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## Lawyer

Verified 01 janvier 2020 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

The lawyer is responsible for defending you before, during and after legal proceedings. It also has a role as a consultant and intermediary for certain real estate transactions. The lawyer must be faithful to his oath: exercise with dignity, conscience, independence, honesty and humanity. The choice of lawyer is free, except in some cases.

### Role

You can defend yourself in the local court or in the judicial court, if the value of the dispute does not exceed 10 000 €.

In court cases where the value of the case exceeds €10,000, as well as in enforcement proceedings, and in certain specific cases, the use of a lawyer is compulsory. These include trials before:

- the juvenile court (only for the minor child),
- the Court of Appeal in civil matters (except in matters of judicial protection of adults, rural leases and social matters),
- the court of assize (for the accused).

### Advisor Role

The lawyer shall be entitled to:

- provide legal advice,
- writing contracts or other private signature,
- help find a friendly solution in case of dispute.

He shall communicate to persons wishing to initiate a trial an estimate of his [cost](https://www.service-public.fr/particuliers/vosdroits/F1816?lang=en) and the chances of success of the procedure.

 **FYI** : many devices make it possible to obtain a local [free consultation with a lawyer](https://www.service-public.fr/particuliers/vosdroits/F20706?lang=en) in order to present his case once and obtain first advice.

### Certification Role

The lawyer may countersign acts under private signature. This act:

- attests that the lawyer has fully informed the party or parties he advises on the legal consequences of this act
- and shall have full faith in its content and in the signature of the parties.

### Representation Role

The lawyer may perform in the place of his client and even in their presence, any useful act before the various courts and with the various actors of justice.

He represents his client to act in his place and on his behalf.

The functions of representation of the lawyer are:

- **apply** :: complete all the formalities of the trial on behalf of the person he represents,
- **plead** :: to speak and explain his client's position in court.

The use of a lawyer is mandatory in certain cases, including before the [court](https://www.service-public.fr/particuliers/vosdroits/F1791?lang=en).

### Helper Role

To assist his clients, the lawyer may in particular:

- interview a person in [custody](https://www.service-public.fr/particuliers/vosdroits/F14837?lang=en) in the premises of the police or the gendarmerie as from 1<sup>st</sup> time of arrest,
- access the instruction folder at any time during the procedure,
- request investigations from the examining magistrate, who shall have a period of one month to reply to him,
- acting on behalf of incarcerated persons.

 **FYI** : in order to benefit from the assistance of a lawyer, persons not able to remunerate him with their own money may request [legal aid](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en).

## Real estate broker role

The lawyer can also act as an intermediary in matters of foreclosure, sharing, licitation (auction of a property in indivisibility) and judicial security..

## Duties

The lawyer is required to respect a number of duties, including:

- he shall be bound by professional secrecy,
- he is bound by a duty of loyalty: he cannot advise or represent several parties to the same case if there is a conflict of interest between them. In addition, he cannot accept a new contract if the secrecy of the information given by a former client might be violated, or if the information he has knowledge of by a former client would favor the new client,
- he must refuse to participate in the drafting of a manifestly unlawful or fraudulent act or convention,
- he must obtain the agreement of his client to contact the opposing party in order to find an amicable solution to a dispute,
- he has an obligation to defend the best interests of his client, even in relation to his own interests or those of his colleagues.

## How to choose your lawyer?

### Choice of lawyer

You are free to choose your lawyer. You can also change them in the same procedure. Even if you benefit from [legal aid](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en>)..

### Territorial limit of the intervention of the lawyer

The choice of the lawyer who pleads for you is completely free, without territorial limitation.

However, not all lawyers can represent you throughout the territory. A lawyer may apply only before all the courts within the jurisdiction of the court of appeal in which he has established his professional residence.

➡ **FYI** : if a lawyer in charge of the case is not located in that jurisdiction, he or she must use the services of an applicant lawyer who will represent you in court to carry out the procedural acts.

By way of exception, a lawyer may only apply to the court in which he is registered in the following cases:

- procedures for foreclosure of property,
- procedures for the sharing and licensing (auction of property in indivisibility),
- where it is involved in legal aid.

### Compulsory use of a lawyer

You can defend yourself in the local court or in the judicial court, if the value of the dispute does not exceed €10,000..

In cases decided by the court, where the value of the case exceeds €10,000, as well as in enforcement litigation, and in certain specific cases, the use of a lawyer is mandatory. These include trials before:

- Children's Court,
- the Court of Appeal in civil matters,
- the court of assises.

➡ **FYI** : the assistance of a lawyer is not required before the [correctional court](https://www.service-public.fr/particuliers/vosdroits/F2189?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2189?lang=en>) but it is highly recommended.

### Lawyer ex officio

In criminal matters, the judge shall appoint a lawyer ex officio:

- where a person does not know a lawyer who can assist him, but wishes to have one
- or is required by law to have one.

Public defenders are not necessarily free of charge and must be paid by the person whom they defend, in accordance with the latter's means.

⚠ **Warning** : it is not possible to have a lawyer assigned to a civil case.

### Counsel

Except in special cases, recourse to a lawyer is compulsory before the Conseil d'État and the Cour de cassation. You will then have to choose a lawyer who is a member of the Bar Association at the Conseil d'État and the Cour de cassation.

### Who shall I contact

- [Lawyer at the Council of State or the Court of Cassation](http://www.ordre-avocats-cassation.fr/ordre/avocats) [↗](http://www.ordre-avocats-cassation.fr/ordre/avocats) (<http://www.ordre-avocats-cassation.fr/ordre/avocats>)

## Cost

What you will actually pay the lawyer varies considerably depending on whether you benefit from [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en).

#### General case

Lawyer fees are not regulated. The lawyer sets the cost of the services he charges his client.

To determine the lawyer's fees, several criteria are used: the client's financial situation, difficulty of the case, costs, lawyer's reputation, time spent on the case...

A lawyer can thus be paid:

- according to the time spent on the basis of an hourly rate which depends in particular on the complexity of the case
- or according to a flat-rate settlement for simple procedures. The amount of the package is paid as a total and final remuneration.

Operating costs are added (opening of files, telephone, photocopies, travel, etc.).

The lawyer may sometimes receive an additional fee.

First of all, the supplementary fee must be included in the [mandatory convention \(https://www.service-public.fr/particuliers/vosdroits/F15018?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F15018?lang=en) which must be signed between you and your lawyer from the beginning of the collaboration.

The supplementary fee shall then be fixed taking into account the following:

- Result obtained by the work of the lawyer
- Service rendered to you by the lawyer
- Your financial situation

**⚠ Warning :** fees fixed solely on the basis of the result obtained in court are prohibited. This method of remuneration may only concern a supplementary fee.

An agreement must be signed between the client and the lawyer from the beginning of the collaboration to establish

- the amount of his remuneration
- and the various costs and disbursements envisaged,

except in case of emergency or force majeure.

You can find different convention templates on the website of the National Council of Bar Associations.

Who shall I contact

- [Bar Association](https://www.cnb.avocat.fr/fr/annuaire-barreaux)  (https://www.cnb.avocat.fr/fr/annuaire-barreaux)

**➡ FYI :** in order to cover or reduce the legal fees, the client can benefit from [free consultations \(https://www.service-public.fr/particuliers/vosdroits/F20706?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F20706?lang=en).

#### Partial legal aid

Lawyer fees are not regulated. He sets the cost of the services he charges his client.

Your lawyer's fees are partially covered and you must pay the balance. The level of support is set according to your resources and the composition of your tax household. It can be 25% or 55%.

To determine the lawyer's fees, several criteria are used: the client's financial situation, difficulty of the case, costs, lawyer's reputation, time spent on the case...

A lawyer can thus be paid:

- depending on the time spent on the basis of an hourly rate which depends in particular on the complexity of the case,
- or according to a flat-rate settlement for simple procedures. The amount of the package is paid as a total and final remuneration.

Operating costs are added (opening of files, telephone, photocopies, travel, etc.).

An agreement must be signed between the client and the lawyer from the beginning of the collaboration to establish

- the amount of his remuneration
- and the various costs and disbursements envisaged,

except in case of emergency or force majeure.



Model supplementary fee agreement for partial legal aid

Allows the lawyer and his client to set an additional fee in case of partial legal aid.

Go to  
document template(pdf - 273.2 KB) [↗](http://encyclopedie.avocats.fr/GED_BWZ/195994691317/cNB-FR-acD_conve.pdf)  
([http://encyclopedie.avocats.fr/GED\\_BWZ/195994691317/cNB-FR-acD\\_conve.pdf](http://encyclopedie.avocats.fr/GED_BWZ/195994691317/cNB-FR-acD_conve.pdf))

 **FYI** : in order to cover or reduce the legal fees, the client can benefit from [free consultations](https://www.service-public.fr/particuliers/vosdroits/F20706?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F20706?lang=en>).

Total legal aid

Your lawyer's fees are fully covered and you don't have to pay anything.

 **Please note** : property seizure, sharing, licensing (auction of property in indivisibility) and judicial security, the lawyer's fees are charged.

#### Statute and miscellaneous references

- Act No. 71-1130 of 31 December 1971 on the reform of certain judicial and legal professions [↗](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068396) (<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068396>)
- Decree No. 91-1197 of 27 November 1991 organizing the profession of lawyer [↗](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000356568) (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000356568>)
- Decree No. 2005-790 of 12 July 2005 on the rules of professional ethics [↗](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000633327) (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000633327>)
- Trade Code: Articles L444-1 to L444-7 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000030985092&cidTexte=LEGITEXT000005634379) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000030985092&cidTexte=LEGITEXT000005634379>)
- Civil Code: rule 1374 [↗](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006438738) (<https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006438738>)

#### Online services and forms

- Model supplementary fee agreement for partial legal aid (<https://www.service-public.fr/particuliers/vosdroits/R37879?lang=en>)  
Document template

#### For more information, please contact

- National rules of procedure for the profession of lawyer (PDF - 1.1 MB) [↗](https://www.cnb.avocat.fr/sites/default/files/rin_2019-09-12_consolide_0.pdf) ([https://www.cnb.avocat.fr/sites/default/files/rin\\_2019-09-12\\_consolide\\_0.pdf](https://www.cnb.avocat.fr/sites/default/files/rin_2019-09-12_consolide_0.pdf))  
*National Bar Council*