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Law 34/2006, of October 30, 2006, on access to the professions of  
Lawyer and Court Attorney.

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Head of State  
"BOE" No. 260, of October 31, 2006  
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# CONSOLIDATED TEXT

## Last modification: October 25, 2021

This regulation is renamed "**Law 34/2006, of October 30, on the access to the professions of Lawyer and Attorney**", as established by art. 1.1 of Law 15/2021, of October 23. [Ref. BOE-A-2021-17276](#)

JOHN CHARLES I

KING OF SPAIN

To all who see and understand this document.

Be it known: That the Cortes Generales have approved and I come to sanction the following Law.

EXPLANATORY

MEMORANDUM I

The regulation of the regime of access to the legal profession in Spain is a requirement derived from Articles 17.3 and 24 of the Constitution: these professionals are fundamental collaborators in the administration of justice, and the quality of the service they provide has a direct impact on the effective judicial protection that our Constitution guarantees to citizens.

This law therefore complements the provisions of Organic Law 6/1985, of July 1, 1985, of the Judicial Power, and Law 1/1996, of January 10, 1996, of Free Legal Aid, which consecrate the function of lawyers, to whom the direction and defense of the parties is reserved, in such a way that they are responsible for guaranteeing legal assistance to the citizen in the process, in a mandatory manner when required by the procedural rule and, in any case, as a right to defense expressly recognized by the Constitution. The assistance of the lawyer, in accordance with the broad concept of protection to which we should aspire, also includes the professional actions aimed at avoiding the process by means of preventive and compositional formulas as well as, in general, legal advice.

The procurator, to whom the LOPJ grants the representation of the parties when so established by the procedural law, also guarantees legal assistance, and it is therefore essential to also provide the necessary requirements for access to this profession, in line with the tradition that already existed in Spain.

The experience of comparative law shows that acting before the courts of law and other legal assistance activities require the prior accreditation of a professional qualification that goes beyond the attainment of a university degree. This justifies the regulation of two professional titles complementary to the university degree in Law: the professional title of lawyer, required to provide legal assistance using the name of lawyer; and the professional title of solicitor, required to act before the courts in that capacity.

Moreover, in a Europe that is moving towards greater integration, it is essential to standardize these legal professions in order to ensure the fluidity of movement and establishment of professionals, one of the pillars of the single market, which is the essential foundation of the European Union.

II

It should be recalled that the necessary professional training of these collaborators in the exercise of effective judicial protection has been a constant demand of the

representatives of the professions. All the congresses of the Spanish legal profession, significantly those of León in 1970, Palma de Mallorca in 1989, La Coruña in 1995, Seville in 1999 and Salamanca in 2003, and the meetings of the governing boards of the bar associations since Santander in 1994, Girona in 1997, Valencia in 2001 and Santa Cruz de Tenerife in 2005, expressing the unanimous feeling of the Spanish legal profession, have demanded the guarantee of equal initial training for all legal professionals. In particular, the VI Congress of the Spanish Legal Profession highlighted the fundamental importance of practical professional training and the need for homogeneity in the evaluation of such training in order to be on a par with the professionals of the European Union, urging the regulation of the matter by the public authorities. The second Conference of the Governing Boards of the Bar Associations of 1997 also took advantage of the entry into force of the regulation on free legal aid to insist on this issue, taking a further step forward with the establishment of the certificate of professional aptitude, which, although voluntary, is required by the Bar Associations for the inclusion of the professional in the legal aid system.

The procuracy has also insisted on the matter. At its X National Congress in 2000, it was pointed out that "access to the practice of the profession of procurator should be regulated, standardizing it with the rest of the countries of the European Union, without prejudice to the specific function of each profession", which was reiterated, as an example, at the VII International Congress of the Committee of European Legal Practitioners, held in Mallorca in 2004.

Other legal operators have been sensitive to the issue. The White Paper on Justice presented by the General Council of the Judiciary in 1997 called for the practical training of these professionals. Likewise, the Conclusions of the X Conference of Deans of Law Faculties of Spanish Universities, held in Vigo on June 28, 2004, pointed out "the assumption of the need and urgency of regulating access to the professions of lawyer and attorney", adding that the model should contemplate "essentially and mainly the passing of courses of practical content, to be programmed, organized and taught jointly by the Law Faculties and the Bar Associations", making complementary reference to the possibility of a final objective test.

And, very significantly, the State Pact on Justice of 2001 also referred to the issue in point 20, providing for "formulas approved with the member countries of the European Union to guarantee preparation for the practice of the profession".

### III

The text stresses the importance of the practical training of professionals, so that their ability to provide the legal assistance provided for in the Constitution is objectively guaranteed.

To this end, it combines the training expertise of the universities with the experience of the professional associations. It should be noted that collaboration between universities and professional associations is one of the keys to the system. A significant manifestation of this is that the training courses require a period of external professional internships, the existence of which is ensured by means of the corresponding agreement between the university and the professional associations.

The recognition for professional purposes of the practical training additional to the law degree allows the process to be coordinated and integrated with the system of university studies, with which, however, and with full respect for university autonomy and its sectorial regulation, it does not interfere. However, as already provided for in the university regulation, the establishment of criteria to which university studies must be subject for the purpose of enabling access to the professional degrees regulated cannot be dispensed with in this case. To this end, the necessary accreditation of the training contents is provided for jointly by the Ministry of Justice and the Ministry of Education and Science, with the decisive requirement of external internships, specially qualified teachers for the teaching of this training of practical content, etc.

On the other hand, the model cannot ignore the reality of the existence of numerous prestigious law schools for lawyers, whose integration into the system described above is produced by their necessary agreement with the universities.

In any case, in order to objectively guarantee the professional qualification of the graduate in law thus trained, an evaluation of a general nature is included at the end of the practical training period, creating for this purpose a plural commission with significant representation of the university and professional sectors concerned.

#### IV

Entering into the analysis of the articles, it should be noted that two titles of professional aptitude are regulated, the professional title of lawyer and the professional title of court attorney. The law does not interfere, beyond the constitution of these titles, in the requirements for the professional practice of the legal profession.

As established in Chapter II, the training in question may be provided by the universities, although it must not be forgotten that we are dealing with a professional degree, so that, as already indicated, for the purpose of admitting the corresponding study programs as sufficient for professional training, and without this interfering with their academic validity, these courses will be accredited jointly by the Ministry of Justice and the Ministry of Education and Science. This gives great flexibility to the model and respects university autonomy to the maximum, since it allows the universities to decide what configuration these studies will have in each case, without interfering with the possibility that, in addition, the universities may organize other postgraduate legal studies with the academic validity granted to them by the sectorial regulations in force.

Likewise, the validity of the practical training given in the schools of legal practice of lawyers, within the aforementioned agreements, is recognized as a recognition of the work of preparation of the professionals that, especially for the better protection of free justice, these schools have been carrying out.

As far as the final evaluation is concerned, although it will be the same throughout the national territory to guarantee objectivity, for operational reasons it is advisable to decentralize it, with the creation of an evaluation commission for the territory of each autonomous community where the centers providing this practical training are located.

As for the provisions that complement the text, it is worth mentioning the establishment of a long period of "vacatio legis" prior to the entry into force of this regulation, during which neither the professional title of lawyer nor the professional title of court attorney will be required to join and practice the respective professions, so that the expectations of current students of the bachelor's or law degree are not broken.

Likewise, the question of those who practice law from another function for the performance of which they have passed selective tests accrediting their legal training has been resolved, for which it would make no sense to subject them to a training process and to a reiterative evaluation if they decide to become lawyers or attorneys at law.

The State competence is protected by Article 149.1. 1.<sup>a</sup>, 6.<sup>a</sup> and 30.<sup>a</sup> of the Constitution, in accordance with Article 36 of the same, so that the provisions of this law shall be applicable throughout the national territory.

### CHAPTER I

#### General Provisions

##### **Article 1.** *Object and purpose of the Law.*

1. The purpose of this Law is to regulate the conditions for obtaining the professional title for the exercise of the professions of the legal profession, which are basic for the exercise of the fundamental right to effective judicial protection, in order to guarantee the access of citizens to quality advice, legal defense and technical representation.

2. Obtaining the professional title in the manner determined by this Law and being a member of the Bar Association is necessary for the performance of legal assistance in those judicial and extrajudicial proceedings in which the current regulations impose or authorize the intervention of legal professionals and, in any case, to provide legal assistance or legal advice using the name of lawyer; all this without prejudice to the fulfillment of any other requirements demanded by the current regulations for the practice of law.

3. Obtaining the professional title in the manner determined by this Law and being a member of the Bar Association of Attorneys is necessary to perform the legal representation of the parties in judicial proceedings as an attorney, carrying out the acts of communication to the parties and those other acts of cooperation with the Administration of Justice that the Law authorizes them, as well as to use the name of attorney of the courts, without prejudice to compliance with any other requirements demanded by the current regulations for the exercise of the profession of attorney.

4. Obtaining the professional title shall entitle the holder to become a member of the Bar Association or the Association of Attorneys, depending on the activity he/she decides to practice, and it shall not be possible to simultaneously become a member of a Bar Association and an Association of Attorneys, nor to practice both professions.

#### **Article 2. Accreditation of professional training.**

1. The right to obtain the professional title for the exercise of the professions of the legal profession and the procuracy shall be granted to those persons who are in possession of a university degree in Law or a Bachelor's Degree in Law and who prove their professional qualification by passing the corresponding specialized training and the evaluation regulated by this Law.

2. The specialized training necessary to be able to access the evaluations leading to the obtaining of this professional title, is a regulated and official training that will be acquired through the completion of training courses accredited jointly by the Ministry of Justice and the Ministry of Universities, after being heard by the autonomous communities and in the manner to be determined by regulation.

3. The professional title regulated in this Law shall be issued by the Ministry of Justice or by the corresponding bodies of the autonomous communities that have assumed the executive competence for the issuance of professional titles.

## CHAPTER II

### **Specialized training**

#### **Article 3. Training.**

1. The training courses for obtaining the professional title regulated in this Law may be organized and given by public or private universities, and by schools of legal practice.

2. All these centers shall establish for this purpose the agreements referred to in this chapter.

#### **Article 4. University training.**

1. The specialized training courses referred to in the preceding article may be organized and taught by public or private universities, within the framework of the courses leading to the award of an official university Master's degree, in accordance with the provisions of the regulations governing official university Master's degree courses as well as this Law and its implementing regulations and, where appropriate, within the public price system, and must be accredited, at their proposal, in accordance with the provisions of article 2.2.

2. This accreditation will be granted without prejudice to the authorizations and approvals required by the educational regulations for the purposes of the validity and academic qualification of the referred courses.

3. For the accreditation of the referred courses, it shall be an indispensable requirement that they include subjects pertaining to the professional practice of the legal profession and of the procuracy and the completion of a period of external internships under the terms of Article 6.

4. Regulations shall establish the procedure and the requirements to be met by such courses for their periodic accreditation in terms of their content and duration, as well as the qualifications and qualifications of the teaching staff, so as to ensure the presence of at least half of practicing professionals. The Regulations shall make it possible for these courses to be taught in any of the official languages and, in addition, they shall include training in the law of the Autonomous Community. The duration of the courses shall be 60 credits, plus the credits necessary for the external internships referred to in article 6.

#### **Article 5. *Legal practice schools.***

1. The schools of legal practice created by the bar associations that have been approved by the General Council of the Bar in accordance with its regulatory rules may organize and teach courses that allow access to the evaluation regulated in Article 7, provided that such courses are jointly accredited by the Ministries of Justice and Universities, after being heard by the Autonomous Communities and in the manner to be determined by regulation.

2. In order for their courses to be accredited and recognized for the purposes of determining their program, content, teaching staff and other circumstances, the legal practice schools must have entered into an agreement with a university, public or private, guaranteeing compliance with the general requirements set forth in Article 4 for training courses. They must also provide for a period of external internships under the terms of the following article.

#### **Article 6. *External internships.***

1. External internships in activities related to professional practice, with the requirements to be determined by regulation, shall constitute half of the training content of the courses referred to in the preceding articles, and shall be an integral part thereof. In no case shall they imply an employment or service relationship.

2. The internship shall be carried out under the tutelage of a professional lawyer and, whenever requested by the student, a professional attorney, both with a professional practice of more than five years. The General Statute of the Spanish Legal Profession and the General Statute of Attorneys shall regulate the other requirements for the performance of the tutorship, which shall include the necessary measures to promote that the training is given in all the official languages, as well as the rights and obligations of the professional person of the legal profession and, when applicable, of the procuracy, who exercises it, the infringement of which shall give rise to disciplinary liability.

3. In the cases regulated in Articles 4 and 5.2 of this Law, an agreement must have been entered into between the university and at least one professional bar association and one bar association, which establishes the internship program and the designation of the corresponding tutorships, the maximum number of students that may be assigned to each tutorship, the places or institutions where the internships will take place, as well as the control mechanisms of the exercise of these, within the requirements established by regulation.

4. Once an offer of agreement has been submitted by a university or law school, for the purposes of Article 4.3 in connection with Articles 4.2 and 4.4.2, the following shall be considered as a proposal for a new agreement

5.2 and 6.3 of this Law, and provided that it meets the minimum requirements established by the ministries responsible for the accreditation of training courses, under the terms provided in Article 2.2, the party to which the offer is submitted may not reject it arbitrarily and must issue a reasoned decision in relation thereto.



## CHAPTER III

### Accreditation of professional training

#### **Article 7. Evaluation.**

1. The evaluation of professional aptitude, which is the culmination of the professional training process, aims to accredit, in an objective manner, sufficient practical training for access to professional practice, as well as knowledge of deontological and professional standards.

2. The commissions for the evaluation of professional aptitude will be convened jointly by the Ministry of Justice and the Ministry of Universities, having heard the Autonomous Communities, the Council of Universities, the General Council of the Bar and the General Council of the Bar Associations of Attorneys.

3. The composition of the evaluation commission for the access to the professional practice shall be established by regulation, which shall be unique for the courses carried out in the territory of the same autonomous community, ensuring the participation in it of representatives of the Ministry of Justice and the Ministry of Universities, and of members appointed at the proposal of the respective autonomous community. In any case, in the evaluation commission there will be members appointed at the proposal of the General Council of Spanish Lawyers and one member appointed at the proposal of the General Council of Solicitors. The number of representatives appointed at the proposal of each ministry, of the autonomous community and of the General Council of the Spanish Bar shall be the same.

4. If the number of applicants so advises, a single evaluation committee may be set up for courses held in the territory of several autonomous communities, indicating this in the call for applications.

5. The evaluation for the access to the professional practice shall have a unique content for the whole Spanish territory in each call, without prejudice of the annexed provisions that shall be included in the calls carried out in territories with co-official languages and their own law. Regulations shall determine the procedure by which the Ministry of Justice shall establish the specific content of each evaluation, with the participation of the universities organizing the courses, the General Council of Spanish Lawyers, the General Council of Court Attorneys and the respective Councils of analogous nature that may exist in the autonomous area.

6. The calls for applications shall be issued at least once a year and may not establish a limited number of vacancies.

7. The regulations will regulate the procedure for the convocation, places and manner of holding the evaluation, publication and communication of the results and other requirements necessary for its realization. Likewise, the program, which shall also include matters relating to the law of the autonomous communities, and the evaluation system shall be regulated.

#### **First additional provision. Freedom of establishment.**

The permanent practice in Spain of the profession of lawyer or attorney at law and the occasional rendering of services with a professional title obtained in another Member State of the European Union or of the Agreement on the European Economic Area shall be regulated by its specific legislation.

#### **Second additional provision. Grants and scholarships.**

The Government shall guarantee equal opportunities for access to the practice of the professions of lawyer and attorney; to this end, aid and scholarships shall be established for those law graduates who wish to obtain any of the degrees referred to in this law, in accordance with the national scholarship system.

#### **Third additional provision. Professional practice of civil servants.**

1. The actions of personnel in the service of the State, constitutional bodies, public administrations or public entities before courts and tribunals in the performance of their duties shall be governed by the provisions of Article 551.

of the Organic Law 6/1985, of July 1, 1985, of the Judiciary, and other applicable legislation, without in any case being required to obtain the degree regulated in this law.

2. Civil servants who have entered a corps or scale of group A as graduates in Law and perform functions of legal assistance or legal advice shall be exempted from obtaining the professional title for the practice of the professions of law and legal counsel for the purposes described in Article 1 of this law. Also exempted are those who have been admitted to the corps of the General Courts of Justice, to any of the corps of Lawyers of the Autonomous Legislative Assemblies, to the Judicial Career, to the Prosecutor's Career, to the corps of Lawyers of the Administration of Justice, or to any of the common corps of the Armed Forces in their condition of graduates in Law.

**Fourth additional provision. *Adaptation of the collegiate rules to the provisions of this law.***

The professional associations of lawyers and attorneys shall adapt their regulations to the provisions of this law.

**Fifth additional provision. *Accessibility.***

In order to favor the access of persons with disabilities to the professions of lawyer and court attorney, accessibility criteria shall be taken into account in the design and implementation of the courses and evaluations referred to in Article 2.2 of this Law.

**Sixth additional provision. *Autonomous Councils.***

References to the Consejo General de la Abogacía or the Consejo General de la Procura, or to their respective Statutes, contained in the articles of the law, shall be understood to be made, as the case may be, to the respective regional councils or to their regulatory regulations, in accordance with the provisions of the applicable legislation.

**Seventh additional provision. *Degree in Law and Bachelor's Degree in Law.***

For the purposes of this law, the reference to a law degree shall be understood as a reference to a law degree, when applicable.

**Eighth additional provision. *Law graduates.***

The professional qualifications regulated in this Law shall not be required of those who obtain a law degree after the entry into force of this Law, provided that within a maximum period of two years from the time they are in a position to apply for the issuance of the official law degree, they proceed to register as members of the bar, either as practicing or non-practicing members.

**Ninth additional provision. *Recognized foreign degrees.***

The professional titles regulated in this Law shall not be required of those who, at the time of the entry into force of this Law, have applied for the homologation of their foreign title to the degree of Bachelor in Law, provided that within a maximum period of two years from the time they obtain such homologation, they proceed to register as practicing or non-practicing members of the Bar.

**Single transitory provision: *Professionals registered at the entry into force of the requirement of a professional title.***

1. The professional qualifications regulated in this regulation shall not be required of those who are already members of a bar association, whether practicing or not, at the time of the entry into force of this law.

2. The professional titles regulated in this law will also not be required of those who, without being members of a bar association or barristers' association at its entry into force, had been members before its entry into force, as practicing or non-practicing lawyers,

for a continuous or discontinuous period of not less than one year in total, provided that they proceed to become members before practicing as such and have not been discharged as a result of a disciplinary sanction.

3. Those who at the time of the entry into force of this Law were in possession of a degree in Law or in a position to request its issuance and were not included in the previous paragraph, shall have a maximum period of two years, as from its entry into force, to become members of a professional association, as practitioners or non-practitioners, without being required to obtain the professional titles regulated therein.

**First final provision. *Competent title.***

The provisions contained in this law, issued under the protection of Article 149.1. 1st, 6th and 30th of the Constitution and in accordance with Article 36 of the same, shall be applicable throughout the national territory.

**Second final provision. *Regulatory authorization.***

The Government, the Ministries of Justice and of Education and Science and the rest of the competent ministerial departments are empowered to issue as many regulatory provisions as may be necessary for the development and execution of this law.

**Third final provision. *Entry into force of this law.***

This law will enter into force five years after its publication in the "Official Gazette of the State".

Therefore,

I command all Spaniards, individuals and authorities, to keep and enforce this Law.

Madrid, October 30, 2006.

JUAN CARLOS R.

The President of the  
Government, JOSÉ LUIS  
RODRÍGUEZ ZAPATERO