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French

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Types of legal professions

France

In this section, you will find an overview of the different legal professions.

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Legal professions - introduction

Judges

Organisation

In France **professional judges** (*magistrats*) are career judges, and are divided into **adjudicating judges**, who try law cases, and the law officers who work for the **State Counsel's Office** (*ministère public* or *parquet*). The adjudicating judges are often referred to as 'judges of the bench' (*magistrats du siège*), while the law officers who work for the State Counsel's Office are known as 'standing judges' or 'judges of the well of the court' (*magistrats du parquet*).

Adjudicating judges decide the disputes that come before them; the role of the **State Counsel's Office is to represent the public interest and to ensure the proper application of the law**. The rules governing the profession of judge are laid down in Order (*ordonnance*) No 58-1270 of 22 December 1958 enacting the institutional Law (*loi organique*) on the status of the judiciary. Under Article 1 of this Order, judges can be appointed as adjudicating judges or to the State Counsel's Office at different stages in their career. This is known as the principle of the unity of the judiciary, a principle that has been reaffirmed by the Constitutional Council, notably in a decision of 11 August 1993. All judges form part of the judicial branch, which is required by Article 66 of the Constitution to protect individual freedoms. Nevertheless, there are a number of differences in the rules that govern them: adjudicating judges are not subject to instructions from any higher authority, and enjoy security of tenure, in that they cannot be given a new posting without their consent. The way in which they are appointed also differs: adjudicating judges are appointed with the assent of the Supreme Council of the Judiciary (*Conseil supérieur de la magistrature*), or on a proposal by it in the case of adjudicating judges at the Court of Cassation, first presidents of the courts of appeal and presidents of courts; the Supreme Council of the Judiciary lastly has disciplinary powers over all adjudicating judges. The law officers of the State Counsel's Office, on the other hand, are appointed after consultation of the Supreme Council of the Judiciary, with the Minister for Justice being responsible for putting forward nominations and exercising disciplinary powers.

Most judges are **recruited by competitive examination** (*concours*). In order to take the first competitive examination open to students, candidates must hold a degree confirming that they have completed at least four years of higher education, up to master's level. Successful candidates are appointed as trainee judges (*auditeurs de justice*), and they all then receive the same training, given by France's national college of the judiciary (*École nationale de la magistrature* — ENM). There are also channels for entering the judiciary direct. At the end of their training at the ENM, trainee judges are appointed to a court or State Counsel's office by order (*décret*).

In addition to their judicial functions, **heads of courts** (President and State Counsel, or First President and Principal State Counsel, depending on the court) also have administrative duties, for example regarding the scheduling of hearings.

On 1 January 2018 there were **8 412 practising judges**, of whom 7 881 were serving in the courts or the State Counsel's Office.

The Supreme Council of the Judiciary

The Supreme Council of the Judiciary (*Conseil supérieur de la magistrature* — CSM) is provided for in **Article 65 of the Constitution**. The Constitutional Law of 23 July 2008 changed the composition of the Supreme Council and its powers in respect of appointments, and made provision for cases to be referred to it by litigants. The President of the Republic is now no longer a member of the CSM.

The **division of the Council with jurisdiction over adjudicating judges** is chaired by the First President of the Court of Cassation. It also includes five adjudicating judges, one law officer of the State Counsel's Office, one member of the Council of State (*Conseil d'État*) designated by the Council of State, one lawyer (*avocat*), and six qualified persons who do not belong to the legislature, to the ordinary courts or to the administrative courts. The President of the Republic, the chairman of the Lower House of Parliament (*Assemblée nationale*) and the chairman of the Senate each designate two qualified persons.

The **division of the Council with jurisdiction over the law officers of the State Counsel's Office** is presided over by the Principal State Counsel (*procureur général*) at the Court of Cassation. It also includes five law officers of the State Counsel's Office and one adjudicating judge, along with the member of the Council of State, the lawyer and the six qualified persons already referred to.

The division of the Council with jurisdiction over the adjudicating judges puts forward nominations for the posts of adjudicating judges at the Court of Cassation, first presidents of the courts of appeal (*cours d'appel*), and presidents of the regional courts (*tribunaux de grande instance*). Other adjudicating judges can be appointed only with its **assent**.

This division acts as a **disciplinary board** for adjudicating judges. In that capacity it includes the adjudicating judge who sits in the division of the Council with jurisdiction over the law officers of the State Counsel's Office.

The division of the Council with jurisdiction over the law officers of the State Counsel's Office gives its opinion on appointments of such law officers. It also gives its opinion on disciplinary measures taken in respect of law officers. In that capacity, in addition to the members referred to in the third paragraph of Article 65, it includes the law officer of the State Counsel's Office who sits in the division of the Council with jurisdiction over adjudicating judges.

The State Counsel's Office

Organisation

The **law officers** of the **State Counsel's Office** are required to act in the interests of society, which they represent in seeking that the law be applied. With the exception of the office of the Principal State Counsel (*parquet général*) at the Court of Cassation, which is separate, France's State Counsel's Offices make up a hierarchical pyramid under the authority of the Minister of Justice. Article 30 of the Code of Criminal Procedure provides that the Minister of Justice is to conduct the criminal justice policy determined by the government. The Minister is to ensure that this policy is applied consistently throughout the country. To this end, the Minister may give general instructions to the law officers of the State Counsel's Office regarding criminal justice policy. At each **regional court** (*tribunal de grande instance*), there is a State Counsel's Office, headed by a **State Counsel** (*procureur de la République*) and made up of several law officers answerable to him or her. The State Counsel manages the office, distributing tasks and departments among the deputy State Counsel officers (*procureurs adjoints*), the vice State Counsel officers (*vice-procureurs*) and the assistant State Counsel officers (*substitués*). The State Counsel heading that office in turn works under the supervision and direction of the Principal State Counsel (*procureur général*). Despite this **hierarchical structure**, the State Counsel's Office is regarded as an **indivisible unit**: an assistant does not need authority from a superior to act, and all of his or her acts bind the State Counsel's Office as a whole.

Role and functions

The functions of the State Counsel's Office are essentially concerned with the enforcement of **criminal law**. It directs **investigations**, and itself takes all steps necessary to prosecute offences, or sees to it that steps are taken to do so. It has discretion to decide what action should be taken in criminal cases (e.g. initiating a preliminary judicial inquiry (*ouverture d'une information judiciaire*), committing a matter for trial in court (*renvoi devant une juridiction de jugement*), or discontinuing proceedings (*classement sans suite*)). It is required to appear at the court hearing; the law officer appearing is free to make such oral submissions as he or she considers most conducive to the proper administration of justice (on the facts, the character of the accused, and the sentence). The State Counsel's Office also ensures that sentences are enforced.

The State Counsel's Office is responsible for **protecting minors** who are at risk, and it has certain civil functions (concerning, for example, the status of individuals in the registers of births, marriages and deaths), administrative functions (e.g. in relation to public houses, the periodical press, or direct marketing) and commercial functions (e.g. in relation to some insolvency proceedings).

The role and functions of adjudicating judges are explained in the page on the ordinary courts.

Lay judges (*juges non professionnels*)

Temporarily appointed lay judges (*magistrats exerçant à titre temporaire*)

In order to bring the administration of justice closer to the community, a representative of civil society may be recruited as a temporarily appointed lay judge (*magistrat exerçant à titre temporaire* - MTT) to provide temporary assistance to the justice system pursuant to Articles 41-10 et seq. of Order (*ordonnance*) No 58-1270 of 22 December 1958 enacting the institutional Law (*loi organique*) on the status of the judiciary, as amended.

A specific feature of this role is that temporarily appointed lay judges may, for a term, perform the duties of district court judge, police court judge and/or assessor in cases heard by a three-judge panel at the regional courts while also carrying on a professional activity that is compatible with their court duties.

The recent growth in the number of temporarily appointed lay judges is a direct consequence of the disappearance of local magistrate courts (*juges de proximité*), originally set up by a law of 9 September 2002, pursuant to Article 15 of Law No 2016-1547 of 18 November 2016 on modernising the justice system for the 21st century and to Decree No 2017-683 of 28 April 2017.

Institutional Law (*loi organique*) No 2016-1090 of 8 August 2016, which entered into force on 1 July 2017, merged the roles of local magistrate and temporarily appointed lay judge (MTT).

Temporarily appointed lay judges are recruited regularly on the basis of an application file (rather than a competitive examination).

Conditions of access to the role of temporarily appointed lay judge

Hold French citizenship, be between 35 and 75 years of age, enjoy full rights as a citizen, be of good character, have met any national service requirements and be physically fit to perform the duties required, bearing in mind any accommodations that can be made for disabilities.

Applicants must also meet one of the following conditions:

hold a degree confirming that they have completed at least four years of further education (or an equivalent qualification) and have proven professional experience of at least seven years qualifying them to carry out judicial duties

be director* of the Registry of the Court and have proven service of seven years as a court clerk

be a civil servant in category A at the Ministry of Justice** and have proven service of at least seven years in this capacity

be a member or former member of a legal or judicial profession that is regulated or whose title is protected, and have proven professional practice of at least five years.

Status of temporarily appointed lay judges

The division of the Supreme Council of the Judiciary with jurisdiction over adjudicating judges gives an opinion on the candidates proposed by the Minister for Justice.

Temporarily appointed lay judges, appointed by order (*décret*) of the President of the Republic, are subject to the rules governing career judges.

They are appointed for a period of five years, renewable once, and may not exercise their duties beyond the age of 75.

They may carry on a professional activity alongside their court duties, provided it is not included in the list of incompatible activities in the application file.

Duties of temporarily appointed lay judges

Temporarily appointed lay judges carry out the following duties:

At the regional court, they hear civil and criminal disputes as assessors in a three-judge panel. They can validate settlements in criminal cases within the limit of a third of the court's work imposed on them. They also sit at police courts to hear a limited number of cases involving the first four categories of traffic offence and the fifth category for fixed fines, and to process penalty orders for the above offences.

At the district court, they hear civil cases up to a limit of a third of the work of the district court to which they are assigned.

Training of temporarily appointed lay judges

Temporarily appointed lay judges complete ten days of theoretical training at the national college of the judiciary (ENM).

On the decision of the Supreme Council of the Judiciary, they complete either a probation period at court of between 40 to 80 days over six months or a period of training at court of 40 days, which can exceptionally be reduced in the light of the candidate's professional experience.

Remuneration of temporarily appointed lay judges

Temporarily appointed lay judges are remunerated for services rendered by duty period worked.

The unit rate for a duty period is € 106.28 gross (as per the index point for public sector salaries as at 1 February 2017) subject to a maximum of 300 duty periods in a year.

Temporarily appointed lay judges do not receive travel allowances for the journey from their home to the court to which they are assigned.

Members of the employment tribunals

Established in 1806, the employment tribunals are first-instance tribunals specialised in settling individual disputes that arise between employees or apprentices and employers in connection with their contracts. The judges (members) of the employment tribunals come from industry and commerce. The system of employment tribunals is based on the idea that labour relations, specific and complex by nature, require examination by a judge with experience of such relations, whether as an employee or an employer.

Employment tribunals therefore necessarily include an equal number of employee and employer representatives (joint panels). The members of the tribunal are divided into two colleges (employees and employers) and five specialised divisions (industry, commerce, agriculture, miscellaneous activities and management).

The 14 512 members carry out their duties at 210 employment tribunals in metropolitan France and the overseas territories and handle around 142 500 cases per year.

Their primary task is conciliation of the parties and, failing that, to decide on the disputes between them.

Method of appointment

From 1979 on, members of employment tribunals were elected by their peers every five years in general elections by direct universal suffrage. Given the declining voter turn-out and, consequently, declining legitimacy of the employment tribunal system, new methods of appointing tribunal members were investigated.

Accordingly Order (*ordonnance*) No 2016-388 of 31 March 2016, while confirming the specific nature of the employment tribunal system, replaced the direct ballot by appointment on a proposal by the trade unions and employer associations, following calculation of their representativeness during the procedure put in place to measure the representativeness of trade unions and employers' organisations.

There is now a general round of appointment for members of employment tribunals every four years. Appointment is by joint order (*arrêté*) of the Ministers for Justice and Employment. Positions that fall empty during the term of office are published as part of supplementary appointment rounds and filled by way of the same procedure as for the general rounds.

Training

Law No 2015-990 of 6 August 2015 on growth, activity and equal economic opportunities sought to enhance the professional status of members of an employment tribunal, in particular by introducing compulsory initial and continuous training.

Members of employment tribunals thus follow compulsory initial training before taking up their judicial duties, and continuous training.

The initial training is the same for members representing employers and those representing employees. It is organised and given by the national college of the judiciary (ENM) and comprises several theoretical and practical modules with a total duration of five days. Any member of an employment tribunal who fails to complete the initial training within 15 months of the first day of the second month following their appointment is deemed to have resigned.

Members of employment tribunals also have six weeks of continuous training during their four-year term of office. The Ministry of Employment is responsible for giving this training.

Rules of conduct

Members of employment tribunals swear an oath. They are subject to the rules of conduct incumbent on judges: independence, impartiality, dignity and probity, and must conduct themselves in such a fashion as to remove any legitimate doubt in this respect. They are also bound by the confidentiality of the decision-making process.

Decree No 2016-1948 of 28 December 2016 on professional ethics and disciplinary procedures for members of employment tribunals, adopted in application of Law No 2015-990 of 6 August 2015 on growth, activity and equal economic opportunities, inserted a new Article R.1431-3-1 into the Labour Code, entrusting to the Supreme Council of Members of Employment Tribunals (*Conseil supérieur de la prud'homie*) the task of drawing up a code of conduct for tribunal members, which must be published.

The code of conduct was approved by the Supreme Council of Members of Employment Tribunals on 26 January 2018.

Status

Serving members of employment tribunals enjoy protected employee status, meaning that they cannot be dismissed without the prior authorisation of the labour inspectorate, and the right to absent themselves during their working hours.

Such absences count as effective working time and as such are remunerated by the employer and covered by social security. Time spent on work for the employment tribunal during working hours accordingly does not entail any loss in salary or benefits. The employer is reimbursed for the salary by the State. Employer representatives and employees on the tribunal who are not in the category above (job seekers, pensioners, members serving on the tribunal outside their working hours) are paid for their periods of duty at a rate set by legislative order (*décret*).

Their travel expenses may also be reimbursed.

Judges of the commercial courts

There are 134 first-instance commercial courts spread throughout metropolitan France, excluding Alsace-Moselle (where a division of the regional court handles commercial disputes pursuant to an exception under local law), and nine mixed commercial courts in the overseas territories.

The commercial courts hear disputes between traders, or between traders and commercial companies, and disputes regarding commercial transactions.

The judges of the commercial courts (*juges consulaires*) are traders or company managers. They therefore have professional experience in business.

There are currently more than 3 400 commercial court judges.

They are elected by their peers in an annual two-stage election.

They are elected for an initial term of two years. They can then be re-elected for terms of four years at the same court or any other commercial court, subject to a limit of four terms, except for the outgoing president, who can be re-elected for a fifth term as a panel member only.

They swear an oath and are subject to the same code of conduct as professional judges.

They serve as volunteers. To serve they must be available and be prepared to make a personal commitment, in particular by taking part in indispensable initial and continuous training.

Law 2016-1547 of 18 November 2016 on modernising the justice system for the 21st century introduced a major reform of the status of commercial court judges. In particular, it revised the provisions on their code of conduct and disciplinary procedures and enhanced their professional status by introducing compulsory initial and continuous training given by the national college of the judiciary.

Assessors at the social security tribunals

Assessors at the social security tribunals (*tribunaux des affaires de la sécurité sociale*) are appointed for three years by the first president of the court of appeal, from a list submitted for the particular tribunal by the regional director for young people, sport and social cohesion following nominations by the most representative trade and professional organisations.

The Law of 18 November 2016 on modernising the justice system for the 21st century abolished the social security tribunals and transferred their caseload as of 1 January 2019 to specially designated regional courts. Assessors will hear cases there.

Assessors at the disability tribunals

Assessors at the disability tribunals (*tribunaux du contentieux de l'incapacité*) are appointed for three years by the first president of the court of appeal with jurisdiction in the area, by the regional director for young people, sport and social cohesion from lists drawn up following nominations by the most representative trade and professional organisations.

The Law of 18 November 2016 on modernising the justice system for the 21st century abolished the disability tribunals and transferred their caseload as of 1 January 2019 to specially designated regional courts. Assessors will hear cases there.

Assessors on regional court panels for social security matters

As from 1 January 2019 these assessors sit on the regional court panels specially designated to hear social security and social assistance disputes.

They are appointed for a term of three years by the first president of the court of appeal, after consulting the president of the regional court, from lists drawn up for the particular court by the prefect following nominations by the most representative trade and professional organisations.

Candidates must be French nationals, must be aged 23 years or more, must meet the conditions for serving as a jury member, must not have been found guilty of an offence under the Rural and Maritime Fishing Code or the Social Security Code and must not be members of a board of a social security organisation or mutual association. Their duties are compatible with the duties of members of an employment tribunal.

Assessors at the juvenile courts

Assessors at the juvenile courts (*tribunaux pour enfants*) are appointed for four years by the Minister for Justice from a list of candidates submitted by the first president of the court of appeal to which the juvenile court is attached.

Candidates must be French nationals, must be aged 30 years or more and have a particular interest, in any capacity, in matters concerning young people.

Assessors at the agricultural land tribunals

The assessors at the agricultural land tribunals (*tribunaux paritaires des baux ruraux*) are appointed for a term of six years by the first president of the court of appeal from lists drawn up for the particular tribunal by the prefect following nominations by the most representative professional or landowners' organisations.

They include landlords who are not also tenants, and tenants who are not also landlords, divided where appropriate into two sections of a joint tribunal, one comprising landlords and tenants under tenancy agreements and the other, landlords and tenants under share-farming agreements.

Candidates must be French nationals, must be aged 26 years or more, must not have been deprived of their civil, civic or professional rights and must have been a landlord or tenant under a tenancy or share-farming agreement for at least five years.

Court clerks

Court clerks (*greffiers*) are specialists in legal procedure who assist the judges in drawing up court documents and are responsible for authenticating the acts of the court, where the law so requires.

Court clerks work hand in hand with the judge, helping to prepare and process cases and conducting legal research. As instructed by the judges, they draft decisions and pleas. As part of providing information and assistance services to the public, clerks may be entrusted with providing information, guidance or assistance to users in completing judicial formalities or procedures. They may also be assigned professional training duties.

Most of a court clerk's **duties** are performed **in the different offices of the courts**. Depending on the size and structure of the court, court clerks may occupy management posts as director or deputy director of the Registry of the Court or as head of a department.

[Chief clerk](#)  (378 Kb) [en](#)

[Clerk](#)  (375 Kb) [en](#)

On 1 January 2018, the Ministry of Justice Department for human resources at court registries was managing 10 931 staff, 9 368 of whom were assigned to the courts.

Lawyers

Lawyers (*avocats*) are officers of the court and members of an independent self-employed profession. The rules that govern them are in the main laid down in Law No 71-1130 of 31 December 1971 reforming certain judicial and legal professions, and Order (*décret*) No 91-1197 of 27 November 1991 structuring the profession of lawyer. Law No 90-1259 of 31 December 1990, which amended the 1971 Law, together with its implementing orders, created a new profession of lawyer (*avocat*) by amalgamating the existing professions of lawyer (*avocat*) and legal adviser (*conseil juridique*). The Law of 25 January 2011 reforming legal representation before appeal courts in turn merged the functions of lawyer and legal representative at the court of appeal (*avoué près les cours d'appel*).

In their daily business lawyers have two functions: one, to assist and represent clients in court (judicial function) and, the other, to provide legal advice and draw up legal instruments (legal function).

Under Section 4(1) of the Law of 31 December 1971, lawyers have a virtual monopoly on assisting and representing parties, and acting and pleading before courts, judicial authorities and disciplinary tribunals of all kinds.

There is no national association of lawyers, as lawyers wish all bar associations to be fairly represented. There are 16 bar associations (*barreaux*) in metropolitan and overseas France, each attached to a regional court (*tribunal de grande instance*) and each headed by a chairman (*bâtonnier*) and directed by a bar council (*conseil de l'ordre*); the role of the bar council is to deal with all issues concerning the practice of the profession, to ensure that lawyers fulfil their responsibilities, and to protect their rights.

The National Council of Bar Associations (*Conseil national des barreaux* — CNB), created by the Law of 31 December 1990 (Article 15), is a body recognised as being of public utility (*établissement d'utilité publique*), and has legal personality; it is responsible for representing the legal profession in dealings with public authorities and seeking to ensure that the rules and usages of the profession are harmonised.

The National Council of Bar Associations has a website which allows everyone to have free access to information on the structure of the profession, current issues concerning the profession, and a directory of all the lawyers registered with French bar associations. Most of the larger bars have their own websites, which are free and accessible to all; their addresses appear in the bar associations directory available on the CNB website.

The CNB produces National Rules of Conduct by way of regulatory decisions published in the Official Gazette and directly applicable to lawyers.

Lawyers at France's two supreme courts, the Council of State and the Court of Cassation, form a separate profession: they are public officials appointed to their posts by order of the Minister for Justice, and when parties must be represented before those courts they have the sole right to plead. The rules governing them are laid down essentially in the Order (*ordonnance*) of 10 September 1817 establishing the Order of Lawyers at the Council of State and the Court of Cassation, Order (*décret*) No 91-1125 of 28 October 1991 relating to the conditions for entering the profession, and Order (*décret*) No 2002-76 of 11 January 2002 on the disciplinary rules governing the profession.

The lawyers at the supreme courts form a separate bar or order, headed by a president, who is assisted by a bar council of 11 members. This body is responsible for ensuring professional discipline, and represents the profession.

The website of the [Order of Lawyers](#) at the [Council of State](#) and the [Court of Cassation](#) provides more details.

Is there a database for this area?

There is a database, managed by the National Council of Bar Associations, which covers the **list of lawyers appearing on the rolls of every bar association in France**.

Is access to this information free of charge?

Access to the database on the website of the [National Council of Bar Associations](#) is free.

Notaries

Organisation

The notary (*notaire*) is a public legal official appointed by order (*arrêté*) of the Minister of Justice. Notaries nevertheless operate as practitioners of an independent self-employed profession. The rules governing the profession are laid down mainly in the Law of 25 Ventôse Year XI (dated according to the French Republican Calendar); Order (*ordonnance*) No 45-2590 of 2 November 1945; Order (*décret*) No 45-0117 of 19 December 1945 relating to the organisation of the profession of notary; Order (*décret*) No 73-609 of 5 July 1973 relating to professional training and the conditions for entering the profession of notary; and Order (*décret*) No 78-262 of 8 March 1978 fixing the schedule of notaries' fees.

The profession is **organised into chambers of notaries** at the level of départements and into councils at regional level, which are responsible for regulating and disciplining the notaries from their own areas. In dealings with national authorities the profession is represented by the **Supreme Council of Notaries** (*Conseil supérieur du notariat*).

In addition to its role in representing the profession in dealings with public authorities, the Supreme Council of Notaries has the task of preventing and resolving professional disputes between notaries who do not belong to the same regional council. The [Supreme Council of Notaries](#) has a free website which sets out the principal characteristics of the profession and contains **a directory of notaries and their chambers and councils in the départements and regions**.

Role and functions

Notaries are empowered to **issue authenticated documents**, which are then enforceable without having to obtain a court order.

They also have the task of **advising** individuals and businesses, whether or not in connection with the drafting of official documents, and alongside their main business they may play a part in the **administration of assets and property transactions**.

Other legal professions

Court bailiffs

Court bailiffs (*huissiers de justice*) are public legal officials appointed by order (*arrêté*) of the Minister of Justice. They nevertheless operate as practitioners of an independent self-employed profession. The rules governing the profession are laid down mainly in the Law of 27 December 1923, Order (*ordonnance*) No 45-2592 of 2 November 1945, Order (*décret*) No 56-222 of 29 February 1956, and Order (*décret*) No 75-770 of 14 August 1975.

They alone are permitted to serve court papers and to execute court orders and enforceable orders or instruments. In addition they may, either on commission from the courts or at the request of individuals, draw up reports making official findings. Alongside their main business they are also allowed to act as mediators, property administrators or insurance agents, provided they first inform their regional bailiffs' chamber and the Principal State Counsel (*procureur général*) at the court of appeal for their area.

For the steps they take in civil and commercial matters within their remit, bailiffs are remunerated at fixed rates set out in Order (*décret*) No 96-1080 of 12 December 1996.

The profession is represented by chambers at the level of the départements and regions in the geographical jurisdiction of each court of appeal. There is a national chamber that represents the entire profession in dealings with the public authorities, and resolves disputes between chambers and between bailiffs who do not belong to the same regional chamber. The [National Chamber of Court Bailiffs](#) has a free website which sets out the principal characteristics of the profession and contains **a directory of court bailiffs**.

The Order (*ordonnance*) of 2 June 2016 created a new profession of court enforcement officer (*commissaire de justice*) to replace, from 1 July 2022 onwards, the professions of court bailiff and judicial auctioneer (*commissaire-priseur judiciaire*).

The Order sets out the rules governing court enforcement officers and provides for the new profession to be phased in by 1 July 2022 through transitional arrangements. As the roles of court bailiff and judicial auctioneer are partly similar and complementary, it was decided to rationalise the current organisation of the professions and merge them into one profession of court enforcement officer.

The rules governing court enforcement officers will be fully applicable from 1 July 2022. As of 1 July 2026, it will completely replace the former professions: court bailiffs and judicial auctioneers who have not followed specific training to qualify as court enforcement officers will cease to practise. As of 1 January 2019 the National Chamber of Court Enforcement Officers (*Chambre nationale des commissaires de justice*) will replace the National Chambers of Court Bailiffs and Judicial Auctioneers respectively, in order to prepare the gradual alignment and then merger of the two professions.


Other officers of the court

The **clerks of the commercial courts** (*greffiers de tribunaux de commerce*) are public legal officials whose main task is to assist the members of the commercial court during hearings and to assist the president of the court in all his or her administrative tasks. They manage the Registry of the Court and see to it that the register of commerce and companies (*registre du commerce et des sociétés* — RCS) and the court directories and files are properly maintained. They issue official copies, are responsible for affixing the court seal, take care of money lodged at the Registry, and draw up Registry documents and other formal documents within their area of responsibility.

The profession is regulated by Articles L.741-1 et seq. to R.741-1 of the Commercial Code.

The profession is represented in dealings with the authorities by the **National Council of Clerks of the Commercial Courts** (*Conseil national des greffiers des tribunaux de commerce* — CNGTC). This is a body recognised as being of public utility (*établissement d'utilité publique*), and has legal personality; it is responsible for representing the collective interests of the profession. It organises the initial and ongoing training of court clerks and Registry staff and the professional examinations, and facilitates and supervises traineeships. The website of the [National Council of Clerks of the Commercial Courts](#) has more information on these matters.

[Clerks of the commercial courts](#)  (366 Kb) 

[Clerks of the commercial courts with an employment contract](#)  (366 Kb) 

Legal advisers/in-house lawyers

The profession of **legal adviser** (*conseil juridique*) was merged with the profession of lawyer (*avocat*) under Law No 90-1259 of 31 December 1990.

Lawyers (*juristes*) who do not practise as independent lawyers (*avocats*) but instead work in-house for businesses are not subject to any specific professional regulation.

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