

His Excellency
Prof. Dr. Ahmet Davutoğlu
Prime Minister

The Prime Minister's Office
Çankaya Mah. Ziaur Rahman Cad.
Çankaya-Ankara, Turkey

Brussels, 23 February 2016

Re: Training of Lawyers

His Excellency Prof. Dr. Ahmet Davutoğlu,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers.

At a recent meeting of the CCBE Training committee, members reviewed current developments concerning the training of lawyers at national level, including the situation in Turkey. We have learnt from the representatives of the Union of Turkish Bar Associations that, in order to become a fully-fledged lawyer in Turkey, law graduates must complete a practical traineeship of one year. There are no further requirements, such as a bar exam. Furthermore, we have learnt that a number of years ago a law was adopted which provided for an examination of future lawyers, however, this law was abolished before it even came into force. Since then, the Union of Turkish Bar Associations has been regularly advocating and urging the Turkish authorities to support their call for a strengthened training of lawyers in Turkey, including the introduction of a bar exam.

The CCBE would like to support the Union of Turkish Bar Associations' request to boost the training of lawyers in Turkey. Lawyers play an essential role in the correct administration of justice: they are the competent advisors and defenders of citizens and uphold the rule of law. It is self-evident that a lawyer cannot effectively advise or represent the client unless that lawyer has had the appropriate professional education and training. This is why, a robust training system is of utmost importance. This has been recognized, for instance, by the Council of Europe [Recommendation](#) on the freedom of exercise of the profession of lawyer of 2000 which provides: *"All necessary measures should be taken in order to ensure a high standard of legal training and morality as a prerequisite for entry into the profession and to provide for the continuing education of lawyers"* (Principle II). The CCBE's own [Charter](#) of Core Principles of the European Legal Profession of 2006, also lists the lawyer's professional competence amongst the ten core principles of the European Legal Profession. The CCBE [Recommendation](#) on the training outcomes of European Lawyers of 2007

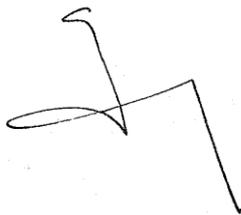
underlines that *“the exercise of the profession of lawyer requires a very high standard of professional competence”* and that *“such a high standard of professional competence of lawyers is a cornerstone for the furtherance of the rule of law and democratic society”*.

According to information made available to the CCBE through various surveys, all CCBE member countries provide for rules and requirements relating to who is able to practice. In general terms, these rules relate to specifying the necessary knowledge, skills, and competences of the applicant (such as a need to pass a test or professional examination or requirements in relation to minimum training and experience) and are based on various requirements associated with the character of the applicant (for example a criminal record). As far as Bar exams are concerned, the national [factsheets](#), which were published in June 2014 in the framework of the European Parliament Pilot project on European judicial training, show that nearly all EU countries require a bar examination (see attached in [Annex](#)).

It is the CCBE’s understanding that the supporting reasoning behind the imposition of entry requirements, including bar exams, is based on the promotion of quality in legal services. Higher quality legal advice will have both direct effects on consumers of legal services (in terms of better advice, and potentially more just outcomes) and indirect more general outcomes in terms of facilitating economic expansion in the economy. It is in the interest of the clients that lawyers have a good professional education and training, enabling them to recognise the client’s problems and needs, and that lawyers have the skills to provide the best advice.

In consideration of the above, the CCBE urges you to review the training requirements for future lawyers in Turkey. Only a high level of competence supported by a robust training system can guarantee high-quality services.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Michel Benichou', written over a faint circular stamp.

Michel Benichou
President

Annex.

European Parliament Pilot Project on European Judicial Training:
[CCBE EIPA study on training of lawyers in EU law](#), June 2014

Bar Examination in EU Member States (based on extracts from the [Factsheets](#))

No.	Country	Is there a Bar Examination?
1.	Austria	Yes.
2.	Belgium	
	French and German speaking lawyers	Yes, examination organised by the Bar in order to become a fully-fledged lawyer (there are 4 vocational training centres for 14 Bars).
	Dutch speaking lawyers	Yes, examination organised by the Bar in order to become a fully-fledged lawyer.
3.	Bulgaria	Yes, written and oral examination organised by the Supreme Bar Council.
4.	Croatia	Yes.
5.	Cyprus	Yes, examination organised and regulated by the Legal Board of the Cyprus Bar Association.
6.	Czech Republic	Yes, examination organised by the Czech Bar Association.
7.	Denmark	Yes, examination organised by the Bar.
8.	Estonia	Yes, examination/assessment of candidate by the bar or by a committee established by the bar.
9.	Finland	Yes, examination organized by the Bar.
10.	France	Yes.
11.	Germany	No, but there are other examinations: - 1st State Exam (Erstes Staatsexamen) (after completion of university studies) organized by the Justizprüfungsamt, body of the state administration of justice, containing a university part. - 2nd State Exam (Zweites Staatsexamen), organized by the Justizprüfungsamt.
12.	Greece	Yes, examination organized by the Ministry of Justice.
13.	Hungary	Yes, Bar examination organised by the State.
14.	Ireland	Yes, examination organised by the Law Society of Ireland.
15.	Italy	No, there is state examination.
16.	Latvia	Yes, examination organised by the Bar - Council of Sworn Advocates. PhD holders are exempted from the examination.
17.	Lithuania	Yes.
18.	Luxembourg	Yes.
19.	Malta	No, but the state exam is organised by the Chief Justice of Malta. The Bar provides the questions related to Ethics. Both the written as well as the oral exam are held by two members of the Judiciary.
20.	Netherlands	Yes, examination organised by the Dutch Bar Association. There are different kind of exams, such as theoretical exams with

		closed questions, case tests and practice assignments.
21.	Poland	Yes, entrance examination organised by the State (Ministry of Justice). Local Bars only host the exam and do not provide questions but assess the answers according to the correct replies provided by the Ministry.
22.	Portugal	Yes, examination organised by the bar.
23.	Romania	Yes, State Examination organised by the Romanian National Union of Bar Associations (UNBR) and held by the National Institute for Training and Development of Lawyers. The exam is based on the methodology designed and approved by the Romanian National Bar Association.
24.	Slovakia	Yes, examination organized by the Bar Association.
25.	Slovenia	There are 2 State exams. The first state exam, organised by the State, includes an oral and a written part. The second exam, organised by the Bar, testing knowledge of the law regulating the legal profession, lawyer's fees and the Code of Conduct for lawyers). Assessment of candidates by the Board of the Slovenian Bar.
26.	Spain	Yes.
27.	Sweden	Yes, oral examination in professional responsibility, administered by the Bar.
28.	United Kingdom	
	England and Wales (Barristers)	Yes.
	England and Wales (Solicitors)	Yes.
	Northern Ireland (Barristers)	No.
	Northern Ireland (Solicitors)	No.
	Scotland (Advocates)	Yes, examination organised by the Bar. Assessment of candidate by the Bar or by a committee established by the Bar.
	Scotland (Solicitors)	Yes, assessment of the candidate by the Law Society.