

**To: The Honorable Andrian Candu**  
**Speaker**  
**Parliament of the Republic of Moldova**  
**Bd. Stefan cel Mare si Sfanta 105**  
**Chisinau, 2073, Moldova**  
[Andrian.Candu@parlament.md](mailto:Andrian.Candu@parlament.md)

**Copy: The Honorable Vladimir Grosu**  
**Minister**  
**Ministry of Justice**  
**Str. 31 August 1989, 82**  
**Chisinau, 2012, Moldova**  
[Vladimir.Grosu@justice.gov.md](mailto:Vladimir.Grosu@justice.gov.md)

Brussels, 20 April 2015

**Subject: Amendments to Code of civil procedure affecting the profession of advocate**

Dear Mr. Speaker,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the unions of advocates, bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers. One of the CCBE objectives is to actively monitor the defense of the rule of law, the protection of the fundamental and human rights and freedoms, including the right of access to justice and protection of the client, and the protection of the democratic values inextricably associated with such rights.

The attention of the CCBE has been drawn to the recent initiative of one of the members of the Moldovan Parliament to amend the Code of civil procedure in order to allow the following persons to appear as representatives in proceedings before civil courts:

- (a) individuals with a law degree, who are not advocates;
- (b) non-profit human rights organizations; and
- (c) unregulated law firms – commercial legal entities organized for purposes of providing legal services outside the Union of Advocates.

The CCBE strongly opposes to such amendments. In this respect, I would like to express the CCBE's support for the Moldovan Union of Advocates' position on this issue.

At the outset, I would like to underline that the crucial role played by the legal profession in a democratic society is 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.

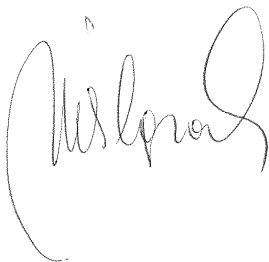
At the same time, I would like to inform you that the CCBE has considered the issue of lawyers' representation before the courts in recent years. The CCBE believes that lawyers who are qualified to appear in court serve the interest of the administration of justice best. Lawyers have the necessary competences, 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 clients, who are assured of 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).

For the reasons set out above, the CCBE would like to express its support for the Union of Advocates of the Republic of Moldova in their request to oppose any legislative initiative that has the effect of significantly diluting the role of advocates in the Moldovan judiciary.

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

Yours sincerely,



Maria ŚLAZAK  
President