

Are the members of the community aware of its existence and of their mutual connections?

Instructions

1 Demonstrate that the members are aware of the existence of the identified community and of its various groups or segments.

2 The applicant entity must provide documented evidence of the following practices carried out during the two years preceding the submission of the application:

a) surveys conducted;

b) reports of activities involving various groups, segments or members of the community.

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

Are community members aware of the identified community and each other?

Preliminary 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.

Unique Developement : membership of the Communauté professionnelle des Avocats through a membership system

Every Avocat is necessarily aware of belonging to the Communauté professionnelle des Avocats. Indeed, a person may join it only if they satisfy **cumulative personal eligibility requirements:**

The Avocat must be:

- A French national, a national of a Member State of the European Union or the European Economic Area, a national of a third country granting

reciprocity to French nationals, or a person holding refugee or stateless-person status;

- They must hold a Master's degree in law or a qualification recognised as equivalent to that course of professional education;
- They must never have been convicted of a criminal offence involving conduct contrary to honour, integrity or good morals, nor have been subject to a disciplinary sanction of the same nature or to personal bankruptcy.

Avocats must also satisfy **educational requirements specific to the Profession d'avocat**, since they must both pass the entrance examination for a Centre Régional de Formation Professionnelle des Avocats and obtain a Certificat d'Aptitude à la Profession d'avocat (CAPA).

Once the CAPA has been obtained, its holder does not become an Avocat solely by passing that examination; further **formalities must still be completed in order to join and practise the Profession d'avocat**:

The person must apply for registration with a Barreau, which is one of the decisive elements of integration into the Communauté professionnelle des Avocats. The application is submitted to the Bâtonnier of the Ordre of the chosen Barreau. The Conseil de l'Ordre then rules on the application within two months.

Following their initial registration, the person must also take the following oath: “ *Je jure, comme Avocat, d'exercer mes fonctions avec dignité, conscience, indépendance, probité et humanité*” (I swear, as an Avocat, to perform my duties with dignity, conscience, independence, integrity and humanity). This solemn moment marks effective entry into the Profession d'avocat and enables every Avocat to become aware of their membership of the Communauté professionnelle des Avocats and of the commitments and essential principles attached to the community.

Lastly, registration on the Tableau gives the person concerned the right to use the title of Avocat and lawfully practise the Profession d'avocat. The Tableau is adopted by the Conseil de l'Ordre and includes, in particular, natural persons and, where applicable, legal entities through which the profession is practised. This **official registration makes membership of the Communauté professionnelle des Avocats objective, public and verifiable by third parties**. It is therefore neither a mere personal belief nor an ambiguous situation: it results from an institutional decision and administrative registration within a professional Ordre.

This conclusion is further reinforced by the **continuing obligations imposed on an Avocat once registered**. Practising the Profession d'avocat notably

requires choosing an individual or collective mode of practice, establishing a professional address within the jurisdiction of the relevant judicial court, taking out professional insurance, complying with professional ethical rules, and completing continuing education.

These obligations demonstrate **the existence of a regulated professional status specific to the Profession d'avocat, of which the Avocat cannot be unaware**, since they personally enjoy its benefits and bear its constraints.

Accordingly, membership of the Communauté professionnelle des Avocats is established. It is the outcome of an institutional process whose stages are known to the person completing them: training, obtaining the CAPA, applying for registration, taking the oath, registration on the Tableau, and then practising under the supervision of the Ordre. The Avocat therefore necessarily knows that they are an Avocat, not only because they voluntarily attained that status, but also because their daily practice is inseparable from the rights, obligations and responsibilities attached to it.