



# 《商法》2017年 律师事务所费率调查

## *CHINA BUSINESS LAW JOURNAL'S* 2017 SURVEY OF LAW FIRM BILLING RATES

中国律所首次在《商法》一份关于律师费用的报告中揭示了其小时费率, **Vandana Chatlani** 为您报道

PRC LAW FIRMS REVEAL THEIR HOURLY BILLING RATES FOR THE FIRST TIME IN THIS  
UNIQUE REPORT ON LEGAL FEES. **VANDANA CHATLANI** REPORTS

**您** 在中国需要为法律咨询支付多少费用？当然，这取决于您聘用的律师以及您寻求的建议类型。不过有一件事是肯定的，应对中国复杂和迅速变化的法律制度，需要勤奋、才智、创造力，也需要对中国法律有深刻的理解并知道各地方政府、法院和企业可能对这些法律有不同的解读。

中国律师事务所的合伙人曾说，如果国际律师不能在律师费方面提供更多的弹性，那么他们将很难争取到业务，特别是从国有企业那里获得业务。这种情况与印度很类似。在两个法域，客户都非常注重节省成本，并且经常选择低价的律师事务所。

公司法务顾问的眼光变得越来越敏锐，在购买法律服务时越来越深刻地认识到如何在保证价值的同时还保持低成本。他们努力地谈判，并要求采用固定费用，以严格控制法律费用支出。

中国律师事务所通过与外国律所合作而不断发展且越来越国际化，也意味着客户可以用有吸引力的费率获得具有国际视野的本地法律意见。

### 降低成本和竞争

由于中国律师事务所都在争夺法律服务市场这块大蛋糕，因此他们往往不得不提出具有吸引力的报价，以尽可能地令客户满意。中非发展基金在北京的法务顾问叶秋冶表示：“没有律师事务所是不可替代的。如果你的价格很高，我肯定会找其他人。”

“中国的法律服务市场比以往任何时候都更加开放，”瀛泰律师事务所上海的合伙人周波表示。“客户也更加了解他们的法律服务需求。律师事务所可能需要降低其费率以推动收入增长，提高营销效果并成功地与其对手相竞争。”

不过 Shui On Development 有限公司在上海的法务总监吴家琳指出，降低价格的风险是可能会导致“向我们提供的服务质量较低”。

亚马逊中国在中国的副总法律顾问安军表示，外国律师事务所可能会由于价格战感到更大的压力，因为本地律师事务所的许多合伙人过去都在海外受过培训。“他们以非常低的价格提供几乎相同质量的服务，”安军表示。“不过，在选择律师事务所的时候，‘性价比’不是我最优先考虑的事情。我总是想要最好的建议，价格因素是其次。用降低价格的方式争取客户对我不管用。”

强生公司原助理总法律顾问潘琪持类似观点，他强调与价格相比，价值应该是关键因素。“最低的价格可能有最差的价值，”他表示。“这也是一家好的律师事务所希望客户关注的。”不过，以有形的方式确定“价值”可能会很棘手。“在中国市场，由于大多数本地的客户没有使用律师事务所的传统和经验，对于他们来说判断律师事务所的质量和价值就更加困难了，”潘琪说。“市场需要一些时间来逐渐发展成熟。同时，律师事务所还应当对客户合理的预算管理需要更加敏锐。最高的价格也可能有最差的价值。”

### 费用概览

鉴于这种激烈竞争、关注成本的大背景以及法务顾问的需求，《商法》进行了第一次年度费率调查。我们基于 19 家规模甚为不同、律师人数由 20 名至 4800 名不等的律师事务所进行了律师费分析，既有知识产权精品律事

**H**ow much should you be paying for legal advice in China? The answer to this question of course depends on who you engage and what kind of advice you are seeking. But one thing is certain – navigating China's complex and rapidly changing legal system requires diligence, intellect, creativity and a deep knowledge of national laws and the various ways they may be viewed by local governments, courts and businesses.

Partners at local Chinese law firms have said in the past that international lawyers would struggle to win assignments, particularly from state-owned companies, if they failed to offer more flexibility on legal fees. The situation is no different to India. In both jurisdictions, clients are exceptionally cost-conscious and firms quoting bargain prices often reign supreme.

In-house lawyers have become discerning, savvy buyers of legal services, with an increased awareness of how to secure value while also keeping costs low. They negotiate hard and demand fixed fees to keep a tight rein on their legal spending. The expansion and growing internationalization of Chinese firms through tie-ups with foreign partners also means that clients can enjoy domestic legal advice with a global outlook at attractive rates.

### COST-CUTTING AND COMPETITION

As law firms in China jostle for a slice of the meatiest deals, they are often forced to come up with attractive fee quotes, much to the satisfaction of their clients. As Ye Qiuye, an in-house lawyer at CADFund in Beijing, says confidently: “There is no law firm that cannot be replaced. If your price is high, I’ll certainly be looking for someone else.”

The legal service market in China is more open than ever, says Paul Zhou, a partner at Wintell & Co in Shanghai. “Clients also have better knowledge of their legal service demands,” he says. “Law firms may need to lower their rates to drive revenue growth, improve marketing effectiveness and successfully compete against their rivals.”

But as Karen Ng, general counsel at Shui On Development in Shanghai, points out, the danger with undercutting is that it may result in a “lower quality of service provided to us”.

An Jun, the Beijing-based associate general counsel at Amazon China, says foreign firms may feel greater pressure as a result of price wars because a number of partners at local law firms have trained overseas. “They deliver pretty much the same quality at a much discounted price,” says An. “But ‘value for money’ is not my first priority when selecting law firms. I always want the best advice, and price consideration is secondary. Cutting prices to win clients does not work for me.”

Pan Qi, former assistant general counsel at Johnson & Johnson, takes a similar view, emphasizing that value should be the key focus rather than price. “The lowest price can be the worst value,” he says. “This is also what a good law firm wants the client to focus on.” But defining ‘value’ in a tangible way can be tricky. “In the China market, because most local clients do not have the tradition and experience of using law firms, it is even more difficult for them to judge the quality and value of a law firm,” says Pan. “It takes time for the market to mature. At the same time, law firms should also be more sensitive to the legitimate concern of clients for budget control. The highest price can be the worst value as well.”

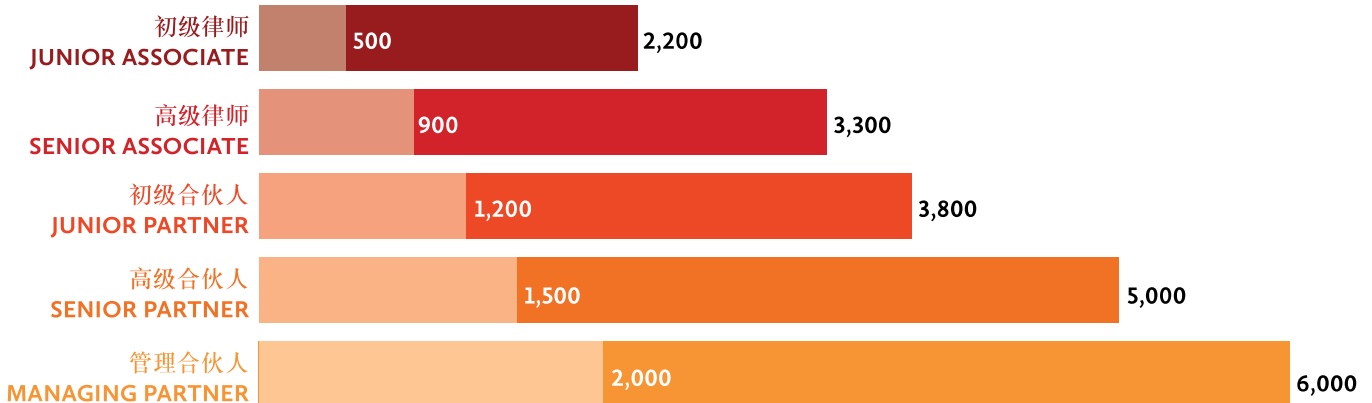


## 中国律所收取的最低及最高费率

## LOWEST AND HIGHEST RATES AT PRC LAW FIRMS

基于 19 家律所在 2017 年的小时费率统计而得 (人民币元 / 小时)

Based on hourly rates of 19 law firms in 2017 (RMB per hour)



务所, 也有提供全面服务的大型律师事务所, 来自北京、广州、上海及一些其他城市。我们通过一系列图表来显示我们的调研结果, 并在第 36-37 页列出了完整的费率表。

虽然这些数据能让你对市场有更深刻的了解, 但这些数据不一定代表了整个法律市场。一些律师事务所出于隐私和保密理由, 明确拒绝了分享其费率标准。由于参与调查的律所的规模和经验不同, 我们的调查结果只是提供了中国广阔法律市场中律师费发展趋势的一个剪影。

今年的律师费平均小时费率为人民币 2,788 元 (美元 420 元)。初级律师的平均小时费率为人民币 1,494 元, 高级律师的平均小时费率为人民币 2,069 元。需要由合伙人级别的律师提供服务的客户预计需要平均向初级合伙人支付每小时 2,605 元人民币, 向高级合伙人支付每小时 3,172 元的费用, 并向管理合伙人支付每小时 3,663 元的费用。

调查结果反映了法律服务价格的巨大差异。比如, 初级律师的费用为每小时 500 元至 2,200 元, 而管理合伙人的费用为每小时 2,000 元至 6,000 元。

### 计时收费的力量

虽然印度、美国和英国的总法律顾问积极地避开常常被认为“过时的”计时收费模式, 认为这种模式缺乏透明度并且会导致律师的工作效率低下和费用的不可预测性, 但有人说中国客户正在逐渐欢迎这种模式。

“传统上, 在中国的大部分法律工作都是以‘项目’为收费基础的, 客户和律所在事先就特定事项的律师费达成一致,” 已从强生公司退休的潘琪表示。“不过, 小时费率被越来越多地使用, 特别是在涉及某些特定类型的工作时。”

锦天城律师事务所高级合伙人郭重清确信计时收费的做法会增多。“随着中国法律服务需求的快速增长, 中国的律师事务所未来会慢慢地改变其收费做法, 以反映欧洲和美国等发达法律域律所收费的做法。在不久的将来, 采用小时费率的比重肯定会大量增加。”

### FEE FEVER

Against this backdrop of competition, cost-consciousness and corporate counsel desires, *China Business Law Journal* presents its first annual billing rates survey. Our analysis of legal fees is based on 19 firms of vastly differing proportions, with firms of between 20 and 4,800 lawyers, from intellectual property boutiques to full-service behemoths across Beijing, Guangzhou, Shanghai and other cities taking part. We highlight our findings through a series of infographics and present the full table of billing rates on pages 36-37.

While insightful and revealing, these figures are not necessarily representative of the entire legal market. Several law firms firmly refused to share their legal fee schedules, citing issues of privacy and confidentiality. As a result of the varying sizes and experiences of the participating law firms, our results offer a snapshot of legal billing trends in China's vast legal market.

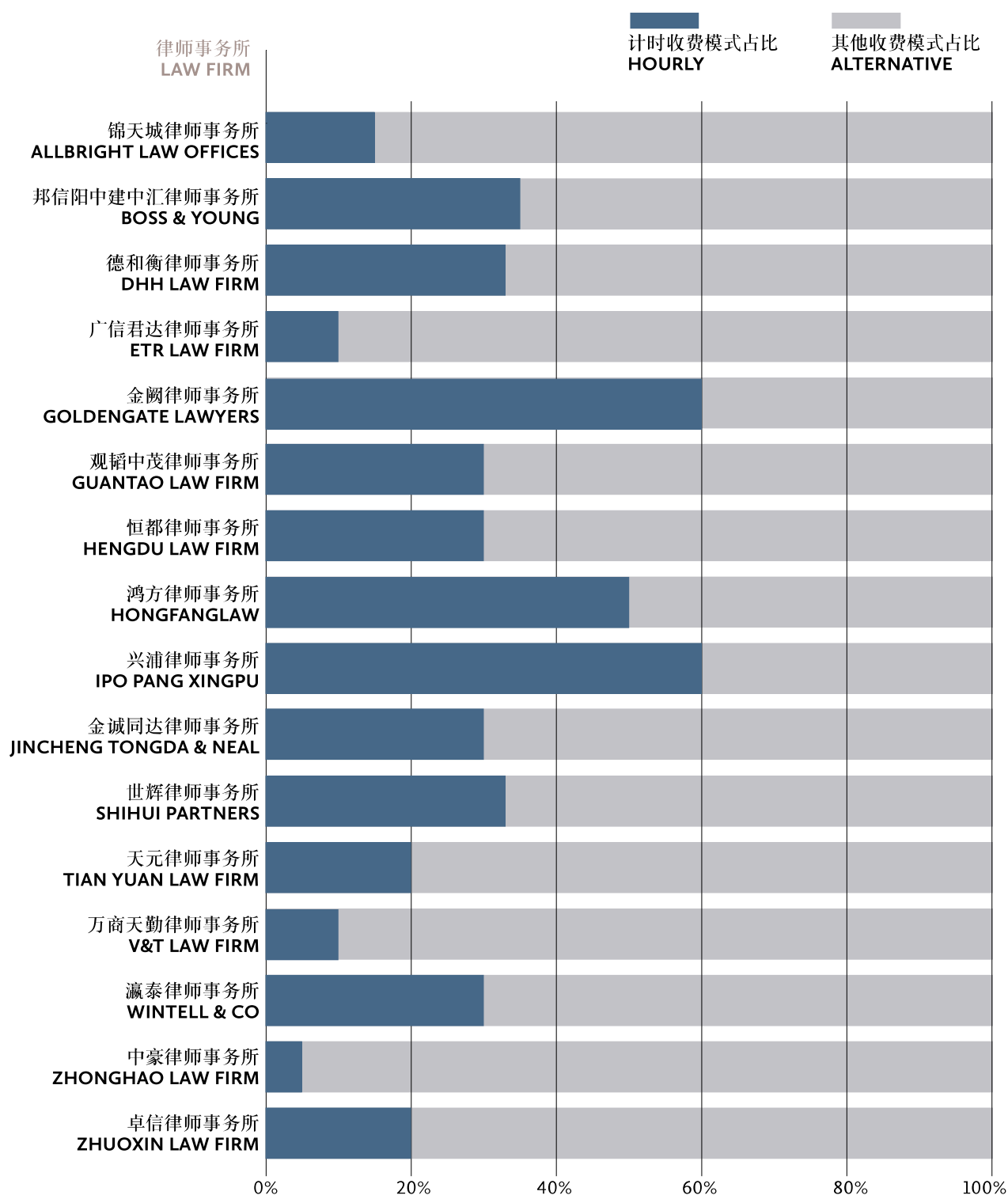
This year the average hourly rate for a lawyer was RMB2,788 (US\$420). The average hourly fee for advice from a junior associate came to RMB1,494, and for a senior associate RMB2,069. Clients seeking input from lawyers at a partner level would be expected to fork out an average of RMB2,605 for a junior partner, RMB3,172 for a senior partner and RMB3,663 for an hour of a managing partner's time.

The results reveal vast differences in the price of legal services. The hourly rate for a junior associate, for example, ranges from RMB500 to RMB2,200, while managing partner rates vary from RMB2,000 to RMB6,000 per hour.

### THE POWER OF THE HOUR

While general counsel in India, the US and UK actively move away from what is often termed the “outdated” hourly billing model, citing its lack of transparency and tendency to encourage inefficiency and unpredictability, some say Chinese clients are slowly embracing it.

## 计时收费与其他收费模式占比 HOURLY vs ALTERNATIVE BILLING



\* 部分参与的律师事务所未能提供其计时收费模式的采用比例。  
Some participating firms were unable to provide a percentage of hourly billing.





北京德和衡律师事务所主任蒋琪也有相同的看法。“目前, 计时收费在中国还没有完全实现,” 他说。“与外国律所相比, 中国律所更常使用固定费用, 或固定费用加计时的模式。中国现有的这种收费模式将延续一些时间。不过, 计时收费在未来会更频繁地被使用。”

其他律师也做出了类似的预测。隆安律师事务所主任王丹、卓信律师事务所管理合伙人陈健斌分别表示, 虽然目前计时收费还不是主流做法, 但它正变得越来越普遍和容易接受。

“计时收费有许多明显的优势, 应当成为主流的做法, 但是我不应该取消风险代理收费 [contingency fee] 或者定额收费方式, 特别是在诉讼或以结果为重的项目中,” 来自亚马逊中国的安军表示。“我更喜欢混合型的模式。”

来自中非发展基金的叶秋冶同样也更加偏好混合模式, 经常会选择计时收费但有封顶费用的方式, 以便其控制法律费用预算。“在诉讼或仲裁案件中, 计时收费可能会比限额收费更好,” 她说。“认为封顶收费和计时收费互相冲突、不可调和的想法是有失偏颇的。”

潘琪表示, 在某些涉及大量法律工作的项目中, 计时收费可能是最合适的方式, 对于律所及其客户都是有利的。举例来说, 如果客户给律师打电话讨论, 律师无法预测电话会持续多长时间, 或者电话之后会有多少跟进工作。在这种情况下, 计时收费可能对双方来说都最有利。他表示, 同样地, 在一些紧急或者非常难以预测的项目中, 计时收

“Traditionally, legal work in China was mostly based on a ‘project’ basis, with the client and the law firm agreeing beforehand on the amount of legal fees for a particular matter,” says Pan, who has retired from Johnson & Johnson. “But hourly rates are increasingly used, especially for certain types of work.”

James Guo Zhongqing, a senior partner at AllBright Law Offices, is certain that the practice of hourly billing will increase. “With the rapid growth of China’s legal service demand, law firms in China will slowly change their billing rates and practices in the future to reflect those of their peers in developed jurisdictions such as Europe and the US. The percentage of billing by hourly rates will definitely increase sharply in the near future.”

Jiang Qi, a director at Beijing DHH Law Firm, agrees with this assessment. “At present, hourly billing has not been completely implemented in China. Compared with foreign law firms, law firms in China tend to apply fixed fees, or fixed fees together with hourly billing. The current model in China will last for some time. However ... hourly billing will be used more frequently in the future.”

Other lawyers offer similar predictions. Both Wang Dan, a director at Longan Law Firm, and James Chen, the managing partner at Zhuoxin Law Firm, believe that although hourly billing isn’t a mainstream practice at present, it is becoming more common and accepted.

“Hourly billing has obvious advantages and should be mainstream but we should not rule out contingency fees or lump sum fees especially for litigation or result-driven projects,” says An, from Amazon China. “I prefer a hybrid model.”

Ye at CADFund shares a similar preference for a hybrid model, often choosing hourly rates with a fee cap to keep her legal budget in check. “In the case of litigation or arbitration, hourly billing may be better than capped fees,” she says. “It is wrong to assume that capped fees and hourly billing are conflicting and irreconcilable.”

Pan explains that paying by the hour can in some cases be the most appropriate method for a lot of legal work, benefiting both firms and their clients. For example, he says, if a client were to call a lawyer for a discussion, the lawyer would be unable to predict how long the call would last, or how much work would follow on from the call. In this case, hourly billing would work best for both sides. Similarly, he says, paying by the hour is ideal in urgent or highly unpredictable cases, and offers what he calls the lowest “transaction cost”, where a lawyer can begin work immediately without wasting time on which billing method to use, making the relationship “simple and efficient”.

However, says Pan, firms wishing to ensure client loyalty must be willing to match price with value, offering suitable billing structures depending on the matter at hand. “Hourly billing can sound absurd from a certain perspective (the slower, the better?), but there is indeed a good reason for it. Hourly billing should stay, and will stay, but both law firms and clients should actively consider alternative billing practices when hourly billing is not the most ideal method ... [by] measuring the amount and quality of legal work in a more objective and transparent way.”

## BETTER ALTERNATIVES?

Judy Wang, the general counsel at United Family Healthcare in Beijing, illustrates why law firms must be nimble to win work by

费是理想的做法，并且他认为这是最低的“交易成本”，律师可以立即开始工作，而不需要花费时间确定使用哪种计费方式，使其与客户的关系变得“简单而有效”。

不过，潘琪认为，希望确保客户忠诚度的律师事务所必须愿意使价格与提供的价值相匹配，根据处理的事项提供合适的计费结构。“虽然从某种角度来讲，计时收费听起来有些不合理（例如，越慢越好？），但是这种机制确实有好处。计时收费应当保留，并且会继续保留。但是律所和客户都应当在计时收费不是最理想的方式时，积极考虑其他的计费做法……以更客观和透明的方式计算工作量和质量。”

### 更好的做法？

和睦家医疗在北京的总法律顾问王凌军的意见说明了律师事务所为什么需要灵活变动，提出可如何根据具体的工作任务而调整收费做法，从而争取到业务。“就日常咨询来说，我更喜欢计时付费方式。对于并购和上市项目，我会选择打包价格。而诉讼案件，我会选择风险代理收费，”她说。

outlining how billing preferences can change based on the task in question. “For routine consultations I prefer to use hourly billing. For M&A and IPOs I would choose a package fee, and for litigation I would select a contingency fee.”

Chinese law firms are certainly aware of this need for flexibility, having offered alternative fee structures as a normal practice to their cost-conscious clients for years. Steven Zhu Xiaohui, the managing partner at Tian Yuan Law Firm in Beijing, says his firm offers lump sum billing, fixed fees and hourly rates with a fee cap. “It seems that the clients are less and less willing to pay on an hourly rate basis without any cap,” says Zhu. “They prefer a lump sum fee or hourly rate with a cap, although sometimes they may agree to a soft cap, i.e., a cap based on certain assumptions such as a project closing before a certain point in time.”

Benjamin Bai, an associate at Shihui Partners in Beijing, says about one-third of the firm’s matters are billed using alternative fee structures, particularly lump sum billing (see table “Hourly vs alternative billing” on page 30. He adds that legal fees for

## 其他的收费模式？

## WHAT ARE THE ALTERNATIVES?

通过实例观察中国律师事务所提供的不同收费模式

A SAMPLE OF  
DIFFERENT BILLING  
MODELS OFFERED BY  
PRC LAW FIRMS

由于计时收费在中国律师事务所并不十分盛行，因此客户可以得益于其他不同的法律服务收费结构。比如，金阙律师事务所就商标、专利注册、公司设立或调查报告起草等事项采用固定收费模式。在向本地客户提供诉讼和仲裁服务时，金阙律师事务所有时会在定金之外，按照胜诉所获赔偿的一定比例收取一笔成功费。

锦天城律师事务所在常年法律顾问合同中采用固定费用模式，在具体案件中则采用阶段性收费加计时收费的模式。

除固定收费和阶段性收费之外，兴浦律师事务所还向客户提供包干收费和风险代理收费等选项。

中伦文德律师事务所对于民事诉讼案件，按照每起案件人民币 1.5 万元的标准计件收费，不过上述收费适用于不涉及财产关系的法律事务。客户也可以选择按照诉讼标的额采用差额累进计费方式。对于不超过 10 万元的诉讼标的额，收费为一万元。如超过 10 万，对于 10 万元至 100 万元的这部分标的额，再收取比例为 8% 的费用；对于 100 万元至 1,000 万元的部分，收费比例为 6%；对于超过 1,000 万元的这部分金额，收费比例为 3%。

德和衡律师事务所采用计时收费的方式，同时还提供固定收费、阶段性收费、根据项目复杂程度固定收费、部分固定收费配合部分根据标的金额按比例收费等多种收费模式。

瀛泰律师事务所通常对非财产纠纷案件采取包干收费的方式，包括普通的民事、经济和行政案件。固定收费模式通常用于向企业提供常年法律服务的工作，包括律师函、法律意见等。阶段性收费一般用于刑事案件或者复杂案件。一旦成功完成某阶段任务，客户需要按案件总费用的一定比例或者按照此前约定的金额支付费用。

鸿方律师事务所就一些标准的程序和法律事务向客户收取固定费用，比如防止侵权检索、专利申请等。不过，就大部分的工作，鸿方会向客户提供量身定制的成本估算，该所会根据小时费率和律师预计会花费的时间，并且考虑案件的性质和背景来计算。

观韬中茂律师事务所会对所需的工作量和团队规模进行预估，从而确定向客户收取的固定费用，通常按阶段计算。这种模式适用于涉及到特殊法律顾问的事务，并取决于案件或项目的复杂程度，以及律师事务所在类似案件中的经验。

中国律师事务所无疑意识到了客户对收费灵活性的需求，多年来也一直向其注重成本的客户提供其他的计费方式。天元律师事务所在北京的管理合伙人朱小辉表示，天元律师事务所提供包干收费、固定费用、有封顶的计时收费等方式。“客户似乎越来越不愿意在没有封顶费用的情况下接受计时付费，”朱小辉表示。“他们更喜欢包干收费或有封顶价格的计时收费方式，虽然有时候客户会同意一个软性的封顶费用，即根据一定前提条件约定的封顶费用，比如假设项目在某个时间点之前结束。”

世辉律师事务所在北京的律师白洋铭表示，世辉大约三分之一的律师事务所事务是采用其他收费结构的，特别是包干收费（请见第30页的“计时收费与其他收费方式”统计表）。他补充说，风险投资、私募股权和资本市场交易的律师费用似乎正在减少。

一些律师事务所向外国和中国的客户提供不同的费率，理由是外国客户可能更习惯于计时收费方式。恒都律师事务所在北京的创始合伙人江锋涛表示，他们对外国客户通常是采用计时收费，对于国内客户，通常会提供其他的计费方式，包括包干收费、固定收费和阶段性收费等。

venture capital, private equity and capital market deals appear to be decreasing.

Several firms offer different rates to foreign and Chinese clients, alive to the fact that the former may be accustomed to charges by the hour. Jiang Fengtao, the founding partner of Hengdu Law Firm in Beijing, says foreign clients are normally billed by the hour while domestic clients are given the additional options of alternative billing practices, including lump sum billing, fixed fees and milestone-based billing.

Hanna Huang, an attorney at Boss & Young in Shanghai, says her firm primarily charges a fixed fee or works on a contingency basis. Under the first arrangement, a fixed amount is paid by the client and covers all of the work to be performed, regardless of how many hours a lawyer spends on the case and regardless of the outcome. Contingency fees, in contrast, are based on results, so the legal fee is divided into two parts. “The first part is a set amount, which is not very high and will be paid by the client at the very beginning,” says Huang. “The amount of the second part will be determined according to the results. If the lawyer wins the case,

Since hourly billing is uncommon among PRC law firms, clients benefit from a variety of alternative fee structures for legal services.

For example, GoldenGate Lawyers use fixed fees for trademark, patent registration, company set-up, or drafting a search report. When providing litigation and arbitration services for local clients, the firm sometimes charges a down payment in addition to a success fee, which is usually a percentage against the collected money.

AllBright Law Offices uses fixed fees for general legal adviser contracts, and milestone-based billing plus hourly rates on a case-by-case basis.

In addition to fixed fees and milestone-based fees, IPO Pang Xingpu offers clients the option of lump sum billing and contingent fees.

Zhonglun W&D Law Firm charges a flat rate of RMB15,000 per case for civil litigation cases, though the rate applies to cases where no financial

issues are involved. Clients can also choose to pay fees to be charged at progressive rates on the basis of the disputed amount. For a disputed amount of up to RMB100,000, the fee is RMB10,000. For a higher amount, the firm charges an additional 8% of the portion between RMB100,000 and RMB1 million, 6% of the portion between RMB1 million and RMB10 million, and 3% of the portion exceeding RMB10 million.

DHH Law Firm uses the hourly billing model. However, it also offers fixed fees, milestone-based billing, fixed fees based on complexity, and partially fixed fees together with partially proportional charges based on the subject amount.

Wintell & Co usually offers lump sum billing for non-property dispute cases, including ordinary civil, economic, administrative cases. Fixed fees are typically used for perennial legal services provided to enterprises, including legal letters, legal advice, etc. Milestone billing is

generally used for criminal cases or tangled cases.

As each milestone is successfully reached, the client is billed either a percentage of the entire case cost or simply a pre-defined amount.

HongFangLaw charges its clients fixed fees for some standard procedures and legal matters such as clearance searches, filing and prosecution. However, for most matters, it provides clients with a tailored cost estimation. This is calculated using the hourly rate and the approximate time its lawyers expect to spend having taken into account the nature and background of a case.

Guantao Law Firm anticipates the approximate amount of work required and the size of the team to establish a fixed quotation for clients, usually in stages. This applies to matters where special legal counsel is involved and depends on the complexity of a case or project and the firm's experience in undertaking similar cases.



邦信阳中建中汇律师事务所在上海的律师黄海诺表示,该律所主要按照固定费用或者风险代理收费方式收费。在第一种安排下,客户支付的固定费用包含了全部工作,不论律师在项目中花费了多少时间,也不论结果如何。相反,风险代理收费是根据结果收费,因此律师费分为两个部分。“第一部分费用不会很高,由客户在最开始的时候支付,”黄海诺表示。“第二部分费用会根据结果来确定。如果律师赢了案件,他们就可以从客户收到的赔偿款中保留一定比例的费用……如果律师输了,客户就不需要支付第二部分费用。”

广信君达律师事务所在广州的高级合伙人全朝晖表示,替代费用结构的透明度更高并且更加公平,因此该所仅有10%的事务是采用计时收费方式。“我们与许多其他律所一样,仍然更愿意采用包干收费、固定费用、基于工作收费以及有封顶的阶段式收费方式。我们也向在诉讼案件和非诉业务方面需要协助的公司和高价值客户提供协议费率。”

“越来越多的客户愿意为法律服务支付合理的价格,”万商天勤律师事务所在深圳的合伙人郭磊明表示。“律师费用总体来说在上涨,特别是好的律师事务所。固定费用仍然是主流做法。计时收费方式仍然有很长的一段路要走。”

### 货真价实

来自亚马逊中国的安军表示,就他的经验而言,中国律所的服务十分物有所值,特别是在争议解决方面。“物有所值是指以合理的价格提供确实可行的解决方案,而不是单纯的解释法律。”

汉高大中华区暨韩国总法律顾问沈悦志表示同意,并将“物有所值”界定为“基于扎实的中国法律专业知识和对中国实际监管环境的深刻见解,提供实际可行的解决方案”。

来自 Shui On Development 的吴家琳认为,中国律所服务体现的价值与其收费还不太相称,“因为作为公司

they will be allowed to keep a certain percentage of the damages a client receives ... If the lawyer loses ... the client will not have to pay the second part.”

Jeffrey Quan, a senior partner at ETR Law Firm in Guangzhou, says alternative fee structures provide greater transparency and fairness, which is why only 10% of the firm's matters are billed by the hour. “Our firm is one among many PRC law firms that still prefer to use lump sum fees, fixed fees, activity-based charges and milestone-based billing with a cap,” he says. “We also offer negotiated rates for corporate and high-value clients who require assistance with court cases or non-litigation matters.”

More and more customers are willing to pay a reasonable price for legal services, says Guo Leming, a partner at V&T Law Firm in Shenzhen. “Attorneys’ fees are generally on the rise, especially in good offices. Fixed charges are still the mainstream. There is still a long way to go when it comes to time charges.”

### BANG FOR YOUR BUCK

An, at Amazon China, says in his experience PRC firms offer good value, particularly for dispute settlements. “Good value means offering practical solutions that really work, rather than a mere interpretation of the law at a reasonable price.”

Victor Shen, chief legal counsel at Henkel Greater China and Korea in Shanghai, agrees and defines good value as “providing practically feasible solutions based on solid China legal expertise and deep insights into China’s actual regulatory environment”.

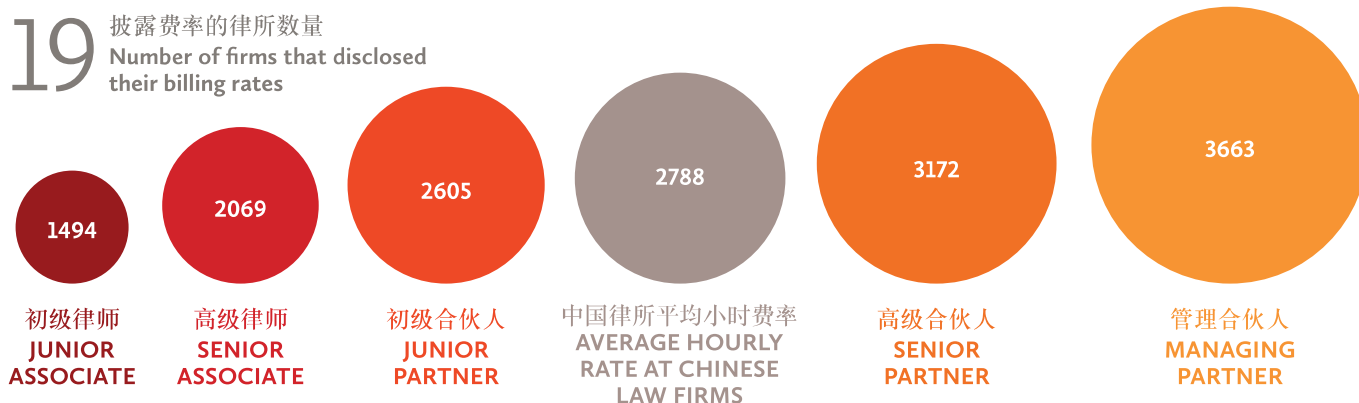
Ng, at Shui On Development, believes PRC firms do not really offer value for money, “because most of the time we as in-house lawyers may need to do further research to make sure the advice given is correct”.

Good value varies from person to person, says a corporate counsel at a Japanese company in Shanghai. “The overall lawyer fee is a bit expensive at present, especially at the major firms, which have surpassed the Japanese law firms.”

## 2017 年度费率趋势

## BILLING RATES TRENDS 2017

平均小时费率 (人民币元)  
Average hourly rate (RMB)



法务,我们大部分时候可能还是需要作进一步的研究以确保收到的建议是正确的。”

一家日本公司在上海的企业法务表示,服务体现的价值是因人而异的。“总体觉得目前律师费有点贵,特别是大所的律所费已经超过了日本律所。”

当然,由于中国法律市场有超过 30 万名执业律师,并且有各种各样的法律服务领域,客户的看法不尽相同也并不意外。“一些律所和律师提供的服务物有所值,但不是所有的都是如此,”来自和睦家医疗的王凌军说。“在我看来,‘物有所值’是指提供专业、有效率、注重结果的法律支持。”

兴浦律师事务所在上海的律师 Teo Doremus 认为,客户认可并乐于获得服务的附加价值,因此愿意为更高的服务质量和专业水准支付额外的费用。“任何还不错的律所最终都有能力起草一份协议,但差别在于经验。”

Doremus 用酒店作类比,表示虽然一星级酒店和五星级酒店都提供床位,但是两者之间的价格差别很大,但仍然有些客户愿意支付差额。Doremus 说, IPO Pang 通过多种方式提供“五星级服务”,包括为客户提供免费的电话会谈或面对面讨论他们的商业和法律需求,不论客户是大型还是小型公司;在 24 小时内回复客户提出的问题;并且组织免费的研讨会和网络研讨会向客户介绍中国特殊的法律环境。

“我们不会因为客户向我们支付多少费用而区别对待他们,”他说。“我们认为每位客户都值得五星级待遇,无论客户是为了注册简单的商标还是为了完成复杂的跨境收购业务而聘用我们。”

## 费用管理

随着跨国企业在中国城镇的扩张以及中国企业在全球征战新的商业领域,他们无疑会向国内的律师寻求有关合规、风险管理和有效企业治理方面的意见。

联合能源集团在北京的副总裁及总法律顾问张伟华表示,他依赖律师事务所从法律角度提供具有商业可行性的解决方案,了解他的行业和工作风格,并且会定期更新有关业务领域的发展状况。

百威英博驻上海中国区法律总监于龙涛认为,虽然中国律所提供了服务价值,但是“耗时但基础的法律研究”等“体力”法律工作的价格通常非常昂贵。“我希望市场可以分化为低端的‘体力’法律服务市场和需要大量问题解决能力的高端创意市场,”他说。“我愿意为高端服务支付更多费用。”

说到中国律所和外国律所之间的差别,来自亚马逊中国的安军表示“外国律师事务所在账单的细致程度和一致性方面做得更好。”但是他补充道:“中国律师事务所也在不断改进。”如果客户能够明确界定其要求和预期,这也非常有帮助。“当我们对律所收费设定了清晰的流程时,比如所有的收费必须按月进行,所有的律所都能确信我们会遵守这个做法。”

潘琪也有类似的想法,认为客户应当在聘用较贵的律所之前确定他们希望得到的价值。“即使对于很有经验的公司法务来说,这也是一项很艰难的工作,”他表示。“如果客户最终获得了高于其预期的结果但花费了比预算更少的费用,他会认为这是‘物有所值’。‘理想的价值’是比较后的结果,不幸的是,必须基于反复试验和出错才能作出合理的判断。”▲

Of course, with more than 300,000 lawyers practising in the Chinese legal market, and the wide array of legal service options, diverse opinions are expected. “Some law firms and lawyers do offer value for money, but not [all of them],” says Wang, at United Family Healthcare. “In my opinion, ‘good value’ means professional, efficient, answer-oriented legal support.”

Teo Doremus, a lawyer at IPO Pang Xingpu in Shanghai, believes clients recognize and appreciate added value, and therefore are willing to pay extra for an enhanced service and level of professionalism. “At the end of the day, any decent firm can draft an agreement – the difference lies in the experience.”

Doremus uses a hotel analogy, saying that while both one-star and five-star hotels offer a bed for the night, the price between the two is enormous, yet some clients are happy to pay the difference. IPO Pang’s “five-star service”, says Doremus, is implemented in a number of ways including: granting clients a complimentary call or meeting to discuss their business and legal needs, no matter how big or small the company is; responding to enquiries within 24 hours; and organizing complimentary seminars and webinars to educate clients about China’s “peculiar legal landscape”.

“We do not differentiate based on how much a client is paying us,” he says “We believe that everybody deserves five-star treatment, whether the client has retained us to register a simple trademark or to work on a complex cross-border acquisition.”

## MONEY MANAGEMENT

As global companies expand through China’s cities and towns, and Chinese companies conquer new businesses worldwide, they will undoubtedly turn to the country’s lawyers for advice on compliance, risk management and effective governance.

Leslie Zhang Weihua, the vice president and general counsel at United Energy Group in Beijing, says he relies on firms to provide a commercially workable solution from a legal perspective, to understand his industry and working style, and for regular updates on developments in the relevant practice areas.

Tom Yu, the legal and corporate affairs director at Anheuser-Busch InBev China in Shanghai, believes that while Chinese firms have delivered value, the price for “labour” work, such as “time-consuming but basic legal research”, is often quite expensive. “I hope the market can be divided into a low-end labour market and a high-end creative market that requires a lot of problem-solving skills,” he says. “I’m willing to pay more for the high-end service.”

Assessing the difference between Chinese and foreign law firms, An at Amazon reports “better granularity and consistency of billing notes at foreign law firms”, but adds that “local law firms are improving”. A client’s ability to clearly define their requirements and expectations can also be helpful. “When we set clear processes for law firm billing – for example, that all billing must be made on a monthly basis – all firms can ensure this is followed.”

Pan applies a similar logic, suggesting that clients should define the value they seek before going to an expensive law firm. “This can be a difficult task, even for an experienced in-house lawyer,” he says. “If the client eventually gets more than what was expected, and spends less than what was budgeted, it probably can be called ‘value for money’. ‘Good value’ is a matter of comparison, and has to be judged, unfortunately, based on trial and error.” ▲

## 中国律所小时费率

## HOURLY BILLING RATES OF PRC LAW FIRMS

律师事务所 LAW FIRM	律所性质 NATURE OF FIRM	律师总数 NUMBER OF LAWYERS
锦天城律师事务所 AllBright Law Offices	提供多方位法律服务的综合所 Full-service general practice	1800
邦信阳中建中汇律师事务所 Boss & Young	提供多方位法律服务的综合所 Full-service general practice	184
大成律师事务所 Dentons	提供多方位法律服务的综合所 Full-service general practice	4800+
德和衡律师事务所 DHH Law Firm	提供多方位法律服务的综合所 Full-service general practice	1100+
广信君达律师事务所 ETR Law Firm	提供多方位法律服务的综合所 Full-service general practice	400
金阙律师事务所 GoldenGate Lawyers	精品所 Boutique firm: 争议解决、知识产权、劳动法等 Dispute resolution, intellectual property, labour and employment, etc.	20
恒都律师事务所 Hengdu Law Firm	精品所 Boutique firm: 资本市场、知识产权、争议解决等 Capital markets, intellectual property, dispute resolution, etc.	89
鸿方律师事务所 HongFangLaw	精品所 Boutique firm: 知识产权 Intellectual property	20
兴浦律师事务所 IPO Pang Xingpu	提供多方位法律服务的综合所 Full-service general practice	22
金诚同达律师事务所 Jincheng Tongda & Neal	提供多方位法律服务的综合所 Full-service general practice	600
立方律师事务所 Lifang & Partners	精品所 Boutique firm: 知识产权、反垄断、争议解决等 Intellectual property, antitrust & competition, dispute resolution, etc.	130
隆安律师事务所 Longan Law Firm	提供多方位法律服务的综合所 Full-service general practice	800+
世辉律师事务所 Shihui Partners	精品所 Boutique firm: 互联网、新经济领域 Internet and emerging economic sectors	30
天元律师事务所 Tian Yuan Law Firm	提供多方位法律服务的综合所 Full-service general practice	400+
万商天勤律师事务所 V&T Law Firm	提供多方位法律服务的综合所 Full-service general practice	300+
瀛泰律师事务所 Wintell & Co	提供多方位法律服务的综合所 Full-service general practice	101
中豪律师事务所 Zhonghao Law Firm	提供多方位法律服务的综合所 Full-service general practice	200+
中伦文德律师事务所 Zhonglun W&D Law Firm	提供多方位法律服务的综合所 Full-service general practice	1000+
卓信律师事务所 Zhuoxin Law Firm	提供多方位法律服务的综合所 Full-service general practice	88



	初级律师 (人民币元 / 小时) JUNIOR ASSOCIATE (RMB PER HOUR)	高级律师 (人民币元 / 小时) SENIOR ASSOCIATE (RMB PER HOUR)	初级合伙人 (人民币元 / 小时) JUNIOR PARTNER (RMB PER HOUR)	高级合伙人 (人民币元 / 小时) SENIOR PARTNER (RMB PER HOUR)	管理合伙人 (人民币元 / 小时) MANAGING PARTNER (RMB PER HOUR)	律所平均值 (人民币元 / 小时) LAW FIRM AVERAGE (RMB PER HOUR)
	1500	2800	3500	5000	N/A	3200
	1500	2000	3000	3500	4000	2800
	1800+	3300+	3800+	4950+	4950+	3760
	1200	1800	2400	3000	3600	2400
	500-900	900-1200	1200-1500	1500-2000	2000-2500	1420
	1990	2320	2650	N/A	2990	2490
	1000	1500	2000-2500	3000	5000	2550
	1400	1900	2500	3000	3000	2360
	1500	2000	N/A	3400	3900	2700
	2200	2800	3200	3600	4000	3160
	1800	2200	2800	3300	3600	2740
	1150	2000	3000	3750	3750	2730
	1500-2500	2700-3000	3200	3300-3700	4500	3210
	2200	2500	3000	3500	4000	3040
	1800	2200	2500	3000	3000-5000	2700
	1000-1500	1500-2000	2000-2500	2500-3000	2500-3000	2150
	1600-1800	2100-2200	3000-3200	3500-3800	6000	3320
	1500	3000	3200	3400	3600	2940
	2000	2500	3000	4000	5000	3300
2017 行业平均值 2017 INDUSTRY AVERAGE						
	RMB 1494	RMB 2069	RMB 2605	RMB 3172	RMB 3663	RMB 2788