

LEGAL SYSTEM AND STATE APPARATUS IN VIETNAM

PART FOUR

LEGAL PROFESSIONAL ASSOCIATIONS

I. VIETNAM LAWYERS' ASSOCIATION:

The Vietnam Lawyers' Association was established on April 4, 1955. The Vietnam Lawyers' Association is the broadest and largest vocational organization of law-related professionals in the country. According to its charter, the Association is a social and political organization of Vietnamese citizens who have been working as lawyers in state or non-state organizations. The Lawyers' Association has the following tasks and powers:

- Participate in publication of law books, legal research; participate in judicial reform, administrative reform, crime prevention;
- Conduct social monitoring and social feedback, supervision of law enforcement, mediation at grassroots level, provide advice on settlement of complaints and disputes outside the state mechanism;
- Conduct legal dissemination and education, law awareness for members, civil servants and people;
- Provide legal consultancy, legal aid in accordance with the law;
- Participate in the training, fostering and recruitment of some categories of judiciary officials (judges, procurators, people's jurors) and carry out other activities as prescribed by law;
- Expand international cooperation with other lawyers' organizations in the region and the world;
- Protect the legitimate rights and interests of the association and its members in accordance with the aims and purposes of the association;
- Perform other duties and powers as stipulated in the Association Charter.

Over the past 60 years of development, the Vietnam Lawyers' Association (VLA) has become the largest organization of Vietnamese lawyers. Currently the VLA has 63,000 members, with a wide network throughout the country at all levels, including the Central Vietnam Lawyers' Association based in Hanoi, one Provincial Lawyers' Associations in each of the 63 provinces, District Lawyers' Association at district level and commune Lawyers' Association at commune level.

The highest organ of the Association is The National Congress of Representatives. It convenes once every five years and decides most important issues concerning the organization and activities of the Association. The Central Executive Committee of

the Association is the body acting between the meetings of the Congress. Its members are elected at the National Congress. The Executive Committee elects a Standing Committee, which consists of 20 or more (depending on decision of the National Congress each term) representatives from various VLA branches. The Standing Committee in turns elects the President, vice presidents, a General Secretary, which will form the Permanent Board of the VLA.

II. VIETNAM BAR FEDERATION

1 Functions and network of the Vietnam Bar Federation

The Vietnam Bar Federation (VBF) is established to represent and protect the lawful rights and interests of lawyers, to provide training for lawyers, to supervise the observance of law, ethical rules and conduct of lawyers and manage the lawyers' practice according to the law.

VBF has a network of Bar Federation at central level and provincial bar associations at provincial level (63 Bar Associations in 63 provinces).

2. Vietnam Bar Federation at central level

- The Vietnam Bar Federation is a social-professional organization of lawyers nationwide, which represents lawyers and bar associations, has the legal person status and operates on the principle of self-financing through membership fees, member contributions and other lawful income.

- Members of the VBF are provincial bar associations and individual lawyers. Lawyers participate in activities of the Vietnam Bar Federation through their provincial Bar Association where they applied for membership.

The VBF has the duty to represent and protect the legitimate rights and interests of provincial bar associations and lawyers nationwide; supervise the implementation of law and VBF Charter by lawyers and provincial bar associations; request the Ministry of Justice to revoke the law practice certificate of lawyers when needed; issue and supervise the observance of the Code of Ethics and Professional Conduct of Lawyers; organize law training for lawyers; and other tasks and powers as prescribed by law.

3. Provincial Bar association

The provincial bar association (PBA) is a social-professional organization of lawyers in the provinces operating under the Law on Lawyers and the Charter of the Vietnam Bar Federation.

PBAs operate on the principle of self-financing by means of membership fees, member contributions and other lawful revenue sources.

In each province where there are at least three lawyers, a PBA may be set up. People's committees of provinces shall authorize the establishment of PBAs after obtaining the consent of the Minister of Justice.

4. Practice of the foreign law firms and foreign lawyers in Vietnam

Foreign law firms lawfully established and operated in foreign countries may be permitted to practice in Vietnam in accordance with the Vietnamese Law on Lawyers if they fully meet the following conditions:

- Compliance with the Constitution and laws of Vietnam;
- Having at least two foreign lawyers present and practicing in Vietnam for at least 183 days a year;
- The head of a branch or the director of a foreign law firm in Vietnam must have at least two consecutive years of law practice.

Foreign law firms can provide legal advice on foreign laws and assign Vietnamese lawyers working in their office to provide legal advice on Vietnamese laws. But they are not allowed to appoint foreign lawyers or Vietnamese lawyers working in their office to represent clients in Vietnamese courts or provide legal papers and notarization related to the Vietnamese law.