

Message from the Board of the Bar Association regarding the emergency situation of 31 March 2020

The Bar Association supports the fight against the COVID-19 virus and accepts all necessary and reasonable measures in this situation. Every attorney is, above all, a human being and must contribute to normalising the situation. Being specialists of law and representatives of a profession, the Estonian Bar Association calls upon its members to follow these principles:

1. Direct contact with colleagues and clients should be minimised. This is the right time to test and develop the channels of communication that allow for telework and remote communication. Nevertheless, it is important to ensure the confidentiality of the attorney-client relationship in using these means of communication and take into consideration the possibility of data leaks in using communication equipment.
2. The hygiene rules established in public authorities (above all, in prisons, courts, etc.) for the purpose of stopping the spread of the virus are also mandatory for attorneys.
3. Clients also need legal assistance during the emergency situation and it is the duty and mission of the attorney to make certain that the client is not deprived of legal assistance due to restrictions arising from the emergency situation.
4. The emergency situation itself does not justify unreasonable restrictions on persons' rights – where the circumstances of a specific case call for it, the instruments and operations of the public authority (including omissions) should be contested in accordance with the established procedure.
5. The provision of the attorney service in the emergency situation calls for quick adaptation to technical as well as other changes in work organisation (including the application of various IT solutions) – attorneys should serve as an example in finding solutions for carrying out legal and procedural operations.
6. It is impermissible to exploit the situation as an ostensible argument for the postponement of deadlines and operations; it is the duty of attorneys to be an example and demonstrate flexibility and innovativeness in order to continue attending to matters in this situation and ensure that the principles of the rule of law are safeguarded.
7. If you have any specific problems in engaging in your profession which cannot be solved on your own initiative as an attorney, it would be practical to inform the Office of the Bar Association, via which we can raise awareness as well as take steps to overcome these problems in the future.
8. If an attorney should run into difficulties for health reasons or due to the restrictions caused by the emergency situation and be unable to ensure the provision of the necessary services to clients and if it is not possible to contact a colleague directly to solve the situation, the attorney should inform the Office of the Bar Association as soon as possible in order to arrange the required assistance.
9. As human beings in general and as members of a professional organisation, we jointly bear the burden that has fallen on us all.