



2013

**LEGAL PROFESSION
KEY FIGURES OF SIX COUNTRIES
OF THE EUROPEAN UNION**

Towards a statistical knowledge of the legal profession in Europe

Presentation

- Preface Page 5
- 1. Statistical framework**
 - 1.1 Definitions Page 6
 - 1.2 Scope of practice..... Page 7
- 2. Statistics**
 - 2.1 Average density Page 8
 - 2.2 Density-differences..... Page 9
 - 2.3 Demography Page 10
 - 2.4 Bars Page 11
 - 2.5 Proportion of women..... Page 12
 - 2.6 Annual income Page 14
- 3. Country-specific approach**
 - 3.1 Belgium Page 16
 - 3.2 France Page 18
 - 3.3 Germany Page 20
 - 3.4 Italy Page 22
 - 3.5 Luxembourg Page 24
 - 3.6 Spain Page 26



Preface

Generating increasingly positive externalities

The legal and judicial activities, in addition to the services provided to customers, bring about many significant positive benefits for the economy. Therefore, the need for indicators for monitoring this economic sector and its players is extremely important.

Lawyers, of course, are not the only players in this sector of activities, despite their major role, not because of the significant number of people of working age practising this profession or because they cover all areas of law, but because they are the only professionals that can offer the customer a range of guarantees. Lawyers are indeed the only operators in the field of law who are fully aware of the possible short, medium and long-term consequences when drawing up or drafting a legal document or contract, thanks of their professional experience before all the courts.

The ethical standards that apply to lawyers are also unique in that they are protective of the citizens, all geared towards ensuring the highest level of customer service and building greater confidence.

In a market characterised by important information asymmetries between "the client and the producer", irrespective of the country, socio-economic studies demonstrate that legal conscience and instinct are not yet developed enough for either individuals or businesses. Clients must therefore be assured without fail that their interests are well defended.

Relevant economic indicators

The idea of sharing reliable data on lawyers from different EU countries as a means of increasing understanding of the profession gained momentum as exchanges and meetings took place between lawyers of different nationalities, until finally the small working group made up of representatives from economic and statistical bodies in Germany, Belgium (French-speaking part/German-speaking part), Spain, France, Italy and Luxembourg was established in 2010. In 2010, as such, the data collected relates to 496,110 lawyers out of 940,715 lawyers members of the UE, accounting for 52,7 % of the total number of European lawyers.

Although professional standards in these six countries are conducted within a legal framework and culture based on Continental law, the principle of "compare what is comparable", albeit simple to state, was more difficult to implement. The first challenge was to facilitate comparisons while bearing in mind certain differences. As it was not possible to overcome the differences between the areas of activity from one country to another, efforts were made to make the scope of the exercise easier to visualise on a country-by-country basis. However, the most time-consuming and demanding activity was agreeing on the definitions so as to reconcile data of the same type for comparable periods.

This work of statistical reference is only the first stage of a long process and what is clear is the shared commitment to improving this tool over the years by progressively enriching it, not only through the introduction of additional indicators, but also data from other European countries.

A rigorous statistical approach

This work was carried out independently with a strong commitment to quality, that is to say it was conducted in line with the principle of scientific independence, in an objective, professional and transparent manner.

The high-quality statistics are based on a robust methodology; procedures have been put in place to guarantee a consistent application of the concepts and definitions. Information on the methods and procedures followed can be provided upon request and the reader will find all sources used by each country.

As regards the criteria used, the priority needs were taken into account and are reflected in the working programme. The important aspects that influenced the choices made by the observatories are relevance, accuracy, reliability, consistency and comparability among countries, and ease of understanding for readers.

1. Statistical framework

1.1. Definitions

Number of lawyers

Number of practising lawyers who can afford to live on the income they make (including trainees – except in Germany where trainee lawyers are not called to the bar – but excluding active retirees/honorary lawyers).

Proportion of women

Percentage of women lawyers in relation to the total number of practising lawyers (see definition).

AAGR

Average Annual Growth Rate: calculated as follows (n = number of years):

$$(n\text{-th root of the ratio of the final value to the initial value} - 1) \times 100$$

Average annual taxable income

Gross fees minus expenses paid to third parties, operating expenses and reimbursements (employees, lawyers, bailiffs, experts, translators, etc.).

Numerus clausus

Rule that limits the number of candidates admitted to practice law.

Mandate ad litem

The correct term is "mandate" or "Power of Attorney". This is a reference to both the power and the document by which that power is conferred. These terms are the agreement by which one person gives to another the power to perform one or more material or legal acts and to represent them in legal proceedings. "Ad litem" is a Latin expression meaning "for the proceeding".

Representative

All persons who occasionally or habitually advise or represent their clients during the conclusion of a contract, in exchange for remuneration. Remuneration is paid to legal representatives exclusively by their client, which excludes brokerage activity. This practice can be particularly found in the real estate, sports, cultural or arts sectors.

Agent

Brokerage

Trust

Legal concept enabling a person to legally transfer a good to a third party that the latter must manage and return at the end of an agreed time period and an accordance with certain conditions. It is a temporary transfer of ownership and management rights.

Arbitration

Arbitration is a form of alternative dispute resolution for the resolution of disputes outside the court in which arbitrators help the interested parties reach a settlement. It is a system of private justice.

Mediation

Mediation is a procedural form of dispute resolution in which the various parties attempt to resolve, or even prevent, a dispute from taking place by means of negotiation, using the services of a mediator who does not issue a decision but rather reconciles the different points of view in order to establish an agreement between the various parties.

1.2. Scope of practice

	Belgium France et German speaking	France	Germany	Italy	Luxembourg	Spain
Conditions d'exercice						
Numerus Clausus	No	No	No	No	No	No
Evidence of relationship / Ad litem mandatory agreement	No	No ⁶	Yes	Yes (convention)	No	No
Appointed lawyers	No ⁷	Yes	Yes	No	No	Yes
In-house counsels	No ²	No	Yes	No ³	No	Yes
Champs d'activité						
Notary activity	No	No	Yes / No ¹	No	No	No
Trustee	No	Yes	Yes	Yes ⁴	No	Yes
Arbitration / Mediation	Yes	Yes	Yes	Yes	Yes	Yes
Mandatory	Yes	Yes	Yes	No	No	Yes
Dont secteur immobilier						
Property manager	Yes	No	Yes	Yes	No	Yes
Real Estate agent	No	No	No	No	No	Yes
Dont agent / manager						
Sport's agent	No	No	No	No	No	Yes
Artistic's agent	No	No	No	No	No	Yes
Others		Correspondant CNIL ⁵ , Trusted Third Party				Intellectual property rights, community patent, design protection

¹ Depends on the federal states.

² Except in Brussels, French bar of Bruxelles authorizes the lawyer posted in undertaking.

³ Lawyers may not engage in any other business or any other professional activity other than their own, in accordance with Article 3 of the Professional Act of 1933 (Royal Decree-Law No. 1578 of 27 November 1933) and Article 16 of the Code of Ethics for Italian Lawyers.

⁴ Trustees are at the heart of debate in Italy. "Lawyers cannot establish any kind of economical, patrimonial or commercial relationship with a client that could in any way influence their working relationship", in accordance with Article 35 of the Code of Ethics for Italian Lawyers. However, Article 41 of the Code ("the administration of funds received from other parties") seems to accommodate the possibility of fiduciary deposits received from the clients themselves or from third parties for certain business or on behalf of his client.

⁵ CNIL: National Commission for Computing and Liberties (CNIL)

⁶ Except Representative activity

⁷ In practise, with rare exceptions in foreign law firms, rules does not prohibit it.

2. Statistics

2.1. Average density

The average density is greater than the total number of lawyers in absolute terms, i.e. the number of lawyers per 100,000 inhabitants, which best reflects the importance of the number of professionals in the country and its economy.

Sources: All sources are listed in the 3^d part "Country-specific approach".

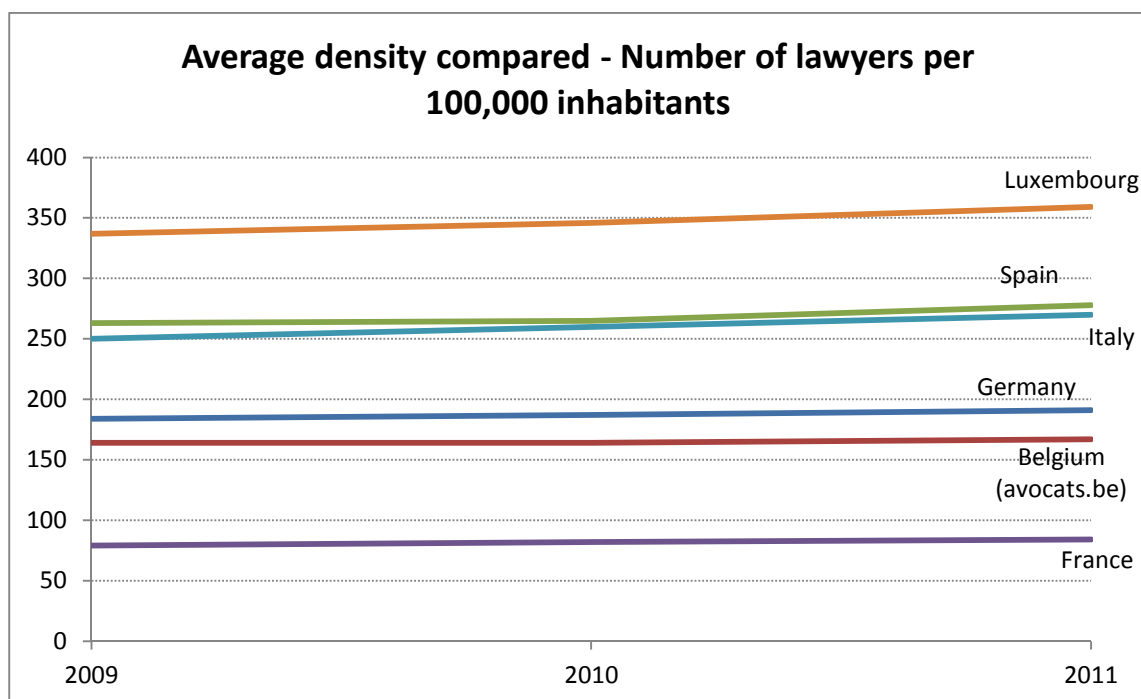
COUNTRY	Lawyers density for 100,000 inhabitants			
	2009	2010	2011	Ecart 2011 - 2009
Belgium (avocats.be)	164	164	167	3 pts
France	79	82	84	5 pts
Germany	184	187	191	7 pts
Italy	250	260	270	20 pts
Luxembourg	337	346	359	22 pts
Spain	263	265	278	15 pts

During the three-year observation period, the six countries recorded an increase in their average density. Three out of the six (France, Belgium and Germany) reported slight growth, while Spain and Italy reported more sustained growth, even though these countries already have a large number of lawyers.

Luxembourg ranked first with 359 lawyers for every 100,000. This result was in part due to the size of the country, its banking sector and the establishment of the headquarters of the European Court of Justice. For the year 2011, the density calculation was based on the population density in 2010.

France reported the lowest density of lawyers with less than 100 (83 lawyers per 100,000 inhabitants). All the other countries reported a three-digit figure.

The density, reported in each of the different countries, reveals that the maximum recorded is 4.3 times higher than the minimum.



2.2. Density - Differences

For many decades, it has been noted that lawyers, in the same way as the population, are concentrated in residential areas. In some countries, there are significant differences in density from one bar to another. In order to understand these rather significant contrasts, the table below shows the 2009 minimums and maximums for each country.

Sources: All sources are listed in the 3^d part "Country-specific approach".

COUNTRY	Lawyers density for 100,000 inhabitants			
	2009	Mini	Maxi	Difference
Belgium (avocats.be)	164	51	475	424 pts
France	79	8.7 ¹	953	944 pts
Germany	184	76	492	416 pts
Italy	250	120	370	250 pts
Luxembourg	337	ND	ND	ND
Spain	263	137	514	377 pts

Germany: The density of lawyers was assessed for each federal state: the lowest density recorded was in Saxony-Anhalt; the highest density recorded was in Hamburg.

Spain: In 2011, the density calculation was based on the population density identified in the demographic data published by Eurostat. Density point is defined by region.

Italy: The density calculation is based on the population density identified in the demographic data published by Eurostat.

Luxembourg: As Luxembourg only has two bars, it was not required to fill in this section. Maximum:

The difference recorded between the various different countries was 300.

The most significant difference recorded for any one country was 944 per 100,000 inhabitants. The maximum deviation (Mini/Maxi) was recorded in France, a country in which administrative and economic organisation is very centralised in its capital. The magnitude is more than double that of Germany's, country the most widely distributed across the country among the different federal states.

¹ Bar deleted in 2011 resulting from the reform of judicial map

2.3. Demography

Sources: All sources are listed in the 3^d part "Country-specific approach".

COUNTRY	Number of Lawyers				
	2009	2010	2011	Progression 2011/ 2009	Average annual growth rate - AAGR
Belgium (avocats.be)	7,112	7,188	7,344	3.3%	1.1%
France	50,314	51,758	53,744	6.8%	2.2%
Germany ²	150,377	153,251	155,679	3.5%	1.2%
Italy ³	152,097	156,934	162,820	7.1%	2.3%
Luxembourg	1,695	1,771	1,884	11.2%	3.6%
Spain ⁴	118,775	125,208	130,638	10.0%	3.2%
All of 6 countries	480,370	496,110	512,109	6.6%	2.2%

The AAGR of the group formed by the different countries above was 2%, two bars reported an AAGR equal to or greater than 3%: these were the countries with the highest increase in density. In terms of total number of lawyers, Italy ranked first with 162,820 practising lawyers.

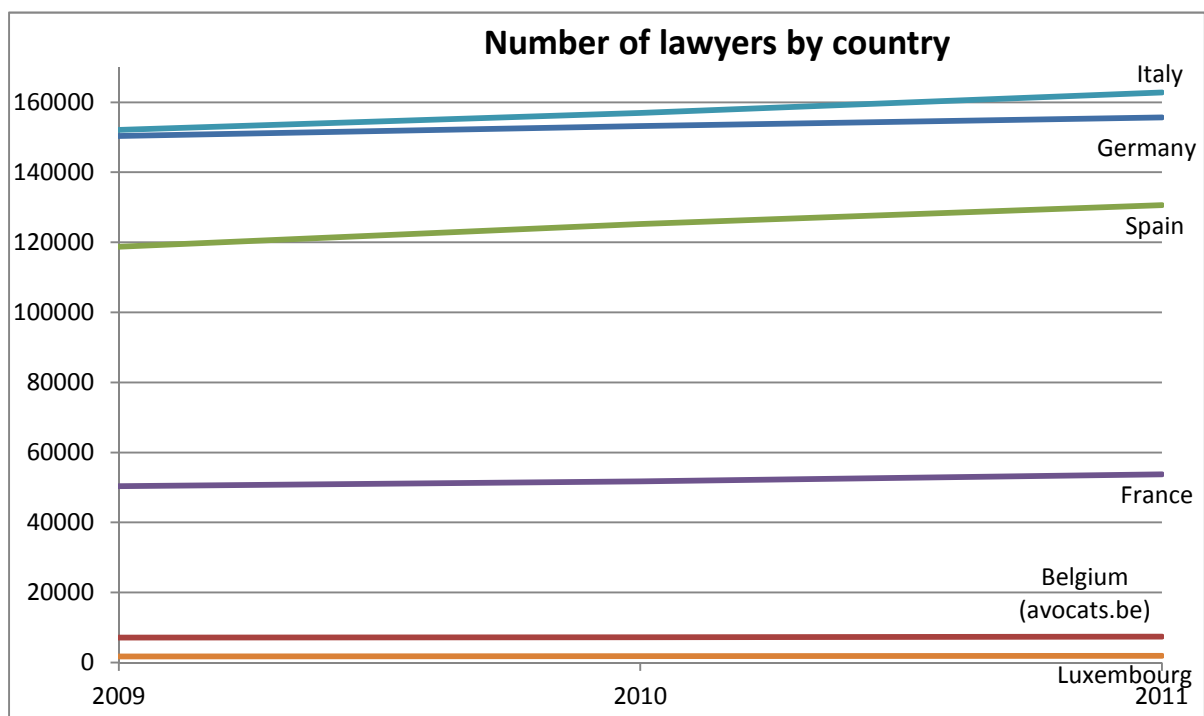
Italy: It is important to stress that today there is a stark difference between the total number of lawyers listed in the table (**216,728** on 1 January 2012) and the number of lawyers registered with Italy's National Welfare and Cassa di Previdenza e Assistenza Forense (CNAPAP), (**162,820** on 1 January 2011): lawyers declaring an earning of more than EUR 10,000 and a turnover of more than EUR 15,000, are obliged to join and contribute to the pension fund. Those who declare an earning below this threshold are exempt from joining CNAPAP but are still obliged to contact the relevant department of Italy's National Social Security Institute (INPS), the body responsible for general retirement matters, to make contributions towards their pensions. However, the system has been changed with the Reform Act of the lawyer's profession n°247 of 12/31/2012.

Belgium: The Dutch-speaking part of Belgium, the OVB, reported an AAGR of 1.8% (+5.6% between 2009 and 2011): in 2011, it reported **9,560** lawyers compared with **9,329** in 2010 and **9,057** en 2009).

² Trainees are not included in the working group's definition.

³ Only practising lawyers are listed (members of the Cassa di Previdenza e Assistenza Forense)

⁴ Figures for 2011 retrieved on 30 September 2011



2.4. Bars

Sources: All sources are listed in the 3rd part "Country-specific approach".

COUNTRY	Number of bars		
	2009	2010	2011
Belgium (avocats.be)	14	14	14
France	181	178	161
Germany	28	28	28
Italy	165	165	165
Luxembourg	2	2	2
Spain	83	83	83

Germany: The number of bars is slightly higher than the number of federal states (16). In addition to the 28 bars, there are 255 lawyers' associations characterised by a voluntary affiliation of lawyers whose principal function is to represent the interests of lawyers.

The territory of Luxembourg is not comparable with that of the other countries.

France and Italy are the two countries in which the number of bars largely exceeds 100, despite the reform of the judicial map which took place in France between 2009 and 2011.

The Dutch-speaking part of Belgium, the OVB, has just 14 bars.

2.5. Proportion of women

Evolution in the number of women lawyers

There are increasingly more women joining the profession. It is thanks to women that numbers of lawyers continue to rise. This progress has been reported by all of the countries under assessment.

Sources: All sources are listed in the 3^d part "Country-specific approach".

COUNTRY	Number of women				
	2009	2010	2011	Progression 2011/ 2009	AAGR
Belgium (avocats.be)	3,149	ND	3,335	5.9%	1.9%
France	25,417	26,481	27,906	9.8%	3.2%
Germany	46,736	48,393	49,872	6.7%	2.2%
Italy	61,976	64,968	68,331	10.3%	3.3%
Luxembourg	778	810	883	13.5%	4.3%
Spain	45,966	50,084	ND	ND	ND

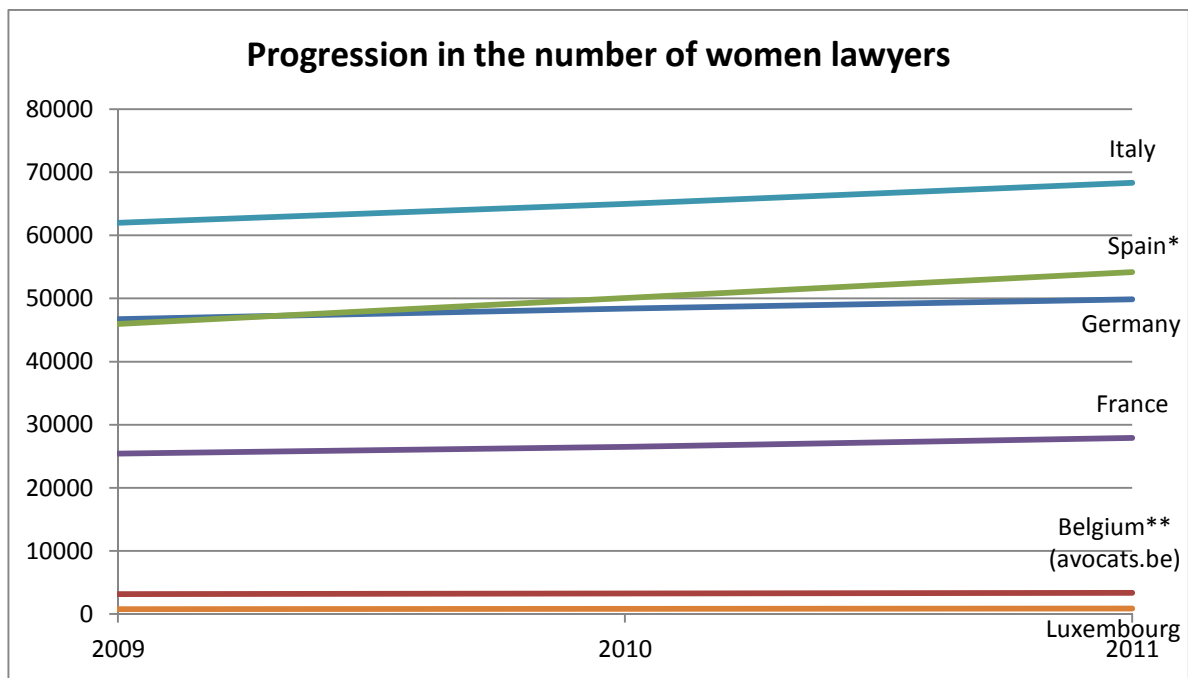
Figure for all six of the countries in 2009 = 213,399

Even if the percentage of women lawyers continues to grow at a steady rate, France will be the only country with more women lawyers than male, in proportion to the total number of lawyers throughout the country.

COUNTRY	Proportion of women			
	2009	2010	2011	Difference 2011/2009
Belgium (avocats.be)	44/3%	ND	45.4%	+1.1 pts
France	50.5%	51.2%	51.9%	+1.4 pts
Germany	31.1%	31.6%	32.0%	+0.9 pts
Italy	40.7%	41.4%	42.0%	+1.3 pts
Luxembourg	45.9%	45.7%	46.9%	+1 pts
Spain	38.7%	40.2%	ND	-

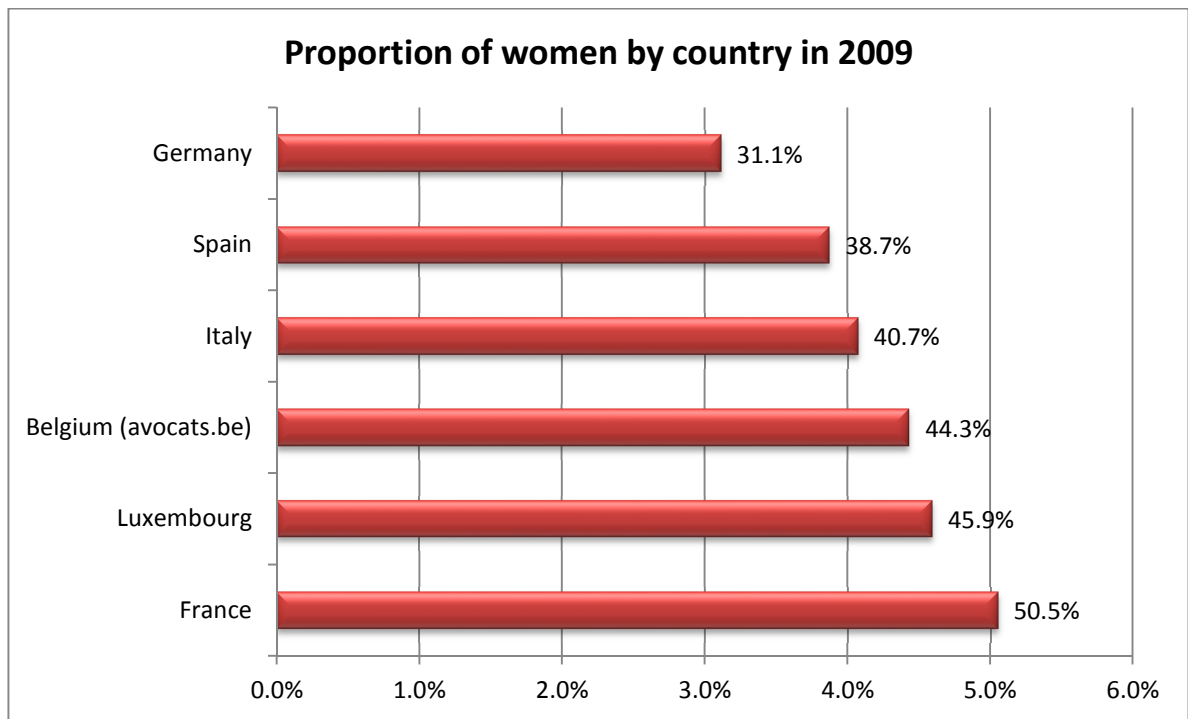
Figure for all six of the countries in 2009 = 44.7%

France reported the highest proportion of women. There was barely any difference between the lowest percentage and the highest percentage between 2009 and 2011, which remained in the order of 19 points.



For the purposes of this chart, the missing figures has been restated as follows :

- Spain*: 2011 : $((50,084 - 45,966) + 50,084) = 54,202$
- Belgium**: 2010 : $((3,335 - 3,149)/2 + 3,149) = 3,242$



These figures are increasing in each of the countries.
In Germany, the proportion of women is not generally very high.

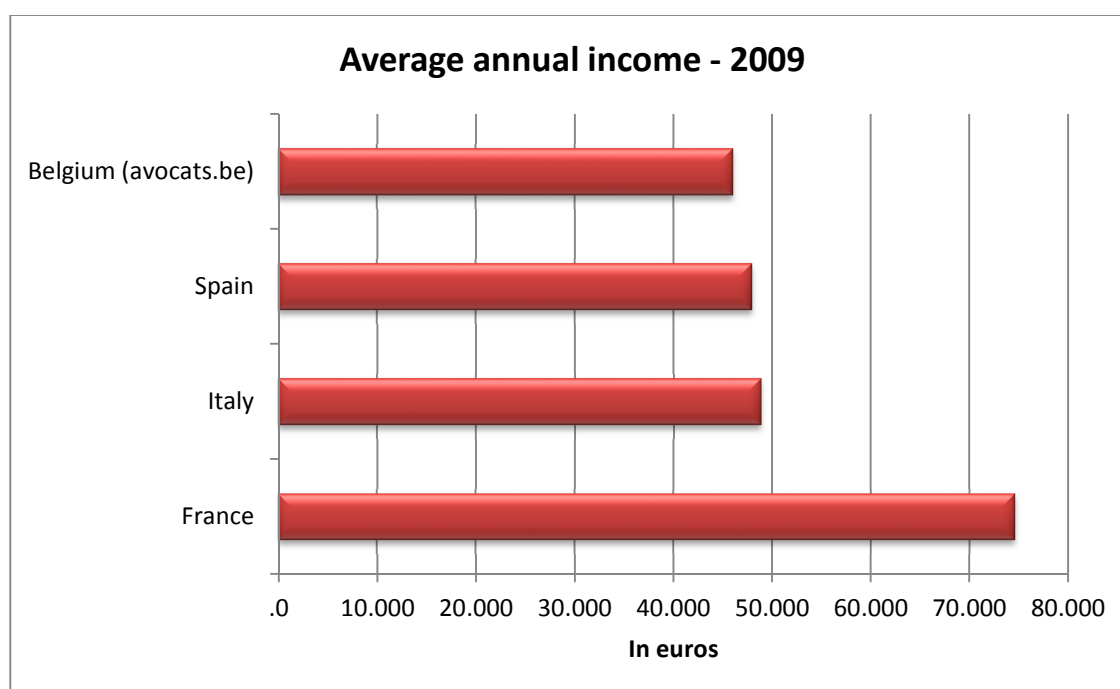
2.6. Annual Income

Sources: All sources are listed in the 3rd part "Country-specific approach".

COUNTRY	Average annual income 2009 in euros
Belgium (avocats.be)	46,042
France	74,586
Germany*	ND
Italy	48,805
Luxembourg	ND
Spain	47,956

In France, the average income has been pushed up because of the average income in Paris (60% higher than anywhere else in the country).

*Germany: It was not possible to provide comparable figures for 2009. It was only possible to provide details of lawyers' gross income: EUR 95,896 on average. Figures could not be provided for income as defined on page 6. However, in 2008, the gross annual income of lawyers was EUR 52,000 (West Germany⁵) and EUR 40,000 (East Germany⁶).



⁵ Kilian/Dresde, Statistisches Jahrbuch der Anwaltschaft 2011/2012

⁶ STAR-Umfrage 2011, Institut der freien Berufe, Nürnberg

3. Country-specific approach⁷

Belgium - *Avocats.be*

France

Germany

Italy

Luxembourg

Spain

⁷ The presentation texts have been written by the institutions themselves.

3.1. Belgium (avocats.be)

Scope of practice

Conditions of practice				
Numerus Clausus	Evidence of relationship / Ad litem mandatory agreement	Appointed lawyers	In-house counsels	
No	No	No	No	
Areas of activity				
Notary activity	Trustee	Arbitration / Mediation	Mandatory	
No	No	Yes	Yes	
Including the real estate sector		Including agent/manager		
Property manager	Real Estate agent	Sport's agent	Artistic's agent	Others
Yes	No	No	No	

Statistics

BELGIUM (avocats.be) ⁸	2009	2010	2011	Progression 2011/ 2009	AAGR
Number of lawyers ⁹	7,112	7,188	7,344	3.3%	1.1%
Number of bars ¹⁰	14	14	14	-	-
Lawyers density for 100.000 people ¹¹	164	164	167	1.8%	-
Minimum density ⁹	51	53	51	-	-
Maximum density ⁹	475	468	470	-1.1%	
Number of women ¹²	3,149	ND	3,335	5.9%	1.9%
Proportion of women	44.3%	ND	45.4%	+1.1 pts	-
Average annual income ¹³	46,042	47,102	ND	-	1.1%

⁸ OVB statistics: Number of lawyers: 9,057 in 2009 – 9,329 in 2010 – 9,560 in 2011 | Number of bars: 14 | Average incomes: identical to Belgium (avocats.be)

⁹ Bar roll

¹⁰ Belgian Judicial Code

¹¹ Population density data: Federal Public Service Economy, Directorate General of Statistics and Economic Information – Data on lawyers: Bar roll, calculations performed by the sector's monitoring centre

¹² Bar roll

¹³ The Belgian National Institute for the Social Security of the Self-Employed (INASTI/RSVZ)

Background information on the Observatory of the legal profession of the O.B.F.G.

The 4 July 2001 Act split the former Belgian national bar association into two community-based institutions : **the Ordre des Barreaux Francophone et Germanophone (O.B.F.G.) representing the French and German-speaking Bars and the Orde van Vlaamse Balies (O.V.B.) representing the Flemish-speaking Bars of Belgium.**

At its creation the O.B.F.G. set up a committee with the objective of helping lawyers to get to know themselves, the market in which they operate and the expectations of their clients better. The committee does so by providing them with all the relevant information, studies and analysis to assist them in their strategic decisions and make them able to anticipate and respond to societal evolutions. In 2008, it became the “Observatory of the legal profession”.

One of the objectives assigned to the Observatory of the legal profession is to gather information on and comparative insights into the initiatives of other European bars and law societies and this book is a first step in fulfilling this objective.

The Observatory of the legal profession has also published the following works:

- 2007 and 2010 Barometer of the French and German-Speaking Lawyers, a study undertaken by the O.B.F.G together with the Opinion Study Centre of Liège University (Centre d'études de l'opinion de l'Université de Liège) and which should be repeated every three years..
- A study on the welfare of lawyers at work, together with mutual insurance company PREVOCA.
- Two studies have been conducted in 2010 and 2012 on the evolution of the lawyer's profession compared with other regulated professions, undertaken jointly with the Union of middle class (Union des classes moyennes) and the National union of regulated professions (Union nationale des professions libérales).



3.2. France

Scope of practice

Conditions of practice				
Numerus Clausus	Evidence of relationship / Ad litem mandatory agreement	Appointed lawyers	In-house counsels	
No	No	Yes	No	
Areas of activity				
Notary activity	Trustee	Arbitration / Mediation	Mandatory	
No	Yes	Yes	Yes	
Including the real estate sector		Including agent/manager		
Property manager	Real Estate agent	Sport's agent	Artistic's agent	Others
No	No	No	No	Correspondant CNIL, Trusted Third Party

Statistics

FRANCE ¹⁴	2009	2010	2011	Progression 2011/2009	AAGR
Number of lawyers	50,314	51,758	53,744	6.8%	2.2%
Number of bars	181	178	161	-11.0%	-
Lawyers density for 100.000 people	79	82	84	6.3%	-
Minimum density	8,6	7,4	10	16.3%	-
Maximum density	953	971	1015	6.5%	-
Number of women	25,417	26,481	27,906	9.8%	3.2%
Proportion of women	50.5%	51.2%	51.9%	+1.4 pts	-
Average annual income	74,586	ND	ND	-	-

¹⁴ Sources: Demography: DACS – Incomes: National Fund for Members of the French Bar (CNBF)

Helping lawyers face the challenges posed by a society in mutation

The role of the **Conseil national des barreaux (CNB)**, a public institution operating on a national basis, is to ensure that lawyers meet the most current needs of the market and the sector, and to provide benchmarks and keys to ensure lawyers take ownership of their future. To that end, a monitoring centre (*Observatoire*) was established within the *Conseil national des barreaux*.

The role of the monitoring centre, which is the body officially responsible for oversight, economic analysis and forecasting, is:

- to identify and collect statistical data and economic information on the legal profession and the legal sector;
- to analyse the data in order to provide an accurate reflection of the profession and identify any changes therein;
- to conduct market research on the professional standing of lawyers and competitors, and on the client demands and expectations so as to provide recommendations and propose new tools for assisting development;
- to report and follow up on its findings;
- to identify significant development trends in the sector and measure their impact on the profession over the medium and long term;
- to write strategic and competitive intelligence reviews.

These statistics, analyses and studies can be found in several publications, namely

Les chiffres clés de l'*Observatoire*, the newsletter and *Faits et chiffres*, facts and figures briefings.

They are occasionally supplemented by best practice guides on topics such as advising very small businesses (VSB).

Statistics (more recent ones)

- Avocats – Evolutions et tendances de la profession (*Development and trends f the profession*) – 2011 – 3rd Edition
- Focus on demography of lawyers – 2010

Survey

- Modes Alternatifs de Résolution de Conflits (*Alternative dispute resolution*) – 2013 - IPSOS
- Quels avocats, pour quels marchés, aujourd'hui, demain (*Which lawyers, for which markets*) – 2011 – TNS SOFRES
- Partenariats public-privé : les besoins et attentes des parties prenantes en accompagnements juridiques (*Public-private partnerships*) – 2010 – OPINION WAY
- Bilan juridique des particuliers (*Legal review of individuals*) – 2009 – TNS SOFRES
- Les besoins en services juridiques des seniors de 55 à 65 ans, aujourd'hui et demain (*The needs for 55-65 years-old people in legal services*) – 2008 – IPSOS
- Les besoins juridiques des TPE de moins de 3 ans d'activité" (*Advising VSBs*) – 2007 - COHESIUM
- Le traitement des questions juridiques par les collectivités territoriales : motivation et freins au recours à un avocat (*Treatment of legal issues by the local communities' customers*) – 2005 – TNS SOFRES

Guides

- Investir le marché des Partenariats Public-Privé : mode d'emploi destiné aux avocats (*Investing in the public-private partnership market: Lawyers' Handbook*) - 2012
- Conseiller les seniors de 55 à 65 ans, mode d'emploi (*Advising the elderly, Handbook*) – 2009
- Conseiller les TPE, mode d'emploi (*Advising VSBs, Handbook*) – 2007



3.3. Germany

Scope of practice

Conditions of practice				
Numerus Clausus	Evidence of relationship / Ad litem mandatory agreement	Appointed lawyers	In-house counsels	
No	Yes	Yes	Yes	
Areas of activity				
Notary activity	Trustee	Arbitration / Mediation	Mandatory	
Yes / No	Yes	Yes	Yes	
Including the real estate sector		Including agent/manager		
Property manager	Real Estate agent	Sport's agent	Artistic's agent	Others
Yes	No	No	No	

Statistics

GERMANY	2009	2010	2011	Progression 2011/2009	AAGR
Number of lawyers ¹⁵	150,377	153,251	155,679	3.5%	1.2%
Number of bars ¹⁶	28	28	28	-	-
Lawyers density for 100.000 people ¹⁷	184	187	191	3.8%	-
Minimum density	76	-	-	-	-
Maximum density ¹⁸	492	-	-	-	-
Number of women ¹⁹	46,736	48,393	49,872	6.7%	2.2%
Proportion of women	31.1%	31.6%	32.0%	+0.9 pts	-
Average annual income ²⁰	ND	ND	ND	-	-

¹⁵ BRAK Mitgliederstatistik, reference date: 1.1 of the relevant year. – Trainee judges (Rechtsferendare) are not included; they are not members of the bar

¹⁶ www.brak.de/die-brak/regionale-kammern: The number of bars is slightly higher than the number of federal states (16). In addition to the 28 bars, there are 255 lawyers' associations characterised by a voluntary affiliation of lawyers whose principal function is to represent the interests of lawyers.

¹⁷ Number of inhabitants for one lawyer : Killian/Dreske, Statistisches Jahrbuch der Anwaltschaft 2011/2012, calculation performed by the Legislative Observatory

¹⁸ Statistisches Jahrbuch der Anwaltschaft 2009/2010, calculation performed by the Legislative Observatory

¹⁹ BRAK Mitgliederstatistik, reference date: 1.1 of the relevant year.

²⁰ It was not possible to provide comparable figures for 2009. It was only possible to provide details of lawyers' gross income: EUR 95,896 on average. Figures could not be provided for income as defined on page 6. However, in 2008, the gross annual income of lawyers was EUR 52,000 (West Germany) and EUR 40,000 (East Germany).

Research on the organizational development of the lawyer's profession

The German Federal Bar (Bundesrechtsanwaltskammer/BRAK) is the national organisation of the 27 regional Bars in Germany and the Bar attached to the Bundesgerichtshof (Federal Supreme Court). It represents the German legal profession in its entirety, around 160.000 *Rechtsanwälte*. Since every lawyer in Germany is required by law to be a member of a regional Bar, The German Federal Bar defends the professional interests of all German lawyers at national, european and international level.

The BRAK, the regional Bars and the lawyers Parliament at the BRAK (Satzungsversammlung) form the self-regulation of the German lawyers on the basis of statutory powers and legal authorisation. Self-regulation of the legal profession guarantees the legal profession's independence from state interference and safeguards the lawyer's unique position as an independent organ of the administration of justice. By law the BRAK is required to participate in the legislative process by giving expert opinions, taking part in hearings and negotiations with the federal ministries, the Parliaments and the federal courts by representing the interests of the profession. The Lawyers' Parliament at the BRAK (Satzungsversammlung), consisting of members elected within the regional Bars, the President of The German Federal Bar and the Presidents of the regional Bars adopts and elaborate the lawyers' Code of Conduct as statute.

The German Bar Association (Deutscher Anwaltverein – DAV) represents the interests of the legal profession since 1871. At present, 255 local bar associations, comprising more than 67,000 German lawyers, are member of DAV. The DAV is thus the independent lobbying organization of the German legal profession, democratically legitimated by voluntary membership.

Its utmost objective is to promote and to defend the professional and economic interests of lawyers, whilst it observes political and confessional neutrality. Its lobbying activities are tailored to the special characteristics of national and European legislative processes. 40 legislative committees constituted by distinguished members of the legal profession furnish expert opinions and participate in official hearings. The DAV disposes of close professional relationships to political decision-makers and other stakeholders in Berlin, capitals of the German federal states, and Brussels – both through the DAV itself as well as its local members.

In addition, the DAV and the local bar associations offer a wide range of professional trainings and seminars on various branches of law.

"**The Soldan Institute**" was founded in the year 2002. The independent research institute is funded by a charitable association which is supported financially by the Hans Soldan Foundation, the German Federal Bar (Bundesrechtsanwaltskammer), the German Bar Association (Deutscher Anwaltverein) and the publisher WoltersKluwer Germany.

The aim of the Institute is the monitoring and analysis of developments and trends of the legal profession and the resulting conditions for a successful and future-oriented management of law firms. The Soldan Institute carries out empirical research with a focus on the structure of the profession and the legal services markets. The research results are made available to lawyers, the respective institutions of the German legal profession (German Federal Bar and German Bar Association), policy-makers, academics and the general public.

Every two years, the Institute publishes the Statistical Yearbook of the Legal Profession and the so called Barometer of the Law of the Legal Profession. In addition, the following research reports have been published recently : Entry Into the Legal Profession 2004 – 2010, Accreditation for Specialization, Third-Party Funding of Legal Services, The Effectiveness of Advertising by Lawyers, Lawyers and Legal Expenses Insurances, Clients and Lawyers, Women in the Legal Profession."

3.4. Italy

Scope of practice

Conditions of practice				
Numerus Clausus	Evidence of relationship / Ad litem mandatory agreement	Appointed lawyers	In-house counsels	
No	Yes (convention)	No	No	
Areas of activity				
Notary activity	Trustee	Arbitration / Mediation	Mandatory	
No	Yes	Yes	No	
Including the real estate sector		Including agent/manager		
Property manager	Real Estate agent	Sport's agent	Artistic's agent	Others
Yes	No	No	No	

Statistics

ITALY	2009	2010	2011	Progression 2011/ 2009	AAGR
Number of lawyers ²¹	152,097	156,934	162,820	7.1%	2.3%
Number of bars	165	165	165	-	-
Lawyers density for 100.000 people	250	260	270	8.0%	-
Minimum density	120	120	120	-	-
Maximum density	370	380	390	5.4%	-
Number of women	61,976	64,968	68,331	10.3%	3.3%
Proportion of women	40.7%	41.4%	42.0%	+1.3 pts	-
Average annual income	48,805	47,563	ND	-	-1.3%

²¹ Sources : The figures on demography were provided by CNAPAP.

The evolution of the legal profession in Italy

The **Consiglio nazionale forense** (the national bar council) was created in 1926. It is regulated by the legal profession law of 1933 and, more recently, by law n° 247 of 31/12/2012 reforming the legal profession (enforced since 02/02/2013). The Italian council has an institutional representative role and « it is the expression of all lawyers as a unitary category ». Its headquarters are based in Rome before the Ministry of Justice. The Italian council has a self-regulatory power in a number of domains and a jurisdictional power in all disciplinary issues on appeal. Moreover, it is entitled to render non-binding opinions concerning bills and proposals on legal profession and justice^[1]

The **Cassa nazionale di previdenza e assistenza forense** (the national legal profession pension fund) was created in 1933 by law n° 406, and then (converted) in 1952 into a public body with the task of managing the independent pension and assistance system for lawyers. In 1995 the Cassa was privatized and transformed into a private law foundation with a public service mission and under the control of the ministries of labor, of justice and of finance^[2].

This two institutions collaborate together to improve the governance model and the regulation of the legal profession.

The Cassa nazionale di previdenza e assistenza forense pension scheme is based upon the collection of contributions (demography, gender and revenues). The national fund also collects all economic data concerning the revenues of its members. It publishes since many years a report on the statistics of the legal profession in the revue *Previdenza Forense*. The Consiglio nazionale forense is also involved in the study of law and economics issues concerning the legal profession, it publishes articles on a regular basis on these aspects in the legal revue *Rassegna Forense*. The Italian bar council must submit to the ministry of justice every two years a proposal for the definition of fees rates which are applicable to all lawyers for the determination of their remuneration.

The reasons for analyzing and measuring the economic aspects of the legal profession

The independent pension scheme represents an Italian specificity which is managed by the Cassa Nazionale di Previdenza e Assistenza Forense. Indeed, in Italy, lawyers are not obliged to subscribe to the national pension fund and to pay contributions to it. However, with the adoption of the recent reform of the legal profession of December 31st 2012, any membership to the local bar shall also require the subscription to the Cassa Nazionale di Previdenza e Assistenza Forense. Italian lawyers are the most numerous in Europe. As of January 1st 2012, there are 216,728 lawyers, 165 local bars and 26 Courts of Appeal. With respect to the criteria adopted in this study, we have taken into consideration for 2011 only 162,820 lawyers professionally active and members of the Italian professional pension fund.

The legal profession in Italy presents the following characteristics:

- Diversities and contradictions among northern and southern regions. Within this rather fragmented scenario, it is important to have the means for monitoring any quantitative development in the legal profession.
- Another important reason for monitoring the evolution of the economic data of the legal profession is due to the strong impact that any lawyer has with regard to the performance of the Italian judicial system.



[1] Cf. the observations of the Ufficio Studi of the Consiglio Nazionale Forense.

[2] Cassa Nazionale di Previdenza e Assistenza Forense, *Sessant'anni di storia dalle origini ad oggi*, September 2012.

3.5. Luxembourg

Scope of practice

Conditions of practice				
Numerus Clausus	Evidence of relationship / Ad litem mandatory agreement	Appointed lawyers	In-house counsels	
No	No	No	No	
Areas of activity				
Notary activity	Trustee	Arbitration / Mediation	Mandatory	
No	No	Yes	No	
Including the real estate sector		Including agent/manager		
Property manager	Real Estate agent	Sport's agent	Artistic's agent	Others
No	No	No	No	

Statistics

LUXEMBOURG	2009	2010	2011	Progression 2011/ 2009	AAGR
Number of lawyers ²²	1,695	1,771	1,884	11.2%	3.6%
Number of bars	2	2	2	-	-
Lawyers density for 100.000 people ²³	337	346	359	6.5%	-
Minimum density	ND	ND	ND	-	-
Maximum density	ND	ND	ND	-	-
Number of women	778	810	883	13.5%	4.3%
Proportion of women	45.9%	45.7%	46.9%	+1.0 pt	-
Average annual income	ND	ND	ND	-	-

²² Statistics for the Luxembourg Bar

²³ www.statec.lu and Statistics for the Luxembourg Bar

A context deeply international and financial

L'Ordre des Avocats du Barreau de Luxembourg attaches great importance to strengthen the links between lawyers, the public and public authorities.

Luxembourg Bar:

- monitors compliance with the ethical rules of the lawyers' profession by its members,
- is attentive to the difficulties that clients may encounter in their relationship with lawyers,
- settles any disputes on ethics-related issues between lawyer and his client,
- supports its members in their practice and promotes the profession,
- overall supervise the practice of the profession with regard to the monopoly on legal representation in court.

The Grand Duchy of Luxembourg has been the seat of the European Court of Justice since its creation in 1953 and is also the seat of the Court of Justice of European Free Trade Association. This dual role gives Luxembourg a status which is relevant to the activity and the number of legal professionals.

The importance of the financial market and the presence of a multitude of international enterprises, in particular in the service sector, give to Luxembourg a real international dimension.

Naturally, it follows a diversified and stimulating activity for the couple of 2.000 lawyers' members of the Luxembourg Bar.



3.6. Spain

Scope of practice

Conditions of practice				
Numerus Clausus	Evidence of relationship / Ad litem mandatory agreement	Appointed lawyers	In-house counsels	
No	No	Yes	Yes	
Areas of activity				
Notary activity	Trustee	Arbitration / Mediation	Mandatory	
No	Yes	Yes	Yes	
Including the real estate sector		Including agent/manager		
Property manager	Real Estate agent	Sport's agent	Artistic's agent	Others
Yes	Yes	Yes	Yes	Intellectual property rights, community patent, design protection

Statistics

SPAIN ²⁴	2009	2010	2011	Progesion 2011/ 2009	AAGR
Number of lawyers	118,775	125,208	130,638	10.0%	3.2%
Number of bars	83	83	83	0	-
Lawyers density for 100.000 people	263	265	278	5.7%	-
Minimum density	137	ND	ND	-	-
Maximum density	514	ND	ND	-	-
Number of women	45,966	50,084	ND	-	-
Proportion of women	38.7%	40.2%	ND	+1.5 pts	-
Average annual income	47,956	ND	ND	-	-

²⁴ Sources: The General Council of Spanish Lawyers (CGAE), National Institute of Statistics, Population Census Bureau

Improved understanding of the legal profession in Spain within a European context

The Spanish Bar Council, **CGAE**, is the representative, executive and coordinator body of the 83 local Spanish bars.

The profession of Abogado participates in the Legal Aid Observatory. This is a diversified body established following an award to Bar for its management and involvement in providing legal assistance to the weaker and the disadvantaged. The observatory has successfully published six annual reports. It provides a real testimony on the state of the access to Justice, the right to a fair trial and the Rule of Law in Spain.

Furthermore, the Spanish Bar Council publishes the compilation “La Abogacía en cifras y datos/ Advocacy in facts and figures “, including: statistics, surveys and more extensive indicators. It also includes an internal and external barometer of the profession. The first publication, made available in 2009, only included data up to 31st December 2008. The second edition is currently being finalized and will include figures corresponding to the period 2009-2011.

Regarding general data relevant to the profession, the census collated via the unified national register is accessible via the website and also available in the annual report of CGAE (www.abogacia.es).

Furthermore, CGAE recently published a work « *Impacto de la Abogacía en la Economía* » (the impact of bar on the national economy), in partnership with the economic institute Thomson Reuters and Civitas, with a preface of the CGAE president, Carlos Carnicer Diez. The survey uses figures to show the influence of the lawyers in the Spain economy (ISBN 978-84-470-3818-3).



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Institut für Anwaltmanagement



Consiglio Nazionale Forense



Barreau
de Luxembourg



Abogacía
Española
CONSEJO GENERAL

AVOCATS.BE

Avenue de la Toison d'Or 65
B-1060 Bruxelles
Tél.: 02 648 20 98 | Fax: 02 648 11 67
Website : www.avocats.be
Email : info@avocats.be

Conseil national des barreaux

22, rue de Londres
75009 Paris
Tél.: 01 53 30 87 90 | Fax: 01 53 30 85 69
Website : www.cnb.avocat.fr
Email : observatoire@cnb.avocat.fr

Bundesrechtsanwaltskammer (BRAK)

Littenstraße 9
10179 Berlin
Tel. +49 (0) 30/ 284939-0 | Telefax. +49 (0) 30/ 284939-11
Website : www.brak.de
E-Mail: zentrale@brak.de

Deutscher Anwaltverein (DAV) e.V.

Littenstraße 11
D-10179 Berlin
Tel.: 49 (30) 72 61 52 – 0 | Fax: 49 (30) 72 61 52 –1 90
Website : <http://anwaltverein.de/>
E-Mail: dav@anwaltverein.de

Soldan Institut

Weyertal 59
50937 Köln
Telefon: 0221 548 11123 | Fax: 0221 548 11125
Website : <http://www.soldan.de>

Consiglio Nazionale Forense

Via del Governo Vecchio 3
00186 Rome
Website : <http://www.consiglionazionaleforense.it>
Email : martinabarcaroli@consigliozionaleforense.it
Cassa Nazionale di Previdenza e Assistenza Forense
Via E. Quirino Visconti, 8
00193 Rome
Tel:+3906 362051
Website : <http://www.cassaforense.it/home>

Ordre des Avocats du Barreau de Luxembourg

1-7, rue St Ulric • B.P. 361
L-2013 Luxembourg
Tél : (+352) 46 72 72-1 | Fax : (+352) 22 56 46
Website : www.barreau.lu
Email : info@barreau.lu

Abogacía Española

Paseo de Recoletos, 13
ES-28004 Madrid
Tél.: 00 34 91 523 2593 | Fax: 00 34 91 532 7836
Website : www.abogacia.es
Email : bruselas@abogacia.es