

Foreign Legal Consultant Regulations

THE KOREAN BAR ASSOCIATION

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Foreign Legal Consultant Act

[Enacted by Act No. 9524 of March. 25, 2009]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for necessary matters regarding qualification approval, registration, and practice, etc. of Foreign Legal Consultants who deal with foreign legal services in the Republic of Korea.

Article 2 (Definitions)

The following terms used in this Act are defined as follows:

1. "Attorney-at-law" is a lawyer in accordance with the Attorney-at-Law Act of the Republic of Korea.
2. "Overseas-licensed lawyer" is a person who has acquired and held the qualification as a legal professional, which is equivalent to attorney-at-law in a foreign country.
3. "Foreign Legal Consultant" is a person whose qualification is approved by the Minister of Justice in accordance with Article 6 and registered with the Korean Bar Association pursuant to Article 10(1), after being qualified as an overseas-licensed lawyer.
4. "Foreign Legal Consultant Office" is an office established by Foreign Legal Consultants to practice foreign law in accordance with this Act.

5. "Home country of license" is a country in which overseas-licensed lawyers acquired qualifications and completed procedures required to perform legal services and which is designated by the Minister of Justice to allow overseas-licensed lawyers to provide legal advisory services, etc. in the Republic of Korea on the law of the country in which they are admitted to practice. Provided, That if a country has provinces, states, prefectures, or autonomous districts which grant qualification recognized only within a certain province, state, prefecture or autonomous district, the entire region where the qualification is recognized in accordance with the law of the country shall be regarded as a home country of license.

6. "Foreign legal services" are services allowed for Foreign Legal Consultants to perform in accordance with Article 24, including advice with respect to the law of a home country of license (referring to the law previously or currently in force; hereinafter the same shall apply).

7. "International arbitration case" is a civil or commercial arbitration case in which the Republic of Korea is the place of arbitration and the law of Foreign Legal Consultant's home country of license, treaties under which a home country of license is one of the parties, or universally approved customary international law is or can be applied.

8. "Free Trade Agreement and other trade treaties" are all agreements regardless of their titles, concluded between the Republic of Korea and a foreign country (including a union of states, such as a confederation, economic community, etc.) or an international organization with respect to comprehensive trade liberalization including foreign legal services, and entered into force.

CHAPTER II QUALIFICATION APPROVAL OF FOREIGN LEGAL CONSULTANTS

Article 3 (Application for Qualification Approval)

(1) Every overseas-licensed lawyer who intends to be a Foreign Legal Consultant shall file an application for qualification approval to the Minister of Justice.

(2) Where an attorney-at-law qualified as an overseas-licensed lawyer files an application under paragraph (1), he/she shall suspend or discontinue his/her practice.

(3) Every applicant shall submit an application form and documentary evidence as prescribed by Presidential Decree. In such cases, documentary evidence shall be authentic documents or authorized copies thereof. All documents not in Korean shall be accompanied by a duly authenticated Korean translation.

Article 4 (Practice Experience)

(1) To be eligible to obtain qualification approval as a Foreign Legal Consultant, an applicant shall acquire the qualification as an overseas-licensed lawyer and has no less than three years of experience with legal services in a home country of license.

(2) The period during which an applicant performed legal services with respect to the law of a home country of license in foreign countries other than a home country of license may be included in the period under paragraph (1) as prescribed by Presidential Decree.

(3) Where an applicant investigates, researches, or reports on the law of a home country of license for an employer under the employment contract as his/her primary practice, such

period of practice, within the limit of two years, may count towards the necessary experience period as prescribed in paragraph (1) according to the Presidential Decree.

Article 5 (Grounds for Disqualification)

Any person who falls under any of the following subparagraphs shall be disqualified as a Foreign Legal Consultant:

1. A person, regardless of nationality, who has been sentenced to imprisonment without prison labor or heavier punishment and for whom five years have yet to elapse after the execution of such sentence was terminated or the exemption from the execution of such sentence was made definite;

2. A person, regardless of nationality, who has been granted a stay of execution without prison labor or heavier punishment, or for whom two years have yet to elapse after the lapse of the stay period;

3. A person, regardless of nationality, who has been granted a stay of sentencing after he/she has been sentenced to a stay of imprisonment without prison labor or heavier punishment;

4. A person, regardless of nationality, for whom five years have yet to elapse after he/she was dismissed from a public service position through impeachment, or three years have yet to elapse after he/she was dismissed or given heavier punishment through disciplinary action;

5. A person, regardless of nationality, who was subject to an action equivalent to actions in accordance with subparagraphs 1 through 3 of Article 90 or Article 102 (2) of the Attorney-at-Law Act and for whom such action has not yet been invalidated;

6. A person who is incompetent, quasi-competent, or has been declared bankrupt and has not yet rehabilitated, and a person who is treated likewise in accordance with the law of a home country of license.

Article 6 (Qualification Approval, etc.)

(1) The Minister of Justice may grant the qualification approval for a Foreign Legal Consultant if an applicant fulfills all the requirements in the following subparagraphs:

1. The home country of license shall be a party of Free Trade Agreements and other treaties;
2. The applicant's qualification as an overseas-licensed lawyer shall be valid in the home country of license;
3. The applicant shall have practice experience in accordance with Article 4;
4. An applicant shall not be subject to any grounds for disqualification in accordance with Article 5;
5. An applicant shall have a place in the Republic of Korea where documents, etc. can be served;
6. Where an applicant falls under Article 3(2), he/she shall suspend or discontinue his/her practice.

(2) As the Minister of Justice approves the qualification referred to in paragraph (1), he/she shall designate a home country of license with respect to which an applicant can perform foreign legal services. Where an applicant fulfills all requirements referred to in paragraph (1) in two or more countries, the Minister may designate all countries thereof as a home country of license.

(3) Where the Minister of Justice determines whether to approve a qualification, he/she may hear the opinions of the President of the Korean Bar Association.

(4) Where the Minister of Justice refuses to approve a qualification as the applicant fails to fulfill the requirements referred to in paragraph (1), he/she shall inform the applicant of the purpose and grounds for refusal without delay.

Article 7 (Revocation of Qualification Approval)

(1) The Minister of Justice shall revoke the qualification approval of a Foreign Legal Consultant if the Foreign Legal Consultant falls under any of the following subparagraphs:

1. Where the qualification as an overseas-licensed lawyer becomes null and void, or is suspended;
2. Where grounds for disqualification referred to in Article 5 are found, or have occurred after approval;

(2) The Minister of Justice may revoke the qualification approval of a Foreign Legal Consultant if the Foreign Legal Consultant falls under any of the following subparagraphs:

1. Where an important part of an application form or documentary evidence is omitted, or there are justifiable grounds to deem the content of the application form or evidence thereof to be false;
2. Where there is concern that a Foreign Legal Consultant may cause damage to his/her client or a third party due to his/her severely deteriorated work ability or economic status, and hence the revocation of qualification approval is deemed inevitable to prevent damage thereof;

3. Where a Foreign Legal Consultant fails to report or submit materials, or falsely reports or submits materials in accordance with Article 9(1);

4. Where a Foreign Legal Consultant fails to file an application for registration to the Korean Bar Association in accordance with Article 10 without any reasonable grounds, within a year after his/her qualification was approved;

5. Where a Foreign Legal Consultant fails to register in accordance with Article 10 within three years after the validation period of the registration in accordance with Article 11(2) expires. (3) The Minister of Justice shall hold a hearing when he/she intends to revoke the qualification approval of a Foreign Legal Consultant in accordance with paragraph (2) 1 through 3.

Article 8 (Publication, etc.)

(1) Where the Minister of Justice grants or revokes the qualification approval, he/she shall make a written notice thereof to the applicant and the Korean Bar Association without delay and publish it on the official gazette.

(2) The qualification approval and the revocation thereof shall take effect from the date of notice.

Article 9 (Reporting, etc.)

(1) The Minister of Justice may request an applicant or a Foreign Legal Consultant to report matters with respect to approval or revocation of qualification, or to submit relevant materials.

(2) The Minister of Justice may request administrative authorities or other public and private organizations to submit materials required to grant or revoke the qualification approval.

CHAPTER III REGISTRATION OF FOREIGN LEGAL CONSULTANTS

Article 10 (Application for Registration)

(1) Any person who intends to commence his/her practice as a Foreign Legal Consultant shall obtain qualification approval referred to in Article 6 and register with the Korean Bar Association as a Foreign Legal Consultant.

(2) Any person who intends to register referred to in paragraph (1), shall file a written application for registration to the Korean Bar Association. In such cases, the applicant shall report the home country of license designated in accordance with Article 6(2) to the Korean Bar Association.

Article 11 (Certificate of Registration, etc.)

(1) Where there are no grounds to deny registration in accordance with Article 12(1) upon the application for registration referred to in Article 10(2), the Korean Bar Association shall register the applicant to the list of Foreign Legal Consultants and issue the certificate of registration to the applicant without delay. In such cases, the Korean Bar Association shall indicate the home country of license referred to in Article 10(2) on both the list of Foreign Legal Consultants and the certificate of registration.

(2) The validation period of the registration referred to in paragraph (1) shall be five years starting from the date of registration to the list referred to in paragraph (1).

(3) The application to renew the registration shall be available from one to six months before the date on which the validation period referred to in paragraph (2) expires.

(4) Where the Korean Bar Association registers or renews a registration, it shall make a written notice on its purpose to the Minister of Justice.

(5) The Korean Bar Association may collect charges prescribed by Presidential Decree from applicants regarding applications for registration, and for the renewal of registration.

(6) Other necessary matters for the registration procedures of Foreign Legal Consultants shall be determined by the Korean Bar Association.

Article 12 (Denial of Registration, etc.)

(1) Where a person who files an application for registration in accordance with Article 10(1) or for the renewal of registration in accordance with Article 11(3) falls under any of the following subparagraphs, the Korean Bar Association may deny his/her registration or the renewal of registration through a resolution by the Foreign Legal Consultant Registration Review Committee pursuant to Article 14.

In such cases, the Korean Bar Association shall give a notice as to its reasons to the applicant without delay:

1. Where an applicant significantly lacks capacity to perform legal services as a Foreign Legal Consultant due to physical or mental disability;

2. Where it is acknowledged that an applicant is deemed markedly unfit to discharge the duties of a Foreign Legal Consultant due to the fact that he/she has been subject to a

criminal prosecution or a disciplinary action (excluding removal or dismissal from office), or has retired after committing an unlawful act related to his/her duties while working as a public official, irrespective of which country he/she served in;

3. Where the qualification approval is revoked as prescribed by Article 7;

4. Where two years have yet to elapse since the registration or the renewal of registration is denied, or the registration is revoked in accordance with Articles 13 or 36.

(2) Any applicant whose registration or renewal of registration is denied may raise an objection, with evidence attached, to the Minister of Justice within three months from the date on which the notice is served.

(3) Where the Minister of Justice deems the objection referred to in paragraph (2) reasonable, he/she shall order the Korean Bar Association to register or renew the registration of the Foreign Legal Consultant.

Article 13 (Revocation of Registration)

(1) Where a Foreign Legal Consultant falls under any of the following subparagraphs, the Korean Bar Association shall revoke his/her registration:

1. Where a Foreign Legal Consultant is deceased;

2. Where an applicant has no qualifications to be a Foreign Legal Consultant or the qualification approval of a Foreign Legal Consultant is revoked;

3. Where a Foreign Legal Consultant files an application for the revocation of registration. Provided, That this shall not apply to cases where there are justifiable reasons to deem that the application thereof is filed to avoid disciplinary actions;

4. Where a Foreign Legal Consultant qualified as an attorney-at-law registers with the Korean Bar Association as an attorney-at-law.

(2) Where a Foreign Legal Consultant falls under any of the following subparagraphs, the Korean Bar Association may revoke the registration of a Foreign Legal Consultant through a resolution by the Foreign Legal Consultant Registration Review Committee pursuant to Article 14:

1. Where an applicant significantly lacks capacity to perform legal services as a Foreign Legal Consultant due to physical or mental disability;

2. Where it is acknowledged that an applicant is deemed markedly unfit to discharge the duties of a Foreign Legal Consultant because of the fact that he/she has been subject to a criminal prosecution or a disciplinary action (excluding removal or dismissal from office), or has retired after committing an unlawful act related to his/her duties while working as a public officials, irrespective of which country he/she served in;

3. Where a Foreign Legal Consultant violates Articles 24, 25, and 34 of this Act, or Articles 33 and 34 of the Attorney-at-Law Act that apply mutatis mutandis pursuant to Article 35 of this Act.

(3) The Korean Bar Association, where it revokes the registration of a Foreign Legal Consultant in accordance with

paragraph (1) (except for paragraph (1) 1) and paragraph (2), shall make a written notice on its purpose and reasons to the Foreign Legal Consultant (including his/her agent by law in cases of paragraph (2) 1; hereinafter the same shall apply in cases of paragraph (4)) without delay, and report it to the Minister of Justice.

(4) The Foreign Legal Consultant to whom the notice referred to in paragraph (3) is served shall return the certificate of registration to the Korean Bar Association without delay.

(5) Article 12(2) and (3), which provides for objection application for the denial of registration, shall apply mutatis mutandis to the revocation of registration.

Article 14 (Foreign Legal Consultant Registration Review Committee)

(1) The Foreign Legal Consultant Registration Review Committee shall be established under the Korean Bar Association to review matters of the following subparagraphs:

1. Matters with respect to denial of registration or of renewal of registration in accordance with Article 12;

2. Matters with respect to revocation of registration in accordance with the proviso to Article 13(1)3 and (2) of the same Article.

(2) The provisions of Articles 9(2) and 10 through 13 of the Attorney-at-Law Act shall apply mutatis mutandis to the composition, review process, and operation of the Foreign Legal Consultant Registration Review Committee.

CHAPTER IV FOREIGN LEGAL CONSULTANT OFFICES

Article 15 (Application for Establishment, etc.)

(1) Any Foreign Legal Consultant who fulfills requirements prescribed in Article 16(1)3 and is affiliated with a law office or a legal entity (hereinafter referred to as "head office"), which is established primarily to perform legal services in a home country of license, may establish a Foreign Legal Consultant Office by obtaining authorization from the Minister of Justice.

(2) In order to obtain authorization to establish a Foreign Legal Consultant Office, a Foreign Legal Consultant who will be the representative of the office shall file a written application with documentary evidence attached, as prescribed by Presidential Decree.

(3) The Foreign Legal Consultant referred to in paragraph (1) shall not establish not less than two Foreign Legal Consultant offices.

Article 16 (Authorization for Establishment)

(1) The Minister of Justice may grant the authorization for the establishment of a Foreign Legal Consultant Office when all requirements of the following subparagraphs are fulfilled:

1. The head office shall be duly established in the party of Free Trade Agreement and other trade treaties in accordance with Acts and subordinate statutes of the party and have been normally operated for more than five years.

2. The head office shall pass a resolution or make a decision to establish a representative office to perform foreign legal services in the Republic of Korea;

3. A Foreign Legal Consultant who will be the representative of a Foreign Legal Consultant Office shall have experience in performing legal services for more than seven years in total, including more than three years of experience in the home country of license after acquiring qualification as an overseas-licensed lawyer;

4. The head office shall guarantee the discharge of civil and commercial liabilities in relation to the practice of a Foreign Legal Consultant Office.

(2) Where the head office holds a law office, a local law office, a local legal entity, an affiliate, a branch office, and other offices established mainly for legal services (hereinafter referred to as "local law office, etc." in this paragraph) in a number of countries, the office where a high-level decision is substantially made shall be considered the head office.

(3) A Foreign Legal Consultant office shall fill a vacancy within three months from the date on which a representative position becomes vacant.

Article 17 (Publication, etc.)

(1) The Minister of Justice, where he/she grants the authorization for the establishment of a Foreign Legal Consultant Office, shall make a written notice on the authorization thereof to both the applicant referred to in Article 15(2), and to the Korean Bar Association without delay and publish it on the official gazette.

(2) The authorization for the establishment of a Foreign Legal Consultant Office shall take effect from the date on which the publication referred to in paragraph(1) is made.

(3) Other matters with respect to the authorization for establishment of a Foreign Legal Consultant Office shall be prescribed by the Presidential Decree.

Article 18 (Registration of Foreign Legal Consultant Office)

(1) The representative of a Foreign Legal Consultant Office whose establishment is authorized shall file an application for registration of the Foreign Legal Consultant Office with the Korean Bar Association within three months from the date on which the publication of authorization is made.

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

1. Objectives, name, and seat of the Foreign Legal Consultant office;
2. Names and addresses of partners, and the address of the representative;
3. Matters concerning the representative of a Foreign Legal Consultant Office;
4. Date on which authorization is granted for establishment of a Foreign Legal Consultant Office;
5. Name and seat of the head office

(3) Upon the application referred to in paragraph (1), the Korean Bar Association, where no specific circumstances exist, shall register the office with the list of Foreign Legal Consultant offices without delay and issue the certificate of registration of the Foreign Legal Consultant Office to the applicant.

(4) The representative of the Foreign Legal Consultant Office, where changes arise in registered data, shall file a written report on such changes to the Korean Bar Association within a month from the date of change.

(5) The Korean Bar Association shall keep and make available to the public written statements falling under each of the following subparagraphs:

1. The written statement in which the matters referred to in each subparagraph of paragraph (2);
2. The written statement concerning authorization of establishment and revocation of such establishment authorization provided for in Article 16;
3. The written statement certifying that partners and the representative of a Foreign Legal Consultant Office subscribe to the insurance or the mutual aid fund provided for in Article 21.

(6) Other necessary matters for registration of a Foreign Legal Consultant Office shall be determined by the Korean Bar Association.

Article 19 (Revocation of Authorization for Establishment)

(1) The Minister of Justice may revoke the authorization for establishment if a Foreign Legal Consultant Office falls under any one of the following subparagraphs:

1. Where an important part of an application form of the authorization for establishment or documentary evidence is omitted, or there are justifiable grounds to deem the content of the application form or evidence thereof to be false;

2. Where a Foreign Legal Consultant Office fails to fulfill requirements of subparagraphs in Article 16(1);

3. Where a Foreign Legal Consultant Office fails to fill the vacancy of the representative within three months in violation of the provision of Article 16(3);

4. Where a partner or an affiliated non-partner foreign legal consultant of a foreign legal consultant office violates Article 24 in relation to the practice of the Foreign Legal Consultant office;

5. Where a Foreign Legal Consultant Office, for unjustifiable grounds, fails to observe the supervision by the Minister of Justice in accordance with Article 32(1), and hence is deemed to have violated public interest or have caused concerns over violating public interest;

6. Where a Foreign Legal Consultant Office violates Articles 33 or 34;

7. Where the representative of a Foreign Legal Consultant Office whose establishment is authorized fails to file an application for registration to the Korean Bar Association within three months in violation of Article 18(1).

(2) Where the authorization for the establishment of a Foreign Legal Consultant Office is revoked in accordance with the provisions of paragraph (1) 1 through 5, the registration with the Korean Bar Association shall be considered being revoked.

(3) The Minister of Justice shall hold a hearing when he/she intends to revoke the authorization for the establishment of a Foreign Legal Consultant Office.

(4) Article 17 shall apply mutatis mutandis to the revocation of the authorization for establishment.

Article 20 (Office Employees)

(1) Any Foreign Legal Consultant Office may employ office staff.

(2) Article 22(2), (4), and (5) of the Attorney-at-Law Act shall apply mutatis mutandis to office employees in a Foreign Legal Consultant Office. In such cases, "attorney-at-law" and "head of local bar association" shall be deemed "representative of a Foreign Legal Consultant Office" and "head of the Korean Bar Association," respectively.

Article 21 (Liability for Compensating for Damage Involving Accepted Case)

(1) In order to guarantee liability for compensating for damage regarding the performance of foreign legal services and the operation of a Foreign Legal Consultant Office, partners of a Foreign Legal Consultant Office shall subscribe to an insurance policy or a mutual aid fund as prescribed by the Presidential Decree.

(2) The representative of a Foreign Legal Consultant Office shall indicate matters with respect to the liability to compensate damage in accordance with paragraph(1) on a legal service contract and advertisement as prescribed by Presidential Decree.

Article 22 (Preparation of Registers, etc.)

Any Foreign Legal Consultant Office shall prepare and keep a register on cases it accepts. In such cases, Article 28(2) and (3) of the Attorney-at-Law Act shall apply mutatis mutandis to the preparation of a register on accepted cases, etc.

Article 23 (Operation of Foreign Legal Consultant Offices, etc.)

(1) No Foreign Legal Consultant office shall establish a branch office in the Republic of Korea.

(2) Article 50(1) and (3) through (6), the main sentence of paragraph (7), and Article 52 of the Attorney-at-Law Act shall apply mutatis mutandis to the method of the performance of practice by a Foreign Legal Consultant Office and the restriction of practice on its partners, etc. In such cases, under the Articles of the Attorney-at-Law Act that apply mutatis mutandis, "law firm" and "attorney-at-law", shall be deemed "Foreign Legal Consultant Office" and "Foreign Legal Consultant" respectively.

(3) With regard to a Foreign Legal Consultant Office (which shall be comprised of no less than two partners), provisions on Partnership under the Civil Act shall apply mutatis mutandis to matters not prescribed in this Act.

CHAPTER V RIGHTS AND OBLIGATIONS OF FOREIGN LEGAL CONSULTANTS

Article 24 (Scope of Practice)

Every Foreign Legal Consultant may perform services outlined in the following subparagraphs:

1. Legal advice with respect to the law of the home country of license;

2. Legal advice with respect to agreements of which the home country of license is a party, and to universally approved customary international law;

3. Representation of an international arbitration case: Provided, That if the Law or the agreement referred to in subparagraphs 1 and 2 etc. is determined not to apply to the arbitration, the Foreign Legal Consultant shall not represent the case from the moment of the determination thereof.

Article 25 (Methods of Performing Practice)

(1) Every Foreign Legal Consultant may practice in a position falling under any of the following subparagraphs:

1. A partner of a Foreign Legal Consultant Office
2. An affiliated non-partner foreign legal consultant of a Foreign Legal Consultant Office;
3. A Foreign Legal Consultant affiliated with a law office, a law firm, a law firm (with limited liability) or an association of law offices.

(2) Every Foreign Legal Consultant shall be prohibited from being affiliated or employed by not less than two Foreign Legal Consultant Offices, law offices, law firms, law firms (with limited liability) or law firm associations at the same time, or from holding concurrent positions.

Article 26 (Notice, etc.)

(1) Where a Foreign Legal Consultant commences practice, temporarily suspends practice or changes his/her place of work, he/she shall give a notice as to such fact to the Minister of Justice without delay.

(2) The Korean Bar Association, upon receiving the notice referred to in paragraph(1), shall report it to the Minister of Justice without delay.

Article 27 (Representation of Qualification, etc.)

(1) Where identifying himself/herself in performing his/her duties, every Foreign Legal Consultant shall use a job title which combines "Beop jamunsa(in Korean language)" with the name of the home country of license accepted in the Republic of Korea. (Provided, That if the home country of license is a part of one country, such as a province, state, prefecture, or autonomous district, etc., the name of the country may be used as the name of aforementioned home country of license in the title; hereinafter the same shall apply). In such cases, a Foreign Legal Consultant may indicate his/her job title and, also, in the parenthesis, the name of the home country of license combined with a corresponding job title as overseas-licensed lawyer in his/her native language, which may be followed by the generally perceived name of the home country of license in Korean language, combined with an expression "Byeonhosa (in Korean language)".

(2) Every Oegukbeop jamun beopryul samuso (in Korean language) shall use a title which combines the name of the head office with "Foreign Legal Consultant Office" as suffix.

(3) Every Foreign Legal Consultant or Foreign Legal Consultant Office shall not, in performing his/her or its duties, use any title or indication other than what is prescribed in paragraphs (1) and (2).

(4) Every Foreign Legal Consultant Office shall, for easy recognition by ordinary people, display the name of its partners, affiliated Foreign Legal Consultants and their home country of license at an appropriate place inside and outside the office.

(5) Every Foreign Legal Consultant shall clarify his/her home country of license and scope of practice to clients before making a contract on foreign legal services with the clients.

(6) No person, other than a Foreign Legal Consultant, shall use any title or indication which represents or causes to be mistakenly recognized as a Foreign Legal Consultant.

Article 28 (Ethical Standard, etc.)

(1) No Foreign Legal Consultant shall perform any act that damages his/her dignity.

(2) No Foreign Legal Consultant shall conceal the truth or make false statements in performing his/her duties.

(3) Every Foreign Legal Consultant shall observe the code of ethics adopted by the Korean Bar Association.

Article 29 (Residency Obligation)

(1) A Foreign Legal Consultant shall stay in the Republic of Korea for not less than 180 days per year from the starting date of practice.

(2) Where a Foreign Legal Consultant stays overseas due to his/her injury or illness, care for or visit to injured or ill relatives, or other unavoidable circumstances, such period spent overseas shall be considered residency in the Republic of Korea.

Article 30 (Duty to Maintain Confidentiality)

Any person who is or was a Foreign Legal Consultant shall not disclose any confidential matters that he/she learned in the course of performing his/her duties: Provided, That this shall not apply to the case where such disclosure of confidential matters is especially prescribed otherwise by Acts.

Article 31 (Advertisement)

(1) Any Foreign Legal Consultant and Foreign Legal Consultant Office may advertise his/her or its, or its partners' home countries of license, education, careers, expertise, performance records and other matters necessary for publicizing services through media, such as broadcasts, newspapers, magazines, and computer communications.

(2) In order to review matters regarding advertisement referred to in paragraph (1), the Foreign Legal Consultant Advertisement Review Committee shall be established under the Korean Bar Association.

(3) Article 23(2) and (4) of the Attorney-at-Law Act shall apply mutatis mutandis to the advertisement of a Foreign Legal Consultant. In such cases, "attorney-at-law" or "attorney-at-law, etc." shall be deemed "Foreign Legal Consultant" or "Foreign Legal Consultant Office."

Article 32 (Supervision by Minister of Justice, etc.)

(1) Any Foreign Legal Consultant and Foreign Legal Consultant Office shall be subject to the supervision of the Minister of Justice and the Korean Bar Association with respect to his/her and its activities.

(2) The Korean Bar Association, upon becoming aware that a Foreign Legal Consultant or a Foreign Legal Consultant Office violates obligations prescribed in this Act, shall report the violation thereof to the Minister of Justice.

Article 33 (Obligation of Submitting Evidence)

Where the Minister of Justice or the Korean Bar Association, in order to perform the supervision referred to in Article 32(1), requires a Foreign Legal Consultant or a Foreign Legal Consultant Office to submit data on the current status of his/her or its practice and property, details of accepted cases and accounting records, and other necessary data, for supervision with clarified reasons for the purpose of conducting supervision referred to in Article 32(1), the Foreign Legal Consultant or the Foreign Legal Consultant Office shall comply with the requirement thereof.

Article 34 (Prohibition of Employment, Partnership, Concurrent Positions, etc.)

(1) No Foreign Legal Consultant or Foreign Legal Consultant Office shall employ any Korean attorney-at-law, Korean-certified judicial scrivener, Korean patent attorney, Korean-certified public accountant, Korean-certified tax accountant, nor Korean-licensed customs broker.

(2) No Foreign Legal Consultant or Foreign Legal Consultant Office shall deal with clients' cases in any manner including partnership, affiliation, establishment of a comprehensively collaborative relationship, and joint acceptance of cases, and share compensation or proceeds therefrom with any Korean attorney-at-law, Korean-certified judicial scrivener, Korean patent attorney, Korean-certified public accountant, Korean-certified tax accountant, and Korean -licensed customs broker.

(3) No Foreign Legal Consultant or Foreign Legal Consultant Office shall make a contract of association with, establish a legal entity with, hold shares with, and entrust the operation to any attorney-at-law, law firm, law firms (in the form of Limited Liability Company), association of law offices, Korean-certified judicial scrivener, joint firm of Korean-certified judicial scriveners, Korean patent attorney, patent firm, Korean-certified public accountant, accounting firm, Korean-certified tax accountant, tax firm, Korean-licensed customs brokers and customs firm. No Foreign Legal Consultant or any Foreign Legal Consultant Office shall, in any manner, jointly establish and operate, or have a partnership with any law office, law firm, law firm (in the form of Limited Liability Company), association of law offices, Korean-certified judicial scrivener office, joint firm of Korean-certified judicial scriveners, patent lawyer's office, patent firm, Korean-certified public accountant office, accounting firm, Korean-certified tax accountant office, tax firm, Korean customs broker office, and customs firm.

Article 35 (Application of mutatis mutandis in Attorney-at-Law Act)

Articles 30 through 34 and 38 of the Attorney-at-Law Act shall apply mutatis mutandis to the duties of a Foreign Legal Consultant, etc. In such cases, in the provisions of the Attorney-at-Law Act that shall apply mutatis mutandis, "attorney-at-law" and "law office" shall be considered as "Foreign Legal Consultant" and "Foreign Legal Consultant Office," respectively.

CHAPTER VI DISCIPLINARY ACTIONS

Article 36 (Category of Disciplinary Action)

The types of disciplinary action against Foreign Legal Consultants are as follows:

1. Revocation of qualification approval;
2. Revocation of registration;
3. Suspension of practice for not more than three years;
4. Fines for negligence of not more than 30 million won;
5. Censure.

Article 37 (Grounds for Disciplinary Actions)

(1) The grounds for disciplinary action falling under subparagraph 1 of Article 36 shall be as follows:

1. Where a person has been subject to a disciplinary action taken to revoke his/her registration in accordance with Article 13(2)2, or subparagraph 2 of Article 36, and is therefore deemed substantially unfit for him/her to continue to perform duties as a Foreign Legal Consultant;
2. Where a person has caused the grounds for disciplinary action referred to in paragraph (2) after having been subject to disciplinary action taken to suspend his/her practice not less than twice in accordance with subparagraph 3 of Article 36, and is therefore deemed extremely inappropriate for him/her to continue to perform duties as a Foreign Legal Consultant.

(2) The grounds for a disciplinary action falling under subparagraphs 2 through 5 of Article 36 shall be as follows:

1. Where a Foreign Legal Consultant violates this Act;
2. Where a Foreign Legal Consultant violates the code of ethics adopted by the Korean Bar Association;
3. Where a Foreign Legal Consultant commits an act damaging his/her dignity as a Foreign Legal Consultant, regardless of whether such act is committed on or off duty.

Article 38 (Establishment of Foreign Legal Consultant Disciplinary Committee)

- (1) Any disciplinary action against a Foreign Legal Consultant shall be taken by the Foreign Legal Consultant Disciplinary Committee.
- (2) Both the Ministry of Justice and the Korean Bar Association shall establish the Foreign Legal Consultant Disciplinary Committee respectively.

Article 39 (Composition of Foreign Legal Consultant Disciplinary Committee of Korean Bar Association)

- (1) The Foreign Legal Consultant Disciplinary Committee established by the Korean Bar Association (hereinafter referred to as the "Disciplinary Committee of the Korean Bar Association") shall be comprised of the following members. In such cases where the Minister of Justice has difficulty recommending a member who is a Foreign Legal Consultant, he/she may recommend a person who has the qualification as an overseas-licensed lawyer instead :
 1. Two judges recommended by the Minister of Court Administration;

2. Two public prosecutors and two Foreign Legal Consultants recommended by the Minister of Justice;
3. Two attorneys-at-law and one professor of a law school who is not an attorney-at-law, recommended by the president of the Korean Bar Association.

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

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

(4) No person for whom ten years have yet to elapse since he/she acquired the qualification as an attorney-at-law shall become a member who is a judge, a public prosecutor, or an attorney-at-law, or a reserve member.

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

(6) The decision of the Disciplinary Committee of the Korean Bar Association shall be made by a concurrent vote of a majority of the enrolled members.

(7) Matters necessary for composition and operation, etc. of the Disciplinary Committee of the Korean Bar Association shall be determined by the Korean Bar Association.

Article 40 (Composition of the Foreign Legal Consultant Disciplinary Committee of the Ministry of Justice)

- (1) The Foreign Legal Consultant Disciplinary Committee of the

Ministry of Justice (hereinafter referred to as the "Disciplinary Committee of the Ministry of Justice") shall be comprised of one chairperson, one vice chairperson, and seven members who are neither chairpersons nor vice chairpersons, and have seven reserve members.

(2) The chairperson and the vice chairperson shall be the Minister of Justice and the Vice Minister of Justice, respectively. The Minister of Justice shall appoint or commission the following persons as members and reserve members. In such cases where the Minister of Justice has difficulty commissioning a member who is a Foreign Legal Consultant, he/she may commission a person who has the qualification as an overseas-licensed lawyer instead:

1. Two judges from among the judges recommended by the Minister of Court Administration;
2. Two public prosecutors from among the public prosecutors;
3. One Foreign Legal Consultant from among the foreign legal consultants;
4. One attorney-at-law from among the attorneys-at-law recommended by the president of the Korean Bar Association;
5. One person, not an attorney-at-law, who is either a professor of a law school or a person with experience and a reputation for virtue.

(3) The members and reserve members of the Disciplinary Committee of the Korean Bar Association shall be prohibited from concurrently serving as members and reserve members of the Disciplinary Committee of the Ministry of Justice.

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

(5) The chairperson shall exercise overall control of meeting affairs of the Disciplinary Committee of the Ministry of Justice, represent the committee, and convene and take the chair of meetings.

(6) Where the chairperson cannot perform his/her duties due to unavoidable circumstances, the vice chairperson shall perform the duties on his/her behalf. Where the vice chairperson is also unable to perform his/her duties, a member designated by the chairperson beforehand shall perform the duties on his/her behalf.

(7) The decision of the Disciplinary Committee of the Ministry of Justice shall be made by a concurrent vote of a majority of the enrolled members.

Article 41 (Authority of the Disciplinary Committee)

(1) The Disciplinary Committee of the Korean Bar Association shall deliberate on any disciplinary case falling under the grounds of disciplinary action referred to in Article 37(2).

(2) The Disciplinary Committee of the Ministry of Justice shall deliberate on any disciplinary case falling under the grounds of disciplinary action referred to in Article 37 (1), and any case in which an objection is raised against a disciplinary decision made by the Disciplinary Committee of the Korean Bar Association.

Article 42 (Request for the Commencement of a Disciplinary Action)

(1) Where a Foreign Legal Consultant is deemed to fall under

the grounds for disciplinary action in accordance with Article 37(1) and (2), the president of the Korean Bar Association shall request the Disciplinary Committee of the Ministry of Justice and the Disciplinary Committee of the Korean Bar Association, respectively, to commence disciplinary action against the Foreign Legal Consultant. Provided, That such request shall not be made after the lapse of three years from the date on which the grounds for such disciplinary action occurred.

(2) Where a Foreign Legal Consultant is deemed to fall under the grounds for disciplinary action in accordance with Article 37, a client or his/her agent by law, spouse, lineal relatives, and siblings may, with such grounds attached, file an application with the president of the Korean Bar Association to commence a disciplinary action against the Foreign Legal Consultant in question.

(3) In cases where the chief prosecutor of the District Public Prosecutors' Office finds a Foreign Legal Consultant to fall under the grounds for a disciplinary action in the course of performing his/her duties as a public prosecutor such as investigation of crime, etc., he/she shall file an application with the president of the Korean Bar Association to commence disciplinary action against the Foreign Legal Consultant in question.

(4) Where the president of the Korean Bar Association does not make a request to commence disciplinary action upon the application referred to in paragraphs (2) and (3), he/she shall give a written notice to the applicant on the reason.

(5) The provisions of Article 97-5 of the Attorney-at-Law Act shall apply mutatis mutandis to the objection raised by an applicant who requests to commence disciplinary action.

Article 43 (Period for Making Disciplinary Action, etc.)

(1) The Disciplinary Committee of the Korean Bar Association shall determine disciplinary action within six months from the date on which it received a request to commence a disciplinary action or it commenced a process for a disciplinary action in accordance with Article 97-5 (2) of the Attorney-at-Law Act that applies mutatis mutandis in Article 42 (5). Provided, That if unavoidable circumstances exist, the Disciplinary Committee of the Korean Bar Association may extend the period within the limit of six months through a resolution.

(2) The provisions of paragraph (1) shall also apply when the Disciplinary Committee of the Ministry of Justice receives a request to commence disciplinary action falling under the grounds in accordance with Article 37(1), or an objection raised against a decision made by the Disciplinary Committee of the Korean Bar Association.

Article 44 (Execution and Process of Disciplinary Action, etc.)

(1) Disciplinary actions in accordance with subparagraph 1 of Article 36 shall be executed by the Minister of Justice, and disciplinary actions under subparagraphs 2 through 5 of Article 36 shall be executed by the president of the Korean Bar Association.

(2) Any decision to fines for negligence in accordance with subparagraph 4 of Article 36 shall have the same effect as the authority to execute with executive force under the provisions of the Civil Execution Act and be executed under the direction of a public prosecutor.

(3) Article 98(3), 98-2, 98-3, 98-4(2) and (3), 98-5 (3) and (4), 99 and 100 and 101-2 of the Attorney-at-Law Act shall apply mutatis mutandis to disciplinary action against a Foreign Legal Consultant.

Article 45 (Order to Suspend Practice)

(1) Where a public action for criminal cases is instituted or the process of disciplinary action commences in accordance with Article 42 (1) against a Foreign Legal Consultant and there is a high possibility that the result of a trial or disciplinary action decision will lead to the revocation of approval or registration of his/her qualification, and there is a substantial danger that, if such Foreign Legal Consultant is permitted to go undisciplined, the interests of clients or the public could be harmed, the Minister of Justice may request the Disciplinary Committee of the Ministry of Justice to decide to suspend the practice of the Foreign Legal Consultant in question. Provided, That the same shall not apply to the case where a summary order is requested or the public action is instituted for a crime of negligence.

(2) The Minister of Justice may order the Foreign Legal Consultant in question to suspend his/her practice according to a decision made by the Disciplinary Committee of the Ministry of Justice.

(3) Articles 103 through 108 of the Attorney-at-Law Act shall apply mutatis mutandis to the Foreign Legal Consultant's suspension of practice. In such cases, in relevant Articles of the Attorney-at-Law Act that apply mutatis mutandis, "attorney-at-law" shall be deemed "Foreign Legal Consultant."

CHAPTER VII PENAL PROVISIONS**Article 46 (Penal Provisions)**

Any person under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 50 million won, or may be punished by both:

1. Any person, not a Foreign Legal Consultant or an attorney-at-law, who receives or promises to receive money, articles, unlawful business entertainment or other forms of benefits, or who has a third party receive or promises to have him/her receive such money, articles, unlawful business entertainment or other forms of benefits, in compensation for dealing with or mediating foreign legal services;

2. Any person who has violated any of Articles 33 and 34 of the Attorney-at-Law Act that apply mutatis mutandis pursuant to Article 35;

3. Any Foreign Legal Consultant who receives or promises to receive money, articles, unlawful business entertainment or other forms of benefits, or who gives or promises to give such money, articles, unlawful business entertainment or other forms of benefits to a third party, in compensation for dealing with or mediating legal services, such as examination, representation, arbitration, settlement, solicitation, legal consultation, drafting legal documents, etc. concerning the following cases; Provided, That this shall not apply to cases where a Foreign Legal Consultant performs services prescribed by the subparagraphs of Article 24:

(a) A litigation case, non-contentious case, arbitration of household matters, or an adjudicative case;

(b) An administrative adjudication, request for review, raising an objection, or cases in which an objection is raised against an administrative agency;

(c) A case under investigation by an investigative agency;

(d) A case under any investigation by an examination agency established according to the law;

(e) Other general legal affairs

Article 47 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than five years, or by fines not exceeding 30 million won, or may be punished by both:

1. A Foreign Legal Consultant who has performed services in violation of Article 25(1);
2. A person who has disclosed confidential information in violation of Article 30 and the person who has obtained and used confidential information for any illegal gain with the knowledge of such violation;
3. A person who has employed an attorney-at-law in violation of Article 34(1), and the attorney-at-law employed by such person;
4. A Foreign Legal Consultant and an attorney-at-law who have violated Article 34(2) or (3);
5. A Foreign Legal Consultant who falls under any of the following categories:
 - (a) A person who has served documents, and has taken evidence for a court or an administrative agency of a foreign country;
 - (b) A person who has represented services for the primary purpose of acquiring, losing, or changing rights regarding real

property in the Republic of Korea, intellectual property rights, mining rights, and other rights which shall come into existence or set up against upon the registration with an administrative authority, or has prepared documents for the purpose thereof.

Article 48 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than three years or by fines not exceeding 20 million won, or may be punished by both:

1. A person who has obtained qualification approval or registered by falsely filing an application to the Minister of Justice or the Korean Bar Association with respect to qualification approval or the registration of a Foreign Legal Consultant;
2. A person who has employed Korean-certified judicial scriveners, Korean-licensed patent attorneys, Korean-certified public accountants, Korean-certified tax accountants and Korean customs brokers in violation of Article 34(1), and the Korean-certified judicial scriveners, Korean patent attorneys, Korean-certified tax accountants, Korean-certified tax accountants, and Korean-licensed customs brokers employed by the person;
3. Korean-certified judicial scriveners, Korean patent attorneys, Korean-certified public accountants, Korean-certified tax accountants, and Korean-licensed customs brokers who have violated Article 34(2) or (3);
4. A person who has acquired the litigious right by transfer in violation of Article 32 of the Attorney-at-Law Act that applies mutatis mutandis pursuant to Article 35;

5. A person, not a Foreign Legal Consultant, who has indicated or written the title of Foreign Legal Consultant or Foreign Legal Consultant Office, or who has indicated or written the performance of foreign legal services for personal gains.

Article 49 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than a year or by fines not exceeding 10 million won, or may be punished by both:

1. A person who has advertised in violation of Article 23(2)1 of the Attorney-at-Law Act that applies mutatis mutandis pursuant to Article 31(3);
2. A person who has accepted a case in violation of Article 31(1)3 of the Attorney-at-Law Act that applies mutatis mutandis pursuant to Article 35.

Article 50 (Habitual Offender)

Any person who has habitually committed any offense referred to in Article 46 shall be punished by imprisonment with prison labor for not more than ten years.

Article 51 (Offenses Committed Overseas by Foreigners)

Article 47(2) shall apply to foreigners who have committed offenses outside the Republic of Korea. Provided, That this shall not apply to cases where such acts do not constitute a crime according to the law of the place of the acts, or the prosecution or the execution of sentences is exempted.

Article 52 (Confiscation and Punitive Additional Collection)

Money, valuables, and other interests which have been taken by any person who has committed offenses referred to in Article 46 or by a third party who has been aware of such illegal handlings shall be confiscated. Where confiscation is impossible, the value equivalent to the market prices of such money, valuables, and other interests shall be additionally collected.

Article 53 (Fine for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by fines for negligence not exceeding 30 million won:

1. A person who has violated Article 15(3);
2. The representative of a Foreign Legal Consultant Office who has violated Articles 21 or 23(1);
3. A Foreign Legal Consultant who violated Article 25(2) and his/her employer;
4. A person who has violated Article 27(3) through (5);
5. A Foreign Legal Consultant who has violated Article 29

(2) Any person falling under any of the following subparagraphs shall be punished by fines for negligence not exceeding 10 million won:

1. A representative of a Foreign Legal consultant Office who has violated Articles 22 or Article 22(2) of the Attorney-at-Law Act, which applies mutatis mutandis under Article 20(2);

2. A person who has failed to submit the material requested by the Minister of Justice, or has submitted false material in violation of the provisions of Articles 33;

3. A Foreign Legal Consultant who has represented for the entrustment of the preparation of notarial deed.

(3) The provisions of Article 117(3) through (6) of the Attorney-at-Law Act shall apply mutatis mutandis to imposition, collection, and objection there against, etc. of fines for negligence in accordance with paragraphs (1) and (2)

ADDENDUM
<No. 9524 of March. 25, 2009>

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

Enforcement Decree of the Foreign Legal Consultant Act

[Enacted by Presidential Decree No. 21661 of August. 5, 2009]

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Foreign Legal Consultant Act and those necessary for its enforcement.

Article 2 (Application for Qualification Approval)

In accordance with Article 3 of the Foreign Legal Consultant Act (hereinafter referred to as the "the Act"), a foreign lawyer who intends to apply for qualification approval(hereinafter referred to as "qualification approval") as a foreign legal consultant shall submit a Form 1 application, accompanied by documentary evidence falling under each of the following subparagraphs, in person to the Minister of Justice of the Republic of Korea:

1. Copies of applicant's passport, Certificate of Alien Registration or any other document attesting his/her status;
2. Curriculum Vitae (CV);
3. Document certifying requirements prescribed in Article 6(1)2, 3, 5, and 6 of the Act;
4. Document certifying that an applicant has the ability to compensate for damage in regards to performing legal services;
5. Sworn statement in Form 2;

6. Statement where entries include matters prescribed by subparagraphs 3 and 4 in accordance with the form determined and publicly announced by the Minister of Justice;

7. Other documents for reference.

Article 3 (Confirmation of Oath)

Each foreign lawyer who applies for qualification approval shall read aloud sworn statement in Form 2 before an officer designated by the Minister of Justice and sign his/her name on the statement, when he/she submits application and documentary evidence prescribed in Article 2 of this Decree.

Article 4 (Including Prior-Experience)

The period for which an applicant has performed legal services with respect to laws of the "home country of license", which may count towards his/her period of prior experience where an applicant is to obtain qualification approval as a Foreign Legal Consultant pursuant to Article 4(1) of the Act, falls under each of the following subparagraphs:

1. No less than three years of experience in practicing law in foreign countries, other than the Republic of Korea pursuant, to Article 4(2) of the Act; 2.No less than two years of experience in practicing law in the Republic of Korea pursuant to Article 4(3) of the Act.

Article 5 (Preliminary Examination)

A foreign lawyer who intends to apply for qualification approval may submit, prior to application, application for qualification approval, documentary evidence or documents equivalent to the documentary evidence to the Minister of Justice, and request a preliminary examination.

Article 6 (Fees)

In accordance with Article 11(5) of the Act, fees an applicant shall submit where he/she applies for registration or renewal are determined by the President of the Korean Bar Association after approval of the Minister of Justice.

Article 7 (Application for Establishment Authorization of a Foreign Legal Consultant Office)

(1) In accordance with Article 15(1) of the Act, an applicant who intends to obtain authorization for establishment of a Foreign Legal Consultant Office shall submit authorization a Form 3 application and documentary evidence as follows to the Minister of Justice. The documentary evidence shall be an original document or a certified copy. All documents not in prepared in Korean language shall be accompanied by a duly authenticated Korean translation:

1. Any document certifying that an applicant is a Foreign Legal Consultant;
2. Any document certifying requirements prescribed in each of the subparagraphs of Article 16(1) of the Act;
3. Other documents for reference.

(2) Where entries of an application for establishment authorization referred to in paragraph (1) are found to be defective or accompanied documents are found to be insufficient, the Minister of justice may request the applicant to supplement such defects and insufficiencies.

(3) The Minister of Justice may, where he/she deems it necessary to examine documents furnished in connection with

an application for establishment authorization of a foreign legal consultant office pursuant to Article 16 of the Act, look into facts and evidences, or request any applicant to provide data related to such application.

Article 8 (Insurance or Mutual Aid Fund)

(1) Pursuant to Article 21 of the Act, every partner employed by a Foreign Legal Consultant Office shall subscribe to insurance or the mutual aid fund operated by the Korean Bar Association within one month from the date on which a written notice on the authorization for establishment is published in accordance with Article 17(1).

(2) The limit on amount of compensation from the insurance or the mutual aid fund referred to in paragraph (1) shall be not less than 100 million Korean won per compensation claim.

(3) The chief representative of a Foreign Legal Consultant Office shall ensure that the annual limit on amount of compensation from the insurance or the mutual aid subscribed to by its partners under paragraph (1) is the amount obtained by multiplying 100 million won (annual limit on amount of compensation is 300 million won where the number of partners and affiliated foreign legal consultants who are not partners is less than three) by the number of partners and affiliated Foreign Legal Consultants who are not partners or not less than 2 billion won.

(4) The chief representative of a foreign legal consultant office shall keep at least 300 million won as the residual amount in relation to the limit on amount of compensation referred to in the provisions of paragraph (3) and where the residual limit on amount of compensation falls short of 300 million won, it shall be raised to not less than 300 million won within one month from the date on which the ground there for accrues.

(5) Partners and non-partners of a foreign Legal Consultant shall, when the insurance or the mutual aid fund to which they subscribe pursuant to the provisions of paragraph ① expire on the grounds of the expiration of their terms, etc., renew them before the date on which they expire.

(6) Partners and non-partners of a Foreign Legal Consultant may, when they subscribe to the insurance or the mutual aid fund pursuant to the provisions of paragraph ①, set up its self-liability amount within the scope of not more than 10 million won per compensation claim.

Article 9 (Clear Statement of Liability for Compensation)

(1) The representative of a Foreign Legal Consultant Office provided for in the provisions of Article 21(2) of the Act shall clearly state matters concerning its liability for compensation prescribed in Article 21(1) of the Act in its case acceptance contracts and advertisements (excluding any advertisement regarding any change in its partners and affiliated foreign Legal consultants).

(2) The advertisements referred to in the provisions of paragraph ① mean furnishing information and data pertaining to foreign legal consultants and their practice by means of advertising them in the media falling under any of the following subparagraphs:

1. The publications provided for in the provisions of Article 2 of the Publication and Printing Promotion Act; and
2. The broadcasts provided for in the provisions of Article 2 of the Broadcasting Act.

ADDENDUM

<No. 21661 of August. 5, 2009>

This Decree shall enter into force on Sep. 26, 2009.

Registration Regulations for Foreign Legal Consultant

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

In accordance with the Foreign Legal Consultant Act (hereinafter referred to as the “Act”), the purpose of this Regulations on Foreign Legal Consultant Registration (hereinafter referred to as the “Regulation”) is to provide for matters on the standards and procedures for the Korean Bar Association in administering the registration and reporting of Foreign Legal Consultants and the denial or revocation of the registration of Foreign Legal Consultants, on the review procedures and operation of the Foreign Legal Consultant Registration Review Committee (hereinafter referred to as the “Registration Review Committee”) and on the registration procedures for Foreign Legal Consultant Offices.

Article 2 (Scope of Application)

This Regulation is applicable to the Foreign Legal Consultants and Foreign Legal Consultant Offices that intend to register with the Korean Bar Association pursuant to Article 10 paragraph (1) and Article 18 paragraph (1) of the Act, respectively.

Article 3 (Availability of Lists)

(1) The Korean Bar Association shall keep and make available the list of Foreign Legal Consultants (hereinafter referred to as the “FLC List”) in accordance with Article 11 paragraph (1) of the Act and shall enter the following details of the Foreign Legal Consultant in the FLC List.

1. Name and resident registration number or alien registration number;
2. Address and place of registration (for foreign nationals, addresses in both the home country and Korea);
3. Name and address of office;
4. Date and grounds for qualification approval;
5. Number and date of qualification registration;
6. Details on commencement of practice and suspension of practice (if any);
7. Date and grounds for revocation of qualification approval and registration;
8. Details on disciplinary actions;
9. Home country of license;
10. Title of the overseas-licensed lawyer qualification and date of qualification; and
11. Date and grounds for amendments to matters relating to registration or registration renewal under Article 6 paragraph (2) hereof.

(2) The Korean Bar Association shall keep and make available the list of Foreign Legal Consultant Offices (hereinafter referred to as the “FLCO List” and together with the FLC List, the “Lists”) pursuant to Article 18 paragraph (3) of the Act and shall enter the following details regarding the Foreign Legal Consultant Office in the FLCO List.

1. Objectives, name and address of the Foreign Legal Consultant Office;
2. Names and addresses of partners and address of the representative of the Foreign Legal Consultant Office;
3. Details concerning the representative of the Foreign Legal Consultant Office;
4. Date of authorization for establishment of the Foreign Legal Consultant Office;
5. Name and address of head office of the Foreign Legal Consultant Office;
6. Details of any insurance policies or mutual aid funds subscribed by Foreign Legal Consultant Office to guarantee compensation for damages;
7. Date and grounds for revocation of authorization for establishment and registration; and
8. Date and grounds for amendments relating to the matter registered under Article 28 paragraph (2) hereof.

Article 4 (Drafting of the Lists)

The Korean Bar Association shall draft the Lists using the details described in the applications, reports and other accompanying documents submitted by the parties. However, if the relevant party fails to report an amendment to any of the details described in the relevant List or if there exists substantial grounds that a certain detail is clearly different from its description, then after a resolution from the meeting of the executive directors, the Korean Bar Association may make an entry of such detail in the relevant List at its own discretion.

Article 5 (Custody and Preservation of the Lists)

- (1) The Lists shall be kept and permanently stored in a place that will protect it from any possible destruction or damage.
- (2) Unless due to any unavoidable circumstance, each List shall not be carried out from its place of storage.
- (3) In the event of any destruction or damage to any List, such List shall be immediately restored using details contained in the registration applications, registration certificates, registration notifications, registration reports, newsletter of the Korean Bar Association or any other credible information available.

CHAPTER II Foreign Legal Consultants

Section 1 Registration

Article 6 (Applications including for Foreign Legal Consultant Registration)

- (1) Any applicant that applies to be registered as a Foreign Legal Consultant under Article 10 paragraph 1 of the Act or applies to have its registration renewed under Article 11 paragraph 3 of the Act shall enter the details specified in paragraph (2) below in its application and submit such application with the following items attached to the application to the Korean Bar Association. The submitted documents shall either be in original copies or certified duplicate copies thereof and any document in a language other than the Korean language shall be accompanied by a duly authenticated Korean translation.

1. Copies of the passport, certificate of alien registration certificate or any other identity verifying document of applicant;
2. Curriculum Vitae (CV) of applicant;
3. Document certifying that the applicant possesses the relevant qualification to become a Foreign Legal Consultant;
4. Photograph of applicant;
5. Document evidencing whether it is acknowledged that the applicant is deemed markedly unfit to discharge the duties of a Foreign Legal Consultant due to the fact that the applicant has been subject to a criminal prosecution or a disciplinary action (excluding removal or dismissal from office), or has retired after committing an unlawful act related to its duties while working as a public official, irrespective of which country the applicant served in;
6. Document describing any awards or penalties received by the applicant or any evaluation results provided by its supervisors; and
7. Letter of oath in form and substance as specified in attachment 1.

(2) The following details of the applicant shall be entered by the applicant in its application pursuant to provision (1) above.

1. Name and resident registration number or alien registration number;
2. Address and place of registration (for foreigners, addresses in both the home country and Korea);

3. Name and address of office;
4. Date and grounds for qualification approval;
5. Number and date of qualification registration;
6. Commencement date of practice;
7. Home country of license; and
8. Title of the qualification and date of qualification.

Article 7 (Duties of the Korean Bar Association)

(1) After receipt of the documents submitted under Article 6 hereof, the Korean Bar Association shall review such documents and determine whether to approve the registration of the applicant within one month after receipt of the application for registration or renewal.

(2) If deemed necessary, the president of the Korean Bar Association may allow its executive directors or its committee to make the necessary inquiries while performing its review under (1) above,.

(3) The Korean Bar Association shall register the applicant in the FLC List if it is found that after review there does not exist grounds to deny the registration of the applicant after review.

(4) If it is determined or suspected that after review, there exists grounds for denying registration pursuant to Article 8 below, then the president of the Korean Bar Association shall immediately forward the issue to the Registration Review Committee on whether to deny the registration of the applicant.

Article 8 (Grounds for Registration Denial)

The Korean Bar Association shall deny registration or registration renewal that was requested by the applicant under Article 6 hereof if the applicant falls under any of the following subparagraphs.

1. The applicant significantly lacks capacity to perform legal services as a Foreign Legal Consultant due to mental illness, disease or disorder;
2. It is acknowledged that an applicant is deemed markedly unfit to discharge the duties of a Foreign Legal Consultant due to the fact that the applicant is subject to a criminal prosecution or a disciplinary action (excluding removal or dismissal from office), or has retired after committing an unlawful act related to the duties of the applicant while working as a public official, irrespective of which country the applicant served in;
3. The qualification approval of the applicant is revoked pursuant to Article 7 of the Act; and
4. Two years have yet to elapse from the date the registration or the renewal of registration of the applicant is denied, or the registration is revoked in accordance with Articles 13 or 36 of the Act.

Article 9 (Denial of Registration, etc.)

(1) After the Registration Review Committee receives the issue on whether to deny registration of the applicant from the president of the Korean Bar Association under Article 7 provision (4) hereof, the Registration Review Committee shall review the issue and determine by resolution whether to approve or deny the registration of the applicant.

(2) If the Registration Review Committee passes a resolution to deny registration of the applicant after it determines that there exists grounds to deny registration, the president of the Korean Bar Association shall immediately notify the applicant of such decision.

(3) If the Registration Review Committee passes a resolution to approve registration of the applicant after it determines that there exists no grounds to deny the registration of the applicant, the president of the Korean Bar Association shall immediately register the applicant in the FLC List.

Article 10 (Objection to Denial of Registration)

An applicant whose registration is denied pursuant to Article 9 paragraph (2) hereof may raise an objection to such denial to the Minister of Justice by submitting documents evidencing unjust grounds for the denial of registration within three months of the date on which the notice of registration denial was served.

Article 11 (Registration Treatment and Order for Registration)

After receipt of the order for registration given by the Minister of Justice under Article 12 provision (3) of the Act, the Korean Bar Association shall immediately register the applicant in the FLC List.

Article 12 (Registration Procedures)

If the president of the Korean Bar Association registers an applicant pursuant to Article 7 paragraph (3), Article 9 paragraph (3) or Article 11 hereof, it shall enter such applicant in the FLC List and deliver to such applicant a notice of registration along with a certificate of registration.

Article 13 (Payment of Registration Fees)

(1) An applicant shall include and make payment of the relevant registration fee or registration renewal fee that was determined by the Korean Bar Association when it submits its application for registration or registration renewal under this Regulation.

(2) The registration fee or registration renewal fee paid under provision (1) above shall be for the benefit of the Korean Bar Association. Provided, if registration or registration renewal is denied, the relevant fee shall be refunded to the applicant.

Article 14 (Reporting Requirements)

(1) If there occurs a change or any addition needs to be entered into in respect of the details entered under Article 6 provision (2) hereof, the Foreign Legal Consultant shall immediately submit a report specifying such change or addition to be made to the FLC List to the Korean Bar Association along with any evidentiary documents.

(2) After receipt of the documents relating to the changes or additions to be made to the details entered in the FLC List, the Korean Bar Association shall immediately enter the changes or additions into the FLC List.

(3) If it is found that any detail described in the report submitted under paragraph (1) above is defective or if the accompanied documents are insufficient, the Korean Bar Association may postpone entering such changes and request the Foreign Legal Consultant to cure such defect or insufficiency.

Section 2 Registration Revocation

Article 15 (Types of Registration Revocation)

Under this Regulation, there are two ways to revoke registration which are the following:

1. Registration revocation by authority
2. Registration revocation by application

Article 16 (Registration Revocation by Authority)

(1) The Korean Bar Association shall revoke the registration of a Foreign Legal Consultant upon the occurrence of any of the following subparagraphs.

1. Death of the Foreign Legal Consultant;
2. The Foreign Legal Consultant fails to have the required qualification or its qualification approval is revoked;
3. The Foreign Legal Consultant is qualified as an attorney-at-law and has registered with the Korean Bar Association as an attorney-at-law;
4. The Foreign Legal Consultant lacks capacity to perform legal services due to mental illness, disease, or disorder;

5. It is acknowledged that the Foreign Legal Consultant is deemed markedly unfit to discharge the duties of a Foreign Legal Consultant due to the fact that the Foreign Legal Consultant has been subject to a criminal prosecution or a disciplinary action (excluding removal or dismissal from office), or has retired after committing an unlawful act related to its duties while working as a public official, irrespective of which country the Foreign Legal Consultant served in;

6. The Foreign Legal Consultant violates Articles 24, 25, and 34 of the Act or Articles 33 and 34 of the Attorney-at-Law Act that apply mutatis mutandis pursuant to Article 35 of the Act.

(2) If any of the events in Article 16 paragraph (1) subparagraph 2 or subparagraph 3 has occurred, the registered Foreign Legal Consultant shall immediately submit a report specifying the grounds for registration revocation.

(3) The report to be submitted under paragraph (2) shall also be accompanied with documents evidencing grounds for such submission of the report.

(4) If the Korean Bar Association receives a report under paragraph (2) above or discovers that any of the events described in each subparagraph of paragraph (1) exists, the Korean Bar Association may contact the relevant person or surviving family member to request any related evidence.

(5) In case the Korean Bar Association determines to revoke the registration of a Foreign Legal Consultant pursuant to any category under Article 16 paragraph (1) subparagraph 4 through subparagraph 6, such revocation shall require the resolution of the Registration Review Committee. If it is determined or suspected that there exist grounds for revoking registration, the president of the Korean Bar Association shall immediately forward the issue on whether to revoke registration to the Registration Review Committee.

Article 17 (Objection Application for Registration Revocation)

(1) A Foreign Legal Consultant whose registration was revoked pursuant to Article 16 hereof (excluding under Article 16 paragraph (1) subparagraph 1) may raise an objection to such revocation to the Minister of Justice by submitting documents detailing unjust grounds for the registration revocation within three months of receipt of the notice of registration revocation that was delivered under Article 19 paragraph (2) hereof.

(2) If the Foreign Legal Consultant had its registration revoked under Article 16 paragraph (1) subparagraph 1 hereof, it may raise an objection to such revocation to the Minister of Justice by submitting documents detailing unjust grounds for the registration revocation within three months of its knowledge of the revocation.

(3) If the Minister of Justice orders the cancellation of the registration revocation after its acknowledgement that there exists grounds for the objection raised under paragraphs (1) and (2) above, the Korean Bar Association shall immediately cancel the registration revocation.

Article 18 (Registration Revocation by Application)

(1) If a registered Foreign Legal Consultant applies for a registration revocation under Article 13 paragraph (1) subparagraph 3 of the Act, then it shall submit an application for registration revocation. Provided, this provision shall not apply if there are justifiable grounds to deem that the application thereof was filed to avoid any disciplinary action.

(2) Upon receipt of the application for registration revocation under paragraph (1) above, the Korean Bar Association shall immediately revoke the registration of the Foreign Legal

Consultant. Provided, if the president of the Korean Bar Association acknowledges that there exists grounds for any disciplinary action, it may postpone the registration revocation until it is determined whether to commence procedures in respect to any application or request for disciplinary action as referred to in paragraph (1) above.

Article 19 (Procedures for Registration Revocation)

(1) If the registration of a Foreign Legal Consultant is revoked, the Korean Bar Association shall enter into the FLC List the grounds for registration revocation and the date of registration revocation and thereafter close the relevant pages in the FLC List.

(2) If the president of the Korean Bar Association revokes registration under paragraph (1) above, it shall provide notification to the Foreign Legal Consultant of such registration revocation except in cases where the registration revocation was due to the death of the Foreign Legal Consultant.

(3) Upon receipt of the notice of the registration revocation provided under paragraph (2) above, the Foreign Legal Consultant shall immediately return its certificate of registration to the Korean Bar Association.

Section 3 Registration Review Committee

Article 20 (Composition of the Registration Review Committee)

(1) The Registration Review Committee shall be composed of one judge, one public prosecutor, four attorneys-at-law, one law school professor and two persons with experience and a reputation for virtue who are not attorneys-at-law along with the exact same number of reserve members with equal qualifications.

(2) The president of the Korean Bar Association shall commission member and reserve member positions for judges and public prosecutors after it receives recommendations from the Minister of Court Administration and the Minister of Justice respectively and after review from the board of executive directors, shall commission member and reserve member positions for law school professors and individuals with experience and a reputation for virtue who are not attorneys-at-law while the member and reserve member positions for attorneys-at-law shall be commissioned at the general meeting of the Korean Bar Association.

(3) Judges, public prosecutors and attorneys-at-law who are either a member or a reserve member shall have been qualified as an attorney-at-law for more than 10 years while attorney-at-law members and reserve members shall have at least five years practice experience as an attorney-at-law.

(4) The chairperson shall be elected among the attorney-at-law members.

(5) The terms for the chairperson, members and reserve member shall be for two years respectively. Provided, the respective term of a chairperson, member or a reserve member elected in a by-election shall be for the remainder of the term of its respective predecessor.

(6) When the position of a chairperson, member or reserve member becomes vacant, such position shall be either immediately commissioned or selected by election.

(7) When a member is unable to perform its duties due to reasons such as an accident, vacancy, exclusion, challenge or refrainment, a reserve member with the same qualification shall be appointed by the chairperson and perform such duties on behalf of the member it replaces.

Article 21 (Exclusion, Challenge, Refraining)

(1) A member shall be excluded from review and voting of issues relating to such member, spouse, its family relative up to third cousins or its in-law relative up to first cousins.

(2) The party subject to the review (hereinafter referred to as the "Subject Party") may file an application for challenge with respect to a member that it deems will substantially harm the fairness of the review or voting process. In such case, the Registration Review Committee shall immediately make a decision on such matter.

(3) If paragraph (2) above is applicable to a member, such member may refrain from the review and voting process. After a request for refraining, the Registration Review Committee shall immediately make a decision on such matter.

Article 22 (Organization of the Registration Review Committee)

(1) The Registration Review Committee shall have one chairperson and one facilitator.

(2) The facilitator shall be elected from among the members of the Registration Review Committee.

(3) The chairperson shall represent the Registration Review Committee and supervise the business of the Registration Review Committee. If the chairperson is unable to perform its duties due to an accident or any other reason, a member determined by priority in accordance with an order set by the Registration Review Committee shall perform the duties on behalf of the chairperson.

(4) The facilitator may perform duties for the Registration Review Committee after it receives approval from the chairperson.

(5) The Registration Review Committee may have one or more secretaries to assist in its business. Secretaries shall be selected among the staff of the secretariat of the Korean Bar Association by the president of the Korean Bar Association.

Article 23 (Referral of Issues)

When the president of the Korean Bar Association refers an issue to the Registration Review Committee, it shall submit an issue referral document that details personal information of the Subject Party and grounds for denial or revocation of registration along with any related materials to the Registration Review Committee.

Article 24 (Notification of Date of Review etc.)

(1) After the issue regarding denial or revocation of registration is referred to the Registration Review Committee, the chairperson shall immediately determine the review dates and notify such dates to the members and the Subject Party. In such case, the Registration Review Committee shall notify such parties at least seven days prior to the first date of review. Provided, on a certain review date, the Registration Review Committee may provide notification relating to the next review date to the parties in attendance.

(2) In determining whether to deny registration or revoke registration, the Registration Review Committee shall provide an opportunity for the Subject Party to be present, testify and/or submit any documentary evidence. Provided, this shall not apply if the Subject Party or its representative is not present on such review date despite being notified of such review date.

(3) In the notification notifying the first review date, a summary explaining the grounds for denying or revoking registration as referred to in the issue referral document shall be specified. Furthermore, such notification shall mention that the Subject Party may attend, testify and/or submit documentary evidence on such review date, appoint an agent or request that the review be disclosed to the public.

(4) Delivery of documents shall be either done by hand or by fax transmission.

Article 25 (Rights of Subject Party etc.)

(1) The Subject Party may appoint an attorney-at-law as its representative and a Foreign Legal Consultant as its assistant respectively and such representative may independently perform acts under this Regulation on behalf of the Subject Party.

(2) The Subject Party may attend the review proceeding on the review date and provide oral or written testimony, submit documentary evidence or other forms of evidence or provide its opinion on the relevant issue being reviewed. Provided if the Registration Review Committee has set a time period for submission of documentary evidence or other forms of evidence, submission shall be made within such time period.

(3) The Subject Party may request an interrogation of a witnesses, verification of evidence or other forms to examine evidence.

(4) The Subject Party shall have access to written records of the review or any related evidence and shall be permitted to make copies of such materials.

(5) The president of the Korean Bar Association may directly or through its representative, provide its oral or written opinion on the respective issue.

(6) If the Subject Party appoints a representative or an assistant, it shall provide to the Registration Review Committee in writing, the name, address of such representative or assistant, address of the law office and the associated local bar association of such representative or assistant. This reporting requirement shall also be applicable in cases where there is a dismissal of the representative or assistant.

(7) An assistant may appear before the Registration Review Committee with the Subject Party or the representative of the Subject Party and provide its assistance. Any testimony by the assistant shall be deemed to be a testimony made by the Subject Party unless the Subject Party or the representative of the Subject Party immediately corrects or cancels such testimony of the assistant when made.

Article 26 (Review)

(1) The date of review shall not be disclosed unless requested by the Subject Party. The Registration Review Committee may allow certain audiences that it deems suitable to attend and observe the review.

(2) After suggestion from the Subject Parties and if deemed necessary, the Registration Review Committee may combine or divide the issues to be reviewed.

(3) If deemed necessary by the Registration Review Committee, it may request the Subject Party, related persons, related authorities or other related parties to cooperate in the inquiry of facts, submission of materials or to appear before the Registration Review Committee to provide testimony or explanation on a subject matter.

(4) If deemed necessary by the chairperson, the chairperson may appoint member(s) to make preparations for the review. The appointed member(s) may exercise the rights of the chairperson while performing preparation work for the review.

(5) A record of the review shall be drafted on the date of review and in such record, the date and place of review, name of members in attendance, permissibility of disclosure, progress and the details of the review shall be entered into with the chairperson and the facilitator either signing or affixing its signature and seal thereto.

Article 27 (Resolutions)

(1) The Registration Review Committee shall pass a resolution with a concurrent vote of a majority of the members present.

(2) In case the Registration Review Committee passes a resolution, it shall draft a resolution letter. The resolution letter shall contain details on the decision and reasons for such resolution and the chairperson, the members present and the facilitator shall execute such resolution letter.

(3) The Registration Review Committee shall immediately notify the president of the Korean Bar Association of the results of the resolution.

Chapter III Foreign Legal Consultant Offices

Article 28 (Registration Application)

(1) The representative of a Foreign Legal Consultant Office whose establishment was authorized by the Minister of Justice shall file an application for registration of the Foreign Legal Consultant Office to the Korean Bar Association with the

matters detailed in paragraph (2) below within three months of the date on which the publication of authorization was made. Documents evidencing compliance with paragraph (2) subparagraph 6 below and other documents requested by the Korean Bar Association shall also be submitted with the application for registration.

(2) The following matters shall be registered pursuant to paragraph (1).

1. Objectives, name and address of the Foreign Legal Consultant Office;
2. Names and addresses of the partners and the address of the representative of the Foreign Legal Consultant Office;
3. Details concerning the representative of the Foreign Legal Consultant Office;
4. Date of authorization grant for establishment of Foreign Legal Consultant Office;
5. Name and address of the head office of Foreign Legal Consultant Office; and
6. Details of insurance policy or mutual aid fund subscribed by the Foreign Legal Consultant Office to guarantee compensation for damages.

Article 29 (Registration Review)

(1) Unless there exists a special circumstance to perform otherwise, the Korea Bar Association shall immediately register the Foreign Legal Consultant Office in the FLCO List and issue a certificate of registration for the Foreign Legal Consultant Office after it receives the application submitted under Article 28 paragraph (1) hereof.

(2) If it is found that any detail described in the application submitted under Article 28 paragraph (1) hereof is defective or if the accompanied documents are insufficient, the Korean Bar Association may request to the Foreign Legal Consultant Office to cure such defect or insufficiency.

Article 30 (Reporting Requirement)

In case of an amendment to a matter that was registered with the Korean Bar Association, the representative of the Foreign Legal Consultant Office shall submit an to the Korean Bar Association within one month of such amendment.

Article 31 (Availability of Written Statements etc.)

(1) The Korean Bar Association shall keep and make available to the public the following written statements.

1. Written statement that includes the matters referred to in each subparagraph of Article 28 paragraph (2);
2. Written statement concerning authorization of establishment and revocation of such establishment authorization; and
3. Written statement certifying that it has subscribed to the insurance or the mutual aid fund to guarantee compensation for damages.

(2) The Korean Bar Association shall make the FLCO List available and enter into the FLCO List, matters specified in Article 28 paragraph (2) hereof, various matters to be reported under Article 30 and other necessary matters.

Article 32 (Public Announcement)

After receipt of any application for registration amendment under Article 30 hereof, the Korean Bar Association shall make an announcement in its newsletter or a daily newspaper in respect to such application within two months of receipt.

Article 33 (Detailed Enforcement Regulations)

Any other necessary matters in respect to the registration of Foreign Legal Consultant Offices shall be determined in separate detailed regulations.

ADDENDUM

This Regulation shall enter into force from the date of its promulgation.

Code of Ethics for Foreign Legal Consultant

CHAPTER I GENERAL CODES OF ETHICS

Article 1 (Purpose)

The purpose of this Code of Ethics for Foreign Legal Consultant ("Code") is to set forth the matters on code of ethics for foreign legal consultants pursuant to Article 28, Paragraph 3 of the Foreign Legal Consultant Act (the "Act").

Article 2 (Basic Ethics)

(1) The foreign legal consultant ("FLC") shall not engage in any activities that may degrade his/her dignity or contravene public welfare, regardless of his/her duty.

(2) The FLC shall not conceal truth or make false statements in the course of the performance of his/her duties.

Article 3 (Compliance of Foreign Code of Ethics)

In dealing with cases involving private international law or international affairs, the FLC shall respect the attorney-at-law's ethics adopted by relevant country.

CHAPTER II CODE OF ETHICS ON DUTY

Article 4 (Compliance with Regulations, etc.)

The FLC shall comply with laws and regulations of Republic of Korea as well as any regulations, rules, provisions, resolutions, etc. established by the Korean Bar Association ("KBA") regarding FLC and actively participate in activities of the KBA.

Article 5 (Duty for Public Interest)

When the FLC is appointed for duties for the sake of public interests, he/she shall perform such duties in a fair and accurate manner and shall not separately receive any fees from interested parties.

Article 6 (Prohibition of Exaggerated Advertisement)

(1) The FLC shall not make an exaggerated publicity or advertisement of his/her career, specialty or performance.

(2) In publicizing or advertising his/her services, the FLC shall do so in compliance with the Regulations on Advertisement of Services provided by Foreign Legal Consultant established by the KBA.

Article 7 (Prohibition of Establishment of Dual Office)

The FLC shall not establish two or more offices or liaison offices, or install liaison telephone line within Korea, regardless of the reasons thereof.

Article 8 (Clerical Employees)

(1) The FLC shall not recruit clerical employees who are mainly responsible for the solicitation of cases.

(2) The wages for clerical employees shall not be determined based on commission for the solicitation of cases.

(3) In recruiting clerical employees, the FLC shall not compete with other FLCs or conduct any action that may breach good faith.

Article 9 (Prohibition of Solicitation of Case)

The FLC shall not contact potential clients or make a clerical employee or a third party to induce the engagement of himself/herself by potential clients, for the purpose of soliciting cases.

Article 10 (Prohibition of Use of Broker)

(1) The FLC shall not be introduced cases from the person who engages in the brokerage of cases, take advantage of such person or allow the person to use his/her name.

(2) In no event shall the FLC provide any commission fee, money and other valuables or any similar benefits thereto in exchange for the introduction or brokerage of cases.

Article 11 (Prohibition of Profit Distribution other than Appropriate Fees, etc.)

The FLC shall not agree to distribute profits except for reasonable fees or shall not accept engagement in the form of a joint business.

Article 12 (Prohibition of Slandorous Statement against Counterparty)

The FLC shall not make slanderous statement against a counterparty, its attorney-at-law or foreign legal consultant.

Article 13 (Prohibition of Intervention)

The FLC shall not intervene with those cases for which he/she does not accept engagement and refrain from a harsh criticism against such cases.

Article 14 (Prohibition of Cooperation in Illegal Acts)

The FLC shall not collaborate in any criminal acts or any other illegal activities committed by clients. In the event that the FLC finds that a client's activities amount to criminal acts or other illegal activities, he/she shall promptly suspend the collaboration.

Article 15 (Prohibition of Abetment of Perjury, etc.)

The FLC shall not abet a client to commit perjury, submit false evidence or shall not commit any activities that may bring about such doubt.

CHAPTER III CODE OF ETHICS FOR CLIENTS

Article 16 (Obligation of good Faith)

(1) The FLC shall, at any time, maintain a good and sincere manner towards his/her clients.

(2) When providing a consultation or legal advice for a specific case, the FLC shall provide necessary explanations fairly to ensure that a client can make a decision as soon as practicable.

(3) The FLC shall keep it mind that in the event he/she incurs damages to others by gross negligence or willful misconduct in the course of performance of duty, he/she shall be liable to compensate damages and endeavor to protect clients' interests sincerely and fairly to the maximum extent in performing with his/her duties.

(4) Regarding the case which is unlikely to produce such results that a client seeks, the FLC shall not presume or affirm as if such results are likely to be produced.

(5) In the event that the FLC has a special relationship with the counterparty, he/she shall notify his/her client of such fact in advance.

(6) In connection with his/her duties, the FLC shall not publicize or take advantage of the relationship with a public official who are in charge of such affair.

Article 17 (Prohibition of Accepting Engagement)

(1) The FLC shall not accept engagement for the following cases: (i) the case in which the FLC, in the capacity of a public official or an arbitrator, participated in affairs relating to the preparation of notarized documents, (ii) the case with which the FLC's relative, as a public official in charge, deals, (iii) the case that has conflict of interests with the case he is presently responsible for, and (iv) the case that has the mere purpose of retaliating or afflicting the counterparty.

(2) The FLC shall not represent the both parties of a single case except when it is not prohibited by laws.

(3) The FLC shall not accept engagement offered by a counterparty of his/her current clients in a different case without consent of his/her client.

Article 18 (Limitation on Accepting Engagement)

(1) The FLC shall not accept engagement proffered by a party who is the counterparty to the case that another FLC who is his/her relative is responsible for, except when the FLC obtains consent from the client.

(2) After the conclusion of cases that the FLC was responsible for, the FLC shall not accept engagement offered by the party who was the counterparty in the case which is same as or essentially related to the previous case except when the FLC obtains consent from the client in the previous case.

(3) In the event that multiple FLCs have jointly established an office, the members of the office shall not accept an engagement for a case which has a conflict of interest with the client of another member, without consent from parties concerned. In case where the violation of the said provision is found after the acceptance of engagement, the FLC shall withdraw from the engagement that was subsequently accepted, informing the client of the reasons thereof.

(4) The FLC shall not simultaneously represent or defend two or more parties, who have conflict of interests with each other, in the same case.

Article 19 (Decline of Engagement)

The FLC shall not decline engagement merely for the reason that a client or the pattern of a subject case is subject to a public criticism.

Article 20 (Confidentiality)

The FLC shall not disclose any secrets of his/her clients which became known to him/her in the course of performing his/her duty, except as permitted to the minimum extent if required for seeking public interests or backing up his/her own rights.

Article 21 (Grant and Receipt of Goods)

The FLC shall make sure the grant and receipt of money, such as deposit or security deposit and documents such as evidentiary documents, and shall be cautious of preventing the initiation of any disputes arising therefrom.

CHAPTER IV CODE OF ETHICS FOR FEES

Article 22 (Reasonable Fee)

The fees payable to the FLC shall be reasonably determined taking into account overall circumstances such as economic benefits, degree of difficulty of case, degree of effort and required time and concerned parties' interests.

Article 23 (Written Agreement)

When the FLC enters into an engagement agreement for a specific case or affair, he/she shall make clear agreement regarding specific amount of fee and shall make an agreement in writing with respect to the fee, if possible.

Article 24 (Prohibition of Charging Additional Fees)

The FLC shall not request money and other valuables other than agreed fees or request additional fees without any justifiable reasons.

Article 25 (Prohibition of Conditional Fees)

The FLC, with condition, shall not receive success fees in advance.

Article 26 (Prohibition of Conversion of Fees)

The FLC shall not convert court deposit, security deposit or any other escrow funds into fees except as expressly agreed upon in writing.

Article 27 (Prohibition of Fees for Building up Relationship)

The FLC shall not determine fees for the purpose of building up a relationship with public officials in charge and shall not receive any money and other valuables under the pretext of establishing a relationship with public officials.

Article 28 (Prohibition of Evidence Manipulation)

The FLC shall not agree to conceal the amount of fees received from clients or related persons for tax evasion or any other purposes or shall not manipulate evidence such as receipts.

Article 29 (Regulation of Unfair Competition of Fees)

For the purpose of attracting cases, the FLC shall not unfairly compete with attorneys-at-law or other FLCs regarding consultation fees, advisory fees, appraisal fees or other fees

Article 30 (Prohibition of Distribution of Fees)

The FLC shall not share fees with any person who is not a FLC.

ADDENDUM

This Code of Ethics shall enter into force as of its promulgation date.

Advertisement Regulations for Foreign Legal Consultant

Article 1 (Purpose)

The purpose of this Regulations is to provide for matters that are necessary for advertisement of services provided by Foreign Legal Consultants (including Foreign Legal Consultant Offices; same shall be applied hereinafter), according to Article 31(3) of the Foreign Legal Consultant Act.

Article 2 (Definition of Advertisement)

Advertisement on the Foreign Legal Consultant services (hereinafter the “Advertisement”) means to provide information by any means, including, but without limitation, the methods listed below with regards to the services of a Foreign Legal Consultant or the partners of a Foreign Legal Consultant Office for the main purpose of attracting or maintaining clients.

1. Installation of signboards, etc. of the offices of Foreign Legal Consultants.
2. Utilization of any means of media including periodicals or irregular publications including domestic and foreign newspapers, magazines, separate volume, recorded materials of images and/or voices, regular phone directory or business directory, any and all broadcasting including sky wave, cable, DMB, etc., wire or wireless communications, the Internet, computer communications, etc.
3. Distribution of leaflets such as greeting cards, New Year’s cards, calendars, name cards, envelopes, formats, letter papers, and other office papers, etc. and the copies thereof.

4. Brochures, stationeries for external use, souvenirs, advisory letters, guide maps, office opening ceremonies, banquets for other occasions, and sponsorship.

5. Legal consultation, presentations, seminars, etc.

Article 3 (Basic Principle of Advertisement)

A Foreign Legal Consultant may conduct advertisements by providing information and materials on Foreign Legal Consultant (including the partners of Foreign Legal Consultant Offices) and the services thereof in order to help potential clients in selecting a Foreign Legal Consultant and to attract clients through fair competition.

Article 4 (Restrictions on Contents of Advertisement)

(1) A Foreign Legal Consultant shall not conduct any advertisement listed below directly by itself or through others.

1. Advertisement containing information which is not in line with objective facts on services provided by a Foreign Legal Consultant or any false information.
2. Advertisement which may mislead clients or give rise to misunderstanding of clients regarding objective facts by exaggerating objective facts or omitting some facts, etc.
3. Advertisement which may lead to ungrounded expectations among clients on results of work performance such as success rate.

4. Advertisement which defames other Foreign Legal Consultants or attorneys-at-law (including law firms, law firms (in the form of Limited Liability Company), law firms (in the form of Limited Liability Partnership), joint law offices authorized to provide notarial services; same shall be applied hereinafter), or advertisement which includes comparison of services between itself and other Foreign Legal Consultants or attorneys-at-law from its own perspective.

5. Advertisement which includes solicitation of a case through visits, telephone calls, fax, mails, e-mails, text messages, and any other methods equivalent thereto without request or acquiring consent from the parties to a particular case or interested parties therein (including potential parties or interested parties). Provided, this provision shall not apply in the case such advertisement has been approved by the Korean Bar Association (the "Association").

6. Advertisement which may damage dignity or trust of a Foreign Legal Consultant by presenting unlawful methods, etc.

7. Advertisement which represents international lawyer or other qualifications or titles which do not have a legal basis.

8. Advertisement indicating any cases that a Foreign Legal Consultant in the past dealt with or was involved in, or any cases or clients (including clients under a retainer agreement with the Foreign Legal Consultant) it is currently working on or representing. Provided, this provision shall not apply if such advertisement is not likely to damage the client's interest such as where the client consented to such advertisement, the case is well known among the general public, or a client is not specified, etc.

9. Other advertisement which is in violation of statutes, or the bylaws or regulations of the Association.

Article 5 (Restrictions on Methods of Advertisement)

(1) A Foreign Legal Consultant shall not conduct advertisement by means of visiting or making phone calls to anyone other than present or former clients (including relevant officers and employees in the case the client is a juridical person or an organization of other form), friends, relatives, or any other person equivalent thereto. Provided, this provision shall not apply if the counterpart has consented to or requested the same.

(2) A Foreign Legal Consultant shall not conduct advertisement by means of sending fax, mail, e-mail, or text messages, etc. or any other method equivalent thereto. Provided, this provision shall not apply if the Association's approval has been obtained.

(3) A Foreign Legal Consultant shall not conduct an advertisement by means of representing it as if it being a non-advertisement.

(4) A Foreign Legal Consultant shall not conduct advertisement by means of providing or promising to provide money, articles, or other benefits to those persons to whom an advertisement is directed, which exceed customary range.

(5) A Foreign Legal Consultant shall not provide or promise to provide money, articles, or other benefits to a 3rd party who transmits or indicates the information on the services of Foreign Legal Consultant in violation of these Regulations.

(6) A Foreign Legal Consultant shall not conduct advertisement by any of the methods indicated in the following sub-paragraphs.

1. An act of installing, attaching, or posting advertisement materials in the internal or external space of automobiles, electric railcars, trains, ships, airplanes, or other means of transportation.

2. An act of installing a banner or keeping, attaching, or posting advertisement materials on advertising balloon, road facilities, etc.

3. An act of distributing fliers, name cards, other advertisement materials by inserting them between newspapers or other media, or by handing them out to unspecified, multiple persons, or scattering them by means of vehicles, airplanes, etc., or keeping them at indoors or on the streets for the purpose of providing them to unspecified, multiple persons.

4. An act of advertisement by using loudspeaker, sandwich man, sash, etc.

5. Any method of advertisement equivalent to any of the sub-paragraphs above which degrades dignity of a Foreign Legal Consultant, as determined by a separate detailed criteria.

(7) In the event a Foreign Legal Consultant conducts advertisement on matters other than its services, such advertisement shall not be conducted simultaneously or in connection with advertisement on Foreign Legal Consultant services.

Article 6 (Prior Advertisement)

A Foreign Legal Consultant shall not conduct advertisement on Foreign Legal Consultant services before its application for registration is accepted by the Association.

Article 7 (Advertisement on Major Practice Areas)

(1) A Foreign Legal Consultant may conduct advertisement on major practice areas (the expression of 'major practice areas,' 'main field of services,' 'major field of practice' may also be used in advertisement) it is engaged in.

(2) Major practice areas for advertisement may include the following services or field, and may be indicated otherwise appropriately.

Constitutional Court trial, civil matters, real estate, lease, compensation for damages, domestic affairs, criminal matters, commercial matters, corporate matters, marine affairs, insurance, administrative matters, tax, fair trade, labor affairs, intellectual property rights, sports, entertainment, securities, finance, international trade, trade, shipbuilding, construction, arbitration, etc.

(3) A Foreign Legal Consultant shall not conduct advertisement on itself or its services by using the terms such as "best," "unique," "expert" or any similar words (including any foreign languages equivalent thereto; same shall be applied hereinafter). However, the term, "expert," may be used according to criteria determined by the Association.

Article 8 (Legal Consultation)

(1) A Foreign Legal Consultant may advertise matters regarding its fee-charging or free of charge legal consultation and may conduct advertisement by means of providing legal consultation.

(2) A Foreign Legal Consultant shall not conduct or permit advertisement on legal consultation which falls under any of the followings.

1. In the case a party who is not a Foreign Legal Consultant directly or indirectly takes all or part of legal consultation fee.

2. In the case a Foreign Legal Consultant or the party who is provided with legal consultation pays consideration for arrangement or brokerage (arrangement fee, brokerage fee, membership fee, subscription fee, and other fees regardless of how they are called) of legal consultation. Provided, this provision shall not apply to cases in which a Foreign Legal Consultant pays ordinary fee or advertisement fee for using fee-charging advertisement media including periodicals, the Internet, and cable TV.

3. In the event a Foreign Legal Consultant participates in legal consultation that is performed as part of business for the profit of a 3rd party.

4. In the event other advertisement is conducted for purposes or by means that are against statutes, or the bylaws or regulations of the Association.

Article 9 (Compliance with Relevant Administrative Laws and Regulations)

In conducting advertisements including installation of signboards, etc. permitted under this Regulations, a Foreign Legal Consultant shall comply with the regulations in relevant administrative laws and regulations.

Article 10 (Matters to be indicated in Advertisement)

A Foreign Legal Consultant shall indicate the home country of license, scope of permitted services, and name or business name, and, if the advertisement is conducted jointly with other Foreign Legal Consultants, the name or business name of the representative.

Article 11 (Obligation to Preserve Advertisement Material)

A Foreign Legal Consultant that conducted advertisement shall preserve advertisement material or the records which replace advertisement material such as copies and pictures thereof, and records related to the advertisement indicating time / date and place of advertisement, and method of advertisement such as the addresses to which the advertisement was sent, for a period of 3 years from completion of the advertisement.

Article 12 (Measures against Act of Violation)

(1) With regards to a Foreign Legal Consultant who violates this Regulations, the President of the Association shall give a warning or make a demand or take other measures necessary to have such violation discontinued or corrected, after seeking a resolution of the Foreign Legal Consultant Advertisement Review Committee. Provided, an opportunity to explain itself shall be given to the subject Foreign Legal Consultant before such measures are taken.

(2) Upon receiving a demand indicated in Paragraph 1 above, a Foreign Legal Consultant shall fulfill the demand immediately and report the results thereof.

(3) In the event a Foreign Legal Consultant fails to take corrective measures immediately despite a demand in Paragraph 1, the President of the Association may make public announcement on the fact that the demand has been made and the essence of the grounds of demand in the name of the President of the Association, and the related costs thereto shall be borne by the relevant Foreign Legal Consultant.

Article 13 (Establishment of Foreign Legal Consultant Advertisement Review Committee)

A Foreign Legal Consultant Advertisement Review Committee ("Committee") shall be established within the Association for the purpose of reviewing the advertisements of Foreign Legal Consultants.

Article 14 (Constitution of the Committee)

(1) The Committee shall consist of not less than 10 but not more than 30 members appointed by the President of the Association.

(2) The Committee shall have 1 Chairman and may have 1 Vice Chairman and 1 Secretary.

(3) The Chairman shall be appointed among the members of the Committee nominated by the President of the Association upon resolution of the Committee and the Vice Chairman shall be appointed by mutual votes among members of the Committee, and the Secretary shall be appointed among members of the Committee or among employees of the Association Secretariat by the Chairman.

(4) The term of office of a Committee member shall be 2 years.

(5) The Chairman shall serve as the chairman at Committee Meetings.

Article 15 (Committee Meetings)

(1) The Chairman shall call a Committee Meeting without delay upon a request of the President of the Association or by not less than 1/5 of the Committee members and shall have the Committee conduct a review.

(2) The results of the review shall be submitted in writing to the President of the Association.

(3) Resolutions of the Committee shall be adopted by the affirmative votes of a majority of the Committee members present at a meeting where not less than 1/4 of the members in office are present. In case of a tie vote, the Chairman shall decide on the matter.

Article 16 (Duties of the Committee)

(1) The Chairman may conduct investigation required to confirm whether any Foreign Legal Consultant is in violation of any prohibitions or obligations under this Regulations. The Foreign Legal Consultant subject to such investigation shall cooperate in the investigation.

(2) In the event there are reasonable grounds to suspect that a Foreign Legal Consultant violates this Regulations, the Chairman may demand related parties such as the Foreign Legal Consultant, its employees, clients, and complainants, etc. to submit any and all materials (particulars of the advertisement, advertisement material, advertisement contract, documents substantiating payment of advertisement fees) that are required for investigation of facts and evidence related to an advertisement of Foreign Legal Consultant services and to provide explanations thereon.

(3) Upon a demand of the Chairman based on the suspicion of a Foreign Legal Consultant violating Article 4(1)(i) of this Regulations, the Foreign Legal Consultant shall prove that the contents of the advertisement conform to the true facts.

(4) The Chairman may request the President of the Association to demand local bar associations, relevant government authorities, or other related organizations to submit any necessary material.

(5) In the event the Chairman finds a violation of these Regulations by a Foreign Legal Consultant, the Chairman shall report to the President of the Association regarding such violation accompanied by a written opinion.

(6) The Chairman may appoint a responsible Committee member among the members of the Committee in order to review whether a Foreign Legal Consultant is in violation of this Regulation. In such case, the responsible Committee member may exercise the rights stated in Paragraphs 1 through 3 of this Article on behalf of the Chairman.

Article 17 (Application of Mutatis Mutandis)

With regards to the matters not addressed in this Regulations concerning operation of the Committee, Regulations on the Operation of Committees shall apply mutatis mutandis. Advertisements through the Internet shall comply with the Standards on Advertisement by the Internet, etc. of Lawyer Services.

Article 18 (Inquiries and Replies)

(1) Foreign Legal Consultants and interested parties may make written inquiries to the President of the Association in case they have questions with regards to the contents and methods, etc. of advertisement.

(2) Upon receiving an inquiry as referred to in Paragraph 1 above, the President of the Association shall seek an opinion of the Committee and provide such opinion to the inquirer.

ADDENDUM

This Regulation shall be effective upon its promulgation.

Disciplinary Regulations for Foreign Legal Consultant

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this regulation (hereinafter referred to as the "Regulation") is to provide for necessary matters regarding the establishment and operation, etc. of the Foreign Legal Consultant Disciplinary Committee of the Korean Bar Association and to set forth the scope of disclosure and methods to enforce disciplinary actions, pursuant to the Foreign Legal Consultant Act (hereinafter referred to as the "Act").

Article 2 (Composition of Foreign Legal Consultant Disciplinary Committee of the Korean Bar Association)

(1) The Foreign Legal Consultant Disciplinary Committee of the Korean Bar Association (hereinafter referred to as the "Disciplinary Committee") shall consist of two judges, two public prosecutors, two Foreign Legal Consultants, two attorneys-at-law, and one law school professor who is not an attorney-at-law. The Disciplinary Committee shall have reserve members in the same number as the members of the Disciplinary Committee.

(2) Members and reserve members who are judges shall be commissioned by the president of the Korean Bar Association (hereinafter referred to as the "Association President") upon recommendation of the Minister of the Court Administration. Members and reserve members who are either public prosecutors or Foreign Legal Consultants shall be commissioned by the Association President upon recommendation of the Minister of Justice. Members and reserve members who are either attorneys-at-law or non-lawyer law school professors shall be recommended and commissioned by the Association President.

(3) No person for whom ten years have yet to elapse since he/she acquired the qualification as an attorney-at-law shall become a member serving as a judge, a public prosecutor, or an attorney-at-law, or a reserve member.

(4) The chairperson of the Disciplinary Committee shall be elected from among the members.

(5) The term of office for the chairperson, members, and reserve members shall be two years, respectively. *Provided*, that the term of office for any chairperson, member, or reserve member elected to fill a vacancy shall be the remaining period of such predecessor's term of office.

(6) Any vacancy in the office of chairperson, member, or reserve member shall be promptly filled by commission or election, as applicable.

(7) If a member is unable to discharge his/her duties due to his/her vacancy, exclusion, challenge, or voluntary refusal, a reserve member shall perform such duties on his/her behalf. In the event of the foregoing, a reserve member who is either a judge, a public prosecutor, an attorney-at-law, a law school professor, or a Foreign Legal Consultant shall perform the duties of a member who is respectively a judge, a public prosecutor, an attorney-at-law, a law school professor, or a member commissioned for having the same qualification as the member who is Foreign Legal Consultant. The order in which reserve members who are judges, public prosecutors, attorneys-at-law, or Foreign Legal Consultants are selected to perform the duties on behalf of members shall be determined by the chairperson.

Article 3 (Exclusion, Challenge and Voluntary Refusal)

(1) The chairperson, members, and reserve members shall be excluded from participating in deliberation of disciplinary cases against themselves, their blood relatives within the eighth degree of relationship, their relatives by marriage who fall within the fourth degree of relationship, or their spouses.

(2) Any person against whom request has been made for commencement of disciplinary action (hereinafter referred to as the "Respondent") may file a motion to challenge the chairperson, members or reserve members if there is a concern that the impartiality of deliberation may be significantly impaired in relation to the chairperson, members or reserve members. The Disciplinary Committee shall decide on such a motion without delay.

(3) The chairperson, members, and reserve members may voluntarily refrain from deliberation if there exists any ground specified in paragraph 2. The Disciplinary Committee shall, without delay, decide on such motion to refrain.

Article 4 (Organization and Duties of Disciplinary Committee)

(1) The chairperson shall represent the Disciplinary Committee and supervise the Disciplinary Committee's affairs.

(2) When electing the chairperson, the Disciplinary Committee shall designate two members, ordered in the line of succession, to act on behalf of the chairperson in the event the chairperson is unable to perform his/her duties. If neither the chairperson nor the persons designated to act on behalf of the chairperson are able to perform the said duties, the Disciplinary Committee shall designate, by resolution, a person to perform the chairperson's duties.

(3) The Disciplinary Committee shall have one facilitator and one or more researchers and secretaries.

(4) The facilitator shall be elected from among the members. The researchers shall be appointed from among the members by the chairperson. The secretaries shall be appointed from among the secretariat staff by the Association President.

(5) The facilitator shall, upon the chairperson's order, participate in the Disciplinary Committee's deliberation and keep minutes, among others, of deliberation. The researchers shall, upon the chairperson's order, conduct investigations necessary for cases under deliberation by the Disciplinary Committee. The secretaries shall, upon the chairperson's order, prepare documents regarding case deliberation, serve and deliver documents, and handle other secretarial duties.

Article 5 (Appointment of Chief Disciplinary Member)

(1) The chairperson may, if necessary, nominate a chief disciplinary member to be in charge of deliberating a disciplinary case.

(2) The chief disciplinary member shall set a date for deliberation of a disciplinary case, deliberate the allegations, and submit a report of such deliberation to the Disciplinary Committee.

(3) The chief disciplinary member may exercise the chairperson's authority with respect to deliberation of a case to which the chief disciplinary member has been assigned.

(4) The provisions of Article 25 shall apply mutatis mutandis to deliberation by the chief disciplinary member.

Article 6 (Convocation of the Disciplinary Committee)

(1) The Disciplinary Committee shall be convened by the chairperson.

(2) The chairperson shall convene the Disciplinary Committee if either the Association President or at least two members request for convocation of the Disciplinary Committee.

Article 7 (Expenses)

The Disciplinary Committee may charge the recipient of a disciplinary decision all or some of the expenses incurred for deliberation.

Article 8 (Allowances)

The Korean Bar Association may provide allowances, to the extent permitted by budget limitations, to the chairperson, members, and reserve members who participated in deliberation.

CHAPTER II GROUNDS AND REQUESTS FOR DISCIPLINARY ACTIONS

Article 9 (Category of and Grounds for Disciplinary Actions)

(1) The types of disciplinary actions against Foreign Legal Consultants are as follows:

1. Revocation of qualification approval;
2. Revocation of registration;
3. Suspension of practice for no longer than three years;

4. Fines for negligence of not more than 30 million won; and

5. Censure.

(2) The grounds for a disciplinary action falling under subparagraph 1 of Article 9(1) are as follows:

1. Where a person has been subject to a disciplinary action taken to revoke his/her registration in accordance with Article 13(2)2 of the Act or subparagraph 2 of paragraph (1) above, and is therefore deemed substantially unfit for him/her to continue to perform duties as a Foreign Legal Consultant;

2. Where a person has caused the grounds for disciplinary action referred to in paragraph (3) after having been subject to disciplinary action taken to suspend his/her practice at least twice in accordance with subparagraph 3 of paragraph (1) above, and is therefore deemed substantially unfit to continue to perform duties as a Foreign Legal Consultant.

(3) The grounds for a disciplinary action falling under subparagraphs 2 through 5 of paragraph (1) above shall be as follows:

1. Where a Foreign Legal Consultant violates the Foreign Legal Consultant Act;

2. Where a Foreign Legal Consultant violates the code of ethics adopted by the Korean Bar Association;

3. Where a Foreign Legal Consultant commits an act damaging his/her dignity as a Foreign Legal Consultant, regardless of whether such act is committed on or off duty.

Article 10 (Request for Commencement of Disciplinary Action)

When a Foreign Legal Consultant is deemed to fall under the grounds for disciplinary action in accordance with Article 9(2) or Article 9(3), the Association President shall request the Disciplinary Committee of the Ministry of Justice and the Disciplinary Committee of the Korean Bar Association, respectively, to commence disciplinary action against the Foreign Legal Consultant. *Provided*, that such request shall not be made after the lapse of three years from the date on which the grounds for such disciplinary action occurred.

Article 11 (Application by Client for Request for Commencement of Disciplinary Action)

When a Foreign Legal Consultant is deemed to be subject to disciplinary action in accordance with Article 10, a client or his/her legal representative, spouse, lineal relatives, and siblings (hereinafter referred to as "Client") may, with such grounds attached, file an application with the Association President to request commencement of a disciplinary action against the Foreign Legal Consultant in question.

Article 12 (Decision of the Association President)

(1) Upon receiving an application for request to commence a disciplinary action under the provisions of Article 11, the Association President shall, without delay, investigate the allegations and decide whether to make a request for commencement of a disciplinary action.

(2) Where the Association President does not make a request to commence disciplinary action upon the application referred to in Article 11, he/she shall give a written notice to the applicant stating the reason.

Article 13 (Raising of Objection)

(1) If the Association President turns down the application for request to commence the disciplinary action or is yet to determine whether to request to commence the disciplinary action after the lapse of 3 months from the date on which the application for request to commence the disciplinary action is received, the relevant applicant may raise an objection to the Disciplinary Committee. In this case, such objection shall be filed within 14 days from the date on which the notification provided for in the provisions of Article 12(2) is received or from the date on which 3 months have lapsed from the date on which the application for commencing the disciplinary action is filed.

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

(3) The Disciplinary Committee shall, when it makes the decision referred to in the provisions of paragraph (2), notify without delay the person who raises the objection of the result and the reason thereof.

Article 14 (Process to Request for Commencement of Disciplinary Action)

(1) When requesting the commencement of a disciplinary action, the Association President shall submit to the Disciplinary Committee a request form stating, among other things, the personal information of and allegations against the Respondent together with 10 copies thereof, and an application form for request for commencement of disciplinary action by the Client or a chief prosecutor of the District Prosecutors' Office.

(2) When the Association President requests the commencement of a disciplinary action, he/she shall inform the Respondent thereof.

(3) If the Association President has made a decision on whether to request the commencement of a disciplinary action against a Foreign Legal Consultant for allegations notified by a governmental agency, the Association President shall immediately notify the said governmental agency of the decision.

(4) No request for the commencement of a disciplinary action may be filed after the lapse of three years from the date on which the grounds for such disciplinary action occurred.

CHAPTER III DELIBERATION PROCESS OF THE DISCIPLINARY COMMITTEE

Article 15 (Notification of the Commencement of Disciplinary Action)

(1) If a request has been made for the commencement of a disciplinary action or the process for disciplinary action has been initiated in accordance with Article 14(1), the Disciplinary Committee shall immediately serve the Respondent with a notice of the commencement of disciplinary action and a copy of request for the commencement of disciplinary action.

(2) It shall be specified in the notice of the commencement of disciplinary action that the Respondent may appear before the Disciplinary Committee on the deliberation date to express his/her position, submit evidentiary materials, engage a special counsel, and request for public disclosure of the deliberation date.

Article 16 (Period for Making Decision for Disciplinary Action)

The Disciplinary Committee shall make a final decision within six months from the date on which it received a request to commence a disciplinary action or it commenced the process for disciplinary action in accordance with Article 14(1). *Provided*, that when unavoidable circumstances exist, the Disciplinary Committee may extend the period within the limit of six months.

Article 17 (Suspension of Deliberation)

If there is public prosecution initiated against the Respondent for allegations for which a request for commencement of disciplinary action has been filed, the Disciplinary Committee shall suspend the deliberation process until the case at issue is finalized. *Provided*, that the Disciplinary Committee may proceed with the deliberation process if there exists clear evidence supporting the grounds for disciplinary action or if a criminal proceeding against the Respondent is dismissed or suspended due to his/her mental incompetence or illness, among others.

Article 18 (Notification of Deliberation Date)

(1) The Disciplinary Committee shall inform the Respondent of the time, date, and place of the deliberation for disciplinary action. *Provided*, that the Disciplinary Committee may announce such information to the Respondent who appeared before the Disciplinary Committee on the deliberation date.

(2) If the request for commencement of disciplinary action has been filed upon an applicant's petition, the Disciplinary Committee shall also notify the said applicant of the information under paragraph 1 above.

(3) The notice of the first deliberation date shall be served at least seven days before the deliberation date.

Article 19 (Non-disclosure of Deliberation Date)

(1) The date of deliberation shall not be publicly disclosed. *Provided*, that the Disciplinary Committee may permit any person it deems appropriate to attend the deliberation.

(2) The date of deliberation shall be publicly disclosed upon the request of the Respondent.

Article 20 (Consolidation or Separation of Case)

The Disciplinary Committee may, if necessary, consolidate or separate deliberation of several disciplinary cases after obtaining the Respondent's opinion.

Article 21 (Respondent's Obligation to Attend)

(1) The Respondent shall appear on the deliberation date.

(2) The Disciplinary Committee may proceed with and complete the deliberation process even if the Respondent or the Respondent's special counsel fails to appear on the deliberation date.

Article 22 (Special Counsel)

(1) The Respondent may appoint an attorney-at-law, a Foreign Legal Consultant, or a person with knowledge and experience as his/her special counsel to make supplementary statements and submit evidence about the case at issue.

(2) A special counsel may independently perform the acts under this Regulation for the Respondent.

Article 23 (Statement and Submission of Evidentiary Materials by Respondent and Others)

(1) The Respondent may make oral or written statements, submit evidentiary documents or objects, and express his/her opinion regarding disciplinary action when he/she appears on the deliberation date. *Provided*, that the Respondent shall submit such materials within a certain period specified, if any, by the Disciplinary Committee.

(2) The Respondent may submit evidentiary instruments, including witness examinations and verifications.

(3) The Association President may state his/her opinion on disciplinary cases, orally or in writing, directly or through a representative.

(4) With respect to any case for which the disciplinary process has commenced upon an applicant's petition, the applicant may state his/ her opinion in the manner specified in paragraph 3 above.

Article 24 (Deliberation Method of Disciplinary Committee)

(1) The Disciplinary Committee may, *suasponete* or upon request by the Respondent, examine the Respondent and require any witness to state or verify the facts involved. The Respondent shall comply unless she/he has reasonable cause not to do so.

(2) The Disciplinary Committee may, *suasponete* or upon request, conduct an inspection on necessary articles or places and require its submission from the holder of such articles, including documents. Any person required to submit such documents and the like shall comply unless he/she has reasonable cause not to do so.

(3) The Disciplinary Committee may, *suas sponte* summon a person in charge of investigating the allegation sat issue to obtain his/her opinion.

(4) The Disciplinary Committee may conduct a factual inquiry into governmental agencies, among others, if necessary.

(5) The chairperson of the Disciplinary Committee shall provide the attending Respondent and his/her special counsel with an opportunity to make a final statement.

Article 25 (Access to Documents)

The Respondent may view or copy the deliberation records and evidentiary materials. *Provided*, that the Respondent shall do so at a time, date, and place specified by the chairperson.

Article 26 (Deliberation Date Report)

(1) A report of the deliberation shall be prepared on the day of deliberation. The deliberation report shall have affixed the seals or signatures of the chairperson and the facilitator.

(2) The deliberation report shall indicate the time, date, and place of deliberation; the names of attending members; whether the deliberation was publicly disclosed; and the development and details of the deliberation.

(3) Paragraphs (1) and (2) shall apply *mutatis mutandis* to deliberation reports by the chief disciplinary member.

Article 27 (Service of Documents)

(1) Documents shall be served by postal mail or facsimile.

(2) Documents may be served by public notification if the recipient's whereabouts are unknown or the documents cannot be served.

(3) Service by public notification shall have been made when the Korean Bar Association retains the document at issue and publicly announces it through periodicals published by the Korean Bar Association or newspapers. In this event, the document shall be deemed to have been served after the lapse of 14 days since the distribution of periodicals or newspapers through which such public announcement was made.

Article 28 (Confidentiality)

The chairperson, members, reserve members, facilitator, and secretaries, shall maintain strict confidentiality of any confidential information that they become aware of regarding the Disciplinary Committee's deliberation or decisions.

Article 29 (Decision)

(1) Upon completing deliberation of a disciplinary case, the Disciplinary Committee shall, without delay, decide on the case.

(2) Decisions by the Discipline Committee on disciplinary action shall be made with the affirmative vote of the majority of the existing members. *Provided*, that if no opinion receives a majority vote, the votes for the opinion least favorable to the Respondent shall be added to the votes for the opinion second least favorable and so on until a majority vote is reached. Among those opinions for which votes have been added, the opinion most favorable to the Respondent shall be deemed the consensus.

Article 30 (Preparation of Statement of Disciplinary Committee's Decision)

(1) Upon making a decision on a disciplinary action, the Disciplinary Committee shall prepare a statement of decision of disciplinary action, which shall indicate the following information and have affixed the respective seals or signatures of the chairperson, members present, and the facilitator:

1. Case number;
2. Name of the Respondent, registration number, name of the Respondent's office, and the name of the Respondent's special counsel;
3. Ruling;
4. Grounds; and
5. Date of resolution.

(2) In addition to the information specified in the paragraph above, the statement of decision on disciplinary action may include the separate opinion of each member.

Article 31 (Notification of Decision)

(1) Upon making a decision on a disciplinary action, the Disciplinary Committee shall, without delay, inform the Association President of the Disciplinary Committee's decision and grounds thereof.

(2) The Disciplinary Committee shall, without delay, serve the statement of decision to the Respondent.

(3) If the disciplinary process was commenced upon request triggered by petition of an applicant who filed for commencement of disciplinary action, the Disciplinary Committee shall inform the applicant of its decision on disciplinary action.

Article 32 (Raising of Objection)

(1) Any Respondent or applicant who filed for commencement of disciplinary action and who objects to the Disciplinary Committee's decision may file an objection with the Disciplinary Committee of the Ministry of Justice through the Korean Bar Association within 30 days from the date on which service or notification under Article 31 was made.

(2) The Respondent may view and copy the record of deliberation and evidence.

Article 33 (Entry into Effect of a Decision of Disciplinary Action)

A decision of disciplinary action shall become effective upon the expiry of the objection filing period or when a decision on the objection filed with the Disciplinary Committee of the Ministry of Justice is issued.

Article 34 (Mutatis Mutandis Application of Other Laws)

The provisions of the Criminal Procedure Code and the Act on Expenses of Criminal Litigation shall apply mutatis mutandis to service of documents, designation or modification of deliberation dates, and oath by and compensation for witnesses and appraisers.

CHAPTER IV ENFORCEMENT AND PUBLIC ANNOUNCEMENT OF DISCIPLINARY ACTION

Article 35 (Enforcement of Disciplinary Action)

(1) Immediately after the decision of disciplinary actions become effective, the Association President shall enforce the disciplinary action as follows:

1. With respect to revocation of registration, contents of the decision of disciplinary action in question shall be specified in the Respondent's Foreign Legal Consultant Register, which shall be cancelled;
2. With respect to suspension of practice, with a description of the commencement date and number of days of suspension, decision of the disciplinary action in question shall be specified in the Respondent's Foreign Legal Consultant Register;
3. With respect to fines for negligence, a description of decision of the disciplinary action shall be specified in the Respondent's Foreign Legal Consultant Register and the Association President shall request a public prosecutor to impose the fines; and
4. With respect to censures, the Association President shall serve the Respondent with a letter cautioning the Respondent and specifying the decision of disciplinary action in question in the Respondent's Foreign Legal Consultant Register.

(2) Matters necessary for enforcement of registration revocation and suspension shall be prescribed by another regulation.

Article 36 (Reporting and Notification)

(1) The Association President shall report the result of disciplinary action to the Minister of Justice.

(2) The Association President shall notify the Respondent in writing of the enforcement of disciplinary action.

Article 37 (Publication and Public Announcement)

(1) The Association President shall publish any disciplinary action taken in a periodical published by the Korean Bar Association or a newspaper.

(2) The Association President may publicly announce any disciplinary action taken in relation to a Foreign Legal Consultant or the ruling of decision of disciplinary action and grounds thereof.

Article 38 (Designation of the Method of Publication, Etc.)

The Association President may, upon review by the board of executive directors, designate the method and period for publishing disciplinary actions. *Provided*, that the period for such publication shall commence no later than one month after the date on which such relevant disciplinary action was ordered.

CHAPTER V PROVISION OF INFORMATION ON DISCIPLINARY ACTION

Article 39 (Request for Provision of Information)

Any person who has referred a case to or consulted with a disciplined Foreign Legal Consultant, or has any other reasonable cause, may request for information on the disciplinary action taken against such Foreign Legal Consultant (hereinafter referred to as "Information").

Article 40 (Application Method)

(1) Any person requesting Information (hereinafter referred to as the "Information Applicant") shall submit a written application specifying his/her purpose to the Korean Bar Association in person or by postal mail, facsimile or online communication.

(2) If two or more persons jointly request for Information, one of them shall be designated as their representative.

(3) If any content of an application under paragraph 1 above is unclear, the Korean Bar Association may, without delay, require amendment or supplementation of the application.

Article 41 (Processing of Application)

(1) When a justifiable request to provide Information has been filed in accordance with this Regulation, the Korean Bar Association shall, without delay, provide the documents confirming a disciplinary action taken against the relevant Foreign Legal Consultant. Provided, that this shall not apply to any of the following disciplinary actions:

1. A fine for negligence of less than 1 million won or censure; or
2. A disciplinary action for which the period for provision of the Information under Article 44 has lapsed.

Article 42 (Methods for Providing Information)

The Information shall be received, at the option of the Information Applicant, in person from the Korean Bar Association or by postal mail, facsimile, or online electronic mail.

Article 43 (Caution)

(1) When providing the Information under this Regulation, the Korean Bar Association shall take caution not to infringe upon the reputation of a third party other than the Foreign Legal Consultant involved.

(2) No Information Applicant who has received the Information under this Regulation may disclose such information to a third party or use the Information for any purpose other than the purpose for which application was filed.

Article 44 (Period for Provision of Information)

The Information may be provided within-

1. 10 years from the date on which revocation of registration was confirmed;
2. 5 years from the date of expiration of suspension; or
3. 2 years from the date on which a fine for negligence has been confirmed.

Article 45 (Access to One's Own Information, Etc.)

(1) A Foreign Legal Consultant may at any time file a request to view or copy his/her records of disciplinary actions and apply for a letter confirming the existence of any disciplinary actions against him/her.

(2) If any record under paragraph 1 above is inconsistent with the facts, the concerned Foreign Legal Consultant may request for correction of the record.

(3) If a request under paragraph 2 above has been made, the Association President shall decide whether to make the requested correction within 30 days from the date of receiving the application.

(4) Until the decision under paragraph 3 above is made, public disclosure of any disciplinary action taken against the concerned Foreign Legal Consultant is not permitted.

Article 46 (Expenses, Etc.)

(1) The Korean Bar Association may charge all expenses incurred to provide the Information to the Information Applicant.

(2) The amount of expenses under paragraph 1 above shall be determined by the Association President after review by the board of executive directors.

ADDENDUM

This Regulation shall enter into force on the day of its promulgation.