

The legal profession in Korea

A- History of the Bar system of Korea

I/ Birth of the Bar system

The Bar system in Korean was born on November 8, 1905 (the ninth year of Gwangmu). This lawyer Act is usually called the Gwangmu Lawyers Act. The Lawyers Act regulated the Bar system in the following ways:

1. 1. Qualification and authorization of lawyers
- 1.2. The functions and discipline of Lawyers

And the Lawyers Act was amended by Law No. 18 on April 26, 1909 in accordance with the reformation of Judiciary Composition Act in 1907.

II/ The bar system under Japanese colonial rule and the U.S Military Government

1. The Bar system under Japanese Colonial Rule: Lawyer's regulation is called the Chosun Government - General's lawyers regulation.

2. The bar system under the U-S Military Government

A special characteristic of the U.S. military Government's lawyers Act was the person having served full time professors for seven years or more and who were authorized by the Minister of Justice were recognized as having qualifications as lawyers. *The Bar system of the Republic of Korea*

1. Enactment of the Lawyers Act

The lawyer Act was promulgated as Law No.63 on November 7, 1949. The Act, which consisted of 47 Articles.

2. Amendment of the lawyers Act

The lawyer Act has been amended seven times. The current Act was amended by Law No.4544 of March 10, 1993

C Contents of the Bar system of Korea

1. Qualifications of lawyers

1. 1. Requisite qualification for lawyers
- 1.2. Reasons for disqualification as a lawyer

- 1.3. Foreign Lawyers

11. Registration of lawyers

I/ Registration to qualifications

2/ Report on the Commencement of Practice 3/ Cancellation of registration 4/ Orders to suspend Practice

D. The Mission and functions of lawyers I/ The mission of lawyers

The mission of lawyers is to protect basic human rights and attain social Justice. And

endeavor to preserve social order and the improvement of the legal system.

2/ -ne Function of lawyers

- The functions of lawyers are to perform, by way of appointment of the concerned party or other related person or the commissioning by a public agency.
- Act as to litigation and acts on the persons' behalf as to demands for administrative disposition as well as perform regular legal work.
- Lawyers may also perform notaries services and have qualifications as patent attorney.

E. Rights and Responsibilities of Lawyers I/ Rights of Lawyers

Lawyers are entitled to be attorneys, defense counsel, assistants and representatives in

every kind of lawsuit such as civil cases, criminal cases, administrative cases or domestic relations cases, etc.

- And according to the Lawyers Act, lawyers may establish law offices and the law office shall be located in the **district** of the bar association to which he belongs.

2/ Responsibilities of lawyers

- Responsibility to maintain dignity
- Responsibility of Truthfulness
- Responsibility of maintain secrecy
- Responsibility to conduct the designated work
- Responsibility to obey Bar association by - laws
- Restriction on taking cases
- Restrictions on additional jobs
- Prohibited matters.

E The supervision of and disciplinary Actions against lawyers

I/ The Supervision of lawyers

- Lawyers shall receive the supervision of the local bar association to which he belongs, the Korean bar association and the Minister of Justice.
- The local bar association shall receive the supervision of the Korean bar association and Minister of Justice.

2/ Disciplinary Measures against lawyers

- Disciplinary measures are four different types: disablement, suspension of license, civil fines and reprimands.

G. Judicial Corporations (JC)

I/ Establishment

- Lawyers may establish a JC for providing systematic and specialized legal practices. - A lawyer joining a JC must obtain an authorization from the Minister of Justice.
- A JC is dissolved for following reasons: (1) occurrence of causes determined in the articles of incorporation-. (2) merger- (3) bankruptcy; (4) or cancellation of the

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authorization.

2/ The manner of handling business by JCs

- And JC may set up branch offices outside of the main office and shall report to the

Minister

of Justice.

- JC perform work that comes under the function of lawyers and notaries public.
- JC shall perform work in the name of the corporation and shall designate the lawyers

to be in

charge of work.

H. Law office authorized to conduct Notaries Services.

1/ Establishment: Lawyers may establish a Law office Authorized to conduct Notaries Services (Law office for Notaries Services) for performing notaries services as such are provided for in the Notaries Act.

2/ The manner of handling Businesses

- In discharging works, a law office for notaries service should prepare documents for notarial services in the name of the office.
- The members of a law office for notarial services shall be equally liable for debts owed by the office.

1. Organization and Functions of the Bar Association

1/ Goals of the Korean Bar Association

Pursuant to the Lawyers act and the By - law of the association, the Korean bar association conducts the following activities'.

+ Activities under the Lawyers act:

- Maintenance of the dignity of lawyers
- Improvement and development of legal services
- Development of legal culture
- Guidance and supervision of local bar association

+ Activities under the by - law of the association

- Protection of basic human rights and establishment of the basic democratic order
- Promotion of law - abiding spirit and provision of legal knowledge
- Improvement of the legal system and innovation of judicial services
- Performance of legal aid project and improvement of judicial welfare
- Maintenance of the dignity of and an improvement of the quality of, lawyers
- Guidance and supervision of lawyers, Judicial corporations and local bar associations.

2/ Structure of the Korean bar association

2. 1. General assembly: -

2.2. Board of Directors: it consist of the President, Vice - president, standing directors and director.

2.3. Activities of the Korean bar association

Protection of the constitution and maintenance and development of the democratic political

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- system
- Human rights activity
- Legal **aid** activity:
- Strengthened autonomv
- Korean legal culture award
- Lawyer @ng programs
- International relationships
- Lawyers' conference for the rule of law
- Publication activities

31 Local bar association

The local bar association are public corporations which have been established to ma'nta'n the proper dignity of lawyers, to improve and develop the practice of law and to guide and supervise lawyers.

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