



**MINISTÈRE
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FRANCE **AND THE CODE** **OF ETHICS** **FOR LEGAL** **PROFESSIONS**

LEGAL GUIDE

France has a corpus of ethical rules inherent in legal professions, which have inspired a number of emerging countries in particular. The code of ethics for legal professions is a guarantee for citizens of their independence and efficacy. It is a requirement for the rule of law as it reinforces legal security and the protection of human rights and citizens.

The code of ethics, adapted to each legal profession

Legal professionals perform their work under service provider contracts – corporate contracts, trustee contracts or trust agreements – that the Civil Code only provides for and regulates in very general terms, **without distinction according to the service rendered.**

The code of ethics is an indispensable addition to these general regulations giving legal professions special statuses and subjecting legal services to special regimes.

The code of ethics finds its source, not only in law or rules, but also in codes of ethics or rules of procedure established by bodies representing the professions concerned and in the case law that interprets them.

Because they are written by legal professionals, these codes take into account the legal, social, technical, professional and economic realities to which these professionals must adapt.

Because they may be subjected, where required, to the approval of the supervisory authorities (Ministry of Justice or, regarding industrial property counsel, the Ministry responsible for industry) and because their legality is subjected to **the supervision of administrative and judicial courts**, they cannot be suspected of constituting corporate law. They fully comply with the requirements of democratic law. Therefore, they respect the hierarchy of norms and guarantee the rights protected by the French Constitution or by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Despite their differences and the fact that legal professionals evolve in a market of law and legal services, the codes of ethics specific to each of the legal professions all make a distinction between legal services and business services and between legal professionals and business people. In this framework, legal professionals can inform the public of their services and their skills. Their communication must remain exact and dignified, and not compare or disparage people.

The code of ethics, a guide for professionals

The code of ethics informs professionals of the conduct they should have in performing their everyday duties.

First, in their relations with **clients**, whether they work for them in a capacity of consulting, litigation or drafting documents, and to whom they provide the guarantee of their independence. For example, for professions whose remuneration is not determined according to a set rate (unlike notaries, commissioners for justice or official liquidators and administrators), remuneration must comply with rules (legislative, regulatory, ethical) as well as uses.

Also, in their relations with their colleagues. **Camarderie** is a major requirement, especially when professionals are forced to compete with one another as a result of citizens' recognized freedom to choose the legal professionals to represent their interests.

The confidentiality of correspondence enables exchanges between professionals, whose communication to a third party, and even to clients, is forbidden, and which can facilitate the settlement of disputes.

Finally, in the organization of their individual or social work structure. **The independence** with which legal professionals must always perform their job rules out, for example, that they practice within a business mainly constituted of capital from foreign investors which have nothing to do with the legal world, which, moreover, only seek to make a profit.

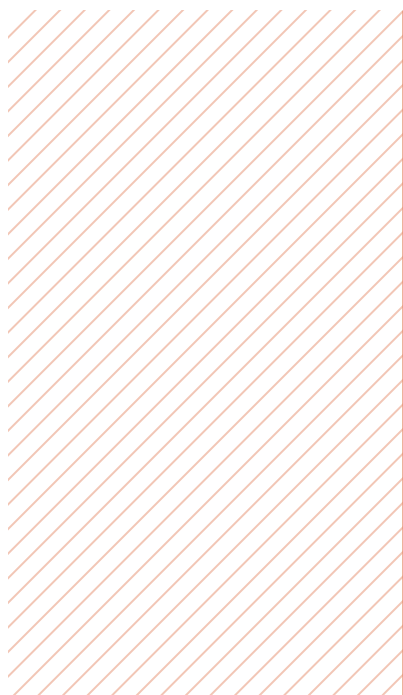
The code of ethics, a guarantee for citizens

The entire code of ethics is focused on protecting citizens whose interests are entrusted to a legal professional, to assist them in court and guarantee that fair trial rules are complied with, to advise them in the conclusion of a contract, or to carry out the formalities which will safeguard their rights.

This protection ensures that citizens who intend to exercise their rights are able to benefit from a major public service: the law.

In addition to the legal obligation for professionals to ensure their civil responsibility and the prescriptions relating to the amount of fees, this protection covers many aspects:

- The obligation to be independent and the prohibition of professionals to be involved in conflicts of interests guarantee citizens honest and fair services;
- Professional secrecy enables citizens to reveal without risks to their counsel all the evidence that could serve the defence of their interests;
- The obligation of continuing education and training ensures that they have a competent counsel, at a time when the great mobility of law requires updating knowledge;
- The accessibility of code of ethics rules online and the guarantee of effectiveness thanks to the existence of simple and free disciplinary procedures, before the bodies representing the profession, which are authorized to punish professionals at fault, and sometimes heavily, with expulsion. The breach of a code of ethics may also be punished by bringing into play a civil or criminal liability.



The code of ethics, a requirement for rule of law

The code of ethics is requirement for the rule of law in several respects:

Because it regulates legal services in a way that is exact and respectful of the hierarchy of norms, it reinforces **legal security**, which is a concern and one of the major assets of civil law.

Because it makes legal services more ethical (prevention of conflicts of interests), it promotes efficacy (professional secrecy, continuing education and training) and it ensure access for the most vulnerable (legal assistance, free counsel), it is part of efforts to **defend human rights and fundamental freedoms**, including the right to a fair trial, guaranteed by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Because it calls for particular vigilance on the part of legal professionals working with economic actors, including in efforts to fight against money-laundering, it helps to make **the business world more ethical**.

This is why some emerging countries concerned with establishing the rule of law, especially with regard to attracting international investors, look to France, where they find, for regulating legal professionals, a code of ethics from which they can take inspiration.

TO FIND OUT MORE

- **Ministry for Europe and Foreign Affairs**
diplomatie.gouv.fr/en
- **JUSCOOP**
A digital platform showcasing French cooperation activities in the legal and judicial fields
juscoop.org
- **French Association of Company Lawyers**
afje.org
- **National Chamber of Judicial Commissioners**
commissaire-justice.fr
- **National Company of Industrial Property Attorneys**
cncpi.fr
- **National Council of Judicial Administrators and Legal Representatives**
cnajmj.fr
- **National Bar Council**
cnb.avocat.fr
- **National Council of Commercial Court Clerks**
cngtc.fr
- **Notaries of France**
notaires.fr

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