

Mr Janis Bordans
Minister of Justice
Ministry of Justice of the Republic of Latvia
Brivibas blvd. 36,
Riga, LV-1536

Brussels, 26 November 2013

Dear Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE) representing bars and law societies of 31 member countries and 12 further associate and observer countries, and through them more than 1 million European lawyers. The CCBE responds regularly on behalf of its members on policy issues which affect European citizens and lawyers.

The Latvian Council of Sworn Advocates, which is a member of the CCBE, has drawn our attention to discussions currently underway in Latvia on the amendments of the Law on Civil Procedure, seeking to introduce mandatory representation by a sworn advocate in civil cassation proceedings. We understand that these amendments have also been embraced by relevant stakeholders including the Ministry of Justice.

At the outset, I would like to underline the crucial role played by the legal professions in a democratic society to guarantee respect for fundamental rights, the rule of law and security in the application of the law, both when lawyers represent and defend clients in court and when they are giving their clients legal advice. This has been recognised at European level such as in the European Parliament resolution of March 2006. The aims of the rules governing legal services are the protection of the general public, the guaranteeing of the right of defence and access to justice, and security in the application of the law.

In light of the afore-said, I would like to inform you that the CCBE has considered the issue of lawyers' representation before courts in the past years. The CCBE believes that lawyers who are qualified to appear in court serve the interest of the administration of justice best. Lawyers have the necessary competences, skills and knowledge to deal efficiently with the rules of procedure and representation which are designed to ensure a smooth functioning of the legal system. This will be of benefit to consumers who ensure qualified advice and to society as a whole.

Representation by non-lawyers could mean more errors (unsatisfactory legal representation) and more work for the courts. This could even lead to 'wrong judgments'. Bad legal precedents affect not only the parties involved in the specific matter, but also have an influence on matters of principle dealt with by the courts (see CCBE position of March 2006, page 6; the CCBE position is drawn from various sources, but in particular from a report prepared by Copenhagen Economics on the legal services market in

Denmark). A recent survey of the CCBE has also shown that representation before High and Supreme Courts is mandatory in a number of countries in Europe.

In other European countries, where representation in court by an advocate is not required by law, clients nevertheless prefer to be represented by advocates, instead of being represented by a person with lower professional qualification or with no legal knowledge at all, thereby receiving the best legal aid possible.

The CCBE believes that in Latvia it would be beneficial to determine by law, that in proceedings in higher instances or in cases where amount of the claim is significant, a person may be represented before court only by a sworn advocate.

For the reasons set out above, the CCBE would like to express its full support to the Latvian Council of Sworn Advocates in their request for mandatory representation by sworn advocates in civil proceedings in cassation and appellate instances.

The CCBE is happy to provide you with further information and input if that is helpful.

Your sincerely

A handwritten signature in blue ink, appearing to read 'E. Tsouroulis', with a stylized flourish above the first name.

Evangelos Tsouroulis
CCBE President