# Law on Lawyers of the People’s Republic of China

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## Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of improving the lawyer system, regulating the practice of lawyers, safeguarding the lawful rights and interests of lawyers, strengthening the management of the legal profession, ensuring that lawyers play their due role in the socialist legal system, and promoting the building of a socialist country governed by the rule of law.

Article 2 — For purposes of this Law, “lawyer” means a person who has obtained a lawyer’s practice certificate in accordance with the law, accepts an entrustment or appointment, and provides legal services to clients. A lawyer shall uphold the authority of the Constitution and the law, be loyal to the interests of the client, safeguard the lawful rights and interests of the client, safeguard the correct implementation of the law, and safeguard social fairness and justice.

Article 3 — In practicing law, a lawyer must abide by the Constitution and the law, and adhere to professional ethics and practice discipline. Lawyer practice must be based on facts and take the law as the criterion. Lawyer practice shall be subject to the supervision of the State, society, and the client. Lawyer practice




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conducted in accordance with the law shall be protected by law, and no organization or individual may infringe upon the lawful rights and interests of a lawyer.

Article 4 — The judicial administration department under the State Council shall supervise and administer lawyers, law firms, and bar associations in accordance with this Law. The judicial administration departments of local people's governments at various levels shall supervise and administer lawyers, law firms, and bar associations within their respective administrative regions in accordance with this Law.

## Chapter II — Lawyer Practice Qualifications

Article 5 — To apply to practice as a lawyer, a person shall meet the following conditions: (1) upholding the Constitution of the People's Republic of China; (2) passing the unified national legal professional qualification examination; (3) completing a one-year internship at a law firm; (4) being of good character and conduct. To practice as a lawyer, a person shall apply to the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government for a lawyer's practice certificate.

Article 6 — A person with a bachelor's degree or above from a higher education institution, or a person with a professional bachelor's degree or above in law from a higher education institution, may apply for a lawyer's practice certificate. A person with a bachelor's degree or above may also apply for the qualifications to practice as a lawyer if he or she has specialized legal knowledge and has been engaged in legal research, legal education, or other legal professional work for three or more years.

Article 7 — A person shall not issue a lawyer's practice certificate if: (1) the person has no civil capacity or has limited civil capacity; (2) the person has received a criminal penalty, except for a crime of negligence; (3) the person has been dismissed from public office or has had his or her lawyer's practice certificate revoked; (4) other circumstances under which a lawyer's practice certificate shall not be issued as provided for by laws or administrative regulations.

Article 8 — A person applying for a lawyer's practice certificate shall submit the following materials: (1) an application form; (2) a certificate of passing the unified national legal professional qualification examination; (3) an internship appraisal issued by the law firm where the applicant completed the internship; (4) a copy of the applicant's identity certificate; (5) a certificate of good character and conduct issued by the applicant's local police station. Where the applicant has previously worked in another profession, the applicant shall also provide a certificate of termination of the previous employment.

Article 9 — The judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall complete the examination within 20 days of receiving the application and shall issue a decision. If the application meets the conditions, the judicial administration department shall issue a lawyer's practice certificate. If the application fails to meet the conditions, the judicial administration department shall notify the applicant in writing and state the reasons.

Article 10 — Where the applicant disagrees with the decision, he or she may apply for administrative reconsideration or bring an administrative lawsuit before the people's court in accordance with the law.

Article 11 — A lawyer shall practice in a single law firm and shall not practice in two or more law firms simultaneously. However, a lawyer may be transferred between law firms. Where a lawyer is transferred to practice in another law firm, he or she shall handle the procedures for changing the practice certificate.

Article 12 — A practicing lawyer shall undergo annual assessment. The specific measures for annual assessment shall be formulated by the judicial administration department under the State Council in conjunction with the All-China Lawyers Association.

## Chapter III — Law Firms



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Article 13 — A law firm is an organization where lawyers practice. A law firm shall meet the following conditions: (1) having its own name, domicile, and articles of association; (2) having assets that meet the requirements prescribed by the judicial administration department under the State Council; (3) having a certain number of practicing lawyers who meet the requirements prescribed by the State; (4) the founder of the firm being a practicing lawyer with certain experience and no record of having his or her lawyer's practice certificate revoked within the last three years.

Article 14 — A law firm may be established as a partnership or as a sole proprietorship by an individual lawyer. The number of partners in a partnership law firm shall not be less than three. The founder of a sole proprietorship law firm shall be a practicing lawyer with five or more years of practice experience. A partnership law firm may adopt the form of a general partnership or a limited liability partnership. The partners of a partnership law firm shall bear liability for the debts of the firm in accordance with the form of partnership. A lawyer of a sole proprietorship law firm shall bear unlimited liability for the debts of the firm.

Article 15 — An application for the establishment of a law firm shall be submitted to the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government for approval. The judicial administration department shall complete the examination within 20 days of receiving the application and issue a decision. If the conditions are met, the department shall issue a law firm practice certificate. If the conditions are not met, the department shall notify the applicant in writing and state the reasons.

Article 16 — A law firm shall, within 15 days of obtaining the practice certificate, carry out registration procedures with the relevant administrative department for industry and commerce.

Article 17 — Where a law firm intends to establish a branch office, it shall be subject to the examination and approval of the judicial administration department of the people's government of the province, autonomous region, or municipality directly under the Central Government at the place where the branch office is to be located. A law firm establishing a branch office shall have 20 or more practicing lawyers and meet other conditions prescribed by the judicial administration department under the State Council.

Article 18 — A law firm shall be responsible for the practice activities of its branch offices. A branch office shall bear civil liability within the scope of the law firm's authorization. A law firm shall bear joint and several liability for the debts of its branch office.

Article 19 — A law firm shall, in accordance with the law, pay taxes. A law firm shall establish a risk fund for practice liability in accordance with the provisions of the judicial administration department under the State Council, or take out practice liability insurance.

Article 20 — Where any of the following changes occurs in a law firm, it shall be reported to the original examination and approval authority for approval: (1) change of name; (2) change of domicile; (3) change of partners; (4) change of articles of association; (5) merger or division; (6) other changes prescribed by the judicial administration department under the State Council.

Article 21 — An annual assessment system shall be implemented for law firms. The specific measures for annual assessment shall be formulated by the judicial administration department under the State Council.

## Chapter IV — Lawyer Practice Rights and Obligations

Article 22 — A lawyer may engage in the following business: (1) accepting an entrustment from a natural person, legal person, or other organization to act as legal counsel; (2) accepting an entrustment from a party to a civil case or an administrative case to act as agent ad litem; (3) accepting an entrustment from a criminal suspect in a criminal case to provide legal advice, act on behalf of the suspect in filing a complaint or accusation, or apply for release on bail pending trial, or accepting an entrustment from a criminal suspect or defendant or accepting a designation by a legal aid institution to act as a defender; (4) accepting an



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entrustment to act as an agent for appeals in various litigation cases; (5) accepting an entrustment to participate in mediation or arbitration activities; (6) accepting an entrustment to provide non-litigation legal services; (7) answering inquiries about the law, writing litigation documents, and other documents related to legal affairs.

Article 23 — When practicing law, a lawyer shall not refuse to act as a defender or agent without justifiable reasons, except where the entrustment matters are illegal, the client uses the services provided by the lawyer to engage in illegal activities, or the client intentionally conceals material facts relating to the case.

Article 24 — When acting as a defender, a lawyer shall, based on the facts and the law, present materials and opinions proving the innocence of the criminal suspect or defendant, the pettiness of the crime, or the reduction or exemption of criminal liability, so as to safeguard the legitimate rights and interests of the criminal suspect or defendant.

Article 25 — When acting as an agent ad litem or participating in litigation activities, a lawyer shall have the right to consult the case file materials and investigate and collect evidence in accordance with the provisions of the procedural laws.

Article 26 — When a lawyer represents a case, the people's court, people's procuratorate, public security organ, national security organ, judicial administration organ, and other relevant organs shall support the lawyer's lawful exercise of his or her practice rights and shall not restrict or interfere.

Article 27 — A lawyer conducting litigation activities may, in accordance with the provisions of the procedural laws, collect and consult materials relating to the case undertaken, meet and correspond with a criminal suspect or defendant whose personal freedom is restricted, appear in court, participate in litigation, and enjoy other rights provided for by the procedural laws. The rights enjoyed by lawyers in the performance of their duties as agents ad litem or defenders shall be protected by law.

Article 28 — A lawyer shall not act as an agent for both parties in the same case, nor shall a lawyer act as an agent for a party with whom he or she has a conflict of interest.

Article 29 — When accepting an entrustment, a lawyer shall not make false promises to the client. Without the consent of the client, a lawyer shall not disclose the client's information that he or she learns of in the course of the practice of law, except for information relating to the client's or another person's preparation for or commission of a crime endangering national security or public security, or seriously endangering the personal safety or property of another.

Article 30 — A lawyer shall not accept an entrustment privately, charge fees to the client privately, or accept property or other benefits from the client.

Article 31 — A lawyer shall not use the convenience of providing legal services to seek the disputed rights and interests of the parties, nor shall a lawyer accept property from the opposing party.

Article 32 — A lawyer shall not meet with a judge, prosecutor, or arbitrator in violation of regulations. A lawyer shall not treat a judge, prosecutor, arbitrator, or other relevant functionary to meals, give gifts, or bribe them, nor shall a lawyer instigate, induce, or bribe a party to give gifts or bribes.

Article 33 — When appearing in court or participating in litigation, a lawyer shall dress in accordance with regulations, and shall observe the order of the court and arbitration tribunal.

Article 34 — A lawyer shall not intentionally provide false evidence, conceal facts, threaten or induce others to provide false evidence, or obstruct the opposing party's lawful collection of evidence.

Article 35 — A lawyer shall not disturb the order of the court or arbitration tribunal, nor interfere with the normal conduct of litigation or arbitration activities.

Article 36 — A lawyer who has served as a judge or prosecutor shall not act as an agent ad litem or defender within two years of leaving his or her position at the people's court or people's procuratorate. This restriction shall not apply to legal aid cases.

Article 37 — A lawyer shall, in accordance with State regulations, provide legal aid, perform legal aid obligations, and safeguard the lawful rights and interests of recipients of legal aid.

Article 38 — A lawyer shall keep confidential the State secrets, commercial secrets, and personal privacy of the client that he or she learns of in the course of practice.

Article 39 — A lawyer shall not concurrently engage in other professions while practicing law. However, a lawyer may concurrently serve as an arbitrator, mediator, or legal educator.

Article 40 — A lawyer shall not engage in the following acts harmful to the legitimate rights and interests of the client: (1) illegally terminating the agency relationship with the client; (2) failing to perform the obligations of diligence and due care; (3) divulging the secrets or privacy of the client; (4) embezzling or misappropriating the client's property; (5) exceeding the scope of agency authority or abusing agency authority; (6) other acts harmful to the legitimate rights and interests of the client.

Article 41 — Where a lawyer practices in a law firm, the law firm shall not allow a lawyer who has not obtained a practicing certificate to practice in the name of a lawyer, nor shall the law firm allow a lawyer to practice in the name of the law firm when he or she is only an intern or trainee lawyer.

Article 42 — A lawyer shall join the local bar association of the place where his or her law firm is located. A lawyer who joins a local bar association is also a member of the All-China Lawyers Association.

## Chapter V — Bar Associations

Article 43 — A bar association is a public organization with the status of a legal person and is the self-regulatory organization of lawyers. The All-China Lawyers Association is established at the national level. Local bar associations are established at the level of provinces, autonomous regions, and municipalities directly under the Central Government. Bar associations at the level of cities divided into districts and autonomous prefectures may be established where local conditions so require.

Article 44 — The articles of association of the All-China Lawyers Association shall be formulated by the national members' congress and shall be reported to the judicial administration department under the State Council for filing. The articles of association of a local bar association shall be formulated by the local members' congress and shall be reported to the judicial administration department at the same level for filing. The articles of association of a local bar association shall not contravene the articles of association of the All-China Lawyers Association.

Article 45 — A bar association shall perform the following duties: (1) safeguarding the lawful rights and interests of lawyers, and summarizing and exchanging the practical experience of lawyers; (2) formulating professional standards and disciplinary rules and supervising their implementation; (3) organizing professional training for lawyers and professional ethics and practice discipline education; (4) organizing the annual assessment of lawyers; (5) mediating disputes arising from the practice of lawyers; (6) accepting complaints and reports, and imposing sanctions on lawyers in accordance with regulations; (7) other duties provided for by laws, administrative regulations, and the articles of association of the bar association.

Article 46 — A bar association shall accept the supervision and guidance of the judicial administration department. Bar associations at higher levels shall supervise and guide bar associations at lower levels in accordance with their articles of association.

## Chapter VI — Legal Liability



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Article 47 — Where a lawyer commits any of the following acts, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall issue a warning and may impose a fine of not more than RMB 5,000. Where there is illegal income, the illegal income shall be confiscated. If the circumstances are serious, the lawyer shall be suspended from practicing for not less than three months but not more than six months: (1) accepting an entrustment privately, charging fees privately, or accepting property from the client; (2) refusing to act as a defender or agent without justifiable reasons after accepting the entrustment; (3) accepting property or other benefits from the opposing party or taking advantage of the convenience of providing legal services to seek the disputed rights and interests of the parties; (4) meeting with a judge, prosecutor, arbitrator, or other relevant functionary in violation of regulations; (5) treating a judge, prosecutor, arbitrator, or other relevant functionary to meals, giving gifts to or bribing them, or instigating, inducing, or bribing a party to give gifts or bribes; (6) interfering with or obstructing the opposing party's lawful collection of evidence; (7) inciting or inducing a party to disrupt the social order or to endanger public security; (8) other acts that should be subject to penalties in accordance with the law.

Article 48 — Where a lawyer commits any of the following acts, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall issue a warning and may impose a fine of not more than RMB 10,000. Where there is illegal income, the illegal income shall be confiscated. If the circumstances are serious, the lawyer shall be suspended from practicing for not less than three months but not more than six months: (1) divulging State secrets in violation of regulations; (2) divulging commercial secrets or personal privacy of the client; (3) providing false evidence, concealing facts, or threatening or inducing others to provide false evidence; (4) accepting an entrustment from both parties in the same case or representing a party with whom the lawyer has a conflict of interest; (5) other acts that should be subject to penalties in accordance with the law.

Article 49 — Where a lawyer commits any of the following acts, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall impose a penalty of suspension of practice for not less than six months but not more than one year. A fine of not more than RMB 50,000 may also be imposed. Where there is illegal income, the illegal income shall be confiscated. If the circumstances are serious, the lawyer's practice certificate shall be revoked: (1) where the lawyer commits a crime intentionally; (2) where the lawyer commits serious illegal acts in litigation activities, such as disrupting the order of the court or arbitration tribunal; (3) where the lawyer seriously violates professional ethics and practice discipline; (4) where the lawyer commits acts that should be subject to severe penalties in accordance with the law.

Article 50 — Where a law firm commits any of the following acts, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall issue a warning and may impose a fine of not more than RMB 50,000. Where there is illegal income, the illegal income shall be confiscated. If the circumstances are serious, the law firm shall be suspended from practicing for consolidation or its practice certificate shall be revoked: (1) accepting an entrustment in violation of regulations or charging fees in violation of regulations; (2) failing to establish and implement practice management systems in accordance with regulations; (3) failing to fulfill the obligation of supervision over lawyers' practice activities; (4) failing to handle the procedures for changes in accordance with regulations; (5) accepting interns or trainee lawyers to practice in violation of regulations; (6) other acts that should be subject to penalties in accordance with the law.

Article 51 — Where a lawyer, in violation of the provisions of this Law, causes losses to the client, the law firm where the lawyer practices shall bear the liability for compensation. After the law firm has made compensation, it may recover from the lawyer who acted intentionally or with gross negligence.

Article 52 — A person who has not obtained a lawyer's practice certificate and engages in legal services for profit shall be ordered to cease the illegal practice by the judicial administration department of the local



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people's government at or above the county level. The illegal income shall be confiscated, and a fine of not less than one time but not more than five times the illegal income shall be imposed.

Article 53 — Where a lawyer practices in two or more law firms simultaneously, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall issue a warning and impose a fine. If the circumstances are serious, the lawyer shall be suspended from practicing or his or her practice certificate shall be revoked.

Article 54 — Where a lawyer is subject to an administrative penalty, the judicial administration department shall notify the bar association and include the penalty in the lawyer's practice file.

Article 55 — Where a party refuses to accept the administrative penalty decision of the judicial administration department, it may apply for administrative reconsideration or bring an administrative lawsuit before the people's court in accordance with the law. Where the party neither applies for reconsideration nor brings a lawsuit, nor complies with the penalty decision, the judicial administration department may apply to the people's court for compulsory enforcement.

Article 56 — Functionaries of the judicial administration departments who commit malpractices for personal gain, abuse their powers, or neglect their duties shall be subject to administrative sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

## Chapter VII — Supplementary Provisions

Article 57 — Legal workers who provide legal services to the military shall be governed by the relevant provisions of the State. Specific measures shall be formulated by the State Council and the Central Military Commission. Legal service personnel shall not practice in the name of a lawyer.

Article 58 — Foreign law firms that intend to establish representative offices within the territory of China or to dispatch representatives shall be subject to the approval of the judicial administration department under the State Council in accordance with the provisions of the State Council. Foreign lawyers who intend to practice in China shall comply with the provisions of the State Council.

Article 59 — The specific measures for lawyers' fees shall be formulated by the price department under the State Council in conjunction with the judicial administration department under the State Council.

Article 60 — This Law shall take effect as of January 1, 1997. The amendment to this Law shall take effect as of the date of promulgation.

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