

The Disciplinary Function of Beijing Municipal Lawyers Association

Fen Zeng



Role of BMLA

- A self-discipline, non-government organization of the legal profession in Beijing
- A professional body for all lawyers and law firms registered in Beijing

Functions of BMLA

- **Advocate the members:**
 - to represent the members before the legislative organ, the judicial system, the government and the community
- **Regulate the members:**
 - to handle complaints against members
 - to release guidelines on practice and management
 - to provide continuing legal education and practical legal training

Disciplinary Unit of BMLA

- Disciplinary Committee:

Functions:

- to handle the complaints against members
- to release guidelines on practice
- to educate members on ethics
- some functions delegated by Beijing Justice Bureau

Composition:

- 40 lawyers doing voluntary and part-time work

The Disciplinary Unit of BMLA

- **Review Committee:**

- to review the decisions made by the Disciplinary Committee on complaints

- 11 members including judges, prosecutors, lawyers, officers in justice administrative organs and professional association

- **Profession Discipline Department:**

- one department of the Secretariat

- provides administrative support to the two committees

Process of Complaints Handling

- **Receiving all complaints against members:**
 - the single entry into the complaints handling system
 - all complaints should be in writing and a limitation period of two years applies
- **Investigating into complaints:**
 - conducted by correspondences, “paper chase”
 - respondent lawyers and law firms take the main onus of evidence
 - recheck of the investigation report

Procedures of Complaints Handling

- **Holding hearings:**
 - the respondent lawyers and law firms are entitled to request hearings where disciplinary actions are recommended
- **Making decisions:**
 - to dismiss
 - to take disciplinary actions
 - to give recommendations

Aims of the Disciplinary System

- to redress the consumer complaints of consumers of legal services
- to ensure the diligence and competence of individual legal practitioners
- to set and maintain high standards of ethics and practice for the legal profession generally

Some Ideas for Improvement

- to have some lay members in the complaints handling system
- to set up an Inquiry Line and keep call record
- to produce fact sheet for complainants
- to educate the members of community so as to promote realistic community expectations of the legal system



Thanks