

Central Committee's Directive on Reforming the Lawyer System

(September 2, 1949)

Shanghai Municipal Committee, and relayed to the East China Bureau, all central bureaus, and branches:

The committee's telegram on dealing with the issue of old lawyers has been received. We have the following opinions on the lawyer issue:

(1) The reasons why old lawyers cannot continue their practice are:

(a) The reactionary six-law compendium they studied and used has been officially abolished.

(b) With the deterioration of the entire Kuomintang national and judicial system, China's lawyer system has evolved into a mixture of extortion practices from European and American capitalism, coupled with the unscrupulous practices of litigation agents from China's feudal era. Therefore, among the old lawyers, there are more corrupt and decadent individuals and fewer upright and public-spirited ones.

(c) People's courts implement litigation procedures and trial methods that serve the people, making the vast majority of litigants feel that there is no need to hire private lawyers.

(2) During the capitalist and Kuomintang rule, the system predominantly used private lawyers with state-appointed defenders as supplementary. Private lawyers were primarily tools in service of imperialism, the landlord class, and other bourgeois elements. Their so-called state-appointed defenders were ostensibly for impoverished litigants unable to afford private lawyers or for political and criminal offenders who couldn't find private lawyers. In reality, they not only served as a deceptive facade but often acted as intermediaries causing harm. In the new China under the people's democratic dictatorship, we plan to adopt a legal system where public lawyers play a primary role and private lawyers serve as auxiliary. This means, under the leadership and organization of judicial administrative authorities, an appropriate number of public lawyers will be established, primarily in the people's courts, starting with the people's courts in large and medium-sized cities, and higher-level people's courts. They will provide legal services for the litigation and non-litigation affairs of the general public. Simultaneously, we will permit some lawyers who have been examined and approved by judicial administrative authorities and have obtained business licenses to conduct private legal practices, for those willing and able to hire them. However, the business activities and fee amount of these lawyers must comply with the regulations set by judicial administrative authorities.

(3) Apart from those who have committed numerous wrongdoings, engaged in corruption, have a tarnished reputation, or are counter-revolutionaries, and who must be dealt with or instructed to change their profession, all old lawyers willing to continue practicing law in the people's democratic state must undergo retraining. They must enrol in government-operated political and legal schools, judicial training classes, or new legal research institutions, where they will study Marxism, Mao Zedong Thought, new social, national, and legal perspectives. They will learn the policies, laws, and judicial systems and styles of people's democratic dictatorship serving the people. Simultaneously, there will be a thorough critique of the reactionary old social, national, and legal perspectives of the Kuomintang and all Euro-American and Japanese reactionary views. A systematic liquidation will be

carried out against the old, anti-people judicial systems and practices. Those who successfully complete the training and are deemed qualified by judicial administrative authorities will be issued licenses to practice law. Old lawyers unwilling to undergo training to transform their own thinking and conduct must not engage in the practice of public or private law.

(4) To cultivate new legal cadres and reform old judicial personnel, the Central Committee has established the Political and Law University and the New Law Research Institute in Beijing. However, due to limitations in material conditions, they cannot enroll a large number of individuals in each session. Please consider whether it is possible to establish training classes or schools for the reform of old judicial personnel and the cultivation of new legal cadres in places like Nanjing, Shanghai, etc.? What are your opinions on this matter? Please inform us promptly via telegram.

Central Committee