Il collega Mario Ferrara ci ha "girato" l'art. 46 e 47



della Legge professionale forense tedesca: mi pare che le compatibilità per gli avvocati tedeschi sono maggiori.

"BRAO § 46 Rechtsanwälte in permanent employment

(1) A Rechtsanwalt may not represent a client before courts or arbitral tribunals in his/her capacity as Rechsanwalt if the Rechtsanwalt has a duty to make his/her working time and labour available to this client under a permanent contract of employment or other form of employment.
(2) A Rechtsanwalt may not become active:
1. if he/she has already been active in a legal capacity in the same matter as a different type of advisor who gives legal advice under a permanent contract of employment or a similar form of employment;
2. as a different type of advisor who gives legal advice under a permanent contract of employment or a similar type of employment, if he/she has already been involved with the same matter as a Rechtsanwalt.
(3) The prohibitions set out in para. 2 also apply to the Rechtsanwälte and members of other professions who are or were in partnership with or who are or were otherwise associated with the Rechtsanwalt in order to jointly practise their professions, also in as far as one of them was involved as defined in para. 2.
BRAO § 47 Rechtsanwälte serving in the public sector
(1) Rechtsanwälte who serve as judges or civil servants, without holding such office for life, who are called to serve as soldiers in short-term service or who temporarily serve as non-civil servants in the public sector may not practise their profession as Rechtsanwalt unless they perform the duties assigned to them in an honorary capacity. However the Regional Judicial Administration may, on an Rechtanwalt's written application, appoint a deputy or allow the Rechtsanwalt to practise his/her profession himself/herself as long as this is not detrimental to the administration of justice.
(2) If a Rechtsanwalt has a public office without having been made a civil servant and if he/she may not practise as a Rechtsanwalt himself/herself due to the rules governing the office in question, the Regional Judicial Administration may appoint a deputy on the Rechtanwalt's application.
(3) The opinion of the Council of the Bar must be sought before a decision is taken regarding

the applications referred to in para. 1 sentence 2 and para. 2."

(per un commento scrivimi all'indirizzo n perelli.maurizio@libero.it Questo indirizzo e-mail è protetto dallo spam bot. Abilita Javascript per vederlo.

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