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# Regulation of the legal profession in Mexico: overview

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A Q&A guide to the regulation of the legal profession in Mexico.

The Q&A gives a high level overview of the key practical issues including required qualifications for both domestic and foreign legal professionals working in a jurisdiction; common legal professional structures; national regulators, legal professional insurance and client protection; confidentiality and legal professional privilege; legal fees and fee regulation; client money; and notaries.

To compare answers across multiple jurisdictions, visit the [Regulation of the legal profession Country Q&A tool](#).

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## Introduction to the regulatory framework

### 1. How many categories of lawyer are there in your jurisdiction?

There is only one category of lawyer under Mexican Law: someone who has been "admitted to practice".

### 2. What stages of legal education must be completed to qualify as a lawyer in your jurisdiction?

#### Legal education

After completing high school education, students interested in becoming lawyers in Mexico must complete four to five years of legal education (depending on the university of choice). They have options in relation to receiving their degree in law (professional exam, major degree, master's degree and so on) and must subsequently receive their professional licence to qualify as lawyers. Professional licences are issued by a federal authority, the General Professions Bureau (*Dirección General de Profesiones*). To gain the licence, the university will process the issuance request directly with the General Professions Bureau.

#### Foreign lawyers

Foreign lawyers can be qualified to practise in Mexico if an international treaty exists between Mexico and the home country of the foreign lawyer. If there is no such treaty, the practise of law by the foreign lawyer in Mexico will depend on the international reciprocity between the two countries and the fulfilment of all the requirements established under Mexican law. The foreign lawyer's legal education must be equal or similar to what is required for Mexican lawyers. The legal studies of the foreign lawyer can be partially or completely revalidated in Mexico). Foreign lawyers who have revalidated their legal studies must undertake and successfully pass a legal exam to be admitted to practice in Mexico. Only once these issues are settled will a foreign lawyer be able to register his/her professional licence to practise in Mexico.

### 3. What are the requirements to obtain a practising certificate/licence? How often must this be renewed?

All lawyers (foreign and domestic) must obtain their professional licence to practice the legal profession in Mexico, by completing their legal studies and/or fulfilling the requirements set out in [Question 2](#). There are no special or additional requirements for in-house lawyers.

### 4. Are there any limitations on lawyers advising throughout your jurisdiction?

In accordance with the Mexican Constitution (*Constitución Política de los Estados Unidos Mexicanos*), professional licences to practise as lawyers are issued by the General Professions Bureau, which is a federal authority. Licences issued by the General Professions Bureau are valid in all states within Mexico, regardless of the place of issuance, and there are no limitations on lawyers advising throughout the country. However, there are certain restrictions regarding notaries, as they cannot conduct litigation in court on behalf of someone else.

### 5. Are there any written codes of conduct or handbooks, or rules and/or principles that lawyers are required to abide by?

There are no written codes of conduct or handbooks that are mandatory for lawyers under Mexican legislation.

In Mexico, there are various civil bar associations in the various states, created by lawyers looking to promote, develop and share with other lawyers information, knowledge and judicial methods in connection with the practise of the legal profession. These associations are private entities that are not established or related to any national or regional government authority.

These private bar associations generally establish their own codes of conduct for their members to abide by. However, if a member of certain bar association breaches the association's internal codes of conduct, he/she would only be disbarred.

### 6. What is the key legislation governing the legal profession in the jurisdiction?

There is no specific legislation governing the legal profession in Mexico. However, each state of Mexico has its own Professions Law which regulates the exercise of all professions that require a licence to practise in Mexico.

### 7. Who has the right to conduct litigation in court?

According to Article 1 of the Federal Civil Procedure Code (*Código Federal de Procedimientos Civiles*), only a person with an interest in the judicial authority declaring or constituting certain rights or imposing a sentence and the opposing party (either personally or through their legal representatives) can conduct litigation in court. Therefore, parties are entitled to represent themselves and/or be represented by their legal representatives in court proceedings.

## Professional structures

### 8. How are law firms in your jurisdiction usually organised?

Law firms in Mexico are usually organised as Civil Corporations (*Sociedades Civiles*), which are essentially limited liability business entities. Civil Corporations are governed via a Partners Meeting administrated by the Administrator Partners, and can be monitored by an Audit Committee.

### 9. Are multi-disciplinary practices (MDPs) allowed in your jurisdiction?

MDPs are allowed in Mexico. However, they are not common. The common practice is to hire specialised services providers for the services in which they are specialists.

**10. Are alternative legal service providers common? If so, to what restrictions are they subject, if any?****Alternative legal service providers**

Alternative legal service providers are common. They are usually hired over a fixed-fee basis or by a lump-sum price, and the services provided by these alternative service providers are not very specialised.

**Foreign lawyers**

Foreign lawyers can provide specialised services in Mexico in their capacity of "foreign lawyers", particularly if stipulated in the provisions of trade agreements executed by Mexico and several other countries. Likewise, foreign lawyers and law firms can establish a commercial presence in Mexico, provided they comply with Mexican legislation.

Foreign lawyers who do not comply with requirements set out in [Question 2](#) cannot represent clients in court, and falsely conducting themselves as lawyers admitted to practice in Mexico is a prohibited act under the Professions Law.

**11. Are there restrictions for self-employed lawyers to provide legal services on a freelance basis?**

There are no restrictions on self-employed lawyers providing legal services on a freelance basis under Mexican legislation.

**12. Do restrictions apply to foreign lawyers/law firms practicing in your jurisdiction?****Registration**

See [Question 2](#) to [Question 3](#).

**Bar admittance**

Mexico does not have a bar system.

**Qualifying tests**

See [Question 2](#) to [Question 3](#).

**Local description**

When lawyers are qualified to exercise the legal profession in Mexico, they do not need to describe themselves in a different way to other lawyers.

**Client protection****13. Is there a national regulator of the legal profession?**

There is no national regulator of the legal profession in Mexico. However, there are several national bar associations that have internal advisory and disciplinary functions, but since there is no national regulator under the Mexican legislation, it is difficult to compel lawyers to act in certain ways as they only have internal disciplinary functions.

**14. Is there a register of qualified lawyers and, if so, how can it be accessed?**

The General Professions Bureau has a register for lawyers that have been admitted to practise law in Mexico. It is possible to search for lawyers on the database by entering the lawyer's professional licence number. However, this register is only helpful if the person searching the register knows the lawyer's professional licence number.

However, the various private bar associations in Mexico (see [Question 5](#)) offer public registers on their websites, which people can access freely to check which lawyers are affiliated to which bars.

**15. Is membership of a national bar association, law society or similar mandatory?**

Being a member of a bar association is optional in Mexico (see [Question 5](#)). There is no national regulator of the legal profession in Mexico (see [Question 13](#)).

**16. Is there an independent disciplinary tribunal, and what disciplinary powers do the relevant regulatory bodies have? What sanctions are available?**

There is no independent disciplinary tribunal in Mexico. However, the various private bar associations in Mexico bar associations in Mexico (see [Question 5](#)) have their own disciplinary functions and sanctions. These sanctions are only applicable to the lawyers who are members of such bar association. The highest sanction involves expulsion from the bar association.

**17. Is indemnity insurance mandatory for practicing lawyers? If so, what is the minimum level of cover required and are there any mandatory terms?**

In general, lawyers do not need to have indemnity insurance under Mexican law. However, for notary publics and commercial notaries, it is mandatory.

According to the Notary Law for Mexico City (*Ley del Notariado para el Distrito Federal*), notaries must contract for indemnity insurance straight after receiving their notary certificate and this must be renewed each year (*section 1, Article 67*).

Regarding the commercial notaries, according to the Commercial Notary Federal Law (*Ley Federal de Correduría Pública*), all commercial notaries must grant the security as required by the Ministry of Economy prior to acting as a commercial notary (*section 1, Article 12*). This is to ensure that the commercial notary properly exercises and carries out his/functions.

**18. What are the rules on conflicts of interest?**

Lawyers cannot represent a client if the client's interest in a business (or a related business) is opposed to or in conflict with their own interests (*subsection 1, Article 232, Federal Criminal Code (Código Penal Federal)*).

There is no further regulation regarding the conflicts of interest. However, in practice, when a lawyer becomes aware of the conflict, this should be disclosed to the parties as soon as he/she has knowledge of it.

**19. What actions must a lawyer take when a conflict arises?**

See [Question 18](#).

**20. Can a lawyer act for either of the clients between whom a conflict arises?**

It is not usual to act for either/both parties when a conflict arises, but it is possible. This is provided, however, that the lawyer discloses the situation to the parties (in which case the lawyer cannot receive any information from the other party).

**21. To whom should complaints about lawyers' professional conduct be made?**

Complaints about a lawyer's professional conduct can be made to the bar association where the lawyer is affiliated (if the lawyer has signed up to such organisation) but the sanctions will only be internal. Otherwise, the claimant can challenge the lawyer's professional conduct in court, arguing malpractice of the legal profession.

## 22. Can lawyers/law firms hold client files, money or property in the event of a dispute about their retainer or fees?

Lawyers or law firms cannot hold client files, money or property during a dispute regarding a client's retainers or fees.

## Client engagement

### 23. What do client engagement communications typically include? Are there any mandatory provisions that must be included? Are there separate provisions for contentious and non-contentious business?

Client engagement communications typically include the professional services agreement to be executed between the lawyer and the client, along with the tariff of the lawyer and/or the fees arrangement. However, there are no mandatory provisions that must be included by law.

### 24. Does a legal professional have any on-going obligations in relation to the client?

Legal professionals have on-going obligations in relation to their clients.

The Federal Criminal Code dictates that lawyers in Mexico who have already initiated a defence cannot abandon the case without a justified reason and causing damage. In this context, "damage" means any negative effect on the client's legal status as result of the lawyer abandoning the case without a justified reason.

### 25. Can a legal professional refuse to accept an instruction or cease to act?

Legal professionals can refuse to accept an instruction or cease to act for a client if the instructions or actions involve the crimes listed as follows (among others):

- Knowingly arguing false facts.
- Simulating legal acts or judicial documents.
- Abandoning a client's case without justified reason.

(Articles 231 to 233, Federal Criminal Code).

### 26. Do clients have direct access to all lawyers?

There is only one type of lawyer in Mexico (see [Question 1](#)). There are no restrictions on clients hiring lawyers under Mexican law and clients are free to hire whichever lawyer they choose.

## Confidentiality and legal professional privilege

### 27. Are lawyers bound by client confidentiality rules?

Lawyers are bound by client confidentiality rules and have a general duty to maintain the professional secrecy of their clients. Confidentiality represents both a right and a duty (it is a right in the sense that the lawyer must refuse to disclose the client's confidential information, and a duty in

that the lawyer cannot testify against and/or disclose information against the interest of its clients).

### 28. Are there any exceptions to the client confidentiality rules?

There may be exceptions to client confidentiality rules where, for example:

- A judge issues a court order regarding privileged communications that may contain information about a crime, the confidentiality rules can be broken (only if necessary to avoid a harm to society that would exceed the harm caused by not disclosing the communication).
- The client waives confidentiality.

### 29. Are communications with lawyers protected from disclosure (that is, privileged) in judicial or other proceedings?

See [Question 27](#).

### 30. Do in-house lawyers have the same legal professional privilege protection as lawyers in private practice?

There is no binding rule regarding this matter under Mexican law. However, the last non-binding precedent stated that professional secrecy does not apply to in-house counsel due to the employment relationship.

## Fees

### 31. How are fees regulated? Is there a tariff system?

In general, legal fees are not regulated under Mexican law, except for notaries, which have a specific tariff rate established in the Notary Law.

### 32. What types of fee agreements are most commonly used for contentious and non-contentious business? What formal requirements exist for fee agreements?

There are three common fee agreements in Mexico:

- Standard hourly rates.
- Fixed fee agreements.
- Success fee agreements.

Clients can also opt for a combination of the above fee types.

## Client money

### 33. How is the holding of client funds regulated?

There is no regulation regarding the handling of client funds under Mexican law. For money laundering matters, see [Question 34](#).

### 34. Are there rules on money laundering affecting the legal profession? Is there any overriding body in your jurisdiction that provides anti-money laundering (AML) supervision in the legal sector?

The Federal Law on the Prevention and Identification of Operations from Illicit Sources (*Ley Federal Para La Prevención E Identificación De Operaciones Con Recursos De Procedencia Ilícita*) (Anti-Money Laundering Law) provides AML supervision for all sectors in Mexico. In particular, the Anti-Money Laundering Law establishes the following obligations for the legal sector (*sections XI and XII, Article 17*):

- If any attorney, in the representation of any client, performs any of the following activities, he/she must provide notice to Mexico's Treasury Department (*Secretaría de Hacienda y Crédito Público*):
  - the purchase and sale of properties, or assignment of rights of such properties;
  - the administration and management of resources, securities or any other asset of its clients;
  - the management of bank, savings or securities accounts;
  - the organisation of capital contributions or any other type of resources for the incorporation, operation and administration of mercantile corporations; or
  - the incorporation, spin-off, merger, operation and administration of legal entities or corporate vehicles, including any trusts and/or the purchase or sale of commercial corporations.
- Notary publics and commercial notaries are obliged to give notice to Mexico's Treasury Department in certain activities that involves public faith.

Mexico's Treasury Department, through the Financial Intelligence Unit, is the body responsible for the supervision and compliance with the Anti-Money Laundering Law for all sectors, including the legal sector.

## Notaries

### 35. Are notaries required for share purchases or transfers, real estate purchases or leases, or company formation?

Notaries will be required for share transfers only if the shares are being transferred through a donation and the value of the shares exceeds MXN5,000.

For real estate purchases, notaries are only required if the value of the real estate exceeds MXN27,550.

Notaries are also required for the incorporation of a new company.

### 36. Are notary fees fixed or a percentage of the transaction value?

Notary fees can be either fixed or a percentage of the transaction, depending on what has been agreed with the client. However, in each case the fee agreement must be in accordance with the tariff rate set out in the Notary Law. Otherwise, notaries can be sanctioned or even have their notary certificate withdrawn.

### 37. Can notaries work within law firms?

Notaries cannot work within law firms (*Articles 32 and 33, Notary Law*).

### 38. Is there a national regulatory body for notaries?

There is a national regulatory body called the National Notary Public Association, but it is not mandatory for notaries to be members of this organisation.

## Contributor profile

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