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Types of legal professions

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France



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Within the different legal and judicial systems of the Member States of the European Union (EU), there is a wide range of legal professions such as lawyers, notaries, judges, prosecutors and judicial officers. Members of legal professions do not hold the same titles in all Member States, and their role and status can vary considerably from one Member State to another.

This page provides you with general information (on the role and functions) on different legal professions.

Please select the relevant country's flag to obtain detailed national information.

If you need to consult or find a legal practitioner in any Member State of the European Union, you can visit the [Find a legal professional](#) section.

Introduction

Apart from lawyers, European Union law does not regulate the conditions for exercising as a legal professional. Legal professions are generally regulated at national level. Although there may be natural similarities between them, these national regulations differ quite substantially from one country to another because they reflect the continuation of often ancient traditions.

The Committee of Ministers of the Council of Europe (COE) has issued a number of recommendations on the legal professions. One of these initiatives concerns the exercise of the profession of lawyer. Another concerns the independence of judges. COE recommendations and other information on this issue may be found on its [website](#).

In addition, the [European Convention on Human Rights](#) states that everyone charged with a criminal offence has the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require. This clause mainly refers to criminal cases, but the [European Court of Human Rights](#) (ECHR) has extended it to cover also civil cases.

Judges

A judge, or arbiter of justice, is a lead official who presides over a court of law, either alone or as part of a panel of judges. The powers, functions, method of appointment, discipline, and training of judges vary widely across different jurisdictions. The judge is like an umpire in a game and conducts the trial impartially and in an open court. The judge hears all the witnesses and any other evidence presented by the parties of the case, assesses the credibility of the parties, and then issues a ruling on the matter at hand based on his or her interpretation of the law and his or her own personal judgment.

You can find more information about this profession at the following websites:

- [Association of European Administrative Judges](#) (AEAJ),

- European Judges and Prosecutors Association (EJPA),
- [International Association of Judges](#) (in particular the European section),
- [European Judges for Democracy and Liberty](#)(MEDEL).

Public Prosecutors

In criminal proceedings, the prosecution service or office of public prosecution plays a very important role. The Member States' systems are also very diverse as regards the role, tasks and powers of prosecutors.

Court staff

The functions and titles of court staff can be very different, for example: "Greffier" in France, "Rechtspfleger" in Germany.

In addition, functions held by them vary widely from one legal system to another: assisting judges or prosecutors, management of courts, responsibilities in certain procedures. Depending on the country, they are subject to legal studies, can provide legal advice and/or benefit from continuous training.

In each case, they play an important part in courts, through their role in welcoming victims as well as defendants and in the overall efficiency of the justice system.

Members of this profession are represented at the European level by the [European Union of Rechtspfleger](#) (E.U.R), a non-governmental organization that brings together professional associations from the several countries. The E.U.R's objectives include participation in the creation, development and the harmonization of law on the European and international levels; working with the European institutions; representation of the professional interests of its members and promotion of the profession in the interest of a better functioning justice system.

Bailiffs (judicial officers)

The judicial officers' profession is regulated by the law of the individual Member State and these regulations differ from one Member State to another.

Members of this profession are represented at European level by the [International Union of Judicial Officers](#) (UIHJ). The purpose of UIHJ is to represent its members in international organisations and ensure collaboration with national professional bodies. It works to improve national procedural law and international treaties and makes every effort to promote ideas, projects and initiatives which help to move forward and elevate the independent status of judicial officers.

[The European Chamber of Judicial Officers](#) (whose French acronym is CEHJ) also represents judicial officers. A non-profit making association governed by Belgian law, the CEHJ aims to promote greater involvement of judicial officers in the concerted action of legal professionals in the European debate.

Lawyers

The lawyer's role, whether retained by an individual, a corporation or the state, is as the client's trusted adviser and representative, as a professional respected by third parties, and as an indispensable participant in the fair administration of justice. By embodying all these elements, the lawyer, who faithfully serves his or her own client's interests and protects the client's rights, also fulfils the functions of the lawyer in society - which are to forestall and prevent conflicts, to ensure that conflicts are resolved in accordance with recognised principles of civil, public or criminal law and with due account of rights and interests, to further the development of the law, and to defend liberty, justice and the rule of law.

In their activity, lawyers are governed by professional organisations or authorities within their Member State - the bars and law societies - which are responsible for the laying down of rules of professional conduct and the administration of discipline of lawyers.

European Union law does not regulate the conditions for exercising a legal profession. However, the 1998

[Directive](#) sets out the conditions in which a lawyer who has qualified in one Member State can exercise his or her profession on a permanent basis in another Member State.

At EU level, lawyers are represented by the [Council of Bars and Law Societies of Europe](#) (CCBE) - an international non-profit-making association founded in 1960. It acts as the liaison between the EU and Europe's national bars and law societies on all matters of mutual interest relating to the exercise of the profession of lawyer.

Notaries

Notaries are legal practitioners specialised and authorised to act in certain legal matters. By virtue of their tasks and responsibilities, notaries play an important role in the State legislature in the 22 Member States where the legal order is based on Latin civil law. Ireland is the single Common Law Jurisdiction within the European Union also has a notarial profession whose practice extends across a wide range of legal services and whose functions and authority are principally exercised in relation to legal acts and instruments to be used in overseas jurisdictions. They have a significant role in the international trade and commerce of their domestic jurisdiction.

Notaries tasks in particular are:

- to draw up private agreements and to advise the parties while satisfying an obligation to treat each of them fairly. In drafting official documents, the notary is responsible for the legality of these documents and for the advice s/he gives. S/he has to inform the parties of the implications and consequences of the obligations they undertake,
- to enforce the deeds s/he draws up. The deed can then be registered directly in the official records, or enforced if one of the parties does not meet its obligations, without the prior intervention of a judge,
- to play the role of an arbitrator who, impartially, and under strict observance of the law, enables the parties to reach a mutually acceptable agreement.

Notaries are public officials – States delegate a portion of public power to allow them to fulfil a public service mission - exercising their functions within the framework of an independent profession.

Notaries are bound by professional confidentiality. The conditions of the notary's nomination are similar to that of a magistrate and s/he is subject to the same independence, permanence of office, impartiality, conclusive power and enforceability of her/his actions in addition to the supervision of her/his activities by the Ministry of Justice.

There are approximately 35.000 notaries, throughout the 22 Member States of the European Union whose legal systems are based on Latin civil law.

In dealings with the European institutions, notaries in the Latin civil law jurisdictions of the European Union are represented by the [Council of the Notariats of the European Union](#) (CNUE) which was set up in 1993. The CNUE represents the Notariats of all EU Member States where the role of Latin Civil Law notary exists: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain. Ireland has its own national representative body, however internationally, it is represented by the "UK and Ireland Notarial Forum".

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