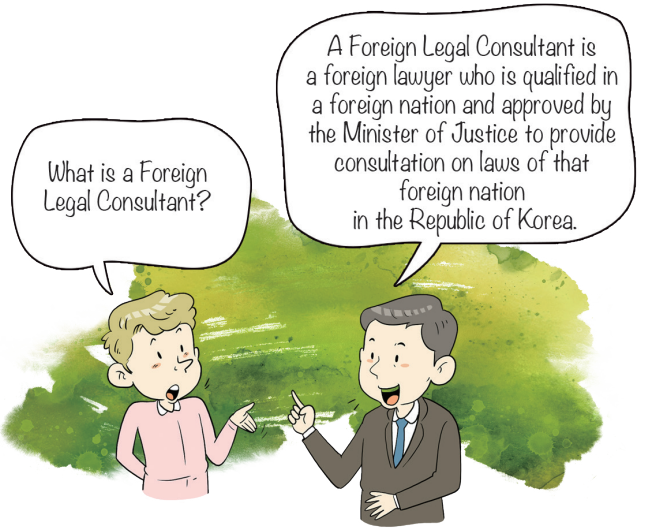
A Brief Guide to
Foreign Legal Consultant

Ministry of Justice

01 What is a Foreign Legal Consultant?

- A Foreign Legal Consultant is a foreign licensed lawyer who is approved by the Minister of Justice to provide legal consultation about foreign laws in the Republic of Korea.
- In principle, a foreign licensed lawyer may act as a Foreign Legal Consultant only if he/she is registered with the Korean Bar Association after receiving approval as a Foreign Legal Consultant.

  ➔ A Foreign Legal Consultant acts as a 'foreign member' of the Korean Bar Association



Relevant Provisions

Foreign Legal Consultant Act Article 2 (Definitions) The Terms used in this Act shall be defined as follows:

3. The term “Foreign Legal Consultant” means a Foreign Licensed Lawyer who receives qualification approval from the Minister of Justice in accordance with Article 6 and registers with the Korean Bar Association in accordance with Article 10 ①

Foreign Legal Consultant Act Article 6 (Qualification Approval, etc.) ① The Minister of Justice may grant qualification approval as a Foreign Legal Consultant if an applicant fulfills all of the requirements prescribed in each of the following subparagraphs:

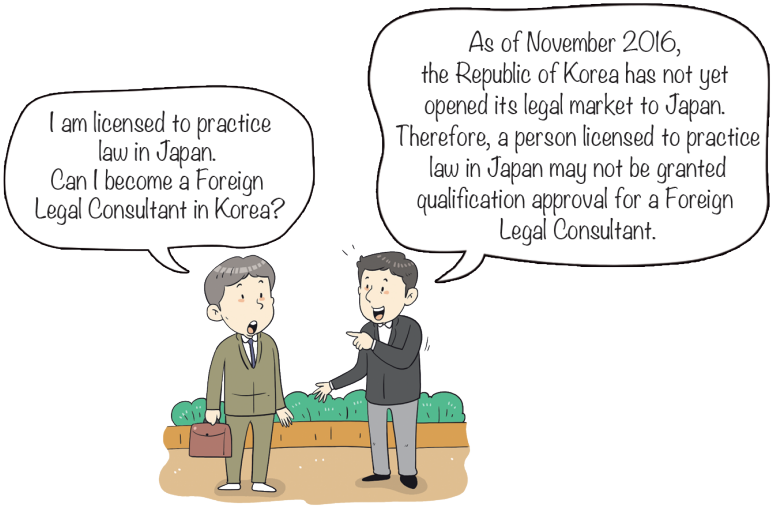
1. Where the Country of Original License is a contracting party to a Free Trade Agreement, etc.;
2. Where the applicant’s qualification as a Foreign Licensed Lawyer shall be valid in the Country of Original License;
3. Where the applicant has work experience prescribed in Article 4;
4. Where the applicant is not subject to any reason for disqualification prescribed in Article 5;
5. Where the applicant has a place in the Republic of Korea where documents, etc. can be served;
6. Where, if the applicant falls under Article 3 ②, he/she temporarily suspends or ceases his/her practice as Attorney-at-Law.

02 What is the scope of Foreign Licensed Lawyers who can become Foreign Legal Consultants?

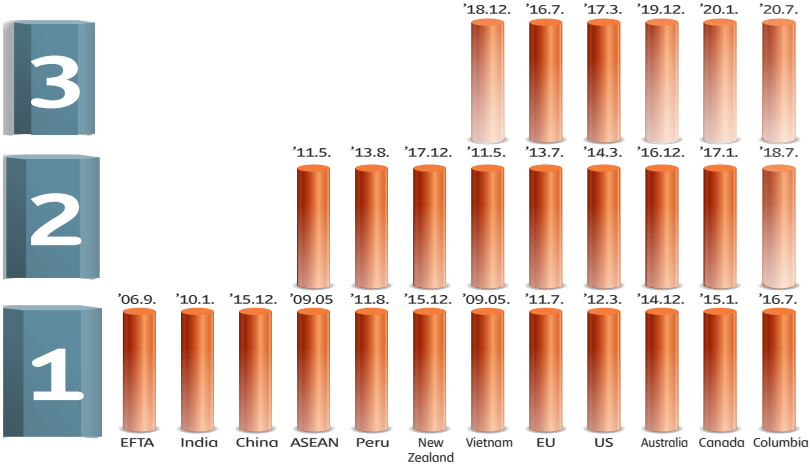
- The Republic of Korea has a selective policy to provide approval for Foreign Legal Consultant only to foreign licensed lawyers from nations to which the Korean legal market is open through FTAs.
- As of November 2016, the Republic of Korea has opened its legal market through FTAs to various nations such as the United States of America, European Union, the People's Republic of China, etc., but the scope of its market liberalization differs from nation to nation. (Please refer to the table below.)

Market Liberalization by 3-Stage Process

- Phase 1 – A Foreign Licensed Lawyer from a contracting party to FTA, etc. may establish a Foreign Legal Consultant Office and perform foreign legal services as a Foreign Legal Consultant in the Republic of Korea
- Phase 2 – A Foreign Legal Consultant office of a contracting party to FTA, etc. may cooperate with a Korean law firm to perform its services on a case-by-case basis.
- Phase 3 – A Foreign Legal Consultant office of a contracting party to FTA, etc. may establish a Joint Venture Law Firm with a Korean law firm, and a Joint Venture Law Firm may hire Korean Attorneys-at-Law and Foreign Legal Consultants to provide consulting services in regards to domestic and foreign legal issues.
  - The reason for such selective and phased market liberalization is to enhance the competitiveness of legal services in the Republic of Korea through legal market liberalization and to minimize the impact on the legal market.
  - The practice manual for establishment of Joint Venture Law Firms is available on the website of the Ministry of Justice.



Phases of Legal Market Liberalization through FTA by countries



Relevant Provision

Foreign Legal Consultant Act Article 6 (Qualification Approval, etc.) ① The Minister of Justice may grant qualification approval as a Foreign Legal Consultant if an applicant fulfills all of the requirements prescribed in each of the following subparagraphs:

1. Where the Country of Original License is a contracting party to a Free Trade Agreement, etc.

2. ~ 6. Omitted

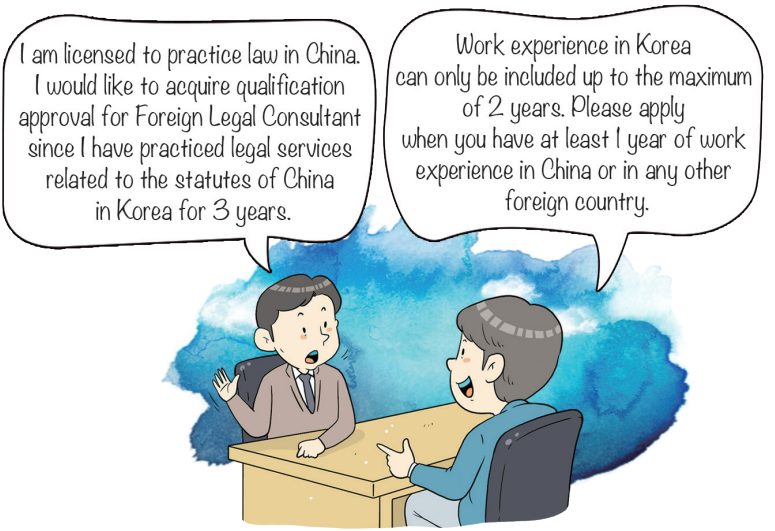
03 Can any Foreign Licensed Lawyer from a contracting party to a FTA, etc. become a Foreign Legal Consultant?

- Foreign Legal Consultant Act grants qualification approval for Foreign Legal Consultant only if a Foreign Licensed Lawyer from a contracting party to a FTA, etc. meets certain requirements. For example, one needs to meet the requirement of at least 3 years of work experience.
- A Foreign Licensed Lawyer who intends to become a Foreign Legal Consultant must have at least 3 years of work experience in the Country of Original License* after acquiring a law license.

*Country of Original License : A country where a Foreign Licensed Lawyer acquired his/her license and completed procedures required to provide legal services

- However, in regards to qualification approval for Foreign Legal Consultant, work experience in any other foreign country than the Country of Original License can be included up to the maximum of 3 years and work experience in the Republic of Korea can be included up to the maximum of 2 years.
- For example, if an U.S. attorney-at-law performed legal practices in regards to the statutes of the U.S. for 1 year in the U.K. and for 2 years in the Republic of Korea, he/she meets the requirement of work experience.
- For reference, a person who intends to become the representative of a Foreign Legal Consultant Office needs at least 5 years of work experience including 3 years of work experience in the Country of Original License. In this case, 3 years work experience must be from the Country of Original License.

- In addition, a foreign license to practice law which is valid in the Country of Original License is required, and a Korean Attorney-at-Law must temporarily suspend or cease his/her practice.



Relevant Provisions

Foreign Legal Consultant Act Article 4 (Work Experience) ① To obtain qualification approval as a Foreign Legal Consultant, an applicant shall have at least three years of work experience in legal practices in his/her country of Original License after obtaining his/her license as a Foreign Licensed Lawyer.

② The time period during which an applicant practiced legal services with respect to the statutes of his/her Country of Original License in any foreign country other than his/her Country of Original License may be included in the time period referred to in paragraph ① as prescribed by the Presidential Decree.

③ If an applicant examines, researches or reports on the statutes of Country of Original License as his/her primary practice for his/her employer under an employment contract, that time period of practice, within the limit of two years, may be included in the time period referred to in paragraph ① as prescribed by the Presidential Decree.

Enforcement Decree of Foreign Legal Consultant Act Article 4 (Inclusion into Work Experience) The time period of practices, etc. on the statutes of the Country of Original License which is eligible to be included into work experience referred to in Article 4 ① of the Act in order to obtain qualification approval is as each of the following subparagraphs:

1. Time period of practices performed in a foreign country referred to in Article 4 ② of the Act: up to three years;
2. Time period of practices in the Republic of Korea referred to in Article 4 ③ of the Act: up to two years.

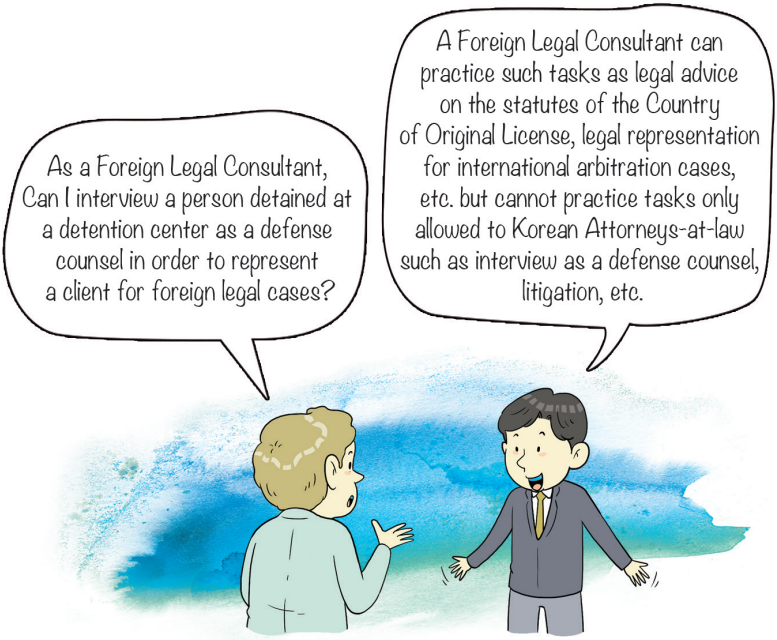
04 What are the tasks a Foreign Legal Consultant may perform and may not perform?

- A Foreign Legal Consultant may provide legal advice on statutes of the Country of Original License where he/she is licensed to practice law, treaties to which the Country of Original License is a contracting party, and generally accepted customary international law, as well as legal representation, etc. in international arbitration cases.

  ➔ For reference, representation in international arbitration cases held in the Republic of Korea may be carried out by a non-registered Foreign Licensed Lawyer as well as a Foreign Legal Consultant. In such cases, however, a non-registered Foreign Licensed Lawyer may not stay longer than 90 days during the course of 1 year.

Be cautious of the tasks a Foreign Legal Consultant may not perform.

- A Foreign Legal Consultant may not perform tasks related to the statutes of the Republic of Korea.
- Especially, a Foreign Legal Consultant may not practice tasks that are only allowed to Korean Attorneys-at-law by the statutes of the Republic of Korea such as legal services related to domestic laws including litigation, etc., tasks subjected to government agencies, interview as a defense counsel at a detention center, etc.



Relevant Provisions

Foreign Legal Consultant Act Article 24 (Scope of Services) A Foreign Legal Consultant may provide services in each of the following subparagraphs:

1. Legal advice on the statutes of the Country of Original License;
2. Legal advice on treaties to which the Country of Original License is a contracting party and on generally accepted customary international law;
3. Representation in International Arbitration Cases; provided that, the services concerning the statutes of the Republic of Korea shall be excluded.

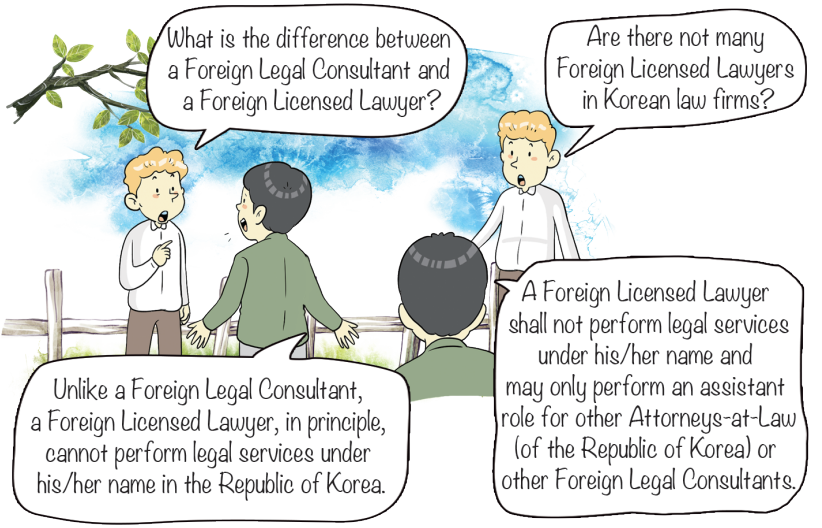
Foreign Legal Consultant Act Article 24-2 (Representation in International Arbitration Case by Foreign Licensed Lawyer Who Is Not Foreign Legal Consultant)

① A Foreign Licensed Lawyer (excluding persons who fall under any subparagraph of Article 5; hereinafter the same shall apply for this Article), who is not a Foreign Legal Consultant, may perform the services prescribed in Article 24 subparagraph 3.

② A Foreign Licensed Lawyer in paragraph ① shall not stay in the Republic of Korea for more than 90 days a year in regard to handling any of the services prescribed in Article 24 subparagraph 3; provided that, any period of stay in the Republic of Korea due to his/her own injury or illness, attending to or visiting a relative with injury or disease or any other inevitable circumstance shall not be calculated toward such period of stay.

05 What is the difference between a Foreign Legal Consultant and a non-registered Foreign Licensed Lawyer?

- A Foreign Licensed Lawyer, who works in the Republic of Korea without qualification approval, is a non-registered Foreign Legal Consultant.
- According to the Attorney-at-Law Act, no one other than Attorneys-at-Law shall perform legal services. However, according to the Foreign Legal Consultant Act, a Foreign Legal Consultant may perform legal services in regards to the statutes of his/her Country of Original License and generally accepted customary international law.
- In principle, a Foreign Licensed Lawyer, who is not a Foreign Legal Consultant, shall not perform legal services under his/her name.
  - However, legal representation in International Arbitration cases is allowed as an exception according to the Foreign Legal Consultant Act.
  - A non-registered Foreign Legal Consultant may only perform an assistant role to an Attorney-at-Law or a Foreign Legal Consultant.
- The main difference between a Foreign Legal Consultant and a non-registered Foreign Legal Consultant is whether one may perform legal services(in regards to statutes of a foreign country) under his/her name.



Relevant Provisions

Foreign Legal Consultant Act Article 2 (Definitions) The terms used in this Act shall be defined as follows:

2. The term "Foreign Licensed Lawyer" means a person qualified and licensed as a legal professional equivalent of an Attorney-at-Law in a foreign country;

3. The term "Foreign Legal Consultant" means a Foreign Licensed Lawyer who receives qualification approval from the Minister of Justice in accordance with Article 6 and registers with the Korean Bar Association in accordance with Article 10 ①.

06 How can a Foreign Legal Consultant indicate his/her qualification?

- Anyone other than an Attorney-at-Law of the Republic of Korea shall not indicate himself/herself as or write his/her title as an Attorney-at-Law.
- The method of indicating one's qualification as a Foreign Legal Consultant is stipulated in details under the Foreign Legal Consultant Act.
- According to the Act, a Foreign Legal Consultant may indicate his/her qualification as ① 'the name of the Country of Original License* + Beopjamunsa(법자문사, which means legal consultant)', ② 'the name of the Country of Original License* + Beopjamunsa (indication of the title used in the County of Original License in the language of the Country of Original License)', or ③ 'the name of the Country of Original License* + Beopjamunsa(indication of the title used in the County of Original License in the language of the Country of Original License, the Country of Original License + Lawyer/Solicitor/Attorney-at-Law)'.

*If the Country of Original License is a part of one country such as a province, state, prefecture, autonomous district, etc., the name of that country may be used as the name of the Country of Original License.

➔ For example, a solicitor of England & Wales may indicate his/her qualification as ① 영국법자문사, ② 영국법자문사(Solicitor-England & Wales), or ③ 영국법자문사(Solicitor – England & Wales, 영국변호사). An Attorney-at-law of New York, the United States of America may indicate his/her qualification as ① 미국법자문사, ② 미국법자문사(U.S. Attorney-at-law) or ③ 미국법자문사(U.S. Attorney-at-law, 미국변호사).

Relevant Provisions

Foreign Legal Consultant Act Article 27 (Indication of Qualification, etc.)

① When indicating himself/herself in his/her practices, a Foreign Legal Consultant shall use a title which combines the name of the Country of Original License, which is commonly used in the Republic of Korea (if the Country of Original License is a part of one country such as a province, state, prefecture or autonomous district, etc., the name of that country may be used as the name of Country of Original License; hereinafter the same shall apply in this Article), and "Beopjamunsa (법자문사, legal consultant)" as suffix. In

such cases, in addition to the above title, the Foreign Legal Consultant may add, in parenthesis, a title of a Foreign Licensed Lawyer used at the Country of Original License in the language of the Country of Original License and, following this title, may also add the name of the Country of Original License, which is commonly used in the Republic of Korea, combined with “Byeonhosa (변호사, Attorney-at-Law)” as suffix. <Amended by Act No. 14056, Mar. 2, 2016>

② A Foreign Legal Consultant Office shall use a title which combines the name of the Principal Office with “Oegukbeopjamunbeopryulsamuso (외국법자문법률사무소, Foreign Legal Consultant Office)” as suffix. In such cases, the title may be accompanied by the name of the region where the Foreign Legal Consultant Office is located. <Amended by Act No. 10542, Apr. 5, 2011>

③ While providing his/her or its services, a Foreign Legal Consultant or a Foreign Legal Consultant Office office shall not use any title or indication in a way other than how it is prescribed in paragraphs ① and ②.

07 Procedure for Qualification Approval as a Foreign Legal Consultant

Receive consultation about procedure for qualification approval

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Apply for a preliminary review for qualification approval (Enforcement Decree Article 5)

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Formally apply for qualification approval (Act Article 3)

- Submit an application and evidentiary documents
- Check the contents of the Sworn Statement

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Review by the Ministry of Justice

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Qualification approval granted by the Minister of Justice

Written notice to the applicant [Act Article 8 paragraph ①]	Written notice to the Korean Bar Association [Act Article 8 paragraph ①]	Public announcement on the Official Gazette [Act Article 8 paragraph ①]

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Apply for registration with the Korean Bar Association (Act Article 10)

◈ List of Authorized Foreign Legal Consultant Office (as of 2018. 1.)

No.	Name of Office	Name of Representative(s)	Date of Authorization for Establishment	Country of the Principal Office
1	Ropes & Gray LLP Foreign Legal Consultant Office	William Yongkyun Kim	2012.7.19	U.S.
2	Sheppard, Mullin, Richter & Hampton LLP Foreign Legal Consultant Office	Byoung Soo Kim	2012.7.19	U.S.
3	Clifford Chance LLP Foreign Legal Consultant Office	Yumin Kim	2012.7.19	U.K.
4	Cohen & Gresser LLP Foreign Legal Consultant Office	Seung Cheul Sohn	2012.9.14	U.S.
5	Simpson Thacher & Bartlett LLP Foreign Legal Consultant Office	Youngjin Sohn	2012.9.14	U.S.
6	McDermott Will & Emery LLP Foreign Legal Consultant Office	Paul June Il Kim	2012.9.26	U.S.
7	Paul Hastings LLP Foreign Legal Consultant Office (Seoul)	Jong Han Kim	2012.9.26	U.S.
8	Cleary Gottlieb Steen & Hamilton LLP Foreign Legal Consultant Office	Jinduk Han	2012.9.26	U.S.
9	Squire Patton Boggs (US) LLP Foreign Legal Consultant Office	Joon Yong Kim	2012.9.26	U.S.
10	Covington & Burling LLP Foreign Legal Consultant Office	William Ha-Yong Park	2012.10.18	U.S.
11	O'Melveny & Myers LLP Foreign Legal Consultant Office	Yongsang Kim, Young Wook Shin	2012.11.6	U.S.
12	K&L Gates LLP Foreign Legal Consultant Office	Sukjoo Yoon	2012.11.15	U.S.
13	DLA Piper UK LLP Foreign Legal Consultant Office Authorization for establishment was revoked on 2014-06-24 ※ DLA Piper US LLP Foreign Legal Consultant Office was authorized on 2014-06-30		2012. 12. 24. 2014. 6. 24. Authorization for establishment revoked	U.K.
14	Herbert Smith Freehills LLP Foreign Legal Consultant Office	Michael John McClure	2013.2.20	U.K.

No.	Name of Office	Name of Representative(s)	Date of Authorization for Establishment	Country of the Principal Office
15	Greenberg Traurig LLP Foreign Legal Consultant Office	Chang Joo Kim	2013.2.20	U.S.
16	McKenna Long & Aldridge LLP Foreign Legal Consultant Office Changed its name to Dentons US LLP Foreign Legal Consultant Office	Andrew Jun-Gun Park	2013.3.5	U.S.
17	Linklaters LLP Foreign Legal Consultant Office	Stephen Jay Le Vesconte	2013.4.11	U.K.
18	Baker & McKenzie LLP Foreign Legal Consultant Office	LEE, Won	2013.4.25	U.S.
19	Skadden, Arps, Slate, Meagher&Flom LLP Foreign Legal Consultant Office	Hyun Young Shin	2014.3.17	U.S.
20	DLA Piper LLP (US) Foreign Legal Consultant Office	Wonzo Lee	2014.6.30	U.S.
21	Stephenson Harwood LLP Foreign Legal Consultant Office	Michael Kyong Hwa Kim	2014.8.4	U.K.
22	Lee, Hong, Degerman, Kang & Waimey Foreign Legal Consultant Office(Seoul)	Simon Song-Jin Hong	2014.11.10	U.S.
23	Milbank, Tweed, Hadley & McCloy LLP Foreign Legal Consultant Office	Young Joon Kim	2015.1.22	U.S.
24	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP Foreign Legal Consultant Office	Charles Hyuk suh	2015.3.27	U.S.
25	Kobre & Kim LLP Foreign Legal Consultant Office	Robin Jaehyung Baik	2015.8.13	U.S.
26	Allen & Overy LLP Foreign Legal Consultant Office	Matthias Jurgen Helmut Voss	2015.8.13	U.K.
27	White & Case LLP Foreign Legal Consultant Office	James Kiseong Lee	2015.8.13	U.S.
28	LATHAM & WATKINS Foreign Legal Consultant Office	JI-HYUN HELENA KIM	2016.10.13	U.S.

※ Current information about qualification approval for Foreign Legal Consultants, etc. can be found by following the below: the website(Korean) of the Ministry of Justice ➔ Policy on Legal Issues ➔ Policy Services(Legal Affairs Office) ➔ Legal Market Liberalization ➔ Notice.