Lawyers at the French Administrative Supreme Court (Conseil d'État) and the French Supreme Court (Cour de cassation) – The Autorité de la concurrence launches a public consultation with a view to preparing a new opinion on the freedom of establishment of these professions

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Background

The *Autorité* is today launching the procedure provided for in Article L. 462-4-2 of the French Commercial Code (*Code de commerce*) with a view to preparing a new opinion on the freedom of establishment of lawyers at the French Administrative Supreme Court (*Conseil d'État*) and the French Supreme Court (*Cour de cassation*) and revising its recommendations on the creation of offices.

The *Autorité* would like to encourage associates of lawyers at the Courts and students at IFRAC (specialist training institute that provides professional training for practitioners who are already members of the Bar and wish to join the profession of lawyer at the Courts) to take part in the consultation.

To contribute to the opinion and the associated recommendations, the stakeholders concerned are invited to answer the online questionnaire available via the link below before 19 October 2024.

Public consultation (in French)

The law provides for a review of the recommendations on the creation of offices of lawyers at the French Administrative Supreme Court (*Conseil d'État*) and the French Supreme Court (*Cour de cassation*) at least every two years

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The law provides for the recommendations, made "*with a view to improving access*" to the offices, "*to be made public at least every two years*". The task is entrusted to the *Autorité* under the provisions of Article 57 of French law 2015-990 of 6 August 2015 for Growth, Activity and Equal Economic Opportunities (known as the "Growth and Activity Law").

As a reminder, the last opinion[1] on lawyers at the Courts was published in the Official Journal on 22 April 2023. The *Autorité* recommended increasing the number of offices of lawyers at the French Administrative Supreme Court (*Conseil d'État*) and French Supreme Court (*Cour de cassation*) from 70 to 72.

Due to a lack of candidates, only one new office was created by decree of the Minister of Justice[2] and, after the opinion of a commission established by regulation[3], attributed by decree[4] to a professional practising individually.

In total, since the Growth and Activity Law came into force, the recommendations made by the *Autorité* since 2016 have enabled 14 new private practitioners to embark on the career of lawyer at the Courts.

A public consultation to inform the new recommendations

The public consultation launched today marks the start of the work to revise the recommendations for the period 2025-2027.

The consultation is open to any persons that would like to participate. **In particular, the *Autorité* would like to encourage associates of lawyers at the Courts and students at IFRAC (specialist training institute that provides professional training for practitioners who are already members of the Bar and wish to join the profession of lawyer at the Courts) to take part in the consultation, in order to gather their views on several issues that concern them directly.**

The *Autorité* has identified several important issues on which the stakeholders concerned are invited to comment:

- feedback from newly established lawyers at the French Administrative Supreme Court (*Conseil d'État*) and the French Supreme Court (*Cour de cassation*);
- the procedure for appointment to the created offices;
- the conditions of access to training to become a lawyer at the French Administrative Supreme Court (*Conseil d'État*) and the French Supreme Court (*Cour de cassation*);
- the attractiveness of the created offices.

To contribute to the opinion and the associated recommendations, the stakeholders concerned are invited to answer the online questionnaire available via the link below before 19 October 2024.

https://www.galileo.finances.gouv.fr/index.php/672486?lang=fr

Individual responses to the questionnaire are confidential. Only aggregated and anonymous results may be made public.

[1]Opinion 23-A-03 of 7 April 2023 on the freedom of establishment of lawyers at the French Administrative Supreme Court (*Conseil d'Etat*) and the French Supreme Court (*Cour de cassation*) and recommendations on the creation of offices, Official Journal of the French Republic (JORF) 0095 of 22 April 2023.

[2]Decree of 15 September 2023, Official Journal of the French Republic (JORF) 0220 of 22 September 2023.

[3]Article 27 of Decree 91-1125 of 28 October 1991 on the conditions for admission to the profession of lawyer at the French Administrative Supreme Court (*Conseil d'Etat*) and the French Supreme Court (*Cour de cassation*).

[4]Decree of 15 November 2023, Official Journal of the French Republic (JORF) 0266 of 17 November 2023.

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