



# Engaging Foreign Lawyers

Considerations  
for the Spanish  
legal sector



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## Considerations for the Spanish legal sector

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# 01. Introduction

This paper explores the regulations governing the practice of foreign lawyers in Europe, with a specific focus on Spain. Current trends in the global as well as in the Spanish legal market underscore the importance of fostering international collaboration and encouraging skilled lawyers from other jurisdictions to contribute to the local legal landscape. With the growing globalization of the profession and as demographic and technological shifts shape the legal sector, it becomes imperative to recognize the value of diverse perspectives and expertise in sustaining a dynamic legal ecosystem.

Spain is increasingly becoming an attractive market for legal operations and foreign lawyers, particularly those from Latin America. Efforts to attract foreign talent not only enrich Spain's legal sector but also promote cross-cultural exchange and innovation.

The numbers of foreign lawyers in Spanish law firms are still relatively modest, in line with many other European jurisdictions. However, given the growing need to attract new talent and to keep pace with the globalization of legal practice, Spanish law firms are increasingly considering hiring foreign law graduates. There are, however, important regulatory barriers to hiring foreign talent. This paper addresses those barriers and analyzes how open the Spanish legal system is to foreign professionals.

The rules that govern the access to the legal profession in Spain have gone through a radical change in the last decade. Prior to 2011, fresh law graduates from Spanish universities were able to practice as lawyers based on their five-year university degree (*licenciatura*) that gave access to the bar and full practice rights, without the need for any additional studies or exams. From 2011

onwards, Spanish lawyers must have completed a four-year bachelor's degree and then a practical master's program (*Máster de Acceso a la Abogacía*) lasting for a year and a half. In addition, the registration with a bar association now requires the successful completion of an aptitude test organized twice a year by the Spanish Ministry of Justice.

With this reform, three objectives were pursued. First, the intention was to bring Spain's university education system into line with that of the rest of Europe and introduce new degrees corresponding to the bachelor and master's structure (the so-called "Bologna process"). Second, the reform aimed at increasing the difficulty of accessing the legal profession, thus also contributing to the quality of Spanish lawyers. Finally, it was aimed at reducing the number of lawyers registered in Spain (at the time of the reform, the number of lawyers was more than double that of France, for instance).

Each of these objectives was founded on a rational basis. Moreover, the reform brought the Spanish system in line with Spain's close neighbours. France, Italy and Portugal all have similar systems in place for the qualification of their lawyers. However, the tougher rules meant that the route to access the legal profession in Spain suddenly became much less attractive for foreigners, especially for those with prior master's degrees and/or work experience. Such foreign lawyers must now engage in lengthy additional studies in Spain, including a validation of their foreign law degree through taking up an undergraduate degree at a Spanish university. On top of that, they must do the 18-month practice master no matter how much prior work experience they may have had by then.



As this paper explains, regarding the admittance of foreign lawyers, the Spanish system seems rigid compared to some other key European jurisdictions, particularly those of the UK (England and Wales) and France. While the Spanish rules to access the legal profession are simple and ask everyone to comply with the same rules, they do not project Spain as a particularly open and globally ambitious legal system. The Spanish rules are especially penalising towards immigrant lawyers with prior work experience.

The situation is not problematic only for foreign lawyers willing to work in Spain. Spanish law firms and other professional firms are experiencing a pressing need for fresh talent. There are several developments contributing to this demand. First, employee retention has become more challenging than before across sectors. Second, the average age of lawyers is high, the numbers of new law students are falling and the 2011 introduction of higher qualification requirements for the profession is reducing the available pool of new hires. And finally, the substance of legal work is changing and the legal sector has more diverse needs than earlier. The globalization of the law and the client base means that legal employers need more foreign legal expertise than before.

There is enormous untapped potential in foreign lawyers, many of them already present in Spain. The Spanish legal sector could be more strategic and creative in designing ways to engage this pool of talent. At the same time, the regulators must be careful not to be too lenient towards foreign lawyers. The Portuguese-Brazilian example (explained in Chapter 5) is a warning example in this regard: An agreement that provided for the automatic access for Brazilian lawyers to the Portuguese Bar, and vice versa, was recently terminated by the Portuguese Bar Association because of cited problems in the adaptation of Brazilian lawyers into the Portuguese legal system. A certain re-qualification is probably necessary in most legal systems when welcoming foreign lawyers. In some cases, a simple test on local ethics may be enough, whereas in others a more thorough demonstration of knowledge of the local legal system should be required. Otherwise, the most important mission of lawyers - the protection of their clients' interests - may be jeopardized. This paper aims at giving some concrete proposals on how to approach this delicate issue in Europe, and particularly in the Spanish context.



# 02. Trade in legal services: The rules for global sales of legal services

## 2.1 Liberalization of trade in legal services in international agreements

The global legal services market was worth approximately \$787bn in 2022.<sup>1</sup> Legal services are not only an important trade activity in their own right, but they underpin almost any trade activity as legal service providers are engaged in the drafting of contracts and resolution of disputes. They also participate in upholding competition, regulatory standards, consumer protection, intellectual property and employment rights, among others. Legal services are therefore a necessary part of international trade and, in some cases, significantly contribute to national economies. In the UK, the biggest legal services market of Europe, the legal sector's contribution to the UK economy is equivalent to 1.5% of UK GDP.<sup>2</sup> Even in much smaller legal markets, the legal sector provides vital support to multinational firms and is especially valuable when organizations seek to develop a presence in new international markets and structure multijurisdictional projects.

Legal services exports are generated from many sources: law firms, including those originating in the country and international firms with an office in the country; lawyers providing services to foreign clients, and legal services provided by lawyers employed in-house by other organizations.

While domestic economies have become service-led<sup>3</sup>, trade in services remains poorly (and relatively recently) liberalized. The only global agreement dealing with services trade is the General Agreement on Trade in Services (the GATS), a multilateral trade agreement under the umbrella of the World Trade Organization (WTO), negotiated during the Uruguay Round in 1994. The GATS aims to liberalize trade in services selectively based on each WTO member's market and

regulatory needs. The WTO provides classifications for legal services under the GATS using the United Nations Central Product Classification (CPC). However, the CPC's definition is focused on domestic law and does not fully capture the complexity of trade in legal services, leading to challenges in agreeing upon a common format and terminology. WTO members have scheduled their commitments for legal services in various ways across the four Modes of Supply of Services employed in the GATS. This inconsistency has resulted in a lack of clarity and coherence regarding the types of legal services allowed in an

<sup>1</sup>The Business Research Company, "Legal Services Global Market Report 2023," *Legal Services Global Market Report (2023)*, <https://www.thebusiness-researchcompany.com/report/legal-services-global-market-report>

<sup>2</sup>For the latest data, see TheCityUK, *Legal excellence, internationally renowned: UK legal services 2022*, TheCityUK, 2022. <https://www.thecityuk.com/media/5url4ni1/legal-excellence-internationally-renowned-uk-legal-services-2022.pdf>

<sup>3</sup>Services account for around 70% of the EU's GDP and an equal share of its employment.





international context. The fragmented nature of the legal services sector, such as multiple licensing regimes in the UK (solicitor/barrister) or in Spain (*abogado/procurador*), further complicates the classification under the GATS.<sup>4</sup>

WTO members undertake specific commitments for National Treatment and Market Access through the GATS on an optional basis, listing the relevant sectors by mode of supply<sup>5</sup> and specifying any restrictions that they apply. Legal services are considered sensitive sectors by many WTO members and they have, therefore, completely refrained from committing to market access by foreign operators. Others have committed to a certain market opening but heavily limit the possibility of foreign lawyers to provide services in their jurisdictions.

The commitments of EU Member States for legal services in the GATS present a fragmented picture. Unlike for trade in goods for which there is an EU-wide set of tariff commitments, each EU Member State lists its own commitments in this regard as part of the EU's GATS Annex. This means that a foreign (non-EU/EEA) lawyer that wishes to provide legal services within the territory of the EU will have to be mindful of national regimes of each EU Member State, each of which with varying scope of restrictions for non-EU/EEA lawyers or law firms. Generally speaking, the EU Member States' GATS commitments for legal services are restricted to advice on public international law and home country law. Advice on host country law is usually prohibited. Additional restrictions apply to legal form and name of law firms, minimum qualification requirements, equity caps and residency requirements and maximum periods of visit rights. This wide divergence of national rules can constrain the ability of foreign legal practitioners to practice in the EU on a competitive basis.<sup>6</sup>

While the legally enforceable commitments on trade in legal services are generally poor, countries' actual practices may be more lenient. Few immigration officials stop foreign lawyers at the borders and ask questions about the nature of their visit. However, some countries are so restrictive (also in practice, not only in their trade commitments) that foreign lawyers can enter the country only in relation to a certain assignment and exit once completed. For example, in the case of India which until very recently had one of the most closed legal markets in the world, foreign

law firms have adopted a so-called fly-in/fly-out (FIFO) approach. This means that non-Indian lawyers sitting in London, New York, Singapore, and elsewhere fly into India for short periods of time to offer non-Indian legal advice on transactions, often meeting clients in hotel lobbies if they have to, and then fly out when their business is concluded.<sup>7</sup>

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The WTO's GATS provisions in relation to legal services in most cases fall far short of what is needed to ensure that lawyers are able to provide a seamless, and wide-ranging service to international clients. Whilst GATS provides an existing, clear framework for the provision of cross-border legal services, its scope is limited thus allowing very strict national regulatory regimes. As each country can determine their own market access and national treatment restrictions, providing cross-border services to a range of different countries under GATS can be a complicated process.

In addition to the multilateral GATS agreement, services liberalization is also part of many more recent bilateral and regional trade agreements. While such agreements do go somewhat further

<sup>4</sup>David Collins, "The (Non)Liberalization of Trade in Legal Services in the EU under the WTO GATS and FTAs," *International Trade Law and Regulation* 26, no. 1, (2020): 56-70.

<sup>5</sup>'Mode of supply' refers to the modality of delivering a service. There are four modes of supply in international trade in services: cross-border delivery (technological means), presence of consumers (a consumer or client moves to receive a service in another country), commercial presence (foreign direct investment) and presence of natural persons providing the service (the service provider temporarily moves to another country to provide the service). When committing to trade liberalization in services, each country carefully chooses the level of market opening for each mode of supply.

<sup>6</sup>For an analysis of the level of divergence in the EU's external services commitments, see Johanna Jacobson, *Preferential Services Liberalization: The Case of the European Union and Federal States* (Cambridge University Press, 2019).

<sup>7</sup>Center on the Legal Profession, Harvard Law School, "Foreign firms prepare for landing? International perspectives on a long-running debate," *The Indian Legal Profession, The Practice*, (2018) <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/indian-legal-profession/foreign-firms-prepare-for-landing/>

than the largely outdated GATS commitments, the level of services liberalization still remains low, particularly in sensitive sectors such as legal services.<sup>8</sup> Also, there are very few significant mutual recognition agreements applicable to professional services sectors. While most modern trade agreements provide for such a possibility, very few practical examples exist. Chapter 5 of this paper addresses certain MRAs in the area of legal services concluded by France, Portugal and the UK.

In many aspects, the most far-going EU FTA so far is the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada. However, CETA's guidelines for concluding mutual recognition agreements (MRAs) between professional bodies are voluntary, and not binding. Similar guidelines have been included also in other trade agreements concluded by the EU, such as the EU-Mexico Global Agreement of 2000.<sup>9</sup> To date, there have not been any MRAs established specifically for the legal profession within the framework of any of the EU's trade agreements. Progress in other professions has also been limited. The sole MRA concluded at the EU level with one of its trading partners is the 2021 EU-Canada MRA for architects.<sup>10</sup>

In later trade agreements the EU has managed to streamline its external services commitments, even though many country-specific reservations remain across its sector specific commitments.

For example, in the EU's comprehensive trade agreement with Colombia and Peru<sup>11</sup>, the EU's commitments for legal services appear more harmonised than in the GATS. However, the extensive limitations included in a footnote 44 of the EU's sector-specific commitments on legal services show that the provision of legal services to the EU remains highly restricted (at least in the legally enforceable commitments - again the practical situation may be more lenient). It would seem that the lowest common denominator (the strictest EU jurisdiction) has been used to determine the overall level of EU's market openness.

The aforementioned footnote specifies that the covered legal services (those that the commitments concern) include legal advisory, legal representational, legal arbitration and conciliation/mediation, and legal documentation and certification services. In addition, footnote 44 specifies the following:

Provision of legal services is only authorised in respect of public international law, European Union law and the law of any jurisdiction where the investor or its personnel is qualified to practice as a lawyer, and, like the provision of other services, is subject to licensing requirements and procedures applicable in European Union Member States. For lawyers providing legal services in respect of public international law and foreign law, these may take inter alia the form of compliance with local codes of ethics, use of home title (unless recognition with the host title has been obtained) insurance requirements, simple registration with the host country Bar or a simplified admission to the host country Bar through an aptitude test and a legal or professional domicile in the host country. Legal services in respect of European Union law shall in principle be carried out by or through a fully qualified lawyer admitted to

<sup>8</sup>A significant exception is the EU. The EU's common internal market provides the most liberalized regime for trade in legal services in the world for those within it, far exceeding that of the WTO and any other FTA in effect anywhere in the world.

<sup>9</sup>See Decision No 1/2008 of the EU-Mexico Joint Council implementing Article 9 of Joint Council Decision No 2/2001 of 27 February 2001 on the establishment of a framework for the negotiation of mutual recognition agreements, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:22008D0093>

<sup>10</sup>Directorate-General for Trade, "EU and Canada lay the foundations for free movement of architects," *European Commission* (2022). [https://policy.trade.ec.europa.eu/news/eu-and-canada-lay-foundations-free-movement-architects-2022-03-21\\_en](https://policy.trade.ec.europa.eu/news/eu-and-canada-lay-foundations-free-movement-architects-2022-03-21_en)

<sup>11</sup>The agreement has been provisionally applied with Peru since 1 March 2013 and with Colombia since 1 August 2013. Ecuador joined on 1 January 2017. Bolivia, a member of the Andean Community, can also seek accession to the trade agreement.



the Bar in the European Union acting personally, and legal services in respect of the law of an European Union Member State shall in principle be carried out by or through a fully qualified lawyer admitted to the Bar in that European Union Member State acting personally. Full admission to the Bar in the relevant European Union Member State might therefore be necessary for representation before courts and other competent authorities in the European Union since it involves practice of European Union and national procedural law. However, in some European Union Member States, foreign lawyers not fully admitted to the Bar are allowed to represent in civil proceedings a party being a national or belonging to the State in which the lawyer is entitled to practice.<sup>12</sup>

## 2.2 Barriers to trade in legal services

In services, the key barriers are non-tariff barriers and ‘behind the border barriers’. These include taxation, regulatory requirements, registration requirements, restrictions on owning property, restrictions on company ownership and control, restrictions on the use of company name, restrictions on advertising or additional conditions to providing services (e.g., requirement to hire a certain quota of local staff and other local content requirements).

In case of law firms, these include restrictions on:

- mutual recognition of foreign qualifications;
- scope of work for foreign lawyers;
- rights of establishment; and
- right to partner with and employ local lawyers;
- rights to temporarily provide services.<sup>13</sup>

The heaviest restrictions typically apply to those foreign lawyers who want to establish themselves in another jurisdiction. If not admitted to the bar there, foreign-qualified lawyers are typically not allowed to practice host state law, or are allowed to do that only in cooperation with local lawyers. In some jurisdictions, the opening of law firms is reserved only to locally qualified lawyers (where specific legal entities exist for law firms). In other jurisdictions, law firms are set up through company structures that are open to foreign ownership as well.

Like in any area of international trade, the removal of trade restrictions (liberalization) is a

careful balance of competing interests. On the one hand, openness towards foreign goods and services increases offer and competition in the domestic market. Prices tend to go down and better quality can prevail. However, any politician knows the cost of trade liberalization, especially in sectors where there is a strong domestic lobby. Elections can be lost or won based on the conclusion of free trade agreements. Whereas resistance to trade liberalization is sometimes purely protectionist, oftentimes there are also other types of objections at stake. This is particularly relevant in the professional services sector where the representatives of the local profession tend to be wary of the level of professionalism and knowledge of foreign professionals. Again, as in most areas of trade liberalization, it is often not simple to detect which arguments have merit and which are put forward to protect the interests of the domestic sector.

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## 2.3 Mutual recognition of foreign lawyers

An essential part of liberalization of professional services are mutual recognition agreements. They can be concluded between selected WTO members only, but under certain conditions. In the EU, the individual Member States do not have the competence to enter into trade agreements with third (non-EU) countries as trade and investment are areas where powers have been handed over to the EU. Therefore, an individual EU Member State such as Spain cannot enter into an agreement with, for example, Mexico or Colombia, on the liberalization of legal or any other services. However, mutual recognition of

<sup>12</sup>European Union, “Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part,” *Official Journal of the European Union* 55, L. 354 (December, 2012): 3–2607, footnote 44.

<sup>13</sup>The Law Society, *Written evidence by the Law Society of England and Wales to the International Trade Committee’s inquiry on UK trade in services*, (2019) <https://committees.parliament.uk/writtenevidence/98896/pdf/>



professional qualifications is an area that is still in the national competence of individual EU Member States.

This means that an EU country, for example Spain, cannot open their legal services market to a specific country and not to another (if that country is a Member country of the WTO),<sup>14</sup> but it can decide to recognize the qualifications of foreign lawyers from specific jurisdictions only.

GATS Article VII addresses such mutual recognition agreements (MRAs) in services. Article VII:2 includes the tentatively worded obligation that a party to an MRA “shall afford adequate opportunity for other interested Members to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it”. Article VII: 3 also provides for non-discrimination ‘in the application of ... standards or criteria for the authorisation, licensing or certification of services suppliers.’ There have been no WTO disputes to date to elaborate these provisions. That may be because the ‘burden of persuasion’ for third countries is perceived to be too high.<sup>15</sup> This means that while WTO Members (including the EU and its individual Member States) should give all interested parties the opportunity to participate in a MRA negotiated with one WTO Member, in practice it is hard for such interested parties to establish that they should be allowed to benefit from the same MRA. This is particularly pertinent in the case of legal qualifications since a key criterion to differentiate between lawyers from different jurisdictions is their knowledge of local laws. Probably only such lawyers that would come from very similar legal cultures as existing parties to a MRA could legitimately call for a mutual recognition of their qualifications as well.

A sudden and vast opening of a professional service sector to foreign professionals is controversial, especially in cases where there is a big source of possible market entrants. It may be hard to ensure their quality and even harder to control their numbers. Putting in place a *numerus clausus* (a quota) is problematic, not only under national law, but also under international trade commitments. If a country has not included a quantitative restriction to its international services trade commitments on trade in legal services, it cannot put in place a quota for foreign entrants whenever there is a trade-related activity involved (for example, the opening of a foreign law firm).

Spain has not prescribed quotas in its commitments for legal services in any of the EU’s trade agreements. They cannot therefore be used. It would also be hard to enforce a quota of foreign lawyers for nationally-owned law firms only (outside the scope of the international trade commitments), while allowing foreign companies to hire foreign lawyers. A much more feasible way to control the entry of foreign professionals into a regulated profession is to exercise restraint on the recognition of their professional qualifications. This is what most countries are indeed doing. This way the difficulty of obtaining the local title (qualification) is the only access barrier, in addition to a possible nationality requirement. In practice, through nationality requirements some countries (such as France) control that the

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<sup>14</sup>This would be a violation of both the EU’s internal division of competences as well as the WTO’s MFN principle. The MFN principle can, however, be diverted from by concluding a deep free trade agreement with selected countries, in accordance with the conditions set out for such agreements by WTO law.

<sup>15</sup>Marchetti and Mavroidis (2010), 423.





foreign lawyers' countries of origin give a similar access option to French lawyers in their respective jurisdictions.<sup>16</sup>

## 2.4 Practice rights of foreign-qualified lawyers in Spain

Foreign-qualified lawyers are permitted to provide advice on foreign laws in Spain without the requirement of registration with Spanish bars or other authorities. Unlike certain more restrictive jurisdictions such as France, Germany, and certain states in the US, Spain does not employ a specific category of a 'foreign legal consultant' for this purpose. Spain's generally liberal stance regarding activities allowed for foreign-titled lawyers is reflected in the EU's trade commitments. Unlike many other EU countries, Spain has not included country-specific restrictions going beyond the EU-level.

Foreign law firms can also establish themselves in Spain by opening a branch or a subsidiary. However, the Spanish legal form of *sociedad limitada profesional* (SLP), reserved for regulated professions, is not available to foreign-qualified lawyers since its use is limited to locally regulated professionals such as Spanish lawyers.<sup>17</sup>

If the lawyer's title in their home country is also *abogado* (most Latin American countries), they should not use that title in a way that can be confused with a Spanish lawyer.<sup>18</sup> The website of the General Council of Spanish Lawyers (Consejo General de la Abogacía Española) explains that to practice lawyering (*abogacía*) in Spain, one must be a member of a (Spanish) bar association (*la colegiación es obligatoria para poder ejercer la Abogacía en España*).<sup>19</sup>

There has been a noticeable rise in the presence of Latin American law firms in Spain in recent years, highlighting an increase in economic interactions between Spain and certain Latin American countries. It may also be indicative of the growing esteem of Spain, and in particular Madrid, as a prominent legal nexus, especially in the realm of commercial arbitration. Although London continues to hold its status as the untested legal capital of Europe, the post-Brexit landscape has propelled other European cities into a more advantageous position for attracting international business. Notably, these cities now find themselves better positioned than before.

This is particularly evident in Spain with its appeal to Latin American clients who appreciate the shared language, similar cultures, and convenient flight connections. Madrid is even sometimes seen as taking over Miami from its historical position as the focal point for Latin American investment.<sup>20</sup>

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It would appear that Latin American law firms are strategically positioning themselves not as competitors to Spanish firms but rather as channels for generating business for their home country headquarters.<sup>21</sup>

<sup>16</sup>For the French nationality requirement, see the webpage of the National Council of the French Bars, Conseil national des Barreaux (CNB), <https://www.cnb.avocat.fr/admission-dun-avocat-dun-etat-non-membre-de-lunion-europeenne>

<sup>17</sup>Moreover, Spanish lawyers must use this company form if the purpose of the company is to provide regulated services. A professional company (SLP) in Spanish law is a company whose corporate purpose is the joint practice of a professional activity, understood as one for which official university qualifications and mandatory registration with the corresponding professional association are required for its performance. Over a half of the shareholders must be regulated professionals and the company activities are limited to the regulated profession and otherwise compatible activities. The Spanish Law on Professional Companies (Ley de Sociedades Profesionales), Ley 2/2007, 15 March 2007, RCL 2007\523.

<sup>18</sup>No specific Spanish regulation has been identified in this regard but the expectation is likely to be that a foreign-titled 'abogado' specifies their country of qualification and home bar association whenever marketing legal services to clients in Spain.

<sup>19</sup>"Ejercicio de la abogacía", General Council of Spanish Lawyers (Consejo General de la Abogacía Española), accessed December 4, 2023, <https://www.abogacia.es/conocenos/consejo-general/ejercicio-de-la-abogacia/>

<sup>20</sup>Marc Gericó, "Nuevos tiempos: la llegada de firmas de Latinoamérica a España," Consejo General de Abogacía Española (April 2023), <https://www.abogacia.es/publicaciones/blogs/blog-comunicacion-y-marketing-juridicos/nuevos-tiempos-la-llegada-de-firmas-de-latinoamerica-a-espana/de-firmas-de-latinoamerica-a-espana/>

<sup>21</sup>Pedro del Rosal, "Los planes del bufete mexicano Creel en Madrid," *El Confidencial*, January 31, 2023, [https://www.elconfidencial.com/juridico/2023-01-31/planes-bufete-mexicano-creel-madrid-clientes-talento\\_3566366/](https://www.elconfidencial.com/juridico/2023-01-31/planes-bufete-mexicano-creel-madrid-clientes-talento_3566366/). The author of the article writes: "De este modo, los abogados de Creel en nuestro país no ejercerán derecho español ni el de ninguna otra jurisdicción europea. Este mensaje es clave para evitar los recelos de los despachos que operan en España y con los que Creel aspira a tejer una estrecha y fructífera colaboración".

That may, however, change in the future depending on these firms' commercial success in Spain and the changing needs of the market. The Latin American firms' attitude towards hiring Latin American lawyers may have its role to play in that development, even though it is hard to predict what is the effect on client attraction.

## 2.5 Outsourcing of legal services to other countries

One aspect of the globalization of legal services is the outsourcing of legal processes to other countries. This practice is already in widespread use particularly in English-speaking countries. India has been the legal process outsourcing (LPO) country of choice for many clients—generally law firms, corporate clients, or individual practitioners from the United States or Europe—for reasons stretching from its wealth of English-speaking lawyers to its already-established experience handling LPO work to its specific geographic location (which allows for a truly 24-hour workday for American clients). New options to engage are emerging from regions such as Latin America, Africa, and East Asia. Also new clients of LPO are emerging from new countries, such as Germany, Japan, China, and elsewhere.<sup>22</sup>

Outsourcing of legal services is generally not problematic in light of international trade agreements, as long as it does not lead to unauthorized practice of law (practice of domestic law by a foreign-qualified lawyer in case of activities reserved for domestically licensed lawyers). A foreign legal professional can be hired to give expertise on foreign laws. But the practice of domestic law by foreign lawyers is typically prohibited, or at least not committed to as part of international trade agreements. Unauthorized practice of law is not allowed under lawyers' codes of conduct either. The enforcement of these rules is nonetheless difficult and it may be practically impossible to prevent foreign professionals from advising on domestic laws or being part of legal processes carried out by domestic legal teams (as an outsourced extension of a local law firm's team, for example).

In any case, outsourcing of legal work to professionals in other jurisdictions should not be a problem as long as the local, client-facing lawyer takes responsibility for the quality of the work done by such professionals (foreign lawyers or

non-lawyers). The effects on the local legal profession are nevertheless complex and are likely to amplify further with the use of more sophisticated technology. Outsourcing is likely to affect the amount of legal work done locally, the distribution of work among senior and junior lawyers, and the compensation for local lawyers.<sup>23</sup> In that sense, the local hiring of foreign lawyers in the domestic market may be a preferred option by local lawyers, if compared to remote outsourcing to cheaper destinations (the effect on wages may be more modest). More or less direct parallels can be drawn between legal outsourcing and outsourcing in other sectors. Even such service-sector jobs that were once considered safe, can now be easily outsourced to cheaper destinations in the developing world.<sup>24</sup> The same logic is likely to apply to legal services, even if strict regulation is slowing this process as compared to many other service sectors.



<sup>22</sup>Center on the Legal Profession, Harvard Law School, "The Evolving Global Supply Chain for Legal Services, Alternative legal service providers," *The Pactice* (July/August 2019) <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/alternative-legal-service-providers/the-evolving-global-supply-chain-for-legal-services/>

<sup>23</sup>*Ibid.*

<sup>24</sup>The new globalization is driven by information technology, which has radically reduced the cost of moving ideas across borders. For a thorough discussion of this topic, see Richard Baldwin, *The Great Convergence: Information Technology and the New Globalization*, (Harvard University Press, 2016).

# 03. Access to the legal profession in Spain

## 3.1 The legal profession in Spain

This part of the report addresses the process to access the profession of lawyer in Spain. While there is only one category of lawyer in Spain (*abogados*), in practice the legal profession is divided into two professions: lawyers (*abogados*) and court representatives (*procuradores*). The distinction between them is that:

- Lawyers provide advice and defend public and private interests in all kind of matters and trials.
- Court representatives exclusively represent the parties in court, whereas they file writs and other written documents with the courts and receive court communications on behalf of the parties.

Court representatives (*procuradores*) must be used by the parties in most types of matters, except for employment-related trials and in a few other cases, such as those with a small monetary interest.<sup>25</sup> The profession is regulated and its practitioners must be registered with the Association of Legal Representatives (Colegio de Procuradores).

Moreover, another legal profession exists in the area of labor law and social security matters. *Graduados sociales* are specialists who can advise on and act in labor and social security proceedings before the courts. There are over 25.000 advisers in this area in Spain, assisting both businesses and employees.<sup>26</sup>

Finally, a multitude of professionals advice individuals and companies across different types of accounting and consulting companies or in an in-house capacity. Whereas these advisers and consultants, often referred to as *asesores* would

in many cases have at least some legal education and regularly advice their clients or employers on legal matters, they cannot call themselves lawyers (*abogados*) if they have not obtained the necessary qualifications and are not members of a bar.

<sup>25</sup>Antonio Tapia, Amaia del Campo and Benow Partners, "Regulation of the legal profession in Spain: Overview," *Thomson Reuters-Practical Law*, [https://uk.practicallaw.thomsonreuters.com/6-634-9270?transitionType=Default&contextData=\(sc.Default\)](https://uk.practicallaw.thomsonreuters.com/6-634-9270?transitionType=Default&contextData=(sc.Default))

<sup>26</sup>Types of legal professions - Spain," European e-Justice Portal, last modified June 29, 2022, [https://e-justice.europa.eu/29/EN/types\\_of\\_legal\\_professions?SPAIN&-member=1member=1member=1](https://e-justice.europa.eu/29/EN/types_of_legal_professions?SPAIN&-member=1member=1member=1)





The number of lawyers (*abogados*) in Spain has traditionally been very high and lawyers are easily accessible. Moreover, there is a wide range in their fees, making legal advice by lawyers more affordable in Spain than in many other countries. There are over 150.000 registered and professionally active (*ejercientes*) lawyers (*abogados*) in Spain (overall population 48 million).<sup>27</sup> This number can be compared to approximately 70.000 lawyers in France (population 68 million) and to 170.000 lawyers in Germany (population 83 million).<sup>28</sup>

However, the high number of lawyers in Spain is likely to decrease in the coming years as the older generations of lawyers exit the profession and, at the same time, the access to the profession has recently been made more restrictive than earlier with the addition of a specialized preparation course and a bar exam. While this change is likely to increase the competence of lawyers and the prestige of the profession in Spain, it means that the cost of becoming a lawyer has become higher for the individuals concerned. At the same time, the cost for the employers is increasing too. With fewer lawyers to choose from, their price is likely to go up. However, with (assumably) more competent lawyers in the market, employers can, to a certain degree, reap benefits from the higher education level of fresh law graduates. As the following chapters of this paper will explain, the new system is most challenging to those employers who are looking to hire foreign lawyers, particularly those from outside the EU/EEA, as such

foreign lawyers can no longer access the profession in Spain based on their foreign qualifications alone.

### 3.2 The rules to access the profession of *abogado* in Spain

The profession of the *abogado* corresponds best to the profession of a ‘lawyer’ as known in most parts of the world. As in most countries, the profession is regulated in Spain. From 1994 to 2010, Spanish law studies were organized into first and second-cycle courses, with a total duration of four or five years. The resulting degree (*licenciatura*) gave access to the bar and to professional practice, without the need for additional studies or exams. In 2010, the new four-year bachelor’s degree in law was introduced in the process of the reorganization of Spanish university degrees to correspond to the common criterias of the European Higher Education Area (the so-called Bologna process).<sup>29</sup>

Also the rules for accessing the profession of lawyer in Spain changed radically at that time. Since 2011, upon the entry into force of Law 34/2006

<sup>27</sup>“Censo Numérico de Abogados,” Consejo General de Abogacía Española, accessed December 4, 2023, <https://www.abogacia.es/publicaciones/abogacia-en-datos/censo-numerico-de-abogados/>

<sup>28</sup>“The latest CCBE Lawyers’ Statics 2020,” Statics from CCBE, accessed December 4, 2023, [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/Statistics/EN\\_STAT\\_2020\\_Number-of-lawyers-in-European-countries.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Statistics/EN_STAT_2020_Number-of-lawyers-in-European-countries.pdf)

<sup>29</sup>María Concepción Rayón Ballesteros, “Aproximación a la historia de la enseñanza del Derecho en nuestro país,” *Anuario Jurídico y Económico Escorialense*, no. 43 (2010): 215-236.



on access to the professions of lawyer (*abogado*) and court representative (*procurador*),<sup>30</sup> any new law graduates must fulfill the requirements of additional studies and practices established in the law. This combination of study courses and professional practices are organized within a single educational program referred to as “Máster en Acceso a las Profesiones de Abogacía y Procura”, or simply “Máster de Acceso a la Abogacía”. These Master’s degrees are offered by numerous public and private universities across Spain as well as by the Spanish Bar Associations with a School of Legal Practice approved by the General Council of Spanish Lawyers. In both options, the program lasts a year and a half and consists of theoretical and practical studies during the first year and supervised external internships during the following six months, amounting in total to 90 ECTS credits. After passing the master’s degree, the candidate must also successfully complete an aptitude test, organized twice a year by the Spanish Ministry of Justice. The exam consists of 75 multiple choice questions which are divided into 50 questions that are common to the practice of law and 25 questions subject to the chosen specialization of the candidate.<sup>31</sup> Once the candidate has successfully passed the exam (grades being only a pass or fail), he/she can register with one of the country’s 83 professional lawyer associations (Colegio de Abogados). For *procuradores*, there are 67 professional associations.

Three objectives were pursued by this radical change in the rules to access the profession of lawyer in Spain. First, the new study structure brought the entire university education system into line with that of the rest of Europe, introducing the bachelor’s (*grado*) and master’s degrees. Second, its purpose was to increase the difficulty of access to the legal profession, and finally, to reduce the number of lawyers registered in Spain.

The change provides for a streamlined and homogenous study and training path to access the Spanish legal profession. It means that compared to the previous system, there is now a significantly higher access barrier to the profession. At the same time, the new path contributes to the seriousness and a higher prestige of the legal profession in Spain and ensures that all Spanish lawyers have had a similar basic training before admission to the bar association. The reform was considered urgent by the legal sector at large as practicing lawyers, judges, prosecutors and law

school deans alike called for a higher and more even quality control for Spanish lawyers.<sup>32</sup> While the earlier rules provided for an almost automatic access to the profession for Spanish law graduates, the new system is more in line with most European jurisdictions. Indeed, one of the key motivations of the reform was to improve the reputation of the legal profession in Spain. Prior to the reform, the rules to access the profession of lawyer in Spain were among the simplest in Europe.

At the same time, the new prerequisites make the access to the profession more burdensome for foreign legal graduates. Particularly those lawyers originating in South America can no longer access the profession in Spain through a simple homologation of their studies in their countries of origin but must now first obtain a Spanish bachelor’s degree and continue their studies with the specialization master in a Spanish university. This distances Spain from the system in place in most South American countries where the route to become a lawyer is typically simpler. In many other Spanish-speaking countries such as Mexico, Argentina and Venezuela one can start practicing law based on the first law degree (*licenciatura*).<sup>33</sup>

Another reform to the Spanish legal profession

## Foreign legal graduates can no longer access the legal profession in Spain through a simple homologation of their studies

was introduced in early 2023. This latest reform combines the practice courses of lawyers (*abogados*) and court representatives (*procuradores*) into a single master course and single final exam

<sup>30</sup>Ley 34/2006, de 30 de octubre 2006, sobre el acceso a las profesiones de Abogado y Procurador de los Tribunales.

<sup>31</sup>The grade is “Pass/Fail”. It incorporates the mark obtained in the master’s degree weighted by 30%. To obtain the grade of “Pass” it will be necessary to obtain at least a 5 out of 10. Questions with wrong answers subtract 0.33% of the value of the question. Unanswered questions are not marked. See “Examen de acceso”, Consejo General de la Abogacía Española, accessed December 4, 2023, <https://www.abogacia.es/formacion/inicia-abogacia/estudiantes/2-como-llegar-a-ser-abogado/examen-de-acceso/>

<sup>32</sup>Exposición de motivos, Ley 34/2006, de 30 de octubre 2006, sobre el acceso a las profesiones de Abogado y Procurador de los Tribunales.

<sup>33</sup>See a comparison with certain Latin American and European jurisdictions in Chapter 5 of this report.

mination. This means that the choice to become a lawyer or court representative is now made at the very end of a single educational path and the decision to practice one profession over the other will depend only on which professional association the person registers with after passing the final aptitude test.<sup>34</sup> The same professionals may now practice law or *procura* without any other requirement than membership in the corresponding professional association. The only limitation to this simultaneous access to the professions is the prohibition to practice both of them at the same time.

The background to this reform is in EU law. In June 2015, the European Commission launched infringement procedures against Austria, Cyprus, Germany, Malta, Poland and Spain on the grounds that their national rules included excessive and unjustified obstacles in the area of professional services.<sup>35</sup> The Commission considered that requirements imposed on certain service providers in these Member States ran counter to the EU's Services Directive.<sup>36</sup> Regarding Spain, the Commission's concerns were twofold. First, the Commission asked Spain to repeal minimum compulsory tariffs for *procuradores* for discouraging competition. In the Commission's view, such minimum prices were not necessary in order to ensure high-quality services of either domestic or foreign services providers, whilst they deprived consumers of more competitively priced services. Secondly, the Commission requested Spain to review the rules that declared certain activities of court representatives incompatible with those of lawyers. A reasoned opinion to Spain was submitted in November 2016.<sup>37</sup> These concerns of the Commission led Spain, first, to remove minimum tariffs for *procuradores* and, second, to allow lawyers and court representatives to freely switch from one profession to another.

While it is not clear that these changes will make the professions of lawyer and *procurador* more accessible for foreign lawyers in the EU's internal market, they are likely to increase the overall competition in these professions in Spain court representatives can now better compete based on prices, and lawyers and court representatives can more readily switch between the two professions. Moreover, lawyers and procuradores may now act as shareholders in the same legal entity and thus engage in a multidisciplinary practice through the same professional society. However, as emphasized by the Spanish competition authority CNMC, the Spanish legal sector will remain heavily fragmented and restricted even after this reform, especially with regard to the impossibility of lawyers to carry out the functions of court representatives

As a result, as of 2023, in order to practice as a lawyer or a *procurador* in Spain, a person must:

- Be a Spanish national or a national of a Member State of the EU or EEA (otherwise, a nationality waiver must be obtained).
- Be of age and must not be disqualified from practicing as a lawyer or procurador for any reason.
- Be a qualified lawyer (which as of 2011 requires the completion of a Master's Degree in Access to the Legal Profession or an equivalent Training Course in Access to the Legal Profession at the School of Legal Practice created by Bar Associations and the completion of the aptitude test by the Ministry of Justice).
- Be a member of the professional association of lawyers (Colegio de Abogados) or that of procuradores (Colegio de Procuradores) for the district in which the sole or main professional domicile is located, in order to practice anywhere in Spain.

<sup>34</sup>Real Decreto 64/2023, de 8 de febrero, por el que se aprueba el Reglamento de la Ley 34/2006, de 30 de octubre, sobre el acceso a las profesiones de la Abogacía y la Procura.

<sup>35</sup>Infringement procedure 2015/4062.

<sup>36</sup>Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. In its Article 15, the Directive 2006/123/EC on services in the internal market ("Services Directive") lists a series of requirements imposed on service providers, among which legal form, shareholding and tariffs. These requirements

are not strictly prohibited but have been identified by the Court of Justice of the EU as creating obstacles to the single market in services. They can only be maintained insofar as they are non-discriminatory, justified by an overriding reason relating to the public interest and proportionate, i.e. no less restrictive measure could be used. As part of the transposition of the Services Directive, Member States were to screen their requirements and assess whether they met this three-step test.

<sup>37</sup>"Services: Commission requests 9 Member States to remove excessive and unjustified obstacles to cross-border activities," European Commission Press Release, last modified November 17, 2016, [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_16\\_3646](https://ec.europa.eu/commission/presscorner/detail/en/IP_16_3646)



# 04. Access to the legal profession of lawyer for foreigners

## 4.1 Introduction

For foreign lawyers the route to become a practitioner in Spain differs drastically depending on the origin of the lawyer. For those lawyers that are citizens of one of the EU or EEA countries or Switzerland, the route is relatively straightforward. Those rules are harmonized on the level of the EU and they allow European lawyers to practice law based on one's home country title in any EU/EEA country or Switzerland. After three years of effective practice in Spain, EU/EEA lawyers can apply for the Spanish title of *abogado*.

For third-country lawyers (non-EU/EEA citizens), the rules to access the profession of lawyer are today practically the same as for Spanish citizens. Since the 2011 reform of the rules on access to the profession of lawyer (*abogado*), lawyers from outside the EU/EEA/Switzerland have had to go through the same process as Spanish lawyers and obtain full Spanish qualifications before being able to access the bar in Spain. They can no longer have their first law degrees (Bachelor level or similar) recognized (homologated) in Spain as used to be the case prior to the reform. The access requirement to the practical master's program to become a lawyer (Máster de Acceso a la Abogacía) is a Spanish law degree (Grado en Derecho).<sup>38</sup> A foreign law graduate can have their foreign law degree recognized as part of their qualifications through the evaluation process conducted by their Spanish university, known as *convalidación*. However, regardless of this recognition, foreign graduates are still required to obtain a Spanish bachelor's degree in law (*Grado*) in all instances. This process typically spans nearly two years. Subsequently, they must complete the Máster de Acceso, which adds an additional 18 months to their re-qualification.

Even though the recent stringent regulations for entering the legal profession have presented non-European lawyers with more challenges, the path to becoming a lawyer in a foreign jurisdiction should not be simplified merely as the right to practice or the process of obtaining a local title. While these elements are crucial, other factors also play a pivotal role in establishing a successful legal career abroad. These factors can be related to the nuances of the legal systems in the respective countries and also the cultural and linguistic background of the lawyer. For instance, a Danish or Bulgarian lawyer may practice law

<sup>38</sup>Real Decreto 775/2011, de 3 de junio, por el que se aprueba el Reglamento de la Ley 34/2006, de 30 de octubre, sobre el acceso a las profesiones de Abogado y Procurador de los Tribunales.



(also Spanish law) freely in Spain and, after three years of sufficient practice in Spanish law, acquire the local title without any additional studies or bar exams. However, a Danish or a Bulgarian lawyer may not be as appealing to Spanish law firms as a Venezuelan or Colombian lawyer due to language barriers, country connections, or disparities in legal systems.

In any case, each foreign lawyer will encounter their unique challenges in a foreign legal market. The various rules addressing the practice of foreign lawyers aim to take these aspects into consideration. The ultimate result requires a balance between the demand for foreign legal talent and expertise and the preservation of the proper administration of justice and protection of clients' interests.

The following sections give a more detailed overview of the routes to access the legal profession in Spain for foreign nationals.

## 4.2 European lawyers in Spain

European Union lawyers, uniquely among the liberal professions in Europe, have their own distinct regime governing the free movement of lawyers in the EU. It is governed by the so-called Establishment Directive<sup>39</sup> and the Services Directive<sup>40</sup>, both applicable to the profession of lawyer only. Lawyers have played a crucial role in the history of European integration.<sup>41</sup> Furthermore, the intricate secondary legislation pertaining to lawyers underscores the proactive litigation strategies employed by European lawyers. Some of the most pivotal cases concerning the rights of free movement and recognition of professional qualifications have revolved around legal professionals.<sup>42</sup> Already those early judgments of the European Court of Justice recognized the common origins of the legal profession in Europe and required the Member States to accept each other's lawyers to practice in their jurisdiction. At the same time, the Court acknowledged that a certain time of adaptation was necessary before a lawyer originating in another Member State could adopt the local title in the host state. In the Lawyers' Establishment Directive this adaptation period was set at three years.

The free movement regime for lawyers is different from the general system of recognition of professional qualifications in the EU, available

to most professionals, and from the system of automatic recognition, available to seven sectoral professions (nurses, midwives, doctors, dentists, pharmacists, architects and veterinary surgeons).<sup>43</sup> Unlike in the case of those professions, and also unlike statutory auditors who also have their own sectoral directive<sup>44</sup>, the EU's Lawyers Directives recognize one's title, not one's education and professional experience. The titles refer to fully qualified lawyers as regulated in each individual EU Member State. The holding of such a title, together with being a national of an EU Member State, entitles any fully qualified lawyer to take advantage of both Lawyers' Directives. The rights in the Directives to establish and to provide services can be asserted not only against the host State but also against the lawyer's home State; meaning that lawyers' free movement in the EU must be allowed also by the bar associations in their home countries.<sup>45</sup>

By decision of the European Economic Area (EEA) Joint Committee, the Lawyers' Directives have been incorporated into the EEA acquis so that lawyers from Iceland, Norway and Liechtenstein can also benefit from them. In addition, following the Swiss-EU bilateral agreement on the free movement of persons, Swiss lawyers are also entitled to take advantage of the Lawyers' Directives.

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<sup>39</sup>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.

<sup>40</sup>Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services.

<sup>41</sup>The fascinating role of lawyers in the European integration project is addressed in Antoine Vauchez, *Brokering Europe: Euro-Lawyers and the Making of a Transnational Polity* (Cambridge University Press, 2015).

<sup>42</sup>Some of the key cases include case 2/74, *Jean Reyners v. State of Belgium* (21 June 1974); case 33/74, *Johannes Henricus Maria van Binsbergen v. Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid*; case 71/76, *Jean Thieffry v. Conseil de l'ordre des avocats de Paris* (28 April 1977); case C-340/89, *Irène Vlassopoulou v. Ministerium für Justiz, Bundes- und Europaangelegenheiten Baden-Württemberg* (7 May 1991); and case C-55/94, *Reinhard Gebhard v. Consiglio dell'Ordine degli Avvocati e Procuratori di Milano* (30 November 1995).

<sup>43</sup>Both the general system and the system of automatic recognition are governed by Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. The directive applies to lawyers too, if they seek direct admission to the local title in their host state. The Directive has been amended by Directive 2013/55/EU.

<sup>44</sup>Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts.

<sup>45</sup>Council of Bars and Law Societies of Europe, *Guidelines for Bars and Law Societies on Free Movement of Lawyers in the European Union* (CCBE, 2021). [https://www.cbbe.eu/fileadmin/speciality\\_distribution/public/documents/EU\\_LAWYERS/EUL\\_Guides\\_\\_recommendations/EN\\_EUL\\_20210521\\_FML-guide.pdf](https://www.cbbe.eu/fileadmin/speciality_distribution/public/documents/EU_LAWYERS/EUL_Guides__recommendations/EN_EUL_20210521_FML-guide.pdf)

The two cumulative conditions to be recognized as a lawyer under the two directives are:

- (1) the person must be an EU/EEA/Swiss national; and
- (2) the person must hold one of the professional titles listed within the Directive.

The routes to qualification as a lawyer in the Member States differ quite widely, with different emphasis placed (for instance) on practical or academic training. However, the Lawyers' Directives override these differences; they are based on the mutual recognition that each Member State has an adequate route to qualification with equivalent consumer protection.<sup>46</sup>

Recognition of diplomas required to practice regulated professional services by non-EU/EEA nationals remains within the competence of each Member State, unless EU law provides otherwise. So far, the EU has taken only limited steps in this area, providing for recognition in specific cases only (such as refugees or EU long-term residents). The rules for recognizing the qualifications of third country nationals are therefore mainly in the powers of the individual Member States. The EU directives on mutual recognition of diplomas (including the Lawyers Directives and the General Recognition Directive 2005/36/EC) generally do not apply to nationals of third countries (non-Europeans), even if they had done their studies in an EU/EEA country.

European lawyers can practice in the EU/EEA in two different ways: either by temporarily providing their services in another European jurisdiction or through permanent establishment.

European lawyers who are temporarily providing their services (*ejercicio ocasional*) in Spain do not have to register with any Spanish bar association. This right emanates from Directive 77/249/EEC,<sup>47</sup> transposed into Spanish law through the Royal Decree 607/1986, aimed at facilitating the effective exercise of the freedom to provide services for lawyers. The freedom to provide services includes the temporary provision of one's services in other EU/EEA countries, while keeping one's establishment in the country of origin (in this case, in the country of qualification and permanent practice). A European "visiting" lawyer can practice any area of law, including host state law, but cannot appear in courts, if that activity is reserved for locally qualified lawyers. Visiting

lawyers cannot open a law firm as this would go within the ambit of establishment. Under Art. 7, the competent authority of the host state (typically bar associations) may request the person providing the services to inform the authorities about their qualifications as a lawyer in another Member State. In Spain this means that visiting European lawyers must communicate their qualifications and contact details to the bar association in whose territorial area of competence they are providing their services.<sup>48</sup>

**Recognition of diplomas required to practice regulated professional services by non-EU/EEA nationals remains within the competence of each Member State, unless EU law provides otherwise**

Lawyers providing their services simultaneously in their home country and a host country are subject to two professional codes of conduct - the code of their home State and the code of the host State - in respect of all activities pursued in the host State. This kind of situation is referred to as 'double deontology'.<sup>49</sup>

If an EU/EEA lawyer wants to establish themselves as a lawyer in another EU/EEA country (*ejercicio permanente*), they have several options available. For those European nationals who have the regulated title of lawyer in their home EU/EEA

<sup>46</sup>Council of Bars and Law Societies of Europe *Guidelines for Bars and Law Societies on Free Movement of Lawyers within the European Union 2021* (CCBE, The voice of European Lawyers, 2021) [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/EU\\_LAWYERS/EUL\\_Guides\\_\\_recommendations/EN\\_EUL\\_20210521\\_FML-guide.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/EU_LAWYERS/EUL_Guides__recommendations/EN_EUL_20210521_FML-guide.pdf)

<sup>47</sup>Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services.

<sup>48</sup>"Ejercicio por europeos con título de la UE/EEE: Ejercicio ocasional," Consejo General de la Abogacía Española, accessed December 4, 2023, <https://www.abogacia.es/conocenos/consejo-general/ejercicio-de-la-abogacia/ejercicio-de-la-abogacia-ue/ejercicio-por-europeos-con-titulo-profesional-de-la-ueeee-ejercicio-ocasional/>

<sup>49</sup>Article 6 of the Establishment Directive, Article 4 of the Services Directive.



country, the routes to access the legal profession in other EU/EEA countries are the following:

- Registration in the host Member State under their home-country professional title (Art. 2 of Directive 98/5/EC; registration on the so-called EU list).
- Admission in the host Member State bar after three years of effective and regular practice on the EU list (Art. 10 of Directive 98/5/EC).
- Direct admission in the host Member State bar upon recognition of professional qualifications and successful completion of an aptitude test (Directive 2005/36/EC, as amended by Directive 2013/55/EU).

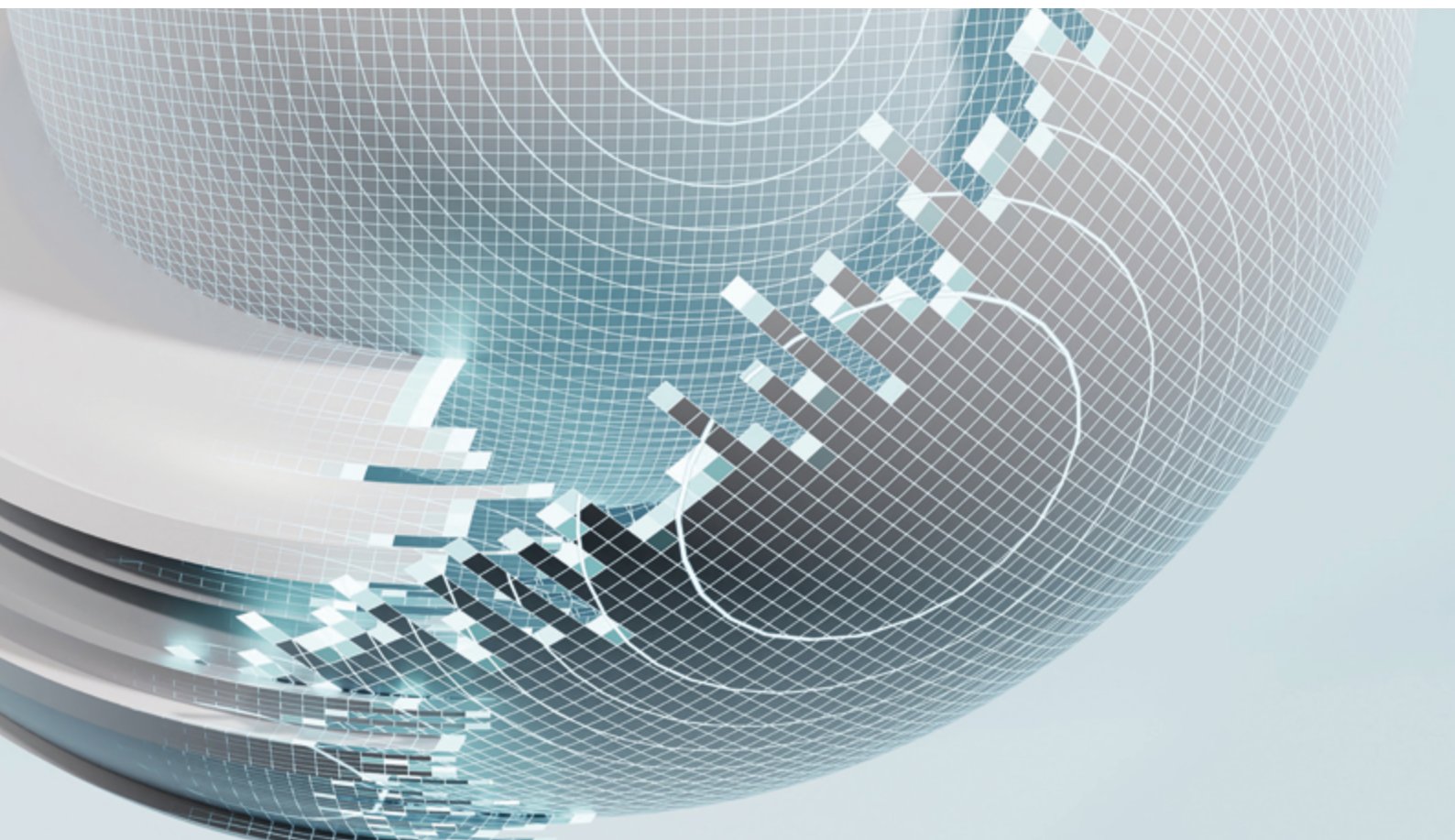
The first option (Art. 2 of Directive 98/5/EC), registration on the EU list, enables licensed lawyers from other EU/EEA countries to register at a host state bar. This way they can move the center of their legal practice to another Member State than the one in which they obtained their qualifications and thus establish themselves there. EU law does not provide a clear definition of what 'establishment' means. However, a key difference to service provision is that 'establishment' is not temporary in nature and can be conducted

in a continuous and stable manner, for example through a permanent infrastructure such as a local office and staff.<sup>50</sup> An established European lawyer can open a law firm through any legal entity that is available to local lawyers.

It is important that the registered lawyer practices under his or her home title. The home title must not be translated into the equivalent title in the host state, as this could lead to a misunderstanding that the lawyer is admitted to the bar in the host state. Instead, the home State title expressed in the official language (or one of the official languages, if more than one) of the home state, must be used. For example, a French *avocat* established in Spain must use the title of *avocat* and not *abogado*. The lawyer practicing under their home title will have to pay fees to both the home and host state bar.

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<sup>50</sup>See Case 2/74, *Jean Reyners v. State of Belgium*, judgment of 21 June 1974, and Case C-55/94, *Reinhard Gebhard v. Consiglio dell'Ordine degli Avvocati e Procuratori di Milano*, Judgment of 30 November 1995.



The second option (Art. 10 of the Establishment Directive 98/5/EC) allows for full admission in the host state after the initial registration on the EU list. To obtain full admission, and therewith the right to use the local title, the European lawyer must have been active effectively and regularly for a period of three years in the host country and must have had sufficient practice in host country law during that period. If the activity in host country law is not sufficient, lawyers who have qualified outside the host country may still obtain the professional title of the host country by demonstrating to the competent authorities that they have acquired the necessary knowledge by other means (e.g., by attending relevant lectures or seminars). The evaluation of the necessary knowledge of host state law is carried out by the competent authority, typically bar associations.

In Spain, the permanent registration is done through an application to the competent bar association. In this application, the European lawyer must confirm their effective and regular practice in Spain, providing information on the number and nature of cases handled over the three years of practice in the country. According to the General Council of Spanish Lawyers, the practice report should include cases in which the European lawyer has participated as a “Registered EU/EEA Lawyer,” without the need to disclose clients’ personal details. The report should also include the date and subject of the cases without delving into specific details.

After reviewing the information, the Bar Association may request additional clarifications. Before making a decision, the Bar Association will seek a report from the General Council of Spanish Lawyers. The Bar Association’s decision, which must be justified, should be made within three months. It can either deny membership, accept it, or request an interview if the effective and regular activity in Spanish legal matters is deemed insufficient. Participation in courses and seminars related to Spanish law may be considered in the absence of sufficient practice time or adequate cases, as stipulated in Directive 98/5/EC. The decision of the relevant Bar Association can be appealed to the Council of the corresponding Autonomous Community, if available, and if not, to the General Council of Spanish Lawyers.

In the case of denial of membership, the individual can continue practicing in Spain as a registered lawyer and may pursue title recognition when

they believe they have completed three years of practice. In the case of a positive decision, the individual can formalize their membership and become a lawyer with full equivalence to Spanish lawyers in all respects.<sup>51</sup>

The final, third option to become established as an European lawyer in Spain, is based on the EU’s general Professional Qualifications Directive 2013/55/EU which modifies Directive 2005/36/EC, transposed in Spanish law by Royal Decree 1837/2008. European lawyers who want to benefit from this procedure must make an application at the Ministry of Justice and invoke the Decision of June 4, 2009, of “Dirección General de Relaciones con la Administración de Justicia”, which sets the basis for the aptitude tests for EU/EEA citizens to access the profession of lawyer in Spain.<sup>52</sup> The Union citizen who wishes to practice law in

<sup>51</sup>“Ejercicio por europeos con título de la UE/EEE: Ejercicio permanente,” Consejo General de la Abogacía Española, accessed December 4, 2023, <https://www.abogacia.es/conocenos/consejo-general/ejercicio-de-la-abogacia/ejercicio-de-la-abogacia-ue/ejercicio-por-europeos-con-titulo-profesional-de-la-ueeee-ejercicio-permanente/>

<sup>52</sup>Resolución de 4 de junio de 2009, de la Dirección General de Relaciones con la Administración de Justicia, por la que se convocan las pruebas de aptitud para acceder al ejercicio de las profesiones de Abogado y Procurador en España por parte de ciudadanos de la Unión Europea y otros Estados parte en el Acuerdo sobre el Espacio Económico Europeo; <https://www.boe.es/boe/dias/2009/06/10/pdfs/BOE-A-2009-9693.pdf>





Spain through this means must therefore request the Ministry of Justice the recognition of their professional title.

The term to issue and notify the appropriate resolution is set at four months from the moment of application. The Ministry of Justice may require the applicant to carry out an internship of a maximum of three years before passing the aptitude test. While only the aptitude test may be required in some cases, the evaluation of the necessity to carry out an internship, as an additional requirement, is evaluated by a different ministry - the Ministry of Education - on a case-by-case basis.

The General Council of Spanish Lawyers recommends this route for those lawyers who are fluent in the Spanish language, since it significantly shortens their entry into the profession of *abogado*, and therefore to their full membership as a lawyer in the Spanish bar associations.<sup>53</sup>

Finally, there is a much less known way to access the local title, open to such law graduates who do not yet have a title from another EU/EEA country (and who are thus not covered by the above mentioned directives). Law graduates from EU/EEA countries have the right to have their studies and professional experience considered even if not fully qualified. The free movement provisions found in primary EU law (the Treaties) and the general professional qualifications directive, as interpreted by the Court of Justice of the European Union (CJEU) in the *Morgenbesser* case,<sup>54</sup> apply not just to fully qualified professionals, but also to those who are partly qualified. The judgment, in essence, extends the right of mobility to those still in training and not yet fully-qualified lawyers.

Ms Morgenbesser had completed university law studies in France, and had some professional experience in both France and Italy. She was not a lawyer in France and applied to the Bar of Genoa, Italy, to be put on the list of trainee lawyers; this request was refused. The Court of Justice held that Italy was wrong to obstruct Ms Morgenbesser's entry to the Italian register of trainee lawyers by reason of the fact that her university legal education took place in France. The CJEU considered that the governing authorities should have assessed the overall experience and skills obtained by the candidate at the time of application. If there were a gap in the legal education Ms Mor-

genbesser had gained when compared with the requirements stipulated by Italy, the competent authority could then require any gaps to be compensated for.<sup>55</sup> In essence, the judgment means that competent authorities have a duty to take into account all the qualifications of EU nationals seeking entry into their regulated professions.<sup>56</sup>

## Law graduates from EU/EEA countries have the right to have their studies and professional experience considered even if not fully qualified

It is uncertain what the *Morgenbesser* ruling means in practice, particularly in terms of the compensation measures that can be required. One can contemplate if in the Spanish context this could, in certain circumstances, mean giving access to an EU/EEA citizen directly to the Máster de Acceso, without requiring them to first complete the Spanish LLB degree. Or even allow them to do the Máster de Acceso only partially, for example by recognizing an internship from another EU/EEA country.<sup>57</sup> In the current practice in Spain, also EU/EEA graduates must take the route of *convalidación* (recognition of their

<sup>53</sup>"Practice by Europeans with a Professional Title from the EU/EEA: Permanent Practice," Consejo General de Abogacía Española, accessed December 5, 2023, <https://www.abogacia.es/en/conocenos/consejo-general/ejercicio-de-la-abogacia/ejercicio-de-la-abogacia-ue/ejercicio-por-europeos-con-titulo-profesional-de-la-ueeee-ejercicio-permanente/>

<sup>54</sup>Case C-313/01 *Morgenbesser*, 13 November 2003, ECLI:EU:C:2003:612. The case was decided based on the previous directive on the recognition of professional qualifications (Council Directive 89/48), in combination with primary law (Articles 39 EC and 43 EC).

<sup>55</sup>The different legal frameworks of the profession and the different fields of activity of the profession in the Member States Of origin can be taken into account including the differences between the national legal systems (*Morgenbesser* judgment, para. 69).

<sup>56</sup>Council of the Bars and Law Societies of the European Union, *Chronology (I), Analysis (II) and Guidance (III) to Bars and Law Societies Regarding Case C-313/01 Christine Morgenbesser v Consiglio dell'Ordine Degli Avvocati di Genova, 5th Chamber (13 November 2003)* (CCBE, 2004), [https://ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/TR\\_Morgenbesser/EN\\_TR\\_20040130\\_Morgenbesser\\_analysis\\_and\\_guidance.pdf](https://ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/TR_Morgenbesser/EN_TR_20040130_Morgenbesser_analysis_and_guidance.pdf)

<sup>57</sup>The CCBE notes that one of the recent amendments to Directive 2005/36/EC on the recognition of Professional Qualifications, by Directive 2013/55/EU, introduced the notion that a 'professional traineeship' required for access to a regulated profession carried out in one Member State must be recognized by a relevant Competent Authority in another Member State. See Council of the Bars and Law Societies of the European Union, "CCBE position on the *Morgenbesser* case law," CCBE, September 11, 2015, [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/TRAINING/TR\\_Position\\_papers/EN\\_TR\\_20150911\\_CCBE\\_Position\\_on\\_the\\_Morgenbesser\\_case\\_law.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/TRAINING/TR_Position_papers/EN_TR_20150911_CCBE_Position_on_the_Morgenbesser_case_law.pdf)



previous studies by a Spanish university as part of the Spanish LLB) if they have not obtained full practice rights in their home country.<sup>58</sup> It is not clear whether this practice is entirely in line with EU law, as it does not allow to take into account professional internships or other types of training completed in other Member States. There is apparently also no official authority in Spain to evaluate such requests. The Council of Bars and Law Societies of Europe (CCBE) has issued guidance on how bars, as the competent authorities in most EU countries, can deal with applicant trainee lawyers under the *Morgenbesser* judgment. The guidance by the CCBE considers the following:

The competent authority for this “new” mode of entry to the legal professions [the *Morgenbesser* route] may not have been designated in national law and practice. It will be the authority that admits applicants to the traineeship (post-academic) stage of preparation for becoming a lawyer. In most cases this will be a Bar or Law Society. There is some merit in having a centralised approach to help ensure uniformity of decision-making and to prevent conflicting precedents from arising. Bars and Law Societies should seek to get national law altered to designate and allocate them, or a central authority where relevant, the task of this comparative assessment. It is true that in the absence of such clarification, EC law still operates to require them to undertake this task anyway, but EC law nevertheless requires certainty and a lack of proper “routes” for migrants could be deemed a “hindrance” to mobility and in itself be an infringement of EC law.

The challenge in adhering to these guidelines in Spain arises from the unique structure of the training program required to enter the legal profession. As these master's programs are mainly run by universities, the Spanish bar associations are not involved in evaluating the academic evaluations nor the internships. This differs from the practices of most EU countries where the bars have the responsibility for the training of new lawyers. For example, in Spain's closest neighbours (Portugal, Italy, France), the 18-month practice courses are organized by bars or their affiliates, in collaboration with courts and other judicial organs.

The Spanish procedure does not involve any official authorities either, except at the very end (the entrance exam to the bar is organized by the Spanish Ministry of Justice). In some EU countries, the state regulates access to internships for lawyer candidates. In those cases, it would be the organ of the state that is the competent authority. For example, in Germany the *Laender* (the German regions) admit candidates to the official internship (*Referendarzeit*).<sup>59</sup> They would therefore

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<sup>58</sup>According to the Spanish Bar Association, the same process of *convocatoria* applies to “Ciudadanos de la UE/EEE, que no hayan obtenido la cualificación necesaria para poder ejercer la abogacía y registrarse/colegiarse en su Estado de origen” and “Ciudadanos de terceros Estados, que quieran ejercer la abogacía en España.” See “Ejercicio de la abogacía en España por graduados o abogados extranjeros,” Consejo General de la Abogacía Española, accessed December 5, 2023, <https://www.abogacia.es/conocenos/consejo-general/ejercicio-de-la-abogacia/ejercicio-de-la-abogacia-en-espana-por-graduados-o-abogados-extranjeros/>

<sup>59</sup>CCBE, *Chronology (I), Analysis (II) and Guidance (III) to Bars and Law Societies Regarding Case C-313/01 Christine Morgenbesser V Consiglio Dell'ordine Degli Avvocati Di Genova, 5th Chamber*, (2003), accessed December 7, 2023, [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/National\\_Regulations/TR\\_Morgenbesser/EN\\_TR\\_20040130\\_Morgenbesser\\_analysis\\_and\\_guidance.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/TR_Morgenbesser/EN_TR_20040130_Morgenbesser_analysis_and_guidance.pdf)



be the competent authorities to assess partial qualifications of EU/EEA nationals. In Spain, one possible channel to try the *Morgenbesser* route could take place by trying to participate in the entrance exam by the Ministry of Justice. Once the ministry refuses participation in the exam due to the missing master's program, the candidate could challenge that decision and ask for a recognition of their partial qualifications from another EU/EEA country. However, many uncertainties relate to this possibility and any attempt would most likely lead to years of litigation. Similar uncertainties are present in many other EU countries as it is not always clear to what extent their competent authorities are ready to consider qualifications from other EU/EEA countries.

Overall, the free movement of lawyers in the EU is nonetheless very advanced. The current regulatory framework allows for relatively easy access to the profession in other EU countries, as long as one has the lawyer's title from their country of origin. The comprehensive recognition rules for European lawyers in the EU bear witness to the common European tradition of rule of law and the high level of mutual trust among the countries forming these political communities.

Surprisingly, European lawyers are barely using their opportunity to practice in any EU/EEA country. This probably tells about other types of difficulties in the exercise of the profession outside one's own jurisdiction. Language and cultural barriers surely have their role to play, as well as differences in legal systems and attitudes of local lawyers and clients. Also, the very diverse structures of the profession and local traditions make EU-wide practice difficult.<sup>60</sup> Two countries, nonetheless, stand out in the statistics. Based on CCBE's data, Spain and Italy are the undeniable favourite destinations for European lawyers.<sup>61</sup>

According to information obtained from the General Council of Spanish Lawyers (*Consejo General de la Abogacía Española*), the number of EU/EEA lawyers registered on the EU list across the Spanish bar associations is 1,425 (as of October 31, 2023). The Spanish Bar Association does not give precise information about the registered lawyers' countries of origin.

The only other publicly available numbers for Spain are from 2015 statistics of the European Bar Association CCBE regarding EU lawyers registered under their home-country professional

title (Art. 2 of Directive 98/5/EC).<sup>62</sup> That year's data for Spain specifies that there were close to 4,000 European lawyers in Spain registered on the EU list with their home country title (3,531 registered with a non-Spanish ID card and 317 with a non-Spanish passport). A division by numbers from each country was not provided, but the 2014 Spanish data specifies that the number includes the presence of lawyers from Germany, Netherlands, United Kingdom, Denmark, France, Italy, Belgium, Portugal, Sweden, Poland, Slovakia, Bulgaria, Romania and Czech Republic. This is a very high number, superseded only by Italy, whose 2015 CCBE statistics include 4,521 EU lawyer registrations - 3,295 by Spanish lawyers). In the 2020 statistics, there were 2,758 EU lawyer registrations in Italy. The CCBE statistics for that year do not include their countries of origin.

The number of European lawyers registered in Spain and Italy has thus significantly dropped since 2015. From close to 4,000 to about 1,400 in Spain and from 4,500 to about 2,700 in the case of Italy. Nonetheless, the figures of EU lawyers remain significantly higher in those two countries than in other European jurisdictions. A considerable portion of the European lawyers in Italy and Spain consists of their respective citizens — Italian lawyers practicing in Spain, and vice versa.

Other relatively high numbers of registrations of European lawyers in 2015 were recorded in France (1,020), Belgium (780) and the UK, Law Society of England and Wales (437). In the latest statistics (2020), the highest numbers of registered European lawyers were in Belgium (808), Germany (746), England and Wales (759) and Luxembourg (522). The latest number for France is from 2018 (1,142).

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<sup>60</sup>See Gregory Siskind, "Freedom of Movement for Lawyers in the New Europe," *International Lawyer* 26, no. 4 (1992), <https://scholar.smu.edu/til/vol26/iss4/3>

<sup>61</sup>This coincides with the preferences of European tourists. Italy and Spain are the top foreign destinations for EU residents. "Tourism statistics - top destinations," Eurostat Statistics Explained, last modified June 2023, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Tourism\\_statistics\\_-\\_top\\_destinations](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Tourism_statistics_-_top_destinations)

<sup>62</sup>"Statistics from CCBE," CCBE, accessed December 5, 2023, <https://www.ccbe.eu/actions/statistics/>

### 4.3 Non-European lawyers in Spain

Spain has great potential to be an attractive destination for foreign lawyers, particularly those originating in Latin America, as many lawyers from that continent share the same language and, to a large extent, a similar legal tradition with Spanish lawyers. Whereas their access to the Spanish legal profession has never been simple, up to the reform of the access rules in 2011, it was much easier than today. For most foreign lawyers (non-EU/EEA) the process was as follows. First, a candidate had to make an application to the Spanish Ministry of Education for homologation (*homologación*) of their foreign law degree. This decision typically took a long time to receive, many times about a year, but there was a high level of legal certainty as to the result. At least Latin American lawyers were typically asked to enroll at a Spanish university and repeat the vast majority of their undergraduate courses in law. Only a few of the courses from their foreign degrees were accepted into the Spanish degree, for example Roman Law and Legal History. However, many candidates used this waiting period to study for the Spanish exams and then directly presented themselves at the exams once the homologation decision arrived. The foreign graduates did not typically have to sit in classes but could do the exams only. In the most efficient cases, the exams could be sat over a couple of days, 10 hours per day. This way the whole process did not take much more than a year, even if the foreign graduate had to pass by a Spanish university to get a formal Spanish law degree. Several Latin American lawyers entered the legal profession in Spain through this route in the past decades and many of them have by now had successful legal careers in Spain, in many cases ending up as partners in Spanish law firms.

A radical change took place in 2011 when the professional Master program, *Máster de Acceso*, was introduced. The path to become a Spanish lawyer is now not as “easy” as it used to be. The option for homologation of a foreign law degree still exists on the level of the practical master’s program (Real Decreto 889/2022, de 18 de octubre). However, that possibility is without much practical significance as non-European law graduates, including Latin American *licenciados en derecho*, must first pursue a Spanish bachelor’s degree in law (Grado en Derecho). Without the

Spanish bachelor’s degree, one cannot access the practical master’s degree (*Master de Acceso a la Abogacía*).<sup>63</sup> Therefore, while the homologation route appears to be theoretically open, in practice, foreign law graduates must undergo a special process of *convalidación* which requires them to study an essential part of a Spanish LLB degree (and supposedly take the actual courses, not only the exams) and, on top of that, do the 18-month *Máster de Acceso*.<sup>64</sup> The process does not take into account possible additional studies of the candidate nor the amount of prior professional experience. Moreover, the master’s program cannot be started before the candidate has obtained the Spanish LLB degree.<sup>65</sup> This means that in most cases foreign lawyers, including those coming from legal cultures relatively similar to the Spanish one, end up on average spending over three years in getting re-qualified for the Spanish market.

The recognition process (*convalidación*) is under the control of the Spanish university chosen by the foreign lawyer or graduate for enrollment. It does not involve any Spanish authorities. As a

**From 2011, non-European law graduates must complete a Spanish bachelor's degree in law, as well as the *Máster de Acceso*, to obtain the Spanish title of *abogado***

<sup>63</sup>See Article 8(2) of Royal Decree 889/2022, which establishes the conditions and procedures for homologation, read together with Royal Decree 775/2011, which approves the regulation for Law 34/2006 on access to the professions of lawyer and court representative.

<sup>64</sup>This is also the interpretation of the Spanish Bar Association (El Consejo General de la Abogacía Española), see the instructions for foreign law graduates to access the Spanish profession of lawyer on their website: <https://www.abogacia.es/en/conocenos/consejo-general/ejercicio-de-la-abogacia/ejercicio-de-la-abogacia-en-espana-por-graduados-o-abogados-extranjeros/>.

<sup>65</sup>The strict order of obtaining the different qualifications has been clarified by the Spanish courts in the recent years. See Concha Jiménez Shaw, “Polémica decisión del supremo sobre el acceso a la abogacía de titulados en el extranjero,” Jiménez Shaw Abogados, last modified October 7, 2020, <https://www.jimenezshaw.com/polemica-decision-del-supremo-sobre-el-acceso-a-la-abogacia-de-titulados-en-el-extranjero>



result, there can be substantial variations in the courses that different universities require foreign students to take to obtain a Spanish bachelor's degree in law. Before 2011, when the homologation procedure was still in use, the Spanish Ministry of Education determined the courses that a student had to complete to have their foreign degree recognized as a Spanish *licenciado en derecho*. The removal of these standardized criteria has led to a notable degree of discretion being vested in the law departments of Spanish universities.

Based on interviews with various Latin American lawyers in Spain, the average number of credits that they are asked to take at Spanish universities for the recognition of their foreign law degrees is close to 120 ECTS, equalling to a couple of years of study in most cases. Understanding the criteria used by universities to determine the required courses for foreign law graduates can be challenging, as these are internal decisions of each institution. According to the law, the universities need to consider the contents and learning objectives of the foreign degrees and see to what extent they correspond to the Spanish ones.<sup>66</sup>As part of this exercise, universities are likely to consider similarities between the legal systems of Spain and the countries of origin. However, it is not clear how this is reflected in the Spanish universities' decisions on the recognition of foreign degrees.

It must be highlighted that such foreign law graduates who do not wish to practice with the Spanish title of *abogado* can work in some areas of law with their domestic qualifications. A foreign lawyer, if he/she so wishes, can also apply to have their foreign law degrees declared equivalent to a Spanish bachelor's degree in law (*Grado en Derecho*). In that case, the foreign graduate can apply for a decision on equivalence from the Spanish Ministry of Universities.<sup>67</sup> This is not the same process as homologation of a foreign degree. Whereas homologation of a foreign degree may give access to regulated professions, a decision on equivalence is simply an official recognition of the completed education required to obtain a foreign degree, which is comparable to the level of education needed to achieve an academic degree such as a bachelor's degree, master's degree, or doctorate.

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<sup>66</sup>Real Decreto 889/2022, de 18 de octubre, por el que se establecen las condiciones y los procedimientos de homologación, de declaración de equivalencia y de convalidación de enseñanzas universitarias de sistemas educativos extranjeros y por el que se regula el procedimiento para establecer la correspondencia al nivel del Marco Español de Cualificaciones para la Educación Superior de los títulos universitarios oficiales pertenecientes a ordenaciones académicas anteriores. Universidad Autónoma de Madrid has a useful description of the criteria for the recognition process available at the university's website: <https://www.uam.es/uam/media/doc/1606854204998/convalidacion-parcial-estudios-extranjeros.pdf>

<sup>67</sup>For information on the procedure see "Equivalencia de título extranjero de educación superior a nivel académico de grado o máster universitario oficial según RD 889/2022, de 18 de octubre," Ministerio de Ciencia, Innovación y Universidades, accessed December 5, 2023, <https://www.universidades.gob.es/equivalencia-de-titulo-extranjero-de-educacion-superior-a-nivel-academico-de-grado-o-master-universitario-oficial-segun-rd-889-2022-de-18-de-octubre/>



If a decision on equivalence is granted, the foreign law graduate does not have to study any additional subjects in a Spanish university in order to be considered a bachelor level graduate in law. The foreign graduate can also enroll in any master's degree in law in Spain, except for the Master de Acceso that gives access to the regulated profession of a lawyer. In the current practice, a foreign law degree alone does, therefore, never allow one to become a fully-fledged lawyer (*abogado*) in Spain.<sup>68</sup> This prevents the foreign lawyer from practicing those areas of law that are reserved for licensed lawyers in Spain. In practice, possessing only a law degree without the title of *abogado* can restrict employment opportunities beyond practicing Spanish law, as it is common also for in-house lawyers to be fully licensed practitioners.<sup>69</sup>

As a result, the different options that foreign non-European lawyers have available in Spain are the following:

- Homologation (*homologación*): the official recognition of higher education degrees granted by foreign institutions to official Spanish university degrees or master's degrees that give access to a regulated profession in Spain. The access to the regulated profession of a lawyer in Spain takes place through a specialized master's degree. The homologation would therefore mean that a foreign law degree was recognized as corresponding to the Spanish Máster de Acceso a la Abogacía. In practice, this option seems almost purely theoretical as a foreign law graduate still needs a Spanish bachelor's degree in law. If they went to study a foreign qualifying degree abroad after a Spanish bachelor's in law, some parts of that foreign degree could possibly be taken into account when seeking homologation on the level of the qualifying master's program in Spain. Homologation is carried out by the Spanish Ministry of Universities. There is no publicly available information on how exactly this process would take place and the Spanish bar associations are not involved with it.
- Validation (*convalidación*): a process through which a Spanish university considers which parts of a foreign degree they can recognize and give corresponding credits for as part of the official Spanish degree of bachelor or master.

This is in practice the only route that a foreign non-European lawyer can use to access the profession of lawyer in Spain. A foreign lawyer or law graduate must enroll in a bachelor's in law program at a Spanish university and ask for a validation of their foreign law studies. Typically, the number of validated foreign credits corresponds to about two years of study of the Spanish bachelor's in law.

- Equivalence (*equivalencia*): the declaration of equivalence of a higher education degree granted by a foreign institution to an official academic bachelor's or master's degree in Spain. However, a foreign law degree declared equivalent to a Spanish bachelor's or master's degree does not give its holder access to the Master de Acceso a la Abogacía or to the profession of lawyer in Spain.

The rules for foreign lawyers to access the profession of a fully qualified lawyer in Spain, as they stand from 2011 onwards, are therefore as follows:

- Application for validation (*convalidación*) of foreign studies at a Spanish university with the goal of obtaining a Spanish LLB degree (Grado en Derecho).
- Nationality Waiver (only for non-Europeans); to be applied from the Ministry of Justice.<sup>70</sup>
- Master's Degree for Access to the Legal Profession (Máster de Acceso a la Abogacía) or Training Course for Access to the Legal Profession at the School of Legal Practice set up by the Bar Associations.
- Examination organized by the Ministry of Justice.

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<sup>68</sup>The only exception are EU/EEA lawyers who can access the Spanish title of *abogado* after three years of effective practice in Spain, in case they have the regulated title of lawyer in their home county.

<sup>69</sup>Moreover, Latin American graduates report that also many other employers of legal professionals, such as investment funds, prefer licensed lawyers.

<sup>70</sup>As part of the process for the nationality waiver, the Ministry of Justice checks the documents of the foreigner and their criminal records both in Spain and in the country of origin, as well as the existence of any disciplinary procedures in the country of origin, if the foreigner has practiced law there. See "Ejercicio de la abogacía en España por graduados extranjeros", Consejo General de la Abogacía Española, accessed December 5, 2023, <https://www.abogacia.es/conocenos/consejo-general/ejercicio-de-la-abogacia/ejercicio-de-la-abogacia-en-espana-por-graduados-o-abogados-extranjeros/>



#### 4.4 The number of foreign law students and lawyers in Spain

The overall trend indicates a consistent rise in matriculation numbers for all master's programs in law (Derecho and Abogacía) with a 30% increase for Derecho and a 20% increase for Abogacía between 2016 and 2023, inclusive of Spanish students. Excluding Spanish students, there is a significant 95% increase in foreign students for Derecho and a 34.13% decrease of foreign matriculated students in Abogacía during the same period.<sup>71</sup> The overall rising trend for the master's programs is reflected in the number of graduates from both master's programs, with an approximately 25% increase for both programs from 2016 to 2022, including Spanish students.

The proportion of foreign students enrolled in various law master's programs in Spain is notably high, comprising mainly Latin American students (36% of master's students in law in Spain in 2022-23 are of Latin American origin). EU and other foreign students constitute around 5% of the student body. However, in the Máster de Acceso a la Abogacía, foreign students make up a minimal percentage (5.4% in 2022-23), with

Latin American students accounting for 1.6% and EU students for 2.8% of this group. Indeed, foreign students predominantly enroll in other master's programs in law rather than the practical training master for the Spanish legal profession (Máster de Acceso). This is most likely connected to the need to have a Spanish Bachelor Degree in Law in order to enroll in the Máster de Acceso. The number of Latin American students in the Máster de Acceso is nevertheless growing, reflecting their increasing numbers in the Spanish Bachelor in Law programs.

**The proportion of foreign students enrolled in various law master's programs in Spain is notably high, comprising mainly Latin American students**

<sup>71</sup>See the more detailed data in Annex 1.





Among bachelor students in law, foreign students represent about 9% of the overall student body in 2022-23, with Latin American students comprising the largest group (approximately 4%), followed by 2.8% of EU citizens. The number of Latin American students increased by 25% in the academic year 2022-23, surpassing the percentage of EU students compared to previous years.

Regarding practicing lawyers, approximately 4.5% of licensed lawyers (*abogados colegiados*) across Spanish bar associations have a foreign nationality, totaling 6,918 as of October 31, 2023. This figure encompasses both European and non-European lawyers. Additionally, 1,425 European lawyers are registered on the EU list with their home title (*lista de abogados europeos inscritos*).

The General Council of Spanish Lawyers (Consejo General de la Abogacía Española) does not provide statistics on the countries of origin of the foreign lawyers in Spain and it is, therefore, not clear how many of them are from the EU/EEA and how many are from elsewhere. Furthermore, there is no public information on possible additional qualifications of licensed lawyers with a foreign nationality (bar memberships in other countries).

According to news reports based on information received from representatives of various Spanish regional bar associations (*colegios*), a significant number of lawyers of foreign origin in Spain are Italian; however, their exact number is not clear. The high number of Italians is reportedly based on many Italian law graduates having homologated their Italian law degrees in Spain before the reform of the rules to access the profession of lawyer in Spain in 2011 (Ley 34/2006). The old system remained in place for a couple of years after the entry into force of the reform. Under these rules, it was possible to use the route of homologating a foreign law degree into a Spanish degree of *licenciado* and then register as a lawyer in Spain without doing the Máster de Acceso.

This possibility led to a significant number of Italian law graduates entering Spanish universities to access the profession through homologation. In the case of one Spanish university, the practice may have continued even after the 2011 reform, leading to an investigation of fraud because of the way in which Italian law graduates were allowed to obtain their Spanish degrees.<sup>72</sup> There are reportedly bar associations in Spain whe-

re Italian lawyers represent a significant part of their overall census.<sup>73</sup> The confirmation of their numbers is not possible as the General Council of Spanish Lawyers does not provide data on the countries of origin of registered lawyers.<sup>74</sup>

The reason for the Italian law graduates' rush to the Spanish universities and bar associations appears to have been twofold. Italy has quite a similar training system in place for new lawyers as Spain does: there is a 18-month practical training program with internships, culminating in an examination. However, Italians have to do a master's degree before entering the training program (in total 5 years of study with the bachelor). Moreover, the bar exam - the Italian State Examination - is very challenging and requires a substantial amount of study, much more than in Spain. Also, the results take a long time to come in and the chances to fail the exam are higher than in Spain. Prior to the 2011 reform of the Spanish rules to access the profession of lawyer, Italian law graduates could embrace a much easier path to enter the profession by doing their studies in Spain (as long as they spoke the language). They could enter a bar association in Spain based on the process of recognition of their Italian law degree complemented by some additional studies in Spanish law at a Spanish university, resulting in the degree of Spanish *licenciado*. The *via spagnola* to become a lawyer was born. After obtaining the Spanish title, they could register at any Spanish bar association and then remain in Spain - or return to practice freely in Italy based on their Spanish title under the common EU rules. After three years of effective practice in Italy, they could start calling themselves *avvocato* and enjoy full practice rights as Italian lawyers.

Today this route is no longer possible as all foreign lawyers must do the Máster de Acceso a la Abogacía and the Spanish bar exam to qualify as

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<sup>72</sup>Marina Alias, "La 'via spagnola': el atajo de miles de abogados italianos más allá de la URJC," *Voz Populi*, September 24, 2018, [https://www.vozpopuli.com/espana/politica/spagnola-atajo-abogados-italianos-ejercer-urjc\\_0\\_1174383575.html](https://www.vozpopuli.com/espana/politica/spagnola-atajo-abogados-italianos-ejercer-urjc_0_1174383575.html) See also "Nota informativa relativa a la colegiación en España de abogados italianos," Ilustre Colegio de la Abogacía de Madrid, last modified September 20, 2018, <https://web.icam.es/nota-informativa-relativa-a-la-colegiacion-en-espana-de-abogados-italianos/>

<sup>73</sup>According to the Dean of the Bar Association of Lorca, Ángel García Aragón, there has been at least one bar association in Spain where Italians have the majority. See Lázaro Giménez, "¿Por qué tantos abogados italianos se colegian en Lorca?," SER, September 20, 2018 [https://cadenaser.com/emisora/2018/09/20/radio\\_murcia/1537447649\\_357436.html](https://cadenaser.com/emisora/2018/09/20/radio_murcia/1537447649_357436.html)

<sup>74</sup>Such information may be provided by individual bar associations (*colegios*). They were not contacted for the purposes of this study.

a lawyer in Spain. Also EU graduates have to do that, if they do not yet have a professional title from another EU/EEA country. The old *via spagnola* is therefore not available - at least not as easily as it used to. The Spanish path may still seem attractive to those Italian law graduates who want to escape the dreaded Italian state exam. For any EU/EEA law graduate a certain room for maneuver is still available as they can choose an EU/EEA country where it is the easiest to have their qualifications recognized and register for the local bar and then return to practice in their country of origin based on EU rules. However, the language barrier may be a significant deterrent in many cases. Moreover, employers in the young lawyer's country of origin may consider foreign qualifications differently to domestic ones. In any case, the opportunity for law graduates to benefit from the free movement in the EU's single market should not be frowned upon. It contributes to the European integration process and globalization of the legal sector, like in any other sector of the economy. The normal processes for qualification should, of course, be applied. Any fraud should be taken extremely seriously as it undermines the respect for the legal profession in the whole EU.

In any case, the overrepresentation of Italian lawyers in Spain may therefore make it difficult to draw very far-reaching conclusions based on the number of foreign lawyers registered in the Spanish bars (as country-specific statistics are not available).

A more effective method to assess the impact of globalization on Spanish law firms, particularly concerning their workforce, may involve a closer examination of their recruitment practices. A scrutiny of leading Spanish law firms outlined in Annex 2 reveals that less than 2% of lawyers within the 20 largest local and international law firms in Spain possess solely foreign qualifications without a Spanish title.<sup>75</sup> Approximately 3.5% of their lawyers hold dual qualifications or more. Consequently, lawyers with foreign qualifications constitute roughly 5% of the total legal workforce in the top 20 Spanish and international law firms.<sup>76</sup> The significance of this figure depends on the comparative context - whether measured against other sectors in Spain or law firms in different countries.

Moreover, it is essential to consider that the number of foreign lawyers might be more constrained across the entire legal sector, given that

major Spanish law firms encompass several firms with foreign origins, particularly from the UK. Larger firms may also possess greater resources to attract foreign lawyers compared to their smaller counterparts. Although there is limited international research on this subject, given the rapid globalization of the legal industry and its deep integration within the EU, a minimal presence of foreign lawyers can potentially limit a significant portion of law firms' business opportunities.

#### 4.5 Attracting foreign legal talent to Spain

The introduction of the new access rules to the Spanish profession of lawyer in 2011 placed the Spanish legal sector in front of a double challenge. First, the new rules meant that fresh law graduates from Spanish universities could no longer work as lawyers based on their first law degree only. They had to find the additional time and motivation and in many cases, the financial resources, to carry out the additional professional master's degree. At the same time, the hiring of foreign lawyers has become more complicated as they can no longer practice the profession of lawyer based on a homologation of their foreign law degree. This means that particularly those legal professionals that are native Spanish speakers and come from similar legal cultures in Latin America cannot work as lawyers in Spain without first revalidating their law degree and then passing the same professional master's degree and bar exam as Spanish graduates.

Some foreign lawyers might want to do a master's in a more specialized field, allowing them to become experts in that area (e.g., in international business law, taxation, arbitration, digital

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<sup>75</sup>Foreign practitioners at biggest law firms in Spain: The selected law firms in the review are the biggest Spanish law firms based on their revenue in 2021, complemented by the biggest foreign-originating firms in the Spanish market (even if not all in the top 20 by revenue). The legal arms of consultancies such as EY Abogados or PwC Tax & Legal as well as other consultancies or alternative legal service providers were not included in this analysis (they do not have employee information on their websites). Revenues of the law firms are based on "Garrigues, Cuatrecasas, Uría, PwC Tax & Legal y EY Abogados, líderes en ingresos en España," *Expansión*, May 3, 2022, <https://etl.es/wp-content/uploads/2022/05/Expansion-abogados-ETL.pdf>

<sup>76</sup>The actual number is likely to be somewhat smaller as only the two biggest offices of the reviewed law firms were included in the analysis. The numbers are based on reviewing the profiles of the publicly available lists of personnel of the selected law firms. In uncertain cases, the exercise was complemented by checking the lawyers' LinkedIn profiles to draw more far-reaching conclusions based on their qualifications and place of work. Lawyers on secondment were excluded but it was not always clear if a particular lawyer was working permanently at the Madrid office or only on a secondment there. These figures do not stem from a formal scientific study but rather provide an expedient, empirical snapshot of the cultural diversity found within some of the largest Spanish and international law firms in the Spanish market today, focusing on the legal backgrounds of their lawyers.



law, human rights). One solution to that need are double master's programs that offer both the professional master to access the legal profession (Máster de Acceso) and another specialized program. Such double programs are increasingly being offered by Spanish public and private universities alike (see Annex 3).

An increasingly important consideration for law firms is the prior work experience of the lawyers that they hire. Whereas the orthodox way to hire lawyers in Spanish law firms like in many other countries has been to hire recent graduates straight from the university bench, Spanish law firms are starting to appreciate more practical prior work experience. This may also be a necessity in the new reality where young professionals easily change from one employer to another. An investment into a recent graduate is sometimes too risky. However, such lateral hires of more experienced professionals are not easy to carry out. Law firms often struggle in this matter and, in a tight market, lateral hires are even more difficult to achieve. As a result, they may expand their horizons. For example in the United States, law firms look at laterals from Canadian firms typically

when the lateral hiring market in the US is very busy, and when US law firms already have good precedents for Canadian lawyers to do well in the US market.<sup>77</sup>

In the Spanish context, particularly Latin American lawyers are a promising source of talent. They speak the same language, come from similar legal cultures and, importantly, oftentimes have prior work experience. Moreover, the first bachelor-level in most Latin American countries is five years in length, thus providing a deep specialization in law.

**Spanish law firms are starting to appreciate more practical prior work experience**

<sup>77</sup>Rhia Lyon, "Lateralling from Canada to the US," *Chambers Associate*, January, 2022, <https://www.chambers-associate.com/career-moves/lateralling-from-canada-to-the-us>





# 05. Admission of foreign lawyers in selected jurisdictions

## 5.1 Introduction

Most countries allow foreign lawyers to offer some of their services in their jurisdictions. Some countries allow wide practice rights under specific titles such as “foreign legal consultant” whereas others have taken a very strict stand permitting simple fly-in/fly-out services only. These differing positions on trade in legal services are described in Chapter 2 of this paper.

This chapter focuses on a very specific aspect: admission of foreign lawyers to the host state bar. While local bar membership is not always necessary to provide legal services in a certain jurisdiction, many (if not most) foreign lawyers still seek it. Full local qualifications give access to all areas of legal practice, and, maybe most importantly, boost the lawyer’s credibility in the eyes of the clients.

While the global landscape for mutual recognition of foreign legal qualifications remains limited, certain jurisdictions have established full or partial agreements for lawyers from specific countries. Notably, recent developments have seen the termination of the extensive Portuguese-Brazilian agreement, but the French-Quebecois agreement stands out as an intriguing example in Europe. France, in particular, not only maintains the aforementioned agreement but also extends facilitated access to its legal profession for other foreign practitioners. These individuals are spared from navigating the same qualification path as their French counterparts. Meanwhile, the United Kingdom offers an unparalleled array of access options for foreign lawyers within the European context.

Looking beyond Europe, there are additional examples to consider. In the US, foreign lawyers

(including those from civil law countries) can take the US bar exam directly after an American LLM degree. States like New York and California (the two most popular state-jurisdictions for foreign-trained lawyers to qualify into) have developed state-specific regulations to admit foreign-trained lawyers more speedily to the bar. The states welcome foreign lawyers to directly sit the bar, subject to completing their legal education in a system that focuses on the study of the common law (New York) or subject to being already qualified in a foreign jurisdiction (California). Outside of New York and California, and also in New York in the case of civil law lawyers, it is typically required that foreign-qualified lawyers either complete a Juris Doctor (J.D.) –three-year full-time program–, or an LLM –one-year full-time program–, at an American Bar Association-accredited law school. After that, they can directly take the bar exam. The LLM programs



tend to bring added value to the foreign students. In total, the process of taking the LLM and the bar exam usually takes approximately a year and a half (if the candidate successfully passes the demanding bar exam).

These examples hold particular relevance for Spain, suggesting the exploration of similar arrangements with select Latin American countries. To evaluate the feasibility of such initiatives, this chapter also delves into the practice rights granted to Latin American lawyers within their home jurisdictions.

## 5.2 Foreign lawyers in France and the mutual recognition of lawyers from Quebec

The access to the French legal profession (*avocat*) is among the hardest ones in Europe. First, students attend a three-year Bachelor of Law program (called *Licence de Droit*). The following graduate-level studies are organized in two master's programs: master's program 1 and master's program 2. While it is enough to have master's program 1 to continue to the legal training program to become a lawyer, many employers prefer master's program graduates when looking for interns. Both master's programs take a year. Master's studies are followed by 18 months of training at the *École d'avocats* (EDA). However, to access one of the EDAs, a candidate must take an entrance exam, requiring an essential amount of preparation. The EDAs are run by regional lawyers' schools, or *centres régionaux de formation professionnelle d'avocats* (CRFPA), connected to the courts of appeal in their respective regions. The training includes six months of practical courses relating to the legal profession, another six months of an individual educational project at a workplace that is not a law firm and, finally, a six-month internship at a law firm. Following this training, one must pass the aptitude test (*Certificat d'aptitude à la profession d'avocat*, CAPA), take the oath and finally apply to join the bar.<sup>78</sup>

The path to become a lawyer in France is quite similar in length to the Spanish system, even though it can take longer in France if a law graduate decides to do the second master's program (master's program 2) as well. This can be compared to those Spanish law graduates who want to do a specialization master, such as an international LLM or a Master in Tax Law, before embarking

on the professional *Máster de Acceso a la Abogacía*. In both cases, the entire path to becoming a licensed lawyer takes six and a half years. But in contrast to the Spanish system, French lawyer candidates have to study for two separate exams: the entrance exam to the EDA and then the final aptitude test. Overall, the process is more competitive in France. However, the French system appears more open to foreign lawyers than the Spanish one.

**The path to become a lawyer in France is quite similar in length to the Spanish system, even though it can take longer in France**

The path to access the French profession for an EU/EEA lawyer is similar to that of Spain, as the rules are based on EU law. There is a direct access to the Bar if the candidate passes an aptitude test on French law (the so-called Article 99 procedure<sup>79</sup>). Alternatively, a EU/EEA lawyer can practice based on their home country title and gain access to the Bar after three years of effective and regular practice of law in France.

Unlike in Spain, there is a similar examination system for non-EU/EEA lawyers as there is for EU/EEA lawyers under the Article 99 procedure. This is referred to as Article 100 procedure. The organisation of the exam is in the competence of the National Council of the French Bars, the CNB (*Conseil National des Barreaux*). Under the Article 100 procedure, foreign non-European lawyers are exempt from the practical training and the French Bar exam (CAPA) if they are qualified in their home jurisdiction. To become eligible to join the French Bar, they are required to take an examination assessing their knowledge of French law.

<sup>78</sup> "Initial training of lawyers in the European Union: France," European E-Justice Portal, accessed December 7, 2023, [https://e-justice.europa.eu/38584/EN/initial\\_training\\_of\\_lawyers\\_in\\_the\\_european\\_union?FRANCE&init=true&member=1](https://e-justice.europa.eu/38584/EN/initial_training_of_lawyers_in_the_european_union?FRANCE&init=true&member=1)

<sup>79</sup> *Décret n°91-1197 du 27 novembre 1991 organisant la profession d'avocat.*

This assessment examination comprises:

- Two written tests lasting three hours each: a test on pleading in civil matters and a writing test on a legal consultation in a subject chosen by the candidate in either administrative, business, labor, or criminal law.
- Two oral tests: an approximately twenty-minute session, on a subject drawn at random by the candidate on the French civil, criminal, or administrative procedures, or the French legal system, and an approximately fifteen-minute interview with the examination board, focusing on professional regulations and ethics.

The CNB may moreover grant an exemption from the tests if a candidate requests it, in consideration of their university or scientific studies; such as dissertations, theses, or published articles or books. Professional experience is not taken into account.<sup>80</sup>

As part of the process, the CBN may check that the foreign lawyers' countries of origin give a similar access option to French lawyers in their respective jurisdictions. It is unclear whether this effectively prevents certain foreign nationals from benefiting from the Article 100 procedure.

Finally, there is a special path available for lawyers from Quebec. By virtue of a Mutual Recognition Arrangement<sup>81</sup>, lawyers registered with the Quebec bar are only required to take an examination assessing their knowledge of the deontological code. The examination consists of a single 15-minute oral test on the regulations and ethics of lawyers in France. It is open to lawyers registered with the bar in Quebec. A similar process applies in Quebec for French-licensed lawyers. A very interesting aspect of this arrangement is that it is concluded between the self-regulators (the respective bars) and not on the level of the states. This is the path towards mutual recognition that numerous trade agreements encourage, but the success to conclude such agreements between the regulators of independent professionals has so far been very modest internationally. The preamble of the French-Quebecois arrangement highlights that its conclusion was possible because of the importance and quality of the legal tradition in both jurisdictions, as well as their respective legislation, deeply influenced by written codification. Also the similarities in legal

education are noted as well as the close relations between the respective bars.

Based on the last available data (1/1/2020), 2,579 foreign lawyers were registered throughout France, more than three-quarters of whom were registered with the Paris Bar (1,950). They represent 3.7% of the total number of 70,000 licensed lawyers in the country. Of the 2,579 foreign lawyers registered in 2020, 1,190 were from an EU country (46%), most of them from Germany (8.4%) and the United Kingdom (8.2%). Outside the EU, most foreign lawyers in France come from Africa (29%) and North America (8.6%).<sup>82</sup>

<sup>80</sup> "Accessing the legal profession in France," Conseil National de Barreaux (CNB), accessed December 7, 2023, <https://www.cnb.avocat.fr/fr/admission-dun-avocat-dun-etat-non-membre-delunion-europeenne> and <https://www.cnb.avocat.fr/en/accessing-legal-profession-france>

<sup>81</sup> Barreau de Quebec & Le Conseil National des Barreaux. *Arrangement en vue de la reconnaissance mutuelle des qualifications professionnelles entre le Barreau de Quebec et Le Conseil National des Barreaux*, 2009, <https://cdn-contentu.quebec.ca/cdn-contentu/adm/min/relations-internationales/entente-quebec-france/ARM-avocats-MRIF.pdf>

<sup>82</sup> "Statistics on the profession of lawyer, 2020" The French Ministry of Justice, accessed December 7, 2023, <https://www.justice.gouv.fr/statistiques-2020-profession-davocat>





### 5.3 Mutual recognition of lawyers between Portugal and Brazil

The training to become a lawyer in Portugal is largely similar to France and Spain. A four-year LL.B must be followed by a training that takes approximately 18 months to complete.<sup>83</sup> The training is composed of two phases: the first one (approximately 6 months) includes classes on deontology, civil procedural law and criminal procedural law. The second phase includes court visits, drafting of procedural legal documents and ends with a final written and an oral exam. The examination includes all fields of law, as well as those studied during the bachelor's degree. The training is organized by regional bar associations and complemented by an internship in a law firm or with a sole practitioner (running throughout the entire training period).<sup>84</sup>

The rules for the admittance of EU/EEA lawyers are the same as in Spain and France, as they are based on EU law. Lawyers from non-EU/EEA countries, on the other hand, must first obtain a recognition of their law degree from the Directorate General for Higher Education (DGES). The foreign law degree must allow legal practice in the country of origin.<sup>85</sup> They must then register as an intern/trainee at one of the regional bar associations and do an initial training in the Portuguese legal system and submit to an exam in Portuguese.

Interestingly, there has been for some years a special process available to Brazilian lawyers in Portugal. The agreement, established in 2008, allows lawyers registered in one country to be registered in the other without the need for additional internships or exams. Brazilian lawyers can, therefore, practice law in Portugal by simply registering with the Ordem dos Advogados (OA) of Portugal. They do not need to validate their Brazilian law degree or take any bar exam; there is thus a full recognition of their Brazilian qualifications. If the Brazilian lawyer does not have Portuguese residency, a Portuguese lawyer must assume responsibility for them, providing their professional details and contact information. The process is based on Article 201(2) of the Statute of the Portuguese Bar Association, which outlines the reciprocity regime between Portugal and Brazil.<sup>86</sup> The process is further specified in the Regulation for Registration of Lawyers and Trainee Lawyers.<sup>87</sup> Similarly to the French-Quebecois

agreement, the Portuguese - Brazilian reciprocity agreement was concluded and administered between the respective bar associations of both countries.

The access rules for Brazilian lawyers are, however, about to change. The Portuguese Bar Association recently announced that it has terminated the reciprocity agreement with the Brazilian Bar Association. The decision was published on the Portuguese Bar Association's website on 4 July 2023.<sup>88</sup> In its communication of the decision, the Portuguese Bar Association (OAP) explains the termination of the agreement in the following manner:

Although there may have been a basic matrix common to the legal systems of both countries, it can be seen that in Portugal very different legislative options have been adopted from those implemented in Brazil, not least because of the applicability and transposition of European Union law into Portuguese domestic law, which has inevitably contributed to the two legal systems drifting apart and evolving in completely different directions. As a result, the legal rules currently in force in some branches of law in one and the other legal system are no longer even comparable.

It is common knowledge that there is a notorious difference in legal practice in Portugal and Brazil, as well as in judicial formalities and digital platforms, and that Brazilian and Portuguese lawyers are effectively unaware of this when they start their practice in Portugal or Brazil. For this reason, it is common for lawyers to perform highly technically complex acts by

<sup>83</sup> "Estágio na Ordem dos Advogados," The Portuguese Bar Association (Ordem dos Advogados), accessed December 7, 2023, <https://portal.oa.pt/ordem/estagio-na-ordem-dos-advogados/>

<sup>84</sup> "Initial training of lawyers in the European Union: Portugal," European E-Justice Portal, accessed December 7, 2023, [https://e-justice.europa.eu/38584/EN/initial\\_training\\_of\\_lawyers\\_in\\_the\\_european\\_union?PORTUGAL&member=1](https://e-justice.europa.eu/38584/EN/initial_training_of_lawyers_in_the_european_union?PORTUGAL&member=1). Information complemented by a Portuguese trainee lawyer

<sup>85</sup> "Registration as a foreign lawyer," Portuguese Bar Association (Ordem dos Advogados), accessed December 7, 2023, <https://portal.oa.pt/ordem/admissao-admission-faq/admission-other-faq-en/registration-as-a-foreign-lawyer/>

<sup>86</sup> "Estatuto da Ordem dos Advogados," Portuguese Bar Association (Ordem dos Advogados), accessed December 7, 2023, <https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/>

<sup>87</sup> Portuguese Bar Association (Ordem dos Advogados). *Regulamento de Inscrição de Advogados e Advogados Estagiários* Subsection II, Article 17-19, <https://portal.oa.pt/media/118638/regulamento-de-inscricao-de-advogados-e-advogados-estagiarios.pdf>

<sup>88</sup> "Comunicado: Acordo de Reciprocidade OAP e o CFOAB," Portuguese Bar Association (Ordem dos Advogados), last modified July 4, 2023, <https://portal.oa.pt/comunicacao/comunicados/2023/comunicado-acordo-de-reciprocidade-oap-e-o-cfoab/>

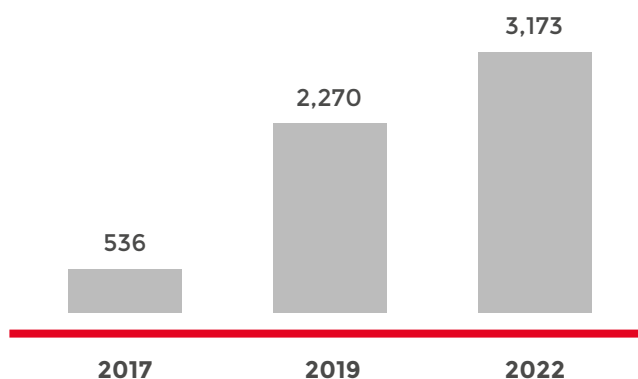
those who do not have the necessary academic and professional training in the Portuguese and Brazilian legal systems.

It also appears that, within the current framework, there are serious and notorious difficulties in adapting Brazilian lawyers to the Portuguese legal system, to the substantive and procedural legislation, as well as to the legal platforms in current use, which jeopardises the rights, freedoms and guarantees of Portuguese citizens and, reciprocally, those of Brazilian citizens.

It should also be pointed out that numerous complaints have recently been sent to the OAP regarding the improper use of the reciprocity regime in force, which should only have effect in the context of registration as a lawyer with the respective professional bodies and not for obtaining registration or enrolment with other Bar Associations or Similar Professional Associations in other member states of the European Union, which are not, and never have been, party to this agreement.<sup>89</sup>

There appears to have been various reasons behind the decision of the Portuguese Bar Association to terminate the reciprocity agreement with the Brazilian Bar Association. The seriousness of them is challenging for outsiders to evaluate<sup>90</sup> but problems relating to differences in law and procedures, particularly considering the strong role of EU law in any European jurisdiction, are credible concerns. Also, the vast increase in the number of registered Brazilian lawyers in Portugal may have had its role to play in the considerations leading to this decision. The number of Brazilian lawyers in Portugal grew from just over

### Brazilian lawyers practicing in Portugal



Source: Portuguese Bar Association (Ordem dos Advogados Portuguesa).

500 lawyers to over 3,000 lawyers in five years (2017-2022). This is a lot in a country of 35,000 licensed lawyers (2022).

### 5.4 Foreign lawyers in England and Wales (UK)

The UK is the largest legal services market in Europe and second only to the US globally. Over half of the revenue of the largest 100 law firms in the UK is generated by international law firms based in London. The UK is made up of four countries, in which there are three legal jurisdictions: England and Wales, Scotland and Northern Ireland. From these, particularly the English and Welsh legal system is extensively used by foreign businesses; it is a very open jurisdiction that allows virtually unrestricted access to foreign parties.<sup>91</sup> Out of the three UK jurisdictions, particularly England and Wales has a very sophisticated system regulating the access of foreign lawyers to the professions of solicitor and barrister in that jurisdiction.

**In the UK, foreign lawyers must take the Solicitor's Qualifying Examination (SQE) to enter the legal profession**

Most foreign lawyers enter the legal profession in England and Wales as solicitors. To qualify for an exemption from the first part of the solicitors'

<sup>89</sup>Portuguese Bar Association (Ordem dos Advogados), "Comunicado: Acordo de Reciprocidade OAP e o CFOAB."

<sup>90</sup>According to Portuguese news reporting, the President of the Brazilian Bar Association (OAB) confronted the decision of the Portuguese side by citing a "colonial mentality" and speaking of "discrimination and prejudice" against Brazilian professionals. The President of the Portuguese Bar Association (OA), on her part, assured that there was no colonialism, arbitrariness or xenophobia involved but that the Brazilian and Portuguese legislations were too different and that it was incorrect to allow non-qualified individuals to practice the profession. See Advocatus, "Bastonaária dos advogados desmente Ordem brasileira e rejeita acusação de discriminação," SAPO News (July 2023), <https://eco.sapo.pt/2023/07/06/bastonaaria-dos-advogados-desmente-ordem-brasileira-e-rejeita-acusacao-de-discriminacao>

<sup>91</sup>"Doing Legal Business in England and Wales," *The Law Society of England and Wales*, accessed December 7, 2023, <https://www.lawsociety.org.uk/topics/international/doing-legal-business-in-england-and-wales>

exam, the Solicitor's Qualifying Examination 1 (SQE1)<sup>92</sup>, a foreign lawyer must show that their qualifications and/or experience are based on a legal system that is not substantially different from that in England and Wales. Lawyers from civil law jurisdictions are unlikely to obtain this exemption as the civil and common law jurisdictions are so different.

Foreign lawyers from civil law countries must therefore, in most cases, take the SQE1. However, they may be exempt from the second part of the exam, the SQE.<sup>93</sup> In that case, they must show that they have the same practice rights<sup>94</sup> as a solicitor of England and Wales, and at least two years' professional legal work experience. That work experience can be gained as part of one's qualification or post-qualification, or a combination of both.<sup>95</sup> A case-by-case study of the applicant's profile is carried out where the two-year professional experience is not part of the qualification route. Spanish lawyers cannot benefit from the automatic SQE2 exemption as the route to become a lawyer (*abogado*) in Spain does not include two years of professional experience. However, a Spanish lawyer can apply for an individual SQE2 exemption. This is so long as they have at least two years of legal work experience gained as part of their qualification or post-qualification (or a combination of both).

Moreover, any foreign lawyer who wants to become a manager or owner of a law firm (which is not an alternative business structure) in England and Wales can register with the Solicitors Regulation Authority (SRA) as a registered foreign lawyer (RFL). To become an RFL, foreign lawyers must apply to the SRA under section 89 of Schedule

14 to the Courts and Legal Services Act 1990 and regulation 6 of the SRA Authorisation of Individuals Regulations.

The UK's exit from the EU negatively affected the possibility of EU/EEA lawyers to access the legal profession in the country. As of 1 January 2021, the EU Directives ceased to apply in the UK, including the Lawyers' Establishment Directive 98/5/EC and the Mutual Recognition of Professional Qualifications Directive 2005/36/EC. The status of registered European lawyer is thus no longer available to lawyers from the EU, Iceland, Liechtenstein or Norway. All EU/EEA lawyers previously registered as European lawyers with the SRA have the option of registering as foreign lawyers. If they want to access the profession of solicitor or barrister, they have to follow the general rules and exemptions, similar to other nationalities.

The UK reached a separate agreement with Switzerland, which provides additional rights for Swiss nationals resident in the UK and UK nationals living in Switzerland. Under the UK-Switzerland Citizens Rights Agreement, Swiss lawyers can still apply for registered European lawyer status with the same practicing rights as before Brexit. This arrangement continues until the

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<sup>92</sup>SQE1 tests legal knowledge through a multiple choice test. SQE1 comprises two separate tests – FLK1 and FLK2. Exemption may be granted from either FLK1 or FLK2 or both.

<sup>93</sup>SQE2 tests practical skills through oral and written exams. SQE2 is a single assessment; it is not possible to obtain exemption from only part of SQE2.

<sup>94</sup>The practice rights must cover criminal and civil litigation, property practice, Wills and intestacy, probate administration and practice, and business practices rules and practices.

<sup>95</sup>"Apply for an individual SQE assessment exemption," Solicitors Regulation Authority, last modified September 29, 2023, <https://www.sra.org.uk/become-solicitor/qualified-lawyers/individual-sqe-assessment-exemption/>





end of 2024. However, the recent UK-Switzerland Agreement on the Recognition of Professional Qualifications, which should come into force in January 2025, will protect and indefinitely extend the existing right for Swiss lawyers to register in the UK and requalify after a three-year practice period.<sup>96</sup> Swiss lawyers also have a facilitated access to the profession of barrister.

The UK is actively pursuing additional MRAs with selected jurisdictions. Ongoing negotiations are currently underway between the UK and both Australia and India. In a recent UK-Australia free trade agreement, both countries committed to fostering a regulatory dialogue to streamline and simplify the processes for lawyers in both the UK and Australia to requalify in each other's jurisdictions.<sup>97</sup>

Simultaneously, negotiations for a free trade agreement with India are in progress, with the shared objective of expanding opportunities for legal professionals from both countries, particularly for UK lawyers in India (as the UK market is already relatively open towards Indian lawyers). A Memorandum of Understanding (MoU) has already been concluded between the Bar Council of India and the Law Society, along with the Bar Council of England and Wales. The Bar Council of India has committed to permitting the practice of home jurisdiction law by English and Welsh lawyers and law firms in India, based on reciprocity.<sup>98</sup> The MoU apparently locks in recent changes in Indian regulations allowing foreign lawyers to register in India when reciprocated by their home jurisdictions.

Notably, the inter-state UK-Swiss Agreement differs in approach compared to the initiatives with Australia and India, as regulatory dialogues with those countries are designed to be spearheaded by the respective legal professions' bar associations. While there may be varying perspectives among UK jurisdictions regarding the optimal contracting party, there is a prevailing sentiment that regulatory dialogues led by the legal professions are preferable to agreements embedded within trade deals. This approach acknowledges the nuanced nature of legal qualifications and aims to avoid potential pitfalls associated with MRAs created as part of broader international accords. The concern is that such agreements might introduce bespoke pathways to qualification that are not aligned with the preferences and structures of the legal professions, potentially disrupting existing systems to recognize foreign qualifications.<sup>99</sup>

The many exemptions available to foreign lawyers based on their foreign qualifications and professional experience in the UK, as well as the possibility to register as a foreign lawyer, highlight the openness of the UK, and particularly the English and Welsh jurisdiction, to foreign talent. The different access routes to the profession of solicitor in that jurisdiction have been carefully designed so that they fairly correspond to the different types of experience and qualifications that foreign lawyers have depending on their country of qualification. Even though the qualification system in England and Wales is complicated, the clear information on the website of the Solicitors Regulation Authority helps foreign lawyers to understand their possibilities to practice law in England and Wales and make an informed decision in that respect.

## 5.5 Practice rights in Latin American countries

Latin American lawyers are probably the most ideal candidates for a more facilitated access to the legal profession in Spain. Considering the shared language and similarities in the legal systems, countries such as Colombia, Mexico, Argentina, Venezuela, Chile and Peru could provide a remarkable source of talent for the Spanish legal market. While there are Latin American lawyers working in Spanish law firms, their number could be higher if the access to the profession

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<sup>96</sup>Bar Standards Board, *The BSB Handbook*, Rules Q14, Q16 and Q18, <https://www.barstandardsboard.org.uk/the-bsb-handbook.html>

<sup>97</sup>Christopher Nlesche, "Australia-UK Trade Agreement Paves Way for Lawyers to Work in Both Countries," *The Law* (June 2023), <https://www.law.com/international-edition/2023/06/05/australia-u-k-trade-agreement-paves-way-for-lawyers-to-work-in-both-countries/#:~:text=Law%20firms%20in%20Australia%20and,easily%20operate%20in%20both%20countries>

<sup>98</sup>"Memorandum of Understanding signed with Bar Council of India," *The Bar Council*, (June 2023), <https://www.barcouncil.org.uk/resource/memorandum-of-understanding-signed-with-bar-council-of-india.html#:~:text=The%20Bar%20Council%20of%20England,sector%20to%20foreign%20lawyers>

<sup>99</sup>MRAs in the area of professional qualifications tend to be regulator-led, meaning agreements between professional regulators such as bar associations in the respective jurisdictions. The UK-Swiss agreement was exceptionally concluded on the level of the respective states while their regulatory bodies for the concerned professions were consulted in the process. Some of the professional regulators in the UK were not content with this procedure. For example, the Solicitors Regulation Authority of England and Wales and the Law Society of Scotland expressed that they did not believe that similar agreements should be considered for other countries. By contrast, the Law Society and the Bar Council of England and Wales welcomed the prospect of similar international agreements by the UK. See UK Parliament, House of Lords, *International Agreements Committee Scrutiny of International Agreements: Agreement with Switzerland on the Mutual Recognition of Professional Qualifications*, 24th Report of Session 2022-23, (September 20, 2023), <https://publications.parliament.uk/pa/ld5803/ldselect/ldintagr/257/25702.htm> However, the problem with regulatory alignment outside trade agreements is that such standalone MRAs do not necessarily allow for foreign professionals to obtain visas or residence permits to move to the country.

was easier. The attractiveness of Spain could grow as a destination if there was a perceived openness towards Latin American lawyers as well as recognition of their talent and input. Many Latin American lawyers come to Spain with several years of relevant work experience and understandably expect that to reflect in their roles and wages.

However, the regulation, or rather lack of regulation, of the legal profession in many Latin American countries represents a certain shortcoming. Most jurisdictions on the continent allow law graduates to practice law based on their first law diploma, without having to undertake any specialized training path or bar exam. Registration with a bar (*la colegiatura*) is not always obligatory or it is required only for specific acts. In any case, the use of the title of lawyer (*abogado*) is, in most Latin American jurisdictions, based on the university title alone and possibly required affiliation with a bar association is a matter of a simple registration without further requirements. The first-level diplomas can, however, be somewhat longer than their Spanish counterparts (the *Grado en Derecho*), amounting to five or even six years of study. Also, some Latin American countries have demanding final examinations at the end of the law degree.

As an example, in Argentina, although depending on each province, the article that is most frequently repeated in the local laws regulating the legal profession is expressed as follows:

**Art. X.-** Para ejercer la profesión de abogado en la jurisdicción de esta provincia, se requiere:

1. Tener el título de abogado expedido por universidad nacional o por universidad extranjera, cuando las leyes nacionales le otorgan validez o estuviese revalidado por universidad nacional.
2. Estar inscripto en la matrícula del Colegio de Abogados creado por la presente ley.

In this sense, the academic title of lawyer (*abogado*) from a university is directly connected with the title of lawyer - a practice similar to the Spanish system before the reform of 2011. The only requirement for the practice of law is the inscription in one of the Argentinian Bar Associations without further requirements. A similar system is in place at least in Colombia, Venezuela, Mexico and Peru. In Mexico and Peru, bar membership is generally not even required for the right to practice.<sup>100</sup> Chile is one of the few Latin American jurisdictions where law graduates have to do a

six-month internship with the *Corporaciones de Asistencia Judicial* before being able to be sworn in as lawyers (*abogados*).

In most Latin American jurisdictions, similar to the rest of the world, foreign lawyers have only limited practice rights on their home country law and public international law, depending on reciprocal commitments in trade agreements (such as the United States-Mexico-Canada Agreement). A Colombian lawyer, or a Spanish one, must have their Colombian or Spanish qualifications recognized in Mexico in order to practice there with the local title of a Mexican *abogado*. The recognition *revalidación* is based on a combined review of one's previous law studies and professional experience, complemented by an exam testing the candidate's knowledge of Mexican law.<sup>101</sup>

**Spain could grow as a destination if there was a perceived openness towards Latin American lawyers, as well as recognition of their talent and input**

It may be pondered if a more rigorous access control to the legal profession in Latin American countries for national law graduates could pave the way for a mutual recognition of qualifications in other jurisdictions, particularly in Spain - akin to the arrangement between France and Quebec or Portugal and Brazil. However, even now the Spanish regulator could make room for a more facilitated access to Latin American lawyers, taking into account either their educational or professional background. Inspiration could be drawn from the sophisticated system of exemptions available in England and Wales. Also, the aptitude examination in France (Article 100 procedure, open to all foreigners) is a particularly interesting example as it gives the possibility to enter the French Bar for all foreigners with practice rights in their country of origin, as long as they can demonstrate their knowledge of French law.

<sup>100</sup>An interesting comparison of the access to the legal profession in Peru and the US is provided by Walter Piazza, a Peruvian/American lawyer. See Walter Piazza, "De Barras y colegios," *Enfoque Derecho* (November, 2019), <https://www.enfoquederecho.com/2019/11/22/de-barras-y-colegios/>

<sup>101</sup>Óscar Cruz Barney, "La internacionalización de la abogacía en México, Reforma Judicial," *Revista Mexicana De Justicia* 1, no. 23, (2014): 79-99, <https://revistas.juridicas.unam.mx/index.php/reforma-judicial/article/view/8857/12571>

# 06. Conclusions and recommendations

This paper has explained the different routes for foreign lawyers and law graduates to access the legal profession in Spain. The access rules for European lawyers are the most accommodating ones, even though a possible area of conflict with EU law was identified with respect to European law graduates without practice rights in their country of origin. On the other hand, the paper recognizes that the current prerequisites to access the legal profession in Spain are particularly penalizing for foreign lawyers coming from outside the EU/EEA. They are required to obtain two Spanish legal degrees - a bachelor and a master's degree - while no consideration is given to their home titles or professional experience.

A sudden and vast opening of the legal profession to foreign professionals is probably not a desired outcome in any jurisdiction, especially in cases where there is a big source of potential talent waiting to enter the market. This seems to have happened in Portugal, where the opening of the legal profession to Brazilian lawyers led their numbers to grow from just over 500 lawyers to over 3,000 lawyers in five years (2017-2022). This is a lot in a country of 35,000 licensed lawyers (2022). Moreover, the quick opening proved problematic also in terms of the sudden adaptation of the Brazilian lawyers to the Portuguese legal system. The experience with Italian lawyers in Spain has also been marked by some challenges, exemplified by assertive marketing strategies and the relaxed awarding of Spanish law degrees in certain cases.

Any opening of a professional service sector to foreigners should be a careful balancing act where the needs of the market are balanced with sufficient control of the quantity and quality of new entrants. Quantities are hard to control with

numerous clauses as quotas are problematic, not only under national law, but also in light of international trade commitments (Chapter 2). A more feasible way to control the entry of foreign professionals into a regulated profession is, therefore, a certain restraint on the recognition of their professional qualifications. However, overly strict qualification standards may hinder the attraction of top foreign talent.

In Chapter 4 it was discussed how each foreign lawyer faces their own difficulties in a foreign legal market. In addition to differences and similarities in legal substance, there are language





and cultural considerations. The various rules addressing the practice of foreign lawyers ideally take all these aspects into consideration. The result is necessarily an equilibrium between the need for foreign expertise and the preservation of the proper administration of justice and protection of the clients' interests in the market concerned.

A positive aspect of the Spanish path to becoming a lawyer is that it is simple: the same system applies to everyone and it is easy to explain. However, such a homogenous system does not take into account the diversity of legal profiles and, in particular, the different backgrounds of immigrant lawyers. There are no tailored paths for foreign lawyers to enter the profession in Spain, which can be considered a serious handicap in the modern reality of a global legal profession.

For instance in France, foreign lawyers do not have to go through the training path for French law graduates, but can instead take an exam (a serious one) on French law to become qualified in France. Moreover, lawyers from Quebec (a similar legal culture to France) are only required to sit a simple test on professional ethics. In the UK, on the other hand, the recognition of foreign legal qualifications is carefully tailored to individually consider foreign lawyers' foreign practice rights and professional experience. Foreign lawyers that meet the requirements do not have to take all the local exams and internships to access the professions of solicitor and barrister. In the US, foreign lawyers can take the US bar exam directly after an American LLM degree, and based on a foreign title alone in some cases in New York and California. The LLM degrees are valuable as such and may boost the foreign lawyer's career even without the US bar exam.



Contrastingly, in Spain, the sole route to obtaining the regulated title of *abogado* is through the 18-month Master de Acceso program, which is mainly run by universities. Foreign lawyers must undergo the entire program without any involvement from Spanish bar associations or any other regulator to evaluate their earlier qualifications. This master's program is closely intertwined with the practice of law in Spain, which may not be appealing to law graduates seeking a more specialized master's degree at that stage in their career. While homologation of foreign legal qualifications is a theoretical possibility under Spanish law, that option is without much practical significance. Foreign lawyers are in any case required to obtain a Spanish bachelor's degree, with only a portion of their foreign credits recognized. The entire process of obtaining a Spanish bachelor's degree in law, combined with the Máster de Acceso, typically takes three years or more to complete.

The Spanish legal sector is in need of more talent as the number of Spanish law graduates declines. This makes foreign talent increasingly attractive for law firms and other employers. Due to the common language and similarities in legal cultures, many Latin American lawyers offer an especially promising source of legal expertise for the Spanish market. However, current Spanish legislation is not only very confusing but also does not provide an appropriate pathway for them to enter the legal profession in Spain.

Spanish regulators should consider implementing exemptions for Latin American lawyers, such as reinstating the homologation of Latin American lawyers' degrees and providing them with direct access to the Máster de Acceso a la Abogacía.

The current practices set Spain apart from some of the most attractive destinations for foreign lawyers and may not reflect an aspiration to become a globally accessible jurisdiction for practitioners. Even slightly more open access to the legal profession could allow Spain to be positioned as one of the global hubs for legal transactions and operations, as well as enhance Spain's reputation in the global competition for exceptional legal talent.

## KEY RECOMMENDATIONS:

### Regulators:

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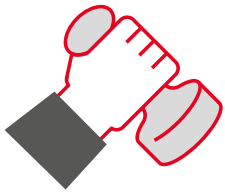
1. Enhance the accessibility and transparency of information regarding access routes for foreign lawyers in Spain, drawing inspiration from well-designed web pages such as the Solicitors Regulation Authority in the UK.
2. Reinstate the homologation of foreign law degrees on the level of the bachelor's degree and provide eligible candidates with direct entry to the Máster de Acceso.
3. Establish clear guidelines for the recognition of foreign studies by Spanish universities (*convalidación*), with a minimal number of additional studies for candidates from countries with similar legal cultures.
4. Explore the possibility of a US-type bar exam, featuring less prior study but a rigorous entry exam to expedite the path for motivated immigrant lawyers.
5. Consider mutual recognition agreements (MRAs) with certain Latin American countries, subjecting foreign lawyers benefiting from MRAs to a faster re-qualification process.
6. Involve Spanish bar associations in recognizing foreign legal qualifications, addressing potential misalignments with EU law for EU/EEA citizens.

### Spanish law schools:

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1. Enhance the transparency of the recognition process of foreign studies in Spanish universities.
2. Expand the availability of dual degrees with foreign universities and expedite paths for convalidation (recognition of foreign studies), potentially in collaboration with the universities of origin.
3. Introduce more double degrees in conjunction with the Máster de Acceso to facilitate deeper specialization and enhance its appeal for foreign graduates.
4. Improve career services for foreign students by providing assistance with internships, guidance on the local labor market, and interview techniques.

# Key recommendations

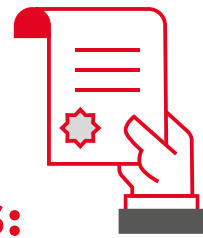


## Regulators:

- 1 Enhance the transparency of information** regarding access routes to the Spanish legal profession for foreigners.
- 2 Consider exemptions for lawyers from specific jurisdictions**, for example by reinstating a homologation of law degrees of Latin American lawyers.
- 3 Establish clear guidelines** for the recognition of foreign studies at Spanish universities.
- 4 Explore the possibility of a US-type bar exam** to expedite the path for motivated immigrant lawyers.
- 5 Consider mutual recognition agreements (MRAs)** with certain Latin American countries.
- 6 Involve Spanish bar associations** in recognizing foreign legal qualifications.



## Spanish law schools:



- 1 Enhance the transparency** of the recognition process of foreign studies.
- 2 Expand the availability** of dual degrees with foreign universities and expedite paths for convalidation.
- 3 Introduce more double degrees** to facilitate deeper specialization during the practical Master in Lawyering.
- 4 Improve career services for foreign law students** by providing assistance with internships, guidance on the local labor market, and interview techniques.





# Annex 1

## Trends in the number and origin of law students in Spain

### Information given by Abogacía Española (31/10/2023)

Total No. Foreign Lawyers (including EU/EEA lawyers and all other nationalities):	6,918
EU/EEA Lawyers (abogados en la lista de europeos inscritos):	1,425
Total No. of lawyers in Spain 31/12/2022	153,757

## Bachelor Degree Law: Newly inscribed law undergraduate students by type of university, sex, region

*Estudiantes de nuevo ingreso en grado por tipo y modalidad de la universidad, sexo, zona de nacionalidad y rama de enseñanza*

Overall trend - decrease in matriculation numbers for bachelor's in law but the opposite holds true for foreign law students; there is a steady increase in their numbers (increased by 29.76% from 2016-2023).

The strongest demographics are EU (30.65% of total foreign students) and Latam (45.99% of total foreign students)

### TOTAL (INCLUDES BOTH TYPES OF UNIVERSITIES (PRIVATE AND PUBLIC))

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	25.112	25.069	27.090	25.071	26.303	26.748	28.682
Spain	22.779	22.994	24.996	23.087	24.302	24.761	26.884
EU	715	715	758	788	843	934	852
Rest of Europe	189	161	163	163	144	164	136
US and Canada	50	26	24	14	22	20	23
Latam and Caribbean	1.073	855	819	746	725	615	536
North Africa	114	148	144	115	113	112	111
Rest of Africa	95	78	90	73	73	71	77
Asia and Oceania	97	92	96	85	81	71	63
<b>Male</b>							
<b>Total</b>	9.599	9.737	10.922	10.446	11.136	11.622	12.910
Spain	8.833	9.059	10.243	9.747	10.413	10.902	12.255
EU	238	206	221	284	317	353	316
Rest of Europe	54	33	41	42	39	44	43
US and Canada	17	5	4	8	8	9	11
Latam and Caribbean	359	318	297	279	260	210	187
North Africa	28	53	48	29	34	41	35
Rest of Africa	39	32	40	33	33	39	45
Asia and Oceania	31	31	28	24	32	24	18
<b>Female</b>							
<b>Total</b>	15.513	15.332	16.168	14.625	15.167	15.126	15.772
Spain	13.946	13.935	14.753	13.340	13.889	13.859	14.629
EU	477	509	537	504	526	581	536
Rest of Europe	135	128	122	121	105	120	93
US and Canada	33	21	20	6	14	11	12
Latam and Caribbean	714	537	522	467	465	405	349
North Africa	86	95	96	86	79	71	76
Rest of Africa	56	46	50	40	40	32	32
Asia and Oceania	66	61	68	61	49	47	45

## Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	0.17	-7.46	8.05	-4.68	-1.66	-6.74
Spain	-0.94	-8.01	8.27	-5.00	-1.85	-7.90
EU	0.00	-5.67	-3.81	-6.52	-9.74	9.62
Rest of Europe	17.39	-1.23	0.00	13.19	-12.20	20.59
US and Canada	92.31	8.33	71.43	-36.36	10.00	-13.04
Latam and Caribbean	25.50	4.40	9.79	2.90	17.89	14.74
North Africa	-22.97	2.78	25.22	1.77	0.89	0.90
Rest of Africa	21.79	-13.33	23.29	0.00	2.82	-7.79
Asia and Oceania	5.43	-4.17	12.94	4.94	14.08	12.70

## PUBLIC UNIVERSITIES

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	19.047	19.609	22.024	20.570	21.563	22.300	24.147
Spain	17.661	18.280	20.622	19.174	20.243	20.963	22.884
EU	492	502	488	532	494	533	515
Rest of Europe	117	98	119	118	104	129	108
US and Canada	8	4	2	3	5	6	12
Latam and Caribbean	533	459	529	507	491	449	408
North Africa	91	131	126	109	104	102	101
Rest of Africa	81	67	75	61	63	62	69
Asia and Oceania	64	68	63	66	59	56	50
<b>Male</b>							
<b>Total</b>	7.050	7.271	8.659	8.407	8.893	9.504	10.576
Spain	6.619	6.879	8.250	7.965	8.478	9.086	10.168
EU	145	129	109	155	136	146	142
Rest of Europe	27	16	29	31	27	34	39
US and Canada	3	2	0	2	0	3	5
Latam and Caribbean	181	159	175	178	170	145	137
North Africa	22	42	44	28	29	35	30
Rest of Africa	34	26	35	32	28	37	42
Asia and Oceania	19	18	17	16	25	18	13
<b>Female</b>							
<b>Total</b>	11.997	12.338	13.365	12.163	12.670	12.796	13.571
Spain	11.042	11.401	12.372	11.209	11.765	11.877	12.716
EU	347	373	379	377	358	387	373
Rest of Europe	90	82	90	87	77	95	69
US and Canada	5	2	2	1	5	3	7
Latam and Caribbean	352	300	354	329	321	304	271
North Africa	69	89	82	81	75	67	71
Rest of Africa	47	41	40	29	35	25	27
Asia and Oceania	45	50	46	50	34	38	37



## Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	-2.87	-10.97	7.07	-4.61	-3.30	-7.65
Spain	-3.39	-11.36	7.55	-5.28	-3.43	-8.39
EU	-1.99	2.87	-8.27	7.69	-7.32	3.50
Rest of Europe	19.39	-17.65	0.85	13.46	-19.38	19.44
US and Canada	100.00	100.00	-33.33	-40.00	-16.67	-50.00
Latam and Caribbean	16.12	-13.23	4.34	3.26	9.35	10.05
North Africa	-30.53	3.97	15.60	4.81	1.96	0.99
Rest of Africa	20.90	-10.67	22.95	-3.17	1.61	-10.14
Asia and Oceania	-5.88	7.94	-4.55	11.86	5.36	12.00

## PRIVATE UNIVERSITIES

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	6.065	5.460	5.066	4.501	4.740	4.448	4.535
Spain	5.118	4.714	4.374	3.913	4.059	3.798	4.000
EU	223	213	270	256	349	401	337
Rest of Europe	72	63	44	45	40	35	28
US and Canada	42	22	22	11	17	14	11
Latam and Caribbean	540	396	290	239	234	166	128
North Africa	23	17	18	6	9	10	10
Rest of Africa	14	11	15	12	10	9	8
Asia and Oceania	33	24	33	19	22	15	13
<b>Male</b>							
<b>Total</b>	2.549	2.466	2.263	2.039	2.243	2.118	2.334
Spain	2.214	2.180	1.993	1.782	1.935	1.816	2.087
EU	93	77	112	129	181	207	174
Rest of Europe	27	17	12	11	12	10	4
US and Canada	14	3	4	6	8	6	6
Latam and Caribbean	178	159	122	101	90	65	50
North Africa	6	11	4	1	5	6	5
Rest of Africa	5	6	5	1	5	2	3
Asia and Oceania	12	13	11	8	7	6	5
<b>Female</b>							
<b>Total</b>	3.516	2.994	2.803	2.462	2.497	2.330	2.201
Spain	2.904	2.534	2.381	2.131	2.124	1.982	1.913
EU	130	136	158	127	168	194	163
Rest of Europe	45	46	32	34	28	25	24
US and Canada	28	19	18	5	9	8	5
Latam and Caribbean	362	237	168	138	144	101	78
North Africa	17	6	14	5	4	4	5
Rest of Africa	9	5	10	11	5	7	5
Asia and Oceania	21	11	22	11	15	9	8

Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	11.08	7.78	12.55	-5.04	6.56	-1.92
Spain	8.57	7.77	11.78	-3.60	6.87	-5.05
EU	4.69	-21.11	5.47	-26.65	-12.97	18.99
Rest of Europe	14.29	43.18	-2.22	12.50	14.29	25.00
US and Canada	90.91	0.00	100.00	-35.29	21.43	27.27
Latam and Caribbean	36.36	36.55	21.34	2.14	40.96	29.69
North Africa	35.29	-5.56	200.00	-33.33	-10.00	0.00
Rest of Africa	27.27	-26.67	25.00	20.00	11.11	12.50
Asia and Oceania	37,50	-27.27	73.68	-13.64	46.67	15.38

Source: Sistema Integrado de Información Universitaria (SIIU). Secretaría General de Universidades.

## Master in Law (Máster en Derecho) and Master for Accessing the Legal Profession (Máster de Acceso a la Abogacía)

Explanation of classifications:

Derecho (042101) – All Masters in Law except for Máster de Acceso a la Abogacía.

Abogacía (042102) - Máster de Acceso a la Abogacía.

The annual changes in the numbers of foreign students are presented in the following tables.

Overall trend: The proportion of foreign students enrolled in various law master's programs in Spain is notably high, comprising mainly Latin American students (36% of master's students in law in Spain in 2022-23 are of Latin American origin). EU and other foreign students constitute around 5% of the student body. However, in the Máster de Acceso a la Abogacía, foreign students make up a minimal percentage (5.4% in 2022-23), with Latin American students accounting for 1.6% and EU students for 2.8% of this group.

There is a notable downwards trend in EU foreign students studying the Master de Acceso a la Abogacía (short recovery period on academic year (AY) 2020-2021, but overall -54.12% in the period between 2016-2023). At the same time, there is an upwards trend for Latin American students (up from 148 enrolled students in 2016-2017 to 266 students in 2022-2023).

**THE BIGGEST SOURCE REGIONS  
OF FOREIGN LAW STUDENTS**

<b>Period 2022-2023</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>
Matriculation Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Caribbean	36.09	24.96
	EU	2.25	-1.39
	Rest of Europe	0.74	-11.32
Matriculation Abogacia (Master de Acceso a la Abogacía)	Latam and Caribbean	1.63	-18.65
	EU	2.77	-7.96
	Rest of Europe	0.48	1.3
	Total foreign students	5.43	-8.77

<b>Period 2021-2022</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>
Matriculation Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Caribbean	31.05	5.68
	EU	2.45	7.46
	Rest of Europe	0.9	60.61
Matriculation Abogacia (Master de Acceso a la Abogacía)	Latam and Caribbean	2	61.08
	EU	2.99	2.73
	Rest of Europe	0.47	14.93
	Total foreign students	5.92	17.6

<b>Period 2020-2021</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>
Matriculation Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Caribbean	32.38	-6.61
	EU	2.52	-7.59
	Asia and Oceania	1.52	47.27
Matriculation Abogacia (Master de Acceso a la Abogacía)	Latam and Caribbean	1.32	6.84
	EU	3.09	-18.74
	Rest of Europe	0.43	0.43
	Total foreign students	5.34	-9.55



<b>Period 2019-2020</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous AY (%)</b>	<b>Total percentage change (of foreign students) 2016-2022 (%)</b>
Matriculation Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Carribean	36.09	21.67	
	EU	2.84	1.40	
	Asia and Oceania	1.08	-8.33	
Matriculation Abogacia (Master de Acceso a la Abogacía)	Latam and Carribean	1.26	-1.04	
	EU	3.9	-24.55	
	Rest of Europe	0,44	-1.47	
	Total foreign students	6.05	-16.11	-28.19

<b>Period 2022-2023</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>
Graduates of Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Carribean	32.45	-2.02
	EU	2.89	5.13
	Rest of Europe	1.13	77.78
	Total foreign students	38.2	-3.04
Graduating Abogacía (Master de Acceso a la Abogacía)	Latam and Carribean	2.28	114.29
	EU	2.76	10.5
	Rest of Europe	0.47	17.24
	Total foreign students	5.97	35.42

<b>Period 2021-2022</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>
Graduating Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Carribean	34.18	-11.42
	EU	2.84	-9.3
	Asia and Oceania	2	89.66
	Total foreign students	40.66	-9.33
Graduating Abogacía (Master de Acceso a la Abogacía)	Latam and Carribean	1.31	16.67
	EU	2.66	-42.36
	Rest of Europe	0.43	-12.12
	Total foreign students	4.69	-27.5

<b>Period 2020-2021</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>
Graduating Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Carribean	38.38	46.81
	EU	3.11	16.22
	Asia and Oceania	0.94	-21.62
	Total foreign students	44.61	38.74
Graduating Abogacía (Master de Acceso a la Abogacía)	Latam and Carribean	0.94	-12
	EU	4.54	-13.97
	Rest of Europe	0.48	10
	Total foreign students	6.36	-10.02

<b>Period 2019-2020</b>	<b>Region</b>	<b>Percentage of total students (%)</b>	<b>Percentage change (foreign students) compared to previous academic year (%)</b>	<b>Total percentage change (of foreign students) 2016-2022 (%)</b>
Graduating Derecho (Master degrees in law, excluding Master de Acceso)	Latam and Carribean	29.24	6.33	
	EU	3	5.71	
	Asia and Oceania	1.5	76.19	
	Total foreign students	35.7	8.96	62.86
Graduatingn Abogacia (Master de Acceso a la Abogacía)	Latam and Carribean	1.82	8.7	
	EU	5.44	-26.71	
	Rest of Europe	0.45	7.14	
	Total foreign students	7.29	-20.75	28.19

## Degree statistics by type of university, sex and region of origin Students Matriculated in the Masters (Law (Derecho - Code 042101))

Matriculados por nivel académico, tipo y modalidad de la universidad, sexo, zona de nacionalidad y campo de estudio

### TOTAL (INCLUDES BOTH TYPES OF UNIVERSITIES (PRIVATE AND PUBLIC))

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	6.312	5.871	5.328	5.109	4.943	4.619	4.816
Spain	3.701	3.733	3.295	2.959	3.112	2.967	3.474
EU	142	144	134	145	143	109	120
Rest of Europe	47	53	33	33	49	48	42
US and Canada	27	24	20	24	32	29	34
Latam and Caribbean	2.278	1.823	1.725	1.847	1.518	1.395	1.082
North Africa	45	20	18	23	8	9	4
Rest of Africa	33	35	22	23	21	15	21
Asia and Oceania	39	39	81	55	60	47	39
<b>Male</b>							
<b>Total</b>	2.784	2.571	2.526	2.401	2.324	2.145	2.362
Spain	1.512	1.521	1.435	1.309	1.386	1.302	1.648
EU	54	51	45	51	57	45	50
Rest of Europe	9	10	5	7	12	14	8
US and Canada	11	10	7	15	17	13	16
Latam and Caribbean	1.134	926	949	971	808	730	594
North Africa	19	9	12	8	2	7	3
Rest of Africa	24	28	18	20	15	15	17
Asia and Oceania	21	16	55	20	27	19	26
<b>Female</b>							
<b>Total</b>	3.528	3.300	2.802	2.708	2.619	2.474	2.454
Spain	2.189	2.212	1.860	1.650	1.726	1.665	1.826
EU	88	93	89	94	86	64	70
Rest of Europe	38	43	28	26	37	34	34
US and Canada	16	14	13	9	15	16	18
Latam and Caribbean	1.144	897	776	876	710	665	488
North Africa	26	11	6	15	6	2	1
Rest of Africa	9	7	4	3	6	0	4
Asia and Oceania	18	23	26	35	33	28	13

### Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	7.51	10.19	4.29	3.36	7.01	-4.09
Spain	-0.86	13.29	11.36	-4.92	4.89	-14.59
EU	-1.39	7.46	-7.59	1.40	31.19	-9.17
Rest of Europe	-11.32	60.61	0.00	-32.65	2.08	14.29
US and Canada	12.50	20.00	-16.67	-25.00	10.34	-14.71
Latam and Caribbean	24.96	5.68	-6.61	21.67	8.82	28.93
North Africa	125.00	11.11	-21.74	187.50	-11.11	125.00
Rest of Africa	-5.71	59.09	-4.35	9.52	40.00	-28.57
Asia and Oceania	0.00	-51.85	47.27	-8.33	27.66	20.51



## PUBLIC UNIVERSITIES

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	3.380	3.587	3.261	3.248	3.401	3.311	2.952
Spain	2.252	2.550	2.250	2.076	2.161	2.073	1.973
EU	89	100	97	106	110	80	79
Rest of Europe	27	40	29	29	41	46	36
US and Canada	7	7	7	11	11	12	15
Latam and Caribbean	922	830	781	961	1.019	1.051	811
North Africa	42	17	17	21	8	9	4
Rest of Africa	10	8	8	2	7	4	8
Asia and Oceania	31	35	72	42	44	36	26
<b>Male</b>							
<b>Total</b>	1.450	1.505	1.463	1.431	1.569	1.473	1.420
Spain	897	1.010	945	877	949	878	917
EU	34	34	30	37	43	28	28
Rest of Europe	4	9	4	7	10	13	6
US and Canada	3	1	3	7	7	7	8
Latam and Caribbean	471	426	416	483	538	525	438
North Africa	19	7	11	8	2	7	3
Rest of Africa	6	5	6	1	2	4	4
Asia and Oceania	16	13	48	11	18	11	16
<b>Female</b>							
<b>Total</b>	1.930	2.082	1.798	1.817	1.832	1.838	1.532
Spain	1.355	1.540	1.305	1.199	1.212	1.195	1.056
EU	55	66	67	69	67	52	51
Rest of Europe	23	31	25	22	31	33	30
US and Canada	4	6	4	4	4	5	7
Latam and Caribbean	451	404	365	478	481	526	373
North Africa	23	10	6	13	6	2	1
Rest of Africa	4	3	2	1	5	0	4
Asia and Oceania	15	22	24	31	26	25	10

Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	-5.77	10.00	0.40	-4.50	2.72	12.16
Spain	-11.69	13.33	8.38	-3.93	4.25	5.07
EU	-11.00	3.09	-8.49	-3.64	37.50	1.27
Rest of Europe	-32.50	37.93	0.00	-29.27	-10.87	27.78
US and Canada	0.00	0.00	-36.36	0.00	-8.33	-20.00
Latam and Caribbean	11.08	6.27	-18.73	-5.69	-3.04	29.59
North Africa	147.06	0.00	-19.05	162.50	-11.11	125.00
Rest of Africa	25.00	0.00	300.00	-71.43	75.00	-50.00
Asia and Oceania	-11.43	-51.39	71.43	-4.55	22.22	38.46

## PRIVATE UNIVERSITIES

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	2.932	2.284	2.067	1.861	1.542	1.308	1.864
Spain	1.449	1.183	1.045	883	951	894	1.501
EU	53	44	37	39	33	29	41
Rest of Europe	20	13	4	4	8	2	6
US and Canada	20	17	13	13	21	17	19
Latam and Caribbean	1.356	993	944	886	499	344	271
North Africa	3	3	1	2	0	0	0
Rest of Africa	23	27	14	21	14	11	13
Asia and Oceania	8	4	9	13	16	11	13
<b>Male</b>							
<b>Total</b>	1.334	1.066	1.063	970	755	672	942
Spain	615	511	490	432	437	424	731
EU	20	17	15	14	14	17	22
Rest of Europe	5	1	1	0	2	1	2
US and Canada	8	9	4	8	10	6	8
Latam and Caribbean	663	500	533	488	270	205	156
North Africa	0	2	1	0	0	0	0
Rest of Africa	18	23	12	19	13	11	13
Asia and Oceania	5	3	7	9	9	8	10
<b>Female</b>							
<b>Total</b>	1.598	1.218	1.004	891	787	636	922
Spain	834	672	555	451	514	470	770
EU	33	27	22	25	19	12	19
Rest of Europe	15	12	3	4	6	1	4
US and Canada	12	8	9	5	11	11	11
Latam and Caribbean	693	493	411	398	229	139	115
North Africa	3	1	0	2	0	0	0
Rest of Africa	5	4	2	2	1	0	0
Asia and Oceania	3	1	2	4	7	3	3

### Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	28.37	10.50	11.07	20.69	17.89	-29.83
Spain	22.49	13.21	18.35	-7.15	6.38	-40.44
EU	20.45	18.92	-5.13	18.18	13.79	-29.27
Rest of Europe	53.85	225.00	0.00	-50.00	300.00	-66.67
US and Canada	17.65	30.77	0.00	-38.10	23.53	-10.53
Latam and Caribbean	36.56	5.19	6.55	77.56	45.06	26.94
North Africa	0.00	200.00	-50.00	-	-	-
Rest of Africa	-14.81	92.86	-33.33	50.00	27.27	-15.38
Asia and Oceania	100.00	-55.56	-30.77	-18.75	45.45	-15.38

Source: Sistema Integrado de Información Universitaria (SIIU). Secretaría General de Universidades.

## Students Matriculated in the Masters (Law (Abogacia - Code 042102))

Matriculados por nivel académico, tipo y modalidad de la universidad, sexo, zona de nacionalidad y campo de estudio

### TOTAL (INCLUDES BOTH TYPES OF UNIVERSITIES (PRIVATE AND PUBLIC))

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	16.287	16.369	15.433	15.065	15.097	14.797	13.624
Spain	15.403	15.400	14.609	14.154	14.011	13.470	12.393
EU	451	490	477	587	778	1.058	983
Rest of Europe	78	77	67	67	68	63	65
US and Canada	7	5	4	9	5	2	3
Latam and Caribbean	266	327	203	190	192	162	148
North Africa	34	31	37	31	23	19	11
Rest of Africa	18	11	10	5	7	8	6
Asia and Oceania	30	28	26	22	13	15	15
<b>Male</b>							
<b>Total</b>	6.728	6.775	6.543	6.493	6.455	6.310	5.845
Spain	6.416	6.403	6.222	6.113	5.973	5.701	5.265
EU	158	201	201	261	375	531	502
Rest of Europe	21	20	21	21	22	16	20
US and Canada	4	1	0	1	1	2	3
Latam and Caribbean	107	134	83	78	68	44	42
North Africa	10	7	6	11	8	7	4
Rest of Africa	6	6	5	2	3	3	4
Asia and Oceania	6	3	5	6	5	6	5
<b>Female</b>							
<b>Total</b>	9.559	9.594	8.890	8.572	8.642	8.487	7.779
Spain	8.987	8.997	8.387	8.041	8.038	7.769	7.128
EU	293	289	276	326	403	527	481
Rest of Europe	57	57	46	46	46	47	45
US and Canada	3	4	4	8	4	0	0
Latam and Caribbean	159	193	120	112	124	118	106
North Africa	24	24	31	20	15	12	7
Rest of Africa	12	5	5	3	4	5	2
Asia and Oceania	24	25	21	16	8	9	10

Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	-0.50	6.06	2.44	-0.21	2.03	8.61
Spain	0.02	5.41	3.21	1.02	4.02	8.69
EU	-7.96	2.73	-18.74	-24.55	-26.47	7.63
Rest of Europe	1.30	14.93	0.00	-1.47	7.94	-3.08
US and Canada	40.00	25.00	-55.56	80.00	150.00	-33.33
Latam and Caribbean	-18.65	61.08	6.84	-1.04	18.52	9.46
North Africa	9.68	-16.22	19.35	34.78	21.05	72.73
Rest of Africa	63.64	10.00	100.00	-28.57	-12.50	33.33
Asia and Oceania	7.14	7.69	18.18	69.23	-13.33	0.00



## PUBLIC UNIVERSITIES

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	8.458	8.905	8.972	8.761	8.807	8.627	7.984
Spain	8.059	8.505	8.552	8.382	8.453	8.277	7.674
EU	196	216	228	186	179	197	175
Rest of Europe	39	44	37	43	50	39	43
US and Canada	1	0	1	6	3	2	2
Latam and Caribbean	106	86	97	98	92	86	73
North Africa	23	25	32	27	17	12	8
Rest of Africa	16	10	9	4	6	6	2
Asia and Oceania	18	19	16	15	7	8	7
<b>Male</b>							
<b>Total</b>	3.326	3.483	3.696	3.628	3.581	3.473	3.243
Spain	3.209	3.366	3.555	3.514	3.481	3.372	3.159
EU	50	65	83	46	40	54	49
Rest of Europe	12	10	8	10	14	10	12
US and Canada	1	0	0	0	0	2	2
Latam and Caribbean	35	28	37	42	35	25	14
North Africa	8	6	6	10	5	5	3
Rest of Africa	6	6	5	2	3	2	1
Asia and Oceania	5	2	2	4	3	3	3
<b>Female</b>							
<b>Total</b>	5.132	5.422	5.276	5.133	5.226	5.154	4.741
Spain	4.850	5.139	4.997	4.868	4.972	4.905	4.515
EU	146	151	145	140	139	143	126
Rest of Europe	27	34	29	33	36	29	31
US and Canada	0	0	1	6	3	0	0
Latam and Caribbean	71	58	60	56	57	61	59
North Africa	15	19	26	17	12	7	5
Rest of Africa	10	4	4	2	3	4	1
Asia and Oceania	13	17	14	11	4	5	4

### Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	-5.02	-0.75	2.41	-0.52	2.09	8.05
Spain	-5.24	-0.55	2.03	-0.84	2.13	7.86
EU	-9.26	-5.26	22.58	3.91	-9.14	12.57
Rest of Europe	-11.36	18.92	-13.95	-14.00	28.21	-9.30
US and Canada	-	-100.00	-83.33	100.00	50.00	0.00
Latam and Caribbean	23.26	-11.34	-1.02	6.52	6.98	17.81
North Africa	-8.00	-21.88	18.52	58.82	41.67	50.00
Rest of Africa	60.00	11.11	125.00	-33.33	0.00	200.00
Asia and Oceania	-5.26	18.75	6.67	114.29	-12.50	14.29

## PRIVATE UNIVERSITIES

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>							
<b>Total</b>	7.829	7.464	6.461	6.304	6.290	6.170	5.640
Spain	7.344	6.895	6.057	5.772	5.558	5.193	4.719
EU	255	274	249	401	599	861	808
Rest of Europe	39	33	30	24	18	24	22
US and Canada	6	5	3	3	2	0	1
Latam and Caribbean	160	241	106	92	100	76	75
North Africa	11	6	5	4	6	7	3
Rest of Africa	2	1	1	1	1	2	4
Asia and Oceania	12	9	10	7	6	7	8
<b>Male</b>							
<b>Total</b>	3.402	3.292	2.847	2.865	2.874	2.837	2.602
Spain	3.207	3.037	2.667	2.599	2.492	2.329	2.106
EU	108	136	118	215	335	477	453
Rest of Europe	9	10	13	11	8	6	8
US and Canada	3	1	0	1	1	0	1
Latam and Caribbean	72	106	46	36	33	19	28
North Africa	2	1	0	1	3	2	1
Rest of Africa	0	0	0	0	0	1	3
Asia and Oceania	1	1	3	2	2	3	2
<b>Female</b>							
<b>Total</b>	4.427	4.172	3.614	3.439	3.416	3.333	3.038
Spain	4.137	3.858	3.390	3.173	3.066	2.864	2.613
EU	147	138	131	186	264	384	355
Rest of Europe	30	23	17	13	10	18	14
US and Canada	3	4	3	2	1	0	0
Latam and Caribbean	88	135	60	56	67	57	47
North Africa	9	5	5	3	3	5	2
Rest of Africa	2	1	1	1	1	1	1
Asia and Oceania	11	8	7	5	4	4	6

### Percentage change year to year (compared to previous period) in %

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Total</b>	4.89	15.52	2.49	0.22	1.94	9.40
Spain	6.51	13.84	4.94	3.85	7.03	10.04
EU	-6.93	10.04	-37.91	-33.06	-30.43	6.56
Rest of Europe	18.18	10.00	25.00	33.33	-25.00	9.09
US and Canada	20.00	66.67	0.00	50.00	-	-100.00
Latam and Caribbean	-33.61	127.36	15.22	-8.00	31.58	1.33
North Africa	83.33	20.00	25.00	-33.33	-14.29	133.33
Rest of Africa	100.00	0.00	0.00	0.00	-50.00	-50.00
Asia and Oceania	33.33	-10.00	42.86	16.67	-14.29	-12.50

Source: Sistema Integrado de Información Universitaria (SIU). Secretaría General de Universidades.

## Students Graduated the Masters (Law (Derecho - Code 042101))

*Estudiantes egresados por tipo y modalidad de la universidad, sexo, y campo de estudio*

### TOTAL (INCLUDES BOTH TYPES OF UNIVERSITIES (PRIVATE AND PUBLIC))

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>						
<b>Total</b>	2.835	2.747	2.762	2.469	2.354	2.250
Spain	1.752	1.630	1.530	1.581	1.539	1.585
EU	82	78	86	74	70	81
Rest of Europe	32	18	25	25	17	20
US and Canada	17	15	19	23	20	20
Latam and Caribbean	920	939	1.060	722	679	516
North Africa	5	2	10	2	2	1
Rest of Africa	8	10	3	5	6	7
Asia and Oceania	19	55	29	37	21	20
<b>Male</b>						
<b>Total</b>	1.191	1.299	1.227	1.133	1.021	1.084
Spain	695	713	654	690	652	748
EU	26	25	26	28	28	32
Rest of Europe	6	2	6	6	5	2
US and Canada	8	6	13	9	9	8
Latam and Caribbean	441	509	520	379	314	276
North Africa	3	1	0	0	2	0
Rest of Africa	4	7	1	5	6	5
Asia and Oceania	8	36	7	16	5	-
<b>Female</b>						
<b>Total</b>	1.644	1.448	1.535	1.336	1.333	1.166
Spain	1.057	917	876	891	887	837
EU	56	53	60	46	42	49
Rest of Europe	26	16	19	19	12	18
US and Canada	9	9	6	14	11	12
Latam and Caribbean	479	430	540	343	365	240
North Africa	2	1	10	2	0	1
Rest of Africa	4	3	2	0	0	2
Asia and Oceania	11	19	22	21	16	7

Percentage change year to year (compared to previous period) in %

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Both sexes</b>					
<b>Total</b>	3.20	-0.54	11.87	4.89	4.62
Spain	7.48	6.54	-3.23	2.73	-2.90
EU	5.13	-9.30	16.22	5.71	-13.58
Rest of Europe	77.78	-28.00	0.00	47.06	-15.00
US and Canada	13.33	-21.05	-17.39	15.00	0.00
Latam and Caribbean	-2.02	-11.42	46.81	6.33	31.59
North Africa	150.00	-80.00	400.00	0.00	100.00
Rest of Africa	-20.00	233.33	-40.00	-16.67	-14.29
Asia and Oceania	-65.45	89.66	-21.62	76.19	5.00



## PUBLIC UNIVERSITIES

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>						
<b>Total</b>	1.668	1.565	1.632	1.658	1.610	1.388
Spain	1.143	1.042	989	1.010	963	887
EU	57	53	59	51	52	52
Rest of Europe	23	15	21	18	16	16
US and Canada	3	5	8	5	8	5
Latam and Caribbean	420	395	525	545	548	411
North Africa	2	1	8	2	2	1
Rest of Africa	2	4	0	1	3	2
Asia and Oceania	18	50	22	26	18	14
<b>Male</b>						
<b>Total</b>	683	688	674	755	665	654
Spain	437	429	394	433	378	403
EU	19	15	16	19	21	17
Rest of Europe	5	1	6	4	4	1
US and Canada	1	3	6	1	4	1
Latam and Caribbean	211	205	249	286	249	222
North Africa	1	0	0	0	2	0
Rest of Africa	1	2	0	1	3	0
Asia and Oceania	8	33	3	11	4	10
<b>Female</b>						
<b>Total</b>	985	877	958	903	945	734
Spain	706	613	595	577	585	484
EU	38	38	43	32	31	35
Rest of Europe	18	14	15	14	12	15
US and Canada	2	2	2	4	4	4
Latam and Caribbean	209	190	276	259	299	189
North Africa	1	1	8	2	0	1
Rest of Africa	1	2	0	0	0	2
Asia and Oceania	10	17	19	15	14	4

Percentage change year to year (compared to previous period) in %

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Both sexes</b>					
<b>Total</b>	6.58	-4.11	-1.57	2.98	15.99
Spain	9.69	5.36	-2.08	4.88	8.57
EU	7.55	-10.17	15.69	-1.92	0.00
Rest of Europe	53.33	-28.57	16.67	12.50	0.00
US and Canada	-40.00	-37.50	60.00	-37.50	60.00
Latam and Caribbean	6.33	-24.76	-3.67	-0.55	33.33
North Africa	100.00	-87.50	300.00	0.00	100.00
Rest of Africa	-50.00	-	-100.00	-66.67	50.00
Asia and Oceania	-64.00	127.27	-15.38	44.44	28.57

## PRIVATE UNIVERSITIES

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>						
<b>Total</b>	1.167	1.182	1.130	811	744	862
Spain	609	588	541	571	576	698
EU	25	25	27	23	18	29
Rest of Europe	9	3	4	7	1	4
US and Canada	14	10	11	18	12	15
Latam and Caribbean	500	544	535	177	131	105
North Africa	3	1	2	0	0	0
Rest of Africa	6	6	3	4	3	5
Asia and Oceania	1	5	7	11	3	6
<b>Male</b>						
<b>Total</b>	508	611	553	378	356	430
Spain	258	284	260	257	274	345
EU	7	10	10	9	7	15
Rest of Europe	1	1	0	2	1	1
US and Canada	7	3	7	8	5	7
Latam and Caribbean	230	304	271	93	65	54
North Africa	2	1	0	0	0	0
Rest of Africa	3	5	1	4	3	5
Asia and Oceania	0	3	4	5	1	3
<b>Female</b>						
<b>Total</b>	659	571	577	433	388	432
Spain	351	304	281	314	302	353
EU	18	15	17	14	11	14
Rest of Europe	8	2	4	5	0	3
US and Canada	7	7	4	10	7	8
Latam and Caribbean	270	240	264	84	66	51
North Africa	1	0	2	0	0	0
Rest of Africa	3	1	2	0	0	0
Asia and Oceania	1	2	3	6	2	3

### Percentage change year to year (compared to previous period) in %

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Both sexes</b>					
<b>Total</b>	-1.27	4.60	39.33	9.01	-13.69
Spain	3.57	8.69	-5.25	-0.87	-17.48
EU	0.00	-7.41	17.39	27.78	-37.93
Rest of Europe	200.00	-25.00	-42.86	600.00	-75.00
US and Canada	40.00	-9.09	-38.89	50.00	-20.00
Latam and Caribbean	-8.09	1.68	202.26	35.11	24.76
North Africa	200.00	-50.00	-	-	-
Rest of Africa	0.00	100.00	-25.00	33.33	-40.00
Asia and Oceania	-80.00	-28.57	-36.36	266.67	-50.00

Source: Sistema Integrado de Información Universitaria (SIIU). Secretaría General de Universidades.

## Students Graduated the Masters (Law (Abogacia - Code 042102))

Estudiantes egresados por tipo y modalidad de la universidad, sexo, y campo de estudio

### TOTAL (INCLUDES BOTH TYPES OF UNIVERSITIES (PRIVATE AND PUBLIC))

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>						
<b>Total</b>	7.240	6.808	6.915	6.707	6.604	5.717
Spain	6.808	6.489	6.475	6.218	5.987	5.380
EU	200	181	314	365	498	236
Rest of Europe	34	29	33	30	28	31
US and Canada	1	2	5	0	2	0
Latam and Caribbean	165	77	66	75	69	58
North Africa	15	17	12	8	11	4
Rest of Africa	4	2	2	4	2	3
Asia and Oceania	13	11	8	7	7	5
<b>Male</b>						
<b>Total</b>	2.934	2.933	2.896	2.846	2.716	2.498
Spain	2.753	2.828	2.699	2.634	2.449	2.347
EU	93	60	145	171	240	113
Rest of Europe	12	8	12	10	4	11
US and Canada	0	0	1	0	2	0
Latam and Caribbean	69	32	29	24	14	20
North Africa	3	2	6	2	4	2
Rest of Africa	3	1	1	2	1	3
Asia and Oceania	1	2	3	3	2	2
<b>Female</b>						
<b>Total</b>	4.306	3.875	4.019	3.861	3.888	3.219
Spain	4.055	3.661	3.776	3.584	3.538	3.033
EU	107	121	169	194	258	123
Rest of Europe	22	21	21	20	24	20
US and Canada	1	2	4	0	0	0
Latam and Caribbean	96	45	37	51	55	38
North Africa	12	15	6	6	7	2
Rest of Africa	1	1	1	2	1	0
Asia and Oceania	12	9	5	4	5	3

Percentage change year to year (compared to previous period) in %

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Both sexes</b>					
<b>Total</b>	6.35	-1.55	3.10	1.56	15.52
Spain	4.92	0.22	4.13	3.86	11.28
EU	10.50	-42.36	-13.97	-26.71	111.02
Rest of Europe	17.24	-12.12	10.00	7.14	-9.68
US and Canada	-50.00	-60.00	-	-100.00	-
Latam and Caribbean	114.29	16.67	-12.00	8.70	18.97
North Africa	-11.76	41.67	50.00	-27.27	175.00
Rest of Africa	100.00	0.00	-50.00	100.00	-33.33
Asia and Oceania	18.18	37.50	14.29	0.00	40.00

## PUBLIC UNIVERSITIES

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>						
<b>Total</b>	4.165	4.121	4.151	4.145	3.989	3.608
Spain	3.963	3.939	3.980	3.992	3.828	3.478
EU	112	97	85	80	95	67
Rest of Europe	21	16	26	22	15	25
US and Canada	0	1	4	0	2	0
Latam and Caribbean	40	44	36	39	36	30
North Africa	15	14	11	5	7	4
Rest of Africa	4	2	2	4	1	1
Asia and Oceania	10	8	7	3	5	3
<b>Male</b>						
<b>Total</b>	1.613	1.753	1.629	1.689	1.544	1.497
Spain	1.543	1.695	1.580	1.645	1.498	1.465
EU	44	33	14	21	28	17
Rest of Europe	5	3	7	7	2	9
US and Canada	0	0	0	0	2	0
Latam and Caribbean	14	18	19	12	9	2
North Africa	3	2	5	1	3	2
Rest of Africa	3	1	1	2	0	1
Asia and Oceania	1	1	3	1	2	1
<b>Female</b>						
<b>Total</b>	2.552	2.368	2.522	2.456	2.445	2.111
Spain	2.420	2.244	2.400	2.347	2.330	2.013
EU	68	64	71	59	67	50
Rest of Europe	16	13	19	15	13	16
US and Canada	0	1	4	0	0	0
Latam and Caribbean	26	26	17	27	27	28
North Africa	12	12	6	4	4	2
Rest of Africa	1	1	1	2	1	0
Asia and Oceania	9	7	4	2	3	2

Percentage change year to year (compared to previous period) in %

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Both sexes</b>					
<b>Total</b>	1.07	-0.72	0.14	3.91	10.56
Spain	0.61	-1.03	-0.30	4.28	10.06
EU	15.46	14.12	6.25	-15.79	41.79
Rest of Europe	31.25	-38.46	18.18	46.67	-40.00
US and Canada	-100.00	-75.00	-	-	-
Latam and Caribbean	-9.09	22.22	-7.69	8.33	20.00
North Africa	7.14	27.27	120.00	-28.57	75.00
Rest of Africa	100.00	0.00	-50.00	300.00	0.00
Asia and Oceania	25.00	14.29	133.33	-40.00	66.67



## PRIVATE UNIVERSITIES

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
<b>Both sexes</b>						
<b>Total</b>	3.075	2.687	2.764	2.562	2.615	2.109
Spain	2.845	2.550	2.495	2.226	2.159	1.902
EU	88	84	229	285	403	169
Rest of Europe	13	13	7	8	13	6
US and Canada	1	1	1	0	0	0
Latam and Caribbean	125	33	30	36	33	28
North Africa	0	3	1	3	4	0
Rest of Africa	0	0	0	0	1	2
Asia and Oceania	3	3	1	4	2	2
<b>Male</b>						
<b>Total</b>	1.321	1.180	1.267	1.157	1.172	1.001
Spain	1.210	1.133	1.119	989	951	882
EU	49	27	131	150	212	96
Rest of Europe	7	5	5	3	2	2
US and Canada	0	0	1	0	0	0
Latam and Caribbean	55	14	10	12	5	18
North Africa	0	0	1	1	1	0
Rest of Africa	0	0	0	0	1	2
Asia and Oceania	0	1	0	2	0	1
<b>Female</b>						
<b>Total</b>	1.754	1.507	1.497	1.405	1.443	1.108
Spain	1.635	1.417	1.376	1.237	1.208	1.020
EU	39	57	98	135	191	73
Rest of Europe	6	8	2	5	11	4
US and Canada	1	1	0	0	0	0
Latam and Caribbean	70	19	20	24	28	10
North Africa	0	3	0	2	3	0
Rest of Africa	0	0	0	0	0	0
Asia and Oceania	3	2	1	2	2	1

### Percentage change year to year (compared to previous period) in %

	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
<b>Both sexes</b>					
<b>Total</b>	14.44	-2.79	7.88	-2.03	23.99
Spain	11.57	2.20	12.08	3.10	13.51
EU	4.76	-63.32	-19.65	-29.28	138.46
Rest of Europe	0.00	85.71	-12.50	-38.46	116.67
US and Canada	0.00	0.00	-	-	-
Latam and Caribbean	278.79	10.00	-16.67	9.09	17.86
North Africa	-100.00	200.00	-66.67	-25.00	-
Rest of Africa	-	-	-	-100.00	-50.00
Asia and Oceania	0.00	200.00	-75.00	100.00	0.00

Source: Sistema Integrado de Información Universitaria (SIU). Secretaría General de Universidades.

# Annex 2

## Foreign practitioners at biggest law firms in Spain

Law Firm	Employees in top 2 offices in Spain
Garrigues	519
Cuatrecasas	395
Uría Menéndez	472
Pérez-Llorca	340
Baker McKenzie	69
Gómez-Acebo & Pombo	252
Clifford Chance	115
Linklaters	122
Allen & Overy	122
Hogan Lovells	87
Ecija	102
Herbert Smith Freehills	92
DWF-RCD	76
CMS Albiñana & Suárez de Lezo	67
Andersen	171
RocaJunyent	137
Ramón y Cajal Abogados	81
DLA Piper	61
Ashurst	33
Sagardoy	40
<b>Total</b>	<b>3353</b>

Law Firm	Individuals with a foreign legal title without a Spanish title in top 2 offices in Spain <sup>102</sup>	EU/EEA	Latin America	USA	Rest of World <sup>103</sup>
Garrigues	1	0	1	1	0
Cuatrecasas	2	0	2	0	0
Uría Menéndez	6	1	3	1	2
Pérez-Llorca	2	0	2	0	0
Baker McKenzie	1	0	0	1	0
Gómez-Acebo & Pombo	0	0	0	0	0
Clifford Chance	8	2	1	0	5
Linklaters	17	5	0	1	11
Allen & Overy	4	0	0	0	4
Hogan Lovells	5	3	0	0	2
Ecija	1	0	0	0	1
Herbert Smith Freehills	2	0	1	1	0
DWF-RCD	0	0	0	0	0
CMS Albiñana & Suárez de Lezo	0	0	0	0	0
Andersen	0	0	0	0	0
RocaJunyent	0	0	0	0	0
Ramón y Cajal Abogados	0	0	0	0	0
DLA Piper	1	0	0	0	1
Ashurst	2	0	0	0	2
Sagardoy	0	0	0	0	0
<b>Total</b>	<b>52</b>	<b>11</b>	<b>10</b>	<b>5</b>	<b>28</b>

Law Firm	Individuals with both foreign and Spanish titles in top 2 offices in Spain <sup>102</sup>	EU/EEA	Latin America	USA	Rest of World <sup>103</sup>
Garrigues	15	4	3	9	2
Cuatrecasas	34	10	3	21	4
Uría Menéndez	14	1	4	7	2
Pérez-Llorca	12	5	1	5	2
Baker McKenzie	2	1	2	0	0
Gómez-Acebo & Pombo	9	0	0	6	4
Clifford Chance	4	1	0	1	2
Linklaters	5	1	0	0	4
Allen & Overy	4	1	1	1	1
Hogan Lovells	3	3	0	0	0
Ecija	2	1	0	0	1
Herbert Smith Freehills	5	2	0	0	4
DWF-RCD	1	0	1	0	0
CMS Albiñana & Suárez de Lezo	1	0	0	1	0
Andersen	0	0	0	0	0
RocaJunyent	2	0	0	1	1
Ramón y Cajal Abogados	2	0	0	1	1
DLA Piper	2	0	1	0	1
Ashurst	1	0	0	0	1
Sagardoy	0	0	0	0	0
<b>Total</b>	<b>118</b>	<b>30</b>	<b>16</b>	<b>53</b>	<b>30</b>

<sup>102</sup> The number of foreign legal titles is, on some occasions, higher than the number of individual foreign lawyers, as some of the foreign lawyers have double or even more qualifications from various jurisdictions at once.

<sup>103</sup> Consists to the most extent of lawyers from the UK and other common law jurisdictions such as Canada, New Zealand, Ireland

<b>Law Firm</b>	<b>Percentage of individuals with a foreign title (with or without a Spanish title)</b>
Garrigues	3.08%
Cuatrecasas	9.11%
Uría Menéndez	4.24%
Pérez-Llorca	4.12%
Baker McKenzie	4.35%
Gómez-Acebo & Pombo	3.57%
Clifford Chance	10.43%
Linklaters	18.03%
Allen & Overy	6.56%
Hogan Lovells	9.20%
Ecija	2.94%
Herbert Smith Freehills	7.61%
DWF-RCD	1.32%
CMS Albiñana & Suárez de Lezo	1.49%
Andersen	0.00%
RocaJunyent	1.46%
Ramón y Cajal Abogados	2.47%
DLA Piper	4.92%
Ashurst	9.09%
Sagardoy	0.00%
<b>Total</b>	<b>5.07%</b>

DISCLAIMER: Data according to best available information on firms' websites and lawyers' LinkedIns. Additional verification done through lawyer registration databases for special cases. Additional verification done through lawyer registration databases for special cases.





# Annex 3

## Top Spanish law schools with dual degrees or partnerships with foreign law schools<sup>104</sup>

### Comillas Universidad Pontificia ICADE

- **Máster Universitario en Acceso a la Abogacía y la Procura y LLM**

- The first year is undertaken either in US Universities (such as Berkeley, Michigan, Cornell, Fordham, Boston) or UK Universities (University of Warwick and Nottingham Trent).

- Provides eligibility for taking the NY Bar exam and the Solicitors exam on top of the Acceso a la Abogacía.

- **Máster Universitario en Asuntos Internacionales: Economía, Política y Derecho**

- Part of the master is completed in the University of Georgetown (Washington DC).

- **Grado en Derecho**

- Through the E-1 Joint Global Program, students can undertake an LLM as a concurrent degree during the 4th year in certain US universities (most provide eligibility for the NY Bar exam), France (provide eligibility for the French *examen du barreau*) and China

### Centro de Estudios Garrigues

- **Máster Universitario en Abogacía y Procura + Máster en Derecho Internacional de los Negocios**

- Part of the program is studied in NYC at the University of Fordham.

- **Máster Universitario en Abogacía y Procura + Máster en Industria del Lujo y la Moda**

- Part of the program is studied in the British School of Fashion.

- **Máster Universitario en Abogacía y Procura + Máster en Derecho Penal Económico**

- Part of the program is studied in NYC at the University of Fordham.

- **Máster en Derecho de las Transacciones Internacionales /Master of Laws in International Transactions**

- Part of the program is studied in NYC at the University of Fordham.

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<sup>104</sup>The selection of the top law schools is based on an informal ranking whose authors asked the biggest law firms in Spain to identify the universities at which their recent hires did their Master de Acceso a la Abogacía, available at: [https://www.mastermania.com/noticias\\_masters/las-mejores-universidades-y-escuelas-para-estudiar-el-master-de-abogacia-segun-los-despachos-de-abogados-org-7694.html](https://www.mastermania.com/noticias_masters/las-mejores-universidades-y-escuelas-para-estudiar-el-master-de-abogacia-segun-los-despachos-de-abogados-org-7694.html)

## ESADE

- **Double master: University Master's Degree in Law (MUA) + Specialization Master's Degree (Mde) + option to take the LL.M in the USA.(provides access to the NY bar)**

- Cardozo Law School, New York
- Fordham University, New York
- Georgetown University Law Center, Washington, D.C.
- Georgetown Law – O'neill, Washington, D.C.
- Cornell University Law School, Ithaca - New York

- **Máster Universitario en Abogacía y Procura + Máster de Especialización**

- Opportunity to do the first trimester of International Business Law in a foreign university
  - Center for Transnational Legal Studies in UK
  - Asian/European universities in the Themis Network
  - Other international law schools:
    - Boston College Law School (Massachusetts, US)
    - Columbia Law School (New York)
    - Indiana University Maurer School of Law (Bloomington, US)
    - Queen's University, Faculty of Law (Ontario, Canadá)
    - University of Victoria, Wellington (Nueva Zelanda)

- **Grado en Derecho**

- Possibility to study at the Center for Transnational Legal Studies (CTLS) in London
  - Given ESADE is one of the founding partner schools.
  - Study includes: seminar on comparative law, transnational legal theory and electives in law

- **Smaller opportunities**

- Doble Grado en Dirección de Empresas y Derecho
  - Apart from the mandatory exchange semester, students also have the opportunity to spend 3 weeks at Sciences Po learning EU Law
- Doble Grado en Derecho + Gobernanza Global, Economía y Orden Legal
  - Opportunity to study Advanced Public International Law at Sciences Po in June

## IE University

- **Bachelor of Laws**

- Dual Program with King's College London (KCL)
  - First 3 years studied at IE and 4th year at KCL
  - LLB (IE) + LL.M (KCL)
  - Provides the student access to the Solicitors Qualifying Examination
- Dual Program with Northwestern University
  - First 3 years studied at IE and 4th year (and 5th in case of J.D.) in Northwestern
  - LLB (IE) + LL.M (Northwestern) or J.D. (Northwestern)
  - Allows access to the NY and California bar examinations
- Dual Bachelor of Laws at IE / Licenciatura en Derecho from Instituto Tecnológico Autónomo de México (ITAM)
  - Fulfills the educational requirements to practice law in Mexico
- Completing the LLB and an LL.M at IE allows Indian nationals to enroll with the State Bar Council of India and undertake the Indian Bar Examinations
  - The same options are available to any dual degree program combined with an LLB

## Universidad Autónoma de Madrid

- **Máster de Propiedad Intelectual, Industrial y Nuevas Tecnologías**

- Provides a double master with University Paris-Saclay which gives the students the respective degrees from both countries (Máster de Propiedad Intelectual, Industrial y Nuevas Tecnologías and Master en Propriété intellectuelle fondamentale et technologies numériques)

- The 1st semester is undertaken at University Paris-Saclay and the 2nd semester at UAM

- **Grado en Derecho**

- Has the following internationalization programs where part of the studies can be conducted at the partner university, allows to obtain law degrees from both:

-Programa Internacional de Doble Titulación en Derecho UAM - Maastricht University

· Grado en Derecho (UAM) + Bachelor in Laws-European Law School (Maastricht University)

- Programa Internacional de Múltiple Titulación en Derecho UAM - Université De Strasbourg

· Grado en Derecho (UAM) + Licence 3 Droit (Université de Strasbourg) + Master 1 Droit (Université de Strasbourg)

## Universidad Carlos III Madrid

### • Máster Universitario en Derecho de la Unión Europea (Bilingüe)

- Option to do a double masters with the American University Washington College of Law (LLM in International Legal Studies/LLM in EU Law)
  - May qualify the person to take the New York Bar or DC Bar exams if the requirements are met
- Options to add specializations through Programa de Derecho y Arbitraje Mercantil, Derecho de los Mercados Financieros y Derecho de la Propiedad Intelectual at the University of Zurich

## Universidad Pompeu Fabra

### • Máster Universitario Avanzado en Ciencias Jurídicas

- Can study in and get a combined certification from partner universities under the CIEL agreement which includes the following universities
  - Universität Mannheim (Mannheim, Alemania), Universiteit Antwerpen (Amberes, Bélgica),

University College Dublin (Dublín, Irlanda), Maastricht University (Maastricht, Holanda), Université Toulouse 1 Capitole (Toulouse, Francia), University of Zagreb (Zagreb, Croacia)

### • European Master in Law and Economics

• Master undertaken in 2 or 3 universities (including UPF) in the following locations

-Aix-en-Provence, Barcelona, Ghent, Haifa, Hamburg, Mumbai, Rome, Rotterdam or Warsaw

### • Doble grado: Bachelor of Laws (KCL) + grado en Derecho (UPF)

- The first two years are undertaken in the Kings College London Strand Campus and the last two at the UPF campus in Barcelona
- Learn both the common law system and the Spanish legal system

## CEF-UDIMA

No foreign programs found

## UNIR

No foreign programs found

## Universidad de Deusto

No foreign programs found

## Universidad de Navarra

No foreign programs found





# Annex 4

## Law degrees provided in foreign languages

Source: Sistema Integrado de Información Universitaria (SIIU). Secretaría General de Universidades.

Nivel académico	Nombre de la titulación (RUCT)	Universidad	Unidad	Idioma extranjero
Grado	Graduado o Graduada en Derecho por la Universidad de Alicante	Alicante	Facultad de Derecho	Sí. Existen planes separados, uno de ellos en inglés
Grado	Graduado o Graduada en Derecho por la Universidad de Murcia	Murcia	Facultad de Derecho	Sí. Existen planes separados, uno de ellos en inglés
Grado	Graduado o Graduada en Derecho por la Universitat de València (Estudi General)	València (Estudi General)	Facultad de Derecho	Sí. Existen planes separados, uno de ellos en inglés
Grado	Graduado o Graduada en Derecho por la Universidad Europea de Madrid	Europea de Madrid	Facultad de Ciencias Sociales y de la Comunicación. Campus Villaviciosa y Alcobendas	Sí. Existen planes separados, uno de ellos en inglés



Nivel académico	Nombre de la titulación (RUCT)	Universidad	Unidad	Idioma extranjero
Grado	Graduado/a en Filosofía, Política, Derecho y Economía / Bachelor of Philosophy, Politics, Law and Economics por la IE Universidad	IE University	Facultad de Ciencias Humanas, Sociales y de Comunicación	Sí. Inglés
Grado	Graduado/a en Derecho / Bachelor of Laws por la IE Universidad	IE University	Facultad de Ciencias Humanas, Sociales y de Comunicación	Sí. Inglés
Grado	Graduado o Graduada en Gobernanza Global, Economía y Orden Legal / Bachelor in Global Governance, Economics and Legal Order por la Universidad Ramón Llull	Ramón Llull	Facultad de Derecho ESADE	Sí. Existen planes separados, uno de ellos en inglés
Grado	Graduado o Graduada en Derecho / Bachelor in Law por la Universidad Ramón Llull	Ramón Llull	Facultad de Derecho ESADE	Sí. Existen planes separados, uno de ellos en inglés
Grado	Graduado o Graduada en Derecho por la Universidad San Pablo-CEU	San Pablo-CEU	Facultad de Derecho	Sí. Inglés
Master	Máster Universitario Erasmus Mundus en Literatura Infantil, Medios de Comunicación y Cultura / Erasmus Mundus in Children's Literature, Media and Culture por la Universidad Autónoma de Barcelona; Aarhus Universitet (Dinamarca); The University of Glasgow (Reino Unido); Universiteit Van Tilburg (Países Bajos) y Uniwersytet Wroclawski (Polonia)	Autónoma de Barcelona	Facultad de Ciencias de la Educación	Sí. Inglés
Master	Máster Universitario en Derecho de la Unión Europea por la Universidad Carlos III de Madrid	Carlos III de Madrid	Centro de Postgrado	Sí. Inglés
Master	Máster Universitario en Abogacía Internacional / Master International Advocacy por la Universidad Carlos III de Madrid	Carlos III de Madrid	Centro de Postgrado	Sí. Inglés

Nivel académico	Nombre de la titulación (RUCT)	Universidad	Unidad	Idioma extranjero
Máster	Máster Universitario en Gobernanza Económica Europea: Derecho, Política y Economía / Master in European Economic Governance: Law, Politics and Economics por la Universidad Carlos III de Madrid	Carlos III de Madrid	Centro de Postgrado	Sí. Inglés
Máster	Máster Universitario en Internacional en Sociología Jurídica / International Master in Sociology of Law por la Universidad del País Vasco / Euskal Herriko Unibertsitatea	País Vasco/ Euskal Herriko Unibertsitatea	Facultad de Derecho	Sí. Inglés
Máster	Máster Universitario en Avanzado en Ciencias Jurídicas por la Universidad Pompeu Fabra	Pompeu Fabra	Departament de dret	Sí. Inglés
Máster	Máster Universitario en Derecho Europeo y Global / European and Global Law por la Universidad Pompeu Fabra	Pompeu Fabra	Departament de dret	Sí. Inglés
Máster	Máster Universitario Erasmus Mundus en Análisis Económico del Derecho / European Master in Law and Economics por la Universidad Pompeu Fabra; Aix-Marseille Université (Francia); Erasmus Universiteit Rotterdam (Países Bajos); Indira Gandhi Institute of Development Research (IGIDR) (India); Libera Università "Maria SS. Assunta" di Roma (Italia); Szkola Główna Handlowa Warszawie (Polonia); Universiteit Gent (Bélgica); University of Haifa (Israel); Universität Hamburg (Alemania); Universität Wien (Austria)	Pompeu Fabra	Departament de dret	Sí. Inglés

Nivel académico	Nombre de la titulación (RUCT)	Universidad	Unidad	Idioma extranjero
Máster	Máster Universitario en Derecho Marítimo por la Universitat Abat Oliba CEU	Abat Oliba CEU	Facultad de Ciencias Sociales	Sí. Inglés
Máster	Máster Universitario en Derecho de los Negocios Internacionales / Master in International Business Law por la Universidad Antonio de Nebrija	Antonio de Nebrija	Facultad de Derecho y de Relaciones Internacionales	Sí. Inglés
Máster	Máster Universitario en Estudios Jurídicos Internacionales / Master of Laws (LL.M.) in International Legal Studies por la Universidad de Deusto	Deusto	Facultad de Derecho	Sí. Inglés
Máster	Máster Universitario en Derecho Deportivo por la Universidad Europea de Madrid	Europea de Madrid	Facultad de Ciencias de la Actividad Física y el Deporte. Campus Villaviciosa y Alcobendas	Sí. Existen planes separados, uno de ellos en inglés
Máster	Máster Universitario en Asesoría Fiscal de Empresas por la IE Universidad	IE University	Centro de Estudios Superiores IE	Sí. Inglés
Máster	Máster Universitario en Asesoría Jurídica de Empresas por la IE Universidad	IE University	Centro de Estudios Superiores IE	Sí. Existen planes separados, uno de ellos en inglés
Máster	Máster Universitario en Asesoría Jurídica Internacional / International LLM por la IE Universidad	IE University	Centro de Estudios Superiores IE	Sí. Inglés
Máster	Máster Universitario en Derecho Internacional y Europeo de los Negocios (International and European Business Law) por la Universidad Pontificia Comillas	Pontificia Comillas	Facultad de Derecho (ICADE)	Sí. Inglés



Author

Dr. Johanna Jacobsson is the CEO and founder of Lawcrosse, a legal consultancy, and adjunct professor at IE University. She earned her PhD from the European University Institute in Florence, Italy, in 2016, along with LL.B., LL.M., and BA degrees from the University of Helsinki in Finland. Dr. Jacobsson is recognized as an expert in EU law and international trade law. She has a rich professional background, having served as a law clerk at the Court of Justice of the European Union, conducted research at the Finnish Institute of International Affairs, and worked as a practitioner in a law firm. Her book on the liberalization of services trade was published by Cambridge University Press in 2019.

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