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Mexico: Requirements for practising law and the role of Mexican bar associations
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There are two types of legal professionals in Mexico: lawyers (*abogados*) and notaries public (*notarios públicos*) (Zamora 2004, 61). Under the Mexican constitution, the states regulate entry to the profession of lawyer or notary public (Mexico 5 Feb. 1917, Art. 5); the national congress regulates entry to the legal profession in the Federal District and, for matters of federal jurisdiction, across the country (Zamora 2004, 62, 71).

Lawyers

The Federal Law on the Practice of Professions in the Federal District (*Ley Reglamentaria del Artículo 5o. Constitucional, Relativo al Ejercicio de las Profesiones en el Distrito Federal*) is applicable in the territory of the Federal District and, for matters of federal jurisdiction, in the rest of the country (Mexico 26 May 1945, Art. 7). Under this law, the requirements to practise law as a lawyer are as follows: have full legal capacity; have a university diploma from an institution authorized to issue legal degrees; and have a licence to practise the profession (ibid. Arts. 3, 11 and 25). These requirements are the same for all recognized professions (ibid. Arts. 3, 11 and 25). Law graduates receive a diploma that varies from one university to another: for example, licentiate in laws (*licenciado en derecho*), licentiate in laws and social sciences (*licenciado en derecho y ciencias sociales*), or licentiate in legal sciences (*licenciado en ciencias jurídicas*) (Zamora 2004, 43; JURIST n.d.). However, the word *licenciado* is not reserved for lawyers alone but is used to indicate any professional person (Canada n.d.).

Law school usually takes four to five years to complete (JURIST n.d.). A student who has completed all the required courses is called an *egresado no titulado* (Zamora 2004, 52-53). Afterward, in order to obtain a licentiate, the student must meet the program's other requirements, such as producing a thesis or passing a final written or oral exam (Zamora 2004, 52) and performing social service (Mexico 26 May 1945, Art. 52; Zamora 2004, 52) on a voluntary basis at the end of his or her academic program (ibid.).

A graduate can then obtain a professional licence (*cédula profesional*) from the federal Ministry of Education (Secretaría de Educación Pública, SEP) that bears the individual's personal number from the National Registry of Professionals (Registro Nacional de Profesionistas) (Mexico n.d.). The states and the Federal District also issue their own state licences (*cédula estatal*) (ibid.; Zamora 2004, 67). Mexicans who have a university degree in law do not have to pass an additional exam to be registered in the National Registry of Professionals (Mexico 26 May 1945, Art. 3). Admission to the practice of law is national, and lawyers can practise in any state (Mexico 5 Feb. 1917, Art. 121, para. IV-V). However, a lawyer must be registered with a state registry in order to charge for the work he or she performs in that state and must have an SEP licence if he or she wants to earn income in the Federal District (Zamora 2004, 67).

Although internships are not mandatory, it is common for students near the end of a law school program to work with a licensed lawyer for a period of one to three years (Zamora 2004, 68). In some states, an intern (*pasante*) can practise law and litigate cases in court under the supervision of a lawyer (ibid.; Fix-Fierro 2007, 255-256; Mexico 26 May 1945, Art. 30). However, in the Federal District, only licensed professionals can represent clients before judicial and administrative courts (Fix-Fierro 2007, 256; Zamora 2004, 62).

In criminal matters, federal law stipulates that an accused can opt to be represented by the person of his or her choice, whether or not that person is a lawyer (Mexico 26 May 1945, Art. 28). According to constitutional law, if the accused does not designate someone to represent him or her, the judge can appoint a public defender (Mexico 5 Feb. 1917, Art. 20, para. IX). However, legal representation in labour and agrarian law cases, as well as in cases involving cooperatives, is subject to particular legislation (Mexico 26 May 1945, Art. 27). The activities of lawyers working as public commercial brokers (*corredores públicos*) are also regulated by a particular law (Mexico 29 Dec. 1992).

Notaries public

Most Mexican states have their own laws regarding notarial practice, but they are similar, if not identical (Zamora 2004, 71). In the Federal District, the profession of notary public is defined under article 42 of the 28 March 2000 Law on the Notarial Profession in the Federal District (*Ley del Notariado para el Distrito Federal*):

[translation]

Article 42. A notary is a legal professional in whom the State has invested the power of authentication and who can receive, interpret, draft and give legal expression to the will of the persons who come before him or her, and who can establish the legal authenticity and certainty of past acts and facts before him or her, by recording those acts and facts in the public documents he or she writes. A notary conserves the documents in the minute book he or she is responsible for, reproduces them and authenticates them. A notary is also an auxiliary of the judicial administration and acts as an advisor, arbitrator or international advisor, pursuant to the relevant legal provisions.

According to this law, a candidate must meet the following requirements for admission to notarial practice: be a Mexican citizen by birth, with full legal capacity; be between 25 and 60 years old; and be a graduate in law with at least three years of professional practice (Zamora 2004, 72). A candidate who meets the requirements must complete theoretical and practical tests (*ibid.*). If the candidate passes those tests, he or she receives the title of *aspirante*, and when a position for a notary public becomes vacant, the candidate can complete a second round of examinations (*ibid.*). The candidate with the highest score is offered the vacant position (*ibid.*).

Notaries public must limit their activities to those identified by law (Mexico 28 Mar. 2000, Art. 32, 33; Zamora 2004, 72-73) in order to maintain their independence (Colegio de Notarios del Distrito Federal n.d., Subsec. 1). Moreover, they can practise the profession only within a designated geographic area (Zamora 2004, 73).

Professional associations

Notaries public are required to become members of a professional association of a state (Zamora 2004, 74) or of the College of Notaries of the Federal District (Colegio de Notarios del Distrito Federal) (*ibid.*; Mexico 28 Mar. 2000, Art. 67). However, because the freedom to exercise a profession is guaranteed under the constitution (Mexico 5 Feb. 1917, Art. 5), lawyers are not required to become members of a Mexican bar association or of any other professional association (Mexico 26 May 1945, Art. 51; Fix-Fierro 2007, 263; Zamora 2004, 68), which means that very few lawyers are members of a bar association (*ibid.*; Fix-Fierro 2007, 263). Bar associations, professional associations for lawyers, nevertheless exist in most states (Zamora 2004, 68). The largest among them is that of the Federal District, *La Barra Mexicana Colegio de Abogados* (*ibid.*). Many of the bar associations have a code of conduct, but it is difficult for them to enforce it because membership is voluntary (Fix-Fierro 2007, 263).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

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