

FEDERATION DES BARREAUX D'EUROPE - CONGRES GENERAL 2012 à GENEVE

MINUTES

of the meeting of the Commission « Future of the profession »

Date : Saturday 13 October 2012

At : Palais Athénée, Geneva

Present :

- Me. Albert NUSSBAUMER, Fribourg Barreau, chair of the meeting.
- Me. Yves OSCHINSKY, Brussels Barreau.
- Me. Michele LUCHERINI, Lucca Barreau.
- Prof. Dr. Lutz SIMON, Frankfurt Barreau and President of the FBE.
- Me. Jenny GRACIE, Law Society of England and Wales and Lyon Barreau (REL), secretary of the meeting.

The Commission confirmed its remit :

To consider what action the FBE and members of the bars and law societies in Europe (“Bars”) should take to better the future of :

1. *The FBE*
2. *The legal profession in Europe*

1. HOW TO BETTER THE FUTURE OF THE FBE

1.1. Commission membership

Michele LUCHERINI stressed that the most important thing for the effective functioning of commissions was commitment.

Action:

Next week, Lutz SIMON is going to write to the presidents of all Bars to ask them who they appointed to serve a **two year** term on which commission.

1.2. Participation at FBE congresses

Jenny GRACIE suggested that the FBE needed to clarify who could attend congresses. If members of Bars in addition to their presidents and council members attended the exchanges would be more fruitful. On Thursday 11 October, Pascal MAURER had indicated that the FBE was founded only for presidents of Bars. However, Jenny GRACIE pointed out that there were only 15 actual presidents were present at this congress. The rest were former presidents and Bar members.

Albert NUSSBAUMER confirmed that presidents did not do enough to encourage their Bar members to attend the congress (attendance at the AGM being restricted to Bar presidents or their representatives).

Action :

In the same letter mentioned in 1.1, Lutz SIMON was going to ask Bar presidents to encourage their members to attend FBE congresses.

1.3. Participation of junior lawyers

Albert NUSSABAUMER recalled that at a prior meeting, the Commission had suggested that the FBE at its Assemblée Générale created a new commission: The Junior Lawyers Commission.

Yves OSCHINSKY suggested that there be a reduced fee for junior lawyers to encourage their participation at the congress.

Action :

The Commission agreed to propose that two resolutions be put to the Assemblée Générale :

Resolution 1 : That the FBE create a new Junior Lawyers Commission.

Resolution 2 : That the FBE offer a reduced congress fee to junior lawyers.

2. HOW TO BETTER THE FUTURE OF THE LEGAL PROFESSION IN EUROPE

Yves OSCHINSKY suggested that it was important that the FBE supported the work of the CCBE. It should make it clear that it supported the safeguarding the independence of the profession was of the utmost importance.

Jenny GRACIE suggested that the Commission focus on the steps that could be taken to safeguard the quality of legal services. She said that part of preserving quality was ensuring the independence of the profession. Getting state bodies involved in regulation introduced the risk that regulations would be conceived by people who did not understand the role of lawyers. Lawyers do not provide a service to “consumers”. Legal service provided for by Bars is to **society as a whole** (ensuring access to justice) not just to individual clients. Regulations introduced just to protect the “consumer” could lead to a reduction in standards—and therefore in quality of legal services.

Jenny GRACIE also suggested that the Commission look at how to modernise the profession while preserving quality. She referred to Vincent JEANNERET’s contribution to the round table meeting on Thursday 11 October 2012 - about the need to cater for the new Generation Y. Jenny suggested that the Commission consider what she had mentioned during that debate : the need to improving negotiation skills (including mediation) and modernising legal text.

Michele LUCHERINI suggested that the Commission continue discussions by e-mail or Skype in between Commission meetings.

Action :

- 2.1. Lutz SIMON is going to ask the Assemblée Générale to state openly that the FBE supports the CCBE in what it says about the need to safeguard the independence of the profession by maintaining self-regulation.
- 2.2. The Commission agreed that discussion continue by e-mail before the next FBE congress about what steps the FBE and Bars should take to:
 - safeguard the independence of the profession;
 - preserve the quality of legal services provided by members of the Bars; and
 - modernise the legal profession to meet clients' needs, including the needs of the new Generation Y.

Geneva, 13 October 2012

On behalf of the Commission of the Future of
the Profession

Me. Jenny GRACIE

Former member of the Council of the Law
Society of England and Wales (Surrey
region)