
Foreign lawyers' practice in Geneva

FAQ

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Preamble

In the canton of Geneva, the [Geneva Bar Commission](#) is the official authority responsible for the administrative and disciplinary supervision of lawyers. It is the Bar Commission that maintains the [cantonal register of lawyers](#) and the [table of EU/EFTA lawyers](#).

The [Geneva Bar Association](#) (of which the *Commission des avocats de barreaux étrangers* is a member; hereinafter "CABE") is an association under private law within the meaning of art. 60 ff. of the Swiss Civil Code, which groups together the vast majority of lawyers (including foreign lawyers) practicing in the Canton of Geneva.

As the Bar Committee has a supervisory role and not an advisory one, foreign lawyers who have questions about practice in Geneva are advised to contact the [CABE](#) first, which has produced these Frequently Asked Questions (hereinafter "FAQ").

ATTENTION: This FAQ is intended to inform members of the Geneva Bar Association. It is not an official publication.

Ad hoc practice in Geneva by lawyers EU/EFTA

1. I am a lawyer in a Member State of the European Union/EFTA, can I practice in Geneva on an ad hoc basis?

Yes, you can practice punctually in Switzerland under the regime of the free provision of services provided for by the Federal Act on the Free Movement of Lawyers ([LLCA](#)), without being registered in a cantonal register or roll.

You may be obliged, in certain cases involving compulsory representation, to act together with a lawyer registered in a cantonal register (see [Question 2 below](#)).

2. What does it mean to act in concert with a lawyer registered in a cantonal register?

According to the [Federal FAQs on the LLCA](#), “[t]his concept is contained in Directives 77/249/EEC and 98/5/EC. The person entered in the register, who is familiar with national practice, is the contact person for the court (domicile of service). He does not have to be mandated in the proceedings. Nor does he or she have to be physically present at the hearing.”

However, CABE strongly encourages working with a registered lawyer. This can be very useful in practice for lawyers who are not familiar with the local procedure and customs, in order to best defend the interests of their clients.

3. I am a lawyer in an EU/EFTA Member State but I am not a national of one of these States. Do I benefit from freedom of movement?

You do not enjoy freedom of movement. Articles 21 and 27 of [the LLCA](#) set out a double cumulative condition of nationality and entitlement to practice in the State of origin (see, however, [Question 4 below](#)).

4. I am a lawyer in an EU/EFTA Member State and a national of another Member State (e.g. German citizen registered with the Paris Bar). Can I benefit from freedom of movement?

Yes, you have freedom of movement (and establishment).

Occasional practice in Geneva by non-EU/EFTA lawyers

5. I am a lawyer in a non-EU/EFTA country, can I practice in Geneva from time to time?

You may practice in Geneva on an ad hoc basis outside the framework regulated by the [LLCA](#). This means, in particular, that you may not represent parties before the courts, unless you have special authorization (see [Question 19 below](#)).

Permanent practice in Geneva by EU/EFTA lawyers

6. I am an EU/EFTA lawyer, can I practice permanently in Geneva?

Yes, under the regime of Articles 27 to 29 [LLCA](#).

See also the answers to the following questions:

[2. What does it mean to “act in concert with a lawyer registered in a cantonal register”?](#)

[3. I am a lawyer in an EU/EFTA Member State but I am not a national of one of these States. Can I benefit from freedom of movement?](#)

[4. I am a lawyer in an EU/EFTA Member State and a national of another Member State \(e.g. German citizen registered with the Paris Bar\). Can I benefit from freedom of movement ?](#)

7. How do I register with the EU/EFTA Bar Council?

The [form available on the Bar Committee’s website](#) must be completed, the required documents attached and sent to the Bar Committee. A fee will be charged for the registration.

8. What are the deadlines for registration?

In CABA’s experience, a few weeks at most.

9. Do I have to register with the EU/EFTA Bar Association?

You are not obliged to register, but if you do you will not be able to join the Bar Association (see also [Question 48 below](#)).

10. I want to register to practice as a limited company (SA, Sàrl, etc.)

The practice in the form of a limited company is possible but strictly regulated. The [CABA](#) invites you to contact it for more information.

Permanent practice in Geneva by non-EU/EFTA lawyers

11. I am a lawyer from outside the EU/EFTA, can I practice permanently in Geneva?

You can practice in Geneva outside the framework of the [LLCA](#). This means in particular that you may give legal advice, but you may not represent parties before the courts. It is also your responsibility to comply with federal and cantonal regulations, particularly with regard to the protection of the title of lawyer.

12. I am a lawyer from outside the EU/EFTA, can I register with the Bar Committee?

You cannot. However, you can register with the Geneva Bar Association, under certain conditions.

13. I am a lawyer from outside the EU/EFTA, can I associate with a non-lawyer (trustee, expert, etc.) ?

You are not subject to the LLCA, so there is no prohibition under Swiss law. However, you will not be able to register with the Bar Association.

14. I am a lawyer from outside the EU/EFTA, can I associate in Geneva with a Swiss lawyer or a lawyer registered with the EU/EFTA Bar Council?

As the case law currently stands, this Swiss or EU/EFTA lawyer will not be allowed to associate with you, as you are not considered a lawyer under the LLCA.

15. I am a lawyer from outside the EU/EFTA, can I recruit a Swiss lawyer or a lawyer registered with the EU/EFTA Bar Council in Geneva?

As the case law stands, Swiss or EU/EFTA lawyers will not be allowed to work for you, as you are not considered a lawyer under the LLCA.

16. I am a Swiss or EU/EFTA lawyer, can I work in Geneva for a non-EU/EFTA lawyer?

As the case law stands, you cannot do this, unless you cancel your registration from the cantonal register.

17. I am a Swiss or EU/EFTA lawyer, can I recruit a lawyer from outside the EU/EFTA in Geneva?

Yes, like any other non-lawyer employee of your firm.

18. As a lawyer from outside the EU/EFTA, can I represent clients in court on an ad hoc basis?

Yes, the Department of Employment Security and Health can authorize you to assist a party before the Geneva courts. This is a special authorization that is issued for each particular case (see Articles 23 [LPAv](#) and 8 [RPAv](#)). You must act alongside a lawyer registered in a cantonal register.

Membership of the Geneva Bar Association

19. What is the difference between the Bar Committee and the Geneva Bar Association?

The *Commission du barreau* is the official body in charge of the registration of Swiss lawyers and EU/EFTA lawyers, and the supervision of lawyers who practice legal representation in Geneva.

The Bar Association is an association under private law within the meaning of art. 60 ff of the Civil Code, bringing together the vast majority of lawyers and trainee lawyers practicing in Geneva.

20. What is CABA?

The Commission for lawyers from foreign bars is a commission of the Geneva Bar Association. Like all commissions of the Order, its mission is to assist the Council of the Order (the executive committee of the association) in its functions. The CABA promotes the participation of lawyers from foreign bars practicing in Geneva in the activities of the Order, encourages their integration and facilitates relations between these foreign members and their peers who are members of the Order.

Since its creation in September 2005 (when it was a section of the Order), CABA :

- organizes regular events to enable the integration of foreign lawyers in Geneva;
- contributes to the life of the Order by organizing conferences on subjects of general interest inspired by the international experiences of its members;
- informs foreign lawyers who are members of the Order about their rights and duties;
- assists the secretariat and the Council of the Bar on questions concerning the practice of foreign lawyers in Geneva.

21. I am an EU/EFTA lawyer and I wish to register with the Geneva Bar Association

As soon as your registration on the EU/EFTA roll has been validated by the Bar Committee, you can [apply for membership of the Bar](#).

22. I am a lawyer from outside the EU/EFTA, I would like to register with the Geneva Bar Association

At its discretion, and taking into account, for example, the exercise of a concrete and preponderant activity in Geneva, its duration, or the civil residence in the canton, the Council of the Bar may admit lawyers from outside the EU/EFTA. The latter must justify each year the continuity of their membership of their bar of origin.

Membership details are available on [the College's website](#).

23. In the accession form for lawyers from outside the EU/EFTA, what does the term "Document(s) attesting to the exercise in Geneva of an activity as a lawyer" mean in practice?

For associates, this may be a certificate from their employer. For self-employed lawyers or lawyers in association, it may be an extract from the website, a copy of the lease showing the existence of professional premises in Geneva, a copy of the association contract and/or any other document enabling the Council of the Bar to assess the reality of the candidates' activity in Geneva.

24. I am a lawyer established abroad but I sometimes pass through Geneva. Can I register with the Geneva Bar Association?

No, registration with the Geneva Bar Association implies the effective exercise of the profession of lawyer in Geneva, in particular by the existence of professional premises in Geneva.

25. What are my rights and duties as a foreign lawyer within the Order?

The same as for other members of the Order. You are invited to consult the Statutes and [the website of the Order](#) for more information.

By becoming a member of the Bar, you automatically become a member of the [Swiss Bar Association \(FSA\)](#), which is the umbrella organization for independent lawyers practicing in Switzerland (see also [Question 27 below](#)).

If they are under 40 years of age, foreign lawyers automatically become members of the Young Bar Association, which is a section of the Bar Association for young lawyers and trainee lawyers.

26. Does registration with the Geneva Bar Association give me the right to plead?

No, membership of the Geneva Bar Association has many advantages, but it does not change your situation with regard to the applicable texts.

27. What is the FSA?

The Swiss Bar Association (FSA) "*represents Swiss lawyers, defends their rights and interests, ensures their independence and safeguards their reputation in Switzerland and abroad*".

As active members of the Geneva Bar Association, foreign lawyers are automatically registered with the FSA (see also [Question 25 above](#)).

Registration of an EU/EFTA lawyer in the cantonal register

28. What is the difference between the cantonal register and the EU/EFTA table?

The EU/EFTA lawyers' register groups together EU/EFTA lawyers established in Switzerland and authorized to practice there under the conditions provided for in the [LLCA](#). Registration in the cantonal register allows the practice of law in Switzerland. This is the general regime for all lawyers who hold a Swiss lawyer's license.

29. What is the advantage of registration in the cantonal register for a lawyer already registered in the EU/EFTA register?

Lawyers registered in the cantonal register are no longer obliged to act in concert with a Geneva lawyer in proceedings involving mandatory representation.

30. Does my status within the Geneva Bar Association change when I join the cantonal register?

No.

31. What is the procedure for entering EU/EFTA lawyers in the cantonal register?

The LLCA provides for three ways in which EU/EFTA lawyers can be registered in the cantonal register:

- (i) the aptitude test ;
- (ii) assimilation after three years of registration in the EU/EFTA register, provided that effective and regular activity under Swiss law is proven;
- (iii) if the actual and regular activity is of lesser duration, the passing of a professional skills verification interview.

32. Are there also solutions for non-EU/EFTA lawyers?

No, there is no gateway allowing lawyers from outside the EU/EFTA to join a Swiss register. The [website of the School of Law \(ECAV\)](#) provides information on the procedures for resuming university studies in order to obtain the Swiss patent.

33. Who organizes the aptitude test?

The [Lawyers' Examination Board](#) is competent to administer the aptitude test.

34. How can I get more information ?

It is advisable to consult the [ECAV website](#), and the guidelines contained therein.

35. I have read the guidelines on the aptitude test and I don't understand the meaning of the sentence stating that candidates' professional experience will be "taken into account"?

This means that part of the test (in practice, a single question in the written or oral examination) is on a subject corresponding to the lawyer's main area of practice.

36. What are the dates of the sessions for the aptitude test?

It is advisable to consult the [ECAV website](#) for details and registration procedures.

37. What is the program for the aptitude test?

There is no syllabus. The examination may cover any aspect of positive federal and cantonal law.

This is not an examination to validate professional skills. A thorough knowledge of Swiss law is essential.

38. Is it possible to take preparation courses?

No formal preparation is provided.

39. What is the success rate?

To CABA's knowledge, the success rate is not published.

40. Is it possible to obtain the subjects of previous sessions?

The Lawyers' Examination Board has kindly provided CABA with sample examination papers from previous years. [CABA](#) will provide these to anyone who requests them.

41. If I pass the equivalence exam, will I have a Swiss lawyer's license?

No, but you will have the right to be registered in the cantonal register as if you had a Swiss patent.

42. How does the equivalence test work in practice?

To date, the examination consists of a written part and an oral part. For the written part, which lasts

four hours, each candidate is provided with a workstation (including access to online legal databases (Swisslex in particular, which it is recommended to master well, as well as the QWERTZ keyboard).

43. How does the professional skills assessment interview work?

To CABE's knowledge, no one has taken this interview in Geneva in recent years. You can contact ECAV if you are considering taking it.

44. How does the assimilation process work?

You must submit to the Bar Committee a file proving at least three years of effective practice of Swiss law. This three-year period is to be understood as being since your registration in the EU/EFTA register.

You will then be called for an interview before the Bar Committee.

45. How can I justify my practice of Swiss law?

You can provide court documents, consultations, certificates and any other documents from your practice that demonstrate its reality.

46. Is it necessary to have practiced in all areas of Swiss law?

No, the LLCA makes no such requirement.

Special situations

47. I am an EU/EFTA lawyer practicing in Geneva in an LLP type structure, which prohibits me from being registered on the EU/EFTA roll. Can I still register with the Geneva Bar Association?

Yes, under the same regime as if you were a lawyer outside the EU/EFTA.

48. I am a lawyer at the Paris Bar practicing in Geneva. The Paris Bar requires me to be registered on the EU/EFTA register (article P.51 of the Internal Rules) but I work for an LLP and the Bar Committee refuses to register me. How do I go about this?

[CABE](#) suggests that you contact them.

49. I am a foreign lawyer in an international organization/company in Geneva. Can I register as a lawyer in the EU/EFTA register and/or with the Bar Association?

No, not as a lawyer commissioned by the organization or company that employs you.

However, CABE would like to draw your attention to the [federal FAQs on the LLCA](#):

"Can a lawyer have a salaried activity in addition to his activity as a lawyer? In principle yes. However, there must be no connection between his activity as a self-employed lawyer and his other activities as an employee under an employment contract (guarantee of independence).

50. Is my foreign liability insurance accepted for practice in Switzerland?

Yes, if it covers your activity in Switzerland and meets the legal requirements, in particular those of article 12 letter f. [LLCA](#). However, CABE invites you to check in particular that this information remains valid at the time of your registration.

Job market for foreign lawyers in Geneva

51. I am a lawyer in an EU/EFTA member state and I send applications to Geneva studies, but without any response. Is this normal?

Generally speaking, Geneva law firms recruit Swiss lawyers to practice Swiss law.

Practice shows that foreign associates are sometimes recruited in activities where they can demonstrate a particular competence.

52. What are the areas in which foreign lawyers practice in Geneva?

These are mainly international arbitration, international contracts, trading, tax law, intellectual property and advice to foreign companies.

