



# Lawyers training systems in the EU

## Austria

Information provided by: Österreichische Rechtsanwaltskammertag (ÖRAK)

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### DESCRIPTION OF THE NATIONAL TRAINING SYSTEM FOR LAWYERS in Austria

#### 1. Access to the Profession

Higher education / university education	YES	(Section 1 para. 2 lit.c " <a href="#">Rechtsanwaltsordnung</a> " (RAO) [Lawyers' Act])
A law degree is compulsory	YES	Section 3 para. 1 lit.c " <a href="#">Rechtsanwaltsordnung</a> " (RAO) [Lawyers' Act]
Steps to becoming a fully-fledged lawyer:		<ul style="list-style-type: none"> <li>• Registration with the Bar</li> <li>• Examination (Section 1 para. 2 lit.c "<a href="#">Rechtsanwaltsordnung</a>" (RAO) [Lawyers' Act], State and Bar: Section 3 "<a href="#">Rechtsanwaltsprüfungsgesetz, RAPG</a>" [Law on the Examination of Lawyers])</li> <li>• Completion of an induction period</li> <li>• Purchase of a professional indemnity insurance (Section 1 para. 2 lit.g and Section 21a "<a href="#">Rechtsanwaltsordnung</a>" (RAO) [Lawyers' Act])</li> <li>• an unobjectionable criminal record</li> <li>• trustworthiness</li> </ul>

#### Alternative routes to the profession:

- Judges and Notaries may choose the only alternative route to become a lawyer: According to Section 10 "[Ausbildungs- und Berufsprüfungs-Anrechnungsgesetz, ABAG](#)" [Law on Accreditation of Education and Professional Examinations], judges and notaries can take a complementary oral examination (Section 12 ABAG). Successful completion of this examination before the competent commission of an Austrian Court of Appeal is considered equal to the successful completion of the Bar exam which Trainee lawyers normally have to take.
- According to the European Directive 2005/36/EC on the recognition of professional qualifications

2. Training during induction period		
Is there an induction period?	YES	Legal basis: <a href="#">Rechtsanwaltsordnung, RAO</a> [Lawyers' Act], Section 2
Compulsory	YES	Set length: 5 years in general
Types of structures responsible for organising induction training	<ul style="list-style-type: none"> <li>• Bar</li> <li>• Private practices and law firms</li> <li>• Private training providers</li> <li>• Private training providers accredited by the Bar (there is no explicit requirement of accreditations by the Bar)</li> <li>• Universities</li> <li>• Specific lawyers' academies and training structures established by the Bar</li> </ul>	
Form of induction training	<ul style="list-style-type: none"> <li>• Apprenticeship mixed with law training with a specific curriculum common to all trainee lawyers</li> <li>• Trainee lawyers have to attend training courses <b>for a total number of 42 days</b> over the induction period</li> </ul>	
Entrance exam / check before induction period	YES	<ul style="list-style-type: none"> <li>• Check/verification of diploma</li> <li>• Must fulfil requirements set out in the RAO (Lawyers Act). They must be trustworthy and possess an unobjectionable police record</li> </ul>
Specificities regarding EU law and linguistic training:	No formal requirement but possibility of internship	<p>Preparation courses for the lawyer's exam have to include education in specific legal fields:</p> <ul style="list-style-type: none"> <li>• Austrian Civil law</li> <li>• Non-contentious proceedings</li> <li>• Austrian Enforcement Directive</li> <li>• Insolvency procedure</li> <li>• Procedural methods (drafting contracts, deeds, statements of defence, appeals)</li> </ul> <p>In the course of the induction period, it is possible to spend <b>6 months abroad</b> working as an intern, the internship being comparable to the requirements of Section 2 paragraph 1 of the Lawyers Act which count towards the requirements of the 19 months traineeship (see below)</p>
Induction period divided into different stages	YES	<ul style="list-style-type: none"> <li>• <b>5-month Court internship</b> – supervised by president of the competent Court</li> <li>• <b>3-year traineeship in a law firm</b> – supervised by the law firm and the competent Bar</li> </ul>

		<ul style="list-style-type: none"> <li>• <b>19-month traineeship in another entity</b> (notary office, administrative agency, law firm, public prosecutor office, public accountant office) – supervised by the competent bodies</li> </ul> <p>The 19-month induction period can be spent either at a law firm, court, or public prosecutor's office, 6 months can also be spent at university in case this constitutes part of continued academic education and aims at obtaining of an additional legal academic qualification (Section 2 para. 3 subparagraph 1 "<a href="#">Rechtsanwaltsordnung</a>" (RAO) [Lawyers Act]) or can be spent abroad in course of a practical employment equaling the requirements of Section 2 para. 1 "<a href="#">Rechtsanwaltsordnung</a>" (RAO) [Lawyers' Act] and serves the trainee lawyer's future career as a lawyer).</p>
Post-induction period assessment / exam	YES	<ul style="list-style-type: none"> <li>• Through written exams</li> <li>• Through oral exams</li> </ul>
<b>3. Continuous training system</b>		
Differentiation between continuous training / specialisation training		NO
Obligations regarding continuous training	YES	<p>Compulsory training obligations as stated in the State law</p> <p><b>Legal Basis:</b> Section 10, paragraph 6, RAO [Lawyers' Act]</p>
Obligations regarding specialisation training	NO	Specialisation training is not mentioned either by the state law or internal regulations
Obligations regarding learning foreign languages		No obligations
Obligations regarding EU law content in relation to continuous / specialisation training	YES	<p>According to Section 10 para. 6 "<a href="#">Rechtsanwaltsordnung</a>" (RAO) [Lawyers Act], a lawyer is obliged to participate in continue training.</p> <p>Continuous training has to encompass all legal fields that were already part of a lawyers legal education at University (Section 3 "<a href="#">Rechtsanwaltsordnung</a>" (RAO) [Lawyers' Act]) and</p>

		part of the lawyer's exam (Section 20 " <a href="#">Rechtsanwaltsprüfungsgesetz, RAPG</a> " [Law on the Examination of Lawyers]). <b>This also includes EU Law.</b>
<b>4. Accreditation systems and training providers</b>		
Possibility for accreditation		<b>NO</b> However, the Austrian academy only invites selected – though not formally accredited – speakers
Number of training providers offering accredited continuous training activities		N/A
Type of training providers developing accredited continuous training activities		N/A
<b>Activities and methods</b>		
Type of training activities accepted under the obligations of continuous training	<ul style="list-style-type: none"> <li>• Attending face to face training sessions</li> <li>• Completing distance training sessions</li> <li>• Completing e-learning modules</li> <li>• Watching a webinar</li> <li>• Completing blended-learning activities</li> <li>• Participating in training activities as trainer or teacher</li> <li>• Writing/publishing</li> </ul>	<b>Participation in training activities taking place in another Member State: Yes, it counts towards fulfilling obligations</b>
<b>5. Supervision of training activities</b>		
Organisations involved in supervising continuous training activities		N/A
Supervision process		N/A
Organisations involved in supervising training activities towards specialisation		N/A
Supervision process		N/A

Source: Pilot Project - European Judicial Training: "Lot 2 – Study on the state of play of lawyers training in EU law", carried out by the Council of Bars and Law Societies of Europe (CCBE) and the European Institute of Public Administration (EIPA)