

Law practising in Italy

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How to become a lawyer in Italy

- After graduation at University, you have to work in a law firm for two years as legal practitioner.
- The lawyer you work with becomes your “dominus”; he is responsible for your legal practice and twice per year he must certify that you are following the legal practice according to the rules of conduct of lawyers.
- During this practice, you have to attend at least fifteen public hearings before the Courts quarterly and you have to follow one lecture per week organised by the local Bar Association.
- Once you’ve completed the legal practice you can apply for the State exam.

How to become a lawyer in Italy

The legal practitioner (the so-called “praticante”), after one year of legal practice, can become “praticante con patrocinio”; that means he can be authorised by the Bar Association to provide legal services (both on consulting and on litigation) on certain subject matters and provided that the value of the claim does not exceed 25.000 Euros.

The “patrocinio” lasts for six years; this means that you have to pass the State exam within that time limit, unless you lose the possibility to provide legal services on your own.

The State exam

The State exam to become lawyers is divided into two parts, the written part and the oral one.

It is held once a year in December. Then you have to wait for at least six months to know the results; if you've passed the written part then you will have to do the oral one in the next few months (generally, from September to November).

There are three written tests, one per day. The candidate must write two legal opinions, one on a topic of civil law, the other on a topic of criminal law, and a writ of summons or a claim, rather than a defense.

In the oral exam the candidate is questioned on five different subject matters and on the rules of conduct for lawyers.

European Directives affecting law practising in our legal system

There are three Council Directives which affect Italian laws on legal profession.

- 1) Council Directive of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (77/249/EEC);
- 2) Council Directive of 21 December 1988 on the recognition of higher education diplomas (89/48/EEC)
- 3) Directive of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member state other than that in which the qualification was obtained (98/5/EC).

Freedom to provide services

According to the Directive 77/249/EEC, a Member State shall recognize as a lawyer, for the purpose of pursuing some professional activities listed by the Directive itself, a person who is entitled to practise as a lawyer by the State from which he comes. This Directive deals with providing spot legal services, not on a permanent basis.

Under Article 3, a lawyer “shall adopt the professional title used in the Member State from which he comes, expressed in the language of that State, with an indication of the professional organisation by which he is authorised to practise or the court of law before which he is entitled to practise pursuant to the laws of that State. A lawyer pursuing these activities shall observe the rules of professional conduct of the host Member State, without prejudice to his obligations in the Member State from which he comes”.

Freedom to provide services

Under Article 5 of the Directive “for the pursuit of activities relating to the representation of a client in legal proceedings, a Member State may require lawyers:

- To be introduced, in accordance with local rules or customs, to the presiding judge and, where appropriate, to the President of the relevant Bar in the host Member State;
- To work in conjunction with a lawyer who practises before the judicial authority in question and who would, where necessary, be answerable to that authority, or with an “avoué” or “procuratore” practising before it (this is compulsory under Italian Law as far litigation is concerned)”.

Recognition of diplomas

According to the 89/48/EEC Directive, a lawyer who is fully qualified in one Member State may ask to have his diploma recognised with a view to establishing himself in another Member State in order to practise the profession of lawyer there under the professional title used in that State.

This Directive applies to all professional titles.

Under Italian Law, the diploma is recognized but the lawyer has to pass an aptitude test (both written and oral).

Right of establishment

Article 1 of the 98/5/EC Directive: “the purpose of this Directive is to facilitate practice of the profession of lawyer on a permanent basis in a self-employed or salaried capacity in a Member State other than that in which the professional qualification was obtained”.

Under article 2, “any lawyer shall be entitled to pursue on a permanent basis, in any other Member State under his home-country professional title, the activities specified in Article 5”.

Right of establishment

Under Article 10 of the Directive, “a lawyer practising under his home-country professional title who has effectively and regularly pursued for a period of at least three years an activity in the host Member State in the law of that State including Community law shall, with a view to gaining admission to the profession of lawyer in the host Member State, be exempted from the conditions set out in Article 4(1)(b) of Directive 89/48/EEC”; this means that the lawyer does not have to pass the aptitude test.

The so-called “*avvocato stabilito*” becomes “*avvocato integrato*” after 3 years of regular practice in Italy and benefits of a like treatment as a lawyer of the host Member State (i.e. an Italian lawyer).

How to become a lawyer in Italy... without passing the exam!

The so many Italian “abogado”... that is, the Spanish way to become a lawyer in Italy.