INTERVIEW WITH

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President of the Geneva Bar Association

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HOW TO BECOME A LAWYER IN SWITZERLAND?[1]

INTERVIEW WITH

JEAN-MARC CARNICÉ[2]

PRESIDENT OF THE GENEVA BAR ASSOCIATION

Extract : *The President of the Geneva Bar Association Jean-Marc Carincé did us the honour of answering our questions on the following topic and we warmly thank him: " How to become a lawyer in Switzerland?"*
Indeed, a great number of young scholars and law professionals in France and abroad wish to practise law in Switzerland and the answers to the questions hereunder aim to allow them to better apprehend and prepare such an endeavour.

[1] A special thanks to Mr. Theo Philip for his time and effort in translating this interview from French to English.
[2] Mr. Jean-Marc Carnicé is the President of the Geneva Bar Association. For more information, see http://www.bianchischwald.ch/en/

1. As a preliminary question, could you introduce yourself to our readers by describing for example the genesis of your passion for the profession of lawyer, your professional career and also your current position?

Born in 1968, I studied Law at the University of Geneva then obtained my lawyer's licence in 1994, after a traineeship at the Public Prosecutor's office and at a prestigious Geneva law firm.

I then left to London to work for a firm specialised in economic crime before going to New York where I did a postgraduate in International Law. I also sat the New York Bar exam that I passed in 1995.

From 1996 to 2001, I worked as an associate for Marc Bonnant the President of the Geneva Bar association. I then founded the Law firm BCCC that has 25 lawyers today in Geneva and Lausanne.

I am specialised in economic crime and international legal cooperation in criminal matters.

Practicing as a Lawyer appeared to me as obvious in my teen years.

I have a passion for defence.

Since April 2014, I am the President of the Geneva Bar Association.

2. What is the academic requirement to become a Lawyer in Switzerland?

The Swiss legislator established minimum principles and requirements in order to practice as a Lawyer (Federal Law on free circulation of Lawyers – LLCA; RS 935.61). It is up to each of the 26 Cantons to adopt the necessary application dispositions in order to implement this law.

Under article 7 -1 let. a LLCA, the deliverance of a Lawyer's licence supposes that the person must have an undergraduate or a masters in law delivered by a Swiss university, or an equivalent law degree delivered by one of the universities whose Country has signed a mutual diploma recognition agreement.

In Geneva, it is necessary to obtain 180 credits ECTS in law, 120 of which in Swiss law in a Swiss university (article 24 let. a and 25 let. f of the Cantonal law on the law profession- LPAv; RSGE E 6 10; art. 10 -1 let. e of the regulation implementing the law on the profession of lawyers- RPAv; E 6 10.01).

3. What kind of exams should one take in order to become a Lawyer in Switzerland? What kind of training must one do to become a lawyer in Switzerland?

Federal law provides that, as minimum condition to obtain a Lawyer's licence the candidate must have done a one-year traineeship in Switzerland and be sanctioned by an exam concerning theoretical and practical legal knowledge (art 7 al. 1 let. b LLCA).

That said, as indicated further up, cantonal law governs the requirements to obtaining a lawyer's licence. They may be susceptible to change from one Canton to another.
In Geneva, the traineeship lasts eighteen months minimum (art. 24 let. c and 31 LPAv). It can only be done after successfully completing lawy school (l'École d'avocature) (art. 24 let b, 30 and 30A LPAv). After the traineeship, the trainee lawyer must sit a final exam (art. 24 let d. and 33A LPAv).
The other Swiss cantons do not provide for the requirement to successfully complete law school (l'École d'avocature). Trainee lawyers can directly start their traineeship after obtaining their legal training certificate.

4. What languages should one master in order to practice law in Switzerland?

French and German must be mastered at least passively for one of the two. Indeed the Federal Tribunal, our High Court, hands most of its decisions in those two languages. Geneva is an international city and mastering English is essential.

5. How can one register to a Bar Association in Switzerland?

The registration procedure must necessarily be initiated by a request to the cantonal lawyer surveillance authority fulfilling all the above-mentioned conditions. The authority never intervenes ex officio. The lawyer must provide supporting documentation demonstrating that he/she meets the legal requirements of article 7 an 8 LLCA.

6. What ideal course of study would you suggest to young Swiss and foreign scholars willing to become a lawyer in your country?

Today, it is easy to do part of your studies in another country. For me it is essential. Competition is intense and I would advise Swiss and foreign students to not hesitate and expatriate if they have the possibility to do so. To that, I add that all professional experiences are necessarily a good thing.

7. What advise would you give to licensed lawyers from another bar (French or foreign) that would like to directly practice in Switzerland? Is it possible for them to register directly to a Swiss bar association as soon as they obtain their licence in their country of origin?

Lawyers from a EU/EFTA member-state, habilitated to practice in their country of origin can represent clients in Switzerland on a permanent basis, under their original professional title, after subscribing to the register kept by the surveillance authority (art. 27 al. 1 LLCA). In order to establish their quality as a lawyer, they must bring forth a certificate proving their registration to the competent authority of their country of origin (art. 28 al.2 LLCA).

8. What are the duties performed by a Swiss lawyer?

The profession is varied.

There is every kind of lawyer. Those who practice in small law firms are often general practitioners and those more specialized that practice in big studies. The trend nonetheless is towards concentrations and national and international mergers.

9. What are the required qualities to become a lawyer in your country?

An inquisitive mind, courage, work force and empathy are essential qualities in order to practice as a lawyer.

10. Do "gateways" exist in order to directly access the profession in Switzerland?

There are no "gateways" in Switzerland enabling jurists with substantial practical experience to register to the bar following an authority's decision.

11. Can a Swiss lawyer practice abroad?

The Swiss lawyer has the possibility to benefit from the provisions related to free movement between Switzerland, the EU and the EFTA resulting from the Agreements on free movement of people (RS à.142.112.681), respectively the Vaduz agreement (RS à.632.31). The Swiss lawyer is then authorized to ensure service deliveries and to establish a firm in one of the EU/EFTA member states.
In the other states, the possibility for that lawyer to practice will depend on the local legislation in force.

12. Is it possible for a lawyer registered to a foreign bar, to practice in Switzerland, without registering to a Swiss Bar?

As indicated above, the lawyer from a EU/EFTA member state habilitated to practice in his/her state of origin must register to the registry held by the surveillance authority in order to be habilitated to represent in court in Switzerland on a permanent basis, under their original professional title (art. 27 al. 1 LLCA).

However, the European lawyer authorised to practice in his state of origin is authorised to deliver services, on a non –permanent basis and under his/her original title, without being registered to the cantonal registry of lawyers (art. 21 LLCA). This is the freedom to provide services.
However, I remind that representation in court implies adequate knowledge on procedure for the lawyer that delivers the services and in this respect; he/she shall answer to every mistake causing damages to his/her client.

For more information :

Geneva Bar Association

https://www.odage.ch/