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律 师 法

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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》修正)

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第一章 总 则

第一条 为了完善律师制度，保障律师依法执行业务，规范律师的行为，维护当事人的合法权益，维护法律的正确实施，发挥律师在社会主义法制建设中的积极作用，制定本法。

第二条 本法所称的律师，是指依法取得律师执业证书，为社会提供法律服务的执业人员。

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。

律师执业必须以事实为根据，以法律为准绳。

Law of the People's Republic of China on Lawyers

(Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996, revised according to the Decision on Amending the Law of the People's Republic of China on Lawyers adopted at 25th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 2001)

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Chapter I General Provisions

Article 1 This Law is enacted in order to improve the system governing lawyers, to ensure that lawyers practise according to law, to standardize acts of lawyers, to safeguard the lawful rights and interests of parties, to ensure the correct implementation of law, and to enable lawyers to play a positive role in the development of the socialist legal system.

Article 2 The term "lawyer" as used in this Law means a practitioner who has acquired a lawyer's practice certificate pursuant to law and provides legal services to the public.

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

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。

律师依法执业受法律保护。

第四条 国务院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。

第二章 律师执业条件

第五条 律师执业，应当取得律师资格和执业证书。

第六条 取得律师资格应当经过国家统一的司法考试。具有高等院校法律专业本科以上学历，或者高等院校其他专业本科以上学历具有法律专业知识的人员，经国家司法考试合格的，取得资格。

适用前款规定的学历条件确有困难的地方，经国务院司法行政部门审核确定，在一定期限内，可以将学历条件放宽为高等院校法律专业专科学历。

第七条 具有高等院校法学本科以上学历，从事法律研究、教学等专业工作并具有高级职称或者具有同等专业水平的人员，申请律师执业的，经国务院司法行政部门按照规定的条件考核批准，授予律师资格。

第八条 拥护中华人民共和国宪法并符合下列条件的，可以申请领取律师执业证书：

- (一) 具有律师资格；
- (二) 在律师事务所实习满 1 年；
- (三) 品行良好。

第九条 有下列情形之一的，不予颁发律师执业证书：

Practice by lawyers shall be subject to supervision of the State, society and the parties concerned.

Lawful practice by lawyers shall be protected by law.

Article 4 The judicial administration department under the State Council shall supervise and guide lawyers, law firms and lawyers associations in accordance with this Law.

Chapter II Conditions of Practice by Lawyers

Article 5 To practise law, a person shall acquire qualification as a lawyer and a practice certificate.

Article 6 Anyone who wants to obtain a qualification of lawyers shall pass the uniform national judicial examination. Anyone who has completed four-year courses of law in institutions of higher education, or has completed four-year courses in other fields of learning in institutions of higher education and has professional knowledge of law may be qualified for a lawyer after passing the national judicial examination.

“Where there are really difficulties in applying the requirements for educational background prescribed in the preceding paragraph, the requirements may be lowered, within a certain period of time, to be two- or three-year courses of law in institutions of higher education upon examination and approval by the administrative department of justice under the State Council.

Article 7 A person applying to practise law who has acquired an undergraduate legal education in an institution of higher learning, or more education, who is engaged in professional work such as legal research and teaching, and who has a senior professional title or is of an equivalent professional level, shall be granted the qualification as a lawyer, upon approval by the judicial administration department under the State Council after evaluation and verification in accordance with the prescribed conditions.

Article 8 A person who upholds the Constitution of the People's Republic of China and meets the following conditions may apply to obtain a lawyer's practice certificate:

- (1) possessing the qualification as a lawyer;
- (2) having had practice training at a law firm for a full year; and
- (3) being a person of good character and conduct.

Article 9 A person in any one of the following situations 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；
- (二) 受过刑事处罚的，但过失犯罪的除外；
- (三) 被开除公职或者被吊销律师执业证书的。

第十条 申请领取律师执业证书的，应当提交下列文件：

- (一) 申请书；
- (二) 律师资格证明；
- (三) 申请人所在律师事务所出具的实习鉴定材料；
- (四) 申请人身份证明的复印件。

第十一条 申请领取律师执业证书的，经省、自治区、直辖市以上人民政府司法行政部门审核，符合本法规定条件的，应当自收到申请之日起 30 日内颁发律师执业证书；不符合本法规定条件的，不予颁发律师执业证书，并应当自收到申请之日起 30 日内书面通知申请人。

第十二条 律师应当在一个律师事务所执业，不得同时在两个以上律师事务所执业。

律师执业不受地域限制。

第十三条 国家机关的现职工作人员不得兼任执业律师。

律师担任各级人民代表大会常务委员会组成人员期间，不得执业。

第十四条 没有取得律师执业证书的人员，不得以律师名义执业，不得为牟取经济利益从事诉讼代理或者辩护业务。

第三章 律师事务所

第十五条 律师事务所是律师的执业机构。

律师事务所应当具备下列条件：

- (一) 有自己的名称、住所和章程；

- (1) having no capacity for civil acts or having limited capacity for civil acts;
- (2) having been subjected to criminal punishment, except for a crime of negligence; or
- (3) having been discharged from public employment or having had his lawyer's practice certificate revoked.

Article 10 A person applying to obtain a lawyer's practice certificate shall submit the following documents:

- (1) an application;
- (2) a lawyer qualification certificate;
- (3) evaluation materials on practice training prepared by the applicant's law firm; and
- (4) a copy of the applicant's certificate of identity.

Article 11 A person applying to obtain a lawyer's practice certificate who, upon examination and verification by the judicial administration department of the people's government at or above the level of the province, autonomous region or municipality directly under the Central Government, is considered to meet the conditions provided for in this Law shall be issued by the department a lawyer's practice certificate within 30 days of receiving the application. If the applicant fails to meet the conditions provided for in this Law, he shall not be issued a lawyer's practice certificate and shall be notified of the matter in writing within 30 days of receiving his application.

Article 12 A lawyer shall practise in one law firm and shall not practise in two or more law firms simultaneously.

A lawyer's practice is not subject to regional restriction.

Article 13 Any of the active working personnel of a State organ shall not concurrently practise as a lawyer.

A lawyer shall not practise law while serving as a member of a standing committee of a people's congress at any level.

Article 14 A person who has not obtained a lawyer's practice certificate shall not practise law under the title of "lawyer" or act as agent ad litem or defend a client for the purpose of seeking economic benefit.

Chapter III Law Firms

Article 15 A law firm is the organization in which lawyers practise.

A law firm shall meet the following conditions:

- (1) to have its own name, domicile and articles of association;

(二) 有 10 万元以上人民币的资产；

(三) 有符合本法规定的律师。

第十六条 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。

第十七条 律师可以设立合作律师事务所，以该律师事务所的全部资产对其债务承担责任。

第十八条 律师可以设立合伙律师事务所，合伙人对该律师事务所的债务承担无限责任和连带责任。

第十九条 申请设立律师事务所的，经省、自治区、直辖市以上人民政府司法行政部门审核，符合本法规定条件的，应当自收到申请之日起 30 日内颁发律师事务所执业证书；不符合本法规定条件的，不予颁发律师事务所执业证书，并应当自收到申请之日起 30 日内书面通知申请人。

第二十条 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按照规定的条件审核。

律师事务所对其设立的分所的债务承担责任。

第二十一条 律师事务所变更名称、住所、章程、合伙人等重大事项或者解散的，应当报原审核部门。

第二十二条 律师事务所按照章程组织律师开展业务工作，学习法律和国家政策，总结、交流工作经验。

第二十三条 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，按照国家规定向当事人统一收取费用并如实入账。

律师事务所和律师应当依法纳税。

- (2) to have assets of RMB 100,000 yuan or more; and
- (3) to have lawyers who conform to the provisions of this Law.

Article 16 A law firm established with the capital contribution from the State shall be independent in its practice pursuant to law and shall undertake liability for its debts with its entire assets.

Article 17 Lawyers may establish cooperative law firms, which shall undertake liability for their debts with their entire assets.

Article 18 Lawyers may establish partnership law firms. The partners shall undertake unlimited and joint and several liability for the debts of the law firm.

Article 19 Persons applying to establish a law firm who, after examination and verification by the judicial administration department of the people's government at or above the level of the province, autonomous region or municipality directly under the Central Government, are considered to meet the conditions provided for in this Law shall be issued by the department a law firm practice certificate within 30 days of receiving the application. Those who fail to meet the conditions provided for in this Law shall not be issued a law firm practice certificate and shall be notified of the matter in writing within 30 days of receiving the application.

Article 20 A law firm may establish branch offices. The establishment of a branch office shall be subject to examination and verification conducted in accordance with the prescribed conditions by the judicial administration department of the people's government of the province, autonomous region or municipality directly under the Central Government where the proposed branch office is to be located.

A law firm shall undertake liability for the debts of a branch office it has established.

Article 21 A law firm shall report to the original examination and verification department changes it wishes to make in important matters such as its name, domicile, articles of association, and partners, or dissolution of the firm.

Article 22 A law firm shall, in accordance with the articles of association, arrange for lawyers to carry out business, study laws and State policies, and summarize and exchange work experience.

Article 23 When lawyers undertake business, their law firm shall centrally accept authorization, sign written authorization contracts with the clients and, in accordance with State regulations, collect fees from the parties and truthfully enter them in its accounts.

Law firms and lawyers shall pay tax in accordance with law.

第二十四条 律师事务所和律师不得以诋毁其他律师或者支付介绍费等不正当手段争揽业务。

第四章 执业律师的业务和权利、义务

第二十五条 律师可以从事下列业务：

（一）接受公民、法人和其他组织的聘请，担任法律顾问；

（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；

（三）接受刑事案件犯罪嫌疑人的聘请，为其提供法律咨询，代理申诉、控告，申请取保候审，接受犯罪嫌疑人、被告人的委托或者人民法院的指定，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；

（四）代理各类诉讼案件的申诉；

（五）接受当事人的委托，参加调解、仲裁活动；

（六）接受非诉讼法律事务当事人的委托，提供法律服务；

（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。

第二十六条 律师担任法律顾问的，应当为聘请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，办理聘请人委托的其他法律事务，维护聘请人的合法权益。

第二十七条 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。

第二十八条 律师担任刑事辩护人的，应当根据事实和法律，提出证明犯罪嫌疑人、被告人无罪、罪轻或者减轻、免除其刑事责

Article 24 Law firms and lawyers shall not solicit business by unfair means such as slandering other lawyers or paying middleman's fees.

Chapter IV Business, Rights and Obligations of Practising Lawyers

Article 25 A lawyer may engage in the following business:

(1) to accept engagement by citizens, legal persons or other organizations to act as legal counsel;

(2) to accept authorization by a party in a civil or administrative case to act as agent ad litem and participate in the proceedings;

(3) to accept engagement by a criminal suspect in a criminal case to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial; to accept authorization by a criminal suspect or defendant or accept appointment by a People's Court to act for the defense; and to accept authorization by a private prosecutor in a case of private prosecution or by the victim or his close relatives in a case of public prosecution to act as agent ad litem and participate in the proceedings;

(4) to represent clients in filing petition in all types of litigation;

(5) to accept authorization by a party to participate in mediation and arbitration activities;

(6) to accept authorization by a party involved in non-litigation legal matters to provide legal services; and

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

Article 26 A lawyer acting as legal counsel shall provide opinions regarding legal issues to the person who has engaged him, draft and review legal documents, act as agent to participate in litigation, mediation or arbitration activities, handle other legal matters authorized by the person who has engaged him, and protect the lawful rights and interests of the person who has engaged him.

Article 27 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.

Article 28 A lawyer representing a defendant in a criminal case shall present, on the basis of facts and law, materials and arguments to prove that a criminal suspect is innocent or is less guilty than charged, or that his criminal responsibility should be reduced or relieved, in order to protect the lawful rights

任的材料和意见，维护犯罪嫌疑人、被告人的合法权益。

第二十九条 委托人可以拒绝律师为其继续辩护或者代理，也可以另行委托律师担任辩护人或者代理人。

律师接受委托后，无正当理由的，不得拒绝辩护或者代理，但委托事项违法，委托人利用律师提供的服务从事违法活动或者委托人隐瞒事实的，律师有权拒绝辩护或者代理。

第三十条 律师参加诉讼活动，依照诉讼法律的规定，可以收集、查阅与本案有关的材料，同被限制人身自由的人会见和通信，出席法庭，参与诉讼，以及享有诉讼法律规定的其他权利。

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应当依法保障。

第三十一条 律师承办法律事务，经有关单位或者个人同意，可以向他们调查情况。

第三十二条 律师在执业活动中的人身权利不受侵犯。

第三十三条 律师应当保守在执业活动中知悉的国家秘密和当事人的商业秘密，不得泄露当事人的隐私。

第三十四条 律师不得在同一案件中，为双方当事人担任代理人。

第三十五条 律师在执业活动中不得有下列行为：

（一）私自接受委托，私自向委托人收取费用，收受委托人的财物；

（二）利用提供法律服务的便利牟取当事人争议的权益，或者接受对方当事人的财物；

（三）违反规定会见法官、检察官、仲裁员；

（四）向法官、检察官、仲裁员以及其他有关工作人员请客送礼或者行贿，或者指使、诱导当事人行贿；

（五）提供虚假证据，隐瞒事实或者威胁、利诱他人提供虚假证