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CCBE Plenary Session in Lille

THE CCBE EVENT OF THE YEAR: THE ARTIFICIAL INTELLIGENCE – HUMANE JUSTICE CONFERENCE IN LILLE

On Friday 30 November, the CCBE organised a [conference on “Artificial Intelligence – Humane Justice”](#) which brought together over 400 participants at Lille Catholic University, including lawyers, Bar Presidents, law students, and artificial intelligence (AI) experts from all over Europe.

The conference highlighted revolutionary changes that are taking place thanks to the emergence of AI in the field of justice. AI is promising to reduce repetitive and time-consuming tasks, speed up judicial processes, make the judge’s task easier, and make court decisions more reliable and fairer. However, the use of algorithms in the judicial system, the massive exploitation of judicial data and the use of automated machine learning systems raise many questions and constitute a real challenge for judicial institutions and lawyers. Essential principles, including the equality of arms, may be strongly impacted by the use of artificial intelligence.

The objective of the conference was to begin a discussion on these topics and reflect on the possible impact of the use of AI in the justice field. It also provided an opportunity to collect views from different European organisations and relevant experts from the perspective of the legal profession.

The conference was divided into different sections, including a “setting the scene” presentation by Martin Slijkhuis, Director of Industry Solutions at Microsoft, who presented the trends and developments in AI, and offered an overview of the different “justice intelligence system” technologies we can expect to see in the future. According to Martin Slijkhuis, regardless of the intelligence system that is to be used, a public attorney, lawyer or magistrate should always be kept informed.

This was followed by a roundtable where the different panelists presented what they consider to be some of the main challenges that AI technologies could possibly bring in their respective areas (training, smart contract and blockchain, fundamental rights, quality and security of data, legal design, online platforms, digital justice, etc.). During this session, Council of Europe (CoE) policy advisor, Yannick Meneceur, stressed that “AI is a market”, and while questioning how to make AI an ally of CoE values, he said that regulation is not necessarily against business, it could even be a competitive advantage. David Reichel, AI project manager at the EU Agency for Fundamental Rights, emphasised the difficulties of maintaining algorithm neutrality because of black boxes, data quality, etc. and referred to the need for concrete case studies so that this can be better understood. This introductory section set the scene for the practical discussions which took place in the different workshops on the following



The CCBE conference

topics: What training in the 21st century; Blockchain, smart contracts; Legal design; Platforms, ethics and deontology; The quality of open data; Predictive justice and algorithms; The supply of legal services in the digital age; Towards digital justice.

Following the workshops, Vinciane Gillet, President of the European Incubator of the Brussels Bar, moderated a panel discussion which reflected on the impact of AI in justice systems and how lawyers can play an important role in this context, with insights provided from an academic, regulatory and industry perspective. Mathieu Coulaud, Legal Director at Microsoft France, presented the views from the industry and focused his presentation on how to ensure the responsible use of AI. Věra Jourová, Commissioner for Justice, Consumers and Gender Equality at the European Commission, relayed a strong message through her video intervention at the conference, stating that “AI is one of the most strategic technologies of the 21st century and we should use it when it can bring positive effects for the benefit of justice systems”. Similarly, the representative from the European Commission, Paul Nemitz, who is a Principal Advisor at the EU Commission-DG Justice, provided views based on his [article](#) “Constitutional Democracy and Technology in the age of AI” and insisted that AI must be at the service of democracy (and not the contrary). The Rule of Law should therefore be protected in a “world of algorithms”, as was strongly pointed out by Gregory Lewkowicz, professor at the Université libre de Bruxelles, which highlighted that Bars and Law Societies should remain truly “independent” and “competent” in order to overcome the challenges of AI.

The presentation of the second edition of the CCBE-AIJA questionnaire by Xavier Costa, President of AIJA, provided an important viewpoint from young professionals. The survey conducted in September and October of this year aimed to understand the specific issues that will impact the future of the legal profession, with a focus on technology and innovation. The 2018 survey found that lawyers are less reluctant towards the use of new technologies and AI in their legal practice than they were two years ago. The role of Bars and Law societies in adapting the profession to this new reality was precisely referred to in this regard. Among the key takeaways was the need for more multi-disciplinary partnerships and increased training and qualifications in view of the digital change of the legal profession, specifically in technology, innovation and the business of law. The AIJA President insisted that lawyers should not necessarily fear AI, but rather embrace new ways of working while maintaining their critical thinking.

The conference concluded with the feedback from the different workshops, and the conclusions provided by the Chair and Vice-chair of the CCBE Future of the Legal Profession and Legal Services committee, Thierry Wickers and Christian Lemke, who agreed that the future of lawyers should not be without the same ethical standards.

THE NOVEMBER PLENARY: THE CCBE HUMAN RIGHTS AWARD ALONG WITH POWERFUL SPEECHES

The 29th November CCBE Plenary Session was marked with many highlights. The opening of the Plenary was carried out by Mayor of Lille Martine Aubry, who warmly welcomed the CCBE to the city of Lille while highlighting the organization’s values and contribution to the legal profession.

After a series of internal decisions, the 2019 Presidency was elected, with the new President being José de Freitas, who was 1st Vice-President of the CCBE in 2018 and Head of the Portuguese Delegation to the CCBE until 2015. José de Freitas takes over

from 2018 CCBE President Antonin Mokry, who dedicated a great deal of time and energy to the CCBE Presidency and whom the members have warmly thanked for his personal investment.

Mr. de Freitas will be supported by Ranko Pelicarić (Croatia) as 1st Vice-President, Margarete von Galen (Germany) as 2nd Vice-President, and James MacGuill (Ireland) as 3rd Vice-President.

The Plenary was also marked by the speech of Laurent Pech, Head of the Law and Politics Department at Middlesex University London, who candidly spoke about the situation of the rule of law in Europe and in Poland in particular, which the CCBE actively monitors.

The potential drafting of the European Convention of the profession of lawyer is a proactive project initiated by the CCBE and where members are very invested in. Philippe Krantz, Legal Officer at the Justice and Legal Co-operation Department of the Directorate of Human Rights of the Council of Europe addressed the potential convention during his speech at the Plenary, among other subjects.

Finally, the CCBE Human Rights Award was certainly a major Plenary event. The award winner, Mikołaj Pietrzak, is the President of the Warsaw Bar and Chairperson of the UN Voluntary Fund for Victims of Torture. Mr. Pietrzak pronounced a deeply moving [thank you speech](#) when receiving the CCBE Human Rights Award for 2018, which the CCBE greatly appreciates.



Mikołaj Pietrzak receiving the CCBE Human Rights Award for 2018

THE CONFERENCE ON THE EFFECTIVENESS OF JUSTICE SYSTEMS (29 - 30 NOVEMBER 2018, VIENNA)

The European Commission and the Austrian Presidency of the Council of the European Union 2018 jointly organised a conference on the effectiveness of justice systems on 29 and 30 November 2018, held in the capital city of Austria.

The main aim of the conference was to highlight the independence of the judiciary, and the quality and efficiency of justice systems in the European Union and its Member States, elements that are crucial for upholding the values upon which the EU is founded, for the implementation and observance of EU law, for mutual trust between Member States, and for an investment-friendly environment.

This high-level, well-attended conference examined how the EU can further improve the independence, quality and efficiency of justice, and how to ensure that any justice reform aiming to enhance those elements should uphold the Rule of law and European standards on human rights, including the protection of fundamental rights and freedoms. The CCBE was invited by organisers to the first and most representative morning panel with two keynote speakers – Minister of Justice of Austria Josef Moser, and EU Commissioner for Justice, Consumers and Gender Equality Věra Jourová. CCBE President Antonin Mokry gave a speech just after the speech of President of the European Court of Justice Koen Lenaerts, and President of the European Network of Councils for the Judiciary (ENCJ) Kees Sterk. Other speakers in the first panel were Lead Counsel and Advisor to the World Bank Representation

to the EU Daria Goldstein, Deputy Head of Division, Directorate for Public Governance (OECD) Tatyana Teplova, and President of CEPEJ Georg Stawa. Antonin Mokry, on behalf of the CCBE, focused in his first contribution on the relevance and impact of Rule of Law deficiencies on citizens and businesses and showed several concrete examples of how the blurring of lines between the State and the judiciary impacts on short-term, and even more importantly on the long-term prospects of the growth of an economy, and how a lack of judicial independence may undermine the principle of equal treatment and procedural fairness. He outlined how the absence of independence, the low quality



2018 CCBE President Antonin Mokry delivers a speech at the conference in Vienna

and low effectiveness of a justice system can be detrimental for a country's economy, for its population, for the attractiveness of a country for foreign investors. In the second part of his speech, he deliberated over quality and effectiveness, trying to identify Key Performance Indicators (KPIs) for justice systems to be measured. Not only justice systems, but also other justice actors, such as lawyers, must be independent and protected from undue interference by States in order to properly perform their role in justice systems. Antonin Mokry then listed the crucial standards that must be observed and applied within the state being governed by the Rule of Law, as regards the profession of lawyer. In their speeches, other speakers tackled other criteria to be assessed in order to improve the quality of justice; these included the accessibility of justice, adequate resources (financial and human, including sufficient financing of legal aid by the state), adequate training of judges and court officials, effective assessment tools (e.g. monitoring and evaluation of court activities, use of surveys, etc.) and appropriate standards in place (e.g. on timeframes, information to parties about their case, etc.) Other speakers highlighted the positive role of the EU Justice Scoreboard, the e-Justice Portal, as well as European judicial networks, including ACA-Europe (the Association of Councils of State and Supreme Administrative Jurisdictions of the EU) who has recently started examining the topic of quality of judgments more closely than ever. The European Commission has been supporting projects which collect national practices on further improving justice systems. Four projects, 1) Court Quality Framework Design project, 2) Best Practice Guide for managing Supreme Courts, 3) Court Management, and 4) Handle with Care, have examined and gathered practices and indicators used by national courts, Councils for the Judiciary and Ministries of Justice for measuring and increasing different aspects of quality of justice, such as providing information on justice systems to citizens and businesses, communication strategies, legal aid, the use of ICT systems, case and court management, and the publication of judgments.

The afternoon Panel of the conference was dedicated to the topic of "Risks and opportunities of digitalisation in the judiciary". The panel was opened with very interesting speech delivered by Christoph Grabenwarter, Member of the Venice Commission and Vice-President of the Austrian Constitutional Court. He disclosed some interesting points regarding the activity of the Venice Commission, as well as some general notes on the functioning of justice systems in different jurisdictions of the EU. The use of ICT (Information and Communication Technology) was further explored by Judge of the Supreme Courts of Scotland Lord Tyre, Lawyer and Co-Founder of Avocattoo Ana-Maria Udruste, the Head of Digital & Tech Law at Darian DRS, President of the Slovak Bar Tomáš Borec, and Secretary of the CEPEJ Working Group on the Quality of Justice (Council of Europe) Clementina Barbaro. The speeches focused on ICT developments in the judiciary, such as ensuring access to judgments online, that increases the transparency of justice systems and contributes to increased consistency in case-law. Detailed talks were also held about Artificial Intelligence (AI) and the CEPEJ study commissioned by European Commission. It was mentioned that the use of algorithms in European justice systems remains primarily a private sector commercial initiative aimed at legal departments of companies (in particular insurance companies) but has also been introduced into law firms and is aimed at individuals. The main areas where AI is already applied include advanced case-law search engines, online dispute resolution, assistance in drafting deeds and contracts or analysis in specific cases, detection of divergent or incompatible contractual clauses, and "chatbots" to inform litigants or support them in their legal proceedings. The issue of predictive justice was also debated. The CEPEJ speakers spoke positively about AI development, while some of the judges participating in the discussion were more sceptical and showed careful reluctance when speaking about using AI advanced tools in the judiciary, stating that it should not be underestimated that the processing of judicial decisions in structured computer databases may pose certain risks and therefore requires appropriate safeguards if introduced. Concerns raised also related to issues of confidentiality, privacy, protection of personal data, risks of discrimination and the ranking and profiling of judges and lawyers. When designing and applying AI in courts, it will be essential to guarantee the respect for the right to a fair trial (Article 47 of the EU Charter of Fundamental Rights) and EU data protection rules (General Data Protection Regulation and the Data Protection Law Enforcement Directive). Some of these concerns had similarly been very clearly set out in the speech of Lord Tyre and subsequent comments from other judges (mostly from UK jurisdictions).

The participation of the CCBE President in the conference was very important, not only for the recognition and visibility of the CCBE, but also for fostering links with various stakeholders who play an important role in the administration of justice throughout Europe and with EU official representatives.

EUROPEAN LAWYERS' DAY: LAWYER VISIBILITY AND PROMOTING THE RULE OF LAW



The CCBE celebrated the 5th edition of [European Lawyers' Day](#).

on 25 October 2018, which coincides with the European Day of Justice. Bars and Law Societies organised several activities and drafted publications for the event, which was celebrated particularly well in Belgium, France, Luxembourg, Northern Ireland, Spain, and the United Kingdom.

Local Bars from Poland and Romania also held events on the occasion of European Lawyers' Day where social media played an important role. Finland and Germany posted about the event on Twitter using the hashtag #EuropeanLawyersDay.

To celebrate the day, some members organised free legal advice for citizens, while others held debates on [access to justice](#) in member countries. [Publications](#) were created on the subject of how lawyers can

further advance the Rule of Law and the administration of justice, and [talks](#), were held on the consequences for international law of recent political developments, among many other activities.

Are you interested in European Lawyers' Day? Join your Bar in celebrating European Lawyers' Day in 2019!

MIGRATION – EUROPEAN LAWYERS IN LESVOS (ELIL) NEEDS YOUR HELP

European Lawyers in Lesvos (ELIL), launched by the CCBE and the German Bar Association (DAV) in 2016 and which is now managed by an independent non-profit charitable organisation, urgently needs funding.

More than 7,000 migrants live in deplorable conditions in the overcrowded Moria refugee camp on the Greek island of Lesbos, which was built to accommodate around 3,000 people. These people must receive free and independent legal assistance.

Through ELIL, European lawyers offer independent pro bono legal advice to asylum seekers. In the period of over two years since ELIL was founded, 143 lawyers from 17 countries have already invested more than 33,000 volunteer hours to advise over 8,500 people.

Their advice particularly focuses on preparing for the all-decisive first asylum interview, as well as assisting with family reunification. ELIL, which does not receive any public funding, is financed by donations from Bars, Law Societies, lawyers' organisations and NGOs.

Please visit the ELIL website for further information – in particular [the funding appeal](#) and [donation page](#). Ensuring access to justice for everyone is not only one of the cornerstones of the Rule of Law but is also enshrined in the conception of the legal profession. In these challenging times, limiting or even discontinuing ELIL's services is simply not an option.

COURT OF JUSTICE OF THE EUROPEAN UNION: AS FROM 1 DECEMBER 2018, E-CURIA WILL BECOME MANDATORY FOR THE EXCHANGE OF LEGAL DOCUMENTS BETWEEN PARTIES' REPRESENTATIVES AND THE GENERAL COURT

As from 1 December 2018, the e-Curia application of the Court of Justice of the European Union (which was optional) became the only means of exchange of legal documents between parties' representatives and the General Court.

The e-Curia application enables the exchange of procedural documents with the Registries of the Court of Justice and the General Court. Users may, at any time, consult the history of documents served on them and the history of documents they themselves have lodged. A search form allows users to sort the documents served and the documents they have lodged. A representative of a party that does not yet have access to the e-Curia application will need to request the opening of such an account for the exchange of legal documents with the General Court, and this can take some time.

All information on the e-Curia application can be found on a section of [the ECJ's website](#), which now includes a new page dedicated to e-Curia (including access to the complete and fully updated "e-Curia User Manual").

The CCBE will also update its guide to using e-Curia which, when updated, will be available on the CCBE website.

Based on feedback from lawyers, the CCBE understands that users are very happy with the e-Curia application.

GLOBALISING LAWYERS' PRACTICE IN ASIA

The European Lawyers Foundation (ELF) organised a conference for the International Bar Association's International Trade in Legal Services Committee (BIC ITILS) on assisting local lawyers with the consequences of globalisation in legal services, this time for Asian lawyers.

The conference was held in Siem Reap (Cambodia) on 1 November 2018 in conjunction with the annual conference of [LAWASIA](#), which was also a co-organiser of the conference.

The conference was attended by lawyers from various Asian countries (Bangladesh, Cambodia, China, India, Indonesia, Japan, Malaysia, Nepal, the Philippines, Singapore, Thailand, and Vietnam), as well as by representatives of other countries such as Australia, the United States of America, and the United Kingdom. The conference speakers came from Argentina, Belgium, Brazil, Cambodia, Hong Kong, Hungary, Indonesia, Malaysia, Rwanda, and Singapore.

Among the topics discussed were: instruments on international trade in legal services and their applicability in Asia, the creation of joint ventures between lawyers, trends in law firm management, the role of lawyers in raising capital in international markets and the arbitration of international commercial disputes.

This is the fourth conference organised by the ELF on behalf of BIC ITILS on assisting local lawyers with the consequences of the globalisation of legal services, after the ones successfully held in Zimbabwe (2016), Kenya for the East Africa Region (2017) and Zambia for the Southern African Development Community (2018).

UPCOMING EVENTS

28/02/2019	<i>CCBE Standing Committee - Vienna</i>
29/03/2019	<i>Standing Committee - Rome</i>
17/05/2019	<i>Plenary Session - Porto</i>
28/06/2019	<i>Standing Committee - Brussels</i>
13/09/2019	<i>Standing Committee - Copenhagen</i>
24/10/2019	<i>Standing Committee - Lisbon</i>
29/11/2018	<i>Plenary Session - Brussels</i>

CCBE POSITIONS AND GUIDES ADOPTED BETWEEN SEPTEMBER AND DECEMBER 2018

- [CCBE position on the Proposal for a Directive on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC \(24/09/2018\)](#)
- [CCBE position on the Commission proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters \(19/10/2018\)](#)
- [CCBE Statement on the need to guarantee legal assistance to all persons requesting international protection \(19/10/2018\)](#)
- [CCBE Position on the proposals for amending the regulations on service of documents and the taking of evidence in civil and commercial matters \(19/10/2018\)](#)
- [CCBE Guidance on certain aspects of the Tax Intermediaries Directive](#)