

## Ordem dos Advogados

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### I. Organization Profile

#### 1. Year of Foundation

1926. The Ordem dos Advogados (OA) / Portuguese Bar Association, was established by Decree n.º 11 715, of 12 June 1926. However, its origins trace back to the Lisbon Lawyers Association, whose Statutes were approved in 1838.

#### 2. Types of Membership

Advogados - Lawyers (full members).  
Advogados Estagiários - Trainee Lawyers.

#### 3. Number of Members

As of January 2008:  
Lawyers - 25831.  
Trainee Lawyers (in the second and final phase of training) - 3161.

#### 4. Membership

Membership is compulsory.

#### 5. Executives and Officers

Elected officers (for a three-year term):  
Bastonário (1) - The President of the Bar Association, also acts as the Chairperson of the General Council, of the Congress, and of the General Assembly.  
Members of the General Council (21) - The management, executive and regulatory body nationwide.  
President of the Superior Council (1)  
Members of the Superior Council (22) - The “Supreme Court” of the Bar Association (in certain cases also has first instance jurisdiction).  
Presidents of the District Councils (7)  
District Councils (7) Lisboa, Porto, Coimbra, Évora, Faro, Madeira and Açores -

## **Ordem dos Advogados**

(number of members of each District Council varies) - the management bodies within its territorial limits, responsible, amongst other tasks, for providing and encouraging the initial and ongoing training of lawyers and trainee lawyers.

Presidents of the Deontology Councils (7).

Deontology Councils - (7) the same as District Councils - The bodies with first instance disciplinary jurisdiction over lawyers and trainee lawyers whose professional domicile is within the district.

Local Delegations (composed of 2 to 4 members each) Currently there are around 220 Delegations.

For further details see the Bar Association Statute passed by Law n.º 15/2005, of 26th January.

### **6. Journal and/or Newsletter**

Boletim da Ordem dos Advogados (BOA) - issued every two months. The BOA is sent free of charge to every lawyer and trainee lawyer (in the second phase of training). It is also available, for purchase, to the public in general. Circulation - 30.500.

Revista da Ordem dos Advogados (ROA) - issued three times a year (usually). The ROA is available for lawyers free of charge, subject to request. The ROA is an academic journal containing legal theory, doctrine, commented case law. It also publishes the OA's rulings, regulations and opinions. Circulation - 13.500.

Newsletters (from the General Council's Library):

Correio Jurídico - Weekly - news about legislation, regulations, case law, reports, national and international events in the field of justice, etc.

Novidades Bibliográficas - sent every three months - information about new books available in the Library.

All of the above are available free of charge in the OA's Website <http://www.oa.pt>.

Some District Councils occasionally publish their own newsletters or Bulletins.

## **II. Attorney System in the Country/State, etc.**

### **1. Other Bar Associations**

The Ordem dos Advogados is the only public association (nationwide) representing law graduates who practice law (advocacia) as a profession.

### **2. Number of Attorneys**

25831 Active Lawyers

### **3. Code of Ethics and/or Rules of Professional Conduct**

The Code of Ethics of Portuguese Lawyers is a part of the Portuguese Bar Association's Statute.

The Bar Association has also adopted the Code of Conduct for European Lawyers (CCBE's Code of Conduct) which is binding on Portuguese Lawyers in cross-border activities.

#### 4. Disciplinary Functions

The Bar Association, through the Deontology Councils (first instance) and the Superior Council, has exclusive disciplinary jurisdiction over lawyers and trainee lawyers.

The Bar Association's disciplinary powers derive from the Law (the Bar Association Statute). Lawyers can appeal against the rulings of the Bar Association to Administrative Courts.

#### 5. Practice by Foreign Attorneys

Foreign Lawyers are allowed to practice in Portugal according to different regimes depending on their country of origin. Brazilian Lawyers enrolled in the Brazilian Bar Association, for instance, have a preferential regime of admittance to the OA.

An EU Member State lawyer, authorized to practice in his or her respective country, can practice in Portugal (according to the national rules which transposed Directives 77/249/EEC and 98/5/EC) under 3 different regimes:

Provision of services, on an occasional basis, with his home title - The lawyer is only required to previously inform the OA that he or she will provide occasional services in Portugal.

Practicing on a permanent basis with the home title - the lawyer is required to register with the OA.

Enrolment in the Portuguese Bar Association as an Advogado, in the same circumstances as Portuguese Advogados - Requires full enrolment in the Portuguese Bar Association and taking an exam (in Portuguese) in order to demonstrate that the candidate is well acquainted with Portuguese law and language or EU law. This exam may be exempted if the candidate has practiced a minimum period of three years with his home title, in the hosting member state, as described above in b).

In order to represent clients before Portuguese Courts, a EU lawyer practicing under his home title should be guided by an Advogado duly enrolled in Portuguese Bar Association.