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How to bring a case to court



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European Judicial Network
(in civil and commercial
matters)

1 Do I have to go to court or is there another alternative?

It might be preferable to use alternative dispute resolution methods. See more on this [subject](#).

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case. This question of time limits on bringing court actions can be clarified by a legal adviser or a citizen's advice bureau.

3 Should I go to a court in this Member State?

See '[Jurisdiction of the courts - France](#)'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See '[Jurisdiction of the courts - France](#)'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See '[Jurisdiction of the courts - France](#)'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

- In some cases, you must be assisted in court by a lawyer from the beginning of the proceedings.

In principle, you must be represented by a lawyer before the combined court (*tribunal judiciaire*). However, there are certain exceptions, for example in cases involving commercial leases, or matters falling under the jurisdiction of the chamber for protection disputes (*juge des contentieux de la protection*).

Before a family court (*juge aux affaires familiales*), representation by a lawyer is not compulsory in matters of delegation of parental authority, post-divorce proceedings, parental authority, setting contributions to the costs of a marriage and maintenance obligations.

Before a commercial court (*tribunal de commerce*), enforcement chamber (*juge de l'exécution*), juvenile court (*juge des enfants*), social affairs tribunal (*tribunal des affaires sociales*), employment tribunal (*conseil des prud'hommes*) or agricultural land tribunal (*tribunal paritaire des baux ruraux*), representation by a lawyer is not compulsory.

- Under French law there are two methods of referral.

The services of a bailiff must be used if the proceedings have to be brought by means of a summons. However, the services of a bailiff are not needed if the proceedings may be brought by an ex parte or joint application.

It should be noted that for applications for interim measures (*référé*), the action must be brought by means of a summons.

In divorce matters, the action is brought by means of a summons or by joint application.

A case is referred to a juvenile court judge by one of the parents, the guardian or the minor themselves by means of a simple application.

In order to bring a case before an enforcement chamber, a summons is compulsory except in cases concerning enforcement proceedings regarding decisions relating to deportation.

Before a commercial court, the injunction to pay proceedings that can be brought by means of a simple application concern debts arising from a banker's draft (*traite*), a bill of exchange (*lettre de change*), a promissory note (*billet à ordre*) or an assignation of debts note (*bordereau de cession*). In other matters, the action must be brought by means of a summons.

Before an employment tribunal, a claim may be made by application, which can be (but does not have to be) sent by registered letter.

The parties may apply to the agricultural land tribunal by application or by means of a bailiff. The parties may also apply to the tribunal by means of a joint application, a joint action in which they submit their claims to the judge. This application is submitted to the clerk of the court office.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

All requests for information should be made to the reception desk of each court. In addition, free legal consultations are available in most courts, community justice centres (*maisons de justice et du droit*) and town halls (*mairies*).

In order to bring a legal claim you need to apply to the court office.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

French is the only language accepted. An interpreter may assist a party during the hearings but judges are not obliged to use one if they know the language the party is speaking.

Claims are made in writing.

As the regulations currently stand, it is not possible to bring a case before a civil court by fax or e-mail.

Since the beginning of 2021, an online referral service has been available on the portal for citizens involved in legal proceedings (*Portail du justiciable*). This portal is available for applications to join proceedings as a civil party after receipt of a notice to the victim from the court, application to the guardianship chamber for the management of measures to protect adults and referral by application to the family court for proceedings without mandatory representation by a lawyer.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The French Centre for the Registration and Revision of Forms (CERFA) provides forms for referrals to the courts by application. The file must include information about the claimant and the opposing party and all the

documents relating to the subject of the case, which must be submitted, depending on the case, to the court office when the action is brought or to the judge at the time of the hearing.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Access to justice at first instance is free of charge. As a rule, there are no charges payable to the State when bringing an action, with the exception of those relating to commercial courts where there are fixed court charges.

The costs represent the expenses generated by the conduct of the proceedings. These include compensating witnesses and paying experts' fees and bailiffs' and lawyers' expenses, excluding fees. Some costs must be paid at the start of or during the proceedings. At the end of the proceedings, costs are, as a rule, charged to the losing party by the judge, unless that party is receiving legal aid.

Lawyers' fees are subject to a fee agreement established with their client. Lawyers may require a retainer, which is an amount paid in advance or during the work done by them as a payment on account by the client.

11 Can I claim legal aid?

If the means of a claimant of legal aid do not exceed an eligibility ceiling that is re-evaluated each year, he/she can receive legal aid (€1 043 in 2020 for full legal aid and up to €1 564 for partial legal aid). The thresholds may be amended according to the plaintiff's family situation (see '[Legal aid - France](#)').

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The action is brought:

- by submitting a copy of the summons to the court office;
- by lodging or registering the application with the court office.

Claimants do not receive any confirmation of the validity of their action.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The court office may provide information on the progress of proceedings and the hearing date that has been set.

Related links

[Ministry of Justice website](#)

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