21 September 2018: Registering to the Limoges Bar Association

Published on September 21, 2018

The Autorité de la concurrence closes the case referred to it by AGN Avocats.

The company AGN Avocats lodged a complaint with the *Autorité* relating to a set of practices that is alleged to have been adopted by the Limoges Bar Association Council and designed, according to the company, to push it out of the market. Its complaint was also accompanied by a request for interim measures.

AGN avocats presents itself as a new economic model for legal firms

AGN Avocats has established a network of around fifteen agencies in France based on a standardised model that aims to make the lawyer "more accessible" to their client (ground-floor agency, transparent "shop" window, pictograms displaying the fields of expertise of the lawyer, displaying of a fee schedule, online services, etc.).

The practices of the Limoges Bar Association that have been challenged by AGN Avocats

AGN avocats challenged two decisions taken by the Limoges Bar Association concerning the opening of a new AGN Avocats agency in Limoges:

- Firstly, by rejecting the application for opening a supplementary agency ;
- Then, by refusing to register a company belonging to the AGN Avocats chain with the Limoges Bar Association.

AGN Avocats also complained about the opinions, which seemed systematically negative, issued by the Rules and Practices Committee of the National Bar Council (*Commission des règles et usages du Conseil national des barreaux*) on its economic model, especially on the issues relating to the display of fields of expertise in the agency's window "shop". Lastly, it alleged that the Limoges Bar Council had implemented an illegal cartel with the Toulouse Bar Council in an attempt to hamper its development.

The *Autorité* considers that part of the elements of the case do not fall within its remit

After examining the facts of the case, it transpires that the two aforementioned decisions taken by the Bar Council rejecting AGN Avocats' application to open a new agency in Limoges, either as a supplementary agency or as a company belonging to the AGN Avocats chain with the Limoges Bar Association show the exercise, in a measure that is not patently inappropriate, of the prerogatives of its official powers. Consequently, the case falls outside the jurisdiction of the Autorité.

Lack of supporting evidence for the rest of the complaint

As regards the opinions issued by the Rules and Practices Committee of the National Bar Council, none of the evidence in the case was sufficient to conclude that the opinions were designed to exclude the economic model adopted by AGN Avocats from the legal services sector.

Lastly, although the Toulouse and Limoges Bar Associations may have adopted behaviours that could be considered, to a certain extent, similar, there is no evidence to prove that they may have "colluded" with each other to force AGN out of the market.

Consequently, the *Autorité* has closed the case and declared the complaint inadmissible in respect of some of the contested practices and dismissed the remainder of the complaint as it lacked relevant evidence.

By way of a reminder, the *Autorité* received a parallel complaint by AGN Avocats relating to similar practices allegedly adopted by the Toulouse Bar Association. In a decision of 18 July 2018, the *Autorité* dismissed the request for interim measures submitted by the company AGN Avocats. It continues to pursue its investigation on the merits of the case.

> See the full text of decision 18-D-18 of 21 Septembre 2018 relating to a request for interim measures filed by AGN Avocats in the legal services sector .

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> This decision was submitted before the cour d'appel de Paris (pending case)