

THE PRESIDENT

Order No. 22/2012/L-CTN of December 3, 2012, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of 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 Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

the Law Amending and Supplementing a Number of Articles of the Law on Lawyers,

which was passed on November 20, 2012, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 4th session.

President of the Socialist Republic of Vietnam

TRUONG TAN SANG

Law Amending and Supplementing a Number of Articles of the Law on Lawyers

(No. 20/2012/QH13)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Law No. 65/2006/QH11 on Lawyers.

Article 1.

To amend and supplement a number of articles of the Law on Lawyers:

1. To amend and supplement Article 3 as follows:

“Article 3. Social functions of lawyers

Professional activities of lawyers contribute to the protection of justice, freedom and democratic rights of citizens, rights and legitimate interests of

individuals, agencies and organizations, national socio-economic development and the building of a socialist law-governed Vietnamese State and a democratic, equitable and civilized society.”

2. To amend and supplement Article 6 as follows:

“Article 6. Principles of management of lawyers and law practice

1. The management of lawyers and law practice adheres to the principle of combining the state management with the autonomy of socio-professional organizations of lawyers and law-practicing organizations.

2. Socio-professional organizations of lawyers and law-practicing organizations shall manage their lawyers and law practice in accordance with this Law, the charter of the Vietnam Bar Federation and the rules of professional ethics and conduct of Vietnamese lawyers.

The State uniformly manages lawyers and law practice in accordance with this Law.”

3. To amend and supplement Article 9 as follows:

“Article 9. Prohibited acts

1. Lawyers are prohibited from committing the following acts:

a/ Providing legal services to clients who have conflicting interests in the same criminal, civil or administrative case, or in a civil matter or another matter (below collectively referred to as cases and matters) as prescribed by law;

b/ Intentionally providing or guiding clients to provide forged or untruthful documents or material evidences; instigating detainees, the accused, defendants or involved persons to make untruthful statements, or instigating clients to make complaints, denunciations or lawsuits in contravention of law;

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

d/ Harassing or deceiving clients;

e/ Receiving or asking for any money amounts or benefits from clients 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 other cadres, civil servants or public employees to commit acts in contravention of law during the settlement of cases or matters;

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

h/ Receiving or asking for any money amounts or benefits when providing legal aid to clients entitled to legal aid under law; refusing to settle cases or matters they have accepted at the request of legal aid organizations or procedure-conducting agencies, except for *force majeure* circumstances or cases specified by law;

i/ Verbally or physically offending individuals, agencies or organizations during their participation in legal proceedings;

j/ Committing or assisting clients in committing illegal acts to delay, prolong or obstruct activities of procedure-conducting agencies and other state agencies.

2. Agencies, organizations and individuals are prohibited from obstructing the professional practice of lawyers.”

4. To amend and supplement Article 12 as follows:

“Article 12. Lawyer training

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

2. The lawyer-training duration is twelve months.

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

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

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

5. To amend and supplement Article 14 as follows:

“Article 14. Law practice probation

1. Persons who possess a lawyer-training certificate and persons defined in Clause 2, Article 16 of this Law may take probation at law-practicing organizations.

The law practice probation lasts twelve months, except the cases specified in Clauses 2 and 3, Article 16 of this Law. The probation duration is counted from the date of probation registration at a bar association.

Law-practicing organizations shall assign lawyers to instruct probationers in the practice of law. Probationer-instructing lawyers must have at least

three years' experience in practicing law and must not be disciplined under Clause 1, Article 85 of this Law. At a time, a lawyer may instruct no more than three probationers.

2. Law probationers shall register their probation with the bar associations of localities where law-practicing organizations in which they are taking probation are located, and will be granted law probationer certificates by the bar associations.

Bar associations shall supervise the law practice probation.

3. Law probationers may assist their instructing lawyers in professional activities but may neither represent nor act as defense counsels for the rights and legitimate interests of clients at court hearings nor sign legal counseling documents.

Law probationers may, together with their instructing lawyers, visit detainees, the accused, defendants, victims, civil plaintiffs, civil respondents and persons with interests and obligations related to criminal cases, plaintiffs, respondents and other parties involved in civil cases or matters or administrative cases when these persons agree; assist their instructing lawyers in studying case files and collecting documents, objects and circumstances related to cases or matters and other professional activities; provide legal counseling, act as extrajudicial representatives and provide other legal services assigned by their instructing lawyers when consented by clients.

Instructing lawyers shall supervise and take responsibility for activities of law practice probationers specified in this Clause.

4. The Minister of Justice shall specify the law practice probation.”

6. To amend and supplement Article 15 as follows:

“Article 15. Testing of law practice-probation results

1. Probationers who have completed the probation period specified in Clause 1, Article 14 of this Law shall take a test of law practice-probation results. The managing boards of bar associations shall consider and make lists of persons qualified for taking a test of law practice-probation results, then send them to the Vietnam Bar Federation.

Persons exempted from law practice probation specified in Clause 1, Article 16 of this Law are not required to take a test of law practice-probation results.

2. The Vietnam Bar Federation shall organize the testing of law practice-probation results.

Law practice-probation results are tested by the Council for Testing of Law Practice-Probation Results which is composed of the Chairman or a Vice Chairman of the Vietnam Bar Federation as its chairman and representatives of the managing boards of a number of bar associations and some lawyers as its members. The Council's membership is decided by the Chairman of the Vietnam Bar Federation.

Persons who pass law practice-probation tests shall be granted certificates by the Testing Council.

3. The Ministry of Justice shall guide and supervise the organization of the testing of law practice probation results.”

7. To amend and supplement Article 16 as follows:

“Article 16. Persons eligible for law practice probation exemption or reduction

1. Persons who have worked as judges, procurators, senior investigators, intermediate-level investigators, professors or associate professors of law, doctors of law, senior examiners of courts, senior inspectors of procuracies, senior experts, senior researchers or senior lecturers of law are exempted from law practice probation.

2. Persons who have worked as elementary-level investigators, principal examiners of courts, principal inspectors of procuracies, principal experts, principal researchers or principal lecturers of law are entitled to two-thirds reduction of the law practice-probation duration.

3. Persons who have worked as legal experts, researchers or lecturers, examiners of people's courts or inspectors of procuracies for ten years or more are entitled to half reduction of the law practice-probation duration.”

8. To amend and supplement Article 17 as follows:

“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 comprises:

a/ An application for a law practice certificate, made according to a form set by the Ministry of Justice;

b/ A judicial record card;

c/ A health certificate;

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

e/ A copy of the certificate of law practice probation result testing.

Within seven working days after receiving a complete and valid dossier, the managing board of the concerned bar association shall send to the provincial-level Justice Department the dossier together with a written certification that the applicant is qualified to work as a lawyer in accordance with this Law.

2. Persons exempted from law practice probation shall file dossiers of application for law practice certificates with the provincial-level Justice Departments of localities where they permanently reside.

A dossier comprises:

a/ The papers specified at Points a, b and c, Clause 1 of this Article;

b/ The paper specified at Point d, Clause 1 of this Article, except for professors, associate professors or doctors of law;

c/ A copy of the document evidencing that the applicant is exempted from law practice probation as specified in Clause 1, Article 16 of this Law.

3. Within seven working days after receiving a complete and valid dossier, the provincial-level Justice Department shall examine the dossier and verify, when necessary, the legality of the dossier, and send to the Ministry of Justice a written request together with the dossier of application for a law practice certificate.

Within twenty days after receiving a complete and valid dossier, the Minister of Justice shall grant a law practice certificate; in case of refusal, he/she shall notify such in writing to the applicant and the provincial-level Justice Department that has sent the dossier, clearly stating the reason.

Applicants whose applications for law practice certificates are rejected may file complaints or lawsuits in accordance with law.

4. A person falling in one of the following cases will not be granted a law practice certificate:

a/ Failing to satisfy the lawyer criteria specified in Article 10 of this Law;

b/ Working as a cadre, civil servant or public employee; as an officer, professional soldier or defense worker in an agency or a unit of the People's Army; as an officer, non-commissioned officer or worker in an agency or a unit of the People's Public Security;

c/ Not permanently residing in Vietnam;

d/ Being currently examined for penal liability; having been sentenced for an unintentional crime or a less serious intentional crime with this criminal record not yet remitted; having been sentenced for a serious, very serious

or particularly serious intentional crime, even this criminal record has been remitted;

e/ Being consigned to a compulsory detoxification establishment or compulsory education establishment as an administrative handling measure;

f/ Having lost his/her civil act capacity or having his/her civil act capacity restricted;

g/ A person defined at Point b of this Clause who has been dismissed for under three years, counting from the date the dismissal decision takes effect.”

9. To amend and supplement Article 18 as follows:

“Article 18. Revocation of law practice certificates

1. A person who has been granted a law practice certificate will have his/her certificate revoked if he/she falls in one of the following cases:

a/ No longer satisfying the lawyer criteria specified in Article 10 of this Law;

b/ Being recruited or appointed as a cadre, civil servant, public employee, officer, professional soldier or defense worker in an agency or a unit of the People’s Army; or as an officer, non-commissioned officer or worker in an agency or a unit of the People’s Public Security;

c/ No longer residing in Vietnam;

d/ Having not joined any bar association for two years from the date of obtaining a law practice certificate;

e/ Having neither established, taken part in establishing nor worked under a labor contract for a law-practicing organization nor registered for practicing individually for three years from the date of joining the bar association;

f/ Ceasing to practice law at his/her own will;

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

h/ Being administratively sanctioned in the form of deprivation of the right to use law practice certificates for a definite time or subject to the administrative handling measure of consigning to a compulsory detoxification establishment or compulsory education establishment;

i/ Having been sentenced and the sentence has taken legal effect;

j/ Having lost his/her civil act capacity or having his/her civil act capacity restricted.

2. The Minister of Justice has the power to revoke law practice certificates and specify procedures for revoking these certificates. In case the Minister of Justice decides to revoke a law practice certificate, he/she shall notify such to the Vietnam Bar Federation so that the latter revokes the lawyer card.”

10. To amend and supplement Article 19 as follows:

“Article 19. Re-grant of law practice certificates

1. A person whose law practice certificate has been revoked under Point a, b, c, f or j, Clause 1, Article 18 of this Law may be considered for the re-grant of that certificate when he/she fully satisfies the lawyer criteria specified in this Law and the reason for the certificate revocation no longer exists.

2. A person whose law practice certificate has been revoked under Point d or e, Clause 1, Article 18 of this Law may be considered for the re-grant of that certificate when he/she files a request for re-grant.

3. A person whose law practice certificate has been revoked under Point g, h or i, Clause 1, Article 18 of this Law may be considered for the re-grant of that certificate when he/she fully satisfies the criteria specified in Article 10 of this Law and one of the following conditions:

a/ Three years have passed after the decision to revoke 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 period of deprivation of the right to use the law practice certificate has expired or the decision on application of the administrative handling measure of consigning to a compulsory detoxification establishment or compulsory education establishment has been completely executed;

c/ His/her criminal record has been remitted, except the case specified in Clause 4 of this Article.

4. A person whose law practice certificate is revoked because of having been sentenced for a serious, very serious or particularly serious intentional crime will not be considered for the re-grant of that certificate.

5. Procedures for re-grant of law practice certificates comply with Article 17 of this Law.”

11. To amend and supplement Article 20 as follows:

“Article 20. Joining bar associations

1. A person who possesses a law practice certificate may choose to join a bar association for law practice.

A person who has joined a bar association may work under a labor contract for a law-practicing organization or practice law individually under a labor contract for an agency or organization, or establish or participate in establishing a law-practicing organization in accordance with this Law in the locality in which the bar association is located.

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

a/ A written request for joining the bar association, made according to a form set by the Vietnam Bar Federation;

b/ A judicial record card, in case the applicant fails to submit the dossier for joining the bar association within six months after being granted a law practice certificate;

c/ A copy of the law practice certificate.

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

4. Within seven working days after making a decision on admission to the bar association, the managing board of the bar association shall send to the Vietnam Bar Federation a written request for grant of a lawyer card to the person joining the bar association. The time limit for grant of a lawyer card is twenty days after the receipt of the written request of the bar association.

A lawyer card is valid indefinitely and may be renewed when the lawyer joins another bar association or when the card is lost or damaged.

5. Within three years after being granted a lawyer card, a lawyer who neither works under a labor contract for a law-practicing organization nor practices law individually under a labor contract for an agency or organization nor establish nor participate in establishing a law-practicing organization in the locality in which the bar association is located, or he/she has failed to practice law for five consecutive years since the grant of the lawyer card, the managing board of the bar association shall delete the name of such lawyer from its list of lawyers and request the Vietnam Bar Federation to revoke the lawyer card.

6. A lawyer who intends to join another bar association shall send to the managing board of the bar association of which he/she is currently a member a written request for withdrawal of his/her name from the latter's list of lawyers.

Within five working days after receiving a written request, the managing board of the bar association shall issue a decision on deletion of the lawyer's name from its list of lawyers, and concurrently send a written introduction enclosed with such lawyer's dossier to the bar association which the lawyer intends to join.

The procedures for joining bar associations and renewing lawyer cards comply with Clauses 3 and 4 of this Article. Pending the renewal of their cards, lawyers may continue to use the old cards for law practice and shall return them upon getting the new ones.”

12. To amend and supplement Article 21 as follows:

“Article 21. Rights and obligations of lawyers

1. Lawyers have the following rights:

- a/ To have their right to practice law guaranteed by law in accordance with this Law and relevant laws;
- b/ To represent their clients in accordance with law;
- c/ To practice law and choose forms of law practice and forms of law-practicing organizations in accordance with this Law;
- d/ To practice law in the Vietnamese territory;
- e/ To practice law overseas;
- f/ Other rights provided by this Law.

2. Lawyers have the following obligations:

- a/ To adhere to the principles of law practice specified in Article 5 of this Law;
- b/ To strictly observe internal rules and relevant regulations in their relations with procedure-conducting agencies; to show cooperative and respectful attitudes toward procedure-conducting persons they contact in their practice;
- c/ To fully and timely participate in legal proceedings in cases at the request of procedure-conducting agencies;
- d/ To provide legal aid;
- e/ To attend compulsory professional refresher courses;
- f/ Other obligations specified by this Law.”

13. To amend and supplement Article 23 as follows:

“Article 23. Forms of law practice by lawyers

Lawyers may choose either of the following forms of law practice:

1. Practicing in law-practicing organizations by establishing or jointly establishing such law-practicing organizations; working under labor contracts for law-practicing organizations.
2. Practicing law individually in accordance with Article 49 of this Law.”

14. To amend and supplement Article 27 as follows:

“Article 27. Participation of lawyers in legal proceedings

1. Participation of lawyers in legal proceedings must comply with the procedural law and this Law.
2. When participating in legal proceedings in the capacity as defense counsels for the rights and legitimate interests of involved parties in civil cases or matters or administrative cases or the rights and legitimate interests of victims, civil plaintiffs, civil respondents and persons with related rights and obligations in criminal cases, lawyers shall present their lawyer cards and clients’ written requests for lawyers. Within three working days after a lawyer presents his/her lawyer card and client’s written request for a lawyer, a procedure-conducting agency shall grant a certificate of lawyer participation in legal proceedings. In case of refusal to grant such a certificate, it shall reply in writing, clearly stating the reason.

In case a law practice probationer comes together with his/her instructing lawyer in a civil case or matter or an administrative case as specified in Clause 3, Article 14 of this Law, when contacting individuals, agencies and organizations, the instructing lawyer shall present the certificate of law practice probationer and papers evidencing the consent of the client.

3. When participating in criminal proceedings in the capacity as defense counsels, lawyers may be granted defense counsel certificates by procedure-conducting agencies. Defense counsel certificates are valid in all proceeding stages, unless detainees, the accused or defendants refuse or request the change of lawyers or lawyers are not allowed to participate in proceedings in accordance with law.

When applying for a defense counsel certificate, a lawyer shall present the following papers:

- a/ His/her lawyer card;
- b/ The written request for a lawyer of a detainee, an accused or a defendant or another person, or the document on lawyer appointment by the law-

practicing organization where he/she practices law or the document on assignment by the bar association for a lawyer practicing law individually and participating in criminal proceedings at the request of a procedure-conducting agency or to provide legal aid.

In case a law practice probationer comes together with his/her instructing lawyer in a criminal case as specified in Clause 3, Article 14 of this Law, when applying for a defense counsel certificate, the instructing lawyer shall send the certificate of law practice probationer and papers evidencing the consent of the client together with the application to the procedure-conducting agency to ask for permission for the probationer to accompany him/her.

Within three working days or 24 hours in case of temporary custody after receiving complete and valid papers, the procedure-conducting agency shall grant a defense counsel certificate to the lawyer, permitting the law practice probationer (if any) to participate in the case. In case of refusal, it shall reply in writing, clearly stating the reason. The refused applicant may file a complaint in accordance with the procedural law.

When necessary to contact individuals, agencies or organizations to exercise the rights, perform the obligations and conduct activities related to the defense in a criminal case, a lawyer shall present his/her lawyer card and defense counsel certificate.

4. A defense counsel certificate may not be granted to a lawyer only when he/she:

a/ Is refused by the detainee, accused or defendant or the representative of the accused or defendant who is a minor or has mental or physical defects;

b/ Is a relative of the person who has conducted or is conducting the procedure in the same case;

c/ Concurrently participates in the case in the capacity as a witness, an expert or interpreter;

d/ Has conducted the procedure in the case.

5. Procedure-conducting agencies, other state agencies and organizations and individuals shall create favorable conditions for lawyers to exercise their rights and perform their obligations when practicing law, and may not obstruct their practice.”

15. To amend and supplement Article 32 as follows:

“Article 32. Forms of law-practicing organizations and conditions for establishment 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 in accordance with this Law and other relevant laws.

3. Conditions for establishment of a law-practicing organization:

a/ A lawyer who wishes to establish or participate in establishing a law-practicing organization must have practiced law for at least two consecutive years under a labor contract for a law-practicing organization or practiced law individually under a labor contract for an agency or organization in accordance with this Law;

b/ The to be-established law-practicing organization must have a working office.

4. A lawyer may establish or participate in the establishment of only one law-practicing organization. In case lawyers of different bar associations jointly establish a law firm, they may opt to establish it and register its operation in the locality where the bar association of which one of them is a member is located.

5. Within thirty days after obtaining an operation registration certificate, lawyers who establish or participate in establishing a law-practicing organization and are not members of the bar association in the locality where such law-practicing organization is to be located shall join such bar association or its branch in accordance with Article 20 of this Law.”

16. To amend and supplement Article 39 as follows:

“Article 39. Rights of law-practicing organizations

1. To provide legal services.

2. To receive remunerations from their clients.

3. To employ Vietnamese lawyers, foreign lawyers and others persons.

4. To participate in the formulation of state policies and laws; to provide consultancy to and participate in the settlement of cases or matters of individuals, agencies and organizations when so requested.

5. To cooperate with foreign law-practicing organizations.

6. To establish domestic branches or transaction offices.

7. To open their law-practicing establishments overseas.

8. Other rights as provided by this Law and relevant laws.”

17. To amend and supplement Article 40 as follows:

“Article 40. Obligations of law-practicing organizations

1. To practice only in the fields stated in their operation registration certificates.
2. To fulfill their agreements with clients.
3. To appoint their lawyers to participate in legal proceedings as assigned by their bar association.
4. To create conditions for their lawyers to provide legal aid and participate in the training and retraining of lawyers.
5. To pay compensation for damage caused by their lawyers to their clients.
6. To purchase professional liability insurance for their lawyers in accordance with the insurance business law.
7. To comply with this Law and the labor, tax, financial and statistical laws.
8. To abide by competent state agencies’ requests for reporting, inspection or examination.
9. To admit law practice probationers and appoint qualified lawyers to guide and create favorable conditions for and supervise these probationers’ probation.
10. To manage and assure that their lawyers abide by law, the charter of the Vietnam Bar Federation and rules of professional ethics and conduct of Vietnamese lawyers.
11. To report on their organization and operation in accordance with law.
12. Other obligations provided by relevant laws.”

18. To amend and supplement Article 45 as follows:

“Article 45. Consolidation, merger and transformation of law-practicing organizations

1. Two or more law firms of the same type may be consolidated into a new one by transferring all of their assets, rights, obligations and legitimate interests to the new firm and concurrently terminating their existence.
2. One or more than one law firm may be merged with another one of the same type by transferring all of its/their assets, rights, obligations and legitimate interests to the merging firm and concurrently terminating its/their existence.
3. Lawyers’ offices may be transformed into law firms which inherit all of the former’s rights and obligations in accordance with law.

A single-member limited liability law firm may be transformed into a limited liability law firm with two members or vice versa. A limited liability law firm may be transformed into a law partnership or vice versa. Post-transformation law firms inherit all rights and obligation of transformed law firms.

4. The Government shall stipulate procedures for consolidation, merger and transformation of law-practicing organizations.”

19. To amend and supplement Article 49 as follows:

“Article 49. Lawyers practicing law individually

1. Lawyers practicing law individually are those who work under labor contracts for agencies and organizations other than law-practicing organizations.

2. In case it is agreed upon in labor contracts, lawyers practicing law individually shall purchase liability insurance for their practicing activities in accordance with the insurance business law.

3. Lawyers practicing law individually may not provide legal services to individuals, agencies and organizations other than those with whom they have signed labor contracts, unless they are requested by state agencies to do so or participate in legal proceedings in criminal cases at the request of procedure-conducting agencies and provide legal aid as assigned by the bar associations of which they are members.”

20. To amend and supplement Article 50 as follows:

“Article 50. Registration of individual law practice

1. A lawyer practicing law individually shall register his/her professional practice with the provincial-level Justice Department of the locality where the bar association of which he/she is member is located.

Lawyers practicing law individually shall send applications for law practice registration, made according to a form set by the Ministry of Justice, enclosed with their dossiers to provincial-level Justice Departments.

A dossier comprises:

a/ Copies of the law practice certificate and lawyer card;

b/ A copy of the labor contract signed with an agency or organization.

2. Within seven days after receiving a complete dossier, the provincial-level Justice Department shall grant a law practice registration certificate. In case of refusal, it shall issue a written notice, clearly stating the reason. Refused applicants may file complaints or lawsuits in accordance with law.

3. A lawyer may practice law individually from the date he/she is granted a law practice registration certificate. Within seven working days after being granted the law practice registration certificate, the lawyer practicing law individually shall send a written notice enclosed with a copy of this certificate to the bar association of which he/she is a member.

4. In case a lawyer wishes to join another bar association, he/she shall notify such to the provincial-level Justice Department with which he/she has registered his/her practice, return his/her law practice registration certificate, and carry out procedures for practice registration with the provincial-level Justice Department in the locality where the bar association which he/she intends to join is located. Registration procedures comply with Clauses 1, 2 and 3 of this Article.

In case a lawyer stops practicing, the provincial-level Justice Department shall revoke his/her law practice registration certificate.”

21. To amend and supplement Article 60 as follows:

“Article 60. Bar associations

1. A bar association is a socio-professional organization of lawyers in a province or centrally run city which is organized and operates under this Law and the Charter of the Vietnam Bar Federation. It has the legal entity status, its own seal and bank account, and operates on the principle of self-financing with membership fees, contributions of members and other lawful revenues.

2. A bar association may be set up in a province or centrally run city with three or more law practice certificate holders. Provincial-level People’s Committees may permit the establishment of bar associations after reaching agreement with the Minister of Justice.

3. Bar associations may not issue resolutions, decisions, internal rules and regulations on charges or revenues and other regulations in contravention of law and the Charter of the Vietnam Bar Federation.

4. Members of a bar association are lawyers.

The rights and obligations of members of a bar association are provided in the Charter of the Vietnam Bar Federation.”

22. To amend and supplement Article 61 as follows:

“Article 61. Tasks and powers of bar associations

1. To represent lawyers and protect their rights and legitimate interests in their professional practice.

2. To annually review and assess the quality of their member lawyers; assess supervise and coordinate with bar associations in other localities in supervising the observance of law and the Charter of the Vietnam Bar Federation and rules of professional ethics and conduct by member lawyers, lawyers practicing law in law-practicing organizations and local 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 grant law practice probationer certificates and supervise law practice probationers; to make lists of persons qualified for taking tests of law practice probation results, and send them to the Vietnam Bar Federation.
5. To receive dossiers of application for law practice certificates and forward them to provincial-level Justice Departments; to request the Ministry of Justice to revoke law practice certificates.
6. To organize the registration of joining the bar associations; to organize the transfer and reception of lawyers; to request the Vietnam Bar Federation to grant, renew or revoke lawyer cards.
7. To provide compulsory professional training and training in skills of managing law-practicing organizations.
8. To supervise the purchase of professional liability insurance of lawyers.
9. To conciliate disputes between probationary lawyers, lawyers and law-practicing organizations; between clients and law-practicing organizations and lawyers.
10. To settle complaints and denunciations according to their competence.
11. To summarize and exchange experience and take other measures to raise professional skills of lawyers.
12. To gather and report lawyers' thoughts, aspirations, opinions and proposals.
13. To set the fees for joining bar associations and law practice probation based on the fee tariff set by the Vietnam Bar Federation.
14. To report to the Vietnam Bar Federation and provincial-level People's Committees on their schemes on organization of congresses and personnel plans for their management boards and commendation and disciplining councils.

15. To implement resolutions, decisions and regulations of the Vietnam Bar Federation.

16. To help lawyers participate in law dissemination, popularization and education activities and provide legal aid.

17. To report to the Vietnam Bar Federation on their organization and operation and results of their congresses; to send to the Vietnam Bar Federation their resolutions, decisions, internal rules and regulations as prescribed in the Charter of the Vietnam Bar Federation or when so requested.

18. To report to provincial-level People's Committees on their organization and operation and results of their congresses; to report to competent state agencies when so requested; to send to provincial-level People's Committees their resolutions, decisions and regulations.

19. Other tasks and powers specified in the Charter of the Vietnam Bar Federation.”

23. To amend and supplement Article 65 as follows:

“Article 65. Tasks and powers of the Vietnam Bar Federation

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

2. To supervise lawyers and bar associations in their observance of law and the Charter of the Vietnam Bar Federation; to request the Ministry of Justice to revoke law practice certificates.

3. To promulgate and supervise the observance of the rules of professional ethics and conduct of Vietnamese lawyers, which must not be contrary to its Charter.

4. To organize law practice training; to formulate programs and guide bar associations in organizing compulsory professional refresher courses; to provide training in professional knowledge and skills of managing law-practicing organizations.

5. To organize law practice probation result tests and take responsibility for results of these tests in accordance with this Law and the guidance of the Ministry of Justice.

6. To summarize and exchange experience in law practice nationwide; to organize the selection and honoring of lawyers and law-practicing organizations that are prestigious and make many contributions in law practice.

7. To provide the model uniform to be worn by lawyers in court hearings, the form of application for joining bar associations, the form of lawyer card and the grant, renewal and revocation of lawyer cards; to guide annual review and assessment of lawyers' quality.
8. To provide the exemption from and reduction of lawyer remunerations, and the settlement of disputes over lawyer remunerations and expenses.
9. To set law practice probation fee, bar association admission fee and membership fee tariffs.
10. To guide and supervise the performance of the obligation to provide legal aid by lawyers.
11. To give opinions on schemes on organization of congresses and personnel plans for managing boards and commendation and disciplining councils of bar associations; to direct congresses of bar associations.
12. To stop the implementation of and request amendments to resolutions, decisions and regulations of bar associations which are contrary to its Charter; to propose competent state agencies to stop the implementation of and request amendments to resolutions, decisions and regulations of bar associations which are contrary to law.
13. To settle complaints and denunciations according to its competence.
14. To gather and report lawyers' thoughts, aspirations, opinions and proposals.
15. To join in law-making, jurisprudential research, and law dissemination, popularization and education.
16. To conduct international cooperation on lawyers.
17. To coordinate with the Ministry of Justice in preparing and reporting to competent agencies on the scheme on organization of the Vietnam Bar Federation's congress and plan for voting its leading posts.
18. To report to the Ministry of Justice on the organization and activities of lawyers nationwide and its organization and operation and results of its congress; to send reports to competent state agencies when so requested; to send its resolutions, decisions and regulations to the Ministry of Justice.
19. Other tasks and powers as provided in its charter."

24. To amend and supplement Article 67 as follows:

“Article 67. Charter of the Vietnam Bar Federation

1. Pursuant to this Law and the law on associations, the national lawyer-deputies' congress shall approve the Charter of the Vietnam Bar

Federation. The Charter of the Vietnam Bar Federation applies uniformly to it and bar associations.

2. The Charter of the Vietnam Bar Federation has the following principal contents:

- a/ The guiding principles, objectives and logo of the Vietnam Bar Federation;
- b/ The rights and obligations of members of the Vietnam Bar Federation;
- c/ The relationship between the Vietnam Bar Federation and bar associations;
- d/ The procedures for joining bar associations, withdrawal from lists of members of bar associations, and transfer of lawyers from a bar association to another;
- e/ The lawyers' obligation to provide legal aid;
- f/ The model uniform to be worn by lawyers in court hearings and the form of lawyer card and the grant, renewal and revocation of lawyer cards;
- g/ The term of office, organizational structure, mode of election, relief from office, dismissal, tasks and powers of bodies of the Vietnam Bar Federation and bar associations; the coordinative relationship between bar associations in the management of lawyers and law-practicing organizations;
- h/ The structure and number of deputies; tasks and powers of the national lawyer-deputies' congress; plenary or deputies' congresses of bar associations; order and procedures for organizing a congress of the Vietnam Bar Federation or a bar association;
- i/ The issuance of internal rules of bar associations;
- j/ Finance of the Vietnam Bar Federation and bar associations;
- k/ The commendation and disciplining of lawyers and the settlement of complaints and denunciations;
- l/ The obligation of the Vietnam Bar Federation and bar associations to report on their organization and operation;
- m/ The relationship with other agencies and organizations.

3. Within seven working days after the Charter of the Vietnam Bar Federation is approved, the national lawyers' council shall send it to the Ministry of Justice for consideration and approval. Within thirty days after receiving the Charter, the Minister of Justice shall approve it after reaching agreement with the Minister of Home Affairs. The Charter of the Vietnam Bar Federation takes effect on the date of its approval.”

25. To amend and supplement Article 68 as follows:

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

A foreign law-practicing organization which has been set up and lawfully practicing law in a foreign country may be licensed to practice in Vietnam in accordance with this Law when fully satisfying the following conditions:

1. Committing to abide by the Constitution and law of the Socialist Republic of Vietnam;
2. Committing to have at least two foreign lawyers, including the head of its branch or the director of the foreign law firm, present and practicing in Vietnam for 183 days or more within twelve consecutive months.
3. The head of its branch or the director of the foreign law firm in Vietnam must have practiced law for at least two consecutive years.”

26. To amend and supplement Article 69 as follows:

“Article 69. Forms of 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 (below referred to as branches),

b/ Wholly foreign-owned limited liability law firms, joint-venture limited liability law firms, law partnerships between foreign law-practicing organizations and Vietnamese law partnerships (below collectively referred to as foreign law firms).

2. Branches and foreign law firms must be organized and operate in accordance with this Law, the enterprise and investment laws and other relevant laws.

The Government shall specify the consolidation and merger of foreign law firms of the same type; the transformation of branches of foreign law-practicing organizations into wholly foreign-owned limited liability law firms; the transformation of foreign law firms into Vietnamese ones; and the suspension or termination of operation of foreign law-practicing organizations.”

27. To amend and supplement Article 70 as follows:

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

Branches and foreign law firms practicing law in Vietnam may provide legal consultancy and other legal services; may neither nominate their

foreign and Vietnamese lawyers to participate in legal proceedings in the capacity as representatives, defense counsels or defense counsels for the rights and legitimate interests of involved parties before Vietnamese courts nor provide legal services in legal papers and notarization relevant to Vietnamese law, and may nominate their Vietnamese lawyers to provide legal consultancy on Vietnamese law.”

28. To amend and supplement Article 72 as follows:

“Article 72. Foreign law firms

1. A wholly foreign-owned limited liability law firm is a law-practicing organization established by one or more than one foreign law-practicing organization 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.

A law partnership is a law-practicing organization in the form of partnership between a foreign law-practicing organization and a Vietnamese law partnership.

2. Directors of foreign law firms may be foreign or Vietnamese lawyers.”

29. To amend and supplement Article 74 as follows:

“Article 74. Conditions for professional practice by foreign lawyers

A foreign lawyer is granted a license for practicing law in Vietnam if fully satisfying the following conditions:

1. Having a law practice certificate which is granted by a competent foreign agency or organization and remains valid;
2. Having experience of advising on foreign laws and international law;
3. Committing to comply with the Constitution and law of the Socialist Republic of Vietnam and rules of professional ethics and conduct of Vietnamese lawyers;
4. Being nominated by a foreign law-practicing organization to practice law in Vietnam or recruited by its Vietnam-based branch or a foreign law firm or Vietnamese law-practicing organization.”

30. To amend and supplement Article 76 as follows:

“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 possessing a Vietnamese bachelor’s degree in law and satisfying all requirements prescribed for a Vietnamese lawyer,

but may not participate in legal proceedings as representatives, defense counsels or defense counsels for the rights and legitimate interests of involved parties before Vietnamese courts.”

31. To amend and supplement Article 82 as follows:

“Article 82. Grant and extension of licenses for professional practice in Vietnam by foreign lawyers

1. Foreign lawyers practicing law in Vietnam shall send dossiers of application for licenses for law practice in Vietnam to the Ministry of Justice. Within thirty days after receiving a complete and valid dossier and fee, the Justice Ministry shall grant such license to the foreign lawyer. In case of refusal, it shall notify it in writing to the applicant, clearly stating the reason.

2. A license for foreign lawyers’ professional practice in Vietnam is valid for five years and may be extended for not more than five years each time.

3. Licenses for foreign lawyers’ professional practice in Vietnam may substitute their work permits under the provisions of Vietnamese law regarding the grant of work permits for laborers being foreign citizens working in Vietnam.

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

a/ An application for a license 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 is expected to work;

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

5. Dossiers of application for extension of licenses for practicing law in Vietnam must be sent to the Ministry of Justice at least thirty days before such licenses expire. Such a dossier comprises:

a/ An application for extension of a license for practicing law in Vietnam, with a certification of recruitment of the applicant by the foreign or Vietnamese law-practicing organization;

b/ The original license for practicing law in Vietnam;

c/ The provincial-level Justice Department’s opinions on the practice by the foreign lawyer in Vietnam.

Within seven working days after receiving a complete and valid dossier, the Ministry of Justice shall decide to extend the license for practicing law in Vietnam for the foreign lawyer. In case of refusal, it shall notify such in writing clearly stating the reason.

32. To amend and supplement Article 83 as follows:

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

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

2. The Ministry of Justice 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 for development of law practice, promulgate policies on supports for bar associations of special difficulty-hit provinces and other policies to support the development of law practice;

b/ To elaborate and submit to competent state agencies for promulgation or promulgate documents to detail and guide the implementation of the law on lawyers;

c/ To grant permits for setting up lawyer-training institutions; to provide the framework lawyer training program; to prescribe compulsory professional refresher courses for lawyers; to coordinate with the Ministry of Finance in setting tuition fees for lawyer training; to manage and organize lawyer training;

d/ To grant or revoke law practice certificates;

e/ To grant, revoke or extend licenses for foreign lawyers to practice law in Vietnam;

f/ To grant or revoke permits for setting up foreign law-practicing organizations in Vietnam;

g/ To review and report to the Government on lawyers’ organizations and law practice;

h/ To inspect, examine, handle violations, settle complaints and denunciations about lawyers’ organizations and law practice, and organization and operation of foreign law-practicing organizations and lawyers in Vietnam;

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

- j/ To perform the state management of international cooperation on lawyers;
 - k/ To stop the inspection or cancel results of inspection of law practice probation upon detection of serious violations of this Law and other relevant laws;
 - l/ To stop the implementation of and request amendments to resolutions, decisions and regulations of the Vietnam Bar Federation which are contrary to this Law;
 - m/ Other tasks and powers in accordance with this Law.
3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Justice in performing the state management of lawyers and law practice.
4. Provincial-level People's Committees shall perform the state management of lawyers and law practice in their localities, having the following tasks and powers:
- a/ To permit the establishment of bar associations; to decide on the dissolution of bar associations after reaching agreement with the Minister of Justice;
 - b/ To approve schemes on organization of congresses of bar associations;
 - c/ To organize the grant or revocation of operation registration certificates of Vietnamese law-practicing organizations and foreign law-practicing organizations in Vietnam;
 - d/ To inspect, examine, handle violations, settle complaints and denunciations about the organization and operations of Vietnamese bar associations, law-practicing organizations and foreign law-practicing organizations and lawyers in their localities;
 - e/ To stop the implementation of and request amendments to resolutions, decisions and regulations of bar associations which are contrary to this Law;
 - f/ To periodically report to the Ministry of Justice on the situation of Vietnamese lawyers' organizations and law practice and the organization and operation of foreign law-practicing organizations and lawyers in their localities;
 - g/ To apply measures to support the development of law practice in their localities;
 - h/ Other tasks and powers as provided for by law.

Provincial-level Justice Departments shall assist provincial-level People's Committees in managing the state management of lawyers and law practice in their localities.”

33. To amend and supplement Article 89 as follows:

“Article 89. Handling of violations against lawyers

1. Vietnamese lawyers who violate 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 compensations in accordance with law.
2. Foreign lawyers practicing law in Vietnam who violate this Law shall, depending on the nature and severity of their violations, be administratively handled or examined for penal liability. If causing damage, they shall pay compensations in accordance with law.

For foreign lawyers who violate the rules of professional ethics and conduct of Vietnamese lawyers, the Ministry of Justice shall notify their violations to foreign law-practicing organizations that have nominated such lawyers to practice law in Vietnam or Vietnamese law-practicing organizations that have recruited such lawyers, and may, depending on the nature and severity of their violations, revoke or refuse to extend their licenses to practice law in Vietnam.”

34. To add Article 92a to the end of Article 92 as follows:

“Article 92a. Transitional provisions

1. Within one year after the effective date of this Law, lawyers who are members of bar associations other than bar associations in the same localities in which law-practicing organizations or branches of law-practicing organizations which they have established or jointly established are located, or in which law-practicing organizations or agencies or organizations with which they have signed labor contracts are located, shall join the latter bar associations in accordance with Article 20 of this Law. Lawyers transferred from one bar association to another in accordance with this Clause are not required to pay the fee for joining bar associations.

Bar associations shall create favorable conditions for lawyers to be transferred to other bar associations in accordance with this Law.

2. Within two years after the effective date of this Law, lawyers who practice law individually in accordance with Law No. 65/2006/QH11 on Lawyers shall shift to practice law in the form of establishing or jointly establishing law-practicing organizations or work under labor contracts for

law-practicing organizations or for other agencies or agencies, and register their practice in accordance with this Law. Lawyers who register their practice in accordance with this Clause are not required to pay the registration fee.

3. Within two years after the effective date of this Law, foreign law-practicing organizations already licensed to establish their branches or foreign law firms must satisfy the conditions specified in Article 68 of this Law. If failing to fully satisfy such conditions, they shall terminate operation.”

35. To obliterate the phrase “copy of the law practice certificate” at Point d, Clause 3, Article 78 of Law No. 65/2006/QH11 on Lawyers.

36. To annul Articles 8, 52 and 63 of Law No. 65/2006/QH11 on Lawyers.

37. In Law No. 65/2006/QH11 on Lawyers, to replace the phrase “national lawyers’ organization” with the phrase “the Vietnam Bar Federation; the phrase “management of law practice” with the phrase “management of lawyers and law practice”; the phrase “rules of professional ethics and conduct of lawyers” with the phrase “rules of professional ethics and conduct of Vietnamese lawyers”; and the phrase “*pro bono* legal aid” with the phrase “legal aid.”

Article 2.

1. This Law takes effect on July 1, 2013.

2. The Government and competent agencies shall detail and guide the implementation of the articles and clauses of this Law as assigned to them.

This Law was passed on November 20, 2012, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 4th session.-

Chairman of the National Assembly
NGUYEN SINH HUNG