

ATTORNEY-AT-LAW ACT

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Wholly Amended by Act No. 6207, Jan. 28, 2000

Amended by Act No. 7082, Jan. 20, 2004

Act No. 7357, Jan. 27, 2005

Act No. 7428, Mar. 31, 2005

Act No. 7894, Mar. 24, 2006

Act No. 8271, Jan. 26, 2007

Act No. 8321, Mar. 29, 2007

CHAPTER I MISSION AND DUTIES OF ATTORNEY-AT-LAW

Article 1 (Mission of Attorney-at-Law)

(1) The mission of an attorney-at-law shall be to defend fundamental human rights and realize the social justice.

(2) Every attorney-at-law shall faithfully perform his duties and work to maintain the social order and to improve the legal system in accordance with his mission.

Article 2 (Status of Attorney-at-Law)

Every attorney-at-law shall perform his duties independently and freely as a legal professional of public nature.

Article 3 (Duties of Attorney-at-Law)

Duties of every attorney-at-law shall be to perform acts related to lawsuits, representation in claims for administrative dispositions or other general legal affairs upon delegations of parties or other persons concerned or upon the commissions of the State, local governments and public agencies (hereinafter referred to as "public agencies").

CHAPTER II QUALIFICATIONS FOR ATTORNEYS-AT-LAW

Article 4 (Qualifications for Attorneys-at-Law)

A person falling under any of the following subparagraphs shall be qual-

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ified for an attorney-at-law:

1. A person who has completed the required curriculum of the Judicial Research and Training Institute after passing the Korean Bar Examination; and
2. A person who is qualified for a judge or a public prosecutor.

Article 5 (Causes for Disqualification of Attorneys-at-Law)

A person falling under any of the following subparagraphs shall be disqualified for an attorney-at-law: *<Amended by Act No. 7894, Mar. 24, 2006>*

1. A person who has been sentenced to imprisonment without prison labor or a heavier punishment and for whom five years have yet to elapse after the execution of such sentence was terminated or the exemption of the execution of such sentence was made definite;
2. A person who has been sentenced to a stay of the execution of the imprisonment without prison labor or a heavier punishment and for whom two years have yet to elapse after the lapse of the stay period;
3. A person who is in the period of a stay of sentence after he has been sentenced to a stay of imprisonment without prison labor or a heavier punishment;
4. A person for whom five years have yet to elapse after he was fired through an impeachment or a disciplinary action or disbarred under this Act or three years have yet to elapse after he was dismissed from office through a disciplinary action;
5. A person who is incompetent or quasi-incompetent;
6. A person who has been declared bankrupt and is not yet rehabilitated; and
7. A person who has been disbarred permanently under this Act.

Article 6 (Foreign Attorneys-at-Law with Meritorious Services to State)

(1) The Minister of Justice may authorize the qualification as an attorney-at-law to a person who, as a foreign attorney-at-law, has rendered meritorious services for the Republic of Korea or who has other fitting reasons to be granted the qualification of an attorney-at-law.

(2) Any foreign attorney-at-law who is authorized the qualification of an attorney-at-law under the provisions of paragraph (1) may establish a legal practice in the Republic of Korea with permission of the Minister of Justice, only if the legal qualification of the Korean nationals who are qualified as attorneys-at-law is recognized and their establishment of

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legal practices is permitted, in his own country: *Provided*, That he may not provide legal services in matters other than those which concern foreigners or foreign laws.

(3) In cases where it is necessary, the Minister of Justice may revoke the authorization or permission referred to in paragraphs (1) and (2).

CHAPTER III REGISTRATION AND PRACTICE OF ATTORNEYS- AT-LAW

Article 7 (Registration of Qualification)

(1) Any attorney-at-law who intends to establish a legal practice shall register his name with the Korean Bar Association.

(2) Any person who intends to register as referred to in paragraph (1) shall file with the Korean Bar Association an application for registration through a local bar association with which he intends to be affiliated.

(3) Any local bar association may, upon receiving the application referred to in paragraph (2), append its written opinion on whether the applicant is qualified as an attorney-at-law.

(4) The Korean Bar Association shall, upon receiving the application for registration referred to in paragraph (2), register the name in its roster of attorneys-at-Law and serve without delay a notice thereof on the applicant.

Article 8 (Denial of Registration)

(1) When a person who files an application for registration under the provisions of Article 7 (2) falls under one of the following subparagraphs, the Korean Bar Association may deny his registration after going through a resolution of the Registration Review Committee established pursuant to Article 9. In this case, the Korean Bar Association shall serve a notice on the applicant, without delay, expressly giving reasons therefor:

1. A person who does not have the qualification of an attorney-at-law referred to in Article 4;
2. A person who falls under the grounds for disqualification referred to in Article 5;
3. A person who has difficulties in carrying out the duties of an

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attorney-at-law due to any physical or mental disability;

4. A person who is deemed markedly inappropriate to carry out the duties of an attorney-at-law because of the fact that he has been subject to a criminal prosecution or a disciplinary action (excluding removal or dismissal from office) while working as a public official or because of retirement caused by an unlawful act related with his duties;
5. A person for whom two years have yet to elapse since he was denied his registration on the grounds that he fell under subparagraph 4; and
6. A person for whom two years have yet to elapse since his registration was revoked under the provisions of Article 18 (2) on the grounds that he fell under subparagraph 4.

(2) If the Korean Bar Association neither grants nor denies the registration by the time two months have elapsed since the date on which an application for registration referred to in Article 7 (2) was received, the registration shall be deemed to be granted.

(3) Any person whose registration is denied under the provisions of paragraph (1) may raise an objection, setting apart and clarifying the reason why the denial of registration is unjust, to the Minister of Justice within three months from the date on which the notice referred to in paragraph (1) is served.

(4) If the Minister of Justice recognizes the validity of grounds for raising the objection referred to in paragraph (3), he shall order the Korean Bar Association to grant the registration of the attorney-at-law in question.

Article 9 (Establishment of Registration Review Committee)

(1) In order to examine matters falling under each of the following subparagraphs, the Registration Review Committee shall be established in the Korean Bar Association:

1. Matters relating to the denial of registration referred to in Article 8 (1); and
2. Matters relating to the revocation of registration referred to in Article 18 (1) and (2).

(2) If the President of the Korean Bar Association intends to grant or revoke any registration in accordance with the provisions of Article 8 (1) and Article 18 (1) 2 and (2), he shall refer the case, in advance, to the Registration Review Committee.

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Article 10 (Composition of Registration Review Committee)

(1) The Registration Review Committee shall be composed of two judges recommended by the Minister of Court Administration, two public prosecutors recommended by the Minister of Justice, four attorneys-at-law elected by the general meeting of the Korean Bar Association, and one professor of law college recommended by the President of the Korean Bar Association.

(2) The Registration Review Committee shall have one chairman and one secretary, and the chairman and the secretary shall be elected from among the members.

(3) When the members referred to in paragraph (1) are to be recommended or elected, the same number of reserve members shall be recommended or elected together.

(4) If there is an accident to, or a vacancy of a member, a reserve member ordered by the chairman of the Registration Review Committee shall act for the member.

(5) The terms of office for the members and the reserve ones shall be two years, respectively.

Article 11 (Examination)

(1) If it is deemed necessary for the examination, the Registration Review Committee may ask the parties, interested persons, agencies and organizations concerned, etc. to make an inquiry into facts, to submit material, or to state or explain at a meeting of the Committee.

(2) The agencies and organizations concerned, etc., which are asked to make an inquiry into facts and submit the material pursuant to the provisions of paragraph (1), shall cooperate with such request. *<Newly Inserted by Act No. 8271, Jan. 26, 2007>*

(3) The Registration Review Committee shall give the parties an opportunity to be present at a meeting of the Committee to state his opinion and present any materials.

Article 12 (Resolution)

(1) A meeting of the Registration Review Committee shall pass a resolution with a concurrent vote of a majority of the enrolled members.

(2) Where the Registration Review Committee passes a resolution referred to in paragraph (1), the Korean Bar Association shall effect, deny or revoke the concerned registration in accordance with such a

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resolution.

Article 13 (Operational Regulations)

Matters necessary for the examination procedure and the operation of the Registration Review Committee shall be determined by the Korean Bar Association.

Article 14 (Registration of Affiliation Change)

(1) When any attorney-at-law intends to change his local bar association affiliation, he shall file with the Korean Bar Association an application for a change of his local bar association affiliation through the new local bar association with which he intends to be affiliated.

(2) Any attorney-at-law who has changed his local bar association affiliation under the provisions of paragraph (1) shall file without delay a report thereof with his former local bar association.

(3) The provisions of Articles 7 (4) and 8 shall apply *mutatis mutandis* to the cases referred to in paragraph (1).

Article 15 (Report of Practice, etc.)

When any attorney-at-law establishes his practice or relocates his law office, he shall file a report thereof with the local bar association with which he is affiliated as well as the Korean Bar Association without any delay.

Article 16 (Suspension of Practice)

When any attorney-at-law intends to temporarily suspend his practice, he shall file a report thereof with the local bar association with which he is affiliated as well as the Korean Bar Association.

Article 17 (Termination of Practice)

When any attorney-at-law intends to discontinue his practice, he shall file an application for revocation of his registration with the Korean Bar Association through the local bar association with which he is affiliated.

Article 18 (Revocation of Registration)

(1) When any attorney-at-law falls under any of the following subparagraphs, the Korean Bar Association shall revoke his registration of attorney-at-law. In this case, the Korean Bar Association shall serve a notice on the person whose registration is being revoked, without delay, specifying the grounds of the revocation of his registration (excluding the case referred to in subparagraph 1), and when the Korean Bar Association intends to revoke the registration of an attorney-at-law on the grounds

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of his falling under subparagraph 2, it shall go through a resolution of the Registration Review Committee beforehand:

1. When he is deceased;
 2. When he does not have the qualification of an attorney-at-law referred to in Article 4 or falls under the grounds of disbarment referred to in Article 5;
 3. When an application is filed for revocation of registration under the provisions of Article 17; or
 4. When an order is issued to revoke registration under the provisions of Article 14.
- (2) When any attorney-at-law falls under Article 8 (1) 3 and 4, the Korean Bar Association may revoke his registration of the attorney-at-law after going through a resolution of the Registration Review Committee. In this case, the Korean Bar Association shall promptly serve a notice thereof on the person whose registration is being revoked, clearly indicating the grounds therefor.
- (3) The provisions of Article 8 (3) and (4) shall apply *mutatis mutandis* to the cases referred to in paragraphs (1) and (2).
- (4) When a local bar association recognizes that an attorney-at-law who is affiliated with it falls under any of the grounds referred to in paragraph (1), it shall file a report thereof with the Korean Bar Association without any delay.

Article 19 (Order to Revoke Registration)

When a person who is on the roster of attorneys-at-law is recognized as not having the qualification of an attorney-at-law referred to in Article 4 or as falling under the grounds for disqualification referred to in Article 5, the Minister of Justice shall order the Korean Bar Association to revoke the registration of the attorney-at-law in question.

Article 20 (Report, etc.)

The Korean Bar Association shall notify the local bar association with which an attorney-at-law is affiliated and report to the Minister of Justice matters regarding registration and denial of registration, registration of a change in affiliation and denial of such change, establishment of practice, relocation of law office, suspension of practice and revocation of registration of the attorney-at-law.

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CHAPTER IV RIGHTS AND DUTIES
OF ATTORNEYS-AT-LAW

Article 21 (Law Offices)

- (1) Any attorneys-at-law may establish a law office.
- (2) The office of an attorney-at-law shall be located within the district of the local bar association with which he is affiliated.
- (3) No attorneys-at-law shall have two or more law offices under any pretext.

Article 22 (Office Employees)

- (1) Any attorney-at-law may employ office staff for his law office.
- (2) Any attorney-at-law shall be prohibited from employing a person who falls under one of the following subparagraphs as an office employee referred to in paragraph (1): *<Amended by Act No. 8271, Jan. 26, 2007>*

1. A person who was convicted under the provisions of this Act, Articles 129 through 132 of the Criminal Act, Articles 2 and 3 of the Act on the Aggravated Punishment, etc. of Specific Crimes, or other Acts prescribed by the Presidential Decree and falls under one of the following items:

- (a) A person who was sentenced to imprisonment with prison labor or a heavier punishment and for whom three years have not elapsed since the execution of such sentence was terminated or the exemption of the execution of the sentence was made definite;
- (b) A person who was sentenced to a stay of the execution of imprisonment with prison labor and for whom two years have not elapsed since the stay period elapsed; and
- (c) A person who is in the stay period after having been sentenced to a stay of the execution of the imprisonment with prison labor;

2. A person who was removed from office or dismissed as a public official in a disciplinary action and for whom three years have not elapsed since the date of office removal and dismissal;

3. A person who is incompetent or quasi-incompetent; and

4. Deleted. *<by Act No. 7894, Mar. 24, 2006>*

- (3) Qualification, number, and training of office staff and other necessary matters shall be determined by the Korean Bar Association.

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(4) The head of a local bar association may inquire the head of the District Public Prosecutor's Office about criminal records referred to in paragraph (2) in connection with the employment of office staff by an attorney-at-law who is affiliated with the association.

(5) The head of the District Public Prosecutor's Office may, upon receiving the inquiry referred to in paragraph (4), report back the results of surveying the criminal records to the head of the local bar association.

Article 23 (Advertisement)

(1) Any attorney-at-law, any law firm, any law firm (with limited liability) and any law firm association (hereafter referred to as the "attorney-at-law, etc." in this Article) may advertise his or its members' educations, careers, main services offered, performance records and other matters necessary for publicizing its services through such media as newspapers, magazines, broadcasts and computer communications. *<Amended by Act No. 7357, Jan. 27, 2005; Act No. 8271, Jan. 26, 2007>*

(2) The attorney-at-law, etc. shall be prohibited from running the advertisement falling under any of the following subparagraphs: *<Amended by Act No. 8271, Jan. 26, 2007>*

1. The advertisement that carries false contents concerning the legal service of any attorney-at-law;
2. The advertisement that carries contents concerning any international attorney-at-law qualification and other legally baseless qualifications or titles;
3. The advertisement that carries contents feared to mislead consumers or to incur any misunderstanding to consumers by exaggerating any objective fact or omitting part of any fact, etc.;
4. The advertisement that leads consumers to have the unmeetable expectations of the result of the legal service;
5. The advertisement that carries contents slandering any other attorney-at-law, etc. or comparing any other attorney-at-law with him from his position;
6. The advertisement that is feared to defame the dignity of the attorney-at-law by putting forward illegal methods, etc.; and
7. Other advertisements whose contents and methods that are prescribed by the Korean Bar Association as being feared to harm the public nature, disrupt the fair case-accepting order and cause damage

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to consumers.

(3) The advertisement examination committee mandated to examine the advertisements of attorneys-at-law, etc. shall be set up in the Korean Bar Association and each local bar association. <Newly Inserted by Act No. 8271, Jan. 26, 2007>

(4) Necessary matters concerning the operation of the advertisement examination committee and advertisements shall be prescribed by the Korean Bar Association. <Newly Inserted by Act No. 8271, Jan. 26, 2007>

Article 24 (Duty to Maintain Dignity, etc.)

(1) Any attorney-at-law shall be prohibited from performing any act that damages his dignity.

(2) Any attorney-at-law shall, in performing his duties, be prohibited from covering up the truth or make false statements.

Article 25 (Duty to Observe Association Regulations)

Any attorney-at-law shall observe the regulations of the local bar association with which he is affiliated as well as those of the Korean Bar Association.

Article 26 (Duty to Maintain Confidentiality)

Any attorney-at-law or any former attorney-at-law shall not disclose any confidential matters that he learned in the course of performing his duties: *Provided*, That this shall not apply to the case where such disclosure of confidential matters is especially prescribed otherwise by Acts.

Article 27 (Duty to Perform Designated Services Such as Public Interest Activities, etc.)

(1) Any attorney-at-law shall engage in public interest activities for not less certain hours a year.

(2) Any attorney-at-law shall perform services designated by public agencies, the Korean Bar Association, or the local bar association with which he is affiliated under the Acts and subordinate statutes.

(3) Matters necessary with respect to the scope of the public interest activities and the method of performing such activities shall be prescribed by the Korean Bar Association.

Article 28 (Preparation and Keeping of Register)

(1) Any attorney-at-law shall prepare a register on cases he accepts and keeps it.

(2) Case acceptance dates as well as the amount of case acceptances,

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the personal matters concerning clients, etc., the details of legal cases accepted or legal services accepted and other matters that are prescribed by the Presidential Decree shall be entered in the register referred to in the provisions of paragraph (1) in the order of the case acceptance. <Newly Inserted by Act No. 8321, Mar. 29, 2007>

(3) Ways to keep the register referred to in the provisions of paragraph (1), the period during which the register has to be kept, and other necessary matters shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7357, Jan. 27, 2005; Act No. 8321, Mar. 29, 2007>

Article 28-2 (Report on Number of Cases Accepted and Amount of Case Acceptances)

Any attorney-at-law, any law firm, any law firm (with limited liability) and any law firm association shall report the number of cases accepted and the amount of case acceptances, which are handled by him or it and is paid to him or it in the preceding year, to the local bar association with which he or it is affiliated not later than the end of January, every year.

[This Article Newly Inserted by Act No. 8321, Mar. 29, 2007]

Article 29 (Designation Letters of Attorneys-at-Law, etc. by Way of Local Bar Association)

When any attorney-at-law submits to a public agency a letter of designation of counsel or a letter of attorney in connection with a legal case or a legal service, he shall in advance go through the local bar association with which he is affiliated: *Provided*, That if there is an urgent circumstance that does not allow him to go through the local bar association beforehand, he shall, after submitting a letter of designation of counsel or a letter of attorney and without any delay, submit to the public agency a written confirmation that shows he has gone through the local bar association with which he is affiliated.

Article 29-2 (Prohibition on Defense without Submitting Designation Letters of Attorneys-at-Law, etc.)

Every attorney-at-law shall be prohibited from performing his defense or acting on behalf of his client for the case falling under each of the following subparagraphs without submitting a letter of designation of counsel or a letter of attorney to the relevant court or the relevant investigation agency:

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1. The case for which the trial is in progress; and
2. The criminal case for which the investigation is in progress (including the case for which the secret investigation is in progress).

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 30 (Prohibition of Advertising Connections, etc.)

An attorney-at-law or his office staff shall not advertise, in order to receive a legal case or a legal service, as if he can exercise influence on the case by making pertinent references to his personal relationships, such as connections, etc. to the public officials engaged in the trial or investigative duties.

Article 31 (Restriction on Acceptance of Case)

Any attorney-at-law shall not provide his services in respect of a case that falls under any of the following subparagraphs: *Provided*, That this shall not apply to the case of subparagraph 2 in which the client of the already accepted case consents:

1. A case brought by the adversary party when an attorney-at-law has been consulted in regard to it by one side of the parties and already accepted the case on his behalf;
2. A case brought by a party who is the adversary party in a different case that an attorney-at-law has already accepted; and
3. A case which an attorney-at-law has handled or has come to handle in his capacity as a public official, mediator or arbitrator.

Article 32 (Prohibition of Taking Assignment of Claims)

An attorney-at-law shall not become an assignee to the rights in dispute.

Article 33 (Prohibition of Corrupt Practices)

An attorney-at-law shall not receive, demand or promise benefits from an adversary party in connection with a case for which he is representing a client.

Article 34 (Prohibition, etc. of Entering into Partnership with Non-Attorney)

(1) No person shall introduce, refer or lead a party to a case or another interested person in the case to a certain attorney-at-law or his office staff in connection with representation for a legal case or performance of a legal service after receiving or promising to receive beforehand money or valuables, entertainment or other benefits or receive or demand money or valuables, entertainment or other benefits afterwards in return for in-

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troducing, referring or leading a party to a case or another interested person in the case to a certain attorney-at-law or his office staff in connection with representation for a legal case or performance of a legal service.

(2) An attorney-at-law or his office staff shall not provide or promise money or valuables, entertainment or other benefits in return for introductions of, referrals of or leading clients to him for a legal case or a legal service.

(3) An attorney-at-law or his office staff shall not receive referrals of clients for legal cases or legal services from the persons referred to in subparagraph 2 of Article 109, Article 111 or subparagraph 1 of Article 112 or allow such persons to use his name.

(4) A person who is not an attorney-at-law shall not establish and operate a law office by employing an attorney-at-law.

(5) Fees and other profits earned through services that may be provided only by attorneys-at-law shall not be shared with a person who is not an attorney-at-law.

Article 35 (Prohibition, etc. of Entry for Purpose of Soliciting Case)

An attorney-at-law or his office staff shall not enter courts, investigative agencies, correctional institutions and hospitals or dispatch other persons thereto or have them enter or stay there for the purpose of attracting paid clients for legal cases or legal services.

Article 36 (Prohibition of Referral by Court, Investigative Agency Officials)

A public official who belongs to a trial agency or an investigative one shall not introduce, refer or lead a party to a case or another interested person to a certain attorney-at-law or his office staff in connection with representation in a legal case or performance of a legal service prescribed by the Presidential Decree which his working agency is handling: *Provided*, That this shall not apply if the party of the case or service is a relative as referred to in Article 767 of the Civil Act. <Amended by Act No. 8271, Jan. 26, 2007>

Article 37 (Prohibition of Case Referral by Person Handling Duty, etc.)

(1) A public official who is engaged in trial or investigative duties shall not introduce, refer or lead a party to a case or another interested person in the case to a certain attorney-at-law or the attorney's office staff in connection with representation in a legal case or performance of a

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legal service to which he is related in an official capacity.

(2) The term "related in an official capacity" in paragraph (1) means a case falling under one of the following subparagraphs:

1. Where a public official engaged in trial or investigative duties is handling or has handled a case in an official capacity; and
2. Where a public official is directing or supervising another public official referred to in subparagraph 1 in connection with a case which the later is handling or has handled.

Article 38 (Prohibition of Holding Concurrent Offices)

(1) Any attorney-at-law shall be prohibited from concurrently holding a paid public office: *Provided*, That the same shall apply to the case where such attorney-at-law becomes a member of the National Assembly or a local council or a public official, the office of which does not require him to be on duty at all times, or performs services commissioned by a public agency.

(2) Any attorney-at-law shall be prohibited from executing any transaction or running any business for the purpose of earning profits, becoming an employee of a person who runs such a business, or becoming an executive partner, a director or an employee of a corporation incorporated for the purpose of earning profits without obtaining permission from a local bar association with which he is affiliated: *Provided*, That the same shall not apply to a case where the relevant attorney-at-law becomes a partner of or belongs to any law firm, any law firm (with limited liability) or any law firm association. <Amended by Act No. 7357, Jan. 27, 2005>

(3) The provisions of paragraphs (1) and (2) shall not apply, when an attorney-at-law is in suspension of his practice.

Article 39 (Supervision)

Any attorney-at-law shall be subject to the supervision of a local bar association with which he is affiliated, the Korean Bar Association and the Minister of Justice.

CHAPTER V LAW FIRM

Article 40 (Establishment of Law Firm)

Attorneys-at-law may establish a law firm in order to perform their duties in a systematic and professional manner.

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Article 41 (Procedures for Establishment)

In order to establish a law firm, the attorneys-at-law who will be the partners shall prepare the articles of incorporation and obtain authorization therefor from the Minister of Justice through a local bar association in the seat of its principal office and the Korean Bar Association. The same shall apply to the case where such attorneys-at-law intend to modify the articles of incorporation.

Article 42 (Matters to be Entered in Articles of Incorporation)

Matters falling under each of the following subparagraphs shall be entered in the articles of incorporation of every law firm: <Amended by Act No. 7357, Jan. 27, 2005>

1. Objectives, name and the seats of the principal office and branch offices;
2. Names and resident registration numbers of partners and the domicile of the partner who is to represent the law firm;
3. Kinds of contributions and the standards for computing and appraising their values;
4. Matters concerning the accession and secession of partners and changes in the partnership;
5. Matters concerning meetings of partners;
6. Matters concerning the representative of the law firm;
7. Matters concerning assets and accounting; and
8. Term of existence or the grounds of dissolution, if prescribed, such term and grounds.

Article 43 (Registration)

(1) When authorization is granted for establishment of a law firm, the registration thereof shall be made within two weeks from the date of authorization. The same shall apply to a case where it is intended to change the registered matters.

(2) Matters to be registered under paragraph (1) shall be as follows: <Amended by Act No. 7357, Jan. 27, 2005>

1. Objectives, name and the seats of the principal office and branch offices;
2. Names and resident registration numbers of partners and the domicile of the partner who is to represent the law firm;
3. Kinds and amounts of contributions, their values and the part of contributions already made;

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4. Matters relating to the representative of the law firm;
5. When several partners agree to jointly represent any law firm, the rules governing such law firm;
6. The term of existence or the grounds of dissolution, if any; and
7. Date on which authorization is granted for the establishment of the law firm.

(3) Any law firm shall come into existence by completing the registration of incorporation in the seat of its principal office.

Article 44 (Name)

- (1) Any law firm shall use the words "law firm" in its name.
- (2) Any person who is not a law firm shall be prohibited from using the name "law firm" or any name similar thereto.

Article 45 (Partners)

- (1) Every law firm shall be composed of not less than five attorneys-at-law, and at least one of them shall have served a total of not less than ten years in positions that fall under any subparagraph of Article 42 (1) of the Court Organization Act. *<Amended by Act No. 8271, Jan. 26, 2007>*
- (2) In case where any law firm fails to secure the required number of attorneys-at-law referred to in paragraph (1), such law firm shall secure the required number of attorneys-at-law within 3 months from the date on which the law firm is found to fail to secure the required number of attorneys-at-law. *<Newly Inserted by Act No. 7357, Jan. 27, 2005>*

Article 46 (Joining and Withdrawal of Partner)

- (1) Any law firm shall file with the Minister of Justice a report on the fact of joining of a partner through the local bar association in the seat of its principal office and the Korean Bar Association.
- (2) Any partner may withdraw from his law firm at will.
- (3) Any partner shall rightly withdraw from his law firm when a cause falling under one of the following subparagraphs accrues: *<Amended by Act No. 7357, Jan. 27, 2005>*

1. When he dies;
2. When his registration is revoked under the provisions of Article 18;
3. When he is ordered to suspend his practice under the provisions of Article 102 (2);
4. When he is subject to a disciplinary action of practice suspension or heavier under this Act or the Notary Public Act; and

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5. When a cause provided in the articles of incorporation accrues.

(4) When a partner withdraws under the provisions of paragraphs (2) and (3), a law firm shall promptly file a report thereof with the Minister of Justice through the local bar association in the seat of the principal office and the Korean Bar Association.

Article 47 (Affiliated Non-Partner Attorney-at-Law)

Any law firm may have affiliated attorneys-at-law who are not partners: *Provided*, That any affiliated non-partner attorney-at-law shall be prohibited from performing services that belong to the duties of a notary public.

Article 48 (Offices)

(1) Any law firm may open its branch offices. The standards for establishing branch offices shall be prescribed by the Presidential Decree.

(2) When a law firm commences its operation, relocates its office or opens a branch office, it shall immediately file a report thereof with the Minister of Justice through the local bar association in the seat of its principal office and the Korean Bar Association.

(3) A partner of a law firm or its affiliated non-partner attorney-at-law shall be prohibited from establishing another law office separate from the law firm.

Article 49 (Services)

(1) Any law firm shall render legal services that belong to duties of attorneys-at-law and notary publics, which are provided for in this Act and other Acts: *Provided*, That the services that belong to the duties of notary publics shall be rendered only by persons who have worked with the positions that fall under any subparagraph of Article 42 (1) of the Court Organization Act for the period of not less than 5 years from among its partners in their principal offices. <Amended by Act No. 7357, Jan. 27, 2005; Act No. 8271, Jan. 26, 2007>

(2) When other Acts recognize that an attorney-at-law has the qualifications that are prescribed in those Acts, and if a partner or an affiliated non-partner attorney-at-law may perform duties through such qualifications, a law firm may perform those duties as services provided in its own name.

Article 50 (Method of Performance of Services)

(1) Any law firm shall provide services in its name and designate an

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attorney-at-law in charge of legal services: *Provided*, That an affiliated non-partner attorney-at-law shall be designated jointly with a partner.

(2) When any law firm provides services referred to in Article 49 (2), it shall designate an attorney-at-law in charge of legal services from among those who can perform such services.

(3) When any law firm fails to designate the attorney-at-law in charge of legal services referred to in paragraph (1) (hereinafter referred to as the "attorney-at-law in charge of legal services"), all partners of the law firm shall be each deemed to be designated as the attorney-at-law in charge of legal services. <Amended by Act No. 7357, Jan. 27, 2005>

(4) Every law firm shall, when the attorney-at-law in charge of legal services is unable to render his legal services, designate without delay the attorney-at-law in charge of legal services in accordance with paragraph (1). When the law firm fails to designate the attorney-at-law in charge of legal services, all partners of the law firm shall be each deemed to be designated as the attorney-at-law in charge of legal services. <Amended by Act No. 7357, Jan. 27, 2005>

(5) When any law firm designates the attorney-at-law in charge of legal services in accordance with paragraphs (1) through (4), the law firm shall notify without delay the client of the accepted case of its designation in writing. The same shall apply to a case where the attorney-at-law in charge of legal services is replaced. <Newly Inserted by Act No. 7357, Jan. 27, 2005>

(6) Every attorney-at-law in charge of legal services shall represent his law firm when he renders his legal services. <Newly Inserted by Act No. 7357, Jan. 27, 2005>

(7) Every document that is prepared by any law firm in connection with its legal services shall be marked with its name and the attorney-at-law in charge of legal services shall subscribe his name and affix his seal thereto or put his signature thereto: *Provided*, That in the case of the services that belong to the notary public, the attorney-at-law in charge of legal services shall put his signature thereto and affix his seal thereto. <Newly Inserted by Act No. 7357, Jan. 27, 2005>

Article 51 (Restrictions on Services)

A law firm shall not provide services of an attorney-at-law in connection with a case in which such law firm has acted as a notary public: *Pro-*

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vided, That the same shall not apply to the cases prescribed by the Presidential Decree.

Article 52 (Restrictions on Services by Partners, etc.)

(1) Any partner of a law firm or any affiliated non-partner attorney-at-law shall be prohibited from providing services as an attorney-at-law for his account or a third person's account.

(2) Any person who was a partner of a law firm or an affiliated non-partner attorney-at-law of such law firm shall be prohibited from providing services as an attorney in respect of a case about which the law firm was consulted and which the law firm accepted during the period for which he worked for the law firm.

Article 53 (Revocation of Authorization)

(1) When any law firm falls under any of the following subparagraphs, the Minister of Justice may revoke his authorization for its establishment: <Amended by Act No. 7357, Jan. 27, 2005>

1. When it fails to fill the vacancy of any partner within 3 months in violation of the provisions of Article 45 (2); and
2. When it violates the provisions of the Acts and subordinate statutes in performing its services.

(2) The Minister of Justice shall hold a hearing when he intends to revoke the authorization of establishment of a law firm under the provisions of paragraph (1).

Article 54 (Dissolution)

(1) Any law firm shall be dissolved when the cause falling under any of the following subparagraphs accrues:

1. When a cause for dissolution as prescribed in the articles of incorporation accrues;
2. When there is a consent of all partners with respect to dissolution;
3. When a merger occurs;
4. When bankruptcy occurs; and
5. When the authorization of establishment is revoked.

(2) When a law firm is dissolved, a liquidator shall immediately file a report thereof with the Minister of Justice through the local bar association in the seat of its principal office and the Korean Bar Association.

Article 55 (Merger)

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(1) Any law firm may merge with another law firm with a consent of all of its partners.

(2) The provisions of Articles 41 through 43 shall apply *mutatis mutandis* to the case of paragraph (1).

Article 56 (Notice)

When there is authorization of establishment, revocation of authorization, dissolution or merger of a law firm, the Minister of Justice shall without any delay file a notice thereof with the local bar association in the seat of the principal office and the Korean Bar Association.

Article 57 (Provisions Applicable *Mutatis Mutandis*)

The provisions of Articles 22, 27 through 37, 39 and Chapter X shall apply *mutatis mutandis* to law firms. <Amended by Act No. 7357, Jan. 27, 2005>

Article 58 (Other Acts Applicable *Mutatis Mutandis*)

(1) The provisions governing partnership companies of the Commercial Act shall apply *mutatis mutandis* to any law firm except as provided otherwise in this Act. <Amended by Act No. 8271, Jan. 26, 2007>

(2) The provisions of the Notary Public Act shall apply *mutatis mutandis* to notarial services by a law firm and its partners and the supervision and discipline thereof. <Amended by Act No. 8271, Jan. 26, 2007>

CHAPTER V-2 LAW FIRMS (WITH LIMITED LIABILITY)

Article 58-2 (Incorporation)

Attorneys-at-law may incorporate a law firm (with limited liability) in order to render systematically and professionally their legal services.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-3 (Procedures for Incorporation)

When it is intended to incorporate a law firm (with limited liability), attorneys-at-law who are to be the partners thereof shall make the articles of incorporation and obtain an authorization therefor from the Minister of Justice after going through the local bar association in the seat of its principal office and the Korean Bar Association. The same shall apply to a case where they intend to change the articles of incorporation.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

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Article 58-4 (Entries of Articles of Incorporation)

The matters falling under each of the following subparagraphs shall be entered in the articles of incorporation of a law firm (with limited liability):

1. Objectives, name and the seats of the principal office and branch offices;
2. The names, resident registration numbers of partners and the domicile of the partner who is to represent the law firm (with limited liability);
3. The total amount of capital and the number of equity shares held by each partner through his investment;
4. Matters concerning the accession and secession of partners and other changes in the partnership;
5. Matters concerning the meeting of the partners;
6. Matters concerning the representative of the law firm (with limited liability);
7. Matters concerning assets and accounting; and
8. When the term of existence and the grounds of dissolution are prescribed, such term and grounds.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-5 (Registration)

(1) Every law firm (with limited liability) shall have its incorporation registered within 2 weeks from the date on which it obtains an authorization for its incorporation. The same shall apply to a case where it intends to change registered matters.

(2) The matters that need to be registered pursuant to paragraph (1) shall be as follows:

1. Objectives, name and the seats of the principal office and branch offices;
2. The amount of one investment share, the total amount of capital and performance portion;
3. Names and resident registration numbers of directors;
4. The name and domicile of the director who is to represent the law firm (with limited liability);
5. When several directors agree to jointly represent the law firm (with limited liability), the rules governing such law firm;
6. When the term of existence and the grounds of dissolution are prescribed, such term and grounds;
7. The name, resident registration number and domicile of the auditor

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if he is appointed; and

8. The date on which an authorization is granted for incorporating the law firm (with limited liability).

(3) Every law firm (with limited liability) shall be incorporated by having its incorporation registered in the seat of its principal office.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-6 (Partners, etc.)

(1) Every law firm (with limited liability) shall be composed of not less than 10 attorneys-at-law and not less than 3 attorneys-at-law from among them are required to have worked with the position that falls under any subparagraph of Article 42 (1) of the Court Organization Act for the period of not less than 10 years. *<Amended by Act No. 8271, Jan. 26, 2007>*

(2) Every law firm (with limited liability) may employ any affiliated attorney-at-law on its payroll who is not its partner.

(3) Every law firm (with limited liability) shall have not less than 20 attorneys-at-law on its payroll who are its partners and affiliated attorneys-at-law who are not its partners.

(4) When any law firm (with limited liability) is found to fall short of the required number of partners and affiliated attorneys-at-law who are not its partners referred to in paragraph (1) or (3), the relevant law firm (with limited liability) shall fill the vacancy within 3 months from the date on which it is found to fall short of the required number.

(5) Every law firm (with limited liability) shall have not less than 3 directors on its payroll. In this case, anyone who falls under any of the following subparagraphs shall be disqualified for a director:

1. A person who is not a partner;

2. A person who has worked as a director for a law firm (with limited liability) whose authorization for its incorporation was revoked (limited to the director who works at the time when the grounds of revoking the authorization for its incorporation accrue) and for whom 3 years have yet to pass from the date on which the authorization for its incorporation was revoked; and

3. A person who is in the period of legal service suspension provided for in the provisions of Article 102.

(6) Every law firm (with unlimited liability) may have one or several auditors on its payroll. In this case, the auditors shall be attorneys-at-

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law.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-7 (Total Amount of Capital, etc.)

(1) The total amount of the capital of every law firm (with limited liability) shall be not less than 1 billion won.

(2) The amount of one share shall be 10,000 won.

(3) The number of equity shares per partner shall be not less than 3,000 equity shares.

(4) Where the amount obtained by subtracting the total amount of debts from the total amount of assets on the balance sheet as of the end of the immediately preceding business year falls short of 1 billion won, the relevant law firm (with limited liability) shall replenish the deficiency by means of capital increase or partner donations within 6 months after the relevant business year ends.

(5) The donations referred to in paragraph (4) shall be counted as extraordinary profits.

(6) Where any law firm (with limited liability) fails to replenish the deficiency by means of capital increase or partner donations pursuant to paragraph (4), the Minister of Justice may order the relevant law firm (with limited liability) to increase its capital or replenish the deficiency within the fixed period.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-8 (Prohibition on Investment in Other Corporation, etc.)

(1) Every law firm (with limited liability) shall be prohibited from investing in any other corporation or offering the guarantee of debts for any other person in excess of the amount obtained by multiplying the ratio that is set by the Presidential Decree within the scope of 50/100 by its capital.

(2) The capital referred to in paragraph (1) shall mean the amount obtained by subtracting the total amount of debts from the total amount of assets on the balance sheet as of the end of the immediately preceding business year. In the case of any newly incorporated law firm (with limited liability) that does not have the balance sheet of the immediately preceding business year, its capital shall mean the paid-in capital at the time of its incorporation.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

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Article 58-9 (Accounting, etc.)

(1) Every law firm (with limited liability) shall perform its accounting according to the accounting standards provided for in the provisions of Article 13 of the Act on External Audit of Stock Companies, except as otherwise provided for in this Act. *<Amended by Act No. 8271, Jan. 26, 2007>*

(2) Every law firm (with limited liability) shall compile a balance sheet according to the accounting standards referred to in paragraph (1) and submit it to the Minister of Justice within 3 months after every business year ends.

(3) The Minister of Justice may, if it is deemed necessary, examine whether the balance sheet referred to in paragraph (2) is appropriately compiled.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-10 (Responsibilities of Partners)

The responsibilities of the partners of every law firm (with limited liability) shall be limited to the amount of their investments, except as otherwise provided for in this Act.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-11 (Liability for Compensating for Damage Involving Accepted Case)

(1) When the attorney-at-law in charge of legal services [in case where no attorney-at-law in charge of legal services is designated, refers to all partners of his law firm (with limited liability)] causes damage to his client in connection with the accepted case by deliberation or negligence, he shall be liable to compensate for such damage in concert with his law firm (with limited liability).

(2) In case where the attorney-at-law in charge of legal services is liable to compensate for any damage, the partner who personally directs and supervises the relevant attorney-at-law in charge of legal services shall also be liable to compensate for such damage: *Provided*, That the same shall not apply to a case where it is verified that the partner does not negligently direct and supervise the attorney-at-law in charge of legal services.

(3) Every law firm (with limited liability) shall explicitly indicate matters concerning the liability for the compensation of damage referred to in paragraphs (1) and (2) in case acceptance contracts and advertisements under the conditions as prescribed by the Presidential Decree.

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[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-12 (Insurance or Mutual Aid Fund)

Every law firm (with limited liability) shall insure itself or subscribe to the mutual aid fund that is operated by the Korean Bar Association in order to guarantee the liability for the compensation of damage in connection with the accepted case provided for in the provisions of Article 58-11 under the conditions as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-13 (Revocation of Authorization)

In case where any law firm (with limited liability) falls under any of the following subparagraphs, the Minister of Justice may revoke his authorization for its incorporation:

1. When it fails to fill the vacancy of any partner or any attorney-at-law who is not a partner within 3 months in violation of the provisions of Article 58-6 (4);
2. When one of the directors falls under each subparagraph of Article 58-6 (5): *Provided*, That the same shall apply to a case where the director in question is replaced within 3 months from the date on which the relevant grounds accrue;
3. When it invests in other corporation or offers the guarantee of debts for any other person in violation of the provisions of Article 58-8 (1);
4. When it performs the accounting in violation of the provisions of Article 58-9 (1);
5. When it fails to insure itself or to subscribe to the mutual aid fund in violation of the provisions of Article 58-12; and
6. When it violates Acts and subordinate statutes while rendering its legal services.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-14 (Dissolution)

(1) Any law firm (with limited liability) shall be dissolved on the ground falling under any of the following subparagraphs:

1. When the ground of its dissolution that is specified in the articles of incorporation accrues;
2. When the consent of a majority of the partners and the consent of persons with not less than $\frac{3}{4}$ of the voting rights of the total partners are obtained;

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3. When it is merged with any other law firm (with limited liability);
4. When it goes bankrupt;
5. When its incorporation authorization is revoked; and
6. When the period of existence expires if such period of existence is prescribed.

(2) When any law firm (with limited liability) is dissolved, the relevant liquidator shall make a report thereon to the Minister of Justice after going through the local bar association in the seat of its principal office and the Korean Bar Association.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-15 (Notice)

When an authorization is granted for any law firm (with limited liability), such authorization is revoked, such law firm (with limited liability) is dissolved or such law firm (with limited liability) is merged with other law firm (with limited liability), the Minister of Justice shall promptly serve the notice on local bar associations in the seats of its principal office and branch offices and the Korean Bar Association.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-16 (Provisions Applicable *Mutatis Mutandis*)

The provisions of Articles 22, 27 through 37, 39, 44, 46 through 52, and 53 (2) and the provisions of Chapter X shall apply *mutatis mutandis* to every law firm (with limited liability).

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-17 (*Mutatis Mutandis* Application of Other Acts)

(1) The provisions governing limited-liability companies of the Commercial Act (excluding Article 545 of the Commercial Act) shall apply *mutatis mutandis* to law firms (with limited liability), except as otherwise provided for in this Act. <Amended by Act No. 8271, Jan. 26, 2007>

(2) The Notary Public Act shall apply *mutatis mutandis* to notarial services rendered by law firms (with limited liability) and their partners, the supervision of them and disciplinary actions against them. <Newly Inserted by Act No. 8271, Jan. 26, 2007>

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

CHAPTER V-3 LAW FIRM ASSOCIATION

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Article 58-18 (Establishment)

Attorneys-at-law may establish a law firm association in order for them to render systematically and professionally legal services.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-19 (Procedures for Establishment)

(1) When it is intended to establish a law firm association, attorneys-at-law who are to become its partners shall make the rules and obtain an authorization therefor from the Minister of Justice after going through the local bar association in the seat of its principal office and the Korean Bar Association. The same shall apply to a case where it is intended to change its rules.

(2) The Minister of Justice shall, when he grants an authorization for establishing the law firm association pursuant to paragraph (1), publish his authorization therefor in the Official Gazette.

(3) The law firm association shall be established at the time when the publication referred to in paragraph (2) is made.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-20 (Matters Entered in Rules)

The matters falling under each of the following subparagraphs shall be entered in the rules of the law firm association:

1. Objectives, name and the seats of the principal office and branch offices;
2. Names and resident registration numbers of partners and the domicile of the partner who is to represent the law firm association;
3. Matters concerning the accession and secession of partners and changes in the partnership;
4. Matters concerning the categories of investment, the value of investment and appraisal standards;
5. Matters concerning the distribution of profit and loss;
6. Matters concerning the representative of the law firm association;
7. Matters concerning assets and accounting; and
8. When the term of existence and the grounds of dissolution are prescribed, such term and grounds.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-21 (Submission of Rules, etc.)

(1) Every law firm association shall submit its rules and a written statement detailing the matters falling under each of the following subpara-

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graphs to the relevant local bar association in the seats of its principal office and its branch offices within 2 months from the date on which it obtains an authorization for its establishment. The same shall apply to a case where it intends to change the rules or any entry of the rules:

1. Objectives, name and the seats of the principal office and branch offices;
2. Names and resident registration numbers of partners and the domicile of the partner who is to represent the law firm association;
3. The total amount of investment and the amount of investment by each partner;
4. Matters concerning the representative of the law firm association;
5. When the term of existence and the grounds of dissolution are prescribed, such term and grounds;
6. Matters concerning the distribution of profit and loss; and
7. The date on which an authorization for its establishment is granted.

(2) Every local bar association in the seats of the principal office and branch offices of the law firm association shall keep the written statements falling under each of the following subparagraphs in accordance with the Presidential Decree and offer them for public perusal:

1. The written statement in which the matters referred to in each subparagraph of paragraph (1) are entered;
2. The written statement concerning the establishment authorization and the revocation of such establishment authorization and the dissolution provided for in the provisions of Article 58-29; and
3. The written statement verifying that it subscribes to the insurance or the mutual aid fund provided for in the provisions of Article 58-12 that are applied *mutatis mutandis* under the provisions of Article 58-30.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-22 (Partners, etc.)

(1) Every law firm association shall be composed of not less than 10 attorneys-at-law and not less than 3 attorneys-at-law from among them shall be required to have worked with the position that falls under any subparagraph of Article 42 (1) of the Court Organization Act for the period of not less than 10 years. *<Amended by Act No. 8271, Jan. 26, 2007>*

(2) Every law firm association may have any affiliated attorney-at-law who is not a partner.

(3) Every law firm association shall, when it falls short of the required

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number referred to in paragraph (1), fill the vacancy thereof within 3 months from the date on which it falls short of the required number.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-23 (Performance of Work)

(1) The performance of the work of every law firm association shall be determined by a resolution of a majority of its total partners: *Provided*, That where several partners are assigned to perform the work, the performance of their work shall be determined by a resolution of a majority of such several partners.

(2) Every law firm association may set up an operating committee that is composed of all the partners assigned to perform the work under the conditions as prescribed by the rules.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-24 (Liabilities of Partners)

The partners of every law firm association shall be liable for debts (excluding any debt related to the liability for compensating for damage provided for in the provisions of Article 58-25) of their law firm association according to the loss sharing ratio at the time when the debts are incurred.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-25 (Liability to Compensate for Damage Related to Accepted Cases)

(1) When the attorney-at-law in charge of legal services (in case where no attorney-at-law in charge of legal services is designated, refers to all partners of the law firm association) causes damage to his client in connection with the accepted case by deliberation or negligence, he shall be liable to compensate for such damage.

(2) In case where the attorney-at-law in charge of legal services is liable to compensate for any damage pursuant to paragraph (1), the partner who personally directs and supervises the relevant attorney-at-law in charge of legal services shall also be liable to compensate for such damage: *Provided*, That the same shall not apply to a case where it is verified that the partner does not negligently direct and supervise the attorney-at-law in charge of legal services.

(3) Every law firm association shall explicitly indicate matters concerning its liability for the compensation of damage referred to in paragraphs (1)

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and (2) in case acceptance contracts and advertisements under the conditions as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-26 (Competent Party to Lawsuit)

Every law firm association may be a competent party to any lawsuit.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-27 (Revocation of Authorization)

The Minister of Justice may, when any law firm association falls under any of the following subparagraphs, revoke his authorization for its establishment:

1. When it fails to fill the vacancy within 3 months from the date on which such vacancy occurs in violation of the provisions of Article 58-22 (3);
2. When it fails to insure itself or subscribe to the mutual aid fund in violation of the provisions of Article 58-12 that are applied *mutatis mutandis* under the provisions of Article 58-30; and
3. When it violates Acts and subordinate statutes while performing its work.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-28 (Dissolution)

(1) Any law firm association shall be dissolved when the grounds falling under any of the following subparagraphs accrue:

1. When the grounds of dissolving itself specified in the rules accrue;
2. When the consent of dissolving itself is obtained from a majority of the partners: *Provided*, That the ratio of the majority may be raised by the rules;
3. When the authorization for its establishment is revoked; and
4. When the term of existence expires if the term of existence is prescribed.

(2) When any law firm association is dissolved, the relevant liquidator shall promptly make a report thereon to the Minister of Justice after going through the local bar association in the seat of its principal office and the Korean Bar Association.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-29 (Notice)

When an authorization is granted for establishing any law firm associ-

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ation, such authorization is revoked or such law firm association is dissolved, the Minister of Justice shall promptly serve the notice on local bar associations in the seats of its principal office and branch offices and the Korean Bar Association.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-30 (Provisions Applicable *Mutatis Mutandis*)

The provisions of Articles 22, 27 through 37, 39, 44, 46 through 52, 53 (2), 58-9 (1), and 58-12 and the provisions of Chapter X shall apply *mutatis mutandis* to every law firm association.

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

Article 58-31 (Application *Mutatis Mutandis* of Other Acts)

(1) The provisions governing the association of the Civil Act (excluding the provisions of Article 713 of the Civil Act) shall apply *mutatis mutandis* to every law firm association, except as otherwise prescribed by this Act. *<Amended by Act No. 8271, Jan. 26, 2007>*

(2) The Notary Public Act shall apply *mutatis mutandis* to notarial services rendered by the law firm association and its partners, the supervision of them and disciplinary actions against them. *<Newly Inserted by Act No. 8271, Jan. 26, 2007>*

[This Article Newly Inserted by Act No. 7357, Jan. 27, 2005]

CHAPTER VI Deleted.

Articles 59 through 63 Deleted. *<by Act No. 7357, Jan. 27, 2005>*

CHAPTER VII LOCAL BAR ASSOCIATION

Article 64 (Objectives and Establishment)

(1) In order to preserve the dignity of attorneys-at-law, improve and develop legal services of attorneys-at-law and administer the affairs relating to guidance and supervision of attorneys-at-law, one local bar association shall be established in the jurisdictional area of every District Court. *Provided*, That one local bar association shall be established in Seoul Special Metropolitan City. *<Amended by Act No. 7082, Jan. 20, 2004>*

(2) A local bar association shall be a corporation.

Article 65 (Procedures for Establishment)

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When it is intended to establish a local bar association, attorneys-at-law to be members of such local bar association shall make regulations of such association and obtain authorization therefor from the Minister of Justice through the Korean Bar Association. The same shall also apply to the case where they intend to change such regulations.

Article 66 (Matters Entered in Association Regulations)

Matters falling under each of the following subparagraphs shall be entered in the regulations of a local bar association:

1. Name and the seat of office;
2. Matters relating to entry and withdrawal of members;
3. Matters relating to the composition, powers and meetings of the general meeting, the board of directors and other organs;
4. Matters relating to election, terms of office and duties of officers;
5. Matters relating to rights and duties of members;
6. matters relating to guidance and supervision of members; and
7. Matters concerning assets and accounting.

Article 67 (Publication)

The Minister of Justice shall, when he grants authorization for establishment of a local bar association, publish its name, the seat of its office and the date of its establishment. The same shall also apply to the case where its name or the seat of its office is changed.

Article 68 (Entry and Withdrawal)

- (1) Any attorney-at-law who has registered in accordance with Article 7 shall become a member of a local bar association with which he intends to be affiliated.
- (2) Any attorney-at-law who has registered a shift in his affiliation in accordance with Article 14 shall become a member of a local bar association with which he intends to be affiliated and naturally withdraw from a local bar association with which he was formerly affiliated.
- (3) Any attorney-at-law whose registration is revoked under the provisions of Article 18 shall naturally withdraw from a local bar association with which he is affiliated.

Article 69 (Officers)

- (1) Every local bar association shall have officers falling under each of the following subparagraphs:
 1. One president;

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2. One vice president (two vice presidents if the number of members exceeds 200);
 3. Not more than five standing directors (no more than ten if the number of members exceeds 200);
 4. Not more than twenty directors; and
 5. Two auditors.
- (2) Officers shall be elected at a general meeting.

Article 70 (General Meeting)

- (1) Every local bar association shall hold a general meeting.
- (2) The members of a general meeting shall be composed of attorneys-at-law who have reported the commencement of their practices: *Provided*, That in the event that the number of members exceeds two hundred, the members of the general meeting may be composed of representatives elected by the association members in accordance with the regulations.
- (3) Matters falling under each of the following subparagraphs shall go through a resolution of a general meeting:
 1. A change in the regulations; and
 2. Budget and settlement of accounts.

Article 71 (Board of Directors)

- (1) Every local bar association shall have the board of directors.
- (2) The board of directors shall resolve important matters relating to the affairs of an association.

Article 72 (Duty to Cooperate in Public Defense, etc.)

- (1) Every local bar association shall submit a list of candidates for public defenders to the court and vigorously cooperate in the efficient operation of the public defender system by supporting the activities of public defenders, etc.
- (2) Every local bar association shall faithfully cooperate in sound operation of the judicial system by, for example, recommending an attorney-at-law to maintain a public action for a case that has been brought to the court trial through an arbitral decision and recommending commissioners of a council of conciliation under the Judicial Conciliation of Civil Disputes Act. <Amended by Act No. 8271, Jan. 26, 2007>

Article 73 (Guidance for Judicial Trainees)

Every local bar association shall conduct in-service training programs

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for judicial trainees, upon commission of the head of the Judicial Research and Training Institute.

Article 74 (Mediation of Dispute)

When a dispute arises between member attorneys of a local bar association or between a member attorney and his client over performance of legal services, the local bar association concerned may mediate such dispute upon a request from the parties.

Article 75 (Counsel and Proposal)

Every local bar association shall reply to public agencies in respect of matters on which it takes counsel from them and may make proposals to public agencies in respect of legal affairs and other related matters.

Article 76 (Duty to Provide Clients with Information on Members)

(1) In order to facilitate conveniences for clients to select attorneys-at-law and to make the acceptance of legal cases and affairs by attorneys-at-law transparent, every local bar association shall provide clients with information pertaining to educations, experiences, principal service areas and service records, etc. of its members.

(2) Scope and method of providing the information referred to in paragraph (1) and other necessary matters shall be determined by each local bar association.

Article 77 (Supervision)

(1) Every local bar association shall be put under supervision of the Korean Bar Association and the Minister of Justice.

(2) Every local bar association shall promptly report contents of a resolution of its general meeting to the Korean Bar Association and the Minister of Justice.

(3) The Minister of Justice may, when he recognizes that the resolution referred to in paragraph (2) is in violation of Acts and subordinate statutes or the regulations, revoke such resolution after listening to opinion of the President of the Korean Bar Association. <Amended by Act No. 8271, Jan. 26, 2007>

CHAPTER VIII KOREAN BAR ASSOCIATION

Article 78 (Objective and Establishment)

(1) In order to preserve the dignity of attorneys-at-law, to improve and

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develop legal services, to further the legal culture and to execute the affairs relating to guidance and supervision of attorneys-at-law and local bar associations, the Korean Bar Association shall be established.

(2) The Korean Bar Association shall be a corporation.

Article 79 (Procedures for Establishment)

Local bar associations shall establish the Korean Bar Association after jointly making its regulations and obtaining authorization therefor from the Minister of Justice. The same shall also apply to the case where they change the regulations.

Article 80 (Matters Entered in Regulations)

Matters falling under each of the following subparagraphs shall be entered in the regulations of the Korean Bar Association:

1. Matters of each subparagraph of Article 66;
2. Matters relating to legal aid programs;
3. Matters relating to training and education for attorneys-at-law;
4. Matters relating to disciplinary actions against attorneys-at-law; and
5. Matters relating to guidance and supervision of attorneys-at-law and local bar associations.

Article 81 (Officers)

The Korean Bar Association shall have officers falling under each of the following subparagraphs:

1. One president;
2. Five vice presidents;
3. Not more than ten standing directors;
4. Not more than fifty directors; and
5. Not more than three auditors.

Article 82 (General Meeting)

(1) The Korean Bar Association shall hold a general meeting.

(2) The members of a general meeting shall be composed of heads of local bar associations and representatives elected in proportion to the number of members who have reported the establishment of their practice to the local bar associations.

Article 83 (Share of Expenses)

Local bar associations shall pay expenses necessary to operate the Korean Bar Association under the conditions as determined by the Korean Bar Association.

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Article 84 (Committee on Legal Aid)

A Committee on Legal Aid shall be established to carry out legal aid projects in the Korean Bar Association, and its subcommittee may be established in a local bar association.

Article 85 (Training and Education for Attorneys-at-Law)

(1) Attorneys-at-law shall undergo the training and education (hereinafter referred to as the "training and education") that is conducted by the Korean Bar Association for longer than the period set by the Presidential Decree in order to raise their expertises and consciousness of ethics: *Provided*, That the same shall not apply to the case falling under any of the following subparagraphs:

1. Where any attorney-at-law is unable to normally render his legal service due to his disease, etc.;
2. Where any attorney-at-law is unable to undergo the training and education on the justifiable grounds of suspending his legal service, etc.; and
3. Where any attorney-at-law is unable to undergo the training and education on the grounds of his advanced age, which is prescribed by the Korean Bar Association.

(2) The Korean Bar Association may commission the training and education to local bar associations or any agency or any organization after designating them.

(3) Where any attorney-at-law attends any law-related academic seminar, etc., the Korean Bar Association may recognize that he undergoes the training and education under the conditions as prescribed by the Korean Bar Association.

(4) The subject of the ethics of the legal profession shall be included in the training and education.

(5) Necessary matters concerning ways and procedures for conducting the training and education as well as procedures and standards for designating agencies and organizations to which the training and education can be commissioned, etc. shall be prescribed by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8271, Jan. 26, 2007]

Article 86 (Supervision)

(1) The Korean Bar Association shall be put under supervision of the Minister of Justice.

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(2) The Korean Bar Association shall promptly report the contents of a resolution of its general meeting to the Minister of Justice.

(3) The Minister of Justice may, when he recognizes that the resolution referred to in paragraph (2) is in violation of Acts and subordinate statutes or the regulations, revoke such resolution. <Amended by Act No. 8271, Jan. 26, 2007>

Article 87 (Provisions Applicable *Mutatis Mutandis*)

The provisions of Articles 69 (2), 70 (3), 71 and 75 shall apply *mutatis mutandis* to the Korean Bar Association.

CHAPTER IX LEGAL ETHICS CONSULTATIVE COUNCIL AND SUBMISSION OF CASE ACCEPTANCE MATERIAL

Article 88 (Legal Ethics Consultative Council)

The Legal Ethics Consultative Council (hereinafter referred to as the "Ethics Consultative Council") shall be set up in order to establish the legal ethics and build a healthy legal climate.

[This Article Wholly Amended by Act No. 8271, Jan. 26, 2007]

Article 89 (Function and Authority of Ethics Consultative Council)

(1) The Ethics Consultative Council shall perform the work falling under each of the following subparagraphs:

1. The consultations about Acts and subordinate statutes, legal systems and policies in order to establish the legal ethics;
2. The analysis of the actual state of the legal ethics and the development of steps to deal with the act of violating the legal ethics;
3. The application filed for commencing disciplinary actions against or the request made for investigating persons who have violated Acts and subordinate statutes governing the legal ethics; and
4. The consultations about matters necessary to establish the legal ethics.

(2) The Ethics Consultative Council may, when it is deemed necessary, inquire any person concerned, any agency concerned or any organization concerned, etc. about the fact, ask them to submit material or ask them to be present at the Ethics Consultative Council to state their opinions

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and explain matters in question.

[This Article Wholly Amended by Act No. 8271, Jan. 26, 2007]

Article 89-2 (Composition of Ethics Consultative Council)

(1) The Ethics Consultative Council shall be composed of 9 members that are added up by 3 members who are each nominated or commissioned by the Minister of Court Administration, the Minister of Justice and the President of the Korean Bar Association. In this case, the Minister of Court Administration, the Minister of Justice and the President of the Korean Bar Association shall commission not less than one person who falls under subparagraph 4 or 5 as the member:

1. Judges with the work experiences of not less than 10 years;
2. Prosecutors with the work experiences of not less than 10 years;
3. Attorneys-at-law with the work experiences of not less than 10 years;
4. Professors of law or associate professors of law; and
5. Persons of profound experience and virtue.

(2) The chairman shall be elected with the consent of a majority of the registered members from among the members who are nominated or commissioned by the President of the Korean Bar Association.

(3) The terms of office of the chairman and the members shall be 2 years and they may be reappointed.

(4) Where any member who is nominated or commissioned according to the requirements referred to in paragraph (1) 1 through 4 fails to meet the requirements of the nomination and commission during his term of office, he shall lose his status of a member.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 89-3 (Organization, Operation and Budget of Ethics Consultative Council)

(1) The Ethics Consultative Council shall have 3 administrative secretaries and the secretariat in order to perform its clerical work.

(2) The three administrative secretaries shall be composed of one judge nominated by the Minister of Court Administration, one prosecutor nominated by the Minister of Justice and one attorney-at-law nominated by the President of the Korean Bar Association.

(3) The chairman may appoint a senior secretary from among the administrative secretaries in order to efficiently perform the clerical work.

(4) The Government may grant the Ethics Consultative Council subsidies

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within limits of budget in order to support performing its work.

(5) Necessary matters concerning the organization and operation of the Ethics Consultative Council shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 89-4 (Submission of Case Acceptances Material, etc. by Attorneys-at-Law Who Have Retired from Public Offices)

(1) Anyone who commences his business as an attorney-at-law after having worked as a judge, a prosecutor, a long-term served military judicial officer or a public official (excluding any judicial trainee and anyone who has served as a soldier or a public-service judge advocate, etc. in order to fulfill his duty of the military service) (hereinafter referred to as an "attorney-at-law who has retired from public office") shall submit the material detailing the cases that he has accepted and how he has dealt with such cases during 2 years from the date on which he retires during every period prescribed by the Presidential Decree to the local bar association with which he is affiliated.

(2) The provisions of paragraph (1) shall also apply to a case where any attorney-at-law who has retired from public office is designated as the attorney-at-law in charge of a law firm, a law firm (with limited liability) or a law firm association pursuant to the provisions of Article 50, 58-16 or 58-30.

(3) Every local bar association shall submit the material that it receives pursuant to the provisions of paragraph (1) to the Ethics Consultative Council.

(4) The chairman of the Ethics Consultative Council shall, when he finds that any attorney-at-law who has retired from public office is suspected of having committing the illegality or falling under the grounds of the disciplinary action pursuant to the provisions of Article 91, file an application with the President of the Korean Bar Association or the head of the District Public Prosecutor's Office for commencing a disciplinary action against the relevant attorney-at-law or for investigating the relevant attorney-at-law.

(5) Necessary matters concerning the material detailing the case acceptance, which has to be submitted by attorneys-at-law who have retired from public offices, the matters that have to be entered in the result of

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how they have dealt with their accepted cases and procedures for submitting the material, etc. shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 89-5 (Submission of Material Detailing Case Acceptance, etc. by Specific Attorneys-at-Law)

(1) Every local bar association shall submit the names and the case lists of attorneys-at-law [including attorneys-at-law who are in charge of law firms, law firms (with limited liability) and law firm associations provided for in the provisions of Articles 50, 58-16 and 58-30; hereinafter referred to as "specific attorneys-at-law"] who have accepted the cases whose number is in excess of the number that is prescribed by the Presidential Decree to the Ethics Consultative Council.

(2) The Ethics Consultative Council may, where it is deemed necessary to confirm how the cases have been accepted in order to judge whether such cases have been accepted in violation of the provisions governing the case acceptance of Articles 30, 31, 34 (2) and (3), and 35, ask the specific attorneys-at-law to submit the material detailing the accepted cases that is entered in the cast lists referred to in the provisions of paragraph (1) and how the cases have been dealt with. In this case, the specific attorneys-at-law shall submit such materials within 30 days from the date on which they are asked to submit them.

(3) The provisions of Article 89-4 (4) and (5) shall apply *mutatis mutandis* to the specific attorneys-at-law.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 89-6 (Notification of Result of Handling Accepted Cases, etc.)

(1) The Ethics Consultative Council shall, when it receives the material that is submitted pursuant to the provisions of Articles 89-4 (3) and 89-5 (2), notify without delay the competent court, the Public Prosecutor's Office and the head of the agency having jurisdiction over the case, etc. of the case lists.

(2) The head of each agency referred to in the provisions of paragraph (1) shall notify the Ethics Consultative Council of how he has dealt with the case lists within one month from date on which he is notified thereof pursuant to the provisions of paragraph (1): *Provided*, That where the case is not closed, the notification shall be made within one month from the time when the case is closed.

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[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 89-7 (Prohibition on Divulging Secrets)

The members, administrative secretaries, clerks, or any person who has served in any of the posts thereof shall be prohibited from divulging secrets they have learned while performing their duties.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

CHAPTER X DISCIPLINARY ACTION AND SUSPENSION OF PRACTICE

Article 90 (Types of Disciplinary Actions)

(1) Types of disciplinary actions against attorneys-at-law shall be classified into the following five categories:

1. Permanent disbarment;
2. Disbarment;
3. Suspension of practice for not more than three years;
4. Fine for negligence of not more than thirty million won; and
5. Censure.

(2) Deleted. *<by Act No. 8271, Jan. 26, 2007>*

Article 91 (Grounds of Disciplinary Actions)

(1) The grounds of disciplinary action falling under Article 90 (1) 1 shall be as follows: *<Amended by Act No. 8271, Jan. 26, 2007>*

1. Where a person has been sentenced to imprisonment without prison labor or a heavier punishment not less than twice (including a case where the person has been sentenced to a stay of the execution thereof) in connection with the duty of the attorney-at-law and the execution of such sentence is made definite (excluding the case of the crime committed by negligence); and
2. Where a person has caused the grounds of disciplinary action referred to in paragraph (2) after having been subjected to a disciplinary action taken to suspend his practice not less than twice under this Act and as a result, it is deemed extremely inappropriate for him to practice law as an attorney-at-law.

(2) The grounds of disciplinary action falling under Article 90 (1) 2

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through 5 shall be as follows:

1. Where an attorney-at-law violates this Act;
2. Where an attorney-at-law violates the regulations of a local bar association with which he is affiliated or of the Korean Bar Association; and
3. Where an attorney-at-law commits an act damaging his dignity as an attorney-at-law, regardless of whether such act is committed on or off duty.

Article 92 (Establishment of Attorney Disciplinary Committee)

- (1) Any disciplinary action against an attorney-at-law shall be taken by the Attorney Disciplinary Committee.
- (2) Both the Korean Bar Association and the Ministry of Justice shall establish the Attorney Disciplinary Committee, respectively.

Article 92-2 (Establishment of Investigation Committee)

- (1) The Investigation committee mandated to investigate attorneys-at-law who are suspected of being subject to disciplinary actions shall be set up in the Korean Bar Association.
- (2) The Investigation Committee may, when it is deemed necessary, ask agencies concerned and organizations concerned, etc. to submit their materials or interview parties and persons concerned to listen to their opinions about facts.
- (3) Necessary matters concerning the composition and operation, etc. of the Investigation Committee shall be prescribed by the Korean Bar Association.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 93 (Composition of Attorney Disciplinary Committee of Korean Bar Association)

- (1) The Attorney Disciplinary Committee established by the Korean Bar Association (hereinafter referred to as the "Attorney Disciplinary Committee of the Korean Bar Association") shall be composed of two judges recommended by the Minister of Court Administration, two public prosecutors recommended by the Minister of Justice, three attorneys-at-law elected at a general meeting of the Korean Bar Association, and one professor of law school and one person of experience and reputation for virtue, who are not recommended by the President of the Korean Bar Association.

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(2) The Attorney Disciplinary Committee of the Korean Bar Association shall have one chairman and one secretary, and they shall be elected from among the members of the Committee.

(3) When the members referred to in paragraph (1) are recommended or elected, the same number of reserve members shall be recommended or elected together.

(4) Any person for whom ten years have yet to elapse since he acquired the qualification of an attorney-at-law may not become the chairman, a member who is a judge, a public prosecutor or an attorney-at-law, or a reserve member.

(5) The terms of office for the members and the reserve ones shall be two years each.

(6) Any member and any reserve member of the Attorney Disciplinary Committee of the Korean Bar Association shall be prohibited from concurrently becoming a member and a reserve member of the Attorney Disciplinary Committee of the Ministry of Justice.

(7) Deleted. <by Act No. 8271, Jan. 26, 2007>

Article 94 (Composition of Attorney Disciplinary Committee of Ministry of Justice)

(1) The Attorney Disciplinary Committee of the Ministry of Justice (hereinafter referred to as the "Attorney Disciplinary Committee of the Ministry of Justice") shall be composed of one chairman and eight members and have eight reserve members.

(2) The chairman shall be the Minister of Justice and the Minister of Justice shall appoint or commission two judges from among judges recommended by the Minister of Court Administration, two public prosecutors from among the public prosecutors, one attorney-at-law from among attorneys-at-law recommended by the President of the Korean Bar Association and each three professors of law school and each three persons of experience and reputation for virtue from among persons who are not attorneys-at-law as members and reserve members: *Provided*, That in case of a member, one public prosecutor from among the two public prosecutors may be the Vice Minister of Justice. <Amended by Act No. 7357, Jan. 27, 2005>

(3) The terms of office for the members and the reserve ones shall be two years each.

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(4) The chairman of the Attorney Disciplinary Committee of the Ministry of Justice shall exercise overall control of meeting affairs, represent the Attorney Disciplinary Committee of the Ministry of Justice and convene and preside over its meetings. <Newly Inserted by Act No. 7357, Jan. 27, 2005>

(5) When the chairman is unable to perform his duties on the grounds of inevitability, any member who is designated beforehand by the chairman shall perform the chairman's duties by proxy. <Newly Inserted by Act No. 7357, Jan. 27, 2005>

Article 95 (Deliberative Authority by Attorney Disciplinary Committee of Korean Bar Association)

(1) The Attorney Disciplinary Committee of the Korean Bar Association shall deliberate on disciplinary cases that fall under the grounds of the disciplinary action provided for in the provisions of Article 91.

(2) The Attorney Disciplinary Committee of the Korean Bar Association may, where it is deemed necessary to make the deliberation referred to in the provisions of paragraph (1), ask the Investigation Committee to investigate the fact suspected of being subject to the disciplinary action.

[This Article Wholly Amended by Act No. 8271, Jan. 26, 2007]

Article 96 (Deliberative Authority by Attorney Disciplinary Committee of Ministry of Justice)

The Attorney Disciplinary Committee of the Ministry of Justice shall deliberate on any case in which an objection is raised to any disciplinary decision made by the Attorney Disciplinary Committee of the Korean Bar Association.

Article 97 (Request for Commencement of Disciplinary Action)

(1) When an attorney-at-law falls under the grounds of a disciplinary action under Article 91, the President of the Korean Bar Association shall request the Attorney Disciplinary Committee of the Korean Bar Association to commence a disciplinary action against such attorney-at-law. <Amended by Act No. 8271, Jan. 26, 2007>

(2) and (3) Deleted. <by Act No. 8271, Jan. 26, 2007>

Article 97-2 (Application for Commencement of Disciplinary Action)

(1) The head of the District Public Prosecutor's Office shall, when he finds the grounds of the disciplinary action against any attorney-at-law provided for in the provisions of Article 91 while performing prosecutory affairs including criminal investigation, file an application with the Presi-

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dent of the Korean Bar Association for commencing the disciplinary action against the relevant attorney-at-law.

(2) The provisions of paragraph (1) shall also apply to a case where the head of any local bar association finds that any attorney-at-law who belongs to his association is subject to the grounds of the disciplinary action provided for in the provisions of Article 91.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 97-3 (Petition and Repetition for Commencement of Disciplinary Action)

(1) Where any client and the legal guardian, the spouse, the lineal relative or the brother and sister of such client find that the attorney-at-law who has accepted his or her case or the attorney-at-law in charge of the law firm [including the law firm (with limited liability) provided for in the provisions of Article 58-2 and the law firm association provided for in the provisions of Article 58-18] is subject to the disciplinary action, they may file a petition with the head of the local bar association to which they belong to commence the disciplinary action against them.

(2) The head of the local bar association shall, upon receiving the petition filed pursuant to the provisions of paragraph (1), determine without delay whether to commence the disciplinary action and notify the petitioner of the result of his determination and a summary of the reason for making such determination.

(3) The petitioner may, when the head of the local bar association turns down the petition referred to in the provisions of paragraph (1) or fails to determine whether to commence the disciplinary action even after the lapse of 3 months from the date on which his petition is received, file a re-petition with the President of the Korean Bar Association. In this case, the re-petition shall be filed within 14 days from the date on which the notification referred to in the provisions of paragraph (2) is received or the date on which 3 months lapse after the petition is received.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 97-4 (Determination of President of Korean Bar Association)

(1) The President of the Korean Bar Association shall, where he receives an application filed for commencing the disciplinary action pursuant to the provisions of Article 89-4 (4) (including the case where the provisions are applied *mutatis mutandis* pursuant to the provisions of Article 89-

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5 (3) or 97-2, or a re-petition is filed pursuant to the provisions of Article 97-3 (3), promptly determine whether to claim to commence the disciplinary action.

(2) The President of the Korean Bar Association may, where it is deemed necessary to determine whether to claim to commence the disciplinary action, get the Investigation Committee to investigate the fact suspected of being subject to the disciplinary action.

(3) The President of the Korean Bar Association shall, when he makes a determination under paragraph (1), notify the applicant (referring to the chairman of the Ethics Consultative Council or the head of the District Public Prosecutor¹ Office who has applied for commencement of disciplinary action; hereinafter the same shall apply) or the re-petitioner for commencing the disciplinary action of the reasons thereof without delay.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 97-5 (Raising of Objection)

(1) When the President of the Korean Bar Association turns down the application filed for commencing the disciplinary action or is yet to determine whether to claim to commence the disciplinary action after the lapse of 3 months from the date on which the application for commencing the disciplinary action is received, the relevant applicant may raise an objection to the Attorney Disciplinary Committee of the Korean Bar Association. In this case, such objection shall be filed within 14 days from the date on which the notification provided for in the provisions of Article 97-4 (3) is received or from the date on which 3 months lapse from the date on which the application filed for commencing the disciplinary action is received.

(2) The Attorney Disciplinary Committee of the Korean Bar Association shall, when the objection that is raised pursuant to the provisions of paragraph (1) is deemed reasonable, commence the procedures for taking the disciplinary action, and when the objection is not deemed reasonable, it shall turn down the objection when the objection is not deemed reasonable.

(3) The Attorney Disciplinary Committee of the Korean Bar Association shall, when it makes the determination referred to in the provisions of paragraph (2), notify without delay the person who raises the objection

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of the result and the reason thereof.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 98 (Period, etc. for Making Disciplinary Decision)

(1) The Attorney Disciplinary Committee of the Korean Bar Association shall decide on a disciplinary action within six months from the date on which it received a claim filed for commencing the disciplinary action and the procedures for the disciplinary action commence: *Provided*, That when there are unavoidable circumstances, the Attorney Disciplinary Committee of the Korean Bar Association may resolve to extend such period within the limit of six months. *<Amended by Act No. 8271, Jan. 26, 2007>*

(2) The Attorney Disciplinary Committee of the Ministry of Justice shall decide on a disciplinary action within three months from the date on which it received an objection raised to a decision made by the Attorney Disciplinary Committee of the Korean Bar Association: *Provided*, That if there are unavoidable circumstances, the Attorney Disciplinary Committee of the Ministry of Justice may resolve to extend such period within the limit of three months.

(3) When a claim is filed for commencing the disciplinary action or the procedures for the disciplinary action commence, the chairman shall promptly fix the date for deliberating on such disciplinary action and serve a notice thereof to the disciplinary suspect. *<Amended by Act No. 8271, Jan. 26, 2007>*

(4) through (6) Deleted. *<by Act No. 8271, Jan. 26, 2007>*

Article 98-2 (Right of Disciplinary Suspect to Be Present and State His Opinion)

(1) The chairman of the Attorney Disciplinary Committee of the Korean Bar Association shall set the date on which the disciplinary action is deliberated and order a disciplinary suspect to be present.

(2) A disciplinary suspect may be present on the fixed date to state facts favorable to him orally or in writing or produce necessary evidences.

(3) The Attorney Disciplinary Committee of the Korean Bar Association shall begin its deliberation on the deliberation date and may interrogate a disciplinary suspect about the fact of the claim filed for the disciplinary action against him and other necessary matters.

(4) A disciplinary suspect may select and appoint an attorney-at-law or a person of profound learning and experience as his special counsel to

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get him to supplementally state or produce evidences in connection with his case.

(5) The Attorney Disciplinary Committee of the Korean Bar Association may, where a disciplinary suspect fails to be present on the deliberation date after receiving the order given by the chairman to be present on the deliberation date, deliberate on the case in writing.

(6) The chairman of the Attorney Disciplinary Committee of the Korean Bar Association shall give the disciplinary suspect who is present or the special counsel who is selected and appointed an opportunity to state his final opinions.

(7) Anyone who files an application for commencing the disciplinary action may state his opinion on the case of the disciplinary action.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 98-3 (Grounds of Prohibition)

The chairman and the members shall be prohibited from being involved in the deliberation of the case of the disciplinary action against them, their relatives or their former relatives.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 98-4 (Resolution on Disciplinary Action, etc.)

(1) The Attorney Disciplinary Committee of the Korean Bar Association shall resolve with the consent of a majority of its members when it completes its deliberation on every case.

(2) The Attorney Disciplinary Committee of the Korean Bar Association shall notify the disciplinary suspect, the claimant for the disciplinary action or the applicant for commencing the disciplinary action of the result of its resolution on the disciplinary action.

(3) The disciplinary action of the Attorney Disciplinary Committee of the Korean Bar Association shall take its effect beginning on the date on which the period during which the objection is raised expires when the disciplinary suspect fails to raise an objection to the disciplinary action pursuant to the provisions of Article 100 (1) after he receives the notification of disciplinary decision.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 98-5 (Execution of Disciplinary Action)

(1) The disciplinary action shall be executed by the President of the Korean Bar Association.

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(2) The decision on the fine for negligence provided for in the provisions of subparagraph 4 of Article 90 shall have the same effect as that of the execution authority provided for in the Civil Execution Act and the decision for the fine for negligence shall be executed under the direction of any prosecutor.

(3) The President of the Korean Bar Association shall, when he takes a disposition for the disciplinary action, publish without delay his disposition taken for such disciplinary action.

(4) Necessary matters concerning the scope of publishing the disposition taken for the disciplinary action and ways to execute the disposition taken for the disciplinary action shall be determined by the Korean Bar Association.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 98-6 (Time Limitation for Claim Filed for Disciplinary Action)

The claim for the disciplinary action shall be prohibited from being filed if 3 years lapse from the date on which a ground of the disciplinary action accrues.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 99 (Report)

The President of the Korean Bar Association shall, when a decision on a disciplinary action is made by the Attorney Disciplinary Committee of the Korean Bar Association, file without any delay a report thereof with the Minister of Justice. *<Amended by Act No. 8271, Jan. 26, 2007>*

Article 100 (Dissatisfaction with Disciplinary Decision)

(1) A disciplinary suspect who is dissatisfied with a decision made by the Attorney Disciplinary Committee of the Korean Bar Association and anyone who files an application for commencing the disciplinary action may raise an objection to the Attorney Disciplinary Committee of the Ministry of Justice within 30 days from the date on which he received a notice thereof. *<Amended by Act No. 7357, Jan. 27, 2005; Act No. 8271, Jan. 26, 2007>*

(2) The Attorney Disciplinary Committee of the Ministry of Justice shall, when it recognizes an objection raised in accordance with the provisions of paragraph (1) as reasonable, revoke a disciplinary action decision made by the Attorney Disciplinary Committee of the Korean Bar Association and make a disciplinary action decision of its own, and when an objection that is raised is deemed unreasonable, it shall turn down such objection.

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In this case, the provisions of Article 98-2 shall apply *mutatis mutandis* to the procedures for deliberating on the disciplinary action. <Amended by Act No. 8271, Jan. 26, 2007>

(3) The decision referred to in the provisions of paragraph (2) shall be resolved with the consent of a majority of the members. <Amended by Act No. 8271, Jan. 26, 2007>

(4) Any disciplinary suspect who is dissatisfied with any decision made by the Attorney Disciplinary Committee of the Ministry of Justice may file a lawsuit with the Administrative Court within 90 days from the date on which he is notified of the decision under the conditions as prescribed by the Administrative Litigation Act. <Amended by Act No. 7357, Jan. 27, 2005; Act No. 8271, Jan. 26, 2007>

<This paragraph is amended by Act No. 7357 on Jan. 27, 2005 following the decision of unconstitutionality made by the Constitutional Court on Feb. 28, 2002>

(5) In the case of paragraph (4), no lawsuit shall be filed after the lapse of one year from the date on which a disciplinary decision is made: *Provided*, That the same shall not apply to a case where the justifiable grounds exist that make it impossible to file such lawsuit within the period. <Amended by Act No. 7357, Jan. 27, 2005>

<This paragraph is amended by Act No. 7357 on Jan. 27, 2005 following the decision of unconstitutionality made by the Constitutional Court on Feb. 28, 2002>

(6) The period referred to in paragraph (4) shall be made the invariable period. <Amended by Act No. 7357, Jan. 27, 2005>

<This paragraph is amended by Act No. 7357 on Jan. 27, 2005 following the decision of unconstitutionality made by the Constitutional Court on Feb. 28, 2002>

Article 101 (Delegation)

(1) The operation of the Attorney Disciplinary Committee of the Ministry of Justice and other necessary matters concerning the disciplinary action shall be prescribed by the Presidential Decree.

(2) Necessary matters concerning the operation, etc. of the Attorney Disciplinary Committee of the Korean Bar Association shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8271, Jan. 26, 2007]

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Article 101-2 (*Mutatis Mutandis* Application of Criminal Procedure Act, etc.)

The provisions of the Criminal Procedure Act and the Costs of Criminal Procedure Act shall apply *mutatis mutandis* to the matters concerning the delivery of documents, the designation or the change of dates, the oaths of witnesses and appraisers and their remunerations.

[This Article Newly Inserted by Act No. 8271, Jan. 26, 2007]

Article 102 (Order to Suspend Practice)

(1) If a public action for a criminal case is instituted or the process of a disciplinary action commences under the provisions of Article 97 against an attorney-at-law and there is a high possibility that the result of trial or a disciplinary action decision will lead to the revocation of his registration, his permanent disbarment or his disbarment and there is a concrete danger that, if such attorney-at-law is permitted to go undisciplined, the interests of clients or the public could be harmed, the Minister of Justice may request the Attorney Disciplinary Committee of the Ministry of Justice to decide on suspension of practice for the attorney-at-law in question: *Provided*, That the same shall not apply to the case where a summary order is requested or the public action is instituted for a crime of negligence.

(2) The Minister of Justice may order an attorney-at-law in question to suspend his practice in accordance with a decision made by the Attorney Disciplinary Committee of the Ministry of Justice.

Article 103 (Period, etc. of Decision on Suspension of Practice)

(1) The Attorney Disciplinary Committee of the Ministry of Justice shall decide on suspension of practice within one month from the date on which a request was filed under Article 102 (1): *Provided*, That when there are unavoidable circumstances, the Attorney Disciplinary Committee of the Ministry of Justice may resolve to extend the period of one month within the limit of one month.

(2) The provisions of Article 98 (3) and (4) shall apply *mutatis mutandis* to suspension of practice.

Article 104 (Period of Practice Suspension and Renewal)

(1) The period of practice suspension shall be six months: *Provided*, That the Minister of Justice may, where the criminal procedure or the disciplinary process against the attorney-at-law concerned is not concluded

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and the grounds of practice suspension are not extinguished, renew the period of practice suspension in accordance with a decision made by the Attorney Disciplinary Committee of the Ministry of Justice.

(2) The period that is renewed under the provisions of the proviso of paragraph (1) shall be three months.

(3) The combination of the period of practice suspension and the renewed period shall not exceed two years.

Article 105 (Rescission of Order to Suspend Practice)

(1) The Minister of Justice may, If there are considerable reasons for rescinding the order to suspend practice, rescind such order *ex officio*.

(2) The President of the Korean Bar Association, the Prosecutor General or any attorney-at-law who is subject to an order given to suspend his practice may ask the Minister of Justice to rescind the order to suspend practice.

(3) When the request referred to in paragraph (2) is made, the Minister of Justice shall rescind *ex officio* the order to suspend practice or request the Attorney Disciplinary Committee of the Ministry of Justice to deliberate on the matter, and if the Attorney Disciplinary Committee of the Ministry of Justice decides to rescind such order, he shall promptly comply with the decision made by the Attorney Disciplinary Committee of the Ministry of Justice.

Article 106 (Invalidation of Order to Suspend Practice)

Any order to suspend practice shall become null and void when a criminal judgment or disciplinary decision against an attorney-at-law subjected to the order issued to suspend his practice becomes definite.

Article 107 (Aggregation of Period of Practice Suspension)

When any attorney who has been ordered to suspend his practice is subjected to a decision made to suspend him from office after a request for commencement of a disciplinary action against him for the same criminal case for which a public action was brought against him, a part or the whole of the period of the suspension of his practice shall be included in the period of the suspension from office.

Article 108 (Objection to Order to Suspend Practice)

The provisions of Article 100 (4) through (6) shall apply *mutatis mutandis* to an order to suspend practice and renewal of the period of the suspension of practice.

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CHAPTER XI PENAL PROVISIONS

Article 109 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than 7 years or by a fine not exceeding 50 million or may be punished by both: <Amended by Act No. 7357, Jan. 27, 2005>

1. A person, not an attorney-at-law, who receives or promises to receive money, articles, banquet or other benefits or who gives or promises to give those things to a third party, in compensation for providing or mediating legal services, such as examination, representation, arbitration, settlement, solicitation, legal consultation, making of legal documents, etc. concerning a litigious case, a non-contentious case, arbitration of household matters, an adjudicative case, an administrative adjudication, a request for review, raising of an objection, a case which an objection is raised against an administrative agency, a case under investigation by an investigation agency established according to Acts and subordinate statutes, and other general legal affairs; and
2. A person who has violated the provisions of Article 33 or 34 (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 57, 58-16 or 58-30).

Article 110 (Penal Provisions)

Any attorney-at-law or his office staff who has committed an act falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding thirty million won or may be punished by both:

1. An act of providing money, valuables, or other benefits to judges, public prosecutors or other public officials of trial and investigation agencies, receiving or promising to receive those things under the pretext of associating with them; and
2. An act of including expenses provided to the public officials referred to in subparagraph 1 or spent under the pretext of associating with them in attorneys' fees and honorariums contingent on success clearly.

Article 111 (Penal Provisions)

- (1) Any person who has received money, valuables, entertainments or other

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interest or has been given a promise to receive such money, valuables, or other interest under the pretext of seeking favors or an advantageous outcome in connection with a case or an affair that is being handled by a public official or has given or promised to give those things to the third party shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding ten million won or may be punished by both. <Amended by Act No. 8321, Mar. 29, 2007>

(2) Any person who is deemed a public official pursuant to other Acts in the application of the provisions of Articles 129 through 132 of the Criminal Act shall be deemed the public official referred to in the provisions of paragraph (1). <Newly Inserted by Act No. 8321, Mar. 29, 2007>

Article 112 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding twenty million won or may be punished by both: <Amended by Act No. 7357, Jan. 27, 2005>

1. A person who has been in the business of taking assignments of claims of other persons or pretending to have taken assignments to enforce such claims through litigation, arbitration, settlement or other methods;
2. A person who, lacking the qualification of an attorney-at-law, has registered with the Korean Bar Association after filing a false application with respect to his qualification;
3. A person who, although he is not an attorney-at-law, has stated himself as an attorney in papers or put up any signs of his office as a law office or put up any signs or stated in papers that he offers legal counseling or handles legal affairs for the purpose of earning profits;
4. A person who has practiced law as an attorney-at-law without registering himself with the Korean Bar Association or in violation of the decision on suspension from office referred to in Article 90 (1) 3 or in violation of the order to suspend his practice referred to in Article 102 (2);
5. A person who has acquired the litigious right by transfer in violation of the provisions of Article 32 (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 57, 58-16 or 58-30); and

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6. A person who has used similar titles in violation of the provisions of Article 44 (2) (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 58-16 or 58-30).

Article 113 (Penal Provisions)

A person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 7357, Jan. 27, 2005; Act No. 8271, Jan. 26, 2007>

1. A person who has advertised in violation of the provisions of Article 23 (2) 1 and 2;
2. An attorney-at-law who has accepted a case in violation of the provisions of subparagraph 3 of Article 31 (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 57, 58-16 or 58-30); and
3. A person who has violated the provisions of Article 37 (1) (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 57, 58-16 or 58-30).

Article 114 (Habitual Offender)

Any person who has habitually committed the offenses referred to in subparagraph 1 of Article 109, Article 110 or 111 shall be punished by imprisonment with prison labor for not more than ten years.

Article 115 (Punishment of Law Firm, etc.)

(1) When any partner or any affiliated attorney-at-law who is not a partner of a law firm, a law firm (with limited liability) or a law firm association violates the provisions of Article 51, he shall be punished by a fine not exceeding 5 million won.

(2) In the case of paragraph (1), the fine referred to in paragraph (1) shall be imposed on the law firm or the law firm (with limited liability) in addition to the punishment of the actor.

[This Article Wholly Amended by Act No. 7357, Jan. 27, 2005]

Article 116 (Confiscation and Punitive Additional Collection)

Money, valuables and other interest which have been taken by any person who has violated the provisions of Article 34 (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 57, 58-16 or 58-30) or committed an offense referred to in subparagraph 1 of Article 109, Article 110, 111 or 114 or by a third party

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who has been aware of such fact shall be confiscated. When the confiscation is impossible, the value equivalent to the market prices of such money, valuables and other interest shall be additionally collected.

<Amended by Act No. 7357, Jan. 27, 2005>

Article 117 (Fine for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won:

<Amended by Act No. 7357, Jan. 27, 2005; Act No. 8271, Jan. 26, 2007; Act No. 8321, Mar. 29, 2007>

1. A person who has violated the provisions of Articles 22 (2) 1, 28-2, 29, 35 and 36 (including a case where the provisions are applied *mutatis mutandis* under the provisions of Article 57, 58-16 or 58-30);

2. A person who has failed to prepare or keep the book referred to in Article 28;

2-2. A person who has defended or acted on behalf of any other person in violation of the provisions of Article 29-2 (including a case where the provisions are applied *mutatis mutandis* pursuant to the provisions of Article 57, 58-16 or 58-30) without any justifiable grounds therefor;

3. A person who has failed to make a report on the dissolution in violation of the provisions of Article 54 (2), 58-14 (2) or 58-28 (2);

4. A person who has failed to submit the balance sheet in violation of the provisions of Article 58-9 (2);

5. A person who has failed to submit the rules, etc. in violation of the provisions of Article 58-21 (1);

6. A person who has failed to keep written statements provided for in the provisions of Article 58-21 (2); and

7. A person who has failed to submit the material detailing the accepted cases and the result of handling such accepted cases or has submitted the falsified material in violation of the provisions of Articles 89-4 (1) and (2) and 89-5 (2).

(2) Anyone who has failed to undergo the training and education in violation of the provisions of Article 85 (1) shall be punished by a fine for negligence not exceeding 5 million won. <Newly Inserted by Act No. 8271, Jan. 26, 2007>

(3) The fine for negligence referred to in the provisions of paragraphs (1)

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and (2) shall be imposed and collected by the head of the District Public Prosecutor's Office under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 8271, Jan. 26, 2007>*

(4) Any person who is dissatisfied with a disposition taken to impose a fine for negligence on him under paragraph (3) may raise an objection to the head of the District Public Prosecutor's Office who has taken such disposition within 30 days from the date on which a notice thereof was served on him. *<Amended by Act No. 8271, Jan. 26, 2007>*

(5) When an objection is raised under paragraph (4), the head of the District Public Prosecutor's Office who has taken the disposition shall without delay notify the competent court of the fact, and the competent court shall, upon receiving such notification, put the case on trial in accordance with the Non-Contentious Case Litigation Procedure Act. *<Amended by Act No. 8271, Jan. 26, 2007>*

(6) When a fine for negligence imposed is not paid and an objection is not raised within the period referred to in paragraph (4), the fine for negligence in question shall be collected according to the example of a disposition taken to collect national taxes in arrears. *<Amended by Act No. 8271, Jan. 26, 2007>*

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Grounds for Disqualification of Attorney-at-Law)

(1) The application of the grounds for disqualifying any attorney-at-law to any person who has been sentenced to punishment prior to the enforcement of this Act shall be governed by previous provisions, and the case of the grounds of subparagraph 4 from among the amended provisions of Article 8 (1) and the case of the grounds of Article 8 (1) 4 from among the amended provisions of Article 18 (2) shall be applied where such grounds accrue after the enforcement of this Act.

(2) The application of the grounds for a disciplinary action and the categories of disciplinary action for an act committed prior to the enforce-

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ment of this Act shall be governed by the previous provisions.

Article 3 (Transitional Measures concerning Terms of Office for Members of Attorney Disciplinary Committee of Ministry of Justice)

The terms of office for members from among the members of the Attorney Disciplinary Committee of the Ministry of Justice, which do not expire at the time that this Act enters into force, shall be deemed to expire at the time that this Act enters into force.

Article 4 (Transitional Measures concerning Application of Penal Provisions)

The application of the penal provisions to any act committed prior to the enforcement of this Act shall be governed by the previous provisions.

Article 5 (Amendment, etc. of Other Acts)

(1) Omitted.

(2) Where any Act or subordinate statute other than those as provided in paragraph (1) cites the previous Attorney-at-law Act or its provisions at the time of the enforcement of this Act, this Act or such corresponding provisions of this Act, if any, shall be considered to be cited in lieu of the previous provisions.

ADDENDA <Act No. 7082, Jan. 20, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force on February 1, 2004. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Act No. 7357, Jan. 27, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of Article 100 (1) and (4) through (6) shall enter into force on the date of its promulgation.

Article 2 (Application Example concerning Rules Governing Entries of Articles of Incorporation)

The amended provisions of Article 42 shall apply, starting with the application that is first filed for an establishment authorization or a change authorization after the enforcement of this Act.

Article 3 (Application Example of Provisions Governing Establishment

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Registration Matters)

The amended provisions of Article 43 (2) shall apply, starting with the application that is first filed for registration or change registration after the enforcement of this Act.

Article 4 (Special Case concerning Change in Organization of Law Firm)

(1) Any law firm that meets the requirements for incorporating a law firm (with limited liability) or establishing a law firm association at the time of enforcement of this Act may, when the consent of all partners is obtained, reorganize itself into a law firm (with limited liability) or a law firm association within 2 years after the enforcement date of this Act by obtaining an authorization from the Ministry of Justice.

(2) When any law firm obtains an authorization for incorporating a law firm (with limited liability) from the Minister of Justice pursuant to paragraph (1), such law firm shall have its dissolution and its incorporation of a law firm (with limited liability) registered in the seat of its principal office within 2 weeks from the date on which such authorization is obtained and when such law firm obtains an authorization for establishing a law firm association, such law firm shall have its dissolution registered in the seat of its principal office within the same period from the date on which such authorization is obtained.

(3) In the case of the organizational change referred to in paragraph (1), the total amount of capital of the newly incorporated law firm (with limited liability) shall not exceed the current amount of the net property of the law firm and when the current amount of the net property held by the law firm falls short of the total amount of the capital of the newly incorporated law firm (with limited liability), the partners at the time when the consent is obtained under paragraph (1) shall jointly replenish the deficiency.

(4) The persons who were the partners of the previous law firm from among the partners of the newly incorporated law firm (with limited liability) or the newly established law firm association in accordance with paragraph (1) shall be liable for debts of the law firm that are incurred prior to its registration referred to in paragraph (2) by the time when 2 years pass after the registration of the newly incorporated law firm (with limited liability) and by the time when 5 years pass after the registration of the newly established law firm association as the partners of the previous

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law firm.

Article 5 (Transitional Measure concerning Attorney-at-Law Performing Duties of Notary Public in Law Firm)

The amended provisions of the proviso of Article 49 (1) shall not apply to any attorney-at-law who has performed the duties of the notary public in his law firm after making a report thereon pursuant to the provisions of Article 20 (1) of the Notary Public Act prior to the enforcement of this Act.

Article 6 (Transitional Measure concerning Closure of Joint Office Authorized as Notary Public)

Every joint law office authorized as notary public that obtains the authorization pursuant to the previous provisions of the Chapter VI (Articles 59 through 63) at the time of the enforcement of this Act may perform the work that belongs to the duties of notary public pursuant to the previous provisions.

Article 7 (Transitional Measure concerning Extension of Period for Raising Objection)

The amended provisions of Article 100 (1) shall also apply to anyone for whom the fixed period for raising an objection provided for in the previous provisions has yet to elapse as of the date of the enforcement of this Act from among persons are subject to disciplinary dispositions prior to the enforcement of this Act.

Article 8 (Transitional Measure concerning Abolishment of Immediate Appeal System)

The amended provisions of Article 100 (4) through (6) shall also apply to anyone whose case is pending in court after making an immediate appeal pursuant to the previous provisions prior to February 28, 2002 and anyone for whom the immediate appeal period provided for in the previous provisions has yet to elapse as of February 28, 2002. In this case, the notice on a disciplinary decision shall be deemed served on the date of the enforcement of this Act.

Article 9 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulga-

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tion.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7894, Mar. 24, 2006>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Amendments of Other Acts) Omitted.

ADDENDA <Act No. 8271, Jan. 26, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Application Example concerning Disciplinary Action) The provisions governing the disciplinary action from among the amended provisions of Articles 58-17 and 58-31 shall apply to an act of violation that is first committed after the enforcement of this Act.

(3) (Application Example concerning Submission of Material Detailing Accepted Cases, etc. by Attorneys-at-Law Who have Retired From Public Offices) The amended provisions of Article 89-4 (1) and (2) shall apply to any person who first becomes an attorney-at-law who has retired from the public office after the enforcement of this Act.

(4) (Transitional Measures concerning Disciplinary Action) The disciplinary action against any act that is committed prior to the enforcement of this Act shall be governed by the previous provisions.

ADDENDUM <Act No. 8321, Mar. 29, 2007>

This Act shall enter into force on the date of its promulgation.