

Conference

Modernising EU justice systems by boosting training of justice professionals

Speaking points for Session 2

(7 May around 11.00)

The future of judicial training for lawyers

- I am very honoured to participate in this important conference on training of justice professionals and to provide the vision of the Council of Bars and Law Societies of Europe (CCBE) on the future of judicial training for lawyers.
- Yesterday, during his opening speech, Commissioner Reynders pointed out that fair and efficient justice depends on the justice professionals and their knowledge, skills and tools to meet the challenges of a constantly developing society and legal environment. Among those justice professionals, lawyers play an important role. We have an additional issue compared to judges and prosecutors and that is the aspect of liability.
- The CCBE very much welcomes this new strategy and the political commitment to draw the attention of the relevant institutions at a national and EU level to the importance of a regular professional development of justice professionals and especially lawyers. And we welcome as well the commitment to include lawyers in this strategy far more than it has been considered in the past. As you may know, the CCBE has always promoted the need for high-quality training for lawyers. This is even underlined in the CCBE Code of Conduct for European Lawyers, where “the lawyer’s professional competence” is mentioned as one of the ten core principles of the European Legal Profession.
- Professional development, continuous learning and improving the professional skills are important in the everyday professional life of every lawyer. Lawyers are committed to continuous learning and skill development to stay up to date and to ensure the best possible representation and defence of their clients.
- For a majority of lawyers, continuous legal training is even an obligation and requirement often monitored by their Bar. This means that in the

majority of EU countries, 100% of lawyers are obliged to provide proof of their professional development each year. And this is including developments of European legislation and the transposition of particular EU legislation into national law.

- I know that according to some sources (for example, the annual judicial training report), the number of trained lawyers per year on EU-related matters is rather low. But I need to point out and underline that the figures on trained lawyers do not show the real number of trained lawyers.
- There must be a large gap in numbers between lawyers who attend regular training and the publicised numbers. This is easily explained as there is no European data collection mechanism for the training of lawyers at all. In most countries, lawyers can freely choose any training provider. Lawyers will then provide their Bars with the necessary documents to prove the obligatory training. Any training beyond the obligatory hours normally is not registered anywhere. And the obligatory training hours which are provided to the Bar will be stored in the personal files of the lawyers and not filed into a data collection tool.
- Additionally, it is important to stress that lawyers develop their professional knowledge on a daily basis to ensure the best advice and the best defence of their clients. Although I would think that, indeed, the rate of training in EU law is still too low. If you just imagine and think about the wide range of fundamental rights in the European Charter of fundamental rights, my impression is that there are few lawyers in member states who are aware of this tool for arguments which could be developed from the Charter; not to speak of normal directives and their impact on national legislation.

The CCBE therefore very much welcomes the ambitious objective set by the Commission that 15% of lawyers shall be trained in EU law-related matters by 2024. The CCBE is ready to assist and motivate our member Bars to make use of the funds which the EU is providing to reach this aim.

What should be the content of training? Two issues:

I would like to point out that training for lawyers should not only include legal training – legal training obviously will always be included – but also other skills

– nonlegal soft skills and technical skills regarding digitalisation and AI. Let me say a few words on these two training issues:

- Nonlegal and soft skills in addition to legal skills

For a lawyer, it is of crucial importance to have a number of nonlegal and soft skills in addition to legal skills. And of course, the matter of developing such skills on a permanent basis is a future of training for lawyers.

- ✓ Communication and public speaking skills are important not only during court hearings. These skills are important for meetings with clients too, giving clients confidence with regard to the knowledge and ability of their lawyer.
- ✓ Relationship skills – lawyers are dealing with people in every aspect of their lives. Therefore, knowing how to build a good relationship is crucial. Creating connections with clients can sometimes be difficult since every client should have an individual approach. Therefore, relevant skills and training to acquire such skills are important. The skill to say “no” can be a significant skill for a successful career as a lawyer.
- ✓ Managing and leadership skills, including time management and management of a law office are of importance.
- ✓ Problem-solving skills are of the utmost importance. Refining and developing these skills through training, practice and learning can extend the ability of lawyers to solve complex issues. Effective problem-solving skills enable lawyers to analyse problems, identify risks and develop effective solutions. Every situation presents unique challenges. Therefore, it is important to develop problem-solving skills, which allows to think creatively and ‘outside of the box’, as well as to find solutions that are personalised to meet the client’s needs and expectations. Creativity is often linked to artistic jobs only. However, creativity also entails the ability to come up with new solutions.

These soft skills are important for future lawyers to be successful in any field. And it also serves one of the core values of the legal profession – the independence of the lawyer, which means guiding the client independently, being able to contradict the client without losing him or her in order to gain the respect and the confidence that the client can rely on the advice.

- Digitalisation, new technologies

It belongs to the core competences of the CCBE to actively monitor the defence of the rule of law, to protect the fundamental rights and freedoms, including access to justice and the protection of the client and the protection of the democratic values inextricably associated with such rights, including human rights.

Training can definitely help to promote a common rule of law culture and to uphold fundamental rights. Appropriate training is helpful for lawyers to enable the use of digital tools as well. With the COVID-19 pandemic, it became even more important.

However, the acceleration of the digitalisation of justice and the use of new technologies and tools in response to the COVID-19 crisis, as well as the development of different cross border instruments, is also a challenge calling for relevant training opportunities for lawyers.

Digital tools can have tremendous impact and value when it comes to improving access to justice and improving the effectiveness of justice systems. When the use of digital tools is becoming more generalised, it is also important that this development does not leave behind those who do not yet possess IT capabilities.

It is important that all users are aware not only about the opportunities brought by digitalisation and technologies but also about the risks related to the use of online tools. Special attention should be paid to the respect of human rights and other ethical principles. This is, as well, a question of relevant training and development of the professional skills of lawyers.

The same applies for AI. Transparency and the right to dispute the functioning of AI requires knowledge about the mechanisms of AI.

- Future training is based on the availability of funding

When we speak about the availability of training, we need to flag the availability of adequate financial support in order to meet the new target to train 15% of lawyers in EU law.

We appreciate that there are EU funding possibilities which have been made available for the training of lawyers (and here I am referring to the call for proposals for action grants under the Justice programme). In this regard, the CCBE is actively engaged in ensuring that its member Bars are duly informed

about these funds. We are grateful to our colleagues from the European Commission for providing information on available EU funds for the training of lawyers.

However, in view of the numerous administrative requirements involved in applying for EU funds – for instance, a long and separate application process for every single training project, with the specific knowledge and experience that are needed in this respect, we believe that in the longer term other ways need to be found to make EU funds more easily accessible. We therefore invite the European Commission to involve the CCBE in developing new ways of funding to meet the capacities and needs of the Bars.

Therefore, when you ask about the future of judicial training and training of lawyers in particular, our answer is that there is a strong need for easier access to EU funds. We need a dedicated and easily accessible European structure regarding training of lawyers in EU law. We need a structural development to really ensure the equal access to training opportunities for all legal professionals. And this is of the utmost importance, especially now, when rule of law and European values are under threat. Because equal access to training opportunities for all legal professionals would impact the application of the principle of equality of arms for both sides of the dispute. Thus, we need to ensure a fair trial and equal access to resources, including training resources.

We hope to receive an understanding approach and openness to discuss these aspects with all EU institutions.

Raising the training capacities for lawyers in EU Law will serve the common goal of a European Union based on the principles enshrined in Art. 2 of the Treaty.