamese law for their branches' operations.
3. A foreign law-practicing organization shall nominate one lawyer to be the chief of its branch. The chief of a branch shall manage and administer the branch's operations in Vietnam and, at the same time, be an authorized representative of the foreign law-practicing organization. The chief of a branch may be a Vietnamese lawyer.

**Article 72.- Foreign law firms**

1. A limited liability law firm with 100% foreign capital is a law-practicing organization set up by one or some foreign law-practicing organizations in Vietnam.

A joint-venture limited liability law firm is a law-practicing joint venture between a foreign law-practicing organization and a Vietnamese one.

2. Directors of foreign law firms are lawyers and may be Vietnamese lawyers.

**Article 73.- Rights and obligations of branches and foreign law firms.**

1. Branches and foreign law firms have the following rights:

a/ To provide legal services in the fields stated in their establishment permits or operation registration papers;

b/ To receive remunerations from clients;

c/ To hire foreign lawyers, Vietnamese lawyers, foreign laborers and Vietnamese laborers;

d/ To receive Vietnamese probationary lawyers to practice law on probation;

e/ To remit abroad their incomes from professional practice in accordance with the provisions of Vietnamese law;

f/ Other rights as provided for by this Law, the enterprise law, the investment law and relevant laws.

2. Branches and foreign law firms have the following obligations:

a/ To operate only in the fields stated in their establishment permits and operation registration papers;

- b/ To strictly implement their commitments with clients;
- c/ To pay compensation for material damage caused by their lawyers to clients in the provision of legal consultancy or representation beyond legal proceedings or in the provision of other legal services;
- d/ To purchase professional liability insurance for lawyers practicing law in Vietnam in accordance with the insurance business law;
- e/ To observe the Vietnamese labor, accounting and statistics laws and fulfill tax and financial obligations.
- f/ To import facilities necessary for their operations in accordance with Vietnamese law;
- g/ Other obligations as provided for by this Law, the enterprise law, the investment law and relevant laws.

## **Section 2. PROFESSIONAL PRACTICE BY FOREIGN LAWYERS IN VIETNAM**

### ***Article 74.-*** Conditions for professional practice by foreign lawyers

A foreign lawyer shall be granted a permit for law practice in Vietnam if fully meeting the following conditions:

1. Having a law practice certificate which is granted by a competent foreign agency or organization and remains valid.
2. Respecting the Constitution and law of the Socialist Republic of Vietnam;
3. Being nominated by a foreign law-practicing organization to practice law in Vietnam or recruited by its Vietnam-based branch by a foreign law firm or Vietnamese law-practicing organization.

### ***Article 75.-*** Forms of professional practice by foreign lawyers

A foreign lawyer may practice law in Vietnam in the following forms:

1. Working individually for a Vietnam-based branch or foreign law firm;
2. Working under contract for a branch, foreign law firm or Vietnamese law-practicing organization.

### ***Article 76.-*** Scope of professional practice by foreign lawyers

Foreign lawyers practicing law in Vietnam may advise on foreign laws and international law, provide other legal services related to foreign laws, advise on Vietnamese law if having Vietnamese bachelor's diploma in law and meeting all requirements set for a Vietnamese lawyer but may not participate in legal proceedings as defense counsels or defenders of interests of the involved parties, as representatives or defenders of legitimate rights and interests of the involved parties before Vietnamese legal proceeding-conducting agencies.

**Article 77.-** Rights and obligations of foreign lawyers

1. Foreign lawyers have the following rights:

- a/ To select a form of professional practice in Vietnam according to the provisions of Article 75 of this Law;
- b/ To remit abroad their incomes from professional practice in accordance with Vietnamese law;
- c/ Other rights as provided for by this Law and relevant laws.

2. Foreign lawyers have the following obligations:

- a/ To pay personal income tax in accordance with law;
- b/ To observe the principles of law practice and the obligations of lawyers provided for by this Law, and the rules of professional ethics and conducts of lawyers;
- c/ To be regularly present in Vietnam;
- d/ Other obligations as provided for by this Law and relevant laws.

**Section 3. PROCEDURES FOR THE GRANT OF PERMITS TO BRANCHES,  
FOREIGN LAW FIRMS AND FOREIGN LAWYERS**

**Article 78.-** Grant of permits for setting up of branches or foreign law firms

1. Foreign law-practicing organizations shall compile dossiers for setting up branches or foreign law firms and send them to the Justice Ministry. Within 60 days after receiving a complete dossier and a fee, the Justice Ministry shall consider and grant a permit for setting up a branch or foreign law firm; in case of refusal, it shall notify it in writing to the applicant.

A permit for setting up a branch or foreign law firm takes effect on the date of its signing.

2. A dossier for setting up a branch comprises:

- a/ An application for setting up a branch;
- b/ A copy of the paper proving the lawful establishment of the foreign law-practicing organization, issued by a foreign competent agency or organization;
- c/ A written introduction of the operations of the foreign law-practicing organization;
- d/ A list of foreign lawyers expected to work at the branch;
- e/ A decision on nomination of a lawyer to be the chief of the branch.

3. A dossier for setting up a foreign law firm comprises:

- a/ An application for setting up a foreign law firm;
- b/ A copy of the paper proving the lawful establishment of the foreign law-practicing organization, issued by a foreign competent agency or organization; a copy of the operation registration certificate of the Vietnamese law-practicing organization, for a joint venture;
- c/ A written introduction of the operations of the foreign law-practicing organization; a written introduction of the operations of the Vietnamese law-practicing organization, for a joint venture;
- d/ A list of foreign lawyers expected to work at the firm; a list of Vietnamese lawyers expected to work at the firm, enclosed with copies of their law practice certificates and lawyer's cards;
- e/ A draft charter of the foreign law firm; the joint-venture contract, for a joint venture.

4. The charter of a foreign law firm has the following principal contents:

- a/ Names, addresses of its head-office and branches; name, address and competent representative of the foreign law-practicing organization.
- b/ Domains of law practice of the foreign law firm;
- c/ Rights, obligations, responsibilities and relationships of member lawyers of the foreign law firm;
- d/ The organizational and managerial structure of the foreign law firm;
- e/ The at-law representative of the foreign law firm;
- f/ The operation term and conditions for termination of operations of the foreign law firm;
- g/ The mode of amendment and supplementation of the charter of the foreign law firm.

**Article 79.-** Registration of operations of branches and foreign law firms

1. Within 60 days after being granted establishment permits, branches or foreign law firms shall register their operations at provincial/municipal Justice Services of the localities where they are headquartered.

2. An operation registration dossier comprises:

- a/ A copy of the permit for establishment of a branch or foreign law firm;
- b/ A paper proving its head-office.

3. Within 10 working days after receiving a complete dossier, the provincial/municipal Justice Service shall grant an operation registration paper to the concerned branch or foreign law firm.

A branch or foreign law firm shall operate from the date it is granted the operation registration paper.

**Article 80.-** Changes in contents of establishment permits or operation registration permits of branches or foreign law firms

1. A branch or foreign law firm which wishes to change one of the following contents of its establishment permit must file an application with the Justice Ministry and may make such a change only after getting the latter's approval:

- a/ The name of the branch or foreign law firm;
- b/ The relocation of the office from one province or centrally run city to another;
- c/ The chief of the branch or the director of the foreign law firm;
- d/ The professional practice domains.

Within 30 days after receiving the application for changes, the Justice Ministry shall consider and issue written approval; in case of disapproval, it shall notify it in writing to the applicant.

2. Within 30 days after receiving a written approval of changes in its establishment permit, the branch or foreign law firm must register those changes with the provincial/municipal Justice Service of the locality where it is headquartered; in case of relocation of its head-office as prescribed at Point b, Clause 1 of this Article, it shall also notify such in writing to the provincial/municipal Justice Service of the locality where its old head-office is located.

3. In case of changes in the contents of its operation registration paper, a branch or foreign law firm shall be re-granted that paper.

4. When relocating its head-office within a province or centrally run city, a branch or foreign law firm shall, within 10 working days after deciding on the relocation, notify in writing the provincial/municipal Justice Service of the locality where it has registered its operations.

**Article 81.-** Branches of foreign law firms in Vietnam

1. A Vietnam-based foreign law firm may set up branches inside and outside the province or centrally-run city where it registers its operations.

2. Branches are dependent units of foreign law firms in Vietnam, performing tasks under the latter's authorization in the professional practice domains as stated in the latter's establishment permits.

3. Vietnam-based foreign law firms shall bear responsibility for the operations of their branches.

4. Vietnam-based foreign law firms shall compile and send dossiers on the establishment of branches to the Justice Ministry. Within 30 days after receiving a complete dossier and fee, the Justice Ministry shall consider and grant a branch-establishment permit. If refusing to grant such a permit, it shall notify the applicant thereof in writing.



5. A dossier on the establishment of a branch comprises:

a/ An application for establishment of a branch;

b/ A copy of the establishment permit of the foreign law firm;

c/ A written authorization for a lawyer to be the chief of the branch;

d/ A copy of the professional practice certificate of the lawyer authorized to be the chief of the branch;

e/ A paper proving the branch's head-office.

6. Within 10 working days after receiving a permit for establishment of a branch, the concerned foreign law firm shall register operations of that branch with the provincial/municipal Justice Service of the locality where its branch is located.

**Article 82.-** Grant, extension of permits for professional practice in Vietnam by foreign lawyers

1. Foreign lawyers practicing law in Vietnam shall compile and send dossiers of application for practice permits to the Justice Ministry. Within 30 days after receiving a complete dossier and fee, the Justice Ministry shall grant such a permit; in case of refusal, it shall notify it in writing to the applicant.

2. A permit for foreign lawyers' professional practice in Vietnam is valid for 5 years and may be extended for not more than another 5 years each time.

3. Permits for foreign lawyers' professional practice in Vietnam shall substitute their work permits under the provisions of Vietnamese labor law regarding the grant of work permits for foreigners working in Vietnam.

4. A dossier of application for a permit for foreign lawyer's professional practice in Vietnam comprises:

a/ An application for permit for professional practice in Vietnam;

b/ Papers certifying that the lawyer of the foreign law-practicing organization is nominated to practice law in Vietnam or that he/she is recruited by a branch, a Vietnam-based foreign law firm or a Vietnamese law-practicing organization where he/she plans to work;

c/ A copy of the law practice certificate; a curricula vitae; a juridical record card or substitute papers.

## **Chapter VII**

### **MANAGEMENT OF LAW PRACTICE**

**Article 83.-** Responsibility for state management of lawyers and law practice

1. The Government shall perform the unified state management of lawyers and law practice.

2. The Justice Ministry shall take responsibility before the Government for performing the state management of lawyers and law practice, having the following tasks and powers:

a/ To formulate and submit to the Government for decision strategies and policies for development of law practice;

b/ To elaborate and submit to competent state agencies for promulgation or promulgate and guide legal documents on lawyers according to its competence;

c/ To provide the framework program for lawyer training; to coordinate with the Finance Ministry in setting tuition fees for lawyer training; to manage and organize lawyer training;

d/ To grant and withdraw law-practice certificates;

e/ To grant, withdraw and extend permits for foreign lawyers' professional practice in Vietnam;

f/ To grant and withdraw permits for establishment of foreign law-practicing organizations in Vietnam;

g/ To approve the charter of the national lawyers' organization;

h/ To make sum-up reports to the Government on lawyers' organizations and law practice;

i/ To inspect, examine and handle violations, settle complaints and denunciations about lawyers' organizations and law practice;

j/ To take measures to support the development of law practice;

k/ To perform the state management of international cooperation in relation to lawyers;

l/ To suspend the implementation and request amendment of regulations, decisions and resolutions of the national lawyers' organization which are contrary to the provisions of this Law.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Justice Ministry in the state management of lawyers and law practice.

4. Provincial/municipal People's Committees shall perform the state management of lawyers and law practice in localities, having the following tasks and powers:

a/ To permit the setting up of bar associations and decide on their dissolution;

b/ To approve charters of bar associations;

c/ To organize the grant and withdrawal of operation registration papers of Vietnamese law-practicing organizations and foreign law-practicing organizations in Vietnam;

- d/ To inspect, examine and handle violations, settle complaints and denunciations about the organization and operations of bar associations and law-practicing organizations;
- e/ To suspend the implementation and request amendment of regulations, decisions and resolutions of bar associations which are contrary to the provisions of this Law;
- f/ To periodically report to the Justice Ministry on the situation of lawyers' organizations and law practice in localities;
- g/ To apply measures to support the development of law practice in localities;
- h/ Other tasks and powers as provided for by law.

**Article 84.-** Self-control responsibility of socio-professional organizations of lawyers

Socio-professional organizations of lawyers shall control lawyers and law practice by themselves according to the provisions of this Law and their charters.

Socio-professional organizations of lawyers shall coordinate with state management agencies in the management of lawyers and law practice.

## **Chapter VIII**

### **HANDLING OF VIOLATIONS, SETTLEMENT OF DISPUTES**

#### **Section 1. DISCIPLINE OF LAWYERS, SETTLEMENT OF DISPUTES**

**Article 85.-** Discipline of lawyers

1. Lawyers who violate the provisions of this Law, charters, rules of professional ethics and conducts and other regulations of socio-professional organizations of lawyers shall, depending on the nature and severity of their violations, be subject to one of the following disciplinary forms:

- a/ Reprimand;
- b/ Caution;
- c/ Suspension of the membership of a bar association for between 6 and 24 months;
- d/ Deletion of their names from the list of a bar association.

2. The discipline of lawyers shall be considered and decided by the managing boards of bar associations at the request of their commendation and disciplinary councils.

3. When a lawyer is disciplined in the form of having his/her name deleted from the list of lawyers of a bar association, the bar association shall notify such in writing to the provincial/municipal Justice Service and request the Justice Ministry to withdraw his/her law-practice certificate, and request the national lawyers' organization to withdraw his/her lawyer's card.

**Article 86.-** Complaint about disciplinary decisions against lawyers

1. A lawyer is entitled to complain about a disciplinary decision against him/her which is issued by the managing board of a bar association.

The executive board of the national lawyers' organization is competent to settle complaints against disciplinary decisions of the managing boards of bar associations.

2. When disagreeing with a complaint-settling decision of the executive board of the national lawyers' organization with regard to the disciplinary form stipulated at Point c or d, Clause 1, Article 85 of this Law, a lawyer may further lodge a complaint with the Justice Ministry. The time limit for the Justice Minister to settle a complaint is 30 days after the receipt of that complaint.

**Article 87.-** Complaint about decisions or acts of the managing boards of bar associations or bodies of the national lawyers' organization

1. If having grounds to believe that decisions or acts of the managing boards of bar associations infringe upon their legitimate rights or interests, individuals and organizations may complain about those decisions or acts.

The executive board of the national lawyers' organization is competent to settle complaints about decisions and acts of the managing boards of bar associations.

2. When disagreeing with a complaint-settling decision of the executive board of the national lawyers' organization regarding a bar association's failure to request the Justice Ministry to grant a law-practice certificate or refuse an application for participation in a bar association, an individual may lodge a complaint with the Justice Minister. The time limit for the Justice Minister to settle a complaint is 30 days after the receipt of that complaint.

3. If having grounds to believe that decisions or acts of bodies of the national lawyers' organization infringe upon their legitimate rights or interests, individuals and organizations may complain about those decisions or acts.

The executive board of the national lawyers' organization is competent to settle complaints about decisions or acts of the organization's bodies.

**Article 88.-** Settlement of disputes

When disputes between clients, lawyers and law-practicing organizations arise in relation to law-practice activities, the managing boards of bar associations shall settle those disputes.

**Section 2. HANDLING OF VIOLATIONS OF LAWYERS AND LAW-PRACTICING ORGANIZATIONS**

**Article 89.-** Handling of violations of lawyers

Lawyers who violate the provisions of this Law shall, apart from being disciplined, be administratively handled or examined for penal liability, depending on the nature and severity of their violations; if causing damage, they shall pay compensation in accordance with law.

**Article 90.-** Handling of violations of Vietnamese law-practicing organizations, branches of foreign law-practicing organizations and Vietnam-based foreign law firms

Vietnamese law-practicing organizations, branches of foreign law-practicing organizations and Vietnam-based foreign law firms which violate the provisions of this Law shall, depending on the nature and severity of their violations, be administratively handled according to the law on handling of administrative violations; if causing damage, they shall pay compensation in accordance with law.

**Article 91.-** Handling of acts of infringing upon legitimate rights and interests of lawyers and law-practicing organizations

Persons holding positions or powers who commit acts of infringing upon legitimate rights and interests of lawyers or law-practicing organizations or obstructing lawyers or law-practicing organizations from exercising their rights and/or performing their duties shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability in accordance with law.

**Article 92.-** Handling of violations of individuals and organizations that illegally practice law

1. Individuals who are unqualified but still practice law in any form shall be forced to stop their violation acts, be fined according to the law on handling of administrative violations or examined for penal liability; if causing damage, they shall pay compensation in accordance with law.

2. Organizations which practice law in any form though failing to satisfy the relevant conditions shall be forced to stop their violations and be handled in accordance with the law on handling of administrative violations; if causing damage, they shall pay compensation in accordance with law.

## **Chapter IX**

### **IMPLEMENTATION PROVISIONS**

**Article 93.-** Implementation effect

This Law takes effect on January 1, 2007.

The 2001 Ordinance on Lawyers ceases to be effective from the effective date of this Law.

**Article 94.-** Implementation guidance

The Government, the Supreme People's Procuracy and the Supreme People's Court shall, within the ambit of their functions and tasks, detail and guide the implementation of this Law.

*This Law was passed on June 29, 2006, by the XIth National Assembly at its ninth session.*

**THE NATIONAL  
ASSEMBLY  
CHAIRMAN**

*(Đã ký)*

**Nguyen Phu Trong**