



## REGULATIONS ON PROFESSIONAL TRAINING

### CHAPTER 1: GENERAL

#### Article 1

To be able to be registered on the lawyers' roll of the Bar Council, the trainee lawyer must attend professional training and obtain the certificate of competency. The professional training is organised by the Flemish Bar Council and administered by training colleges.

### CHAPTER 2: TRAINING COLLEGE

#### Article 2

Every Bar Council establishes a training college, either independently or in association with one or more other Bar Councils. This training college consists of a director, appointed by the board(s) of the participating Bar Council(s), and all the subject lecturers.

#### Article 3

Among other things, the training college is authorised:

1. in addition to the topic and content of an elective subject, to propose the course and lecturer(s) of this elective subject to the Professional Training Committee;
2. to propose the lecturers for the compulsory subjects to the Professional Training Committee;
3. to give advice to the board of the Bar Council that decides on the request of a trainee lawyer to take or continue with subjects during the second traineeship year;
4. to evaluate the results of exams and, if need be, to deliberate these in the presence of the lecturers, in the manner and according to the criteria laid down by the Professional Training Committee.

## **CHAPTER 3: PROFESSIONAL TRAINING COMMITTEE**

### **Article 4**

The Flemish Bar Council establishes a Professional Training Committee.

This committee consists of the manager of the traineeship department of the Flemish Bar Council and the director of each training college or their respective representatives.

In the case of joint training colleges (as referred to in Article 2), each Bar that is part of the merger is free to appoint a representative.

### **Article 5**

The Professional Training Committee is authorised:

1. to compile the courses of the compulsory subjects;
2. to appoint and evaluate the lecturers of the compulsory subjects, regardless of whether these have been nominated by the training colleges;
3. to determine the elective subjects to be offered and to compile the courses of those subjects;
4. to recognise and evaluate the proposed elective subjects and their lecturers;
5. to annually determine the credits of each subject;
6. to annually determine the total number of credits to be obtained;
7. to exempt a trainee lawyer from having to do a compulsory subject and/or take an exam;
8. to allow a trainee lawyer admission to a third examination session after failing on a second attempt;
9. following a reasoned request from a board of the Bar Council, to indicate one or more elective subjects that the trainee lawyers of that Bar Council must take and to determine the number of credits for those subjects. These credits will be taken into account for the total number of credits to be obtained, as determined annually by the Professional Training Committee;
10. to determine the format and content of the exams;
11. to determine the method of evaluation and deliberation;
12. to give advice to the general meeting and management board of the Flemish Bar Council with regard to the budget of training colleges and the individual contribution that trainee lawyers must pay directly to the Flemish Bar Council.



## **CHAPTER 4: PROFESSIONAL TRAINING**

### **Article 6**

The professional training consists of both compulsory and elective subjects.

The compulsory subjects are:

1. Professional Ethics
2. Communication Skills
3. Civil Procedure Law
4. Criminal Procedure Law

The Professional Training Committee draws up a list of elective subjects from which the trainee lawyer makes his/her own choice, notwithstanding Articles 5-9 of these regulations which provide that specific elective subjects can be made compulsory by any board of the Bar Council.

Each subject represents a number of credits.

A credit is a unit accepted within the Professional Training Committee which conveys the scope of the subject and corresponds to at least one hour of teaching.

The elective subjects, whether made compulsory under Article 5 or not, must never represent more than  $\frac{1}{2}$  of the total number of credits to be obtained, as determined annually by the Professional Training Committee.

### **Article 7**

Notwithstanding the provisions of Article 3 of the Regulations on Traineeship, the trainee lawyer must obtain the certificate of competency during the first year of his/her traineeship.

### **Article 8**

The trainee lawyer may submit a reasoned request to the Professional Training Committee to be exempted from doing a compulsory subject (or an elective subject that is made compulsory) and/or from taking an exam in such a subject.

### **Article 9**

The trainee lawyer will be evaluated in the subjects that he/she must do as part of the professional training.

Two examination sessions are held every judicial year.

The trainee lawyer must obtain at least 50% in each subject.

If the trainee lawyer does not pass after deliberation of his/her results, he/she may take part in a second examination session for each subject in which he/he has failed to achieve 50%.



The trainee lawyer is entitled to take two examinations in each subject.

If the trainee lawyer fails on his/her second attempt, he/she may request the Professional Training Committee to be admitted to a third examination session.

### **Article 10**

On successful completion of his/her exams, the trainee lawyer will receive a certificate of competency from the Flemish Bar Council.

If the trainee lawyer does not pass his/her exams, he/she will receive notice of the exam results from the Flemish Bar Council by registered letter.

The chairman of his/her Bar Council and the director of the training college are notified in both cases.

### **Article 11**

A trainee lawyer who does not pass after deliberation of his/her results will be entitled to inspect his/her exams for a period of three months after the notice referred to in Article 10, by means of a simple request addressed to the Professional Training Committee.

## **CHAPTER 5: APPEAL PROCEDURE**

### **Article 12**

If a trainee lawyer does not pass, he/she may lodge an appeal against this decision at the Appeal Board that is made up of five members: the Chairman of the Flemish Bar Council (or a manager who represents him) and four other members. The general meeting appoints four active members and four substitute members for a period of two years.

The appeal must be lodged at the registered office of the Flemish Bar Council within one month of notification of the results, as provided for in Article 53 (2) of the Belgian Judicial Code. Under penalty of inadmissibility, the appeal must be lodged by registered letter and an address for service must be chosen in a judicial district of the trainee lawyer's training college.

The Appeal Board determines its own procedural rules. The appeal must be handled within a month of being lodged.

The trainee lawyer will be invited to be heard and may be assisted by his/her principal and/or a lawyer of his/her choice.

The Appeal Board will decide whether or not the trainee lawyer has passed.

The decision of the Appeal Board will be communicated to the trainee lawyer by registered letter at his/her chosen address for service. The chairman of his/her Bar Council and director of the training college will each receive a copy of the decision.



## **CHAPTER 6: REVOCATION OF REGULATIONS OF THE BELGIAN NATIONAL BAR COUNCIL**

### **Article 13**

The regulation of the Belgian National Bar Council of 25 April 1985 on registration on the list of trainee lawyers or the lawyers' roll of another Bar and the regulation of the Belgian National Bar Council of 28 November 1991, as amended on 14 October 1993 and 13 January 1994, on professional training during traineeships, are revoked.

Approved at the general meeting of the Flemish Bar Council of 25 March 2009.

