Les cahiers du Conseil National des Barreaux

Mandature 2012-2014

THE MAIN INSTRUMENTS
THE LEGAL PROFESSION
IN FRANCE

English Version

Conseil National des Barreaux

CONTENTS

Act 71-1130
of December 31, 1971

REFORMING CERTAIN LEGAL AND JUDICIAL PROFESSIONS

Title I : Creation and organization of the new legal profession.

Chapter I : General provisions.

ARTICLE 1

Amended by ACT 2011-94 of January 25, 2011, Article 1
Amended by ACT 2011-331 of March 28, 2011, Article 1

I. A new profession, whose members shall have the title of avocat (hereinafter "lawyer") replaces the professions of avocat [lawyer in its former sense], avoué près les cours d'appel [attorney with rights of audience before the courts of appeal], and conseil juridique [legal adviser]. Members of these professions shall automatically, by operation of law, enter this new profession, unless they decline to do so. Conseils juridiques whose names were on the list drawn up by the State Prosecutor (procureur de la République) on the date that Title I of Act 90-1259 of December 31,1990, reforming certain legal and judicial professions, entered into force, shall be included on the roll of the bar for the District Court (tribunal de grande instance) with which they were registered as conseils juridiques, effective as from the date they entered the profession, if they were practicing before September 16, 1972, or from the date that their names were included on the list. Subject to the provisions of Article 26 of Act 2011-94 of January 25, 2011 reforming the process of representation before the courts of appeal, avoués près les cours d'appel shall be enrolled, as from the date that they first took their professional oath as either avoués or avocats, in the bar for the District Court for the district in which they practice; partnerships of avoués shall be registered with the bar for the District Court for the district in which their registered office is located.

Members of the new profession shall perform all the duties that were formerly vested in the professions of avocat, avoué près les cours d'appel, and conseil juridique, under the conditions provided for in Title I of this Act.

The legal profession is a liberal and independent profession.

The title of lawyer may be followed, if applicable, by the person's university degrees, professional distinctions, regulated judicial professions previously practiced, titles whose use is regulated abroad and that permit the duties of a lawyer to be performed in France, as well as one or two specializations obtained under the conditions established by Article 21-1, including the specialization in appeals procedure, to which lawyers who were formerly avoués are entitled as of right. Those who have worked in collaboration with an avoué (collaborateurs d'avoué) after December 31, 2008 and have provided proof, by January 1, 2012 at the latest, that they have passed the aptitude test for the profession of avoué, shall be entitled to a specialization in appeals procedure under the same conditions.

Avocats registered with a bar and conseils juridiques who have been practicing for more than fifteen years on the date that Title I of Act 90-1259 of December 31,1990, reforming certain legal and judicial professions, enters into force, and who decline to enter the new profession are authorized to apply for an honorary title [awarded on retirement] for their professional activity. The same shall be true for those who enter the new profession, when they cease their activities, if this occurs after a total of at least twenty years of practicing their previous profession and the new profession.

The provisions of the preceding paragraph shall apply to avoués who have been practicing for more than fifteen years as of the date that the above-mentioned Chapter I of Act 2011-94 of January 25, 2011 enters into force.

II. (Paragraph eliminated).

III. Notwithstanding the second paragraph of Article 5, lawyers registered with the bar for one of the District Courts of Paris, Bobigny, Créteil, and Nanterre may exercise the powers which were previously vested in the avoués près les tribunaux de grande instance [attorneys with rights of audience before the District Courts] for each of these jurisdictions. They may exercise the powers that were previously vested in avoués près les cours d'appel before the Court of Appeal of Paris when they represented parties before one of the District Courts of Paris, Bobigny, or Créteil; and before the Versailles Court of Appeal when they represented parties before the District Court of Nanterre.

The provisions of the second paragraph of Article 5, however, remain applicable to the procedures of foreclosure, partition, and sale by auction of real property.

Moreover, lawyers may not exercise the powers formerly vested in avoués attached to a court other than the one where their bar is established; not even when providing legal aid, or in proceedings in which they would not be the principal counsel in the case with responsibility for presenting oral argument.

Lawyers who were registered as of September 16, 1972 with one of the bars named in the first section of this Paragraph III may, on an individual basis, keep their professional residence in any one of the jurisdictions of the District Courts of Paris, Bobigny, Créteil, or Nanterre, as long as such residence was established before that date.

IV. Lawyers registered with the bar of one of the District Courts of Bordeaux and Libourne may represent parties before both of these jurisdictions.

V. Lawyers registered with the bar of one of the District Courts of Nîmes and Alès may represent parties before both of these jurisdictions.

VI. The second and third sections of Paragraph III shall apply to the lawyers referred to in Paragraphs IV and V.

ARTICLE 2

Amended by ACT 2011-94 of January 25, 2011, Article 2

The positions of avoués près les tribunaux de grande instance and avoués près les cours d'appel shall be eliminated.

Avoués shall be compensated, under the conditions established in the above-mentioned Chapter II of Act 2011-94 of January 25, 2011, for the loss of the right granted to them under Article 91 of the Act of April 2, 1816 to present a successor for the approval of the Keeper of the Seals, the Minister of Justice.

ARTICLE 3

Amended by Act 90-1259 of December 31, 1990, Article 2 JORF [Official Journal of the French Republic] January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Lawyers shall be officers of the courts.

Their professional oath shall be : "I swear, as a lawyer, to perform my duties with dignity, conscience, independence, integrity, and humanity.»

When performing their legal duties, they shall wear the legal dress of their profession.

ARTICLE 3 BIS

Created by Act 90-1259 of December 31, 1990, Article 3; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Lawyers may travel freely in the performance of their duties.

ARTICLE 4

Amended by ACT 2011-94 of January 25, 2011, Article 12

Only lawyers may assist or represent parties, take procedural steps and present oral argument before courts and adjudicative or disciplinary bodies of any kind, subject to the provisions governing lawyers at the Council of State and the Court of Cassation (cour de cassation).

The preceding provisions shall not prevent the application of special statutory or regulatory provisions in force on the date this act is published; particularly as to the free exercise of trade union activities governed by the Labor Code (code du travail), or their representatives, when they provide representation and assistance before labor and joint labor-management courts, as well as before the adjudicative or disciplinary bodies to which they have access.

Only lawyers may assist a party involved in a collaborative process (procédure participative) as provided for in the Civil Code (code civil).

ARTICLE 5

Amended by ACT 2011-94 of January 25, 2011, Article 3

Lawyers perform their duties and may present oral argument without geographical limitations before all courts and adjudicative or disciplinary bodies, subject to the reservations provided for in the preceding Article.

They shall practice exclusively before the District Court in the jurisdiction of which they have established their professional residence, and before the Court of Appeal with which this court is associated, for the activities formerly vested exclusively in the avoués près les tribunaux de grande instance and les cours d'appel. However, lawyers shall perform these activities before all District Courts in association with which their bar was established.

Notwithstanding the provisions of the preceding paragraphs, when the number of lawyers on the roll who reside within the jurisdiction of the District Court shall be judged to be insufficient for handling the cases, lawyers attached to another District Court within the jurisdiction of the same Court of Appeal may be authorized to expedite procedural documents.

Authorization for this shall be granted by the Court of Appeal.

ARTICLE 6

Amended by Act 90-1259 of December 31, 1990, Article 4; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Lawyers may assist and represent others before public administrations, subject to statutory and regulatory provisions.

They may, if they provide proof that they have been practicing a regulated legal profession for seven years, perform the duties of a corporate director or member of a commercial company's supervisory board. The bar association council may grant an exemption for part of this period.

ARTICLE 6 BIS

Created by Act 90-1259 of December 31, 1990, Article 5; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Lawyers may take on missions assigned by the courts.

ARTICLE 6 TER

Created by ACT 2011-331 of March 28, 2011, Article 4

Lawyers may, within the framework of the regulations applicable to them, act as an agent for one of the interested parties in the conclusion of one of the contracts referred to in the first paragraph of Article L. 222-7 of the Sports Code (code du sport).

Lawyers who perform the activities named in the first paragraph, and who fail to comply with their obligations under the final paragraph of Articles 10 and 66-5 of this Act, or with those under the second paragraph of Article L. 222-5 of the Sports Code, shall be subject to the penalties provided for in the first paragraph of Article L. 222-20 of that same code. The amount of the fine may be increased to above Đ30,000, up to twice the amount that was unduly received in violation of the final paragraph of Article 10 of this Act.

Infringements of the rules on financial compensation provided for in the first paragraph of Article L. 222-5 of the Sports Code shall be punished by a fine of €7,500.

ARTICLE 7

Amended by ACT 2011-331 of March 28, 2011, Article 5

Lawyers may practice their profession either as individuals or as part of an association, the liability of whose members may, as defined by decree, be limited to the members of the association having performed the professional acts in question, a société civile professionnelle [professional partnership], a société d'exercice libéral [independent professional company], or a société en participation [jointly-owned company], as provided for in Act 90-1258 of December 31, 1990 on practicing as a professional company governed by a statutory or regulatory instrument, or whose title is protected; or as an employee, or in independent collaboration with another lawyer, association of lawyers, or law firm. They may also be members of an economic interest group, or a European economic interest group.

Without prejudice to the provisions of this article, lawyers may practice their profession in professional collaboration with another lawyer under the rules provided for in Article 18 of Act 2005-882 of August 2, 2005 on small and medium-sized enterprises.

There must be a written contract of employment. It must specify the rules for compensation.

Employee lawyers may not have personal clients. In the performance of the missions assigned to them, they shall enjoy the independence called for by their professional oath; they shall be subordinate to their employers only as regards their working conditions.

Neither their collaboration agreement nor their contract

of employment may contain stipulations that limit the collaborating lawyer's or employee's subsequent freedom of establishment.

Under no circumstances may contracts, or the fact of belonging to a firm, association, or group, violate the ethics rules of the legal profession; particularly as regards obligations to provide legal aid and the assignment of counsel; and the right of collaborating lawyers or employees to request to be released from tasks that they consider to be contrary to their conscience or to undermine their independence.

Disputes arising from an employment contract or termination agreement; or approval or refusal to approve such agreement; as well as other disputes arising from an independent collaboration agreement, shall, in the absence of conciliation, be referred to the president of the bar for arbitration, subject to an appeal before the Court of Appeal. In such areas, presidents of the bar may, under the conditions established by decree in Council of State, delegate their powers to former presidents of the bar as well as to any member or former member of the bar association council.

ARTICLE 8

Amended by ACT 2011-94 of January 25, 2011, Article 4
Amended by ACT 2011-331 of March 28, 2011, Article 8

Any group, firm, or association provided for in Article 7 may be made up of lawyers, natural persons, groups, law firms or associations of lawyers that may or may not belong to different bars; they may be practicing in France, or another Member State of the European Union; or a state that is a party to the Agreement on the European Economic Area, or in the Swiss Confederation.

The association or firm may represent parties before every District Court, and before the Court of Appeal with authority over such courts, through the offices of a lawyer registered with the bar established for such court.

ARTICLE 8-1

Created by Act 89-906 of December 19, 1989, Article 1; JORF, December 20, 1989

Without prejudice to the provisions of Article 5, lawyers may establish one or more secondary offices, after making an official statement to the council of the bar association to which they belong.

When the secondary office is located in the jurisdiction of a bar other than that of the lawyers' professional residence, they should also request authorization from the bar association council for the district in which they plan to establish a secondary office. The bar association council shall rule within three months of receiving the request. Otherwise, authorization shall be considered to have been granted.

Authorization may be refused only on grounds relating to the conditions for practicing the profession in the secondary office. Without prejudice to any disciplinary sanctions that may be handed down by the council of the bar association to which such lawyers belong, it may be withdrawn only on the same grounds.

In all cases, lawyers who have secondary offices must actually practice professional activities there, under penalty of closure by decision of the council of the bar association where they are located.

ARTICLE 8-2

Created by Act 89-906 of December 19, 1989, Article 1; JORF, December 20, 1989

Notwithstanding the provisions of Article 8-1, lawyers who are registered with the bar for one of the District Courts of Paris, Bobigny, Créteil, and Nanterre may not open a secondary office within the jurisdiction of one of these District Courts, other than the jurisdiction of the bar to which they belong.

ARTICLE 9

Lawyers who are asked by the president of the bar or the president of the Assize Court (cour d'assises) to provide their regular legal defense services may not refuse unless their reasons for being excused or prevented from doing so are approved by the president of the bar or the president of the Assize Court.

ARTICLE 10

Amended by ACT 2011-1862 of December 13, 2011, Article 14

The fees chargeable for representing parties before the District Court and expediting procedural documents shall be governed by the provisions on civil procedure. Fees for consultation, assistance, advice, drafting private legal instruments, and presenting oral argument shall be set by agreement with the client.

Unless there is a lawyer-client agreement, fees shall be set according to standard practices, depending on the client's financial situation, the difficulty of the case, the costs incurred by the lawyer, and the lawyer's reputation and services performed.

Any setting of fees based only on the outcome of the case shall be prohibited. An agreement that provides for compensation for the duties that are carried out, as well as an additional fee based on the result that is obtained or the service that was rendered, shall be lawful.

Lawyers shall be required to make a fee agreement with their clients for divorce proceedings. Indicative fee scales for lawyers for such proceedings, based on the observed practices of the profession, shall be published by order of the Keeper of the Seals, Minister of Justice,

after consultation with the Conseil national des barreaux [National Bar Council]. These scales shall be revised at least every two years.

The mandate given to lawyers to conclude one of the contracts referred to in the first paragraph of Article L. 222-7 of the Sports Code, specifies that the amount of the lawyers' fees may not exceed 10% of the amount of the contract. When several lawyers, or one lawyer with the assistance of a sports agent, take part in the conclusion of such a contract, the total amount of their compensation may not exceed 10% of the amount of the contract. A lawyer acting as a representative of one of the interested parties in the conclusion of such a contract may be compensated only by his or her client.

Notwithstanding the provisions of the above paragraph, state-approved sports federations may establish an amount which is less than 10% of the contract concluded by the agreeing parties for the payment of compensation to the lawyer or lawyers.

Chapter II : The Organization and Administration of the Profession.

ARTICLE 11

Amended by Order 2008-507 of May 30, 2008, Article 19

No one may enter the legal profession without meeting the following conditions :

1. Be a French national; a national of a European Communities Member State or a state that is party to the Agreement on the European Economic Area; a national of a state or territorial unit that does not belong to these Communities or this economic area but that grants French nationals the authority to practice the profession under the same conditions under which the candidates themselves plan to practice in France, subject to the decision of the Council of European Communities on the association of overseas countries and territories with the European Economic Community; or have the status of refugee or stateless person, recognized by the French Office for the Protection of Refugees and Stateless Persons;
2. Hold, subject to the regulatory provisions for the application of Directive 2005/36/CE of the European Parliament and the Council of September 7, 2005, and to the provisions concerning persons who have performed certain duties or activities in France, at least a master's level degree in law, or titles or degrees recognized as their equivalents for practicing the profession by a joint order of the Keeper of the Seals, Minister of Justice, and the minister in charge of universities;
3. Hold a certificate of aptitude for the legal profession, subject to the regulatory provisions referred to in point 2 above; or in a situation of reciprocity, the examination provided for in the final paragraph of this article;
4. Not have committed acts resulting in a criminal conviction for actions contrary to honor, integrity, or morality;
5. Not have committed acts of this same type that resulted in disciplinary or administrative sanctions involving removal from office, disbarment, discharge, or withdrawal of approval or authorization;
6. Not have been declared personally bankrupt or been subject to other sanctions pursuant to Title VI of Act 85-98 of January 25, 1985 on court-ordered administration and liquidation of businesses; or, under the system previous to this law, pursuant to Title II of Act 67-563 of July 13, 1967 on court-ordered settlements, liquidation of assets, personal bankruptcy, and fraudulent bankruptcies.

Holders of the degree of licence in law who obtained this degree under the system previous to that established in Decree 54-343 of March 27, 1954 on the new system of studies and examinations for the licence in law, shall be considered, under this act, as holders of a master's degree in law. The same shall be true of those who hold the degree of licence in law who obtained this degree when the program was organized to take four years.

Lawyers who are nationals of a State or territorial unit that does not belong to the European Communities or the European Economic Area, and who do not have a certificate of aptitude for the legal profession, must take an examination of their knowledge of French law under rules established by decree in Council of State, in order to register with a French bar. The same shall be true of a national of a European Communities Member State or a State that is party to the European Economic Area Agreement who qualified to be a lawyer in a state or territorial unit that does not belong to these communities or this economic area, and who would not be able to claim the benefit of the regulatory provisions of Directive 2005/36/EC of September 7, 2005.

ARTICLE 12

Amended by Order 2008-507 of May 30, 2008, Article 19

Subject to the final paragraph of Article 11, the regulatory provisions made for the application of the above-mentioned Directive 2005/36/EC of September 7, 2005, and the provisions concerning persons who can provide proof of certain titles or having performed certain duties, the required professional training for practicing the legal profession depends on passing an entrance examination to a regional center for professional training, including theoretical and practical training lasting at least

eighteen months, which is attested to by a certificate of aptitude for the legal profession.

This training may be given in the context of the apprenticeship contract provided for in Title I of Book 1 of the Labor Code.

ARTICLE 12-1

Amended by ACT 2011-331 of March 28, 2011, Article 2

Subject to the exceptions provided for in the regulations of the above-mentioned Directive 2005/36/EC of September 7, 2005, specializations shall be acquired by continuous professional practice over a period, established by decree in Council of State, of no less than two years, validated by a panel that verifies professional competence in the specialization and attested to by a certificate issued by the Conseil national des barreaux.

Based on a file assembled by the candidate, the panel shall rule following an interview that includes a professional case simulation.

Holders of a doctorate in law may enter the theoretical and practical training program provided for in Article 12 without being required to take the entrance examination for the regional centers for professional training for lawyers.

ARTICLE 12-2

Created by Act 2004-130 of February 11, 2004, Article 17; JORF, February 12, 2004

Those admitted to the training shall be bound by legal professional privilege regarding all the acts and events they may learn of during their training and during their internships with various professionals, courts, and bodies.

When, during their training at the center, they complete an internship at a court, they may attend the deliberations.

At the time of their admission to the training, they must, upon the presentation of the chairman of the board of directors of the regional centers for professional training, take the following oath before the Court of Appeal in the district where the center is located : "I swear to preserve the confidentiality of all the acts and events I may learn of during this training course or internship."

ARTICLE 13

Amended by ACT 2011-331 of March 28, 2011, Article 2

The training shall be provided by the regional centers for professional training.

Regional centers for professional training shall be recognized as établissements d'utilité publique [public interest institutions] with corporate status. They shall be operated by the legal professions, with the assistance of magistrates and universities, and, if applicable, any other qualified person or body.

The board of directors of the regional centers for professional training shall be responsible for administering and managing the center. It shall adopt the budget, the balance sheet, and the profit and loss account for the transactions of the previous year.

The regional centers for professional training shall be responsible, according to the missions and prerogatives of the Conseil national des barreaux, for the following :

1. Organizing the preparation for the certificate of aptitude for the legal profession;
2. Ruling on requests for exemptions from part of the professional training based on university degrees obtained by the candidates, subject to the regulatory provisions made for the application of the above-mentioned Directive 2005/36/EC of September 7, 2005;
3. Ensuring the general basic training of lawyers, and, if applicable, their additional training, in conjunction with the universities, public or private institutions of professional education or training, or the courts;
4. Entering into the agreements referred to in Article L. 116-2 of the Labor Code;
5. Monitoring the conditions under which the internships taken by those admitted to the training are carried out;
6. Ensuring that lawyers receive continuing professional training;
7. Organizing the professional competence evaluation interviews for obtaining a specialization certificate provided for in the second paragraph of Article 12-1.

ARTICLE 13-1

Created by Act 2004-130 of February 11, 2004, Article 19; JORF, February 12, 2004

On the basis of the recommendation of the Conseil national des barreaux, the Keeper of the Seals, Minister of Justice, establishes the headquarters and jurisdiction of each regional centers for professional training.

In the same manner, several centers may be consolidated, after consultation of the centers in question by the Conseil national des barreaux. The real and moveable property belonging to the regional centers for professional training that are being consolidated shall be transferred to the center resulting from the consolidation. In such a situation, the provisions of Article 1039 of the General Tax Code (code général des impôts) shall apply, subject to the publication of a decree in Council of State authorizing the transfer of such property.

After obtaining the assent of the Conseil national des barreaux, the regional center may create a local section in cities and towns that have legal training and research units.

ARTICLE 14

Amended by Act 2004-130 of February 11, 2004, Article 20; JORF, February 12, 2004

Appeals against decisions concerning professional training shall be lodged with the competent Court of Appeal.

ARTICLE 14-1

Created by Act, Article 153 (V); JORF, December 29, 2001

Financing for the regional centers for professional training shall be provided by :

1. A contribution from the legal profession

The Conseil national des barreaux shall set this contribution annually for the coming fiscal year, based on the centers' needs for financing during the current fiscal year and any foreseeable changes in the number of trainees. This contribution, which may not exceed 11 million euros in 2002, may not be increased annually by more than 10% over the preceding year.

The contribution of each bar association, financed in whole or in part by the financial proceeds from the funds, effects, or securities referred to in point 9 of Article 53, shall be determined by the Conseil national des barreaux in proportion to the number of lawyers on each roll. The expenses borne by the associations on behalf of the regional training centers shall be deducted from this contribution.

If this contribution is not paid within one month from a formal notice to pay, the Conseil national des barreaux shall issue an enforcement order against the liable association; this shall constitute a decision which shall have the legal effect of a judgment under the terms of paragraph 6 of Article 3 of Act 91-650 of July 9, 1991 reforming civil enforcement procedures;

2. A contribution from the State, pursuant to the provisions of the above-mentioned Act 71-575 of July 16, 1971;

3. If applicable, registration fees.

The Conseil national des barreaux shall collect these contributions and distribute them among the regional centers for professional training.

This article's conditions of application, particularly those relating to registration fees and the deductibility of the expenses referred to in the fourth paragraph, shall be determined by decree.

ARTICLE 14-2

Created by Act 2004-130 of February 11, 2004, Article 21; JORF, February 12, 2004

Continuing professional training shall be mandatory for lawyers who are on the roll of a professional body.

A decree in Council of State shall determine the type and duration of the activities that may be validated as meeting the continuing professional training requirements. The Conseil national des barreaux shall determine the conditions under which this shall be undertaken.

ARTICLE 15

Amended by ACT 2011-331 of March 28, 2011, Article 7

Lawyers shall belong to bars established under the District Courts, in compliance with the rules established by the decrees provided for in Article 53. These decrees allow bars to be consolidated.

Each bar shall be administered by a bar association council elected for three years by secret ballot of all the lawyers on the roll of that bar and all its honorary members. One third of the bar association council shall be replaced annually. It shall be chaired by a president of the bar elected for two years under the same conditions. The president of the bar may be assisted by a vice-president, elected alongside the president under the same conditions and for the same term.

In the event of the death or permanent absence of the president of the bar, his or her duties shall be continued, until new elections are held, by the vice-president of the bar, if any; otherwise, by the most senior member of the bar association council.

Elections may be referred to the Court of Appeal by all members of the bar who have the right to vote, and by the Attorney General.

ARTICLE 16

In bars where the number of lawyers on the roll is less than eight, and which have not exercised the right to consolidate provided for in Article 15, the functions of the bar association council shall be performed by the District Court.

ARTICLE 17

Amended by Order 2009-104 of January 30, 2009, Article 13

The bar association council is charged with handling all issues concerning the practice of the profession, ensuring that the lawyers carry out their duties, and protecting lawyers' rights. Without prejudice to the provisions of Article 21-1, its tasks are, particularly :

1. Drawing up, and if necessary, amending, the provisions of the rules of procedure; ruling on the inclusion of lawyers on the roll, and their removal therefrom, whether automatic, by operation of law, or at the request of the Attorney General; ruling on the inclusion and rank of lawyers who were formerly on the roll, left professional practice, and then returned to take up their practice; as well as authorizing the opening of secondary offices or withdrawing such authorization.

   When a bar has at least five hundred lawyers having the right to vote referred to in the second paragraph of Article 15, the bar association council may sit, for the purpose of ruling either on the inclusion of lawyers on the roll, or their removal therefrom; or on authorizing the opening of secondary offices or the withdrawal of such authorization, in one or more groups of five members chaired by either the president of the bar or a former president of the bar. The members of these groups may be members of the bar association council or former members of the bar association council who left their positions less than eight years ago. These members are chosen from a list drawn up annually by the bar association council.

   The smaller group may refer the matter back to the plenary group for review;

2. Contributing to discipline under the conditions provided for in Articles 22 through 25 of this act and by the decrees referred to in Article 53;

3. Maintaining the principles of integrity, disinterestedness, moderation, and collegiality on which the profession is based; and providing any necessary supervision as required to protect the honor and interests of its members;

4. Ensuring that lawyers provide accurate information in court hearings and behave as loyal officers of the court;

5. Handling all issues concerning the practice of the profession, defense of lawyers' rights, and the strict observance of their duties;

6. Managing the bar association's assets; preparing the budget; setting the amount of dues for lawyers who are under the jurisdiction of the bar association council and for lawyers who belong to another bar, but have been authorized to open one or more secondary offices in its district; administering and using its resources to provide assistance, allowances, or benefits of any kind to its members or former members, and their surviving spouses or children as provided for in existing law; and distributing charges among its members and seeking recovery of such charges;

7. Authorizing the president of the bar to engage in legal proceedings, accept all gifts and bequests to the bar association, conclude settlements or arbitration agreements, consent to all transfers or mortgages, and contract for all loans;

8. Organizing the general research and documentation services necessary to the practice of the profession;

9. Verifying the lawyers' accounts, whether they are natural or legal persons, and providing the guarantees imposed by Article 27 and by the decrees referred to in Article 53;

10. Ensuring that the decisions taken by the Conseil national des barreaux are enforced within their jurisdiction;

11. Ensuring that the lawyers have fulfilled their continuing professional training obligations as provided for in Article 14-2;

12. Cooperating with the competent authorities of the Member States of the European Community, or the other States that are party to the European Economic Area Agreement, to facilitate the application of Directive 2005/36/EC of the European Parliament and the Council of September 7, 2005 on the recognition of professional qualifications;

13. Verifying that lawyers meet their obligations as provided for in Chapter I of Part VI of Book V of the Monetary and Financial Code (code monétaire et financier) on the prevention of money laundering and terrorism financing; and ensuring that they submit, under the conditions established by decree in Council of State, any documents related to meeting these obligations.

    Collaboration agreements and employment contracts entered into by the lawyers shall be submitted to the bar association council, which may, under conditions established by decree in Council of State, require lawyers to modify any contracts whose stipulations might be contrary to the provisions of Article 7.

ARTICLE 18

Amended by ACT 2011-94 of January 25, 2011, Article 6

By means of joint decisions within the framework of statutory and regulatory provisions, lawyers' bar associations shall take the appropriate measures to settle issues of mutual interest such as : information technology, electronic communication, professional training, representation of the profession, and the guarantee system.

The presidents of bars under a single Court of Appeal shall submit the issues referred to in the final paragraph of Article 21 to the bar association council for a decision.

ARTICLE 19

Any deliberations or decisions made by a bar association council which are not within the powers of such council, or which are contrary to legislative or regulatory provisions, shall be invalidated by the Court of Appeal at the request of the Attorney General.

At the request of the interested party, any deliberations or decisions of the bar association council that could harm the professional interests of a lawyer may also be referred to the Court of Appeal.

ARTICLE 20

Amended by Act 2004-130 of February 11, 2004, Article 24; JORF, February 12, 2004

The decisions of the bar association council relating to inclusion on, removal from, or refusal to remove from, the roll, and on authorization of the opening of secondary offices or the closing of such offices, may be referred to the Court of Appeal by the Attorney General or the interested party.

ARTICLE 21

Amended by ACT 2011-94 of January 25, 2011, Article 7

Every bar shall have legal personality.

Presidents of the bar shall represent the bar in all legal proceedings. They anticipate or mediate professional disputes among members of the bar and investigate all third-party claims.

Any dispute among lawyers during their professional practice, if not successfully mediated, shall be submitted for arbitration to the president of the bar, who, if applicable, shall designate an expert to value the law firms' membership shares or stocks. In this matter, presidents of the bar may delegate their powers to former presidents of the bar or any member or former member of the bar association council.

The decision of a president of the bar may be referred by one of the parties to the Court of Appeal.

The conditions under which presidents of the bar may delegate their powers, and the rules of the arbitration procedure shall be determined by decree in Council of State after consultation with the Conseil national des barreaux.

Every two years, as a group, the presidents of the bars in the district of each Court of Appeal shall designate one of them to be responsible, in the capacity of president of the bar in office, for representing them in dealing with any issue of mutual interest regarding the appeals procedure.

ARTICLE 21-1

Amended by ACT 2013-1278 of December 29, 2013, Article 128

The Conseil national des barreaux, a public interest institution with corporate status, shall be responsible for representing the legal profession, particularly in dealings with government authorities. In compliance with current legislative and regulatory provisions, the Conseil national des barreaux shall use general provisions to unify the rules and practices of the legal profession.

The Conseil National may exercise, before all courts, all the rights reserved for parties civiles [parties to the case] relating to all events directly or indirectly harming the collective interests of the legal profession.

In addition, the Conseil national des barreaux shall be responsible for defining the organizational principles for training and for harmonizing training programs. It shall coordinate and oversee the training activities in the regional centers for professional training, and exercise the powers vested in it by virtue of Article 14-1 in the area of financing professional training. It shall determine the general conditions for obtaining specializations, and draw up the national list of members of the panel provided for in the first paragraph of Article 12-1, as well as the national list of lawyers who hold specializations.

Moreover, it shall be responsible for drawing up the list of those who are qualified to benefit from the above-mentioned Directive 2005/36/EC of September 7, 2005, as well as the list of candidates eligible to take the knowledge test provided for in the final paragraph of Article 11.

When the Conseil national des barreaux meets to consider professional training, they shall be joined by magistrates and members involved in higher education.

The Conseil national des barreaux may, under the conditions provided for by decree in Council of State, assist bar association councils in carrying out the mission defined in point 13 of Article 17.

ARTICLE 21-2

Amended by ACT 2009-526 of May 12, 2009, Article 73

The Conseil national des barreaux shall be composed of lawyers directly elected by the vote of two electoral colleges :

- the Bar Councilors' college (collège ordinal), composed of the presidents of the bars and the members of the bar association councils;
- the General College (collège général), composed of all lawyers having the right to vote, as indicated in the second paragraph of Article 15.

Each college shall elect half of the members of the Conseil national des barreaux.

In each college, the election shall be based on one or several districts.

If there is more than one district, the distribution of the seats to be filled among the districts shall be proportional to the number of registered lawyers in each.

The chairman of the conférence des bâtonniers [Conference of Presidents of the Bar] and the president of the ordre des avocats au barreau de Paris [Paris Bar Association] are ex officio members of the Conseil national des barreaux.

Chapter III : Discipline.

ARTICLE 22

Amended by Act 2004-130 of February 11, 2004, Article 28; JORF, February 12, 2004

A disciplinary council shall be instituted within the district of each Court of Appeal, and shall have jurisdiction over offenses and misconduct committed by the lawyers under the jurisdiction of the bars established therein.

However, the Paris Bar Council, sitting as a disciplinary council, shall have jurisdiction over any offenses and misconduct committed by the lawyers registered with it.

The appropriate disciplinary body, pursuant to the preceding paragraphs, shall also have jurisdiction over any offenses and misconduct committed by former lawyers, where, at the time of the offense, they were on the roll or on the list of honorary lawyers (avocats honoraires) of one of the bars established in the district of the disciplinary body.

ARTICLE 22-1

Created by Act 2004-130 of February 11, 2004, Article 29; JORF, February 12, 2004

The disciplinary council referred to in the first paragraph of Article 22 shall be composed of representatives of the bar association councils in the district of the Court of Appeal. No bar association council may appoint more than half of the members of the disciplinary council, and each bar association shall appoint at least one representative. Alternate members shall be appointed under the same conditions.

Those who may be appointed are former presidents of the bar, members of the bar association councils other than the president of the bar in office, and former members of bar association councils who left their positions less than eight years ago.

The disciplinary council shall elect its own president.

Decisions taken by the bar association councils pursuant to the first paragraph and the election of the president of the disciplinary council may be referred to the Court of Appeal.

The disciplinary council shall sit in an odd-numbered group of at least five members. The council may form several groups when the number of lawyers in the Court of Appeal district exceeds five hundred.

The smaller group may refer the matter back to the plenary group for review.

A decree in Council of State shall set the conditions for application of this article.

ARTICLE 22-2

Created by Act 2004-130 of February 11, 2004, Article 30; JORF, February 12, 2004

The Paris Bar Council, sitting as a disciplinary council, may be made up of several odd-numbered groups of at least five members, chaired by a former president of the bar, or, failing that, by the member with the most seniority on the roll. The members of these disciplinary groups may be members of the bar association council other than the president of the bar in office, or former members of the bar association council who left their positions less than eight years ago. The president and the members of each group, as well as their alternates, shall be appointed by decision of the bar association council.

The smaller group may refer the matter back to the plenary group for review.

ARTICLE 23

Amended by Act 2004-130 of February 11, 2004, Article 31; JORF, February 12, 2004

The Attorney General for the Court of Appeal in whose district the disciplinary body is instituted, or the president of the bar association to which the lawyer who has been called into question belongs, shall refer it to the competent disciplinary body, pursuant to Article 22.

A former president of the bar, who, as part of his or her former duties, instituted the disciplinary proceedings may not sit as part of the group determining the outcome of a case.

The disciplinary body shall rule by a reasoned decision following adversarial proceedings. The council of the bar association council to which the accused lawyer belongs shall appoint one of its members to conduct adversarial proceedings for the case. This person, if he or she is a standing or alternate member of the disciplinary body, may not sit as part of the group that determines the outcome of that same case.

Its decision may be referred to the Court of Appeal by the lawyer in question, the president of the bar association to which the lawyer belongs, or the Attorney General.

ARTICLE 24

Amended by Act 2004-130 of February 11, 2004, Article 32; JORF, February 12, 2004

When an emergency or the need to protect the public so require, the bar association council may, at the request of the Attorney General or of the president of the bar, temporarily suspend from his or her position a lawyer under its jurisdiction when the lawyer is the subject of a criminal or disciplinary procedure. This measure may not exceed four months, and shall be renewable.

Members of the bar association council, or standing or alternate members of the disciplinary council or disciplinary group referred to in Article 22-2, who issue a decision pursuant to this article may not sit on the bar association council or disciplinary group referred to above.

The bar association council may, under the same conditions, or at the request of the interested party, end the suspension, except in circumstances where the measure was ordered by a Court of Appeal that remains competent.

The provisional suspension shall end as of right when the criminal and disciplinary actions have been extinguished.

The decisions taken pursuant to this article may be referred to the Court of Appeal by the lawyer in question, the president of the bar association to which the lawyer belongs, or the Attorney General.

ARTICLE 25

Amended by Act 2004-130 of February 11, 2004, Article 33; JORF, February 12, 2004

Any court which considers that a lawyer has breached his or her obligations under the professional oath in court may refer the matter to the Attorney General in order to take proceedings against this lawyer before the disciplinary body for his or her jurisdiction.

The Attorney General may refer matters to the disciplinary body, which must rule within fifteen days of the referral. If there is no ruling within this time period, the disciplinary body shall be considered to have rejected the request, and the Attorney General may appeal. The Court of Appeal may impose a disciplinary sanction only after having invited the president of the bar, or his or her representative, to submit their observations.

When the breach is committed before a court in Metropolitan France, and it is appropriate to refer the matter to a disciplinary body located in an overseas department or territory or in Mayotte, the time period provided for in the preceding paragraph shall be increased by one month.

The same shall be true when the breach is committed before a court located in an overseas department or territory or in Mayotte, and it is necessary to refer the matter to a disciplinary body located in Metropolitan France.

ARTICLE 25-1

Created by Act 82-506 1982-06-15, Article 3; JORF, June 16, 1982

In the event of a breach of the obligations, or a violation of the rules stemming from the procedural provisions, lawyers shall incur the sanctions laid down by the said provisions.

Chapter IV : Professional liability and guarantees.

ARTICLE 26

Civil liability actions against lawyers shall follow standard procedural rules.

ARTICLE 27

Amended by ACT 2010-1249 of October 22, 2010, Article 70

Either the bar, or the lawyers collectively or individually, or both the bar and the lawyers, shall provide proof that they have taken out professional civil liability insurance for each lawyer who is a member of the bar against liability by reason of negligence and misconduct committed in the performance of their duties.

They shall likewise provide proof that they have insurance, taken out by the bar for the benefit of whom it may concern, or a guarantee for the purpose of repaying any funds, effects, or securities received.

The president of the bar shall inform the Attorney General of the guarantees that have been provided.

The liabilities inherent in fiduciary activities, and the activities referred to in the second paragraph of Article 6 and in Article 6 bis, shall be borne exclusively by the lawyers performing such activities; they shall be covered by specific insurance taken out either individually or collectively, under the conditions established by the Act of July 13, 1930 on insurance contracts; or for fiduciary activities, by financial guarantees.

Chapter V : Indemnification. (repealed) Chapter VI : Transitory and miscellaneous provisions.

ARTICLE 42

Amended by ACT 90-1259 of December 31,1990, Article 19; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Members of the new legal profession, except for salaried lawyers who, before the date that Title I of Act 90-1259 of December 31, 1990, reforming certain legal and judicial professions, entered into force, practiced as conseils juridiques, and corporate officers governed by the scheme for salaried persons, shall automatically, by operation of law, be affiliated with the Caisse nationale des barreaux français [National French Bar Fund], as provided for in Article L. 723-1 of the Social Security Code (code de la sécurité sociale).

A decree in Council of State shall stipulate the conditions under which, after consultation with the supplementary retirement funds, the contractual financial consequences of the provisions in the preceding paragraph may be offset against each other.

ARTICLE 43

Amended by ACT 2011-94 of January 25, 2011, Article 8

The Caisse nationale des barreaux français shall take on the obligations of the caisse d'allocation vieillesse des officiers ministériels, des officiers publics et des compagnies judiciaires [old age pension fund for law officials, public officials, and law firms], under the basic scheme and the supplementary scheme, under conditions established by decree, for those who, on the date that this act enters into effect were practicing, or had practiced, the profession of avoué près les tribunaux de grande instance or the profession of agréé près les tribunaux de commerce [legal practitioner with rights of audience before the commercial courts], as well as their successors.

The Caisse nationale d'assurance vieillesse des professions libérales [National Old Age Pension Fund for professionals] and the Caisse d'allocation vieillesse des officiers ministériels, des officiers publics et des compagnies judiciaires shall still be bound by the obligations incumbent upon them under the basic scheme, the supplementary scheme and the disability and death scheme as regards those who, on the date of entry into force of Chapter 1 of Act 2011-94 of January 25, 2011, reforming representation before the courts of appeal, were practicing, or had practiced before that date, the profession of avoué près les cours d'appel, their assisting spouses (conjoints collaborateurs), and their successors.

For the purposes of the application of Article L. 723-11 of the Social Security Code, the duration of the insurance period for avoués who become lawyers shall take into account the total length of time spent in the professions of avoué and lawyer.

The financial transfers resulting from this operation shall be established by agreement between the funds that are involved; or, failing that, by decree. They shall take into account the financial outlook of each of the schemes.

ARTICLE 44

The Caisse nationale des barreaux français shall replace departmental and regional chambers of District Court avoués, and regional chambers of agréés, that have entered into agreements for supplementary pension schemes with insurance companies; it shall be authorized to enter into any agreement whose purpose is to organize such schemes for all members of the new profession.

ARTICLE 45

As an alternative, the fund guarantees payment of the amounts needed to maintain the vested rights acquired as of the date this act enters into force. If the consequence of implementing this act is a reduction in the number of subscribers to the scheme referred to in the preceding article, thereby leading to a reduction in these rights, this guarantee shall be implemented either by paying supplementary subscriptions, by redeeming annuities, or by purchasing life annuities.

ARTICLE 46

Amended by ACT 2011-94 of January 25, 2011, Article 9

Relationships between lawyers and their staff shall be governed by the national collective agreement for law firm staff, and its amendments, regardless of their type of practice.

However, until a new collective employment agreement is concluded, and one year at the latest after the date set in Article 34 of Act 2011-94 of January 25, 2011, reforming representation before the courts of appeal, the relationships between former avoués près les cours d'appel who have become lawyers, and their staff, shall continue to be governed by the collective agreement and its amendments that was applicable to them before the entry into force of Chapter I of that same Act, including for employment contracts concluded after that date.

During this period, in the event either that lawyers and former avoués are grouped together within an association or firm, or that associations or firms are merged, salaried staff shall benefit from the collective agreement that was applicable to them before the entry into force of the above-mentioned chapter; or failing that, from the national collective agreement for law firm staff, and its amendments.

If no new collective employment agreement has been concluded at the time that the period provided for in the second paragraph expires, relationships between the former avoués près les cours d'appel who have become lawyers, and their staff, shall be governed by the national collective agreement for law firm staff, and its amendments. Salaried staff shall retain all the individual benefits they acquired pursuant to their former national collective agreement.

The terms of the employment contracts of salaried staff from the offices of avoués shall remain applicable as long as they are not contrary to either the new collective employment agreement provided for in the preceding paragraph, or the national collective agreement for law firm staff.

As of the entry into force of the above-mentioned Act 2011-94 of January 25, 2011, when avoués are practicing as general lawyers, lawyers at the Council of State and the Court of Cassation, notaires [notaries], legal auctioneers, Commercial Court clerks, court bailiffs, court-appointed receivers, or court-appointed agents, salaried staff that they have not dismissed shall retain their length of service and the rights they acquired under their current employment contract.

ARTICLE 46-1

Amended by ACT 2011-94 of January 25, 2011, Article 10

Non-lawyer salaried staff of lawyers practicing the new legal profession shall come under the caisse de retraite du personnel des avocats [retirement fund for the staff of lawyers]. Benefits shall be calculated taking into account, if applicable, the length of their time in service as legal staff.

ARTICLE 47

In proceedings that are ongoing on September 16, 1972, formerly appointed avoués who have become lawyers shall retain with no change the powers that were previously vested in them, throughout the proceedings and up until the date of the judgment as to substance. Likewise, the lawyer chosen by the parties shall alone have the right to present oral argument.

All of the foregoing shall be subject to the resignation, death, or disbarment of lawyers, or by agreement between them or as otherwise decided by the interested party.

ARTICLE 48

Amended by Act 90-1259 of December 31, 1990, Article 22; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Any rulings temporarily prohibiting avoués or agréés près les tribunaux de commerce from practicing, as well as disciplinary penalties ordered as of the day this Act enters into effect against an avocat, avoué, or agréé, shall continue to be in force. The same shall be true of disciplinary sanctions ordered against avocats or conseils juridiques before the date of entry into force of Title I of Act 90-1259 of December 31,1990, reforming certain legal and judicial professions, or after that date, pursuant to this article, regardless of the regulated professions they may enter pursuant to this act.

The powers of the first degree disciplinary courts eliminated by this act shall be extended so that they can rule on any proceedings pending before them as of the day of entry into force of this Act, as well as all professional acts having taken place before that date.

The disciplinary jurisdiction of the first degree courts shall be extended so that they can rule on any proceedings regarding a conseil juridique pending before them before the date of entry into force of Title I of Act 90-1259 of December 31, 1990, reforming certain legal and judicial professions, as well as all professional acts having taken place before that date.

These courts shall also have jurisdiction to rule on appeals against the decisions of regional committees ruling on requests for honorary titles from conseils juridiques who have declined to enter the new profession.

Disciplinary procedures pending before the Court of Appeal and the Court of Cassation shall remain before them.

ARTICLE 50

Amended by ACT 2011-331 of March 28, 2011, Article 2

I. Those who, on the date of entry into force of the above-mentioned Title I of Act 90-1259 of December 31,1990 have completed the entire required internship for inclusion on the list of conseils juridiques shall be exempt, notwithstanding the fourth paragraph (point 3) of Article 11 and Article 12, from [the requirement to hold] a certificate of aptitude for the legal profession and from the internship that was mandatory before the entry into force of Title II of Act 2004-130 of February 11, 2004, reforming the status of certain legal and judicial professions, judicial experts, industrial property attorneys, and experts on sales at public auctions.

II. Lawyers who hold one or more specializations on the date of entry into force of Act 2011-331 of March 28, 2011 on modernizing the legal or judicial professions and certain regulated professions may choose, upon provision of proof of having an actual professional practice in the field they claim, one or two certificates of specialization, the list of which is established by order of the Keeper of the Seals, Minister of Justice.

The Conseil national des barreaux shall determine the rules for exercising this right.

III. Former conseils juridiques who are practicing the legal profession, and who, before the date of entry into force of the above-mentioned Title I of Act 90-1259 of December 31, 1990 also carried out the activities of external auditors, shall be authorized, by way of an exception, to pursue these latter activities; however, they may not, whether cumulatively or successively, both perform the duties of a lawyer and serve as an external auditor for a single business or group of businesses.

IV. Those who are currently undertaking professional training at the date of entry into force of the above-mentioned Act 2004-130 of February 11, 2004 shall continue their training according to the rules in force before that date. However, those who hold certificates of aptitude for the legal profession and who have neither begun nor finished their internship within two years of the date of entry into force of the above-mentioned Title II of Act 2004-130 of February 11, 2004 shall be exempt therefrom at the end of that two year period. Those whose names remain on the internship list shall retain the right to vote in the election of the bar association council and the president of the bar.

If they fail to pass the final session of the aptitude test for the legal profession that is organized before the date of entry into force of the above-mentioned Title II of Act 2004-130 of February 11, 2004, those who wish to retake their training, or in the event of a second failure, those who are so authorized by a decision of the board of directors of the regional center for professional training, shall be subject to the provisions that entered into force on that date.

V. Chapter III, as amended by the above-mentioned Act 2004-130 of February 11, 2004 shall be applicable to former avocats who were on the internship list at the time of the events referred to in Article 22.

VI. In Mayotte, on the islands of Wallis and Futuna, in French Polynesia and in New Caledonia, those who are currently undergoing professional training on the date of entry into force of Articles 1 (I), 6 (I), 8 (I), 10 (I) of Order 2006-639 of June 1, 2006 shall continue their training according to the terms and conditions in force before that date. However, those who hold certificates of aptitude for the legal profession, and who have neither begun nor finished their internship within two years of that same date, shall be exempt therefrom at the end of that two year period. Those whose names remain on the internship list shall retain the right to vote in the election of the bar association council and the president of the bar.

If they fail to pass the final session of the aptitude test for the legal profession that is organized before the date of entry into force set in the first paragraph, those who wish to retake their training, or in the event of a second failure, those who are so authorized by a decision of the board of directors of the regional center for professional training, shall be subject to the provisions that entered into force on that date.

ARTICLE 52

The retirement schemes for clerks, secretaries and employees of avoués, agréés, and former avocats and the schemes that they belong to or may belong to as a result of their new profession or new position shall be coordinated. The fund for organization of the new legal profession shall guarantee the payment of the amounts needed to maintain the vested rights that were acquired, or are in the process of being acquired, on the date of entry into force of this act, including supplementary retirement schemes.

ARTICLE 53

Amended by ACT 2011-94 of January 25, 2011, Article 11

While respecting the independence of lawyers, the autonomy of bar association councils, and the independent nature of the profession, decrees in Council of State shall set the conditions for the application of this title.

In particular, they shall present :

1. The conditions for entering the legal profession as well as incompatible activities, conditions for inclusion on, and removal from, the roll, and the conditions for practicing the profession in the situations provided for in Articles 6 to 8-1;
2. The ethics rules, as well as disciplinary proceedings and sanctions.
3. The rules of professional organization, particularly the composition of bar association councils and the means of election, functioning, financing and the powers of the Conseil national des barreaux :
4. The conditions under which the authorization provided for in the fourth paragraph of Article 5 shall be granted;
5. The conditions for establishing collaboration agreements or employment contracts as provided for in Article 7 :

6. The procedure for the settlement of disputes regarding payment of lawyers' costs and fees;
7. The conditions of application of the final paragraph of Article 21 :
8. (Paragraph eliminated).
9. The conditions of application of Article 27 and, particularly : the conditions of the guarantees; the rules for control; and the conditions under which lawyers shall receive funds, effects, or securities on behalf of their clients, shall deposit them, except when they are acting in a fiduciary capacity, in a fund that is required to be created for this purpose by every bar, or by several bars jointly; and shall make payment thereof;
10. The conditions for issuing a certificate of specialization, and the cases and the conditions under which a reference to specializations may be added to lawyers' names, and any exceptions thereto;
11. The rules for exemption from the [requirement to hold a] degree and from the certificate of aptitude for the legal profession and the conditions under which the equivalencies between the titles and degrees referred to in Article 11 shall be established, as well as the conditions under which holding a higher university degree in legal or political sciences may grant exemption from all or part of the professional training or all or part of the requirements for the issuing of a certificate of specialization;
12. The conditions of application of Article 50 :
13. The rules of coordination, and the conditions under which the guarantee of the fund for the organization of the new legal profession shall be implemented, as provided for in Article 52 :
14. The composition, means of election and functioning of the boards of directors of the regional centers for professional training;
15. The necessary measures for applying Directive (EC) 77-249 of March 22, 1977 of the Council of the European Communities.

Title II : Regulation of the use of the title of conseil juridique (repealed)

Chapter I : Conditions for inclusion on the list of conseils juridiques. (repealed)

Chapter II : Conditions for the practice of the profession of conseil juridique. (repealed)

Chapter III : Transitory and miscellaneous provisions. (repealed)

ARTICLE 63 BIS (EXPIRED)

Created by Act 77-574 1977-06-07 Article 42; JORF, June 8, 1977

Title II : Regulation of legal consultations and the drafting of private instruments

Chapter I : General provisions.

ARTICLE 54

Amended by Act 97-308 of April 7, 1997, Article 1; JORF, April 8, 1997

No one may, directly or through an intermediary, on a regular basis and for compensation, provide legal consultations or draft private instruments for others :

1. Unless they hold the degree of licence in law, or can otherwise provide evidence of suitable legal expertise for the giving of consultations and drafting of legal instruments in the areas in which they are authorized to practice, pursuant to Articles 56 to 66.

   Those persons referred to in Articles 56, 57, and 58 shall be considered to have such legal expertise.

   For those practicing a regulated profession as referred to in Article 59, this shall be evaluated on the basis of the legal texts governing them.

   For each of the non-regulated activities referred to in Article 60, this shall be the result of an authorization to practice law as an ancillary to their principal activities, granted by an order made after consultation with a committee that, if applicable, establishes the necessary legal qualifications or experience required of those who carry out such activities and wish to practice law as an ancillary to them.

   For each of the categories of bodies referred to in Articles 61, 63, 64, and 65, this shall be the result of an authorization to practice law as an ancillary to their principal activities, granted by an order made after consultation with the same committee that, if applicable, establishes the necessary legal qualifications or experience required of those who practice law under the authority of such bodies.

   The committee referred to in the two preceding paragraphs shall give its opinion within three months of the referral of the matter to it.

   In addition, this committee may issue recommendations on initial and continuing professional training for those in these professional categories.

   A decree shall establish the composition of the committee, the referral procedures, and its operating rules.

   The authorization provided for in this article may not be used for the purposes of advertising or presenting the activity in question;

2. If they have committed acts resulting in a criminal conviction for actions contrary to honor, integrity, or morality;

3. If they have committed acts of this same type that resulted in disciplinary or administrative sanctions involving removal from office, disbarment, discharge, or withdrawal of approval or authorization;

4. If they have been declared personally bankrupt or have been subject to another sanction pursuant to the above-mentioned Title VI of Act 85-98 of January 25, 1985; or, under the system previous to this law, pursuant to the above-mentioned Title II of Act 67-563 of July 13, 1967.

5. If, in addition, they do not meet the conditions provided for in the following articles in this chapter, and if they are not authorized to do so under these articles and within the limits provided for therein.

   Legal entities, one of whose de jure or de facto managers has been subject to a sanction as referred to in this article may, at the request of the public prosecutor, be declared legally incapable to perform the activities referred to in the first paragraph by decision of the District Court where its registered office is located.

   The committee referred to in point 1 shall be set up six months at the latest after the promulgation of Act 97-308 of April 7, 1997.

   The condition requiring a degree or legal competence provided for in point 1. shall be applicable after the end of a one-year period from the promulgation of Act 97-308 of April 7, 1997.

↗NOTE:
The coming into effect of the amendments introduced by Act 97-308 of April 7, 1997 shall be contingent upon the implementing provisions that are to be released before April 9, 1998.

ARTICLE 55

Amended by Order 2013-544 of June 27, 2013, Article 22

All those persons authorized by this chapter to provide legal advice or draft private instruments for others, on a regular basis and for compensation, must be covered by insurance, taken out individually or collectively, against the financial consequences of any professional civil liability that they may incur in the context of these activities.

They must also provide proof of a financial guarantee that is especially allocated for the repayment of any funds, effects, or securities received on these occasions; this guarantee must issue from a guarantor's undertaking given by an insurance company governed by the Insurance Code (code des assurances), a credit institution, or a finance company authorized for this purpose.

In addition, they must respect the obligation of lawyer-client privilege pursuant to the provisions of Articles 226-13 and 226-14 of the Criminal Code (code pénal) and refrain from involvement in matters in which they have a direct or indirect interest in the matter to which the service to be provided is related.

The obligations provided for in the preceding paragraph shall also be applicable to any person who, on a regular basis and without charge, provides legal consultations or drafts private instruments.

ARTICLE 56

Amended by ACT 2011-94 of January 25, 2011, Article 12

Lawyers attached to the Council of State and the Court of Cassation, lawyers registered with a French bar, notaries, court bailiffs, legal auctioneers, court-appointed receivers, and agent-liquidators have the concurrent right to provide legal advice and draft private instruments for others within the framework of the activities defined by their respective statuses.

ARTICLE 57

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Those falling under the scope of the Decree of October 29, 1936 on concurrent pensions, compensation, and positions, while active or in retirement, under the conditions provided for by the said decree, as well as instructors in legal disciplines at nationally accredited private institutions of higher education that issue degrees approved by the minister responsible for higher education, may provide legal consultations.

ARTICLE 58

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Company lawyers practicing under an employment contract with a company or group of companies may, in the performance of these duties and for the sole benefit of the company employing them or any company belonging to the same group, provide legal consultations and draft private instruments pertaining to the activities of these companies.

ARTICLE 59

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Those who practice a regulated profession may, within the limits authorized by the regulations applicable to them, provide legal consultations pertaining to their principal activity and draft private instruments that are directly ancillary to the services they provide.

ARTICLE 60

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Those who practice a non-regulated profession for which they can provide proof of qualifications recognized by the State or certified by an authorized public or professional body, may, within the limits of this qualification, provide legal consultations pertaining directly to their principal activity, and draft private instruments that are a necessary ancillary to this activity.

ARTICLE 61

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Bodies entrusted with a public service mission may, in executing such mission, provide legal advice.

ARTICLE 63

Amended by Act 97-308 of April 7, 1997, Article 2; JORF, April 8, 1997

Recognized public interest associations, or associations whose mission is recognized as being in the public interest pursuant to the local civil code of Alsace-Moselle, recognized public interest foundations, approved consumer associations, approved associations carrying out their activities in the fields of the protection of nature and the environment and the improvement of quality of life and housing; associations authorized by law to exercise the rights of parties civiles [parties to the case] before criminal courts, family associations and federations of family associations governed by the Family and Social Assistance Code (code de la famille et de l'aide sociale), and mutual groups governed by the Mutual Code (code de la mutualité), may provide their members with legal consultations relating to questions pertaining directly to their purpose.

ARTICLE 64

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Unions and professional associations governed by the Labor Code may provide legal consultations or draft private instruments for the benefit of those whose interests they defend as determined by their rules of procedure, on questions pertaining directly to their purpose.

ARTICLE 65

Amended by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Bodies that are established, under any legal form whatsoever, between or by professional or inter-professional organizations, as well as federations and confederations of cooperative societies, may provide legal consultations and draft private instruments, for the benefit of these organizations or their members, on questions pertaining directly to the professional activity under consideration.

ARTICLE 66

Amended by Act 2004-575 of June 21, 2004, Article 2; JORF, June 22, 2004

Public media outlets, whether print or electronic, may not offer their readers or audience legal consultations unless these are prepared by members of a regulated legal profession.

ARTICLE 66-1

Created by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

This chapter shall not prevent broadcast on legal subjects consisting of documentary news and information.

ARTICLE 66-2

Created by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Those who, in violation of the provisions of this chapter, provide consultations or draft private legal instruments for others shall be subject to the penalties provided for in Article 72.

↗NOTE :
A fine of 4,500 euros and, in the event of a repeat offense, a fine of 9,000 euros or 6 months of imprisonment, or both.

ARTICLE 66-3

Created by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

The bodies responsible for representing the professions referred to in Article 56 and the professional organizations representing these professions may exercise the rights reserved for parties civiles in the matter of the offenses provided for in Article 66-2.

Chapter I bis : Lawyer countersignature

ARTICLE 66-3-1

Created by ACT 2011-331 of March 28, 2011, Article 3

By countersigning a private instrument, lawyers certify that they have fully explained the legal consequences of the instrument to the party or parties being advised.

ARTICLE 66-3-2

Created by ACT 2011-331 of March 28, 2011, Article 3

The private instrument countersigned by the lawyers of each party, or by the lawyer for all the parties, shall constitute evidence of the handwriting and signature of the parties, with regard both to them and to their heirs or successors. The Code of Civil Procedure (code de procédure civile) procedure for forgery shall be applicable to it.

ARTICLE 66-3-3

Created by ACT 2011-331 of March 28, 2011, Article 3

A private instrument countersigned by a lawyer shall be exempt from any legal requirement for a handwritten certification, in the absence of any provision specifically waiving this article.

Chapter II : Miscellaneous provisions.

ARTICLE 66-4

Created by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Those who make solicitations with a view to providing legal consultations or preparing legal instruments shall be subject to the penalties provided for in Article 72. Any advertising for this same purpose shall be subject to the conditions established by the decree referred to in Article 66-6.

↗NOTE :
A fine of 4,500 euros and, in the event of a repeat offense, a fine of 9,000 euros or 6 months of imprisonment, or both.

ARTICLE 66-5

Amended by ACT 2011-331 of March 28, 2011, Article 4

In all areas, whether in the area of advice or defense, written advice sent by lawyers to their clients or intended for them, correspondence between clients and their lawyers, between lawyers and their colleagues, with the exception, for the latter, of correspondence marked "official," notes from meetings, and generally all the documents in the case file, are covered by lawyer-client privilege.

These provisions shall not prevent, following the conclusion of a trust agreement, the application of the regulations specific to such activity to lawyers acting in the capacity of trustee, with the exception of correspondence that is not marked "official," addressed to such lawyers by colleagues who are not advised that they are acting in such a capacity.

This article shall not stand in the way of lawyers' obligations to submit the contracts referred to in Article L. 222-7 of the Sports Code (code du sport); and the contract appointing them to represent one of the interested parties in the conclusion of one of these contracts with sports federations acting as agents, and, if applicable, the professional leagues instituted by them; under the conditions provided for in Article L. 222-18 of the same code.

ARTICLE 66-6

Created by Act 90-1259 of December 31, 1990, Article 26; JORF, January 5, 1991, entering into force on January 1, 1992

Created by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

The rules for the application of this title are specified by decree in Council of State.

Title III : Miscellaneous provisions.

ARTICLE 67

Amended by Act 2004-130 of February 11, 2004, Article 35; JORF, February 12, 2004

Lawyers practicing in France may precede or follow their names with the name of an association, firm, or group of lawyers to which they belong.

Firms or groups of conseils [counselors] existing on the date that Title I of Act 90-1259 of December 31, 1990, reforming certain legal and judicial professions, entered into force, may retain their corporate names, even if they do not include the names of associates or former associates; and they may use them in the event of a merger or split.

Lawyers, associations of lawyers, or law firms who are affiliated with a national or international multi-disciplinary network shall indicate that they belong to such a network.

ARTICLE 68

Amended by Act 90-1259 of December 31, 1990, Article 28; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Lawyers who took their oath before the date of entry into force of Title I of Act 90-1259 of December 31, 1990 reforming certain legal and judicial professions are exempted from being required to take the oath again as worded in Article 3.

ARTICLE 71

Amended the following provisions :

Modifies CRIMINAL CODE, Article 408 (Ab)

ARTICLE 72

Amended by Order 2000-916 of September 19, 2000, Article 3 (V); JORF, September 22, 2000 entering into force on January 1, 2002

Persons who are not legally registered with a bar and who perform one or more activities reserved for lawyers under the conditions provided for in Article 4 shall be punished by a fine of 4,500 euros and, in the event of a repeat offense, a fine of 9,000 euros or 6 months of imprisonment, or both, subject to international conventions.

ARTICLE 73

Amended by Act 90-1259 of December 31, 1990, Article 29; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

Any person who gives a name to a professional group established under any legal form whatsoever that includes the word ordre [bar association] shall be subject to the penalties provided for in Article 72.

↗NOTE:
A fine of 30,000 francs and, in the event of a repeat offense, a fine of 60,000 francs or 6 months of imprisonment, or both.

ARTICLE 74

Amended by Act 92-1336 of December 16, 1992, Article 334 (V); JORF, December 23, 1992, entering into force on March 1, 1994

Anyone who, without meeting the required conditions for holding a certain title, uses a title likely to create confusion in the mind of the public with the title of a profession regulated herein shall be subject to the penalties incurred for the crime of using false title, provided for in Article 433-17 of the Criminal Code. The same penalties shall apply to those who use the title of conseil juridique or an equivalent title that could lead to confusion, subject to the provisions of the fourth and fifth sub-paragraphs of paragraph I of Article 1 of this act.

ARTICLE 76

Amended by Act 90-1259 of December 31, 1990, Article 31; JORF, January 5, 1991, entering into force on January 1, 1992

Amended by Act 90-1259 of December 31, 1990, Article 67 (V); JORF, January 5, 1991, entering into force on January 1, 1992

All provisions contrary to this act are repealed, in particular:

Articles 24 and 29 of the Act of Ventôse [month of the French Republican (or Revolutionary) calendar] 22, year XII [of the same calendar], amended, regarding law schools;

Articles 2 and 4 of Act 54-390 of April 8, 1954 establishing the invalidity of the instrument known as Act 2525 of June 26, 1941, instituting the certificate of aptitude for the profession of avocat [lawyer].

Order 45-2594 of November 2, 1945 on the status of agréés près les tribunaux de commerce;

Article 39 of the Corrective Finance Act (loi de finances rectificative) 62-873 of July 31,1962.

Act 57-1420 of December 31, 1957 on the recovery of avocats' fees ceases to apply, to the extent that it concerns avocats.

The following are repealed as they concern avoués près les tribunaux de grande instance:

The Act of Ventôse 27, year VIII on the organization of the courts;

Articles 27, 31, and 32 of the Act of Ventôse 22, year XII, relating to law schools;

The Act of April 20, 1810 on the organization of the legal system and administration of justice;

Articles 3, 4, 5, 6, and 7 of the Decree of July 2, 1812, amended by the Order of February 27, 1822, by the Decree of May 29, 1910, and by the Act of April 2, 1942, validated by the Order of October 9, 1945 on the authority to present oral argument granted to avoués in civil or criminal matters;

Article 91 of the Act of April 28, 1816 on finances;

The decree of June 25, 1878 on oral argument by avoués près les tribunaux de grande instance;

The Act of December 24, 1897 on the recovery of fees owed to notaries, avoués, and bailiffs;

Order 45-2591 of November 2, 1945 on the rules governing avoués;

Order 45-1418 of June 28, 1945 on the discipline of certain law officials.

In every legislative provision in force on the date that Title I of Act 90-1259 of December 31,1990, reforming certain legal and judicial professions, enters into force, the word: avocat [lawyer] shall replace the term: conseil juridique [legal counselor].

↗NOTE:
The date for Title I of Act 90-1259 of December 31, 1990 to enter into force has been set for January 1, 1992.

ARTICLE 80

This act shall be applicable in the departments of Bas-Rhin, Haut-Rhin, and la Moselle, with the exception of Chapter V of Title I herein, and subject to compliance with local rules of civil procedure and legal organization.

ARTICLE 81

Amended by Order 2012-579 of April 26, 2012, Article 8

I. IN MAYOTTE :

The following are not applicable : Part III of Article 1; Article 2; Articles 42 to 48; Parts I, III, and IV of Article 50; Article 52; points 13 and 15 of Article 53; Articles 54 to 66-3, 66-4, 66-6, 76, and 83 to 92.

For the purposes of Article 11, only a French degree equivalent to at least a master's degree in law, or a French title or degree recognized as its equivalent, may be taken into account in order to practice the profession under the conditions established by the order provided for in that Article. The final sentence of the final paragraph of Article 11 shall be applicable only to French nationals.

For the purposes of Articles 12 and 13, references to the provisions of the Labor Code shall be replaced by references to the provisions of the same type in the Labor Code applicable to the territorial collectivity of Mayotte.

For the purposes of Article 13-1, the reference to the provisions of the General Tax Code shall be replaced by a reference to locally applicable provisions of the same type.

II. IN SAINT PIERRE AND MIQUELON :

The following shall not be applicable : Articles 1 (III), 2, 42 to 48, 50 (I and III), 53 (13 and 15), 54 to 66-4, 66-6, 71, 76, and 80. Point 9 of Article 53 shall not be applicable insofar as it concerns the conditions for application of Article 27 relating to the funds referred to therein.

Nevertheless :

1. For the purposes of Article 11, only a French degree equivalent to at least a master's degree in law, or a French title or degree recognized as its equivalent, may be taken into account in order to practice the profession under the conditions established by the order provided for in that same Article 11;
2. For the purposes of Articles 22 to 25-1, the conseil de l'ordre du barreau de Saint-Pierre-et-Miquelon [bar association of Saint Pierre and Miquelon], sitting as a disciplinary council, shall have jurisdiction over the offenses and misconduct committed by lawyers registered with it. It shall also have jurisdiction to deal with offenses and misconduct committed by former lawyers, if, at the time of the events, their names were on that bar's roll or list of honorary avocats;
3. For the purposes of this Act, the terms : tribunal de grande instance [District Court], cour d'appel [Court of Appeal], and procureur général [Attorney General], shall be replaced respectively by the terms : tribunal de première instance [District Court], tribunal supérieur d'appel [Court of Appeal], and procureur de la République [State Prosecutor];
4. The powers vested in lawyers and counselors to the parties in the area of civil procedure may be exercised by those authorized by the president of the Court of Appeal.

III. IN THE WALLIS AND FUTUNA ISLANDS :

Articles 1 (I), 3 to 27, except for the final sentence of the second paragraph of Article 13-1, 50 (II, V, VI), 53 (1 to 12 and 14), 66-3-1, 66-3-2, 66-3-3, 66-5, 67, 68, 72, 73, and 74 are applicable, in their wording in effect on the date of publication of Order 2011-1875 of December 15, 2011, subject to the following reservations :

For the purposes of Article 11, only a French degree equivalent to at least a master's degree in law, or a French title or degree recognized as its equivalent , may be taken into account in order to practice the profession under the conditions established by the order provided for in that Article. The final sentence of the final paragraph of Article 11 shall be applicable only to French nationals.

For the purposes of Articles 12 and 13, the references to the provisions of the Labor Code shall be replaced by references to the provisions of the same type in the Labor Code that is applicable in the Wallis and Futuna Islands.

For the purposes of Articles 22 to 25-1, the bar association council of Nouméa, sitting as a disciplinary council, shall have jurisdiction over the offenses and misconduct committed by the lawyers registered with it. It shall also have jurisdiction to deal with offenses and misconduct committed by former lawyers, if, at the time of the events, their names were on that bar's roll or list of honorary avocats;

For the purposes of this act, the term : tribunal de grande instance [District Court] shall be replaced by the term : tribunal de première instance [District Court].

The powers in the area of civil procedure that are vested in the parties' lawyers and counselors may be exercised by agents.

IV. IN FRENCH POLYNESIA :

Articles 1 (I), 3 to 27, with the exception of the final sentence in the second paragraph of Article 13-1, 50 (II, V, VI), 53 (1 to 12 and 14), 66-5, 67, 68, 72, 73 and 74 shall be applicable, in their wording in force on the date of publication of Order 2011-1875 of December 15, 2011, subject to the reservations below.

For the purposes of Article 11, only a French degree equivalent to at least a master's degree in law, or a French title or degree recognized as its equivalent, may be taken into account in order to practice the profession under the conditions established by the order provided for in that Article. The final sentence of the final paragraph of Article 11 shall be applicable only to French nationals.

For the purposes of Articles 12 and 13, the reference to the provisions of the Labor Code shall be replaced by a reference to locally applicable provisions of the same type.

For the purposes of Articles 22 to 25-1, the bar association council of Papeete, sitting as a disciplinary council, shall have jurisdiction over the offenses and misconduct committed by the lawyers registered with it. It shall also have jurisdiction to deal with offenses and misconduct committed by former lawyers, if, at the time of the events, their names were on that bar's roll or list of honorary avocats;

For the purposes of this act, the terms : tribunal de grande instance [District Court] shall be replaced by the term : tribunal de première instance [District Court].

V. IN NEW CALEDONIA :

Articles 1 (I), 3 to 27, with the exception of the final sentence in the second paragraph of Article 13-1, 50 (II, V, VI), 53 (1 to 12 and 14), 66-3-1, 66-3-2, 66-3-3, 66-5, 67, 68, 72, 73 and 74 shall be applicable, in their wording in force on the date of publication of Order 2011-1875 of December 15, 2011, subject to the following reservations :

For the purposes of Article 11, only a French degree equivalent to at least a master's degree in law, or a French title or degree recognized as its equivalent, may be taken into account in order to practice the profession under the conditions established by the order provided for in that Article. The final sentence of the final paragraph of Article 11 shall be applicable only to French nationals.

For the purposes of Articles 12 and 13, the reference to the provisions of the Labor Code shall be replaced by a reference to locally applicable provisions of the same type.

For the purposes of Articles 22 to 25-1, the bar association council of Nouméa, sitting as a disciplinary council, shall have jurisdiction over the offenses and misconduct committed by the lawyers registered with it. It shall also have jurisdiction to deal with the offenses and misconduct committed by former lawyers, if, at the time of the events, their names were on that bar's roll or list of honorary avocats;

For the purposes of this act, the term : tribunal de grande instance [District Court] shall be replaced by the term : tribunal de première instance [District Court].

↗NOTE :
In its Decision 2013-310 QPC of May 16, 2013 (NOR : CSCX1312436S), the Conseil constitutionnel [Constitutional Council declared], subject to the reservation in clause 9 of the recitals, that the fifth sub-paragraph of paragraph IV of Article 81 of the Act of December 31, 1971 was constitutional.

ARTICLE 81-1

Created by Act 2004-1343 of December 9, 2004, Article 7; JORF, December 10, 2004

Article 14-1 shall be applicable to Mayotte, New Caledonia, French Polynesia and the Wallis and Futuna Islands.

Title IV : Provisions relating to the permanent practice in France of the legal profession by nationals of Member States of the European Community, who acquired their qualifications in another Member State

Chapter I : Provisions on permanent practice under original professional titles

ARTICLE 83

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 2; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 3; JORF, February 12, 2004

All nationals of one of the Member States of the European Community may practice the legal profession in France permanently under their original professional titles, to the exclusion of any other, if the professional title appears on a list established by decree.

In this case, it shall be subject to the provisions of this act, except for the provisions of this chapter.

ARTICLE 84

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 2; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 4; JORF, February 12, 2004

The names of lawyers wishing to practice permanently under their original professional titles shall be included on a special list within the roll of the bar they select. This registration shall be legal upon production of a certificate issued by a competent authority of the Member State of the European Community with which they are registered, establishing that the said authority recognizes their titles.

Lawyers who are permanently practicing under their original professional title shall be members of the bar with which they registered under the conditions provided for in Article 15. They shall participate in the election of the members of the Conseil national des barreaux

Any temporary or permanent withdrawal of the right to practice the profession in the State where the title was acquired shall entail the temporary or permanent withdrawal of the right to practice. The bar association council shall have jurisdiction to take the decision, drawing on the consequences of the decision handed down in the State of origin.

ARTICLE 85

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 2; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 5; JORF, February 12, 2004

The names of the original professional titles that they use may be indicated only in an official language of the Member State in which it was acquired.

Lawyers' original professional titles shall always be followed by the name of the professional organization to which they belong, or the court with which they are registered in the European Member State in which they acquired the title, as well as the name of the bar in France with which they are registered.

ARTICLE 86

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 2; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 6; JORF, February 12, 2004

Lawyers practicing permanently under their original professional titles are required to be insured against the risks and according to the rules provided for in Article 27.

They shall be considered to have met the obligation in the first paragraph if they can provide proof that they have taken out equivalent insurance and guarantees, according to the rules of the Member State where they

acquired their titles. If such equivalency is not duly certified by the bar association council, the interested parties must take out supplementary insurance or guarantees.

ARTICLE 87

Amended by ACT 2005-882 of August 2, 2005, Article 73; JORF, August 3, 2005

Lawyers who are registered under their original professional titles may practice according to the rules provided for in Articles 7 and 8.

After having informed the bar association council that registered them, they may also practice within or in the name of a group practice governed by the laws of the Member State in which their titles were acquired, on condition that :

1. More than half of the capital and voting rights are held by those practicing within, or in the name of, the group practice under the title of lawyer or one of the titles listed in Article 83 :
2. The additional capital and voting rights are held by practicing lawyers, practicing under the title of lawyer or one of the titles listed in Article 83, or by those practicing one of the other legal or judicial liberal professions that have legislative or regulatory status or whose title is protected;
3. Those with the power to direct, administer, and oversee are practicing their profession within, or in the name of, the group;
4. Only members of the professions named in point 1. may use the name of the group.

When the conditions provided for in points 1 to 4 have not been met, the interested parties may practice only according to the rules provided for in the first paragraph. However, they may refer to the name of the group within which, or in the name of which, they practice in their State of origin.

Lawyers who are registered under their original professional titles may, under conditions established by decree in Council of State, practice in France within, or in the name of, a company governed by the law of the Member State where they acquired their titles, when the company purpose is the joint practice of several liberal professions that have legislative or regulatory status, or whose title is protected.

ARTICLE 88

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 2; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 8; JORF, February 12, 2004

Before taking disciplinary action against lawyers practicing under their original professional titles, the president of the bar shall inform the competent authorities in the Member States where the interested parties are registered; they shall be given the opportunity to make written observations at that stage and when the disciplinary proceedings are in progress, if applicable, according to the rules established by decree in Council of State.

When disciplinary proceedings are instituted on the grounds of Article 25, the time period provided for in the second paragraph of the said article shall be extended by one month.

Chapter II : Provisions relating to the entry of Community nationals to the legal profession

ARTICLE 89

Amended by Order 2008-507 of May 30, 2008, Article 19

Lawyers who are practicing under their original professional titles, and can provide proof of actual and regular activity in French law on French territory for a period of at least three years, shall be, for the purpose of entering the legal profession, exempt from the conditions arising from the provisions adopted in application of the above-mentioned Directive 2005/36/EC of September 7, 2005. They shall provide proof of such activity to the bar association council within which they intend to practice under the title of lawyer.

When lawyers practicing under their original professional titles provide proof of actual and regular activity on French territory for a period equal to at least three years, but with a shorter period of practicing French law, the bar association council shall evaluate the extent to which this activity was actual and regular, as well as the ability of the interested parties to pursue French law.

ARTICLE 90

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 11; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 9; JORF, February 12, 2004

When reviewing the applications of interested parties, the bar association council shall ensure the confidentiality of the relevant information.

If the interested parties meet the conditions of Article 89, the bar association council may only refuse to register them on the basis of the provisions in points 4, 5, and 6 of Article 11, in the event of an incompatibility, or for any other reason involving a breach of public order.

After the lawyers in question have taken the oath provided for in Article 3, their names shall be included on the roll.

Lawyers who have been included on the roll of the bar association pursuant to the provisions of this chapter, may follow their title of lawyer with their original professional title, under the conditions provided for in the first paragraph of Article 85.

Chapter III : Miscellaneous provisions

ARTICLE 91

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 12; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 13; JORF, February 12, 2004

The practice of the legal profession by lawyers who are nationals of a Community Member State other than France excludes any involvement, even on an occasional basis, with the performance of duties within a court.

ARTICLE 92

Created by Act 2004-130 of February 11, 2004, Article 1; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 12; JORF, February 12, 2004

Created by Act 2004-130 of February 11, 2004, Article 14; JORF, February 12, 2004

Each of the bars shall, for its part, cooperate with the competent authorities of the Member States of the European Community and provide them with the assistance necessary to facilitate the permanent practice of the legal profession in a Member State other than that in which the qualification was acquired.

The President of the Republic :
GEORGES POMPIDOU.

The Prime Minister,
JACQUES CHABAN-DELMAS.

The Minister of State responsible for overseas departments and territories.
PIERRE MESSMER.

The Keeper of the Seals, Minister of Justice,
RENE PLEVEN.

The Minister of Economy and Finance,
VALERY GISCARD D'ESTAING.

Preparatory work : Act 71-1130 :

National Assembly :

Bill 1836;

Report of Mr Zimmermann, on behalf of the Committee on Laws (No. 1990);

Discussion on October 12, 13, and 14, 1971,

Adoption on October 14, 1971.

Senate :

Bill, adopted by National Assembly, No. 10 (1971-1972);

Report of Mr Edouard Le Bellegou and Mr Jacques Piot, on behalf of the Committee on Laws No. 23 (1971-1972);

Oral opinion of the Finance Committee;

Discussion on November 16 and 17, 1971;

Adoption on November 17, 1971.

National Assembly :

Bill, amended by the Senate, No. 2062;

Report of Mr Zimmermann, on behalf of the Committee on Laws (No. 2100);

Discussion on December 8 and 9, 1971;

Adoption on December 9, 1971.

Senate :

Bill, amended by the National Assembly, No. 81 (1971-1972);

Report of Mr Le Bellegou and Mr Piot, on behalf of the Committee on Laws, No. 95 (1971-1972) :

Discussion and adoption on December 15, 1971.

National Assembly :

Report of Mr Zimmermann, on behalf of the Joint Committee (No. 2182);

Discussion and adoption on December 20, 1971.

Senate :

Report of Mr Le Bellegou and Mr Piot, on behalf of the Joint Committee, No. 131 (1971-1972);

Discussion and adoption on December 20, 1971.

Decree 91-1197 of November 27, 1991

ORGANIZING THE LEGAL PROFESSION

NOR: JUSX9110304D

The Prime Minister,

On the report of the Keeper of the Seals, Minister of Justice

Having regard to the Treaty of March 15, 1957 establishing the European Economic Community;

Having regard to Directive No. 77-249 of the Council of European Communities of March 22, 1977 to facilitate the effective exercise by lawyers of freedom to provide services;

Having regard to Directive No. 89-48 of the Council of European Communities of December 21, 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration;

Having regard to the Code of Judicial Organization (code de l'organisation judiciaire);

Having regard to the Electoral Code (code électorale);

Having regard to the Labor Code (code du travail);

Having regard to the Insurance Code (code des assurances);

Having regard to the New Code of Civil Procedure (nouveau code de procédure civile);

Having regard to Order 58-1270 of December 22, 1958, as amended, containing the institutional act on the provisions governing the judiciary;

Having regard to Act 54-390 of April 8, 1954 establishing the invalidity of the instrument known as Act 2525 of June 26, 1941 regulating the practice of the legal profession and the discipline of the bar and of the instrument known as Act 2691 of June 26, 1941 instituting the certificate of aptitude for the legal profession;

Having regard to Act 70-9 of January 2, 1970 regulating the conditions for the pursuit of activities relating to certain transactions involving real estate and businesses;

Having regard to Act 71-1130 of December 31, 1971, reforming certain legal and judicial professions, as amended, in particular, by Act 90-1259 of December 31, 1990;

Having regard to Act 72-662 of July 13, 1972, as amended, containing the general provisions governing members of the armed forces;

Having regard to Act 84-16 of January 11, 1984, as amended, containing statutory provisions relating to the State civil service; Having regard to Act 84-46 of January 24, 1984, as amended, relating to the activity and supervision of credit institutions;

Having regard to Act 85-99 of January 25, 1985, as amended, relating to court-appointed receivers, court-appointed agents for the liquidation of companies and experts in company diagnostics;

Having regard to Act 90-1052 of November 26, 1990, as amended, relating to industrial property;

Having regard to Act 90-1258 of December 31, 1990 on practicing as a professional company governed by a statutory or regulatory instrument or whose title is protected;

Having regard to Act 91-647 of July 10, 1991 relating to legal aid;

Having regard to Decree 45-118 of December 19, 1945, as amended, implementing the provisions governing avoués [attorneys];

Having regard to Decree 72-785 of August 25, 1972, as amended, relating to solicitation and advertising in connection with the provision of legal consultations and drafting of legal instruments;

Having regard to Decree 73-541 of June 19, 1973, as amended, relating to the professional training of legal auctioneers and the conditions of entry to this profession;

Having regard to Decree 73-609 of July 5, 1973, as amended, relating to the professional training of notaries (notaires) and the conditions of entry to the office of notary;

Having regard to Decree 75-770 of August 14, 1975, as amended, relating to the conditions of entry to the profession of court bailiff and the conditions for the creation, transfer and removal of the offices of court bailiffs and concerning certain law officials and officers of the court;

Having regard to Decree 85-1389 of December 27, 1985, as amended, relating to court-appointed receivers, court-appointed agents for the liquidation of companies and experts in company diagnostics;

Having regard to Decree 87-601 of July 29, 1987, as amended, relating to the conditions of entry to the profession of clerk of a commercial court.

Having regard to Decree 91-807 of August 19, 1991 relating to the Commission provided for in Article 50-XII of Act 71-1130 of December 31, 1971, reforming certain legal and judicial professions; Having regard to Decree 91-977 of September 24, 1991 establishing the composition of the Commissions provided for in the second paragraph of Article 50-X of Act 71-1130 of December 31, 1971, as amended, reforming certain legal and judicial professions;

Having regard to Decree 91-1125 of October 28, 1991 relating to the conditions of entry to the legal profession at the Council of State (Conseil d'Etat) and at the Court of Cassation (Cour de Cassation);

Having regard to the opinion of the Conseil national des assurances [National Insurers Board] (regulatory Commission) dated June 28, 1991;

Having regard to the documents submitted which show that the Advisory Committee of New Caledonia has been informed pursuant to Article 68 of Act 88-1028 of November 9, 1988;

Having regard to the consultation of the professions concerned as provided for in Article 53, second paragraph (point 7), of Act 71-1130 of December 31, 1971;

The Council of State (interior section) in agreement,

Title I : The organization and administration of the bars

Chapter I : The bars.

ARTICLE 1

Amended by Decree 2004-1386 of December 21, 2004 - Article 2; Official Journal of the French Republic (Journal officiel de la République française - JORF), December 23, 2004, entering into force on September 1, 2007

The lawyers set up in practice under each District Court (tribunal de grande instance) shall form a bar. The bar shall include the lawyers registered in the roll.

ARTICLE 2

The lawyers set up in practice under several District Courts located within the jurisdiction of the same Court of Appeal may, by resolution passed by a majority vote of the lawyers of each bar, join together to form a single bar.

ARTICLE 3

The general assembly of the bar association is composed of the lawyers having the right to vote referred to in the second paragraph of Article 15 of the aforementioned Act 71-1130 of December 31, 1971.

ARTICLE 4

Amended by Decree 2011-1985 of December 28, 2011 - Article 2

Subject to the provisions of Article 16 of the aforementioned Act of December 31, 1971, each bar is administered by a bar association council, whose composition is determined as follows:

- three members in bars where the number of lawyers having the right to vote is between eight and fifteen;
- six members in bars where the number of lawyers having the right to vote is between sixteen and thirty;
- nine members in bars where the number of lawyers having the right to vote is between thirty-one and fifty;
- twelve members in bars where the number of lawyers having the right to vote is between fifty and one hundred;

- eighteen members in bars where the number of lawyers having the right to vote is between one hundred and one, and two hundred;
- twenty-one members in bars where the number of lawyers having the right to vote is between two hundred and one, and one thousand;
- twenty-four members in bars where the number of lawyers having the right to vote is higher than one thousand;
- forty-two members in Paris.

The bar association council may validly transact business only if more than half of its members are present. It shall decide by majority vote.

↗NOTE:
Decree 2011-1985 of December 28, 2011 Article 13 I: these provisions shall apply in each bar after the first election of the President of the Bar or the lawyer who will succeed him, subject to confirmation by the general assembly of the bar association, following the publication of this decree.

ARTICLE 4-1

Created by Decree 95-1110 of October 17, 1995 - Article 1; JORF, October 19, 1995

The decision of the bar association council, which determines the composition of the groups provided for in the second paragraph of point 1 of Article 17 of the aforementioned Act of December 31, 1971, shall be notified to the Attorney General by registered letter with return receipt requested.

Notwithstanding the final paragraph of Article 4, the smaller group may validly transact business only if more than two-thirds of its members are present.

The smaller group may only refer the matter back to the plenary session for review after hearing the applicant for registration at the bar or the lawyer concerned.

When there are several smaller groups within the same bar association council, the distribution of cases shall take place in the manner prescribed by the rules of procedure.

ARTICLE 5

The members of the bar association council are elected for three years by a secret two-round uninominal majority ballot by the general assembly of the bar association.

One-third of the bar association council is replaced every year. The rules of procedure establish the procedures for the election.

The members of the bar association council shall be immediately eligible for reelection at the end of their first term.

At the end of the second of two consecutive terms, the outgoing members, with the exception of former Presidents of the Bar, shall only be eligible for reelection after two years have passed. This period is reduced to one year in bars with less than sixteen lawyers having the right to vote.

In the event of a tie in the votes, the oldest lawyer shall be declared elected.

ARTICLE 6

Amended by Decree 2011-1985 of December 28, 2011 - Article 3

The bar association council shall be chaired by a President of the Bar who is elected for two years by a secret two-round majority secret ballot by the general assembly of the bar association in the manner prescribed by the rules of procedure. If no candidate has received a majority of the votes cast in the first round, only the two candidates who have received the greatest number of votes may stand for election in the second round. In the event of a tie in the votes, the oldest candidate shall be declared elected.

All candidacies for the election referred to in the preceding paragraph may be presented together with that of a lawyer called upon to serve as Vice-President of the Bar. In case of joint candidates, the appointment of the President of the Bar shall give rise to the appointment of the Vice-President of the Bar. The Vice-President of the Bar shall hold office for the full term of the President of the Bar. He shall sit on the bar association council in an advisory capacity.

The election of the President of the Bar and, if applicable, of the lawyer called upon to serve as Vice-President of the Bar, shall precede the election of the members of the bar association council.

The President of the Bar is not immediately eligible for reelection as President of the Bar. However, in bars where the number of lawyers having the right to vote is not more than thirty, the President of the Bar may serve two successive terms.

At the end of his term, the Vice-President of the Bar is not immediately eligible for reelection to this office. The duties of the Vice-President of the Bar are not compatible with those of a member of the bar association council.

Except in bars where the number of lawyers having the right to vote is no more than thirty, an election is held, on a date set by the rules of procedure, of a lawyer to succeed the President of the Bar, subject to confirmation by the general assembly of the bar, under the conditions provided for in the first paragraph, upon expiry of the term of the President of the Bar in office. The election of this lawyer shall take place in the same manner. The lawyer thus appointed, if he is not a member of the bar

association council, sits on it in an advisory capacity until the end of the term of the President of the Bar.

All candidacies for the election referred to in the preceding paragraph may be presented together with the candidacies for the lawyer called upon to serve as Vice-President of the Bar, subject to confirmation by the general assembly of the Bar, as provided for in the preceding paragraph. The lawyer thus appointed, although not a member of the bar association council, sits on it in an advisory capacity until the end of the term of the President of the Bar.

↗NOTE :
Decree 2011-1985 of December 28, 2011 Article 13 I : these provisions shall apply in each bar after the first election of the President of the Bar or the lawyer who will succeed him, subject to confirmation by the general assembly of the bar association, following the publication of this decree.

ARTICLE 6-1

Created by Decree 2011-451 of April 22, 2011 - Article 9

Every two years, in the first month of the calendar year, the Presidents of the Bars under a single Court of Appeal shall appoint, by majority vote, the lawyer amongst them who is charged, in the capacity of President of the Bar in office, with representing them to handle the issues referred to in the last paragraph of Article 21 of the Act of December 31, 1971 referred to above. The decision is communicated immediately to the First President of the Court of Appeal and to the Attorney General at the same court.

In the absence of any appointment at the end of the time period provided for in the preceding paragraph, the President of the Bar of the District Court located at the seat of the Court of Appeal or, alternatively, the District Court closest to the court, shall provide this representation.

ARTICLE 7

Amended by Decree 2011-1985 of December 28, 2011 - Article 5

The President of the Bar may delegate some of his powers to the Vice-President of the Bar, if any, as well as, for a limited time, to one or more members of the bar association council. In the event of absence or temporary incapacity, he may, for the duration of this absence or incapacity, delegate all of his powers to the Vice-President of the Bar or, failing this, to one or more members of the bar association council.

The President of the Bar may equally delegate the powers that he holds under the last paragraph of Article 7 and under the third paragraph of Article 21 of the aforementioned Act of December 31, 1971 to former Presidents of the Bar and to former members of the bar association council included in a list which he shall draw up every year following deliberation by the bar association council.

↗NOTE :
Decree 2011-1985 of December 28, 2011 Article 13 I : the provisions of Article 7 resulting from Article 5-1 of this decree shall apply in every bar, after the first election of the President of the Bar or the lawyer who will succeed him, subject to confirmation by the general assembly of the bar association, following the publication of this decree.

ARTICLE 8

Amended by Decree 2011-1985 of December 28, 2011 - Article 4

Only lawyers on the roll may be elected to the office of President of the Bar, Vice-President of the Bar or member of the bar association council. A company or a group of lawyers may not be elected to these offices.

↗NOTE :
Decree 2011-1985 of December 28, 2011 Article 13 I : these provisions shall apply in each bar after the first election of the President of the Bar or the lawyer who will succeed him, subject to confirmation by the general assembly of the bar association, following the publication of this decree.

ARTICLE 9

Amended by Decree 2011-1985 of December 28, 2011 - Article 4

In bars composed of more than sixteen lawyers having the right to vote, only lawyers having the right to vote and who swore their professional oath more than four years prior to January 1 of the year in which the election takes place may be elected to the offices of President of the Bar, Vice-President of the Bar or member of the bar association council.

↗NOTE :
Decree 2011-1985 of December 28, 2011 Article 13 I : these provisions shall apply in each bar after the first election of the President of the Bar or the lawyer who will succeed him, subject to confirmation by the general assembly of the bar association, following the publication of this decree.

ARTICLE 10

General elections shall be held in the three months that precede the end of the calendar year, with the date to be determined by the bar association council. Partial elections shall be held within three months of the event that makes them necessary.

Irrespective of the date of the election, the terms of the President of the Bar and the members of the bar association council shall start at the beginning of the next calendar year and shall expire at the end of a calendar year.

If, for any reason whatsoever, the President of the Bar or a member of the bar association council ceases to hold office before the normal end of his term, an election shall be held to appoint a replacement for the remainder of his term. When the time period remaining is less than one year, immediate reelection in the same capacity is possible; subsequent reelections shall be subject to the provisions of Articles 5 and 6.

ARTICLE 11

When the number of lawyers registered with a bar reaches eight or more, the President of the Bar and the members of the bar association council shall be elected within one month of the last registration. The President of the Bar and the members of the bar association council shall take office upon declaration of the results of the election.

If the election takes place during the first half of the year, the first partial replacement shall take place, during the same year, during the time period referred to in the first paragraph of Article 10. If the election takes place during the second half of the year, the first partial replacement shall take place during the next year, during the time period referred to in the first paragraph of Article 10. For the first two partial replacements of the bar association council, the outgoing members shall be selected by drawing lots.

Irrespective of the date of his election, the term of the President of the Bar shall expire at the end of the second year following his election.

ARTICLE 12

Lawyers having the right to vote may refer the elections to the Court of Appeal within eight days of the elections.

The claim shall be brought by registered letter with return receipt requested addressed to the clerk's office of the Court of Appeal or submitted against receipt to the chief clerk. In all cases, the interested party shall immediately notify his claim to the Attorney General and the President of the Bar by registered letter with return receipt requested.

The Attorney General may refer the elections to the Court of Appeal within fifteen days of receiving notification of the minutes of the election from the President of the Bar. He shall, at the same time, inform the President of the Bar of his appeal by registered letter with return receipt requested.

ARTICLE 13

Amended by Decree 2004-1386 of December 21, 2004 - Article 3; JORF, December 23, 2004, entering into force on September 1, 2007

Subject to specific provisions contained in this Decree, decisions relating to registration in the roll, refusal to register in the roll, removal from the roll, inclusion of a specialization entry or refusal to include such an entry, and to collaboration agreements or employment contracts, as well as decisions made in regard to disciplinary matters, shall be notified, within fifteen days of their date, to the Attorney General and the lawyer concerned by registered letter with return receipt requested.

Subject to specific provisions contained in this Decree, any deliberations of a regulatory nature shall be notified to the Attorney General by registered letter with return receipt requested and brought to the attention of the lawyers registered in the roll, within fifteen days of their date.

Deliberations relating to the establishment or modification of the rules of procedure shall also be communicated to the First President of the Court of Appeal and to the President of the District Court and shall be brought to the attention of the lawyers registered in the roll. A copy of the rules of procedure and of the amendments made shall also be filed at the clerk's office of every court under which a bar has been established and shall be available for consultation by any interested party.

ARTICLE 14

The Attorney General may refer a deliberation or decision of the bar association council to the Court of Appeal, pursuant to the first paragraph of Article 19 of the aforementioned Act of December 31, 1971 and under the conditions provided for in Article 16. He shall advise the President of the Bar of this by registered letter with return receipt requested.

ARTICLE 15

Amended by Decree 95-1110 of October 17, 1995 - Article 4; JORF, October 19, 1995

When a lawyer who considers his professional interests to have been harmed by a deliberation or decision of the bar association council intends to refer the matter to the Court of Appeal, pursuant to the second paragraph of Article 19 of the aforementioned Act of December 31, 1971, he shall first submit his claim to the President of the Bar by registered letter with return receipt requested within two months of the date of notification or publication of the deliberation or decision.

The decision by the bar association council on the claim must be notified to the lawyer concerned by registered letter with return receipt requested, within one month of receipt of the registered letter referred to in the first paragraph.

In the event of a decision rejecting the claim, the lawyer may refer the decision to the Court of Appeal under the conditions provided for in Article 16. If, within the time limit of one month as provided for in the second paragraph of this article, no decision has been notified, the claim shall be considered to be rejected and the lawyer may refer the rejection of his claim to the Court of Appeal, under the same conditions.

ARTICLE 16

Appeals are lodged before the Court of Appeal by registered letter with return receipt requested addressed to the clerk's office of the Court of Appeal or submitted against receipt to the chief clerk. They are investigated and decided according to the rules applicable in contentious matters to proceedings without mandatory representation.

The time limit for appeal is one month.

Except in disciplinary matters, the bar association council shall be a party to the proceeding.

The Court of Appeal shall hold a formal hearing under the conditions provided for in Article R. 212-5 of the Code of Judicial Organization (code de l'organisation judiciaire) and in Council chambers, after inviting the President of the Bar to present his observations. However, at the request of the applicant, the deliberations shall take place in a public hearing; this shall be mentioned in the decision.

The decision of the Court of Appeal shall be notified by the clerk's office by registered letter with return receipt requested to the Attorney General, the President of the Bar and the interested party.

The time limit for appeal stays the enforcement of the decision by the bar association council. An appeal brought within that time limit likewise stays enforcement.

ARTICLE 17

Amended by Decree 2004-1386 of December 21, 2004 - Article 4; JORF, December 23, 2004, entering into force on September 1, 2007

The deliberations of the bar shall take place in general assembly, in the manner prescribed by the rules of procedure.

ARTICLE 18

Amended by Decree 2004-1386 of December 21, 2004 - Article 5; JORF, December 23, 2004, entering into force on September 1, 2007

The general assembly may consider only those matters which are submitted to it either by the bar association council or, respectively, by one of its members, on condition that he informs the bar association council to this effect fifteen days in advance.

The bar association council shall deliberate within three months on the basis of the opinions and wishes expressed by the general assembly.

In the event of rejection, the Council shall give reasons for its decision. The decisions of the Council shall be communicated at the next general assembly. They shall be recorded in a special register maintained at the disposal of all the lawyers.

Chapter II: The Conseil national des barreaux [National Bar Council]

Section I : Composition and operation.

ARTICLE 19

Amended by Decree 2009-1544 of December 11, 2009 - Article 2

The Conseil national des barreaux is composed of eighty members elected for three years as well as the Chairman of the conférence des bâtonniers [Conference of Presidents of the Bar] and the President of the ordre des avocats au barreau de Paris [Paris Bar Association]. The elected members of the Conseil national des barreaux are immediately eligible for reelection at the end of their first term. At the end of the second of two consecutive terms, outgoing members are not eligible for reelection until a period of three years has passed.

ARTICLE 20

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The bar councilors' college (collège ordinal) and the general college (collège général) are divided into two districts, one national, excluding the Paris Bar, and the other corresponding to the Paris Bar.

ARTICLE 21

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The President of the Conseil national des barreaux shall inform each President of the Bar and the presidents of professional organizations of lawyers who have won seats in the previous election to the Conseil national des barreaux, before July 1 of the year of the election,

of the number of seats to be filled in each district for the bar councilors' college and the general college. The distribution of seats, established under the rule of proportionality prescribed by the aforementioned Act of December 30, 1995, shall be the same in each college. When the application of this rule does not result in a whole number of seats, the remaining seat is allocated to the district that obtains the highest result or, in the event of a tie, to the district that is not Paris.

ARTICLE 22

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The bar councilors' college is composed, in each district, of the President(s) of the Bar and of the members of the Bar Association Council(s) serving in the district concerned.

Presidents of the Bar, former Presidents of the Bar and members and former members of the Bar Association Councils who are practicing the legal profession, as well as presidents and members of former national and regional Commissions of conseils juridiques who are practicing the legal profession are eligible for election by this college, in a one-round majority ballot.

ARTICLE 23

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The general college is composed, in each district, of lawyers having the right to vote defined in Article 15 of the aforementioned Act of December 31, 1971.

Lawyers registered in the roll as of January 1 of the election year are eligible for election by this college, in a proportional representation list system, with allocation of the remaining seats using the highest averages rule.

Each list must include a number of candidates equal to the number of seats to be filled.

Sub-section 1: The college of the Presidents of the Bar and the members of the Bar Association Councils. (repealed)

ARTICLE 24

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

In each bar, the President of the Bar is responsible for the organization of elections and counting of the votes.

ARTICLE 25

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The President of the Bar shall inform the Chairman of the Conseil national des barreaux, prior to March 1 of the year of the election, of the number of members in his bar who are, as of January 1 of the election year, eligible to vote as a member of the general college, as defined in Article 15, paragraph 2, of the aforementioned Act of December 31, 1971.

By that same date, each President of the Bar of the national district shall determine and inform the President, for the bar councilors' college of his bar, of the number of votes that each voter has by dividing the number of lawyers having the right to vote on January 1 of the election year by the number of voters, with the quota rounded down to the nearest whole number. Each voter shall have a ballot paper showing the number of votes he has.

In the district of Paris, each voter in the bar councilors' college has one vote.

Sub-section 2: The college of lawyers having the right to vote. (repealed)

ARTICLE 26

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

Polling operations shall take place in each bar, with each voter voting in his own bar.

Declarations of candidacy, individually for the bar councilors' college and by list for the general college, must be submitted against receipt to the Chairman of the Conseil national des barreaux, no later than the last week of September.

In the general college, each list shall contain a reference to its title, which may be the name or initials of a professional organization or union association, provided that it is supported, at the time of the declaration of candidacy, by the express agreement of this organization or association. This agreement may be attached in a separate document. The list shall include the last and first names of each candidate, the bar to which he belongs, the date of his registration in the roll, his mode of professional practice and the signature of the candidate. No one may be a candidate on more than one list or in two colleges.

ARTICLE 27

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

In the week following the closing date for the submission of the lists, the Chairman of the Conseil national des barreaux shall determine the election date, which shall take place on the same day for both colleges and within the two months prior to the expiry of the term of office of the members in office.

ARTICLE 28

Amended by Decree 2002-1306 of October 28, 2002 - Article 1; JORF, October 30, 2002

Voting shall be by secret ballot and, in regard to the general college, without vote-splitting or preferential voting.

Voters may vote by proxy. Each representative may hold no more than one proxy appointment.

Voters may also vote electronically by absentee ballot, if the bar association to which they belong has made the necessary technical arrangements. In this case, at least fifteen days before the election date, the bar association shall inform each member with a right to vote of the practical procedures for the ballot and send him a personal and confidential code.

Counting shall take place at the close of polling at each bar. The results are recorded in minutes drawn up in duplicate and signed by the President of the Bar and the polling officials.

The first copy shall be forwarded without delay by registered letter with return receipt requested to the Chairman of the Conseil national des barreaux. The second copy shall be kept with the ballot papers previously placed in a sealed envelope by the President of the Bar.

General counting of votes shall be done by the office of the Conseil national des barreaux. It shall be recorded in minutes.

Sub-section 3: Election of members of the Conseil national des barreaux. (repealed)

ARTICLE 29

Amended by Decree 2005-1291 of October 18, 2005 - Article 1; JORF, October 19, 2005

I. Candidates who have obtained the greatest number of votes, within the limits of the positions to be filled in each district, shall be elected in the bar councilors' college.

II. In the general college, only the lists that have obtained at least 4 percent of the votes cast in a district shall receive seats in this district.

To each list is allocated as many elected candidates as the number of votes received in the polling stations as determined above divided by the electoral quota.

The electoral quota is equal to the total number of votes received by the various lists that have reached 4 percent divided by the number of seats to be filled.

Seats remaining unfilled by application of the quota are allocated according to the highest averages rule.

To this end, the number of votes received by each list is divided by the number, plus one unit, of seats already allocated to the list.

The first unfilled seat shall be allocated to the list with the highest results.

The same operation is performed in turn for each of the unfilled seats.

ARTICLE 30

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

In either college, in the event of a tie in the number of votes, the candidate declared elected shall be the one with the earliest date of registration in a roll and, in the event of equal seniority, the oldest candidate.

ARTICLE 31

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

Minutes of the voting operations shall be prepared and communicated to each President of the Bar and to the presidents of the professional organizations referred to in Article 21.

ARTICLE 32

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

If a member of the Conseil national des barreaux ceases to hold office before the normal end of his term, his replacement shall be provided for:

- in the bar councilors' college, by the non-elected candidate who received the highest number of votes in the same district as the one who ceased to hold office;
- in the general college, by the first non-elected candidate on the list.

If, in the absence of replacements, the number of members on the Conseil national is reduced by at least one-fourth, an election shall be held to fill the vacant seats under the conditions provided for in Articles 22 to 27. However, partial elections shall not be held within the six months preceding the renewal of the Conseil national.

ARTICLE 33

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

Any lawyer may refer the election of the members of the Conseil national des barreaux to the Court of Appeal of Paris within eight days of the declaration of the results.

The Attorney General may refer elections to the Court of Appeal of Paris within fifteen days of the declaration of the results.

The appeal shall be lodged, investigated and decided as stated in Article 16. The chief clerk of the Court of Appeal shall immediately notify the Attorney General and the Chairman of the Conseil national des barreaux of the appeal.

ARTICLE 34

Amended by Decree 2009-1544 of December 11, 2009 - Article 3

The office of the Conseil national des barreaux consists of a Chairman, two Vice-Chairmen, a Secretary, a Treasurer and four other members, elected by secret two-round uninominal majority ballot. It also includes the Chairman of the conférence des bâtonniers and the President of the Paris Bar Association, who are ex officio Vice-Presidents to the exclusion of any other function.

With the exception of the Chairman, whose term of office is one year, renewable twice, the members of the office are elected for a three-year term. Their term of office is renewable once.

If an elected member of the office ceases to hold office before the normal end of his term of office, a replacement must be provided for within three months. In this event, the functions of the new member shall expire at the time that the functions of the member he replaced would have expired.

The election of members of the office may be challenged by any member of the Conseil national des barreaux and by the Attorney General before the Court of Appeal of Paris, under the conditions provided for in Article 33.

ARTICLE 35

Amended by Decree 2009-1544 of December 11, 2009 - Article 4

The functions of a member of the Conseil national des barreaux are unpaid and may only result in the reimbursement of travel and accommodation expenses, under the conditions established by the Conseil national des barreaux.

The Chairman, the elected members of the office, the Chairman of the Commission on Professional Training (commission de la formation professionnelle) instituted under Article 39 and the Chairmen of the standing committees instituted, where relevant, by the rules of procedure, receive compensation, in an amount to be determined by the Conseil national des barreaux, for representation expenses,

ARTICLE 36

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The Conseil national des barreaux shall be convened by its Chairman, either on his own initiative or at the request of at least a third of its members.

It may validly transact business only if at least half of its members are present. Otherwise, the Conseil national des barreaux shall be reconvened and shall deliberate with no conditions of quorum. It shall decide by majority vote. In the event of a tie in the votes, the Chairman shall cast the deciding vote.

ARTICLE 37

Amended by Decree 2004-1386 of December 21, 2004 - Article 6; JORF, December 23, 2004, entering into force on September 1, 2007

The Conseil national des barreaux shall determine its operating budget. Its resources shall consist of, among others, an annual subscription charged to the lawyers registered in a roll.

The Conseil national des barreaux shall set the amount of the subscriptions and the methods of payment of these on an annual basis.

ARTICLE 38

Amended by Decree 96-210 of March 19, 1996 - Article 1; JORF, March 20, 1996

The operating procedures of the Conseil national des barreaux shall be determined by the rules of procedure adopted in general assembly and communicated to the Keeper of the Seals, Minister of Justice.

ARTICLE 38-1

Created by Decree 2007-932 of May 15 2007 - Article 3; JORF, May 16, 2007

Decisions standardizing, through general provisions, the rules and practices of the legal profession, taken by the Conseil national des barreaux pursuant to the first paragraph of Article 21-1 of the aforementioned Act of December 31, 1971 shall be notified by registered letter with return receipt requested, within thirty days of their date, to the Keeper of the Seals, Minister of Justice, and to the bar association council of each bar. They shall be published in the Official Journal of the French Republic.

Section II: Special provisions for professional training.

ARTICLE 39

Amended by Decree 96-210 of March 19, 1996 - Article 4 (V) ; JORF, March 20, 1996

The Conseil national des barreaux shall include a Commission on professional training chaired by the Chairman of the Conseil national or by a member of the Conseil whom he shall appoint and shall be composed as follows:

1. Six lawyers elected internally by the Conseil national;
2. Two magistrates appointed by order of the Keeper of the Seals, Minister of Justice;
3. Two members of the higher education profession, appointed in the same manner, on the recommendation of the minister responsible for universities. An equal number of alternates shall be appointed under the same conditions.

The term of office of the magistrates and members of the higher education profession shall be three years, renewable once.

The Commission may validly transact business only if at least eight of its members are present.

In the event of a tie in the votes, the Chairman shall cast the deciding vote.

The Commission may call upon individuals who are qualified in the field of training to join it in an advisory capacity.

Regarding the issues referred to in the second paragraph of Article 21-1 of the aforementioned Act of December 31, 1971, the Conseil national shall deliberate on the basis of recommendations by the Commission. The magistrates and members of the higher education profession who belong to the Commission shall participate in the deliberations.

The Commission shall decide on the individual measures referred to in the third paragraph of Article 21-1 of the aforementioned Act of December 31, 1971.

ARTICLE 40

Amended by Decree 2012-1247 of November 7, 2012 - Article 49

The Conseil national des barreaux shall collect and distribute among the regional professional legal training centers the contribution of the State for the financing of professional training, provided for in Article 13 of the aforementioned Act of December 31, 1971. It shall also distribute the subscriptions of the lawyers assigned to this training.

Each year, the contribution of the State shall give rise to a credit entry in the budget of the Minister of Justice, in accordance with Title IV of Book IX of the Labor Code.

The financing of professional training is subject to monitoring by a budget controller appointed by the Minister in Charge of the Budget; the monitoring methods shall also be determined by order of the Minister in Charge of the Budget.

ARTICLE 41

Individual decisions taken by the Conseil national des barreaux pursuant to the second and third paragraphs of Article 21-1 of the aforementioned Act of December 31, 1971 shall be notified by registered letter with return receipt requested to the Attorney General at the Court of Appeal of Paris and, if applicable, to the interested party or the regional center for professional training within fifteen days of their date.

The decisions of the Conseil national des barreaux may be referred to the Court of Appeal of Paris by the Attorney General, the interested party and the regional center for professional training under the conditions provided for in the first, second, fourth and sixth paragraphs of Article 16.

The clerk's office of the Court of Appeal shall notify the Chairman of the Conseil national des barreaux of the appeal by registered letter with return receipt requested.

The court shall make its decision after inviting the Chairman of the Conseil national des barreaux to present his observations.

The decision of the court shall be notified by the clerk's office, by registered letter with return receipt requested, to the Attorney General, the Chairman of the Conseil national des barreaux and, as appropriate, to the interested party or the regional center for professional training.

Title II: Entry to the Profession of Lawyer

Chapter I : Professional Training

Section I : Regional centers for the professional training of lawyers

Sub-section 1 : Organization.

ARTICLE 42

Amended by Decree 2004-1386 of December 21, 2004 - Article 7; JORF, December 23, 2004, entering into force on January 1, 2005

Every regional center for professional training shall have a Board of Directors composed of lawyers, magistrates and a university lecturer appointed under the conditions established in the following articles.

Every time it deliberates on a question concerning the professional training of future lawyers or the certificate of aptitude for the legal profession, the Board of Directors shall be joined by two representatives from among the students of the center who shall have voting rights.

These representatives shall be elected for one year by the students of the center, in the first quarter of the calendar year, by secret one-round uninominal majority ballot.

The Presidents of the Bar in office under the jurisdiction of the center, and a representative appointed by the Conseil national des barreaux, shall be invited to meetings of the Board of Directors. They may participate in these meetings without having voting rights.

The persons referred to in the preceding paragraph may not attend the vote on decisions regarding the center's budget.

The representative of the Conseil national des barreaux may not attend the vote on decisions relating to the consolidation of centers under the conditions of Article 13-1 of the aforementioned Act of December 31, 1971.

ARTICLE 43

Amended by Decree 2009-685 of June 12, 2009 - Article 1

Each bar association council of the bars under the jurisdiction of the regional center for professional training shall appoint a lawyer to serve as a standing member of the Board of Directors.

The bar association councils of the bars under the jurisdiction of the Court of Appeal of Paris may appoint their President of the Bar in office as the standing member. In this case, the provisions of the fourth and fifth paragraphs of Article 42 do not apply to him.

This standing member shall have a number of votes that varies according to the number of members of the bar that he represents.

The representatives of bars with less than 100 lawyers shall have one vote.

The representatives of bars comprising 100 or more lawyers shall have one additional vote for each additional 100.

Notwithstanding the provisions above, the Paris Bar Council shall appoint 12 standing representatives, each having 4 votes.

ARTICLE 44

Amended by Decree 2006-374 of March 28, 2006 - Article 3; JORF, March 30, 2006

Boards of Directors shall include a magistrate, a member of the body of Administrative Courts (tribunaux administratifs) and Administrative Courts of Appeal (cours administratives d'appel) together with a university professor or lecturer authorized to oversee research.

The magistrate called upon to be a member of the Board of Directors for a professional training center shall be appointed by the First President and the Attorney General of the Court of Appeal of the center's head office.

The member of the body of Administrative Courts and administrative Courts of Appeal shall be appointed by the President of the Administrative Court of Appeal within the jurisdiction of which the head office of the center is located, where relevant on the recommendation of the President of the Administrative Court, if the President of the Administrative Court of Appeal intends to appoint a member of an Administrative Court.

The university professor or lecturer shall be appointed by joint decision of the Presidents of the universities located within the jurisdiction of the center and who are authorized to issue a degree of licence or a master's degree in law.

Each of these members shall have one vote when the lawyer members have less than 10 votes, two votes when the lawyer members have 10 to 19 votes, three votes when the lawyer members have 20 to 150 votes, and 15 votes when the lawyer members have more than 150 votes.

ARTICLE 44-1

Created by Decree 2004-1386 of December 21, 2004 - Article 10; JORF, December 23, 2004, entering into force on January 1, 2005

The Board of Directors may validly transact business only if one-third of its members who hold at least half of the votes are present.

Otherwise, the Board of Directors shall be reconvened and shall deliberate with no conditions of quorum. It shall decide by majority vote.

ARTICLE 45

Amended by Decree 2004-1386 of December 21, 2004 - Article 10; JORF, December 23, 2004, entering into force on January 1, 2005

Alternate members shall be appointed in a number equal to that of the standing members and under the same conditions.

The term of the members of the board, whether standing members or alternates, shall be three years, renewable once.

When the term of office of a member of the Council ends before the scheduled term expires, the interested party shall be replaced, in the same manner, for the remainder of the term.

At the end of two consecutive terms, the outgoing members shall only be eligible for reelection after a period of three years.

ARTICLE 46

The Board of Directors shall appoint from among its members a Chairman, who must be a lawyer, a secretary and a treasurer.

ARTICLE 47

The Chairman of the Board of Directors shall represent the regional center for professional training. He may, after consulting with the Council, temporarily delegate part of his duties to a member of the Board of Directors.

ARTICLE 48

Amended by Decree 2004-1386 of December 21, 2004 - Article 12; JORF, December 23, 2004, entering into force on January 1, 2005

The Board of Directors shall adopt the rules of procedure for the regional center for professional training.

The rules of procedure shall be notified by registered letter with return receipt requested to the Attorney General at the Court of Appeal of the center's head office, as well as to the Conseil national des barreaux, within fifteen days of their date. The Attorney General or the Conseil national des barreaux may refer them to the Court of Appeal as provided for in the first, second and sixth paragraphs of Article 16; he shall inform the Chairman of the Board of Directors of this by registered letter with return receipt requested. The court shall rule after inviting the Chairman of the Board of Directors to present his observations.

The decision of the Court of Appeal shall be notified by the clerk's office by registered letter with return receipt requested to the Attorney General and to the Chairman of the Board of Directors.

ARTICLE 49

The Board of Directors shall authorize its Chairman to take part in court proceedings, accept all gifts or bequests, conclude settlements or arbitration agreements, consent to all transfers or mortgages and to contract for all loans.

Sub-section 2: Conditions of admission.

ARTICLE 51

Amended by Decree 2011-451 of April 22, 2011 - Article 6

Subject to the provisions of Article 23 of Act 2011-94 of January 25, 2011 reforming representation before the Courts of Appeal, in order to be registered with a regional center for professional training, candidates must have successfully passed the entrance examination for the center, the program and procedures for which are determined by joint order of the Keeper of the Seals, Minister of Justice, and the Minister responsible for universities, after consultation with the Conseil national des barreaux.

This examination, which includes written qualifying tests and oral admission tests, is organized by the universities that are appointed for this purpose by the regional Director of Education (recteur d'académie), after consultation with the Keeper of the Seals, Minister of Justice.

The subjects of the written qualifying tests are chosen by the panel of judges, as provided for in Article 53.

ARTICLE 52

To be eligible to take the entrance examination for the regional center for professional training, candidates must hold one of the degrees or diplomas referred to in Article 11 of the aforementioned Act of December 31, 1971.

No one may take this examination more than three times.

ARTICLE 53

Amended by Decree 2006-374 of March 28, 2006 - Article 4; JORF, March 30, 2006

The panel of judges for the examination is composed as follows:

1. Two university professors or lecturers, responsible for legal education, one of whom is the Chairman of the panel, appointed by the President of the university organizing the examination;
2. A magistrate of the judiciary appointed jointly by the First President of the Court of Appeal of the district in which the university that is organizing the examination is located and by the Attorney General of that court, together with a member of the body of Administrative Courts and Administrative Courts of Appeal appointed by the President of the Administrative Court of Appeal of the district in which the university that is organizing the examination is located, where relevant on the recommendation of the President of the Administrative Court if the Administrative Court of Appeal intends to appoint a member of the Administrative Court.
3. Three lawyers appointed jointly by the Presidents of the Bars concerned.
4. Foreign language teachers appointed under the conditions provided for in point 1 above, who shall only sit on the panel for the candidates that they have examined.

An equal number of alternates shall be appointed under the same conditions.

The members of the panel of judges, with the exception of those referred to in point 4 above, may not sit on the panel for more than five consecutive years.

If warranted by the number of candidates, multiple panels may be formed.

The admission tests, with the exception of the language tests and the test on the protection of fundamental freedoms and rights, shall be taken before an examiner appointed by the Chairman of the panel of judges in one of the categories referred to in points 1, 2 and 3.

The test on the protection of fundamental freedoms and rights shall be taken before three examiners appointed by the Chairman of the panel of judges in each of the categories referred to in points 1, 2 and 3.

Language tests shall be taken before an examiner appointed by the Chairman of the panel of judges in the category referred to in point 4 above.

The panel of judges may be joined by specialized examiners in an advisory capacity.

ARTICLE 54

Amended by Decree 2001-951 of October 19, 2001 - Article 2; JORF, October 20, 2001

The list of university degrees that may be exempted from all or part of the entrance examination for the regional center for professional training is established by joint order of the Keeper of the Seals, Minister of Justice, and by the Minister for Universities, after consultation with the Conseil national des barreaux.

ARTICLE 55

Amended by Decree 2004-1386 of December 21, 2004 - Article 15; JORF, December 23, 2004, entering into force on September 1, 2005

Foreign students may be admitted to a regional center for professional training as auditors (auditeurs libres, i.e. students who attend classes as observers, without being examined), according to the procedures determined by order of the Keeper of the Seals, Minister of Justice.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

Sub-section 3: Content of the training.

ARTICLE 56

Amended by Decree 2007-932 of May 15, 2007 - Article 4; JORF, May 16, 2007

The regional centers for professional training provide training for student lawyers. The Conseil national des barreaux shall define their principles of organization.

Decisions made by the Conseil national des barreaux under the preceding paragraphs shall be notified within thirty days of their date, by registered letter with return receipt requested, to the Keeper of the Seals, Minister of Justice, and to the regional centers for professional training. They shall be published in the Official Journal of the French Republic.

ARTICLE 57

Amended by Decree 2006-374 of March 28, 2006 - Article 5; JORF, March 30, 2006

Students of the regional centers for professional training shall receive, with a view to practicing in the areas of advice and litigation, common basic training, which shall last six months, including training on the rules governing the profession and ethics, drafting of legal instruments, oral argument and hearings, procedure, management of law firms, as well as training in a modern foreign language. The regional center for professional training

shall choose the language(s) to be taught among those prescribed by order of the Keeper of the Seals, Minister of Justice.

The program and methods of education and training are established by the Board of Directors of the regional center for professional training in accordance with the provisions adopted by the Conseil national des barreaux.

According to the principles defined by the Conseil national des barreaux, students may be exempted by the regional center for professional training from all or part of the instruction other than that relating to the common basic training.

ARTICLE 58

Amended by Decree 2004-1386 of December 21, 2004 - Article 18; JORF, December 23, 2004, entering into force on September 1, 2005

A second training period, lasting six months, which may be extended to eight months on an exceptional basis, shall be devoted to the preparation of an individual educational project by the student lawyer, according to the principles established by the Conseil national des barreaux. This educational project, proposed by the lawyer student and developed with the assistance of the regional center for professional training, shall be approved by the center.

A third training period of six months shall be devoted to an internship with a lawyer.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

ARTICLE 58-1

Created by Decree 2004-1386 of December 21, 2004 - Article 19; JORF, December 23, 2004, entering into force on September 1, 2005

The three training periods established in Articles 57 and 58 must be completed consecutively. The Board of Directors of the regional center for professional training shall establish the consecutive order in which they will take place.

On an exceptional basis, the Conseil national des barreaux may authorize a regional center for professional training to run these three periods on an alternating basis.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

ARTICLE 59

Amended by Decree 2004-1386 of December 21, 2004 - Article 20; JORF, December 23, 2004, entering into force on September 1, 2005

All lawyers registered in the roll who have sworn their oath more than four years prior to January 1 of the current year may be internship supervisors.

The Board of Directors of each regional center for professional training or its Chairman acting on the authority of the Board shall draw up annually, after consulting with the Bar Association Councils concerned, the list of internship supervisors.

A lawyer may not refuse to be on this list without good cause.

The assignment decision shall be made by the President of the regional center for professional training, who may, during an internship, decide on a change of assignment.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

ARTICLE 60

Amended by Decree 2004-1386 of December 21, 2004 - Article 21; JORF, December 23, 2004, entering into force on September 1, 2005

Students shall receive an introduction to the professional activity of the internship supervisor without replacing him in any activity of his office.

The student must do the following, alongside his internship supervisor:

1. Attend meetings with clients;
2. Attend hearings or sessions of various courts or Commissions or assist with preliminary inquiry procedures;
3. With the authorization of the President, make oral representations at the hearing;
4. Participate in legal consultations and in the drafting of legal instruments.

The regional center for professional training may have students participate in legal consultations organized by the bar associations.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

Sub-section 4: Status of the student at the regional center for professional training.

ARTICLE 62

Students are legally dependent on the regional center for professional training with which they are registered, even during completion of their internships.

During the time when they are working in the capacity of interns in professional training, the students of the centers shall receive help from the State in regard to their compensation under the conditions established in Title VI of Book IX of the Labor Code.

Moreover, agreements entered into by the State with the regional centers for professional training shall determine the conditions under which these centers award scholarships based on social criteria.

ARTICLE 63

Amended by Decree 2004-1386 of December 21, 2004 - Article 14; JORF, December 23, 2004

Students who disregard the obligations arising under this Decree or the rules of procedure of the regional center for professional training or who commit acts contrary to honor or integrity may be subject to one of the disciplinary sanctions below:

1. Warning;

2. Reprimand;

3. Temporary suspension from the center for a period of six months at the most.

ARTICLE 64

Amended by Decree 2004-1386 of December 21, 2004 - Article 24; JORF, December 23, 2004, entering into force on January 1, 2005

Disciplinary sanctions are imposed by the Disciplinary Council of the regional center for professional training. The matter is referred to the Disciplinary Council by the Chairman of the Board of Directors of the center.

The Chairman of the Board of Directors may not be a member of the Disciplinary Council.

The Disciplinary Council includes:

a) A lawyer who belongs to the Board of Directors of the center, President;

b) A magistrate and the university lecturer who are members of the center's Board of Directors;

c) Two lawyers responsible for teaching at the center for professional training;

d) Two student representatives elected by their fellow students in a secret one-round majority ballot during the first quarter of every calendar year.

The persons referred to in a, b and c above shall be appointed for one year in the first quarter of the calendar year by the Board of Directors of the center. When this term of office is terminated before expiry of the scheduled term, the interested party shall be replaced, in the same manner, for the remainder of the term.

No penalty may be imposed unless the interested party has been heard or summoned with at least eight days' prior notice and has had access to his file in advance. He may be assisted by a lawyer and, if he wishes, by a representative of the students.

In the event of a tie in the votes of the members of the Disciplinary Council, the solution that is most advantageous to the student shall be adopted.

ARTICLE 66

The decision of the Disciplinary Council shall be notified by registered letter with return receipt requested to the interested party. It may be referred by the interested party to the Court of Appeal as provided for in the first, second and sixth paragraphs of Article 16.

The Court of Appeal shall rule in council chambers. However, at the request of the interested party, the deliberations shall take place in a public hearing; this shall be mentioned in the decision.

The decision of the Court of Appeal shall be notified to the interested party by the clerk's office by registered mail with return receipt requested. A copy of the decision shall be sent by the clerk's office to the President of the Disciplinary Council who is not a party to the proceedings.

ARTICLE 67

Amended by Decree 2004-1386 of December 21, 2004 - Article 26; JORF, December 23, 2004, entering into force on September 1, 2005

When a student starts a new training cycle consisting of the three periods defined in Articles 57 and 58, he may ask to register at another regional center for professional training.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

Section II: The certificate of aptitude for the legal profession.

ARTICLE 68

Amended by Decree 2004-1386 of December 21, 2004 - Article 27; JORF, December 23, 2004, entering into force on September 1, 2005

The tests for the certificate of aptitude for the legal profession shall be taken at the end of the training organized by the regional center for professional training.

The examination for the certificate of aptitude for the legal profession shall be organized by the center.

The student may only take the examination organized by the center where he last attended courses.

The program and procedures for the certificate of aptitude for the legal profession shall be established by order of the Keeper of the Seals, Minister of Justice, made after consultation with the Conseil national des barreaux.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

ARTICLE 69

Amended by Decree 2006-374 of March 28, 2006- Article 6; JORF, March 30, 2006

I. The examination panel shall comprise:

1. Two university professors or lecturers, who are responsible for legal education, one of whom is the Chairman of the panel, appointed in accordance with the conditions provided for in the fourth paragraph of Article 44;
2. A magistrate of the judiciary and a member of the body of Administrative Courts and of the Administrative Courts of Appeal appointed in accordance with the conditions provided for in the second and third paragraphs of Article 44;
3. Three lawyers appointed by joint decision of the Presidents of the Bars within the center's district;
4. Foreign language teachers appointed under the conditions laid out in point 1 above, who sit on the panel only for candidates they have examined.

II. When several regional centers for professional training decide to organize jointly the tests for the certificate of aptitude for the legal profession, the panel of judges shall be appointed as follows:

1. The magistrate of the judiciary, together with the First Presidents of the Courts of Appeal of the head offices of the centers and the Attorneys General for those courts;
2. The member of the body of Administrative Courts and of the Administrative Courts of Appeal, together with the Presidents of the Administrative Courts of Appeal concerned, where relevant following the recommendation of the Presidents of the Administrative Courts concerned;
3. The two university professors or lecturers, one of which shall be the Chairman of the panel, together with the foreign language teachers, by joint decision of the university presidents concerned;
4. The three lawyers, by joint decision of the Presidents of the Bars of the center's district.

III. The oral tests shall be taken before three examiners appointed by the Chairman of the panel in each of the categories referred to in points 1, 2 and 3 of I. However, the language tests shall be taken before an examiner appointed by the Chairman of the panel in the category referred to in point 4 of I.

IV. An equal number of alternates shall be appointed as provided for in I and II.

Panel members, with the exception of those referred to in point 4 of I, may not sit for more than five consecutive years.

The panel of judges may be joined by specialized examiners in an advisory capacity.

If warranted by the number of candidates, several panels may be formed under the conditions established in this Article.

ARTICLE 70

Amended by Decree 2004-1386 of December 21, 2004 - Article 29; JORF, December 23, 2004, entering into force on September 1, 2005

An examination session shall take place at the end of the three training periods defined in Articles 57 and 58, on a date set by the Chairman of the Board of Directors of the regional center for professional training, and at the latest within two months of the end of this training cycle.

A repeat session shall be organized according to the rules established by order of the Keeper of the Seals, Minister of Justice, made after consultation with the Conseil national des barreaux.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

ARTICLE 71

Amended by Decree 2004-1386 of December 21, 2004 - Article 30; JORF, December 23, 2004, entering into force on September 1, 2005

In the event of an initial examination failure, the student may repeat the three training periods laid out in Articles 57 and 58 of this decree.

After a second failure, the candidate may no longer apply for the certificate of aptitude for the legal profession. However, on an exceptional basis and after duly reasoned deliberations, the Board of Directors of the regional center for professional training may authorize the candidate to complete a third training cycle.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

Section III: The internship (repealed)

Sub-section 1:
Inclusion on the internship list. (repealed)

Sub-section 2:
Internship system. (repealed)

Section III: Internships for lawyers who have acquired their professional title abroad

ARTICLE 84

Amended by Decree 2004-1386 of December 21, 2004 - Article 31; JORF, December 23, 2004, entering into force on September 1, 2005

Amended by Decree 2004-1386 of December 21, 2004 - Article 33; JORF, December 23, 2004, entering into force on September 1, 2005

Lawyers registered with a foreign bar may complete an internship for a period of one year, renewable twice, with a lawyer registered in the roll. These interns shall maintain their status as foreign lawyers.

They shall participate, in accordance with the conditions laid out in Article 60, in the professional activity of the internship supervisor, without replacing him in any activity of his office. The performance of other professional activities shall result in the withdrawal of the authorization.

The internship supervisor shall inform the President of the Bar of its acceptance of the intern and the period for the completion of the internship, at least one month before it starts.

The President of the Bar shall consult with the bar association council which, within this period, shall grant or deny its approval. This decision shall be notified by registered letter with return receipt requested within fifteen days of its date to the interested party and to the Attorney General who may refer it to the Court of Appeal under the conditions provided for in Article 16. In the absence of notification of a decision within one month of expiry of the given deadline for the bar association council to decide, the application shall be deemed to have been rejected and the applicant may file a complaint with the Court of Appeal under the conditions laid out in the preceding sentence.

In all cases, the interested party shall immediately notify his claim by registered letter with return receipt requested to the Attorney General and the President of the Bar.

↗NOTE:
Decree 2004-1386 of December 21, 2004 Article 49 I: These provisions shall enter into force on September 1, 2005, subject to the provisions of Article 50 of the aforementioned Act of December 31, 1971.

Section IV: Ongoing training. (repealed)

Section IV: Continuing professional training

ARTICLE 85

Amended by Decree 2013-319 of April 15, 2013 - Article 2

The continuing professional training provided for in Article 14-2 of the aforementioned Act of December 31, 1971 ensures that the knowledge necessary for the practice of their profession is kept up to date and improved, for lawyers registered in the roll of the bar.

The duration of the continuing professional training is twenty hours in a calendar year or forty hours in two consecutive years.

The continuing professional training requirement shall be met:

1. By participation in training activities of a legal or professional nature, provided by the regional centers for professional training or university institutions;
2. By participation in training provided by lawyers or other educational institutions;
3. By attending seminars or conferences of a legal nature that relate to the professional activity of lawyers;

4. By taking courses of a legal nature that relate to the professional activity of lawyers, in a university or professional context;

5. By the publication of works of a legal nature.

During the first two years of professional practice, this training shall include at least ten hours on ethics. However, during this same period, the persons referred to in the seventh paragraph of Article 93 (point 6) and in Article 98 must devote their entire training obligation to courses on ethics and the rules governing the profession.

Except when they are under the training requirement referred to in the second sentence of the preceding paragraph, the holders of a certificate of specialization under Article 86 shall spend half the period of their continuing professional training in this area or areas of specialization. If they hold two certificates of specialization, they shall complete at least ten hours of training in each of these areas of specialization, that is, twenty hours in a calendar year and forty hours over two consecutive years.

Failing which, the lawyer shall lose the right to refer to his specialization(s) as provided for in Article 92-5.

The conditions of implementation of the provisions of this Article shall be determined by the Conseil national des barreaux.

Decisions determining the conditions under which the requirement for continuing professional training is fulfulled, taken by the Conseil national des barreaux as provided for in the second paragraph of Article 14-2 of the aforementioned Act of December 31, 1971, shall be notified, within thirty days of their date, by registered letter with return receipt requested to the Keeper of the Seals, Minister of Justice, and to the bar association council of each of the bars. They shall be published in the Official Journal of the French Republic.

ARTICLE 85-1

Created by Decree 2004-1386 of December 21, 2004 - Article 36; JORF, December 23, 2004, entering into force on January 1, 2005

Lawyers shall declare, at the latest by January 31 of every calendar year that has passed, to the bar association council to which they belong, the conditions in which they have met their requirement for continuing professional training during the past year. The necessary supporting documents for verifying compliance with this requirement shall be attached to this declaration.

Section V: Provisions relating to specializations

Sub-section 1: General provisions.

ARTICLE 86

Amended by Decree 2011-1985 of December 28, 2011 - Article 8

The list of specializations shall be determined by order of the Keeper of the Seals, Minister of Justice, on the recommendation of the Conseil national des barreaux. It may be revised at any time.

The Conseil national des barreaux shall publish annually the national list of lawyers entitled to refer to one or two specializations, including holders of the specialization in appeals procedure provided for in the fourth paragraph of Article 1 of the aforementioned Act of December 31, 1971.

It shall also prepare annually the national list of members of the panel as provided for in Article 91. (1)

↗NOTE :
(1) Decree 2011-1985 of December 28, 2011 Article 13 II : the provisions of Article 86 resulting from Article 8 paragraph 2 of this Decree shall apply as from January 1, 2012 insofar as they relate to the specialization in appeals procedure.

ARTICLE 87

Amended by Decree 2011-1985 of December 28, 2011 - Article 9

A lawyer's specialization shall be brought to the attention of the bar association council either at the time of application for registration in a roll, or following such registration.

The declaration made by the lawyer must be accompanied by the certificate of specialization as provided for in Article 12-1 of the aforementioned Act of December 31, 1971. This requirement shall not apply to former avoués and those who have formerly worked in collaboration with them (collaborateurs), as referred to in the fourth paragraph of I of Article 1 of the same Act, who intend to refer to the specialization in appeals procedure.

Sub-section 2: Conditions of professional practice.

ARTICLE 88

Amended by Decree 2011-1985 of December 28, 2011 - Article 10

Four years of professional practice is necessary to obtain a certificate of specialization. It may be completed in France or abroad:

1. As a lawyer, in the field of the specialization claimed;
2. As an employee, in a law firm working in the field of specialization claimed;
3. As a member, partner, collaborating lawyer or employee lawyer in any other regulated legal or judicial profession or in the profession of accountant, whose duties correspond to the specialization claimed;
4. In the legal department of a company, trade union organization, public administration or service, or international organization working in the specialization claimed;
5. In a university or higher education institution recognized by the State, as a professor or lecturer responsible for the teaching of the legal discipline under consideration;
6. As a member of the Council of State, a magistrate of the Court of Audit (Cour des comptes) of the judiciary, the Administrative Courts, the Administrative Courts of Appeal, and the regional Chambers of Accounts (chambres des comptes), assigned to a unit corresponding to the specialization claimed.

It can also result individually from activities, works or publications related to the specialization.

It may have been acquired in one or more of the positions referred to in this Article when the total duration of these activities is at least four years.

ARTICLE 90

Amended by Decree 2004-1386 of December 21, 2004 - Article 38; JORF, December 23, 2004, entering into force on September 1, 2007

To be taken into account, the time in professional practice must have been completed under the following conditions:

1. Corresponding to normal working hours, as resulting from the regulations, collective agreements, agreements and practices in force for the professional category under consideration;
2. Having been compensated in accordance with the regulations, collective agreements, agreements or practices referred to in point 1;
3. Not having been interrupted for more than three months.

The professional practice must be proven by a certificate indicating the duration of the service performed and the nature of the positions held. For the purposes of the third paragraph of Article 88, the certificate shall be replaced by a sworn statement, together with a list of the activities, works or publications to which the lawyer refers.

Sub-section 3: Interview to validate professional skills.

ARTICLE 91

Amended by Decree 2011-1985 of December 28, 2011 - Article 11

The interview to validate professional skills is organized by the regional centers for professional training under the conditions established by order of the Keeper of the Seals, Minister of Justice, made after consultation with the Conseil national des barreaux.

It takes place before a panel of four members appointed by the Chairman of the Conseil national des barreaux from the national list as provided for in the third paragraph of Article 86. The panel includes:

1. Two lawyers permitted to refer to the specialization claimed or, failing this, providing proof of adequate qualification in this specialization, who shall be the reporter and the chairman of the panel;
2. A professor or lecturer responsible for legal education in the area of specialization claimed;
3. A magistrate of the judiciary or a member of the body of Administrative Courts and Administrative Courts of Appeal.

An equal number of alternates shall be appointed under the same conditions.

No member of the panel may serve for more than five consecutive years.

In the event of a tie in the votes, the chairman of the panel shall have the casting vote.

The presidents of universities authorized to issue a degree of licence or master's degree in law, the Presidents of the Bar in office, the First Presidents and Attorneys General of the Courts of Appeal, the presidents of the Administrative Courts of Appeal and the presidents of the Administrative Courts in the district where the head offices of the centers for professional training are located, shall communicate to the Chairman of the Conseil national des barreaux, no later than January 31 of each calendar year, a list of the persons that may be appointed under points 1, 2 and 3.

ARTICLE 92

Amended by Decree 2011-1985 of December 28, 2011 - Article 11

Applications for a certificate of specialization shall be sent to the Chairman of the Conseil national des barreaux under the conditions established by order of the Keeper of the Seals, Minister of Justice, made after consultation with the Conseil national des barreaux.

ARTICLE 92-1

Amended by Decree 2011-1985 of December 28, 2011 - Article 11

The reporter referred to in point 1 of Article 91 shall examine the admissibility of the candidate's file, the content of which is determined by order of the Keeper of the Seals, Minister of Justice, after consultation with the Conseil national des barreaux. The reporter shall submit his report to the other members of the panel no later than two months after the appointment thereof.

ARTICLE 92-2

Created by Decree 2011-1985 of December 28, 2011 - Article 11

The panel shall interview the candidate based on his file and shall verify, by professional case simulations, that he has acquired the necessary skills in the area of specialization claimed.

It shall establish the list of successful candidates. The regional center for professional training shall immediately inform the Conseil national des barreaux thereof.

ARTICLE 92-3

Created by Decree 2011-1985 of December 28, 2011 - Article 11

The Chairman of the Conseil national des barreaux shall issue the certificates of specialization to the successful candidates. He shall register the lawyers who hold these certificates on the national list provided for in Article 86 and inform the Presidents of the Bar of the bar associations concerned by registered letter with return receipt requested.

He shall notify the candidates who were unsuccessful, by registered letter with return receipt requested, within fifteen days of their being signed, of the decisions to refuse the certificate(s) of specialization.

ARTICLE 92-4

Created by Decree 2011-1985 of December 28, 2011 - Article 11

The decision to refuse a certificate of specialization may be referred by the interested party to the Court of Appeal of Paris, within one month of notification of the decision, by registered letter with return receipt requested sent to the clerk's office of the Court of Appeal or submitted against receipt to the chief clerk. The appeal shall be examined and decided according to the rules applicable in contentious matters to proceedings without mandatory representation.

Sub-section 4 : Expiry of the right to refer to specializations

ARTICLE 92-5

Created by Decree 2011-1985 of December 28, 2011 - Article 11

The President of the Bar shall give notice by registered letter with return receipt requested to any lawyers holding a certificate of specialization who have not met their requirement for continuing professional training as provided for in the tenth paragraph of Article 85, proof of which must be provided within three months of the notice to comply with this obligation.

If no proof is provided within that period, the bar association council to which they belong may prohibit the lawyers from referring to their specialization. This measure may only be imposed after the interested party has been heard or summoned with at least eight days' prior notice by registered letter with return receipt requested.

The decision by the bar association council prohibiting reference to the specialization shall be notified to the interested party by registered letter with return receipt requested within fifteen days of its date. The interested party may refer it to the Court of Appeal under the conditions provided for in Article 16.

The President of the Bar shall notify this decision immediately to the Chairman of the Conseil national des barreaux, who shall remove the lawyer from the national list provided for in the penultimate paragraph of Article 86.

ARTICLE 92-6

Created by Decree 2011-1985 of December 28, 2011 - Article 11

The lawyer may recover the right to refer to his specialization if he provides proof to the bar association council to which he belongs, within two years of notification of the prohibition referred to in Article 92-

5, that he has met the continuing professional training requirement as provided for in Article 85.

The President of the Bar shall notify the Chairman of the Conseil national des barreaux, who shall reinstate the lawyer on the national list as provided for in the penultimate paragraph of Article 86.

Chapter II: The roll

Section I: Registration in the roll

Sub-section 1: General conditions of registration.

ARTICLE 93

Amended by Decree 2013-319 of April 15, 2013 - Article 3

The following may be registered in the roll of a bar:

1. Holders of certificates of aptitude for the legal profession;
2. Beneficiaries of one of the exemptions provided for in Article 97;
3. Beneficiaries of one of the exemptions provided for in Article 98 and who have successfully passed the test of knowledge of ethics and professional regulations provided for in Article 98-1;
4. Beneficiaries of the exemption provided for in Article 99;
5. Persons who have qualified as a lawyer in a State or territorial unit not belonging to the European Community or to the European Economic Area and who have successfully passed the examination for the certificate of aptitude for the legal profession or the knowledge test provided for in the last paragraph of Article 11 of the aforementioned Act of December 31, 1971;
6. The persons referred to in Article 22 of Act 2011-94 of January 25, 2011 reforming representation before the Courts of Appeal;
7. Sociétés civiles professionnelles [professional partnerships], sociétés d'exercice libéral [independent professional companies];
8. Groups of lawyers as provided for in Article 50-XIII of the aforementioned Act of December 31, 1971.

The persons referred to in points 1, 2, 3, 4, 5 and 6 shall be required to take the oath provided for in the second paragraph of Article 3 of the aforementioned Act of December 31, 1971.

ARTICLE 93-1

Amended by Decree 2009-199 of February 18, 2009 - Article 2

The nationals of Member States of the European Community, other States that are parties to the Agreement on the European Economic Area, or the Swiss Confederation, who qualified as lawyers in one of these member or party States other than France or in the Swiss Confederation and who want to practice under their original professional title in France shall be registered on a special list of the roll and shall then be required to take the oath referred to in Article 93.

ARTICLE 94

The roll of the bar shall include, where relevant, a reference to the registered lawyer's specialization(s).

ARTICLE 95

The bar association council shall establish the roll, which shall include a section for natural persons and a section for legal entities. The opening of a secondary office in the district of the bar with which the lawyer is registered shall be entered in the roll after the name of the lawyer.

The list of lawyers who have been authorized to open a secondary office in the district of a bar despite not being registered in the roll of that bar shall be annexed to that roll.

The roll shall be published at least once a year, on January 1 of each year, and submitted to the office of the clerk of the Court [of Appeal] and the District Court.

ARTICLE 95-1

Created by Decree 95-1110 of October 17, 1995 - Article 8; JORF, October 19, 1995

The roll may not contain the terms "avocat salarié" [employee lawyer] or "avocat collaborateur" [collaborating lawyer].

ARTICLE 96

Lawyers who are natural persons shall be registered according to their seniority, subject to the provisions of the first paragraph of Article 1-1 of the aforementioned Act of December 31, 1971. The seniority ranking is based on the first registration in the roll, even if this has been interrupted.

The rank of registration of lawyers in partnership is determined by their personal seniority.

The rank of registration of legal entities is determined by their date of registration.

For the purposes of the second paragraph of Article 95, the list of lawyers who have opened a secondary office is established on the basis of the date of the decision authorizing the opening of the office.

Sub-section 2: Specific registration conditions according to activities previously practiced.

ARTICLE 97

Amended by Decree 2012-441 of April 3, 2012 - Article 4

The following are exempted from the requirement of a degree as provided for in Article 11 (2) of the aforementioned Act of December 31, 1971, from theoretical and practical training, and from the certificate of aptitude for the legal profession:

1. Members and former members of the Council of State and members and former members of the body of Administrative Courts and Administrative Courts of Appeal;
2. Magistrates and former magistrates of the Court of Audit, the regional Chambers of Accounts and the local Chambers of Accounts of French Polynesia and New Caledonia;
3. Magistrates and former magistrates of the judiciary governed by Order 58-1270 of December 22, 1958;
4. University professors responsible for legal education;
5. Lawyers at the Council of State and the Court of Cassation;
6. Former avoués près les cours d'appel;
7. Former avocats registered with a French bar and former conseils juridiques.

ARTICLE 98

Amended by Decree 2013-319 of April 15, 2013 - Article 5

The following are exempted from theoretical and practical training and from the certificate of aptitude for the legal profession:

1. Notaries, court bailiffs, clerks of Commercial Courts, court-appointed receivers and court-appointed agents for insolvency proceedings and the liquidation of companies, former trustees and court-appointed receivers, patent attorneys and former patent attorneys having practiced for at least five years;
2. Senior lecturers, assistant senior lecturers, and lecturers, if they hold a doctorate (diplôme de docteur) in law, economics or management, and can provide proof that they have provided legal instruction for five years in this capacity in training and research units;
3. Company lawyers who can provide proof of at least eight years of professional practice in the legal department of one or more companies;
4. Category A civil servants and former Category A civil servants, or persons treated as Category A civil servants, having done legal work in that capacity for at least eight years, in an administration or public service or an international organization;
5. Legal practitioners associated, for at least eight years, with the legal activity of a trade union organization.
6. Legal practitioners employed by a lawyer, law association or law firm, office of an avoué or lawyer at the Council of State and the Court of Cassation, who can provide proof of at least eight years of professional practice in this capacity after obtaining the degree or diploma referred to in point 2 of the aforementioned Article 11 of the Act of December 31, 1971;
7. Persons serving as aides to a Deputy (collaborateur de député) or assistants to a Senator (assistant de sénateur), who can provide proof that they have practiced a primarily legal activity with executive status for at least eight years in these positions;

The persons referred to in points 3, 4, 5, 6 and 7 may have been active in several of the positions referred to in these provisions as long as the total duration of these activities is at least eight years.

ARTICLE 98-1

Created by Decree 2012-441 of April 3, 2012 - Article 7

The beneficiaries of one of the exemptions provided for in Article 98 must have successfully passed, before a panel as laid out in Article 69, a test of knowledge of ethics and professional regulations.

The program and procedures for this test shall be determined by order of the Keeper of the Seals, Minister of Justice, after consultation with the Conseil national des barreaux.

No one is permitted to take the knowledge test more than three times.

Sub-section 3: Special conditions for registration with the bar for nationals of the European Economic Community. (repealed)

Sub-section 3 : Special provisions relating to the recognition of the professional qualifications of person who have qualified as lawyers in a Member State of the European Community or in another State that is a party to the Agreement on the European Economic Area other than France

ARTICLE 99

Amended by Decree 2009-199 of February 18, 2009 - Article 4

Persons who, on the one hand, have successfully completed a post-secondary course of studies lasting at least one year or an equivalent part-time duration, to which one of the conditions for entry is the completion of the course of secondary studies required for entry to university or higher education or completion of an equivalent secondary education, as well as any professional training that may be required in addition to this course of post-secondary studies and who, on the other hand, can provide proof of the items listed below, may be registered in the roll of a bar without fulfilling the conditions of a degree, theoretical and practical training or professional examinations provided for in Articles 11 and 12 of the aforementioned Act of December 31, 1971:

1. Diplomas, certificates or other degrees or similar training that allow the practice of the profession in a Member State of the European Community or in another State that is a party to the Agreement on the European Economic Area, issued:
   - **a)** Either by the competent authority of that State and that certify training acquired predominantly in the European Economic Area;
   - **b)** Or by a third country, on condition that it provides a certificate from the competent authority of the member State or party State that has recognized the diplomas, certificates, other degrees or similar training, certifying that their holder has at least three years of professional experience in that State;
2. Or full-time practice of the profession for at least two years during the previous ten years in a member State or party State that does not regulate entry to or practice of this profession, provided that this practice is verified by the competent authority of this State. However, the condition of two years of professional experience shall not be required when the certificate(s) of training held by the applicant confirm regulated training directly oriented toward the practice of the profession.

Unless the knowledge that he has acquired during his professional experience is likely to make this verification unnecessary, the applicant must complete, before the panel referred to in Article 69, an aptitude test, the program and procedures for which shall be determined by order of the Keeper of the Seals, Minister of Justice, after consultation with the Conseil national des barreaux:

1. When his training covers substantially different subjects than those contained in the entrance examination programs for a regional center for professional training and those of the certificate of aptitude for the legal profession;
2. When one or more professional activities, the practice of which is subject to the possession of these diplomas and examinations, is not regulated in the Member State of origin or provenance, or they are regulated in a different way and this difference is characterized by specific training required in France on subjects that are substantially different from those covered by the diploma to which the applicant refers;
3. Or when the duration of the training on which he is basing his application is at least one year shorter than the training provided for in Article 11 of the Act of December 31, 1971.

The Conseil national des barreaux shall acknowledge receipt of the application within one month and, if necessary, shall inform the applicant of any missing documents. It shall provide a reasoned decision at the latest within three months from the submission of the complete application by the applicant. If no notification of a decision is made within this time period, the application shall be considered to be rejected and the applicant may appeal to the Court of Appeal of Paris.

The decision of the Conseil national des barreaux which establishes the list of candidates accepted for the aptitude test shall specify, if necessary, the subjects on which candidates must be questioned, taking into account their initial training and their professional experience.

No one is permitted to take the aptitude test more than three times.

The Conseil national des barreaux shall prepare, every two years, a report containing a statistical summary of decisions taken pursuant to this Article and a review of its application. This report shall be sent to the Keeper of the Seals, Minister of Justice.

Sub-section 3: Specific provisions relating to the recognition of professional qualifications of persons who have achieved the status of lawyer in a Member State of the European Community other than France or the Swiss Confederation (repealed)

Sub-section 4: Specific conditions for registration with the bar by persons who have acquired the status of lawyer in a State or territorial unit that does not belong to the European Economic Community. (repealed)

Sub-section 4: Specific conditions for registration with the bar by persons who have acquired the status of lawyer in a State or territorial unit that does not belong to the European Community, the European Economic Area, or the Swiss Confederation.

ARTICLE 100

Amended by Decree 2009-199 of February 18, 2009 - Article 6

The procedures and program for the knowledge test as provided for in the last paragraph of Article 11 of the aforementioned Act of December 31, 1971 for registration in the roll of a French bar for persons who have qualified as lawyers in a State or territorial unit that does not belong to the European Community, the European Economic Area, or the Swiss Confederation shall be determined by order of the Keeper of the Seals, Minister of Justice, after consultation with the Conseil national des barreaux.

The test shall be taken before the panel referred to in Article 69. The Conseil national des barreaux may, on the basis of academic or scientific works produced by the applicant, exempt him from taking certain tests. It may also do this when relations developed with its foreign counterparts enable it to ascertain that his training or professional experience make such verification unnecessary.

No one is permitted to take the knowledge test more than three times.

Sub-section 4 : Specific conditions for registration with a bar of persons who have qualified as lawyers in a State or territorial unit that does not belong to the European Community or to the Swiss Confederation. (repealed)

Section II : The registration procedure.

ARTICLE 101

Amended by Decree 2009-199 of February 18, 2009 - Article 7

The registration application shall be sent by registered letter with return receipt requested or submitted against receipt to the President of the Bar. It shall be accompanied by all relevant supporting documents regarding both the conditions referred to in Article 11 of the aforementioned Act of December 31, 1971 and the obligations laid out in Article 27 of the same Act.

When a lawyer who is a national of a Member State of the European Community, another State that is a party to the Agreement on the European Economic Area or the Swiss Confederation, and who acquired his title in one of these member States or party States other than France, or in the Swiss Confederation, seeks registration in France on the special list of the roll of a bar, he shall attach to his application a certificate of registration, dated within the three months prior, issued by the competent authority of the country in which he acquired the title under which he intends to practice.

ARTICLE 101-1

Created by Decree 2004-1123 of October 14, 2004 - Article 8; JORF, October 21, 2004

A lawyer registered under his original professional title who decides to practice within or on behalf of a practice group governed by the law of the State in which his title was acquired under the conditions provided for in Article 87 of the aforementioned Act of December 31, 1971 shall submit the articles of this group as well as all documents relating to its organization and operation to the bar association council that processed his registration.

ARTICLE 102

The bar association council shall rule on the registration application within two months of receipt of the application.

The decision by the bar association council regarding registration in the roll shall be notified by registered letter with return receipt requested within fifteen days of its date to the Attorney General, who may refer it to the Court of Appeal.

The decision to refuse registration shall be notified by registered letter with return receipt requested within fifteen days of the date of the decision to the applicant and to the Attorney General, who may refer it to the Court of Appeal.

In the absence of notification of a decision within one month of the expiry of the given deadline for the council to decide, the applicant may consider his application as rejected and may appeal before the Court of Appeal.

Article 16 shall apply to appeals lodged pursuant to the second, third and fourth paragraphs. The applicant shall notify the Attorney General and the President of the Bar of his claim immediately, by registered letter with return receipt requested.

When the Attorney General refers a decision to the Court of Appeal, he shall notify the President of the Bar.

ARTICLE 103

The bar association council may not refuse registration or reinstatement without the applicant having been heard or summoned with at least eight days' prior notice by registered letter with return receipt requested.

Section III : Removal from the roll

ARTICLE 104

Amended by Decree 2004-1386 of December 21, 2004 - Article 42; JORF, December 23, 2004, entering into force on September 1, 2007

Amended by Decree 2004-1386 of December 21, 2004 - Article 43; JORF, December 23, 2004, entering into force on September 1, 2007

Any lawyer to whom one of the cases of exclusion or incompatibility provided for by law applies, or who does not meet the guarantee and insurance obligations provided for in Article 27 of the aforementioned Act of December 31, 1971, must be removed from the roll.

ARTICLE 105

Amended by Decree 2004-1386 of December 21, 2004 - Article 42; JORF, December 23, 2004, entering into force on September 1, 2007

Amended by Decree 2004-1386 of December 21, 2004 - Article 43; JORF, December 23, 2004, entering into force on September 1, 2007

The following may be removed from the roll:

1. Lawyers who, either due to the effects of illness or serious or permanent infirmity, or due to the acceptance of activities which are incompatible with the bar, are prevented from actually practicing their profession;
2. Lawyers who, without good cause, fail to pay, within the prescribed time limits, their contribution to the costs of the Council or their subscription to the Caisse nationale des barreaux [National French Bar Fund] or the Conseil national des barreaux, or sums due in respect of advocacy rights or called for by the fund in respect of the matching contribution;
3. Lawyers who, without legitimate reasons, do not actually practice their profession.

ARTICLE 106

Amended by Decree 2004-1386 of December 21, 2004 - Article 42; JORF, December 23, 2004, entering into force on September 1, 2007

Amended by Decree 2004-1386 of December 21, 2004 - Article 43; JORF, December 23, 2004, entering into force on September 1, 2007

Removal from the roll shall be ordered by the bar association council, either ex officio or at the request of the Attorney General or the interested party. The removal cannot be ordered without the interested party having been heard or summoned according to the rules provided for in Article 103.

ARTICLE 107

Amended by Decree 2004-1386 of December 21, 2004 - Article 42; JORF, December 23, 2004, entering into force on September 1, 2007

Amended by Decree 2004-1386 of December 21, 2004 - Article 44; JORF, December 23, 2004, entering into force on September 1, 2007

Reinstatement in the roll shall be decided on by the bar association council. Before receiving the request for reinstatement, the bar association council shall verify that the person concerned fulfils the conditions required for inclusion in the roll.

ARTICLE 108

Amended by Decree 2004-1386 of December 21, 2004 - Article 42; JORF, December 23, 2004, entering into force on September 1, 2007

Decisions in regard to removal from and reinstatement in the roll shall be taken in the same manner and give rise to the same rights of appeal as for registration.

Section III : Removal from the roll or the internship list. (repealed)

Section IV : Honorary titles.

ARTICLE 109

Subject to the provisions of the fifth paragraph of Article 1-I of the aforementioned Act of December 31, 1971, the title of avocat honoraire (honorary lawyer) may be conferred by the bar association council on lawyers who have practiced the profession for at least twenty years and who have tendered their resignation.

The rights and duties of honorary lawyers are determined by the rules of procedure.

ARTICLE 110

When the participation of a lawyer in an administrative Commission or in a selection or examination panel is provided for by a statutory or regulatory provision, the authority responsible for the appointment may select an honorary lawyer willing to accept this task.

Title III: Practice of the legal profession

Chapter I : Incompatible activities.

ARTICLE 111

The legal profession is incompatible with:

a) All activities of a commercial nature, whether performed directly or by proxy;

b) The office of partner in a société en nom collectif [general partnership], partner with unlimited liability in sociétés en commandite simple [ordinary limited partnerships] and sociétés en commandite par actions [limited partnerships with share capital], manager in a limited liability company, chairman of a Board of Directors, member of the board or director general in a corporation, or manager of a partnership under civil law, unless its purpose is to manage family or professional interests, under the supervision of the bar association council, which may request all necessary information.

ARTICLE 112

A lawyer with less than seven years of practice of a regulated legal profession must, in order to be elected as a member of the supervisory board of a commercial company or a company director, first seek an exemption from the bar association council of his bar.

The request for exemption shall be sent by registered letter with return receipt requested or submitted against receipt to the bar association council and shall include a copy of the rules of procedure and, if the company has been in business for at least one year, a copy of its most recent balance sheet.

The bar association council may ask the lawyer to provide it with all necessary explanations and relevant documents.

If the bar association council does not respond within two months of the date of receipt of the request, the exemption shall be considered as refused.

ARTICLE 113

A lawyer who is elected as a member of the supervisory board of a commercial company or director of a commercial company must notify the bar association council to which he belongs of this appointment, in writing, within fifteen days of the date of his election.

He must attach to his notification a copy of the rules of procedure and, if the company has been in business for at least one year, a copy of its most recent balance sheet. An acknowledgement of receipt of the lawyer's notification shall be sent to him.

The bar association council shall ask the lawyer to provide all necessary explanations regarding the circumstances under which he performs his duties as a member of the supervisory board or director of a commercial company and to provide, if appropriate, all relevant documents.

If the bar association council considers that the performance of these duties is or will become incompatible with the dignity and discretion imposed on lawyers by the rules of the bar, it may, at any time, invite the interested party to resign his position immediately. The decision of the bar association council shall be notified to the lawyer by registered letter with return receipt requested.

ARTICLE 114

Decisions taken by the bar association council pursuant to Articles 112 and 113 may be referred by the lawyer concerned to the Court of Appeal in accordance with the provisions of Article 16. The lawyer shall immediately notify the President of the Bar of his claim.

ARTICLE 115

Amended by Decree 2004-397 of May 4, 2004 - Article 1; JORF, May 7, 2004

The legal profession is incompatible with the practice of any other profession, subject to specific statutory or regulatory provisions.

The legal profession is compatible with teaching duties, the duties of an aide to a Deputy or assistant to a Senator, the duties of an acting district judge, a non-presiding judge of the tribunaux pour enfants [juvenile courts] or the tribunaux paritaires de baux ruraux [agricultural land tribunals], of a conseiller prud'hommes [labor court judge], of a member of the tribunaux des affaires de sécurité sociale [social security tribunal], as well as the duties of an arbitrator, mediator, conciliator or escrow agent (séquestre).

ARTICLE 116

Lawyers may be appointed by the State for temporary missions even if paid, but on the condition that, during the duration of their mission, they do not perform any act of their profession, either directly or indirectly, without the authorization of the bar association council.

A lawyer who has been assigned to a mission shall advise the President of the Bar of this. The President shall

refer the matter to the bar association council, which shall decide whether this mission is compatible with his professional practice. If so, the lawyer concerned shall be kept on the roll.

ARTICLE 117

A lawyer appointed to the office of Deputy, Senator or Member of the European Parliament is subject to the incompatible activities laid down by Articles L.O. 149 and L.O. 297 of the Electoral Code (code électoral).

ARTICLE 118

A lawyer appointed to the office of conseiller régional [Regional Councilor] or Member of the Corsican Assembly may not, during the term of his office, perform any act of his profession, directly or indirectly, against the region or the territorial authority, the departments and municipalities belonging to these and the public institutions of these territorial authorities.

ARTICLE 119 (DEFERRED)

Amended by Decree 2013-938 of October 18, 2013 - Article 1 (VD)

A lawyer appointed to the office of conseiller départemental [Departmental Councilor] may not, during the term of his office, perform any act of his profession, directly or indirectly, against the department to which he was elected, the municipalities belonging to it, or the public institutions of this department or its municipalities.

↗NOTE :
This article has been amended by Decree 2013-938 of October 18, 2013 implementing Act 2013-403 of May 17, 2013 on the election of conseillers départementaux, conseillers municipaux [municipal councilors] and conseillers communautaires [community councilors] and amending the electoral calendar. In accordance with Article 71 thereof, the article in its version as amended by the Decree of October 18, 2013 shall apply as from the next general renewal of the conseils départementaux [Departmental Councils] scheduled for March, 2015, including to the operations in preparation for this election (Entering into force : date undetermined].

ARTICLE 120

A lawyer appointed to the office of conseiller municipal may not perform any act of his profession, directly or indirectly, against the municipality and the municipal public institutions belonging to it.

ARTICLE 121

Lawyers who perform the duties of mayor, deputy mayor, conseiller municipal or conseiller d'arrondissement [borough councilor] of Paris, Lyon or Marseille may not perform any act of their profession, directly or indirectly, in matters involving the city and the public institutions belonging to it.

ARTICLE 122

It is forbidden for lawyers who are former State civil servants to make submissions or present oral argument against the administrations of the ministerial department to which they belonged, for a period of five years as from the termination of their duties. The same applies to lawyers who are former territorial civil servants (fonctionnaires territoriaux) in regard to territorial authorities under the authority of which they previously came.

ARTICLE 122-1

Created by Decree 2004-397 of May 4, 2004 - Article 2; JORF, May 7, 2004

A lawyer serving as an aide to a Deputy or an assistant to a Senator may not perform any act of his profession, directly or indirectly, against a member of Parliament, a former member of Parliament for whom he has performed those duties, or an association whose purpose is to manage parliamentary aides or political groups, or in any of the cases referred to in Article 8 of Order 58-1100 of November 17, 1958 on the functioning of parliamentary assemblies, or against the State, territorial authorities or any other public entity.

This prohibition shall expire after a period of five years as from the termination of his duties as aide to a Deputy or assistant to a Senator.

ARTICLE 123

Amended by Decree 2011-1319 of October 18, 2011 - Article 2

A lawyer who wishes to practice in a fiduciary (trustee) capacity shall notify the bar association council to which he belongs, in writing, before performing any act relating to this activity.

He shall attach to this notification a certificate of special insurance and, if appropriate, the financial guarantees provided for in the fourth paragraph of Article 27 of the aforementioned Act of December 31, 1971.

Each certificate shall specify the amount of coverage granted and its validity period. It shall be submitted by the lawyer to the grantor and, where relevant, to the beneficiary.

For the duration of the fiduciary activity, certificates shall be sent every year by the lawyer to the bar association council.

They shall be sent to the grantor and, where relevant, to the beneficiary within one month of their renewal or any amendment of the insurance contracts or the financial guarantees.

Upon termination of the guarantee for any reason whatsoever, the insurer shall immediately notify the grantor, the beneficiary, where relevant, and the President of the Bar of this, by registered letter with return receipt requested.

Chapter II : Specific rules for practice of the profession

Section I : Associations.

ARTICLE 124

Amended by Decree 2007-932 of May 15, 2007 - Article 6; JORF, May 16, 2007

An association of lawyers may include natural persons and legal entities practicing the legal profession.

Each member of the association is liable for acts performed by any of them, on behalf of the association, in proportion to their rights in the association.

Each member of the association is liable, in addition, up to the full amount of all of its assets, for professional acts performed by it for its clients.

The name of the association shall be immediately preceded or followed by the words "association d'avocats" [association of lawyers].

The association agreement, following a unanimous decision by its members, may stipulate that the professional liability of one of its members shall not invoke the liability of the other members. This clause shall be enforceable against third parties, on condition that it has been subject to the formalities provided for in Articles 124-1 to 126.

In this case, the name of the association shall be immediately preceded or followed by the words "association d'avocats à responsabilité professionnelle individuelle" [association of lawyers with individual professional liability] or the acronym "AARPI".

The rights of each of the lawyer members of the association are personal and may not be transferred.

ARTICLE 124-1

Created by Decree 2007-932 of May 15, 2007 - Article 7; JORF, May 16, 2007

The professional instruments and correspondence of each member must state their membership of the association, together with the name thereof.

ARTICLE 125

Amended by Decree 2007-932 of May 15, 2007 - Article 8; JORF, May 16, 2007

The association agreements must be the subject of a written agreement.

Within fifteen days of the conclusion of the agreement, a copy of the agreement establishing the association shall be submitted against receipt or sent by registered letter with return receipt requested to each President of the Bar concerned.

Within fifteen days of any amendment in the association agreement, a copy of the amending instrument shall be submitted against receipt or sent by registered letter with return receipt requested to each President of the Bar concerned.

The President of the Bar shall refer the matter to the bar association council, who shall have a period of one month from the remittance of the receipt or the receipt of the letter, to give notice to the members, by registered letter with return receipt requested, to amend the agreement so that it is in compliance with the rules applicable to the profession.

ARTICLE 126

Amended by Decree 2007-932 of May 15, 2007 - Article 9; JORF, May 16, 2007

After completion of the formalities provided for in Article 125, the creation of the association shall be the subject of a notice placed in a journal authorized to publish legal notices in the department of the place of registration in the roll of the bar of each of the members.

The notice shall contain the association name, the list of members, the name of the bar to which they belong and, if applicable, a statement to the effect that the association is operating under the system of the professional liability of each of the members.

ARTICLE 127

Amended by Decree 2007-932 of May 15, 2007 - Article 10; JORF, May 16, 2007

The Attorney General may ask to inspect the association agreement.

Any interested party may ask to inspect the list of members and the proportion of their rights in the asso-

ciation and, if applicable, the terms of the association agreement relating to the individual professional liability of its members.

This right to inspect may be exercised at each place of business of the association.

ARTICLE 128

The decisions of the bar association council in this matter may be appealed, under the conditions provided for in Article 16.

ARTICLE 128-1

Created by Decree 2007-932 of May 15, 2007 - Article 11; JORF, May 16, 2007

The withdrawal or admission of a member shall result in the publication referred to in Article 126 and, in the case of a new member joining, the provisions of the third and fourth paragraphs of Article 125 and Article 128 shall apply.

Section II : Collaboration.

ARTICLE 129

The conditions for collaboration shall be agreed by the parties within the framework that is determined by the rules of procedure of the bar, in particular in regard to the duration of the collaboration, periods of activity or leave, the procedures for fee sharing (rétrocession d'honoraires) and the conditions under which collaborating lawyers may provide services to their personal clientele as well as the rules for termination of the collaboration. The rules of procedure may include a scale of minimum fees to be shared.

ARTICLE 130

A lawyer collaborating with another lawyer shall remain free to choose the arguments he develops. When these arguments are contrary to those that would be developed by the lawyer with whom he is in collaboration, he is bound to inform the other lawyer of this, prior to acting.

ARTICLE 131

The lawyer shall be legally liable for the professional acts performed on his behalf by the lawyer or lawyers with whom he is collaborating.

ARTICLE 132

When practicing his profession in collaboration, the lawyer shall state, in addition to his own name, the name of the lawyer for whom he is acting.

ARTICLE 133

Amended by Decree 95-1110 of October 17, 1995 - Article 12; JORF, October 19, 1995

Within fifteen days of the conclusion of the agreement or the amending instrument, a copy shall be submitted against receipt or sent by registered letter with return receipt requested to the bar association council with which the collaborating lawyer is registered. This bar association council may, within one month, give notice, by registered letter with return receipt requested, to the lawyers to amend the agreement so that it is in compliance with the professional rules.

The bar association council shall verify the following in particular:

1. The absence of any clause restricting subsequent freedom of establishment;
2. The absence of any provisions restricting professional obligations in regard to legal aid and assignment of counsel;
3. The existence of a clause providing for the option to request to be released from a task which is contrary to the conscience of the collaborating lawyer;
4. The absence of any clause likely to undermine the independence called for by the lawyer's oath.

ARTICLE 134

The Attorney General may ask to inspect the collaboration agreement.

ARTICLE 135

The decisions of the bar association council may be appealed, under the conditions provided for in Article 16.

Section III : Employees.

ARTICLE 136

When practicing his profession as an employee, the lawyer shall state, in addition to his own name, the name of the lawyer for whom he is acting.

ARTICLE 137

An employee lawyer shall be bound by a written contract of employment that may not breach the ethical principle of equality between lawyers, notwithstanding the obligations to respect the clauses relating to working conditions.

ARTICLE 138

The employer lawyer shall be legally liable for the professional acts accomplished on his behalf by his employee(s).

He shall be responsible, on behalf of the employee lawyer, for payment of the subscriptions due for that lawyer for the operation of the Bar and of the Conseil national des barreaux.

ARTICLE 139

Amended by Decree 95-1110 of October 17, 1995 - Article 13; JORF, October 19, 1995

Within fifteen days of the conclusion of the employment contract or amendment of one of its substantive provisions, a copy shall be submitted against receipt or by registered letter with return receipt requested to the bar association council with which the employee lawyer is registered. This bar association council may, within one month, give notice, by registered letter with return receipt requested, to the lawyers to amend the employment contract to bring it into compliance with the professional rules.

The bar association council shall verify the following, in particular, to the exclusion of clauses relating to working conditions:

1. The absence of any clause restricting subsequent freedom of establishment;
2. The absence of any provisions restricting professional obligations in regard to legal aid and assignment of counsel;
3. The existence of a clause providing for the option to request to be released from a task which is contrary to the employee lawyer's conscience.
4. The absence of a clause likely to undermine the independence called for by the lawyer's oath.

ARTICLE 140

The Attorney General may ask to inspect the employment contract.

ARTICLE 141

The decision by the bar association council in this matter may be appealed, under the conditions provided for in Article 16.

Section IV : The settlement of disputes arising in connection with a collaboration agreement or employment contract

ARTICLE 142

Amended by Decree 2011-1985 of December 28, 2011 - Article 6

For any dispute arising in connection with a collaboration agreement or employment contract, in the absence of conciliation, the matter shall be referred to the President of the Bar with which the collaborating lawyer or employee lawyer is registered by either party, either by petition filed against receipt with the office of the clerk of the bar association, or by registered letter with return receipt requested.

The referral document shall specify, under penalty of inadmissibility, the subject of the dispute, the identities of the parties and the claims of the person referring the dispute.

ARTICLE 143

Amended by Decree 2009-1544 of December 11, 2009 - Article 5

The President of the Bar may withdraw. He may be removed from office only for one of the causes provided for in Article 341 of the Code of Civil Procedure.

The petition for the removal from office of the President of the Bar shall be lodged with the office of the clerk of the bar association. It shall be investigated and decided in the manner provided for in Articles 344 to 354 of the Code of Civil Procedure. In case of the withdrawal of or removal from office of the President of the Bar in office, he shall be replaced by the former President of the Bar who is the most senior in the order of the roll, a member of the bar association council or, otherwise, by the member of the bar association council who is the most senior in the order of registration in the roll.

ARTICLE 144

Amended by Decree 2009-1544 of December 11, 2009 - Article 5

Upon registration of the petition, the President of the Bar that has had the matter referred to him shall set the time limit within which the parties must submit their observations as well as any useful documents for the investigation of the dispute. He shall set the date on which he will hear oral argument. The parties may, at any stage of the proceedings, be assisted by a colleague. The lawyers for the parties shall receive a copy of any correspondence sent to the parties by the President of the Bar during the proceedings.

The President of the Bar shall summon the parties by registered letter with return receipt requested sent at least eight days before the hearing date. The letter of summons shall state that the parties concerned may be assisted by a lawyer. A copy of the referral letter shall be attached to the defendant's letter of summons.

ARTICLE 145

The minutes of the proceedings and settlements shall be signed by the President of the Bar and the parties.

ARTICLE 146

The President of the Bar shall rule on any disputes regarding the scope of the referral.

ARTICLE 147

The President of the Bar has the power to settle any question arising concerning the authenticity of handwriting or concerning forgery in accordance with the provisions of Articles 287 to 294 and 299 of the Code of Civil Procedure.

In case of interlocutory proceedings challenging the authenticity of a document, Article 313 of the Code of Civil Procedure shall apply before the President of the Bar. The time period for the proceedings shall continue to run as from the date on which the interlocutory proceedings are ruled on.

ARTICLE 148

In case of a measure requested by one of the parties on an emergency basis, the matter may be referred to the President of the Bar on short notice.

In every case of emergency, the President of the Bar may, at the request of one of the parties, order any measures not open to serious challenge or that are justified due to the existence of a dispute.

The President of the Bar may always, even in the presence of a serious dispute, order any interim measures or reinstatement measures which may be necessary either to prevent imminent damage or to put an end to a manifestly unlawful nuisance.

In the case where the existence of the obligation cannot seriously be disputed, he may grant an advance award.

ARTICLE 149

Except in cases of removal from office and subject to any interruption of the proceedings, the President of the Bar is required to issue his decision within four months of the referral, on penalty of the matter being referred to the Court of Appeal. This deadline may be extended by another four months with a reasoned decision on the part of the President of the Bar. This decision shall be notified to the parties by registered letter with return receipt requested.

In case of emergency, he must make his decision within one month of the referral, on penalty of the matter being referred to the First President of the Court of Appeal.

ARTICLE 150

The hearing shall be held publicly. However, the President of the Bar may decide that the hearing shall be held or shall continue without the presence of the public at the request of one of the parties or if its being held publicly would result in a violation of privacy.

ARTICLE 151

If a decision cannot be handed down at once, this shall be deferred, for further deliberation, to a date indicated by the President of the Bar. Once a matter has begun to be deliberated, no claim may be lodged nor may any plea be raised. Likewise, no observation may be submitted, nor may any document be submitted, except at the request of the President of the Bar.

ARTICLE 152

Amended by Decree 2009-1544 of December 11, 2009 - Article 5

The decision of the President of the Bar shall be notified by the office of the clerk of the bar association council, by registered letter with return receipt requested, to the parties, who may appeal it as provided for in the first, second and sixth paragraphs of Article 16. A copy of the decision of the President of the Bar shall be sent to the Attorney General by the office of the clerk of the bar association.

The hearing shall be held publicly in accordance with the provisions of Article 150.

The decision by the Court of Appeal shall be notified to the parties by the office of the clerk by registered letter with return receipt requested. A copy shall be sent by the office of the clerk to the President of the Bar and to the Attorney General.

ARTICLE 153

Amended by Decree 2009-1544 of December 11, 2009 - Article 5

Decisions by the President of the Bar ordering the payment of sums of compensation of up to a maximum of nine months' shared fees or salary, calculated on the average of the last three months, shall be provisionally enforceable.

Other decisions may be declared enforceable by the President of the District Court when they are not referred to the Court of Appeal.

Chapter III: Professional rules

Section I: General provisions.

ARTICLE 154

Amended by Decree 2004-1386 of December 21, 2004 - Article 44; JORF, December 23, 2004, entering into force on September 1, 2007

Only the persons registered in the roll of a French bar have the right to hold the title of avocat. Lawyers must state the name of this bar after their title of avocat and, if applicable, the name of the foreign bar to which they belong.

ARTICLE 155

Amended by Decree 2010-9 of January 6, 2010 - Article 5

For the verifications carried out pursuant to point 13 of Article 17 of the aforementioned Act of December 31, 1971, lawyers shall submit to the President of the Bar, on request, the documents whose retention is provided for in Article L. 561-12 of the Monetary and Financial Code (code monétaire et financier).

ARTICLE 156

Amended by Decree 2010-9 of January 6, 2010 - Article 5

The Conseil national des barreaux may appoint one of its members or any qualified person to assist, at its request, the bar association council in these verification operations.

ARTICLE 157

Amended by Decree 2010-9 of January 6, 2010 - Article 5

The President of the Bar shall inform the Attorney General and the Chairman of the Conseil national des barreaux, at least once a year, of the results of these verifications.

ARTICLE 162

The rules of procedure of the bar association council shall determine the provisions necessary to ensure the public is informed of the procedures for the practice of the profession by the members of its bar.

ARTICLE 163

Any lawyer who is the subject of a legal action for damages due to his professional activity shall immediately notify the President of the Bar thereof.

ARTICLE 164

The provisions of Act 70-9 of January 2, 1970 regulating the conditions for the pursuit of activities relating to certain transactions involving real estate and businesses do not apply to lawyers.

Section II : Professional residence (domicile professionnel).

ARTICLE 165

Subject to the provisions of Articles 1-III and 8-1 of the aforementioned Act of December 31, 1971, the lawyer is required to establish his professional residence within the district of the District Court under which he is established.

ARTICLE 166

The decisions of the bar association council approving the opening of secondary offices, as well as appeals against these decisions, shall be subject to the rules laid out in the second, third, fifth and sixth paragraphs of Article 102 and Article 103.

ARTICLE 167

Decisions authorizing the opening of a secondary office taken by the bar association council of a bar to which the lawyer does not belong shall be brought to the attention of the President of the Bar to which the lawyer belongs by the said council; the President of the Bar shall inform the competent Attorney General thereof.

The same applies to decisions with drawing authorization, for the purposes, where appropriate, of any disciplinary proceedings before the bar association council to which the lawyer belongs.

ARTICLE 168

When the bar association council has not ruled within the time period prescribed in Article 8-1 of the aforementioned Act of December 31, 1971 and the authorization to open a secondary office is thus deemed to be granted, the lawyer shall bring the opening of the office to the attention of the President of the Bar of the bar association council to which he belongs, who shall inform the competent Attorney General and the

President of the Bar in the district of which the office is opened.

The lawyer shall, by registered letter with return receipt requested, inform the Attorney General of the Court of Appeal in the district of which the secondary office is opened. The Attorney General may then refer this matter to the Court of Appeal as provided for in Article 16.

ARTICLE 169

Any closure of a secondary office by the lawyer shall be brought by him to the attention of the President of the Bar to which he belongs and, if applicable, the President of the Bar in the district of which the office was opened, who shall inform the competent Attorney General.

Section III : Alternates.

ARTICLE 170

When a lawyer is temporarily prevented, by force majeure, from performing his duties, he shall be temporarily replaced by one or more alternates whom he shall choose from among the lawyers registered with the same bar. He shall inform the President of the Bar of this immediately.

ARTICLE 171

When the said lawyer is unable to exercise his choice or does not exercise it, the alternate(s) shall be appointed by the President of the Bar.

The replacement shall not exceed one year; after this period, it may be renewed by the President of the Bar for a period not exceeding one year.

The alternate shall be responsible for the management of the office; he shall himself perform all the professional acts that could have been carried out by the lawyer replaced under the same conditions.

ARTICLE 172

The President of the Bar shall inform the Attorney General of the name(s) of the alternate(s) chosen or appointed.

The replacement shall be ended by the President of the Bar, either ex officio or at the request of the lawyer replaced, the alternate or the Attorney General.

Section IV: Temporary administration.

ARTICLE 173

In case of death or when a lawyer is subject to an enforceable decision of temporary suspension, temporary ban or disbarment, the President of the Bar shall appoint one or more administrators who shall replace him in his duties. The same applies at the end of the time periods specified in the second paragraph of Article 171.

The administrator shall receive compensation related to the acts that he performs. He shall pay, up to the amount of this compensation, the expenses relating to the operation of the firm. The President of the Bar shall inform the Attorney General of the appointment of the administrator(s).

The temporary administration shall cease automatically as soon as the temporary suspension or temporary ban ends. In other cases, it shall be terminated by decision of the President of the Bar.

Section V : Disputes regarding fees and disbursements.

ARTICLE 174

Disputes relating to the amount and recovery of lawyers' fees may only be resolved by use of the procedure provided for in the following articles.

ARTICLE 175

Amended by Decree 2007-932 of May 15, 2007 - Article 2; JORF, May 16, 2007

Claims shall be submitted to the President of the Bar by all parties by registered letter with return receipt requested or by submission against receipt. The President of the Bar shall acknowledge receipt of the claim and shall inform the interested party that, if no decision is made within four months, it will be for that party to refer the matter to the first President of the Court of Appeal within one month.

The lawyer may also refer any issues to the President of the Bar.

The President of the Bar or a reporter appointed by him shall first collect the observations of the lawyer and of the party. He shall make his decision within four months. This decision shall be notified, within fifteen days of its date, to the lawyer and to the party, by the clerk of the bar association, by registered letter with return receipt requested. The notification letter shall state, under penalty of being null and void, the time limit and procedures for appeal.

The time limit of four months stated in the third paragraph may be extended by up to a maximum of four months by reasoned decision of the President of the Bar. This decision shall be notified to the parties, by registered letter with return receipt requested, as provided for in the first paragraph.

ARTICLE 176

The decision of the President of the Bar is subject to appeal before the First President of the Court of Appeal, to whom it is referred by the lawyer or the party, by registered letter with return receipt requested. The time limit for appeal is one month.

If the President of the Bar has not made a decision within the time limit provided for in Article 175, the First President must have the matter referred to him within the following month.

ARTICLE 177

The lawyer and the party shall be convened, with at least eight days' prior notice, by the chief clerk, by registered letter with return receipt requested.

The First President shall give both parties due hearing. He may, at any time, refer the case to the Court, which shall proceed in the same manner.

The order or judgment shall be notified by the chief clerk by registered letter with return receipt requested.

ARTICLE 178

If the decision made by the President of the Bar has not been referred to the First President of the Court of Appeal, it may be enforced by order of the President of the District Court at the request of either the lawyer or the party.

ARTICLE 179

If the dispute relates to the fees of the President of the Bar, it shall be brought before the President of the District Court.

It shall be referred to the President and judged under the conditions provided for in Articles 175 and 176.

Section VI: Settlement of disputes between lawyers during their professional practice

ARTICLE 179-1

Created by Decree 2009-1544 of December 11, 2009 - Article 6

In case of disputes between lawyers in relation to their professional practice and in the absence of conciliation, the President of the Bar with which the lawyers concerned are registered shall have the matter referred to him by either party.

ARTICLE 179-2

Created by Decree 2009-1544 of December 11, 2009 - Article 6

If the dispute is between lawyers who belong to different bars, the President of the Bar to whom the matter is referred by a member of his bar shall immediately transmit the referral document to the President of the Bar to which the defendant lawyer belongs. The Presidents of the Bar shall have a period of fifteen days to agree on the appointment of a President of the Bar of a third-party bar.

In the absence of agreement on this appointment within this period, the President of the Bar of the plaintiff shall refer the matter to the Chairman of the Conseil national des barreaux, which shall appoint the President of the Bar of a third-party bar. In case of multiple defendants belonging to different bars, the President of the Bar who originally had the matter referred to him shall ask the Chairman of the Conseil national des barreaux to appoint the President of the Bar of a third-party bar.

ARTICLE 179-3

Created by Decree 2009-1544 of December 11, 2009 - Article 6

For the disputes referred to in the first paragraph of Article 179-2, the replacement for the third-party President of the Bar to whom the matter was referred shall be appointed by the Chairman of the Conseil national des barreaux.

ARTICLE 179-4

Created by Decree 2009-1544 of December 11, 2009 - Article 6

The rules provided for in Articles 142 to 148 and 150 to 152 shall apply to the disputes governed by this section.

ARTICLE 179-5

Created by Decree 2009-1544 of December 11, 2009 - Article 6

The President of the Bar shall make his decision within four months of the referral. If warranted by the nature or complexity of the dispute, this time limit may be extended by four months by means of a reasoned decision, notified to the parties by registered letter with return receipt requested.

If the President of the Bar has not made a decision within the time limit provided for in the preceding paragraph, either party may refer the matter to the Court of Appeal in the month following the expiry of these time limits.

ARTICLE 179-6

Created by Decree 2009-1544 of December 11, 2009 - Article 6

The decision of the President of the Bar shall be notified to and may be challenged by the parties under the conditions provided for in Article 152. It shall also be notified, if applicable, to the Presidents of the Bar with which they are registered.

ARTICLE 179-7

Created by Decree 2009-1544 of December 11, 2009 - Article 6

If they are not referred to the Court of Appeal, the decisions of the President of the Bar may be made enforceable by the President of the District Court under which his bar is established.

Title IV: Discipline

Chapter I: The Disciplinary Council.

ARTICLE 180

Amended by Decree 2005-531 of May 24, 2005 - Article 1-1; JORF, May 26, 2005

Except in Paris, the Disciplinary Council shall be formed under the conditions set out below.

After every renewal provided for in Article 5, the bar association council shall appoint the following to sit on the Disciplinary Council:

One standing member and one alternate member in bars where the number of lawyers having the right to vote is between eight and forty-nine;

Two standing members and two alternate members in bars where the number of lawyers having the right to vote is between fifty and ninety-nine;

Three standing members and three alternate members in bars where the number of lawyers having the right to vote is between one hundred and two hundred.

However, when there are only two bars in the district of the Court of Appeal, each bar association council shall appoint at least three standing members and three alternate members to the Disciplinary Council.

In bars where the number of lawyers is less than eight, the General Assembly shall appoint a standing member and an alternate member. The appointment shall take place during the last quarter of the calendar year.

Each bar with over two hundred lawyers having the right to vote shall appoint one additional representative and alternate for every additional two hundred lawyers, on condition that the members of this bar do not represent more than half of the Disciplinary Council of the Court of Appeal.

Lawyers having the right to vote are those who are registered with the bar by September 1 preceding the renewal of the bar association council.

The appointments shall take place on January 1 following the annual renewal of the bar association council.

ARTICLE 181

Amended by Decree 2005-531 of May 24, 2005 - Article 1-1; JORF, May 26, 2005

If, in the district of the Court of Appeal, the number of lawyers having the right to vote exceeds five hundred, the Disciplinary Council may establish one additional group for every additional five hundred lawyers.

The President of the Disciplinary Council and, in Paris, the Dean of Presidents of Disciplinary Groups (doyen des présidents des formations disciplinaires) of the bar association council shall distribute the cases among the groups.

ARTICLE 182

Amended by Decree 2005-531 of May 24, 2005 - Article 1-1; JORF, May 26, 2005

The Disciplinary Council shall establish the rules of procedure, determine the number and composition of groups and elect the President thereof. It shall inform the Attorney General of this within eight days.

Chapter I: General provisions.(repealed)

Chapter II: Disciplinary sanctions.

ARTICLE 183

Amended by Decree 2005-531 of May 24, 2005 - Article 1-2; JORF, May 26, 2005

Any violation of the laws and regulations, any violation of professional rules, any breach of integrity, honor or discretion, even relating to personal actions, shall expose the lawyer responsible for these to the disciplinary sanctions listed in Article 184.

ARTICLE 184

Amended by Decree 2004-1386 of December 21, 2004 - Article 43; JORF, December 23, 2004, entering into force on September 1, 2007

Amended by Decree 2005-531 of May 24, 2005 - Article 1-2, 1-3; JORF, May 26, 2005

The disciplinary penalties are:

1. Warning;
2. Reprimand;
3. A temporary ban, which may not exceed three years;
4. Disbarment from the roll of lawyers or withdrawal of the honorary title.

The warning, reprimand and temporary ban may include the revocation, by the decision which imposes the disciplinary penalty, of the right to be a member of the bar association council, the Conseil national des barreaux, other professional organizations or councils, as well as the right to hold the office of President of the Bar for a period not exceeding ten years.

Disciplinary proceedings may, in addition, include an order to publish a notice of any disciplinary penalty, by way of an ancillary penalty.

The penalty of a temporary ban may be given in a suspended form. The suspension of the penalty does not extend to the ancillary measures taken pursuant to the second and third paragraphs. If, within five years of the penalty being imposed, the lawyer has committed an offense or misconduct resulting in the imposition of a new disciplinary penalty, this shall entail the enforcement of the first penalty, which is not to run concurrently with the second penalty.

ARTICLE 185

Amended by Decree 2004-1386 of December 21, 2004 - Article 46; JORF, December 23, 2004, entering into force on September 1, 2007

Amended by Decree 2005-531 of May 24, 2005 - Article 1-2; JORF, May 26, 2005

A disbarred lawyer may not be registered in the roll of any other bar.

ARTICLE 186

Amended by Decree 2005-531 of May 24, 2005 - Article 1-2; JORF, May 26, 2005

A temporarily banned lawyer must refrain from any professional act as soon as the decision has become res judicata. He may not, under any circumstances, represent his status as being that of a lawyer. He may not participate in the activities of the professional organizations to which he belongs.

Chapter III: Disciplinary procedure

Section I : Ethics inquiry.

ARTICLE 187

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The President of the Bar may, either on his own initiative, or at the request of the Attorney General, or on the basis of a complaint by any interested party, start an inquiry into the conduct of any lawyer in his bar. He may appoint a delegate for this purpose, from among the members or former members of the bar association council. If he decides not to proceed with an inquiry, he shall notify the author of the request or complaint.

On the basis of the evidence gathered during the ethics inquiry, he shall prepare a report and shall decide if it is necessary to take disciplinary action. He shall notify his decision to the Attorney General and, if appropriate, the complainant.

If the inquiry has been requested by the Attorney General, the President of the Bar shall send him the report.

The President of the Bar who is the most senior in

the order of the roll and who is a member of the bar association council, shall implement the provisions of this Article if information is brought to his attention involving the President of the Bar in office.

Section II: Referral to the disciplinary body and the investigation.

ARTICLE 188

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

In the cases provided for in Article 183, either directly or after an ethics inquiry, the President of the Bar with authority over the lawyer who has been implicated or the Attorney General shall refer the matter to the disciplinary body by means of a reasoned document. He shall first inform the authority which did not initiate the disciplinary action.

The referral document shall be notified to the lawyer under investigation by the authority who initiated the disciplinary action, by registered letter with return receipt requested.

A copy shall be sent to the bar association council which is dismissing the prosecuted lawyer for the purposes of appointment of a reporter.

Within fifteen days of the notification, the bar association council with authority over the lawyer under investigation shall appoint one of its members to conduct the investigation of the case.

If the bar association council does not appoint a reporter, the authority that initiated the disciplinary action shall refer the matter to the First President of the Court of Appeal, who shall then proceed to make this appointment from among the members of the bar association council.

ARTICLE 189

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The reporter shall carry out any investigative measure necessary.

Any person with information that may assist the investigation may be heard adversarially. The lawyer under investigation may ask to be heard. He may be assisted by a colleague.

The minutes of any hearing shall be drawn up. The minutes shall be signed by the person who has been heard.

Any summons shall be sent to the lawyer under investigation by registered letter with return receipt requested.

ARTICLE 190

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

All component parts of the disciplinary file, including the inquiry and investigation reports, shall be numbered and initialed. A copy shall be issued to the lawyer under investigation at his request.

ARTICLE 191

Amended by Decree 2007-932 of May 15, 2007 - Article 16; JORF, May 16, 2007

The reporter shall transmit the investigation report to the President of the Disciplinary Council and, in Paris, to the Dean of Presidents of Disciplinary Groups of the bar association council at the latest within four months of his appointment. This time period may, at the request of the reporter, be extended to a maximum of two months by a justified decision of the President of the Disciplinary Council or, in Paris, by the Dean of Presidents of Disciplinary Councils of the bar association council. This decision shall be notified to the parties by registered letter with return receipt requested.

A copy of the decision shall be sent to the President of the Bar and to the Attorney General if the latter initiated the disciplinary action.

The date of the hearing shall be set by the President of the Disciplinary Council and, in Paris, by the Dean of Presidents of Disciplinary Groups of the bar association council.

ARTICLE 192

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

No disciplinary penalty may be imposed unless the lawyer who has been implicated has been heard or summoned with at least eight days' prior notice.

The lawyer shall be summoned by registered letter with return receipt requested or by subpoena served by the court bailiff.

The summons or the subpoena shall include, under penalty of being null and void, an exact statement of the facts giving rise to the proceedings as well as a reference to the statutory or regulatory provisions specifying the obligations that the lawyer under investigation is alleged to have breached and, if applicable, a reference to the revocation of the suspension.

Section III : The judgment and the exercise of rights of appeal.

ARTICLE 193

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The hearing shall be held in the municipality where the Court of Appeal sits. The lawyer under investigation shall appear in person. He may be assisted by a lawyer.

The smaller group may only refer the case back to the plenary session of the disciplinary body after hearing the lawyer who appears before it.

The President shall give the floor to the President of the Bar and to the Attorney General if the latter initiated the disciplinary action.

ARTICLE 194

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The hearing shall be held publicly. However, the disciplinary body may decide that the hearing shall be held or shall continue in council chambers at the request of one of the parties or if its being held publicly would result in a violation of privacy.

ARTICLE 195

Amended by Decree 2007-932 of May 15, 2007 - Article 17; JORF, May 16, 2007

If, within eight months of the referral of the matter to the disciplinary body, it has not ruled on the merits or by interlocutory decision, the claim shall be deemed to be rejected and the authority that initiated the disciplinary action may refer it to the Court of Appeal.

If the case is not ready to be judged or if an adjournment is ordered at the request of one of the parties, the disciplinary body may decide to extend this time period by a maximum of four months. The request for an adjournment, in writing, stating reasons and accompanied by all supporting documents, shall be sent to the President of the disciplinary body or, in Paris, to the President of the Disciplinary Group of the bar association council.

In the cases provided for in the preceding paragraphs, the Court of Appeal shall have the matter referred to it and shall rule, the Attorney General having been heard, under the conditions provided for in Article 197.

ARTICLE 196

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

Any decisions made in regard to discipline shall be notified to the lawyer under investigation, the Attorney General and the President of the Bar within eight days of their being handed down, by registered letter with return receipt requested.

The complainant shall be informed of the decision handed down when it has become res judicata.

ARTICLE 197

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The lawyer who is the subject of a disciplinary decision, the Attorney General and the President of the Bar may appeal the decision. The Court of Appeal shall have the matter referred to it and shall rule under the conditions provided for in Article 16, the Attorney General having been heard. The hearing shall be held publicly in accordance with the provisions of Article 194.

The chief clerk of the Court of Appeal shall summon all parties, by registered letter with return receipt requested, indicating the date on which the case will be called.

The time period for cross-appeal is fifteen days from the notification of the main appeal.

The Attorney General shall be responsible for and supervise the enforcement of the disciplinary penalties.

Section IV: Temporary suspension.

ARTICLE 198

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The temporary suspension measure under Article 24 of the Act of December 31, 1971 referred to above may not be imposed unless the lawyer who has been implicated has been heard or summoned with at least eight days' prior notice.

The lawyer shall be summoned or subpoenaed under the conditions laid out in Article 192. The hearing shall take place under the conditions established in Articles 193 and 194.

If, within a month of a request for temporary suspension, the bar association council has not ruled, the request is deemed to be rejected and, as appropriate, the Attorney General or the President of the Bar may refer the matter to the Court of Appeal.

Any decision made in regard to temporary suspension shall be notified under the conditions set out in Article 196.

A lawyer who is the subject of a decision on temporary suspension, the Attorney General and the President of the Bar may appeal the decision. The Court of Appeal shall have the matter referred to it and shall rule under the conditions provided for in Article 197.

ARTICLE 199

Amended by Decree 2005-531 of May 24, 2005 - Article 1-4; JORF, May 26, 2005

The decision temporarily suspending from his office a lawyer who is the subject of criminal or disciplinary proceedings shall be enforceable notwithstanding appeal.

The Attorney General shall be responsible for and supervise the enforcement of the temporary suspension.

Chapter II: Disciplinary procedure. (repealed)

Title V: The practice of the legal profession, under their professional title of origin, by nationals of Member States of the European Community, other states that are parties to the Agreement on the European Economic Area and the Swiss Confederation.

Chapter I : Common provisions

ARTICLE 200

Amended by Decree 2009-199 of February 18, 2009 - Article 9

This Title shall apply to lawyers who are nationals of one of the Member States of the European Community, another State that is a party to the Agreement on the European Economic Area, or the Swiss Confederation, and who have acquired their qualification in one of these Member States or Party States other than France or in the Swiss Confederation, and who are coming to practice their professional activity, temporarily or permanently, under their professional title, in France.

ARTICLE 201

Amended by Decree 2013-684 of July 24, 2013 - Article 1

For the purposes of this Title, nationals of the Member States of the European Community, the other States that are parties to the Agreement on the European Economic Area or the Swiss Confederation are recognized in France as lawyers if they perform their professional activities in one of these Member States or Party States, other than France, or in the Swiss Confederation under one of the following professional titles:

- in Belgium: avocat, advocaat, Rechtsanwalt:
- in Bulgaria: (title not reproduced, see the JO No. 43 of 20/02/2009 text number 24);
- in the Czech Republic: advokajt;
- in Denmark: advokat;
- in Germany: Rechtsanwalt;
- in Estonia: vandeadvokaat;
- in Greece: dikigoros (δικηγορος);
- in Spain: abogado, advocat, avogado, abokatu;
- in Ireland: barrister, solicitor;
- in Italy: avvocato;
- in Cyprus: dikigoros (δικηγορος);
- in Croatia: odvjetnik, odvjetnica;
- in Latvia: zverinats advokalts;
- in Lithuania: advokatas;
- in Luxembourg: avocat;
- in Hungary: ügyvéd;
- in Malta: avukat, prokuratur legali;
- in the Netherlands: advocaat;
- in Austria: Rechtsanwalt;
- in Poland: adwokat, radca prawny;

- in Portugal: advogado;
- in Romania: avocat;
- in Slovenia: odvetnik, odvetnica;
- in Slovakia: advokajt, komercpn prajvnik;
- in Finland: asianajaja, advokat;
- in Sweden: advokat;
- in the United Kingdom: advocate, barrister, solicitor;
- in Switzerland: avocat, advokat, Anwalt, Fürsprecher, Fürsprech, avvocato, Rechtsanwalt;
- in Iceland: lögmaður;
- in Liechtenstein: Rechtsanwalt;
- in Norway: advokat.

Chapter II : Freedom to provide services.

ARTICLE 202

Amended by Decree 2009-199 of February 18, 2009 - Article 11

The professional activities of lawyers who are nationals of Member States of the European Community, other States that are parties to the Agreement on the European Economic Area or the Swiss Confederation, who are established on a permanent basis in one of the Member States or parties other than France or in the Swiss Confederation shall be performed under the conditions defined below. However, this may not extend to matters within the exclusive jurisdiction of public officials or law officials.

These lawyers shall use, in France, one of the titles referred to in Article 201, expressed in the language(s) of the State where they are established, accompanied by the name of the professional body to which they belong or of the court in which they are authorized to practice under the law of that State.

The Attorney General at the Court of Appeal in the district in which the services are provided, the President of the Bar of the bar association with territorial jurisdiction, the President and the members of the court or of the judicial or disciplinary body or the qualified representative of the public authority before which the lawyer appears may ask him to provide proof of his status.

ARTICLE 202-1

Amended by Decree 2012-634 of May 3, 2012 - Article 20

If a lawyer referred to in Article 202 provides representation or defense of a client in legal proceedings or before public authorities, he shall perform his duties under the same conditions as a lawyer registered with a French bar.

He shall comply with the French professional rules, without prejudice to non-conflicting obligations which are incumbent upon him in the State in which he is established.

In civil cases, if representation before the District Court is mandatory, he may only accept an instruction after stipulating his address for service with a lawyer established under the court to which the matter has been referred and to which the procedural documents have been properly notified. He shall attach to the document instituting proceedings or instruction to defend, as appropriate, a document signed by this lawyer, confirming the existence of an agreement that authorizes the stipulation of this address for service for the case in question.

When representation is mandatory before the Court of Appeal, he may only represent parties after stipulating his address for service with a lawyer authorized to represent parties before the Court and to which the procedural documents have been properly notified. He shall attach to his instruction a document signed by this lawyer, confirming the existence of an agreement that authorizes the stipulation of this address for service for the case in question.

At any time, either of the lawyers who have signed the agreement referred to in the preceding paragraphs may terminate it by repudiation notified to his colleague as well as to the lawyers representing the other parties, provided that another lawyer has been appointed by the lawyer providing the service referred to in Article 201. The first party to act shall notify the court, informing it of the name of the lawyer with whom he has temporarily stipulated his address for service.

ARTICLE 202-2

Created by Decree 2004-1123 of October 14, 2004 - Article 9; JORF, October 21, 2004

For the practice, in France, of activities other than those provided for in Article 202-1, the lawyers referred to in Article 202 shall remain subject to the conditions of practice and the professional rules applicable to their profession in the State where they are established.

They are also required to comply with the rules applicable for the performance of these activities to lawyers registered with a French bar, especially those concerning the incompatibility between the performance, in France, of the activities of a lawyer and those of other activities, lawyer-client privilege, collegial relationships, the prohibition on assistance by the same lawyer of parties who have conflicting interests, and publicity. These rules shall apply to them only if they can be observed when lawyers do not have an establishment in France and to

the extent that their observance is objectively justifiable to ensure, in France, the proper performance of the activities of a lawyer, the dignity of the profession and respect for incompatible activities.

ARTICLE 202-3

Created by Decree 2004-1123 of October 14, 2004 - Article 9; JORF, October 21, 2004

In case of failure by the lawyers referred to in Article 202 to comply with the provisions of this Decree, they shall be subject to the provisions of Articles 180 et seq. relating to the discipline of lawyers registered with a French bar. However, for the purposes of Article 184, the disciplinary penalties of temporary ban and disbarment or removal from the internship list shall be replaced by the penalty of temporary or permanent prohibition from practicing professional activities in France. The French disciplinary authority may request that the competent authority of the State of origin provides it with professional information about the lawyers concerned. It shall inform the latter authority of any decision made. Such communication shall not affect the confidentiality of the information provided.

Chapter III: Practice of the legal profession on a permanent basis.

ARTICLE 203

Amended by Decree 2009-199 of February 18, 2009 - Article 12

A lawyer who is a national of a Member State of the European Community, of another State that is a party to the Agreement on the European Economic Area or the Swiss Confederation and who has obtained his qualification in one of the Member States or Party States other than France or in the Swiss Confederation, and who practices his professional activity in France on a permanent basis under his original professional title under the provisions of Title IV of the aforementioned Act of December 31, 1971, shall be subject to the provisions of this Decree, subject to the provisions of this Chapter.

ARTICLE 203-1

Created by Decree 2004-1123 of October 14, 2004 - Article 9; JORF, October 21, 2004

In the event of a breach of the professional rules in France by the lawyer referred to in Article 203, the President of the Bar shall send the competent authority of the State in which the professional title was acquired any relevant information about the proposed disciplinary proceedings.

This information shall include the alleged facts, the professional rules in question, the applicable disciplinary proceedings and sanctions incurred. The provisions of Article 88 of the aforementioned Act of December 31, 1971, as well as the provisions of this Article, shall also be brought to the attention of the competent authority.

The matter shall be referred to the disciplinary body provided for in Article 22 of the aforementioned Act of December 31, 1971 within a time period that may not be less than one month after the completion of this formality.

After the referral to the disciplinary body, the competent authority may submit its written observations at any time.

Title V : Freedom to provide services in France by lawyersfrom Member States of the European Communities. (repealed)

Title VI : Insurance, financial guarantee, financial settlements and lawyers' accounts

Chapter I: Professional liability insurance.

ARTICLE 205

Amended by Decree 2009-1627 of December 23, 2009 - Article 3

Every lawyer must be covered against the financial consequences of professional civil liability, defined in the first paragraph of Article 27 of the aforementioned Act of December 31, 1971, by a policy taken out with an insurance company that is governed by the Insurance Code, either by the lawyers, collectively or individually, or by both the bar and the lawyers.

Every lawyer practicing in a fiduciary capacity must be covered against the financial consequences of his professional civil liability, due to negligence and misconduct in the performance of these duties, by personally taking out an insurance policy specific to this activity.

The insurance policies must contain a coverage limit that is no less than 1,500,000 Euros per year for a single insured person. They may include a deductible payable by the insured person that is no more than 10% of the compensations due, up to a maximum of 3,050 Euros. The deductible amount shall not be binding on the victims.

ARTICLE 206

The professional civil liability of a lawyer who is a member of a law firm or an employee or collaborates with or is employed by another lawyer shall be covered by the insurance policy of the company of which he is a member or that of the lawyer with whom he collaborates or whom he is employed by.

However, if a collaborating lawyer also practices, at the same time, the legal profession for his own account, he must provide proof of insurance covering the professional civil liability that he may incur as a result of this practice.

Chapter II: Insurance for the benefit of whom it may concern and the financial guarantee

Section I: Insurance "for the benefit of whom it may concern" (assurance au profit de qui il appartiendra).

ARTICLE 207

The insurance provided for in the second paragraph of Article 27 of the aforementioned Act of December 31, 1971 shall be taken out by the bar with an insurance company regulated by the Insurance Code.

It shall guarantee, for the benefit of whom it may concern, the repayment of funds, effects or securities received in connection with the practice of their profession by lawyers who are members of the bar taking out the policy.

ARTICLE 208

The insurance coverage provided for in Article 207 shall apply in the event of the insolvency of the lawyer who is a member of the bar taking out the policy, on the sole condition that the evidence is provided that the claim is certain, of a fixed amount, and due for payment.

For the insurer, the insolvency of a lawyer shall result when a demand for payment or return has been served, which has been refused or has been without effect for a period of one month from its service.

The author of the demand and the lawyer shall immediately notify the President of the Bar of the demand.

ARTICLE 209

Lawyers who are members of a bar which has taken out an insurance policy as provided for in Article 207 may not, subject to the provisions of Article 226, receive funds, effects or securities greater than the amount of the guarantee provided by the insurer.

Registered securities and checks and effects payable to a named person other than the lawyer or the caisse des règlements pécuniaires [fund for financial settlements] provided for in Article 53 (9) of the aforementioned Act of December 31, 1971 shall not be taken into account in the amounts referred to in the first paragraph.

ARTICLE 209-1

Amended by Decree 2011-1319 of October 18, 2011 - Article 3

If he has not elected to take out the financial guarantees referred to in the fourth paragraph of Article 27 of the aforementioned Act of December 31, 1971, any lawyer acting in a fiduciary capacity must have taken out insurance for the benefit of whom it may concern, specific to his own activity, and covering the repayment of property, rights or securities concerned.

Insurance contracts must contain a coverage limit of no less than 5% of the value of real property and 20% of other property, rights or securities, valued on the day they are transferred. These thresholds are without

prejudice to the voluntary purchase, by the trustee lawyer, of an additional financial guarantee.

Section II: The financial guarantee

Sub-section 1: General provisions.

ARTICLE 210

Every lawyer, unless he is a member of a bar that has taken out the insurance provided for in Article 207 and without prejudice to the provisions of Article 226, must provide proof of the guarantee referred to in the second paragraph of the aforementioned Article 27 of the Act of December 31, 1971.

The financial guarantee obligations provided for in this Chapter are incumbent on professional partnerships and independent professional companies of lawyers, on lawyers practicing the profession in an individual capacity or as part of an association or a jointly-owned company, as well as lawyers practicing in collaboration with another lawyer, to the extent that they also practice the profession for their own account at the same time.

ARTICLE 210-1

Created by Decree 2011-1319 of October 18, 2011 - Article 4

Every lawyer practicing in a fiduciary capacity, if he has not elected to take out the insurance provided for in Article 209-1, must provide proof of the guarantees referred to in the fourth paragraph of Article 27 of the Act of December 31, 1971 referred to above.

ARTICLE 211

Amended by Decree 2011-1319 of October 18, 2011 - Article 5

The guarantees provided for in Articles 210 and 210-1 may only validly issue from a guarantor's undertaking given by a bank, credit institution, insurance company or mutual guarantee society, authorized to give guarantees.

The guarantee issues from a written agreement which establishes the general terms and conditions thereof and specifies, in particular, the amount of the guarantee granted, the payment terms, the procedures for accounting controls and the counter-guarantees which may be required by the guarantor.

ARTICLE 212

Amended by Decree 2011-1319 of October 18, 2011 - Article 6

The guarantee provided for in Article 210 shall be allocated to the repayment of funds, effects or securities received for the account belonging to whom it may concern for the lawyer in connection with the practice of his professional activity.

The financial guarantees provided for in Article 210-1 are allocated to the restitution, for the benefit of whom it may concern, of property, rights or securities transferred under the framework of the trust agreement.

Sub-section 2 : Determination of the financial guarantee.

ARTICLE 213

Subject to the provisions of Article 226, the lawyer must seek a financial guarantee in an amount at least equal to the maximum amount of funds he proposes to hold.

ARTICLE 214

Except in special circumstances which are duly proven and subject to the provisions of Article 226, the amount of the guarantee granted to a lawyer with at least one year in practice as such may not be less than the maximum amounts for which this lawyer has been accountable, at any time during the preceding twelve months, on the remittances of funds, effects and securities received in connection with the transactions referred to in Article 212.

Registered securities and checks and effects payable to a named person other than the lawyer or the caisse des règlements pécuniaires shall not be taken into account in the calculation of the amounts referred to in the first paragraph.

If the lawyer has been practicing for less than a year, a solemn declaration, signed by the lawyer concerned, which indicates the maximum amount of money that he proposes to hold during the guarantee periods established by the agreement shall be taken into account for the determination of the amount of the guarantee.

If the person concerned states his intention not to receive funds on a regular basis and if, in addition, after practicing for at least a year, he has not received any funds during the previous guarantee period, the subscriptions and contributions that may be claimed from him by the guarantor shall be set at the minimum rate charged by the bank, credit institution, insurance company or mutual guarantee society.

ARTICLE 215

The guarantee amount shall be reviewed at the end of each annual period or whenever particular circumstances arise during the year.

It may also be increased at the request of the lawyer for a limited period of time.

ARTICLE 216

A lawyer may not, subject to the provisions of Article 226, receive funds, effects and securities, with the exception of those referred to in the second paragraph of Article 214, except within the limit of the amount of guarantees granted.

ARTICLE 216-1

Created by Decree 2011-1319 of October 18, 2011 - Article 7

The amount of financial guarantees granted to a lawyer practicing in a fiduciary capacity may not be less than 5% of the value of real property and 20% of the value of other property, rights or securities, valued on the day they are transferred. These thresholds are without prejudice to the voluntary purchase, by the trustee lawyer, of additional financial guarantees or additional insurance taken out in accordance with the conditions provided for in the first paragraph of Article 209-1.

Articles 213, 214 and 216 shall not apply to the financial guarantees granted under the conditions referred to in the first paragraph.

ARTICLE 217

The bank, the credit institution, the insurance company or the mutual guarantee society shall issue the lawyer with a certificate of guarantee which conforms to the model established by joint order of the Keeper of the Seals, Minister of Justice, and the Minister for the Economy and Finances.

ARTICLE 218

Amended by Decree 2011-1319 of October 18, 2011 - Article 8

The guarantor may request access to all accounting entries and documents as well as the complete statement, for the past year, for the account allocated for receipt of the funds from the clientele.

The guarantor may also ask the lawyer to produce evidence of insurance as provided for in Article 205.

These requests shall be sent to the lawyer via the President of the Bar, unless the lawyer practices in a fiduciary capacity.

Sub-section 3: Implementation of the financial guarantee.

ARTICLE 219

The financial guarantee applies to any claim originating from a payment of funds or a remittance of effects or securities made on the occasion of the acts or transactions referred to in Article 212. It shall apply on the sole condition that evidence is provided that the claim is certain, of a fixed amount, and due, and that the guaranteed party is in default, without the guarantor being able to cite the benefit of excussion against the creditor. In cases where the claim is the subject of a legal dispute, the plaintiff in the proceedings must notify the guarantor by registered letter with return receipt requested.

For the guarantor, the default of the guaranteed lawyer shall result when a demand for payment or restitution has been served, which has been refused or has been without effect for a period of one month from the date of service of the demand. The guaranteed lawyer shall immediately inform the President of the Bar of this demand.

If the guarantor challenges the conditions for entitlement to payment or the amount of the claim, the creditor may bring proceedings directly against the guarantor before the court having jurisdiction.

ARTICLE 220

The guarantor shall immediately inform the President of the Bar of demands for payment which have been referred to it.

The President of the Bar shall inform all interested parties of the name and address of the institution that is providing the guarantee for the lawyer as well as the amount of the guarantees provided.

ARTICLE 221

The payment shall be made by the guarantor by the end of three months as from the submission of a written request, subject, where applicable, to any dispute brought before the court. In the event of the termination of the guarantee before the end of the time limit referred to in the first paragraph, the provisions in Article 225 shall apply.

In the event of multiple claims presented within the prescribed time periods, payment shall be made pro rata in the event that the total amount claimed exceeds the amount of the guarantee.

Sub-section 4: Termination of the guarantee.

ARTICLE 222

Amended by Decree 2004-1386 of December 21, 2004 - Article 47; JORF, December 23, 2004, entering into force on September 1, 2007

The guarantee shall end either on expiry of the guarantee agreement concluded with a bank, credit institution, insurance company or mutual guarantee society or on the repudiation of this agreement by the lawyer, or by the bank, credit institution, insurance company or mutual guarantee society.

It shall also end on the death of the guaranteed party or, in the case of a company, on the conclusion of its liquidation, as well as on the temporary suspension, temporary ban, removal from the roll or disbarment of the lawyer.

However, except in the case of disbarment, the guarantee may be extended with the authorization of the President of the Bar. This extension, if it was not explicitly provided for in the original agreement, must be the subject of an agreement between the guarantor, the lawyer or his successors in title, and the lawyer acting as a replacement or taking temporary responsibility for administration.

ARTICLE 223

Amended by Decree 2011-1319 of October 18, 2011 - Article 9

In case of termination of the guarantee for any reason whatsoever, the guarantor is obligated to immediately inform, by registered letter with return receipt requested or by submission against receipt, the President of the Bar and the institution in which the account allocated to the receipt of funds was opened.

The President of the Bar shall immediately inform, in the same manner, the persons whose names and addresses appear in the accounting documents and who are either the source of payments or remittances, or the future recipients of these payments or remittances.

The guarantor of the lawyer practicing in a fiduciary capacity shall directly inform, by registered letter with return receipt requested, the grantor and the beneficiary of the termination of the guarantee.

ARTICLE 224

The guarantee shall continue in force vis-à-vis third parties until the end of a period of three days following the notice of termination of guarantee given by the guarantor to the President of the Bar under the conditions provided for in Article 223.

ARTICLE 225

The claims referred to in Article 219 that originate with a payment or remittance made before the date of termination of the guarantee shall remain covered by the guarantor if they are lodged by the creditor within three months of the date of receipt of the registered letter or the notice provided for in the second paragraph of Article 223 for the persons concerned thereby or of the end of the time limit established in Article 224 for other persons.

This period shall only begin to run vis-à-vis the creditors referred to in the second paragraph of Article 223 if the notice that was given to them states the time allotted to them to lodge [their claim].

Section III: Multiple insurance and guarantees.

ARTICLE 226

Notwithstanding the provisions of Article 209, lawyers who are members of a bar which has taken out the insurance provided for in Article 207 may receive funds, effects or securities for an amount exceeding the maximum amount of the guarantee given by the insurer if they can provide proof, up to the amount of the surplus funds, of a financial guarantee granted in accordance with the conditions provided for in Section II.

ARTICLE 227

Amended by Decree 2011-1319 of October 18, 2011 - Article 10

A lawyer is only authorized to enter into guarantee agreements with several guarantors for all the activities provided for in the first paragraph of Article 212 in the case where the amounts he proposes to receive are greater than the amount of the guarantee that each of the guarantors is able to grant him.

In that case, each guarantor must be notified of all the agreements made with the other guarantors and must be notified, if applicable, of any amendment that would reduce, suspend or eliminate all or part of the guarantees originally granted by the other guarantors.

The order in which the guarantors shall intervene in case of implementation of each guarantee shall be indicated in a separate document which must be signed by all the guarantors.

The provisions of the second paragraph shall apply if an additional guarantee for a specified transaction has been granted by a bank, credit institution, insurance company or mutual guarantee society other than the one that is guaranteeing all of the lawyer's activities.

In all cases, the person concerned and the guarantor must inform the President of the Bar, by registered letter with return receipt requested, of the additional guarantees that have been granted and the procedures for their implementation.

Section IV: Common provision.

ARTICLE 228

Amended by Decree 96-610 of July 5, 1996 - Article 1; JORF, July 9, 1996

In the event that a secondary office is opened in the district of a bar to which the lawyer does not belong, the insurance and financial guarantee provided for in Article 27 of the aforementioned Act of December 31, 1971, taken out in connection with his main office, must be extended to acts performed at the secondary office.

In regard to lawyers who are members of associations or companies formed between lawyers belonging to different bars, the insurance provided for in the second paragraph of Article 27 of the aforementioned Act of December 31, 1971 shall continue to be taken out by the bar with which the lawyer is registered.

Chapter III: Financial settlements and accounting

Section I: General provisions

Sub-section 1 : System for financial settlements.

ARTICLE 229

Amended by Decree 96-610 of July 5, 1996 - Article 2; JORF, July 9, 1996

Subject to proof of a special mandate in cases where it is required, the lawyer shall pay the financial settlements connected to his professional activity, observing the rules established by this Decree and by the rules of procedure of the bar. These financial settlements may only be incidental to legal or judicial acts performed within the scope of his professional practice.

ARTICLE 230

Amended by Decree 2006-1115 of September 5, 2006 - Article 27; JORF, September 7, 2006

The financial settlements referred to in Article 229 may only be paid by check or bank transfer, except when they do not exceed 150 euros, up to which sum they may be paid in cash against receipt.

Sub-section 2 : Accounting rules and documents.

ARTICLE 231

Amended by Decree 2009-1627 of December 23, 2009 - Article 5

The transactions carried out by each lawyer are tracked in accounting documents intended, in particular, to record payments of funds and remittances of effects or securities made to him in connection with his professional transactions, as well as the transactions involving these payments or remittances.

When he practices in a fiduciary capacity, the lawyer shall keep separate accounts, specific to each activity. He shall open an account specifically allocated to each of the trusts operated.

The lawyer's accounts shall be maintained under the conditions provided for in this subsection.

ARTICLE 232

Amended by Decree 2009-1627 of December 23, 2009 - Article 6

The lawyer must submit his accounts upon any request by the President of the Bar.

He is required to present all necessary extracts from his accounts when this is required by the President of the District Court or the First President of the Court of Appeal, to whom a dispute regarding fees or disbursements, or in the area of taxes, has been referred.

ARTICLE 233

Amended by Decree 2009-1627 of December 23, 2009 - Article 7

All payments of funds or remittances of effects and securities to a lawyer, unless he is acting in a fiduciary capacity, shall give rise to the issuance or dispatch of an acknowledgement of receipt, if no receipt has been given on remittance.

ARTICLE 234

The provisions of this Chapter shall not constitute an exception to the rules applicable to the financial settlements and accounting directly related to the performance of additional duties under the conditions provided for in Article 11 and the second paragraph of Article 38 of Act 85-99 of January 25, 1985.

ARTICLE 235

Amended by Decree 95-1110 of October 17, 1995 - Article 18; JORF, October 19, 1995

The rules of procedure of the bar shall establish the proper measures to ensure that the verifications provided for in Article 17 (9) of the aforementioned Act of December 31, 1971 are carried out.

The President of the Bar shall inform the Attorney General, at least once a year, of the result of these verifications.

The accounts of companies formed between lawyers belonging to different bars and firms that have opened a secondary office in the district of a different bar shall be verified by the bar association council for the main office or principal place of business, which may request the accounting documents relating to the activity performed in the other bars.

The President of the Bar of this bar association council shall inform the Presidents of the Bars whose members are subject to a verification of their accounts of the progress of this operation and its result.

The bar association council responsible for the verification may delegate to the local Bar Association Councils certain verification operations which apply to the members of their bars.

ARTICLE 235-1

Created by Decree 96-610 of July 5, 1996 - Article 3; JORF, July 9, 1996

The financial proceeds of the funds, effects or securities referred to in point 9 of Article 53 of the aforementioned Act of December 31, 1971 shall be allocated exclusively:

1. For the financing of services of general interest to the profession, including training, information and welfare activity, as well as social work of the bar;
2. To cover operating costs for the department of legal aid and for the financing of assistance with access to the law.

ARTICLE 235-2

Created by Decree 96-610 of July 5, 1996 - Article 3; JORF, July 9, 1996

Lawyers may not pay the financial settlements referred to in point 9 of Article 53 of the aforementioned Act of December 31, 1971 except through the caisse [fund] provided for in the same Article.

Lawyers are forbidden to receive a mandate the purpose of which is to enable them to have funds deposited in an account opened in the name of their client or a third party, other than one of the sub-accounts referred to in Article 240-1.

ARTICLE 235-3

Amended by Decree 2011-1319 of October 18, 2011 - Article 11

The insurer with which the insurance provided for in Article 209-1 has been taken out and the guarantor which has provided the financial guarantees provided for in Article 210-1 shall have sight, at the request of the trustee lawyer, of the accounts and, where applicable, the report of the external auditors relating to the operations of the trust. The same applies to the list of trustees and their addresses.

Section II : Caisses des règlements pécuniaires des avocats [Lawyers' Financial Settlements Funds].

ARTICLE 236

The funds for financial settlements provided for in point 9 of Article 53 of the aforementioned Act of December 31, 1971 shall be created by a resolution of the bar association council or, when the funds are common to several bars, by a joint resolution of the Bar Association Councils concerned.

ARTICLE 237

Amended by Decree 96-610 of July 5, 1996 - Article 4; JORF, July 9, 1996

The Lawyers' Financial Settlements Funds shall be established in the form of an association governed by the aforementioned Act of July 1, 1901 or, in the departments of Bas-Rhin, Haut-Rhin and la Moselle, in the form of an association under local law. It shall be placed under the responsibility of the bar(s) that institute it.

ARTICLE 237-1

Created by Decree 96-610 of July 5, 1996 - Article 5; JORF, July 9, 1996

The Lawyers' Financial Settlements Funds must provide proof to the Commission provided for in Article 241-3 that they have the necessary resources in terms of equipment and staff for its operation.

Otherwise, the fund must, after deliberation by the Bar Association Councils concerned, consolidate with one or several other funds in a common fund that meets this obligation.

ARTICLE 238

Amended by Decree 96-610 of July 5, 1996 - Article 6; JORF, July 9, 1996

The Council(s) of the Bar shall carry out the resolution provided for in Article 236, by drawing up the fund's articles of association and determining its rules of procedure.

ARTICLE 239

Amended by Decree 96-610 of July 5, 1996 - Article 7; JORF, July 9, 1996

The resolution provided for in Article 236 and the decisions provided for in Article 238 shall be notified by registered letter with return receipt requested to the Attorney General at the Court of Appeal in the district of which the main office of the fund is located and to the Commission provided for in Article 241-3.

The Attorney General may refer these resolutions and decisions to the Court of Appeal under the conditions provided for in Article 16.

ARTICLE 240

Amended by Decree 96-610 of July 5, 1996 - Article 8; JORF, July 9, 1996

The funds, effects or securities referred to in Article 53-9 of the aforementioned Act of December 31, 1971, received by lawyers, shall be deposited in an account opened in the name of the Lawyers' Financial Settlements Fund at a bank or with the Caisse des dépôts et consignations [Deposits and Consignments Fund].

ARTICLE 240-1

Created by Decree 96-610 of July 5, 1996 - Article 9; JORF, July 9, 1996

Entries relating to the activity of each lawyer shall be recorded in an individual account opened in his name.

Each individual account shall itself be divided into as many sub-accounts as there are matters handled by the lawyer.

Any movement of funds between the sub-accounts shall be prohibited, unless special prior and reasoned authorization by the President of the fund has been given.

No sub-account may show a debit balance.

ARTICLE 241

Amended by Decree 96-610 of July 5, 1996 - Article 10; JORF, July 9, 1996, entering into force on October 1, 1996

No withdrawal of funds from the account referred to in Article 240-1 may be made without prior verification by the Lawyers' Financial Settlements fund, carried out according to the procedures defined by the order referred to in Article 241-1.

No withdrawal of fees in favor of the lawyer may be made without the prior written consent of the client.

ARTICLE 241-1

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

An order of the Keeper of the Seals, Minister of Justice, made after consultation with the Conseil national des barreaux, shall determine the rules applicable to the depositing and handling of the funds, effects or securities referred to in point 9 of Article 53 of the aforementioned Act of December 31, 1971.

ARTICLE 241-2

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

The Council(s) of the Bar under which the fund is established shall appoint, for a term of six years, an external auditor selected from the list referred to in Article 219 of Act 66-537 of July 24, 1966 on commercial companies and which meets the selection criteria prescribed by Article 30 of the aforementioned Act of July 10, 1991.

The external auditor so appointed shall verify the fund's compliance with all the rules and obligations established in this Decree and in the order referred to in Article 241-1.

The auditor of accounts may request that all documents and information relevant to his mission be provided to him.

He shall produce a report every year.

The report shall be sent to the Commission provided for in Article 241-3, the Attorney General at the Court of Appeal in the district in which the main office of the fund is established, and the President(s) of the Bar(s) under which the fund is established.

ARTICLE 241-3

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

A Control Commission shall be established, which shall monitor the compliance of the Lawyers' Financial Settlements Fund with all the rules and obligations provided for in this Decree and by the Order referred to in Article 241-1.

This Commission shall be composed of the Chairman of the Conseil national des barreaux, the President of the Paris Bar Association, the Chairman of the Conference of Presidents of the Bar, and the President of the Union nationale des caisses d'avocats [National Union of Lawyers' Funds]. Each of them shall appoint an alternate selected from the organization he represents.

The Commission shall elect its Chairman and one of its appointed members to replace the Chairman should the latter be absent or detained.

The Commission may receive, at its request, technical assistance provided by any person appointed by order of the Keeper of the Seals, Minister of Justice.

The Commission shall establish its rules of procedure.

In the event of a tie in the votes, the Chairman shall have the casting vote.

ARTICLE 241-4

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

The Commission may, at any time, particularly in the light of reports prepared by the external auditors, issue opinions or recommendations to the funds.

It may also, at any time, either ex officio or at the request of the President of the Bar or the Attorney General at the Court of Appeal in the district in which the main office of a fund is established, carry out or have carried out, through the offices of one or more lawyers that it shall appoint for this purpose, an audit of the funds.

The lawyers so appointed may not be members of the bar associations under which the fund is established.

They may be assisted, with the agreement of the Commission, by one or more persons of their choice.

The funds shall be required to submit to them all documents that they consider necessary for the execution of their mission.

Following their investigations, they shall prepare a report.

The report shall be sent to the Commission provided for in Article 241-3, the Attorney General at the Court of Appeal in the district in which the main office of the fund is established, and the President(s) of the Bar(s) under which the fund is established.

ARTICLE 241-5

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

When the report reveals breaches of the rules and obligations provided for in this Decree, or in the order referred to in Article 241-1, the Commission, either ex officio or upon referral by the Attorney General at the Court of Appeal in the district in which the main office of the fund is established, may take one of the measures provided for in Article 241-6.

The President(s) of the Bar and the President of the fund shall be invited by registered letter with return receipt requested to submit their observations. They shall have one month to do this.

ARTICLE 241-6

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

The Control Commission may issue opinions and recommendations. It may also instruct the funds to put an end to the breaches referred to in Article 241-5. It monitors the fulfillment of the obligation provided for in Article 237-1, paragraph 2.

In the event of a deficiency in the management bodies of the fund, risk of non-representation of the funds, effects and securities deposited, or breach of the rules for allocating the financial proceeds provided for in Article 235-2, the Control Commission may appoint, for a maximum term of one year, renewable once, a lawyer for the purpose of assisting the President of the fund.

The lawyer thus appointed may not be a member of the bar association(s) under which the fund is established.

He may give the President of the Fund any opinions, advice and warnings. He shall provide regular information to the Attorney General and the Control Commission.

If urgency so requires, the Control Commission may suspend the operation of the fund and arrange for its temporary administration.

ARTICLE 241-7

Created by Decree 96-610 of July 5, 1996 - Article 11; JORF, July 9, 1996

The Commission shall hand down its decisions after hearing the President of the fund and, if applicable, the President(s) of the Bar and any person which the Commission deems it necessary to hear.

The President of the fund may be assisted by the counsel of his choice.

The decisions of the Commission shall be reasoned and immediately enforceable. They shall be notified to the President of the fund by registered letter with return receipt requested. They may be appealed before the Court of Appeal of Paris within one month of their notification. A stay of enforcement may be ordered.

ARTICLE 242

Amended by Decree 96-610 of July 5, 1996 - Article 12; JORF, July 9, 1996

A lawyer who has been authorized to open one or more secondary offices outside the district of the bar to which he belongs shall pay the financial settlements referred to in Article 53-9 of the aforementioned Act of December 31, 1971 through the fund for financial payments established by his bar association council.

Section III: Special provisions for the compensation of the lawyer. (repealed)

Title VII : Transitional provisions.

ARTICLE 246

Avocats and conseils juridiques who, pursuant to the first sub-paragraph of paragraph 1 of Article 1 of the aforementioned Act of December 31, 1971, wish to decline to enter the new legal profession may notify this, by registered letter with return receipt requested before December 31, 1991, to the State Prosecutor at the District Court of their place of registration as well as the President of the Bar for the bar association within the district of this District Court.

The notification of the conseils juridiques' wish to decline, either with a view to their registration in the roll of the ordre des experts-comptables et des comptables agréés [Association of Chartered Accountants and Authorized Accountants] pursuant to Article 50-X of the aforementioned Act of December 31, 1971, or with a view to their appointment to the office of notaire [notary] pursuant to Article 50-XII of the aforementioned Act of December 31, 1971, shall become final only subject to the condition precedent of such registration or appointment.

ARTICLE 247

The lists of former avocats and former conseils juridiques who are members of the new profession shall be drawn up on January 1, 1992 by the Bar Association Councils. Each list, which includes the lawyers who have chosen to establish their professional residence within the district of the District Court shall be displayed at this court and at the premises of the bar association. A copy shall be sent to the Attorney General.

ARTICLE 248

Companies of conseils juridiques other than professional partnerships formed before January 1, 1992 shall be registered as such in the roll of a bar until brought into compliance with the provisions of Act 90-1258 of December 31, 1990.

ARTICLE 249

Conseils juridiques who become members of the new legal profession on January 1, 1992 shall be deemed to have taken the oath as worded in the second paragraph of Article 3 of the aforementioned Act of December 31, 1971.

ARTICLE 250

A lawyer who declines to become a member of the new profession shall immediately notify his clients, by registered letter with return receipt requested, of the necessity for them to choose another lawyer to replace him in ongoing proceedings, as from his removal from the internship list or the roll of the bar.

ARTICLE 251

The bar association councils shall be extended, without any change in their composition, until the bar association councils for the new profession have been set up. The same applies to Presidents of the Bar until the election of the new President of the Bar and to regional commissions of conseils juridiques until the last bar association council in their respective districts has been set up.

The Commission nationale des conseils juridiques shall be extended, without any change in its composition, until the Conseil national des barreaux has been set up.

The statutory professional bodies of the new profession, with the exception of the National French Bar Fund, shall replace those of the old professions of avocat and conseil juridique.

ARTICLE 252

The professional assets, documents, files and archives and the funds held by the former Bar Association Councils and the former regional commissions of conseils juridiques shall be transferred to the Bar Association Councils of the new profession.

However, the documents, files and archives relating to professional training held by the regional commissions of conseils juridiques shall be transferred to the regional centers for professional training of lawyers.

The professional assets, documents, files and archives and the funds of the former Commission nationale des conseils juridiques [national commission of conseils juridiques] intended for professional training shall be transferred to the Conseil national des barreaux.

ARTICLE 253

The funds, securities or effects deposited before January 1, 1992 by a conseil juridique in a deposit account opened at a bank or with the Caisse des dépôts et consignations shall be transferred, at the latest by December 31, 1992, to the Lawyers' Financial Settlements Fund established by the bar with which the former conseil juridique was registered.

ARTICLE 254

At the latest by January 15, 1992, temporary committees shall be set up with responsibility for taking or preparing in respect of each bar association council all necessary measures for the elections of the President of the Bar and the members of the bar association council of the new profession.

Each Committee shall be composed, on an equi-representational basis, of up to five members appointed by the bar association council and up to five members appointed by the regional commission of conseils juridiques.

Each Committee shall define, for the first election of the members of the bar association council, the number of seats reserved for the members of the former professions of avocat and conseil juridique based on the number of those having become members of the new legal profession. Failing agreement between the members of the Committee, the matter shall be referred to the President of the District Court for mediation.

ARTICLE 255

The election of the Presidents of the Bar and the members of the Bar Association Councils of the new profession shall take place before February 1, 1992.

The Presidents of the Bar and the members of the Bar Association Councils of the former profession of avocat and the Presidents and members of former Regional and National Commissions of conseils juridiques may be re-elected for the full term of office. However, the Presidents of the Bar, the Chairman of the National Commission of conseils juridiques and the Presidents of the Regional Commissions of conseils juridiques, in office on January 1, 1992, who are elected as Presidents of the Bar of the new bars following the elections referred to in the first paragraph, have the option to declare, when they take office, that they shall only serve their term until the end of 1992.

ARTICLE 256

In the department of La Réunion, voters may vote by proxy for the election of the Presidents of the Bar and Bar Association Councils provided for in Article 255. Each proxy may hold five proxy appointments.

Failing the appointment of the members of the Committee provided for in Article 254 by the competent Regional Commission of conseils juridiques, this appointment shall be made by the National Commission of conseils juridiques.

For the purposes of Article 259, notwithstanding Articles 24 and 26, each proxy may hold five proxy appointments.

ARTICLE 257

For the purposes of Articles 9, 24, 27, 96 and 109, the length of service acquired as a conseil juridique registered on the list shall be taken into account.

ARTICLE 258

For the first two renewals of the bar association council, one third of the outgoing members shall be made up, on a priority basis, of those members of the Council who have expressed the desire no longer to belong to it. If they make up less than one-third of the number of Council members, the difference shall be made up by drawing lots.

ARTICLE 259

For the first election of the representatives of the colleges as provided for in Article 21-1 of the aforementioned Act of December 31, 1971, the Committee established under Article 21 shall be composed of the following :

1. The Presidents of the Bars in the district;
2. A lawyer appointed by each of the four professional organizations of lawyers that are the most representative as of December 31, 1991;
3. The last President and former members of the Regional Commission of conseils juridiques, the number of which is determined according to the number of Presidents of the Bar;
4. A former conseil juridique appointed by each of the four most representative professional organizations of conseils juridiques as of December 31, 1991.

The Committee shall determine the number of representatives to be elected based on the number of lawyers registered with the bars of its district on January 1, 1992 and shall set the opening date of the election to be held in the last week of February 1992.

This information shall, by February 7, 1992, be brought by each President of the Bar who is a member of the Committee to the attention of their bar association council and the lawyers who have voting rights referred to in the second paragraph of Article 15 of the aforementioned Act of December 31, 1971.

ARTICLE 260

For the first election of the members of the Conseil national des barreaux, a Committee shall be formed before February 15, 1992, composed of ten members:

- the President of the Paris Bar Association;
- the Chairman of the conférence des bâtonniers;
- the Presidents of the three most representative professional organizations of lawyers as of December 31, 1991;
- the Chairman and one member of the National Commission of conseils juridiques;
- the Presidents of the three most representative professional organizations of conseils juridiques as of December 31, 1991.

This Commission shall appoint its President internally, by secret majority one-round ballot. In the event of a tie in the votes, the oldest candidate shall be elected.

The Commission shall set the date of the election to be held in the last week of March 1992.

The nominations for candidacy must be received by the President of the Commission before March 15, 1992.

The President must, within three days of this date, inform the President of each of the Committees established under Article 259 of the lists of candidates, and he shall notify them immediately to each representative in his district. This notification shall state the date of the election.

ARTICLE 261

The Boards of Directors of the centers for professional training of lawyers shall be extended, with no change in their composition, until the appointment of the new Boards of Directors, which must take place no later than February 29, 1992.

ARTICLE 262

Any certificate of successful completion of the entrance examination for the center for professional training of lawyers and any certificate of aptitude for the legal profession issued before January 1, 1992 shall retain their validity for entry to the new legal profession.

For the 1992 session, the entrance examination for the regional center for professional training and [the tests for] the certificate of aptitude for the legal profession shall be held according to the procedures established prior to January 1, 1992. Docteurs en droit [doctors of law] who, pursuant to the second paragraph of Article 12-1 of the aforementioned Act of December 31, 1971, have direct entry to the tests for the certificate of aptitude for the legal profession are, for this session, exempted from the test provided for under point d of the first paragraph of Article 26 of Decree 80-234 of April 2, 1980, in force prior to January 1, 1992.

For 1992, the program and procedures for the education offered in the regional centers for professional training shall remain those in force prior to January 1, 1992.

ARTICLE 263

The Regional Commissions of conseils juridiques shall establish, on December 31, 1991, the list of persons referred to in the second paragraph of Article 50-VI of the aforementioned Act of December 31, 1971.

ARTICLE 264

The centers for professional training of lawyers shall take responsibility for the organization of professional training sessions with a total duration of at least 200 hours taken by persons on an internship as of January 1, 1992, with a view to entering the former profession of conseil juridique, subject to the agreements in place with all public or private training organizations accredited by the National Commission of conseils juridiques .

ARTICLE 265

The lawyers included on the internship list prior to January 1, 1992 may, upon request, be kept on this list for the remainder of the term provided for under the provisions in force prior to January 1, 1992.

ARTICLE 266

For the purposes of Article 86, the list, which includes the specializations of the former conseils juridiques recognized by the regulations in force prior to January 1, 1992, must be established before October 1, 1992. In the absence of any proposal by the Conseil national des barreaux within the given time limit, the Keeper of the Seals, Minister of Justice, shall be responsible for establishing the list directly.

ARTICLE 267

Members of the new legal profession who can provide proof, by the date of January 1, 1992, of at least five years of practice of a predominantly legal activity in the capacity of an avocat or conseil juridique and who request, pursuant to Article 50-IX of the aforementioned Act of December 31, 1971, the grant of a certificate of specialization, shall be exempted from the knowledge test provided for in Article 12-1 of this same act.

As from January 1, 1992, they may request recognition of one or more specializations corresponding to those in existence for conseils juridiques under the regulations in force prior to that date.

When the predominantly legal activity has been performed for less than five years, its duration shall be taken into account for the calculation of the professional practice required in Article 88 for the granting of the corresponding certificate of specialization. However, the applicant shall still be required to take the knowledge test.

ARTICLE 268

The duration of the performance, as of January 1, 1992, of the activities provided for under the provisions previously in force with a view to claiming a specialization shall be taken into account up to full amount for the calculation of the professional practice required in Article 88 and for the granting of the corresponding certificate of specialization. However, the applicant shall still be required to take the knowledge test.

ARTICLE 269

The provisions of Articles 187 to 199 shall immediately apply to disciplinary proceedings ongoing on January 1, 1992.

ARTICLE 270

The non-suspensive nature of the appeal to the Court of Appeal and the time limit for lodging the appeal shall apply only to decisions handed down by the Court of Appeal as from January 1, 1992.

ARTICLE 271

Applications for registration on the list of conseils juridiques under review on January 1, 1992 by the State Prosecutor shall be transmitted in its present condition to the competent bar association council, accompanied, where appropriate, by the opinion of the State Prosecutor and that of the Regional Commission of conseils juridiques. The opinion of the Regional Commission shall be requested by the bar association council when this has not been done by the State Prosecutor.

ARTICLE 272

Former conseils juridiques are authorized to complete the judicial missions entrusted to them prior to January 1, 1992.

ARTICLE 273

Amended by Decree 2001-650 of July 19, 2001 - Article 76 (Ab)

The persons referred to in Article 49 of the aforementioned Act of December 31, 1971 may enter:

1. The legal profession at the Council of State and at the Court of Cassation without holding the degrees or diplomas required in points 2 and 3 of Article 1 of Decree 91-1125 of October 28, 1991 relating to conditions of entry to the legal profession at the Council of State and at the Court of Cassation and if they can provide proof that they had been registered as of January 1, 1992 in the roll of avocats or in the list of conseils juridique for at least five years; they are also exempted from the requirement provided for in point 4 of the same Article; 2. The profession of avoué près les cours d'appel without holding the degrees or diplomas required in point 5 of Article 1 of Decree 45-118 of December 19, 1945 implementing the provisions governing avoués;
3. The profession of notaire without holding the degrees or diplomas required in point 5 of Article 3 of Decree 73-609 of July 5, 1973 relating to relating to the professional training of notaires and conditions of entry to the office of notary or taking the entrance examination for the center for professional training of notaries as provided for in Article 11 of the same Decree;
4. The profession of legal auctioneer without holding the degrees or diplomas required in point 5 of Article 2 of Decree 73-541 of June 19, 1973 relating to professional training of legal auctioneers and the conditions of access to this profession or taking the entrance examination for internship as provided for in point 6 of Article 2 of the same Decree;
5. The profession of clerk of a commercial court without holding the degrees or diplomas required in point 6 of Article 1 of Decree 87-601 of July 29, 1987 relating to conditions of entry to the profession of clerk of a commercial court;
6. The profession of court bailiff without holding the degrees or diplomas required in point 5 of Article 1 of Decree 75-770 of August 14, 1975 relating to the conditions of entry to the profession of court bailiff;
7. The professions of legal administrator and legal representative in the liquidation of companies without holding the degrees or diplomas as required in Article 4 of Decree 85-1389 of December 27, 1985 relating to court-appointed receivers, court-appointed agents for the liquidation of companies and experts in company diagnosis.

ARTICLE 274

The persons referred to in Article 273, if they are not exempted by the legislation in force for each of the professions concerned, shall still be required to complete the course and the professional examination.

However, pursuant to Article 50-XII of the aforementioned Act of December 31, 1971, former conseils juridiques who wish to enter the profession of notary may be exempted from all or part of the diploma provided for in Article 3 (6) and the courses provided for in Article 4 and in point 1 of the first paragraph of Article 110 of the aforementioned Decree of July 5, 1973, on the recommendation of the Committee provided for in Decree 91-807 of August 19, 1991.

ARTICLE 275

Amended the following provisions:

*Amends CODE OF JUDICIAL ORGANIZATION. - Article R*212-4 (V)*

ARTICLE 276

Amended the following provisions:

*Amends CODE OF JUDICIAL ORGANIZATION. - Article R*212-5 (M)*

Title VIII : Miscellaneous provisions.

ARTICLE 277

The procedure shall be that prescribed for civil matters for anything not governed by this Decree.

ARTICLE 278

Amended the following provisions:

Amends Decree 72-785 of August 25, 1972 - Article 1 (V)

ARTICLE 279

Amended the following provisions:

Creates the Labor Code - Article R221-3 (V)

ARTICLE 280

The provisions of this Decree relating to former Presidents of the Bar and to honorary lawyers shall be applicable, respectively, to former Chairmen of the National Committee of conseils juridiques and to former Presidents of Regional Commissions of conseils juridiques, and to honorary conseils juridiques.

ARTICLE 281

The funds, securities or effects deposited by a lawyer practicing in overseas territories in a deposit account opened at a bank or with the Caisse des dépôts et consignations shall be transferred no later than December 31, 1992 to the Caisse de règlements pécuniaires des avocats [Lawyers' Financial Settlements Fund] established by the bar.

ARTICLE 282

The following are repealed:

Decree 72-468 of June 9, 1972 organizing the legal profession, implementing Act 71-1130 of December 31, 1971 reforming certain legal and judicial professions;

Decree 72-670 of July 13, 1972 relating to the use of the title of conseil juridique;

Decree 72-671 of July 13, 1972 relating to the requirement for insurance and guarantee of the persons registered on the list of conseils juridiques;

Decree 72-783 of August 25, 1972 relating to insurance, the financial guarantee, financial settlements and lawyers' accounts;

Decree 78-305 of March 15, 1978 establishing the Regional Commissions and a National Commission of conseils juridiques;

Decree 80-234 of April 2, 1980 relating to the training of future lawyers and to the certificate of aptitude for the legal profession.

Title IX: Provisions relating to overseas territories.

ARTICLE 282-1

For the purposes of Article 180 in Guadeloupe, Martinique and French Guiana, after each renewal provided for in Article 5, the bar association council shall appoint five standing members to serve on the Disciplinary Council. It shall appoint five alternates under the same conditions.

ARTICLE 282-2

Amended by Decree 2013-444 of May 27, 2013 - Article 3

IN MAYOTTE :

1. Articles 93-1, 99, the second paragraph of Article 101, Articles 101-1 and 200 to 203-1 shall not apply;

The provisions of point 5 of Article 93 insofar as they relate to the knowledge test provided for in the first paragraph of Article 11 of the Act of December 31, 1971 referred to above and the provisions of Article 100 shall only be applicable insofar as they relate to French nationals;

2. For the purposes of Article 52 and point 6 of Article 98, only French degrees and diplomas shall be taken into account;

For the purposes of Article 62, the references to the provisions of the Labor Code shall be replaced by references to provisions of the Labor Code applicable in the Department of Mayotte of the same kind;

For the purposes of Articles 205 and 207, the reference to companies governed by the Insurance Code shall be replaced by a reference to companies governed by Book III of the Insurance Code as amended by Article L. 380-1 of this Code.

ARTICLE 282-3

Created by Decree 2013-444 of May 27, 2013 - Article 4

IN SAINT PIERRE AND MIQUELON :

1. The following articles shall not be applicable: Articles 93-1, 99, the second paragraph of Article 101, Articles 101-1, 118, 119, 121, 200 to 203-1, 235-1, 235-2 and 236 to 242;

The provisions of point 5 of Article 93 insofar as they relate to the knowledge test provided for in the first paragraph of Article 11 of the Act of December 31, 1971 referred to above and the provisions of Article 100 shall only be applicable insofar as they relate to French nationals;

2. For the purposes of Article 52 and point 6 of Article 98, only French degrees and diplomas shall be taken into account;

For the purposes of this Decree, the words: "tribunal de grande instance" and "cour d'appel" shall be replaced by the words: "tribunal de première instance" and "tribunal supérieur d'appel";

3. A lawyer appointed to the office of conseiller territorial in the territorial collectivity of Saint Pierre and Miquelon may not, during the term of this office, perform any act of his profession directly or indirectly against the territorial collectivities, municipalities and their public institutions.

ARTICLE 283

Amended by Decree 2013-444 of May 27, 2013 - Article 5

IN THE ISLANDS OF WALLIS AND FUTUNA :

1. Articles 1 to 49, 51 to 60, 62 to 64, 66 to 71, 84 to 88, 90 to 93, 94 to 98-1, 100, the first paragraph of Article 101, Articles 102 to 117, 120, 122 to 157, 162 to 179-7, 182 to 199, 205 to 242, 246 to 255, 257 to 262, 265 to 270, 272 to 274, 277, 281 and 282 shall be applicable in their wording in force on the day after the publication of Decree 2013-444 of May 27, 2013, subject to the following reservations:

The provisions of point 5 of Article 93 insofar as they relate to the knowledge test provided for in the first paragraph of Article 11 of the Act of December 31, 1971 referred to above and the provisions of Article 100 shall only be applicable insofar as they relate to French nationals;

2. For the purposes of Article 52 and point 6 of Article 98, only French degrees and diplomas shall be taken into account;

For the purposes of Article 62, the references to the provisions of the Labor Code shall be replaced by references to provisions of the same kind applicable locally;

For the purposes of Articles 182 and 187 to 199, the bar association council of Nouméa shall appoint from among its members, after each renewal provided for in Article 5, five standing members and five alternates to serve on the Disciplinary Council;

For the purposes of Articles 205 and 207, the reference to companies governed by the Insurance Code shall be replaced by a reference to the companies governed by Book III of the Insurance Code as amended by Article L. 390-1 of this Code;

For the purposes of this Decree, the words: "tribunal de grande instance" shall be replaced by the words: "tribunal de première instance";

3. A lawyer appointed to the office of conseiller territorial or to the office of membre de l'assemblée territoriale of the islands of Wallis and Futuna may not, during the period of this office or appointment, perform any act of his profession directly or indirectly against the territory, its public institutions or the territorial constituencies.

ARTICLE 283-1

Created by Decree 2013-444 of May 27, 2013 - Article 6

IN FRENCH POLYNESIA:

Articles 1 to 49, 51 to 60, 62 to 64, 66 to 71, 84 to 88, 90 to 93, 94 to 98-1, 100, the first paragraph of Article 101, Articles 102 to 117, 120, 122 to 157, 162 to 179-7, 182 to 199, 205 to 242, 246 to 255, 257 to 262, 265 to 270, 272 to 274, 277, 281 and 282 shall be applicable in their wording in force on the day after the publication of Decree 2013-444 of May 27, 2013, subject to the following reservations:

The provisions of point 5 of Article 93 insofar as they relate to the knowledge test provided for in the last paragraph of Article 11 of the Act of December 31, 1971 referred to above and the provisions of Article 100 shall only be applicable insofar as they relate to French nationals;

For the purposes of Article 52 and point 6 of Article 98, only degrees and diplomas shall be taken into account;

For the purposes of Article 62, the references to the provisions of the Labor Code shall be replaced by references to provisions applicable locally of the same kind;

For the purposes of Articles 182 and 187 to 199, the bar association council of the Bar of Papeete shall appoint from among its members, after each renewal provided for in Article 5, five standing members and five alternates to serve on the Disciplinary Council;

For the purposes of Articles 205 and 207, the reference to companies governed by the Insurance Code shall be replaced by a reference to the companies governed by provisions applicable locally of the same kind;

For the purposes of this Decree, the words: "tribunal de grande instance" shall be replaced by the words: "tribunal de première instance."

ARTICLE 284

Amended by Decree 2013-444 of May 27, 2013 - Article 7

IN NEW CALEDONIA:

1. Articles 1 to 49, 51 to 60, 62 to 64, 66 to 71, 84 to 88, 90 to 93, 94 to 98-1, 100, the first paragraph of Article 101, Articles 102 to 117, 120, 122 to 157, 162 to 179-7, 182 to 199, 205 to 242, 246 to 255, 257 to 262, 265 to 270, 272 to 274, 277, 281 and 282 are applicable in their wording in force on the day after the publication of Decree 2013-444 of May 27, 2013, subject to the following reservations:

   The provisions of point 5 of Article 93 insofar as they relate to the knowledge test provided for in the last paragraph of Article 11 of the Act of December 31, 1971 referred to above and the provisions of Article 100 shall only be applicable insofar as they relate to French nationals;

2. For the purposes of Article 52 and point 6 of Article 98, only French degrees and diplomas shall be taken into account;

For the purposes of Article 62, the references to the provisions of the Labor Code shall be replaced by references to provisions applicable locally of the same kind;

For the purposes of Articles 182 and 187 to 199, the bar association council of Nouméa shall appoint from among its members, after each renewal provided for in Article 5, five standing members and five alternates to serve on the Disciplinary Council;

For the purposes of Articles 205 and 207, the reference to companies governed by the Insurance Code shall be replaced by a reference to the companies governed by provisions of the same kind applicable locally;

For the purposes of this Decree, the words: "tribunal de grande instance" shall be replaced by the words: "tribunal de première instance."

ARTICLE 285

This Decree shall come into force on January 1, 1992, with the exception of Articles 246, 250, 251, 261 and 263, which are immediately applicable.

ARTICLE 286

The Minister of State, Minister for National Education, Minister of State, Minister of the Economy, Finances and Budget, the Keeper of the Seals, Minister of Justice, Minister of Labor, Employment and Professional Training, Minister of Overseas Departments and Territories and the Minister Responsible for the Budget shall be responsible, each within his own purview, for the enforcement of this Decree, which shall be published in the Official Journal of the French Republic.

By the Prime Minister:
ÉDITH CRESSON.

The Keeper of the Seals, Minister of Justice,
HENRI NALLET.

The Minister of State, Minister for National Education,
LIONEL JOSPIN.

The Minister of State, Minister of the Economy, Finances and Budget,
PIERRE BÉRÉGOVOY.

The Minister of Labor, Employment and Professional Training,
MARTINE AUBRY.

The Minister of Overseas Departments and Territories,
LOUIS LE PENSEC.

The Minister Responsible for the Budget,
MICHEL CHARASSE.

Decree 2005-790 of July 12, 2005

RELATING TO THE RULES OF ETHICS OF LEGAL PROFESSION.

NOR: JUSC0520196D

The Prime Minister,

On the report of the Keeper of the Seals, Minister of Justice

Having regard to the Code of Criminal Procedure (code de procédure pénale);

Having regard to the New Code of Civil Procedure (nouveau code de procédure civile);

Having regard to Act 71-1130 of December 31, 1971, as amended, reforming certain legal and judicial professions, in particular Article 53 thereof;

Having regard to Act 91-647 of July 10, 1991, as amended, relating to legal aid;

Having regard to Decree 72-785 of August 25, 1972 relating to solicitation and advertising in connection with the provision of legal consultations and drafting of legal instruments, as amended by Decree 91-1197 of November 27, 1991, organizing the legal profession;

Having regard to Decree 91-1197 of November 27, 1991, as amended, organizing the legal profession;

The Council of State (interior section) in agreement,

TITLE I: ESSENTIAL PRINCIPLES OF THE LEGAL PROFESSION.

ARTICLE 1

The essential principles of the profession shall guide the lawyer's conduct in all circumstances.

ARTICLE 2

The legal profession is a liberal and independent profession, regardless of its mode of practice.

ARTICLE 3

Lawyers shall perform their duties with dignity, conscience, independence, integrity and humanity, in accordance with the terms of their oath.

They shall also respect the principles of honor, loyalty, disinterestedness, collegiality, discretion, moderation and courtesy.

They shall demonstrate, with regard to their clients, skill, dedication, diligence and prudence.

ARTICLE 4

Subject to the strict requirements of their own defense before any court and the cases of declaration or disclosure prescribed or authorized by law, lawyers may not make, in any matter, any disclosure in violation of lawyer-client privilege.

ARTICLE 5

Amended by Decree 2007-932 2007-05-15, Article 25- 1; Official Journal of the French Republic (Journal officiel de la République française - JORF), May 16, 2007

Lawyers must respect the confidentiality of the inquiry and investigation in criminal matters, by refraining from communicating, except for the exercise of the rights of defense, information extracted from the file, or from publishing documents, papers or letters relating to an inquiry or investigation in process.

They may not transmit copies of documents or records from the case file to their client or to third parties, except under the conditions provided for in Article 114 of the Code of Criminal Procedure.

TITLE II: DUTIES TO CLIENTS.

ARTICLE 6

The legal profession shall contribute to access to justice and the law.

Lawyers shall be bound to comply with official appointments and assignments, except in the case of a lawful excuse or impediment accepted by the authority that made the appointment or assignment.

Under an agreement entered into pursuant to Article 57 of the aforementioned Act of July 10, 1991, lawyers may, at the conclusion of a free legal consultation, given at a town hall or a community justice and law centre (maison de justice et du droit), agree to represent the interests of the person they have met with and who requests this.

ARTICLE 7

Lawyers may neither advise, represent nor defend more than one client in the same matter if there is a conflict between the interests of those clients or, except with the parties' agreement, if there is a serious risk of such a conflict.

Save with the written agreement of the parties, they shall refrain from handling the matters of all the clients concerned when there is a conflict of interest, when lawyer-client privilege may be violated or when their independence risks being impaired.

A lawyer may not take on a new client's case if this risks breaching the confidentiality of information given to him by a former client or when the lawyer's knowledge of the former client's affairs would unduly favor the new client.

When lawyers are members of a practice group, the provisions of the preceding paragraphs shall apply to this group as a whole and to all of its members. They shall apply equally to lawyers who practice their profession by pooling resources with other lawyers, as long as there is a risk of violating lawyer-client privilege.

ARTICLE 8

Lawyers must hold a written mandate, except in cases where the law or regulation presumes the existence thereof.

Lawyers shall ascertain in advance the lawfulness of the matter for which they are given a mandate. They shall strictly respect the object of the mandate and ensure that they obtain an extension of their powers from their principal, if circumstances require this.

Lawyers may not, without specific authorization in writing by their principal, conclude settlements in his name and on his behalf or bind him irrevocably by a proposal or an offer to contract.

Lawyers may not use the funds, effects or securities or dispose of the property of their principal unless the mandate expressly stipulates this or, failing that, after having been specifically authorized to do so in writing by their principal.

ARTICLE 9

A lawyer who is the author of a legal instrument shall ensure that the instrument is valid and takes full effect in accordance with the expectations of the parties. He shall refuse to participate in the drafting of an instrument or agreement that is manifestly unlawful or fraudulent. Unless he is released from this obligation by the parties, he shall be bound to undertake the legal formalities required by the instrument that he is drafting and to require the advance payment of the necessary funds.

A lawyer who is the sole author of an instrument shall ensure the interests of the parties are balanced. When he has been engaged by only one of the parties, he shall inform the other party of the opportunity that he or she has to be advised and assisted by another lawyer.

If he has been the sole author while acting as counsel to all the parties, he may not bring or defend legal proceedings concerning the validity, enforcement or interpretation of the instrument he has drafted, unless the dispute originates with a third party.

If he has been the sole author without acting as counsel to all the parties, or if he has participated in its drafting without being the sole author, he may bring or defend legal proceedings concerning the enforcement or the interpretation of the instrument which he has drafted or in the drafting of which he has participated. He may also defend legal proceedings concerning the validity of the instrument.

ARTICLE 9-1

Created by Decree 2011-1997 of December 28, 2011 - Article 3

For the purposes of the provisions of point 1 of Article 170 ter of the General Tax Code (code général des impôts), a letter of engagement shall define the undertakings of each party and, where applicable, the financial conditions of the service. In this letter of engagement, the client shall also authorize the lawyer to submit his annual income tax statement and its appendices electronically and shall agree to submit to the lawyer, in his capacity as trusted third party, all the supporting documents referred to in the same Article 170 ter.

ARTICLE 10

Amended by Decree 2007-932 of May 15, 2007 - Article 25-2; JORF, May 16, 2007

In the absence of an agreement between the lawyer and his client, fees shall be set according to standard practices, depending on the client's financial situation, the difficulty of the case, the expenses incurred by the lawyer, and the lawyer's reputation and services provided. A lawyer who takes on a case may charge his client a fee even if the case is withdrawn from him before its conclusion, to the extent of the work completed.

The lawyer shall inform his client, as soon as he is instructed, and at regular intervals thereafter, of his method for determining fees and of foreseeable changes in the total amount. If necessary, this information shall be included in the fee agreement. Unless the lawyer is acting as a matter of urgency before a court, such an agreement shall be mandatory when the lawyer is compensated, in whole or in part, under a legal expenses insurance contract.

Flat-rate fees may be agreed. The lawyer may receive fees from a client periodically, including flat-rate fees.

Paying for the introduction of business is prohibited.

ARTICLE 11

A lawyer who agrees to take on a case may ask his client for payment of a preliminary retainer to cover his expenses and fees and.

This retainer may not exceed a reasonable estimate of the probable fees and expenses incurred in the case.

In the absence of payment of the retainer requested, the lawyer may decline to take on the case or withdraw from it under the conditions provided for in Article 13. He shall provide his client with any necessary information for that purpose.

ARTICLE 12

The lawyer shall maintain, at all times, for each matter, accurate and separate accounts of fees and of any sums that he may have received and the purpose for which they have been used, except in the case of a global flat-rate fee.

Before any final settlement, the lawyer shall provide a detailed account to his client. This account shall clearly show the expenses and disbursements, priced remunerations and fees. It shall state the amounts previously received as retainers or on any other basis.

An account established in the manner set forth in the preceding paragraph shall also be issued by the lawyer at the request of his client or the President of the Bar, or when required by the President of the tribunal de grande instance [District Court] or the First President of the Court of Appeal, to whom a dispute regarding fees or disbursements or in the area of taxes has been referred.

ARTICLE 13

The lawyer shall see the case for which he has been engaged through to its conclusion, unless released by his client or if he decides not to continue his mission. In the latter case, he shall inform his client of this in a timely manner so that the client's interests are safeguarded.

ARTICLE 14

When the case is completed or he is released from it, the lawyer shall immediately return the documents placed in his custody. Disputes relating to the return of the documents shall be resolved according to the procedure prescribed in regard to the amount and collection of fees.

ARTICLE 15

Lawyers shall be permitted to advertise if such advertising provides information to the public and if it respects the essential principles of the profession in its implementation.

Advertising shall include the dissemination of information on the nature of the services offered, as long as it excludes any form of solicitation.

Lawyers shall be prohibited from sending any personalized offer of service to a potential client.

TITLE III: DUTIES TO THE OPPOSING PARTY AND TO COLLEAGUES.

ARTICLE 16

The lawyer shall comply with the requirements of a fair trial. He shall behave fairly in regard to the opposing party. He shall respect the rights of the defense and the adversarial principle.

Mutual and full disclosure of the pleas of fact, evidence and pleas of law shall take place voluntarily, in due time and in the manner prescribed by the rules of procedure.

ARTICLE 17

If a dispute is likely to result in an amicable solution prior to any proceedings or when an action is pending before a court, the lawyer may not contact or meet with the opposing party without the consent of his client. On this occasion, he shall remind the opposing party of his right to legal counsel and invite him to provide the name of his lawyer. He is prohibited in this respect from making any dishonest representation of the situation or any threat. He may, however, mention the possibility of proceedings.

The lawyer, as the agent of his client, may send any injunction or formal notice to the opposing party of his client.

ARTICLE 18

The lawyer responsible for assisting a client in a negotiation may only hold talks in the presence of his client or with the consent of the latter.

On the occasion of negotiations with a party represented by a lawyer, he may not meet with the party alone, save with the prior consent of his colleague.

ARTICLE 19

Save with the prior consent of the President of the Bar, a lawyer who agrees to succeed a colleague may not defend the interests of his client against his predecessor.

The new lawyer shall strive to have his client settle all amounts that may remain due to a colleague who was previously in charge of the case. If he receives a payment from the client while amounts remain due to his predecessor, he shall inform the President of the Bar of this.

A lawyer who succeeds a colleague acting under the legal aid scheme cannot claim fees unless the client has explicitly waived the benefit of legal aid. He shall inform his client in advance of the consequences of this waiver. Moreover, he shall inform his previously engaged colleague, the bureau d'aide juridictionnelle [legal aid office] and the President of the Bar of his participation.

Issues relating to the compensation of the lawyer originally engaged or the return by the latter of the documents in the case file shall be submitted to the President of the Bar.

TITLE IV: SPECIAL CONDITIONS OF THE PRACTICE OF THE PROFESSION.

ARTICLE 20

A lawyer serving as an aide to a Deputy (collaborateur de député) or as an assistant to a Senator (assistant de sénateur) may not perform any professional act in favor of persons met with while serving in this capacity.

ARTICLE 21

Amended by Decree 2009-1544 of December 11, 2009 - Article 7

Honorary lawyers (avocats honoraires) shall remain subject to the obligations arising from the lawyer's oath.

They may not perform any act of the profession other than giving consultations or drafting instruments, on the authorization of the President of the Bar.

The honorary lawyer may accept any judicial, arbitration, expert opinion or mediation mission. He may also participate in an administrative commission or sit on an examination or promotion panel.

Pursuant to Article L. 723-11-1 of the Social Security Code (code de la sécurité sociale), before he may resume practicing the legal profession, the honorary lawyer shall be registered, at his request, in a bar roll, but shall be exempted from giving the lawyer's oath. For the duration of this practice, he shall not be authorized to use his honorary title.

Upon the termination of this activity, he may again take advantage of his title as honorary lawyer, as long as this has not been withdrawn pursuant to Article 184 of Decree 91-1197 of November 27, 1991, organizing the legal profession.

TITLE V : FINAL PROVISIONS.

ARTICLE 22

Amended the following provisions:

Repeals Decree 91-1197 of November 27, 1991 - Article 155 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 156 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 157 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 158 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 159 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 160 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 161 (Ab)

Repeals Decree 91-1197 of November 27, 1991 - Article 245 (Ab)

ARTICLE 23

Amended the following provisions:

Amends Decree 72-785 of August 25, 1972 - Article 2 (V)

ARTICLE 24

This decree shall be applicable in Mayotte, the islands of Wallis and Futuna, French Polynesia and New Caledonia.

ARTICLE 25

The Keeper of the Seals, Minister of Justice and the Minister of Overseas Territories shall be responsible, each within his own purview, for the enforcement of this decree, which shall be published in the Official Journal of the French Republic.

By the Prime Minister:
DOMINIQUE de Villepin

The Keeper of the Seals, Minister of Justice,
PASCAL Clément

Minister of Overseas Territories,
FRANÇOIS Baroin

Normative decision 2005-003

ADOPTING THE NATIONAL RULES OF PROCEDURE (RIN) OF THE LEGAL PROFESSION

(ARTICLE 21-1[1] OF THE ACT OF DECEMBER 31, 1971, AS AMENDED)

CONSOLIDATED VERSION

- (Normative decision 2007-001 adopted by the General Assembly of the Conseil National des Barreaux on April 28, 2007 - 1st JO (Journal Officiel) publication by decision dated July 12, 2007)[2]
- (Normative decision 2008-002 adopted by the General Assembly of the Conseil National des Barreaux on December 12, 2008)[3]
- (Normative decision 2009-001 adopted by the General Assembly of the Conseil National des Barreaux on April 4, 2009)[4]
- (Normative decision 2009-002 adopted by the General Assembly of the Conseil National des Barreaux on May 16, 2009)[5]
- (Normative decision 2010-001 adopted by the General Assembly of the Conseil National des Barreaux on April 10, 2010)
- (Normative decision 2010-002 adopted by the General Assembly of the Conseil National des Barreaux on May 8, 2010)[6]
- (Normative decision 2010-003 adopted by the General Assembly of the Conseil National des Barreaux on September 24, 2010)[7]
- (Normative decision 2011-001 adopted by the General Assembly of the Conseil National des Barreaux on February 12, 2011)[8]
- (Normative decision 2011-002 adopted by the General Assembly of the Conseil National des Barreaux on June 18, 2011)[9]
- (Normative decision 2011-005 adopted by the General Assembly of the Conseil National des Barreaux on September 24, 2011)[10]

Key:

..... : Text of the National rules of procedure

..... : Reproduction of the provisions of Decree 2005-790 of July 12, 2005 relating to the Rules of Ethics of the legal profession

[1] In its wording deriving from Act 2004-130 of February 11, 2004 reforming the rules governing certain legal or judicial professions - JO Feb. 12, 2004, p. 2847
[2] Decision of July 12, 2007 implementing first publication in the Official Journal - JO August 11, 2007, p. 13503
[3] JO 0109 dated May 12, 2009 page 7875
[4] JO 0109 dated May 12, 2009 page 7875
[5] JO 0133 dated June 11, 2009 page 9503
[6] JO 0133 dated June 11, 2010 page 10739
[7] JO 0133 dated June 11, 2010 page 10739
[8] JO 0005 dated January 7, 2011 page 436
[9] JO 0072 dated March 26, 2011 page 5390
[10] JO 0167 dated July 21, 2011 page 12460 - Decision of June 30, 2011
[11] JO 0252 dated October 29, 2011 page 18262 - Decision of October 5, 2011

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FIRST TITLE: PRINCIPLES

ARTICLE 1

Essential principles of the profession of lawyer

(Act Dec. 31, 1971, Art. 1-l paragraph 3, Art. 3 paragraph 2, Art. 15 paragraph 2; D. July 12, 2005, Art. 1, 2 and 3; D. Nov. 27, 1991, Art. 183)

1.1 Liberal and independent profession

The legal profession is a liberal and independent profession regardless of its mode of practice.

1.2 The lawyer belongs to a bar administered by a bar association council.

1.3 Respect and interpretation of rules

The essential principles of the profession shall guide the lawyer's conduct in all circumstances.

Lawyers shall perform their duties with dignity, conscience, independence, integrity and humanity, in accordance with the terms of their oath.

They shall also respect the principles of honor, loyalty, distinterestedness, collegiality, discretion, moderation and courtesy.

They shall demonstrate, with regard to their clients, skill, dedication, diligence and caution.

1.4 Discipline

Failure to observe any one of these principles, rules and duties, shall, pursuant to Article 183 of the Decree of November 27, 1991, constitute misconduct that may result in disciplinary sanctions.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

1.5 Duty of care

Art. 1.5 created by Normative Decision 2011-002, GA of the Conseil National of 06-18-2011 – Published in the JO by decision of 06-30-2011 - JO July 21, 2011

In all circumstances, prudence requires lawyers not to advise clients of a solution if they are not in a position to assess the situation described, determine for whom this advice or this action is intended, and precisely identify their client.

To this end, the lawyer shall be bound to put in place, at his office, a procedure allowing him to assess, for the entire duration of his relationship with the client, the nature and scope of the legal operation for which his assistance is sought.

When he has reason to suspect that the purpose or result of a legal operation is the commission of an offence, the lawyer must immediately endeavor to dissuade his client from this course. If he fails to do so, he must withdraw from the case.

ARTICLE 1 BIS

Courtesy visits

In accordance with the principle of courtesy, lawyers must, when presenting oral argument before a court outside the jurisdiction of their bar, introduce themselves to the president and magistrate holding the hearing, the president of the bar and the colleague presenting oral argument for the opposing party.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 2

Lawyer-client privilege

(Act Dec. 31, 1971, Art. 66-5; D. July 12, 2005, Art. 4; Criminal Code, Art. 226-13)

2.1 Principles

The lawyer is of necessity the confidante of the client.

Lawyer-client privilege is a matter of public policy. It is general, absolute and unlimited in time.

Subject to the strict requirements of their own defense before any court and the cases of declaration or disclosure prescribed or authorized by the law, lawyers may not make, in any matter, any disclosure in violation of lawyer-client privilege.

2.2 Scope of lawyer-client privilege

Art. 2.2, as amended by Normative Decision 2007-001, GA of the Conseil National of 04-28-2007

Lawyer-client privilege covers in all areas, in the domain of advice or defense, and irrespective of the format, material or intangible (paper, fax, electronic media etc.):

- advice addressed by a lawyer to his client or intended for his client;
- correspondence exchanged between the client and his lawyer, between the lawyer and his colleagues, with the exception of those marked "official";
- interview notes and more generally all documents in the case file, all information and confidences received by the lawyer in the practice of his profession;
- names of clients and the lawyer's diary;
- financial settlements and all handling of funds carried out pursuant to Article 27 paragraph 2 of the Act of December 31, 1971;

- information requested by external auditors or any third parties, (information which may be communicated by the lawyer only to his client).

In public or private calls for tenders and public procurement procedures, the lawyer may mention the names of one or more of his clients with their express, prior agreement.

If the name given in reference is that of a client who was served by this lawyer in the capacity of collaborator with or associate of a law firm in which he has not practiced for at least two years, this lawyer must advise his former firm that he is sending a request for express agreement to this client, at the same time as the request is sent, and indicate in the response to the call for tenders the name of the law firm where the experience was acquired.

No viewing or seizure of documents can take place at the offices of the firm or at the lawyer's residence, except under the conditions of Article 56-1 of the Code of Criminal Procedure (Code de procédure pénale).

2.3 Professional structure, mode of practice and lawyer-client privilege

The lawyer must require the members of his law firm and any other person who cooperates with him in his professional activity to comply with lawyer-client privilege. He shall be accountable for any violations of lawyer-client privilege which may be committed in this manner.

When the lawyer practices in a group or participates in a structure designed to enable the pooling of resources, the lawyer-client privilege shall extend to all lawyers who practice with him and to those with whom he pools resources in the practice of the profession.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 2 BIS

Confidentiality of inquiry and investigation

(D. July 12, 2005 Art. 5; Criminal Code, Art. 434-7-2; Code of Criminal Procedure, Art. 11)

Art. 2a, as amended by Normative Decision 2007-001, GA of the Conseil National of 04-28-2007

Lawyer must respect the confidentiality of the inquiry and of the investigation in criminal matters, by refraining from communicating, except for the exercise of the rights of the defense, information extracted from the file, or from publishing documents, papers or letters relating to an inquiry or investigation in process.

They may not transmit copies of documents or records of the case file to their client or to third parties, except under the conditions provided for in Article 114 of the Code of Criminal Procedure.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 3

Confidentiality – correspondence between lawyers

(Act Art. 66-5)

3.1 Principles

All exchanges between lawyers, whether verbal or in any kind of written form (paper, fax, electronic media,etc.), are by their nature confidential.

Correspondence between lawyers, in whatever form, may not under any circumstances be produced in evidence, nor may it be be the subject of an order to withdraw confidentiality.

3.2 Exceptions

The following may be marked "confidential" and are not covered by lawyer-client privilege, within the meaning of Article 66.5 of the Act of December 31, 1971:

- correspondence amounting to a procedural formality;
- correspondence that makes no reference to any confidential written document, remark or background materials.

Such correspondence must respect the essential principles of the profession defined by Article 1 of these rules.

3.3 Relations with lawyers of the European Union

In his relations with lawyers registered with a bar of a Member State of the European Union, the lawyer is bound to respect the provisions of Article 5-3 of the Code of Conduct for European lawyers, hereinafter Article 21.

3.4 Relations with foreign lawyers

In his relations with lawyers registered with a bar outside of the European Union, the lawyer must, before exchanging confidential information, ensure that in the country where the foreign colleague practices, there are rules ensuring the confidentiality of correspondence and, if this is not the case, enter into a confidentiality agreement or ask his client if he will accept the risk of a non-confidential exchange of information.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 4

Conflicts of interests

(D. July 12, 2005 Art. 7)

4.1 Principles

4.1 Lawyers may neither advise, represent nor defend more than one client in the same matter if there is a conflict between the interests of those clients or, except with the parties' agreement, if there is a serious risk of such a conflict.

Save with the written agreement of the parties, they shall refrain from handling the matters of all of the clients concerned when there is a conflict of interests, when lawyer-client privilege may be violated or when their independence risks being impaired.

A lawyer may not take on a new client's case if this risks breaching the confidentiality of information given to him by a former client or when the lawyer's knowledge of the former client's affairs would unduly favor the new client.

When lawyers are members of a practice group, the provisions of the preceding paragraphs shall apply to this group as a whole and to all of its members. They shall apply equally to lawyers who practice their profession by pooling resources with other lawyers, as long as there is a risk of violating lawyer-client privilege.

The same rules apply between the collaborating lawyer, for his personal files, and the lawyer or the practice structure with whom or with which he collaborates.

4.2 Definition

CONFLICTS OF INTERESTS

There is a conflict of interest:

- in the capacity of advisor, when, on the day of receiving his instruction, the lawyer, who is bound to give his clients complete, honest information, without reservations, cannot complete his task without compromising, whether in the analysis of the situation presented, in the use of the recommended legal means, or in realizing the outcome sought, the inte-rests of one or several parties;
- in the area of representation and defense, when, on the day of receiving his instruction, assisting several parties would lead the lawyer to present a different defense, notably in its development, argumentation and purpose, from the defense he would have chosen if entrusted with the interests of a single party;
- when a modification or development of the situation initially submitted to him reveals to the lawyer one of the issues referred to above.

RISK OF CONFLICT OF INTERESTS

There exists a serious risk of conflict of interests, when a foreseeable modification or development of the situation initially presented to him makes the lawyer fear the occurrence of one of the issues referred to above.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 5

Compliance with the adversarial principle

(D. July 12, 2005, Art. 16; New Code of Civil Procedure Art. 15 and 16)

5.1 Principle

The lawyer shall comply with the requirements of a fair trial. He shall behave fairly in regard to the opposing party. He shall respect the rights of the defense and the adversarial principle.

Mutual and full disclosure of the pleas fact, evidence and pleas of law shall take place voluntarily, in due time and in the manner prescribed by the rules of procedure.

A lawyer shall correspond electronically with a colleague using the address appearing on the professional documents of his correspondent.

5.2 This rule shall apply to the lawyer:

- before all courts, including those where the services of a lawyer are not obligatory and where the principle of oral hearings is the norm.
- before the Banking Commission;
- the Autorité des Marchés Financiers [Financial Markets Authority];
- in a general way, before all bodies or organs having judicial power of whatever nature.

5.3 Provisions applicable to criminal proceedings

Regarding public prosecutions before criminal courts, the parties' lawyers shall disclose their pleas of law or fact and their evidence to the public prosecutor and to the lawyers of the other parties by the end of the investigation at the hearing at the latest.

If, in criminal proceedings, the defendant or the accused brings a plea of an objection to proceedings or absolute bar to proceedings, his lawyer must disclose his pleas of law and evidence promptly to allow contradiction in due time by the defending party of the objection or bar to proceedings, unless such disclosure compromises the plea raised, in which case the general rule recalled above shall apply and must be respected by the lawyer of the defendant or the accused.

5.4 Relations with opposing parties

A lawyer responsible for introducing proceedings against a party whose counsel is known to him, must advise his colleague beforehand, to the extent that so advising him does not harm his client's interests.

In the course of the proceedings, the lawyer's relations with his colleague defending the opposing party must be founded on the principles of courtesy, loyalty and collegiality governing the legal profession.

A lawyer who enters an appeal against a decision rendered by a criminal court must immediately inform his colleagues connected with the case. The same shall be true for motions for invalidity.

The same shall be true for any appeal in a civil matter and, more generally, for the exercise of any remedy or any proceedings on the merits of a case.

5.5 Disclosure of documents

Disclosure of documents shall take place using originals or photocopies.

Documents must be numbered, bear the lawyer's stamp and be accompanied by a form dated and signed by the lawyer.

Disclosure takes place under the following conditions:

- any documents that are in foreign languages must be accompanied by a loose translation; in the event of a dispute, a sworn translator shall be applied to;
- the above-mentioned pleas of fact and law may be disclosed in the form of a notice, submission or file of oral arguments;
- case law and legal opinion shall be produced in evidence if they have not been published; if they have been published, full references shall be disclosed to the other lawyers.

Disclosure of documents may be done electronically, by submission of any digital storage medium, or by email, if the effective receipt thereof by the addressee can be proven.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

SECOND TITLE: ACTIVITIES

ARTICLE 6

Scope of the lawyer's professional activity

(Act Dec. 31, 1971, Art. 6, 6a, 54 to 56; D. July 12, 2005, Art. 8; New Code of Civil Procedure, Art. 411 to 417)

6.1 Definition of the scope of activity

As an officer of the court and key player in the universal practice of law, the lawyer is called upon to intervene on a professional basis in all areas of civil, economic and social life, while respecting the essential principles governing the profession.

He may collaborate with other professionals in the performance of tasks necessitating a combination of diverse skills, both within the framework of time limited, precisely-defined interventions and through participation in a structure or organization of an inter-professional nature.

6.2 Tasks

He assists and represents his clients in court, and before any administration or person charged with a public service mandate, without a requirement to produce a written authority, subject to the exceptions provided for in the statutory and regulatory texts.

He shall provide his clients with any advice and assistance which has as its primary or subsidiary purpose, the implementation of legal rules or principles, the drafting of instruments, negotiation and the management of contractual relations.

He may accept judicial missions.

He may perform tasks for natural persons or legal entities acting in the form of or on behalf of trust funds or any instrument for administering special-purpose funds.

He may equally be assigned a task as arbitrator, expert, mediator, conciliator, custodian, voluntary liquidator or executor of an estate.

When he is assigned an arbitration task, he must in addition ensure that he complies with the specific rules which govern arbitration proceedings; he must in particular respect procedural time limits and the confidentiality of deliberations, and must himself observe and require that others observe the adversarial principle and the principle of the equality of all parties to the proceedings.

In performing these tasks, he remains subject to the essential principles and must in particular ensure he preserves his independence.

6.2.1 Fiduciary activity

(Act Art. 27, para. 4; D. Nov. 27, 1991 Art. 123, 205 para. 2 and 3, 209-1, 231 para. 2; Civ. c. Art. 2011 et seq.)

Created by DCN 2009-001, GA of the Conseil National of 04-03-2009, Published in the JO by Decision of 04-24-2009 - JO May 12, 2009

6.2.1.1 Principles

The trustee lawyer remains, in the practice of this activity, subject to the duties of his oath and to the essential principles of his profession as well as, more generally, to the whole of the provisions of the current national rules of procedure.

Within the framework of his fiduciary task, the lawyer may not practice an activity which is incompatible with his profession within the meaning of Articles 111 et seq. of the Decree of November 27, 1991.

6.2.1.2 Declarations to the Bar Association

The lawyer who intends to practice in a fiduciary capacity must personally take out special insurance to cover both his professional civil liability and the restitution of the funds, effects, titles and securities concerned. He then makes the declaration to the bar council by letter addressed to the president of the bar providing proof of the special insurance taken out.

The president of the bar immediately acknowledges receipt of this declaration.

Each year the lawyer provides proof to the president of the bar that the insurance cover has been maintained.

6.2.1.3 Correspondence

In all correspondence, in whatever format, that he prepares strictly within the framework of his fiduciary activity, the lawyer must explicitly state his status as trustee. He must furthermore draw the attention of the recipient to the fact that correspondence exchanged with him in connection with this task will not be confidential vis-à-vis the supervisory bodies of the trust.

Correspondence which is not marked "official", addressed to the trustee lawyer by a colleague who has not been advised of his status as trustee, shall remain confidential within the meaning of Article 3 of these rules and be covered by lawyer-client privilege within the meaning of Article 66-5 of the Act of December 31, 1971.

6.2.1.4 Protection of lawyer-client privilege

The lawyer practicing in a fiduciary capacity remains subject to lawyer-client privilege, but must take all necessary measures to allow judicial, administrative and council authorities to carry out the controls and verifications prescribed by the statutory and regulatory provisions in this domain without infringing lawyer-client privilege and the confidentiality of correspondence connected with other activities of his firm and those who practice within it.

In particular he must use a separate letterhead and ensure that trust files are clearly and precisely identified, and that they are arranged and filed separately from other files. Likewise, all IT media used for the trust activity must be exclusively devoted to this activity and clearly identified.

6.2.1.5 Specific obligations of the trustee lawyer

Identification of the parties

The lawyer verifies the identity of the contracting parties and the actual beneficiaries of the transaction. He informs them about Articles 6.2.1.1 et seq. of the National rules of procedure.

Conflicts of interest shall be evaluated in relation to the grantor and the beneficiary or beneficiaries. A lawyer designated by the grantor as a third party, under the meaning of Article 2017 of the Civil Code, may not belong to the same governing structure as the one to which the trustee lawyer belongs.

COMPENSATION

In the trust agreement, the lawyer's compensation must be distinguished from that of the other participants.

ACCOUNTING

The activities of the trustee lawyer must be recorded in accounts that are separate from his professional and personal accounts and from his CARPA (Lawyers' Financial Settlements Fund) sub-account. The fiduciary activity may be the subject to an accounting control in accordance with Article 17.9 of the Act of December 31, 1971.

Each trust shall be the subject of an identified and clearly separate account in the accounts maintained by the lawyer.

DUTY OF COMPETENCE

The lawyer is obligated to follow a specific training in matters related to the performance of his duties as trustee.

6.2.2 : Activity of the personal data protection officer

(Act 78-17 of Jan. 6, 1978, Art. 22; D. 2005-1309 of Oct. 20, 2005, Art. 49 et seq.)

Created by Normative Decision 2009-002, GA of the Conseil National of 05-16-2009, Published in the JO by Decision of 05-28-2009 - JO June 11, 2009

6.2.2.1 Principles

In his activity as personal data protection officer, the lawyer remains bound to respect the essential principles and conflict of interest rules.

6.2.2.2 Duties

The lawyer serving as personal data protection officer must end his mission if he feels that he cannot fulfill it, after having first informed and carried out the necessary steps with the person responsible for the data processing; under no circumstances may he expose his client.

6.3 Mandates

Independently of these tasks, he may receive a mandate from his clients under the conditions set out below.

The lawyer must hold a written mandate except in cases where the statutory or regulatory provision presumes the existence thereof.

He may receive a mandate to negotiate, act and sign in the name and on behalf of his client. Such a mandate must be specific and consequently cannot be general in nature.

He may be appointed as his client's tax representative.

He may assist or represent his client at a deliberative assembly or collegiate body, provided that he first advises the lawyer of the legal entity or, failing that, its legal representative or the author of the notice to attend.

He may accept a deposit or a contractual or judicial assignment as escrow agent.

He must refuse to accept as a deposit or into escrow any manifestly unlawful or fraudulent instrument.

The written mandate must determine the nature, scope and duration of the lawyer's task, the conditions and methods of implementation of the end of the lawyer's task, as well as the terms and condidtions of his compensation.

When the lawyer is the custodian or escrow agent of funds, effects or securities, he must immediately deposit them in the Lawyers' Financial Settlements Fund or in the "escrow" account of the president of the bar, with a copy of the deposit or escrow agreement.

Lawyers shall ascertain in advance the lawfulness of the operation for which they are given a mandate. They shall strictly respect the object of the mandate and ensure that they obtain an extension of their powers from their principal, if circumstances require this. If the lawyer finds himself unable to carry out the mandate entrusted to him, he must immediately inform the principal to this effect.

6.4 Obligations and prohibitions regarding mandates

Lawyers may not, without specific authorization in writing by their principal, conclude settlements in his name and on his behalf or bind him irrevocably by a proposal or offer to contract.

Lawyers may not use the funds, effects or securities or dispose of the property of their principal unless the mandate expressly stipulates this or, failing that, after having been specifically authorized to do so in writing by their principal.

The lawyer shall be prohibited from acting as a nominee (prête-nom) and from carrying out brokerage operations - any activity of a commercial nature being incompatible with the practice of the profession. The lawyer may only accept a portfolio management mandate or property management mandate on an ancillary and occasional basis and after having informed the president of his bar.

6.5 Training - education

The lawyer may organize any training or educational activity or participate in such activity.

6.6 Online legal services

6.6.1 Online services

The provision of online legal services by a lawyer is defined as a personalized service to a regular or new client.

It may be offered in accordance with the stipulations of Article 15 of the Decree of July 12, 2005. The name of the participating lawyer must be communicated to the user before the conclusion of any contract for the provision of legal services.

6.6.2 Identification of participants

When a lawyer is consulted or approached online by a person seeking legal services, it is his responsibility to verify the identity and characteristics of a person to whom he replies, in order to respect lawyer-client privilege, avoid conflicts of interest and provide information that is tailored to the person making the inquiry. The lawyer who replies must always be identifiable.

6.6.3 Communication with the client

The lawyer who provides online legal services must always be in a position to enter personally and directly into a relationship with the internet user, in particular if the request which is transmitted to him appears poorly worded, in order to ask the client the necessary questions or make suggestions which would lead to him providing a service tailored to his needs.

6.6.4 Payment for the lawyer's services

6.6.4.1 Lawyer creator of a legal services website

A lawyer who creates, operates or is the majority contributor, alone or with colleagues, to the creation and operation of an online legal services website may freely collect any compensation from the clients of this site; he may, if necessary, collect such compensation via one of the financial establishments providing online payment security, insofar as this also allows the identification of the client.

6.6.4.2 Lawyer listed by an online legal services website

The lawyer listed by an online legal services website may be called upon to contribute a flat-rate sum for this site's operating expenses, to the exclusion of any compensation determined on the basis of fees charged by the lawyer to clients with whom the site put him in contact.

6.6.4.3 Lawyer providing services via website

The lawyer who provides legal services intended for the clients of a telematics company must ensure that these services fall under a single domain of legal information.

If he provides a consultation within the meaning of Title II of the amended Act of December 31, 1971, he must do so while respecting lawyer-client privilege and the rule of conflict of interests. He may give power of attorney to the telematics company to collect on his behalf the fees due to him. Flat-rate expenses which the lawyer has agreed with the aforesaid company to pay may be, on this occasion, deducted from his fees.

In any case, the lawyer who participates in the website of a third party, is listed thereon or is the target of a hypertext link thereon, must verify that its content conforms to the principles which govern the profession, and inform the Bar Association to this effect. If such is not the case, he must cease his participation.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 7

Drafting of instruments

(Act Art. 54, 55; D. July 12, 2005, Art. 9)

7.1 Definition of author

"Author" shall mean the lawyer who prepares, alone or in collaboration with another professional, a legal instrument for one or several parties, whether or not assisted with advice, and who obtains their signature on this act.

The simple fact that a lawyer draws up a draft instrument which is then signed without him being present, shall not give rise to a presumption that he is the author thereof.

The lawyer may state his name and title on the instrument drafted by him, or in the drafting of which he participated, if he believes himself to be the intellectual author of it. Such a statement shall imply by operation of law the application of these provisions.

7.2 Author's obligations

A lawyer who is the author of a legal instrument shall ensure that the instrument is valid and takes full effect in accordance with the parties' expectations. He shall refuse to participate in the drafting of an instrument or agreement that is manifestly unlawful or fraudulent. Unless he is released from this obligation by the parties, he shall be bound to undertake the legal or regulatory formalities required by the instrument that he is drafting and to require the advance payment of the necessary funds.

A lawyer editor who is the sole author of an instrument shall ensure the interests of parties are balanced. When he has been engaged by only one of the parties, he shall inform the other party of the opportunity that he or she has to be advised and assisted by another lawyer.

7.3 Disputes

The lawyer who has been the sole author of an instrument shall not be presumed to have acted as counsel to all of the signatory parties.

He shall not be the sole author if the party other than the party he represents was assisted by counsel, whether or not a lawyer.

If he has been the sole author while acting as counsel to all parties, he may not bring or defend legal proceedings concerning the validity, enforcement or interpretation of the instrument he has drafted, unless the dispute originates with a third party.

If he has been the sole author without acting as counsel to all the parties, or if he has participated in its drafting without being the sole author, he may bring or defend legal proceedings concerning the enforcement or the interpretation of the instrument which he has drafted or

in the drafting of which he has participated. He may also defend legal proceedings concerning the validity of the instrument.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 8

Relations with opposing parties

(European Convention on Human Rights Art. 6; D. July 12, 2005, Art. 17 and 18)

8.1 Principle

Each person has the right to be advised and defended by a lawyer.

8.2 Friendly settlement

If a dispute is likely to result in an amicable solution prior to any proceedings or when an action is pending before a court, the lawyer may not contact or meet with the opposing party without the consent of his client. On this occasion, he shall remind the opposing party of his right to legal counsel and invite him to provide the name of his lawyer. He is prohibited in this respect from making any dishonest representation of the situation or any threat. He may, however, mention the possibility of proceedings.

The lawyer, as the agent of his client, may send any injunction or formal notice to the opposing party of his client.

Contact with the opposing party may only take place by letter, which may be transmitted electronically, after checking the recipient's email address, recalling the recipient's right to consult a lawyer and inviting him to provide the name of his counsel

These rules shall also apply to all telephone calls, which may not be initiated by the lawyer.

8.3 Proceedings

When proceedings are contemplated or in progress, the lawyer may only meet with the opposing party after having advised this party of the advantages of being advised by a lawyer.

If the opposing party has expressed an intention to call upon a lawyer, this lawyer must be invited to participate in any meeting.

In the context of proceedings in which no lawyer has been instructed for the opposing party, or a dispute in connection with which no lawyer has come forward, the lawyer may, as his client's agent, send any injunction or formal notice to the opposing party or respond thereto.

When a lawyer has been instructed for an opposing party, or in connection with a dispute for which a lawyer has come forward, the lawyer must correspond only with his colleague.

However, in cases where this is allowed by specific texts or procedures, the lawyer may send letters which constitute procedural documents to the opposing party, provided that he simultaneously sends them to the opposing party's lawyer.

8.4 Talks

The lawyer responsible for assisting a client in a negotiation may only hold talks in the presence of his client or with the consent of the latter.

On the occasion of negotiations with a party represented by a lawyer, he may not meet with the party alone, save with the prior consent of his colleague.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 9

Successive lawyers in the same case

(D. July 12, 2005 Art. 19)

9.1 New lawyer

A lawyer who receives the offer of a case must verify whether one or more colleagues were dealing with this case previously, as the client's defense lawyer or counsel.

A lawyer who agrees to succeed a colleague must, before taking any step in the proceedings, inform the colleague in writing and inquire about possible sums still due to him.

9.2 Lawyer withdrawn from case

A lawyer who has had a case withdrawn from him, and having no right of retention, must immediately transmit all the elements required to gain full knowledge of the case.

9.3 Relations with the client

Save with the prior consent of the President of the Bar, the lawyer who agrees to succeed a colleague may not defend the interests of his client against his predecessor.

The new lawyer shall strive to have his client settle all amounts that may remain due to a colleague who was previously in charge of the case. If he receives a payment from the client while amounts remain due to his predecessor, he shall informs the President of the Bar of this.

A lawyer who succeeds a colleague acting under the legal aid scheme cannot claim fees unless the client has expressly waived the benefit of legal aid. He shall inform his client in advance of the consequences of this

waiver. Moreover, he shall inform his previously retained colleague, the bureau d'aide juridictionnelle [legal aid office] and the President of the Bar of his participation.

Issues relating to the compensation of the lawyer originally engaged or the return by the latter of the documents in the case file shall be submitted to the President of the Bar.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 10

Advertising

(D. July 12, 2005, Art. 15; Act December 31, 1971, Art. 66-4; D. August 25, 1972)

Amended by Normative Decision 2010-002, GA of the Conseil National of 05-08-2010, Published in the JO by Decision of 05-20-2010 - JO June 11, 2010

10.1 General principles

Functional advertising intended for publicizing the legal profession and the bar associations comes under the jurisdiction of the representative institutions of the profession.

Lawyers shall be permitted to advertise if such advertising gives information to the public and if it respects the essential principles of the profession in its implementation.

Advertising shall include the dissemination of information on the nature of the service offered, as long as it excludes any form of solicitation.

10.2 Prohibitions

Lawyers shall be prohibited from performing any act of solicitation, as defined in Article 1 of Decree 72-785 of August 25, 1972, irrespective of the area to which it relates.

Lawyers shall be prohibited from sending any personalized offer of service to a potential client.

Personal advertising by the lawyer may only take the form of flyers, posters, cinema films, radio or television broadcasts.

Irrespective of the form of advertising used, the following shall be prohibited:

- any misleading advertising or advertising containing inaccurate or false information;
- any laudatory or comparative comments;
- any comments likely to give the appearance of a professional qualification that has not been recognized;
- any comments likely to create in the public mind the appearance of a practice structure which does not exist;
- any references to functions or activities that are unconnected to the practice of the legal profession;
- any comments likely of breach lawyer-client privilege;
- any statements which are against the law.

10.3 Forms of advertising

The lawyer may use all legal means for his personal advertising, on condition that the provisions of these articles are also respected.

In particular the following shall be authorized:

- sending, by post or electronically, general information letters regarding the firm, its activities, law and case law;
- publication of announcements or advertisements, designed to disseminate technical information on an occasional basis, such as a lawyer's setting up in new premises, the arrival of a new associate, participation in an authorized group, or the opening of a secondary office;
- publication, in directories or in the press, of advertising inserts, under the condition that their presentation, placement and content are not likely to mislead the public or to constitute an act of unfair competition;
- distribution of the firm's presentation brochure;
- affixing a plaque or other media, of reasonable dimensions, signaling, at the entrance of the building, the location of the firm.

Drafts of advertising inserts or plaques must, prior to any publication or distribution, be sent to the bar association council.

10.4 Content of the advertisement

10.4.1

Any document, irrespective of the media, used for the lawyer's correspondence or personal advertising, must state, in an immediately visible or accessible manner, information concerning his identity and contact details, the location of his office and the bar with which he is registered, together with, where applicable, the practice structure to which he belongs and the network of which he is a member.

10.4.2 Documents used for correspondence

Any document used solely for the correspondence of the lawyer may also state:

- first and last name of other lawyers who practice at the firm, or, in a distinctive manner, those who have practiced there;
- subject to their agreement, the name and function of members of non-lawyer professionals collaborating in a

regular and significant way with the firm;

- university titles, and French and overseas higher education diplomas and positions;
- foreign languages spoken;
- ordinal or professional powers of attorney currently or previously held;
- the regulated legal profession previously practiced;
- the title the use of which is regulated abroad and allows practice, in France, of the legal profession.
- area(s) of law in which the lawyer is holder of a duly acquired and currently valid certificate of specialization;
- in such case, any logo or distinctive sign which would be established by the Conseil National des barreaux to symbolize the status of specialist lawyer;
- indication of any secondary office(s) or establishment(s), or any subsidiary(ies);
- participation in structures for pooling resources, in a group (GIE, GEIE), or in organic connections, on condition however that these references correspond to professional realities and to the agreements filed with the bar association;
- the firm's organization and internal structures;
- the firm's logo, the logo of the profession and, subject to the agreement of the president of the bar, the logo of the bar to which the lawyer belongs;
- "Management de la qualité" ("Quality management") certification, exclusively referring to the ISO standard and to the model adopted, the logo and name of the certifying body and the registration number with this body.

10.4.3 Documents used for advertising

Any document used for the lawyer's personal advertising may, in addition to the references authorized for correspondence, state:

- length of service in the profession of each of the lawyers practicing in the law firm;
- areas of activity, legal or judicial, actually practiced, the use, in this connection, of the words "specialist," "specialized," "specialty" or "specialization," as well as of any symbol associated with these words in the conditions referred to above, being exclusively reserved for areas of activity for which the lawyer is holder of a duly acquired and currently valid certificate of specialization;
- method for setting fees;
- participation of lawyers in legal education activities or related to the profession;
- the list of secondary offices and establishments and the list of overseas correspondents subject, for these correspondents, to each of them having an agreement registered with the Bar Association.

10.5 Additional provisions related to professional directories

Any lawyer may appear in the general section of commercial professional directories and, where relevant, in each of the specialist sections for which he holds a duly acquired and currently valid certificate of specialization.

A lawyer, or a law firm, may appear in the directory for the department in which the main law firm is located and, as applicable, in the directory for the department where the secondary office is located.

A lawyer belonging to an inter-bar company may only appear individually in the sections corresponding to the bar with which he is registered in a private capacity.

10.6 Additional provisions related to internet advertising

A lawyer who starts or amends a website must immediately inform the bar association council to this effect and communicate to it the domain names which allow access thereto.

The domain name must contain the name of the lawyer or the exact name of the firm, which may be followed or preceded by the word, "avocat."

The use of domain names referring in a generic way to the title of avocat or to a title which could give rise to confusion, or to an area of law or an activity performed by lawyers, shall be prohibited.

Site content must comply with the provisions of point 10.4 of this Article.

The lawyer's site may not contain any advertisement or advertising banner, other than for the profession, for any product or service whatsoever.

It may not contain a hypertext link giving access directly or indirectly to sites or the pages of sites the content of which is contrary to the essential principles of the legal profession. It is up to the lawyer to make sure of this by regularly visiting sites and pages to which hypertext links found on his site give access, and immediately making all necessary arrangements to delete them if this site is found to be contrary to the essential principles of the profession.

It is the responsibility of the lawyer to declare any hypertext he is contemplating creating to the bar association council.

A lawyer participating in a blog or an online social network must respect the essential principles of the profession as well as all the provisions of this Article.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 11

Fees – remunerations – disbursements – method of payment of fees

(Act Art. 10; D. July 12, 2005, Art. 10, 11 and 12; D. Nov. 27, 1991, Art. 174 et seq.)

11.1 Determination of fees

In the absence of an agreement between the lawyer and his client, fees shall be set according to standard practices, depending on the financial situation of the client, the difficulty of the case, the expenses incurred by the lawyer, and the lawyer's reputation and services provided. A lawyer who takes on a case may charge his client a fee even if the case is withdrawn from him before its conclusion, to the extent of the work completed.

11.2 Informing the client

The lawyer informs his client, as soon as he is instructed, and at regular intervals thereafter, of his method for determining fees and of foreseeable changes in the total amount. If necessary, this information shall be included in the fee agreement. Unless the lawyer is acting as a matter of urgency before a court, such an agreement shall be mandatory when the lawyer is compensated, in whole or in part, under a legal expenses insurance contract.

ELEMENTS OF COMPENSATION

The lawyer's compensation depends, in particular, on each of the following elements in accordance with standard practices:

- time spent on the case,
- research work,
- nature and difficulty of the case,
- importance of the interests at stake,
- impact of expenses and charges by the law firm to which he belongs,
- his reputation, titles, length of service, experience and specializations held,
- the benefits and result obtained for the client by his work, as well as the service rendered to the client,
- the client's financial situation.

11.3 Methods for determination of fees

AUTHORIZED METHODS

Flat-rate fees may be agreed. The lawyer may receive fees from a client periodically, including flat-rate fees.

PROHIBITED METHODS

The lawyer is prohibited from setting his fees using a pactum de quota litis.

A pactum de quota litis is an agreement between the lawyer and his client entered into prior to a final judicial decision, which sets the full amount of his fees according to the judicial result of the case, regardless of whether these fees consist of a sum of money or any other benefit or value achieved.

The lawyer may only collect fees from his client or from the client's agent.

Paying for the introduction of business is prohibited.

11.4 Retainers for expenses and fees

A lawyer who agrees to take on a case may ask his client for payment of a preliminary retainer to cover his expenses and fees.

This retainer may not exceed a reasonable estimate of the probable fees and expenses incurred in the case.

In the absence of payment of the retainer requested, the lawyer may decline to take on the case or withdraw from it under the conditions provided for in Article 13 of the Decree of July 12, 2005. He shall provide his client with any necessary information for that purpose.

11.5 Fee sharing

CONSULTED LAWYER

The lawyer who does not confine himself to introducing a client to another lawyer, but instead entrusts a case to a colleague or seeks the colleague's advice, is personally bound to pay the fees, expenses and disbursements which are due to this colleague, in respect of services performed by this colleague at his request. The lawyers concerned may, nevertheless, from the outset and in writing, make an agreement to the contrary. Furthermore, the first lawyer may, at any time, limit, in writing, his personal responsibility to the total sums due as of the date when he excludes his responsibility for the future.

Unless otherwise stipulated, the provisions of the above paragraph shall apply to relations between a lawyer and any other party whose advice is sought or to whom a task is entrusted.

JOINT DRAFTING OF DOCUMENTS

As regards the drafting of documents and when a document is prepared jointly by several lawyers, the services of advice and assistance provided by each participant may only be paid by the client or by a third party acting at his direction or on his behalf.

In case it is standard practice that drafting fees are entirely the responsibility of one of the parties and on the condition that the instrument expressly stipulates it, fees must be, unless otherwise agreed, shared equally between the lawyers having participated in the drafting.

PROHIBITED FEE SHARING

The lawyer shall be prohibited from sharing a fee in whatever form with natural persons or legal entities who are not lawyers.

11.6 Methods of payment of fees

Fees are paid under the conditions set forth in the statutory and regulatory provisions, notably in cash, by check, bank transfer, promissory note or bank card.

The lawyer may receive payment by bill of exchange as long as this is accepted by the drawee, the lawyer's client.

Endorsement may only be for the benefit of the lawyer's bank, and for the sole purpose of collection of the funds.

The lawyer who is the bearer of an unpaid bill of exchange may take action before the Commercial Court. Nevertheless, if a fee claim is disputed, the lawyer must refer the matter to the president of the bar for the purposes of taxation and apply for a stay of proceedings before the Commercial Court.

11.7 Final detailed account

The lawyer shall maintain at any time, for each matter, accurate and separate accounts of fees and of any sum that he may have received and the purpose for which they have been used, except in the case of a global flat-rate fee.

Before any final settlement, the lawyer presents a detailed account to his client. This account shall clearly show the expenses and disbursements, priced remunerations and fees. It shall state the amounts previously received as retainers or on any other basis.

An account established in the manner set forth in the preceding paragraph shall also be issued by the lawyer at the request of his client or the President of the Bar, or when required by the President of the tribunal de grande instance [District Court] or the First President of the Court of Appeal, to whom a dispute regarding fees or disbursements or in the area of taxes has been referred.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 12

Ethics and practice of the lawyer in matters concerning court-ordered sales

Amended by Normative Decision 2008-002, AG of the Conseil National of 12-12-2008, Published in the JO by Decision of 04-24-2009 - JO May 12, 2009

12.1 Common provisions

A lawyer brought in to draft the terms and conditions of a sale (foreclosure) or the terms and conditions of sale (auction), or in connection with court-ordered liquidation, with a view to filing with the clerk's office, must use the model clauses as appended below bearing general provisions for these instruments, subject to any modification which may be required by a particular characteristic relating to the nature of the case, the status of the parties, or the situation of the property.

12.2 Auctions

The lawyer must verify his client's identity and legal situation, and if the client is legal entity, seek proof of its existence, the scope of its purpose and the powers of its representative.

The lawyer may not place bids for persons who have conflicts of interest.

The lawyer may not, in particular, place bids for a single item on behalf of several principals.

When a lawyer is the successful bidder on behalf of one person, he may not agree to make a higher bid on behalf of another person, save with the written agreement of the initial successful bidder.

In case of a successful bid on a co-owned lot, it shall be the responsibility of the bidding lawyer to notify the lot's managing agent.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 13

Rules governing avocats honoraires [honorary lawyers]

(D. July 12, 2005, Art. 21; D. Nov. 27, 1991, Art. 109, 110 and 184)

Honorary lawyers (avocats honoraires) shall remain subject to the obligations arising from the lawyer's oath.

13.1 Obtaining the title

The title of honorary lawyer may, at the request of the interested party, be conferred by the bar association council, on a lawyer having been registered in the natural persons section of the roll and having practiced for twenty years the profession of avocat [lawyer], avoué

près le tribunal de grande instance [attorney with rights of audience before the District Court] or conseil juridique [legal counselor].

Under no circumstances can the honorary title be granted to or retained by anyone who undermines or has undermined the essential principles of the profession.

The honorary title may not be refused or withdrawn without the lawyer who is seeking an honorary title or who is already an honorary lawyer has been duly summoned before the bar association council.

If the ground for withdrawal of the title ceases to exist, the interested party may present a new request to the bar association council.

13.2 Prerogatives

Honorary lawyers, members of the bar association, are registered on the special list of honorary lawyers of the bar.

They have the right to wear the robe, for elections, ceremonies and official events.

They participate in general assemblies with a right to vote.

They have the right to vote in the election of the President of the Bar and of the members of the bar association council and of the members of the Conseil National des Barreaux.

Honorary lawyers have access to the bar association library and services.

They may obtain an honorary lawyer's card issued by the bar association.

13.3 Activities and tasks

They may be assigned by the President of the Bar or the bar association council to any task or activity useful to the administration of the bar association, its members' interests or the general interests of the profession.

They may not perform any act of the profession other than giving advice or drafting documents, on the authorization of the President of the Bar.

The honorary lawyer may accept any judicial, arbitration, expert opinion or mediation mission. He may also participate in an administrative commission or sit on an examination or promotion panel.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

THIRD TITLE: PRACTICE AND STRUCTURES

ARTICLE 14

Rules governing independent or employed collaborating lawyers

(Act SME August 2, 2005, Art. 18; Act Dec. 31, 1971, Art. 7; D. Nov. 27, 1991, Art. 129 to 153)

14.1 Definitions of independent practice in collaboration and as an employee

Amended by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010 - JO January 7, 2011

Independent practice in collaboration is a method of professional practice exclusive of any relationship of subordination, by which a lawyer devotes a part of his activity to the law firm of one or several lawyers.

The independent collaborating lawyer may complete his training and establish and develop a personal clientele.

Practice as an employee is a method of professional practice in which there exists a relationship of subordination only for the determination of working conditions.

The employee lawyer may not have personal clients, with the exception of legal aid clients in missions for which he is appointed by the president of the bar.

The employment contract for the employee lawyer is regulated by labor law and by the collective agreement signed February 17, 1995, for all provisions other than those of the Act of December 31, 1971, as amended and of the Decree of November 27, 1991, as well as by the essential principles of the profession.

14.2 Guiding principles

Amended by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010, - JO January 7, 2011 – Formal modification relating to the scope of application provided by the Decision of March 10, 2011 - JO March 26, 2011

CONDITIONS FOR ESTABLISHMENT OF THE INDEPENDENT COLLABORATION AGREEMENT OR EMPLOYMENT CONTRACT

Any independent collaboration agreement or contract of employment must be set out in writing and submitted for verification, within fifteen days (or two weeks) of its being signed, to the bar association council of the bar with which the independent collaborating lawyer or employee lawyer is registered.

The same applies for any supplemental agreement which constitutes a novation or amendment of the contract.

The bar association council may, within a one-month time limit, require the lawyers to modify the agreement in order to bring it into compliance with the professional rules.

STRUCTURE OF THE AGREEMENT OR CONTRACT

The independent collaboration agreement or contract of employment must lay down conditions ensuring:

- the right to training under the continuing professional development requirement and in particular the acquisition of a specialization;
- the lawyer-client privilege and independence called for by the lawyer's oath;
- the right to ask to be released from a mission which is contrary to his conscience;
- the possibility for the independent collaborating lawyer to establish and develop a personal clientele, without a corresponding financial outlay.

The agreement or contract must also prescribe :

- the duration of and conditions for practice: duration of the trial period, which cannot exceed three months including renewal for the independent collaborating lawyer, the notice period in cases of termination as set in Article 14.4 below for the independent collaborating lawyer, length of leave as defined by the collective agreement for the employee lawyer and duration of paid rest days for the independent collaborating lawyer (five weeks, unless otherwise agreed);
- terms of compensation and reimbursement of professional expenses incurred on behalf of the law firm;
- terms for covering absences of the independent collaborating lawyer or employee lawyer due to illness or maternity.

The agreement or contract may not include provisions:

- waiving in advance obligatory provisions;
- limiting subsequent freedom of establishment;
- limiting professional obligations regarding legal aid;
- stipulating the contribution of the independent collaborating lawyer to costs incurred in the development of his professional clientele during the first five years of professional practice;
- likely to undermine the independence called for by the lawyer's oath.

The president of the bar will be able to authorize the holding of two or more independent collaboration agreements concurrently after having received all guarantees on the conditions of practice, independence and confidentiality.

It shall be compulsory for the independent collaboration agreement to include a clause prescribing the referral of disputes to the president of the bar as conciliator.

Irrespective of the duration of the independent collaboration agreement, the parties will meet, at the request of one among them, at least once a year to discuss the possible development of their relationship.

14.3 The agreement

Amended by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010 - JO January 7, 2011 , Amended by Normative Decision 2011-001, GA of the Conseil National of 02-12-2011 - JO March 26, 2011

INDEPENDENCE

The law firm and the independent collaborating lawyer determine the conditions of the material organization of the collaborating lawyer's work. These conditions must take into account the time and effective resources required to manage the independent collaborating lawyer's personal clientele.

Under the same conditions they determine the legal approach to be taken in cases entrusted to the collaborating lawyer.

The independent collaborating lawyer or employee lawyer shall remain free to choose the arguments that he develops and the advice that he gives.

If these arguments are contrary to those which would be developed by the lawyer with whom he is in collaboration would develop, he is bound to inform the other lawyer of this, prior to acting.

Should the disagreement persist, out of respect for the principles of trust, loyalty and discretion, the independent collaborating lawyer or employee lawyer must return the case.

It may be agreed that a dual signature or stamp of approval be placed on all instruments, correspondence, studies or consultation documents.

WITHDRAWAL DUE TO CONSCIENCE

The independent collaborating lawyer or employee lawyer may ask the lawyer with whom he is collaborating or to employer to be released from a task that he considers contrary to his conscience or likely to undermine his independence.

The request to withdraw must be expressed sufficiently early so as not to disrupt the progress of the case.

Abuse of right, characterized by systematic refusals not connected with a significant change in the law firm's approach, shall be referred to the president of the bar for assessment.

PERSONAL CLIENTELE

The independent collaborating lawyer may establish and develop a personal clientele.

He may not assist or represent a party whose interests conflict with those of a client of the law firm with whom he is collaborating.

The lawyer with whom he collaborates must place at his disposal, under the normal conditions of use, the material resources required for his collaboration and the development of his personal clientele.

During the first five years of professional practice, the independent collaborating lawyer may not be asked for any financial contribution due to the costs generated in managing his personal clientele.

The employee lawyer may neither establish nor develop personal clientele; he must devote himself exclusively to handling the cases which are entrusted to him during the performance of his employment contract and to the legal aid and assignment of counsel missions for which he has been appointed.

TRAINING

Ethical and professional training is a right and an obligation of a independent collaborating lawyer or an employee lawyer, with which the law firm must comply.

Under the collaborating lawyer's continuous professional training obligation, he must be allowed the necessary time to undertake the training of his choice from the options provided for in Article 85 of the amended Decree of November 27, 1991.

The independent collaborating lawyer or employee lawyer may, in particular during his first years of practice after taking the oath, receive suitable training by the law firm for the cases which are entrusted to him by the said law firm.

This training, if it is carried out in accordance with the conditions determined by the decisions taken by the Conseil National des Barreaux pursuant to Article 85 of the aforesaid Decree of November 27, 1991, may be validated under the mandatory continuous professional training obligation.

The independent collaborating lawyer must inform the law firm within which he practices of the external training sessions that he wishes to take, no later than two weeks before their start.

SPECIALIZATION

The independent collaborating lawyer or employee lawyer must be allowed sufficient time to take any necessary training session for the acquisition of a specialization.

The law firm must endeavor to entrust work to him, in accordance with the contractually defined conditions, that is relevant to the specialization(s) he is seeking, if the independent collaborating lawyer or employee lawyer wishes to acquire them within the framework of Article 88 of the Decree of November 27, 1991.

TRAINING-RENUNCIATION

The independent collaborating lawyer or employee lawyer who decides to end his contract after having benefited from training provided outside of the law firm and financed by the law firm may not, in principle, be asked for compensation in this respect.

Nevertheless, such compensation could be provided for contractually if the training received is exceptional in duration and cost. In this case, the independent collaborating lawyer or employee lawyer may request a reduction of this compensation if it is excessive or its complete elimination if it constitutes an obstacle to his subsequent freedom of establishment.

Compensation may be requested for a maximum period of two years after the training has been received.

FEE SHARING (RÉTROCESSION D'HONORAIRES), COMPENSATION AND INDEMNITY FOR LEGAL AID AND ASSIGNMENT OF COUNSEL MISSIONS

INDEPENDENT COLLABORATING LAWYER

• Fee sharing

The fees shared by the law firm with the independent collaborating lawyer may be fixed or consist of a fixed portion and a variable portion.

During his first two years of professional practice, the independent collaborating lawyer must receive shared fees which cannot be less than the minimum set by the bar association council of the bar to which he belongs.

• Legal aid compensation

The independent collaborating lawyer shall keep the compensation paid to him for all completed legal aid missions for his personal clientele or within the context of appointments by the president of the bar.

• Illness

In the event of the unavailability of the independent collaborating lawyer for health reasons in the course of a single calendar year, for a maximum of two months the independent collaborating lawyer shall receive his customary shared fees, less the daily allowances paid under any collective benefits plan of the bar or mandatory individual plan.

• Maternity leave

An independent collaborating lawyer who is pregnant shall have the right to suspend her collaboration for at least sixteen weeks for the birth of the child, divided at her discretion between the periods before and after the birth, with a minimum of six weeks after the birth.

The pregnant independent collaborating lawyer shall receive during the sixteen-week suspension period her customary shared fees, with the sole deduction of any allowances paid under any collective benefits plan of the bar or obligatory individual plan.

• Paternity leave

The independent collaborating lawyer shall have the right to suspend his collaboration for eleven consecutive days, extended to eighteen consecutive days in case of multiple births or adoptions, beginning in the four months following the birth or arrival in the home of the child.

He shall notify the lawyer with whom he is collaborating one month before the start of the suspension.

The independent collaborating lawyer shall receive during the period of suspension his customary shared fees, with the sole deduction of up to the full amount of the daily allowance received under the health insurance plan for professional occupations.

EMPLOYEE LAWYER

The collective agreement defines the minimum wage and conditions for covering absences for illness or maternity.

The employment contract may provide for the legal aid compensation due to the employee lawyer, for missions for which he was appointed by the president of the bar, to be paid to him in addition to his compensation.

It may equally be agreed that the compensation for assistance with access to a lawyer (aide à l'intervention de l'avocat) for missions carried out outside working hours will be kept by the employee lawyer to defray expenses.

In the absence of any stipulation in the employment contract, the employee lawyer shall receive the compensation agreed upon between the parties and the compensation received directly from public interest missions concurrently.

SUBSEQUENT FREEDOM OF ESTABLISHMENT

Any stipulation limiting the subsequent freedom of establishment is prohibited.

In the two years following termination of the contract, the independent collaborating lawyer or employee lawyer must advise the law firm in which he practiced previously, prior to providing lending assistance to a client of this law firm.

Client means a person with whom the former independent collaborating lawyer or employee lawyer came into contact during the performance of the contract.

The former independent collaborating lawyer or employee lawyer must avoid any practice of unfair competition.

14.4 Termination of the agreement or contract

INDEPENDENT COLLABORATING LAWYER

Amended by Normative Decision 2010-002, GA of the Conseil National of 05-08-2010, Published in the JO by Decision of 05-20-2010 - JO June 11, 2010

Amended by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010 - JO January 7, 2011

Unless otherwise agreed by the parties, either party may put an end to the collaboration agreement by advising the other at least three months in advance.

This time limit is increased by one month per year beyond three full years of service, without exceeding six months.

These time limits do not have to be observed in the event of a flagrant, serious violation of the professional rules.

The notice period shall be one week in case of termination during the trial period.

Periods of paid leave, which cannot be taken before notification of the termination, may be taken during the notice period.

As from the declaration of pregnancy and until the end of the period of suspension of the agreement for the birth, the independent collaboration agreement cannot be terminated except in the event of a serious violation of the professional rules which is unrelated to the pregnancy.

EMPLOYEE LAWYER

The law relating to termination of employment shall apply to the employee lawyer in both form and substance.

The collective agreement regulates the conditions for termination of the employment contract with regard to notice period and severance compensation.

ADDRESS FOR SERVICE AFTER TERMINATION OF THE CONTRACT

Irrespective of the cause for termination of the contractual relationship, the independent collaborating lawyer or employee lawyer may keep his address for service at the law firm that he has left until he has informed the bar association council of his new practice conditions, for a maximum of three months.

Even after this period, his correspondence shall be forwarded to him normally and his new postal address and telephone details transmitted to those who ask for them.

14.5 Settlement of disputes

Amended by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010 - JO January 7, 2011

The president of the bar of the place of registration of the independent collaborating lawyer or employee lawyer shall have jurisdiction over disputes which have arisen during the performance or upon termination of the collaboration agreement or employment contract.

The president of the bar or his agent shall hear the parties, assisted by their counsel as the case may be, as quickly as possible.

In the absence of conciliation, the procedure laid down in Articles 142 et seq. of the Decree of November 27, 1991 shall be followed.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 15

Professional residence

Created by Normative Decision 2011-005, GA of the Conseil National of 10-24-2011 - Published in the JO by Decision of October 5, 2011 - JO of 10/29/2011

15-1 Main office

(D. Nov. 27, 1991, Art. 165)

The lawyer registered in the bar association roll must have an office within the jurisdiction of this bar which conforms to standard practice and which allows professional practice in observance of the essential principles of the profession. He must also ensure strict compliance with lawyer-client privilege and provide proof of an email address.

The bar association council may temporarily authorize the lawyer, for a duration that it shall set, to have professional residence either in premises assigned by the bar association, or in the premises of the law firm of another lawyer within the jurisdiction of the same bar. A written agreement relating to such residence shall establish the conditions under which the premises shall be made available and for the forwarding of mail and correspondence addressed to the lawyer. It must first be approved by the bar association council.

The lawyer thus resident must inform the bar association council of the address of his private residence.

15.2 Secondary offices

(Act Art. 8-1 and 8-2; D. Nov. 27, 1991, Art. 166 to 169)

15.2.1 Definition

The secondary office is a permanent professional facility, separate from the principal law firm.

An establishment created by an inter-bar company other than its registered office within the place of registration in the roll of one of its associates is not a secondary office within the meaning of Article 8-I of the Act of December 31, 1971.

15.2.2 Principles

The opening of one or more secondary offices is lawful in France and overseas, subject to Article 8.II of the amended Act of December 31, 1971.

The secondary office must fulfill the general conditions of the professional residence and correspond to an effective practice.

15.2.3 Opening of a secondary office

A lawyer wishing to open a secondary office must inform the bar association council to this effect. He must also inform it of the closure of a secondary office.

OFFICE LOCATED IN FRANCE

The lawyer must apply for authorization from the bar association council of the bar in the jurisdiction of which he plans to establish himself.

The application for authorization must contain all the information required to allow the bar association council of the host bar to verify the conditions of practice of the professional activity and in particular the name of the lawyers practicing in the secondary office.

The application for authorization must include copies of the employee lawyers' employment contracts and the collaboration agreements of the collaborating lawyers who will practice in the secondary office. It is submitted against receipt or sent by registered letter with return receipt requested to the bar association council of the host bar and to his own bar association council.

The bar association council of the host bar shall rule within three months of receipt of the application. Failing that, authorization is deemed to have been granted. In this case, the lawyer is required to notify the bar association council of the host bar and the bar association council of his own bar of the actual opening of his secondary office.

Likewise, he is required to notify the bar association council of his own bar of any modification of his professional practice in his secondary office, including its closure and any issue arising with the host bar.

OFFICE LOCATED OVERSEAS

- Opening of a secondary office in the European Union (Directive 98/5/EC of Feb. 16, 1998)

The lawyer who establishes a secondary office in another Member State of the European Union shall declare it to the bar association council of his bar of origin.

- Opening of a secondary office outside the European Union

The lawyer who wishes to establish a secondary office in a country outside the European Union must seek prior authorization from the Bar association council of his home bar, which must rule within three months of receipt of the application. Failing that, authorization is deemed to have been granted.

He provides his bar association council with all documents supporting his application in the host State and the authorization of the competent authority of this State, as well proof of of civil liability insurance covering his activities overseas.

15.2.4 Advertising

The lawyer authorized to open a secondary office where he actually practices may state this on his letterhead and in all authorized advertising media.

15.2.5 Contributions

The lawyer authorized to open a secondary office in France, outside the jurisdiction of his bar, may be liable to pay an annual subscription to the host bar set by its bar association council.

15.2.6 Disputes regarding fees

Disputes regarding fees come under the jurisdiction of the president of the bar to which the lawyer belongs.

15.2.7 Discipline

The lawyer remains subject to discipline by his bar association for his professional activity in the secondary office.

He must comply, for his activity in the secondary office, with the rules of procedure of the host bar, which may withdraw the authorization to open a secondary office, by a decision open to appeal in accordance with Article 16 of the Decree of November 27, 1991.

The lawyer registered with a French bar who is established in another Member State of the European Union remains subject to discipline by his host bar.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 16

Networks and other multidisciplinary agreements

(Act Art. 67; D. Nov. 27, 1991, Art. 111)

16.1 Definition of a multidisciplinary network

The lawyer may be a member or correspondent of a multidisciplinary network under the conditions stated in this Article.

He may not participate in a structure or entity the purpose or effective activity of which is the practice in common of several liberal professions, current French law excluding any participation by a lawyer in such a structure or entity.

For the purposes of this text, any organization, whether structured or not, formal or informal, formed on a long-term basis between one or several lawyers and one or several members of another liberal profession, whether regulated or not, or any enterprise, with a view to promoting the provision of complementary services to a clientele developed in common, shall constitute a multidisciplinary network.

The existence of such a multidisciplinary network with regard to the French rules of practice of the legal profession presupposes a common economic interest shared by its members or correspondents, which is deemed to exist when at least one of the following criteria is observed:

- common use of a name or of any other distinctive sign such as a logo or graphic charter;
- publication and/or use of documents intended for the public which present the group or each of its members and which refer to multidisciplinary skills;
- use of common or shared business assets insofar as such use is likely to have a significant impact on the professional practice;
- existence of a significant common client base linked to reciprocal prescriptions;
- technical, financial or marketing cooperation agreement.

The term "lawyer" includes lawyers of a foreign bar or having a title recognized as the equivalent in their home country.

16.2 Principles

The lawyer or legal structure which is a member of a multidisciplinary network must ensure that the network's function does not undermine the essential principles of the legal profession and the statutory and regulatory texts which are applicable to him. Failing that, he or it must withdraw from the network.

Under no circumstances may the operating of the network undermine the lawyer's independence and he shall be responsible for the effective application of this principle.

The following activities shall in particular be deemed to undermine the lawyer's independence, whether done directly or indirectly:

- agreeing to be a party to a mechanism leading to a distribution or sharing of profits or to a redistribution of compensation in France or overseas with non-lawyer professionals;
- agreeing to a relationship of subordination of the lawyer or a hierarchical control of the performance of his tasks by other non-lawyer professionals, in particular those pursuing activities of a commercial nature.

A lawyer who is a member of a multidisciplinary network must ensure in all matters that his invoicing specifically identifies the value of his own service.

16.3 Lawyer-client privilege

Lawyers who are members of a multidisciplinary network must be able to provide proof at the request of the president of the bar under which they practice that the organization of the entire network does not call into question the rules of lawyer-client privilege.

16.4 Conflicts of interest

A lawyer participating in a multidisciplinary network must ensure that adequate procedures for the identification and management of conflicts of interest are followed.

In a general way, a lawyer who is a member of a multidisciplinary network remains bound to observe all of the provisions of Article 4 of these rules relating to conflicts of interest.

Observance of the rules relating to conflicts of interest, which is incumbent on lawyers, pursuant to the provisions of Article 4, must be evaluated not in relation to a single law firm, but in relation to the whole of the network.

16.5 Name

The lawyer who is a member of a multidisciplinary network must ensure that confusion is not created in the public's mind between his professional practice and the practice of other professionals participating in the network.

The lawyer who is a member of a practice group which participates in a network remains subject to the statutory and regulatory provisions relating to the use of the name or business name of this group.

In order to ensure that the public are fully informed, its name or business name shall be different from the name of its network and it must clearly state its membership of this network.

16.6 Scope

A lawyer may take part in a multidisciplinary network consisting exclusively of members of the regulated liberal professions on the sole condition of compliance with this Article.

A lawyer may only take part in a multidisciplinary network not consisting exclusively of members of the regulated liberal professions on the condition that it has made a prior declaration to this effect to the bar association with which he is registered, this declaration being accompanied by the information and documents referred to in Article 16.8

The bar association must submit anyl observations within two months of receipt of the declaration.

16.7 Incompatible activities

A member lawyer of the network cannot enter in violation with Article

111 (a) of Decree 91-197 of November 27, 1991 relative to the principle of incompatibility of the legal profession, with any activities of a commercial nature; directly or by an intermediary.

When a lawyer is affiliated with a national or international network, meeting the definition in Article 16.1. above, and which does not exclusively provide advice services, he must ensure before providing a service on behalf of a person whose accounts are statutorily controlled or certified by another member of the network in the capacity of external auditor, or in a similar capacity, that the latter is informed of his involvement in order to allow him to comply with the provisions of Article L. 822-11 of the Commercial Code, and its implementing provisions.

The same applies to the provision of a service to a person who is controlled or who controls, within the meaning of I and II of Article L. 233-3, the person whose accounts are certified by the said external auditors.

16.8 Transparency

Lawyers or firms of lawyers who are members of a multidisciplinary network must file with their bar association all of the agreements or company documents allowing this bar association to gain, on a case by case basis, necessary and adequate information on the entire legal, economic and financial structure of the network, irrespective of the law applicable to it and the country or countries in which it operates:

- general organizational chart of the network showing the different entities but also the partnership agreements between members of the network;
- summary statement allowing an understanding of the role played by the different entities and agreements

referred to above;

- summary description of the professions and trades to which the members of the network belong;
- list of members;
- description of the network's decision-making bodies;
  - organizational chart of the decision-making bodies, where appropriate distinguishing organizations by country (how the different professions participating in the network are organized for France), international organizations by trade (how lawyers of different countries are organized) and international organizations.
  - or the various decision-making bodies: manner of election, terms of office and actual powers.
- description of the modes of contribution to expenses and profits:
  - how the various components of the network contribute (directly or indirectly) to the financing of French law firms (e.g.: own funds, loans, fees for services, assuming a share of the financing of charges incumbent on law firms) and, reciprocally, how French law firms contribute to the financing of other components of the network;
  - how the associates of the French law firm have a direct or indirect interest in the profits of the other legal entities belonging to the network (e.g.: share in the profits through service structures, valuation of holdings, pension systems, in particular in the form of consultancy contracts).
- description of the information entered in the databases and procedures relating to access:
- description of the measures put in place in order to ensure internal control of compliance with the Ethics Rules (e.g.: conflicts of interest, risk of undermining independence, means of avoiding profiting passively from solicitation carried on by other members);
- proof of the existence for all members of the network of individual or group professional civil liability insurance coverage, excluding in principle any joint liability between members of different professions.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 17

Structures of inter-bar practice

17.1 Forms

Inter-bar practice structures may take the form of an association or company composed of lawyers belonging to different bars.

17.2 Representation of parties

The inter-bar structure shall represent parties before each court via the services of one of its members registered with the bar established under this court.

17.3 Registration

Inter-bar governing structures are registered in the roll of the bar of their registered office and in the annex to each of the rolls of the bars under which the lawyers of the said structure may represent parties.

17.4 Employment contract

Employment contracts of employee lawyers shall be submitted against receipt or sent by registered letter with return receipt requested to the council of the bar association with which the employee lawyer is registered, as well as with the bar association council of the structure's headquarters.

17.5 Conflict

In case of conflict, the bar association council of the bar to which the employee lawyer belongs may only reach a decision after having sought the opinion of the bar association council of the structure's headquarters.

17.6 Accounting control

Accounting controls are carried out at the headquarters of the inter-bar structure.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

FOURTH TITLE: INTERPROFESSIONAL COLLABORATION

ARTICLE 18

Interprofessional collaboration

18.1 General principle

The lawyer who participates periodically in the performance of a task requiring a variety of divergent skills by collaborating with professionals who are not lawyers may for that purpose enter into an agreement with those non-lawyer professionals and the mutual client designed to organize the terms and conditions of this collaboration.

Within the meaning of the provisions appearing under this title, the words "other professional" are used to refer to any natural person or any governing structure practicing another liberal profession, whether or not regulated by the law.

18.2 Interprofessional ethics

Subject to reciprocity resulting from the adoption by the professionals concerned of the principles set out below, the lawyer is under an obligation to apply, in his relations with another professional, the rules of collegiality, loyalty and courtesy in practice within his profession.

In particular he shall undertake to refrain from criticizing in the presence of the mutual client or a third party the content or quality of the services provided by the other professional without first having sought the observations of the other professional.

Subject to the same conditions, a lawyer who collaborates with one or more other professionals must endeavor not to undermine, by his actions or conduct, the Ethics Rules by which these professionals are bound, or make it more difficult for the professionals with whom he collaborates to observe them.

The lawyer may not intervene in a domain for which another professional holds exclusive jurisdiction in accordance with the legal texts which govern his profession. He may nevertheless take responsibility for the coordination of the task by ensuring that the work is allocated in accordance with the interests of the client in such a manner that each issue is handled by the professional most qualified to respond to it.

18.3 Independence and incompatible activities

As collaboration between members of different professions may only take place in the strict respect of the rules of independence applicable to each of the professionals concerned, the lawyer may not accept either a relationship of hierarchical control of his services by another professional or any interference whatsoever in the organization and functioning of his firm on the part of the professionals with whom he collaborates.

Before agreeing to participate in a task of a multidisciplinary nature, the lawyer must ensure that the conditions under which his participation is contemplated are not likely to undermine the rules of independence formulated by his professional regulations, both vis-à-vis other participants and the client having assigned the common task.

He must ensure that he does not participate directly or indirectly, in any approach consisting of recommending benefits, services or products of a commercial nature, offered by third parties, to the client.

He must respect both the rules regarding incompatible activites which are specific to his profession and the rules which are applicable to other professionals.

18.4 Confidentiality of correspondence

Prior to corresponding on a confidential basis with another professional, the lawyer must ensure that he obtains from the latter an undertaking guaranteeing the confidentiality of such confidential correspondence.

The lawyer must in any event respect the confidential nature of correspondence received from another professional on condition that express reference is made to its confidential nature by its being marked "confidential".

As a consequence, he may not hand over to anyone a copy of correspondence issued by one of the professionals acting within the framework of a common mission insofar as this correspondence was characterized as confidential by its author. He may not refer to confidential correspondence in a document which is not itself confidential.

This rule applies both to the correspondence itself and to any documents which may be attached to it, unless otherwise expressly mentioned. It does not, however, have the inherent effect of prohibiting verbal references to non-confidential information or direcctions contained in the correspondence and documents sent.

18.5 Lawyer-client privilege

The fact that a lawyer is collaborating with other professionals in the performance of a common task may not lead in whatsoever manner to a violation of lawyer-client privilege.

In particular, the fact that confidential information is known by several persons bound by lawyer-client privilege is not sufficient to free the professionals concerned from their obligation of confidentiality towards third parties.

Thus, only information communicated or received within the framework of the common task and which is necessary for its performance may be exchanged between professionals participating in a common task, and only between them.

If the lawyer considers that the fact that the client has made certain information confidential is likely to hinder the proper progress of the common task, it shall be his responsibility to assess conscientiously whether he can continue his involvement under these conditions provided that he informs the client to this effect.

18.6 Professional civil liability

The lawyer must be ensure that services provided by him in connection with the common task are effectively covered by his professional civil liability insurance contract.

He may not be a party to a common task agreement containing a several liability clause for participants; each professional participating in a common task must be personally solely liable for his participation and services provided.

Prior to accepting the common task, he must ask each of the other professionals to inform him of the amount of their professional liability insurance cover, as well as the contact details of their insurance company.

18.7 Transparency of compensation

The lawyer may receive only the equitable compensation for services that he provides to the exclusion of any compensation deducted from the work of another participant.

With a view to ensuring the transparency of invoicing for services performed by various participants, the compensation of each of them must be individualized and brought to the client's attention.

The lawyer may not act as guarantor of payment regarding the other participants, nor may he initiate collection on their behalf.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

FIFTH TITLE: LAWYER SERVING AS AN AIDE TO A DEPUTY OR ASSISTANT TO A SENATOR

ARTICLE 19

(D. July 12, 2005, Art. 20)

A lawyer serving as an aide to a Deputy (collaborateur de député) or assistant to a Senator (assistant de sénateur) may not perform any act of the profession in favor of persons met while serving in this capacity.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

SIXTH TITLE: RELATIONS BETWEEN LAWYERS BELONGING TO DIFFERENT BARS

ARTICLE 20 -

Resolution of disputes between lawyers of different bars

20.1 Resolution of ethical disputes

Amended by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010 - JO January 7, 2011

If an ethical issue which has arisen between lawyers of different bars cannot be settled by the joint recommendation of their respective presidents of the bar within four weeks of the referral of the matter to them, the lawyers shall refer this issue to the president of a third-party bar within eight days (or one week).

In the absence of agreement on the choice of president, the president of the third-party bar shall be appointed by the chairman of the Conseil National des Barreaux at the request of the first president of the bar to act.

The president of the bar thus chosen or appointed shall make his recommendation known in writing, within four weeks of the referral of the matter to him, to the lawyers concerned as well as to their respective presidents of the bar who will ensure that this recommendation is followed, by commencing disciplinary proceedings, where necessary.

The time limits provided for above shall be reduced by half in emergency cases expressly reported by the president of the bar to whom the matter was first referred.

20.2 Resolution of professional disputes

Created by Normative Decision 2010-003, GA of the Conseil National of 09-24-2010 - JO January 7, 2011

If the dispute concerns the professional practice of lawyers, and in the absence of conciliation, the procedure provided for in Articles 179-1 et seq. of the Decree of November 27, 1991 shall be followed.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

ARTICLE 21

Code of Conduct for European lawyers

Art. 21, as amended by Normative Decision 2007-001, GA of the Conseil National of 04-28-2007

The Council of the Bars and Law Societies of the European Union adopted this Code of Conduct, the text of which follows, in Strasbourg on October 28, 1988 and amended it in Lyon on November 28, 1998, Dublin on December 6, 2002 and Porto on May 19, 2006.

Its rules concern lawyers of the European Union, as defined by Directive 77/249/EEC and Directive 98/5/EC.

French lawyers must apply the provisions of the code in their judicial and legal activities in the European Union in their relations with other lawyers of the European Union, whether these take place within the boundaries of the European Union or outside of these boundaries, subject to the said lawyers belonging to a bar or law society which has formally agreed to be bound by this Code.

In these relations, the rules laid down by Article 21.5.3 of the European Code of Conduct below, and relating to correspondence between colleagues not belonging to bars of the same Member State of the European Union, shall apply to the exclusion of all others.

This is thus the case if correspondence is exchanged between two lawyers of French nationality, one of whom belongs to a French bar, the other, exclusively, to a non-French bar of the European Union.

→Comments (formulated in Normative Decision 2007-001 of April 28, 2007)

CODE OF CONDUCT FOR EUROPEAN LAWYERS

TABLE OF CONTENTS

21.1 PREAMBLE

21.1.1 The Function of the Lawyer in society

In a society founded on respect for the rule of law the lawyer fulfills a special role. The lawyer's duties do not begin and end with the faithful performance of what he or she is instructed to do so far as the law permits. A lawyer must serve the interests of justice as well as those whose rights and liberties he or she is trusted to assert and defend and it is the lawyer's duty not only to plead the client's cause but to be the client's adviser. Respect for the lawyer's professional function is an essential condition for the rule of law and democracy in society.

A lawyer's function therefore lays on him or her a variety of legal and moral obligations (sometimes appearing to be in conflict with each other) towards:

- the client:
- the courts and other authorities before whom the lawyer pleads the client's cause or acts on the client's behalf;
- the legal profession in general and each fellow member of it in particular;
- the public for whom the existence of a free and independent profession, bound together by respect for rules made by the profession itself, is an essential means of safeguarding human rights in face of the power of the state and other interests in society.

21.1.2 The Nature of Rules of Professional Conduct

21.1.2.1

Rules of professional conduct are designed through their willing acceptance by those to whom they apply to ensure the proper performance by the lawyer of a function which is recognised as essential in all civilised societies. The failure of the lawyer to observe these rules may result in disciplinary sanctions.

21.1.2.2

The particular rules of each Bar or Law Society arise from its own traditions. They are adapted to the organisation and sphere of activity of the profession in the Member State concerned and to its judicial and administrative procedures and to its national legislation. It is neither possible nor desirable that they should be taken out of context nor that an attempt should be made to give general application to rules which are inherently incapable of such application.

The particular rules of each Bar and Law Society nevertheless are based on the same values and in most cases demonstrate a common foundation.

21.1.3 The Purpose of the Code

21.1.3.1

The continued integration of the European Union and European Economic Area and the increasing frequency of the cross-border activities of lawyers within the European Economic Area have made necessary in the public interest the statement of common rules which apply to all lawyers from the European Economic Area whatever Bar or Law Society they belong to in relation to their cross-border practice. A particular purpose of the statement of those rules is to mitigate the difficulties which result from the application of "double deontology", notably as set out in Articles 4 and 7.2 of Directive 77/249/EEC and Articles 6 and 7 of Directive 98/5/EC.

21.1.3.2

The organisations representing the legal profession through the CCBE propose that the rules codified in the following Articles:

- be recognized at the present time as the expression of a consensus of all the Bars and Law Societies of the European Union and the European Economic Area;
- be adopted as enforceable as soon as possible in accordance with national or EEA procedures in relation to the cross-border activities of the lawyer in the European Union and European Economic Area;
- be taken into account in all revisions of national rules of deontology or professional practice with a view to their progressive harmonization.

They further express the wish that the national rules of deontology or professional practice be interpreted and applied whenever possible in a way consistent with the rules in this Code.

After the rules of this Code have been adopted as enforceable rules in relation to a lawyer's cross-border activities the lawyer will remain bound to observe the rules of the Bar or Law Society to which he or she belongs, to the extent that they are consistent with the rules in this Code.

21.1.4 Field of application Ratione Personae

This Code shall apply to lawyers as they are defined by Directive 77/249/EEC and Directive 98/5/EC and to lawyers of the Associate and Observer members of the CCBE.

21.1.5 Field of application Ratione Materiae

Without prejudice to the pursuit of a progressive harmonisation of rules of deontology or professional practice which apply only internally within a Member State, the following rules shall apply to the cross-border activities of the lawyer within the European Union and the European Economic Area. Cross-border activities shall mean:

all professional contacts with lawyers of Member States other than the lawyer's own,

the professional activities of the lawyer in a Member State other than his or her own, whether or not the lawyer is physically present in that Member State.

21.1.6 Definitions

IN THIS CODE :

"Member State" means a member state of the European Union or of any other state whose legal profession is included in Article 21.1.4.

"Home Member State" means the Member State where the lawyer acquired the right to bear his or her professional title.

"Host Member State" means any other Member State where the lawyer carries on cross-border activities.

"Competent Authority" means the professional organisation(s) or authority(ies) of the Member State concerned responsible for the laying down of rules of professional conduct and the administration of discipline of lawyers.

"Directive 77/249/EEC" means Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services.

"Directive 98/5/EC" means Directive 98/5/CE of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the legal profession on a permanent basis in a Member State other than that in which the qualification was obtained.

21.2 GENERAL PRINCIPLES

21.2.1 Independence

21.2.1.1

The many duties to which a lawyer is subject require the lawyer's absolute independence, free from all other influence, especially such as may arise from his or her personal interests or external pressure. Such independence is as necessary to trust in the process of justice as the impartiality of the judge. A lawyer must therefore avoid any impairment of his or her independence and be careful not to compromise his or her professional standards in order to please the client, the court or third parties.

21.2.1.2

This independence is necessary in non-contentious matters as well as in litigation. Advice given by a lawyer to a client has no value if the lawyer gives it only to ingratiate him- or herself, to serve his or her personal interests or in response to outside pressure.

21.2.2 Trust and Personal Integrity

Relationships of trust can only exist if a lawyer's personal honour, honesty and integrity are beyond doubt. For the lawyer these traditional virtues are professional obligations.

21.2.3 Confidentiality

21.2.3.1

It is of the essence of a lawyer's function that the lawyer should be told by his or her client things which the client would not want to tell to others, and that the lawyer should be the recipient of other information on a basis of confidence. Without the certainty of confidentiality there cannot be trust. Confidentiality is therefore a primary and fundamental right and duty of the lawyer.

The lawyer's obligation of confidentiality serves the interest of the administration of justice as well as the interest of the client. It is therefore entitled to special protection by the State.

21.2.3.2

A lawyer shall respect the confidentiality of all information that becomes known to the lawyer in the course of his or her professional activity.

21.2.3.3

This obligation of confidentiality is not limited in time.

21.2.3.4

The lawyer shall require his or her associates and staff and anyone engaged by him or her in the course of providing professional services to observe the same obligation of confidentiality.

21.2.4

Respect for the Rules of Other Bars and Law Societies

When practising cross-border, a lawyer from another Member State may be bound to comply with the professional rules of the Host Member State. Lawyers have a duty to inform themselves as to the rules which will affect them in the performance of any particular activity.

Member organizations of the CCBE are obliged to deposit their codes of conduct at the Secretariat of the CCBE so that any lawyer can get hold fo the copy of the current code from the Secretariat.

21.2.5 Incompatible Occupations

21.2.5.1

In order to perform his or her functions with due independence and in a manner which is consistent with his or her duty to participate in the administration of justice a lawyer may be prohibited from undertaking certain occupations.

21.2.5.2

A lawyer who acts in the representation or the defence of a client in legal proceedings or before any public authorities in a Host Member State shall there observe the rules regarding incompatible occupations as they are applied to lawyers of the Host Member State.

21.2.5.3

A lawyer established in a Host Member State in which he or she wishes to participate directly in commercial or other activities not connected with the practice of the law shall respect the rules regarding forbidden or incompatible occupations as they are applied to lawyers of that Member State.

21.2.6 Personal Publicity

21.2.6.1

A lawyer is entitled to inform the public about his or her services provided that the information is accurate and not misleading, and respectful of the obligation of confidentiality and other core values of the profession.

21.2.6.2

Personal publicity by a lawyer in any form of media such as by press, radio, television, by electronic commercial communications or otherwise is permitted to the extent it complies with the requirements of 21.2.6.1.

21.2.7 The Client's Interest

Subject to due observance of all rules of law and professional conduct, a lawyer must always act in the best interests of the client and must post those interests before the lawyer's own interests or those of fellow members of the legal profession.

21.2.8 Limitation of Lawyer's Liability towards the Client

To the extent permitted by the law of the Home Member State and the Host Member State, the lawyer may limit his or her liabilities towards the client in accordance with the professional rules to which the lawyer is subject.

21.3 RELATIONS WITH CLIENTS

21.3.1 Acceptance and Termination of Instructions

21.3.1.1

A lawyer shall not handle a case for a party except on that party's instructions. The lawyer may, however, act in a case in which he or she has been instructed by another lawyer acting for the party or where the case has been assigned to him or her by a competent body.

The lawyer should make reasonable efforts to ascertain the identity, competence and authority of the person or body who instructs him or her, when the specific circumstances show that the identity, competence and authority are uncertain.

21.3.1.2

A lawyer shall advise and represent the client promptly, conscientiously and diligently. The lawyer shall undertake personal responsiblity for the discharge of the client's instructions and shall keep the client informed as to the progress of the matter with which the lawyer has been instructed.

21.3.1.3

A lawyer shall not handle a matter which the lawyer knows or ought to know he or she is not competent to handle, without cooperating with a lawyer who is competent to handle it.

A lawyer shall not accept instructions unless he or she can discharge those instructions promptly having regard to the pressure of other work.

21.3.1.4

A lawyer shall not be entitled to exercise his or her right to withdraw from a case in such a way or in such circumstances that the client may be unable to find other legal assistance in time to prevent prejudice being suffered by the client.

21.3.2 Conflict of Interest

21.3.2.1

A lawyer may not advise, represent or act on behalf of two or more clients in the same matter if there is a conflict, or a significant risk of a conflict, between the interests of those clients.

21.3.2.2

A lawyer must cease to act for both or all of the clients concerned when a conflict of interests arises between those clients and also whenever there is a risk of a breach of confidence or where the lawyer's independence may be impaired.

21.3.2.3

A lawyer must also refrain from acting for a new client if there is a risk of breach of a confidence entrusted to the lawyer by a former client or if the knowledge which the lawyer possesses of the affairs of the former client would give an undue advantage to the new client.

21.3.2.4

When lawyers are practising in association, paragraphs 21.3.2.1 to 21.3.2.3 above shall apply to the association and all its members.

21.3.3 Pactum de Quota Litis

21.3.3.1

A lawyer shall not be entitled to make a pactum de quota litis.

21.3.3.2

By "pactum de quota litis" is meant an agreement between a lawyer and the client entered into prior to final conclusion of the matter to which the client is a party, by virtue of which the client undertakes to pay the lawyer a share of the result regardless of whether this is represented by a sum of money or by any other benefit achieved by the client upon the conclusion of the matter.

21.3.3.3

"Pactum de quote litis" does not include an agreement that fees be charged in proportion to the value of a matter handled by the lawyer if this is in accordance with an officially approved fee scale or under the control of the Competent Authority having jurisdiction over the lawyer.

21.3.4 Regulation of fees

A fee charged by the lawyer shall be fully disclosed to the client, shall be fair and reasonable, and shall comply with the law and professional rules to which the lawyer is subject.

21.3.5 Payment on account

If a lawyer requires a payment on account of his or her fees and/or disbursements such payment should not exceed a reasonable estimate of the fees and probable disbursements involved.

Failing such payment, a lawyer may withdraw from the case or refuse to handle it, but subject always to Article 21.3.1.4 above.

21.3.6 Fee Sharing with Non-Lawyers

21.3.6.1

A lawyer may not share his or her fees with a person who is not a lawyer except when an association between the lawyer and the other person is permitted by the laws and

the professional rules to which the lawyer is subject.

21.3.6.2

The provisions of Article 21.3.6.1 above shall not preclude a lawyer from paying a fee, commission or other compensation to a deceased lawyer's heirs or to a retired lawyer in respect of taking over the deceased or retired lawyer's practice.

21.3.7 Cost of Litigation and Availability of Legal Aid

21.3.7.1

The lawyer should at all times strive to achieve the most cost-effective resolution of the client's dispute and should advise the client at appropriate stages as to the desirability of attempting a settlement and/or a reference to alternative dispute resolution.

21.3.7.2

A lawyer shall inform the client of the availability of legal aid where applicable.

21.3.8 Client Funds

21.3.8.1

Lawyers who come into possession of funds on behalf of their clients or third parties (hereinafter called "client funds") have to deposit such money into an account of a bank or similar institution subject to supervision by a public authority (hereinafter called a "client account"). A client account shall be separate from any other account of the lawyer. All client funds received by a lawyer shall be deposited into such an account unless the owner of such funds agrees that the funds should be dealt with otherwise.

21.3.8.2

The lawyer shall maintain full and accurate records showing all the lawyer's dealings with client funds and distinguishing client funds from other funds held by the lawyer. Records may have to be kept for a certain period of time according to national rules.

A client account cannot be in debt except in exceptional circumstances as expressly permitted in national rules or due to bank charges, which cannot be influenced by the lawyer. Such an account cannot be given as a guarantee or be used as a security for any reason. There shall not be any set-off or merger between a client account and any other bank account, nor shall the client funds in a client account be available to defray money owed by the lawyer to the bank.

Client funds shall be transferred to the owners of such funds in the shortest period of time or under such conditions as are authorised by them.

The lawyer cannot transfer funds from a client account ito the lawyer's own account for payment of fees without informing the client in writing.

The Competent Authorities in Member States are shall have the power to verify and examine any document regarding client funds, whilst respecting the confidentiality or legal professional privilege to which it may be subject.

21.3.9 Professional Indemnity Insurance

21.3.9.1

Lawyers shall be insured against civil legal liability arising out of their legal practice to the extent which is reasonable having regard to the nature and extent of the risks incurred by their professional activities.

21.3.9.2

Should this prove impossible, the lawyer must inform the client of this situation and its consequences.

21.4 RELATIONS WITH THE COURTS

21.4.1 Rules of Conduct in Court

A lawyer who appears, or takes part in a case, before a court or tribunal must comply with the rules of conduct applied before that court or tribunal.

21.4.2 Fair Conduct of Proceedings

A lawyer must always have due regard for the fair conduct of proceedings.

21.4.3 Demeanour in Court

A lawyer shall while maintaining due respect and courtesy towards the court defend the interests of the client honourably and fearlessly without regard to the lawyer's own interests or to any consequences to him- or herself or to any other person.

21.4.4 False or Misleading Information

A lawyer shall never knowingly give false or misleading information to the court.

21.4.5 Extension to Arbitrators etc.

The rules governing a lawyer's relations with the courts apply also to the lawyer's relations with arbitrators and any other persons exercising judicial or quasi-judicial functions, even on an occasional basis.

21.5 RELATIONS BETWEEN LAWYERS

21.5.1 Corporate Spirit of the Profession

21.5.1.1

The corporate spirit of the profession requires a relationship of trust and co-operation between lawyers for the benefit of their clients and in order to avoid unnecessary litigation and other behaviour harmful to the reputation of the profession. It can, however, never justify setting the interests of the profession against those of the client.

21.5.1.2

A lawyer should recognise all other lawyers of Member States as professional colleagues and act fairly and courteously towards them.

21.5.2 Co-operation among Lawyers of Different Member States

21.5.2.1

It is the duty of a lawyer who is approached by a colleague from another Member State not to accept instructions in a matter which the lawyer is not competent to undertake. The lawyer should in such a case be prepared to help that colleague to obtain the information necessary to enable him or her to instruct a lawyer who is capable of providing the service asked for.

21.5.2.2

Where a lawyer of a Member State co-operates with a lawyer from another Member State, both have a general duty to take into account the differences which may exist between their respective legal system and the professional organizations, competences and obligations of lawyers in the Member States concerned.

21.5.3 Correspondence between Lawyers

21.5.3.1

If a lawyer intends to send communications to a lawyer in another Member State, which the sender wishes to remain confidential or without prejudice he or she should clearly express this intention prior to communicating the first of the documents.

21.5.3.2

If the prospective recipient of the communications is unable to ensure their status as confidential or without prejudice, he or she should inform the sender accordingly without delay.

21.5.4 Referral fees

21.5.4.1

A lawyer may not demand or accept from another lawyer or any other person a fee, commission or any other compensation for referring or recommending the lawyer to a client.

21.5.4.2

A lawyer may not pay anyone a fee, commission or any other compensation as a consideration for referring a client to him- or herself.

21.5.5 Communication with Opposing Parties

A lawyer shall not communicate about a particular case or matter directly with any person whom he or she knows to be represented or advised in the case or matter by another lawyer, without the consent of that other lawyer (and shall keep the other lawyer informed of any such communications).

21.5.6 (Deleted by decision of the Plenary Session in Dublin on 6 December 2002)

21.5.7 Responsibility for fees

In professional relations between members of Bars of different Member States, where a lawyer does not confine him - or herself to recommending another lawyer or introducing that other lawyer to the client but instead him - or herself entrusts a correspondent with a particular matter or seeks the correspondent's advice, the instructing lawyer is personally bound, even if the client is insolvent, to pay the fees, costs and outlays which are due to the foreign correspondent. The lawyers concerned may, however, at the outset of the relationship between them make special arrangements on this matter. Further, the instructing lawyer may at any time limit his or her personal responsibility to the amount of the fees, costs and outlays incurred before intimation to the foreign lawyer of the instructing lawyer's disclaimer of responsibility for the future.

21.5.8 Continuining Professional Development

Lawyers should maintain and develop their professional knowledge and skills taking proper account of the European dimension of their profession.

21.5.9 Disputes amongst Lawyers in different Member States

21.5.9.1

If a lawyer considers that a colleague in another Member State has acted in breach of a rule of professional conduct the lawyer shall draw the matter to the attention of that colleague.

21.5.9.2

If any personal dispute of a professional nature arises amongst lawyers ing different Member States, they should if possible first try to settle it in a friendly way.

21.5.9.3

A lawyer shall not commence any form of proceedings against a colleague in another Member State on matters referred to in 21.5.9.1 or 21.5.9.2 above without first informing the Bars or Law Societies to which they both belong for the purpose of allowing the Bars or Law Societies concerned an opportunity to assist in reaching a settlement.

ANNEXES

ANNEX 1 – TERMS AND CONDITIONS OF SALE REGARDING FORECLOSURE

Annex created by Normative Decision 2008-002, GA of the Conseil National of 12-12-2008, Published by Decision of 04-24-2009 - JO May 12, 2009

Amended during the general assembly of the Conseil National des Barreaux of September 14 and 15, 2012

FORECLOSURE TERMS AND CONDITIONS OF SALE

Chapter I : General provisions

ARTICLE 1

LEGAL FRAMEWORK

These terms and conditions of sale apply to the sale of real estate governed by the articles of the code of civil enforcement procedures (Code des procédures civiles d'exécution) relating to foreclosure.

ARTICLE 2

TERMS OF SALE

The distrainee may request authorization at the procedural hearing to sell the property owned by him in a private sale.

The judge may authorize the private sale in accordance with specific conditions that he shall set and for an amount below which the property may not be sold.

Failing a private sale complying with the conditions set by him, the judge shall order the compulsory sale.

ARTICLE 3

CONDITION OF REAL PROPERTY

The purchaser will take the property in the condition in which he finds it on the day of the sale, without being able to claim any price reduction, nor any guarantee or compensation from the party instituting proceedings, the distrained party or his creditors for wear and tear, repairs, poor maintenance, hidden defects, construction defects, dilapidation, errors in the description, structure or capacity of the property, even when the discrepancy exceeds one-twentieth, nor by virtue of rights arising from joint ownership or overloading of walls between neighbouring properties, even when such rights remain due, and without guarantee as to the nature or solidity of the ground or sub-soil due to any quarrying and earthworks which may have taken place beneath its surface area, excavations which may have been carried out, backfilling which may have been done, rock falls and landslides.

The purchaser must make this his personal responsibility, at his own risk and without any right of recourse against any party whatsoever.

ARTICLE 4

LEASES, TENANCIES AND OTHER AGREEMENTS

The purchaser shall be personally responsible, for the time they have remaining to run, for existing leases.

Nevertheless, leases granted by the debtor after delivery of the notice to pay in view of foreclosure shall be unenforceable against the creditor instituting proceedings and the purchaser.

The purchaser shall be subrogated to the rights of the creditors in order to cancel, where necessary, any agreements which may have been entered into to the detriment of their rights.

He shall take into account, in addition to and without reduction in his price, the various tenants, rents that they may have paid in advance and all security deposits paid to the distrained party and shall be subrogated purely and simply, both actively and passively, to the rights, actions and obligations of the distrained party.

ARTICLE 5

PRE-EMPTION, SUBSTITUTION AND COMPARABLE RIGHTS

Pre-emption, substitution and comparable rights shall be enforceable against the purchaser.

If the purchaser is dispossessed by the exercise of one of the pre-emption, substitution or comparable rights established by law, he shall have no right of action against the party instituting proceedings on the grounds of the immobilization of sums paid by him or the losses which he may thereby have sustained.

ARTICLE 6

INSURANCE AND DIVERSE SUBSCRIPTIONS

The purchaser shall be personally responsible for all contracts or subscriptions relative to the property which may have been entered into or which should have been entered into, without any right of action against the party instituting proceedings and the lawyer who drafted the terms and conditions of sale.

The liability of the party instituting proceedings shall not under any circumstances be incurred in the event that there is no insurance.

The purchaser shall be bound to insure the property as from the sale against all risks, and in particular fire risks, with a reputedly solvent insurance company, for a sum at least equal to the price of the compulsory sale.

In the event of an insured loss before the price has been paid in full, the compensation shall belong ipso jure to the distrained party or the creditors referred to in Article L.331-1 of the Code of Civil Enforcement Procedures up to the amount of the balance of the said price that remains due in principal and interest.

In the event of a loss that is not covered due to an act of the purchaser, he shall nevertheless be bound to pay the price in addition to incidentals, expenses and costs relating to the sale.

ARTICLE 7

EASEMENTS

The purchaser shall benefit from all positive easements and bear all negative easements, hidden or apparent, declared or undeclared, whether resulting from statutory or regulatory provisions in force, from the location of the property, contracts, or prescription and generally irrespective of their origin or nature as well as the effect of so-called state land clauses (clauses domaniales), subject to his right to assert some and defend himself against others, at his own risks, perils, expenses and fortune, without right of recourse against any party whatsoever.

Chapter II: Bids

ARTICLE 8

ACCEPTING BIDS

Bids shall only be placed, in accordance with law, through a lawyer representing the parties before the district court before which the sale is being pursued.

In order to place bids, the lawyer must have received all necessary information regarding the civil status or company name of his client.

If a higher bid is placed, the deposit or bank guarantee shall be returned unless the higher bid is challenged.

ARTICLE 9

GUARANTEE TO BE PROVIDED BY THE PURCHASER

Prior to placing bids, the lawyer shall require from his principal against receipt an irrevocable bank guarantee or a bank draft made out to the order of the escrow agent designated in Article 13, in accordance with the provisions of Article R.322-10-6 of the Code of Civil Enforcement Procedures, representing 10% of the amount of the reserve price with a minimum of 3000 euros.

The guarantee or draft shall be returned to him, if he is not declared to be the purchaser.

If the purchaser defaults, the sum paid or the guarantee provided shall become the property of the creditors participating in the distribution and, where applicable, of the debtor, to be distributed to them with the price of the property.

ARTICLE 10

HIGHER BID

Higher bids are placed through a lawyer representing the parties at the competent district court within ten days of the compulsory sale.

The higher bid shall be equal to at least one-tenth of the principal sale price. It cannot be retracted.

In case of multiple higher bidders, the formalities of publication shall be carried out by the lawyer of the first higher bidder. Failing that, the creditor having instituted the first sale may proceed with it.

The purchaser by higher bid must pay the expenses of the first sale in addition to the expenses of his higher bid adjudication.

The higher bidder's lawyer must respect the general provisions regarding bids.

If on the day of the sale by overbid auction, no bid is placed, the highest bidder shall be declared the purchaser for the amount of his higher bid.

ARTICLE 11

REPETITION OF THE AUCTION

If the purchaser fails to pay the price, or the costs set by the court, within the prescribed time limits, the property shall be put back on sale at the request of the creditor instituting proceedings, a registered creditor or the distrained debtor, under the conditions of the first compulsory sale.

If the price of the new compulsory sale is lower than the first one, the defaulting bidder shall be obliged by means of all legal remedies to pay the difference, in accordance with the provisions of Article L.322-12 of the Code of Civil Enforcement Procedures.

The defaulting bidder shall bear the costs set by the court during the first auction. He shall be bound to pay interest at the legal rate on his bid after a two-month period following the first sale and until the new sale. The interest rate shall be increased by five percentage points at the end of a four-month period as from the date of the first final sale.

Under no circumstances may the defaulting bidder claim recovery of the sums paid.

If the price of the second sale is higher than the first, the difference will become the property of the creditors and the distrained party.

After the new sale the purchaser shall be liable for the expenses relating to it.

Chapter III: Sale

ARTICLE 12

TRANSFER OF PROPERTY

The purchaser shall be owner by the sole effect of the sale in the absence of exercise of a right of pre-emption.

They purchaser may not, before payment of the price and expenses, carry out any act of disposal relating to the property with the exception of creating a mortgage in connection with a loan agreement intended to finance the purchase of this property.

Before full payment of the price, the purchaser may not make any notable change, demolition or unusual cutting down of timber at the property, nor cause any damage to the property, under penalty of being immediately required to deposit the price, even by means of repetition of the auction.

ARTICLE 13

DESIGNATION OF ESCROW AGENT

The funds to come from the sale decided by the Judge of Enforcements (Juge de l'Exécution) shall be placed in escrow with the president of the bar of the bar association or in the Lawyers' Financial Settlements Fund account with the court before which the sale is pursued for distribution among the creditors referred to in Article L.331-1 of the Code of Civil Enforcement Procedures.

The designated escrow agent shall likewise receive sums of any type resulting from the effects of the foreclosure.

Funds in escrow bear interest at a rate of 105% of the rate offered by the Caisse des dépôts et consignations [Deposits and Consignments Fund] for the benefit of the debtor and creditors, as from their consignment and up until their distribution.

Under no circumstances may the escrow agent be held liable or held to be guarantor respecting any of the purchaser's obligations, except for the obligation to return, in due course, the consigned sum and interest earned.

ARTICLE 14

PRIVATE SALE BY AUTHORIZATION OF THE COURT

The debtor must carry out the necessary steps at the end of the private sale.

The judge who set in advance the conditions of the private sale shall assess whether they have been met.

The sale price of the property, interest thereon, and any sum paid by the purchaser in addition to the sale price for any reason, shall be paid to the designated escrow agent after the judgment recording the sale. They are the property of the debtor and the creditors participating in the distribution.

The expenses set by the court, to which are added the fees calculated in accordance with the provisions of Article 37 of the Decree of April 2, 1960, shall be paid directly by the purchaser, in addition to the sale price, to the lawyer instituting proceedings who shall deposit them in his Lawyers' Financial Settlements Fund account, on condition that they are returned in case of judgment refusing to certify that the conditions of the sale have been met and ordering the compulsory sale, or for the purpose of collection in case of judgment recording the compulsory sale.

The judge verifies whether the contract of sale conforms to the conditions set by him, that the price has been consigned, and that the expenses set by the court and the fees of the lawyer instituting proceedings have been paid, and only records the sale when these conditions have been met. Failing which, he orders the compulsory sale.

ARTICLE 15

COMPULSORY SALE

At the latest upon expiry of a two-month period as from the final sale, the purchaser shall be strictly bound under penalty of repetition of the auction to pay the principal of his price to the designated escrow agent, who will issue a receipt for it.

If full payment of the price takes place within two months of the final sale, the purchaser shall not be liable for any interest.

After this two-month deadline, interest calculated at the legal rate shall be added ipso jure to the remaining balance due, as from the date of delivery of the adjudication of property.

The legal interest rate will be increased by five percentage points at the end of a four-month period as from the date of delivery of the adjudication.

A purchaser who has not paid the price of the sale in full within the two-month time limit shall bear the cost of registering the vendor's lien, should the vendor deem fit to register it, and of the later cancellation of the registration.

A first-ranking secured creditor who has become the purchaser, subject to the rights of preferred creditors which may prevail over him, shall have the right, by declaration to the designated escrow agent and to the parties, to put forward his claim to offset the price legally, in part or full, at his own risk, under the conditions of Article 1289 et seq. of the civil code.

ARTICLE 16

PAYMENT OF EXPENSES OF THE PROCEEDINGS

The purchaser shall pay to the lawyer instituting proceedings against receipt, in addition to the price and within one month of the final sale, the sum set by the court for the expenses of the proceedings and the total fees determined according to the tariff in force, plus VAT at the applicable rate.

He shall provide confirmation of this to the office of the court clerk before expiry of the two-month time limit as from the date of final adjudication. The title of sale shall only be issued by the office of the clerk of the Judge of Enforcements after receipt has been given for the expenses of the proceedings, which receipt shall remain annexed to the title of sale.

If the same sale includes several lots sold separately, the expenses of the proceedings set by the court shall be divided up in proportion to the reserve price of each lot.

ARTICLE 17

CAPITAL TRANSFER TAXES

The purchaser shall be bound to pay, in addition to the price, and on a priority basis, all registration duties and other duties arising from the compulsory sale. He shall provide confirmation of this to the office of the court clerk before expiry of the two-month time limit as from the date of final adjudication.

If the property being sold is subject to the VAT system, the sale price shall exclude taxes. In this case, the purchaser must pay to the Treasury Department, by order of and on behalf of of the vendor (distrained party) and to his credit, in addition to the sale price, the duties arising under the VAT system for which the vendor may be liable by reason of the compulsory sale, taking into account his rights of deduction, unless the purchaser is able to take advantage of other fiscal arrangements and, in this case, payment of the duties which arise shall discharge the purchaser of his obligations.

All duties which may be due or collected in respect of rentals shall be the purchaser's responsibility only with regard to the period after he takes possession, with the right to seek a remedy, where relevant, against his tenant.

The purchaser shall be personally responsible, without right of action against any party whatsoever, for the amount and supporting documents of the rights of deduction that the vendor may raise before the tax authorities.

ARTICLE 18

JOINT AND SEVERAL OBLIGATION OF THE CO-PURCHASERS

The co-purchasers and their successors in interest shall be jointly liable for payment of the price and fulfilment of the conditions of the compulsory sale.

Chapter IV : Provisions subsequent to the sale

ARTICLE 19

DELIVERY AND PUBLICATION OF THE JUDGMENT

The purchaser shall be bound to have the title of sale issued to him and, within one month of filing it with the office of the court clerk :

a) to publish it at the mortgage office in the jurisdiction of which the property put on sale is located;

b) to notify the party instituting proceedings, and the distrained party if he has appointed a lawyer, that this formality has been completed;

all at his own expense.

At the time of this publication, the purchaser's lawyer shall request issuance of statements of formality. These statements must be sent to the lawyer instituting proceedings.

In the absence of completion of the formalities provided for in the preceding paragraphs, within the given time limit, the lawyer of the creditor instituting distribution proceedings may proceed with the publication of the title of sale, all at the expense of the purchaser.

To that end, the lawyer responsible for these formalities shall request from the office of the court clerk all the documents provided for in Articles 22 and 34 of Decree 55-22 of January 4, 1955; once these formalities have been carried out, he shall notify the purchaser's lawyer of their completion and cost by simple exchange of information between lawyers; the said expenses must be reimbursed within one week of the said notification.

ARTICLE 20

TAKING POSSESSION

The purchaser, although owner of the property by the sole fact of the sale, will take possession of it:

a) If the property is free of any lease or occupation, or is occupied, in whole or in part, by persons with neither right nor title, at the end of the time limit for placing a higher bid or, in case of a higher bid, the day of the sale by overbid auction.

b) If the property is leased, by collection of rents or tenant farming as from the first day of the term which follows the compulsory sale or in the case of a higher bid, from the first day of the term which follows the sale by overbid auction.

If an occupant without right or title is in the premises, for whatsoever reason, the purchaser shall be personally responsible for all formalities to be completed or actions to be brought in order to evict the occupant, without any right of recourse against the vendors or the party instituting proceedings.

The purchaser ,may on his own initiative enforce the eviction order held by him against the distrainee, and against any occupant having no right which is enforceable against him, as from the consignment of the price and payment of the expenses set by the court.

ARTICLE 21

CONTRIBUTIONS AND ENCUMBRANCES

The purchaser shall bear all contributions and encumbrances of any kind that encumber or will encumber the property, as from the date of delivery of the judgment for the compulsory sale.

If the property sold is under co-ownership, the successful bidder must pay the charges due in respect of the co-ownership, as from the date of delivery of the judgment for the compulsory sale.

With regard to property tax, he shall reimburse this tax pro rata temporis at the first request of the prior owner and upon presentation of the discharged roll.

ARTICLE 22

TITLE DEEDS

In case of compulsory sale, the title of sale consists of the dispatch of the terms and conditions of sale bearing the order for enforcement, following which is transcribed the adjudication of property.

For former titles, as the party instituting proceedings does not have them in his possession, the purchaser cannot demand them, however he is authorized to have all enforceable certified copies of or extracts from all deeds relating to the property sent to him at his own expense by all custodians.

In case of private sale by authorization of the court, the title of sale consists of the notarized deed and the judgment recording the fulfilment of the conditions of sale which has become res judicata.

ARTICLE 23

DISCHARGE OF REGISTRATIONS

The consignment of the price and payment of the expenses of the sale shall discharge the property ipso jure from any mortgage or lien.

The purchaser may, before the distribution procedure, request the cancellation of registrations encumbering the property by the Judge of Enforcements.

In this case, the purchaser shall be bound to advance all the expenses of the discharge or cancellation of registrations encumbering the property for which he will be able to ask for reimbursement within the framework of the distribution of the price pursuant to Article 2375, 1 of the Civil Code.

ARTICLE 24

PROVISIONAL PAYMENT TO THE FIRST-RANKING CREDITOR

After publication of the title of sale and in view of a statement of mortgage status, the first-ranking creditor may, through his lawyer, ask the Judge of Enforcements, for the provisional payment, up to the limit of the escrowed funds, of the principal of his claim.

Interest, expenses and incidentals of the claim shall be paid once the proposed distribution becomes final.

The payment made in accordance with this clause shall be provisional and confer no right on its beneficiary, other than the right to receive an advance award on condition that his claim is finally accepted within the framework of the distribution procedure, under penalty of reimbursement.

In the case where a creditor is bound to reimburse all or part of the sum received on a provisional basis, this shall bear interest at the legal rate as from the date of the payment made by the escrow agent.

ARTICLE 25

DISTRIBUTION OF SALE PRICE

The distribution of the price of the property, in case of compulsory or private sale by authorization of the court, shall be instituted by the lawyer of the distraining creditor or, failing that, by the lawyer of the first creditor to act or the debtor, in accordance with Articles R.331-1 to R.334-3 of the Code of Civil Enforcement Procedures.

The compensation of the person responsible for the distribution will be deducted from the funds to be distributed.

ARTICLE 26

ADDRESS FOR SERVICE

The party instituting proceedings stipulates as his address for service the offices of the lawyer appointed.

The purchaser stipulates as his address for service the offices of his lawyer by the sole fact of the sale.

The stipulated addresses for service shall continue in effect irrespective of any changes in the particulars or status of the parties.

Chapter V: Specific clauses

ARTICLE 27

PROPERTY UNDER CO-OWNERSHIP

The lawyer of the party instituting proceedings must send the notice of capital transfer provided for in Article 20 of the Act of July 10, 1965 (amended by Act 94-624 of July 21, 1994) to the managing agent of the co-owned property.

This notification must take place within two weeks of the sale becoming final and shall state that any challenge with a view to obtaining payment of sums which remain due from the former owner, should be served at the address for service of the lawyer of the party instituting proceedings.

The purchaser's lawyer, independently of the notification above, in the case where the property sold forms part of a development under co-ownership, in accordance with Article 6 of Decree 67-223 of March 17, 1967, is bound to notify the managing agent as soon as the sale is final, by registered letter with return receipt requested, of the designation of the lot or portion of the lot, the last and first names, and actual residence or address for service of the purchaser.

ARTICLE 28

PROPERTY IN A HOUSING DEVELOPMENT

The lawyer of the party instituting proceedings must send the Chairman of the Association Syndicale Libre [Free Property Owners' Association] or the Association Syndicale Autorisée [Authorized Syndical Association] the notice of capital transfer under the conditions of Article 20 of Act 65-557 of July 10, 1965 in accordance with Order 2004-632 of July 1, 2004.

This notification must take place within two weeks of the sale becoming final and shall state that any challenge with a view to obtaining payment of sums which remain due from the former owner, should be served at the address for service of the lawyer of the party instituting proceedings.

ANNEX 2 – TERMS AND CONDITIONS OF SALE REGARDING AUCTION

Annex created by Normative Decision 2008-002, GA of the Conseil National of 12-12-2008, Published by Decision of 04-24-2009 - JO May 12, 2009

Amended during the general assembly of the Conseil National des Barreaux of September 14 and 15, 2012

AUCTION OF PROPERTY CO-OWNED IN UNDIVIDED SHARES (LICITATION)

TERMS AND CONDITIONS OF SALE

Chapter I : General provisions

ARTICLE 1

LEGAL FRAMEWORK

These terms and conditions of sale apply to a sale on adjudication ordered by the court within the general framework of Articles 1271 to 1281 of the Code of Civil Procedure and the provisions of the Code of Civil Enforcement Procedures.

ARTICLE 2

CONDITION OF REAL PROPERTY

The purchaser will take the property in the condition in which he finds it on the day of the sale, without being able to claim any price reduction, nor any guarantee or compensation from the parties for wear and tear, repairs, poor maintenance, hidden defects, construction defects, dilapidation, errors in the description, structure or capacity of the property, even when the discrepancy exceeds one-twentieth, nor by virtue of rights arising from joint ownership or overloading of walls between neighbouring properties, even when such rights remain due, and without guarantee as to the nature or solidity of the ground or sub-soil due to any quarrying and earthworks which may have taken place beneath its surface area, excavations which may have been carried out, backfilling which may have been done, rock falls and landslides.

The purchaser must make this his personal responsibility, at his own risk and without any right of recourse against any party whatsoever.

ARTICLE 3

LEASES AND TENANCIES

The purchaser shall be personally responsible, moreover, for leases, tenancies and related occupancies.

He shall take into account, in addition to and without reduction in his price, the various tenants and the rents that they may have paid in advance and which have been declared.

In the absence of such declaration, the purchaser shall take into account the rents of tenants that they can prove they have regularly paid in advance or security deposits of any kind and he shall withhold this amount from the principal price of the sale.

The purchaser shall equally take personal responsibility for any lease or occupancy right that may come to light and which was not brought to the attention of the party instituting proceedings.

The purchaser shall be subrogated purely and simply, both actively and passively, to the rights, actions and obligations of the vendors as they result from the law, whether or not a declaration was made in this respect in these terms and conditions of sale, without any guarantee or right of recourse against the party instituting proceedings and the drafting lawyer.

ARTICLE 4

PRE-EMPTION, SUBSTITUTION AND COMPARABLE RIGHTS

Pre-emption, substitution and comparable rights shall be enforceable against the purchaser.

If the purchaser is dispossessed by the exercise of one of the pre-emption, substitution or comparable rights established by law, he shall have no right of action against the party instituting proceedings on the grounds of the immobilization of sums paid by him or the losses which he may thereby have sustained.

ARTICLE 5

INSURANCE AND DIVERSE SUBSCRIPTIONS

The purchaser shall be personally responsible for all contracts or subscriptions relative to the property which may have been entered into or which should have been entered into, without any right of action against the party instituting proceedings and the lawyer who drafted the terms and conditions of sale.

The liability of the party instituting proceedings shall not under any circumstances be incurred in the event that there is no insurance.

The purchaser shall be bound to insure the property as from the sale against all risks, and in particular fire risks, with a reputedly solvent insurance company, for a sum at least equal to the price of the sale.

In the event of an insured loss before the price has been paid in full, the compensation shall belong ipso jure to the vendors up to the amount of the balance of the said price that remains due in principal and interest.

In the event of a loss that is not covered due to an act of the purchaser, he shall nevertheless be bound to pay the price in addition to incidentals, expenses and costs relating to the sale.

ARTICLE 6

EASEMENTS

The purchaser shall benefit from all positive easements and bear all negative easements, hidden or apparent, declared or undeclared, whether resulting from statutory or regulatory provisions in force, from the location of the property, contracts, or prescription and generally irrespective of their origin or nature as well as the effect of so-called state land clauses (clauses domaniales), subject to his right to assert some and defend himself against others, at his own risks, perils, expenses and fortune, without right of recourse against the party instituting proceedings, the drafting lawyer or the vendors.

Chapter II : Bids

ARTICLE 7

ACCEPTING BIDS

Bids shall only be placed, in accordance with law, through a lawyer representing the parties before the district court before which the sale is being pursued.

In order to place bids, the lawyer must have received all necessary information regarding the civil status or company name of his client.

If a higher bid is placed, the deposit or bank guarantee shall be returned unless the higher bid is challenged.

ARTICLE 8

GUARANTEE TO BE PROVIDED BY THE PURCHASER

Prior to placing bids, the lawyer shall require from his principal against receipt an irrevocable bank guarantee or a bank draft made out to the order of the escrow agent designated in Article 13, in accordance with the provisions of Article R.322-10-6 of the Code of Civil Enforcement Procedures, representing 10% of the amount of the reserve price with a minimum of 3000 euros.

The guarantee or draft shall be returned to him, if he is not declared to be the purchaser.

If the purchaser defaults, the sum paid or the guarantee provided shall become the property of the vendors and their creditors entitled to the distribution and, where applicable, to be distributed to them with the price of the property.

ARTICLE 9

HIGHER BID

Higher bids are duly placed through a lawyer representing the parties at the competent district court within ten days of the sale.

The higher bid shall be equal to at least one-tenth of the principal sale price. It cannot be retracted.

In case of multiple higher bidders, the formalities of publication shall be carried out by the lawyer of the first higher bidder. Failing that, the creditor having instituted the first sale may proceed with it.

The purchaser by higher bid must pay the expenses of the first sale in addition to the expenses of his higher bid adjudication.

The higher bidder's lawyer must respect the general provisions regarding bids.

If on the day of the sale by overbid auction, no bid is placed, the highest bidder shall be declared the purchaser for the amount of his higher bid.

ARTICLE 10

REPETITION OF THE AUCTION

If the purchaser fails to pay the price, or the costs set by the court, within the prescribed time limits, the property shall be put back on sale at the request of the creditor instituting proceedings, a registered creditor or the parties, under the conditions of the first sale.

If the price of the new sale is lower than the first one, the defaulting bidder shall be obliged by means of all legal remedies to pay the difference, in accordance with the provisions of Article L.322-12 of the Code of Civil Enforcement Procedures.

The defaulting bidder shall bear the costs set by the court during the first auction. He shall be bound to pay interest at the legal rate on his bid after a two-month period following the first sale and until the new sale. The interest rate shall be increased by 5 percentage points

at the end of a four-month period as from the date of the first final sale.

Under no circumstances may the defaulting bidder claim recovery of the sums paid.

If the price of the second sale is higher than the first, the difference will become the property of the vendors.

After the new sale the purchaser shall be liable for the expenses relating to it.

Chapter III : Sale

ARTICLE 11

TRANSFER OF PROPERTY

The purchaser shall be owner by the sole effect of the sale in the absence of exercise of a right of pre-emption.

They purchaser may not, before payment of the price and expenses, carry out any act of disposal relating to the property with the exception of creating a mortgage in connection with a loan agreement intended to finance the purchase of this property.

Before full payment of the price, the purchaser may not make any notable change, demolition or unusual cutting down of timber at the property, nor cause any damage to the property, under penalty of being immediately required to deposit the price, even by means of repetition of the auction.

ARTICLE 12

DESIGNATION OF ESCROW AGENT

The funds to come from the sale shall be placed in escrow with the president of the bar of the bar association or in the Lawyers' Financial Settlements Fund account with the court before which the sale is pursued.

ARTICLE 13

PAYMENT OF THE SALE PRICE

At the latest upon expiry of a two-month period as from the final sale, the purchaser shall be strictly bound under penalty of repetition of the auction to pay the principal of his price to the designated escrow agent, who will issue a receipt for it.

If full payment of the price takes place within two months of the final sale, the purchaser shall not be liable for any interest.

After this two-month deadline, interest calculated at the legal rate shall be added ipso jure to the remaining balance due, as from the date of delivery of the adjudication of property.

The legal interest rate will be increased by five percentage points at the end of a four-month period as from the date of delivery of the adjudication.

The sum placed in escrow with the appointed escrow agent shall bear interest at the rate of 105% of the rate the rate offered by the Caisse des dépôts et consignations [Deposits and Consignments Fund] for the benefit of the parties, as from their consignment and up until their distribution.

Under no circumstances may the escrow agent be held liable or held to be guarantor respecting any of the purchaser's obligations, except for the obligation to return, in due course, the consigned sum and interest earned.

A purchaser who has not paid the price of the sale in full within the two-month time limit shall bear the cost of registering the vendor's lien, should the vendor deem fit to register it, and of the later cancellation of the registration.

ARTICLE 14

PAYMENT OF EXPENSES OF THE PROCEEDINGS

The purchaser shall pay to the lawyer instituting sale proceedings against receipt, in addition to the sale price and within one month of the final sale, the sum set by the court for the expenses of the proceedings and the total fees determined according to the tariff in force, plus VAT at the applicable rate.

He shall provide confirmation of this to the office of the court clerk before expiry of the two-month time limit as from the date of final adjudication. The title of sale shall only be issued by the office of the court clerks after receipt has been given for the expenses of the proceedings, which receipt shall remain annexed to the title of sale.

If the same sale includes several lots sold separately, the expenses of the proceedings set by the court shall be divided up in proportion to the reserve price of each lot.

ARTICLE 15

CAPITAL TRANSFER TAXES

The purchaser shall be bound to pay, in addition to the price, and on a priority basis, all registration duties and other duties arising from the sale. He shall provide confirmation of this to the office of the court clerk before expiry of the two-month time limit as from the date of final adjudication.

If the property being sold is subject to the VAT system, the sale price shall exclude taxes. In this case, the

purchaser must pay to the Treasury Department, by order of and on behalf of of the vendor and to his credit, in addition to the sale price, the duties arising under the VAT system for which the vendor may be liable by reason of the sale, taking into account his rights of deduction, unless the purchaser is able to take advantage of other fiscal arrangements and, in this case, payment of the duties which arise shall discharge the purchaser of his obligations.

All duties which may be due or collected in respect of rentals shall be the purchaser's responsibility only with regard to the period after he takes possession, with the right to seek a remedy, where relevant, against his tenant.

The purchaser shall be personally responsible, without right of action against any party whatsoever, for the amount and supporting documents of the rights of deduction that the vendor may raise before the tax authorities.

ARTICLE 16

JOINT AND SEVERAL OBLIGATION OF THE CO-PURCHASERS

The co-purchasers and their successors in interest shall be jointly liable for payment of the price and fulfilment of the conditions of the sale.

Chapter IV – Provisions subsequent to the sale

ARTICLE 17

PROCUREMENT OF TITLE OF SALE

The purchaser shall be bound to have the title of sale issued to him and to serve notice of it, within one month of its issuance, and his own expense, on the vendors, and on any other parties that may have been appointed, at the offices of their lawyer, stipulated address for service or, failing that, their actual residence.

If he fails to satisfy this condition, the vendors may have the title of sale issued to them by the office of the court clerk, at the purchaser's expense, three days after a formal notice to provide evidence of the performance of the terms and conditions of sale.

ARTICLE 18

PUBLICATION

Within one month of issuance of the title of sale, the purchaser's lawyer shall be bound, while complying with statutory provisions, to publish the title of sale at the mortgage office in the jurisdiction of which the property put on sale is located, at the expense of the purchaser, under penalty of repetition of the auction.

In the absence of completion of the formalities provided for in the preceding paragraph, within the given time limit, the lawyers of the vendors or creditors may, unless they settle the matter between them, proceed with the publication of the title of sale, all at the expense of the purchaser.

To that end, the lawyer responsible for these formalities shall request from the office of the court clerk all the documents provided for by the law; once these formalities have been carried out, he shall notify the purchaser's lawyer of their completion and cost by in-court document; the said expenses must be reimbursed within one week of the said notification, under penalty of repetition of the auction, which cannot be halted other than by their reimbursement.

ARTICLE 19

TAKING POSSESSION

The purchaser, although owner of the property by the sole fact of the sale, shall nevertheless take possession of it:

a) If the property is free of any lease or occupation, or is occupied, in whole or in part, by persons with neither right nor title, only at the end of the time limit for placing a higher bid or, in case of a higher bid, only on the date of the final sale.

b) If the property is leased in its entirety, by collection of rents or tenant farming, only as from the first day of the term which follows this sale or in the case of a higher bid, from the first day of the term which follows the final sale.

c) If the property is partially leased, for the parts of it which are unrented, possession will be taken in accordance with paragraph a) above and for the parts which are rented, in accordance with paragraph b) of this Article.

The purchaser shall be personally responsible, without right of recourse against any party whatsoever, for all evictions and occupation indemnities which may prove necessary.

This clause shall apply to the higher bid made by a registered creditor, according to the terms of Articles 2480 of the Civil Code and 1281-14 of the Code of Civil Procedure, except insofar as he shall be responsible for reaching an agreement with the dispossessed purchaser regarding the fruits generated for him by the property.

ARTICLE 20

CONTRIBUTIONS AND ENCUMBRANCES

The purchaser shall bear all contributions and encumbrances of any kind that encumber or will encumber the property, as from the date of delivery of the judgment for the sale.

If the property sold is under co-ownership, the successful bidder must pay the charges due in respect of the co-ownership, as from the date of delivery of the judgment for the sale.

With regard to property tax, he shall reimburse this tax pro rata temporis at the first request of the prior owner and upon presentation of the discharged roll.

ARTICLE 21

TITLE DEEDS

The title of sale consists of the dispatch of these terms and conditions of sale bearing the order for enforcement, following which is transcribed the judgment recording the sale.

For former titles, the purchaser is authorized to have all enforceable certified copies of or extracts from all deeds relating to the property sent to him at his own expense by all custodians.

ARTICLE 22

DISCHARGE OF REGISTRATIONS

Sale at auction does not result ipso jure in the discharge of mortgage registrations encumbering the property.

If it is appropriate to discharge the mortgage registrations because the sale price is insufficient to settle all of them, the cost of the discharge procedure shall be borne by the purchaser.

Except in the case of a higher bid by a registered creditor, the expenses of cancelling registrations discharged in this way are advanced by the purchaser but reimbursed to him, within the framework of the distribution of the price, on a priority basis and with the benefit of the lien accorded to legal expenses by Article 2375-1 of the Civil Code.

ARTICLE 23

SPECIAL ADMINISTRATIVE COURT

The judge appointed by the court to receive the bids and before whom the sale is pursued shall have sole jurisdiction over disputes relating to the wording of these terms and conditions and to the bidding procedure.

The district court before which the sale is pursued shall have sole jurisdiction over the disputes relating to the execution of the sale and its consequences, irrespective of the nature of the said disputes and the place of residence of the interested parties.

Chapter V : Specific clauses

ARTICLE 24

PROPERTY UNDER CO-OWNERSHIP

The lawyer of the party instituting proceedings must send the notice of capital transfer provided for in Article 20 of Act 65-557 of July 10, 1965 (amended by Act 94-624 of July 21, 1994) to the managing agent of the co-owned property.

This notification must take place within two weeks of the sale becoming final and shall state that any challenge should be served at the address for service of the lawyer of the party instituting proceedings.

The purchaser's lawyer, independently of the notification above, in the case where the property sold forms part of a development under co-ownership, in accordance with Article 6 of Decree 67-223 of March 17, 1967, is bound to notify the managing agent as soon as the sale is final, by registered letter with return receipt requested, of the designation of the lot or portion of the lot, the last and first names, and actual residence or address for service of the purchaser.

ARTICLE 25

PROPERTY IN A HOUSING DEVELOPMENT

The lawyer of the party instituting proceedings should send the Chairman of the Association Syndicale Libre [Free Property Owners' Association] or the Association Syndicale Autorisée [Authorized Syndical Association] the notice of capital transfer under the conditions of Article 20 of Act 65-557 of July 10, 1965 in accordance with Order 2004-632 of July 1, 2004; this notification must be made within two weeks of the sale becoming final and shall state that challenges should be served at the address for service of the lawyer of the party instituting proceedings.

ARTICLE 26

ALLOCATION CLAUSE

When the decision which ordered the sale by auction expressly authorized insertion of this clause in the terms and conditions of the sale, the co-beneficiary successful tenderer (colicitant adjudicataire) wishing to benefit from it shall refer to it in his adjudication declaration.

In this case, this declaration shall constitute an undertaking on his part to receive the property, and on the part of the other co-beneficiaries to allocate it to him, in the final distribution of the sum indicated in the adjudication of property decision, and to give it retroactive effect as from the appointed day for taking possession.

In this case, the co-beneficiary successful tenderer shall be liable for the price of the property within the framework of the final distribution, minus his share in the succession and subject to the rights of the creditors.

ARTICLE 27

SUBSTITUTION CLAUSE

In the case of sale of undivided rights, as in the case of auctioning properties co-owned in undivided shares with the agreement of all the co-owners or in the absence of any challenge to this clause, each co-owner may be substituted for the purchaser within a one-month time limit as from the adjudication by declaration to the office of the clerk of the court having recorded the sale.

ANNEX 3 – TERMS AND CONDITIONS OF SALE REGARDING THE SALE OF REAL ESTATE ASSETS UNDER A COURT-ORDERED LIQUIDATION.

Annex created by decision of the General Assembly of the Conseil National of May 10, 2010

SALE OF REAL ESTATE ASSETS UNDER A COURT-ORDERED LIQUIDATION

TERMS AND CONDITIONS OF SALE

Chapter I : General provisions

ARTICLE 1

LEGAL FRAMEWORK

These terms and conditions of sale apply to the sale of real estate governed by Articles

L. 642-18 et seq. and Articles R. 642-22 et seq. of the Commercial Code.

ARTICLE 2

CONDITION OF REAL PROPERTY

The purchaser will take the property in the condition in which he finds it on the day of the sale, without being able to claim any price reduction, nor any guarantee or compensation from the party instituting proceedings or the debtor for wear and tear, repairs, poor maintenance, hidden defects, construction defects, dilapidation, errors in the description, structure or capacity of the property, even when the discrepancy exceeds one-twentieth, nor by virtue of rights arising from joint ownership or overloading of walls between neighbouring properties, even when such rights remain due, and without guarantee as to the nature or solidity of the ground or sub-soil due to any quarrying and earthworks which may have taken place beneath its surface area, excavations which may have been carried out, backfilling which may have been done, rock falls and landslides.

The purchaser must make this his personal responsibility, at his own risk and without any right of recourse against any party whatsoever.

ARTICLE 3

LEASES, TENANCIES AND OTHER AGREEMENTS

The purchaser shall be personally responsible, for the time they have remaining to run, for leases duly entered into.

The purchaser may cancel any agreements which may have been entered into in violation of the legal rules on companies in difficulty.

He shall take into account, in addition to and without reduction in his price, the various tenants, rents that they may have paid in advance and all security deposits paid to the debtor and shall be subrogated purely and simply, both actively and passively, to the rights, actions and obligations of the latter.

ARTICLE 4

PRE-EMPTION, SUBSTITUTION AND COMPARABLE RIGHTS

Pre-emption, substitution and comparable rights shall be enforceable against the purchaser.

If the purchaser is dispossessed by the exercise of one of the pre-emption, substitution or comparable rights established by law, he shall have no right of action against the party instituting proceedings on the grounds of the immobilization of sums paid by him or the losses which he may thereby have sustained.

ARTICLE 5

INSURANCE AND DIVERSE SUBSCRIPTIONS

The purchaser shall be personally responsible for all contracts or subscriptions relative to the property which may have been entered into or which should have been entered into, without any right of action against the party instituting proceedings and the lawyer who drafted the terms and conditions of sale.

The liability of the party instituting proceedings shall not under any circumstances be incurred in the event that there is no insurance.

The purchaser shall be bound to insure the property as from the sale against all risks, and in particular fire risks, with a reputedly solvent insurance company, for a sum at least equal to the price of the compulsory sale.

In the event of an insured loss before the price has been paid in full, the compensation shall be remitted to the liquidator up to the amount of the balance of the said price that remains due in principal and interest.

In the event of a loss that is not covered due to an act of the purchaser, he shall nevertheless be bound to pay the price in addition to incidentals, expenses and costs relating to the sale.

ARTICLE 6

EASEMENTS

The purchaser shall benefit from all positive easements and bear all negative easements, hidden or apparent, declared or undeclared, whether resulting from statutory or regulatory provisions in force, from the location of the property, contracts, or prescription and generally irrespective of their origin or nature as well as the effect of so-called state land clauses (clauses domaniales), subject to his right to assert some and defend himself against others, at his own risks, perils, expenses and fortune, without right of recourse against any party whatsoever.

Chapter II : Bids

ARTICLE 7

ACCEPTING BIDS

Bids shall only be placed, in accordance with law, through a lawyer representing the parties before the district court before which the sale is being pursued.

In order to place bids, the lawyer must have received all necessary information regarding the civil status or company name of his client.

If a higher bid is placed, the deposit or bank guarantee shall be returned unless the higher bid is challenged.

ARTICLE 8

GUARANTEE TO BE PROVIDED BY THE PURCHASER

Prior to placing bids, the lawyer shall require from his principal against receipt an irrevocable bank guarantee or a bank draft made out to the order of the President of the Bar or the Lawyers' Financial Settlements Fund (CARPA) (to be determined by the rules of procedure of each bar association), representing 10% of the amount of the reserve price with a minimum of 3000 euros.

The guarantee or draft shall be returned to him, if he is not declared to be the purchaser.

If the purchaser defaults, the sum paid or the guarantee provided shall be remitted to the liquidator, to be distributed with the price of the property.

ARTICLE 9

HIGHER BID

Higher bids are placed through a lawyer representing the parties at the competent district court within ten days of the compulsory sale.

The higher bid shall be equal to at least one-tenth of the principal sale price. It cannot be retracted.

In case of multiple higher bidders, the formalities of publication shall be carried out by the lawyer of the first higher bidder. Failing that, the creditor having instituted the first sale may proceed with it.

The purchaser by higher bid must pay the expenses of the first sale in addition to the expenses of his higher bid adjudication.

The higher bidder's lawyer must respect the general provisions regarding bids.

If on the day of the sale by overbid auction, no bid is placed, the highest bidder shall be declared the purchaser for the amount of his higher bid.

ARTICLE 10

REPETITION OF THE AUCTION

If the purchaser fails to pay the price, or the costs set by the court, within the prescribed time limits, the property shall be put back on sale at the request of the party instituting proceedings or the liquidator if he is not the party instituting proceedings, under the conditions of the first compulsory sale.

If the price of the new compulsory sale is lower than the first one, the defaulting bidder shall be obliged by means of all legal remedies to pay the difference, in accordance with the provisions of Article 2212-12 of the Civil Code.

The defaulting bidder shall bear the costs set by the court during the first auction. He shall be bound to pay interest at the legal rate on his bid as from the date on which the sale becomes final. The interest rate shall be increased by five percentage points at the end of a five-month period as from the date of the first final sale.

Under no circumstances may the defaulting bidder claim recovery of the sums paid.

If the price of the second sale is higher than the first, the difference will become the property of the liquidator.

After the new sale the purchaser shall be liable for the expenses relating to it.

Chapter III : Sale

ARTICLE 11

TRANSFER OF PROPERTY

The purchaser shall be owner by the sole effect of the sale in the absence of exercise of a right of pre-emption.

They purchaser may not, before payment of the price and expenses, carry out any act of disposal relating to the property with the exception of creating a mortgage in connection with a loan agreement intended to finance the purchase of this property.

Before full payment of the price, the purchaser may not make any notable change, demolition or unusual cutting down of timber at the property, nor cause any damage to the property, under penalty of being immediately required to deposit the price, even by means of repetition of the auction.

ARTICLE 12

PAYMENT OF THE COMPULSORY SALE PRICE

At the latest upon expiry of a three-month period as from the final sale, the purchaser shall be strictly bound under penalty of repetition of the auction to pay the principal of his price to the liquidator, who will issue a receipt for it.

The purchaser shall be liable for interest calculated at the legal rate as from the adjudication of the property.

A purchaser who has not paid the price of the sale in full within the two-month time limit shall bear the cost of registering the liquidator's lien, should the vendor deem fit to register it, and of the later cancellation of the registration.

ARTICLE 13

PAYMENT OF EXPENSES OF THE PROCEEDINGS

The purchaser shall pay to the lawyer instituting proceedings against receipt, in addition to the price and within one month of the final sale, the sum set by the court for the expenses of the proceedings and the total fees determined according to the tariff in force, plus VAT at the applicable rate.

He shall provide confirmation of this to the office of the court clerk before expiry of the two-month time limit as from the date of final adjudication. The title of sale shall only be issued by the office of the clerk of the Judge of Enforcements after receipt has been given for the expenses of the proceedings, which receipt shall remain annexed to the title of sale.

If the same sale includes several lots sold separately, the expenses of the proceedings set by the court shall be divided up in proportion to the reserve price of each lot.

ARTICLE 14

CAPITAL TRANSFER TAXES

The purchaser shall be bound to pay, in addition to the price, and on a priority basis, all registration duties and other duties arising from the compulsory sale. He shall provide confirmation of this to the office of the court clerk before expiry of the two-month time limit as from the date of final adjudication.

If the property being sold is subject to the VAT system, the sale price shall exclude taxes. In this case, the purchaser must pay to the Treasury Department, by order of and on behalf of of the vendor (distrained party) and to his credit, in addition to the sale price, the duties arising under the VAT system for which the vendor may be liable by reason of the compulsory sale, taking into account his rights of deduction, unless the purchaser is able to take advantage of other fiscal arrangements and, in this case, payment of the duties which arise shall discharge the purchaser of his obligations.

All duties which may be due or collected in respect of rentals shall be the purchaser's responsibility only with regard to the period after he takes possession, with the right to seek a remedy, where relevant, against his tenant.

The purchaser shall be personally responsible, without right of action against any party whatsoever, for the amount and supporting documents of the rights of deduction that the vendor may raise before the tax authorities.

ARTICLE 15

JOINT AND SEVERAL OBLIGATION OF CO-PURCHASERS

JOINT AND SEVERAL OBLIGATION OF THE CO-PURCHASERS

The co-purchasers and their successors in interest shall be jointly liable for payment of the price and fulfilment of the conditions of the compulsory sale.

Chapter IV : Provisions subsequent to the sale

ARTICLE 16

DELIVERY AND PUBLICATION OF THE JUDGMENT

The purchaser shall be bound to have the title of sale issued to him and, within two months of its date or, in the event of an appeal, within two months of the decision upholding the sale, to publish it at the mortgage office in the jurisdiction of which the property put on sale is located and to notify the party instituting proceedings that this formality has been completed, all at his own expense.

At the time of this publication, the purchaser's lawyer shall request issuance of statements of formality. These statements must be sent to the liquidator.

In the absence of completion of the formalities provided for in the preceding paragraphs, within the given time limit, the lawyer of the party instituting proceedings may proceed with the publication of the title of sale, all at the expense of the purchaser.

To that end, the lawyer responsible for these formalities shall request from the office of the court clerk all the documents provided for in Articles 22 and 34 of Decree 55-22 of January 4, 1955; once these formalities have been carried out, he shall notify the purchaser's lawyer of their completion and cost by simple exchange of information between lawyers; the said expenses must be reimbursed within one week of the said notification.

ARTICLE 17

TAKING POSSESSION

The purchaser, although owner of the property by the sole fact of the sale, will take possession of it:

a) If the property is free of any lease or occupation, or is occupied, in whole or in part, by persons with neither right nor title, at the end of the time limit for placing a higher bid or, in case of a higher bid, the day of the sale by overbid auction.

b) If the property is leased, by collection of rents or tenant farming as from the first day of the term which follows the compulsory sale or in the case of a higher bid, from the first day of the term which follows the sale by overbid auction.

If an occupant without right or title is in the premises, for whatsoever reason, the purchaser shall be personally responsible for all formalities to be completed or actions to be brought in order to evict the occupant, without any right of recourse against the vendors or the party instituting proceedings.

The purchaser may on his own initiative enforce the eviction order held by him against the debtor, and against any occupant having no right which is enforceable against him, as from the consignment of the price and payment of the expenses set by the court.

ARTICLE 18

CONTRIBUTIONS AND ENCUMBRANCES

The purchaser shall bear all contributions and encumbrances of any kind that encumber or will encumber the property, as from the date of the adjudication decision.

If the property sold is under co-ownership, the successful bidder must pay the charges due in respect of the co-ownership, as from the date of the adjudication decision.

With regard to property tax, he shall reimburse this tax pro rata temporis at the first request of the liquidator and upon presentation of the discharged roll.

ARTICLE 19

TITLE DEEDS

The title of sale consists of the dispatch of the terms and conditions of sale bearing the order for enforcement, following which is transcribed the adjudication of property decision.

As the party instituting proceedings does not have any former titles in his possession, the purchaser cannot demand any of them, however he is authorized to have all enforceable certified copies of or extracts from all deeds relating to the property sent to him at his own expense by all custodians.

ARTICLE 20

DISCHARGE OF REGISTRATIONS

The consignment of the price and payment of the expenses of the sale shall discharge the property ipso jure from any mortgage or lien.

The purchaser may then request the cancellation of registrations encumbering the property by the Judge of Enforcements.

In this case, the purchaser shall be bound to advance all the expenses of the discharge or cancellation of registrations encumbering the property in respect of which he may ask the liquidator for priority.

ARTICLE 21

ELECTION OF DOMICILE

ADDRESS FOR SERVICE

The party instituting proceedings stipulates as his address for service the offices of the lawyer appointed.

The purchaser stipulates as his address for service the offices of his lawyer by the sole fact of the sale.

The stipulated addresses for service shall continue in effect irrespective of any changes in the particulars or status of the parties.

Chapter V – Specific clauses

ARTICLE 22

PROPERTY UNDER CO-OWNERSHIP

The lawyer of the party instituting proceedings must send the notice of capital transfer provided for in Article 20 of the Act of July 10, 1965 (amended by Act 94-624 of July 21, 1994) to the managing agent of the co-owned property.

This notification must take place within two weeks of the sale becoming final and shall state that any challenge with a view to obtaining payment of sums which remain due from the former owner, should be served at the address for service of the lawyer of the party instituting proceedings.

The purchaser's lawyer, independently of the notification above, in the case where the property sold forms part of a development under co-ownership, in accordance with Article 6 of Decree 67-223 of March 17, 1967, is bound to notify the managing agent as soon as the sale is final, by registered letter with return receipt requested, of the designation of the lot or portion of the lot, the last and first names, and actual residence or address for service of the purchaser.

ARTICLE 23

PROPERTY IN A HOUSING DEVELOPMENT

The lawyer of the party instituting proceedings must send the Chairman of the Association Syndicale Libre [Free Property Owners' Association] or the Association Syndicale Autorisée [Authorized Syndical Association] the notice of capital transfer under the conditions of Article 20 of Act 65-557 of July 10, 1965 in accordance with Order 2004-632 of July 1, 2004.

This notification must take place within two weeks of the sale becoming final and shall state that any challenge with a view to obtaining payment of sums which remain due from the former owner, should be served at the address for service of the lawyer of the party instituting proceedings.

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