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# 中华人民共和国律师法（2017修正）

# THE LAW OF THE PEOPLE’S REPUBLIC OF CHINA (2017 Revision)

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（1996年5月15日第八届全国人民代表大会常务委员会第十九次会议通过 根据2001年12月29日第九届全国人民代表大会常务委员会第二十五次会议《关于修改〈中华人民共和国律师法〉的决定》第一次修正 2007年10月28日第十届全国人民代表大会常务委员会第三十次会议修订 根据2012年10月26日第十一届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国律师法〉的决定》第二次修正 根据2017年9月1日第十二届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国法官法〉等八部法律的决定》第三次修正）

(Adopted at the 19th Session of the Standing Committee of the 8th National People's Congress on May 15, 1996; amended for the first time according to the Decision on Amending the Law of the People's Republic of China on Lawyers at the 25th Session of the Standing Committee of the 9th National People's Congress on December 29, 2001; revised at the 30th Session of the Standing Committee of the 10th National People's Congress on October 28, 2007; amended for the second time according to the Decision on Amending the Law of the People's Republic of China on Lawyers at the 29th Session of the Standing Committee of the 11th National People's Congress on October 26, 2012; and amended for the third time according to the Decision of the Standing Committee of the National People's Congress on Amending Eight Laws Including the Judges Law of the People's Republic of China at the 29th Session of the Standing Committee of the 12th National People's Congress on September 1, 2017)

第一章 总 则

Chapter 1 General Provisions

第一条   为了完善律师制度，规范律师执业行为，保障律师依法执业，发挥律师在社会主义法制建设中的作用，制定本法。

Article 1 This Law is enacted in order to improve the system governing lawyers, to standardize the practice of lawyers, to ensure that lawyers practice according to law, and to enable lawyers to play their role in the development of the socialist legal system.

第二条   本法所称律师，是指依法取得律师执业证书，接受委托或者指定，为当事人提供法律服务的执业人员。

Article 2 A lawyer referred to in this Law shall mean a practising person who holds a lawyer practising certificate and is entrusted or appointed by a client to provide legal services.

律师应当维护当事人合法权益，维护法律正确实施，维护社会公平和正义。

Lawyers shall protect the legitimate rights and interests of their clients, ensure proper implementation of the laws, and safeguard social equity and justice.

第三条   律师执业必须遵守宪法和法律，恪守律师职业道德和执业纪律。

Article 3 In his practice, a lawyer must abide by the Constitution and law, and strictly observe lawyers' professional ethics and practice discipline.

律师执业必须以事实为根据，以法律为准绳。

In his practice, a lawyer must base himself on facts and take law as the criterion.

律师执业应当接受国家、社会和当事人的监督。

The practice of a lawyer shall be subject to supervision of the State, the society and the clients.

律师依法执业受法律保护，任何组织和个人不得侵害律师的合法权益。

The practice of a lawyer shall be protected by the laws and no organisation or individual shall infringe on the legitimate rights and interests of a lawyer.

第四条   司法行政部门依照本法对律师、律师事务所和律师协会进行监督、指导。

Article 4 The judicial administration departments shall supervise and give guidance to lawyers, law firms and lawyers associations in accordance with this Law.

第二章 律师执业许可

Chapter 2 License for Legal Practice by Lawyers

第五条   申请律师执业，应当具备下列条件：

Article 5 A person applying to practice as a lawyer shall meet the following conditions:

（一）拥护中华人民共和国宪法；

1. uphold the Constitution of the People's Republic of China;

（二）通过国家统一法律职业资格考试取得法律职业资格；

(II) Having passed the national unified legal professional qualification exam and obtained the legal professional qualification; and

（三）在律师事务所实习满一年；

3. having completed a full year's internship in a law firm; and

（四）品行良好。

4. Having good moral credit.

实行国家统一法律职业资格考试前取得的国家统一司法考试合格证书、律师资格凭证，与国家统一法律职业资格证书具有同等效力。

A lawyer qualification certificate or a national unified judicial examination certificate obtained prior to the implementation of the national unified legal profession qualification examination shall have the same validity as a national unified legal profession qualification certificate.

第六条   申请律师执业，应当向设区的市级或者直辖市的区人民政府司法行政部门提出申请，并提交下列材料：

Article 6 A person who intends to practice as a lawyer shall submit an application to the judicial administration department of the people's government of a city divided into districts or of a district of a municipality directly under the Central Government and submit the following materials:

（一）国家统一法律职业资格证书；

1. The national unified legal profession qualification certificate;

（二）律师协会出具的申请人实习考核合格的材料；

(II) materials issued by the lawyers association showing that the applicant has passed the evaluation after internship;

（三）申请人的身份证明；

3. identity certification of the applicant; and

（四）律师事务所出具的同意接收申请人的证明。

(IV) the certificate issued by the law firm on accepting the applicant.

申请兼职律师执业的，还应当提交所在单位同意申请人兼职从事律师职业的证明。

An applicant applying for approval to practice as a lawyer on a part-time basis shall submit a certificate issued by his/her employer on consent to his/her lawyer practice on a part-time basis.

受理申请的部门应当自受理之日起二十日内予以审查，并将审查意见和全部申请材料报送省、自治区、直辖市人民政府司法行政部门。省、自治区、直辖市人民政府司法行政部门应当自收到报送材料之日起十日内予以审核，作出是否准予执业的决定。准予执业的，向申请人颁发律师执业证书；不准予执业的，向申请人书面说明理由。

The department which accepts an application shall examine the application within 20 days from the date of acceptance of the application and submit the examination opinion and all application materials to the judicial administrative department of the People's Government of the province, autonomous region or centrally-administered municipality. The judicial administrative department of the People's Government of the province, autonomous region or centrally-administered municipality shall examine the application and decide on approval or non-approval within 10 days from receipt of the application materials. A lawyer practising certificate shall be issued to the applicant if the application is approved. If the application is not approved, the applicant shall be notified in writing of the reason for non-approval.

第七条   申请人有下列情形之一的，不予颁发律师执业证书：

Article 7 Under one of the following conditions, the applicant shall not be issued a lawyer's practice certificate:

（一）无民事行为能力或者限制民事行为能力的；

(I) person without capacity or with restricted capacity for civil acts;

（二）受过刑事处罚的，但过失犯罪的除外；

2. having been subjected to criminal punishment, except for a crime of negligence; or

（三）被开除公职或者被吊销律师、公证员执业证书的。

(III) Having been discharged from public employment or having had his or her practicing certificate for lawyers or notaries revoked.

第八条   具有高等院校本科以上学历，在法律服务人员紧缺领域从事专业工作满十五年，具有高级职称或者同等专业水平并具有相应的专业法律知识的人员，申请专职律师执业的，经国务院司法行政部门考核合格，准予执业。具体办法由国务院规定。

Article 8 Where a person who holds a basic or higher degree of a higher institution, has worked in a sector where there is a shortage of legal services personnel for 15 years, holds a senior position or equivalent professional level and possesses the corresponding professional legal knowledge applies for approval to practise as a full-time lawyer, he/she shall be allowed to practise upon passing an examination of the judicial administrative department of the State Council. The specific measures shall be formulated by the State Council.

第九条   有下列情形之一的，由省、自治区、直辖市人民政府司法行政部门撤销准予执业的决定，并注销被准予执业人员的律师执业证书：

Article 9 Under one of the following circumstances, the judicial administration department of the people's government of a province, autonomous region or municipality directly under the Central Government shall reverse the decision on granting the application for practicing as a lawyer and revoke the lawyer's practice certificate of the person whose application for legal practice is granted:

（一）申请人以欺诈、贿赂等不正当手段取得律师执业证书的；

1. the applicant obtains the lawyer's practice certificate by fraud, bribery or other improper means; or

（二）对不符合本法规定条件的申请人准予执业的。

(II) where the application of an applicant who does not meet the conditions prescribed by this Law is granted.

第十条   律师只能在一个律师事务所执业。律师变更执业机构的，应当申请换发律师执业证书。

Article 10 A lawyer may only practise in one law firm. Where there is a change of law firm where a lawyer practices, he/she shall apply for a new lawyer practising certificate.

律师执业不受地域限制。

The practice of a lawyer shall not be subject to geographical restriction.

第十一条   公务员不得兼任执业律师。

Article 11 No civil servants may concurrently practice as lawyers.

律师担任各级人民代表大会常务委员会组成人员的，任职期间不得从事诉讼代理或者辩护业务。

During the period when a lawyer is serving as a component member of the standing committee of a people's congress at any level, he shall not act as agent ad litem or defender.

第十二条   高等院校、科研机构中从事法学教育、研究工作的人员，符合本法第五条规定条件的，经所在单位同意，依照本法第六条规定的程序，可以申请兼职律师执业。

Article 12 A person engaged in teaching of or research in law in an institution of higher learning or a scientific research institution who meets the conditions prescribed in Article 5 of this Law may, upon consent of the unit where he works, apply for practice of law as a part-time lawyer in accordance with the procedure prescribed in Article 6 of this Law.

第十三条   没有取得律师执业证书的人员，不得以律师名义从事法律服务业务；除法律另有规定外，不得从事诉讼代理或者辩护业务。

Article 13 A person who has not acquired a lawyer's practice certificate shall not provide legal services in the name of a lawyer, and shall not act as agent ad litem or defender, unless otherwise provided for by the law.

第三章 律师事务所

Chapter 3 Law Firms

第十四条   律师事务所是律师的执业机构。设立律师事务所应当具备下列条件：

Article 14 A law firm is an organization in which lawyers practice law. The establishment of a law firm shall meet the following conditions:

（一）有自己的名称、住所和章程；

1. Having its own name, domicile, and articles of association;

（二）有符合本法规定的律师；

2. it shall have lawyers who conform to the provisions of this Law;

（三）设立人应当是具有一定的执业经历，且三年内未受过停止执业处罚的律师；

(III) The promoter shall be a lawyer who has a certain number of years of experience in the profession and who has not been suspended from practice in the recent three years; and

（四）有符合国务院司法行政部门规定数额的资产。

(IV) It has the assets of the amount specified by the judicial administrative department under the State Council.

第十五条   设立合伙律师事务所，除应当符合本法第十四条规定的条件外，还应当有三名以上合伙人，设立人应当是具有三年以上执业经历的律师。

Article 15 For the establishment of a partnership law firm, the partnership law firm shall, in addition to satisfying the criteria stipulated in Article 14, have three or more partners and the founder shall be a lawyer who has three or more years of practice experience.

合伙律师事务所可以采用普通合伙或者特殊的普通合伙形式设立。合伙律师事务所的合伙人按照合伙形式对该律师事务所的债务依法承担责任。

Partnership law firms may adopt the form of general partnership or special general partnership. The partners of a partnership law firm shall bear liability to the debts of the law firm pursuant to the law and according to the form of partnership.

第十六条   设立个人律师事务所，除应当符合本法第十四条规定的条件外，设立人还应当是具有五年以上执业经历的律师。设立人对律师事务所的债务承担无限责任。

Article 16 For the establishment of a sole proprietorship law firm, in addition to satisfying the criteria stipulated in Article 14, the founder shall be a lawyer who has five or more years of practice experience. The founder of the law firm shall bear unlimited liability for the debts of the law firm.

第十七条   申请设立律师事务所，应当提交下列材料：

Article 17 To apply for the establishment of a law firm, the applicant shall submit the following materials:

（一）申请书；

1. an application;

（二）律师事务所的名称、章程；

2. the name and articles of association of the law firm;

（三）律师的名单、简历、身份证明、律师执业证书；

(III) the name list of the lawyers, and their resumes, identity certificates and lawyer's practice certificates;

（四）住所证明；

(IV) the certificate of domicile; and

（五）资产证明。

(V) the certificate of assets.

设立合伙律师事务所，还应当提交合伙协议。

For establishment of a partnership law firm, the partnership agreement shall also be submitted.

第十八条   设立律师事务所，应当向设区的市级或者直辖市的区人民政府司法行政部门提出申请，受理申请的部门应当自受理之日起二十日内予以审查，并将审查意见和全部申请材料报送省、自治区、直辖市人民政府司法行政部门。省、自治区、直辖市人民政府司法行政部门应当自收到报送材料之日起十日内予以审核，作出是否准予设立的决定。准予设立的，向申请人颁发律师事务所执业证书；不准予设立的，向申请人书面说明理由。

Article 18 For the establishment of a law firm, an application shall be filed with the judicial administration department of the people's government of a city divided into districts or of a district of a municipality directly under the Central Government. The judicial administrative department of the People's Government of the province, autonomous region or centrally-administered municipality shall examine the application and decide on approval or non-approval of the application within 10 days from receipt of the application materials. A law firm practice certificate shall be issued to the applicant if the application is approved. If the application is not approved, the applicant shall be notified in writing of the reason for non-approval.

第十九条   成立三年以上并具有二十名以上执业律师的合伙律师事务所，可以设立分所。设立分所，须经拟设立分所所在地的省、自治区、直辖市人民政府司法行政部门审核。申请设立分所的，依照本法第十八条规定的程序办理。

Article 19 Partnership law firms which have been established for three or more years and employ 20 or more practising lawyers may establish branches. The establishment of a branch office shall be subject to the examination and verification by the judicial administration department of the people's government of the province, autonomous region or municipality directly under the Central Government where the branch office to be established is located. An application for establishment of a branch shall be processed pursuant to the procedures stipulated in Article 18.

合伙律师事务所对其分所的债务承担责任。

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

第二十条   国家出资设立的律师事务所，依法自主开展律师业务，以该律师事务所的全部资产对其债务承担责任。

Article 20 A law firm established with funding from the State shall undertake lawyers' businesses independently pursuant to the law and shall bear liability to its debts with all its assets.

第二十一条   律师事务所变更名称、负责人、章程、合伙协议的，应当报原审核部门批准。

Article 21 A change of name or person-in-charge of a law firm or a change in the articles of association or the partnership agreement shall be submitted to the original examination and approval authorities for approval.

律师事务所变更住所、合伙人的，应当自变更之日起十五日内报原审核部门备案。

For change of address or partner of a law firm, filing shall be completed with the original examination and approval authorities within 15 days from the date of change.

第二十二条   律师事务所有下列情形之一的，应当终止：

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

（一）不能保持法定设立条件，经限期整改仍不符合条件的；

1. It fails to maintain the statutory conditions for establishment and still fails to meet such conditions after its rectification within a specified period;

（二）律师事务所执业证书被依法吊销的；

2. the practice certificate of the law firm is revoked in accordance with the law;

（三）自行决定解散的；

(III) it decides to dissolve on its own initiative; or

（四）法律、行政法规规定应当终止的其他情形。

(IV) Under other circumstances where it shall be terminated as stipulated in the laws and administrative regulations.

律师事务所终止的，由颁发执业证书的部门注销该律师事务所的执业证书。

Where a law firm has been terminated, the department which issued the practising certificate shall revoke the law firm practising certificate.

第二十三条   律师事务所应当建立健全执业管理、利益冲突审查、收费与财务管理、投诉查处、年度考核、档案管理等制度，对律师在执业活动中遵守职业道德、执业纪律的情况进行监督。

Article 23 A law firm shall formulate rules for practice management, examination of interest conflicts, management of charges and financial affairs, investigation and handling of complaints, annual assessment and archive management, and supervise the compliance by lawyers with professional ethics and practice discipline in their practice.

第二十四条   律师事务所应当于每年的年度考核后，向设区的市级或者直辖市的区人民政府司法行政部门提交本所的年度执业情况报告和律师执业考核结果。

Article 24 After making an annual assessment, a law firm shall, submit an annual report on its disposition of business and the results of its assessment of the lawyer's practice to the judicial administration department of the people's government of a city divided into districts or of a district of a municipality directly under the Central Government.

第二十五条   律师承办业务，由律师事务所统一接受委托，与委托人签订书面委托合同，按照国家规定统一收取费用并如实入账。

Article 25 Entrustment of assignments undertaken by lawyers shall be accepted by their law firm on a unified basis, and a written entrustment contract shall be entered into with the clients, fees shall be collected on a unified basis pursuant to the provisions of the State and recorded into accounts books truthfully.

律师事务所和律师应当依法纳税。

Law firms and lawyers shall pay taxes in accordance with the law.

第二十六条   律师事务所和律师不得以诋毁其他律师事务所、律师或者支付介绍费等不正当手段承揽业务。

Article 26 Law firms and lawyers shall not solicit business by slandering other law firms or lawyers or paying middleman's fees, or by other improper means.

第二十七条   律师事务所不得从事法律服务以外的经营活动。

Article 27 Law firms shall not engage in business activities other than legal services.

第四章 律师的业务和权利、义务

Chapter 4 Lawyer's Business and Rights and Obligations

第二十八条   律师可以从事下列业务：

Article 28 A lawyer may engage in the following business:

（一）接受自然人、法人或者其他组织的委托，担任法律顾问；

1. accepting authorization by natural persons, legal persons or other organizations to act as legal counsel;

（二）接受民事案件、行政案件当事人的委托，担任代理人，参加诉讼；

2. accepting authorization by a party involved in a civil or administrative case to act as agent ad litem and participate in the proceedings;

（三）接受刑事案件犯罪嫌疑人、被告人的委托或者依法接受法律援助机构的指派，担任辩护人，接受自诉案件自诉人、公诉案件被害人或者其近亲属的委托，担任代理人，参加诉讼；

(III) accepting authorization by a suspect involved in a criminal case or defendant or appointment legally by a legal aid institution to act as defender, or accepting authorization by a private prosecutor in a case of private prosecution or by a victim involved in a case of public prosecution or by his close relatives to act as agent ad litem and participate in the proceedings;

（四）接受委托，代理各类诉讼案件的申诉；

(IV) accepting authorization to act as agent in filing petitions in all types of litigation;

（五）接受委托，参加调解、仲裁活动；

(V) accepting authorization to participate in mediation or arbitration;

（六）接受委托，提供非诉讼法律服务；

(VI) accepting authorization to provide non-litigation legal services;

（七）解答有关法律的询问、代写诉讼文书和有关法律事务的其他文书。

(VII) to answer inquiries regarding the law and to represent clients in writing litigation documents and other documents regarding legal matters.

第二十九条   律师担任法律顾问的，应当按照约定为委托人就有关法律问题提供意见，草拟、审查法律文书，代理参加诉讼、调解或者仲裁活动，办理委托的其他法律事务，维护委托人的合法权益。

Article 29 A lawyer acting as legal counsel shall provide opinion on legal issues to the client, draft and review legal documents, act as agent ad litem to participate in litigation, mediation or arbitration activities, handle other legal matters entrusted, and protect the legitimate rights and interests of the client.

第三十条   律师担任诉讼法律事务代理人或者非诉讼法律事务代理人的，应当在受委托的权限内，维护委托人的合法权益。

Article 30 A lawyer acting as agent in litigation or non-litigation legal matters shall, within the limits of authorization, protect the lawful rights and interests of the client.

第三十一条   律师担任辩护人的，应当根据事实和法律，提出犯罪嫌疑人、被告人无罪、罪轻或者减轻、免除其刑事责任的材料和意见，维护犯罪嫌疑人、被告人的诉讼权利和其他合法权益。

Article 31 A lawyer acting as a defence counsel shall, based on the facts and the law, present materials and opinions that the criminal suspect or the defendant is innocent or argue for mitigation or exemption from criminal liability, protect the litigation rights and other legitimate rights and interests of the criminal suspect or the defendant.

第三十二条   委托人可以拒绝已委托的律师为其继续辩护或者代理，同时可以另行委托律师担任辩护人或者代理人。

Article 32 A client may refuse to have his/her lawyer to continue acting as his/her defence counsel or litigation agent and may engage another lawyer to act as his/her defence counsel or litigation agent.

律师接受委托后，无正当理由的，不得拒绝辩护或者代理。但是，委托事项违法、委托人利用律师提供的服务从事违法活动或者委托人故意隐瞒与案件有关的重要事实的，律师有权拒绝辩护或者代理。

Upon accepting an entrustment, a lawyer shall not refuse to defend or represent the client without a proper reason. However, a lawyer shall have the right to refuse to defend or represent a client if the entrusted matter is illegal or the client is making use of the services provided by the lawyer to engage in illegal activities or the client has intentionally concealed important facts relating to the case.

第三十三条   律师担任辩护人的，有权持律师执业证书、律师事务所证明和委托书或者法律援助公函，依照刑事诉讼法的规定会见在押或者被监视居住的犯罪嫌疑人、被告人。辩护律师会见犯罪嫌疑人、被告人时不被监听。

Article 33 A lawyer acting as a defence counsel shall have the right to present his/her lawyer's practising certificate, proof of law firm and power of attorney or the legal aid letter to meet with the criminal suspect or the defendant who is placed in custody or residential surveillance pursuant to the provisions of the Criminal Procedure Law. The meeting between a defense lawyer and a criminal suspect or defendant shall not be monitored.

第三十四条   律师担任辩护人的，自人民检察院对案件审查起诉之日起，有权查阅、摘抄、复制本案的案卷材料。

Article 34 A lawyer acting as a defence counsel shall, with effect from the date of examination and prosecution of the case by the People's Procuratorate, have the right to inspect, extract and make copies of archival materials of the case.

第三十五条   受委托的律师根据案情的需要，可以申请人民检察院、人民法院收集、调取证据或者申请人民法院通知证人出庭作证。

Article 35 An entrusted lawyer may, based on the needs of the case, apply to the People's Procuratorate or the People's Court to gather evidence or apply to the People's Court to notify witnesses to testify in court.

律师自行调查取证的，凭律师执业证书和律师事务所证明，可以向有关单位或者个人调查与承办法律事务有关的情况。

A lawyer who proceeds to gather evidence on his/her own may present his/her lawyer practising certificate and proof of the law firm where he/she practises to the relevant organisations or individuals to investigate or handle the relevant legal matters.

第三十六条   律师担任诉讼代理人或者辩护人的，其辩论或者辩护的权利依法受到保障。

Article 36 When a lawyer acts as agent ad litem or defend clients, his right to argue or present a defense shall be protected in accordance with law.

第三十七条   律师在执业活动中的人身权利不受侵犯。

Article 37 The personal rights of a lawyer in his/her practice shall be inviolable.

律师在法庭上发表的代理、辩护意见不受法律追究。但是，发表危害国家安全、恶意诽谤他人、严重扰乱法庭秩序的言论除外。

A lawyer shall not be legally liable for the opinions he presents as an agent ad litem or defender in court. However, this shall not apply to any speech that is harmful to the national security, maliciously slanders others or seriously disturbs the order of the court.

律师在参与诉讼活动中涉嫌犯罪的，侦查机关应当及时通知其所在的律师事务所或者所属的律师协会；被依法拘留、逮捕的，侦查机关应当依照刑事诉讼法的规定通知该律师的家属。

Where a lawyer is suspected of committing a crime when participating in litigation, the organ that investigates him shall have his law firm and the lawyers association to which he belongs informed of the fact; in the case of detention or arrest, the organ that investigates him shall have his family members informed of the fact.

第三十八条   律师应当保守在执业活动中知悉的国家秘密、商业秘密，不得泄露当事人的隐私。

Article 38 A lawyer shall keep confidential secrets of the State and commercial secrets that he comes to know during his practice activities and shall not divulge the private affairs of the parties concerned.

律师对在执业活动中知悉的委托人和其他人不愿泄露的有关情况和信息，应当予以保密。但是，委托人或者其他人准备或者正在实施危害国家安全、公共安全以及严重危害他人人身安全的犯罪事实和信息除外。

A lawyer shall keep confidential the relevant things and information that he comes to know during his legal practice which his client or another person does not want him to know. However, exception shall be made for facts and information that the client or any other person is preparing to commit or is committing a crime endangering national security, public safety or seriously endangering the personal safety of others.

第三十九条   律师不得在同一案件中为双方当事人担任代理人，不得代理与本人或者其近亲属有利益冲突的法律事务。

Article 39 A lawyer shall not represent both parties to an action and shall not handle legal matters in which he/she or any of his/her close relatives has a conflict of interests.

第四十条   律师在执业活动中不得有下列行为：

Article 40 A lawyer shall not commit any of the following acts in his practice activities:

（一）私自接受委托、收取费用，接受委托人的财物或者其他利益；

1. privately accepting authorization or collecting fees, or accepting money, things of value or other benefits offered by a client;

（二）利用提供法律服务的便利牟取当事人争议的权益；

(II) seeking the disputed rights and interests of a party by taking advantage of providing legal services;

（三）接受对方当事人的财物或者其他利益，与对方当事人或者第三人恶意串通，侵害委托人的权益；

3. accepting money, things of value or other benefits offered by the other party and infringing the rights and interests of the client through ill-intentioned collusion with the other party or a third party;

（四）违反规定会见法官、检察官、仲裁员以及其他有关工作人员；

4. in violation of regulations, meeting with a judge, prosecutor, arbitrator or another staff member concerned;

（五）向法官、检察官、仲裁员以及其他有关工作人员行贿，介绍贿赂或者指使、诱导当事人行贿，或者以其他不正当方式影响法官、检察官、仲裁员以及其他有关工作人员依法办理案件；

(V) giving bribes to a judge, prosecutor, arbitrator or another staff member concerned, introducing bribes to them, instigating or inducing a party to resort to bribery, or, by other illegitimate means, attempting to influence their handling of a case in accordance with law;

（六）故意提供虚假证据或者威胁、利诱他人提供虚假证据，妨碍对方当事人合法取得证据；

(VI) intentionally providing false evidence or intimidating or luring another person into providing false evidence, for the purpose of preventing the other party from obtaining evidence lawfully;

（七）煽动、教唆当事人采取扰乱公共秩序、危害公共安全等非法手段解决争议；

(VII) instigating or inciting a party to resolve disputes by disrupting public order, endangering public security or by other illegal means; or

（八）扰乱法庭、仲裁庭秩序，干扰诉讼、仲裁活动的正常进行。

(VIII) disrupting the order of a court or an arbitration tribunal, or interfering with the normal conduct of litigation or arbitration.

第四十一条   曾经担任法官、检察官的律师，从人民法院、人民检察院离任后二年内，不得担任诉讼代理人或者辩护人。

Article 41 A lawyer who once served as a judge or prosecutor shall not act as agent ad litem or defend clients within two years after leaving his post in the People's Court or the People's Procuratorate.

第四十二条   律师、律师事务所应当按照国家规定履行法律援助义务，为受援人提供符合标准的法律服务，维护受援人的合法权益。

Article 42 Lawyers and law firms shall, in accordance with State regulations, perform the obligation of legal aid, provide the recipient with standard legal services, and protect the lawful rights and interests of the recipient.

第五章 律师协会

Chapter 5 Lawyers Associations

第四十三条   律师协会是社会团体法人，是律师的自律性组织。

Article 43 A lawyers association is a public organization with the status of a legal person and shall be the lawyers' self-disciplinary organization.

全国设立中华全国律师协会，省、自治区、直辖市设立地方律师协会，设区的市根据需要可以设立地方律师协会。

The All-China Lawyers Association is established at the national level, while local lawyers associations are established by provinces, autonomous regions, and municipalities directly under the Central Government. local lawyers associations may be established according to need by cities divided into districts.

第四十四条   全国律师协会章程由全国会员代表大会制定，报国务院司法行政部门备案。

Article 44. The articles of association of the National Bar Association shall be formulated by the national members' congress and filed with the judicial administration department of the State Council for records.

地方律师协会章程由地方会员代表大会制定，报同级司法行政部门备案。地方律师协会章程不得与全国律师协会章程相抵触。

The articles of association of local bar associations shall be formulated by the local members' congress and filed with the judicial administrative authorities of counterpart level for records. The articles of association of local bar associations shall not contradict with the articles of association of the National Bar Association.

第四十五条   律师、律师事务所应当加入所在地的地方律师协会。加入地方律师协会的律师、律师事务所，同时是全国律师协会的会员。

Article 45 Lawyers and law firms shall join the local bar association at their location. A lawyer or law firm that has joined a local lawyers association is, at the same time, a member of the National Lawyers Association.

律师协会会员享有律师协会章程规定的权利，履行律师协会章程规定的义务。

Members of bar associations shall enjoy the rights stipulated in the articles of association of the bar association and perform the obligations stipulated by the articles of association of the bar association.

第四十六条   律师协会应当履行下列职责：

Article 46 A lawyers association shall perform the following duties:

（一）保障律师依法执业，维护律师的合法权益；

1. assuring that lawyers practise according to law and protecting lawyers' lawful rights and interests;

（二）总结、交流律师工作经验；

2. summarizing and exchanging lawyers' work experience;

（三）制定行业规范和惩戒规则；

(III) formulating industrial standards and punishment rules;

（四）组织律师业务培训和职业道德、执业纪律教育，对律师的执业活动进行考核；

(IV) organizing professional training for lawyers and education in professional ethics and practice discipline for lawyers, and assessing the practice of lawyers;

（五）组织管理申请律师执业人员的实习活动，对实习人员进行考核；

(V) organize and manage internship activities for persons applying for law practice, and conduct assessment of their performance;

（六）对律师、律师事务所实施奖励和惩戒；

(VI) give rewards and punishments to lawyers and law firms;

（七）受理对律师的投诉或者举报，调解律师执业活动中发生的纠纷，受理律师的申诉；

(VII) accepting complaints or reports against lawyers, mediating disputes arising in the course of a lawyer's legal practice, and accepting appeals lodged by lawyers; and

（八）法律、行政法规、规章以及律师协会章程规定的其他职责。

(VIII) other duties specified by laws, administrative regulations, rules and the articles of association of the lawyers association.

律师协会制定的行业规范和惩戒规则，不得与有关法律、行政法规、规章相抵触。

The professional regulations and rules of punishment formulated by lawyers associations shall not contravene relevant laws, administrative regulations or rules.

第六章 法律责任

Chapter 6 Legal Liabilities

第四十七条   律师有下列行为之一的，由设区的市级或者直辖市的区人民政府司法行政部门给予警告，可以处五千元以下的罚款；有违法所得的，没收违法所得；情节严重的，给予停止执业三个月以下的处罚：

Article 47 Where a lawyer commits one of the following acts, the judicial administration department of the people's government of a city divided into districts or of a district of a municipality directly under the Central Government shall give him a disciplinary warning and may impose on him a fine of not more than 5,000 yuan; it shall confiscate his illegal gains, if any; if the circumstances are serious, it shall have him suspend his legal practice for not more than three months by way of punishment:

（一）同时在两个以上律师事务所执业的；

1. simultaneously practising in two or more law firms;

（二）以不正当手段承揽业务的；

2. Undertaking business by improper means;

（三）在同一案件中为双方当事人担任代理人，或者代理与本人及其近亲属有利益冲突的法律事务的；

(III) acting as agents for both parties involved in the same case or handling legal affairs in which they or their close relatives have a conflict of interest;

（四）从人民法院、人民检察院离任后二年内担任诉讼代理人或者辩护人的；

(IV) acts as agent ad litem or defender within two years after leaving his post from a People's Court or a People's Procuratorate; or

（五）拒绝履行法律援助义务的。

(V) refusing to perform the obligation of providing legal aid.

第四十八条   律师有下列行为之一的，由设区的市级或者直辖市的区人民政府司法行政部门给予警告，可以处一万元以下的罚款；有违法所得的，没收违法所得；情节严重的，给予停止执业三个月以上六个月以下的处罚：

Article 48 Where a lawyer commits one of the following acts, the judicial administration department of the people's government of a city divided into districts or of a district of a municipality directly under the Central Government shall give him a disciplinary warning and may impose on him a fine of not more than 10,000 yuan; it shall confiscate his illegal gains, if any; if the circumstances are serious, it shall have him suspend his legal practice for not less than three months but not more than six months by way of punishment:

（一）私自接受委托、收取费用，接受委托人财物或者其他利益的；

1. privately accepting authorization or collecting fees, or accepting money, things of value or other benefits offered by a client;

（二）接受委托后，无正当理由，拒绝辩护或者代理，不按时出庭参加诉讼或者仲裁的；

(II) after accepting authorization, refusing to act as defender or agent or failing to appear in court on schedule to participate in litigation or arbitration without good reason;

（三）利用提供法律服务的便利牟取当事人争议的权益的；

(III) seeking the disputed rights and interests of a party by taking advantage of his provision of legal services;

（四）泄露商业秘密或者个人隐私的。

(IV) divulging commercial secrets or private affairs.

第四十九条   律师有下列行为之一的，由设区的市级或者直辖市的区人民政府司法行政部门给予停止执业六个月以上一年以下的处罚，可以处五万元以下的罚款；有违法所得的，没收违法所得；情节严重的，由省、自治区、直辖市人民政府司法行政部门吊销其律师执业证书；构成犯罪的，依法追究刑事责任：

Article 49 A lawyer who has committed any of the following acts shall be subject to suspension of practice for a period of more than six months but less than one year as imposed by the judicial administrative department of the People's Government of a municipality which is divided into districts or the People's Government of a centrally-administered municipality and may be imposed a fine of not more than RMB50,000; illegal income, if any, shall be confiscated. Under serious circumstances, the lawyer's practising certificate shall be revoked by the judicial administrative department of the People's Government of a province, an autonomous region or a centrally-administered municipality; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law:

（一）违反规定会见法官、检察官、仲裁员以及其他有关工作人员，或者以其他不正当方式影响依法办理案件的；

1. in violation of regulations, meeting with a judge, prosecutor, arbitrator or another staff member concerned, or, by other illegitimate means, attempting to influence their handling of a case according to law;

（二）向法官、检察官、仲裁员以及其他有关工作人员行贿，介绍贿赂或者指使、诱导当事人行贿的；

(II) giving bribes to a judge, prosecutor, arbitrator or another staff member concerned, introducing bribes to them, or inciting or inducing a party to resort to bribery;

（三）向司法行政部门提供虚假材料或者有其他弄虚作假行为的；

(III) providing false materials to judicial administration departments or committing other frauds; or

（四）故意提供虚假证据或者威胁、利诱他人提供虚假证据，妨碍对方当事人合法取得证据的；

(IV) intentionally providing false evidence, or intimidating or luring another person into providing false evidence, for the purpose of preventing the other party from lawfully obtaining evidence;

（五）接受对方当事人财物或者其他利益，与对方当事人或者第三人恶意串通，侵害委托人权益的；

(V) accepting money, things of value or other benefits offered by the other party, and infringing the rights and interests of the client through malicious collusion with the other party or a third party;

（六）扰乱法庭、仲裁庭秩序，干扰诉讼、仲裁活动的正常进行的；

(VI) disrupting the order of a court or an arbitration tribunal, or interfering with the normal conduct of litigation or arbitration; or

（七）煽动、教唆当事人采取扰乱公共秩序、危害公共安全等非法手段解决争议的；

(VII) instigating or inciting a party into settling disputes by disrupting public order, endangering public security or by other illegal means; or

（八）发表危害国家安全、恶意诽谤他人、严重扰乱法庭秩序的言论的；

(VIII) making speeches endangering national security, maliciously slandering others or seriously disturbing the order of the court; or

（九）泄露国家秘密的。

(IX) Divulging any state secret.

律师因故意犯罪受到刑事处罚的，由省、自治区、直辖市人民政府司法行政部门吊销其律师执业证书。

Where a lawyer receives criminal punishment for an intentional crime, his lawyer's practice certificate shall be revoked by the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government.

第五十条   律师事务所有下列行为之一的，由设区的市级或者直辖市的区人民政府司法行政部门视其情节给予警告、停业整顿一个月以上六个月以下的处罚，可以处十万元以下的罚款；有违法所得的，没收违法所得；情节特别严重的，由省、自治区、直辖市人民政府司法行政部门吊销律师事务所执业证书：

Article 50 A law firm which has committed any of the following acts shall be subject to a warning from the judicial administrative department of the People's Government of a municipality which is divided into districts or the People's Government of a centrally-administered municipality and suspension of practice for a period of more than one month but less than six months and may be imposed a fine of not more than RMB100,000; illegal income, if any, shall be confiscated; where the case is very serious, the law firm practising certificate shall be revoked by the judicial administrative department of the People's Government of a province, an autonomous region or a centrally-administered municipality:

（一）违反规定接受委托、收取费用的；

1. accepting authorization and collecting fees in violation of regulations;

（二）违反法定程序办理变更名称、负责人、章程、合伙协议、住所、合伙人等重大事项的；

(II) Changing its name, principal, articles of association, partnership agreement, domicile, partners or any other significant matter in violation of the statutory procedures;

（三）从事法律服务以外的经营活动的；

(III) engaging in other business activities than provision of legal services;

（四）以诋毁其他律师事务所、律师或者支付介绍费等不正当手段承揽业务的；

(IV) soliciting business by slandering other law firms or lawyers, paying middleman's fees or by other illegitimate means;

（五）违反规定接受有利益冲突的案件的；

(V) in violation of regulations, accepting cases involving conflict of interests;

（六）拒绝履行法律援助义务的；

(VI) refusing to perform the obligation of providing legal aid;

（七）向司法行政部门提供虚假材料或者有其他弄虚作假行为的；

(VII) providing false materials to judicial administration departments or committing other frauds; or

（八）对本所律师疏于管理，造成严重后果的。

(VIII) neglecting management of its lawyers, thereby causing serious consequences.

律师事务所因前款违法行为受到处罚的，对其负责人视情节轻重，给予警告或者处二万元以下的罚款。

In the case of a law firm which is punished for any of the aforesaid acts, the person-in-charge of the law firm shall be subject to a warning or a fine of not more than RMB20,000 according to the extent of the offence.

第五十一条   律师因违反本法规定，在受到警告处罚后一年内又发生应当给予警告处罚情形的，由设区的市级或者直辖市的区人民政府司法行政部门给予停止执业三个月以上一年以下的处罚；在受到停止执业处罚期满后二年内又发生应当给予停止执业处罚情形的，由省、自治区、直辖市人民政府司法行政部门吊销其律师执业证书。

Article 51 A lawyer who was subject to warning or punishment for violation of the provisions of this Law commits an act within a year from such warning and punishment which renders it subject to warning and punishment shall be subject to suspension of practice for a period of more than three months but less than one year as imposed by the judicial administrative department of the People's Government of a municipality which is divided into districts or the People's Government of a centrally-administered municipality; where the lawyer commits an act within two years from the expiry of the period of suspended practice again which renders it subject to suspension of practice, the judicial administrative department of the People's Government of the province, autonomous region or centrally-administered municipality shall revoke his/her lawyer practising certificate.

律师事务所因违反本法规定，在受到停业整顿处罚期满后二年内又发生应当给予停业整顿处罚情形的，由省、自治区、直辖市人民政府司法行政部门吊销律师事务所执业证书。

Where a law firm which was subject to suspension of practice for violation of the provisions of this Law commits an act within two years from the expiry of the period of suspended practice again which renders it subject to suspension of practice, the judicial administrative department of the People's Government of the province, autonomous region or centrally-administered municipality shall revoke the law firm practising certificate.

第五十二条   县级人民政府司法行政部门对律师和律师事务所的执业活动实施日常监督管理，对检查发现的问题，责令改正；对当事人的投诉，应当及时进行调查。县级人民政府司法行政部门认为律师和律师事务所的违法行为应当给予行政处罚的，应当向上级司法行政部门提出处罚建议。

Article 52 The judicial administrative department of county People's Governments shall implement day-to-day supervision and administration over the practice activities of lawyers and law firms, and order the lawyer or law firm to correct any problem discovered in the inspection; complaints lodged by a party concerned shall be promptly investigated. Where a judicial administration department of the people's government at the county level considers that a lawyer or law firm should be given administrative penalty for an illegal act committed, it shall submit a proposal to such an effect to the judicial administration department at a higher level.

第五十三条   受到六个月以上停止执业处罚的律师，处罚期满未逾三年的，不得担任合伙人。

Article 53 A lawyer who has been suspended from practice for six months or more and a three-year period has not elapsed since expiry of the suspension period shall not act as a partner.

被吊销律师执业证书的，不得担任辩护人、诉讼代理人，但系刑事诉讼、民事诉讼、行政诉讼当事人的监护人、近亲属的除外。

A person whose lawyer practising certificate is revoked shall not act as a defence counsel or litigation agent, except where he/she is a guardian or immediate family member of a party to a criminal lawsuit, civil lawsuit or administrative lawsuit.

第五十四条   律师违法执业或者因过错给当事人造成损失的，由其所在的律师事务所承担赔偿责任。律师事务所赔偿后，可以向有故意或者重大过失行为的律师追偿。

Article 54 If a lawyer practises illegally or causes losses to a party due to his fault, the law firm in which he practises shall bear the liability for compensation. After paying compensation, the law firm may claim recovery from the lawyer that acted intentionally or committed gross negligence.

第五十五条   没有取得律师执业证书的人员以律师名义从事法律服务业务的，由所在地的县级以上地方人民政府司法行政部门责令停止非法执业，没收违法所得，处违法所得一倍以上五倍以下的罚款。

Article 55 A person who does not hold a lawyer practising certificate but engages in legal services business in the name of a lawyer shall be ordered by the judicial administrative department of a local People's Government of county level and above at his/her location to stop the illegal practice; illegal income shall be confiscated and a fine ranging from one to five times of the illegal income shall be imposed.

第五十六条   司法行政部门工作人员违反本法规定，滥用职权、玩忽职守，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

Article 56 Where a staff member of the judicial administration department, in violation of the provisions of this Law, abuses his power or neglects his duty, which constitutes a crime, he shall be investigated for criminal responsibility according to law; if the violation is not serious enough to constitute a crime, he shall be given a sanction according to law.

第七章 附 则

Chapter 7 Supplementary Provisions

第五十七条   为军队提供法律服务的军队律师，其律师资格的取得和权利、义务及行为准则，适用本法规定。军队律师的具体管理办法，由国务院和中央军事委员会制定。

Article 57 With respect to lawyers who serve in the military and provide legal services to the military, their obtaining of the qualification as a lawyer, their rights, obligations and code of conduct as a lawyer shall be governed by this Law. The specific measures for administration of lawyers of the military shall be formulated by the State Council and the Central Military Commission.

第五十八条   外国律师事务所在中华人民共和国境内设立机构从事法律服务活动的管理办法，由国务院制定。

Article 58 The administrative measures on establishment of organisations in China by foreign law firms to provide legal services shall be formulated by the State Council.

第五十九条   律师收费办法，由国务院价格主管部门会同国务院司法行政部门制定。

Article 59 The measures on fees and charges of lawyers shall be formulated jointly by the pricing department and the judicial administration department of the State Council.

第六十条   本法自2008年6月1日起施行。

Article 60 This Law shall go into effect as of June 1, 2008.