

Pro Bono Practices and Opportunities in France

I. Introduction

The provision of pro bono legal services does not have the same level of popularity in France as in Anglo-Saxon countries. This can mainly be explained by the strong support of the welfare state in France and strict restrictions on advertising legal services that were in place until 2014. Pro bono practices in France have, however, experienced rapid development in the last decade thanks to various kinds of private initiatives (in particular from international law firms with offices in France) and to the involvement of the French Bar and specifically the Paris Bar.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The provision of legal services in France is regulated by the Law No. 90-1259 of 31 December 1990 amending Law No. 71-1130 of 31 December 1971 reforming certain legal and judiciary professions and its implementing Decree No. 91-1197 of 27 November 1991. This law provides for the general framework regulating the legal profession in France.</p> <p>The provision of legal services in France is also regulated by the National Internal Regulation of the French Bar (in its consolidated version of 1 August 2017), including the European Code of Ethics. The National Internal Regulation merges into a single text the various professional rules adopted by local bars.</p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The provision of legal services in private practice in France requires the Attorney Professional Certificate (<i>Certificat d’Aptitude à la Profession d’Avocat (CAPA)</i>), which is delivered by regional Attorneys Training Centers (<i>Centres Régionaux de Formation à la Profession d’Avocat (CRFPA)</i>). In order to obtain the CAPA, French law students must have a 1st year’s master’s degree (Master 1) in law and pass a CRFPA admission exam. They must then follow the CRFPA course which last 18 months, out of which two semesters are dedicated to professional experience. At the end of this course, they must pass the CAPA exam. No specific license requirement is required to become an in-house counsel but a 2nd year master’s degree is highly recommended.</p> <p>Foreign attorneys who are EU nationals are given a choice: they can either take the French law exam (<i>Examen d’aptitude en droit français</i>) dedicated to</p>

		<p>foreign attorneys willing to have their professional title recognized in France, or be exempted from taking such exam and instead take the Attorney Professional Certificate exam, as any French law student.¹</p> <p>Foreign attorneys that are not EU nationals must satisfy two conditions: (i) being an attorney in one’s home country; and (ii) the reciprocity of the procedure for French attorneys in such home country. Foreign attorneys are exempted from taking the Attorney Professional Certificate exam, but they do need to pass the French Law exam.²</p>
(b)	Pro Bono Practice and Culture	
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no specific rules that regulate the provision of pro bono legal services in France. The provision of pro bono legal services is an exception to the general professional rule whereby the provision of legal services by attorneys is for a fee.</p> <p>A law of 18 December 1998 has created the local councils for access to law (<i>Conseils départementaux d'accès au droit (CDAD)</i>) in order to facilitate the access of marginalized persons to legal services. Local bars participate in such councils as well as public authorities. Attorneys provide pro bono legal advice at different locations within this framework.</p> <p>The provision of pro bono legal services does not benefit from incentives in France. Article 238 bis of the General Tax Code introduces, in case of donation, a tax reduction of 60% of any donation. However, this does not apply to pro bono initiatives provided by law firms. Not taking into account pro bono activities in a specific tax regime constitutes an incentive to move away from pro bono activities in favor of other economic choices such as endowment funds.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in France are not required to work a minimum number of pro bono hours.</p>

¹ See Decree of November 27, 1991, No. 91-1197, Art. 99.

² See Decree of November 27, 1991, No. 91-1197, Art. 100.

	<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in France are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
	<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in France are human rights law, law relating to foreigners, social entrepreneurship law and criminal law.</p> <p>The major unmet legal needs come from marginalized populations that are not able to get legal aid due to their lack of information and in some cases language barriers. On the other hand, NGOs also require the provision of pro bono legal services as they do not have the funds to afford the services of private law firms.</p>
	<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>In France, most of the pro bono initiatives come from private law firms and NGOs. Pro bono programs carried out by law firms generally take the form of direct assistance and legal advice provided by attorneys to associations. Pro bono projects can concern economically-oriented activities such as social entrepreneurship and fair-trade project management or the development of French local entrepreneurship. Pro bono projects can also relate to international human rights in France, for example, representing individual clients before international bodies, assisting asylum seekers or victims of trafficking. Then, when involved in pro bono programs, initiatives by NGOs can take two forms: partnerships with law firms or companies, or within the framework of their own activity.</p>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Lawyers in France do not require a specific license to provide pro bono legal services. The requirement is the same for pro bono legal services as it is with any other legal work.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>Foreign lawyers in France do not require a specific license to provide pro bono legal services. The requirement is the same for pro bono legal services as it is with any other legal work provided by foreign lawyers in France.</p>

<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?</p>	<p>Lawyers require the same professional insurance for providing pro bono legal services as they do for providing any other legal services in France. However, the basic insurance provided by the bar does not cover pro bono legal services. This issue is still discussed within the Paris Bar. A report released in June 2017 of the “<i>Union des Jeunes Avocats de Paris</i>” (Young Parisian Attorneys Union) promotes negotiation with insurance companies in order to drive things forward.</p>
<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?</p>	<p>There are no specific rules that prohibit advertising of pro bono successes or soliciting new pro bono clients.</p> <p>The restriction on legal advertising which ended in 2014 undoubtedly impeded an effective communication of pro bono activities in France. Until then, it was illegal to solicit legal work in any form, either by going to the residence or workplace of a potential client or by sending a personalized proposition of work without having been properly invited beforehand. Advertising was only permissible in order to convey strictly necessary information to the public.</p> <p>In addition, attorneys in France should comply with its other ethical obligations and, in practice, the client should agree before advertising a specific case including pro bono matter.</p>
<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?</p>	<p>Lawyers in France do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.</p>
<p>(d) Sources of Pro Bono Opportunities and Key Contacts</p>	
<p>1. Describe any governmental sources of pro bono and/or other legal services in France.</p>	<p>In France, the main source of legal services is the state-subsidized <i>aide juridictionnelle</i> that allows indigents to receive legal representation from a qualified attorney who is paid by the State³. The program has created an entire market of French attorneys whose practice focuses on cases referred through the <i>aide juridictionnelle</i> system which should be distinguished from pro bono work. The work these attorneys receive tends to be</p>

³ The Law of 3 January 1972 has instituted the *aide juridictionnelle*, involving the state in the remuneration of the attorneys.

	<p>individualized and often concerns smaller daily matters from clients who cannot afford any other form of representation.</p> <p>Law firms may also expand their pro bono offering by increasing their presence within the <i>accès au droit</i> framework. The <i>accès au droit</i> is unpaid and voluntary and provides clients in need with consultations and assistance to help them make informed legal decisions. It is the area in which most law firms have provided U.S.-style pro bono aid to the French community.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in France.</p>	<p>NGOs and the French bars are the main non-governmental sources of pro bono legal services.</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There are no public or private organizations with which a local or foreign attorney can register in order to be made aware of pro bono opportunities. However, information on legal aid and pro bono opportunities in France can be found on the websites of the following public bodies and NGOs:</p> <ul style="list-style-type: none"> • Paris Bar;⁴ • <i>Conseil National des Barreaux</i>;⁵ • Ministry of Justice;⁶ • Paris City Hall;⁷ • <i>Fonds de dotation Barreau de Paris Solidarité</i>;⁸ • <i>Défenseur des droits</i>;⁹ • <i>Centre français des fonds et fondations</i>;¹⁰ • Pro Bono Lab;¹¹ • <i>Droits d'urgence</i>;¹² and

⁴ See www.avocatparis.org (last visited on May 1, 2019).

⁵ See <https://www.cnb.avocat.fr/fr/commission-acces-au-droit-et-la-justice> (last visited on May 1, 2019).

⁶ See <https://www.justice.fr/connaître-vos-droits> (last visited on May 1, 2019).

⁷ See <https://www.paris.fr/aidejuridique> (last visited on May 1, 2019); www.v2asp.paris.fr/commun/pdf/acces_en.pdf (last visited on May 1, 2019) (brochure in English).

⁸ See <http://www.barreausolidarite.org/> (last visited on May 1, 2019).

⁹ See <http://www.defenseurdesdroits.fr/> (last visited on May 1, 2019).

¹⁰ See www.centre-francais-fondations.org (last visited on May 1, 2019).

¹¹ See <http://probonolab.org> (last visited on May 1, 2019).

¹² See www.droitsurgence.org (last visited on May 1, 2019).

		<ul style="list-style-type: none">• <i>Adie</i>.¹³
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May 2019
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¹³ See www.adie.org (last visited on March 1, 2019).