



CAMMINO DIRITTO

Rivista di informazione giuridica
<https://rivista.camminodiritto.it>



A NEW FIGURE IN THE LEGAL WORLD: THE SPECIALIZED LAWYER

A recent Government measure has declared a new figure: the specialized lawyer. The professional could increase his/her formation in eighteen subjects, fulfilling various duties that we are now going to analyze.

di **Loredana Vega**
IUS/02 - DIRITTO PRIVATO COMPARATO
Articolo divulgativo - ISSN 2421-7123

Direttore responsabile
Raffaele Giaquinto

Publicato, Lunedì 7 Settembre 2015

A new figure is coming out in the forensic world: the specialized lawyer.

The forensic professional is able to enhance its formation in eighteen subjects, according to the procedure, in this way:

Agricultural law; In rem jurisdiction, of property, renting, jointly-owned building; Environmental law; Industrial law and intellectual properties; Commercial law, competitive and company law; Inheritance law; Forced execution law; Bankruptcy law and collective procedures; Banking and finance law; Tax, fiscal and custom law; Navigation and transport law; Labour law, trade union, social security and social assistance; EU law; International law; Criminal law; Administrative law; IT law; Family law and children rights. It is specified that the lawyer can use the title of specialized exclusively for two of the mentioned areas; the ratio under the disposition is clear. The professional cannot afford an appropriate formation, experience and specialization in more than two subjects at the same time; otherwise it would not be “specialized”.

The lawyer will be able to edit its choice on the area to specialize: it could indeed require the title of a new subject, renouncing to one of the previously chosen.

The procedure above has foreseen the fulfilling that needs to be respected to get the specialized title, which could be released by CNF after a request from the professional to its belonged Order.

To obtain the title, the attorney will have to demonstrate a “proved experience”, testified by the actual exercise of the profession for at least eight years. The lawyer shall demonstrate also a relevant experience in the last five years of the area in which he/she wants to require the title, proved from work on fifteen professional cases per year in that area.

Therefore CNF, to verify all the details, will call the professional for a speech according to the areas he/she wants to specialize in, to test the effective competencies.

On the other side there is another method to obtain the title: to frequent specialized courses, which have to be of two years long, with the minimum presence of 200 hours. The professional cannot be absent more than 20% of the entire course.

These courses will be held in a university contest; and this cooperation between forensic world and academic has yet to be established.

To maintain the title, the professional will have to testify to his belonged Order, every three years, the fulfilling of the formation commitment required. These commitments will also consist in the frequency and effective participation to the courses held by CNF in the various areas of specialization.

The attorney, to maintain the title, could also testify of working every year on fifteen cases in the areas of specialization.

In any cases, there is the denial possibility of losing the specialized title; this will occur if the commitments will not be fulfilled correctly or if the professional will be part of a ethical punishment different from the notice.

Analyzing said procedure, especially considering the actual moment for the forensic profession, many doubts are exposed.

To begin with, it is not specified if it will be a duty to specialize in an area, and if not fulfilled , there will be consequences. It needs to be seen also how the market will react to the figure of the specialized attorney; will he be preferred to the general attorney? Can he ask for higher prices for its competencies?

Is also inevitable that some of the area are less required than others; some areas require high competencies, but they could not be requested by many , discouraging the formation.

Is it possible however that the costs to participate to these courses could not be afforded by young lawyers, already facing a competitive market and many taxes imposed to them; will there be grant?

Furthermore it needs to be observed how it will be the relation of the two worlds, academic and forensic, to establish the specialized courses.

Considering all the perplexities mentioned above, we will see what will be the consequences to this action.