

# CCBE Info

The newsletter of European Lawyers

ISSUE :

January - February 2020

# #86



## CONTENTS

EDITORIAL FROM THE PRESIDENT	2	BAR & LAW SOCIETIES ACTIVITIES	12
CCBE IN ACTION	4	UPCOMING EVENTS	17
EUROPEAN NEWS	9		

## EDITORIAL FROM THE PRESIDENT:

The CCBE celebrates 60 years of existence this year. 60 years of an unwavering commitment to justice, law and the defence of citizens' rights.

Since its creation in 1960, the CCBE has been at the forefront of promoting the benefits of the legal profession, by advancing the views of European lawyers and defending the legal principles upon which democracy and the rule of law are based.

Today, new big challenges are ahead of the legal profession and I will address them during my mandate as CCBE President. Among these challenges are backsliding of the Rule of Law, threats to the independence of Bars and lawyers, increased digitalization, development of Artificial intelligence and future of the profession, Brexit and the proposed European Convention on the profession of lawyer.

The CCBE action will be built on strengthening the Rule of Law in the EU and clarifying the role of lawyers in upholding the Rule of Law and defending Human Rights. The CCBE will continue to support lawyers and judges in their fight to preserve an independent judiciary, as we have done and as we will continue to do for Poland, Hungary etc.

The CCBE will continue to fight against undue interferences with the independence of Bars and lawyers. The CCBE promotes and defends people's right of access to an independent lawyer as well as the right of the lawyer to exercise its profession freely, without interference by governments or authorities, in the benefit of the citizens.

The CCBE supports the wish of the EU to be the strongest advocate and defender of the Rule of Law, but we need to ensure that EU legislation does not inadvertently impact the independence of actors in the administration of justice, including lawyers, and on individuals' fundamental rights. In addition, I believe that Europe has to achieve a balance when considering legislation. For example, with

regard to measures taken to enhance security we need to ensure that these measures are carefully balanced against necessary procedural safeguards for suspects and defendants in criminal proceedings.

The digitalization and use of new technologies is an important opportunity and also a real challenge. As lawyers play an essential role to ensure access to justice, defence of the rule of law and protection of fundamental rights, they have a particular role to play when it comes to the further development and deployment of AI tools, especially in those areas where access to justice and due process are at stake. If such tools were to be implemented, lawyers should be involved in their design and ultimately ensure their ethical standards are not unintentionally encroached upon. We expect important draft regulation for Artificial Intelligence and for Cyber Security and Data Protection. 2020 also marks the launch of a new 'AI4Lawyers' project which aims at looking to what AI tools already exist for the use of lawyers and assess the pros and cons of such tools. The aim is to develop an approach to assess other AI applications for legal practitioners in the future.

The CCBE will obviously focus on the consequences of Brexit on the cross-border practice of EU lawyers in the UK and vice versa. In this respect, the CCBE will facilitate the discussions among the EU Bars and Law Societies to try to reach a common approach in terms of access to legal services markets and exercise of the profession in the respective EU and UK jurisdictions.

During my Presidency I intend to build a strong working relationship with the new team of the European Commission and with the new European Parliament, in order to promote and to contribute actively to better regulation. I also want to step up the CCBE cooperation with the Council of Europe with which the CCBE shares its core values: democracy, human rights and the Rule of Law. I will also promote within the CCBE a full gender equality for which the help of the CCBE Member Bars and Law Societies is very much needed.

Ranko Pelicarić  
2020 CCBE President



### CCBE STANDING COMMITTEE IN VIENNA

The CCBE held its Standing Committee on 20 February in Vienna where the main following decisions were taken:

- ▷ **Rule of Law:** the delegations were informed of and supported the Presidency decision to appoint Attracta O'Regan as a Rule of Law Advisor of the CCBE to ensure the implementation of objectives cited in the CCBE Statutes (Article III), to reinforce and strengthen the work of the CCBE on issues related to defence of the rule of law and to ensure monitoring and coordinated contribution to the work and priorities of EU institutions, agencies and other relevant stakeholders. Attracta O'Regan is an experienced expert on rule of law issues. She has been an expert advisor for over twelve years to high profile international rule of law NGO's and has delivered numerous RoL initiatives.
- ▷ **Criminal Law:** the Standing Committee approved a reference guide to assist EU defence practitioners. The Guide aims to provide an overview of EU legislation, case law and tools which aims to assist defence practitioners by providing references to relevant legislation, case law and other relevant material.
- ▷ **IT Law:** the Standing Committee approved CCBE considerations on legal aspects of AI. With this paper, the CCBE sets out a number of considerations about the various legal aspects arising out of the use of AI in areas which most directly concern the legal profession: Artificial intelligence and Human Rights (in particular the right to life, the right to a fair trial, the right to freedom of expression, the right to freedom of assembly and association and the right to privacy and data protection), the use of AI by Courts, the use of AI in Criminal Justice Systems, liability for AI driven applications, as well as the impact of AI on legal practice.

- ▷ **Resolution in support of the French Bars:** in the framework of the current reform of pensions carried out in France which jeopardises the existing autonomous pension scheme set up by the profession as well as the situation for more financially vulnerable lawyers, a CCBE resolution was approved to support the French Bars. The resolution notes that in Member States where lawyers benefit from an autonomous pension management scheme, pensions are efficient and balanced and that attacks on the Lawyers' independent pension schemes are to be condemned. The resolution also condemns the consequences of these reforms on access to law and justice for the most vulnerable citizens. The CCBE resolution is available [here](#).



### MEETING WITH COMMISSIONER FOR JUSTICE



Panagiotis Perakis, James MacGuill, Commissioner for Justice, Didier Reynders and Margarete von Galen

In the framework of the European Presidents' Conference, the CCBE had a short meeting with Commissioner for Justice, Didier Reynders. Vice-Presidents Margarete von Galen, James MacGuill and Panagiotis Perakis, with Secretary General Philip Buisseret, asked the Commissioner how the lawyers could be more involved in the Rule of Law Review Cycle which is launched this year by the Commission. M. Reynders pointed out that the Rule of Law review has started with a meeting with the national contact points and that a first Rule of Law report would be published in September. Lawyers could give input at 2 stages: as a representative network for the Justice Area (one of the 4 pillars of the review), and as Civil Society organisation in the larger debate after publication of the report. M. Reynders equally asked for the support of the networks of judges and lawyers to bring the debate about Rule of Law closer to the citizens. Rule of law is too much a matter of an elite, where it should be a concern for all. Further discussion points concerned, amongst others, the evolution of procedural safeguard and transparency in the infringement procedures initiated by the Commission.

### EUROPEAN PARLIAMENT

The CCBE President was invited to speak at a hearing organised by the EPP Group on «Liberal professions in Europe - what challenges lie ahead» on 8 January. The President, speaking on behalf of European lawyers, recalled the importance of being an independent profession and the role played by lawyers in defending and preserving the rule of law and democratic values in Europe stressing that: "Defending and developing the independence of the legal profession is defending and developing of the democracy in Europe and wider."

In the presence of the European Commission's representative, who presented their two main achievements of the last legislature: the adoption of the directive on a proportionality test and the communication on reform recommendations for regulation in professional services, with the aim of promoting reforms, in accordance with the principle of proportionality,

for a number of regulated professions seen as economically important (including lawyers), the CCBE President stressed that excessive liberalisation of services is not necessarily beneficial for citizens and does not mean better quality in the field of justice, arguing that in many cases regulation is justified for reasons related to the proper administration of justice and consumer protection, as well as related professional rules specific to the preservation of the client's interests, the protection of professional secrecy, and avoidance of conflicts of interest. Citing a reference made by the Commission in its report on Single Market Performance, he stressed that a customer survey does not allow to judge the quality of a lawyer's services and that the CCBE has great reservations about the approach undertaken by the Commission following the publication of a study on the measurement of the quality of legal services in Poland, when also this country is facing serious problems regarding the respect of the rule of law.

Finally, the President wished to conclude his intervention with a note of optimism about the challenges facing the legal profession with the emergence of technological tools and solutions in the legal area, which the CCBE President believes that if technology can help to achieve a certain effectiveness and efficiency, it cannot replace the lawyer as its services require “intellect, decision-making, forward looking solutions and above all is creative” and added that “The introduction of any technology into legal services need to be done diligently and under lawyer’s supervision”, this in order to benefit the citizens and limit the risks alike the European Commission’s debate

is currently undertaking on the introduction of a legislative framework for the use of Artificial Intelligence.

Before the hearing took place, the CCBE president and First vice President Margarete von Galen also had the opportunity to exchange with the two co-organisers MEPs Andreas Schwab (IMCO) and Axel Voss (JURI) on the current difficulties the legal profession is facing, particularly with consistent attacks on the lawyers’ independence and rules aiming at protecting the confidentiality of lawyer-clients’ relationship.

## HUMAN RIGHTS



### ▷ The Day of the endangered lawyer 2020:

24 January 2020 marked the 10<sup>th</sup> Day of the Endangered Lawyer <http://dayoftheendangeredlawyer.eu/>, which this year was dedicated to the situation of lawyers in Pakistan. This day, which was created in 2010, is jointly organised by the European Democratic Lawyers’ Association (AED-EDL), the European Association of Lawyers for Democracy (ELDHD) and the foundation “The Day of the Endangered Lawyer”.

On this occasion, the CCBE and other lawyers’ associations and Bars gathered in front of the Pakistani Embassy in Brussels to support Pakistani lawyers. Similar gatherings were held in other countries around the world. It also provided an opportunity to hand in a [petition](#) to the Embassy, jointly signed by several organisations, requesting among other things that measures be taken to ensure that lawyers are free to carry out their professional duties in safety and without fear of reprisals or attacks as required by the UN Basic Principles on the Role of Lawyers.

Over the past several years lawyers in Pakistan have been subjected to acts of mass terrorism, murder, attempted murder, assaults, (death) threats, contempt proceedings, harassment and intimidation in the execution of their professional duties. They have also been arrested, detained or tortured, and in some cases the family members of murdered lawyers have also been murdered.

[More info in the Basic Report on the situation of lawyers in Pakistan.](#)

## EUROPEAN COURT OF HUMAN RIGHTS

On 31 January 2020, the Chair of CCBE Permanent Delegation to the European Court of Human Rights (PD Stras), Piers Gardner, and the Chair of the CCBE Working Group on the European Convention, Laurent Pettiti, participated to the Judicial Seminar: «The European Convention on Human Rights: living instrument at 70» on the occasion of the Opening of the judicial year 2020 of the European Court of Human Rights.

Linos-Alexandre Sicilianos, President of the Court, and Chief Justice Clarke addressed representatives from the highest courts of the 47 member States of the Council of Europe and from local, national and international authorities as well as many eminent figures from European judicial circles.

[A background document about the Seminar is available here.](#)

## EUROPEAN COURTS

On 27 January 2020, meetings took place between the CCBE and members of the Court of Justice, General Court and European Free Trade Association States Court (EFTA Court). These meetings were a continuation of the excellent exchanges which the CCBE has had with the Court of Justice, General Court and EFTA Court over many years. The CCBE exchanged views on a wide-range of issues which are important for practitioners before the EU Courts and issues regarding access to justice before the EU Courts



© G. Fessy @ CJUE

## EU AGENCY FOR FUNDAMENTAL RIGHTS



On 21 February 2020, representatives from the CCBE Presidency, Criminal Law Committee, IT Law Committee, Company Law Committee and Surveillance Working Group, had a meeting with representatives from the Fundamental Rights Agency (FRA). This meeting followed previous meetings in 2017, 2018 and 2019, and as with previous meetings, the meeting took place at the offices of the FRA in Vienna. In addition, and in common with previous meetings, the discussions were very positive and an open exchange took place on a wide-range of issues, including criminal procedural law, judicial cooperation in criminal matters, artificial intelligence and the use of the Charter of Fundamental Rights by legal practitioners.

▷ **EVIDENCE2e-CODEX/EXEC Final Conference on 21-22 January in Brussels:**

On 21-22 of January 2020 took place the final conference of the EVIDENCE2e-CODEX project entitled 'Digital Cross-Border Cooperation in Criminal Justice Conference'. This event marked the end of the 2-year project, which sought to create a legally valid instrument to exchange digital evidence over the e-CODEX infrastructure in the context of Mutual Legal Assistance (MLA) and European Investigative Order (EIO) procedures. The conference brought together 24 Member States, the Council of the European Union, INTERPOL, EUROPOL, EUROJUST, EJM, EJTN, EDPS, and other EU bodies, alongside civil society, academia, training and professional organisations, including the CCBE.

The CCBE Chair of the IT Law Committee, Jiří Novák, made a presentation regarding the way lawyers can request or receive e-evidence on behalf of their clients in accordance with the EIO and MLA procedures, as well as the practical problems encountered in this respect. Simone Cuomo, CCBE Senior Legal Advisor,

chaired the session called 'Criminal justice in the cyberspace – are the legal professions ready?' and opened the discussion by setting out the various challenges the different legal professions are facing as regards the digitalisation of criminal justice. The Chair of the CCBE Surveillance Working Group, Iain Mitchell QC, then set out the training needs for lawyers as regards the acquisition, exchange and analysis of e-evidence as well as the challenges for lawyers in the context of new legislation regarding the acquisition of e-evidence, such as the EU proposal on European Production and Preservation Orders for e-evidence in criminal matters. He stressed the need to ensure that information generated within the lawyer-client relationship is not divulged in the process of facilitating access to e-evidence. Another important aspect to be safeguarded is the equality of arms between prosecution and the defence, which not only requires an equal access to e-evidence, but also an equality of knowledge among the legal professions as regards the acquisition, exchange and analysis of e-evidence.

[All presentations made at the conference are available here.](#)

▷ **The CCBE expresses deep concerns regarding the interception of communications between Mr. Assange and his lawyers**

In a letter submitted to the government of the United Kingdom on 24 February 2020, the CCBE voiced its deep concerns about the illegal recordings of communication between Mr. Assange and his lawyers. The CCBE took notice of the substantial evidence that, whilst he was resident in the embassy of Ecuador, Mr. Assange was subjected to constant surveillance by means of security cameras, and also by means of microphones which had been secretly and illegally installed. This surveillance included conversations between Mr. Assange and his lawyers. This constitutes a clear breach of Mr. Assange's rights to maintain the secrecy of his communications and discussions with his lawyers. Any direct or indirect use of this material in trial inevitably leads to a serious infringement of his right to a fair trial.

In this context, the CCBE submitted a letter to the government of the United Kingdom in view of the ongoing proceedings against Mr. Assange before the courts of the United Kingdom seeking his extradition to the United States. It calls upon the UK Government that if Mr. Assange is extradited, assurances need to be obtained from the United States that no use will be made of any material obtained through the unlawful surveillance of legally privileged communications between Mr. Assange and his lawyers. The CCBE also draws particular attention to its [Recommendations](#) on the protection of client confidentiality within the context of surveillance activities, which set out a number of standards that must be upheld in order to ensure that the fundamental rights of professional secrecy and legal professional privilege are not undermined by practices undertaken by the state involving the interception of communications and access to lawyers' data for the purpose of surveillance and/or law enforcement.

### European Commission 2020 Work Programme

On 29 January 2020, the European Commission adopted its 2020 Work Programme with a focus on successfully grasping the opportunities of the climate and digital transitions. In this regard, the Commission insisted on its commitment to deliver on the European Green Deal and to improve chances for European citizens and businesses in the digital transformation:

The Commission will also launch the Conference on the Future of Europe which will spark a 2-year debate to determine new agreements and/or treaty amendments on the future of European democracy.

### Brexit

After more than three years since the referendum, the United Kingdom officially left the European Union on 31 January 2020. A transition period – during which most EU laws will continue to apply to the UK - will now start until 31 December 2020. The EU and UK hope to find an agreement on their future relationship in this short timeframe, with a Canada-style free trade agreement as the UK's current goal. This exit has notably led to a redistribution of seats in the European Parliament. 27 of UK's 73 seats were indeed redistributed to Member States based on demographic changes.

### Distribution of seats in the European Parliament

Number of seats from February 2020

Germany 96 =	Greece 21 =	Ireland 13 +2
France 79 +5	Hungary 21 =	Croatia 12 +1
Italy 76 +3	Portugal 21 =	Lithuania 11 =
Spain 59 +5	Sweden 21 +1	Latvia 8 =
Poland 52 +1	Austria 19 +1	Slovenia 8 =
Romania 33 +1	Bulgaria 17 =	Estonia 7 +1
The Netherlands 29 +3	Denmark 14 +1	Cyprus 6 =
Belgium 21 =	Slovakia 14 +1	Luxembourg 6 =
Czech Republic 21 =	Finland 14 +1	Malta 6 =

Source: European Parliament

### Election of the European Ombudsman

Emily O'Reilly was re-elected as European Ombudsman by the European Parliament on 18 December 2019. With 320 votes in her favour, this strong mandate will allow her to continue investigating complaints against EU bodies for the next five years. This vote followed a public hearing where [MEPs questioned the candidates](#) regarding key principles in relation to the post of EU Ombudsman such as impartiality, visibility and transparency.

### EU Case Law

In a [Judgement](#) rendered on 4 February 2020, the Court of Justice of the European Union, sitting as the Grand Chamber, provided clarification on the requirement of independence regarding representation by a lawyer before the Court. It declared that a teaching contract between a party and his lawyer does not infringe the requirement of independence of the legal representative before the courts of the EU.

## European Lawyers in Lesvos (ELIL)

The situation in the Moria Administrative Centre for Migrants in Lesvos has deteriorated dramatically in recent months and there are now about 18,000 migrants living in extreme difficult conditions (when Moria can accommodate about 3,000 persons). The numbers arriving have begun to increase again including a large number of unaccompanied children.

ELIL is in the process of welcoming a third shareholder in addition to the CCBE and DAV (German Bar): the Conseil National des Barreaux (CNB - French Bar). The CNB confirmed a generous financial contribution of €100,000. At the CCBE Standing Committee on 20 February 2020, the President of the CNB, Ms. Féral-Schuhl, informed that the CNB's contribution was not limited to the 100,000 euros paid to ELIL. The CNB has also created an endowment fund to collect donations from their clients and law firms, with the aim of creating a high committee on migration to direct these donations to send lawyers to support refugees to provide them with access to law.

More information about ELIL's activities are available in their website: <https://www.europeanlawyersinlesvos.eu/>

You can also follow them on their new twitter account: [https://twitter.com/ELIL\\_Greece](https://twitter.com/ELIL_Greece)

Donations can be done via the following link: <https://www.europeanlawyersinlesvos.eu/donate>

## ECHR Case law

**"Pushback" of migrants: the European Court of Human Rights changes its position:**

On 13 February 2020, the European Court of Human Rights overturned its previous decision in the case of N.D. and N.T. v. Spain (applications nos. 8675/15 and 8697/15) holding that Spain did not breach the Convention in returning migrants - who had attempted to cross the fences of the Melilla enclave - without any individual removal decisions to Morocco. For more information please consult the following [link](#).

## Council of Europe

**Rule of law in Poland:**

On 16 January 2020, the Council of Europe's Venice Commission published an opinion on amendments to the laws on the judiciary in Poland and underlined that this latest reform further undermines judicial independence. These amendments curtail the freedoms of expression and association of judges and prevent Polish courts from examining whether other courts in the country are "independent or impartial" under European rules. [More information available here](#).

**Persecution of Kazakh lawyer Botagoz Jardemalie :**

On 31 January 2020, the Parliamentary Assembly of the Council of Europe (PACE) issued a [declaration](#) on the Persecution of civil society in Kazakhstan. In this declaration members of the PACE stated to share the concern of the Council of Bars and Law Societies of Europe over the harassment and persecution of Botagoz Jardemalie - a human rights lawyer and political refugee residing in Belgium - finding the practice of abusing INTERPOL, extradition and mutual legal assistance instruments to silence Ms. Jardemalie unacceptable. This concern refers directly to a [letter](#) sent by the CCBE on 7 November 2019 requesting that any form of aggression, intimidation or harassment against lawyer Botagoz Jardemalie stops immediately.

## Young Lawyers Contest

On 13-14 February 2020 the Academy of European Law (ERA) hosted the second edition of the Young Lawyers Contest in cooperation with the CCBE and the Warsaw Bar Association.

The contest was co-funded by the Justice Programme of the European Union 2014-2020. Its main aim was to bring together future lawyers from different European countries at a time when they are undergoing entry level training to enable them to share common values and to exchange new experiences and discuss new perspectives in areas of common interest.

31 contestants from 17 countries have been selected and grouped into teams of mixed nationalities. They were asked to submit their written reports followed by a negotiating exercise on company law, and a moot court exercise on criminal law.



The winning team

This year's contest was supported by Jurors chosen accordingly to guarantee a reasonable compromise in expertise and legal specialisation. The CCBE was represented in the jury by the chair of the Company Law committee, Antigoni Alexandropoulou whom stressed that "This contest is a very good opportunity for young lawyers to meet colleagues from others jurisdictions, exchange views on different national practices and do networking. It is also a good opportunity to challenge their own advocacy and negotiations skills and to learn in a fun way how to put these skills and their theoretical knowledge into practice. Definitely a very interesting and valuable experience for young professionals."

The winning team of competition consisted of 3 young lawyers: Olivia Vansteelant from Belgium, Anu Vuori from Finland and Ognyan Yankov from Bulgaria.

The next edition of this contest will take place on 4-5 February 2021 (the registration will start in April 2020 on website <https://younglawyerscontest.eu/>).

## Training of Lawyers on the European Law relating to Immigration and Asylum (TRALIM 2)

The European Lawyers Foundation (ELF) TRALIM 2 project enters its final phase with the organisation of the short visits to reception centres in Greece, Italy and Spain. So far, more than 500 lawyers from 6 different countries have participated in the TRALIM and TRAUMA seminars, which provided training in the crucial fields of immigration law and the protection of unaccompanied migrant children respectively.

The visits to reception centres in Southern countries, which are points of entry to Europe for immigrants and asylum seekers, is a complimentary activity of the TRALIM 2 project. It aims to offer first-hand experience to lawyers from EU Member States of how the asylum system works in Greece, Italy and Spain, how lawyers deal in practice with refugees and asylum seekers and what are the conditions inside the gates of such reception centres.



#TRALIM SHORT VISITS		COUNTRY: GREECE PLACE: ATHENS DATES: 18-20/03 PARTICIPANTS: 10
18/03	19/03	20/03
ARRIVAL OF PARTICIPANTS	VISIT TO THE RECEPTION CENTRE IN ELEONAS	VISIT TO THE MINISTRY OF IMMIGRATION AND ASYLUM
MEETING WITH SUPERVISOR AND SHORT LECTURE	MEETINGS WITH HUMAN RIGHTS LAWYERS	FAREWELL NETWORKING LUNCH
NETWORKING DINNER	NETWORKING DINNER	DEPARTURE OF PARTICIPANTS

THE PROJECT IS CO-FUNDED BY THE JUSTICE PROGRAMME OF THE EU

The first event is scheduled to take place from 18 to 20 March 2020 in Athens with participants from Spain, Italy, Ireland, Poland and France. It will include a lecture on the Greek asylum system at the Athens Bar Association, a visit to the reception centre of Eleonas, meetings with human rights lawyers who work for NGOs in the field of immigration and a visit to the Greek Ministry of Immigration and Asylum, where participants will have the chance to meet and discuss with the Deputy Minister.

## BAR & LAW SOCIETIES ACTIVITIES

### Annual Winter Reception

**O**n 4<sup>th</sup> February 2020, the Brussels Offices of the Austrian, Belgian & Luxembourg, German and UK Bars and Law Societies hosted their annual Winter Reception. It was an honour to welcome European Commissioner

for Justice, Didier Reynders as guest speaker for the event. Commissioner Reynders spoke about the importance of the Rule of Law and of how the new Annual Rule of Law Report will help with early detection of emerging rule of law problems in any EU Member State.

### Austria

**F**rom 20 until 22 February 2020, the presidents of all European bars, but also international lawyers' organisations, have met for the 48<sup>th</sup> time in Vienna in the framework of the so-called "European Presidents' Conference". The theme of this year's conference was "Democracy and Rule of Law – Keeping up the pressure". Speakers were among others Didier Reynders, European Commissioner for Justice, Alma Zadić, Austrian Minister of Justice and former judge of the Polish Constitutional Court, Mirosław Wyrzykowski.



Didier Reynders  
© Matias Damjanovic – fotoEXPOSE



The European Presidents' Conference in Vienna  
© Matias Damjanovic – fotoEXPOSE

**T**he European Presidents' Conference, organised by the Austrian Bar (ÖRAK), has developed over decades into an important forum for dialogue. During the time of the so-called iron curtain this was very often the only possibility for contacts and exchange between lawyers from both sides. Nowadays the European Presidents' Conference is the most important meeting of the presidents of the bars and bar associations of the EU member states and neighbouring countries.

### Belgium

**R**oyal visit: His Majesty the King met with the Brussels Orders.

The Act of 4 May 1984 amending the Judicial Code organised the creation of two Orders within the district of Brussels.

Thirty-five years have passed, and Brussels lawyers can be pleased with the harmonious relations that exist between all Brussels lawyers, who are all members of the same Bar, which some even dare to call "the Brussels Bar".

His Majesty the King was kind enough to enhance with his presence the 35th anniversary of the creation of the two orders, on 5 February 2020: the event was a warm meeting, in the sober setting of the lawyers' dressing room!

It is in this magical place that the excellent relations that exist between the two orders, their President of the Bar and their councils, and in general the permanent collaboration between French-speaking and Dutch-speaking lawyers, particularly during the «mixed» trainings, were evoked, under the benevolent eye of the First Presidents and the Prosecutors General of the high courts who sit in the Palace of Justice.

This gathering testifies to the fact all lawyers share the common values on which our profession is based and reminds us of the strength of the oath that Flemish and French-speaking lawyers all took one day, together, before the same Court of Appeal.

During its New Year's reception, the Flemish Bar Association (OVB) drew attention to the importance of the rule of law by highlighting four prosecuted human rights lawyers: Nasrin Sothoudeh (Iran), Jiang Tianyong (China), Mahienour El-Massry (Egypt) and Lê Quốc Quân (Vietnam).

On 18 February, the Flemish Bar Association welcomed a large delegation of the Committee on Justice of the Belgian Chamber of Representatives to propose and discuss a number of important issues impacting the legal profession.



### Estonia

**D**uring January and February an exam session was held in the Estonian Bar Association. As a result, on the 12<sup>th</sup> of February, the Estonian Bar Association welcomed new

members to the Bar. 18 sworn attorneys and 12 clerks of sworn attorneys received their attorneys' certificates during a festive ceremony which was held in Tallinn Circuit Court.

## France

For several months now, all the French Bars have been demonstrating their opposition to the integration of lawyers into the universal pension system.

The main question of the profession is quite simple: why do we want to include the autonomous schemes of the liberal professions in this certainly necessary reform of salaried schemes?

The outcome of this reform looks catastrophic, both for the economically weaker law firms - the doubling of pension contributions causing the lawyers concerned to lose about 1.5 months of net income - and for pension rights, which will no longer be financed and will therefore somehow be revised downwards.

The French government still has not responded to the lawyers' requests to put an end to this movement, which is detrimental to citizens and has not to date provided any solution to the concerns and legitimate anger of lawyers, who have constantly called for the maintenance of their autonomous scheme.

This crisis is unprecedented in the history of the legal profession in France.



The mobilisation of lawyers is not about to weaken considering the extent to which they feel cheated by this reform.

This great malaise now extends to magistrates, court clerks and justice officials.

A justice day common to all legal professions will be organised on 12 May.

## Italy

### ▷ 2020 – year of the lawyer in danger in the world

The Consiglio Nazionale Forense (CNF) has decided to proclaim 2020 the “Year of the lawyer in danger in the world”. Through this decision taken unanimously by the plenum, the CNF reaffirms its commitment to defend the free exercise of the profession of lawyer, and will support concrete initiatives in this respect (e.g., participation in events in support of endangered lawyers, international observers in trials involving lawyers, visits of lawyers in prisons, etc.), also through the Italian delegation of the CCBE and the International Observatory of lawyers in danger (OIAD).



CNF President, Andrea Mascherin, and the Head of the Italian Delegation, Francesca Sorbi

### ▷ The CNF and the opening of the 2020 judicial year of the national Courts

In view of reaffirming the importance of the collaboration with the Judges for a better administration of the Judicial sector, the President of the CNF President, Mr Andrea Mascherin, has intervened at the traditional Opening Ceremony of the Court of Cassation on January 31 and at the opening of the judicial year of the Court of Auditors on 13 February. On these occasions President Mascherin highlighted, inter alia, the importance to reform the Italian Constitutional Chart in order to recognize the full role of lawyers in the administration of Justice.

## Ireland

**#JusticeWeek:** The Bar of Ireland, along with their UK colleagues, launched Justice Week. Aimed at younger audience, the week seeks to promote awareness of access to justice issues and the rule of law. Each day carried a distinct theme, and participants were encouraged to use the #justiceweek hashtag. Activities organised by the Bar included:

- ▷ A debate between the main university Law Schools on the theme of ‘This House believes that law is politics by other means’, under the theme of Defending Democracy
- ▷ A mock trial between local children under the theme of Protecting Freedom
- ▷ Video content based on interviews from those working in the justice field, in particular on the theme of ‘Saving the Planet’ and ‘Fighting for Rights’
- ▷ Highlights of some of our policy and public interest initiatives, for example in the context of family law and court resourcing



## Germany

On 24 January 2020, the DAV and Amnesty International held another event to mark «Day of the Endangered Lawyer». DAV Human Rights Committee Chairman

Stefan von Raumer discussed the precarious conditions for colleagues in Turkey and Iran with Emma Sinclair-Webb (Human Rights Watch) and the Iranian human rights lawyer Dr. Leila Alikarami.



Themes of the week reflect many of the common challenges facing citizens and states across Europe and beyond. Bringing attention to the importance of law and the courts in addressing these challenges is, in our view, an important and continuous exercise.

The annual Transition Year Look into Law Programme took place in February at The Bar of Ireland. The aim of the programme is to show in a practical way, the workings of the legal system, understand the work of lawyers and engage with some legal topics. This year 100 students spent the week job shadowing, and taking part in talks and tours, which introduced the students to life at the Bar.

## Slovakia

Bratislava Legal Forum 2020, an important international academic conference organised by the Comenius University in Bratislava, took place on 6-7 February under the auspices of the Slovak Bar Association. The main theme of the conference focused on the role of lawyers as guardians of the rule of law. All the speakers from various backgrounds

agreed on the necessity of constant and tireless efforts of lawyers to protect, promote and take action for the sake of stable rule of law. The CCBE President who was a special guest of the conference, gave a speech on the public interest as justification of lawyer's societal role, independence and fundamental right of access to a lawyer.

## Sweden

### ▷ Marketing of legal services on social media

This winter there has been an ongoing debate in Swedish media on the confidence and trust in lawyers. The debate was partly initiated by some lawyers' publications on social media in order to market their services. To provide more guidance to its members on this issue, the Board of the Swedish Bar Association decided on 5th of December 2019 to adopt a guiding statement on how lawyers may use social media for marketing their own businesses. Some of the concerned lawyers' actions were also brought before the Swedish Bar Association's Disciplinary Committee who ruled on these issues the 23 January 2020. The cases are available on the Swedish Bar Association's webpage.

### ▷ Membership poll

The Swedish Bar Association will send a poll to all its members and associates to gather their views on the legal profession in Sweden and the priorities that should be made by the Swedish Bar. The purpose of the inquiry is to collect valuable information for the Swedish Bar's ongoing strategic work for the future.



## ▷ Law Society of Northern Ireland

### LSNI Four Jurisdictions Conference

Members of the Law Society of Northern Ireland's Presidential team, Council members and staff officers attended the Four Jurisdictions Family Law Conference in Malaga from Friday 31 January 2020 – Sunday 2nd February 2020. The overall theme of the conference was '25 years of Family Law'. The programme included sessions on the thorny issues facing practitioners involved in child law and financial remedies, led by internationally renowned judges and practitioners from across the various jurisdictions."



LSNI Four Jurisdictions Conference

## United Kingdom

### ▷ Faculty of Advocates, Scotland

#### Scotland in Europe Post Brexit



The Faculty has elected Roddy Dunlop, QC, as Vice-Dean, succeeding Angela Grahame, QC, who stepped down after three and a half years in office. On Friday, 20 March, the Faculty will hold a major seminar to consider Scotland's place in Europe following Brexit. The primary focus will be on whether and, if so, on what terms Scotland could become an independent member of the EU. [Details here.](#)



Roddy Dunlop, Faculty of Advocates

### Law Society of Northern Ireland attend reception in Joint Brussels Office

The President of the Law Society of Northern Ireland, Rowan White, Chief Executive, David Lavery and Head of Policy, Dr Frank Geddis joined colleagues from across various European jurisdictions at a special reception hosted at the Law Societies Joint Brussels Office in Belgium. Those attending had an opportunity to hear from Didier Reynders, EU Commissioner for Justice who spoke on rule of law issues in Europe. Whilst at the reception the President took the opportunity to congratulate Victoria Kinkaid on her internship with the Law Societies Joint Brussels Office. Victoria is an apprentice at Fisher and Fisher solicitors.



LSNI attend annual reception in Brussels

## UPCOMING EVENTS



12 MARCH 2020

CCBE Round Table on aspects of the execution of ECtHR judgments by domestic courts in Brussels - **CANCELLED**

27 MARCH 2020

CCBE Standing Committee in Brussels - **CANCELLED**

17-18 APRIL 2020

ECBA Spring Conference in Rome

14-15 MAY 2020

Committee meetings and Plenary Session in Trogir

25-26 JUNE 2020

Committee meetings and Standing Committee in Brussels