

# An Overview of the Legal Profession in Thailand

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## Abstract

This paper aims to provide general information regarding the legal profession in Thailand, particularly with regard to the profession of a “Lawyer”, as well as offer a brief overview of how the organization of lawyers is organized in Thailand. Although many articles and public information about the procedural steps to practice as a Thai Lawyer can be easily found in Thai-language materials, English-language materials are quite lacking. Therefore, when looking through the lens of a non-Thai speaking person, it is actually quite difficult to obtain the necessary information to understand a Lawyer’s role within the Thai legal system.

In order to provide general information regarding the systems and procedures in place for Thai Lawyers, this paper will cover all the relevant information — from definitions and types of Lawyers in Thailand to the established route to become a practicing Lawyer. We will also discuss the regulatory organization and controls governing admitted Lawyers. This paper will also explore the different levels of Lawyers, areas of practice, Notarial Services Attorneys, foreign Lawyers practicing in Thailand, and implications of legal malpractice and its accompanying regulations.

The main research resources used for writing this article are related to domestic laws and regulations, combined with statistical data received from the Lawyers Council of Thailand under Royal Patronage, and includes other Thai legal journals and articles.

The authors hope that this paper will help readers have a better understanding of the Legal Profession in Thailand, and in addition, will be helpful in setting out solid guidelines for any future research relating to this matter.

**Keywords:** lawyer, Thailand, Thai, lawyer license, bar examination, the Lawyer Council of Thailand, notarial service attorney

The role of lawyers in Thai society has been long recognized as an integral part of the judicial system in Thailand. However, the earliest extant written evidence can be traced to the era of King Rama I of Siam (Siam being the former name of Thailand). Specifically, the term “lawyer” was mentioned in the Law on Acceptance of Cases B.E. 1899<sup>1</sup> (A.D. 1356), which was later included as part of the Three Seals Law, as the first codified law in Thailand enacted in 1805. Since then, the role of the lawyer as a professional advocate has developed over time, first being systematized by the rules and requirements set out in the first Lawyers Act B.E. 2457 (A.D. 1914) and supported by subsequent laws and regulations.

Lawyers in Thailand had been supervised and controlled by the Thai Bar Association with the promulgation of the Lawyers Act B.E. 2508 (1965), which conferred sole authority to the Thai Bar Association to issue lawyers’ licenses, register lawyers in the official list, and control the legal etiquette of lawyers. However, there were several disagreements and conflicts between practicing lawyers and the Thai Bar Association, including how to separate the seniority levels of lawyers and disputes involving the supervisory power and control exerted by the Committee of Legal Etiquette of Lawyers of the Thai Bar Association. Therefore, there were frank discussions regarding whether the power centralized within the Committee of the Thai Bar Association, comprised of judges, public prosecutors, lawyers, and others, should be transferred to a newly established organization administered by lawyers. It was emphasized that lawyers should be governed by lawyers, just as the medical profession in Thailand is governed by the Medical Council of Thailand. For this reason and after many discussions with respected lawyers, the House of Representatives and the Senate promulgated the Lawyers Act B.E. 2528 (A.D. 1985) (“Lawyers Act”), which is the first Act to endorse the establishment of the Lawyers Council of Thailand as the country’s professional regulatory body of the legal profession.<sup>2</sup> Since then, the Thai Bar Association has lost its supervisory and governing power over the lawyers in Thailand. The only historic evidence that shows the relationship between the Thai Bar Association and legal practitioners in Thailand is that lawyers still need be members of the Thai Bar Association in order to be allowed to wear the Advocate’s gown in Court.

At the present time, lawyers in Thailand are regulated by the current Lawyers Act and are regulated by the official lawyers’ organization, which is the Lawyers Council of Thailand under Royal Patronage (“Lawyers Council of Thailand”), which was established the same year as the Act’s promulgation.

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<sup>1</sup> The name of this law in the Thai language is “*Phra aiyakan laksana rap fong por.sor. 1899*”. B.E. are the initials representing “Buddhist Era”, which is the official calendar in Thailand.

<sup>2</sup> Surachai Suwanpreecha, *The Lawyers Act and the Rules Related to Lawyers*, in *LAWYER PRACTICE FOR LA313*, at 13, 22-34 (Surachai Suwanpreecha ed., 1990).

## I Definition of Lawyer and Types of Lawyers in Thailand

In Thailand, the term “lawyer” is defined by Section 4 of the Lawyers Act as a person who has registered with the Lawyers Council of Thailand, who has received a legal practitioner’s license. Therefore, the term “lawyer” signifies that the license holder is a licensed and registered lawyer. Unlike common law jurisdictions and some civil law countries, Thailand does not divide legal practitioners into barristers or solicitors. Therefore, lawyers in Thailand practice law as a fused profession, which means that any lawyer who acquires a license to practice law in Thailand can act as both a legal advisor or as an advocate without any legal restrictions. It is interesting to note that while an advocate’s tasks (such as acting as a trial litigator in Court, preparing Complaints, Answers, Appeals, Answers to Appeals, Appeals to the Supreme Court, Answers to Appeals to the Supreme Court, and preparing any Court Motions or Statements relating to a Court case for others) are entirely restricted to a licensed and registered lawyer only, there are no legal restrictions for any lay person to give legal advice or represent a client outside of the court system in Thailand.<sup>3</sup> Thus, while a license to practice law might not be a necessary requirement for a position as legal consultant or in-house counsel, it is a mandatory requirement for trial litigators in Thailand. In this article, the term “lawyer” means a person who has officially registered and received a license to practice law from the Lawyers Council of Thailand.

## II Level System and Range of Practice for Lawyers in Thailand

When the system for admitting lawyers was initiated in 1914, practicing lawyers in Thailand were divided into two levels — first-class lawyers and second-class lawyers.<sup>4</sup> The differences between the two classes were the qualification requirements and the range of practice. Particularly, the first-class lawyers could practice law in every province of Thailand, but the second-class lawyers could only practice in the provinces specified in their lawyer’s license. However, this two-tier system was abolished with the promulgation of the currently enforced Lawyers Act and the establishment of the Lawyers Council of Thailand the same year.<sup>5</sup> Since then, there has been only one class/level of lawyer in Thailand. The qualification requirements for a lawyer’s license and the range of practice

<sup>3</sup> Lawyers Act B.E. 2528 (1985), s.33.

<sup>4</sup> Lawyers Act B.E. 2457 (1914).

<sup>5</sup> Viraphong Boonyobhas, *Private Lawyers in Contemporary Society: Thailand*, 25(2) CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW 169, 172-73 (1993), available at <https://scholarlycommons.law.case.edu/jil/vol25/iss2/7> (last visited May 15, 2019).

have been consolidated into one unified standard under the Lawyers Act and related organizations.

In light of the above, there is now only one range of practice for lawyers in Thailand, which covers all provinces in Thailand. In other words, every lawyer, who is registered and has received a license to practice law from the Lawyers Council of Thailand, is able to practice law and represent clients in every judicial Court in Thailand without any regional restrictions. Depending on personal choice, lawyers can freely choose the region or province where they would like to practice or set up their offices. Despite that flexibility, in practice, the numbers of lawyers in each province are vastly different.<sup>6</sup> From the statistics collated by the Lawyers Council of Thailand, as of today, the three provinces that have the highest number of Lawyers are Bangkok (Capital), Nonthaburi Province and Pathum Thani Province. All of these three provinces are located within the Bangkok Metropolitan Region (Bangkok and surrounding provinces). On the other hand, the three provinces that have the lowest number of lawyers are Bueng Kan Province, Mae Hong Son Province and Amnat Charoen Province, which are all border provinces of Thailand. This information shows that the desired practice locations for lawyers in Thailand are actually clustered around Bangkok, the capital of the country.

### III Areas of Practice

There is no limitation over the type of legal practice open to lawyers, in general, which means that the licensed lawyers can practice law in almost any area of their choice in Thailand. The only restricted area is Juvenile and Family law. To practice in the Juvenile and Family Court, lawyers are required to attend a mandatory legal consultant training course and to pass the related examinations as a compulsory condition of practicing Juvenile and Family law. The aforesaid courses and examinations are organized by the Central Juvenile and Family Court, and the subjects for the exam are including Juvenile rights, Court procedure for Juvenile and Family cases, psychology, social work and other related matters. Once a lawyer has passed the exams, the Central Juvenile and Family Court will register that lawyer's name in the list of legal consultants approved for Juvenile and Family cases. After that, the list will be disseminated to the Juvenile and Family Courts around the country.<sup>7</sup>

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<sup>6</sup> The capital city, Bangkok, always has a large numbers of lawyers compare to other provinces in Thailand. See Ngamnet Triamanuruck, Sansanee Phongpala & Sirikanang Chaiyasuta, *Overview of Legal Systems in Asia-Pacific Region: Thailand*, in OVERVIEW OF LEGAL SYSTEMS IN ASIA-PACIFIC REGION 1, 6 (the Conferences, Lecturers, and Workshops at Scholarship@Cornell Law: Digital Reciprocity ed. 2004).

<sup>7</sup> The Rules of the Supreme Court President regarding Training and Practice Regulations of Legal Consultants, Registration and Deletion of Name to/from the List B.E. 2556 (2013), ss.15, 17.

For other areas, such as administrative law, company law, labor law, real estate law, intellectual property laws, tax law or energy law, lawyers are able to proceed with contentious matters without any limitations. However, there are some limitations for non-contentious matters, which are similar to restraints imposed by other countries, regarding patent agents or tax agents. If a lawyer would like to represent a client in filing an application, opposition, counterstatement, or appealing for or against a patent registration with the Department of Intellectual Property (DIP), they have to pass certain requirements set out by the DIP and must obtain a Patent Agent License before being able to represent their client in those actions.<sup>8</sup> Similarly, to be permitted to handle online tax payments for taxpayers, a person or an accounting office has to qualify for and attain a Tax Agent Certificate from the Revenue Department (RD).<sup>9</sup> However, the status of Patent Agent or Tax Agent is not exclusive to lawyers, and a person without a legal background can also apply to be registered as either. The relationships among lawyers, accountants and patent attorneys are not considered as overly competitive, as there are practice areas quite distinct. While there are firms that offer both legal services and accounting, there are very few large ones. Regarding patent attorneys/agents, their practices are generally focused on patent drafting and patent registration. Therefore, in a patent litigation case or when giving legal advice regarding patent issues, any lawyer can provide such services without possessing a Patent Agent License.

## IV Mandatory Representation by a Lawyer

The current law requires mandatory representation by a lawyer only in those criminal cases where the sentencing penalty involves the possibility of capital punishment or in criminal cases where the accused is under the age of 18.<sup>10</sup> For other cases, if a plaintiff or defendant is not represented by a lawyer, then the unrepresented party will have to attend and comply with all the Court proceedings by themselves. No other person except the plaintiff or defendant, or their lawyer, can represent a party in a lawsuit.<sup>11</sup> Generally, it is quite rare that a party will choose to represent themselves in Court. The Court can assist an unrepresented party by assigning a public defender for them upon their request. Similarly, although there is no requirement for mandatory representation by a lawyer in the second instance (in the Appellate Court) or the third instance (in the Supreme Court), it is highly

<sup>8</sup> Notification of the DIP regarding Registration for Patent Agent B.E. 2552 (2009).

<sup>9</sup> Notification of RD regarding Qualification, Application, Issuance, Renewal and Apply for Replacement of the Tax Agent Certificate for Filing a Tax Form and Handling Tax Payments or Other Regulated Actions for Taxpayers through RD's website B.E. 2547 (2004) and the updated Notification B.E. 2552 (2009).

<sup>10</sup> Civil Procedure Code, s. 60; Criminal Procedure Code, ss. 134/1, 171, 173.

<sup>11</sup> Lawyers Act B.E. 2528 (1985), s. 33.

recommended that a party be represented by a lawyer in these circumstances, as it requires a good grasp of legal knowledge to prepare a proper appeal petition. There are no qualification restrictions for attorneys in the second instance (Appellate Court) or the third instance (Supreme Court). Therefore, if a lawyer is qualified to practice law in Thailand, the lawyer is able to practice and represent their client at any level of Court proceedings.

## V Statistical Information for Lawyers in Thailand

According to the statistical information compiled by the Lawyers Council of Thailand (as of December 7, 2018), the number of lawyers in Thailand countrywide, from January 1, 1986 through December 20, 2018, was 89,503. From that total number, the gender breakdown consists of 60,837 male lawyers and 28,666 female lawyers. The number of lawyers registered with the Lawyers Council of Thailand for each of the past 10 years are listed in the table below.

Year	Number of Lawyers Registered
2009	2,748
2010	3,763
2011	2,048
2012	3,087
2013	3,200
2014	2,614
2015	2,420
2016	1,625
2017	3,314
2018	5,589

As can be seen from the above table, there were 15,562 lawyers registered within the past five years, and there were 30,408 lawyers registered with the Lawyers Council of Thailand within the past 10 years.<sup>12</sup>

## VI License and Registration Systems for Lawyers

To qualify as a lawyer in Thailand, a person is required to attain a lawyer's license and to register their name with the Lawyers Council of Thailand. The lawyer's license can be obtained via two different routes — the Lawyer Training Route and the Lawyer Internship Route. After the applicant has completed one of these routes, the applicant still has to attend two further compulsory sessions, which are an oral examination and a Professional

<sup>12</sup> These statistics are based on unofficial statistics received from the Lawyers Council of Thailand.

Ethics and Legal Etiquette training session. After completion of all these requirements, he or she can obtain a lawyer's license from the Lawyers Council of Thailand, thus completing the formalities for registration as a lawyer.<sup>13</sup> An internship is required no matter which route the applicant has chosen, but there is no internship requirement after the applicant has already obtained the lawyer's license.

## A. Lawyer Training Route

The Lawyer Training Route is a training course offered by the Law Practice Training Center, a subsidiary organization of the Lawyers Council of Thailand.<sup>14</sup> This course opens for applications at least once every year, but it may allow applications to be submitted more than once annually, depending on the current policy of the Law Practice Training Center. The course consists of two main parts — an academic section and a practical section. Prior to submitting an application for this course, each applicant has to pass several qualification requirements. First, only a person who is of Thai nationality is able to apply for this training course. Second, the applicant must have a Bachelor of Laws degree or diploma or equivalent qualification recognized by the Lawyers Council. Third, an applicant must not ever have committed an infamous, dishonorable, immoral, or dishonest act. Fourth, an applicant cannot be currently serving a prison term, as sentenced by a final judgment of the Court. Fifth, an applicant cannot be infected by a contagious disease that is repugnant to Thai society.<sup>15</sup> If all five criteria are met, an application for the Lawyer Training Route will be accepted. However, if the applicant fails to satisfy any of the five criteria, their application for the course will be rejected by the Law Practice Training Center.

The academic section of the Lawyer Training Route determines the theoretical knowledge of the applicants. This part of the course includes more than 90 hours of lectures/seminars. Although attendance is not mandatory, knowledge of the course materials will be assessed by a final written examination. The subjects taught in the lectures/seminars are the same subjects that will be included in the Academic Examination, i.e. (1) Professional Ethics and Legal Etiquette; (2) Methods of Court Procedure for Civil Cases; (3) Methods of Court Procedure for Criminal Cases; (4) Methods of Court Procedure for Other Types of Cases; and (5) Principles of Legal Consultancy.<sup>16</sup> All

<sup>13</sup> Charunun Sathitsuksomboon, *Thailand's Legal System: Requirements, Practice, and Ethical Conduct*, available at <http://thailawforum.com/articles/charununlegal.html> (last visited May 15, 2019).

<sup>14</sup> The Law Practice Training Center was established by the Lawyers Council of Thailand under Section 4 of the Rules of the Lawyers Council of Thailand regarding the Law Practice Training Center B.E. 2529 (A.D. 1986).

<sup>15</sup> The Rules of the Lawyers Council of Thailand regarding the Law Practice Training Center B.E. 2529 (A.D. 1986), s. 5.

<sup>16</sup> The Rules of the Lawyers Council of Thailand regarding the Law Practice Training Center B.E. 2529



subjects are mandatory, and there are no elective subjects available. The Academic Examination consists of a multiple-choice exam and a written essay exam, and attendees have to be awarded at least half of the total points available to pass the academic test. Kindly note that while attendance during the lectures/seminars is voluntary, every applicant still has to attend and pass the examination before they can proceed to the next stage of the course. If the applicant is absent from the exam or fails the exam, they will have to reapply for the Lawyer Training Route during the next available round.

Once an applicant has passed the academic part of the course, he or she will be able to proceed to the Practical part of the course. The Practical part of the course aims to determine the skill and ability of the applicants in practical legal situations. Thus, this part of the course includes a six-month mandatory internship, which will be assessed by the supervising attorney, followed by a series of lectures/seminars, which the applicant may choose to attend or not, and a Practical Examination. The start and finish dates of the internship semester will be set up and announced by the Law Practice Training Center. Within such period, the applicant may choose to intern with any law firm or legal department of a private company under the condition that the supervising attorney in such organization has held a Lawyer's License for more than seven years. In addition, an internship at the Law Practice Training Center is equal to an internship in the aforesaid organizations. The applicant can independently approach the place where they would like to intern and inform the Law Practice Training Center, once they have been accepted by the place. Additionally, an applicant can ask the Law Practice Training Center to find an internship place for him or her. During the internship period, the Law Practice Training Center will organize a series of lectures/seminars regarding the subjects of trial and document preparation and Court proceedings, which are directly related to the subjects of the Practical Examination. After six months of internship, the applicant will be graded by his/her supervising attorney. The applicant will pass the internship stage if the applicant's score is at least half of the total points to be awarded. Once the applicant has passed the internship, he or she can attend the following examination. However, if the applicant does not pass the internship, the applicant will have to be placed in another six-month internship and be assessed by the supervising attorney.

The Practical Examination also consists of a multiple-choice exam and a written exam. One significant difference that distinguishes the Practical Examination from the Academic Examination is that, in the written portion of the Practical Examination, not only does the applicant have to write the answer correctly, but the applicant also has to use the correct Court form and prepare the correct set of documents in order to get be awarded any marks. With regard to this Practical Examination, if the applicant is absent or fails the

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(A.D. 1986), s. 13.

exam, they will have to file a request with the Law Practice Training Center to maintain their provisional status. Then, once the next round of Practical Examinations opens, an applicant who has maintained their provisional status can take the Practical Examination. If the applicant does not successfully maintain their provisional status, they will have to reapply to undergo the Lawyer Training Route again. However, the Director of the Law Practice Training Center may allow an applicant, who has failed to maintain their provisional status, to reinstate their status under selected special circumstances. This special exception will be provided on a case-by-case basis only.

Similar to the Academic Examination, an applicant has to get at least half of the available points to pass the Practical test. Once the applicant has passed the Practical test, the applicant can proceed to the next step, which is the oral examination. Statistically, there were 7,687 people registered for the Academic Exam in Batch 50 (taken on June 24, 2018), and only 848 of them passed the exam. Additionally, there were 6,501 people registered for the Academic Exam in Batch 49 (taken on December 16, 2017), and only 1,115 people passed the exam. For the Practical Exam, there were 3,523 people registered for the latest exam in Batch 49 (taken on September 9, 2018), and only 788 of them passed the exam. In addition, there were 6,154 people registered for the Practical Exam in Batch 48 (taken on March 17, 2018), and surprisingly, 3,496 people passed the exam.<sup>17</sup>

## B. Lawyer Internship Route

This route is an alternative route to the Lawyer Training Route. By choosing this route, a person does not need to apply for any courses with the Law Practice Training Center. A person can proceed to do an internship first, and then attend the examination at the end of the internship period. First, before a person can apply for an internship following this route, they have to pass one qualification requirement. The requirement stipulates that an internship applicant must have a Bachelor of Laws degree or diploma or equivalent qualification recognized by the Lawyer Council.<sup>18</sup> Similar to The Lawyer Training Route, a law firm or legal department of a private company, to which an applicant decides to apply for an internship, has to have an attorney with a valid Lawyer's License obtained more than seven years previously.<sup>19</sup>

The required period of internship for this route is a minimum of one year, which is

<sup>17</sup> These numbers are based on several announcements of the Lawyers Council of Thailand regarding examination results, which are publicly available on the official website of the Lawyers Council of Thailand.

<sup>18</sup> The Rules of the Lawyers Council of Thailand regarding Internship in Law firms B.E. 2535 (A.D. 1992), s. 5(1).

<sup>19</sup> The Rules of the Lawyers Council of Thailand regarding Internship in Law firms B.E. 2535 (A.D. 1992), s. 5(2).

longer than the internship period of the Lawyer Training Route. Moreover, a person will have to find and apply for their internship on their own without assistance. Once a person has been accepted for their internship, they will have to notify the Lawyers Council of their name, address, qualifications (with certified copies as evidence) and the name and address of the law firm, and information regarding Lawyer's License of the supervising attorney. All of the information above has to be notified within 15 days of the date the internship period commences, using the document forms provided by the Lawyers Council.<sup>20</sup> The one-year internship period will be calculated as from the notification of the internship submitted to the Lawyers Council. After the internship period has ended, a person has to attend and pass the final written examination, before they will be allowed to take the Oral Examination. The examination process of this route is different from the examination process of the Lawyer Training Route, as it has combines the Academic and Practical Examinations as one written exam. The test taker has to answer correctly and use the correct Court form in order to achieve a passing score. A passing score is being awarded at least half of the points available. The examination itself consists of multiple-choice questions and a written essay exam, and it is generally more difficult than the examinations taken during the Lawyer Training Route. Generally, the final examination for this route will be open for applications only once a year, but there might be more than one intake for applications, depending on the examination policy of the Law Practice Training Center each year.

In the case where the test taker fails the final examination, they will have to wait another year to retake the examination. The “maintain the provisional status” process is not required for to register to retake the examination in the Lawyer Internship Route. If the test taker passes the final examination, they can proceed to the Oral Examination. There were three final examination rounds organized in 2018 for those taking the Lawyer Internship Route. For the first examination, there were 2,337 people registered, and 362 of them passed the exam. There were 1,591 people registered for the second examination, but only 25 of them passed the exam. In the third examination, there were 1,238 people registered for the examination, while only 201 of them passed the exam.<sup>21</sup>

### **C. Oral Examination**

After passing the final exam (in the case of the Lawyer Internship Route) or the Academic and Practical Exams (in the case of the Lawyer Training Route), all prospective

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<sup>20</sup> The Rules of the Lawyers Council of Thailand regarding Internship in Law firms B.E. 2535 (A.D. 1992), s. 5(3)(n) and s. 5(3)(n).

<sup>21</sup> These numbers are based on announcements made by the Lawyers Council of Thailand regarding the related examination results, which are publicly available on the official website of the Lawyers Council of Thailand.

applicants have to attend and pass the same Oral Examination, no matter which route they have chosen. The Law Practice Training Center will arrange the dates for the Oral Examination once to twice a year, and the applicants from both routes will all be tested at the same time taking the same exam. In the Oral examination, each applicant will be tested and assessed by one to three examiners. The examiners are usually senior or experienced lawyers from various law firms or law offices. The questions used in the Oral Examination are normally related to Civil or Criminal Court procedures or to any legal practice of the Court. The questions are different each year. The assessment of the answers to the questions depends on the examiners' discretion as to whether the applicant's answers are acceptable or corrected. If the applicant's answers do not satisfy the standards of the judging examiners, the applicant will be sent to a special room, colloquially known as the "cold room", to be tested again by a special examination committee. If the applicant still fails the questions of the committee, the applicant will need to take the Oral Examination again in the next round. All applicants know whether they have passed or failed the Oral Examination on the examination date. If the applicant passes the Oral Examination, he or she will have to attend the Professional Ethics and Legal Etiquette training session, which will normally be held around one to two weeks after the Oral Examination date.

#### **D. Professional Ethics and Legal Etiquette Training**

Once an applicant has passed all the required courses, internship, and examinations, they will have to attend a mandatory Professional Ethics and Legal Etiquette training session. Normally, this training takes place over a morning (half-day). The morning training will be divided into two sessions, i.e. Professional Ethics and Legal Etiquette. Each session will be presented by a guest speaker, who is usually an experienced attorney, and sometimes even by the President of the Lawyers Council of Thailand. After all the training is finished, there will be a Graduation ceremony whereby all the successful candidates will receive their certificate, whether by the Lawyer Training Route or by the Lawyer Internship Route. At the end of the ceremony, all applicants will have to swear the Oath required of all attorneys. At this stage, all the required training will be deemed finished. However, the certificate received during the ceremony is not equal to the Lawyer's License. The candidate will still have to proceed to the next step in order to obtain the Lawyer's License and to register their license with the Lawyers Council.

#### **E. Obtaining a Lawyer's License and License Registration**

Before a successful candidate, who has passed all the above requirements, can obtain a Lawyer's License and then register their license with the Lawyers Council, the Lawyers Council Committee will have to examine the qualifications of the candidate. However, this

time the Committee will use stricter standards when examining each candidate's qualifications. To that end, a person who requests that the Lawyers Council grant them a Lawyer's License, and then that their name be registered with the Lawyers Council, has to have their qualifications approved by the Committee as follows:

1. A person of Thai nationality.
2. Age at least 20 years old at the time of submitting a request.
3. Must have a Bachelor of Laws degree or diploma or equivalent qualification, any of which are recognized by the Lawyers Council. Additionally, a person has to be a member of the Thai Bar Association.
4. Must not ever have committed an infamous or dishonorable or immoral or dishonest act.
5. Is not currently serving a prison term where sentencing was carried out by a final judgment of the Court.
6. Must not ever have served a prison term where sentencing was carried out by a final judgment of the Court, particularly in the case where the Lawyers Council Committee deems the conviction as dishonorable for legal professionals.
7. Must not ever have been sentenced as a bankrupt person.
8. Is not infected by contagious diseases that are repugnant to Thai society.
9. Does not have a physical or mental disability that affects competency when practicing as a lawyer.
10. Is not a full-time government official or local government official, with the exception of a political official.
11. Is not a person who has been deleted from the list of registered lawyers for less than five years from the date of deletion.<sup>22</sup>

As may see from the above list of qualifications, this list includes some additional items that are not included in the qualification requirements for those taking the Lawyer Training Route. One particular qualification in the above list that is worth mentioning is that a candidate for a Lawyer's License must also be a member of the Thai Bar Association. This is because only members of the Thai Bar Association are allowed to wear Advocate's gowns in Thai Courts of law. This qualification highlights the relationship between the Thai Bar Association and the Lawyers Council of Thailand, which will be explained more fully in the next chapter. If an applicant for a Lawyer's License has received the required certificate and passed all the qualification stated above, the Lawyers Council of Thailand will consider whether to grant the Lawyer's License or to allow the

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<sup>22</sup> Lawyers Act B.E. 2528 (A.D. 1985), ss.35, 71.

applicant to register their name in the list of registered lawyers.<sup>23</sup> The decision whether or not to grant the Lawyer's License to an applicant is under the sole discretion of the Lawyers Council Committee. If the Committee decides not to grant a particular applicant a Lawyer's License, the reasoning for such decision must be clearly stated so that the applicant is able to appeal such decision to the Special President's Committee of the Lawyers Council of Thailand for its final decision.

## VII Thai Bar Association and the Lawyers Council of Thailand

Unlike many other countries, the organization that has the power to control and supervise lawyers in Thailand is the Lawyers Council, not the Thai Bar Association. This has caused wide confusion among the public, especially from a foreigner's point-of-view, since every Thai lawyer still has to be a member of the Thai Bar Association in order to be allowed to wear the Advocate's gown or so-called "Barrister's robes", if appearing before the Court. Some may be confused as to whether passing the Bar Examination, which is different from the Lawyer's License Examinations, is required in order to practice law in Thailand. All this confusion is due to the complicated legal history of Thailand. In brief, the lawful right to wear an Advocate's gown was first legislated by the Barrister's Robes Act B.E. 2479 (A.D. 1936) when the Thai Bar Association<sup>24</sup> was the supervisory organization for lawyers. However, the power and authority regarding the supervision of lawyers was later transferred from the Thai Bar Association to the Lawyers Council of Thailand with the promulgation of the Lawyers Act in 1985. Thus, at present, it is not required for lawyers to pass the Bar examination, but it is mandatory for lawyers to be members of the Thai Bar Association in order to be allowed to wear the Advocate's gown in Court.

The Thai Bar Association today still provides legal education courses and administers the Bar Examination to interested applicants.<sup>25</sup> Passing the Bar Examination of the Thai Bar Association is not a necessary requirement for practicing lawyers. However, those lawyers seeking barrister-at-law status, must still pass the Bar Examination, which is a mandatory qualification requirement for those pursuing a judicial appointment or for those hoping to practice law as a public prosecutor or judge. Furthermore, the barrister-at-law status is recognized generally by government organizations as a higher level of education,

<sup>23</sup> Ministerial Regulation No. 2 promulgated under the Lawyers Act B.E. 2528 (A.D. 1985), s.3, s.4.

<sup>24</sup> Based on the Barrister's Robes Act B.E. 2479 (A.D. 1936), s.5.

<sup>25</sup> Please see information of legal education courses provided by the Thai Bar Association in Vichai Ariyanuntaka, *Legal Research and Legal Education in Thailand*, in *DOING LEGAL RESEARCH IN ASIAN COUNTRIES CHINA, INDIA, MALAYSIA, PHILIPPINES, THAILAND, VIETNAM* 145, 169-72 (Institute of Developing Economies ed. 2003).

similar to a professional certificate in the legal field. Nevertheless, the only important status that lawyers require from the Thai Bar Association is membership status, which could be either ordinary membership or extraordinary membership. Ordinary membership is available for a student who has passed the Bar Examination of the Thai Bar Association. The extraordinary membership is available to either (1) a person who graduated from one of the specifically listed universities, or (2) a person who passed the lawyer examination process administered by the Lawyers Council of Thailand.<sup>26</sup> Therefore, an applicant for a Lawyer's License, who has passed the lawyer examination process, can apply to be an extraordinary member of the Thai Bar Association without having to take the Bar Examination. However, applicants vying for the Lawyer License might as well participate in both the lawyer examination process and the Bar Examination, and then register their membership as ordinary member. There is virtually no distinction between lawyers who are an ordinary members and lawyers who are extraordinary members of the Thai Bar Association.

## VIII Types of Licenses and Time Limitations of Licenses

When a Lawyer License is granted to an applicant, the applicant is free to choose the type of Lawyer License that best suits their needs. There are two types of Lawyer License — a two-year license and a lifetime license.<sup>27</sup> The main difference between the two types is the fee for license registration, which is higher in the case of the lifetime license. Apart from the license, the Lawyers Council also issues the Lawyer Council Member Card and the License Book, according to the type of license the applicant has selected. The two-year license must be renewed within 90 days before the date of expiry, or within 60 days after the expiry date with a surcharge added to the renewal fee.<sup>28</sup> The Lawyers Council Member Card and the License Book will also change at the same time as the license renewal. In the case of a lifetime license, although there is no time limitation on the license itself, the Lawyer Council Member Card for this type of license has an expiry date and has to be changed every six years.<sup>29</sup> In other words, the lifetime license does not actually last forever without an update or renewal, as the lawyer still has to apply for a change of their lifetime license card once every six years. To renew the Lawyer's License or to change the license card, there are no special requirements, such as seminars, courses, or practice results. Only an application form and application fee are required. If the lawyer

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<sup>26</sup> The Rules of the Thai Bar Association B.E. 2507 (A.D. 1964), s.4, s.5.

<sup>27</sup> Lawyers Act B.E. 2528 (1985), s.39.

<sup>28</sup> Lawyers Act B.E. 2528 (1985), s.39, 40.

<sup>29</sup> The Rules of the Lawyers Council of Thailand regarding the Lawyer Council Member Card B.E. 2535 (A.D. 1992), s.4.

chooses to register first for a two-year license, they still can apply to the Lawyers Council to switch to a lifetime license at a later date.<sup>30</sup>

## IX Lawyer Organizations

The national lawyer organization of Thailand is the Lawyers Council of Thailand under the Royal Patronage, which was established in 1985 following the implementation of the Lawyers Act. The legal entity of the Lawyers Council is a juristic person, which has rights and duties, according to the scope and objectives described under the Lawyers Act.<sup>31</sup> The objectives of the Lawyers Council of Thailand is prescribed in Section 7, as follows:

1. To promote the education and practice of lawyers.
2. To supervise legal etiquette of lawyers.
3. To promote the harmony and honor of the members.
4. To promote and provide welfare for members of the Lawyers Council.
5. To promote, assist, recommend, publicize and educate the general public regarding any legal matters.

In addition to the objectives above, the Lawyers Council is also responsible for the issuance of Lawyer's Licenses and administering Lawyer's License registration, according to the conditions prescribed under the Lawyers Act.<sup>32</sup> The Lawyers Council of Thailand consists of the Lawyers Council Committee and Lawyers Council members. The Lawyers Council Committee is comprised of one representative from the Ministry of Justice, one representative from the Thai Bar Association, the President of the Lawyers Council and other Lawyers Council members totaling not more than 23 people. At least nine of the Lawyers Council Committee must have registered offices in each of the nine provincial regions, i.e. one office in each region. The President of the Lawyers Council and the Lawyers Council Committee are elected by members of the Lawyers Council countrywide.<sup>33</sup> The Lawyers Council members are licensed lawyers. Once a lawyer has registered their name with the Lawyers Council of Thailand and obtained the Lawyer's License, a lawyer will automatically become a member of the Lawyers Council.<sup>34</sup> A lawyer's membership status will be renewed at the same time that a lawyer successfully renews their Lawyer's License. Similarly, if a lawyer loses their Lawyer's License, no matter what the reason, their membership status as a member of the Lawyers Council will

<sup>30</sup> Ministerial Regulation No. 2 promulgated under the Lawyers Act B.E. 2528 (A.D. 1985), s.6.

<sup>31</sup> Lawyers Act B.E. 2528 (A.D. 1985), s.6.

<sup>32</sup> Lawyers Act B.E. 2528 (A.D. 1985), s. 8.

<sup>33</sup> Lawyers Act B.E. 2528 (A.D. 1985), s. 14.

<sup>34</sup> Lawyers Act B.E. 2528 (A.D. 1985), ss. 11, 37.



be terminated.<sup>35</sup> There are no other types of memberships granted by the Lawyers Council. Membership of the Lawyers Council is available only to individual members, and no groups or organizations are able to be Lawyers Council members.

The organizational structure of the Lawyers Council of Thailand is divided into two main levels — the Central level and the Regional level. The Central level of the Lawyers Council consists of several offices, as follows:<sup>36</sup>

1. Office of Legal Aid Committee
2. Office of Environment Committee
3. Office of Human Rights Committee
4. Office of Administrative Litigation
5. Office of Consumer Protection
6. Office of Alternative Dispute Resolution
7. Institute of Advanced Legal and Professional Studies
8. Law Practice Training Center
9. Institute of Legal Professionals Development
10. Institute of Research and Development of Law
11. President's Office and the Lawyers Council Committee Office
12. Office of Inspection and Report
13. Office of Budget Process
14. Office of Technology and Information Technology
15. Office of the Secretary
16. Office of Accounting and Finance
17. Office of Administration and Human Resources
18. Office of Lawyer Registration
19. Office of the Spokesperson and Public Relations
20. Office of Notarial Services Attorney Registration
21. Office of Legal Etiquette Committee
22. Office of International Affairs
23. Office of Privileges and Welfare
24. Office of Sport Clubs

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<sup>35</sup> Lawyers Act B.E. 2528 (A.D. 1985), s. 13, 44.

<sup>36</sup> The Rules of the Lawyers Council of Thailand regarding the Division of the Lawyers Council's Offices and Rights and Duties of the Lawyers Council Committee B.E. 2556 (A.D. 2013), s. 4(4.1).

25. Office of Credit Union and Cremation Matters
26. Office of Cremation Welfare of the Lawyers Council
27. Office of Supplies
28. Office of Public Interest Protection and Corruption Litigation
29. Office of Journals and Publications
30. Office of Volunteer Counsel
31. Office of Conferences

Regarding the Regional level, there are two main offices — the Regional Office of the Lawyers Council of Thailand and the Provincial Office of the Lawyers Council of Thailand.<sup>37</sup> The Regional Office of the Lawyers Council of Thailand is divided into nine separate Regional Offices, based on the jurisdictions of the chief judges in each region; details of the jurisdiction covered by each Regional Office can be seen below.

1. Regional Office No. 1 is responsible for the Lawyers Council's assigned duties within the provinces of Phra Nakhon Si Ayutthaya, Lop Buri, Chai Nat, Sing Buri, Ang Thong, Saraburi, Pathum Thani, Nonthaburi, and Samut Prakan.
2. Regional Office No. 2 is responsible for the Lawyers Council's assigned duties within the provinces of Chon Buri, Pattaya, Chachoengsao, Nakhon Nayok, Prachin Buri, Sa Kaeo, Rayong, Trat, and Chanthaburi.
3. Regional Office No. 3 is responsible for the Lawyers Council's assigned duties within the provinces of Nakhon Ratchasima, Chaiyaphum, Buri Ram, Surin, Si Sa Ket, Ubon Ratchathani, Amnat Charoen, and Yasothon.
4. Regional Office No. 4 is responsible for the Lawyers Council's assigned duties within the provinces of Khon Kaen, Udon Thani, Nong Bua Lam Phu, Nong Khai, Bueng Kan, Sakon Nakhon, Nakhon Phanom, Mukdahan, Maha Sarakham, Roi Et, Loei and Kalasin.
5. Regional Office No. 5 is responsible for the Lawyers Council's assigned duties within the provinces of Chiang Mai, Lampang, Mae Hong Son, Chiang Rai, Payao, Nan, Lamphun, and Phrae.
6. Regional Office No. 6 is responsible for the Lawyers Council's assigned duties within the provinces of Phitsanulok, Sukhothai, Uttaradit, Tak, Kamphaeng Phet, Phichit, Phetchabun, Nakhon Sawan, and Uthai Thani.
7. Regional Office No. 7 is responsible for the Lawyers Council's assigned duties within the provinces of Nakhon Pathom, Ratchaburi, Suphan Buri, Kanchanaburi,

<sup>37</sup> The Rules of the Lawyers Council of Thailand regarding the Division of the Lawyers Council's Offices and Rights and Duties of the Lawyers Council Committee B.E. 2556 (A.D. 2013), s. 4(4.2).

Phet Buri, Prachuap Khiri Khan, Samut Sakhon, and Samut Songkhram.

8. Regional Office No. 8 is responsible for the Lawyers Council's assigned duties within the provinces of Surathani, Nakhon Si Thammarat, Chumphon, Ranong, Krabi, Phangnga, and Phuket.
9. Regional Office No. 9 is responsible for the Lawyers Council's assigned duties within the provinces of Songkhla, Trang, Phatthalung, Satun, Pattani, Yala, and Narathiwat.

The jurisdiction of each Regional Office actually covers all the judicial provinces in the above-listed provinces within Thailand. The judicial provinces include provinces or districts that have either Provincial level courts or Municipal level courts or both. The Provincial Office of the Lawyers Council of Thailand also operates in every judicial province of Thailand. There are no other official organizations apart from the Regional Offices and the Provincial Offices of the Lawyers Council. It is not mandatory for a lawyer to become a member of a local lawyer organization in order to represent a client in such local regions or provinces.

## X Notarial Services Attorney

Lawyers in Thailand have always provided Notary Public Services for clients from the time that these types of services became available in Thailand, even though originally there were no specific provisions governing Notary Public Services.<sup>38</sup> However, in May 23, 2003, the Lawyers Council decided to issue Regulations regarding the Registration of Notarial Services B.E. 2546 (A.D. 2003), which is the first regulation regarding notary public services in Thailand. Together with the promulgation of such rules, the Lawyers Council started to offer standard training sessions for lawyers interested in becoming Notarial Services Attorneys.

In 2008, as the Special President's Council of the Lawyers Council of Thailand, Justice Minister agreed to issue The Rules of the Lawyers Council of Thailand regarding the Registration of Notarial Services Attorneys B.E. 2551 (A.D. 2008), which was published in the Royal Gazette on January 8, 2009. A Notarial Services Attorney must be a licensed lawyer who has passed all the training and qualifications required by the Lawyers Council. To that end, the Lawyers Council of Thailand standardized their training course and began offering such course to any interested lawyers. Passing this course is a mandatory requirement before a lawyer can apply to the Lawyer Council for registration as

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<sup>38</sup> Frank Munger, *Thailand: The Evolution of Law, the Legal Profession and Political Authority*, NYLS Legal Studies Research Paper No. 3347143, 16 (2019), available at <https://ssrn.com/abstract=3347143> (last visited May 15, 2019).

a Notarial Services Attorney.

The Notarial Services Attorney Training Course is a two-day course, which includes several lectures and examinations on several subjects, including the principles governing and the registration procedure of a Notarial Services Attorney; a comparison between Notaries Public in Thailand and other countries; categories of signatures and document certifications; the certification procedure and Notary stamp; case studies; and the legal etiquette and legal liability involved in offering Notary Public Services. Once a lawyer has attended and passed the requirements of the training course, he or she can apply for registration as a Notarial Services Attorney with the Lawyers Council of Thailand.

The qualification requirements for a person seeking registration as a Notarial Services Attorney are as follows:

1. A person who is a licensed lawyer.
2. A person who has passed the Notarial Services Attorney Training Course, according to the requirements of the Lawyers Council of Thailand.
3. A person is not currently serving a punishment or under sanctions for violation of legal etiquette.
4. A person who must not ever have committed an infamous or dishonorable or immoral or dishonest act.

If the applicant passes all of the above requirements, the Lawyers Council will register the applicant's name and issue the Notarial Services Attorney Certificate, with its unique registration number, and the Notary Public stamp to the applicant without delay.<sup>39</sup> The Certificate is valid for two years from the date of issuance. A Notarial Services Attorney must then apply for renewal within 90 days before the date of the Certificate's expiration.<sup>40</sup>

## XI Foreign Lawyers

In the past, Thailand allowed foreigners to practice as lawyers of the Court around the time of the Lawyers Act B.E. 2477 (A.D. 1934), with the requirement that all hearings be conducted in the Thai language.<sup>41</sup> However, since the enactment of the Lawyers Act B.E. 2508 (A.D. 1965), local legal practice is now strictly reserved for Thai nationals only. As may be noted from the qualification requirements to attend the Lawyer Training Route and

<sup>39</sup> The Rules of the Lawyers Council of Thailand regarding the Registration of Notarial Services Attorneys B.E. 2551 (A.D. 2008), s. 4.

<sup>40</sup> The Rules of the Lawyers Council of Thailand regarding the Registration of Notarial Services Attorneys B.E. 2551 (A.D. 2008), s. 6.

<sup>41</sup> Ruchira Bunnag, *Thai Lawyers and Foreign Lawyers*, in *Daily News* (Daily News ed. 16 March 2014).

the qualifications to obtain and register for a Lawyer's License, the first condition of both qualifications is that the applicant must be of Thai nationality. More specifically, legal practice is considered a prohibited profession that is closed to foreigners in Thailand, according to Clause 39 of the Royal Decree Naming Occupations and Professions Prohibited to Aliens (Foreigners), as issued under the Alien Employment Act B.E. 2521 (A.D. 1978). Therefore, currently, it is not possible for a foreigner, who is not a Thai citizen, to apply or obtain a Lawyer's License or to practice law in Thailand. There was an attempt in 2015–2016 to update the Lawyers Act to allow foreigners to practice law and to be regulated under an amendment to the Lawyers Act. However, such proposal faced furious objections from numerous local lawyers, and the change did not actually materialize.<sup>42</sup>

Foreigners who work in the legal business in Thailand are actually non-licensed workers, who are able to work under the scope of “Business Consultants” or “Investment Advisors” only. Additionally, foreigners are allowed to act as arbitrators, if the applicable law of the case is not Thai law or if the enforcement and the award of a decision will not occur within Thailand.<sup>43</sup>

## XII Professional Responsibility and Legal Malpractice

Lawyers can be held legally liable for legal malpractice in Thailand. The major laws and regulations covering these areas are (1) The Rules of the Lawyers Council of Thailand regarding Legal Etiquette B.E. 2529 (A.D. 1986), and (2) the Thailand Penal Code, specifically the sections regarding confidentiality and the duties of professionals.

The Rules of the Lawyers Council regarding Legal Etiquette sets out self-regulation measures and the supervisory authority that the Lawyers Council can enforce against any professional misconduct perpetrated by a registered lawyer. From time to time, the Lawyers Council appoints several lawyers to serve as “The Legal Etiquette Committee”, which performs these supervision duties and delivers proper punishment against other accused lawyers. The Legal Etiquette Committee has the legal status of a government official, according to the Thailand Penal Code. The composition of the Committee includes the appointment of a President and a Vice-President, and other Committee members, who shall be not less than seven people. All of the Committee members must have worked as

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<sup>42</sup> Workpoint News, *Lawyers Gathered to Oppose the Lawyers' Bill that Allows Foreigners to Practice Law*, in Workpoint News (Workpoint News ed. 1 Feb 2016), available at <http://www.workpointtv.com/news/1297> (last visited Jan. 27, 2019).

<sup>43</sup> David Lyman and Alongkorn Tongmee, *Lawyer's Obligations: Confidentiality of Client Information in Thailand*, New York State Bar Association International Section Seasonal Meeting in Singapore Plenary Panel D: Ethics Panel 1, 3-4, 6 (Tilleke & Gibbins ed. 2009).

lawyers for ten years or more and must never have been punished for any legal etiquette breach. In addition, the Committee members' names must never been removed from the lawyer registration list.<sup>44</sup>

There are three types of punishment for any violation of The Rules regarding Legal Etiquette, i.e. (1) probation; (2) temporarily suspended from working as a lawyer (not more than 3 years); and (3) removal of the accused's name from the lawyer registration list.<sup>45</sup> In the case where the violation is a petty offense, and it is the first time that the violator has committed such violation against The Rules regarding Legal Etiquette, the Legal Etiquette Committee may reject punishment and choose to warn the offender about their misconduct or may order that a written probation notice be issued instead.<sup>46</sup> There are several requirements for lawyers to adhere to with regard to The Rules regarding Legal Etiquette, such as:

1. Breach of legal etiquette within the courtroom, such as contempt of Court or judges, presenting false witnesses or evidence to the Court, bribery, etc.
2. Breach of legal etiquette with the client, such as instigating the client to file a lawsuit in a groundless or unfounded case, intentionally non-appearance in Court, disclosing to the client confidential information, representing a party that conflicts with a former client, etc.
3. Breach of legal etiquette with fellow lawyers, such as unreasonably acquiring a case that another lawyer is currently representing.
4. Breach of legal etiquette with general persons, such as advertising a legal services fee or other persuasive content regarding the promotion of legal services.
5. Breach of legal etiquette involving a lawyer's behavior, such as running a legal practice targeting immoral or dishonorable matters or cases.
6. Breach of wearing proper lawyer's attire, such as dressing improperly, or did not wearing the Advocate's gown at a Court hearing.<sup>47</sup>

Any person or any lawyer may file an accusation against a lawyer claiming that he or she has violated the legal etiquette expected of a lawyer.<sup>48</sup> Such accusation has to be filed

<sup>44</sup> Lawyers Act B.E. 2528 (A.D. 1985), ss. 54, 61.

<sup>45</sup> The Rules of the Lawyers Council of Thailand regarding Legal Etiquette B.E. 2529 (A.D. 1986), s. 52.

<sup>46</sup> The Rules of the Lawyers Council of Thailand regarding Legal Etiquette B.E. 2529 (A.D. 1986), s. 52.

<sup>47</sup> Lawyers Act B.E. 2528 (A.D. 1985), s. 53. There are many legal allegations that an interested party might raise to the Legal Etiquette Committee. Please see more details in the Rules of the Lawyers Council of Thailand regarding Legal Etiquette B.E. 2529 (A.D. 1986), ss. 5-20.

<sup>48</sup> For detail regarding legal procedure for the case regarding the violation of legal etiquette of lawyers, see Panida Pongsuwan, *The Control of Power in Legal Professional organizations: A Case Study of Lawyers Council of Thailand*, Master of Laws Program Thesis of Chulalongkorn University, 1, 122-32 (Chulalongkorn University ed. 2008), available at <https://cuir.car.chula.ac.th/xmlui/bitstream/handle/123456789/58788/Panida%20Pongsuwan.pdf?sequence=1&isAllowed=y> (last visited May 15, 2019).

with the President of the Legal Etiquette Committee in writing within one year after the accuser has acknowledged the act of violation and has learned the identity of the violator, but such formal complaint must not be more than three years since the date of the violation.

Apart from The Rules regarding Legal Etiquette stated above, the Thailand Penal Code also has a specific provision regarding legal malpractice. This is specified in Section 323, which is the section covering the parameters and penalties for disclosures of Private Secrets by professionals.

### **Thailand Penal Code**

#### **Section 323**

Whoever knows or acquires a private secret of another person by reason of his functions as a competent official or his profession as a medical practitioner, pharmacist, druggist, midwife, nursing attendant, priest, advocate, lawyer or auditor, or by reason of being an assistant in such profession, and then discloses such private secret in a manner likely to cause injury to any person, shall be punished with imprisonment not exceeding six months or a fine not exceeding 10,000 baht, or both.

A person undergoing training and instruction in the profession mentioned in the first paragraph who has known or acquired the private secret of another person in the training and instruction in such profession, and discloses such private secret in a manner likely to cause injury to any person shall be liable to the same punishment.

The above provision from the Thailand Penal Code is a section that specifically prescribes the breach of confidentiality duty of certain professionals, including advocates and lawyers, as well as persons who are undergoing training to become a lawyer or persons under the instructions of a lawyer. Thus, not only the lawyer himself or herself is liable, but also the legal intern or proxy of the lawyer could be liable to criminal charges under this section, if confidentiality is breached. Thus, a lawyer must be careful and must always preserve the confidentiality of the client to the highest degree as possible, because they could not only lose their license, but they could also be punished by the relevant law for their legal malpractice.

It should be emphasized that there is no limited liability available for lawyers in Thailand, and a lawyer could be held fully liable as a result of their improper conduct. However, it is not mandatory or usual for lawyers to apply for lawyer's liability insurance in Thailand.

## Summary

The legal system in Thailand has undergone a long history of development, which makes it rather unique and distinctive from other jurisdictions. Over time, the supervision of lawyers has changed from being under the authority of the Thai Bar Association to now being regulated by the Lawyers Council of Thailand under Royal Patronage. The Lawyers Council itself, as the main national lawyers' organization, has gone through many changes. More and more rules and regulations of the Lawyers Council are being updated and issued, which has led to an improvement of the standardized legal practice guidelines for legal practitioners. The Lawyers Council of Thailand and Thai lawyers will continue to work together to develop and augment the legal system governing lawyers in Thailand, all the while maintaining good legal practice standards for the benefit of the people of Thailand and for the benefit of our legal society as a whole.



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