



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Paris, November, 25th, 2016

The Presidents have been invited to write and send a short report for the booklet that will be published on the occasion of the 25th Anniversary of the FBE, with a maximum of 200 words, including a presentation of their commission and of the current and/or the future work of their commission, before September 5th, 2016.

Two reminders have been sent to the Presidents of the Commissions who did not send their contribution.

The reports of the following commissions have not been received by the Secretariat of the Commissions yet :

- Commission Law without borders, Rudolf Lauda
- Human Rights Commission, Yves Oschinsky
- Ethics Commission, Rod Mole

Secretary General Charles Kaufhold has sent a reminder to the Presidents of these commissions.

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

President : Michele Lucherini - Vice President : Suzanne Stern - Secretary : Enrico Lattanzi

President Michele Lucherini has sent the following report to the Secretariat of the Commissions after the Intermediate Meeting of Luxembourg.

COMMISSION ACTIVITY - UPDATE

1. We have completed a comprehensive revision of our member list.
2. We have looked for new interested member asking them to join us.



3. We have reached the number of 9 members (coming from Italy, Spain, Romania, Germany, Holland and Poland).

4. We have prepared and sent to our members Tables to be filled, in order to help colleagues explaining their situation in a clear and uniform manner.

The outline includes: a) introduction costs of litigation + taxes on the decision b) defence costs c) legal aid system.

The exam covers different legal fields: civil, criminal, administrative, fiscal, mediation, arbitration.

5. Some members have already sent the completed form.

6. During the meeting we particularly focused our discussion on mediation issue which has not been included in our first tables.

7. We compared different solutions chosen in other countries – particularly Italy Germany and Romania - trying to understand advantages and drawback of them both.

8. Different solutions:

- in Germany a court is always needed,

- in Italy the settlement can take place out of court but some court cases required compulsory mediation first,

- in Romania the judge seems to have relevant power to intervene in the relationship amongst parties.

Some ideas were suggested (add more straightforward questions in the form such us: legal aid in your country has been authorized to private person only or also to legal entity? Citizen only or to foreign as well?

Etc...).

9. We also wonder whether it would be wiser to relate the indicated cost of access to justice to the effective cost of life in different countries.

Timetable

10. We have decided to carry on our activity collecting some other experiences (i.e. Spain, Northern Europe).

11. We plan to eventually coordinate them all in a short booklet to be published in The Hague Conference.

It has been an interesting discussion on access to justice in different legal system.

HUMAN RIGHTS COMMISSION - BRUSSELS

President : Yves Oschinsky - Vice President : Vincent Spira - Secretary : Julie Goffin

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

ETHICS COMMISSION – DEVON

President : Rod Mole - Vice President : Michael Auer - Secretary : No information

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

LEGAL EDUCATION COMMISSION - MADRID

President : Maria Sonia Gumpert Melgosa - No Vice President - Secretary : Ana Casado Martin

The following report has been sent to the Secretariat of the Commissions after the Intermediate Meeting in Luxembourg.

Agenda

- 1. The report on the International Contract Competition of the FBE in Warsaw*
- 2. The presentation of the details of the Seminar on the Transatlantic Trade and Investment Partnership (TTIP) and its consequences on the Member States of the European Union which will be organized in Madrid and which was approved during the last meeting of the Commission.*
- 3. Discussion on new projects possibilities.*

1. International Contract Competition in Warsaw.

Since all the members present at the meeting either assisted to the competition or had already been informed, it was decided there was no need to report on the competition.

It was agreed that the competition was a great success and therefore decided that the Commission should organize the competition on a yearly basis (subject to the approval of the FBE).

It was decided that the content of the competition should be different every year, for instance it could be an eloquence competition, an arbitration or mediation competition, or a moot court, for example before a European court in order for the procedure to be known by all the participants regardless of their country of origin.

The competition would always be prepared by the Legal Education Commission but would take place in the headquarters of one of the Bar Associations of the FBE.

It was mentioned the possibility that the Bar of the winner or of the winning team would have priority to welcome in its headquarters the next competition.

The number of teams has been temporarily set to 12, but this number is flexible and should vary depending on the type of competition.

***The next competition was set for the month of May**, since the FBE congress will take place in June this year. As a consequence, the Bar should start to publish the call for candidates at the beginning of February and the deadline to submit the application of their team should be by the end of March.*

It was first discussed that this edition of the competition could be an eloquence contest which would be organized the following way:

- On the first day, the participants would have 20 minutes each to do their presentation on a subject that would have been given to them before the competition (possibly one month before). The subject would be the same for all the participants. It should be quite broad so the participants would have a certain liberty with their speech. The judges would choose a winner and designate the three other best participants to participate to a second round.

- On the second day, the winner and the three other best participants would be given a subject. Two of them would have to defend the positive side and the two other the negative side. They will have approximately two/three hours to prepare a speech of 5 minutes. They would present their speech by pairs (for and against), each participant being given 2 minutes to challenge to the arguments of the other member of the pair. The best pair would be designated by the jury.

The winners of the precedent competition could be invited to participate as members of the jury.

The Warsaw Bar offered to host once again the competition but suggested that for this 2017 edition, the content of the competition were once again a contract negotiation.

They want to improve the organization and the rules that were established for the first competition in order to have a solid base for further editions.

The other members accepted the proposal.

2. The Seminar in Madrid on the TTIP

The draft programme had been prepared by the Madrid Bar. However, it was pointed out during the joint meeting of the Presidents of the Commissions and the Presidency of the FBE,

which took place the same day before the meeting of the Commission, that according to the latest information on the Partnership, the TTIP might finally not be adopted.

As a consequence and given the uncertainty, it was decided that the seminar should address another subject.

It was agreed that the new topic would be "Brexit and its consequences for the legal profession", which would include the analysis of the consequences on the lawyers but also on their clients, both individuals and legal entities.

The seminar is planned for the first trimester of 2017.

3. Discussion on new projects possibilities.

Since it was decided to organize a second edition of the competition and the Seminar in Madrid before the next FBE Congress, it was agreed that other possible new projects will be discussed on at the Congress during the next meeting of the Commission.

The commission is waiting for the Presidency to confirm that those events fit their calendar, so the commission can start setting dates for these two activities.

- **International Contract Competition : May 2017**
- **Seminar on Brexit : first trimester 2017**

AD HOC COMMISSIONS

ARBITRATION COMMISSION - NAPOLI

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

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

COMMISSION PROFESSIONAL INSURANCE - ANTWERP

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

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

EASTERN BARS COMMISSION - CLUJ

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

The following report has been sent to the Secretariat of the Commissions after the Intermediate Meeting of Luxembourg :

At Luxembourg, for the works of the commission the following members have attended: President Stanca Ioana GIDRO, vicepresident Cristoph MUNZ, secretary Diana ANDRASONI, member Radu MARINESCU. For a good cooperation between commissions, and because some of the members are part of other commissions as well, Calin IUGA, Dariusz GIBASIEWICZ and Doina GHERMAN have attended the works of the following commissions: Access to Justice, New Technologies and Professional Insurance. At General Assembly those members were informed about the agenda of the Commission and had expressed their opinions as well.

The commission has decided to hold the next commission meeting in Romania, in March in Craiova (represented by Radu Marinescu at the Congress of Luxembourg).

The Eastern Bars Commission, has presented its activity hosted by Cluj Bar Association in the period of May 2016 – October 2016, as well as the activity plan for the upcoming months. The main points consisted in the presentation of the activities of promoting judicial education in schools, based on the handbook created by Mr. Cristi DĂNILEȚ, judge, member of CSM. In the Cluj county we have obtained the approval of the Ministry of Education and Research as well as the approval of the Cluj School Inspectorate for conducting the above mentioned program by lawyers of the Cluj Bar Association. The handbook, in its English and German translations, have been distributed to all present representatives of Member Bars Associations, at the Luxembourg Congress. The initiative was received with great interest. During the Congress, it was stressed the need to attract other Eastern Bars Associations in order to become members of FBE and to actively participate in the works of the Eastern Bars Commission. It was presented the scientific Romanian-Polish symposium held in Cluj on 15th -16th of September, as well as the establishment of several connections with other European Bars Associations, through the twinning with Barcelona and Krakow Bars Associations.

At the commissions works that followed, its president, Ms. Stanca GIDRO decided that the next meeting of the commission to be held at the Dolj Bar Association, at the proposal of its representative, Mr. Radu MARINESCU, where representatives from several Serbian Bars Associations and the Vidin Bar Association (Bulgaria) shall be invited. It was stressed that it is necessary that the Presidency of FBE should send or give an official invitation to the presidents of those bars to become members of FBE.

During the works of the New Technologies Commission, a new scientific symposium was announced, that will be held in Wroclaw, Poland, on April 24th -25th 2017, on the thematic of "The computerization of justice and juridical services", where the secretary of Eastern Bars Commission was invited to be a speaker.

During the works of the Arbitration Commission, another scientific symposium was announced, on the thematic of " Arbitration Tribunals and the role of lawyers as arbitrators in arbitration proceedings", that will be held in Naples in June 2017, where, yet again, the secretary of Eastern Bars Commission was invited to be a speaker.

The Education Commission has presented the brief summary of the competition held in Warsaw during which our colleagues (Clara Barsan and Racolta Bianca) finished on 2nd place and at which our commission member, Voicu SARB participated as a referee.

To sum up, our commission's works have intertwined with the works of other commissions.

MEDIATION COMMISSION - BARCELONA

President : Silvia Gimenez-Salinas - Vice President : No information - Secretary : Marta Isern

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

**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 information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE

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

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

Following the Presidency meetings of Strasbourg and Berlin, the Presidency has decided to ask for several budgets in consideration of the audit of the FBE website conducted by the Commission.

The following presentation has been sent to President Konopacka and Marta Cuadrada the 7th of November :

Website of the European Bars Federation (FBE)

The European Bars Federation has a website in 5 languages that is no longer in line with the best practices in terms of web integration, and has an outmoded design.

The European Bars Federation is planning to update the design of its website, in order to make it more attractive and suitable for use on smartphones and tablets (Adaptive/Responsive Web Design). This change does not concern the editorial content, which can be transferred identically.

In order to enable the internal staff of the FBE to administer the publication effortlessly, the website will be associated with a content management system suitable for standard updating and editorial maintenance uses and methods.

The European Bars Federation would like to work with a competent, available partner; a team of experienced professionals and a dedicated contact person to assist with the development and follow-up of its project.

The European Bars Federation recommends a creative approach and a sophisticated design; pleasing, attractive illustration visuals, dynamic and modern typography and a layout that genuinely showcases the content.

Two offers have been sent to the Presidency at this time (Strasbourg and Barcelona).

The polish offer shall be sent to the Secretariat of the Commissions before the Presidency meeting.

President Konopacka has also sent the following letter to the Presidency regarding the FBE patronage over the Legal Innovation Conference.

Dear Mr President,
Dear Members of the Presidency

I am writing this letter on behalf of the Foreign Committee of the Bar Association in Wrocław which I have an honour to preside over and as the President of the New Technology Commission at the FBE.

I have great pleasure to cordially invite you to the first "Legal Innovation" Conference organised with the assistance of the NT Commission at the FBE to be held in Wrocław on 21-22 April 2017 (the programme and other details will be provided in a due course).

I would like also to ask you kindly to consider the possibility of accepting the Honorary Patronage of the FBE over the Legal Innovation Conference.

As I have already mentioned to all participants of the Congress in Luxembourg the Conference will be devoted to the most important issues regarding use of the new technologies within the legal sector including data protection and lawyers' online code (i.e. online activities which may put at risk lawyers' reputation as a trustworthy professional). The Conference is co-organised with the Law Faculty of Wrocław University as well as with the Regional Bar of Advocates in Wrocław.

The recognized professors from Hungary, Austria, Poland, Malta have confirmed their presence at the Conference (Prof. Kilian, Prof. J. Cannataci, Dr Radim Polcak, Prof. Andreas, Prof. Balogh, Dr Eduard Szatler to name but a few).

The most important issue, however, is that also practicing lawyers from different jurisdictions (including the representatives of the FBE Bar members from Italy, Spain, Holland, Germany) will make speeches concerning the influence of new technologies on their daily legal practice. The social events will accompany the Conference as well.

Moreover, the speeches as well as conclusions made during the panel discussions will be published in English version.

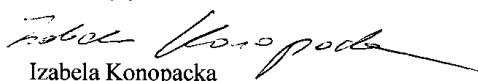
I believe that your presence as the President and the Presidency Members as well as the Honorary Patronage of the FBE over the Conference would constitute a great contribution to the Conference and certainly would also stress its significance.

Taking into account its international character it would also promote the FBE activities.

It is without any doubt that the future of our profession must be viewed from the new technologies perspective and therefore I am sure all of us would like to know what benefits and risks may arise in connection with the use thereof.

I very much hope it will be possible for you to accept the invitation to the Conference as well as to accept the Honorary Patronage of the FBE over the Conference.

Sincerely yours


Izabela Konopacka

HUMAN RIGHTS FREEDOM COMMISSION - POZNAN

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

The commission will meet in Berlin the 10th of December 2016.

COMMISSION LAW WITHOUT BORDERS - FFM

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

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Luxembourg.