

How to become a lawyer in Switzerland

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Introduction

From an outsider's perspective it could seem natural that in a small country like Switzerland, a qualified lawyer from one Canton can represent clients in all Swiss judicial authorities.

However for more than 150 years, the federal structure of the State constituted a barrier to this vision. In fact, during all these years, there was no regulation providing the freedom of movement to lawyers in the country. This situation lasted for two main reasons. First the Cantons had a strong attachment to their lawyer's education, and secondly, throughout the twentieth century each Canton kept distinct laws of procedure (the unified Swiss Civil Procedure Code and Criminal Procedure Code only entered into force on 1 January 2011).

A lawyer, who wished to represent clients before jurisdictions in a Canton other than that in which he had qualified, therefore needed specific Cantonal Authorisation from the second Canton. Practically, this created a cumbersome system whereby a lawyer who wanted to practice nationally needed to make individual requests in all the twenty-six Cantons.¹¹⁷

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117 Swiss Federal Council, Message concernant la loi fédérale sur la libre circulation des avocats, 28 April 1999, BBL/FF 1999, pp. 5331 ff., 5335 (hereafter: Message).

Over the years, the evolution of Swiss Federal jurisprudence, as well as the adoption of the Federal Act on the Internal Market¹¹⁸ facilitated a lawyer's the ability to receive Cantonal Authorisations.

Paradoxically, through the entry into force of the Bilateral Agreement on the Free Movement of Persons,¹¹⁹ which was notably meant to simplify and harmonise judicial qualifications, Swiss-trained lawyers were continuously subject to Cantonal Authorisation, while foreign-trained European lawyers were exempted. Swiss lawyers therefore suffered a reverse discrimination in comparison to their colleagues from the European Union (EU) or European Free Trade Association (EFTA) who may not have had knowledge of Swiss law.¹²⁰

The Federal Act on the Freedom of Movement of Lawyers of 23 June 2000 (FAFML),¹²¹ which entered into force on 1 June 2002, introduced a paradigm shift in the way Swiss qualified lawyers could practice. For the first time, a federal law introduced minimum standards governing the "qualification as a lawyer in Switzerland"¹²² and gave Swiss-qualified lawyers the right to practice freely throughout the country. Furthermore, the Swiss legislators transposed the principles issued by the European Directives 77/249¹²³ (for the possibility to

118 Classified Compilation of Federal Legislation (SR/RS) 943.02. This Act is still in force today and continues to play an important role for the free movement of lawyers.

119 Agreement between the Swiss Confederation, of the one part, and the European Community and its Member States, of the other, on the free movement of persons, SR/RS 0.142.112.681.

120 On the aspect of reverse discrimination see François Bohnet/Vincent Martenet, *Droit de la profession d'avocat*, Bern 2009, para. 591 ff. (hereafter: Bohnet/Martenet).

121 SR/RS 935.61.

122 The education that one receives after university in order to qualify as a lawyer admitted to the bar.

123 Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services, OJ L 78, 26.3.1977, p. 17.

provide services), 89/48¹²⁴ (for the aptitude test), and 98/5¹²⁵ (for the permanent legal practice under the professional title of the home Member State),¹²⁶ into the FAFML. Together, these initiatives established the free movement of European Lawyers in Switzerland.

After a general introduction on the FAFML, this paper will focus on the conditions needed to qualify as a lawyer in Switzerland, as well as on the conditions that enable the free movement of European Lawyers and Non-European Lawyers in the country.

The Federal Act on the freedom of movement of lawyers

*The FAFML regulates the free movement of lawyers in Switzerland and outlines the principles that govern legal practice in the country (Article 1 FAFML). Every lawyer that is registered in a Cantonal Register of Lawyers has the ability to represent clients in legal proceedings before all Swiss judicial authorities within the lawyer's monopoly (Article 4 FAFML).*¹²⁷ The result is that contrary to the situation prior to the entry into force of the FAFML, it is now no longer necessary for a Swiss lawyer to require a Cantonal Authorisation from a Canton in which he is not registered if he wishes to represent a client before its judicial authorities. The only proof that a Canton may still require

124 Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, OJ L 19, 24.1.1989, p. 16.

125 Directive 98/5/EC 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, OJ L 77, 14.3.1998, p. 36.

126 Message, p. 5375.

127 The extent of the lawyer's monopoly to represent clients in legal proceedings is ruled by Article 68 Swiss Civil Procedure Code (SR/RS 272), Article 127 Swiss Criminal Procedure Code (SR/RS 312), Article 40 Federal Supreme Court Act (SR/RS 173.110) as well as, alternatively (cf. Article 3 para. 2 FAFML), by cantonal law (cantonal monopolies, e.g. in the field of administrative law).

from a Swiss lawyer is his inscription in a Cantonal Register of Lawyers anywhere in Switzerland.¹²⁸

The FAFML applies to lawyers who pursue activities relating to the representation of a client in legal proceedings before judicial authorities in Switzerland. It outlines the prescriptions under which lawyers, who are either an EU or EFTA Member State national, may represent clients before Swiss judicial authorities. These prescriptions also apply to Swiss nationals who qualified as lawyers in a Member State of the EU or of the EFTA (Article 2 FAFML – the FAFML contains in annex a list of professional titles identifying who qualifies as a lawyer in each EU and EFTA Member State). It is therefore important to underline that the FAFML only governs the free movement of Swiss and European lawyers for their activities relating to the representation or defence of clients before judicial authorities. In contrast, there are no legal restrictions on the activity of offering legal advice, which means that anybody, even people without a legal training, can offer services in this field.¹²⁹

The FAFML does not regulate exhaustively the qualification as a lawyer in Switzerland. Article 3 FAFML states that the Cantons have sole jurisdiction over this process. The FAFML does, however, set the minimal standards in relation to the mandatory professional and personal requirements in order for a lawyer who is qualified in a Canton to benefit from freedom of movement in the whole country. At the same time, these minimal standards constitute the maximal standards that a Canton can request in order to allow lawyers that have qualified in other Cantons to represent clients before its judicial authorities.

In addition, the FAFML calls for the creation and maintenance of a Cantonal Register of Lawyers by each Canton. In order to benefit from freedom of movement, lawyers qualified in Switzerland who intend to pursue activities relating to the representation of a client in

128 Yvan Jeanneret, Commentaire de l'article 4 LLCA, in: Michel Valticos/Christian Reiser/Benoît Chappuis, Commentaire Romand, Loi sur les avocats, Bâle 2010, N. 5 f. (hereafter: Jeanneret).

129 François Bohnet, Droit des professions judiciaires, 2nd ed., Neuchâtel 2011, p. 36 f. (hereafter: Bohnet).

legal proceedings before judicial authorities and who fulfil the minimal professional and personal requirements set by the law (see below *Qualification as a lawyer in Switzerland*), must register with the Register of the Canton in which they have their main business address (Articles 5 and 6 FAFML). At any point in time, if a lawyer no longer meets one of the professional or personal requirements, he will be deleted from the Register and will not be admissible to represent clients in legal proceedings before judicial authorities.¹³⁰ The Cantons may also create other categories of Registers that regulate the representation in judicial proceedings before their own authorities, e.g. a Register for Trainee Lawyers. People that are registered in this second category of Register will, however, not benefit from the freedom of movement foreseen by Article 4 FAFML, but only from a potential free movement governed by cantonal law.¹³¹

Finally, the FAFML has unified the rules of professional conduct and disciplinary supervision applicable in Switzerland in an exhaustive manner. These rules are outlined in Articles 12 and 13 FAFML. They include the obligation for the lawyer to practice independently, with care and diligence, and to avoid conflicts of interest. The lawyer is also subject to the professional secrecy, which is not limited in time, in all matters entrusted by its clients in the practice of his profession. As soon as a lawyer is registered in a Cantonal Register of Lawyers and is accordingly entitled to move freely in the entire country, he is subject to the rules of professional conduct be it for representation in legal proceeding or legal advice.¹³² These rules must be followed both by Swiss and by EU or EFTA Member State qualified lawyers active in the country (see below *Qualification as a lawyer in Switzerland*).

130 Bohnet/Martenet, para. 704 ff.

131 BGE/ATF (Judgement of the Swiss Federal Supreme Court) 125 II 315; Jeanneret, N. 2; Bohnet, p. 33.

132 Bohnet/Martenet, para. 1112 ff.

Qualification as a lawyer in Switzerland

Generally speaking, the FAFML sets minimal professional and personal requirements for the lawyer's qualification in Switzerland and regulates the use of the professional title of lawyer.

Professional requirements

In order to grant a lawyer's licence enabling the registration in any Cantonal Register of Lawyers, and subsequently the right to free movement in Switzerland, two professional requirements must be met (Article 7 FAFML).

First, it is necessary to hold a law degree awarded by a Swiss university (licence or master), or an equivalent diploma awarded by a university of a country that has concluded an agreement of mutual recognition of diplomas with Switzerland.¹³³ It is necessary to have both the equivalence of the diploma and the agreement of mutual recognition of diplomas. Therefore, it would not be compatible with the wording of the FAFML to limit access to the qualification as a lawyer to holders of a diploma in Swiss law. In addition to the criterion of a law degree awarded by the University of a country that has concluded an agreement of mutual recognition with Switzerland, a Canton may however also require that a lawyer passes a complementary exam of skills in Swiss law and the proof of acquisition of some possible missing knowledge before it gives access to its lawyer's qualification.¹³⁴ For the accession to the lawyer's training, only the equivalent diplomas awarded by universities of EU or EFTA Member States have currently to be recognised by the Cantons under the FAFML. In

133 An exception to this rule is made for the Cantons in which Italian is the official language (Ticino and Graubünden); they may independently recognize an equivalent foreign diploma that was achieved in Italian. The Canton of Ticino made use of provision.

134 Bohnet, p. 24

fact, Switzerland only concluded agreements of mutual recognition of diplomas with these countries.¹³⁵

Second, the lawyer's qualification must consist of at least one year of practical experience (lawyer's internship), followed by an exam testing theoretical and practical legal knowledge (bar exam). Whilst a bachelor in law is sufficient to start the internship, a master in law is required to pass the bar exam. The length of the lawyer's internship varies between Cantons. Generally, two years is the norm in French speaking Switzerland, and only one year in the German speaking Cantons.¹³⁶ However in the latter, preparation for the bar exam requires often more time.¹³⁷ All together, the process of qualification as a lawyer in Switzerland usually lasts around two years everywhere in the country.

In order to enable the free movement of lawyers in Switzerland, the FAFML only sets minimal standards with regard to the lawyer's qualification (see above *The Federal Act on the freedom of movement of lawyers*). The Cantons, therefore, remain free to fix their requirements in order to qualify as a lawyer on their territory (Article 3 FAFML) and, in particular, may foresee stricter conditions. Because a cantonal legislation may not limit the free movement of lawyers that fulfil the requirements set by the FAFML, lawyers who qualify under

135 Ernst Staehelin/Christian Oetiker, Kommentar Artikel 7 BGFA, in: Walter Fellmann, Gaudenz Zindel, Kommentar zum Anwaltsgesetz, 2nd ed., Zurich/Basel/Geneva 2011, N. 9.

136 In bilingual Cantons, the length of the internship is usually influenced by the dominant language.

137 Bohnet/Martenet, para. 530 ff., 535 ff., 537 ff. For instance, in the Canton of Zurich the internship lasts 12 months and can take place in any part of the cantonal judicial system (law firm, Court, Attorney General); 18 months in the Canton of Bern of which 9 must be undertaken in a law firm and 3 in a Tribunal or with a Public procurator; 24 months in the Canton of Geneva with one semester of "Lawyers' School" and a minimum of 12 months in a law firm from the Canton; and 24 months in the Canton of Vaud of which a maximum of 6 months may be accomplished in another Canton or in a judicial authority (Court, Public procurator). See Philippe Meier/Christian Reiser, Commentaire de l'article 7 LLCA, in: Michel Valticos/Christian Reiser/Benoît Chappuis, Commentaire Romand, Loi sur les avocats, Bâle 2010, N. 44.

such stricter cantonal rules will of course also benefit from the freedom of movement in the whole country.¹³⁸

Conversely Cantons may establish an alleged bar exam, or an access to their lawyer's qualification to holders of diplomas awarded by universities from States that have not concluded an agreement of mutual recognition of diplomas with Switzerland. A lawyer qualifying under such cantonal rules will admittedly have the right to represent clients before the judicial authorities of the Canton of qualification. However, he will not benefit from the freedom of movement provided by the FAFML. In fact, the conditions of Article 7 FAFML will not be fulfilled in such a case. For this reason, he will not have the right to register in a Cantonal Register of Lawyers.¹³⁹

Personal requirements

The personal requirements that have to be met by lawyers in order to register in the Cantonal Register of Lawyers are listed in Article 8 FAFML. According to this article, lawyers must practice independently. This requirement, which is the most fundamental, means that lawyers may only be employed by individuals that are themselves registered in a Cantonal Register of Lawyers.¹⁴⁰ In fact, the obligation to practice independently is both a personal requirement that has to be fulfilled in order to register in the Cantonal Register of Lawyers and a professional rule according to Article 12 FAFML. Furthermore, lawyers must have the civil capacity to act, and they must not have been convicted of acts that are deemed incompatible with the profession of lawyer. In the case where a lawyer has been subject to a criminal conviction, this must be deleted from their judicial record. Finally, the lawyer cannot have an act of insolvency against them.

138 This situation may create some Canton registration shopping, as some people will prefer to qualify as a lawyer in a Canton which has lower standards.

139 Message [note 1], p. 5367; Bohnet, pp. 20, 25.

140 Lawyers who are employed by a recognised charity organisation may however register with a Cantonal Register of Lawyers provided that they limit their activity of representation to the mandate of their organisation (Article 8 para. 2 FAFML).

Professional title

A lawyer must use the professional title he was awarded in the Canton in which he passed his bar exam or the equivalent professional title of the Canton in which he is registered. In his business relations, he must, in addition, indicate the registration to his Cantonal Register of Lawyers (Article 11 FAFML). This last rule was introduced in order to differentiate between lawyers active within the lawyer's monopoly and representing clients before judicial authorities, and lawyers having passed the bar exam but working, for instance, as legal advisers in an undertaking.¹⁴¹ The FAFML does not protect the wording of the professional title awarded by the Cantons. However, a person that would use such a title without being entitled to it would be subject to sanctions based on cantonal legislation as well as on the Swiss Criminal Code¹⁴² or the Swiss Unfair Competition Act^{143 144}.

Free movement of European lawyers in Switzerland

Lawyers who are EU or EFTA Member State nationals and who are qualified lawyers in their home Member State¹⁴⁵ under one of the professional titles listed in the Annex of the FAFML,¹⁴⁶ *i.e. European Lawyers*, are placed into three distinct categories. First, the ability to provide services in Switzerland; second, their permanent legal practice

141 Bohnet/Martenet, para. 729 ss.

142 SR/RS 311.

143 SR/RS 241.

144 Jean Heim/Pierre-Dominique Schupp/Béatrice Hurni, Commentaire de l'article 11 LLCA, in: Michel Valticos/Christian Reiser/Benoît Chappuis, Commentaire Romand, Loi sur les avocats, Bâle 2010, N. 3 ff.

145 *I.e.*, the State of the EU or EFTA in which they achieved their lawyers' qualification.

146 *E.g.*: *Rechtsanwalt* in Austria and Germany, *Avocat* in France, *Avvocato* in Italy, *Advokat* in Norway, *Adwokat* or *Radca prawny* in Poland, *Abogado*, *Advocat*, *Avogado* or *Abokatu* in Spain, and *Advocate*, *Barrister* or *Solicitor* in the United Kingdom. This list is identical to the lists incorporated in the European Directives 77/249 and 98/5.

in the country under their original professional title; and third, their inscription in a Cantonal Register of Lawyers. As a reminder, these rules also apply to Swiss nationals who are qualified lawyers in a Member State of the EU or of the EFTA (see above *The Federal Act on the freedom of movement of lawyers*).

Possibility to provide services

A European Lawyer may pursue activities relating to the representation of a client in legal proceedings before all judicial authorities in Switzerland in the form of services (Article 21 FAFML). In fact, the federal and cantonal judicial authorities before which the European Lawyer intends to act, as well as the Cantonal Supervisory Authorities, may not request from a European Lawyer providing services in Switzerland proof that he holds a Swiss authorization to practice. They have the right, however, to ask him to demonstrate his qualification as a lawyer in his home Member State (Article 22 FAFML). The freedom to provide services is however limited to 90 days of effective work per calendar year, according to Article 5 and Annex I of the Bilateral Agreement on the Free Movement of Persons.

A European Lawyer providing services is not registered in the Cantonal Register of Lawyers. He must adopt the professional title of his home Member State, expressed in one of the official languages of that State, with an indication of the name of the professional organization through which he is authorized to practice, or by the name of the court of law before which he is entitled to practice, pursuant to the laws of that State (Article 24 FAFML).

He shall, however, work in conjunction with a lawyer who is registered to a Cantonal Register of Lawyers for the pursuit of activities relating to the mandatory assistance by a lawyer (Article 23 FAFML).¹⁴⁷ However, following the judgement of the Court of Justice of the European Union in the case *Commission v Germany*,¹⁴⁸ the obligation to work in conjunction with a domestic lawyer does not mean

147 The assistance of a lawyer is mandatory in cases of severe breach of the law.

148 Case C-427/85, [1988] 1123.

that the domestic lawyer has to represent the client. It is simply a formality, which obliges the European Lawyer to have an address in the law firm of a registered lawyer.¹⁴⁹

A European Lawyer who provides services in Switzerland is generally subject to the rules of professional conduct provided by Articles 12 and 13 FAFML (Article 25 FAFML).¹⁵⁰ In the case of a breach of these rules, the Cantonal Supervisory Authority may take disciplinary measures against the European Lawyer and shall notify the competent authority of his home Member State of any measure taken (Article 26 FAFML).

Permanent legal practice in Switzerland

After having registered with the Cantonal Register of European Lawyers of the Canton in which he has a professional address, a European Lawyer may pursue, on a permanent basis and under the professional title of his home Member State, activities relating to the representation of clients in legal proceedings before all the judicial authorities of Switzerland (Article 27 FAFML). In order to register, the European Lawyer shall present to the Cantonal Supervisory Authority a certificate which is not older than three months and which attests his registration with the competent authority of his home Member State. In the case that a European Lawyer has more than one business address, he shall register in the Canton in which his main business is located.¹⁵¹ The Supervisory Authority must then inform the competent authority of the home Member State about the registration (Article 28 FAFML).

Before initiating a disciplinary proceeding against a European Lawyer who is registered in a Cantonal Register of European Lawyers, the Cantonal Supervisory Authority shall inform the competent au-

149 Message, p. 5377.

150 See above *The Federal Act on the freedom of movement of lawyers* .

151 Benoît Chappuis/Olivier Mach, Commentaire de l'article 28 LLCA, in: Michel Valticos/Christian Reiser/Benoît Chappuis, Commentaire Romand, Loi sur les avocats, Bâle 2010, N. 3; Andreas Kellerhals/Tobias Baumgartner, Kommentar Artikel 28 BGFA, in: Walter Fellmann, Gaudenz Zindel, Kommentar zum Anwaltsgesetz, 2nd ed., Zurich 2011, N. 2.

thority in the home Member State and cooperate with it throughout the disciplinary proceeding (Article 29 FAFML).

Furthermore, the rules applicable in the case of the freedom to provide services (Articles 23-25 FAFML, see above Free movement of European lawyers in Switzerland, Possibility to provide services) remain applicable.

Inscription in a Cantonal Register of Lawyers

A European Lawyer may register with a Cantonal Register of Lawyers without fulfilling the requirements described in Part II. if (1) he has passed an aptitude test, or (2) he has been registered for a period of at least three years with a Cantonal Register of European Lawyers, according to the requirements described above (see *Free movement of European lawyers in Switzerland, Permanent legal practice in Switzerland*). In the second instance, (i) the European Lawyer must justify an effective and regular activity in Swiss law during the three-year period, *or* (ii) if within the three-year period he pursued an effective and regular activity in Swiss law of a period less than three years, he must successfully pass an interview in order to assess his professional competences (Article 30 FAFML).

If a European Lawyer is registered in a Cantonal Register of Lawyers, in addition to the professional title of his home Member State he may use the professional title of the Canton in which he is registered (Article 33 FAFML). As such he has exactly the same rights and obligations as a registered lawyer holding a cantonal lawyer's qualification.

Three-year registration with a Cantonal Register of European Lawyers

If a European Lawyer has been registered with a Cantonal Register of European Lawyers for three years, and that he can justify an effective and regular activity in Swiss law during that period, he can request registration to a Cantonal Register of Lawyers without any further examination.

If, on the contrary, the lawyer can only justify practice in Swiss law for a shorter period of time during that three-year period, he may pass an interview in order to assess his professional competences. The rules for this are set out in Article 32 FAFML. Following the wording of this article, the Lawyers' Examining Commission of the Canton in which the European Lawyer wishes to register is the competent authority to conduct the evaluation. The evaluation is notably based on the information and documents that relate to the European Lawyer's professional activity in Switzerland. By providing these documents, the European Lawyer must demonstrate his effective and regular activity in Swiss law.¹⁵² Any knowledge and professional experience, as well as continued professional education in Swiss law, such as attendance at lectures and seminars, is also taken into account.

Aptitude test

Article 31 FAFML sets out the criteria for an aptitude test. In order to be eligible to sit this test, European Lawyers must have successfully completed studies lasting at least three years in a university. They must also hold a diploma required for the designation of lawyer in an EU or EFTA Member State. The aptitude test, which can be passed at anytime, can be retaken up to two times. It is also organised by the Lawyers' Examining Commission of the Canton in which the European Lawyer wishes to register. The exam itself shall consist of matters that are covered by the cantonal bar exam, and that differ substantially from those covered by the education received by the European Lawyer in his home State. The test shall also take into account the professional experience of the candidate.

Free movement of non-European lawyers

Lawyers who do not have the nationality of an EU or EFTA Member State and who did not qualify in Switzerland are excluded from the

152 Bohnet/Martenet, para. 863 ff.

personal scope of application of the FAFML (see above). This exclusion is also extended to Swiss nationals who did not qualify in Switzerland or in an EU or EFTA Member State. Because of this, such lawyers cannot register in a Cantonal Register of Lawyers or in a Cantonal Register of European Lawyers, and subsequently, cannot pursue activities relating to the representation of clients in legal proceedings before the judicial authorities of Switzerland on a permanent basis.¹⁵³

As an exception to this principle, Cantons may however foresee, on the basis of Article 3 FAFML, that non-European lawyers may represent clients in legal proceedings before their cantonal judicial authorities. This can be done through an individual cantonal system of authorization.¹⁵⁴ It is however unclear whether the rules of professional conduct, disciplinary supervision, and sanctions provided by the FAFML would apply.¹⁵⁵

However, lawyers who do not have the nationality of an EU or EFTA Member State, but who are qualified in an EU or EFTA Member State under one of the professional titles listed in the Annex of the FAFML, shall have the possibility to provide services in Switzerland if they are employed by a Swiss law firm.¹⁵⁶

Conclusion

With the entry into force of the FAFML, minimal requirements for the lawyers' qualification and practice in Switzerland were established for

153 For a general analysis of the relationship existing between FAFML and GATS cf. Message, p. 5384 ff.; Bohnet/Martenet, para. 117 ff.

154 Dominique Dreyer, Introduction aux articles 21 à 26, in: Michel Valticos/Christian Reiser/Benoît Chappuis, Commentaire Romand, Loi sur les avocats, Bâle 2010, N.14 ff., 19.

155 Bohnet/Martenet, para. 229.

156 Hans Nater/Michael Tuchschnid, Die internationale Freizügigkeit nach dem Bundesgesetz über die Freizügigkeit der Anwältinnen und Anwälte, in: Daniel Thürer/Rolf H. Weber/Wolfgang Portmann/Andreas Kellerhals, Bilaterale Verträge I & II, Schweiz – EU, Handbuch, N. 27, footnote 44; Bohnet/Martenet, para. 814.

the first time on a federal level. This law has a dual aspect, as it regulates national as well as international situations.

On a national level, the conditions of the Swiss lawyers' qualification were unified for the first time. Such a development was essential in order to enable lawyers who had qualified in Switzerland to move freely in the whole country. At the same time Cantons maintain the ability to determine the lawyers' education that shall apply in their territory. In fact, with regard to the conditions of registration in a Cantonal Register of Lawyers and the free movement of lawyers, only minimal conditions are foreseen by the law. This is done in accordance with the federal system that governs the country.

On an international level, in the general context of the right of European Lawyers to practice freely within Europe, the FAFML prevents Switzerland from becoming an isolated island in the middle of an increasingly unified continent. In fact, the law integrates the conditions issued by the Bilateral Agreement on the Free Movement of Persons under which European Lawyers can practice in Switzerland on a permanent or non-permanent basis.