
Law of the People's Republic of China on Lawyers

Order of the President of the People's Republic of China
No. 76

The Law of the People's Republic of China on Lawyers, revised and adopted at the 30th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 28, 2007, is hereby promulgated and shall go into effect as of June 1, 2008.

Hu Jintao
President of the People's Republic of China
October 28, 2007

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Contents

- Chapter I General Provisions**
- Chapter II License for Legal Practice by Lawyers**
- Chapter III Law Firms**
- Chapter IV Business, Rights and Obligations of Lawyers**
- Chapter V Lawyers Associations**
- Chapter VI Legal Liability**
- Chapter VII Supplementary Provisions**

Chapter I: General Provisions

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.

Article 2

For the purposes of this Law, a lawyer means a professional who has acquired a lawyer's practice certificate pursuant to law, and is authorized or designated to provide the parties with legal services.

A lawyer shall protect the lawful rights and interests of parties, ensure the correct implementation of law, and safeguard fairness and justice of the society.

Article 3

In his legal practice, a lawyer must abide by the Constitution and laws, and strictly observe lawyers' professional ethics as well as discipline governing their legal practice.

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

In legal practice, a lawyer shall subject himself to supervision of the State, society and the parties concerned.

The legal practice of lawyers according to law shall be protected by law. No unit or individual shall infringe the lawful rights and interests of lawyers.

Article 4

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

Chapter II: License for Legal Practice by Lawyers

Article 5

A person who intends to apply for the legal practice of a lawyer shall meet the following conditions:

- (1) upholding the Constitution of the People's Republic of China;
- (2) having passed the unified national judicial examination;
- (3) having completed a full year's internship at a law firm; and
- (4) being a person of good character and conduct.

For a person who applies for the legal practice of a lawyer, the lawyer's qualification certificate he obtained before the unified national judicial examination is instituted shall be equally effective as the qualification certificate obtained after passing the unified national judicial examination.

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 documents:

- (1) the qualification certificate obtained after passing the unified national judicial examination;
- (2) documents prepared by the lawyers association showing that the applicant has passed the examinations taken upon completion of the internship;
- (3) the identity certification of the applicant; and
- (4) documents produced by a law firm showing that it agrees to recruit the applicant.

A person who applies to practice as a part-time lawyer shall, in addition, submit the document certifying that the unit where he works agrees to the applicant practicing as a part-time lawyer.

The department that accepts an application shall complete examination of the application within 20 days from the date it accepts the application and, after examination, submit its opinions and all the application documents to the judicial administration department of a people's government of the province, autonomous region or

municipality directly under the Central Government, which shall complete examination and verification within 10 days from the date it receives the documents submitted and make a decision on whether to grant the application. If it decides to grant the application, it shall issue a lawyer's practice certificate to the applicant; otherwise, it shall give the applicant the reasons in writing.

Article 7

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

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

Article 8

A person applying to practice as a full-time lawyer who has acquired an undergraduate education in an institution of higher learning or an education at a higher level, who has worked for at least 15 years in the fields of the profession where persons providing legal service are lacking, or who has a senior professional title or has attained an equivalent professional level and acquired the necessary legal knowledge of the profession shall be subject to appraisal by the judicial administration department under the State Council before obtaining its approval. The specific measures therefor shall be formulated by the State Council.

Article 9

Under one of the following circumstances, the judicial administration department of the people's government of a province, autonomous region or municipality 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:

- (1) Where the applicant obtains the lawyer's practice certificate through fraud, bribery or other illegitimate means; or
- (2) Where the application of an applicant who does not meet the conditions prescribed by this Law is granted.

Article 10

A lawyer shall practice law only in one law firm. When he intends to work in a different law firm, he shall apply for a new lawyer's practice certificate.

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

Article 11

No public servants shall concurrently serve as legal practitioners.

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.

Article 12

A person engaged in teaching of or research in law in an institution of higher learning or a research institute who meets the conditions prescribed in Article 5 of this Law may, upon the 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.

Article 13

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

Chapter III: Law Firms

Article 14

A law firm is an organization in which lawyers practice law. For the establishment of a law firm, the following conditions shall be met:

- (1) It has its own name, domicile and articles of association;
- (2) It is manned with lawyers who conform to the provisions of this Law;
- (3) The person who intends to establish the firm shall be a lawyer who has a good deal of experience in the profession and, in the recent three years, who has not been suspended from legal practice by way of punishment;
- (4) Its assets are in conformity with the amount specified by the judicial administration department under the state Council.

Article 15

For the establishment of a partnership law firm, in addition to meeting the conditions prescribed in Article 14 of this Law, there shall be three or more partners, and the persons who intends to establish such a firm shall be a lawyer with at least three years of experience in the profession.

A partnership law firm may be established in the form of general partnership or in the form of specialized general partnership. The partners of such a law firm shall, in accordance with law, bear liability for the debts of the law firm in conformity with the form of partnership.

Article 16

For the establishment of a sole partnership law firm, in addition to meeting the conditions prescribed in Article 14 of this Law, the person who intends to establish such a firm shall be a lawyer with at least five years of experience in the profession. He shall bear unlimited liability for the debts of the firm.

Article 17

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

- (1) the written application;
- (2) the name and articles of association of the law firm;
- (3) the name list of the lawyers, and their resumes, identity certificates and lawyer's practice certificates;
- (4) certificate of domicile; and
- (5) certificate of assets.

To establish a partnership law firm, a partnership agreement shall, in addition, be submitted.

Article 18

For the establishment of a law firm, an application shall be submitted 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. The department that accepts an application shall, within 20 days from the date it accepts the application, complete examination of the application and submit its opinions formed upon examination and all the application documents to the judicial administration department of the people's government of a province, autonomous region or municipality directly under the Central Government, which shall, within 10 days from the date it receives the documents submitted, complete examination and verification of the said documents and make a decision on whether to grant the application. If it grants the application, it shall issue the law firm's practice certificate to the applicant; otherwise, it shall give the reasons to the applicant in writing.

Article 19

A partnership law firm, which has been established for three years or more and has twenty or more professional practitioners, may establish branch offices. 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. For application for the establishment of a branch office, the procedure as provided for in Article 18 of this Law shall be complied with.

A partnership law firm shall undertake liability for the debts of its branch offices.

Article 20

A law firm established with the funds of the State shall go about its business independently pursuant to law and shall undertake the liability for its debts with its entire assets.

Article 21

When a law firm intends to change its name, replace its leading person, or alter its articles of association or partnership agreement, it shall approach the original examination and verification department for approval.

When a law firm changes its domicile or replaces its partners, it shall, within 15 days from the date such change or replacement takes place, submit the change or replacement to the original examination and verification department for the record.

Article 22

A law firm shall close down under one of the following circumstances:

- (1) it cannot keep complying with the statutory conditions for establishment and still fails to meet the conditions after it has undergone rectification within a time limit;
- (2) Its law firm's practice certificate is revoked according to law;
- (3) It decides to dissolve of its own accord; or
- (4) It is required to close down by laws and administrative regulations under other circumstance.

When a law firm closes down, the practice certificate of the law firm shall be revoked by the department which issued such certificate.

Article 23

A law firm shall establish sound systems for professional management, examination of conflicts of interests, management of charges and financial affairs, investigation into and handling of complaints, annual assessment, archive preservation, etc., and shall see that its lawyers observe the professional ethics and discipline in their legal practice.

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 lawyers' 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.

Article 25

For business to be undertaken by lawyers, it is the law firm that shall accept authorizations in a centralized manner, sign written authorization contracts with the clients and, in accordance with State regulations, collect fees in a centralized manner and truthfully enter them in its accounts.

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

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 illegitimate means.

Article 27

Law firms shall not engage in other business activities than provision of legal services.

Chapter IV: Business, Rights and Obligations of Lawyers

Article 28

A lawyer may engage in the following business:

- (1) accepting authorization by natural persons, legal persons or other organizations to act as legal counsel;
- (2) accepting authorization by a party involved in a civil or administrative case to act as agent ad litem and participate in the proceedings;
- (3) accepting authorization by a criminal suspect involved in a criminal case to provide him with legal advice and represent him in filing a petition or charge, applying for bail for an arrested criminal suspect, accepting authorization by a criminal suspect or defendant or appointment by a people's court 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;
- (4) accepting authorization to act as agent in filing petitions in all types of litigation;
- (6) accepting authorization to participate in mediation or arbitration;
- (7) accepting authorization to provide non-litigation legal services; and
- (8) answering inquires regarding laws and serving as scrivener of litigation documents and other documents concerning legal matters.

Article 29

When acting as legal counsel, a lawyer shall, in accordance with what is agreed upon, provide to the client opinions on relevant legal issues, draft and review legal documents, act as agent to participate in litigation, mediation or arbitration, handle other legal matters he is authorized to handle, and protect the lawful rights and interests of the client.

Article 30

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

Article 31

When acting as defender, a lawyer shall, based on facts and laws, present materials and arguments to prove that a criminal suspect or a defendant is innocent or less guilty than charged, or that his criminal responsibility should be reduced or exempted, for the purpose of protecting the lawful rights and interests of the criminal suspect or defendant.

Article 32

A client may refuse to be further defended by a lawyer he has authorized or to continue to have him act as agent ad litem, and may authorize another lawyer to act as his defender or agent ad litem.

After accepting authorization, a lawyer shall not, without justifiable reasons, refuse to defend a client or to act as agent ad litem. However, if the matter for which he is authorized violates law, the client uses the services provided by the lawyer to engage in illegal activities, or the client intentionally conceals important facts concerning the case in hand, the lawyer shall have the right to refuse to defend the client or to act as agent ad litem.

Article 33

After a criminal suspect is interrogated by an investigation organ for the first time or from the date on which compulsory measures are adopted against him, the authorized lawyer shall, on the strength of his lawyer's practice certificate, the papers issued by his law firm, and the letter of authorization or official legal aid papers, have the right to meet with the criminal suspect or the defendant and enquire about the case. The meeting between a lawyer and a criminal suspect or defendant shall not be monitored.

Article 34

An authorized lawyer shall, from the date on which a case begins to be examined for prosecution, have the right to consult, extract and duplicate the litigation documents and case file pertaining to the case. An authorized lawyer shall, from the date on which the people's court accepts the case, have the right to consult, extract and duplicate all the materials pertaining to the case.

Article 35

An authorized lawyer shall, depending on the circumstances of the case, apply to the people's procuratorate or the people's court for the collection and delivery of evidence, or apply to the people's court for telling the witnesses to appear in court and give testimony.

When a lawyer investigates to collect evidence for a case on his own, he may, on the strength of his lawyer's practice certificate and the papers issued by his law firm, inquire of the unit or individual concerned about the legal matters which he has undertaken to handle.

Article 36

When a lawyer acts as agent ad litem or defender, his right to pleadings or defense shall be protected in accordance with law.

Article 37

In legal practice, a lawyer's right of the person is inviolable.

A lawyer shall not be legally liable for the opinions he presents as an agent ad litem or defender in court, with the exception of the views he presents to endanger State security, maliciously slander another person, or seriously disrupt the court order.

Where a lawyer is, in accordance with law, detained or arrested because he is suspected of committing a crime when participating in litigation, the organ that detains or arrests him shall, within 24 hours after the execution of detention or arrest, have his family members, his law firm and the lawyers association to which he belongs informed of the fact.

Article 38

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

A lawyer shall keep confidential the things and information that he comes to know during his legal practice which his client or another person does not want other people to know, with the exception of the facts and information about a crime which his client or another person prepares to commit or is committing to endanger State or public security or seriously endanger another person's personal safety or safety of property.

Article 39

A lawyer shall not act as agent for both parties involved in one and the same case, and shall not act as agent where there is a conflict of interests between himself or his close relatives and the legal affairs he is handling.

Article 40

A lawyer shall not do any of the following in his legal practice:

- (1) privately accepting authorization, collecting fees, or accepting money, things of value or other benefits offered by a client;
- (2) seeking the disputed rights and interests of a party by taking advantage of his provision of legal services;
- (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;
- (4) in violation of regulations, meeting with a judge, prosecutor, arbitrator or another staff member concerned;
- (5) 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;
- (6) 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;
- (7) instigating or inciting a party into settling disputes by disrupting public order, endangering public security or by other illegal means; or
- (8) disrupting the order of a court or an arbitration tribunal, or interfering with the normal conduct of litigation or arbitration.

Article 41

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

Article 42

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

Chapter V: Lawyers Associations

Article 43

A lawyers association is a public organization with the status of a legal person and the self-disciplined organization of lawyers.

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

Article 44

The articles of association of the All-China Lawyers Association shall be formulated by the national congress of the members and submitted to the judicial administration department under the State Council for the record.

The articles of association of local lawyers associations shall be formulated by the local congresses of members and submitted for the record to the judicial administration departments at the corresponding level. The articles of association of local lawyers associations shall not contravene the articles of association of the All-China Lawyers Association.

Article 45

A lawyer or law firm shall join the local lawyers association where the lawyer or law firm is located. A lawyer or law firm that has joined a local lawyers association is, at the same time, a member of the All-China Lawyers Association.

Members of lawyers associations shall enjoy the rights and perform the obligations as prescribed by the articles of association of the lawyers associations.

Article 46

A lawyers association shall perform the following duties:

- (1) ensuring the lawyers' legal practice according to law and protecting lawyers' lawful rights and interests;
- (2) analyzing and exchanging lawyers' experience in work;
- (3) formulating professional regulations and rules of punishment;
- (4) organizing professional training for lawyers, organizing education in lawyers' professional ethics and practice discipline, and assessing the lawyers' legal practice;
- (5) organizing and managing internship activities for persons who apply for legal practice, and making appraisal of their performance;
- (6) giving reward or punishment to a lawyer or a law firm;
- (7) 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
- (8) other duties prescribed by laws, administrative regulations, rules, and the articles of association of the lawyers association.

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

Chapter VI: Legal Liability

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 RMB 5,000 yuan; it shall confiscate the illegal gains, if any; and if the circumstances are serious, it shall have him suspend his legal practice for not more than three months by way of punishment:

- (1) practising in two or more law firms simultaneously;
- (2) soliciting business by illegitimate means;
- (3) acting as agent for both parties involved in one and the same case, or acting as agent where there is a conflict of interests between himself or his close relatives and the legal affair he is handling;
- (4) serving as agent ad litem or defender within two years after leaving his post in a people's court or people's procuratorate; or
- (5) refusing to perform the obligation of legal aid.

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:

- (1) privately accepting authorization or collecting fees, or accepting money, things of value or other benefits offered by a client;
- (2) after accepting an authorization, refusing to act as defender or agent or failing to appear in court on schedule to participate in litigation or arbitration without justifiable reasons;
- (4) seeking the disputed rights and interests of a party by taking advantage of his provision of legal services; or
- (5) divulging commercial secrets or private affairs.

Article 49

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 have him suspend his legal practice for not less than six months but not more than one year by way of punishment and may impose a fine of not more than 50,000 yuan; it shall confiscate his illegal gains, if any; if the circumstances are serious, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall revoke his lawyer's practice certificate; and if a crime is constituted, he shall be investigated for criminal responsibility according to law:

- (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;

- (2) giving bribes to a judge, prosecutor, arbitrator or another staff member concerned, introducing bribes to them, or instigating or inducing a party to resort to bribery;
- (3) providing false materials to judicial administration departments or committing other frauds;
- (4) 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;
- (5) 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;
- (6) disrupting the order of a court or an arbitration tribunal, or interfering with the normal conduct of litigation or arbitration;
- (7) instigating or inciting a party into settling disputes by disrupting public order, endangering public security or by other illegal means;
- (8) presenting views to endanger State security, maliciously slander another person, or seriously disrupt court order; or
- (9) divulging secrets of the State.

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.

Article 50

Where a law firm 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, depending on the seriousness of the circumstances, give it a disciplinary warning or have it suspend legal practice for consolidation for not less than one month but not more than six months by way of punishment, and may impose on it a fine of not more than 100,000 yuan; its illegal gains, if any, shall be confiscated; and if the circumstances are especially serious, the judicial administration department of the people's government of a province, autonomous region or municipality directly under the Central Government shall revoke its law firm's practice certificate:

- (1) accepting authorization and collecting fees in violation of regulations;
- (2) in contravention of the statutory procedure, changing its name, replacing its leading person, altering its articles of association or partnership agreement, changing its domicile, replacing its partners, or making changes in other important items;
- (3) engaging in other business activities than provision of legal services;
- (4) soliciting business by slandering other law firms or lawyers, or paying middleman's fees or by other illegitimate means;
- (5) in violation of regulations, accepting cases where there is a conflict of interests involving it;
- (6) refusing to perform the obligation of providing legal aid;
- (7) providing false materials to judicial administration departments or committing other frauds; or
- (8) neglecting management of its lawyers, thus causing serious consequences.

Where a law firm is punished because of its illegal acts specified in the preceding paragraph, its leading person shall, depending on the seriousness of the circumstances, be given a disciplinary warning or be fined not more than 20,000 yuan.

Article 51

Where a lawyer, in violation of the provisions of this Law, and before the elapse of one year after he was given a disciplinary warning, conducts another act for which he should be given such a warning by way of punishment, 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, by way of punishment, have him suspend his legal practice for not less than three months but not more than one year; and if, before the elapse of two years after the expiration of the period for suspension of his legal practice, which was imposed on him by way of punishment, he conducts another act for which he should be suspended from legal practice, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall revoke his lawyer's practice certificate.

Where a law firm, because of its violation of the provisions of this Law, and before the elapse of two years after the expiration of the period for suspension of its legal practice for consolidation, which was imposed on it by way of punishment, commits another act for which it should be suspended from legal practice for consolidation by way of punishment, the judicial administration department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall revoke its law firm's practice certificate.

Article 52

The judicial administration departments of the people's governments at the county level shall exercise routine supervision over and administration of the legal practice of lawyers and law firms, and order them to solve the problems discovered in the course of inspection; and they shall, in a timely manner, conduct investigation of the complaints lodged by parties. 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.

Article 53

A lawyer who was suspended from legal practice for not less than six months by way of punishment shall not be a partner of a law firm within three years after the expiration of the period of punishment.

Article 54

Where a lawyer engages in legal practice in violation of law or causes losses to a party due to his fault, the law firm where he works shall bear the liability for compensation. After paying compensation, the law firm may claim recovery from the lawyer who acted intentionally or out of gross negligence.

Article 55

Where a person who has not obtained a lawyer's practice certificate provides legal services in the name of lawyer, the judicial administration department of the local people's government at or above the county level at the place where he is located shall order him to cease the illegal practice of law, confiscate his illegal gains and impose on him a fine of not less than the amount of the illegal gains but not more than five times that amount.

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 in accordance with law; if the violation is not serious enough to constitute a crime, he shall be given a sanction in accordance with law.

Chapter VII: Supplementary Provisions

Article 57

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

Article 58

The measures for administration of the offices established by law firms of other countries to provide legal services within the territory of the People's Republic of China shall be formulated by the State Council.

Article 59

The measures for collection of fees by lawyers shall be formulated by the department in charge of pricing under the State Council in conjunction with the judicial administration department under the State Council.

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