



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Bologna, May, 17th , 2018

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

President : Enrico Lattanzi - Vice President : Suzanne Stern - Secretary : Elena Picchetti

The commission is currently working on lawcosts and access to environmental justice.

Following message had been sent the 26st of April to the FBE President :

I am sending You these notes on Access to Justice Commission activity.

We have examined and collected details on legal expenses focusing our attention on Lawyer's cost.

We intend now to carry works adding to our respective "Overall note on Access to Justice" some considerations on effective disbursements that plaintiff has to bear in order to

- 1) introduce a litigation and later*
- 2) register the Judge decision at the end of the trial.*

We also plan to complete our work with notes on access to environmental justice providing a short outline of the matter.

I have therefore prepared two concise Tables (called "Lawcosts Outline" and "Access to Environmental Justice") completing it with Italian details.

In between, the files have completed regarding Spanish and British law.



HUMAN RIGHTS COMMISSION - MADRID

President : To be determined - No Vice President - Secretary : To be determined

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.

ETHICS COMMISSION – BILBAO

President : Michael Auer - Vice President : Rod Mole - Secretary : Nazario de Oleaga

The commission met in Barcelona the 23rd of February 2018. There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.

LEGAL EDUCATION COMMISSION - PARIS

President : To be determined - No Vice President - Secretary : To be determined

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa. A meeting should be organized with the Paris Bar in the next months.

Madrid Bar which was previously in charge of the commission, has sent the following report :

*FBE – Intermediate Congress in London
Legal Education Commission Meeting – 09/11/2017*

Members present:

- *Presidency of the Commission: Constance Lubet - Madrid Bar Association*
- *Begoña Angulo Fuertes - Vizcaya Bar Association (Bilbao)*
- *Piotr Wieczorkiewicz - Warsaw Bar Association*
- *Georges Lekov – Sofia Bar Association*
- *Calin Viorel Iuga – Cluj Bar Association*
- *Coral Hill – The University of Law – Conference Director*

Agenda

1. *New Presidency of the Commission*
2. *Report on the I FBE International Oratory Competition of the FBE in Madrid.*
3. *Discussion on the organization of future competitions*
4. *New projects possibilities.*

1. New Presidency of Commission

After holding the Presidency for two years, the Madrid Bar Association decided not to renew its mandate as they have taken the Presidency of the Human Rights Commission and also in order to allow another Bar to host the Commission.

The Presidency of the FBE sent a proposal to Ms. Dominique Attias, Vice President of the Paris Bar Association to offer the Paris Bar to host the Commission.

Vice President Dominique Attias formally accepted the proposal during the Presidency/Presidents of Commissions joint meeting that took place before this reunion.

2. I International Oratory Competition in Madrid

A quick report in the I International Oratory Competition in Madrid was made for those who were not present at the Presidency/ Presidents of Commissions joint meeting.

3. Discussion on the organization of future competitions

The Cluj Bar indicated they would like to host a competition.

The Warsaw Bar said that they would like the Commission to organize more than one Competition in between two FBE Congresses, since the feedback from young lawyers is always very positive. They also said it would be interesting to do a follow up on the relationships network of the participants of the various competitions.

The Madrid Bar agreed that the networking aspect is an important aspect of these competitions, as they were able to notice during the Oratory Competition, allowing lawyers to exchange business cards with foreign lawyers they would not have met if not for the Competition.

The Cluj Bar added that diversity is important and that the competition should be organized in a different country each time in order to give the opportunity to more participants, especially regarding the financial aspect, since the living cost is very different depending on the city where the competition is organized and it is usually cheaper to travel to a closest location.

The Bilbao Bar agreed that the competition is a great opportunity for young lawyers.

The Warsaw Bar said they always publish a press release on the competition, as an encouragement for lawyers to participate.

They added that organizing these competitions through the Bar Associations allows lawyers from small law firms to participate and not only lawyers from big firms who do not need financial help and already have an international network.

The Cluj Bar said these competitions provide lawyers with an international experience, and allows younger lawyers to participate to FBE activities, as most FBE members and the participants to the FBE congresses are usually older. They insisted on the fact that the competition should always have a different location.

The main issue that was raised by all the members present is that the Bar Associations are not participating enough and only a few of them are sending participants.

4. Discussion on new projects possibilities

The University of Law suggested to organize a paper based first round of the competition so that lawyers would be encouraged to participate and then to organize only the final round in person. It was however mentioned that the problem of financing the finalists' trip on-site would still exist.

They described a program that they were organizing at the University of Law called "London Legal visit", that includes a visit to the Supreme Court to attend a trial, a visit to a Barrister's chamber etc.. and which price is approximately 250 pounds.

They also mentioned a joint programme with a Spanish university, the IE University, where the students can obtain both Spanish and English law degree and then choose to become a lawyer in England or in Spain, or even in both countries.

The Warsaw Bar described the short study trips they are organizing, which consist in 2 or 3 days and include a short introduction to polish law and judicial system, a visit to a court, a networking meeting...

They also mentioned an exchange programme with Oxford, to compare Common and Civil Law.

Finally, the possibility of organizing a European Student programme by applying for European Union funds was also mentioned.

Conclusion

As a conclusion, it was agreed that the Commission should keep organizing competitions such as the Contract and Oratory Competitions as it was established that it was a great legal education activity for young lawyers. It was agreed that Cluj could be the next host of the competition. It was also decided that other projects should be discussed with the new presidency of the Commission, the Paris Bar Association.

AD HOC COMMISSIONS

ARBITRATION COMMISSION - NAPOLI

President : Alessandro Senatore - Vice President : No information - Secretary : No information

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.

COMMISSION PROFESSIONAL INSURANCE - ANTWERP

President : Leo Bouteligier - Vice President : Luc De Somer - Secretary : Stefanie Verstraete

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.

EASTERN BARS COMMISSION - CLUJ

President : Stanca Gidro - Vice President : Christoph Munz - Secretary : Diana Andrasoni

Following report has been sent to the Secretariat of the Commissions after the Presidency meeting in Ragusa :

ACTIVITY REPORT OF FBE CONGRESS Bologna

During the period November 11th, 2017 - May 17th, 2018, the Eastern Bars Committee carried out the following activities:

Dolj Bar, a member of our Committee, has launched a website of Eastern Bars - EASTERN BARS NETWORK - the members of which are of Arges, Bucharest, Cluj, Dolj (Romania), Chisinau (Republic of Moldova) Bars, FBE, Eastern Bars Committee, Nis and Zajecar (Serbia), Thessaloniki (Greece), Tirana (Albania) and Vidin (Bulgaria) Bars, accessible at www.easternbars.net/v2/. The site was launched on February 22nd, 2018 under the aegis of "We Celebrate ROMANIA 100 Years". On this site we will publish the work and activities carried out by our Committee.

Following the meeting of the Eastern Bar Committee of the European Bar Federation, organized by Dolj Bar in Craiova on Friday May 5th, 2017, attended by representatives of the Bars in Albania, Bulgaria, Germany, Greece, Luxembourg, Republic of Moldova, Poland, Serbia and Romania, acknowledging the need for a communication platform for the Bar Associations in the region and assuming this important task of international cooperation in the profession of lawyer, Dolj Bar developed the Eastern Bars Network communication platform that it launches today, February 22nd, 2018 and accessible at the Internet address www.easternbars.net.

The "Eastern Bars Network" is an informal communication platform for deans and bar representatives in the region, which can be used to publish information, questions and opinions important to the lawyer's profession, irrespective of the country where it is exercised.

"Eastern Bars Network" aims to help increase bars and lawyers cohesiveness by creating a virtual, informal and open space for meeting and communicating on topics of common interest, challenges, problems, solutions or joint actions.

The "Eastern Bars Network" is open to any bar expressing interest in accessing this space, as soon as logging in data is communicated to the dean and other two or three appointed representatives of that bar.

The platform contains a publicly accessible news area where content can be viewed directly without logging in. Furthermore, representatives of member bar associations can access an area for members to post and read articles, or to participate in members' discussions based on existing content.

In order to shed some light on the problems of Eastern Europe law practice and the existence of similar problems in Western Europe, we designed a questionnaire which we sent to the FBE member bars with the request to respond until the Bologna Congress, with the following questions:

- 1. Do you face unfair competition to the profession of lawyer? (for example, legal services provided by non-lawyers, diversion of clients, etc.).*
- 2. Are there alternative dispute resolution procedures and, if so, do these procedures adversely affect the pursuit of the profession of lawyer?*
- 3. Do you think the lawyer services taxation is high?*
- 4. Do you face the interference of the State in exercising the lawyer's profession (for example, custom inquiries, excessive controls by tax authorities, etc.)?*
- 5. Are there any legal provisions or other obstacles to the freedom and independence of the lawyer service?*
- 6. Please mention if there are other issues that prevent the pursuit of the profession of lawyer.*

The Committee meeting on May 17th, 2018 will address the adoption of the resolution - support for Romania - on the interference of the Romanian Intelligence Service in the justice proceedings, which affects or may affect the independence of justice, with the following text: The General Assembly of the FBE, which represents 250 member bar associations with 800,000 lawyer members, gathered on May 19th, 2018, in Bologna, has expressed its deep concern regarding the right of access of Romanian citizens to a free and independent court and about the situation of judges, prosecutors and lawyers from Romania, noting that there is an interference with the independence of judges, prosecutors, lawyers and the administration of justice due to the intervention of Romanian Intelligence Service in the work of judges and prosecutors through the conclusion of the protocols of cooperation between the secret service and the Superior Council of Magistrates, the Judicial Inspection, the High Court of Cassation and Justice, the Court of Appeal and the General Prosecutor's Office. This resolution shall be submitted for approval to the FBE General Assembly.

We mention that the Romanian Bar Union the Cluj Bar condemned the secret protocols concluded between the Romanian Intelligence Service and the Prosecutor's Office attached to the High Court of Cassation and Justice, the Superior Council of Magistrates, the Judicial Inspection, the High Court of Cassation and Justice, Bucharest Court of Appeal. Protocols attempt to validate obvious violations of criminal law rules, starting precisely from its principles. It also resulted in the existence of other such secret collaboration documents: - June 28th, 2005; Romanian Intelligence Service - National Anticorruption Directorate Protocol - January 28th, 2003; Romanian Intelligence Service - Bucharest Court of Appeal Protocol - June 4th, 2007.

The Cluj Bar and the National Association of the Romanian Bars have condemned the existence of such unconstitutional and unlawful arrangements between the State authorities and have called for such a practice to be abolished in the future, circumventing the principles enshrined in the ECHR Convention, the Romanian Constitution and the Code of Criminal Procedure, the right to a fair trial and the principle of the lawfulness of the criminal proceedings.

Furthermore, the lawyers also requested that, to the extent that the above-mentioned Protocol was revised or replaced by another at the time of the entry into force of the new Codes (Criminal Code and Criminal Procedure Code), it should be declassified and disavowed by both signatory parties.

The Cluj Bar, in partnership with the VeDem Just Association and the School Inspectorate, the Ministry of Justice and National Education further develops the project "Legal Education in Schools and High Schools", with 60 lawyers from the Cluj Bar, enrolled in the program and teaching law lectures at different levels of education.

As near future work, the Commission will finalize the study on the problems faced by European lawyer practice after receiving the answers to the questionnaire submitted.

The commissions has also submitted to the Presidency a proposal for a resolution which could be adopted during the General Assembly in Bologna :

DRAFT RESOLUTION ON THE INTERVENTION OF THE ROMANIAN INTELLIGENCE SERVICE IN THE ROMANIAN ACT OF JUSTICE

On May 19th, 2018, the General Assembly of the FBE, which represents 250 member bar associations with 800,000 lawyer members, has expressed its deep concern regarding the right of access of Romanian citizens to a free and independent court and about the situation of judges, prosecutors and lawyers from Romania, noting that there is an interference with the independence of judges, prosecutors, lawyers and the administration of justice due to the intervention of Romanian Intelligence Service Information in the work of judges and prosecutors through the conclusion of the protocols of cooperation between the secret service and the Superior Council of Magistrates, the Judicial Inspection, the High Court of Cassation and Justice, the Court of Appeal and the General Prosecutor's Office.

MEDIATION COMMISSION - BARCELONA

President : Eugenia Gay - Vice President : No information - Secretary : No information

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa. As the Secretary of the Commission, Marta Isern, left the Barcelona Bar in order to work within the *Consejo General de la Abogacia*, the President of the commission has been invited to appoint a new Secretary.

COMMISSION ORGANISATION AND OPERATION OF THE BAR ASSOCIATIONS AND LAW SOCIETIES - FFM

President : Andrea Griem - Vice President : Rudolf Lauda - Secretary : Heike Steinbach-Rohn

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.

COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE

President : Bas Martens - Vice President : David de Knijff - Secretary : Saskia van der Toorn

Following message has been sent by the President of the commission to the members :

Dear Members of the Commission Future of the Profession,

Tomorrow we shall meet again at the Bologna bar association at 4 PM.

I propose to discuss the following subject:



You might recognize both persons in the picture, of which one is an American colleague of ours. The narrative is that this Michael Cohen, as a longtime attorney for Donald Trump, arrived to a settlement with adult-movie actrice Stormy Daniels and paid her the sum of \$ 130.000 from the account of his law firm (or a hush shell company). According to Rudy Guilliani, the former major of New York and now lawyer for Trump, the (then) candidate Donald Trump did not know about the issue until after it was settled by Cohen and

reimbursed from the retainer. Giuliani said on national television that this is common practice, he does it 'all the time' for his own clients.

Wow! Maybe I was fast asleep the last years? Did something change in our profession? Is being a 'fixer' for clients part of the standard portfolio for an attorney at law? How far do we go with this?

Two questions, in a changing world for the legal professional, and with different demands from clients:

- how far does our mandate go?*
- are tasks like this a standard assignment?*

Do we, as lawyers, face a different future?

I hope to see and speak with many of you tomorrow.

*Met vriendelijke groet,
Bas Martens | Delissen Martens
Advocaat*

COMMISSION NEW TECHNOLOGIES - WROCLAW

President : Iza Konopacka - Vice President : Franceso Tregnaghi - Secretary : Anna Materla

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.

HUMAN RIGHTS FREEDOM COMMISSION - POZNAN

President : Artur Wierzbicki - Vice President : Marc Wesser - Secretary : Renata Karbowska-Kuźma

The Commission decided to postpone the FBE First International Oratory HR Competition which should be held in Poznan, the 23rd and 24th of March 2018. The event will now take place the 29 and 30 June 2018 in Poznan and the age limit has been increased up to 30 years and also to law students.

COMMISSION LAW WITHOUT BORDERS - FFM

President : Rudolf Lauda - Vice President : Sergiusz Foltynowicz - Secretary : Tanja Wolf

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting in Ragusa.