

Lawyers Law of the People's Republic of China (with 2017 Amendments)

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Chapter I General Provisions

Article 1 This Law has been made to improve the lawyer system, standardize the practicing conduct of lawyers, safeguard the legal practice of law by lawyers, and discharge the functions of lawyers in the building of a socialist legal system.

Article 2 A lawyer as mentioned in this Law shall refer to a practitioner who has acquired a lawyer's practicing certificate according to law and accepts authorization or appointment to provide legal services for a client.

A lawyer shall maintain the legal rights and interests of a client, maintain the correct enforcement of law, and maintain the social fairness and justice.

Article 3 In practicing law, a lawyer must observe the Constitution and laws and adhere to the professional ethics and practicing disciplines of lawyers.

In practicing law, a lawyer must take fact as the basis and take law as the yardstick.

In practicing law, a lawyer must accept the supervision of the state, public and client.

The legal practice of a lawyer shall be protected by law, and no organization or individual shall infringe upon the legal rights and interests of a lawyer.

Article 4 The justice administrative authorities shall supervise and provide guidance for lawyers, law firms and lawyers' associations in accordance with this Law.

Chapter II Lawyer Practice Licensing

Article 5 To apply for practicing law, a person shall satisfy the following conditions:

1. Upholding the Constitution of the People's Republic of China;
2. He or she has passed the national uniform legal profession qualification examination and obtained the legal profession qualification;
3. Completing one-year internship at a law firm; and
4. Having good character and conduct.

The certificate of passing the national uniform judicial examination and lawyer's qualification certificate obtained before the national uniform legal profession qualification shall have equal force with the national uniform legal profession qualification certificate.

Article 6 To apply for practicing law, a person shall lodge an application with the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government, and submit the following materials:

1. The national uniform legal profession qualification certificate;
2. Document issued by a lawyers' association on the applicant's passing the internship assessment;
3. Identity certificate of the applicant; and
4. Certificate issued by a law firm on agreeing to accept the applicant.

To apply for practicing law on a part-time basis, a person shall also submit a certificate that the work unit of the applicant allows the applicant to practice law on a part-time basis.

The authority accepting the application shall examine the application and submit its examination opinions and all application materials to the justice administrative authority of a

province, autonomous region or municipality directly under the Central Government within 20 days as of the date of acceptance. The justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall review the submissions and make a decision on approving or disapproving the practice of law within ten days as of receiving the submissions. If the practice of law is approved, a lawyer's practicing certificate shall be issued to the applicant; if the practice of law is disapproved, the reasons shall be explained in writing to the applicant.

Article 7 A lawyer's practicing certificate shall not be issued to an applicant who is under any of the following circumstances:

1. Having no capacity or limited capacity in civil conduct;
2. Having a record of criminal punishment, except for a crime of negligence; or
3. He or she is expelled from a public office or his or her lawyer's or notary's practicing license is revoked.

Article 8 Where a person, who has received regular course education or above in an institution of higher learning, has been engaged in the professional work for at least 15 years in a field short of legal service staff and has a senior professional title or an equivalent professional title, applies for practicing law on a full-time basis, an approval of practice of law may be granted if he passes the assessment of the justice administrative authority under the State Council. The specific rules shall be made by the State Council.

Article 9 Under either of the following circumstances, the justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall revoke a decision on approving the practice of law, and cancel the lawyer's practicing certificate of the person whose practice of law is approved:

1. An applicant has acquired a lawyer's practicing certificate by fraud, bribery or any other illicit means; or
2. The practice of law by an applicant who does not satisfy the conditions set forth in this Law has been approved.

Article 10 A lawyer may only practice law in one law firm. Where a lawyer changes his firm of practice, he shall apply for replacement of the lawyer's practicing certificate.

The practice of law by a lawyer shall be free of territorial restrictions.

Article 11 A civil servant shall not concurrently serve as a practicing lawyer.

A lawyer, who serves as a member of a standing committee of a people's congress at any level, shall not be engaged in a practice of representation or defense in litigation during his term of membership.

Article 12 A person who is engaged in the legal education or research work in an institution of higher learning or research institute may apply for practicing law as a part-time lawyer, according to the procedures set forth in Article 6 of this Law, with the consent of the work unit of the person, if the conditions set forth in Article 5 of this Law are satisfied.

Article 13 A person who has not acquired a lawyer's practicing certificate shall not be engaged in legal service practices in the name of lawyer; and, except as otherwise provided for by law, shall not be engaged in a practice of representation or defense in litigation.

Chapter III Law Firms

Article 14 A law firm is a firm where a lawyer practices law. To form a law firm, the following conditions shall be satisfied:

1. It shall have its own name, residence and articles of association;
2. It shall have lawyers consistent with the provisions of this Law;
3. The promoter shall be a lawyer with certain practicing experience and without suffering a penalty of cessation of practicing within three years; and
4. It shall have assets in the amount as provided for by the justice administrative authority of the State Council.

Article 15 To form a partnership law firm, in addition to satisfying the conditions set forth in Article 14 of this Law, there shall be three or more partners, and a promoter shall be a lawyer with practicing experience for three or more years.

A partnership law firm may be formed as a general partnership or a limited liability partnership. The partners of a partnership law firm shall be liable for the debts of the law firm in terms of the form of partnership.

Article 16 To form a sole proprietorship law firm, in addition to satisfying the conditions set forth in Article 14 of this Law, the promoter shall be a lawyer with practicing experience for five or more years. The promoter shall be unlimitedly liable for the debts of the law firm.

Article 17 To apply for forming a law firm, the following materials shall be submitted:

1. The written application;
2. The name and articles of association of the law firm to be formed;
3. The list and resumes, identity certificates and lawyer's practicing certificates of lawyers;
4. Certificate of residence; and
5. Certificate of assets.

To form a partnership law firm, a partnership agreement shall also be submitted.

Article 18 To form a law firm, an application shall be lodged with the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government, and the authority accepting the application shall examine the application and submit its examination opinions and all application materials to the justice administrative authority of a province, autonomous region or municipality directly under the Central Government within 20 days as of the date of acceptance. The justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall review the submissions and make a decision on approving or disapproving the formation of the law firm within ten days as of receiving the submissions. If the formation of the law firm is approved, a law firm's practicing certificate shall be issued to the applicant; if the formation of the law firm is disapproved, the reasons shall be explained in writing to the applicant.

Article 19 A partnership law firm that has been formed for three years and has 20 or more practicing lawyers may form a branch. The formation of a branch shall be examined by the justice administrative authority of the people's government of a province, autonomous region or municipality directly under the Central Government of the location of the branch to be formed. The procedures as provided for in Article 18 of this Law shall apply to an application for the formation of a branch.

A partnership law firm shall be liable for the debts of its branch.

Article 20 A law firm funded and formed by the state shall legally and independently develop lawyer practices, and be liable for its debts with all assets of the law firm.

Article 21 Any modification of the name, person in charge, articles of association or partnership agreement of a law firm shall be reported to the original examination and approval authority for approval.

Any modification of the residence or partners of a law firm shall be reported to the original examination and approval authority for archival purposes within 15 days as of the date of modification.

Article 22 A law firm under any of the following circumstances shall be terminated:

1. The statutory formation conditions cannot be maintained, and the law firm remains to be unable to satisfy the conditions after making rectification before a prescribed time limit;
2. The law firm's practicing certificate has been revoked according to law;
3. The law firm decides to wind up on its own; or
4. Any other circumstance under which a law firm is to be terminated as provided for by a law or administrative regulation.

Where a law firm is terminated, the authority issuing the practicing certificate shall cancel the practicing certificate of the law firm.

Article 23 A law firm shall establish and enhance the practicing management, examination on conflicts of interest, fee charge and financial management, complaint investigation, annual assessment, archival management and other systems, and supervise its lawyers' compliance with the professional ethics and practicing disciplines in their practicing activities.

Article 24 A law firm shall submit its annual practicing information report and lawyer practicing assessment results to the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government after the annual assessment each year.

Article 25 For a lawyer to undertake a practice, the law firm shall uniformly accept a client's authorization and enter into a written authorization agreement with a client, and uniformly charge fees and enter them into accounts according to the provisions of the state.

A law firm and its lawyers shall pay taxes according to law.

Article 26 A law firm and its lawyers shall not develop practices by defaming other law firms and lawyers, paying middleman fees and other illicit means.

Article 27 A law firm shall not be engaged in business operations other than legal services.

Chapter IV Practices, Rights and Obligations of Lawyers

Article 28 A lawyer may be engaged in the following practices:

1. Accepting authorization by a citizen, legal person or any other organization to serve as a legal consultant;
2. Accepting authorization by a client in a civil or administrative case to serve as an agent ad litem and participate in legal proceedings;
3. Accepting authorization by a criminal suspect or defendant in a criminal case or to accepting designation by a legal aid agency in accordance with law to serve as a defender; and accepting authorization by a private prosecutor in a case of private prosecution or a victim or his or her close relative in a case of public prosecution to serve as a representative of such a person to participate in legal proceedings;
4. Accepting authorization to represent a client in filing a petition in any litigation;
5. Accepting authorization to participate in mediation and arbitration activities;
6. Accepting authorization to provide non-contentious legal services; and
7. Answering questions on law and representing a client in writing litigation documents and other documents on the relevant legal affairs.

Article 29 A lawyer serving as a legal consultant shall provide opinions on relevant legal issues for a client as agreed upon, draft and examine legal documents, represent a client in legal proceedings, mediation or arbitration, handle other legal affairs as authorized, and protect the legal rights and interests of the client.

Article 30 A lawyer serving as an agent in contentious and non-contentious legal affairs shall protect the legal rights and interests of a client within the extent of authorization.

Article 31 A lawyer serving as a defender shall present materials and arguments proving that a criminal suspect is innocent or is less guilty than charged or his criminal liability should be mitigated or relieved, on the basis of fact and law, so as to protect the procedural rights and other lawful rights and interests of the criminal suspect or defendant.

Article 32 A client may refuse to be further defended or represented by an authorized lawyer, and may authorize another lawyer to defend or represent him.

After accepting authorization, a lawyer shall not refuse to defend or represent a client without good reasons. However, if the authorized matter violates the law, the client makes use of the services provided by the lawyer to engage in illegal activities or deliberately conceals a material fact related to the case, the lawyer shall have right to refuse to defend or represent the client.

Article 33 A lawyer serving as a defender shall have the right to meet a criminal suspect or defendant in custody or under residential confinement on the basis of the lawyer's practicing license, a certificate issued by the law firm and a power of attorney or an official legal aid document in accordance with the provisions of the Criminal Procedure Law. A meeting between a defense lawyer and a criminal suspect or defendant shall not be monitored.

Article 34 A lawyer serving as a defender shall have the right to consult, extract and duplicate the case file of a case from the day when the people's procuratorate examines the case for prosecution.

Article 35 As needed by a case, an authorized lawyer may apply to the people's procuratorate or the people's court to gather, investigate and take evidence or apply to the people's court for notifying a witness to testify in court.

Where a lawyer investigates and takes evidence on his own, he may investigate information related to the legal affairs handled from the relevant entity or individual, by presenting his lawyer's practicing certificate and certificate of his law firm.

Article 36 Where a lawyer serves as an agent ad litem or defender, his right of debate or defense shall be protected by law.

Article 37 The personal rights of a lawyer in practicing law shall not be infringed upon.

The representation or defense opinions presented in court by a lawyer shall not be subject to legal prosecution, however, except speeches compromising the national security, maliciously defaming others or seriously disrupting the court order.

Where a lawyer is suspected of a crime during participation in a legal proceeding, the criminal investigation authority shall notify the law firm employing the lawyer or the bar association to which the lawyer belongs in a timely manner; and where a lawyer is legally detained or arrested, the criminal investigation authority shall notify the lawyer's family in accordance with the provisions of the Criminal Procedure Law.

Article 38 A lawyer shall keep the national secrets and trade secrets known in practicing law, and shall not divulge any privacy of a client.

A lawyer shall keep confidential the relevant condition and information that is known by the lawyer in practicing law and the client and other persons are reluctant to disclose, however, except facts and information on a crime compromising the national security or public security or seriously endangering the safety of the body of a person, which a client or other person prepares to commit or is committing.

Article 39 A lawyer shall not represent both parties in a same case, and shall not represent a client in a legal affair that has any conflict of interest with himself or his close relative.

Article 40 A lawyer shall not have any of the following conduct in practicing law:

1. Accepting authorization or charging fees privately, or accepting property or any other benefit from a client;
2. Seeking the disputed rights and interests of a party by taking advantage of the provision of legal services;
3. Accepting property or any other benefit from the opposite party, maliciously colluding with the opposite party or a third party to damage the rights and interests of his client;
4. Meeting a judge, prosecutor, arbitrator or any other relevant staffer in violation of provisions;
5. Bribing or bribing as an intermediary a judge, prosecutor, arbitrator or any other relevant staffer, instructing or inducing a party to bribe the same, or affecting the handling of a case according to law by a judge, prosecutor, arbitrator or any other relevant staffer by any other illicit means;
6. Deliberately providing false evidence or threatening or inducing others to provide false evidence, or obstructing the opposite party's legal obtaining of evidence;
7. Instigating or abetting a party to settle disputes by such illegal means as disrupting the public order or compromising the public safety; or

8. Disrupting the order of a court or arbitral tribunal, or interfering with the normal conduct of litigation or arbitration.

Article 41 A lawyer who once served as a judge or prosecutor shall not act as an agent ad litem or defender within two years after leaving his post in the people's court or the people's procuratorate.

Article 42 Lawyers and law firms shall perform their obligations of legal aid according to the state provisions, provide the aided persons with standard legal services, and protect the legal rights and interests of the aided persons.

Chapter V Lawyers' Association

Article 43 A lawyers' association is a social organization as legal person and self-disciplinary organization of lawyers.

The All-China Lawyers' Association shall be formed at the national level, while local lawyers' associations shall be formed by provinces, autonomous regions, and municipalities directly under the Central Government. Local lawyers' associations may be formed as needed by cities with districts.

Article 44 The Articles of Association of the All-China Lawyers' Association shall be made by the National Congress of Members and submitted to the justice administrative authority of the State Council for archival purposes.

The articles of association of a local lawyers' association shall be made by the local congress of members and submitted to the same-level justice administrative authority for archival purposes. The articles of association of a local lawyers' association shall not conflict with the Articles of Association of the All-China Lawyers' Association.

Article 45 A lawyer or law firm shall join his or its local lawyers' association. A lawyer or law firm that has joined his or its local lawyers' association shall concurrently be a member of the All-China Lawyers' Association.

The members of a lawyers' association shall enjoy the rights as provided for by the articles of association of the lawyers' association, and perform the obligations as provided for by the articles of association of the lawyers' association.

Article 46 A lawyers' association shall perform the following functions:

1. Safeguarding the practice of law by lawyers, and protecting the legal rights and interests of lawyers;
2. Summarizing and exchanging the work experience of lawyers;
3. Making a professional code and disciplinary rules;

4. Organizing the lawyer practice training and the education on professional ethics and practicing disciplines, and conducting the practicing assessment of lawyers;
5. Organizing and managing the internships of persons applying for the practice of law, and conducting the assessment of interns;
6. Rewarding or disciplining a lawyer or law firm;
7. Accepting a complaint or report on a lawyer, mediating disputes arising out of the practice of law by a lawyer, and accepting a petition by a lawyer; and
8. Other functions as provided for by laws, administrative regulations and rules and articles of association of a lawyers' association.

The professional code and disciplinary rules made by a lawyers' association shall not conflict with the relevant laws and administrative regulations and rules.

Chapter VI Legal Liability

Article 47 For any of the following conduct of a lawyer, the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government shall give a warning and may impose a fine of not more than 5,000 yuan; if there is any illegal income, shall confiscate the illegal income; and if the circumstances are serious, shall impose a penalty of cessation of practice for not more than three months:

1. Practicing law in two or more law firms at the same time;
2. Developing practices by illicit means;
3. Representing both parties in a same case, or representing a client in a legal affair that has any conflict of interest with himself or his close relative;
4. Serving as an agent ad litem or defender within two years after leaving his post in a people's court or the people's procuratorate; or
5. Refusing to perform his legal aid obligation.

Article 48 For any of the following conduct of a lawyer, the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government shall give a warning and may impose a fine of not more than 10,000 yuan; if there is any illegal income, shall confiscate the illegal income; and if the circumstances are serious, shall impose a penalty of cessation of practice for not less than three months but not more than six months:

1. Accepting authorization or charging fees privately, or accepting property or any other benefit from a client;

2. Refusing to defend or represent a client, or failing to appear before court in litigation or arbitration, without good reasons, after accepting authorization;
3. Seeking the disputed rights and interests of a party by taking advantage of the provision of legal services; or
4. Divulging a trade secret or personal privacy.

Article 49 For any of the following conduct of a lawyer, the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government shall impose a penalty of cessation of practice for not less than six months but not more than one year and may impose a fine of not more than 50,000 yuan; and if there is any illegal income, shall confiscate the illegal income; if the circumstances are serious, the justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall revoke his lawyer's practicing certificate; and if a crime is constituted, he shall be pursued for criminal liability:

1. Meeting a judge, prosecutor, arbitrator or any other relevant staffer in violation of provisions, or affecting the handling of a case according to law by a judge, prosecutor, arbitrator or any other relevant staffer by any other illicit means;
2. Bribing, bribing as an intermediary or instigating or inducing a party to bribe a judge, prosecutor, arbitrator or any other relevant staffer;
3. Providing the justice administrative authority with false materials or making any other falsehood;
4. Deliberately providing false evidence or threatening or inducing others to provide false evidence, or obstructing the opposite party's legal obtaining of evidence;
5. Accepting property or any other benefit from the opposite party, maliciously colluding with the opposite party or a third party to infringe upon the rights and interests of a client;
6. Disrupting the order of a court or arbitral tribunal, or interfering with the normal conduct of litigation or arbitration.
7. Instigating a party to settle disputes by such illegal means as disrupting the public order or compromising the public safety;
8. Delivering a speech that compromising the national security, maliciously defaming others or seriously disrupting the court order; or
9. Divulging a national secret.

Where a criminal penalty is imposed on a lawyer for an intentional crime, the justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall revoke his lawyer's practicing certificate.

Article 50 For any of the following conduct of a law firm, the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government shall give a warning or impose a penalty of cessation of practice for correction for not less than one month but not more than six months and may impose a fine of not more than 100,000 yuan according to the circumstances; and if there is any illegal income, shall confiscate the illegal income; and if the circumstances are especially serious, the justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall revoke the law firm's practicing certificate:

1. Accepting authorization or charging fees in violation of provisions;
2. Handling such major matters as modification of its name, person in charge, articles of association, partnership agreement, residence and partners in violation of statutory procedures;
3. Being engaged in business operations other than legal services;
4. Developing practices by defaming other law firms and lawyers, paying middleman fees and other illicit means;
5. Accepting cases with any conflict of interest in violation of provisions;
6. Refusing to perform its legal aid obligation;
7. Providing the justice administrative authority with false materials or making any other falsehood; or
8. Causing serious results for mismanagement of its lawyers.

Where a law firm is punished for any violation of law in the preceding paragraph, a warning shall be given to or a fine of not more than 20,000 yuan shall be imposed on the person in charge of the law firm according to the severity of circumstance.

Article 51 Where, for any violation of this Law, a lawyer is again subject to a warning punishment within one year after being given a warning punishment, the justice administrative authority of the people's government of a city with districts or the people's government of a district of a municipality directly under the Central Government shall impose a penalty of cessation of practice for not less than three months but not more than one year; where a lawyer is again subject to a penalty of cessation of practice within two years after a period of penalty of cessation of practice expires, the justice administrative authority of a province, autonomous region or municipality directly under the Central Government shall revoke his lawyer's practicing certificate.

Where, for any violation of this Law, a law firm is again subject to a penalty of cessation of practice for correction within two years after a period of penalty of cessation of practice for correction expires, the justice administrative authority of a province, autonomous region or

municipality directly under the Central Government shall revoke the law firm's practicing certificate.

Article 52 The justice administrative authority of the people's government at the county level shall conduct the daily supervision and management of the practice of law by lawyers and law firms, and order correction of the problems found in the inspection; and shall timely investigate complaints by the parties concerned. Deeming that an administrative punishment shall be imposed against any legal violation committed by a lawyer or a law firm, the justice administrative authority at the county level shall offer punishment suggestions to its superior justice administrative authority.

Article 53 A lawyer on whom a penalty of cessation of practice for not less than six months has been imposed shall not serve as a partner until three years have passed after the period of penalty expires.

Where the lawyer's practicing license is revoked, the person shall not serve as the defender and the representative in legal proceedings, unless that he or she is the guardian or close relative of the party to criminal proceedings, civil proceedings or administrative proceedings.

Article 54 Where a lawyer causes losses to a party for his illegal practice of law or fault, his law firm shall assume the compensatory liability. After compensation, the law firm may demand recourse from the lawyer who acts intentionally or has gross negligence.

Article 55 Where a person without acquiring a lawyer's practicing certificate engages in legal service practices in the name of lawyer, the justice administrative authority of the local people's government at or above the county level at his locality shall order cessation of the illegal practice, confiscate illegal income, and impose a fine of not less than the amount but not more than five times the amount of illegal income.

Article 56 Where a staffer of the justice administrative authority abuses his powers or commits dereliction of duties in violation of this law, and constitutes a crime, he shall be pursued for criminal liability; where a crime is not constituted, a discipline shall be imposed on him according to law.

Chapter VII Supplementary Provisions

Article 57 In respect of military lawyers who provide legal services to the army, this law shall apply to their acquisition of the lawyer qualification, rights and obligations and code of conduct. The specific measures for the administration of military lawyers shall be made by the State Council and the Central Military Commission.

Article 58 The specific measures for the administration of establishment of offices by foreign law firms within the territory of the People's Republic of China to provide legal services shall be made by the State Council.

Article 59 The specific measures for charging lawyers' fees shall be made by the competent price authority of the State Council in conjunction with the justice administrative authority of the State Council.

Article 60 This Law shall be effective as of June 1, 2008.