



# Legal Practice in Vietnam

An Informative Session on the Rapidly-  
Developing Vietnamese Legal System

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# ABOUT US

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- LLB – Hanoi Law University
- LLM – National University of Singapore
- Corporate restructuring, M&A, project finance, & banking
- Hiking, boating, and wine

**Ngan Nguyen**

Counsel – VILAF



- JD - University of Oregon
- Foreign direct investment, fintech, & commercial transactions
- Bicycling, motorcycles, and emerging tech

**Esko Cate**

Foreign Associate – VILAF

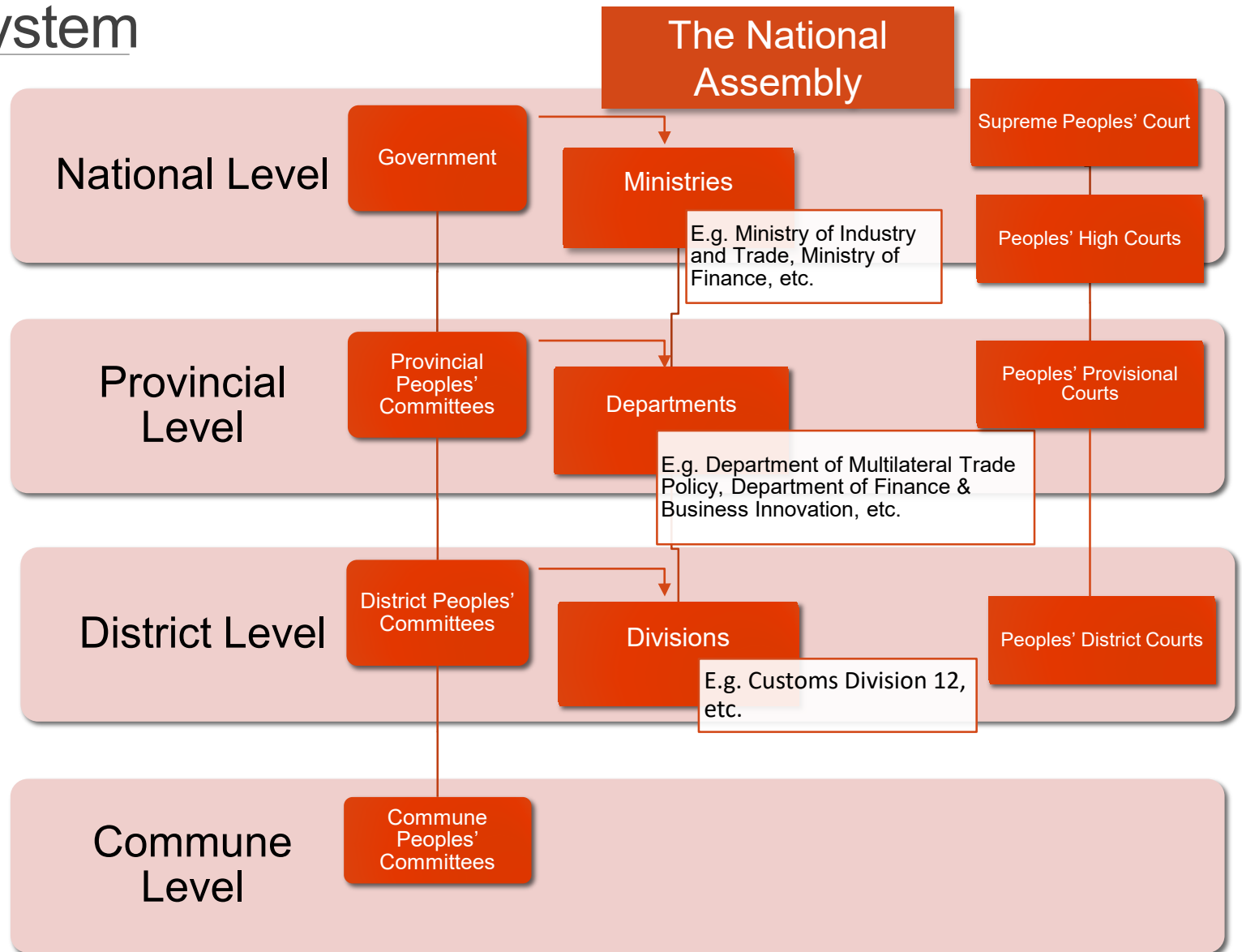


# OVERVIEW

1. The Vietnamese legal system
2. Education, licensing, & regulation of lawyers in Vietnam
3. Practice requirements for foreign attorneys
4. Day to day practice
5. Vietnamese courts, judges, decisions, & alternative dispute resolution
6. Emerging areas of law and challenges
7. Q & A

# The Vietnamese legal system

1. Based on three core concepts:
  - a) Classic Confucianism
  - b) The Napoleonic Code
  - c) Marxism-Leninism
2. Code based legal system
3. Very limited role of judiciary in making law
4. Main branches include:
  - a) The National Assembly
  - b) The Government
  - c) The Supreme Peoples' Court
  - d) The Supreme Peoples' Procuracy



# Education, licensing, & regulation of lawyers in Vietnam

1. Bachelor degree in Law
2. Lawyer-training course
  - One year
3. Law practice probation
  - One year
4. Bar exam
  - Results are reviewed by a council composed of a representative of the Ministry of Justice and representatives of the national lawyers' organization
5. Application & grant of a license to practice and admission to the bar
  - Apply to the provincial bar the lawyer desires to practice

# Practice requirements for foreign attorneys

1. Possessing a valid license to practice law issued by a foreign country
2. Sponsorship by a law firm operating in Vietnam
3. Foreign attorneys can only advise on foreign and international laws
  - Exception: if the foreign attorney has completed a bachelor's degree in law at a Vietnamese law school
  - Not permitted to litigate

# Vietnamese courts, judges, decisions, & alternative dispute resolution

## 1. Courts

- a) Not a litigious society
- b) Written opinions are uncommon
- c) Low value for monetary awards, if any
- d) Restriction on foreign attorneys participating in litigation

## 2. Alternative Dispute Resolution

- a) Very commonplace
- b) Typically either Vietnam International Arbitration Center or Singapore International Arbitration Center

## Civil Litigation Steps

**Step 1: Submission lawsuit petitions**

**Step 2: Receiving and processing lawsuit petitions**

**Step 3: Preparation for first instance trial**

**Step 4: First instance Court hearing**

**Step 5: Appellate trial**

**Step 6: Cassation review**

# Day to Day Practice





# Emerging Areas and Challenges

A large, multi-deck boat is positioned in the middle ground on a body of water. The background features a range of dark, forested mountains under a hazy sky. The overall scene is in grayscale, except for a solid red horizontal bar at the bottom of the image.

# Questions?