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the legal profession®

The IBA Global Cross Border Legal Services in Asia Report 2019

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Contents

INTRODUCTION	4
Brunei Darussalam	6
Cambodia	12
Hong Kong (China)	18
India	26
Indonesia	31
Japan	36
Laos	41
Malaysia	45
Myanmar	56
Pakistan	59
People's Republic of China (PRC)	65
Philippines	70
Republic of Korea	76
Singapore	81
Sri Lanka	87
Taiwan (Chinese Taipei)	91
Thailand	95
Vietnam	100

INTRODUCTION

This database was produced for the IBA Bar Issues Commission Trade in Legal Services Committee. It is an extract from a larger Global Crossborder Legal Services database which covers over 140 countries, and more than 220 jurisdictions worldwide. Given the growth of crossborder activity amongst lawyers in Asia, this extract, covering only the Asian jurisdictions in the database, may be a useful tool for Bar Associations and others interested in looking at how cross border legal services works in different jurisdictions on the continent.

How the database was compiled

The IBA Global Crossborder Legal Services database is available in full on the IBA's website. The jurisdictions covered in this extract have been compiled using the same methodology. This is as follows:

- First desk research was undertaken to find relevant statutory, regulatory and, where appropriate, judicial or Common Law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- These initial results were then sent to the responsible competent authority for verification and if this was not possible, confirmation of the regulatory position was sought from local practising lawyers. The organisation undertaking this verification is mentioned at the end of each jurisdiction's entry, where applicable

Sources used

Wherever possible primary sources have been used. Answers to questions on lawyers' titles, basic qualification requirements, reserved areas of work and responsible competent authorities are drawn in most cases from primary legislation or government gazettes. Competent authorities, who are responsible for the admission and registration of lawyers are the most common source for information on codes of conduct and requirements in relation to practice, including corporate forms in which lawyers may practise, the ability to practise in partnership with host country lawyers or to employ host country lawyer and the existence of other restrictions. Links to the sources used on a country by country basis are included in the body of the database. The World Trade Organisation services database (www.wto.org) has been used as the main source of information on countries' market access commitments for legal services and horizontal commitments and its Regional Trade Agreement database for information on the coverage of legal services in RTAs and bilateral trade agreements. Information on the commercial presence of foreign legal providers has been obtained from published commercial sources, such as Chambers and Partners website (www.chambersandpartners.com) or Legal 500 (www.legal500.com), where possible this has also been verified with registration data held by competent authorities. Information on general investment restrictions has been derived from a variety of sources, including individual government investment agencies and the World Bank's 'Doing Business' website (www.doingbusiness.com). Information on visas and work permits has come from both the horizontal commitments notified to the WTO and from commercial visa procurement agencies.

Notes on Interpretation

Legal services are defined for the purposes of this database as in UN CPC 861 and arbitration and mediation services, which are frequently conducted by lawyers are also considered. Many countries define the 'practice of law' within their own jurisdictions differently from the UN CPC classification and many also distinguish between services which are regulated and therefore restricted to qualified lawyers (often only locally qualified lawyers) and those services which are unrestricted, subject only to immigration and work permit requirements. The broad approach taken by this database allows us to reflect a fairer picture of overall market access offered by host countries.

Certain terminology has been used throughout this database, such as 'licensing', 'foreign legal consultant rules' and 'fly in fly out'. Many countries do not use this terminology themselves and may, for example, permit foreign lawyer establishment without having a formal FLC regime, but in order to obtain a basis for comparison, we have described arrangements that are considered to have equivalent effect in these sections even if they would not be described locally as such.

There are missing elements in this database which could usefully be added in future. We have not, for example, included any information about disciplinary arrangements, however most of the authorities who are responsible for issuing licences are also the authorities responsible for issuing certificates of good standing to individuals wishing to move across borders.

Brunei Darussalam

Is there legislation governing the legal sector

Brunei Darussalam
Legal Profession Act (CAP.132 of Laws of Brunei).

Under what title do lawyers practise?

Advocate and Solicitor

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Section 4 of the Act provides that the Chief Justice may admit as an advocate and solicitor any qualified person who has attained the age of 21 years, is of good character and has served satisfactorily in such manner and period of pupillage as may be prescribed for qualified persons. By virtue of section 3(1) of the Act, a person shall be qualified if he:

- (a) as a barrister-at-law of England or Northern Ireland or a member of the Faculty of Advocates of Scotland;
- (b) is a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland;
- (c) has been active as an advocate and solicitor in Singapore or any part of Malaysia; or
- (d) is a barrister/solicitor of a Supreme Court of any Australian State or Territory.

In addition to that, section 3(3) further entails that a person who is not either a Brunei Darussalam citizen or a permanent resident shall apply for admission only if he or she had been in active practice in any part of the UK, Singapore, Malaysia or Australia or another Commonwealth country or territory designated by the Attorney-General or notice in the Gazette for at least seven years immediately preceding such application.

These requirements are the same as the rules applicable to a local applicant except that section 3(3) of the Act is only applicable to foreign lawyers.

An application by a qualified person for admission as is made by letter addressed to the Chief Justice at the office of the Chief Registrar. The Chief Registrar issues the licence and maintains the advocate and solicitor's name on the roll

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Practising certificates cover the entire territory of Brunei Darussalam

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Practising certificates grant sole rights to appear before and plead in all courts. Unauthorised practice is defined to be when an individual (a) acts as an advocate and solicitor or an agent for any party to proceedings or who, as such advocate and solicitor or agent or in any other capacity (other than as a party to an action in which he is himself a party), issues out any writ, summons or process, or

Brunei Darussalam

commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person or in his own name in any of the Courts in Brunei Darussalam or draws or prepares any instrument relating to any proceeding in the Courts in Brunei Darussalam; or

(b) wilfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he is duly qualified or authorised to act as an advocate and solicitor, or that he is recognised by law as so qualified or authorised. (a) draws or prepares any document or instrument relating to any immovable or movable property or to any legal proceeding; or

(b) takes instructions for or draws or prepares any document or instrument on which to found or oppose a grant of probate or letters of administration; or (c) draws or prepares any document or instrument relating to the incorporation or formation of a limited company; or

(d) on behalf of a claimant or person alleging himself to have a claim to a legal right writes, publishes or sends a letter or notice threatening legal proceedings other than a letter or notice that the matter will be handed to an advocate and solicitor for legal proceedings; or

(e) solicits the right to negotiate, or negotiates in any way for the settlement of, or settles, any claim arising out of personal injury or death founded upon a legal right or otherwise, They are subject under the Act to a residency requirement, lawyers must have been resident for nine months of the previous year in order to obtain a certificate.

Do you need to hold local nationality to be eligible to practise law?

Under the provisions of the Act, the Chief Justice can decide that the number of advocates practising in Brunei Darussalam is sufficiently adequate to serve the needs of the community he shall by notice in the Government Gazette so declare. that (a) no person other than a national of Brunei Darussalam shall be entitled to be admitted as an advocate or to obtain a provisional licence under section 8; (b) the Sultan may direct that the name of any advocate on the roll who is not ordinarily resident in Brunei six months after the publication of such a declaration shall be struck from the roll.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Practising certificates are only granted where an advocate or solicitor (a) is practising or intends to practise in Brunei Darussalam either on his own account or in partnership; or (b) is or is about to be employed in his or their practice in Brunei Darussalam by an advocate and solicitor or a firm of advocates or solicitors in practice in Brunei Darussalam;

Brunei Darussalam

What other ethical or regulatory requirements must a licensed lawyer comply with?

and (c) is or is about to be ordinarily resident in Brunei Darussalam:

The Law empowers the Law Society of Brunei to make rules in relation to the regulation of practice and disciplinary rules. There are specific rules in relation to advertising. These rules are found in Rule 43 of the Advocates and Solicitors (Practice and Etiquette) Rules which prohibit certain advertising and soliciting practices. There are also specific rules in relation to use of names. These rules are found in the Business Names Act (CAP.92). Section 21 of the Act lists names and words that are prohibited to be used by any firm, individual or corporation required to registered under that Act. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Law firms do not need to obtain a separate licence to practice

Which authority issues licences? Are there different authorities for individuals and firms?

"The Attorney General
The Law Building Bandar Seri Begawan
BA 1910, Brunei Darussalam
Telephone: (673) 223 1200 or (673) 224 4872.
<http://www.agc.gov.bn/>"

Is the jurisdiction a member of the WTO?

Brunei Darussalam joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Brunei has made no commitments in legal services under the GATS

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Brunei is party to free trade agreements between ASEAN and Australia and New Zealand, India, Japan, Korea as well as the ASEAN free trade area agreement itself. It has a separate bilateral trade agreement in force with Japan

Do these currently include legal services or are there plans to include them in future?

Legal Services are not included in Brunei's bilateral agreements.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Distinctions are made between lawyers depending on their country of origin, but these arise from historic links rather than trade agreements.

Are there any 'foreign law' firms present in this jurisdiction?

There are no foreign firms present though a number of international firms carry out work for Brunei government agencies from Singapore. One Brunei firm is a member of a South East Asian network of law firms.

Brunei Darussalam

<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Temporary practice is not permitted, foreign lawyers must obtain a full licence to practice in Brunei
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Visitors may obtain visas for professional/visit visas for 14, 30 or 90 days depending on country of origin and citizenship.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no limited licence scheme for foreign lawyers
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The Arbitration Association Brunei Darussalam (AABD) is the sole arbitral body in Brunei and the default for arbitration where no election has been made by the parties. The AABD maintains a panel of international lawyers.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Ad hoc admission is possible according to the Act for (a) a person who holds Her Britannic Majesty's Patent as Queen's Counsel; and who — (i) does not ordinarily reside in Brunei Darussalam but has come, or intends to come, to Brunei Darussalam for the purpose of appearing in the case on instructions of an advocate and solicitor; and (ii) possesses special skill and qualifications for the purpose of the case whether or not such special skill and qualifications are available in Brunei Darussalam; (b) a person who is entitled to practise before the High Court in Malaysia, Singapore or Hong Kong or in such other Commonwealth country as the Chief Justice may specify; and who — (i) does not ordinarily reside in Brunei Darussalam but has come, or intends to come, to Brunei Darussalam for the purpose of appearing in the case on instructions of an advocate and solicitor; and (ii) has not been admitted under this section in respect of more than 2 other cases in the current calendar year; and

Brunei Darussalam

	(iii) possesses special skill and qualifications for the purpose of the case which are not otherwise available in Brunei Darussalam
<i>Can foreign lawyers requalify as local lawyers?</i>	By virtue of section 3(1) of the Act, a person shall be qualified if he: (a) as a barrister-at-law of England or Northern Ireland or a member of the Faculty of Advocates of Scotland; (b) is a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland; (c) has been active as an advocate and solicitor in Singapore or any part of Malaysia; or (d) is a barrister/solicitor of a Supreme Court of any Australian State or Territory. In addition to that, section 3(3) further entails that a person who is not either a Brunei Darussalam citizen or a permanent resident shall apply for admission only if he or she had been in active practice in any part of the UK, Singapore, Malaysia or Australia or another Commonwealth country or territory designated by the Attorney-General or notice in the Gazette for at least seven years immediately preceding such application.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms cannot open offices in Brunei to provide legal services
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable

Brunei Darussalam

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Foreign law firms may not establish in Brunei but there is no prohibition on Brunei lawyers being employed by foreign firms
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Commercial association is not permitted
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	http://bruneilawsociety.wordpress.com/
<i>Verified by</i>	

Cambodia

Is there legislation governing the legal sector

Law on the Bar 50 RKM June 1995

Other governing legislation:

- Law on the Status of Judges and Prosecutors of the Kingdom of Cambodia dated 16 July 2014 (the “Law on the Status of Judges and Prosecutors in Cambodia”)
- Law on the Status of Lawyers of the Kingdom of Cambodia (1995);
- Decision on The Management of the Practice of the Legal Profession of Foreign Lawyers dated 08 January 2016 (the “Decision on the Management of Foreign Lawyers”); and
- Code of Ethics for Lawyers Licensed with the Bar Association of the Kingdom of Cambodia (the “Code of Ethics”);

Under what title do lawyers practise?

Lawyer

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

A person may engage in the profession of lawyer, provided that he or she has fulfilled the following conditions:

1. Has Khmer nationality.
2. Has a Bachelor of Law degree (Licence en Droit) or an equivalent law degree.
3. Has a Certificate of Lawyer's Professional Skill. This Certificate of Lawyer's Professional Skill is issued by the Center for Training of the Legal Profession.
4. Has never have been convicted of any misdemeanor or felony, nor received any disciplinary sanction or administrative penalty, such as removal from any function, or dismissal for any act contrary to honor or any act of moral turpitude. Has not have been declared personally bankrupt by a court.

An individual lawyer must become a member of the Bar Association of the Kingdom of Cambodia (hereinafter referred to as “BAKC”) and must first be registered in the Training List of the Bar for one year of training unless he or she has received an exemption. The training consists of: Training organized by the Bar or working as an associate in a law firm.

Following the training period, the Bar Council shall make a decision to register the lawyer in the Bar list based on a report of supervising lawyer and following a determination that all the conditions have been fulfilled in conformity with the Law on the Bar and in the opinion of the General Prosecutor to the Appeal Court. The Bar Council may decide to order continued training, not to exceed one year, for a trainee who does not have sufficient competence. A

Cambodia

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

decision not to register the lawyer's name on the Bar List shall be considered a rejection of such lawyer.

A licensed lawyer can practise throughout the country.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only lawyers who are members of the Cambodian Bar Association may act as lawyers, provide legal consultation or prepare judicial documents for compensation, except when such legal consultation or preparation of documents is an ancillary part of another profession or is a function permitted by law.

Do you need to hold local nationality to be eligible to practise law?

Yes, however, foreign lawyers are permitted to practise their profession in the territory of the Kingdom of Cambodia with authorisation from the BAKC. This authorisation will depend on the sufficiency of qualifications of the foreign lawyer and will only be granted when the country of origin of the foreign lawyer provides reciprocal access through a Memorandum of Understanding (the "MOU") or similar understanding between BAKC and the bar of a foreign country (Article 6 of the Law on the Bar). To date, no MOUs have been signed. Even with authorization, for a foreign lawyer to advise on Cambodian law, they will need to be associated with a Cambodian lawyer and/or Cambodian law firm.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Cambodian lawyers may practise their profession individually or within the context of a group or a Law Firm which is lawfully established. A firm must be formed as a civil company in which all of its members are lawyers. Lawyers shall be allowed to sign agreements with members of other independent (libérales) professions in order to combine their abilities. However, such agreements should respect the ethical rules of the legal profession.

What other ethical or regulatory requirements must a licensed lawyer comply with?

The ethical requirements for Cambodian lawyers are laid down in the law and in the ethical rules made by the Bar Association of the Kingdom of Cambodia.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Law firms have to register with and receive authorisation from the BAKC in order to provide legal services within Cambodia.

Which authority issues licences? Are there different authorities for individuals and firms?

The Bar Association of Cambodia issues licences and/or authorizations for both individual lawyers and firms

Cambodia

Is the jurisdiction a member of the WTO?

Cambodia joined the WTO on 13 October 2004

Has it made any WTO commitments on legal services?

Cambodia has scheduled commitments in legal services (CPC 861) for modes 1 and 2. Mode 3 access is permitted to foreign service providers but must be through commercial association with a Cambodian lawyer or Cambodian law firm and direct representation of clients in court is prohibited. Mode 4 is unbound for legal services except to the extent provided in horizontal commitments. Cambodia has also scheduled commitments in modes 1-3 for foreign legal consultancy in the law of jurisdiction where service supplier is qualified as a lawyer (including home country law, third country law, and international law)

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Cambodia is a member of ASEAN and party to the ASEAN FTAs with Korea, Japan, Australia-NZ, China and India

Do these currently include legal services or are there plans to include them in future?

Cambodia has reiterated its GATS commitments on legal services in its bilateral FTAs

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

Yes. There are a few regional South East Asian law firms (Zico Law from Malaysia, DFDL from Lao PDR, and Tilek & Gibbins from Thailand) with associated or subsidiary offices in Cambodia

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

No. There are currently no provisions in Cambodia's Labour laws and regulations that accommodate a short-term, temporary practice of law for foreign lawyers. The current practice for foreign employees entering Cambodia for a short-term assignment (i.e. less than one month) is to obtain a Tourist Visa, as it is unlikely that they will enter into an employment contract with a local entity which is required to qualify for a Business Visa. In such a case, it is not necessary to obtain authorization from BAKC.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

A foreign lawyer may obtain a Tourist Visa to visit clients on a short-term basis (i.e. less than a month) but it is recommended that under this visa, they limit their "hands-on" work or activities specific to any particular legal cases and proceed with prudence. A foreign lawyer under this visa cannot sign judicial documents in their capacity as a lawyer, represent a client in court or advise on Cambodian law.

Cambodia

	<p>A foreign lawyer is prohibited under Article 57 of the Law on the Bar from carrying out any marketing activities in his or her capacity as a lawyer.</p>
<p><i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i></p>	<p>A foreign lawyer may only practice law in this jurisdiction with authorization from the BAKC, which shall only be granted when the bar of the foreign lawyer's country of origin provides the same possibility to Cambodian lawyers in the form of an MOU or reciprocal agreement with BAKC. A foreign lawyer without a valid license may only render legal services in this jurisdiction under the logo of a Cambodian-Foreign law firm or a Cambodian law firm but shall not be considered admitted to practice law in this jurisdiction or hold himself or herself out as a member of the bar of this jurisdiction.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i></p>	<p>Yes. Pursuant to the Cambodian Labour Law, in order for a foreign national to be legally employed in any establishment, firm or enterprise in the country, they must have both a valid Business Visa issued by the Ministry of Interior (the "MoI") and a Work Permit duly issued by the Ministry of Labour and Vocational Training (the "MLVT").</p> <p>With respect to residency requirements, the government has not yet issued any residency cards, therefore, a copy of a lease agreement is sufficient.</p>
<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i></p>	<p>Foreign lawyers who meet the reciprocity requirement and wish to be authorized by BAKC shall also fulfil the following conditions, under Article 5 of the Decision on the Management of Foreign Lawyers: (1) Be a lawyer and have at least five (5) years' experience in the lawyer profession at the Bar Association where he or she is registered; (2) He or she shall have physical capabilities and good standing; (3) He or she shall never have been punished with administrative punishment or charged with any felony or misdemeanor offenses; and (4) He or she must never have been declared bankrupt.</p>
<p><i>Are foreign lawyers permitted to undertake arbitration and mediation?</i></p>	<p>Yes</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>No</p>
<p><i>Can foreign lawyers requalify as local lawyers?</i></p>	<p>A foreign lawyer may only requalify as a local lawyer if they are originally of Khmer nationality but have been registered as a member of the Bar of a foreign jurisdiction.</p>
<p><i>Can a foreign law firm obtain a licence to open an office?</i></p>	<p>Cambodian laws and regulations are silent with respect to foreign law firms opening and operating in Cambodia,</p>

Cambodia

limiting its scope to foreign (individual) lawyers. However, pursuant to our no-name checks with the BAKC, opening a foreign law firm is not permissible under Cambodian laws, because to do so, the foreign lawyers who own that firm must first be granted a license to practice in this jurisdiction. In order to be granted to practice, the bar of their country of origin must have an MOU or any kind of understanding with BAKC. As no country has this type of understanding with the BAKC, no foreign lawyer is able to obtain such a license. Opening a foreign law firm can only come after fulfilling this condition.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Notwithstanding the fact that a foreign law firm must obtain authorization or a license from the BAKC, all law firms are under the jurisdiction of the BAKC and are restricted from registering elsewhere.

In practice, the BAKC has not yet issued any license for foreign law firms to open and operate.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Yes. Should a foreign law firm be permitted to operate in the Kingdom of Cambodia, they may only provide a legal service on foreign law and are prohibited from providing a legal service on Cambodian law, unless they are cooperating with a Cambodian-Foreign law firm or a Cambodian law firm.

However, in practice, the BAKC has not yet issued a license or authorization for a foreign law firm to operate in the Kingdom of Cambodia.

Are there restrictions on the corporate form a foreign law firm can take?

There are only restrictions in place when the foreign law firm wishes to advise on Cambodia law as they are not permitted to do so without affiliation with a Cambodian law firm.

If legal services are being provided in foreign law (including home country and third country law) and international law, commercial association with a Cambodian law firm is not

Cambodia

	<p>required. However, for prudence, in order for a foreign law firm to be granted authorization to operate in Cambodia, the owner of the firm must be a bar-authorized foreign lawyer whose country of origin meets the reciprocity requirement. To date, the BAKC has yet to issue a license or authorization for a foreign law firm to operate in the Kingdom of Cambodia.</p>
<p><i>Are there rules about the name a foreign law firm can take?</i></p>	<p>No</p>
<p><i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i></p>	<p>The Bar Association of the Kingdom of Cambodia</p>
<p><i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i></p>	<p>Yes. A foreign lawyer may own shares in a Cambodian-Foreign law firm; however, as Cambodian lawyers are entitled to hold shares and to vote with at least a 51% interest, foreign lawyers may not own more than 49% of the firm's shares.</p>
<p><i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i></p>	<p>Yes. There is nothing that prohibits a domestic lawyer from employment by an authorized foreign law firm.</p>
<p><i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i></p>	<p>Yes</p>
<p><i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i></p>	<p>Yes, however, pursuant to Article 3 of the Prakas on Employment of Foreign Manpower, a domestic lawyer and/or domestic law firm shall be subject to a foreign employee quota of ten percent (10%). The quota restriction may be lifted in exceptional cases, as stipulated above. Additionally, this foreign lawyer is not authorized to advise on Cambodian law or conduct any activities restricted to registered lawyers.</p>
<p><i>Other useful sources or comments or links</i></p>	<p>Cambodian Bar Association https://www.bakc.org.kh/</p>
<p><i>Verified by</i></p>	<p>SokSiphana & Associate</p>

Hong Kong (China)

<i>Is there legislation governing the legal sector</i>	Legal Practitioners Ordinance (Cap. 159, Laws of Hong Kong)
<i>Under what title do lawyers practise?</i>	Solicitor or barrister
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	Admission to both professions requires a qualifying law degree (either the LL.B., which requires four years of study, or the Juris Doctor, which lasts two years) followed by the nine month Postgraduate Certificate in Laws; followed by completion of a two year training contract for admission as a solicitor and one year pupillage for a barrister.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	Yes
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only those persons who have been admitted as barristers of solicitors in Hong Kong may practise or give advice on Hong Kong law.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	<p>Hong Kong lawyers may work as sole practitioners, or in general partnerships or in group practices which involve the sharing of premises and overheads between solicitors with separate practices.</p> <p>The Legal Practitioners (Amendment) Ordinance 2012 was enacted in July 2012. It has not yet come into operation, and when it does it will enable law firms in Hong Kong to operate in the form of a limited liability partnership.</p> <p>The Legal Services (Miscellaneous Amendment) Ordinance passed in June 1997 (as amended by the Statute Law (Miscellaneous Provisions) Ordinance 2012, provides the legal basis to enable solicitors to incorporate as companies. The Ordinance is not yet operational, and when it does, it will allow solicitors in Hong Kong to operate their practice as limited companies.</p> <p>Barristers practise independently or in chambers. Two or more practising barristers may share professional expenses in accordance with an agreement or in proportion to their receipts, but they may not share professional receipts or agree that any one or more of them shall assume responsibility for the professional work of the others.</p>
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Solicitors must comply with the principles of the Hong Kong Solicitors Guide to Professional Conduct issued by the Law Society of Hong Kong and barristers must comply with the Hong Kong Bar Association's Code of Conduct.

Hong Kong (China)

	Both solicitors and barristers must also observe the relevant provisions in the Legal Practitioners Ordinance (Cap.159) and its subsidiary legislation.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Local law firms do not need a licence to practice but must complete a number of formalities before commencing trading. The Hong Kong Law Society must be informed within 14 days of a solicitor commencing practice. Further details may be found at the website of the Hong Kong Law Society (http://www.hklawsoc.org.hk/pub_e/admission/LocalLawFirm/pdf/lf-commencement-inf.pdf)
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Hong Kong for solicitors (www.hklawsoc.org.hk) and the Bar Council of Hong Kong for barristers (www.hkbar.org.hk)
<i>Is the jurisdiction a member of the WTO?</i>	Hong Kong SAR joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Hong Kong has not scheduled any commitments on legal services under the GATS.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Hong Kong is party to bilateral free trade agreements with New Zealand, EFTA and Chile and has concluded the Closer Economic Partnership agreement (CEPA) with PR China.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The CEPA agreement with China includes legal services and the commitments include allowing Hong Kong law firms that have set up representative offices in the Mainland to operate in association with Mainland law firms and share operational costs, premises, facilities and staff, although the association cannot operate in the form of a partnership or a legal person. Hong Kong lawyers participating in such associations cannot handle matters of Mainland law. Since January 2013, Hong Kong law firms have been able to form associations with up to three mainland law firms.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	All Hong Kong registered law firms and practitioners are granted special privileges in China regardless of whether they are native to Hong Kong or are foreign law firms that have set up offices in Hong Kong.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There were over 70 registered foreign law firms in Hong Kong China in January 2014.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	A person who is qualified to practise foreign law and who is from within a foreign firm but not a foreign lawyer, or from within a Hong Kong firm but not a foreign lawyer, or from within a Hong Kong firm but not a solicitor or foreign lawyer may offer his services to the public as a practitioner of foreign law so long as he does not so offer his services

Hong Kong (China)

in any 12 month period for more than 3 continuous months or more than 90 days. See section 50B (2) of the Legal Practitioners Ordinance (Cap 159.)

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes, lawyers can apply for a business visa.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

If the foreign lawyer provides services to the public as a practitioner of foreign law, he must register as a foreign lawyer with the Law Society of Hong Kong (Foreign Lawyer Registration Rules (see www.hklawsoc.org.hk)) and provide such services from within a Hong Kong firm or a foreign firm. Please see section 50B of the Legal Practitioners Ordinance (Cap 159, Laws of Hong Kong) The scope of practice of a foreign legal consultant prohibits the giving of advice on Hong Kong law. An FLC may give advice on or handle any matter in which: (a) it is expected that the matter will be subject to the law of a jurisdiction other than Hong Kong; or (b) involves private or public international law or conflict of laws. In order to offer advisory services in foreign and international law, a foreign legal consultant must enter a commercial association with local lawyers.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Foreign lawyers are required to register as foreign lawyers with the Law Society of Hong Kong in order to practise foreign law in Hong Kong: Section 39A of the Legal Practitioners Ordinance (Cap.159). In order to qualify for registration a foreign lawyer must show that he has the required indemnity insurance cover.

Hong Kong (China)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

In order to qualify for a limited licence, a foreign lawyer must show that: 1. he is a person of good standing in the foreign jurisdiction in which he or she is qualified to practise law and produce a certificate of registration showing at least 2 years of post-qualification experience in the full-time practice of foreign law; and 2. he or she has satisfied the Law Society that he or she is a fit and proper person to be registered; and 3. he or she is covered by professional indemnity insurance.

Are foreign lawyers permitted to undertake arbitration and mediation?

The parties in an arbitration proceeding have the right to select advisers and legal representatives of their choice whether or not they are legally qualified and whether or not they are local or from overseas jurisdictions. Section 63 of the Arbitration Ordinance (Cap. 609) expressly provides that the restrictions to practise as a barrister, notary public or solicitor as stipulated by sections 44, 45 and 47 of the Legal Practitioners Ordinance (Cap. 159) do not apply to arbitration proceedings, the giving of advice and the preparation of documents for the purposes of arbitral proceedings, or any other thing done in relation to arbitral proceedings. However, court proceedings that may arise out of an arbitration agreement or arise in the course of, or resulting from, arbitral proceedings are not exempted from section 63 of the Arbitration Ordinance. A party who wishes to instruct a foreign lawyer who has been involved in arbitration proceedings to appear for it at any of these court proceedings will have to obtain admission from the Court of First Instance.

Are foreign lawyers allowed to appear in court under any circumstances?

Yes, under the Hong Kong ordinance, ad hoc admission is possible. Where the Court considers that an applicant is fit and proper person to be a barrister and is satisfied that he has:

(a) the qualification acquired outside Hong Kong to engage in work that would, if undertaken in Hong Kong, be similar to that undertaken by a barrister in the course of ordinary practice as a barrister in the High Court or Court of Final Appeal; and

(b) Substantial experience in advocacy in a court.

The Court may admit such person as a barrister for the purpose of any particular case or cases and may impose such restrictions and conditions on him as it may see fit.

Can foreign lawyers requalify as local lawyers?

Foreign lawyers may be admitted as full Hong Kong lawyers either through the domestic 'trainee solicitor route' or by the 'overseas qualified lawyer route'. The overseas qualified lawyer route, by examination, is open to lawyers from both common law and non-common law jurisdictions and is open to foreign qualified lawyers who fulfil certain conditions on residence, legal qualifications and practice experience, who are in good standing in their home jurisdictions and who have successfully completed or been exempted from all or part of the Overseas Lawyers Qualification Examination (OLQE). The Court shall not admit a person under this section unless it has received from the Society a certificate to the effect that the Society is satisfied that the person- (a) has resided in Hong Kong for at least 3 months immediately before his admission; (b) intends to reside in Hong Kong for at least 3 months immediately after his admission; (c) has been ordinarily resident in Hong Kong for at least 7 years; or (d) has been present in Hong Kong for at least 180 days of each of at least 7 years.

The requirements for admission of barristers with overseas qualifications are laid down in the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159.AC).

A person is qualified for admission to the Hong Kong Bar if he is an overseas lawyer who:

- A) Holds a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission and such certificate of admission is valid and currently in force;
- B) Has practised for at least 3 years in his jurisdiction of admission
- C) Is a person of good standing in his jurisdiction of admission; and
- D) Has passed the Barristers Qualification Examination

A person who applies for admission as a barrister needs to satisfy the following residency requirements:

- (a) He has resided in Hong Kong for at least 3 consecutive months immediately before the date of his application for admission
- (b) He has been ordinarily resident in Hong Kong for at least 7 years;
- (c) He has physically present in Hong Kong for at least 180 days of each of at least 7 years within the 10 years immediately preceding the date of his application for admission.

In addition a person who seeks qualification as a barrister shall enter into pupillage for a period of not less than one year in the chambers of a practising barrister of not less than 5 years' standing in Hong Kong.

Hong Kong (China)

Can a foreign law firm obtain a licence to open an office?

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

A foreign law firm is not required to obtain a licence to set up in Hong Kong.

All foreign law firms must register with the Law Society before they may practise foreign law in Hong Kong. Pursuant to section 39B(1) of the Legal Practitioners Ordinance (Cap.159) a foreign law firm may apply to the Hong Kong Law Society for a registration as a foreign law firm if all partners who intend to practise in Hong Kong are foreign lawyers or the sole proprietor is a foreign lawyer and the firm intends to have, within two months after registration, a place of business in Hong Kong for the purpose of practising or advising on foreign law. A firm to which section 39B(1) of the Legal Practitioners Ordinance (Cap 159) applies may be registered as a foreign law firm if it satisfied the qualifications set out in section 7 of the Foreign Lawyers Registration Rules (Cap 159S).

In the case of a firm that is a branch of an overseas firm, it is qualified to be registered as a foreign law firm if the overseas firm:

- a) Lawfully carries on the practice of law in its foreign jurisdiction;
- b) Has satisfied the Law Society that it is of good standing in every jurisdiction in which it has at any time within the previous 5 years carried on its practice, and
- c) At least one of the partners of the firm who intends to practise in Hong Kong is a partner of the overseas firm, has at the date of the application for registration been associated on a full-time basis with the overseas firm for the immediately preceding period of twelve months and had, during the 4 years immediately preceding the commencement of that period, been so associated with the overseas firm for an additional period of not less than 12 months.

In any other cases, a firm is qualified to be registered as a foreign law firm if:

- a) Each of the partners of the firm who intends to practise in Hong Kong has satisfied the Society that he is of good standing in the foreign jurisdiction in which he is qualified to practise the law and in every jurisdiction in which he has at any time within the past 5 years practised the law.
- b) One of the partners who intends to practise in Hong Kong is of substantial reputation in the foreign jurisdiction the law of which he is qualified to practise, or in a jurisdiction in which he has practised that law during the preceding 5 years; and
- c) Each of the partners who intends to practise in Hong Kong has been in practice of the law of a foreign jurisdiction in which he is qualified to practise for not less

Hong Kong (China)

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

than 3 years.

The Law Society may waive any of the above requirements for registration as a foreign law firm as it considers appropriate in a particular case.

A foreign law firm and a Hong Kong law firm may be registered by the Law Society as an association: Section 39C of the Legal Practitioners Ordinance (Cap 159). The two firms may not only share profits but also premises, management and non-lawyer employees. Both the foreign law firm and the Hong Kong law firm must register such an association with the Law Society. The association must come into effect within two months of registration or may be cancelled. The effect of registration is that whilst the two firms may share profits, staff, management etc. only the Hong Kong firm may practise Hong Kong law. No foreign law firm may be in association with more than one Hong Kong solicitors' firm without the consent of the Council of the Law Society. The number of foreign lawyers to local lawyers in the association must not exceed the ratio of 1:1 (see rule 13(1)) of the Foreign Lawyers Registration Rules (Cap. 159s).

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

A registered foreign law firm may practice the law of the jurisdiction(s) in which their partners and associates are qualified, and third jurisdictions in which they are competent to practice. Registered foreign law firms are prohibited from practising Hong Kong law: Foreign Lawyers Registration Rules (Cap. 159S), section 12(1).

Are there restrictions on the corporate form a foreign law firm can take?

Hong Kong practice requirements provide that foreign lawyers can only practise as sole practitioners or in partnerships.

Are there rules about the name a foreign law firm can take?

There are provisions governing the name of foreign firms in section 4 of the Foreign Lawyers Practice Rules (Cap 159 R, Laws of Hong Kong) and section 2A of the Solicitors Practice Rules (Cap 159H, Laws of Hong Kong). The name of a foreign firm shall consist solely of the name or names of one or more foreign lawyers who are principals of the firm. This does not preclude (a) the use of the name of a predecessor or former partner in that practice; (b) the use of the name of an overseas firm of which the foreign firm is a branch; or (c) the use of a style

Hong Kong (China)

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	or firm name in at the date of the coming into operation of the rules. Hong Kong Law Society (www.hklawsoc.org)
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign lawyers are prohibited from becoming partners in a local firm. Foreign lawyers may practise as a sole proprietor or partner in a foreign law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Foreign law firms are precluded from taking a Hong Kong solicitor into partnership: Legal Practitioners Ordinance (Cap.159), section 50B (4).
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Foreign law firms established as foreign law firms are not allowed to take Hong Kong solicitors into their partnership however, foreign firms that choose to establish as local law firms may do so, with the consent of the HK Law Society Council. A principal of a Hong Kong firm shall not permit the number of foreign lawyers associated with the firm to exceed the number of resident principals and solicitors employed in the firm or such greater number as the Council may approve in any particular case where it considers there are special circumstances.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Section 39D of the Legal Practitioners' Ordinance allows Hong Kong solicitors to employ foreign lawyers
<i>Other useful sources or comments or links</i>	Hong Kong Law Society: www.hklawsoc.org.hk ; Hong Kong Bar Association: www.hkba.org
<i>Verified by</i>	Hong Kong Economic Trade Office (February 2014)

India

Is there legislation governing the legal sector

THE ADVOCATES ACT, 1961, ACT NO. 25 OF 1961 [19th May, 1961.]

Under what title do lawyers practise?

There are two classes of lawyer in India: 'advocate' and 'Senior Advocate' (Advocates Act 1961). Senior Advocates are lawyers with a significant number of years of experience and standing who are recognised by one of the High Courts of India or by the Supreme Court (Advocates Act, art. 16). Senior advocates are subject to some additional requirements laid down by the Bar Council (Part VI of the Bar Council rules). A limited number of advocates also carry the designation, solicitor and must pass an examination set by the Bombay Incorporated Law Society in order to be able to use this title. It is however, in effect, a quality mark and all Bombay solicitors must also be enrolled as advocates with their home State Bar Associations.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

A lawyer must be a citizen of India, over 21 years of age and a graduate from a Bar Council approved university with a degree in law. In 2010, the Bar Council of India introduced the All India Bar Exam (AIBE) which those graduating in 2009-10 or after must take in order to be able to practise law in India. Advocates can only take the examination once they have been enrolled by a State Bar Council. The Advocates Act, 1961 empowers State Bar Councils to make their own rules regarding enrolment of advocates and the further character and reference checks they wish to undertake. Once a State Bar Council has issued a Certificate of Enrolment, applicants must pay a fee of 600 Rupees to the respective State Bar Council and 150 Rupees to the Bar Council of India. These payments are fixed by the Advocates Act 1961. There is no requirement for renewal of licenses after initial enrolment.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practice law in India is a national one but advocates must be registered with the State Bar Association in the State in which they practise.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The Advocates Act 1961 states that: 'Advocates (are) to be the only recognised class of persons entitled to practise law' (art 28.).

Do you need to hold local nationality to be eligible to practise law?

Although the Advocates Act requires an advocate to be a Citizen of India, it also states in article 47(2) that 'the Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be

India

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

recognised for the purpose of admission as an advocate under this Act'. This provision has only been used for a few special, individual cases.

Chapter III of the Bar Council of India's rules state that an advocate cannot share remuneration or enter partnership with a lawyer who is not an advocate or a non-lawyer. Indian advocates practise mostly as sole practitioners. Law firms are usually established as general partnerships (under the Indian Partnership Act 1932) and the Companies Act 1956 imposes a limit of 20 on the number of partners in a general partnership. The Limited Liability Partnership Act 2008 now offers Indian law firms the opportunity to adopt LLP status with benefits such as unlimited partner numbers. However, the take up to date has been limited because of lack of clarity on the capital gains tax treatment of assets to be transferred into an LLP.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Advocates are generally prohibited by their Code of Conduct from any form of advertising.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Law firms are not subject to any special registration or licensing procedures beyond those registration procedures required of businesses more generally by the Partnership Act 1932 and the Companies Act 1956.

Which authority issues licences? Are there different authorities for individuals and firms?

Advocates are enrolled by the State Bar in which they practice. If an advocate moves from one State to another, he must apply to transfer his enrolment.

Is the jurisdiction a member of the WTO?

India joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

India has not scheduled any commitments on legal services under the GATS

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

India has bilateral FTAs with Afghanistan, ASEAN, Bhutan, Chile, Japan, Korea, Malaysia, Mercosur, Nepal, and Singapore and is a party to the regional free trade agreement with SAFTA. It is in the process of negotiating further bilateral FTAs with EFTA, EU and SACU (the Southern African Customs Union)

Do these currently include legal services or are there plans to include them in future?

India has no scheduled commitments on legal services under any FTA. However, in a number of agreements the other party has included the sector (e.g. Korea). The EU has made a request for the inclusion of legal services in its FTA negotiations with India.

India

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

India does have the provision in its own legislation for the differential treatment of foreign lawyers where reciprocal recognition arrangements exist. The Advocates Act 1961 art.47 states: "the Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act."

Are there any 'foreign law' firms present in this jurisdiction?

Foreign law firms are not permitted to establish in India. This issue was considered by the Bombay High Court in a judgment delivered in 2009 reviewing the judgment delivered on the so-called Lawyers Collective Case (W.P. 1526/1995) at the direction of the Supreme Court. In 2009, the Court ruled that the correct interpretation of the Advocates Act 1961 was that the 'profession of law' must be interpreted to include non-litigious as well as litigious areas of work and consequently both would be reserved to Indian Advocates. The Court therefore upheld the original 1995 judgement that the licences granted to three foreign law firms in 1991 by the Reserve Bank of India to establish representative offices were unlawful.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Fly in- Fly out practice in India was the subject of a court case at the High Court of Madras (W.P. 5614/2010). In its judgment on 21 February 2012, the High Court stated "there is no bar either in the Act or the Rules for the foreign law firms or foreign lawyers to visit India for a temporary period on a fly in and fly out basis, for the purpose of giving legal advice to their clients in India regarding foreign law or their own system of law and on diverse international legal issues."

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes, foreign lawyers can obtain visas but need also to be aware of potential tax issues if visiting India frequently.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

No. The practice of any law in India is reserved to Indian Advocates. A foreign lawyer could only practise in India by requalifying as an Indian advocate.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

India

Are foreign lawyers permitted to undertake arbitration and mediation?

The High Court of Madras has recently confirmed (W.P. 5614/2010) that 'foreign lawyers cannot be debarred to come to India and conduct arbitration proceedings in respect of disputes arising out of a contract relating to international commercial arbitration'.

Are foreign lawyers allowed to appear in court under any circumstances?

Article 32 of the Advocates Act 1961 gives the court the power to permit appearances of non-advocates, which includes foreign lawyers: 'Notwithstanding anything contained in this Chapter, any court, authority, or person may permit any person, not enrolled as an advocate under this Act, to appear before it or him in any particular case'. This has very occasionally happened.

Can foreign lawyers requalify as local lawyers?

A foreign lawyer could only requalify as an Indian Advocate if he or she were able to fulfil any conditions laid down by the Bar Council following article 47 of the Advocates Act: 'The Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act.'

Can a foreign law firm obtain a licence to open an office?

No.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

No - non legal practice licences were issued by the Reserve Bank of India in 1991 to three foreign law firms, but this led to a court case in the Bombay High Court challenging the RBI's right to issue such licences and in 1995 to the decision to annul the licences.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

Not applicable

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Not applicable

Are there restrictions on the corporate form a foreign law firm can take?

There are specific rules in relation to use of names by lawyers or law firms. The name of a foreign firm shall consist solely of the name or names of one or more foreign lawyers who are principals of the firm. These

India

	rules are the Solicitors Practice Rules and the Foreign Lawyers Practice Rules.
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	In accordance with the rules of the Bar Council of India 'An advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears and shall thereupon cease to practise as an advocate so long as he continues in such employment'. This therefore means that Indian advocates cannot be employed by either individual foreign lawyers or foreign law firms.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	An Indian advocate may not share fees with a non-advocate and therefore not with a foreign lawyer, however some State Bars permit their advocates to enter into partnerships outside India (e.g. the Bar of Maharashtra and Goa has given a general permission to its advocates to enter partnerships with English Solicitors and the Bar Council of Delhi approves applications to enter partnerships with English solicitors on an individual basis).
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	A foreign lawyer could be employed by an Indian lawyer or law firm but not as a lawyer and they would not be able to practise law in India.
<i>Other useful sources or comments or links</i>	www.barcouncilofindia.org
<i>Verified by</i>	

Indonesia

Is there legislation governing the legal sector

Law of the Republic of Indonesia No.18 of 2003 concerning Advocates.

Under what title do lawyers practise?

Advokat or Advocate

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Admission as a lawyer requires an individual (Article 3 of the Advocates law): (i) To be a national of the Republic of Indonesia; (ii) To be domiciled in Indonesia; (iii) Not to work as a civil service or state official; (iv) To be at least 25 years old; (v) To be a graduate from a law school who has taken the Special Education for Advocates course run by the Advocates Association; (vi) To have passed the bar exam run by the Advocates Association; (vi) To have interned continuously for at least two years in a law office; (vii) Never to have been imprisoned for committing an offence that is punishable by imprisonment of at least five years; (vii) To be well behaved, honest, responsible, fair and have high integrity. PERADI (the Indonesian Advocates' Association) requires an advocate to renew his or her licence every three years.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country (Article 5(2) of the Advocates Law

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only those who are licensed to practise law can appear before the court or litigate, as regulated in Article 14 of the Advocates Law.

Do you need to hold local nationality to be eligible to practise law?

Yes, as regulated in the requirements of Advocates in Article 3(1)(a) of the Advocates Law

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

An Indonesian lawyer can practise as a self-employed advocate, in a law firm or partnership (maatschap) with two or more advocates (Advocates Ethics Code (Kode Etik Advokat))

What other ethical or regulatory requirements must a licensed lawyer comply with?

Advocates Ethics Code (Kode Etik Advokat).

Do law firms need to receive a "license" (or permission/approval) to practice law?

Lawyers who wish to establish a law firm must have a Law Firm Domicile Certificate; notify and obtain an acknowledgement deed from District Court; and notify the relevant Association of Advocates and Local Government office.

Indonesia

Which authority issues licences? Are there different authorities for individuals and firms?

The High Court of the district in which the individual lawyer is domiciled issues the licence to practice. Law firms do not require a license but must notify the Indonesian Advocates Association.

Is the jurisdiction a member of the WTO?

Indonesia joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Indonesia has made no sectoral GATS commitments on legal services

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Indonesia is a member of ASEAN and party to the following ASEAN agreements: ASEAN-Republic of Korea Comprehensive Economic Cooperation Agreement, ASEAN-People's Republic of China Comprehensive Economic Cooperation Agreement, ASEAN-Japan Comprehensive Economic Partnership, ASEAN-India Comprehensive Economic Cooperation Agreement, ASEAN-Australia and New Zealand Free Trade Agreement, ASEAN Free Trade Area, Preferential Tariff Arrangement-Group of Eight Developing Countries. Indonesia also has bilateral agreements with Japan (the Japan-Indonesia Economic Partnership Agreement) and Pakistan (the Pakistan-Indonesia Free Trade Agreement).

Do these currently include legal services or are there plans to include them in future?

In the ASEAN agreement with Australia-NZ, Indonesia includes commitments on legal services, with no restrictions on modes 1 and 2, although it is unbound in mode 3. The ASEAN-Korea agreement speaks of expansion in the depth and scope of liberalisation of trade in services beyond those undertaken by the Parties under GATS but contains no detailed schedules. Indonesia grants bilateral mode 4 access for Japanese lawyers working as experts in the ASEAN-Japan agreement.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

In the Indonesia-Japan FTA, Indonesia commits to allow foreign lawyers to work or take part in Indonesian law firm as employees or as experts in International Law. They are not permitted to appear in court and/or undertake legal proceedings. Foreign lawyers are only allowed as employees or experts in Indonesian law firm and the proportion of foreign lawyers in an Indonesian law firm must not exceed 20%, with an overall limit of five foreign lawyers per firm. Foreign lawyers are obliged to provide at least 10 hours of legal knowledge and skills transfer each month free of charge to Indonesian lawyers.

Indonesia

Are there any 'foreign law' firms present in this jurisdiction?

Yes, there are a number of international UK and US law firms with associations with local law firms.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Yes, foreign lawyers are not allowed to provide legal advice based on Indonesian laws and regulations and can only give advice based on the country, where they are qualified to practice. For marketing, the Advocates Ethics Code prohibits lawyers, including foreign lawyers to market themselves via mass media or advertisement.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes, there are no laws or regulations prohibiting foreign lawyers from visiting client in Indonesia provided that they do not provide legal advice based on Indonesian Laws and Regulations. For marketing, the Advocates Ethics Code prohibits lawyers, including foreign lawyer to market themselves via mass media or advertisement.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Yes, a foreign lawyer can obtain a license to be a foreign legal consultant in Indonesia. The scope of this limited license is: The foreign lawyer must work for the local law firm and cannot work independently; The foreign lawyer cannot provide legal advice based on Indonesian laws and regulations.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Foreign lawyers cannot exceed the ratio 1:4 at a local law firm, with a maximum of five foreign lawyers at the firm. Foreign lawyers must provide free legal services (pro bono) for at least 120 hours per year or ten hours a month at an institution of higher learning, a government institution or in legal research in Indonesia. (Decree No M11-HT.04.02 of 2004 concerning the requirements and procedures of employing foreign lawyers and the obligations of contributing free legal service to legal education and research (available at www.imigrasi.go.id) and Law No 9 of 1992 concerning immigration; the Ministry of Manpower and Trans Migration Ministerial Regulation PER.02/MEN/III/2008 concerning procedures for employing foreign employees (available at www.depnakertrans.go.id)).

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

A foreign lawyer needs the prior approval of the Indonesian Bar Association and will then need to apply to the Ministry of Manpower and Transmigration and Directorate-General of Immigration. In order to obtain the licence, a foreign lawyer should submit the following documents: (a) a copy of their undergraduate or post graduate degree; (b) a letter of statement from the Bar Association verifying his or her status as an active lawyer; and (c) be a member of the Bar Association of his or her country of origin.

Indonesia

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, foreign lawyers can undertake arbitration and mediation.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No, foreign lawyers are prohibited to practice in court as regulated by Art. 23 (1) of the Advocates Law.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification as an Indonesian lawyer is not possible because of the nationality requirement for the practice of law
<i>Can a foreign law firm obtain a licence to open an office?</i>	No, as regulated under Article 23 (1) of the Advocates Law.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	No, a foreign law firm cannot set up an independent office in Indonesia and only the foreign lawyers can apply for foreign legal consultant. In practice, the foreign law firm will enter into an association with local law firm and send their foreign lawyers to work for the local law firm as foreign legal consultant.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes

Indonesia

Can a domestic lawyer enter into partnership with a foreign lawyer?

No

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes, as foreign legal consultant.

Other useful sources or comments or links

Perhimpunan Advokat Indonesia ((PERADI) — www.peradi.or.id)
Ministry of Manpower & Trans Migration Ministerial Regulation — www.depnakertrans.go.id

Verified by

Roosdiono & Partners (a member ZICOlaw)

Japan

Is there legislation governing the legal sector

Attorneys Act of 1949

Under what title do lawyers practise?

Bengoshi

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In order to qualify as a Bengoshi, an individual must complete an undergraduate degree in any field (which requires 4 years of study), a Juris Doctor (which lasts 2 or 3 years), pass the national bar exam, and undertake a 12 month apprenticeship which incorporates additional coursework and passing the graduation examination of apprenticeship

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Yes

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Lawyers (Bengoshi) are granted by the Attorneys Act, the exclusive right to provide legal services unless explicitly stated to the contrary. This includes the unrestricted right to appear in all courts in Japan. The law also defines unauthorized practice of law as a criminal activity. In addition to Bengoshi there are a number of other types of legal practitioners: Judicial Scriveners (shihoshoshi) handle registration and cash deposit matters with the Legal Affairs Bureau and prepare documents to be filed with the court and the Public Prosecutor's Office. Tax attorneys (zeirishi) prepare tax returns, represent clients before the tax authority and provide consultation services on tax matters. Patent attorneys (benrishi) represent clients concerning all matters relating to patents, utility model rights, design rights and trademarks at the Japan Patent Office (JPO) and before the Ministry of Economy, Trade and Industry (METI) (The JPO comes within the control of METI). Administrative Scriveners (gyoseishoshi) handle documents to be lodged with administrative agencies.

Do you need to hold local nationality to be eligible to practise law?

No

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Bengoshi may work as sole practitioners or in Legal Professional Corporations.

Japan

What other ethical or regulatory requirements must a licensed lawyer comply with?

The current rules governing the conduct of attorneys are "The Basic Rules on the Duties of Practicing Attorneys" (2005).

Do law firms need to receive a "license" (or permission/approval) to practice law?

An attorney must only establish an office in the district of the country in which he is registered, he cannot have more than one office and he must notify the relevant district Bar Association and the JFBA when establishing such an office. A Legal Professional Corporation may have more than one office but each office must have a designated attorney who is registered in that bar district.

Which authority issues licences? Are there different authorities for individuals and firms?

The Japanese Federation of Bar Associations maintains the roll of individual attorneys admitted to practice and their places of work but attorneys and law firms must also register with their local bar associations.

Is the jurisdiction a member of the WTO?

Japan joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Japan has made commitments under the GATS in modes 1-3. However services must be supplied by a natural person and commercial presence is required. Where person is qualified as a Bengoshi there are no restrictions. Where services are provided as a foreign lawyer on the law of the jurisdiction where the service supplier is a qualified lawyer the following limitations apply: Under modes 1-3, individuals must be resident for 180 days and have a commercial presence. NB. Consultancy on foreign law does not include: a) legal representation for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures; b) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer; c) legal representation for the entrustment of the preparation of notarial deeds; and d) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan. ii) A service supplier shall be required to cooperate with Bengoshi or to ask for his advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one. The practice

Japan

of international law is permitted, provided that the international law is or was in force in the jurisdiction of the foreign lawyer. Practice of third country law and Japanese law is not permitted. In addition, association with Bengoshi is permitted but employment of Bengoshi is not permitted. The use of a foreign firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho". Finally, representation in arbitration is permitted, provided that the applicable law in the arbitration is the law which the service supplier is qualified to practice in Japan

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Japan has bilateral trade agreements with ASEAN, Brunei, Chile, India, Indonesia, Malaysia, Mexico, Peru, Philippines, Singapore, Switzerland, Thailand, and Vietnam. It is negotiating bilateral agreements with Australia, the GCC and Korea.

Do these currently include legal services or are there plans to include them in future?

In its agreements with Brunei, India, Indonesia, Malaysia, Peru, Philippines, Singapore, Thailand and Vietnam, Japan reiterates its WTO commitments on legal services in full. Legal services are not covered in the agreements with Mexico and Chile and the agreement with Switzerland covers legal services through a mutual recognition of qualifications provision.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

There are around 40-50 foreign law firms in Japan from the US, UK, China, Norway, Ireland, France, Italy, Switzerland, the Netherlands and Australia

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There is no express rule allowing temporary practice by foreign lawyers and the import of Japan's GATS commitments is that a commercial presence is required for the conduct of legal practice in Japan unless through a local lawyer.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Most OECD countries have reciprocal visa exemptions with Japan for visits up to 90 days. Lawyers from other countries may obtain a visa for the purpose of visiting contacts but not to obtain remuneration or to make profits or accept payment in Japan.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

A foreign lawyer may register with the Japan Federation of Bar Associations as a "Gaikoku-Ho-Jimu-Bengoshi". Their scope of practice is limited to the law in which service supplier is qualified and to international law, provided that the relevant international law is or was in

Japan

	<p>force in the jurisdiction. The practice of third country law and Japanese law is not permitted. This also excludes juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures (unless undertaken in conjunction with a Bengoshi), notarial acts, advice on transactions relating to land or property rights and advice on any third country law in which the supplier is not qualified.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i></p>	<p>A foreign lawyer must be resident in Japan for 180 days a year. In addition, once GJB registration has been obtained, the foreign qualification to practise must be maintained, otherwise the registration will be withdrawn.</p>
<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i></p>	<p>In order to register as a GJB a lawyer must a) have practised for at least three years (at least two of which must have been in their home jurisdiction); not be subject to disqualification; intend to undertake the profession in good faith; plan to perform his or her functions properly and reliably; possess the capability to compensate for damages caused to a client, if any. Any individual applying for registration must not have any prior criminal conviction. Scope of practice is limited to the law of the lawyer's home country.</p>
<p><i>Are foreign lawyers permitted to undertake arbitration and mediation?</i></p>	<p>Representation in arbitration is permitted, provided that the applicable law in the arbitration is the law which the service supplier is qualified to practice in Japan (source: WTO commitments)</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>No</p>
<p><i>Can foreign lawyers requalify as local lawyers?</i></p>	<p>There is no special requalification route for foreign lawyers who must follow the domestic qualification route to be admitted in Japan.</p>
<p><i>Can a foreign law firm obtain a licence to open an office?</i></p>	<p>Yes</p>
<p><i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i></p>	<p>Foreign firms establishing will also need to comply with the relevant business, tax and employment registration requirements.</p>
<p><i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i></p>	<p>A foreign law firm may establish either as a stand-alone foreign law firm or as a joint enterprise in partnership with Bengoshi.</p>

Japan

<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	A foreign law firm may only open one office in Japan.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign law firms are covered by the same scope of practice rules that apply to individual foreign lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms may only have one office and may not take limited liability forms.
<i>Are there rules about the name a foreign law firm can take?</i>	Use of firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho". (WTO commitments)
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	The Japanese Federation of Bar Associations: www.nichibenren.or.jp
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Following the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers, registered foreign lawyers, acting through the foreign law firm of which they are a member, if applicable, are permitted to employ Japanese-qualified lawyers (Bengoshi).
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Japanese Federation of Bar Associations: www.nichibenren.or.jp ; Japanese Ministry of Justice (Judicial System Department): www.moj.go.jp

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Laos

Is there legislation governing the legal sector

Law on Lawyers No. 06/NA dated 9 November 2016, as amended.

Under what title do lawyers practise?

Lawyer

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

To be admitted as a lawyer, an individual shall meet the following conditions in full: (i) Be a Lao citizen aged 23 years and older; (ii) Have good qualities, possess impartiality and ethics, be virtuous and loyal toward people and the nation; (iii) Hold at least a Bachelor Degree in Law; (iv) Have completed the professional lawyer training; (v) Have completed a lawyer internship; (vi) Have passed the lawyer examination; (vii) Have knowledge of any foreign language; (viii) Never have been disciplined by removal from government service or sentenced by a court to incarceration through an act of willful wrongdoing; (ix) Not be a civil servant, soldier or police officer still in office; and (x) Have good health. The professional lawyer training is organised in accordance with the curriculum established by the Ministry of Justice. Individuals who have completed professional lawyer training will receive a certification from the Minister of Justice. The Bar Association is then responsible for supervising and issuing certificates to those individuals who complete lawyer internships. Once the Bar Association has approved a candidate for appointment as a lawyer, the Minister of Justice will make the appointment within thirty days. After being appointed as a lawyer, individuals must be registered as members of the Bar Association in order to receive a lawyer card and pay membership fees in accordance with the internal regulations of the Bar Association. A lawyer's license only expires in the case of death, resignation from the profession or revocation due to violation of laws or regulations.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only a Lao PDR licensed lawyer can provide advice or consultancy on the laws of Lao PDR and litigate cases through the Lao courts. (Article 49 of the Lawyers' Law)

Do you need to hold local nationality to be eligible to practise law?

Yes. In order to become a lawyer in Lao PDR, an individual must be a Lao citizen.

Laos

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

In order to provide legal services, a lawyer must establish his or her own law firm, form a joint legal enterprise or be employed as a lawyer in any legal enterprise.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Article 54 of the Law on Lawyers sets out the high-level ethical requirements of lawyers in Lao PDR. The Law also provides for the Bar Association to propose further rules that may be adopted by the Ministry.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes. Individuals and legal entities wishing to establish a legal enterprise must submit an application to the Ministry of Industry and Trade and must obtain an authorisation to operate the legal enterprise from the Ministry of Justice.

Which authority issues licences? Are there different authorities for individuals and firms?

The Ministry of Justice licences individual practitioners and authorises law firms.

Is the jurisdiction a member of the WTO?

Lao PDR joined the WTO on 2 February 2013

Has it made any WTO commitments on legal services?

Lao PDR has scheduled commitments in modes 1 and 2 for legal services, excluding: Participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Lao PDR and Legal documentation and certification services in the laws of Lao PDR (part of CPC 861). In mode 3, foreign equity participation by legal services providers is limited to 49%.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Lao PDR is a member of ASEAN and a party to ASEAN FTAs with Korea, Japan, Australia-New Zealand, China and India. It has a separate bilateral preferential trade agreement with Thailand.

Do these currently include legal services or are there plans to include them in future?

No

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

Yes. There are a number of foreign law firms with offices in Laos, including from Australia, Vietnam and Thailand. There are also local member firms of regional networks including Rajah & Tan from Singapore, ZICO Law from Malaysia, as well as DFDL which was originally founded in Laos.

Laos

<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice by foreign lawyers.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Yes
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Yes. Foreign lawyers who work under contract with a legal enterprise in Lao PDR must obtain authorisation from the Ministry of Justice and be registered first with the Bar Association in order to be entitled to provide advice on foreign and international laws, but shall not be entitled to provide advice on Lao laws and litigate cases in the court of Lao PDR.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Foreign lawyers must secure a Residence Permit, Business Visa and Work Permit from the relevant Lao authorities.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Foreign lawyers must hold a current practising certificate which is effective in Lao. Foreign lawyers who work under contract with a legal enterprise in Lao PDR must obtain authorisation from the Ministry of Justice and be registered first with the Bar Association.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No. Foreign lawyers are not entitled to provide advice on Lao laws and litigate cases in the court of Lao PDR.
<i>Can foreign lawyers requalify as local lawyers?</i>	No
<i>Can a foreign law firm obtain a licence to open an office?</i>	Yes. Foreign legal enterprises registered in Lao PDR are entitled to provide consultancy/ advice regarding foreign laws and international laws. Foreign legal enterprises which have a Lao lawyer(s) as joint investor(s) or employ Lao lawyers are entitled to provide consultancy/ advice on Lao laws and to litigate cases in the courts of Lao PDR through such Lao lawyers.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign legal enterprises have the right to establish their branches in Lao PDR as provided in the Law on Enterprise, this law and other relevant laws. Individual and legal entities entitled to apply to establish a legal enterprise must be a lawyer(s) or must have a lawyer(s) as a partner or shareholder in such legal enterprise and the application shall be submitted to the Industry and

Laos

	Trade Division and must obtain authorisation to operate a legal enterprise from the Ministry of Justice.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign legal enterprises registered in Lao PDR are entitled to provide consultancy/ advice regarding foreign laws and international laws. Foreign legal enterprises which have a Lao lawyer(s) as joint investor(s) or employ Lao lawyers are entitled to provide consultancy/ advice on Lao laws and to litigate cases in the courts of Lao PDR through such Lao lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond the requirements imposed on foreign companies in general
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the requirements imposed on foreign companies in general
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Legal enterprises must apply for an Enterprise Registration Certificate from the Trade and Industry Division in the Ministry of Industry and Commerce and authorisation to operate as a legal enterprise from the Ministry of Justice
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes. See article 49 of the Lawyers Law
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes. See article 49 of the Lawyers Law
<i>Other useful sources or comments or links</i>	Lao Bar Association (http://laocs-kis.org/business/lao-bar-association-lba/)
<i>Verified by</i>	ZICOLaw (Laos) Sole Co., Ltd.

Malaysia

Is there legislation governing the legal sector

The Legal Profession Act 1976 (“LPA”) (as amended in 2012 and 2013) governs the legal practice in West Malaysia. Practice in Sabah and Sarawak is governed respectively by the Advocate Ordinance Sabah 1953 and the Advocate Ordinance Sarawak 1953. The Advocates Ordinance (Sabah Cap 2) has been amended by the Advocates (Sabah) (Amendment) Act 2016 which was in effect since 1 July 2017.

Under what title do lawyers practise?

Advocate and Solicitor of the High Court (in West Malaysia) or in Malay, Peguambela dan Peguamcara, Advocate (in Sabah), and Advocate (in Sarawak), Peguambela & Peguamcara

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Advocates and Solicitors in West Malaysia: The requirements of the Legal Practitioners Act are that any qualified person may be admitted as an advocate and solicitor if he: (i) has attained the age of 18 years; (ii) is of good character as required by the LPA; (iii) is either a Federal citizen or a permanent resident of Malaysia; (iv) has satisfactorily served in Malaysia the prescribed period of pupillage; and (v) as from 1 January 1984, has passed or is exempted from the Bahasa Malaysia Qualifying Examination. A “qualified person” means any person who: i) has passed the final examination leading to the degree of Bachelor of Laws of the University of Malaya, the University of Malaya in Singapore, the University of Singapore or the National University of Singapore; ii) is a barrister-at-law of England; or iii) is in possession of such other qualification as may by notification in the Gazette be declared by the Legal Profession Qualifying Board (“Board”) to be sufficient to make a person a qualified person for the purposes of the LPA.

The prescribed period for pupillage is 9 months, which must be served with a qualified advocate and solicitor who is in active practice in Malaysia for at least 7 years (referred to as the master). The Bar Council, which manages the affairs of the Malaysian Bar, may under certain circumstances exempt a qualified person from any period up to 6 months’ pupillage, eg where such person has engaged in active practice as a legal practitioner in the Commonwealth for a period of not less than 6 months.

No person may practice as an advocate and solicitor or perform any act as an advocate and solicitor unless his name is on the Roll and he has a valid Practising Certificate, which is subject to the issuance of a Sijil

Annual (ie Annual Certificate). Sijil Annual and Practicing Certificates are renewed on an annual basis.

Advocates in Sabah : The conditions to be fulfilled by a person seeking to be admitted to the Sabah Bar are as follows:

(a) he is in possession of any of the following qualifications: A member of the Bar of England, Scotland, Northern Ireland or the Republic of Ireland; a solicitor of the Supreme Court in England, Northern Ireland or the Republic of Ireland or a Solicitor in Scotland; he has been conferred any of the degrees as specified in the Ordinance; he has been awarded Certificate of Legal Practice by the Qualified Board established under the Legal Profession Act; or he has been admitted to practice as a legal practitioner by a Supreme Court or High Court exercising jurisdiction in any place within any territory within the Commonwealth.

(b) he has served in the Judicial and Legal Service in the State of Sabah for a period not less than 12 months, or he has been a pupil or read in the chambers of the State Attorney General for a period not less than 12 months, or of an advocate in some part of Malaysia who has been lawfully practising in some part of Malaysia for a period of not less than seven (7) years immediately prior to the person becoming his pupil or commencing to read in his chambers, or if he has obtained a certificate from the University of Malaya, or the National University of Singapore that he has satisfactorily completed a post-graduate course of instruction in law organised by the University of not less than six (6) months. (see Section 4(1A) of the Advocates Ordinance),

(c) at the date of his application he is not disbarred, struck off (other than on his own application), suspended or in any other manner disentitled to practise as an Advocate or legal practitioner in any territory within the Commonwealth and is not subject to any present or pending disciplinary proceedings in connection with his practice as an Advocate or legal practitioner and has not been convicted in and is not subject to any pending or present criminal proceedings involving dishonesty in any territory within the Commonwealth (see Section 4(2)(a) of the Advocates Ordinance).

(d) he is not an undischarged bankrupt or the subject of any bankruptcy proceedings within the Commonwealth (see Section 4(2)(c) of the Advocates Ordinance); and

(e) he has Sabah connections (see Section 4(2)(d) of the Advocates Ordinance)

Advocates in Sarawak

The qualifications for admittance as an Advocate in Sarawak are broadly similar to those required under the Advocates Ordinance Sabah.

However, the prescribed period of pupillage is 12 months, which must be served with an advocate who has been lawfully practising in some part of Malaysia for a period of at least 5 years. If he has obtained a certificate from the University of Malaya UM or the National University of Singapore that he has satisfactorily completed a post-graduate course of instruction in law organized by the University, the prescribed period of pupillage shall not be less than six months.

In addition, the candidate for admission must have been born in the relevant state, have been ordinarily resident in the relevant state for a continuous period of at least 5 years, or show that he is, at the relevant time, domiciled in the relevant state.

No advocate in Sabah and Sarawak may practice in any calendar year unless he receives from the Registrar of the High Court of the relevant state, a certificate to practice. An advocate in Sabah would also require an annual certificate from the Law Society.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

West Malaysian advocates and solicitors have the right under the LPA to appear in any court in West Malaysia (separate registration is required for them to practice in East Malaysia). An application for an ad hoc admission licence must be made to the High Court in Sabah and Sarawak. The Sabah Law Association or Advocates' Association of Sarawak may choose to object to such an application. Even if an ad hoc admission licence is granted by the court, the lawyer applying for the ad hoc admission must then obtain a work permit from the Immigration Department of Sabah or Sarawak.

Similarly, advocates in East Malaysia need to be

Malaysia

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

admitted to the High Court of Malaya to practice in West Malaysia.

West Malaysia

Advocates and solicitors have reserved rights in advocacy and litigation, the preparation of documents or instruments relating to immovable property, trusts, probate, company formation or incorporation, issuing of proceedings and personal injury ("Reserved Activities"). The title of 'Advocate and Solicitor' is also protected and anyone misrepresenting themselves as such is subject to a criminal penalty.

Sabah and Sarawak

Persons who have not been admitted as advocates in Sabah or Sarawak, or advocates who have not received a certificate to practice in that state, are prohibited from legal practice. "To practise" in Sabah and Sarawak means to perform any of the functions which in England may be performed by a member of the Bar or a Solicitor of the Supreme Court of Judicature or any of the functions authorized under the Ordinance.

Do you need to hold local nationality to be eligible to practise law?

West Malaysia

Candidates for admittance as advocates and solicitors of the High Court of Malaya must either be a Federal citizen or a permanent resident of Malaysia.

Sabah and Sarawak

Candidates for admittance as advocates in Sabah and Sarawak must have been born in the relevant state, have been ordinarily resident in the relevant state for a continuous period of at least 5 years, or satisfies that he or she is, at the relevant time, domiciled in the relevant state.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Malaysian advocates and solicitors may work as sole proprietors, in partnership with other advocates and solicitors, or be employed by a sole proprietor or partnership of advocates and solicitors.

Group Legal Practices are also recognized. The Legal Profession (Group Law Practice) Rules 2018 permit small law firms to operate through a Group Law Practice while maintaining their individuality and remaining as separate entities.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Advocates and Solicitors in West Malaysia

Under Part VI of the LPA, advocates and solicitors in West Malaysia are required to observe rules for regulating the professional practice, etiquette, conduct

Malaysia

and discipline made by the Bar Council, e.g. the Legal Profession (Practice and Etiquette) Rules.

Advocates in Sabah and Sarawak

In Sabah, the Law Society, in consultation with the Chief Judge and the State Attorney General, is empowered to make rules for carrying out the provisions of the Ordinance including regulating the practice and etiquette of the profession in the relevant state, and the method for the keeping of accounts, and disciplinary proceedings.

In Sarawak, the Chief Judge with the concurrence of the State Attorney General may make rules for carrying out the provisions of the Ordinance including regulating the practice and etiquette of the profession, the method for the keeping of accounts and disciplinary proceedings.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Advocates and solicitors in West Malaysia intending to set up a legal firm must execute a notice in writing to the Bar Council of their intentions and the approval of the Bar Council is required for the proposed name of the new firm. This approval will only be issued if all of the partners in the proposed partnership hold valid Sijil Annual and Practising Certificates, and Mandatory Professional Indemnity Insurance cover has been obtained for the new firm. Upon the issuance of the letter of approval, the new firm and its particulars shall be recorded in the Bar Council Membership Department system.

Law Firms in Sabah and Sarawak must follow a similar process with their own local regulatory authorities.

Which authority issues licences? Are there different authorities for individuals and firms?

Practising Certificates are issued by the Registrar of the High Court of Malaya (West Malaysia), subject to the approval (Sijil Annual) of the Malaysian Bar. Law firms establishing in West Malaysia require the approval of the Malaysian Bar. In Sabah and Sarawak, Practising Certificates are issued by the Registrars of the High Court of Sabah and the High Court of Sarawak, respectively. Practising Certificates are only issued to individuals. In Sabah, the annual certificate is issued by the Law Society. Firms do not need licenses as they are recognised by statute.

Is the jurisdiction a member of the WTO?

Malaysia joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Malaysia has scheduled commitments in modes 1 and 2 which permit access for foreign legal service providers on international and home country law. In

Malaysia

mode 3, market access is permitted but only through a corporation incorporated in the Federal Territory of Labuan. Legal services shall only be supplied to offshore corporations established in the Federal Territory of Labuan which may concern international, home country or offshore corporation law. Mode 4 is unbound for legal services except to the extent provided in horizontal commitments.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Malaysia is a member of ASEAN and party to ASEAN FTAs with Korea, Japan, Australia-NZ, China and India. It also has separate bilateral trade agreements with the Gulf Cooperation Council, Japan, Australia, Chile, India, Turkey and a closer economic partnership agreement with Pakistan.

Do these currently include legal services or are there plans to include them in future?

Malaysia has reiterated its GATS commitments in all of its bilateral agreements.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

There are two foreign law firms established in Malaysia with a Qualified Foreign Law Firm (QFLF) licences.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

The 2012 LPA (Amendment) Act Legal Profession (Amendment) Act 2012 (Amendment) Act 2013 (Act A1455) provides for a foreign lawyer to enter Malaysia to advise or consult with a client on matters pertaining to law not involving any aspect of Malaysian law, provided always that his/her accumulated period of stay does not exceed 60 days in total in any one calendar year, and that immigration authorisation for each period of stay has been obtained.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

A foreign lawyer can be employed by a Malaysian law firm and has to register as a foreign lawyer with the Bar Council. Malaysian law firms can apply for a 3 year license to employ a foreign lawyer.

The practice of foreign lawyers excludes: constitutional and administrative law; conveyancing; criminal law; family law; succession law, including wills, intestate, probate and administration; trust law, where the settlor is an individual, and the law relating to charities and foundations, whether the settlor is an individual or a

Malaysia

corporation; retail banking, including corporate or commercial loans to small and medium enterprises; registration of intellectual property; appearing or pleading in any court of justice in Malaysia; representing a client in any proceedings instituted in such a court or giving advice, whether or not the main purpose of which is to advise the client on the conduct of such proceedings; and appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Malaysia except where it is permitted under the LPA, the Legal Profession (Licensing of International Partnerships and Qualified Foreign Law Firms and Registration of Foreign Lawyers) Rules 2014 and any other written law.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

All individual foreign lawyers working in an International Partnership, QFLF or Malaysian law firm will have to register as a foreign lawyer. Application and registration fees will apply. Registrations may be granted subject to terms and conditions and will have to be renewed annually. The Malaysian Law Firm shall within 3 months after the end of 12 months from the issuance of the licence submit to the Bar Council an annual report of the performance of foreign lawyers employed by the Malaysian law firm. Foreign lawyers working in International Partnerships and QFLFs will have to reside in Malaysia for not less than 182 days in any calendar year.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Foreign law firms and foreign lawyers will have to show that they have the relevant legal expertise and experience in the permitted practice areas. In addition, the Malaysian law firm in a proposed International Partnership will also have to show that it has the relevant legal expertise and experience in the permitted practice areas.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes.

Are foreign lawyers allowed to appear in court under any circumstances?

No

Can foreign lawyers requalify as local lawyers?

The Attorney General may issue a special certificate for admission as an Advocate and Solicitor of the High Court to any person who satisfies the following requirements:

- (a) (i) he is a qualified person; or (ii) he is not qualified person, but is in possession of a qualification which renders him eligible to practice as a barrister, or as a solicitor, or as an advocate and solicitor or otherwise as a legal practitioner whatever name called, or to be employed in a legal or judicial capacity in the service of any government, in any country, or in a part or division of any country, or in any territory or place, outside Malaysia; and
- (b) he has been practicing as a barrister or a solicitor or as an advocate and solicitor, or otherwise as a legal practitioner by whatever name called, or has been employed in a legal or judicial capacity by any government or by any authority, organisation or body constituted under any law, or has been sometimes so practicing or sometimes so employed, wholly or partly within Malaysia or outside Malaysia for a period or periods of aggregate not less than 7 years. Foreign lawyers from Commonwealth countries (especially UK, Australia and New Zealand) are granted access to the Malaysian qualifying Legal Practice Certificate examinations by virtue of their degrees and subsequently to complete pupillage. In particular, please take note of the list of “qualified persons” pursuant to the Notification under section 3 of the LPA. Some of the categories are exempted from the requirement of Certificate in Legal Practice.

The categories (including, but not limited) that are exempted from the Certificate in Legal Practice:

- (a) Barrister-at-law of England; (b) Solicitor of the Supreme Court of Judicature of England; (c) Barrister-at-law of the Honourable Society of King’s Inn, Dublin, Eire;
- (d) a person who has obtained a degree from the list of universities from New Zealand and Australia (as provided under the Notification under section 3) and gained admission as a barrister or solicitor in New Zealand and Australia. This is provided that the said person has enrolled on or before 30 April 1998 and commenced the first year or first semester of full time study in the Programme which leads to a degree of Bachelor of Laws upon completion of the full course; and (e) Solicitor of the Senior Courts of England and Wales. Where the applicant has been pupil or read in chambers for more than 6 months, of a legal practitioner in active practice for more than 7 years in

Malaysia

the Commonwealth, the Bar Council may at its discretion, exempt him or her from any period up to 6 months of pupillage. In Sarawak, a similar provision applies where the applicant has been pupil or read in chambers for more than 6 months, of a legal practitioner in active practice for more than 5 years in the Commonwealth.

*Apart from the above, the other qualifications for admissions under section 14 of the LPA shall apply, including the requirement of passing or being exempted from the Bahasa Malaysia Qualifying Examination. This treatment was aimed primarily at allowing Malaysian students who had studied abroad to qualify on returning to Malaysia. For this reason, the residency requirement would still need to be met to be eligible to be admitted in a Malaysian jurisdiction.

Can a foreign law firm obtain a licence to open an office?

Under Part IVA of the Legal Profession Act, licences may be issued to foreign law firms to operate either an International Partnership with a Malaysian law firm, or as a Qualified Foreign Law Firm ("QFLF").

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Foreign law firm licences are issued by the Malaysian Bar Council and foreign investors should register with the Malaysian Investment Development Agency.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Licences are issued to foreign law firms to operate either in an International Partnership (IP) with a Malaysian law firm, or as a Qualified Foreign Law Firm ("QFLF").

Is there a quota on the number of licences available?

Yes, only 5 QFLF licences are available. There is no quota for number of International Partnership licences issued.

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

Foreign firms are limited to one licence.

Malaysia

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

International Partnerships, QFLFs and foreign lawyers employed by Malaysian law firms can only practise in the permitted practice areas. This is defined as a transaction regulated by Malaysian law and at least one other national law, or a transaction regulated solely by any law other than Malaysian law. In the case of a QFLF, the Malaysian Bar has stated that there should be a proviso that such aspect of work regulated by Malaysian law shall be undertaken in conjunction with one or more advocates and solicitors of the High Court of Malaya holding a valid and subsisting Practising Certificate.

Practice in the permitted practice areas will specifically exclude: constitutional and administrative law; conveyancing; criminal law; family law; succession law, including wills, intestacy, probate and administration; trust law, where the settlor is an individual, and the law relating to charities and foundations, whether the settlor is an individual or a corporation; retail banking, including corporate or commercial loans to small and medium enterprises; registration of Intellectual Property; appearing or pleading in any court of justice in Malaysia. representing a client in any proceedings instituted in such a court or giving advice, whether or not the main purpose of which is to advise the client on the conduct of such proceedings; and appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Malaysia except where it is permitted under the LPA, the Legal Profession (Licensing of International Partnerships and Qualified Foreign Law Firms and Registration of Foreign Lawyers) Rules 2014 and any other written law.

Are there restrictions on the corporate form a foreign law firm can take?

Under the 2012 LPA Amendments a foreign law firm and a West Malaysian law firm may enter into a partnership or any other arrangement, and apply for an international partnership licence in respect of such partnership or arrangement.

Are there rules about the name a foreign law firm can take?

The proposed name of the International Partnership should constitute a combination of the names of the MLF and the FLF, and shall be approved unless the name is deemed inappropriate by the Bar Council.

Malaysia

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Licences for foreign law firms to establish either as a QFLF or an IP are granted by the Malaysian Bar Council. In respect to foreign law firms in Sabah, the licenses are granted by the Sabah Law Society

Are there restrictions on the ownership share of foreign lawyers in a law firm?

The equity and voting rights of International Partnerships shall be as determined by the Selection Committee from time to time.
The Malaysian Bar will recommend that the Selection Committee adopt the following guidelines in respect of this area:
(i) The Malaysian law firm should not have less than 60%, and the foreign law firm no more than 40%, of the equity and voting rights and of the total number of lawyers in the International Partnership;
(ii) The number of Malaysian lawyers in a QFLF shall not be less than 30% of the total number of lawyers in that firm; and
(iii) The number of foreign lawyers employed by a Malaysian law firm shall not be more than 30% of the total number of lawyers in that firm.

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes. Malaysian lawyers can be employed in a QFLF. The number of Malaysian lawyers in a QFLF shall not be less than 30% of the total number of lawyers in that firm based on the recommendation of the Malaysian Bar. However, a Malaysian lawyer employed in a QFLF shall be disqualified from obtaining a practising certificate under Part III of the Legal Profession Act 1976.

Can a domestic lawyer enter into partnership with a foreign lawyer?

Only when in an International Partnership.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes. A Malaysian law firm may make an application to the Bar Council for a licence to employ a foreign lawyer to practise in the permitted practice areas in the Malaysian law firm.

Other useful sources or comments or links

The Malaysian Bar Council –
(<http://www.malaysianbar.org.my>)
Sabah Law Society Association
(<https://sabahlawsociety.org>)
Advocates Association of Sarawak
(<http://www.sarawak-advocates.org.my>)

Verified by

Zaid Ibrahim & Co

Myanmar

Is there legislation governing the legal sector

The Union Judiciary Law 2010. The Bar Council Act 1929. The Legal Practitioners Act 1880.

Under what title do lawyers practise?

Advocates and Higher Grade Pleaders (HGPs).

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

To become a higher grade pleader an individual must: (i) Have a Bachelor of Laws degree (LLB) and (ii) one year of practice experience. HGP licences must be renewed annually. To become an advocate, an individual must: (i) Have a Bachelor of Law degree (LLB) and (ii) three years practice as a higher grade pleader. Advocate's licences do not need renewal.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Advocates and HGPs can practice throughout the country.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only Advocates are entitled to appear in all courts including Supreme Court and other courts subordinate to the supreme court [Section 14 (1) of the Bar Council Act 1929]. HGPs are entitled to appear in all subordinate courts only, e.g. State and Divisional Courts, District Courts and Township Courts and revenue offices other than in the Supreme Court [Section 8 of Legal Practitioners Act]

Do you need to hold local nationality to be eligible to practise law?

Yes. Only citizens of the Union of Myanmar can be admitted and enrolled as an Advocate in Myanmar.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Myanmar lawyers may practise individually or form partnerships of any kind to practise law.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Licensed lawyers must comply with the ethical requirements set out in the following laws: The Bar Council Act 1929, The Legal Practitioners Act 1880, The Union Judiciary Law 2010

Do law firms need to receive a "license" (or permission/approval) to practice law?

Law firms need only the company registration certificate issued by the Directorate of Investment and Company Administration ("DICA") to provide a consultancy service as a service business in Myanmar.

Which authority issues licences? Are there different authorities for individuals and firms?

Advocates and Higher Grade Pleaders are licensed by the Supreme Court.

Is the jurisdiction a member of the WTO?

Myanmar joined the WTO on 1 January 1995

Myanmar

<i>Has it made any WTO commitments on legal services?</i>	Myanmar has made no sectoral GATS commitments on legal services recorded
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Myanmar is a member of ASEAN and a party to ASEAN FTAs with Korea, Japan, Australia-NZ, China and India and has a separate bilateral trade agreement with the USA.
<i>Do these currently include legal services or are there plans to include them in future?</i>	Myanmar has not scheduled any commitments on legal services in any of its bilateral agreements
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. There are a number of foreign law firms established in Myanmar from Australia, the US, UK, Japan, Singapore, Cambodia and Laos.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Temporary practice by foreign lawyers is not permitted.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Foreign lawyers can visit clients and undertake market research under a business visa.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultancy regime in Myanmar.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no restrictions for foreign lawyers to undertake arbitration and mediation.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers are not allowed to appear in Myanmar Courts except as witnesses.
<i>Can foreign lawyers requalify as local lawyers?</i>	No
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms may open offices in Myanmar and no licence is required.

Myanmar

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Yes. They must be registered with the Directorate of Investment and Company Administration in accordance with provisions of Myanmar Companies Law (2017)
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Foreign law firms can establish either as a joint venture or as a stand-alone foreign law firm under the approval of DICA.
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on foreign law firms or on the number of branches a foreign firm can have.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No, there are no scope of practice rules for foreign law firms.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	The foreign law firm needs to be set up as a service company under the Myanmar Companies Law.
<i>Are there rules about the name a foreign law firm can take?</i>	No
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes. But foreign lawyer cannot practise before Myanmar Courts.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes. As a legal consultant.
<i>Other useful sources or comments or links</i>	<u>Supreme Court of the Union of Myanmar (http://www.unionsupremecourt.gov.mm/)</u>
<i>Verified by</i>	ZICOlaw Myanmar Limited

Pakistan

Is there legislation governing the legal sector

Legal Practitioners and Bar Councils Act, 1973 (the "Act"), and Pakistan Legal Practitioners and Bar Councils Rules, 1976 (the "Rules").

Under what title do lawyers practise?

Advocate (lb. There are four classes of Advocates: Senior Advocates of the Supreme Court, Advocates of the Supreme Court, Advocates of the High Court and Advocates (Section 21 of the Act).

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

A person is eligible for enrolment as an Advocate if he/she is: A citizen of Pakistan or deriving nationality from the State of Azad Jammu & Kashmir, or a national of any other country, who has resided in Pakistan for one year; at least 21 years of age; be a barrister or have obtained a Bachelor's degree in any subject other than Law and a degree in Law from a university in or outside Pakistan, recognised by the Pakistan Bar Council. S/he has undergone training and passed an examination prescribed by the Pakistan Bar Council. S/he has paid an enrolment fee and fulfils such other conditions as may be prescribed by the Pakistan Bar Council (Section 26 of the Act). The Rules stipulate that before being admitted as an Advocate, an applicant is required to submit inter alia, satisfactory evidence of his or her date of birth, two testimonials from Advocates of 10 years standing as to the character and conduct of the applicant, an affidavit stating fully, truly and accurately if any criminal proceedings or other misconduct were instituted against him or her, and a certificate of training from the Advocate in whose Chamber he or she has worked (this is because the applicant must have undergone training, after taking the LL.B (Part-III) Examination, for six months, in a Chamber of an Advocate of not less than ten years standing at the Bar. The Applicant must also pass the Written Examination obtaining 50% marks, and pass the Viva Voce Examination. A person is exempt from the training & Viva Voce Examination, if: they have received an LL.M. or Bar-at-Law degree; have held a judicial office for at least five years or a post, for the same period, the duties whereof entailed interpretation or drafting of laws; or if they have been enrolled, outside Pakistan, and practised there for at least one year.

A person is qualified for admission as an Advocate of the High Court, if s/he has: practised as an Advocate in the subordinate Courts in Pakistan for a period of not less than two years; practised outside Pakistan as an Advocate before any High Court recognised by the

Pakistan

Pakistan Bar Council; or for reasons of their legal training or experience, been exempted from two years practise in the subordinate Courts, by the Bar Council, with the previous approval of the High Court; and paid the enrolment fee.

A person shall be qualified to be admitted as a senior Advocate of the Supreme Court and an Advocate of the Supreme Court including an Advocate-on record if s/he fulfils such conditions as may be laid down in this regard from time to time by the rules established by Pakistan Bar Council and has paid such enrolment fee or other dues as may be prescribed by that Council (Section 28 of the Act). Under the Rules, such person shall also provide inter alia, a certificate from a Provincial Bar Council to the effect that the applicant is an enrolled Advocate of the High Court concerned, he or she was not convicted for an offence of professional and other misconduct, a certificate from the High Court concerned that he or she is a fit and proper person to appear and plead as an Advocate before the Supreme Court of Pakistan, an affidavit by the applicant that he or she is eligible and not disqualified to practice as an Advocate of the Supreme Court and that he or she was not convicted an offence of professional or other misconduct and no such case is pending before any Bar Council and a list of selected cases conducted by the applicant in the High Court.

Disqualification for admission/enrolment. (Section 28(A) Of the Act): A person shall be disqualified for being admitted as an Advocate if he was dismissed or removed from the service of the Government or Public Statutory Corporation on a charge involving misconduct or moral turpitude or he has been convicted, on a charge involving moral turpitude or he has been declared a tout and such declaration has not been withdrawn."

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Advocates of the Supreme Court and High Court have rights of audience throughout Pakistan, ordinary Advocates only have rights in their home province up to but not including the High Court.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Section 22 of the Act provides that "no person shall be entitled to practise the profession of law unless he is an Advocate". Advocates of the Supreme Court may appear in any court or tribunal in Pakistan, Advocates of the High Court may appear in any court or tribunal except the Supreme Court and any other Advocate may

Pakistan

<i>Do you need to hold local nationality to be eligible to practise law?</i>	appear in the courts or tribunals of the province in which he is admitted apart from the High Court. The Act contains a requirement for nationality of either Pakistan or the disputed State of Jammu and Kashmir. An exception is made for foreign nationals who have resided in Pakistan for a year prior to application and who come from a country in which 'citizens of Pakistan duly qualified are permitted to practise law '.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	There is no mention of the form in which Advocates may practice; there many lawyers who practice as sole practitioners while many law firms also exist in Pakistan including a number of purely corporate commercial firms with multiple partners and lawyers. The legal form of these law firms is assumed to be partnership but is generally undisclosed.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Rules contain the Canons of Professional Conduct and Etiquette of Advocates which include provisions on duty to the court, conflicts of interest, duty to clients etc.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	No.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Under sections 23-25 of the Act (as amended), advocates and advocates of the High Court are entered on the rolls of the relevant provincial bar council and the Pakistan Bar Council maintains the roll of Supreme Court advocates.
<i>Is the jurisdiction a member of the WTO?</i>	Pakistan joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Pakistan has made no commitments on legal services under the GATS.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Pakistan has bilateral agreements with China, Malaysia and Sri Lanka and is a member of the South Asian Free Trade Area (SAFTA). Its bilateral agreements encourage the negotiation of mutual recognition agreements in the area of professional and technical qualifications.
<i>Do these currently include legal services or are there plans to include them in future?</i>	Pakistan's agreement with China includes legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Pakistan has made commitments to China in its FTA which bind the level of access it provides to foreign nationals. These commitments require a one year residency for non-nationals and makes the practice of Law subject to mutual recognition of legal practitioners

Pakistan

	with China. Foreign equity investment in mode 3 is limited to 60%.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Any person can provide legal consultancy, but a foreign lawyer cannot practise law and appear in courts or otherwise formally plead cases unless he or she has been licensed to practise law in Pakistan. Foreign lawyers can form law firms in Pakistan as long there is 40 percent Pakistani equity within five years of an initial investment.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	A lawyer may apply for a business visa which requires a letter of invitation from a local organisation in Pakistan.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no formal foreign legal consultancy regime in Pakistan.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No
<i>Can foreign lawyers requalify as local lawyers?</i>	A person who is a national of any other country who has resided in Pakistan for a period of not less than one year immediately preceding the day on which he applies for admission, may be admitted as an Advocate if citizens of Pakistan duly qualified are permitted to practice law in that other country.
<i>Can a foreign law firm obtain a licence to open an office?</i>	In theory, although the acceptability of a foreign legal consultancy business has not been tested, probably because of the minimum investment requirements in such a business. It is also possible for foreign businesses to open representative offices but their expenses must be met by remittances from abroad and the scope of their activities is limited to the undertaking of liaison work and representation of the interests of the parent company. Also, the lawyers employed by such

Pakistan

firms must be enrolled Advocates, and in case of foreign lawyers they will not be allowed to plead but only provide consultancy services. Thus, the Licence relevant in this situation shall be of the Advocates employed to practise in courts of Pakistan, and foreign equity of shares shall be limited to 60% in such a firm.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

The general rules governing investment in the service sector require prior permission or license from the concerned agencies. 100% foreign equity allowed on repatriatable basis but the amount of any foreign equity investment in the company/project shall be at least US\$ 0.15 Million. The minimum share of the local (Pakistani) partner in a joint venture will be 60:40 for the service sector. Hence, foreign lawyers can form law firms in Pakistan as long as there is 40 percent Pakistani equity within five years of an initial investment.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

Not applicable

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Not applicable

Are there restrictions on the corporate form a foreign law firm can take?

Not applicable

Are there rules about the name a foreign law firm can take?

Not applicable

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Not applicable

Are there restrictions on the ownership share of foreign lawyers in a law firm?

There is a 60% cap on foreign equity ownership in the service sector.

May a domestic lawyer be employed by a foreign lawyer or law firm?

There appears to be no restriction in the law.

Pakistan

Can a domestic lawyer enter into partnership with a foreign lawyer?

There is no coverage of this point in the legislation

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

There is no prohibition against the employment of foreign lawyers although they would not be able to practice as Advocates, and can provide consultancy only.

Other useful sources or comments or links

Pakistan Bar Council: <http://pakistanbarcouncil.org/>

Verified by

Pakistan Bar Council (October 2013)

People's Republic of China (PRC)

Is there legislation governing the legal sector

Lawyers Law 2012

Under what title do lawyers practise?

Lawyer

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Lawyers Law 2012- Chapter II

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 persons who did not sit for the unified national judicial examination, but obtained the lawyer's qualification certificate before the unified national judicial examination was initiated shall be equally effective as the qualification certificate obtained after passing the unified national judicial examination.

A person engaged in teaching or research in law in a tertiary institute or a research institute who meets the conditions stated above may, upon the consent of the employer, applies for a licence to practise law as a part-time lawyer in accordance with the due procedure prescribed in the Lawyers Law 2012.

An applicant must 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 practise law as a part-time lawyer shall, in addition, submit the document certifying that the employer agrees to the applicant for practising law as a part-time lawyer. 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.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Yes

People's Republic of China (PRC)

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

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

Do you need to hold local nationality to be eligible to practise law?

Yes

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

A law firm is an organization in which lawyers practise law. A law firm may be established in forms of partnership, sole practitioner, or State owned firm. A partnership law firm may adopt the forms of general partnership or special general partnership. A lawyer may work as a sole partner if he/she has 5 years' experience in the firm and as a practising lawyer in a law firm. There is full liability.

What other ethical or regulatory requirements must a licensed lawyer comply with?

See administrative Regulations on Lawyers Practice issued by the Ministry of Justice. They contain rules governing confidentiality and client relations.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes. Law firms must apply '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.'

Which authority issues licences? Are there different authorities for individuals and firms?

The judicial administration department of the people's government of a province, autonomous region or municipality directly under the Central Government shall issue the licences to the eligible applicants.

Is the jurisdiction a member of the WTO?

Yes.

Has it made any WTO commitments on legal services?

Yes – GATS/SC/135/Corr.1

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Foreign law firms can provide legal services only in the form of representative offices in Beijing, Shanghai, Guangzhou, Shenzhen, Haikou, Dalian, Qingdao, Ningbo, Yantai, Tianjin, Suzhou, Xiamen, Zhuhai, Hangzhou, Fuzhou, Wuhan, Chengdu, Shenyang and Kunming only. All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers.

Do these currently include legal services or are there plans to include them in future?

PRC has FTA and/or economic cooperation agreements with the following countries: Pakistan, Chile, New Zealand, Singapore, Peru, Hong Kong (CEPA), Macau (CEPA), Costa Rica, Iceland, Switzerland.

People's Republic of China (PRC)

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Lawyers from Hong Kong and Macao receive special treatment:

- Hong Kong and Macao law firms are permitted to enter into alliances with local PRC law firms;
- Hong Kong and Macao residents are permitted to take the bar exam in mainland China, and obtain a PRC practising licence;
- Hong Kong and Macao residents with PRC practising licenses are able to act for clients in non-litigation matters and litigation cases related to Hong Kong /Macao related marriage or inheritance.

Are there any 'foreign law' firms present in this jurisdiction?

There are over 200 licensed foreign law offices in China

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There is no specific requirement. Foreign legal secondees will often apply for a business visa to allow them to work in PRC.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes.

See: <http://www.china-embassy.org/eng/hzqz/zgqz/t84247.htm>

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

No, unless employed by a foreign law firm's representative office in China and registered as a representative.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Visa limits apply.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

If a person applies for a business visa, normally there are no specific restrictions on their experience. If secondees apply for an employment visa in China, they will need to apply in the capacity of "representative", which requires them to meet certain conditions, such as, he/she is a qualified lawyer with at least 2 years practising experience.

Are foreign lawyers permitted to undertake arbitration and mediation?

No.

Are foreign lawyers allowed to appear in court under any circumstances?

No.

Can foreign lawyers requalify as local lawyers?

No.

Can a foreign law firm obtain a licence to open an office?

Yes.

People's Republic of China (PRC)

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign law firms can provide legal services only in the form of representative offices in Beijing, Shanghai, Guangzhou, Shenzhen, Haikou, Dalian, Qingdao, Ningbo, Yantai, Tianjin, Suzhou, Xiamen, Zhuhai, Hangzhou, Fuzhou, Wuhan, Chengdu, Shenyang and Kunming only.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Approval required from Ministry of Justice and local Bureaus of Justice
<i>Is there a quota on the number of licences available?</i>	Foreign law firms are not permitted to set up JVs with local PRC firms. Non-financial integrated association, alliance, and cooperation is not prohibited.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There is no formal quota.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign law firms can provide legal services only in the form of representative offices in Beijing, Shanghai, Guangzhou, Shenzhen, Haikou, Dalian, Qingdao, Ningbo, Yantai, Tianjin, Suzhou, Xiamen, Zhuhai, Hangzhou, Fuzhou, Wuhan, Chengdu, Shenyang and Kunming only.
	In order to open a second office a firm must have had its first office present for three years; and so on.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign firms are prohibited from employing any PRC practising lawyers in China. PRC qualified lawyers employed by foreign firms cannot obtain a local practising certificate. They can only be employed with the title of 'legal consultant', rather than in the capacity of a PRC practising lawyer.
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign law firms are not permitted to set up JVs with local PRC firms. Non-financial integrated association, alliance, and cooperation is not prohibited.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	It must be approved by the Ministry of Justice: Ministry of Justice: www.moj.gov.cn
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes. But not as a PRC practising lawyer

People's Republic of China (PRC)

Can a domestic lawyer enter into partnership with a foreign lawyer?

No.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

PRC law has no restriction in this regard.

Other useful sources or comments or links

Minter Ellison (Shanghai Office) (November 2013)

Verified by

Philippines

Is there legislation governing the legal sector

Republic Act No 6397 of 17 September 1971 and Supreme Court Rule 139-A, effective 16 January 1973;

Under what title do lawyers practise?

Attorney

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

To become an attorney in the Philippines, an individual must: (i) be a Filipino; (ii) be at least 21 years old; (iii) be a resident of the Philippines; (iv) have the moral and other non-academic qualifications needed; (v) have obtained an undergraduate degree (with major, focus or concentration in any of the subjects of History, Economics, Political Science, Logic, English or Spanish); (vi) have obtained a Bachelor of Laws degree (or equivalent such as Juris Doctor) from a law school recognized by the Secretary of Education; (vii) have taken and passed the Bar Exam (ix) have taken the Attorney's Oath before the Supreme Court; and (x) signed the Roll of Attorneys.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

All Filipino attorneys whose names appear in the Roll of Attorneys of the Supreme Court are part of the integrated Bar of the Philippines and have the right to practise throughout the country.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The "practise of law" in the Philippines means any activity in or out of court which requires the application of law, legal procedure, knowledge, training and experience. To engage in the practice of law is to perform those acts which are characteristics of the legal profession. Generally, to practise law is to give notice or render any kind of service, which device or service requires the use in any degree of legal knowledge or skill [Cayetano v Monsod, 201SCRA 210 (1991)]. Under Rule 71, Section 3 (e) of the Rules of Court, a person "[a]ssuming to be an attorney or an officer of a court, and acting as such without authority" is liable for indirect contempt of court.

Do you need to hold local nationality to be eligible to practise law?

Filipino citizenship is a requirement to engage in the practice of law. Paragraph 2, Section 14, Article XII of the Philippine Constitution provides that "[t]he practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law." There were two exceptions to the citizenship and education requirement, but due to the passage of time, these may no longer apply. Under the first exception, United States citizens who, before July 4, 1946, were licensed to practice before Philippine courts, are allowed to continue such practice after taking an oath of office. (Section 3, Rule 138, Rules of Court). Under the second exception, Philippine

Philippines

citizens who were “enrolled attorneys in good standing in the Supreme Court of the United States or in any circuit court of appeals or district court therein, or in the highest court of any State or Territory of the United States”, having practiced at least five years in any of said courts prior to July 4, 1946, could be admitted without examination, even if they completed their legal studies overseas. (Section 4, Rule 138, Rules of Court).

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

A Filipino lawyer may practise as an individual, or in a partnership, corporation or representative office. In very rare, instances, Philippine conglomerates set up a corporation, which houses lawyers that are render legal services or are eventually seconded to affiliates and subsidiaries. There is likewise a trend for Philippine law firms to set up affiliates organized as Philippine corporations, which offer paralegal or corporate secretarial services.

What other ethical or regulatory requirements must a licensed lawyer comply with?

The Lawyers' Code of Professional Responsibility of June 1998 outlines the behaviours that lawyers must demonstrate and adhere to. In addition there are requirements laid down in the Rules of Court Rule 138-A (Law Student Practice Rule), the Rules of Court Rule 139-A (The Integrated Bar of the Philippines), the Rules of Court Rule 139-B (Suspension, Disbarment, and Discipline of Lawyers), A.M. No. 02-8-13-SC (Notarial Practice) and A.M. No. 17-03-09-SC (Community Legal Aid Service Rule)

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no separate license that is required for a law firm other than the common regulatory requirements for setting up a juridical entity in the Philippines (i.e., registration with the Securities and Exchange Commission, Bureau of Internal Revenue, etc.).

Which authority issues licences? Are there different authorities for individuals and firms?

The Supreme Court issues licences to individual lawyers. Law firms organized as general professional partnerships, may choose to register with the Securities and Exchange Commission (SEC), however all law firms must register with the Bureau of Internal Revenue and the relevant Local Government Unit.

Is the jurisdiction a member of the WTO?

The Philippines joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

The Philippines has made no sectoral GATS commitments on legal services

Is the jurisdiction party to bilateral agreements which offer special

The Philippines is a member of ASEAN and a party to ASEAN FTAs with Korea, Japan, Australia-NZ, China and

Philippines

treatment to businesses or individuals from particular countries?

India and it has a separate economic partnership agreement with Japan. The Philippines also has bilateral FTAS with Japan and EFTA

Do these currently include legal services or are there plans to include them in future?

The Philippines does not include legal services in any of its ASEAN agreements. Services are covered in the Japan-Philippines Economic Partnership Agreement but the commitments included on legal services are only made by Japan and simply repeat Japan's GATS commitments.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

No. Foreign law firms, by themselves, are not allowed to operate in the Philippines, however, a number of law firms in the Philippines have various forms of affiliation with foreign law firms from the US, UK, Australia and ASEAN.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Foreigners are not allowed to practice law in the Philippines. However, a foreigner may be permitted to work in a different capacity as an employee, even in law firm. There have been instances when a foreigner has been allowed to be an "intern" in a Philippine law firm. Foreign employees who will work in the Philippines for a short-term (i.e. not exceeding 6 months) are required to secure a Special Work Permit ("SWP") from the Bureau of Immigration ("BI"). If the employment is long-term (i.e., more than six months), a regular work visa, alien employment permit ("AEP"), and provisional work permit ("PWP") will have to be secured.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes, provided that it does not involve rendition of legal services / practice of law. The type of visa would depend on the length of stay in the Philippines. Under a circular issued by the Board of Investments, "conducting business surveys or other isolated business transactions, including consultations advice, and negotiations providing technical consultations; or performing services auxiliary in an isolated contract of sale," is considered as "non-immigrant business." A Special Work Permit is required for a foreigner to engage in a non-immigrant business.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

No.

Are there any conditions that must be fulfilled once a foreign lawyer has

Not applicable

Philippines

been granted a limited licence (e.g. residency requirement)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

Are foreign lawyers permitted to undertake arbitration and mediation?

Section 37 of the Alternative Dispute Resolution Act of 2004 provides that the Construction Industry Arbitration Commission (CIAC) shall promulgate rules to allow for the appointment of a foreign arbitrator or co-arbitrator or chairman of a tribunal a person who has not been previously accredited by CIAC: Provided, That:

- the dispute is a construction dispute in which one party is an international party
- the person to be appointed agreed to abide by the arbitration rules and policies of CIAC;
- he/she is either co-arbitrator upon the nomination of the international party; or he/she is the common choice of the two CIAC-accredited arbitrators first appointed one of whom was nominated by the international party; and
- the foreign arbitrator shall be of different nationality from the international party.

Are foreign lawyers allowed to appear in court under any circumstances?

No. A foreign lawyer is not allowed to appear before the court in his/her official capacity as a lawyer/counsel as this constitutes the practice of law. However, he may appear before the court as a witness or in a private capacity.

Can foreign lawyers requalify as local lawyers?

No

Can a foreign law firm obtain a licence to open an office?

Not permitted. No foreign equity is allowed. A partnership must consist of qualified individual Filipino citizens only.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Not permitted. No foreign equity is allowed in this sector. A partnership must consist of qualified individual Filipino citizens only. Please note that in 1993, the Philippine Supreme Court, in the case of Ulep v. The Legal Clinic, Inc., ruled that the practice of law is exclusive only to those admitted to the Philippine Bar. Thus, services which constitute practice of law cannot be performed by paralegals. In the same case, the Supreme Court, albeit in an obiter, warned against corporations engaging in the practice of law. It reiterated that "under the present state of [] law and jurisprudence, a corporation cannot be organized for or engage in the practice of law in this country. This interdiction ... cannot be subverted by employing some so-called paralegals supposedly rendering the alleged support

Philippines

services. However, said ruling does not appear to be strictly enforced in the Philippines.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)

Not applicable

Is there a quota on the number of licences available?

Not applicable

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

Not applicable

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?

Not applicable

Are there restrictions on the corporate form a foreign law firm can take?

Not applicable

Are there rules about the name a foreign law firm can take?

Not applicable

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Not applicable

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Not applicable

May a domestic lawyer be employed by a foreign lawyer or law firm?

No

Can a domestic lawyer enter into partnership with a foreign lawyer?

Foreign lawyers may not provide services in any form of commercial association with local lawyers.

Only the domestic lawyer will be permitted to engage in the practice of law / render legal services in light of the Constitutional prohibition.

Philippines

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

This is possible if the foreign lawyer will be employed in another capacity (not to practice law). The foreign lawyer is prohibited from practicing Philippine law / render legal services in light of the Constitutional prohibition.

Other useful sources or comments or links

Integrated Bar of the Philippines (<http://www.ibp.ph>)

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Insights Philippines Legal Advisors

Republic of Korea

Is there legislation governing the legal sector

Attorney-at-law act 2000 (as amended)

Under what title do lawyers practise?

변호사 (byeonhosa) - attorney at law

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

To become a licensed lawyer in Korea, a candidate traditionally was required to pass the Korean Bar Examination and have completed the two year training course at the Judicial Research and Training Institute. A new qualification system was introduced in 2009 with the enactment of the Law School Act. Under the new system, to become a licensed lawyer in Korea, a candidate must complete a graduate level law school program (3 years) at an approved university in Korea and have passed the Korean Bar Examination (new). The first candidates seeking to qualify under the new system will graduate from law school in 2012. The two systems will operate concurrently until 2017 when the traditional qualification process will be phased out. Any person who has qualified to become a licensed lawyer and wishes to commence legal practice must register with the Korean Bar Association. Applications for registration must be submitted to the KBA through the local bar association with which the applicant intends to be affiliated.

The referring local bar association may comment in writing to the KBA on the applicant's eligibility for registration

The two systems of qualification will operate concurrently until 2017, when the traditional qualification system will be phased out.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Yes

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only Korean lawyers have rights of audience in court and can provide advice on the law of Korea

Do you need to hold local nationality to be eligible to practise law?

No

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Lawyers may work as sole practitioners, or in general or limited liability partnerships or in limited liability companies.

Republic of Korea

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Korean Bar Association has issued a code of ethics
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Korean lawyers must register their practising address with the Korean Bar Association but there is no explicit law firm licensing regime.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Korean Bar Association but an individual must register first with their local bar association.
<i>Is the jurisdiction a member of the WTO?</i>	Korea has been a member of the WTO since 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Korea has made no commitments on legal services under the GATS
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Korea has bilateral agreements with ASEAN, EFTA, EU, India, Chile, US, Peru and Turkey
<i>Do these currently include legal services or are there plans to include them in future?</i>	Korea has made commitments in legal services in all of its bilateral free trade agreements since 2005.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Korea has made significant automatic concessions to lawyers from countries with which it has bilateral free trade agreements. Lawyers from other countries may apply for the same treatment.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes, since the opening of the market in 2009, around 16 foreign law firms have applied for or been granted licences, most of which are US or UK firms.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out visits by lawyers to visit clients, but remunerated work must not be undertaken in Korea without a work permit which in turn requires registration as an FLC.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Foreign nationals must have a work visa in order to work in Korea. Work visas are usually valid for up to three years, starting from the date of issue. Lawyers may however obtain visas to visit Korea but must state clearly on their application forms the purpose of their visit.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer may obtain a licence to establish and practise as a foreign legal consultant (FLC). FLCs may only provide legal services with respect to: the laws and treaties of their country of license; universally approved international customary law; and international arbitration

Republic of Korea

proceedings whose applicable law is the law of their country of license or international public law and the jurisdiction of the arbitration is the Republic of Korea. The registration process is two stage: First an application needs to be made to the Ministry of Justice and following its prior approval an FLC may register with the Korean Bar Association.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

An FLC must reside in the Republic of Korea for at least 180 days each year.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

In order to qualify as an FLC, a lawyer must have a license to practice law in a country which is a party to an FTA with the Republic of Korea and a minimum of three years of experience in providing legal services in the country of license.

Are foreign lawyers permitted to undertake arbitration and mediation?

FLCs are permitted to take part in international arbitration proceedings whose applicable law is the law of their country of license or international public law and the jurisdiction of the arbitration is the Republic of Korea.

Are foreign lawyers allowed to appear in court under any circumstances?

No

Can foreign lawyers requalify as local lawyers?

In theory, although only by undertaking the full domestic route to qualification taken by a Korean lawyer.

Can a foreign law firm obtain a licence to open an office?

Yes a foreign law firm must obtain a licence to open a consultancy office in Korea.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Foreign legal Consultancy Offices will need to follow the additional requirements to be followed by every business following their approval and registration by the MOJ and KBA.

Republic of Korea

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

The authorization and registration criteria to establish an FLCO include:

The FLCO's head office has been established and operating for more than 5 years in a country that is a party to an FTA with the Republic of Korea; A Foreign Legal Consultancy Office (FLCO) may only take the form of a representative office (as opposed to a branch office) providing advisory services in foreign law. The FLCO's head office shall guarantee the full discharge of all civil and commercial liabilities related to the FLCO's practice in Korea, provide evidence of insurance to cover the damages which may arise in connection with the operation of the FLCO; and appoint a Foreign Legal Consultant with at least seven years of experience as a lawyer as the representative of the FLCO.

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

The scope of practice for the Foreign Legal Consultancy Office is the same as for the FLC.

Are there restrictions on the corporate form a foreign law firm can take?

The FLCO must be a representative office only.

Are there rules about the name a foreign law firm can take?

Foreign Legal Consultancy Offices must follow the provisions on naming in the Foreign Legal Consultancy Act

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

The Ministry of Justice issues licences to foreign law firms (<http://www.moj.go.kr/HP/ENG/index.do>) which must then register with the Korean Bar Association (<http://www.koreanbar.or.kr/>) before commencing operations.

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Foreign Lawyers are only permitted to own foreign legal consultancy offices which must be 100% foreign owned.

May a domestic lawyer be employed by a foreign lawyer or law firm?

No

Republic of Korea

Can a domestic lawyer enter into partnership with a foreign lawyer?

No

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes although only as FLCs.

Other useful sources or comments or links

Korean Bar Association:
<http://www.koreanbar.or.kr/eng/>

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Singapore

Is there legislation governing the legal sector

Legal Profession Act (Chapter 161). Legal Profession (International Services) Rules 2008. Legal Profession (Qualified Persons) Rules. Legal Profession (Admission) Rules.

Under what title do lawyers practise?

There are three categories of lawyers in Singapore: **Advocates and Solicitors of the Supreme Court**, who must be admitted as per the procedures under Part IIA of the Legal Profession Act (Cap. 160) (LPA). **Legal Service Officers and legal officers** in public service or statutory bodies, whose appointments must be published in the Gazette. **Foreign lawyers**, which refers to individuals who are qualified to practice law in a foreign jurisdiction and who must be registered under Part IV of the LPA to practise in Singapore, or registered under Part IVB of the LPA to represent a party in the Singapore International Commercial Court.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In order to practise Singapore law, an advocate & solicitor has to hold a valid practising certificate issued by the Supreme Court which must be renewed annually. A foreign lawyer can obtain a full licence to practise law in Singapore provided s/he is a 'qualified person' as defined under the LPA and the Legal Profession (Qualified Persons) Rules. A Practising Certificate is only required if one is practising Singapore law. Licences are renewable annually.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only advocates and solicitors may conduct litigation in court (*sections 25, 29 and 32, LPA*). Foreign-qualified lawyers may practise foreign law and international law in or from Singapore in the law practice in which he or she is registered. He or she is not allowed to practise Singapore law in any area of legal practice, however there are no limitations in the areas of foreign law and international law in which the foreign lawyer may practise.

Do you need to hold local nationality to be eligible to practise law?

Yes - for practising Singapore law.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

The Legal Profession Act (Cap.160) permits Singaporean lawyers to practise through the following vehicles: Sole Proprietorship, Partnership, Limited Liability Partnership, Law Corporation (LLC) or Group Practice. Singaporean lawyers practising in collaboration with foreign lawyers may only practise through a Foreign Law Practice (FLP), a Joint

Singapore

Law Venture (JLV), a Formal Law Alliance (FLA), a Qualifying Foreign Law Practices (QFLP) or a Group Practice. A Singaporean Group Practice is an arrangement between one or more Singapore Law Practices ("SLPs"), while a Foreign Group Practice is an arrangement between one or more Foreign Law Practices ("FLPs") and/or Qualifying Foreign Law Practices ("QFLPs").

What other ethical or regulatory requirements must a licensed lawyer comply with?

A Singaporean legal practitioner must adhere to the Legal Profession (Professional Conduct) Rules 2015).

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes.

Which authority issues licences? Are there different authorities for individuals and firms?

Individual lawyers are licensed by the Law Society of Singapore. All law firms must be registered and licenced by the Legal Services Regulatory Authority, a department under the Ministry of Law.

Is the jurisdiction a member of the WTO?

Singapore joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

Singapore has made no sectoral GATS commitments in legal services

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Singapore is a member of ASEAN and a party to the ASEAN FTAs with Korea, Japan, Australia-NZ, China and India. It also has a separate bilateral trade agreement with Japan.

Do these currently include legal services or are there plans to include them in future?

No.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

Yes. There are UK, US and Australian law firms established in various forms in Singapore.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

In general, under the LPA, a foreign lawyer who has been registered to practise in Singapore must adhere to the conditions prescribed in the LPA and Part VII of the LPIS Rules.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes

Can a foreign lawyer obtain a licence to establish and practise as a foreign

Yes. Foreign lawyers must register with the Director of Legal Services even if they only practise foreign law

Singapore

legal consultant and what is the scope of this limited licence?

(section 36C, LPA). The conditions for registration can be found in rules 5, 7, and 9 of the Legal Profession (Regulated Individuals) Rules 2015.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Foreign lawyers cannot appear in any court of justice in Singapore unless they have been granted ad hoc admission under section 15 of the LPA.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

A foreign lawyer may be admitted as an advocate and solicitor to practise law in Singapore provided that the requirements under the LPA read together with the LPQP Rules are satisfied. To seek admission to practise law in Singapore, a foreign lawyer must be a 'qualified person' as defined under the LPA and the LPQP Rules. The foreign lawyer must then comply with the requirements for admission found in the LPA and Legal Profession (Admission) Rules.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

Are foreign lawyers allowed to appear in court under any circumstances?

A foreign lawyer may register to appear in a Singapore court for the sole purpose of making a submission on matters of foreign law (section 36P, LPA). Foreign lawyers only need to be admitted as an advocate and solicitor of the Supreme Court if they intend to appear and plead in Singapore courts (sections 29 and 32, LPA) and would need to sit the Singapore Bar Exam if s/he wished to be qualified to practise Singapore law and represent a party in a Singaporean court (rule 3, Legal Profession (Admission) Rules 2011 read with sections 12, 29 and 32 of the LPA).

Can foreign lawyers requalify as local lawyers?

Yes. Provided they meet the requirements of a Qualified Person which are as follows: Are a citizen or permanent resident of Singapore; Conferred with an Applicable Law Degree from the above Institutions of Higher Learning in the Australia or New Zealand. (If the Applicable Law Degree is the degree of Doctor of Jurisprudence (J.D.), it must be conferred on the person on or after 1 December 2017.); Be ranked by the Institution of Higher Learning as being amongst the highest 70%, in terms of academic performance, of the total number of graduates in the same batch who have been conferred the applicable law degree; Pass Part A of the Singapore Bar Examinations; After passing the final examination for the Applicable Law Degree, undertake the relevant legal training/practice/work.

Can a foreign law firm obtain a licence to open an office?

Registered foreign lawyers can obtain a licence to open an office as a A Singapore Law Practice ("SLP") which is allowed to provide in or from Singapore: Singapore law-related legal services in all areas of legal practice; and foreign law-related legal services in all areas of legal

Singapore

practice that the SLP is competent to offer. They can also obtain a licence as a FLP (a law practice (including a sole proprietorship, a partnership or a body corporate, whether with or without limited liability) providing legal services in any foreign law in Singapore or elsewhere) (licensed under section 130E of the LPA); a JLV (licensed under section 130B of the LPA); a QFLP (an FLP licensed under section 130D of the LPA) or a Foreign Group Practice which is an arrangement between one or more Foreign Law Practices ("FLPs") and/or Qualifying Foreign Law Practices ("QFLPs").

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

A foreign law firm always requires a licence issued by the Legal Services Regulatory Authority.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)

The Legal Profession Act (Cap. 160) provides for lawyers to practise under the following vehicles. The first four only permissible to Singapore Law Practices :

- Sole Proprietorship
 - Partnership
 - Limited Liability Partnership
 - Law Corporation (LLC)
 - Foreign Law Practice (FLP)
 - Joint Law Ventures (JLV)
 - Formal Law Alliance (FLA)
 - Qualifying Foreign Law Practices (QFLP)
 - Group Practice
 - A Singapore Group Practice
- A Singapore Group Practice is an arrangement between one or more Singapore Law Practices ("SLPs"), while a Foreign Group Practice is an arrangement between one or more Foreign Law Practices ("FLPs") and/or Qualifying Foreign Law Practices ("QFLPs").

Is there a quota on the number of licences available?

Yes.

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?

Foreign law practices cannot practice constitutional and administrative law, conveyancing, criminal law, family law, succession law or trust law, and cannot appear or plead in any court, quasi-judicial or regulatory body, authority or tribunal in Singapore (rule 50(1), Legal Profession (Law Practice Entities) Rules 2015). The different licences available to foreign law firms permit different scope of practice:

- A Foreign Law Practice ("FLP") is allowed to provide in or from Singapore:
- Foreign law-related legal services in all areas of legal

Singapore

practice that the FLP is competent to offer; and

- Singapore law-related legal services only in the limited context of international commercial arbitration or in relation to the Singapore International Commercial Court (“SICC”), through certain types of registered lawyers.

The Qualifying Foreign Law Practice (“QFLP”) allows foreign law practices which obtain a QFLP licence to provide in or from Singapore:

- Foreign law-related legal services in all areas of legal practice that the QFLP is competent to offer; and
- Singapore law-related legal services in the “permitted areas of legal practice” through certain types of registered lawyers.

A Joint Law Venture (“JLV”) is a legal entity formed between a Singapore Law Practice (“SLP”), and either a Foreign Law Practice (“FLP”) or a Qualifying Foreign Law Practice (“QFLP”).

A JLV is allowed to provide in or from Singapore:

- Foreign law-related legal services in all areas of legal practice that the JLV is competent to offer; and
- Singapore law-related legal services in the “permitted areas of legal practice” through certain types of registered lawyers. However, it should be noted that the constituent FLP/QFLP can only practise law in or from Singapore through the JLV, and not through the constituent FLP/QFLP.

A Formal Law Alliance (“FLA”) is an arrangement between a Singapore law practice and a foreign law practice which enables them to collaborate while remaining freestanding law practices. An FLA arrangement allows the member law practices to share office premises, resources and client information as well as co-brand and bill for permitted matters. However, the member law practices remain distinct entities and may only provide legal services that the respective law practices and their lawyers are allowed to provide under the Legal Profession Act.

Are there restrictions on the corporate form a foreign law firm can take?

Yes. As set out in the Legal Profession Act 2008

Are there rules about the name a foreign law firm can take?

No

Singapore

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

The Legal Services Regulatory Authority
<https://www.mlaw.gov.sg/content/minlaw/en/our-work/legal-services-regulatory-authority.html>

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Foreign lawyers may enter into partnership with Singaporean lawyers through certain types of legal practice vehicle only.

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes

Can a domestic lawyer enter into partnership with a foreign lawyer?

Yes

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes

Other useful sources or comments or links

Legal Services Regulatory Authority
(<https://www.mlaw.gov.sg/eServices/LSRA/>); Law Society of Singapore (<https://www.lawsociety.org.sg/>)

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Sri Lanka

Is there legislation governing the legal sector

Administration of Justice (Judicature) Law, No. 44 of 1973 and Part VII of the Rules of the Supreme Court Rules, 1978 published in the Government Gazette No. 9/10 of November 08, 1978

Under what title do lawyers practise?

Attorney-at-law

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Applicants must be admitted and enrolled as an attorney-at-law by the Supreme Court of Sri Lanka. This requires pledging allegiance to the Constitution of Sri Lanka. There is an education requirement: applicants must take and pass all three law examinations at the Sri Lanka Law College, which takes three years. If one has a law degree from a foreign university recognized by the Council of Legal Education, then the entrance examination to the Sri Lanka Law College may be waived. If qualified as a barrister in Scotland, England or Wales, applicants can sit for examinations at the Sri Lanka Law College without having had attended lectures, which takes approximately six months. Applicants also need to have credit passes in English and Sinhala or Tamil (local language) at the GCE Ordinary Level exam or its equivalent. They must also complete a six-month training period; the only exception is for those applicants who served a pupillage in the United Kingdom.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The Administration of Justice Law defines the 'rights and liabilities of attorneys as follows: 'Every attorney-at-law shall be entitled to assist and advise clients and to appear, plead or act in every court or other institution established by law for the administration of justice'. There is no explicit statement of exclusivity of rights but it has been interpreted to mean reserved rights in both advisory and representational services.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Section 41 of the Judicature Act provides that every Attorney-at-Law shall be entitled to assist and advise clients and to appear, plead or act in every court or other institution established by law for the administration of justice. An attorney-at-law may only carry out conveyancing if he has undertaken a separate examination in conveyancing or had qualifications recognised from abroad which required conveyancing (e.g. UK), he can then obtain a warrant from the Minister of Justice to practise as a notary in the judicial zone in which he resides

Do you need to hold local nationality to be eligible to practise law?

No

Sri Lanka

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Under Section 34 (2) of the Judicature Act: "it shall be lawful for attorneys-at-law to practise in partnership, or to employ such other persons as may be necessary or expedient for the proper and efficient discharge of their duties and functions. It shall also be lawful for an attorney-at-law to be assisted or instructed by another attorney-at-law". Branch offices are not permitted.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Section 40 of the Judicature Act, no. 2 of 1978 provides for the Supreme Court to admit and enrol as Attorneys-at-Law, persons of good repute and of competent knowledge and ability, in accordance with Part VII of the Rules of the Supreme Court Rules, 1978 published in the Government Gazette No. 9/10 of November 08, 1978

Do law firms need to receive a "license" (or permission/approval) to practice law?

A practising address must be registered. If an attorney - at-law is also a notary he may have two offices but one of these must be his home address.

Which authority issues licences? Are there different authorities for individuals and firms?

The Supreme Court issues licences to attorneys-at-law

Is the jurisdiction a member of the WTO?

Sri Lanka joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Sri Lanka has made no commitments in legal services under the GATS

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Sri Lanka has bilateral agreements with India and Pakistan and is party to SAFTA agreements

Do these currently include legal services or are there plans to include them in future?

No

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Foreign lawyers are not treated differently as a result of trade agreements but there are differences in treatment of foreign qualified lawyers for the purposes of requalification, on the basis of historic ties (e.g. a number of common law qualifications are recognised, usually from jurisdictions to which Sri Lankan nationals might have gone abroad to study).

Are there any 'foreign law' firms present in this jurisdiction?

No, although Sri Lanka is used for legal process outsourcing work.

Are there any explicit rules or restrictions other than visas on fly in fly out practice

There are no explicit rules on fly in fly out practice beyond the requirements of the visa regime.

Sri Lanka

of law? I.e. Do you need to obtain a licence for temporary practice?

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Are foreign lawyers permitted to undertake arbitration and mediation?

Are foreign lawyers allowed to appear in court under any circumstances?

Can foreign lawyers requalify as local lawyers?

Can a foreign law firm obtain a licence to open an office?

The duration of stay initially allowed is one year with a residence visa, and three months with a multiple entry business visa. A resident visa is granted for expatriate professionals whose services are required for projects or companies approved by the Board of Investment or a governmental authority; extensions are possible.

There is no limited licence scheme for foreign lawyers. Foreign lawyers may either requalify as Sri Lankan lawyers, work as employees or outside the scope of reserved legal services.

Not applicable

Not applicable

Arbitration Act, no 11 of 1995 allows for the conduct of international arbitration procedures in Sri Lanka. The ICLP centre for international arbitration was established in 1996.

Only if fully enrolled as an attorney-at-law with the Supreme Court of Sri Lanka.

Entry conditions for lawyers licensed in Scotland, England, Wales are different from those licensed in other countries. Barristers of Scotland, England and Wales are required to take only Civil Procedure & Pleadings I & II, Law of Property I & II, Revenue Law, Industrial Law and Commercial Law 1. They will also be required to attend the practical training course and serve the period of apprenticeship except in the case of those who have served a period of pupillage in the United Kingdom

Ownership by foreign nationals or non-locally-licensed professionals is not permitted.

Sri Lanka

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Foreign lawyers could work as 'paralegals' in Sri Lanka, since if a lawyer only works as an employee and does not sign off on documents they do not have to be licensed in Sri Lanka.
<i>Other useful sources or comments or links</i>	Sri Lanka Law College: http://www.slhc.ac.lk/index.html
<i>Verified by</i>	

Taiwan (Chinese Taipei)

Is there legislation governing the legal sector

The Attorney Regulation Act 2010

Under what title do lawyers practise?

Attorney at law

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Taiwanese students can study law at the undergraduate, graduate and doctorate level. Those who complete their four-year undergraduate law education are eligible to sit the Bar exam. Graduates must then complete a six month internship with certified institutions before a licence to practise is issued from the Ministry of Justice. An attorney at law is not entitled to practise until he/she has become a member of a Bar Association.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Yes, but attorneys must register with the relevant local Bar in order to practise in that district.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only Taiwanese lawyers have rights of audience in court and can provide advice on Taiwanese law.

Do you need to hold local nationality to be eligible to practise law?

No

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Lawyers may work in sole practice or in partnerships. Legislation to permit limited liability partnerships is under consideration.

What other ethical or regulatory requirements must a licensed lawyer comply with?

The Bar has produced a code of Legal Ethics.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Upon establishing a law firm, the attorney should join the local bar association in that jurisdiction. Attorneys shall notify the District Court and the District Court Prosecutors Office in that jurisdiction of the address of the attorney's place of business. No attorney shall maintain more than one place of business nor are any form of branch offices permitted within one jurisdiction, and an attorney should not establish another law firm under another name.

Which authority issues licences? Are there different authorities for individuals and firms?

The Ministry of Justice

Is the jurisdiction a member of the WTO?

Taiwan joined the WTO on 1 January 2002

Taiwan (Chinese Taipei)

<i>Has it made any WTO commitments on legal services?</i>	Chinese Taipei has made full commitments in modes 1-3 for home country and international law.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Taiwan has bilateral agreements with: Honduras, El Salvador, Guatemala, Nicaragua and Panama.
<i>Do these currently include legal services or are there plans to include them in future?</i>	Taiwan made commitments under GATS in relation to legal services provided by "Attorney of foreign legal affairs (AFLA)" (foreign legal consultants).
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes, mainly American, Canadian, Australian and UK firms.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no regulatory restrictions on foreign lawyers working on 'fly in/fly out' transactions.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Yes
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers. A "Foreign Attorney" may not practise law until granted approval by the Ministry of Justice and admitted to the Bar Association where his/her law firm is located.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	A "foreign attorney" shall, within six months from being granted approval, apply for membership to the Bar Association in the jurisdiction where their law firm is located. That Bar Association shall not refuse admission. A "foreign legal affairs attorney" shall, when practising law use the formal title of A "foreign legal affairs attorney" and specify the name of his/her "home jurisdiction".

Taiwan (Chinese Taipei)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

A “Foreign Attorney” who applies to the Ministry of Justice for approval to practice shall meet the prior practice requirements:

Have practised for at least five years within their “home jurisdiction” and have an appropriate supporting certificate. However, should they have been employed by a Republic of China attorney, as an assistant or a consultant for legal affairs of their “home jurisdiction”, or have practised the law of their “home jurisdiction” in other countries or regions, that period (not to exceed two years), may count towards the experience period.

Are foreign lawyers permitted to undertake arbitration and mediation?

The laws governing arbitration in Taiwan are the Republic of China Arbitration Act of 1998 modelled after the UNCITRAL Model Law of 1985 and the Rules on Arbitration Institutions, Mediation Procedures, and Fees of 1999. Under the Taipei Rules, parties are free to appoint the arbitrators of their choice but failing this the Chinese Arbitration Association of Taipei may appoint arbitrators on their behalf. The CAA's list includes foreign arbitrators and in order to qualify a foreign arbitrator must be a lawyer with 5 years' experience, an academic or a former judge.

Are foreign lawyers allowed to appear in court under any circumstances?

No

Can foreign lawyers requalify as local lawyers?

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must take the attorney qualification examinations according to the laws of Chinese Taipei. A non-citizen who passes the attorney qualification examinations and receives an attorney licence shall be subject to approval by the Ministry of Justice before practising as a lawyer in Chinese Taipei. These requirements are the same as the rules applicable to a local applicant.

Can a foreign law firm obtain a licence to open an office?

The Ministry of Justice is responsible for approving all foreign law firm commercial ventures.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Other formalities required in setting up a law firm may be conducted through the Government's online portal: <http://onestop.nat.gov.tw>

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Taiwan (Chinese Taipei)

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Foreign law offices can only advise on home and international law. If the foreign firm wishes to employ a local lawyer they must seek approval from the Ministry of Justice.

Are there restrictions on the corporate form a foreign law firm can take?

Foreign law firms must be established either in the form of sole proprietorships or partnerships.

Are there rules about the name a foreign law firm can take?

The name of a foreign firm must contain the indication 'AFLA' (Attorney of Foreign Legal Affairs)

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

The Ministry of Justice is responsible for lawyer admission (<http://www.moj.gov.tw/mp095.html>)

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Only foreign lawyers may be partners in AFLA law firms.

May a domestic lawyer be employed by a foreign lawyer or law firm?

If a foreign legal affairs attorney obtains permission from the Ministry of Justice, he or she may hire a Chinese Taipei attorney. The qualifications, procedures and other rules to allow him or her to do this will be set by the Ministry of Justice.

Can a domestic lawyer enter into partnership with a foreign lawyer?

If a foreign legal affairs attorney obtains permission from the Ministry of Justice, he or she may join with a Chinese Taipei attorney to operate a law firm. The qualifications, procedures and other rules to allow him or her to do this will be set by the Ministry of Justice.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes - there is separate recognition in Taiwan's WTO commitments on legal services of the rights of foreign legal assistants who are not providing legal services under their own name.

Other useful sources or comments or links

Link to law on lawyers:
<http://law.moj.gov.tw/eng/LawClass/LawAll.aspx?PCod e=I0020006>

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Thailand

Is there legislation governing the legal sector

The Thailand Lawyers Act B.E. 2528 (1985)

Under what title do lawyers practise?

'Tha Nai Kwam' which means registered "Lawyer" or "Barrister". 'Ni Ti Korn' are Thai nationals with some legal training but who are unregistered and working in-house, in academia or government. 'Tee Pruk Sa Khot Mai' are 'legal advisors' who may have some legal training but who are not officially licensed.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In order to obtain a licence to be a lawyer with the right to appear in court, an individual must have the following qualifications: (i) be a Thai national; (ii) be at least 20 years of age; (iii) be a graduate with either a Bachelor's Degree or an Associate Degree in Law or an equivalent Certificate in Law from an educational institution accredited by the Lawyers' Council of Thailand; (iv) not be a person of indecent behavior or delinquent morals or a person whose conduct is indicative of dishonesty; (v) not have been imprisoned by a final judgment; (vi) not have been bankrupt by a final judgment; (vii) not having an ailment which is contagious and repugnant to the public; (viii) not being physically disabled or mentally infirmed which may cause professional incompetence; (ix) not be a government official or a local government official with permanent salary and position; (x) take a training course offered by the Lawyers Council of Thailand (normally one month of theoretical training and at least six months of practical training); (xi) pass the Thai Law Society examinations (Sapa Tanai Kwam); (xii) enrol with the Thai Bar Association (Regulation of Lawyers Council on Lawyer's Training B.E. 2529 (AD 1986)). Candidates who have been an apprentice in a law firm for over a year and have passed an examination specified by the Board of Governors of the Lawyers Council of Thailand may be exempted from the period of practical training. The lawyer's licence is valid for two years but can be valid for lifetime for a fee (s.39 of the Thailand Lawyers Act). Lawyers who wish to obtain the title barrister-at-law which entitle the holder to take further examinations to become a judge or a public prosecutor, may take a further one- year course offered by the Thai Bar Association.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Since 1985 all licences have been granted on a national basis entitling Thai lawyers to practice and appear in any court in Thailand.

Thailand

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only licensed lawyers can appear in court, prepare cases and represent clients in Court proceedings (s.33 of the Thailand Lawyers Act). Outside of the courts, anyone can provide legal advice in Thailand but only as unregulated legal consultants or advisors.

Do you need to hold local nationality to be eligible to practise law?

Only Thai nationals can become licensed lawyers in Thailand (s.35 of the Thailand Lawyers Act 1985)

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

A licensed Thai lawyer can register only one office (s.42 of the Thailand Lawyers Act 1985), however they do not face restrictions in terms of legal form and many local firms contain both lawyers and licensed accountants working in partnership.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Thai lawyers must abide by the Regulation of the Law Society of Thailand on Lawyers' Ethics B.E. 2529 (AD 1986), which is overseen and supervised by the Law Society's Committee on Professional Ethics.

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no required licensing procedure for law firms.

Which authority issues licences? Are there different authorities for individuals and firms?

The Thai Law Society (also known as the Lawyers Council of Thailand) issues licences and regulates individual licensed lawyers in Thailand (s.4 of the Thailand Lawyers Act B.E. 2528 1985).

Is the jurisdiction a member of the WTO?

Thailand joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Thailand has no restrictions on legal services (defined as CPC 86111+86119+ 86120+86130+86190) in mode 2 and mode 3 (subject to the horizontal restriction on foreign equity participation in legal services up to 49% of registered capital). Foreign participation is only permitted through a limited liability company registered in Thailand. It is unbound for legal services in mode 1 and mode 4, except to the extent provided for in its horizontal commitments - which permit the temporary entry of business visitors for up to 90 days.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Thailand is a member of ASEAN and a party to the ASEAN free trade agreement (AFTA) and to regional trade agreements between ASEAN and Korea, Australia, New Zealand, China, India and Japan. It has also signed bilateral agreements with Japan, Laos, Australia and New Zealand. A pre-WTO US-Thailand Amity agreement also offers some concessions to US citizens.

Thailand

Do these currently include legal services or are there plans to include them in future?

Legal Services are covered in Thailand's FTA with Japan and there are commitments in some other bilateral FTAs (Thailand -Australia and in the US-Thailand Treaty of Amity) which offer improved conditions for the foreign ownership of businesses, which could be used by foreign law firms.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Thailand's FTA with Australia makes concessions on free movement of natural persons and allows up to 100% Australian ownership in a management consultancy business (which could be used as a vehicle for a foreign law firm, given the status of foreign lawyers in Thailand). The US-Thailand Treaty of Amity allows US citizens to own up to 100% of a business in Thailand, but they cannot procure work permits to practise law. Thailand's FTA with Japan includes Legal services (CPC 86111+86119+86120+86130+86190) and offers full commitments in modes 2 and 3 which would appear to be a concession beyond other agreements.

Are there any 'foreign law' firms present in this jurisdiction?

Yes. At least ten large international US and UK law firms have a presence in Thailand and there are smaller foreign practices serving the expatriate community and smaller foreign businesses.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

The Alien Working Act B.E 2551 (2008) lists sectors that are prohibited to aliens and this includes legal services and litigation. Foreign lawyers may apply for work permits of the following nature: To sit as a foreign arbitrator in an arbitration proceeding in Thailand; and to act in defense in arbitration proceedings conducted in Thailand if the governing law is not Thai law and the Thai courts are not involved in enforcement of the arbitral award.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Foreign lawyers can apply for a visa to meet their clients without a work permit. According to the Working of Aliens Act, B.E. 2551 (2008), the following activities are not regarded as work: Attending a meeting, consultation or seminar; Visiting an exhibition or a trade fair; Visiting a business or conferring a business negotiation; Attending a special and technical lecture; Attending a technical training or seminar; Buying products from an expo; Attending a committee meeting in their own company.

Thailand

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No, it is illegal for foreign lawyers to provide legal services in Thailand.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Foreign lawyers can act as legal advisers (acting in defense) in arbitration proceedings conducted in Thailand if the governing law is not Thai law and the Thai courts are not involved in enforcement or act as an arbitrator in arbitration proceedings but a work permit is required.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No. A foreign lawyer cannot represent his/her client in court.
<i>Can foreign lawyers requalify as local lawyers?</i>	No. Thai nationality is a pre-requisite for registration and obtaining the license to become a lawyer.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms are permitted to establish in Thailand to provide legal services subject to requirement on Foreign Business License (FBL). Legal services are included in annex 3 of the Foreign Business Act, which contains the list of businesses prohibited to foreigners. Therefore, foreign law firm is required to apply for the Foreign Business License (FBL) to operate the service. It is also possible for a foreign law firm to affiliate with a local company having more than 50% shares own by Thai national(s) which can takes its name and for it to have no foreign lawyers present on the ground.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	The Department of Business Development, Ministry of Commerce issue the FBL for foreign law firm (having 50% or more shares owned by foreigners)
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable

Thailand

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms normally establish as limited companies. As a Thai company must have at least 3 shareholders and Thai shareholder(s) must own more than 50% of the shares; foreign law firms can however affiliate with local lawyers and the latter can take the name of the foreign law firm, while the law firm can operate as a Thai company.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no specific rules in relation to use of names by lawyers or law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	For a foreign law firm, the firm must apply for the FBL at Department of Business Development, Ministry of Commerce. (http://www.dbd.go.th/)
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	If more than 50% of the shares in the company are owned by foreigners then a foreign business licence is required.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes. Local lawyers may be employed by a foreign lawyer or foreign firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, if shares in the company/partnership are owned by Thai person or entity for more than 50%, FBL is not required.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Thai law firms may employ foreign lawyers provided they do not work as 'lawyers' and comply with the visa and work permit requirements.
<i>Other useful sources or comments or links</i>	<u>Lawyers Council of Thailand (www.lawyerscouncil.or.th)</u>
<i>Verified by</i>	ZICOlaw (Thailand) Limited

Vietnam

Is there legislation governing the legal sector

Law on Lawyers No. 65/2006/QH11 (effective from 1 January 2007)
Law amending, supplementing some articles of the Law on Lawyers No. 20/2012/QH13 (effective from 1 July 2013)

Under what title do lawyers practise?

Lawyer

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

To be admitted as a lawyer in Vietnam, an individual must: (i) Have a Bachelor's degree in Law; (ii) Undertake the one year lawyer-training course at the Juridical Academy; (iii) Undertake a traineeship with a law firm or law office for one year, having first registered as a trainee with the Bar Association of the locality where the law firm or law office is located; (iv) Pass the bar examination conducted by the Vietnam Bar Federation. If the trainee lawyer passes the bar examination, he or she will need to file an application for a legal practising certificate granted by the Minister of Justice, via the relevant Bar Association. Once granted a legal practising certificate, a trainee lawyer needs to apply for admission to the bar. The applicant can choose any Bar Association and the latter will then request the Vietnam Bar Federation to issue a "lawyer card" to the applicant. Upon obtaining this lawyer card, the applicant will become fully qualified to practise law.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only a Vietnamese lawyer can advise on Vietnamese law and conduct advocacy in the courts.

Do you need to hold local nationality to be eligible to practise law?

Yes, in order to become a lawyer, prospective lawyers must hold Vietnamese citizenship.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

A qualified lawyer can practise law either (a) as a lawyer for a law firm, which may take the form of an unincorporated sole proprietorship, a limited liability company (consisting of one or more members), or a partnership, or (b) as an employed lawyer for a non-legal business such as a company, bank or government agency etc.

Vietnam

What other ethical or regulatory requirements must a licensed lawyer comply with?

Licensed lawyers in Vietnam must comply with the Rules of Professional Ethics and Conduct of Vietnamese Lawyers issued by the Vietnamese Bar Federation in 2011.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes. Law firms must apply to the Department of Justice of the locality where the proposed law firm is intended to be headquartered for a "certificate of registration of operation". The Law on Lawyers, requires that the local Department of Justice must assess the application and decide to issue a certificate of registration of operation within 10 business days.

Which authority issues licences? Are there different authorities for individuals and firms?

The Department of Justice licenses law firms and individual lawyers.

Is the jurisdiction a member of the WTO?

Vietnam joined the WTO on 11 January 2007

Has it made any WTO commitments on legal services?

Vietnam has no restrictions on legal services delivered in modes 1 and 2 (defined as CPC 861 excluding: participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Vietnam and legal documentation and certification services of the laws of Vietnam). In mode 3, foreign law firms are permitted to establish a commercial presence in Vietnam in the following forms: Branches, subsidiaries, foreign law firms, partnerships between foreign law firms and Vietnamese law partnerships. Foreign law firms with a commercial presence in Vietnam are permitted to offer consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy the requirements applied to like Vietnamese law practitioners. Services in mode 4 are unbound, except as indicated in the horizontal section.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Vietnam is a member of ASEAN and a party to the ASEAN Free Trade Agreement (AFTA), and to ASEAN FTAs with Korea, Japan, Australia-NZ, China and India . It has bilateral trade agreements with Japan, Korea, Chile and the Eurasian Economic Union (EAEU).

Do these currently include legal services or are there plans to include them in future?

Vietnam reiterates its GATS commitments in all of its bilateral FTAs.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No.

Vietnam

<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. There are US, UK, Malaysian, Japanese and Thai firms with offices in Vietnam.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There is an express rule allowing temporary practice by foreign lawyers.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	A business visa is required for activities like signing contracts or business meetings.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie become a foreign legal consultant).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	In order to qualify for a limited licence a foreign lawyer must meet all of the following conditions: i) Have a valid practising certificate issued by a foreign competent authority; ii) Respect the constitution law of the Socialist Republic of Vietnam; and iii) Be assigned by a foreign firm to practise in Vietnam or hav an agreement with a foreign lawyer or firm in Vietnam to practise as part of their organisation. As to scope of practice, a foreign lawyer practising in Vietnam may provide consultancy on foreign and international law, may provide other services concerning foreign law.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Foreign lawyers must be regularly present in Vietnam (there is no further guidance on this requirement).
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes. The Arbitration Law 2011 removed the requirement of Vietnamese citizenship from the qualifications of an arbitrator. This means that foreigners can be appointed as arbitrators in Vietnam if they meet all the requirements under the law
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No
<i>Can foreign lawyers requalify as local lawyers?</i>	No as there is a nationality requirement for qualification as a legal practitioner.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Yes
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	To establish a Vietnam based legal business as mentioned above, a foreign law firm must apply to the Ministry of Justice for an establishment licence. Having obtained this licence (normally within 60 days from the date of submission), the foreign law firm has to file to the Department of Justice of the locality where the proposed business is located for registration of its

Vietnam

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

operation. The Vietnam based legal business may commence its operations after the local Department of Justice issues a certificate of registration of operation.

A foreign law firm may operate in Vietnam in one of the following forms:

- i) a branch of the foreign law firm;
- ii) a single-member limited liability company wholly owned by the foreign law firm;
- iii) a joint venture limited liability company jointly owned by the foreign law firm and a Vietnamese law firm; or
- iv) a partnership between the foreign law firm and a Vietnamese law partnership

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Qualified foreign lawyers may practice to the same level as they did in their own country with the exception that they may not give advice on Vietnamese law matters nor represent their client at court. However, a qualified foreign lawyer may advise on Vietnamese law matters if s/he obtains a bachelor of law degree from a law school in Vietnam and complete qualification formalities as applied to Vietnamese lawyers.

Are there restrictions on the corporate form a foreign law firm can take?

A foreign law firm may operate in Vietnam in one of the following forms: i) as a branch of the foreign law firm; ii) as a single-member limited liability company wholly owned by the foreign law firm; iii) as a joint venture limited liability company jointly owned by the foreign law firm and a Vietnamese law firm; or iv) as a partnership between the foreign law firm and a Vietnamese law partnership.

Are there rules about the name a foreign law firm can take?

No

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Ministry of Justice
<http://www.moj.gov.vn/en/Pages/home.aspx>

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Foreign lawyers are not permitted to own shares in a law firm in Vietnam

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes, a local lawyer may be employed by a foreign lawyer or foreign firm.

Vietnam

Can a domestic lawyer enter into partnership with a foreign lawyer?

No

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Foreign lawyers may provide services in some other form of commercial association with local lawyers.

Other useful sources or comments or links

Vietnam Bar Federation
<http://liendoanluatsu.org.vn/web/en>
Hanoi Bar Association <http://luatsuhanoi.vn/>
Ho Chi Minh City Bar Association <http://hcmcbar.org>

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