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Initial training of lawyers in the European Union

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Austria



Austria

General description

Is initial training offered, if yes is it compulsory?

Yes, training is compulsory.

In order to exercise the profession of a lawyer in Austria, certain conditions have to be met. After the completion of the law studies and the completed court practice (7 months), the trainee lawyer has to have completed the required period of practice (including 3 years as a trainee lawyer with an Austrian lawyer) and has to have participated in training events of at least 42 half-days. After then having successfully passed the bar examination, the trainee lawyer can apply for registration in the list of lawyers.

Does initial training differentiate between categories of trainees, e.g. for in-house lawyers and advocates?

No.

Which entities are responsible for organising initial training?

There are different entities responsible during the required period of practice of the trainee lawyer. The main responsible entities, which are responsible for the court practice and the bar examination, are the higher regional courts ("Oberlandesgerichte"). For the required period of practice with a lawyer, the lawyers themselves are responsible. Other responsible entities (for the training events) are:

- Bar
- Private training providers
- Private training providers accredited by the Bar (there is no explicit requirement of accreditations by the Bar)
- Universities
- Specific lawyers' academies and training structures established by the Bar.

What is the statutory basis for initial training?

Section 2 [RAO](#) (Rechtsanwaltsordnung, Lawyers' Act).

Access to the initial training

Are there conditions for accessing the training?

To become a registered trainee lawyer (Rechtsanwaltsanwärter) they must fulfil requirements set out in the [RAO](#) (Rechtsanwaltsordnung, Lawyers Act). They have to complete their law studies and they must be trustworthy

and possess an unobjectionable police record. Then they can start to work as a trainee lawyer at a lawyer. However, the individual training courses can be visited without specific access conditions.

What is the main recruitment procedure? If it is competitive - who runs it?

Not applicable.

Are there alternative access routes to the training?

- Judges and notaries may choose the alternative route to become a lawyer: According to Section 10 [ABAG](#) ["Ausbildungs- und Berufsprüfungs-Anrechnungsgesetz", Law on Accreditation of Education and Professional Examinations], judges and notaries can take a complementary oral examination (Section 12 [ABAG](#)). Successful completion of this examination before the competent commission of an Austrian Court of Appeal is considered equal to the successful completion of the bar exam which trainee lawyers normally have to take.
- According the [European Directive 2005/36/EC](#) on the recognition of professional qualifications
- According the Lawyers [Directive 77/249/EEC, 98/5/EC](#).

Format and content of the initial training

What is the duration and time frames of the training?

5 years in total.

- 7 months court internship
- 3 years of traineeship in a law firm
- The successful passing of the bar examination
- The completion of 42 half-days of training events
- 19 months traineeship at another entity (see below).

The 19 month induction period can be spent either at a law firm, court, or public prosecutor's office, at a university if the course constitutes part of continued academic education and aims at obtaining an additional legal academic qualification according Section 2 para. 3 subparagraph 1 [RAO](#) ["Rechtsanwaltsordnung" Lawyers Act]) or can be spent abroad in course of a practical employment equaling the requirements of Section 2 para. 1 [RAO](#) ["Rechtsanwaltsordnung", Lawyers' Act] and serves the trainee lawyer's future career as a lawyer. It can also be spend at a notary office, administrative agency, chartered accountant or tax accountant.

How is the training organised?

See "[Which entities are responsible for organising initial training?](#)" and "[What is the duration and time frames of the training?](#)".

Who are the trainers?

Depending on where the training takes place, the trainers are judges during the court internship, lawyers during the lawyer training period and lawyers, judges, university professors or other suitable legal professionals during training events.

See "[What is the duration and time frames of the training?](#)".

What is the content and objectives of the initial training?

Learning content according to the [RAPG](#) ("Rechtsanwaltsprüfungsgesetz", Lawyers' Examination Act), see in detail Section 13 and 20 [RAPG](#).

Preparation courses for the lawyer's exam have to include education in specific legal fields, for example:

- Austrian Civil law, including International Private Law
- Civil procedure Law, including non-contentious proceedings and alternative dispute resolution
- Criminal Law

- Insolvency procedure
- Procedural methods (drafting contracts, deeds, statements of defence, appeals)
- Representation before Austrian and international courts
- Anti-Money-Laundering.

Who designs the initial training programmes?

The legal framework of the legal education is set by the [RAO](#) ("Rechtsanwaltsordnung", Lawyers' Act) and the [RAPG](#) ("Rechtsanwaltsprüfungsgesetz", Lawyers' Examination Act).

What methodology is used for the training?

The training includes courses where practical skills like preparing judgments, indictments or written observations for a lawsuit are taught. The main training consists of accompanying the lawyer and taking on some of their tasks, for example the integration in the file work in the lawyers' office and at court. Training events and lectures can be held in person and as well online.

What practical elements of the training are applicable to the trainees?

Practical elements according to their position apply. The registered trainee lawyers are obliged to follow the deontological rules of lawyers.

How are trainees evaluated/assessed? How often and by whom?

See the "[What is the duration and time frames of the training?](#)" question above.

The trainees are evaluated and assessed during their bar exam.

Are there any training activities carried out in conjunction with other legal professionals? If yes: How does it work?

Yes. At many training events a lawyer lectures with a judge or other legal professional in order to examine the topic from all perspectives.

What are the specificities regarding EU law training, linguistic training and European components of initial training, for example participation in CCBE or ELF activities?

In the course of the induction period, it is possible to spend 6 months abroad working as an intern, the internship being comparable to the requirements of Section 2 paragraph 1 [RAO](#) ("Rechtsanwaltsordnung", Lawyers Act) which count towards the requirements of the 19 month traineeship. EU-Law is also part of the training during individual courses.

How many trainees are accepted for training? Are the numbers of trainees adjusted annually and by who?

As of 31 December 2020, there were 2,270 trainee lawyers in Austria. There has been a continuous increase for years. The number of trainee lawyers is dependant on the market.

Termination of the initial training and qualification process

Does the initial training conclude with a final exam? How is it organised? Who is responsible for the exam?

There is the bar exam (written and oral), which does not have to be at the end of the initial training. The competent Higher Regional Court is responsible for the bar exam.

Is there a further recruitment procedure to become a lawyer upon completion of the initial

training?

See the "[Are there alternative access routes to the training?](#)" question above.

Note: The information provided in this form shall give a first overview and shall not have legal effect. Trainees should inform themselves about the relevant applicable law.

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