

**Sarra Rahoui<sup>1</sup>**

## **The Issues of Young Lawyers in the Legal Profession System in Tunisia**

### **Introduction**

The legal profession has always dominated Tunisia's political and public life. Lawyers in Tunisia have served as significant ambassadors of socio-political change and for many years, the profession has come to stand for the ideals of justice. Starting from the resistance and struggle against the French colonization to becoming prominent symbols of regime change in the wake of the Tunisian Revolution in 2011, lawyers have served an important role in Tunisian society as they banded together to fight for political liberalism and the protection of the nation's fundamental rights against Ben Ali's presidency.

One of the Jasmine Revolution's most iconic images from 2011 was of them denouncing the dictatorship while dressed in their black robes. Following the revolution, attorneys have actively participated in state policymaking at the highest levels. From preventing torture to bolstering transitional justice and judicial independence, lawyers have worked together to improve a variety of concerns (Kaur, 2021).

Lawyers also played a human rights role before their judiciary role outside the courts. They always sought their advocacy on human rights issues based on international laws ratified by Tunisia. Pressure was also put on the authority through having a large number of lawyers pleading in one case, as in the cases of the mining basin workers before the revolution. Lawyers in this case gathered their forces to defend the workers' civil and political rights. Lawyers also turned to public opinion and the international and local press many times. The positions of lawyers were published in opposition media outlets such as Al-Mawqif, Al-Tariq Al-Jadeed, in social media and blogs, while the most prominent media outlets covered their activities after the revolution. Lawyers also carried out strikes and protests to advocate for human rights issues, such as the protest that lasted 52 days in the Lawyer's House to demand the release of Professor "Mohamed Abbou" in 2005. The movement continued with the October 2005 strike on the occasion of organizing the second part of the Information Society, which ended with the establishment of the October 18 Front for Rights and Freedoms, which represented an important ground for action between the various components of the political and human rights scene (Ferchichi, 2013).

After the Arab spring and the mass demonstrations in Tunisia in 2011, the role of lawyers in Tunisia increased. The Tunisian Order of Lawyers became a part of the Tunisian National Dialogue Quarter after its creation in the summer of 2013, when political killings and massive popular unrest put the democracy process in jeopardy of failing. At a time when the nation was on the verge of civil war, it built a different, peaceful governmental system. Thus, it played a crucial role in Tunisia's ability to quickly build a constitutional system of government that ensures basic rights for all citizens, regardless of gender, political opinion, or religious belief (Nobel Prize, n.d.). With its enormous moral power, the Quartet carried out its duties as a mediator and motivator to further Tunisia's peaceful democratic growth, which led eventually to win the Nobel Peace Prize in 2015.

Despite the role played by lawyers before and after the democratic transition, this legal profession still lacks several advantages. Young attorneys still suffer from many professional problems that hinder their practical and social progress, especially since senior lawyers monopolize this field. After graduating, the journey to becoming a lawyer can be challenging for young law students that did not have a wide experience in the field and that do not have family connections or family members who are lawyers or working in law firms. Starting from

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<sup>1</sup> University of Szeged, Faculty of Law and Political Sciences.

scratch is certainly not an easy task especially since the legal regulation of this profession is making the path more and more difficult for young students.

### **The Newcomers to the Tunisian legal profession**

One of the main faced challenges is the registration as a legal practitioner. Before 2010, the number on this list exceeded 500, since the law allows those holding a Master of Advanced Studies in Law to be directly registered as legal practitioners without the need to obtain a qualification certificate in law. Beginning in 2010, the category of apprentice lawyers has been restricted to law graduates who pass the legal bar exam and hold competency certificates in order to prevent the increase in the number of attorneys. This resulted in a decrease in the number of apprentice lawyers by around 200 by the year 2011; however, this did not result necessarily in improving the training conditions, nor the financial and professional status of the lawyers (Al-Younsi, 2020).

Their condition is still poor, and the new procedures and legislation do not include any attempts to improve it. Furthermore, one of the biggest challenges facing graduates of the Higher Institute of Law on their path to becoming members of the Tunisian Order of Lawyers is accepting to train an apprentice lawyer in the office of an attorney registered in the courts of appeal, or cassation register of lawyers. Several lawyers reject interns for many reasons. According to the legal profession's regulations, training attorneys are required to give apprentices a respectable workspace, ensuring that client's privacy is protected while they practice law. Due to the high expense of office rental fees, a large number of attorneys cannot offer the apprenticeship.

In addition, lawyers fear losing their clientele and leaking business information. In order to overcome this barrier, aspiring attorneys must agree to the guidelines established by those willing to train them. Some of these requirements even require the apprentice to contribute financially to the office or pay the subscription expenses of their training lawyer to the Tunisian Order of Lawyers. Some apprentices seek a lawyer who will agree to provide them with a courtesy certificate that can facilitate their registration as official lawyers, knowing in advance that they will not secure a true apprenticeship term due to the difficulty in locating an apprenticeship office. The moment a training attorney engages in financial extortion, they forfeit their responsibility to teach the trainee legal ethics. Apprentices are forced to work on the streets if they are unable to locate apprenticeship offices. In both situations, a number of young lawyers' professional ethics begin to deteriorate due to their inability to locate an office where they may receive training. The apprentice who is able to secure an apprenticeship in a law firm succeeds in obtaining legal status, but they may run into relationship problems with their mentor (Al-Younsi, 2020).

### **The Vulnerable Situation of Trainee Lawyers**

The construction of the lawyer's personality, including his professional ethics, is theoretically significant throughout the apprenticeship period. The interaction between the apprentices and their mentor attorneys helps them learn that information. As their fellow young lawyers like to refer to them, "the seniors," they are eager to look after their apprentices in a relationship more comparable to that of a teacher and student. At first, there is a rigid vertical relationship that develops into a close friendship over time. In contrast, a significant number of young attorneys discover that their connection with their mentors is inherently precarious. Many of these lawyers treat their trainee attorneys like "forced labourers" who must produce their reports and appear in court without receiving any payment, no matter how small. Under the guise, that it would distract them from office duties, the training attorney has even been

known to forbid the apprentice lawyer from accessing their personal case files or receiving clients at the office. This type of approach occasionally forces the young intern to meet with clients outside the office of the supervising attorney, which prevents them from executing their duties in a respectable environment and worsens their financial circumstances. Since all of these expenses are linked, young attorneys find themselves unable to pay even the annual subscription fees of the Tunisian Order of Lawyers, preventing them from using the National Fund for Health Insurance services. On the other hand, Courts also sometimes seek to exploit their weak position by taking an advantage of the inexperienced attorneys' precarious situation and need for court fees. Some criminal justice agencies appoint them in some circumstances while denying them full access in many others. When only the Tunisian Order of Lawyers, in its regional branches, is permitted to assign attorneys, courts openly violate the statutes in this regard. Despite the rise in cases of exploitation and abuse, absolutely nothing has been accomplished to stop them. Setting up a standard collaboration contract that protects the financial rights of the apprentice lawyer and, in exchange, outlines clear and defined job commitments is one of the primary methods that may be successful in this respect (Al-Younsi, 2020). In this context, the deanship, the board, the chairperson, and even the membership of the branch or the Tunisian Association of Young Lawyers promised the improvement of apprentice attorneys' work situation. However, these promises remained a campaign motto to fulfil electoral gains. This strategy gets votes, but after winning the election, the winners frequently break their promises and do not attempt to carry out these slogans.

### **The situation of young Lawyers Returning from Algeria**

The long process of passing the bar exam in Tunisia and the conditions law students experience during this period especially since the exam takes place once every year and goes through a long correction phase that waists years of the law graduate waiting for the acceptance of the bar exam committee. This pushed law graduates to choose to take this exam in a neighbouring country like Algeria, which happens to be easier and quicker. However, the holders of a certificate of professional competence in the law from Algeria are still causing widespread controversy. While the National Association of Lawyers earlier allowed them to be ordained, the current panel headed by the Dean of Lawyers, Mr Mohamed El-Fadil Mahfouz, refused to do so due to their failure to meet the legal requirements. While law graduates in Algeria adhere to their right to practice the profession based on the agreement related to mutual assistance and judicial cooperation between Tunisia and Algeria of the year 1963. The National Association of Lawyers had appealed the decisions of the Court of Appeal to ordain them before the Administrative Court. The case witnessed several developments that led to a sit-in at the lawyer's house back in 2016. The regional branch of lawyers in Tunisia recently issued a statement confirming its rejection of the notifications' demands for the transfer of demarcation and its adherence to the Higher Institute of Law as a gain that cannot be neglected in light of the endeavour to be the only entry point to the profession.

The "Group of Lawyers Returning from Algeria" includes 260 lawyers, whom the Commission refused to demarcate, while a number of sons of the sheikhs of the profession were ordained, which left a state of anger among the lawyers (Al-Younsi, 2020).

### **The role played by lawyers in the business sector in Tunisia**

The challenges faced by lawyers in Tunisia, the young among them, is also the result of Tunisia's current political and economic climate. It is accurate to say that the Revolution resulted in a reformulation of all systems and gave the world an impression

of a fragile Tunisia that was undergoing a complete period of political change. On the other side, the role of attorneys and judges in the business sector is still crucial. The current state of business lawyers is not only a result of the post-revolutionary environment. On paper, they have a good system, but in practice, things are different. There are apparent issues with the profession's training. Tunisians and business lawyers are both impatiently waiting. Even though they are at a transitional stage, Tunisia's legal system is well defined. Following the Revolution, there was a tsunami of demands, but there was no hierarchy or order to these requests; everything had to be done immediately. This does not imply that there are no investors out there especially in the area of new technology, since the Revolution.

Therefore, Tunisian young business attorneys need to stand out and gain more business especially since they are in high demand in this area. The ability to speak two languages is Tunisian lawyers' first advantage. For lawyers who exclusively handle domestic cases, being limited to Arabic and French is not a barrier, but for international business affairs, it is a real problem. The need to expand their linguistic capacities, mainly in English, is necessary to expand their network, which lacks the training of lawyers, as well as multidisciplinary knowledge. Being a good lawyer means being multidisciplinary in order to conquer new customers. The need to possess notions of marketing and psychology is required nowadays as well as business management. To master the law is not only to study the subjects of law and that is something that does lack in the law institute that does not provide evening classes in marketing or psychology for lawyers (Iweins, 2013). Knowledge, relationships, and connections with foreign lawyers are necessary. Too many large international law firms make employees of their collaborators. This is a huge obstacle for the profession in Tunisia.

## **Conclusion**

Since the Revolution, many young lawyers have decided to set up their own businesses directly. The fear of the network of the old regime is behind them. Yet, the challenges and the shortcomings in the system of the legal profession are creating a burden on the new generation of law graduates that are still paving their path among other more experienced and influential senior lawyers. Starting from registration as a legal practitioner to becoming an established business lawyer in a country with an unstable economic situation, young lawyers need to overcome several challenges. The judiciary system in Tunisia, on the other hand, is not developing as much as it should today with the new technological and social changes that are accruing in the country. Starting from the bar exam's rigid system and the traineeship obligations, the legal profession has not been thoroughly reviewed and revised since 2010. Looking at the financial situation of young attorneys, these regulations are not helping much; on the opposite, they made things much worse not forgetting the social pressure that is put on these lawyers and the need to succeed in a profession that seems to be more challenging in Tunisia than in other countries.

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