

99082004007000

Applying for approval for a law firm

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Modul	Sachverhalt
Leistungsschlüssel	99082004007000
Leistungsbezeichnung I	Applying for approval for a law firm
Leistungsbezeichnung II	Applying for approval for a law firm
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul

Sachverhalt

Fachlich freigegeben durch

Handlungsgrundlage

- § 59a Bundesrechtsanwaltsordnung (BRAO) (Berufliche Zusammenarbeit)
- § 59c Bundesrechtsanwaltsordnung (BRAO) (Zulassung als Rechtsanwaltsgesellschaft)
- § 59d Bundesrechtsanwaltsordnung (BRAO) (Zulassungsvoraussetzungen)
- § 59e Bundesrechtsanwaltsordnung (BRAO) (Gesellschafter)
- § 59f Bundesrechtsanwaltsordnung (BRAO) (Geschäftsführung)
- § 59g Bundesrechtsanwaltsordnung (BRAO) (Zulassungsverfahren)
- § 59h Bundesrechtsanwaltsordnung (BRAO) (Erlöschen der Zulassung)
- § 59i Bundesrechtsanwaltsordnung (BRAO) (Kanzlei)
- § 59j Bundesrechtsanwaltsordnung (BRAO) (Berufshaftpflichtversicherung)
- § 59k Bundesrechtsanwaltsordnung (BRAO) (Firma)
- § 59m Bundesrechtsanwaltsordnung (BRAO) (Mitteilungspflichten; anwendbare Vorschriften; Verschwiegenheitspflicht)
- § 2 Nr. 3 Signaturgesetz (SigG) (Begriffsbestimmungen)
- Gebührenordnungen der Rechtsanwaltskammern

Teaser

A law firm is a company with limited liability whose company purpose is advice and representation in legal matters. Should you wish to form such a company, you must obtain permission from the bar association.

Volltext

A law firm is a company with limited liability whose company purpose is advice and representation in legal matters. Should you wish to form such a company, you must obtain permission from the bar association.

Please note: The term "law firm" must be contained in the name of the company.

Lawyers must be admitted by the bar association in order to practise professionally. More detailed information can be found in the procedural description "Applying for a law firm permit"

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Erforderliche Unterlagen

- Copy or officially certified transcript of the articles of association and the list of shareholders.
- Copies of the shareholder resolutions concerning the appointment of managing directors, proxies and persons entitled to represent (appointment).
- Admission documents of shareholders, managing directors, proxies and persons entitled to represent as a certified copy.
- Proof of professional indemnity insurance.

The competent body may request further documents.

Voraussetzungen

- The company may not be involved in mergers for the joint carrying out of professional activities.
- The shareholders, as well as managing directors of the community of lawyers are all lawyers or patent lawyers, tax advisors, tax representatives, auditors or certified bookkeepers. These must be employed by the law firm.
- The majority of the managing directors, proxies or persons authorised to represent the whole business operation must be lawyers.
- The majority of shares and voting rights must be held by the lawyers.
- The independence of the lawyers who are active as managing directors, proxies or persons authorised to represent must be guaranteed. Influencing measures of the shareholders, namely by means of instructions or binding contracts, are not permitted.
- The law firm may not issue shares to third parties. Third parties may not share in the profits.
- The company must not enter financial collapse. As an example, no insolvency proceedings may be opened.
- The company must maintain professional indemnity insurance with a minimum sum insured of 2.5 million euros per incidence of loss. The presentation of a provisional cover undertaking will suffice.

Kosten

The following administrative fees can be charged by the bar associations for the admission of the legal firm:

- Freiburg Bar Association: EUR 520,00
- Karlsruhe Bar Association: EUR 500,00
- Stuttgart Bar Association: EUR 500,00
- Tübingen Bar Association: EUR 511,00

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As a member of the bar association, the law firm is obliged to pay the yearly association fee. The respective association general meeting sets the amount.

Verfahrensablauf

You must apply for the approval of the law firm at the competent body in good time. Your application must be signed by hand or contain a qualified electronic signature.

Note: The bar associations of Tübingen and Freiburg only accept the application for approval of a law firm in writing, not electronically.

The form "application for approval of a law firm" can be obtained from the competent body or can be downloaded from the Internet.

The bar association will check compliance with the requirements and in case of a positive result, will issue a certificate concerning the approval of the law firm.

Note: The competent body can temporarily suspend the decision concerning approval of the law firm if proceedings are opened against a shareholder or person entitled to represent

- whose purpose is to withdraw or revoke their licence or appointment or
- a temporary suspension of practice or representation has been issued.

Bearbeitungsdauer

Frist

The permit must be obtained before the law firm begins trading.

weiterführende Informationen

Hinweise

Licensed law firms must immediately notify the competent body of the following changes:

- Any change to the articles of association, the shareholders, the persons entitled to represent, as well

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	<ul style="list-style-type: none"> • as the setting up or closing down of branch offices. <p>The proof of change must be demonstrated by means of an officially certified copy of the respective document.</p>
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	