

MANAGEMENT OF LAWYER AND LEGAL PRACTICE: FROM LAW TO PRACTICE

GESTÃO DO ADVOGADO E DA PRÁTICA: DA LEI À PRÁTICA

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se desenvolvem rapidamente. O número de advogados aumentou significativamente e tende a crescer, e a qualidade das atividades também está melhorando gradativamente. No entanto, muitas questões ainda precisam ser consideradas mais profundamente na prática da reforma judicial em geral e nas questões legais dos advogados e da advocacia em particular. Este estudo tem como objetivo estudar o estado atual e a prática jurídica da gestão de advogados e da advocacia; vantagens, dificuldades e obstáculos; a partir daí, propor soluções para melhorar a legislação na gestão e prática jurídica do advogado no futuro.

Palavras-chave: Advogado. Prática jurídica. Gestão. Direito. Prática.

Abstract: In Vietnam, in recent years, the results achieved in the fields of economic development, judicial reform, and international integration have had a positive impact on the development of the legal profession, creating favorable conditions for the organization, operation, and practice of law to mature and develop rapidly. The number of lawyers has increased significantly and tends to grow, and the quality of activities is also gradually improved. However, many issues still need to be considered more thoroughly in the practice of judicial reform in general and the legal issues of lawyers and law practice in particular. This study aims to study the current state and legal practice of lawyer management and law practice; advantages, difficulties, and obstacles; from there, propose solutions to improve the law on lawyer management and law practice in the future.

Keywords: Lawyer. Legal Practice. Management. Law. Practice.

Resumo: No Vietnã, nos últimos anos, os resultados alcançados nas áreas de desenvolvimento econômico, reforma judicial e integração internacional tiveram um impacto positivo no desenvolvimento da profissão jurídica, criando condições favoráveis para a organização, funcionamento e exercício da advocacia para amadurecer e

1. Introduction

In the current rule of law states, the right to advocate and to have legitimate rights and interests protected is one of the basic rights of citizens; that right is often expressed right in the Constitution and concretized in legal documents that: citizens can defend and defend their legitimate rights and interests or ask others to defend and protect their rights their legitimate interests before the Court. From asking others to support, lawyers and the legal profession appear to meet the needs of being defended and protecting the legitimate rights and interests of citizens.

The legal profession in Vietnam is first of all a legal profession in which lawyers, with their legal knowledge, independently perform activities within the scope of their practice by the law and regulations on professional responsibilities. industry, to serve justice, contribute to the protection of the rule of law, and build the rule of law in Vietnam.

According to many researchers, the legal profession is not like other ordinary professions because, in addition to the requirements of knowledge and professional qualifications, the law practice must also comply with professional ethics regulations (TUAN, 2002 & 2014). This creates a unique feature of the legal profession and this characteristic has a profound impact on the practice skills, especially the litigation skills of lawyers (TUAN, 2016).

From the nature and characteristics of the legal profession, we see that it is not easy to do this profession normally. In developed countries, the legal profession is highly valued in society (CONG, 2020). Persons who are allowed to practice law must undergo many training programs and must possess many important qualities such as intelligence, innocence, honesty, and courage (THAO, 2016). Lawyers must know how to use law, social ethics, fair living, and objective truth as the basis for professional activities to be trusted and respected.

Currently, in developed countries, the legal profession is more and more respected, and indeed the legal profession, by its nature and specific requirements of the profession, is always one of the most popular professions. In the United States, many presidents are lawyers, and many of the country's politicians have been lawyers before entering politics. Regarding income, the legal profession is always the leading income profession in developed countries such as the US and Europe. According to statistics in 2009 by Fortune Magazine, among the 10 highest paying corporations globally, law firms accounted for 6, including Baker Donelson, Bingham McCutchen, Alston & Bird, Perkins Coie, Arnold & Porter, and Orrick, Herrington & Sutcliffe.

In particular, Baker Donelson ranks number one globally in terms of the highest pay for its employees.

Thus, it is no coincidence that the legal profession is indeed always respected in many countries around the world. Because of that, through professional practice with its own characteristics, with the necessary qualities and factors to ensure a high level of professional practice, it is not easy for anyone to pursue this profession in a professional way.

2. Literature Review

Concept of lawyer

The two terms “jurist” and “lawyer” are still understood differently in Vietnam today and there is still confusion. The cause of this phenomenon on the one hand is that the legal system in general and the judicial profession in Vietnam in particular have not been developed; On the other hand, this phenomenon is also partly due to the inaccurate and inconsistent translation of relevant terms in foreign languages.

According to the interpretation of many dictionaries and by studying the practice of some countries, it can be understood as follows: (i) Jurist is a jurist, a person with legal knowledge, a legal expert. It can be understood that all those who graduated from law university (bachelor of law or higher); or applied in our country can include people who do not have a bachelor’s degree in law but have legal knowledge and are operating in the fields of law and justice. Membership in the Vietnam Bar Association is understood in this sense. (ii) Barrister is a defense lawyer in court, solicitor is a consulting lawyer trained in practice skills, and joined the Bar Association, thereby being trained as a professional lawyer in the field of litigation. litigation and consulting or one of these two areas.

According to Article 2 of the Law on Lawyers (2006), amended and supplemented in 2012: A lawyer is a person who fully meets the standards and conditions for practice as prescribed in this Law, performs legal services at the request of individuals, agencies, organizations (hereinafter collectively referred to as customers). Among the standards of lawyers, the standard of having good health to ensure the practice of a lawyer is a unique feature compared to other judicial titles. Practice shows that many people only become lawyers after retirement, and their health conditions are not guaranteed, which has significantly affected the quality of law practice. However, because the law has not specified specific health standards for lawyers, state agencies and Bar Associations face difficulties in considering granting a law

practice certificate and allowing them to join the Bar. In order to certify that a person is in good health to practice law, the relevant dossier must have a health certificate.

A qualified lawyer who wants to practice law must meet two conditions to practice law, namely: to be granted a law practice certificate by the Ministry of Justice and to join a bar association of his/her own (HANH, 2002; HOAI, 2003) Conditions for being granted a law practice certificate are professional requirements (having a bachelor's degree in law, having graduated from a vocational training course, having completed the law practice probationary period, and passing the test results) (LONG, 2019). This is a necessary condition for a person who wants to practice law. The condition for joining a Bar Association is a professional requirement, reflecting the specific nature of the legal profession compared to other occupations in society. Joining a Bar Association is a sufficient condition to practice law.

In this regard, it is worth noting that according to the Law on Lawyers (2012), a lawyer must practice law (practicing lawyer), not use the name of a lawyer to perform work that is not within the scope of the law. The law on lawyers in our country does not recognize lawyers who do not practice like in some other countries.

From the above analysis, we can give the concept of a lawyer as follows: "A lawyer is an independent judicial title, only those who are qualified to practice professionally in accordance with the law in order to provide legal advice, authorized representation, protect the legitimate rights and interests of individuals, organizations and the state in front of procedure-conducting agencies and provide other legal services".

Social functions of lawyers include: Professional activities of lawyers contribute to protecting justice, freedoms, and democratic rights of citizens, legal rights and interests of individuals, agencies, and organizations, socio-economic development, building a socialist Vietnam ruled by law, and a democratic, fair, and civilized society.

From the concept of lawyer presented and analyzed above, it can be seen that, compared with other judicial titles, the legal profession has the following characteristics: (i) Lawyers are responsible for protecting social legislation. socialist; (ii) Lawyer is a freelance profession; (iii) Lawyer is a noble profession; (iv) The legal profession is independent; (v) A lawyer is a person who fully meets the conditions on subject capacity, legal knowledge, and practice skills recognized by a competent state agency; (vi) When performing their professional activities, Lawyers must respect the law and professional ethics; (vii) Lawyer is a title that cannot be concurrently held; (viii) Independent and self-responsible lawyer in practice.

Law practice

In Vietnam, the phrases “law profession” and “law practice” have been used for a long time. Actually, that’s not entirely linguistically correct. Because “lawyer” is a noun that refers to a person, not a profession. Therefore, people use Barrister / Solicitor (lawyer) and Practice law (practice law) in English. However, the use of the phrases “lawyer profession” and “law practice” is still consistent with the practice of our country.

So what is “practice as a lawyer”? That is the lawyer’s participation in legal proceedings, providing legal advice and other legal services at the request of individuals and organizations in order to protect their legitimate rights and interests in accordance with the law. the law. According to the practice of countries in the world, as well as according to the provisions of Vietnam law, the content of the legal profession (Article 22 of the Law on Lawyers) includes (i) Participating in legal proceedings as a guarantor. to treat the person in custody, the accused, the defendant or the defender of the interests of the victim, the civil plaintiff, the civil defendant, the person with related interests and obligations in the criminal case. (ii) Participating in legal proceedings as representatives or defenders of legitimate rights and interests of plaintiffs, defendants, and persons with related interests and obligations in civil dispute cases, marriage and family, business, commerce, labor, administration, civil claims, marriage and family, business, commerce, labor, and other affairs as prescribed by law. (iii) Provide legal advice. (vi) Out-of-court representation for clients to perform law-related work. (v) To perform other legal services in accordance with this Law.

Lawyers who are allowed to practice freely and freely choose a form of practice to practice in a law-practicing organization, which is accomplished by establishing or participating in the establishment of a law-practicing organization and working under a contract. contract for an organization to practice law or to practice as an individual. Lawyers practice in accordance with the law.

Conditions for a person to become a lawyer must satisfy two conditions specified in the Law on Lawyers. Those who are not eligible to practice law but participate in social relations with the title of Lawyer in any form will be considered to practice law illegally and will be strictly handled according to regulations under the law.

Legal Framework

Lawyer management and legal practice are governed by the Law on Lawyers No. 65/2006/QH11 dated June 29, 2006, as amended and supplemented by the Law amending and

supplementing a number of articles of the Law on Lawyers No. 20/2012/QH13 dated November 20, 2012. After the Law amending and supplementing several articles of the Law on Lawyers was passed by the National Assembly After the Law on Lawyers took effect, competent state agencies promptly promulgated legal documents guiding the Law on Lawyers, specifically:

Decree No. 28/2007/ND-CP dated February 26, 2007, of the Government detailing and guiding the implementation of many articles of the Law on Lawyers, as amended by Decree No. 123/2013/ND-CP dated October 14, 2013, and Decree No. 137/2018/ND-CP dated October 8, 2018, of the Government (Consolidation document 4529/VBHN-BTP in 2018 consolidating the Decree guiding the Law on Lawyers). Based on the provisions of the Law on Lawyers, the Government's Decrees detail and guide the uniform implementation of many articles and clauses on the standards of lawyers, law-training institutions, law-practicing organizations, remuneration for lawyers, establishment and dissolution of Bar Associations, management of lawyer and legal practice;

Decree No. 131/2008/ND-CP dated December 31, 2008, of the Government is amended and supplemented by Decree No. 123/2013/ND-CP dated October 14, 2013, and Decree No. 137/2018/ Decree-CP dated October 8, 2018, of the Government guiding the implementation of the provisions of the Law on Lawyers on the socio-professional organization of lawyers (Consolidated document 4529/VBHN-BTP in 2018 consolidating Decree No. Guide to Lawyers Law). Government decrees are a step to concretize the Law on Lawyers on the organization and operation of the Bar Association, the Vietnam Bar Federation, and the state management of lawyers and legal practice in general. For the organization and operation of the Bar Association, the Bar Federation in particular, Decree No. 137/2018/ND-CP dated October 8, 2018, and Circular No. 02/2007/TT-BTP are replaced by Circular No. 05/2021/TT-BTP dated June 24, 2021, of the Minister of Justice, which stipulates, and at the same time, further promotes the self-governing regime of the socio-professional organizations of lawyer's responsibility of the lawyer organization towards its members. Based on relevant provisions of the Law on Lawyers and the Law on Associations, the Decree details and guides the implementation of issues on functions, tasks, powers, legal status, members of the Law Society. establishment, dissolution, congress, approval of the charter, relief from duty and dismissal of the titles of the Bar Association, the Bar Federation, state management of the Bar Association and the Bar Federation to solve the difficulties and problems arise in practice.

Decree No. 60/2009/ND-CP dated July 23, 2009, of the Government on sanctioning administrative violations in the Law on Lawyers field, in which specific provisions on

administrative violations and sanctioning forms in the practice of law. The Decree replaces the Government's Decree No. 82/2020/ND-CP dated July 15, 2020, on sanctioning administrative violations in Law on Lawyers' assistance, Law on Lawyer's administration, marriage and family, civil judgment enforcement, and the bankruptcy of enterprises and cooperatives.

In addition, the Ministry of Justice also issued many circulars, such as Circular No. 02/2007/TT-BTP dated April 25, 2007, which was replaced by Circular No. 05/2021/TT-BTP dated June 24 in 2021 by the Minister of Justice guiding many provisions of the Law on Lawyers; Joint Circular No. 66/2007/TTLT-BTC-BTP dated June 19, 2007, was replaced by Joint Circular No. 191/2014/TTLT-BTC-BTP dated December 12, 2014, guiding and paying expenses and fees for lawyers in case lawyers participate in the proceedings at the request of the procedure-conducting agency.

3. Results and Discussion

The legal status of the legal profession

The legal profession is not like other normal professions because, in addition to the requirements for knowledge and professional qualifications, the requirements for law practice must also comply with professional ethics regulations. This is a unique feature that has a profound impact on the practice skills, especially the litigation skills of lawyers.

According to the provisions of Article 2 of the Law on Lawyers (2012): "A lawyer is a person who fully meets the standards and conditions for practice under this Law and performs legal services at the request of individuals, agencies, the organization". Criteria and conditions to become a lawyer are specified in Article 10, Article 11 of the Law on Lawyers "Vietnam citizens are loyal to the Fatherland, comply with the Constitution and law, have good moral qualities, have an If you have a bachelor's degree in law, have been trained in the law profession, have passed the time of practicing law practice, have good health to practice law, you can become a lawyer." Article 10 of this Law in order to practice law, one must obtain a law practice certificate and join a bar association.

Accordingly, a lawyer is an independent judicial title who is fully qualified to practice professionally in accordance with the law in order to provide legal advice, and authorized representation, and protect the rights and interests of lawyers. legitimate interests for individuals, organizations, and the State before the courts and perform other legal services (HANH, 2002; HOAI, 2003). For professional practice, lawyers have the right to participate in legal proceedings

as defense counsels for persons held in custody, accused or defendants or as defenders of interests of victims, civil plaintiffs, civil defendants, persons with related interests and obligations in criminal cases (CONG, 2020).

Lawyers also have the right to act as representatives outside the proceedings (THAO, 2002 & 2005; LONG, 2019). Lawyers represent clients to solve problems related to the issues they have received according to the scope and content stated in the legal service contract or as assigned by the agency or organization where attorneys practice as individuals working under an employment contract (UOC & HIEP, 2020). When representing clients, lawyers have rights and obligations in accordance with relevant laws.

Regarding the form of practice, a lawyer can choose one of the following two forms of practice (NATIONAL ASSEMBLY, 2006 & 2012): (I) Practicing in a law-practicing organization is done by establishing or participating in the practice. join the establishment of a law-practicing organization; working under a labor contract for a law-practicing organization. (II) Practicing as an individual as prescribed in Article 49 of this Law” (Article 23).

According to the provisions of Clause 1, Article 32 of the Law on Lawyers, the form of organization of law practice includes a lawyer’s office; law firm (NATIONAL ASSEMBLY, 2012).

In particular, a law office established by a lawyer is organized and operates in the form of a private enterprise. The lawyer who establishes the law office is the chief of the office and is responsible for all his assets for all the obligations of the office. For law firms, including law partnerships and limited liability law firms. A member of a law firm must be an attorney. A partnership law firm is established by at least two lawyers and has no capital contributors. A limited liability law firm includes a limited liability law firm with two or more members and a limited liability law firm with one member.

Article 49 of the Law on Lawyers also provides for lawyers who practice as individuals. Accordingly, “A lawyer practicing as an individual is a lawyer working under an employment contract for an agency or organization that is not a law-practicing organization” (NATIONAL ASSEMBLY, 2012). Lawyers who practice as individuals may not provide legal services to individuals, agencies, or organizations other than the agency or organization they have signed a labor contract with unless requested by a state agency. to request or participate in proceedings in a criminal case at the request of the procedure-conducting agency and to provide legal aid as assigned by the Bar Association of which the lawyer is a member.

Legally, the law of Vietnam has relatively fully regulated the legal profession and law practice. These regulations are consistent with international law, and at the same time create a legal corridor for the legal profession in Vietnam to develop and integrate internationally.

The Reality of law practice in Vietnam

It can be seen that after the 2001 Ordinance on Lawyers, and especially after the Law on Lawyers was promulgated, the law practice in Vietnam has made remarkable changes. According to the provisions of the Ordinance on Lawyers, the legal services of lawyers include participating in legal proceedings, providing legal advice, and other legal services (CONG, 2020). The Law on Lawyers has broadened the scope of law practice with the provision that lawyers are represented outside of the proceedings for clients. It can be said that on the basis of increasingly open regulations of the law plus the efforts of lawyers, the legal services of lawyers have increased significantly in quantity and improved a step in quality.

In recent years, lawyers have participated in solving hundreds of thousands of cases. The role of lawyers in the process of participating in the proceedings has progressed qualitatively. Stemming from the fact that procedural law is gradually being improved, prosecuting agencies have paid more attention to creating favorable conditions for lawyers to participate in the defense, protecting the legitimate rights and interests of the lawyers, the accused, defendants, and litigants (DEPARTMENT OF LEGAL AID – MINISTRY OF JUSTICE, 2021). The opinion of the lawyer at the court session has been paid attention to and respected by the prosecutor's office. The participation of lawyers in the proceedings not only better ensures the defense rights of the accused, defendants, and other litigants, but also helps procedure-conducting agencies to detect and correct shortcomings and make clear the objective truth, judge the right person, the right crime, and the law.

Especially in the context of the rapidly increasing demand for legal advice in society, lawyers have expanded and developed consulting in the fields of business, investment, and commerce. In the field of civil law, consulting on land, marriage, and family is the most popular and exciting field of consulting (TUAN, 2016; CONG, 2020). With the conditions of international economic integration and globalization, lawyers operating in the field of legal advice are playing an important role in helping businesses negotiate, sign contracts, and resolve legal issues. Disputes arise especially in new fields such as foreign investment, intellectual property, goods trade relations with foreign elements, etc.

In addition, the lawyers have also actively participated in legal aid activities for the poor and policy beneficiaries. Participating in this activity not only fulfills the obligation of lawyers to

society but also contributes to creating fairness for legal aid beneficiaries. In recent years, lawyers have participated in legal aid for tens of thousands of cases, making a significant contribution to protecting the legitimate rights and interests of the poor and policy beneficiaries. It can be said that, despite the limitations, the lawyer's activities over the past time have met an important part of the legal help needs of citizens and organizations, making a significant contribution to the protection of rights. legitimate interests of the accused, defendants, and other litigants.

Advantages and disadvantages

The advantages:

Firstly, the development of the team of lawyers not only speaks to the increasing demand for legal services with socio-economic development but also shows the ability to meet the professional skills of the legal profession. team of lawyers for the increasingly complex needs of clients. If in the past, business problems could only be solved in foreign law offices, now domestic lawyers are fully capable of doing these problems. Especially when Vietnam joins the WTO, along with the increasing volume of domestic and international trade, the ability of domestic lawyers to meet the needs of corporate legal services has become increasingly important. so urgent. Therefore, the maturity of the force and qualifications of the team of domestic lawyers not only contribute to helping Vietnam businesses but also creates more convenience in the selection of human resources for enterprises' domestic legal business.

Secondly, Vietnam has issued many documents related to the legal practice process, which can be mentioned as Law on Lawyers (2006), Law on Lawyers (amended and supplemented in 2012), and Law on Lawyers (amended and supplemented in 2012). the consolidated version of the Law on Lawyers (2015), Decree No. 4529/VBHN-BTP dated November 26, 2018, detailing a number of articles and measures to implement the Law on Lawyers, the Code of Ethics and Professional Conduct Vietnam Lawyers (Issued together with the Decision No. 201/QD-HDLSTQ dated December 13, 2019, of the National Bar Council), etc. These documents have created a relatively complete legal framework for the work. law practice in Vietnam, from the establishment of an organization, and the practice process to the suspension and termination of operation of the law-practicing organization.

Third, in the past, the non-criminal legal services provided were mainly the participation in economic and civil litigation cases of economic units and individuals in the country, and the drafting and negotiation of legal documents. Economic contracts are usually performed by the business departments of enterprises themselves. Therefore, the consulting activities of lawyers

are very limited. In the process of integration and globalization, in parallel with the wave of foreign investment pouring into the country, domestic business types are increasingly diversified and more complex such as the field of intellectual property, and the domestic market. stock market and financial instrument market. In particular, domestic enterprises in the process of expanding their business to the world have had to deal with different legal regulations, this problem is really beyond the capacity of enterprises, which are not specialized in business and highly specialized in the legal field.

Fourth, the Vietnam Bar Federation has organized many training courses for lawyers in terms of expertise, profession, practice skills, code of ethics, and professional conduct. In Decision No. 2655/QD-BTP dated October 28, 2019, on adjusting and supplementing the Plan for training and fostering civil servants and public employees of the Ministry of Justice in 2019, a number of training courses related to law practice were opened such as General Training Class of Judges, Procurators, Lawyers Course 2; Lawyer training class for international integration course 3; High-quality Vocational Training Class for Lawyers, Course 1, etc. Which, training in ethics and professional conduct for lawyers is highly valued, contributing to the building of standards and limited values. professional ethics violations of the team of lawyers.

The difficulties:

Firstly, the lawyer participated in the settlement of the dispute by arbitration. Vietnam lawyers with a lot of experience and skills in court practice but are still not familiar with arbitration activities. In arbitration proceedings, the language used may be a language other than Vietnam, which is usually English, in the case of a dispute with a foreign element or a dispute with a foreign-invested party. Due to the limited foreign language proficiency of Vietnam lawyers, in many cases, lawyers need to have interpreters in arbitration sessions, which leads to costly costs and prolongations of the proceedings.

Secondly, the number of existing lawyers compared to the population is still very low and there is a large imbalance between regions and regions. As of September 2019, the total number of lawyers nationwide is 13,563. If dividing per capita by the population of Vietnam, the ratio is approximately 01 lawyer/7,148 people (DOAN & DUY, 2019). In, the Hanoi Bar Association has 3,850 lawyers, the Ho Chi Minh City Bar Association has 5,498 lawyers, accounting for more than two-thirds of the total number of lawyers in the country, and the remaining 61 Bar Associations have a large number of lawyers. are 4,215 lawyers, accounting for 31% (DOAN & DUY, 2019). In these localities, the number of lawyers is not enough to meet the people's

demand for legal services and even in the performance of defense in cases where the participation of lawyers is required determined).

Thirdly, the management and administration methods of law practice organizations are diverse and rich, but there is no consensus. In Vietnam, most law-practicing organizations apply the traditional method of assigning work directly to each person. The number of practicing organizations applying the method of operating and managing in groups, having weekly and monthly work meetings is only a very small number, even some law practice organizations manage the work arbitrarily, and loosely, the head of the practicing organization does not fully understand the entire work of his organization. The number of law-practicing organizations applying management and administration methods according to international practices is too small due to their very small size.

Fourthly, the increase in the number of lawyers also creates a challenge: It is fierce competition among law practitioners. Because the economic development conditions in Vietnam are not balanced geographically, the force of lawyers nationwide is mostly concentrated in two big cities, Hanoi and Ho Chi Minh City. This disproportionate density distribution has created a very fierce competitive pressure to survive and develop in the team of lawyers. The competition takes place on both sides: Professional quality, service, and trade. Law firms and law offices not only aim to provide clients with services with the highest professional quality and results by gathering the best personnel, and applying the most advanced technology. the latest office, but also to create its own commercial advantages such as the favorable location of the office, increasingly expensive recruitment and marketing strategies. Competition creates conflicts of interest, while the development of the legal environment and the legal profession also requires cooperation.

Suggest some solutions

It is necessary to develop a new provision on the crime of infringing upon the right to defend and ask others to defend in the Penal Code; amending and supplementing a number of provisions in the Criminal Procedure Code on the status of lawyers to participate in the proceedings, the time to participate in the defense, the contact with the accused and defendants in detention camps, the right to investigate and collecting evidence, as well as a number of other professional activities of lawyers; perfecting regulations to gradually expand the litigation at the trial, ensuring the right of lawyers to defend in a substantive manner.

The law on lawyers needs to focus on two areas: unifying legal consulting activities in professional practice, which is a team of lawyers, and institutionalizing the direction to strengthen international cooperation in legal activities. Lawyers, build a legal mechanism for the participation of more and more lawyers in international trade negotiations, settle disputes with foreign elements, and create a healthy competitive environment for legal services on the international market. the basis of ensuring the principles of equality and sovereignty.

It is necessary to issue a unified code of professional ethics for lawyers and regulations on the professional responsibility of lawyers. Currently, the majority of Vietnam lawyers comply with the professional code of ethics for lawyers and the provisions of law related to the organization and practice of lawyers. However, those rules have not been applied uniformly, each Bar Association has its own code of professional ethics based on the model code, moreover, compliance with the code of professional ethics and discipline Law practice has not yet been fully realized, has not become a self-consciousness for each individual lawyer in practice and in life. In fact, there are still some lawyers who attach too much importance to material interests, leading to violations of professional ethics, and even some lawyers who violate the law so seriously that they are prosecuted for penal liability. Therefore, it is necessary to issue soon a code of professional ethics for lawyers to apply uniformly across the country along with measures to ensure proper compliance.

It is necessary to soon promulgate regulations to regulate and supervise in order to improve the content and methods to improve the quality of lawyer training, and to improve the quality of law practice training through the implementation of bar associations. strictly supervise the law-practicing apprentices, guiding lawyers, and law-practicing organizations in observing the Regulation on law-practicing apprentices; create favorable conditions for apprentices to study and access new legal knowledge, and at the same time create opportunities for apprentices to directly participate in professional activities and improve their law practice skills.

Completing legal regulations on professional liability insurance for lawyers. Practicing law is an activity that requires a high degree of responsibility, causing damage to be compensated, so participating in professional liability insurance is a necessary obligation. However, the issue of professional liability as well as professional liability insurance for lawyers in Vietnam has just stopped on paper and has not been implemented. Therefore, it is necessary to have specific regulations and measures to be applied early in the practice of lawyers' professional activities in order to bring about the highest efficiency for this particular activity.

4. Conclusion

Lawyers and legal practice management have gained specific results contributing to the development of lawyers and the legal profession in Vietnam. The legal framework and institutions for managing lawyers and legal practice have been gradually improved to meet management practice requirements. However, compared with the requirements of Law on Lawyers reform, building and perfecting the socialist rule of law state in Vietnam, and international integration, the management of lawyers and legal practice still has many shortcomings and limitations on subjects as well as lawyer management and legal practice. On the part of the governing bodies, even though many different entities manage them, there still needs to be a state of laxity, ineffective coordination, or over-imposed management by state agencies on lawyers and law-practicing organizations. As a result, lawyers and legal practice management activities still need to improve inspection, examination, settlement of complaints and denunciations, handling of violations, and disciplinary actions. Therefore, it is necessary to continue to study lawyers and legal practice to perfect the institution of lawyers and legal practice to ensure that Vietnam lawyers perform their rights, obligations, and responsibilities well, becoming a Law on Lawyers title to protect justice in Vietnam.

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