

ANNEX I

1. Attorney-at-Law Act

ATTORNEY-AT-LAW ACT

- Act No. 63, Nov. 7, 1949
- Amended by Act No. 1047, Apr. 3, 1962
- Act No. 1154, Sep. 24, 1962
- Act No. 2329, Dec. 28, 1971
- Act No. 2452, Jan. 25, 1973
- Act No. 2654, Dec. 20, 1973
- Act No. 3594, Dec. 31, 1982
- Act No. 3790, Sep. 14, 1985
- Act No. 3992, Dec. 4, 1987
- Act No. 4544, Mar. 10, 1993
- Act No. 5055, Dec. 29, 1995
- Act No. 5177, Dec. 12, 1996
- Act No. 5453, Dec. 13, 1997
- Act No. 5815, Feb. 5, 1999
- Act No. 6207, Jan. 28, 2000
- 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
- Act No. 8991, Mar. 28, 2008
- Act No. 9416, Feb. 6, 2009
- Act No. 10540, Apr. 5, 2011
- Act No. 10627, May 17, 2011

CHAPTER | MISSION AND DUTIES OF ATTORNEYS-AT-LAW

Article 1 (Mission of Attorneys-at-Law)

- (1) The mission of any attorney-at-law shall be to defend fundamental human rights and realize social justice.
- (2) Each attorney-at-law shall faithfully perform his/her duties and work to maintain social order and to improve the legal system in accordance with his/her mission.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 2 (Status of Attorneys-at-Law)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 3 (Duties of Attorneys-at-Law)

The duties of an attorney-at-law shall be to perform acts related to lawsuits, representation in claims for administrative dispositions or other general legal affairs as delegated by parties or other persons concerned or as commissioned by the State, local governments or public agencies (hereinafter referred to as "public agencies").

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

CHAPTER II QUALIFICATIONS FOR ATTORNEYS-AT-LAW

Article 4 (Qualifications for Attorneys-at-Law)

Any person falling under any of the following subparagraphs shall be qualified to be an attorney-at-law: <Amended by Act No. 10627, May 17, 2011>

1. A person who has completed the required curriculum of the Judicial Research and Training Institute after passing the jurisprudence examination;
2. A person who is qualified as a judge or a public prosecutor;
3. A person who has passed a bar examination.

[This Article Wholly Amended by Act No. 8991, Mar. 28., 2008]

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

Any person falling under any of the following subparagraphs shall be disqualified from being an attorney-at-law:

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 6 Deleted.<by Act No. 8991, Mar. 28, 2008>

CHAPTER III REGISTRATION AND PRACTICE OF ATTORNEYS-AT-LAW

Article 7 (Registration of Qualifications)

- (1) Each attorney-at-law who intends to establish a legal practice shall register his/her name with the Korean Bar Association.
- (2) Each 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/she intends to be affiliated.
- (3) Any local bar association may, upon receiving an application for registration referred to in paragraph (2), append thereto its written opinion on whether the applicant is qualified as an attorney-at-law.
- (4) The Korean Bar Association shall, upon receiving an 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.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 8 (Denial of Registration)

- (1) When any person who has filed an application for registration under **Article 7** (2) falls under any of the following

subparagraphs, the Korean Bar Association may deny his/her registration, going through a resolution of the Registration Review Committee established under **Article 9**. In such cases, the Korean Bar Association shall serve a notice on the applicant, without delay, expressly giving reasons therefor:

1. A person who is not qualified as 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 attorney-at-law due to any physical or mental disability;
 4. A person who is deemed clearly inappropriate to carry out the duties of an attorney-at-law due to the fact that he/she has been subject to criminal prosecution or disciplinary action (excluding removal or dismissal from office) or has retired from office due to unlawful conduct related to his/her duties while working as a public official;
 5. A person for whom two years have not passed since his/her registration was denied on the ground that he/she fell under subparagraph 4;
 6. A person for whom two years have not passed since his/her registration was revoked under **Article 18** (2) on the grounds that he/she fell under subparagraph 4.
- (2) When the Korean Bar Association neither grants nor denies registration by the time two months have passed since the date on which an application for registration referred to in **Article 7** (2) was received, registration shall be deemed to have been granted.
- (3) Any person whose registration is denied under paragraph (1) may raise an objection, clarifying the reason why the denial of registration is unjust, to the Minister of Justice within three months from the date on which a notice referred to in paragraph (1) is served.
- (4) The Minister of Justice shall, when he/she deems the objection referred to in paragraph (3) well-grounded, order the Korean Bar Association to grant registration of the attorney-at-law in question.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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);
 2. Matters relating to the revocation of registration referred to in **Article 18** (1) and (2).
- (2) The President of the Korean Bar Association shall, when he/she intends to grant or revoke any registration in accordance with the provisions of **Article 8** (1) or **18** (1) 2 and (2), refer the case, in advance, to the Registration Review Committee.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 10 (Composition of Registration Review Committee)

- (1) The Registration Review Committee shall be comprised of the members in each of the following subparagraphs:
1. One judge recommended by the Minister of Court Administration;
 2. One public prosecutor recommended by the Minister of Justice;
 3. Four attorneys-at-law elected at a general meeting of the Korean Bar Association;
 4. One professor of laws and two persons with experience and of standing, who are recommended by the President of the Korean Bar Association and are not attorneys-at-law.
- (2) The Registration Review Committee shall have one chairperson and one secretary, and the chairperson and the secretary shall be elected from among its 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 involving, or a vacancy of a member, a reserve member ordered by the chairperson of the Registration Review Committee shall act for the member.

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 11 (Examinations)

(1) The Registration Review Committee may, if deemed necessary for examination, inquire of the parties, interested persons, agencies and organizations concerned, etc. about facts, or ask the parties, interested persons, agencies and organizations concerned, etc. to submit material or to appear at the Committee to make a statement or provide an explanation.

(2) The agencies and organizations concerned, etc. of which are inquired about facts or which are asked to submit material under paragraph (1) shall cooperate in such request.

(3) The Registration Review Committee shall provide the parties an opportunity to state their opinions and submit material by appearing at the Committee.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 12 (Resolution)

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

(2) When the Registration Review Committee passes a resolution referred to in paragraph (1), the Korean Bar Association shall effect, deny or revoke the relevant registration accordingly.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 14 (Registration of Affiliation Changes)

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

(2) Each attorney-at-law who has changed his/her local bar association affiliation under paragraph (1) shall file without delay a report thereon with his/her former local bar association.

(3) **Articles 7** (4) and **8** shall apply mutatis mutandis to cases falling under paragraph (1).

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 15 (Report of Practices, etc.)

In cases where any attorney-at-law establishes a practice or relocates his/her law office, he/she shall file a report thereon with the local bar association with which he/she is affiliated as well as with the Korean Bar Association without delay.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 16 (Suspension of Practices)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 17 (Closure of Practices)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 18 (Revocation of Registration)

(1) When any attorney-at-law falls under any of the following subparagraphs, the Korean Bar Association shall revoke the registration of such attorney-at-law. In such cases, the Korean Bar Association shall, without delay, serve a notice on the person whose registration is revoked, specifying the grounds for the revocation of his/her registration (excluding cases falling under subparagraph 1), and when the Korean Bar Association intends to revoke the registration of an attorney-at-law on the grounds that he/she falls under subparagraph 2, it shall undergo a resolution of the Registration Review Committee beforehand:

1. When he/she is deceased;
2. When he/she is not qualified as an attorney-at-law as referred to in **Article 4** or has a ground for disqualification referred to in **Article 5**;
3. When an application is filed for cancellation of registration under **Article 17**;
4. When an order is issued to revoke registration under **Article 19**.

(2) When any attorney-at-law falls under **Article 8** (1) 3 and 4, the Korean Bar Association may revoke the registration of such attorney-at-law, undergoing a resolution of the Registration Review Committee. In such cases, the Korean Bar Association shall promptly serve a notice thereof on the person whose registration is revoked, expressly specifying the grounds therefor.

(3) The provisions of **Article 8** (3) and (4) shall apply mutatis mutandis to cases falling under paragraphs (1) and (2).

(4) When any local bar association recognizes that any attorney-at-law who is affiliated therewith falls under any of the grounds referred to in paragraph (1), it shall file a report thereon with the Korean Bar Association without delay.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 19 (Orders to Revoke Registration)

When any person who is on the roster of attorneys-at-law is recognized as not qualified as 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.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 20 (Reporting, 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 concerning registration and denials of registration, registration of affiliation changes and denial of such changes, establishment of practices, relocation of law office, suspension of practices and revocations of registration of attorneys-at-law.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

CHAPTER IV RIGHTS AND DUTIES OF ATTORNEYS-AT-LAW

Article 21 (Law Offices)

(1) Any attorney-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/she is affiliated.
- (3) No attorneys-at-law shall have two or more law offices under any pretext: Provided, That in cases where an additional office is set up in an adjacent place and an attorney-at-law remains there as prescribed by the Korean Bar Association on unavoidable grounds, such as insufficient office space, such office shall be considered as one office together with the primary law office.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 21-2 (Requirements for Establishment of Law Offices, etc.)

- (1) An attorney-at-law under subparagraph 3 of **Article 4** shall neither establish a law firm independently nor belong to a law firm, limited liability law firm and law firm partnership unless he/she has engaged in legal affairs or has completed training (limited to subparagraph 6) in an agency, etc. falling under any of the following subparagraphs (hereinafter referred to as "agency engaging in legal affairs") for not less than six months in total: Provided, That subparagraphs 3 and 4 shall be limited to agencies designated by the Minister of Justice to be capable of engaging in legal affairs among agencies in which not less than one person is working, who has been at a position falling under any subparagraph of **Article 42 (1) of the Court Organization Act** for not less than five years in total:
 1. The National Assembly, courts, the Constitutional Court and public prosecutors' offices;
 2. Korea Legal Aid Corporation under the **Legal Aid Act**, and Korean Government Legal Service under the Korean Government Legal Services Act;
 3. Law firms, limited liability law firms, law firm partnerships and law offices;
 4. State agencies and local governments, and other corporations, institutions or organizations;
 5. International bodies, international corporations, international institutions or international organizations which have been designated by the Minister of Justice to be capable of engaging in legal affairs;
 6. Korean Bar Association.
- (2) The Korean Bar Association may entrust the implementation of training to agencies engaging in legal affairs designated pursuant to paragraph (1) 3, as prescribed by the regulations of the Korean Bar Association.
- (3) When an attorney-at-law referred to in subparagraph 3 of **Article 4** intends to establish a law office independently for the first time or become a partner of a law firm, limited liability law firm or law firm partnership pursuant to paragraph (1), he/she shall obtain a letter of confirmation (excluding training referred to in paragraph (1) 6) verifying the fact that he/she satisfies the requirements referred to in paragraph (1) from an agency engaging in legal affairs and submit it to the Korean Bar Association through the relevant local bar association.
- (4) An agency engaging in legal affairs shall take necessary measures in order to attain the purposes of engagement and training referred to in paragraph (1), including maintaining the number of attorneys-at-law engaging in legal affairs or receiving training in an appropriate level.
- (5) The Minister of Justice may, when he/she deems necessary for agencies engaging in legal affairs designated pursuant to the proviso to paragraph (1), conduct documentary or on-site investigations as to the current status of engagement, etc. and may, when he/she deems necessary for smooth engagement in legal affairs as a result of such investigations, issue an order for improvement or correction.
- (6) The Minister of Justice may entrust the conduct of documentary or on-site investigations referred to in paragraph (5) to the Korean Bar Association, and the President of the Korean Bar Association may, to the Minister of Justice, report the results of such investigations and suggest improvements or corrections referred to in the same paragraph. In such cases, matters concerning the processing of entrusted affairs shall be prescribed by the regulations of the Korean Bar Association and authorized by the Minister of Justice.
- (7) The Minister of Justice may, when an agency engaging in legal affairs which is designated pursuant to the proviso to paragraph (1) falls under any of the following subparagraphs, revoke the relevant designation: Provided, That he/she shall revoke the relevant designation in cases falling under subparagraph 1:

1. Cases where an agency engaging in legal affairs has obtained designation by false or other unjust means;
 2. Cases where an agency engaging in legal affairs which has failed to satisfy the requirements for designation in the proviso to paragraph (1) has failed in the supplementation thereof within three months. In such cases, when an attorney-at-law referred to in subparagraph 3 of **Article 4** has continued to engage in legal affairs, the period till the completion of supplementation shall be deemed the period during which he/she engaged in legal affairs in an agency engaging in legal affairs;
 3. Cases where an agency engaging in legal affairs has issued false letters of confirmation referred to in paragraph (3);
 4. Cases where an agency engaging in legal affairs which has been subject to an order for improvement or correction referred to in paragraph (1) 6 on not less than three occasions has failed to comply therewith.
- (8) The Minister of Justice shall, when intending to revoke designation pursuant to paragraph (7), hold a hearing.
- (9) Methods, procedures, costs and other necessary matters concerning training referred to in paragraph (1) 6 shall be prescribed by the regulations of the Korean Bar Association and authorized by the Minister of Justice.
- (10) The Minister of Justice may provide support to training programs conducted by the Korean Bar Association pursuant to paragraph (1) 6, as prescribed by Presidential Decree.
- (11) Any agency engaging in legal affairs referred to in subparagraph 3 of paragraph (1) which has been designated pursuant to the proviso to the same paragraph shall render cooperation necessary for training conducted by the Korean Bar Association pursuant to subparagraph 6 of the same paragraph.
- (12) Procedures for and methods of designation and cancellation of agencies engaging in legal affairs, and other necessary matters, such as guidance and supervision thereof, other than those provided for in paragraphs (1) through (11) shall be determined by Presidential Decree.

[This Article Newly Inserted by Act No. 10627, May 17, 2011]

Article 22 (Office Staff)

- (1) Any attorney-at-law may employ office staff for his/her law office.
- (2) No attorney-at-law shall employ a person who falls under any of the following subparagraphs as an office staff referred to in paragraph (1):
 1. A person who has been 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 Presidential Decree and falls under any 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 complete or the exemption of the execution of the sentence was made definite;
 - (b) A person who was sentenced to a stay of execution of imprisonment with prison labor and for whom two years have not elapsed since the stay period elapsed;
 - (c) A person who is in the period of stay after having been sentenced to a stay of sentence of imprisonment with prison labor;
 2. A person who was removed or dismissed from office as a public official in disciplinary action and for whom three years have not elapsed since the date of removal and dismissal from office;
 3. A person who is incompetent or quasi-incompetent.
- (3) Reporting on and training of office staff and other necessary matters shall be determined by the Korean Bar Association.
- (4) The president of a local bar association may inquire of the chief public prosecutor of the competent district public prosecutors' 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 chief public prosecutor of a district public prosecutors' office may, upon receiving an inquiry referred to in paragraph (4), provide the findings of the inquiry about criminal records to the president of the local bar association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 23 (Advertisements)

- (1) Any attorney-at-law, any law firm, any limited liability law firm and any law firm partnership (hereafter referred to as "attorneys-at-law, etc." in this Article) may advertise his/her or its members' educational credentials, career, main services offered, performance record and other matters necessary for publicizing his/her or its services through such media as newspapers, magazines, broadcasts and computer communications.
- (2) Attorneys-at-law, etc. shall be prohibited from running any advertisement falling under any of the following subparagraphs:
1. Advertisement that carries false details concerning the legal services of an attorney-at-law;
 2. Advertisement that carries details concerning any international attorney-at-law qualification and other legal-baseless qualifications or titles;
 3. Advertisement that carries details feared to mislead consumers or to incite any misunderstanding to consumers by exaggerating any objective fact or omitting part of any fact, etc.;
 4. Advertisement that leads consumers to have unreasonable expectations of the outcome of legal services;
 5. Advertisement that carries details slandering any other attorney-at-law, etc. or comparing any other attorney-at-law, etc. with him/her from his/her standpoint;
 6. Advertisement that is feared to defame the dignity of an attorney-at-law by putting forward illegal methods, etc.;
 7. Other advertisements the details and methods of which are prescribed by the Korean Bar Association as being feared to harm the public nature of an attorney-at-law, disrupt the fair acceptance of cases, or cause harm 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.
- (4) Necessary matters concerning the operation of the advertisement examination committee and other advertisements shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 24 (Duty to Maintain Dignity, etc.)

- (1) Each attorney-at-law shall be prohibited from performing any act that damages his/her dignity.
- (2) Each attorney-at-law shall, in performing his/her duties, be prohibited from concealing the truth or making false statements.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 25 (Duty to Observe Association Regulations)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 26 (Duty to Maintain Confidentiality)

No attorney-at-law or former attorney-at-law shall disclose any confidential matter that he/she has learned in the course of performing his/her duties: Provided, That the same shall not apply to cases where such disclosure of confidential matters is especially prescribed otherwise by Acts.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 27 (Duty to Perform Designated Services, such as Public Interest Activities)

- (1) Each attorney-at-law shall engage in public interest activities for not less than a specified number of hours a year.
- (2) Each attorney-at-law shall handle affairs designated by public agencies, the Korean Bar Association, or the local bar association with which he/she is affiliated under Acts and subordinate statutes.
- (3) Necessary matters concerning the scope of public interest activities and the method of performing such activities shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 28 (Preparation and Keeping of Register)

- (1) Each attorney-at-law shall prepare and keep a register on cases he/she accepts.
- (2) The date of case acceptance, amount of attorney fees, personal information of clients, etc., details of legal cases or legal affairs accepted and other matters prescribed by Presidential Decree shall be included in the register referred to in paragraph (1) in the order of case acceptance.
- (3) The method and period of keeping the register referred to in paragraph (1) and other necessary matters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 28-2 (Report on Number of Cases Accepted and Amount of Attorney Fees)

Each attorney-at-law shall report the number and the amount of attorney fees of the cases that he/she has handled in the preceding year to the local bar association with which he/she is affiliated by not later than the end of January of every year.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 29 (Letter of Designation of Counsel, 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 affair, he/she shall go through the local bar association, in advance, with which he/she is affiliated: Provided, That if any urgent circumstance exists that does not allow him/her to go through the local bar association beforehand, he/she shall, without delay after submitting a letter of designation of counsel or a letter of attorney, submit to the public agency a written confirmation that shows he/she has gone through the local bar association with which he/she is affiliated.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 29-2 (Prohibition on Defense without Submitting Letter of Designation of Counsel, etc.)

Every attorney-at-law shall be prohibited from defending or acting on behalf of his/her client for the cases in each of the following subparagraphs without submitting a letter of designation of counsel or a letter of attorney to the relevant court or investigation agency:

1. A case for which the trial is in progress;
2. A criminal case for which an investigation is in progress (including cases for which a secret investigation is in progress).

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 30 (Prohibition on Advertising Connections, etc.)

Every attorney-at-law or his/her office staff shall be prohibited from advertising, in order to obtain a legal case or to provide a legal service, as if he/she can exercise influence on a case by making pertinent references to his/her personal relationships, such as connections, etc. to the public officials engaged in the trial or investigative duties.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 31 (Restriction on Acceptance of Case)

- (1) No attorney-at-law shall provide his/her services with respect to a case that falls under any of the following subparagraphs: Provided, That the same shall not apply to cases under subparagraph 2 in which the client of the already accepted case consents:
 1. A case brought by the opposing party, for which the attorney-at-law has been consulted by the other party of the case and which the attorney-at-law has already accepted;
 2. A case brought by the opposing party of another case which the attorney-at-law has already accepted;
 3. A case which the attorney-at-law handles or has come to handle in his/her capacity as a public official, mediator or arbitrator.
- (2) In the application of the provisions of paragraph (1) 1 and 2, any law office in which two or more attorneys-at-law accept or handle cases or conduct the duties of attorney-at-law jointly even though it is not a law firm, limited liability law firm or law firm partnership and which is run by dividing profits or sharing expenses among them shall be considered as one attorney-at-law.
- (3) No judge, prosecutor, military judicial officer (excluding military service only for the purpose of fulfilling the duty of military service) and others, such as attorneys-at-law who have held office as a public official (hereinafter referred to as "attorney-at-law retired from a public office") shall accept cases handled by the state agency in which he/she has worked from the point of time one year before his/her retirement till his/her retirement, such as a court, prosecutors' office, military court, Financial Services Commission, Fair Trade Commission and a police office (the Supreme Court, high courts, district courts and branch offices of district courts as well as the Supreme Prosecutors' Office, high prosecutors' offices and district prosecutors' offices and branch offices of district prosecutors' offices under **Article 3 (1) and (2) of the Prosecutors' Office Act** which have been established in correspondence thereto shall be deemed the same state agency, respectively) for one year from the date on which he/she retired from office: Provided, That the same shall not apply to the acceptance of cases for the public interest, such as public defense, and cases in which a party to a case is his/her relative referred to in **Article 767 of the Civil Act**. <Newly Inserted by Act No. 10627, May 17, 2011>
- (4) Unacceptable cases pursuant to paragraph (3) shall include the followings: <Newly Inserted by Act No. 10627, May 17, 2011>
 1. Cases where an attorney-at-law who retired from a public office is designated as an attorney-at-law in charge of a law firm, limited liability law firm, or law firm partnership (hereinafter referred to as "law firm, etc." in this Article);
 2. Cases where an attorney-at-law who retired from a public office actually accepts cases by actually handling cases under a name borrowed from another attorney-at-law, or law firm, etc.;
 3. In cases of law firms, etc., cases where an attorney-at-law who retired from a public office receives attorney fees by actually getting involved in the acceptance or performance of cases even though he/she is not indicated as an attorney-at-law in charge in the deeds of case acceptance contract, litigation documents, attorney's statement of opinion, etc.
- (5) Matters necessary for the scope of state agencies, such as courts or prosecutors' offices and scope of case acceptance for the public interest, etc. under paragraph (3) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 10627, May 17, 2011>

[This Article Wholly Amended by Act No. 8991, Mar. 28., 2008]

Article 31-2 (Restrictions on Case Acceptance by Bar Examination Passers)

- (1) No attorney-at-law referred to in subparagraph 3 of **Article 4** shall accept (including cases of being designated as an attorney-at-law in charge of a law firm, limited liability law firm or law firm partnership pursuant to **Article 50 (1), 58-16 or 58-30**) cases independently or jointly unless he/she has engaged in legal affairs or has completed training in an agency engaging in legal affairs for not less than six months in total.
- (2) **Article 21-2 (3)** shall apply mutatis mutandis to cases where an attorney-at-law referred to in subparagraph 3 of

Article 4 independently or jointly accepts a case for the first time.

[This Article Newly Inserted by Act No. 10627, May 17, 2011]

Article 32 (Prohibition of Taking over Rights in Dispute)

No attorney-at-law shall become an assignee of any right in dispute.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 33 (Prohibition of Corrupt Practices)

No attorney-at-law shall receive, demand or promise benefits from or to the opposing party of a case in which he/she is representing a client.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

(1) No person shall engage in the conduct in either of the following subparagraphs with respect to the acceptance of legal cases or legal affairs:

1. Introducing, referring or enticing a party to a case or other interested persons in a case to a specific attorney-at-law or the office staff thereof after receiving or promising to receive beforehand money, valuables, entertainment or other benefits;
2. Receiving or demanding money, valuables, entertainment or other benefits after introducing, referring or enticing a party to a case or other interested persons in a case to a specific attorney-at-law or office staff thereof in return.

(2) No attorney-at-law or his/her office staff shall offer or promise to offer money, valuables, entertainment or other benefits in return for introducing, referring or enticing with respect to representation for a legal case or provision of a legal service.

(3) No attorney-at-law or his/her office staff shall 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/her name.

(4) No person who is not an attorney-at-law shall establish or operate a law office by employing an attorney-at-law.

(5) No fees and other profits earned through services that may be provided only by attorneys-at-law shall be shared with any person who is not an attorney-at-law.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

No attorney-at-law or his/her office staff shall enter any court, investigative agency, correctional institution, or hospital or dispatch other persons thereto or have them enter or remain there for the purpose of soliciting legal cases or legal affairs for fee-charging.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 36 (Prohibition of Referral by Officials of Trial Agencies and Investigative Agencies)

No public official who belongs to a trial agency or investigative agency shall introduce, refer or entice a party to a case or other interested persons in a case to a specific attorney-at-law or office staff thereof in connection with the acceptance of a legal case or legal affair handled by the agency which is prescribed by Presidential Decree and in which he/she is working: Provided, That the same shall not apply to cases where the party to a case or the party to an affair is a relative as referred to in **Article 767 of the Civil Act**.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 37 (Prohibition of Case Referral by Persons Handling Duties, etc.)

(1) No public official who is engaged in trial or investigative duties shall introduce, refer or entice a party to a case or

other interested persons in a case to a specific attorney-at-law or office staff thereof in connection with the acceptance of a legal case or legal affair in his/her official capacity.

- (2) The term "in his/her official capacity" in paragraph (1) means cases falling under any of the following subparagraphs:
1. Cases where a public official engaged in trial or investigative duties is handling or has handled the case in his/her official capacity;
 2. Cases where a public official is directing or supervising another public official referred to in subparagraph 1 in connection with a case which the latter is handling or has handled.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 38 (Prohibition of Concurrent Holding of Offices)

- (1) Each attorney-at-law shall be prohibited from concurrently holding office of a paid public official: Provided, That the same shall not apply to cases where such attorney-at-law becomes a member of the National Assembly or a local council, or a public official whose office does not require him/her to be on duty at all times, or performs duties commissioned by a public agency.
- (2) No attorney-at-law shall engage in any conduct in either of the following subparagraphs without the permission of the local bar association with which he/she is affiliated: Provided, That the same shall not apply to cases where he/she becomes a partner of any law firm, limited liability law firm, or law firm partnership or its associate attorney-at-law:
1. Running a commercial business, or other business pursuing profit-making or becoming an employee of a person who runs such business;
 2. Becoming an executive partner, director or employee of a corporation pursuing profit-making.
- (3) The provisions of paragraphs (1) and (2) shall not apply to cases where an attorney-at-law is in suspension of practice.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 39 (Supervision)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

CHAPTER V LAW FIRMS

Article 40 (Establishment of Law Firms)

Any attorney-at-law may establish a law firm in order to perform his/her duties in a systematic and professional manner.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 41 (Procedures for Establishment)

In order to establish a law firm, any attorney-at-law who is to become a partner 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 cases where it is intended to amend the articles of incorporation.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

The matters in each of the following subparagraphs shall be included in the articles of incorporation of each law firm:

1. Objectives, name and locations 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, their value, 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 its assets and accounting;
8. Term of existence or the grounds for dissolution, if such term or grounds are prescribed.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 43 (Registration)

- (1) When authorization is granted for the establishment of a law firm, the registration thereof shall be made within two weeks from the date of authorization. The same shall apply to cases where it is intended to amend the registered matters.
- (2) Matters to be registered under paragraph (1) shall be as follows:
 1. Objectives, name and locations 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, their values and the portion of contributions already made;
 4. Matters relating to the representative of the law firm;
 5. When several partners agree to jointly represent the law firm, the rules pertaining thereto;
 6. Term of existence or the grounds for dissolution, if such term or grounds are prescribed;
 7. Date on which authorization is granted for the establishment of the law firm.
- (3) A law firm shall come into existence by completing the registration of incorporation in the seat of its principal office.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 44 (Names)

- (1) Every 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.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 45 (Partners)

- (1) Every law firm shall be comprised of not less than three attorneys-at-law, and at least one of them shall have served for not less than five years in total in positions that fall under any subparagraph of **Article 42 (1) of the Court Organization Act**. <Amended by Act No. 10627, May 17, 2011>
- (2) In cases 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 three months from the date on which the law firm is found to fail to secure the required number of attorneys-at-law.

[This Article Wholly Amended by Act No. 8991, Mar. 28., 2008]

Article 46 (Secession of Partners)

- (1) Any partner may secede from his/her law firm at will.

(2) Any partner shall naturally secede from his/her law firm when he/she falls under any of the following subparagraphs:

1. When he/she is deceased;
2. When his/her registration is revoked under **Article 18**;
3. When he/she is subject to an order for suspension of practice under **Article 102** (2);
4. When he/she is subject to a disciplinary action of suspension of practice or heavier action under this Act or the **Notary Public Act**;
5. When a cause provided for in the articles of incorporation occurs.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 47 (Associate Non-Partner Attorneys-at-Law)

Any law firm may have associate attorneys-at-law who are not partners. <Amended by Act No. 9416, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 48 (Offices)

- (1) Any law firm may open branch offices. The standards for establishing branch offices shall be determined by Presidential Decree.
- (2) When any law firm commences operation, relocates its office or opens a branch office, it shall immediately file a report thereon with the Minister of Justice through the local bar association in the locality of its principal office and the Korean Bar Association.
- (3) Every partner or associate attorney-at-law of a law firm shall be prohibited from establishing another law office separate from the law firm.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 49 (Services)

- (1) Each law firm shall render legal services that pertain to the duties of attorneys-at-law, which are provided for in this Act and other Acts. <Amended by Act No. 9416, Feb. 6, 2009>
- (2) When other Acts recognize that an attorney-at-law has the qualifications prescribed therein, a law firm may, if its partner or associate attorney-at-law is able to perform a duty with such qualifications, include such duty in its operations.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 50 (Method of Execution of Operations)

- (1) Each law firm shall execute operations in its name and designate an attorney-at-law to be in charge of such operations: Provided, That an associate attorney-at-law shall be designated jointly with a partner.
- (2) When any law firm executes an operation referred to in **Article 49** (2), it shall designate an attorney-at-law to be in charge of the operations, from among the attorneys-at-law who can perform such duty.
- (3) When any law firm fails to designate an attorney-at-law to be in charge of an operation (hereinafter referred to as "attorney-at-law in charge") under paragraph (1), all partners of the law firm shall be deemed to have been designated as an attorney-at-law in charge.
- (4) Any law firm shall, when an attorney-at-law in charge is unable to take charge of an operation, designate without delay another attorney-at-law in charge under paragraph (1). When the law firm fails to designate another attorney-at-law in charge, all partners of the law firm shall be deemed to have been designated as an attorney-at-law in charge.
- (5) When any law firm designates an attorney-at-law in charge under paragraphs (1) through (4), it shall notify, in writing, the client of the accepted case concerned of such fact without delay. The same shall apply to cases

where an attorney-at-law in charge is replaced.

- (6) Each attorney-at-law in charge shall represent his/her law firm when he/she executes designated operations.
- (7) Every law firm shall mark its name on every document that it prepares in connection with its operations, and the attorney-at-law in charge shall sign it and affix his/her seal thereto or sign it. <Amended by Act No. 9416, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 51 (Restrictions on Services)

No law firm shall provide the services of attorney-at-law with respect to cases in which such law firm has acted as an authorized notary public: Provided, That the same shall not apply to cases prescribed by Presidential Decree. <Amended by Act No. 9416, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

- (1) Every partner or associate attorney-at-law of a law firm shall be prohibited from providing services as an attorney-at-law on his/her account or on a third person's account.
- (2) Every person who was a partner or associate attorney-at-law of a law firm shall be prohibited from providing services as an attorney-at-law for cases which the law firm accepted through consulting during the period in which he/she worked for the law firm.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 53 (Revocation of Authorization)

- (1) When any law firm falls under any of the following subparagraphs, the Minister of Justice may revoke his/her authorization for its establishment:

1. When it has failed to fill the vacancy of any partner within three months in violation of the provisions of **Article 45** (2);
2. When it has violated the provisions of Acts and subordinate statutes in providing its services.

- (2) The Minister of Justice shall hold a hearing when he/she intends to revoke his/her authorization for the establishment of a law firm under paragraph (1).

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 54 (Dissolution)

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

1. When a cause for dissolution as prescribed in the articles of incorporation occurs;
2. When there is the consent of all partners to dissolution;
3. When it merges with another law firm;
4. When it becomes bankrupt;
5. When authorization for establishment is revoked.

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 55 (Mergers)

- (1) Any law firm may merge with another law firm with the consent of all its partners.
- (2) The provisions of **Articles 41 through 43** shall apply mutatis mutandis to cases falling under paragraph (1).

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 55-2 (Organizational Restructuring)

- (1) Any law firm which satisfies the requirements for the establishment of a limited liability law firm or a law firm partnership may, with the consent of all its partners, restructure its organization into a limited liability law firm or a law firm partnership, upon obtaining the authorization of the Minister of Justice.
- (2) When any law firm obtains authorization for a limited liability law firm from the Minister of Justice under paragraph (1), it shall register dissolution of the law firm as well as establishment of a limited liability law firm in the locality of its principal office within two weeks, and when it obtains authorization for a law firm partnership, it shall register dissolution of the law firm in the locality of its principal office within two weeks.
- (3) In cases where an organizational restructuring takes place under paragraph (1), if the amount of residual net assets in the law firm is less than the total amount of capital of the limited liability law firm to be newly established, the partners working at the time when consent was given under paragraph (1) shall jointly make up for the difference.
- (4) Any partner of a newly established limited liability law firm or law firm partnership under paragraph (1) who was a partner of the former law firm shall be liable for the law firm's debts incurred before the registration under paragraph (2) is made as a partner of the law firm for two years preceding the date of registration in cases of a limited liability law firm and for five years from the date of registration in cases of a law firm partnership.

[This Article Newly Inserted by Act No. 8991, Mar. 28, 2008]

Article 56 (Notices)

When there is authorization for establishment and revocation thereof, dissolution or merger of a law firm, the Minister of Justice shall, without delay, give notice thereof to the local bar association in the locality of the law firm's principal office and the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 57 (Provisions Applicable Mutatis Mutandis)

The provisions of Articles 22, 27, 28, 28-2, 29, 29-2, 30, 31 (1), 32 through 37 and 39, and Chapter X shall apply mutatis mutandis to law firms.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58 (Other Acts Applicable Mutatis Mutandis)

- (1) Except as provided otherwise in this Act, the provisions pertaining to unlimited liability partnership companies in the Commercial Act shall apply mutatis mutandis to law firms.

- (2) Deleted. <by Act No. 9416, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

CHAPTER V-2 LIMITED LIABILITY LAW FIRMS

Article 58-2 (Establishment)

Any attorney-at-law may establish a limited liability law firm in order to perform his/her duties in a systematic and professional manner.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-3 (Procedures for Establishment)

When it is intended to establish a limited liability law firm, any attorney-at-law who is to become a partner thereof shall prepare the articles of incorporation and obtain authorization thereof from the Minister of Justice through the local bar association in the locality of its principal office and the Korean Bar Association. The same shall apply to

cases where it is intended to amend the articles of incorporation.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-4 (Matters to be Included in Articles of Incorporation)

The matters in each of the following subparagraphs shall be included in the articles of incorporation of a limited liability law firm:

1. Objectives, name and localities of the principal office and branch offices;
2. Names, resident registration numbers of partners and the domicile of the partner who is to represent the limited liability law firm;
3. The total amount of capital and the number of equity shares held by each partner through his/her investment;
4. Matters concerning the accession and secession of partners and other changes in the partnership;
5. Matters concerning the meetings of the partners;
6. Matters concerning the representative of the limited liability law firm;
7. Matters concerning its assets and accounting;
8. Term of existence or the grounds for dissolution, if such term or grounds are prescribed.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-5 (Registration)

(1) Any limited liability law firm shall make a registration of establishment within two weeks from the date on which it obtains authorization for its establishment. The same shall apply to cases where there is any change in registered matters.

(2) Matters to be registered under paragraph (1) shall be as follows:

1. Objectives, name and the localities of the principal office and branch offices;
2. The amount per investment share, total amount of capital and the portion of investment already made;
3. Names and resident registration numbers of directors;
4. Name and domicile of the director who is to represent the limited liability law firm;
5. When several directors agreed to jointly represent the limited liability law firm, the rules pertaining thereto;
6. Term of existence or the grounds for dissolution, if such term or grounds are prescribed;
7. Name, resident registration number and domicile of an auditor, if any;
8. Date on which authorization is granted for the establishment of the limited liability law firm.

(3) A limited liability law firm shall be established by completing registration of establishment in the locality of its principal office.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-6 (Partners, etc.)

(1) Each limited liability law firm shall be comprised of not less than seven attorneys-at-law, not less than two of whom are required to have worked in a position falling under any subparagraph of **Article 42 (1) of the Court Organization Act** for not less than ten years in total.

(2) Any limited liability law firm may employ an associate attorney-at-law who is not its partner.

(3) When any limited liability law firm fails to secure the required number of partners referred to in paragraph (1), such limited liability law firm shall secure the requirement number of partners within three months from the date on which it is found to fall short of the required number of partners.

(4) Each limited liability law firm shall have not less than three directors. In such cases, no one who falls under any of the following subparagraphs shall become a director:

1. A person who is not a partner;
 2. A person who has worked as a director for a limited liability law firm, the authorization for establishment of which was revoked (limited to a person who was a director at the time when the cause for revoking the authorization for establishment occurred) and for whom three years have yet to pass from the date on which the authorization for establishment was revoked;
 3. A person who is in the period of suspension of practice under **Article 102**.
- (5) Any limited liability law firm may have one or more auditors. Such auditor shall be an attorney-at-law.
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

- (1) The total amount of capital of any limited liability law firm shall be at least 500 million won.
 - (2) The amount per investment share shall be 10,000 won.
 - (3) The number of equity shares per partner shall be not less than 3,000 equity shares.
 - (4) When the amount obtained by subtracting the total amount of debts from the total amount of assets on the balance sheet at the end of the immediately preceding business year falls short of 500 million won, that limited liability law firm shall replenish the deficiency by means of capital increase or partner donations within six months after the closing of each business year.
 - (5) Donations referred to in paragraph (4) shall be counted as extraordinary profits.
 - (6) When any limited liability law firm fails to increase its capital or replenish a deficiency under paragraph (4), the Minister of Justice may order the limited liability law firm to increase its capital or replenish the deficiency within a fixed period of time.
- [This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-8 (Prohibition on Investment in other Corporations, etc.)

- (1) Every limited liability law firm 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 its capital by the ratio set by Presidential Decree within the scope of 50/100.
 - (2) The capital referred to in paragraph (1) means an amount obtained by subtracting the total amount of debts from the total amount of assets on the balance sheet as at the end of the immediately preceding business year. In cases of any newly incorporated limited liability law firm that does not have a balance sheet of the immediately preceding business year, it means the paid-in capital at the time of its establishment.
- [This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-9 (Accounting, etc.)

- (1) Every limited liability law firm shall keep accounts according to the standards for accounting provided for in **Article 13 of the Act on External Audit of Stock Companies**, except as otherwise provided for in this Act.
 - (2) Every limited liability law firm shall compile a balance sheet according to the standards for accounting referred to in paragraph (1) and submit it to the Minister of Justice within three months after the closure of each business year.
 - (3) The Minister of Justice may, if deemed necessary, examine as to whether the balance sheet referred to in paragraph (2) is appropriately compiled.
- [This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-10 (Liability of Partners)

The liability of the partners of a limited liability law firm shall be limited to the amount of their respective investments, except as otherwise provided for in this Act.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-11 (Liability to Compensate for Losses Related to Accepted Case)

- (1) When any attorney-at-law in charge (in cases where no attorney-at-law in charge is designated, referring to all partners of a limited liability law firm) causes any loss to his/her client in connection with an accepted case deliberately or by negligence, he/she shall be liable to compensate for such loss in concert with his/her limited liability law firm.
- (2) In cases where any attorney-at-law in charge is liable to compensate for losses, the partner who personally directed or supervised such attorney-at-law in charge shall also be liable to compensate for such losses: Provided, That the same shall not apply to cases where it is verified that the partner did not negligently direct and supervise the attorney-at-law in charge.
- (3) Each limited liability law firm shall explicitly indicate the matters concerning the liability for the compensation of losses referred to in paragraphs (1) and (2) on case acceptance contracts and advertisements as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-12 (Reserves for Compensation of Losses, etc.)

- (1) Each limited liability law firm shall, in order to indemnify the liability for the compensation of losses related to accepted cases under **Article 58-11**, accumulate reserves for the compensation of losses every business year, or subscribe to an insurance policy or to the mutual aid fund that is operated by the Korean Bar Association as prescribed by Presidential Decree.
- (2) No reserves for the compensation of losses, indemnity insurance or mutual aid funds referred to in paragraph (1) shall be used for purposes other than compensation for losses and the insurance contract or mutual aid contract concerned shall be neither withdrawn nor terminated without the approval of the Minister of Justice.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-13 (Revocation of Authorization)

When any limited liability law firm falls under any of the following subparagraphs, the Minister of Justice may revoke his/her authorization for its establishment:

1. When it fails to fill the vacancy of any partner within three months in violation of **Article 58-6** (3);
2. When one of the directors falls under any subparagraph of **Article 58-6** (4): Provided, That the same shall not apply to cases where the director in question is replaced within three months from the date on which the cause therefor occurred;
3. When it invests in another corporation or offers a guarantee of debts for any other person in violation of **Article 58-8** (1);
4. When it keeps accounts in violation of **Article 58-9** (1);
5. When it fails to accumulate reserves for the compensation of losses or fails to insure itself or to subscribe to the mutual aid fund in violation of **Article 58-12** (1);
6. When it violates Acts and subordinate statutes while rendering its legal services.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-14 (Dissolution)

- (1) Any limited liability law firm shall be dissolved on any ground falling under any of the following subparagraphs:
 1. When any ground for dissolution as specified in its articles of incorporation occurs;
 2. When the consent of a majority of the partners and the consent of persons with not less than 3/4 of the voting rights of the total partners are obtained;

3. When it is merged with another limited liability law firm;
 4. When it becomes bankrupt;
 5. When the authorization for its establishment is revoked;
 6. When the period of existence expires, if such period of existence is prescribed.
- (2) When any limited liability law firm is dissolved, the relevant liquidator shall make a report thereon to the Minister of Justice through the local bar association in the locality of its principal office and the Korean Bar Association.
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-15 (Notices)

When there is authorization for establishment or revocation thereof, dissolution or merger of a limited liability law firm, the Minister of Justice shall, without delay, give notice thereof to the local bar association in the localities of the principal office and branch offices of the limited liability law firm and the Korean Bar Association.
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-16 (Provisions Applicable Mutatis Mutandis)

The provisions of Articles 22, 27, 28, 28-2, 29, 29-2, 30, 31 (1), 32 through 37, 39, 44, 46 through 52 and 53 (2) and Chapter X shall apply mutatis mutandis to limited liability law firms.
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-17 (Other Acts Applicable Mutatis Mutandis)

- (1) Except as otherwise provided for in this Act, the provisions pertaining to limited-liability companies of the Commercial Act (excluding the provisions of Article 545 of the Commercial Act) shall apply mutatis mutandis to limited liability law firms.
- (2) Deleted. <by Act No. 9416, Feb. 6, 2009>
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

CHAPTER V-3 LAW FIRM PARTNERSHIPS

Article 58-18 (Establishment)

Any attorney-at-law may establish a law firm partnership in order to perform his/her duties in a systematic and professional manner.
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-19 (Procedures for Establishment)

- (1) When it is intended to establish a law firm partnership, any attorney-at-law who is to become its partner shall make rules and obtain authorization therefor from the Minister of Justice through the local bar association in the locality of its principal office and the Korean Bar Association. The same shall apply to cases where it is intended to change the rules.
- (2) The Minister of Justice shall, when he/she grants authorization for the establishment of a law firm partnership under paragraph (1), publish it in the Official Gazette.
- (3) Each law firm partnership shall be established at the time when the publication referred to in paragraph (2) is made.
[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-20 (Matters to be Included in Rules)

The matters in each of the following subparagraphs shall be included in the rules of a law firm partnership:

1. Objectives, name and the localities 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 partnership;
3. Matters concerning the accession and secession of partners and changes in the partnership;
4. Matters concerning the kinds of contributions, their value, and the standards for computing and appraising their values;
5. Matters concerning the distribution of profits and apportionment of losses;
6. Matters concerning the representative of the law firm partnership;
7. Matters concerning its assets and accounting;
8. When the term of existence and the grounds for dissolution are prescribed, such term and grounds.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

- (1) Each law firm partnership shall submit its rules and a written statement in which the matters in each of the following subparagraphs are included to the local bar association in the localities of its principal office and branch offices within two months from the date on which it obtains authorization for its establishment. The same shall apply to cases where it amends its rules or the matters to be included in the written statement:
 1. Objectives, name and the localities 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 partnership;
 3. The total amount of investment;
 4. Matters concerning the representative of the law firm partnership;
 5. When the term of existence and the grounds of dissolution are prescribed, such term and grounds;
 6. The date on which authorization for its establishment is granted.
 - (2) Any local bar association in the localities of the principal office and branch offices of a law firm partnership shall keep the written statements in each of the following subparagraphs for public reading as prescribed by Presidential Decree:
 1. A written statement in which the matters referred to in each subparagraph of paragraph (1) are entered;
 2. A written statement concerning authorization for establishment and the revocation thereof, and dissolution under **Article 58-29**;
 3. A written statement verifying the accumulation of reserves for the compensation of losses and subscription to an insurance or mutual aid fund under **Article 58-12** which applies mutatis mutandis under **Article 58-30**.
- [This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-22 (Partners, etc.)

- (1) Each law firm partnership shall be comprised of not less than seven attorneys-at-law, not less than two of whom shall be required to have worked in a position that falls under any subparagraph of **Article 42 (1) of the Court Organization Act** for not less than ten years in total.
 - (2) Any law firm partnership may have an associate attorney-at-law who is not a partner.
 - (3) Each law firm partnership shall, when it fails to secure the required number of partners referred to in paragraph (1), secure the required number of partners within three months from the date on which the law firm partnership is found to fall short of the required number of partners.
- [This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-23 (Execution of Operations)

- (1) The execution of operations of each law firm partnership shall be determined by a resolution of a majority of its partners: Provided, That in cases where any law firm partnership has two or more operation executive members, it shall be determined by a resolution of a majority of them.
- (2) Any law firm partnership may establish an operating committee comprised of all operation executive members, as prescribed by its rules.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-24 (Liability of Partners)

The partners of each law firm partnership shall be liable for the debts (excluding any debt related to the liability to compensate losses provided for in **Article 58-25**) of the law firm partnership according to the loss sharing ratio used at the time when the debts are incurred.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

- (1) When any attorney-at-law in charge (in cases where no attorney-at-law in charge is designated, referring to all partners of a law firm partnership) causes loss to the firm's client in connection with an accepted case deliberately or by negligence, he/she shall be liable to compensate for such loss.
- (2) In cases where any attorney-at-law in charge is liable to compensate for loss, the partner who personally directed or supervised such attorney-at-law in charge shall also be liable to compensate for such loss: Provided, That the same shall not apply to cases where it is verified that the partner did not negligently direct and supervise the attorney-at-law in charge.
- (3) Every partner who assumes no liability under paragraphs (1) and (2) shall assume the liability for the compensation of losses under paragraph (1) within the scope of the partnership's assets.
- (4) Every law firm partnership shall explicitly indicate matters concerning the liability to compensate losses referred to in paragraphs (1) and (2) in cases of acceptance contracts and advertisements as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-26 (Competent Party to Lawsuit)

Any law firm partnership may be competent to be a party to a lawsuit.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-27 (Revocation of Authorization)

The Minister of Justice may, when any law firm partnership falls under any of the following subparagraphs, revoke the authorization concerned:

1. When it fails to fill the vacancy of partners within three months from the date on which such vacancy occurs in violation of **Article 58-22** (3);
2. When it fails to accumulate reserves for the compensation of losses or insure itself or subscribe to the mutual aid fund in violation of the provisions of **Article 58-12** (1) which applies mutatis mutandis under **Article 58-30**;
3. When it violates Acts and subordinate statutes while executing its operations.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-28 (Dissolution)

- (1) Each law firm partnership shall be dissolved when a cause falling under any of the following subparagraphs occurs:
 1. When the grounds for dissolution as specified in the rules occur;
 2. When there is the consent of a majority of partners: Provided, That the ratio may be raised by the rules;

3. When the authorization for its establishment is revoked;
 4. When the term of existence expires, if a term of existence is prescribed.
- (2) When any law firm partnership is dissolved, the relevant liquidator shall promptly make a report thereon to the Minister of Justice through the local bar association in the locality of its principal office and the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-29 (Notices)

When there is authorization for establishment and revocation thereof or dissolution of any law firm partnership, the Minister of Justice shall, without delay, give notice thereof to the local bar association in the localities of the principal office and branch offices of the law firm partnership and the Korean Bar Association.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-30 (Provisions Applicable Mutatis Mutandis)

The provisions of **Articles 22, 27, 28, 28-2, 29, 29-2, 30, 31** (1), **32 through 37, 39, 44, 46 through 52, 53** (2), **58-9** (1) and **58-12**, and Chapter X shall apply mutatis mutandis to law firm partnerships.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 58-31 (Other Acts Applicable Mutatis Mutandis)

(1) Except as otherwise provided for in this Act, the provisions pertaining to associations of the **Civil Act** (excluding the provisions of **Article 713 of the Civil Act**) shall apply mutatis mutandis to law firm partnerships.

(2) Deleted. <by Act No. 9416, Feb. 6, 2009>

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

CHAPTER VI Deleted.

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

CHAPTER VII LOCAL BAR ASSOCIATIONS

Article 64 (Objectives and Establishment)

(1) In order to preserve the dignity of attorneys-at-law, promote the improvement and development of affairs of attorneys-at-law and administer affairs relating to the guidance and supervision of attorneys-at-law, one local bar association shall be established in each jurisdiction of district court: Provided, That one local bar association shall be established in the Seoul Special Metropolitan City.

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 65 (Procedures for Establishment)

When it is intended to establish a local bar association, an attorney-at-law who is to become its member shall make the regulations of such association and obtain authorization therefor from the Minister of Justice through the Korean Bar Association. The same shall apply to cases where it is intended to amend such regulations.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 66 (Matters to be Included in Association Regulations)

The matters in each of the following subparagraphs shall be included in the regulations of a local bar association:

<Amended by Act No. 10540, Apr. 5, 2011>

1. The name and locality of office;
2. Matters concerning the accession and secession of members;
3. Matters concerning the organization, authority and general meetings, board of directors and other machinery;
4. Matters concerning the composition, number, election, terms of office and duties of executives;
5. Matters concerning the rights and duties of members;
6. matters concerning the guidance and supervision of members;
7. Matters concerning assets and accounting.

[This Article Wholly Amended by Act No. 8991, Mar. 28., 2008]

Article 67 (Publication)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 68 (Accession and Secession)

- (1) Each attorney-at-law who has registered under **Article 7** shall become a member of the local bar association with which he/she intends to be affiliated.
- (2) Each attorney-at-law who has made a registration of affiliation change under **Article 14** shall be a member of the local bar association with which he/she intends to be affiliated and naturally secede from the former local bar association with which he/she was affiliated.
- (3) Each attorney-at-law whose registration is revoked under **Article 18** shall naturally secede from the local bar association with which he/she is affiliated.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 69 (Executives)

- (1) Each local bar association shall have the executives in each of the following subparagraphs: <Amended by Act No. 10540, Apr. 5, 2011>
 1. President;
 2. Vice president;
 3. Standing director;
 4. Director;
 5. Auditor.
- (2) Executives shall be elected at a general meeting.

[This Article Wholly Amended by Act No. 8991, Mar. 28., 2008]

Article 69-2 (President)

The head of a local bar association shall represent the relevant local bar association and administer general affairs of the relevant local bar association.

[This Article Newly Inserted by Act No. 10540, Apr. 5, 2011]

Article 70 (General Meetings)

- (1) Each local bar association shall have general meetings.
- (2) The general meeting shall be comprised of attorneys-at-law who have reported the commencement of practice: Provided, That in cases where the number of association members exceeds 200, the general meeting may be

comprised of representatives elected by the association members as prescribed by the regulations.

(3) The matters in each of the following subparagraphs shall undergo a resolution of the general meeting:

1. Amendments to the regulations;
2. Budgeting and settlement of accounts.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 71 (Board of Directors)

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

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

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

- (1) Each local bar association shall submit a list of proposed public defenders to the court and vigorously cooperate for the efficient operation of the public defense system by supporting the activities of public defenders, etc.
- (2) Each local bar association shall faithfully cooperate for the sound operation of the judicial system by recommending attorneys-at-law to sustain public prosecutions for cases referred to a court for trial under adjudication or recommending a conciliation commissioner under the **Judicial Conciliation of Civil Disputes Act**.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 73 (Guidance for Judicial Trainees)

Each local bar association shall take charge of in-service training programs for judicial trainees as commissioned by the dean of the Judicial Research and Training Institute.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 74 (Mediation of Disputes)

Any local bar association may, when a dispute arises between member attorneys-at-law or between a member attorney-at-law and a client over the performance of duties, mediate such dispute at the request of the parties concerned.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 75 (Counsel and Proposals)

Each local bar association shall reply to public agencies with respect to matters on which it is consulted thereby and may make proposals to public agencies with respect to legal affairs and other matters related thereto.

[This Article Wholly Amended by Act No. 8991, Mar. 28, 2008]

Article 75-2 (Inquiry in Facts, etc.)

Each local bar association shall, when a member attorney-at-law requests to serve on him/her a reply regarding necessary matters or a certified transcript or copy of a document in the custody of public agencies after inquiring of the public agencies in connection with an accepted case, request such things to the public agencies according to his/her request and present replies or results received to the applicant, unless there is any ground to deem such request inappropriate.

[This Article Newly Inserted by Act No. 8911, Mar. 28, 2008]

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

- (1) In order to promote the convenience of clients in selecting attorneys-at-law and to secure transparency in the acceptance of legal cases and legal affairs by attorneys-at-law, every local bar association shall provide clients

with information on educational credentials, careers, principal service areas and service records, etc. of its members.

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 77 (Supervision)

- (1) Each local bar association shall be supervised by the Korean Bar Association and the Minister of Justice.
- (2) Each local bar association shall promptly report the details of the matters resolved in a general meeting to the Korean Bar Association and the Minister of Justice.
- (3) The Minister of Justice may, when he/she recognizes that a resolution referred to in paragraph (2) is in violation of Acts and subordinate statutes or association regulations, revoke such resolution after considering the opinion of the President of the Korean Bar Association.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 77-2 (Maintenance of Confidentiality)

Except as otherwise provided for in Acts, no person who is or was an executive of a local bar association shall disclose any confidential information that he/she learned while handling services related to the provisions of **Articles 28-2, 89-4 (1) and 89-5 (1)**.

[This Article Newly Inserted by Act No. 8911, Mar. 28, 2008]

CHAPTER VIII KOREAN BAR ASSOCIATION

Article 78 (Objectives and Establishment)

- (1) In order to preserve the dignity of attorneys-at-law, promote the improvement and development of legal services of attorneys-at-law and creation of legal culture, and administer the affairs relating to the 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.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 79 (Procedures for Establishment)

Local bar associations shall establish the Korean Bar Association after jointly making association regulations and obtaining authorization thereof from the Minister of Justice. The same shall also apply to cases where it is intended to amend the association regulations.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 80 (Matters to be Included in Association Regulations)

The matters in each of the following subparagraphs shall be included in the association regulations of the Korean Bar Association:

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 80-2 (Association President)

The head of the Korean Bar Association shall represent the Korean Bar Association and administer general affairs of the association.

[This Article Newly Inserted by Act No. 10540, Apr. 5, 2011]

Article 81 (Executives)

(1) The Korean Bar Association shall have the executives in each of the following subparagraphs: <Amended by Act No. 10540, Apr. 5, 2011>

1. President;
2. Vice president;
3. Standing director;
4. Director;
5. Auditor.

(2) Matters concerning the composition, number, election, term of office and duties of the executives referred to in each subparagraph of paragraph (1) shall be determined by the regulations of the Korean Bar Association. <Newly Inserted by Act No. 10540, Apr. 5, 2011>

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 82 (General Meetings)

(1) The Korean Bar Association shall hold general meetings.

(2) Matters concerning the composition of general meetings shall be determined by association regulations. <Amended by Act No. 10540, Apr. 5, 2011>

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 83 (Apportionment of Expenses)

Each local bar association shall pay expenses necessary to operate the Korean Bar Association as prescribed by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 84 (Legal Aid System)

A legal aid system shall be established to carry out legal aid projects in the Korean Bar Association, and its branches may be established in local bar associations.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

(1) Each attorney-at-law shall receive training and education offered by the Korean Bar Association to enhance their expertise and awareness of ethics (hereinafter referred to as "training and education") for a period determined by Presidential Decree or longer: Provided, That the same shall not apply to cases falling under any of the following subparagraphs:

1. Cases where an attorney-at-law is unable to render his/her legal services normally due to disease, etc.;
2. Cases where there is a justifiable ground which prevents an attorney-at-law from receiving training and education, such as suspension of practice;
3. Cases prescribed by the Korean Bar Association, where an attorney-at-law is unable to receive training and education due to his/her advanced age.

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

(3) In cases where any attorney-at-law attends a law-related academic seminar, etc., the Korean Bar Association

may recognize that he/she received the training and education as prescribed by the Korean Bar Association.

- (4) The subject of legal ethics shall be included in the training and education.
- (5) Necessary matters concerning the method of and procedure for the training and education, and procedures and standards for designating institutions and organizations to which the training and education may be commissioned, etc. shall be prescribed by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 86 (Supervision)

- (1) The Korean Bar Association shall be supervised by the Minister of Justice.
- (2) The Korean Bar Association shall, without delay, report the details of resolutions passed at its general meetings to the Minister of Justice.
- (3) The Minister of Justice may, when he/she recognizes that the resolutions referred to in paragraph (2) are in violation of Acts and subordinate statutes or association regulations, annul such resolution.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 87 (Provisions Applicable Mutatis Mutandis)

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

CHAPTER IX LEGAL ETHICS AND PROFESSIONAL CONDUCT COUNCIL AND SUBMISSION OF CASE ACCEPTANCE MATERIAL

Article 88 (Legal Ethics and Professional Conduct Council)

The Legal Ethics and Professional Conduct Council (hereinafter referred to as the "Ethics Council") shall be established in order to establish 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 Council)

- (1) The Ethics Council shall perform the work in each of the following subparagraphs:
 1. Consulting about Acts and subordinate statutes, the legal system and policies for the establishment of legal ethics;
 2. Analysis of the state of legal ethics and measures against violations of legal ethics;
 3. Applications for the commencement of disciplinary actions against those who violate Acts and subordinate statutes pertaining to legal ethics or request for investigations of such persons;
 4. Other work, such as consulting about matters necessary to establish legal ethics.
- (2) The Ethics Council may, if deemed necessary, inquire of any person concerned, any agency or organization concerned, etc. about relevant facts, or ask them to submit material or appear before the Ethics Council to make statements or provide an explanation.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 89-2 (Composition of Ethics Council)

- (1) The Ethics Council shall be comprised of nine members falling under any of the following subparagraphs, among whom three members are nominated or commissioned by the Minister of Court Administration, three by the Minister of Justice and three by the President of the Korean Bar Association, respectively. In such cases, 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 a member:

1. Judges with work experience of not less than ten years;
 2. Public prosecutors with work experience of not less than ten years;
 3. Attorneys-at-law with work experience of not less than ten years;
 4. Professors of laws or associate professors of laws;
 5. Persons with experience and a good reputation.
- (2) The chairperson shall be elected with the consent of a majority of the registered members who are nominated or commissioned by the President of the Korean Bar Association.
- (3) The term of office of the chairperson and each member shall be two years, each of whom may be reappointed.
- (4) In cases where any member who is nominated or commissioned according to the requirements referred to in paragraph (1) 1 through 4 fails to meet such requirements for nomination or commissioning during his/her term of office, he/she shall lose his/her status of a member.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) The Ethics Council shall have three secretaries and an administrative framework to handle its administrative affairs.
- (2) One of the three secretaries shall be a judge nominated by the Minister of Court Administration, one, a prosecutor nominated by the Minister of Justice and one, an attorney-at-law nominated by the President of the Korean Bar Association.
- (3) The chairperson may appoint a senior secretary from among the secretaries in order to efficiently handle work.
- (4) The Government may grant the Ethics Council subsidies within the limit of its budget in order to support its work.
- (5) Necessary matters concerning the organization and operation of the Ethics Council shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) Any person who commences a legal practice after working as a judge, a prosecutor, a long-term military judicial officer or a public official (excluding any judicial trainee and anyone who has served as a soldier or public-service judge advocate, etc. in order to fulfill his/her duty of military service) (hereinafter referred to as "attorney-at-law retired from public office") shall submit material detailing the cases that he/she has accepted and the results thereof for two years from the date on which he/she retired from office to the local bar association with which he/she is affiliated within each period prescribed by Presidential Decree.
- (2) The provisions of paragraph (1) shall also apply to cases where any attorney-at-law retired from public office is designated as an attorney-at-law in charge in a law firm, a limited liability law firm or a law firm partnership under **Article 50, 58-16** or **58-30**.
- (3) Each local bar association shall submit material it receives under paragraph (1) to the Ethics Council.
- (4) The chairperson of the Ethics Council may, when he/she finds that an attorney-at-law retired from public office is suspected of falling under the grounds for disciplinary action under **Article 91** or committing any illegal act, file an application for the commencement of disciplinary proceedings against such attorney-at-law with the President of the Korean Bar Association or the chief public prosecutor of a district public prosecutors' office concerned, or request the investigation of such attorney-at-law.
- (5) Necessary matters concerning matters to be included in the material detailing case acceptance and the results thereof to be submitted by attorneys-at-law retired from public office, procedures for submitting them, etc. shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) Each local bar association shall submit to the Ethics Council the names and case lists of the attorneys-at-law (including attorneys-at-law in charge belonging to law firms, limited liability law firms and law firm partnerships under **Articles 50, 58-16** and **58-30**; hereinafter referred to as "relevant attorney-at-law") who has accepted cases in a number exceeding the number prescribed by Presidential Decree.
- (2) The Ethics Council may, if deemed necessary to confirm the process of accepting a case in order to judge whether the case is accepted in violation of the provisions pertaining to case acceptance under **Articles 30, 31, 34** (2) and (3), **35**, etc., request a relevant attorney-at-law to submit material detailing the accepted cases entered in the case list referred to in paragraph (1) and the results thereof. In such cases, the relevant attorney-at-law shall submit such material within 30 days from the date on which he/she is requested to submit it.
- (3) The provisions of **Article 89-4** (4) and (5) shall apply mutatis mutandis to relevant attorneys-at-law.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 89-6 (Submission of Details of Activities, etc. of Retired Public Officials in Law Firms, etc.)

- (1) When a person liable for registration of property referred to in **Article 3 of the Public Service Ethics Act**, or a retired public official, as non-attorney-at-law, who has served in a position of a specific grade determined by Presidential Decree or higher one (referred to as "retired public official" in this Article) is employed by a law firm, limited liability law firm or law firm partnership (hereinafter referred to as "law firm, etc." in this Article), such law firm, etc. shall submit a list of names of retired public officials whom it employs to the local bar association having jurisdiction over its principal office without delay, and prepare and submit a statement of business of retired public officials of the preceding year in which the details of business activities, etc. are included to the local bar association having jurisdiction over its principal office by the last day of January of each year.
- (2) Employment referred to in paragraph (1) means retired public officials' entire activities to receive wages, salaries and others in any name, such as money and articles or economic benefits in return for the provision of labor or service.
- (3) Paragraph (1) shall also apply to law offices which have not less than two attorneys-at-law working in an unified system when accepting or handling cases or performing other duties of attorney-at-law and are operated in the manner to divide profits or apportion expenses among them.
- (4) Every local bar association shall submit material it receives pursuant to paragraph (1) to the Ethics Council.
- (5) The chairperson of the Ethics Council may, when he/she finds as a result of examining material submitted pursuant to paragraph (4) that the relevant persons are suspected of having grounds for disciplinary action or committing any illegal act, file an application for the commencement of disciplinary proceedings against such persons with the President of the Korean Bar Association or request the investigation of such persons to the chief prosecutor of a district prosecutors' office.
- (6) Statements of duties referred to in paragraph (1) shall include the details of business activities of retired public officials, such as cases and affairs in which they are involved and other matters determined by Presidential Decree.

[This Article Newly Inserted by Act No. 10627, May 17, 2011]

Article 89-7 (Prohibition of Divulgence of Confidential Information)

Every member, secretary or office staff of the Ethics Council or any person who has served in any of the posts thereof shall be prohibited from divulging confidential information they learned while performing their duties.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 89-8 (Prohibition of Divulgence of Confidential Information)

Every member, secretary or office staff of the Ethics Council or any person who has served in any of the posts

thereof shall be prohibited from divulging confidential information they learned while performing their duties.
[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

CHAPTER X DISCIPLINARY ACTION AND SUSPENSION OF PRACTICE

Article 90 (Types of Disciplinary Actions)

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

1. Permanent disbarment;
2. Disbarment;
3. Suspension from practicing for not longer than three years;
4. Fine for negligence not exceeding 30 million won;
5. Censure.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 91 (Grounds for Disciplinary Actions)

(1) The grounds for the disciplinary actions falling under subparagraph 1 of **Article 90** shall be as follows:

1. Cases where an attorney-at-law is sentenced to imprisonment without prison labor or heavier punishment on not less than two occasions in connection with the duties of an attorney-at-law (including cases where a stay of execution is sentenced) and the execution of such sentence is made definite (excluding cases of negligent criminals);
2. Cases where a person has repeatedly a ground for disciplinary action referred to in paragraph (2) after being subject to a disciplinary action of suspension from duty or heavier action on not less than two occasions under this Act and is deemed highly inappropriate to perform the duties of an attorney-at-law.

(2) The grounds for disciplinary actions provided for in subparagraphs 2 through 5 of **Article 90** shall be as follows:

1. Cases where an attorney-at-law violates this Act;
2. Cases where an attorney-at-law violates the regulations of a local bar association with which he/she is affiliated or of the Korean Bar Association;
3. Cases where an attorney-at-law engages in conduct which damages his/her dignity as an attorney-at-law, regardless of whether such conduct is committed on or off duty.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 92 (Establishment of Attorney Disciplinary Committee)

(1) All 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 have their own Attorney Disciplinary Committee, respectively.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 92-2 (Establishment of Investigative Committee)

(1) The Investigative Committee mandated to investigate attorneys-at-law who are suspected for being subject to disciplinary action shall be set up in the Korean Bar Association.

(2) The Investigative Committee may, if deemed necessary, request relevant agencies, organizations, etc. to submit material or interview the parties or persons concerned to consider their opinions about facts.

(3) Necessary matters concerning the composition, operation, etc. of the Investigative Committee shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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 comprised of members in each of the following subparagraphs:
 1. Two judges recommended by the Minister of Court Administration;
 2. Two public prosecutors recommended by the Minister of Justice;
 3. Three attorneys-at-law elected at a general meeting of the Korean Bar Association;
 4. One professor of laws and one person with experience and a good reputation, both of whom are recommended by the President of the Korean Bar Association and are not attorneys-at-law.
- (2) The Attorney Disciplinary Committee of the Korean Bar Association shall have one chairperson and one secretary. The chairperson and the secretary 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 not passed since he/she acquired the qualification of an attorney-at-law shall not become the chairperson, a member who is a judge, a public prosecutor or an attorney-at-law, or a reserve member.
- (5) The term of office of each member and each reserve member shall be two years.
- (6) Each member and each 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 under **Article 94**.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) The Attorney Disciplinary Committee established by the Ministry of Justice (hereinafter referred to as the "Attorney Disciplinary Committee of the Ministry of Justice") shall be comprised of one chairperson and eight members, and shall have eight reserve members.
- (2) The Minister of Justice shall be the chairperson, and appoint or commission as members and reserve members, two of whom are judges and two of which are public prosecutors from among the judges and public prosecutors recommended by the Minister of Court Administration, one of each of whom is an attorney-at-law from among the attorneys-at-law recommended by the President of the Korean Bar Association and three of whom are professors of laws or have experience and a good reputation, and are not attorneys-at-law.
- (3) The term of office of each member and each reserve member shall be two years.
- (4) The chairperson shall supervise the affairs of the Attorney Disciplinary Committee of the Ministry of Justice, represent the Attorney Disciplinary Committee of the Ministry of Justice and convene and preside over its meetings.
- (5) When the chairperson is unable to perform his/her duties due to unavoidable grounds, any member who is designated beforehand by the chairperson shall act for him.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 95 (Deliberative Authority of 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 disciplinary action under **Article 91**.
- (2) The Attorney Disciplinary Committee of the Korean Bar Association may, if necessary for deliberation under paragraph (1), request the Investigative Committee to investigate the fact suspected as giving rise to a disciplinary action.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 97 (Requests for Commencement of Disciplinary Action)

When any attorney-at-law falls under 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.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) The chief public prosecutor of a district public prosecutors' office shall, when he/she finds any attorney-at-law falling under the disciplinary action under **Article 91** while conducting prosecutory affairs, such as criminal investigation, file an application for the commencement of a disciplinary action against such attorney-at-law with the President of the Korean Bar Association.
- (2) The provisions of paragraph (1) shall also apply to cases where the president of any local bar association finds any attorney-at-law who belongs to his/her association falling under the grounds for disciplinary action under **Article 91**.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) When any client or the legal representative, spouse, lineal relative, brother or sister of such client finds the attorney-at-law who has accepted his/her case or an attorney-at-law in charge belonging to the law firm (including limited liability law firms under **Article 58-2** and law firm partnerships under **Article 58-18**) that has accepted his/her case falling under the disciplinary action under **Article 91**, he/she may file a petition with the president of the local bar association with which such attorney-at-law is affiliated to commence a disciplinary action against him.
- (2) The president of a local bar association shall, upon receiving a petition filed under paragraph (1), determine without delay whether or not to apply for the commencement of the disciplinary action concerned and notify the petitioner of the result of his/her determination and a summary of the ground for making such determination.
- (3) Any petitioner may, when the president of a local bar association declines his/her petition referred to in paragraph (1) or fails to determine whether or not to apply for the commencement of the disciplinary action concerned even after the lapse of three months from the date on which his/her petition is received, file a re-petition with the President of the Korean Bar Association. In such cases, such re-petition shall be filed within 14 days from the date on which the notice under paragraph (2) is received or three months have passed since the petition was received.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) The President of the Korean Bar Association shall, when he/she receives an application for the commencement of a disciplinary action under **Article 89-4** (4) (including cases where the provisions are applied mutatis mutandis under **Article 89-5** (3)) or **97-2**, or a re-petition under **Article 97-3** (3), determine without delay whether to apply for the commencement of the disciplinary action.
- (2) The President of the Korean Bar Association may, if necessary to determine whether to apply for the commencement of a disciplinary action, have the Investigative Committee investigate any fact suspected of

giving rise to the disciplinary action.

- (3) The President of the Korean Bar Association shall, when he/she makes a determination under paragraph (1), notify the applicant (referring to the chairperson of the Ethics Council or the chief public prosecutor of a district public prosecutors' office who has applied for the commencement of a disciplinary action; hereinafter the same shall apply) or the re-petitioner for the commencement of the disciplinary action of the grounds thereof without delay.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 97-5 (Raising Objections)

- (1) Any applicant for the commencement of a disciplinary action may, when the President of the Korean Bar Association declines his/her application for the commencement of the disciplinary action or fails to determine whether or not to apply for the commencement of the disciplinary action concerned even after the lapse of three months from the date on which his/her application is received, raise an objection to the Attorney Disciplinary Committee of the Korean Bar Association. In such cases, such objection shall be raised within 14 days from the date on which the notice under **Article 97-4** (3) is received or three months have passed since the application was received.
- (2) The Attorney Disciplinary Committee of the Korean Bar Association shall, when an objection raised under paragraph (1) is deemed well-grounded, commence the procedures for the disciplinary action, and when such objection is deemed groundless, decline such objection.
- (3) The Attorney Disciplinary Committee of the Korean Bar Association shall, when it makes the determination referred to in paragraph (2), notify, without delay, the person who raised the objection, of the result as well as the grounds thereof.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (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 an application for the commencement of a disciplinary action or the procedures for a disciplinary action commenced under **Article 97-5** (2): Provided, That in cases where there are unavoidable circumstances, such period may be extended by its resolution within the scope of six months.
- (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 in cases where there are unavoidable circumstances, such period may be extended by its resolution within the scope of three months.
- (3) When an application is filed for the commencement of a disciplinary action or the procedures for a disciplinary action commence, the chairperson shall, without delay, set the date for the deliberation on such disciplinary action and serve a notice thereof on the person suspected of being subject to the disciplinary action.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 98-2 (Rights of Suspect, Subject to Disciplinary Action to be Present and State his/her Opinion, etc.)

- (1) The chairperson of the Attorney Disciplinary Committee of the Korean Bar Association may set the date on which a disciplinary action is to be deliberated upon and order the suspect subject to disciplinary action to be present.
- (2) Any suspect subject to disciplinary action may appear on the date for the deliberation on disciplinary action and make an oral or written statement of facts favorable to him/her or produce any necessary evidence.
- (3) The Attorney Disciplinary Committee of the Korean Bar Association shall begin its deliberation on the deliberation date and may interrogate the suspect subject to the disciplinary action about the facts concerning the claim for the disciplinary action against him/her and other necessary matters.
- (4) Any suspect, subject to disciplinary action may appoint an attorney-at-law or a person of learning and

experience as a special attorney-at-law and have him/her make supplementary statements and produce evidence in connection with his/her case.

- (5) The Attorney Disciplinary Committee of the Korean Bar Association may, when the suspect subject to disciplinary action fails to be present on the deliberation date after receiving an order given by the chairperson to be present, deliberate on the case in writing.
- (6) The chairperson of the Attorney Disciplinary Committee of the Korean Bar Association shall provide the suspect subject to a disciplinary action who is present or his/her special attorney-at-law with an opportunity to state his/her final opinion.
- (7) Any applicant for the commencement of a disciplinary action may state his/her opinion on the disciplinary case concerned.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 98-3 (Grounds for Exclusion)

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

- (1) The Attorney Disciplinary Committee of the Korean Bar Association shall make a resolution with the consent of a majority of its members when it completes deliberation on a case.
- (2) The Attorney Disciplinary Committee of the Korean Bar Association shall notify the suspect subject to disciplinary action, and the claimant for a disciplinary action or applicant for the commencement of a disciplinary action of the result of its resolution on the disciplinary action.
- (3) When any suspect subject to disciplinary action fails to raise an objection under **Article 100** (1) after receiving a notice of disciplinary decision, the disciplinary action of the Attorney Disciplinary Committee of the Korean Bar Association shall have effect on the date on which the period during which an objection may be raised expires.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 98-5 (Execution of Disciplinary Action)

- (1) Any disciplinary action shall be executed by the President of the Korean Bar Association.
- (2) Any decision to impose a fine for negligence under subparagraph 4 of **Article 90** shall have the same effect as that of the execution power provided for in the **Civil Execution Act** and shall be executed under the direction of a public prosecutor.
- (3) The President of the Korean Bar Association shall, when he/she takes a disciplinary action, announce it publicly without delay.
- (4) Necessary matters concerning the scope of publication of disciplinary actions and ways to execute disciplinary actions shall be determined by the Korean Bar Association.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

No claim for a disciplinary action shall be filed three years after the ground for the disciplinary action occurred.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 99 (Reporting)

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 delay a report thereon with the Minister of Justice.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 100 (Dissatisfaction with Disciplinary Decision)

- (1) Any suspect subject to disciplinary action and applicant for the commencement of a disciplinary action who are dissatisfied with a decision made by the Attorney Disciplinary Committee of the Korean Bar Association may raise an objection to the Attorney Disciplinary Committee of the Ministry of Justice within 30 days from the date on which he/she receives notice thereof.
- (2) The Attorney Disciplinary Committee of the Ministry of Justice shall, when it deems that the objection under paragraph (1) is well-grounded, make a disciplinary decision of its own, revoking the disciplinary decision made by the Attorney Disciplinary Committee of the Korean Bar Association and when it deems it groundless, dismiss it. In such cases, the provisions of **Article 98-2** shall apply mutatis mutandis to the procedures for deliberation on the disciplinary action.
- (3) The decision referred to in paragraph (2) shall be resolved with the consent of a majority of the members.
- (4) Any suspect subject to disciplinary action who is dissatisfied with a decision of the Attorney Disciplinary Committee of the Ministry of Justice may file a lawsuit with the Administrative Court as prescribed by the **Administrative Litigation Act** within 90 days from the date on which he/she is notified of the decision.
- (5) In cases falling under paragraph (4), no lawsuit shall be filed one year after a disciplinary decision is made: Provided, That the same shall not apply to cases where any justifiable ground exists that makes it impossible to file such lawsuit within such period.
- (6) The period referred to in paragraph (4) shall be an invariable period.
[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 101 (Delegation)

- (1) The operation of the Attorney Disciplinary Committee of the Ministry of Justice and other necessary matters concerning disciplinary actions shall be determined by Presidential Decree.
- (2) Necessary matters concerning the operation of the Attorney Disciplinary Committee of the Korean Bar Association, etc. shall be determined by the Korean Bar Association.
[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 101-2 (Criminal Procedure Act, etc. Applicable Mutatis Mutandis)

The provisions of the **Criminal Procedure Act** and the Costs of **Criminal Procedure Act** shall apply mutatis mutandis to matters concerning the delivery of documents, the designation or 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 (Orders to Suspend Practice)

- (1) When any public prosecution is instituted against an attorney-at-law or disciplinary procedures against an attorney-at-law commences under **Article 97**, if there is a high probability that the result of trial or a disciplinary decision may lead to the revocation of his/her registration, to his/her permanent disbarment or to his/her disbarment and there is a clear 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 the suspension of practice for the attorney-at-law in question: Provided, That the same shall not apply to cases where a summary order is requested or the attorney-at-law is prosecuted for a negligent crime.
- (2) The Minister of Justice may issue an order for the suspension of practice to the attorney-at-law in question in accordance with the decision made by the Attorney Disciplinary Committee of the Ministry of Justice.
[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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

(1) The Attorney Disciplinary Committee of the Ministry of Justice shall decide on the suspension of practice within one month from the date on which it receives a request under **Article 102** (1): Provided, That when there are unavoidable circumstances preventing such decision, the period of one month may be extended by its resolution within the scope of one month.

(2) The provisions of **Articles 98** (3) and **98-2** (2) through (6) shall apply mutatis mutandis to the suspension of practice.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 104 (Period of Suspension of Practice and Renewal)

(1) The period of suspension of practice shall be six months: Provided, That the Minister of Justice may, in cases where the criminal procedure or the disciplinary procedure against the attorney-at-law concerned is not concluded and the grounds of suspension of practice are not extinguished, renew the period of suspension of practice in accordance with a resolution of the Attorney Disciplinary Committee of the Ministry of Justice.

(2) The period for which it may be renewed under the proviso to paragraph (1) shall be three months.

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 105 (Cancellation of Order for Suspension of Practice)

(1) The Minister of Justice may, if he/she deems that an attorney-at-law in the period of suspension of practice is unlikely to lead to the revocation of his/her registration, permanent disbarment or disbarment when considering the status of the procedure of trial or disciplinary procedure against such attorney-at-law and there is a good ground to recognize that there is no clear danger that the interests of the clients or the public could be harmed, cancel 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 for the suspension of practice may request that the Minister of Justice cancel the order for the suspension of practice.

(3) The Minister of Justice shall, when receiving a request referred to in paragraph (2), cancel ex officio the order for the suspension of 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 cancel such order, shall cancel it without delay.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 106 (Invalidation of Order for Suspension of Practice)

Any order for the suspension of practice shall become null and void when a criminal judgment or disciplinary decision against an attorney-at-law subject to such order for the suspension of practice is made final.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 107 (Aggregation of Period of Suspension of Practice)

When any attorney-at-law who is subject to an order for the suspension of practice is subject to a decision of suspension from duty due to a claim for the commencement of a disciplinary action against his/her conduct the same as that of the criminal case in question in which a public action is brought against him, the period of suspension of his/her practice shall be included in the period of suspension from duty in whole or in part.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 108 (Objection to Order for Suspension of Practice)

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

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

CHAPTER ? PENAL PROVISIONS

Article 109 (Penal Provisions)

Each person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not longer than seven years or by a fine not exceeding 50 million won. In such cases, such person may be punished by a fine and imprisonment with prison labor concurrently:

1. A person, not an attorney-at-law, who receives or promises to receive money, valuables, entertainment or other benefits or who provides or promises to provide such things to a third party, in compensation for providing or arranging legal services, such as examination, representation, arbitration, settlement, solicitation, legal consultation, drafting of legal documents, etc. concerning cases in each of the following items:
 - (a) Litigation, a non-contentious case, arbitration of household matters, or adjudicative case;
 - (b) An administrative adjudication, request for review, raising of an objection, or a case in which an objection is raised against an administrative agency;
 - (c) A case under investigation by an investigative agency;
 - (d) A case under inspection by an inspection agency established by Acts and subordinate statutes;
 - (e) Other general legal affairs;
2. A person who has violated the provisions of **Article 33** or **34** (including cases where the provisions are applied mutatis mutandis under the provisions of **Article 57, 58-16** or **58-30**).

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 110 (Penal Provisions)

Any attorney-at-law or his/her office staff who has committed an act falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not longer than five years or by a fine not exceeding 30 million won. In such cases, such person may be punished by a fine and imprisonment with prison labor concurrently:

1. Receiving or promising to receive money, valuables or other benefits under the pretext of providing them to or associating with judges, public prosecutors or other public officials of trial and investigative agencies;
2. Expressly including in attorney fees and fees contingent on success the expenses under the pretext of offering them to or associating with the public officials provided for in subparagraph 1.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 111 (Penal Provisions)

- (1) Any person who has received or promised to receive money, valuables, entertainment or other benefits under the pretext of soliciting or arranging to solicit a public official handling a case or an affair for favors in connection with such case or affair, or has provided or promised to provide such things to a third party shall be punished by imprisonment with prison labor for not longer than five years or by a fine not exceeding ten million won. In such cases, such person may be punished by a fine and imprisonment with prison labor concurrently.
- (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 a public official referred to in paragraph (1).

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 112 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not longer than three years or by a fine not exceeding 20 million won. In such cases, such person may be punished by a fine and imprisonment with prison labor concurrently: <Amended by Act No. 10627, May 17, 2011>

1. A person who has engaged in the business of taking over another person's rights or has pretended to have taken over another person's rights to enforce such rights through litigation, arbitration, settlement or other

means;

2. A person who, lacking the qualification of an attorney-at-law, is registered with the Korean Bar Association after filing a false application with respect to his/her qualification;
3. A person who, although he/she is not an attorney-at-law, stated him/herself as an attorney-at-law in documents or put up any signs advertising his/her office as a law office or put up any signs or stated in documents that he/she offers legal counseling or handles legal affairs for the purpose of earning profits;
4. An attorney-at-law who has practiced law as an attorney-at-law without registering himself with the Korean Bar Association or in violation of a decision on suspension of duty referred to in subparagraph 3 of **Article 90** or in violation of an order for the suspension of practice referred to in **Article 102** (2);
5. A person who has taken over any right in dispute in violation of the provisions of **Article 32** (including cases where the provisions are applied mutatis mutandis under **Article 57**, **58-16** or **58-30**);
6. Any person who has used similar titles in violation of the provisions of **Article 44** (2) (including cases where the provisions are applied mutatis mutandis under **Article 58-16** or **58-30**);
7. Any person who has divulged any confidential information in violation of **Article 77-2** or **89-78**.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 113 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not longer than one year or by a fine not exceeding ten million won: <Amended by Act No. 10627, May 17, 2011>

1. A person who has established a law office or has become a partner of a law firm, limited liability law firm or law firm partnership in violation of **Article 21-2** (1);
2. A person who has prepared a letter of confirmation referred to in the provisions of **Article 21-2** (3) (including cases to which the provisions apply mutatis mutandis pursuant to **Article 31-2** (2)) falsely or has submitted a false letter of confirmation;
3. A person who has advertised in violation of the provisions of **Article 23** (2) 1 and 2;
4. An attorney-at-law who has accepted a case in violation of the provisions of **Article 31** (1) 3 (including cases where the provisions are applied mutatis mutandis under **Article 57**, **58-16** or **58-30**);
5. A person who has independently or jointly accepted a case in violation of **Article 31-2** (1);
6. A person who has violated the provisions of **Article 37** (1) (including cases where the provisions are applied mutatis mutandis under **Article 57**, **58-16** or **58-30**).

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 114 (Habitual Offenders)

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 longer than ten years.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 115 (Punishment of Law Firms, etc.)

- (1) When any partner or any associate attorney-at-law who is not a partner in a law firm, a limited liability law firm or a law firm partnership violates the provisions of **Article 51**, he/she shall be punished by a fine not exceeding five million won.
- (2) In cases falling under paragraph (1), the fine referred to in paragraph (1) shall be imposed on the law firm or the limited liability law firm to which the offender belongs as well as on the offender.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 116 (Confiscation and Punitive Additional Collection)

Any money, valuable or other benefit which is received by any person who has violated the provisions of **Article 34** (including cases where the provisions are applied mutatis mutandis under **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 any money, valuable or other benefit which is received by a third party who is aware of such fact shall be confiscated. In cases where such confiscation is impossible, the value equivalent to such money, valuable or other benefit shall be collected.
[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

Article 117 (Fines 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. 10627, May 17, 2011>
1. A person subject to an order for improvement or correction referred to in **Article 21-2** (5) (including cases of handling entrusted affairs pursuant to **Article 21-2** (6)) has failed to comply therewith;
 - 1-2. A person who has violated the provisions of **Article 22** (2) 1, **28-2, 29, 35** or **36** (including cases where the provisions are applied mutatis mutandis under **Article 57, 58-16** or **58-30**);
 2. A person who has failed to prepare or keep the register referred to in **Article 28**;
 3. A person who has defended or acted on behalf of any other person in violation of the provisions of **Article 29-2** (including cases where the provisions are applied mutatis mutandis under **Article 57, 58-16** or **58-30**) without any justifiable ground therefor;
 4. A person who has failed to make a report on dissolution in violation of the provisions of **Article 54** (2), **58-14** (2) or **58-28** (2);
 5. A person who has failed to submit a balance sheet in violation of the provision of **Article 58-9** (2);
 6. A person who has failed to submit rules, etc. in violation of the provision of **Article 58-21** (1);
 7. A person who has failed to keep the written statements provided for in **Article 58-21** (2);
 8. A person who has failed to submit material detailing accepted cases and the results thereof or submitted falsified material in violation of the provisions of **Articles 89-4** (1) and (2) and **89-5** (2).
- (2) Any person who has failed to receive the training and education in violation of the provisions of **Article 85** (1) shall be punished by a fine for negligence not exceeding five million won.
- (3) The fine for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the chief public prosecutor of a district public prosecutors' office as prescribed by Presidential Decree.
- (4) Any person who is dissatisfied with the disposition of imposition of a fine for negligence under paragraph (3) may raise an objection to the chief public prosecutor of the district public prosecutors' office which imposes such disposition within 30 days from the date on which a notice thereof is served on him/her.
- (5) When a person subject to the disposition of imposition of a fine for negligence under paragraph (3) raises an objection under paragraph (4), the chief public prosecutor of the district public prosecutors' office which imposes such disposition shall notify the competent court of such fact without delay, and the competent court shall, upon receiving such notification, render a judgment on the fine for negligence under the **Non-Contentious Case Litigation Procedure Act**.
- (6) When no objection is raised and a fine for negligence imposed is not paid within the period provided for in paragraph (4), the fine for negligence in question shall be collected according to the precedents on dispositions on national taxes in arrears.

[This Article Wholly Amended by Act No. 8911, Mar. 28, 2008]

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 before this Act enters into force shall be governed by the former 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 this Act enters into force.
- (2) The application of the grounds for disciplinary action and the categories of disciplinary action for an act committed prior to this Act entering into force shall be governed by the former provisions.

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

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

Article 4 (Transitional Measures concerning Application of Penal Provisions)

The application of the penal provisions to any act committed before this Act enters into force shall be governed by the former 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 this Act enters into force, this Act or such corresponding provisions of this Act, if any, shall be considered to be cited in lieu of the former 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 (Applicability to 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 this Act enters into force.

Article 3 (Applicability to Provisions Governing Establishment 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 this Act enters into force.

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 this Act enters into force may, when the consent of all partners is obtained, reorganize itself into a law firm (with limited liability) or a law firm association within two 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 two 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 two years elapse after the registration of the newly incorporated law firm (with limited liability) and by the time when five years elapse after the registration of the newly established law firm association as the partners of the previous 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 former provisions of the Chapter VI (**Articles 59 through 63**) at the time this Act enters into force 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 former 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 former provisions prior to February 28, 2002 and anyone for whom the immediate appeal period provided for in the former 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 this Act enters into force.

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 promulgation.

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) 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) (Applicability to 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) (Applicability to Submission of Material Detailing Accepted Cases, etc. by Attorneys-at-Law Who have Retired from Public Office) The amended provisions of **Article 89-4** (1) and (2) shall apply, starting from the first person who becomes an attorney-at-law who has retired from the public office after this Act enters into force.
- (4) (Transitional Measures concerning Disciplinary Action) The disciplinary action against any offense committed prior to this Act entering into force shall be governed by the former provisions.

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

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

ADDENDA<Act No. 8991, Mar. 28, 2008>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures for Foreign Attorneys-at-Law who has Provided Distinguished Service to State) Notwithstanding the amended provisions of **Article 6**, the former provisions shall apply to foreign attorneys-at-law who were authorized as an attorney-at-law under the former provisions at the time when this Act enters into force.
- (3) (Applicability to Denial of Registration of Attorney-at-Law) The amended provisions of **Article 8** (2) shall apply, starting from the first person who applies for registration after this Act enters into force.

ADDENDA<Act No. 9416, Feb. 6, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 8 Omitted.

ADDENDUM<Act No. 10540, Apr. 5, 2011>

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

ADDENDA<Act No. 10627, May 17, 2011>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Applicability to Restrictions on Case Acceptance) The amended provisions of **Article 31** (3) and (4) shall apply to attorneys-at-law who retire from a public office on and after this Act enters into force.