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Welcoming Remarks: The Paris Bar: Access to Justice and Access to Legal Advice

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Francis Teitgen

Abstract

Francis Teitgen, Batonnier of the Paris Bar Association, gave welcoming remarks on April 7, 2000, and discussed France's system for provision of legal aid services. He began by describing the history of legal aid in France. He then discussed the role of the Paris Bar Association in providing access to legal representation to those who could not otherwise afford it. Mr. Teitgen then discussed the process by which incarcerated individuals access lawyers. He also described a free legal consultation system run by the Paris Bar. He concluded by discussing new initiatives the Paris Bar is spearheading to increase access to justice for indigent populations.

**WELCOMING REMARKS:
THE PARIS BAR: ACCESS TO JUSTICE AND
ACCESS TO LEGAL ADVICE**

APRIL 7, 2000

SPEAKER: Francis Teitgen, *Batonnier of the Paris Bar Association*

Ladies and gentlemen, it is my privilege, and I am quite honored, to present you the item, "The Paris Bar: Access to Justice and Access to Legal Advice."

Making it possible for poor people who are facing legal proceedings to defend their rights in court through the assistance of lawyers working free of charge is a very old tradition in France. The legal system set up by King Louis IX established this age-old practice in the year 1278; and since that time, lawyers, defenders, and guardians of basic freedoms have always provided for the defense of the most indigent in France.

Throughout the centuries, lawyers have been appointed by the Batonnier, the elected President of the Bar, to provide such defense free of charge. It was not until 1972 that the French State stopped, leaving the responsibility of defending the indigent solely to lawyers, and that a true system of legal aid was created in France. Such a legal aid system provides part of the public financing necessary to assure access to justice for the poor.

In our society, in which the rule of law has become more and more complex, it appeared necessary to get involved before the litigation to allow every person not only to know his or her rights, but also to have the means of asserting those rights, which we call in France access to the law. In 1991, the law established assistance in the area of access to legal advice as a necessary corollary to legal aid.

I must emphasize that well before such laws entered into effect providing access to the law was perceived as a moral obligation of our profession, and the Paris Bar long ago set up a broad system of ongoing free consultation in the Palais du Justice, where the main courts in Paris are located, as well as in city halls and other locations throughout the City of Paris. The ini-

tatives of the Paris Bar have continued to multiply and diversify; and professional efforts in the interest of access to justice and to legal advice are currently very numerous.

I. *ACCESS TO JUSTICE: THE LEGAL AID APPARATUS*

The system of legal aid inaugurated by law on January 3, 1972, provided for the first time the granting of total or partial assistance to those facing judicial proceedings in accordance with solely legal criteria for resources. This legal aid system was amended on July 10, 1991, which extended the domain of legal aid to all criminal and administrative civil courts.

In order to more effectively fight against poverty, a July 29, 1998 law provided for taking into account, during proceedings, the effectiveness of the rights of the most indigent. A December 18, 1998 law brought in the domain of legal aid, which was thereafter granted in the domain of the amicable settlement of disputes.

A. *The Role of the Paris Bar in Access to Justice*

Under France's system of legal aid, Parisian lawyers defend people with meager financial resources before civil, criminal, and administrative courts. For Paris, the system is administrated by the Paris Bar. In 1999, the Paris Bar managed more than 15,000 legal aid cases in civil matters and more than 20,000 such cases in criminal matters. Three thousand lawyers have volunteered to be appointed to provide legal assistance in civil matters and more than 700 to act as court-appointed defense counsel in criminal cases. The Paris Bar is responsible for appointing all legal lawyers from among its members and indemnifies them through appropriations provided by the French State for this purpose.

In order to ensure the systematic presence of a lawyer before every criminal court, the Paris Bar set up criminal case consultations several years ago. Thus, lawyers specializing in criminal law take charge of the cases called before the Court involving imprisonment, immediate court appearance, foreigners without proper immigration papers, etc.

In 1999, nearly 5000 legal consultations were given in criminal cases. In February 1999, the Paris Bar also created an *Entend de Mineurs* or "Outreach to Minors" program, responsible

in particular for the appointment of lawyers specializing in defending minors, both as the accused and as the victims. Consultations with lawyers who specialize in defending minors were also set up in juvenile courts.

Members of the Paris Bar are currently active in the Detention Center for Illegal Immigrants in Vincennes, just outside Paris, providing free legal aid to those being detained. The Paris Bar has also set up a system of consultations with lawyers who specialize in defending the interests of victims of crimes before the courts.

The French State financially ensures legal aid, but the Paris Bar must currently assume almost the entire cost of administering such assistance. I should emphasize that the indemnity for legal aid services that lawyers receive from the state is well below their customary fees. Thus, we can say that it is the lawyers who personally assume a large portion of the defense of the indigent.

B. *Access to a Lawyer While in Police Custody*

I will describe the legal apparatus. The law of January 4, 1993, for the first time, provided the right in France for a person in police custody to request to see a lawyer after such person has been in police custody for twenty-four hours. The law of August 24, 1993, provided for the State to pay the lawyers certain fixed amounts for such assistance. Such aid was granted unconditionally, irrespective of prisoners' nationality.

The Paris Bar provides consultations with lawyers for those in police custody twenty-four hours a day and seven days a week. A simple telephone call from the police station to the Bar will immediately bring a lawyer to the station for a consultation with the person being held in custody.

In 1999, nearly 5000 consultations with people in custody were carried out by the Paris Bar. The Paris Bar has worked toward affording those in custody the right to consult a lawyer as of the first hour of their detention. Indeed, a law is going to pass toward this end, and lawyers in Paris will henceforth intervene in 30,000 cases annually.

The State assumes the remuneration of the lawyers that render aid to persons in custody, but the Paris Bar assumes all the expenses of administering the legal aid service for those in custody. I must also emphasize that, there again, lawyers have

agreed to undertake a mission for which they will largely bear the expense, since the financial assistance provided by the state is quite small.

C. *Access to the Law*

For several years, the Paris Bar has maintained a very dynamic policy regarding access to legal advice. The law of July 10, 1991, created "access to the law" assistance that allowed those facing legal proceedings to benefit from free legal consultations and to be assisted during certain non-judicial proceedings. The law of December 18, 1998, redefined access to the law and broadened its scope by providing a legal framework for the specific facilities that were set up. The facilities were intended to ensure both easy and free access to the law for all accused persons, around-the-clock legal consultations, prevention and treatment of minor offenses, conciliation, aid to victims, etc.

A true policy of access to the law was set up and developed in large part through the initiatives of the Paris Bar. The initiatives of the Paris Bar in the area of access to the law are:

First, free consultations with lawyers. In 1999, almost 7000 hours of free consultations were given by members of the Paris Bar in all twenty city halls throughout the City of Paris located in the twenty *arrondissements*. In 1999, 4500 consultations were given at the main courthouse, five lawyers being on duty each day including the summer-vacation period to assist people facing legal proceedings. Telephone legal consultations are also available every day, from 7:00 a.m. to 11:30 p.m., to all those facing legal proceedings without means.

Second, free consultations with specialized lawyers. Daily consultations are available to minors in the Paris Bar's Outreach to Minors program in order to resolve problems encountered by young people or their families. Outreach lawyers also respond to numerous telephone calls.

In addition, the Paris Bar operates in elementary schools and high schools at the request of the principals, meeting with both students and teachers. There, specialized lawyers are particularly interested in raising awareness towards rights and in preventing problems. Consultations are also given several times per month to the handicapped and to immobilized cancer victims who want legal aid.

Lawyers are provided by the Bar to respond to telephone calls from French citizens who find themselves in difficulty abroad. Every year the Paris Bar organizes free consultations in the city halls to help taxpayers with their income-tax filings.

When exceptional events occur, such as natural disasters, the Paris Bar always sets up immediate free consultations to assist victims. The most recent example of this was in the case of the violent storm on December 26, 1999, that caused major property damage in the Paris area. Consultations were held with more than 800 people in ten days, either in person or by telephone.

A multi-faceted new business support group has also been formed called Business Start-Ups in France in order to assist new business.

II. *NEW INITIATIVES*

The Paris Bar is in the process of setting up consultations with specialized lawyers at La Sante Prison in Paris in order to inform prisoners of their rights during their incarceration. The Paris Bar, sensitive to the problems encountered by adults under psychological care, began an association in 1999, called Association to Ensure Access to the Law by Vulnerable Adults, the aim of which is to try to resolve the legal problems encountered by this segment of the population.

The Association of the Rights of Children, created by the Paris Bar several years ago, does important work on behalf of the young. The Paris Bar is also in the process of creating an Aid to Victims Association.

We also have a partnership in "access to the law" initiatives. The Paris Regional Legal Aid Office was created in 1997. It includes various partners, such as the State, the Paris Regional Authority, and the main city hall of Paris, as well as representatives from the legal professions and the courts. The Bar is one of the most important components of this partnership. The Paris Bar has given training in access to the law to representatives who are responsible for informing and assisting those who are most indigent.

The Paris Bar has signed an agreement with the French Red Cross and has undertaken to participate in training volunteer workers so that consultations can be set up for the indigent. The

Paris Bar is contemplating extending the initiative in the direction of other French humanitarian organizations.

The initiatives taken in the area of access to the law represent a major expense for the Paris Bar. The total legal aid cost borne by the Paris Bar itself in 1999 was approximately five million French francs, US\$750,000. To this considerable financial effort by the Paris Bar must be added that effort made by numerous Parisian lawyers who give *pro bono* consultations in their offices and by those in the legal profession who take into consideration the financial situation of their poorest clients and who do not hesitate to accept very modest fees, and sometimes no fees at all, in the pursuit of the Paris Bar's proud and age-old tradition of defending the most indigent.