

Does the community have defined membership requirements (registration, licensing, use of specific communications, etc.), or do members self-identify as belonging to the community?

Instructions

1 Describe the formal membership process, if one exists.

2 If there is no formal process, document how a person may join the community (i.e., "self-identify" as a member of the community).

Limit: 4,000 characters and/or a document of no more than 10 pages in an accepted file format.

Does the community have defined membership requirements, such as registration, licensing, or use of specific communication? Or, do community members self-identify as part of the community?

0. Definitions

"Profession d'avocat" (referred to as "Legal Profession" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer exclusively to the legal profession of lawyer, as regulated in France by Law No. 71-1130 of 31 December 1971, reforming certain judicial and legal professions, Decree No. 91-1197 of 27 November 1991, and the Barreaux' national rules of procedure.

"Avocat" (referred to as "Attorney" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to any person practising the Profession d'avocat and registered on the Tableau, whether a natural person (an Avocat individually registered with a Barreau) or a legal entity (a company or practice entity of Avocats registered with a Barreau).

"Barreau" (referred to as "Bar Association" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to all Avocats practising before each French judicial court, as well as before the Conseil d'État and the Cour de cassation, and registered on the Tableau.

"Ordre" (referred to as "Bar Association" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the democratic institution representing each Barreau, administered by a Conseil de l'Ordre chaired by a Bâtonnier (or by a President in the case of the Ordre des avocats près du Conseil d'État et de la Cour de cassation), elected by all avocats of that Barreau.

"Conseil de l'Ordre" (referred to as "Bar Association Board of Directors" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the representative and deliberative body of the Barreau, elected by all its Avocats.

"Bâtonnier" (referred to as "President" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the person who chairs the Conseil de l'Ordre and whose mission is to represent the Avocats of their Barreau, uphold professional ethics, ensure discipline, and promote the activities of the Ordre.

"Tableau" (referred to as "Roll" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the official list of Avocats of each Barreau adopted by the Conseil de l'Ordre, including two main sections: natural persons (Avocats individually registered with the Barreau) and legal entities (companies or practice entities of Avocats registered with the Barreau).

"Conseil National des Barreaux" and/or **"CNB"** (referred to as "National Council of Bar Associations" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the public-interest organisation responsible for representing the Profession d'avocat nationally before public authorities.

"Conférence des Bâtonniers" shall hereinafter refer to the association representing 163 Barreaux and 45,000 Avocats.

"Centre Régional de Formation Professionnelle des Avocats" and/or **"CRFPA"** (referred to as "School of Attorney" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the institution providing the initial professional training of Avocats to-be after they have passed the entrance examination organised through the Instituts d'Études Judiciaires, preparing them for the Certificat d'Aptitude à la Profession d'Avocat (or **"CAPA"**), and providing continuing training for Avocats.

"Caisse Autonome des Règlements Pécuniaires des Avocats" and/or **"CARPA"** (referred to as "Attorney Payment Fund" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to the intra-professional institutions that secure fund-handling transactions carried out by Avocats on behalf of their clients.

"Conseil de discipline" (referred to as "Disciplinary Council" in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to a professional disciplinary jurisdiction established at each french court of appeal and competent

to hear breaches and misconduct committed by Avocats belonging to the Barreaux established within that jurisdiction.

"Syndicat d'avocats" and/or ***"Association d'avocats"*** (referred to as ***"Attorney's Union"*** and/or ***"Professional Union"*** in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer to a collective organisation of Avocats, distinct from the Ordres and Barreaux, responsible for advancing claims, defending professional interests, and participating in debate on the development of the Profession d'avocat.

"Institution de la Profession d'avocat" (referred to as ***"Professional institution"*** in the Internal Regulations of the Bordeaux Bar Association) shall hereinafter refer interchangeably to the Ordres, the CNB, and the Conférence des Bâtonniers.

"Communauté professionnelle des Avocats" shall hereinafter refer collectively to the Avocats, the Ordres, the CNB, the Conférence des Bâtonniers, the CRFPAs, the CARPAs, the Conseils de discipline, the Syndicats and Associations d'avocats, as well as ad hoc entities mandated by the Institutions de la Profession d'avocat and social and/or technical bodies mandated by the Institutions de la Profession d'avocat.

1. Personal eligibility requirements for applicants

The majority of the members of the Communauté professionnelle des Avocats are Avocats. Avocats are subject to the rules governing the Profession d'avocat, some of which relate to the individual seeking to become an Avocat.

The other members of the Communauté professionnelle des Avocats who do not practise the Profession d'avocat are not subject to requirements relating to their personal circumstances.

Before commencing the initial professional training for Avocats, an applicant to the Profession d'avocat must satisfy strict personal and academic criteria:

- **Nationality criterion:** a person seeking admission to the Profession d'avocat must be a French national or, at a minimum, a national of a Member State of the European Union or the European Economic Area, or a national

of a third country that grants reciprocal rights to French nationals. Persons granted refugee or stateless-person status by OFPRA are also eligible;

- **Academic criterion:** persons seeking admission to the Profession d'avocat must hold a **Master's degree in law** (or a qualification recognized as equivalent);
- **Good-character criterion:** persons seeking admission to the Profession d'avocat must never have been convicted of a criminal offence involving conduct contrary to honour, integrity or accepted standards of conduct, nor have received a disciplinary sanction of the same nature. The applicant must also not have been subject to **personal bankruptcy**.

2. Requirements relating to the Avocat's professional training pathway

The rules governing the Profession d'avocat regulate the professional training undertaken by Avocats.

The standard pathway for admission to the Profession d'avocat comprises academic instruction, practical placements and the successful completion of examinations:

- **Passing the entrance examination for the Centre Régional de Formation Professionnelle des Avocats:** after obtaining a Master's degree in law, the applicant must pass the entrance examination for a CRFPA. The examination may **not be attempted more than three times**;
- **Eighteen months of initial training at the Centre Régional de Formation Professionnelle des Avocats:** depending on the CRFPA, the training is divided into two periods: one lasting six months and the other one year:
 - o The first six months are devoted to completing the **individual educational project (PPI)**, consisting of a placement or a training programme (outside an Avocat's firm in France);
 - o The twelve-month period following the PPI alternates between a period devoted to the **common core training programme** (professional status, ethics and legal drafting) and a **period devoted to a placement with an Avocat**.
- **The Certificate of Aptitude for the Profession of Avocat (CAPA):** the trainee Avocat must sit this examination at the end of the eighteen-month initial training programme at the Centre Régional de Formation Professionnelle des Avocats.

Holders of a doctorate in law benefit from specific exemptions from the CRFPA entrance examination, depending on the date on which they defended their thesis and their professional experience.

3. Requirements relating to admission to the Barreau

Once the CAPA has been obtained, the holder of the Certificate of Aptitude for the Profession of Avocat must register with a Barreau. Without such registration, the person cannot complete their admission to the Communauté professionnelle des Avocats:

- **Application for registration with the Barreau:** registration with the Barreau is the decisive step for admission to the Communauté professionnelle des Avocats. The application is submitted to the **Bâtonnier** of the Ordre of the chosen Barreau. The Conseil de l'Ordre rules on the application within two months;
- **Taking the oath:** the Avocat must take the oath before the **Court of Appeal** and recite the following wording, which reflects the essential principles of the Profession d'avocat: "*Je jure, comme Avocat, d'exercer mes fonctions avec dignité, conscience, indépendance, probité et humanité*";
- **Registration on the Tableau:** final registration on the Tableau of the Barreau confers the right to use the title of Avocat.

This admission and registration process is **administered by the Ordres des Avocats of the 164 French Barreaux**, the professional authorities responsible for maintaining the Tableaux, verifying the admission requirements and overseeing professional practice within the jurisdiction of the judicial courts before which they are established.

Where one or more Avocats wish to practise through one of the various practice structures authorized by the Profession d'avocat (practice companies, professional associations, trade unions, representative bodies, etc.), the structure, as a legal person, must also be registered on the Tableau beforehand.

4. Requirements relating to the practice of the Profession d'avocat

Actual practice of the Profession d'avocat requires compliance with ongoing obligations throughout the professional activities of the Avocat, as a member of the Communauté professionnelle des Avocats:

- **Modes of practice:** an Avocat may practise individually, in an association or company, or as a **self-employed associate or salaried employee**;
- **Professional address:** the Avocat must maintain a professional address within the jurisdiction of the judicial court before which they practise;
- **Financial safeguards and insurance:** every Avocat must provide **evidence of professional liability insurance** and a financial guarantee covering the repayment of funds received on behalf of clients;
- **Professional ethics:** the Avocat must comply with the ethical rules laid down by law and the National Internal Rules (RIN);
- **Continuing professional training:** once registered, an Avocat is subject to a continuing training requirement of **20 hours per year** (or 40 hours over two years).