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Initial training of lawyers in the European Union

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Spain



Spain

General description

Is initial training offered, if yes is it compulsory?

Law 34/2006 of 30 October 2006 establishes the system of initial training for access to the profession. Training is compulsory.

The Law is implemented by Royal Decree 775/2011, of 3rd June, which approves the Regulations of Law 34/2006, of 30 October, on access to the professions of Lawyer and *Procurador*.

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

The training for access to the profession does not distinguish between different types of practice, nor does it provide for different categories.

Which entities are responsible for organising initial training?

The system provided for in Law 34/2006 of 30 October enables training to be carried out in two types of entities, Universities and Schools of Legal Practice created by local Bars and approved by the General Council of Spanish Bars (articles 4 and 5 of the Law and articles 4 and 5 of the Regulations). In both cases it is necessary to sign an agreement between the local Bar and the University.

What is the statutory basis for initial training?

[Law 34/2006 of 30 October 2006](#) establishes the system of initial training for access to the profession.

[Royal Decree 775/2011](#), of 3 June, approving the Regulation of Law 34/2006, of 30 October, on access to the profession of lawyer.

Access to the initial training

Are there conditions for accessing the training?

Law 34/2006 of 30 October 2006 creates the professional title of lawyer and establishes the requirements to obtain it as follows:

1. Hold a university degree in law.
2. To accredit professional training by means of the completion of training that covers all the competences necessary for the exercise of these professions.
3. To carry out a training period of practical training

4. Pass the final assessment test accrediting the respective professional qualification.

Pursuant provisions of Law 34/2006, the professional training referred to in section b) consists of passing a 90-credit course that guarantees comprehensive training in all the necessary skills (60 ECTS credits) and practical training. This includes a system of external internships in professional offices and other public or private institutions (30 ECTS credits), and the accreditation of this professional training will be carried out by means of passing a national final test, which will award those who pass it the professional title of lawyer with the corresponding certificate issued by the Ministry of Justice.

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

The system provided for in Law 34/2006 enables training to be carried out in two types of entities, Universities and Schools of Legal Practice created by local Bars and endorsed by the General Council of Spanish Bars (articles 4 and 5 of the Law and articles 4 and 5 of the Regulations). In both cases it is necessary to sign an agreement between the local Bar and the University.

Are there alternative access routes to the training?

The third additional provision establishes the exclusions of applicability of the Law 34/2006 in the following cases:

1. The actions of personnel in the service of the State, Constitutional Bodies, Public Administrations or public entities before Courts and Tribunals in the performance of their duties shall be governed by the provisions of Article 551 of Organic Law 6/1985, of 1 July, on the Judiciary, and other applicable legislation, without in any case being required to obtain the qualification regulated in this law.
2. Civil servants who have entered a corps or scale of group A as graduates in law shall be exempt from obtaining the title of lawyer or the title of court solicitor for the purposes described in Article 1 of this Act, if they perform the functions of legal assistance or legal advice. Those who have joined the Corps of Law Clerks of the Cortes Generales, any of the Corps of Law Clerks of the Autonomous Legislative Assemblies, the Judicial Career, the Public Prosecutor's Career, the Corps of Court Clerks, or any of the common corps of the Army in their capacity as law graduates shall also be exempt.

Format and content of the initial training

What is the duration and time frames of the training?

The duration of the course is 90 CTS credits, which are distributed as follows:

- 60 STS credits theoretical and practical training
- 30 CTS credits external internships in professional offices and other public or private institutions.
- Passing a final test.

How is the training organised?

The content of the programmes of the various training courses is verified, in the case of universities by the Ministry of Education and in the case of local Bars by the Ministry of Justice.

Who are the trainers?

In accordance with the provisions of articles 4 of the Law 34/2006 and 13 of Royal Decree 775/2011 of 3 June, the teaching staff of all training courses must have a balanced composition between lawyers and university professors, so that lawyers must reach at least 50% of the teaching staff and each of these groups together must not exceed 60% and not be less than 40%. Other professionals related to the practice of the profession, such as judges, prosecutors, notaries, registrars, etc., may also be included as a percentage.

What is the content and objectives of the initial training?

Royal Decree 775/2000 establishes the competences to be considered in training courses:

Possess, understand, and develop skills that make it possible to apply the specialised academic knowledge

acquired in the degree to the changing reality faced by lawyers to avoid situations of injury, risk or conflict in relation to the interests entrusted to them or their professional practice before courts or public authorities and in advisory functions.

To be familiar with the techniques aimed at ascertaining and establishing the facts in the different types of proceedings, especially the production of documents, interrogation, and expert evidence.

Knowing and being able to integrate the defence of clients' rights within the framework of national and international legal protection systems.

To know the different techniques for the composition of interests and to know how to find solutions to problems by means of alternative methods to legal proceedings.

Understand and know how to apply the professional deontological rights and duties in the lawyer's relations with the client, the other parties, the court or public authority and between lawyers.

Know and evaluate the different responsibilities linked to the exercise of professional activity, including the basic functioning of free legal aid and the promotion of the lawyer's social responsibility.

Know how to identify conflicts of interest and know the techniques for their resolution, establish the scope of professional secrecy and confidentiality, and preserve independence of judgement.

Knowing how to identify the performance and organisational requirements that are decisive for legal advice.

Understand and know how to apply in practice the organisational, management and commercial environment of the legal profession, as well as the legal framework for associations, taxation, employment and personal data protection.

Develop skills and abilities to choose the right strategy for the defence of clients' rights, taking into account the requirements of the different areas of professional practice.

Knowing how to develop skills that enable lawyers to improve the efficiency of their work and enhance the overall functioning of the team or institution in which they work through access to information sources, knowledge of languages, knowledge management and the use of applied techniques and tools.

Understand, knowing how to organise and plan the individual and collective resources available for the practice of the legal profession in its different organisational modalities.

Knowing how to present facts orally and in writing, and draw legal consequences from them in an argumentative way, taking into account the context and the addressee to whom they are addressed, in accordance with the modalities of each procedural area.

Knowing how to carry out professional work in specific and interdisciplinary teams.

Knowing how to develop interpersonal skills and abilities that facilitate the practice of the legal profession in its relations with citizens, other professionals and institutions.

Who designs the initial training programmes?

The different universities or local bars, in compliance with the competences indicated in RD 775/2011.

What methodology is used for the training?

Theoretical and practical methodology.

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

The competences indicated in RD 775/2011 include:

Understanding and know how to apply the professional deontological rights and duties in the lawyer's relations with the client, the other parties, the court or public authority and between lawyers.

Know and evaluate the different responsibilities linked to the exercise of professional activity, including the basic functioning of free legal aid and the promotion of the lawyer's social responsibility.

Professional ethics, the rights and duties of lawyers, disciplinary liability, civil liability and penalties form one of the fundamental parts of the examination for obtaining the professional title of lawyer: a.1 Professional ethics, organisation and practice of the profession of lawyer.

- Essential principles of the legal profession
- Rights and Duties of Lawyers
- The General Statute of the Spanish Legal Profession
- Lawyer's obligations under the Organic Law on the Protection of Personal Data and guarantee of digital rights and money laundering.

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

Evaluations in each of the subjects to be passed within the timetable provided by the respective universities and local bars and, once the training process has been passed, the 90 CTS credits, passing an evaluation test at state level to obtain the professional title of lawyer.

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

Yes, with judges, prosecutors, notaries, registrars, etc.

According to the programme of each university and local bar.

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

The training courses include specific EU law content, as a part of the contents of the indicative programme of subjects of the assessment test for obtaining the professional title of lawyer: "15. The judicial system of the European Union. Jurisdictions of the European and international courts and case law that may arise. "

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

There is no pre-established limitation of places for the admission of students to the training courses for access to the legal profession. The number of admitted candidates may vary depending on the number of the places that is made available by each university and school of legal practice.

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?

Yes. The final assessment test is jointly convened by the Ministry of Justice and the Ministry of Education, having heard the Autonomous Communities, the University Coordination Council, and the General Council of Bars.

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

It is carried out by the various law firms, companies, or institutions in accordance with labour law regulations.

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