

Independent lawyers, stronger democracies:  
understanding why self-regulation matters



## Self-regulation and the Deontology Committee



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Clearly, the Deontology Committee is a permanent forum for self-regulation within the CCBE. It gathers professional regulation and ethics experts from the wide CCBE membership. As such, it deals with a variety of professional rules and how these should be interpreted in the increasingly interconnected and international world, where cross-border practice and implications of many laws are the norm.

Whether through internal working groups or plenary sessions, it contributes to mutual listening on the highly sensitive issue of lawyers' deontology. I would not betray the secrecy of the committee's work if mentioned the extent to which every provision that is either submitted to it for examination or is intended to be presented in the form of a code of conduct or model code is carefully analysed. Committee members come with a high level of expertise that enables them to demonstrate precisely why the proposed measure should be accepted and how it should be drafted, bearing in mind that very often it is in this detail that the devil lies, and that therefore no one in this group can, better than anyone else, denounce the risks associated with such or such wording. It is, of course, even more difficult to reach an agreement when there are such profound differences between the ethics of different lawyers from different countries, each of which with their own legal culture, traditions and interpretations of the core principle of the profession. Admittedly, it is always easy to agree on a few basic elements that seem indisputable, but when it comes to developing them on a day-to-day basis and thereby raising them to the level of a rule, if not binding then at least likely to influence our conduct, this is precisely where we need all the rigour inherent in a self-regulating mechanism that does not satisfy itself but systematically reviews its work.

Self-regulation does not mean corporatism. Self-regulation is simply a mechanism for taking account of the plurality of interests without any external constraint imposing them. It is an essential component of lawyers' independence. The Deontology Committee serves as a platform for encouraging ongoing and regular reflection on lawyers' professional regulation and ethics, and how these evolve with changing political, social and economic circumstances.

The Committee regularly exchanges views on matters such as interpretation of the CCBE Code of Conduct in relation to cross-border activities and discussions on commonly accepted deontological rules, currently reflected in the Model Code of Conduct.

With the recent rise in the use of new technologies by lawyers, there are numerous questions on how to interpret the current obligations in these new circumstances. For example, what does protection of lawyer-client confidentiality mean in the era of emails, social media and instant messaging apps? What are the risks of using artificial intelligence in everyday legal practice and what should lawyers pay special attention to?

Other examples of questions discussed is what kind of knowledge should lawyers possess and keep up to date to provide advice and representation to their clients in a competent way and which upholds high standards of the profession?

The Committee is equally active in monitoring and discussing various legislative and policy proposals at EU level which impact the profession of a lawyer and the conduct of legal practice. These include third-party litigation funding or protection of lawyer-client confidentiality in the context of surveillance activities.

On the occasion of European Lawyers' Day on 25 October, which focuses on the importance of self-regulation in the profession of lawyer, we would like to thank all the experts on this committee for their energy and the quality of their work.



Find more information about  
**European Lawyers' Day 2024**  
on [www.ccbe.eu](http://www.ccbe.eu).