

**FEDERATION DES BARREAUX D'EUROPE  
EUROPEAN BARS FEDERATION  
VERBAND EUROPÄISCHER RECHTSANWALTSKAMMERN  
FEDERACION DE LOS COLEGIOS DE ABOGADOS DE EUROPA  
FEDERAZIONE DEGLI ORDINI FORENSI D'EUROPA**



*Secrétariat des Commissions*

## **REPORT ON FBE COMMISSIONS**

**Presidency Meeting - Barcelona, January, 30<sup>th</sup>, 2020**

### **PERMANENT COMMISSIONS**

#### **COMMISSION ACCESS TO JUSTICE - LUCCA**

*President : Michele Lucherini - Vice President : Suzanne Stern - Secretary : Elena Picchetti*

#### **Update 30.01.20**

President Lucherini has sent the GDPR letter to the commissions members. Four members replied.

#### **Update 28.11.19**

President Lucherini has sent the following report to SeCo after the meeting of the commission in Lisbon :

##### *1. Topics*

*The Bar Association of Lucca has requested to host the commission for the next two years.*

*Michele Lucherini has been appointed as the new President to replace Enrico Lattanzi, who has asked to devote himself to the work of other commissions.*

*The committee met in the presence of two new members:*

*The work done so far with regard to the report on the conditions for access to justice and free legal aid has been described.*

*The committee discussed the new aspects of the investigation: 1) access to justice for minors; 2) conditions for promoting collective actions.*



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*The Commission discussed in broad terms the first topic, which was chosen as the first area of work.*

*The French situation was analysed and it appeared to be worthy of great interest for the autonomous access to justice of minors also in disputes with parents.  
The aspects of Bulgarian and Italian legislation were also described.*

*It was therefore decided to draw up a first descriptive draft of the conditions under which minors can access justice autonomously or under the protection of their parents or ad hoc persons.*

*The Commission's future activity will be also the cooperation with the Equality Committee and, in particular, analysing the conditions of equality for the access to justice (id est, for people in situations of hardship).*

## **2. Timetable**

*The Commission will meet again in Paris in November 2019 during the rentrée du barreaux de Paris, setting a joint meeting with some members of the Equality Committee.*

## **Update 24.10.19**

President Lattanzi has sent the following email to SeCo :

*Dear Philippe,*

*as you already know at Barcelona meeting our Commission decided to start a collaborative work with Equality Commission so future activity will be jointly set up accordingly.*

*On the other hand Lucca Board of Lawyers has matured the desire to continue hosting the Commission for the next two years working under the direction of its newly appointed President Michele Lucherini on the issue of collective redress.*

*As requested in your letter dated September 20th, our President will send You a letter to confirm our commitment and the proposed work programme for the Commission.*

*See You in Lisbon!*

*Enrico Lattanzi*

## **Update 30.05.19**

President Lattanzi has sent a complete report on access to justice, updated on May 2019. See enclosure.

During the meeting in Barcelona, the commission will determine its future activities.

## **Update 10.01.19**

President Enrico Lattanzi represented the FBE at the Legal Aid consultation meeting which was held at the ICC in The Hague the 3<sup>rd</sup> December 2018.

Following report has been sent to SeCo:

*On the 3rd of december 2018 I attended the "Legal aid consultation meeting" that took place at the headquarters of the International Criminal Court (ICC) in The Hague.*

*It has been an interesting technical appointment in which various subjects representing different bodies (The International Federation for Human Rights, The international Criminal Lawyer Bar Association, Amnesty International, The International Association of Lawyers, The Open Society Justice Initiative, The European Criminal Law Societies of England and Wales plus several representatives of the State Assembly of ICC) had been invited to discuss further developments of the "ICC Legal Aid Policy" (LAP), an overall regulation of legal aid before the ICC.*

*That scheme does provide for the allocation of sufficient resources to defence counsel and legal representatives of victims acting for indigent clients allowing them an effective and efficient representation in the proceedings before the Court.*

*We must bear in mind that the Court activity started in 2002 (Lubanga case) so the issue of legal aid, although already addressed and foreseen by the ICC, has yet to find an overall comprehensive regulation.*

*We have been told by the Registrar (Mr Peter Lewis) - the administrative manager of the functioning of the Court - that they are keeping an evolutionary approach modifying it day by day in virtue of the acquired experience.*

*Mark Dubuissons, Director of ICC Judicial Services Division, has reiterated the fundamental principles underlying the activity of the Court which are the following:*

*a) Equality of arms: The legal aid system must allow defence counsel, as well as legal representatives of victims where appropriate, to present their case before the Chamber under conditions which do not place them at substantial disadvantage vis à-vis their opponents.*

*b) Objectivity: The legal aid system is based on objective criteria for calculating both the means at the disposal of the person requesting payment of legal assistance by the Court and the scale of admissible expenses.*

*c) Transparency: The legal aid system complies with the requirements of budgetary oversight and auditing in the management of public funds without interfering with the confidentiality of the work undertaken or the autonomy of counsel or legal team members.*

*d) Continuity and flexibility: The legal aid system adapts to situations as they arise in order to preclude any paralysis prejudicial to the interests of the due administration of justice. It is also flexible in compliance with the requirements of fairness, by allowing account to be taken of any changes in the financial status of the person and his or her dependants.*

*e) Economy: Public international organisations are under the obligation to manage the funds allocated to them in the most cost-effective and efficient manner possible*

*What are the most important changes to the old legal aid regulation before the Court?*

*Mr Dubuissons has summarized three main voices:*

*a) the redistribution of resources meaning that new items of expenditure have been added but the Court's concern has always been not to increase expenses (several criterias have been defined in order to rule that issue but a certain degree of flexibility still remains for instance the Court used it in the case of Prosecutor versus Ntaganda, a Rwanda case)*

*b) the simplification of the payment system for travel expenses*

*c) the regulation of ad hoc contracts for the provision of legal services.*

*He has also noticed that taxation of legal costs is still an unsolved issue: it is a delicate question because the Dutch government, as host State, takes a much higher percentage of tax burdens than the other Member States and the Court does not want to jeopardize the excellent cooperation with the Dutch state by regulating this situation in a different way; on the other, however, there is a strong dissatisfaction of the other States that annually contribute considerably to the Court's budget.*

*Some representatives of the ICCBA (Professor Taku, Mr. Cyrill Laucci) have then highlighted the fact the Lap is in serious financial difficulty and more resources are needed to avoid future litigations amongst teams of the parties (defense on one side and victims on the other).*

*Those teams are obviously in very different positions with the latter facing significant costs for surveys and preparatory works in remote and disadvantaged areas.*

*ICCBA on other hand has expressed positive comments on Lap because some of their suggestions have been followed (some of them were stated in the well - known Rogers Report) and with a*

*pragmatic and constructive approach they want to improve the legal aid policy while remaining within the budget.*

*With reference to contracts between teams and external collaborators (i.e. lawyers or other consultants) Mr Esteban Perralta - Chief of ICC Counsel Support Section - has addressed the issue by reiterating that the defensive teams have signed contracts of legal service assistance (consultation contracts) with external collaborators because the Court has no employees.*

*During the consultation meeting it has been shared concern that further changes should guarantee rights to those who work on a permanent basis (albeit with the aforementioned contractual forms) but also comply with Dutch legislation in order to avoid future legal actions brought by external collaborators in front of Dutch courts.*

*Last but not least, with reference to compensation for damages issue, the Lap must ensure that repayments are granted according to cost of living of the place of residence and respecting the budget limits.*

*At the moment the compensation is given for a year and if in that term the granted amount has not been entirely used, it cannot be saved for the following years: ICCBA has suggested the creation of a dedicated fund where those sums should be deposited in order to use them in synergy.*

*Basically the outcome of the meeting - from which no decision arose, nor was it on the agenda - from my own perspective is that we are experiencing a striking contrast between the obligation / will of the ICC or rather of its member States, to "stay in the envelope" (which means operate within the limits of the ICC budget, considerably limited through a work of reduced activity).*

*To that extent, there is an ongoing discussion on the creation of "pools" of ICC bodies in order to improve economicity and develop synergies.*

*It is however clear that there is great concern - expressed by Amnesty International and other subjects - that flexibility, as it is strongly pursued by ICC, ultimately could be translated into a significant cost cutting which is indeed happening.*

*The International Association of Lawyers (UIA) has expressed the interest in knowing the motives for such resource cuts into the LAP, whereas lawyers practicing on all sides (Defence and victims) have constantly denounced the insufficiency of the Legal Aid both in term of resources and flexibility.*

*They fear that the principles of an effective defence, equality of arms, objectivity, and transparency may be the scapegoats for a situation, which while undoubtably very serious for the Court certainly does not find its basis in their cost to the Court (which represents a tiny portion of the total budget for the Court).*

## HUMAN RIGHTS COMMISSION - POZNAN

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

### Update 30.01.20

After the Presidency meeting in Brussels, SeCo has invited the commission on behalf of the Presidency, to analyze the amendments to the ECHR rules provisionally adopted the 9<sup>th</sup> of January 2020.

The commission has been involved in the Day of endangered lawyer celebrated the 24<sup>th</sup> of January 2020, devoted to Pakistan Lawyers. A special newsletter has been sent on that day by SeCo to the member Bars.

The commission will meet in Barcelona the 30<sup>th</sup> of January.

### Update 09.01.20

President Wierzbicki will organize a meeting in Barcelona during the Festivity of San Raimon.

No report has been sent to SeCo since the meeting in Paris.

### Update 24.10.19

President Wierzbicki has sent the following report to SeCO :

***Dear Ms President, Dear Presidency, Dear Secretary,***

*In accordance to the mail - I send the composition of FBE Human Rights Commission (HRC) activities planned for 2020:*

- 1. preparation to the report on refugee action - encouraging our members to develop their own initiatives, assist member bar associations with training ideas for refugee action / all*
- 2. work on the Third International Human Rights Competition for young lawyers and law students (Bilbao, Autumn 2020) / all*
- 3. develop a training programme for community legal education programme at schools and community centers on human rights for the use of our member bar associations / all*
- 4. carry the studies on the HRC new project "International Trial Observation - Turkey" / all*
- 5. start the cooperation between FBE and National Bar of Turkey ( FBE delegation 2019 in Ankara Mr M. Lucherini, Mr Ch. Kaufhold, Mr P Loew, Mr A. Wierzbicki)/ Mr Charles Kaufhold & Mr Artur Wierzbicki by FBE Team*
- 6. Day of the Endangered Lawyer 2020 PAKISTAN /all*

7. *proposal of the FBE Resolution on independence of Judiciary and Lawyers in Europe / all*
  8. *The Colombian Caravana 2020*
  9. *consider the European lawyers access to their profession /a all*
  10. *support all international activities on human rights /all*
  11. *FBE CONGRESSES (incl. Barcelona and Paris in Mat 2020 / all*
  12. *working regular meetings of HRC (Barcelona, Paris, Sophia, Strasburg, Poznań) / all*
- and not only ☺*

*Yours sincerely,*

**ARTUR WIERZBICKI**

*President of Human Rights Commission , FBE*

President Wierzbicki has also sent reports on Lawyers in Philippines and in Hong-Kong which have been or will be put on the website.

## **Update 30.05.19**

President Wierzbicki has sent the following report to SeCO :

*Dear Mr President, Dear Presidency, Dear Secretary,*

*In accordance to the mail - I send the composition of FBE Human Rights Commission (HRFC) activities:*

13. *preparation to the report on refugee action - encouraging our members to develop their own initiatives, assist member bar associations with training ideas for refugee action*
14. *work on the Second International Human Rights Competition for young lawyers and law students (Germany, Berlin Sept 13-14, 2019)*
15. *develop a training programme for community legal education programme at schools and community centers on human rights for the use of our member bar associations,*
16. *carry the studies on the HRC new project "International Trial Observation - Turkey", training Bilbao Dec 15, 2018*
17. *start the cooperation between FBE and National Bar of Turkey ( FBE delegation 2019 in Ankara Mr M. Lucherini, Mr Ch. Kaufhold, Mr P Loew, Mr A. Wierzbicki)/ Mr Charles Kaufhold & Mr Artur Wierzbicki by FBE Team*
18. *"Dark side of the Moon" Turkey Conference, Istanbul September 2018 (Ms Dominique Attias & Mr Artur Wierzbicki)*
19. *Day of the Endangered Lawyer, Berlin January 24, 2019 (Mr Artur Wierzbicki)*
20. *proposal of the FBE Resolution on independence of Judiciary and Lawyers in Poland and Romania/ done*
21. *The Colombian Caravana Report 2018, London March 25, 2019*
22. *The Colloquium Fundamental Rights Project Nov 26-27, 2018 and 2019, Brussels (Mr Artur Wierzbicki)*
23. *consider the European lawyers access to their profession / all*
24. *support all international activities on human rights / all*

25. FBE CONGRESSES (*incl. Barcelona in February each year*) / *all*

26. *working regular meetings of HRC (Barcelona, Madrid, Bologna, Warsaw, Bilbao, Barcelona) / all*

*Yours sincerely,*

**ARTUR WIERZBICKI**

*President of Human Rights Commission , FBE*

President Wierzbicki has also sent a report on the Colombian Caravana, which has been put on the homepage of our website.

### **Update 06.05.19**

The Commission met in Barcelona and in Wroclaw the 12<sup>th</sup> of April 2019.

As President of the HRC, Artur Wierzbicki visited the Union of Turkish Bar Associations with the FBE Presidency delegation, the 16<sup>th</sup> of April 2019.

### **Update 14.02.19**

Following report has been sent to the SeCo by President Wierzbicki :

*Dear Mr President, Dear Presidency, Dear Secretary,*

In accordance to the mail of the President of the European Bars Federation - I send the composition of FBE Human Rights Commission (HRFC) activities:

27. preparation and publication of the report on refugee action - encouraging our members to develop their own initiatives,

28. assist member bar associations with training ideas for refugee action

29. work on the Second International Human Rights Competition for young lawyers and law students (Germany, Berlin April 26-27, 2019)

30. develop a training programme for community legal education programme at schools and community centers on human rights for the use of our member bar associations,

31. carry the studies on the HRC new project "International Trial Observation - Turkey", training Bilbao Dec 15, 2018

32. "Dark side of the Moon" Turkey Conference, Istanbul September 2018

33. Day of the Endangered Lawyer, Berlin January 24, 2019

34. proposal of the FBE Resolution on independence of Judiciary and Lawyers in Poland and Romania

35. The Colombian Caravana Project 2018 and 2019

36. The Colloquium Fundamental Rights Project Nov 26-27, 2018 and 2019, Brussels

37. consider the European lawyers access to their profession

- 38. support all international activities on human rights,
- 39. FBE CONGRESSES (incl. Barcelona in February each year)
- 40. working regular meetings of HRC (Barcelona, Madrid, Bologna, Warsaw, Bilbao).

*Yours sincerely,*

*ARTUR WIERZBICKI*

## **Update 10.01.19**

The commission met in Bilbao the 15<sup>th</sup> December 2018 at Colegio de la Abogacía de Bizkaia.

During this meeting a special training for all members and guests called “Turkey Trial Observation Project” let by Mr Nardy Desloover from Netherlands has been organized.

Following report has been sent to SeCo:

*As it was planned we had a great HRC meeting in Bilbo Dec 15, 2018. Into the meeting was implemented the training in accordance to our Trial Observation Project let by Nardy Desloover from Holland. Beneath you find the minutes.*

*Next HRC working meeting is planned in Barcelona Feb. 14,2019 (put that day into your calendars, please)*

***Bilabo, Spain, Dec 15, 2018, HRC Commission Working session started 10.00 a.m.***

*Meeting chaired by Artur.*

*Present: Sara, Maasimiliano, Yordanka, Piergiuseppe, Maria Begoña, Ignacio, Donovan, Enrico, Togce, Aitzol, Artur.*

*Apologies: Monique, Marc, Karina*

*The HR Commission Meting in Bilbao was preceded by the training done by our quest Mr Nardy Desloover from Netherland. I was already planned by the Commission in accordance to HRC Trial Observation Project (trials observation with Presidency permission led by HRC Members).*



1. *After this Training we need to discuss how to organize a delegation of observers to trials in Turkey. We will have to ask the FBE Presidency. The training slides will be shared with Commission members, so they can use it in their Bar Associations .*



2. Artur attended :

A) Fundamental Rights in European Commission colloquium in Brussel Nov 26/27, 2018

B) International Press Institute in Berlin (EU Hosue) about Jurnalist situation in Turkey Nov 28, 2018

3. George Clooney foundation charitable grants for monitoring trials for human rights violations. With American Bar Association. It will be known as TrialWatch.

4. Artur went to Istanbul with Dominique Attias Sept 6-9, 2018. They spoke about Rule of Law: organised by Istanbul Bar Association. 13 deans from Turkish Bars. The conference was called Dark Side of the Moon. Talked about situation of lawyers and journalists.

5. Yordanka gave us an update on Bulgaria and same sex couples and rights of women. Bulgaria did not accept the Istanbul Convention on domestic violence. In Bulgaria they think that is about "3rd" gender but do not define what this is. It went to Supreme Court, lawyers supported the Istanbul Convention. Som3 lawyers went on strike and demanded that the support statement was withdrawn and it was. Only some NGOs supported ratification. Council of Europe, European Parliament members came to try and convince. But could not change. Domestic violence is not a crime it is only a civil case. In Bulgarian when people go to theSara police for protection, the police tell them they have to go to court by themselves. Stalking is in criminal law, thanks to the efforts of NGOs. MPs who spoke said DV does not exist and is a private matter between couples. Others said that we only

*discuss because of pressure from EU/ EC, it does not exist here. Now first stage has been passed and they are waiting for 2nd stage.*

*6. Artur encouraged the members to raise any projects they would like for work of the Commission.*

*7. Sara reported on the case in Colombia where the brother of the former President Uribe is on trial. FBE has supported human rights lawyers at risk in Colombia. Artur, Piergiuseppe, Massimiliano and Sara are members of the Colombia Caravana which has 3 members observing the trial of this Uribe. The case is about the organisation of para militaries against the human rights defenders.*

*The meeting closed at 2.20 p.m.*

*Minutes taken by Sara*



*Best greetings, ARTUR*

*Artur Wierzbicki  
President  
Human Rights Commission  
FBE*

*WE ALL WERE VERY WELL HOSTED BY BILBAO BAR ☺*



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***Trial observation in Turkey (report done by Ms Sara Chandler)***

*20 m people population of Turkey. Spans West / East.*

*Political situation: lack democracy, control of media, suppression of criticism, Erdogan election/ Kurdish situation. Talks PKK collapsed then deteriorated.*

*Rule of law: 15.07.16 attempted coup. Emergency state, special laws and powers. When state of emergency ended emergency laws became normal laws.  
Control of justice system, police prosecution, lawyers and judges.*

*Position of lawyers: extra powers : Entering the law offices: by police or prosecution, monitor phone calls, confiscate files. Several times entered, change locks etc, but almost no limitation on police. Come in the night and break in and take files.*

*In case of suspicion: secrecy; no evidence shown to suspect; long period of pre trial detention, their defending lawyer does not receive information, do not know why arrested. All kinds of restriction, passport confiscated, report to police station etc; politician cases can be prohibited, no right to defend; limited access for defence, lawyers do not get privacy, shared cell, harsh conditions in jail; once a week for one hour can see lawyers if room available, the meeting is recorded, someone in room from prison staff. Against the UN principles of confidentiality, communications not private, applied arbitrarily;*

*Stigmatisation: defence lawyer for political suspected client will become suspected as also political; Domino effect, creates fear and silence; many people do not have a defence lawyer.*

*Political situation 15.07.16: before focus was on Kurdish, after focus after it was on Fetullah Gulen cases; many people in public sector dismissed and/ or arrested. Cases against both now.*

*What to do: trial observation, contact lawyers lawyer orgs, bar reps, and other relevant people.*

*KCK TRIAL: 46 lawyers arrested in 2007 reps for Kurdish community organisations; related to defence of Abdullah Ercolan; accused of being messengers who gave instructions to people who set off bombs. Based on their professional role. Since 2011 been in detention, trial still continues, 2.5 years in detention, restrictions, no passport, report to police stations. Different prosecutors and judges since the beginning, Judges get detained supposedly sympathisers, accused of fabricating allegations; same evidence is held against the lawyers.*

*The Presidents case: Istanbul Bar are Atatürk Fans, and not Erdogan. The court fired lawyers and asked President of Istanbul Bar to appoint new lawyers, President refused to send new lawyers because they should be free choice of lawyers. President got arrested and prosecuted, as well as the court of the Bar. He was involved in the famous organised crime case, President asked to speak in court and. Court refused. President said we are the Istanbul Bar and want to speak for the defenders. Eventually resolved OK.*

*EHB case lawyers in pre trial detention for more than a year. Represented family members of people who were fighting in Syria v ISIS. Asked for return of bodies asked for facts about how they were killed, and attended the funeral. This was why they were accused for accruing as lawyers for the families. Small office 2 out of 5 detained.*

*AYDIN: lives in Istanbul. His client a police officer was arrested, accused of political, Gulen sympathiser supposedly, was investigating son of Erdogan. Diagnosed with cancer, back problems, Mr AYDIN was not treated. CCBE campaigned for him and he was released. Ostracised in their home area.*

*AT COURT: special rules, large crowd waiting to go in, need lawyers pass, CCBE issue one, European lawyers ID, Lawyer killed 3 judges in Supreme Court, another time a prosecutor was killed. So more security at court bag check etc. Once you are in you can go everywhere's. Can take phone, can take photos, but not in court.*

*ROLE OF INTERNATIONAL DELEGATION: observe, nothing else. Outside take photos of delegates, press, demonstrations, Turkish lawyers demonstrate in Thursdays. Police use tear gas and remove the demonstrators. International delegation take photos.*

*Picture outside court with Nardy Desloover from Rotterdam Bar, and Tony Fisher from Law Society of England & Wales and many others in an international delegation.*

*Coordination Dutch lawyers and Law Society of E & W.*

*OBSERVE: need to be briefed, study the case, try to be there for pre trial detention. Solidarity for lawyer. Need to know people in the country.*

*Need local contact, fact finding, INTERPRETER needed; specific info re case from local civil rights orgs, NGOs, lawyers and bar associations. Need consular contact in case help needed. Discuss with consulate who sometimes come to court as well.*

*REPORT: important for continued support also fundraising, important for new participants; other monitoring parties; eg Lawyers for Lawyers, Judges for Judges, official institutions; contribute to Universal Periodic Review, EU, E Council, home government.*

*UPR: every four years each country is evaluated, somTurkish, Cathy Perry Special Rapporteur for European Parliament.*

*SHOW SOLIDARITY: stay political neutral, unless rule of law is violated; support the lawyers who are prosecuted and their lawyers, also the lawyers' organisations. Also visit judges if possible. List of the delegation is given in to the court and so it is known that they are their.*

*Picture of French Delegation with Dominique Attias.*

*Fact finding with lawyers in their firms and bar associations. Academics, lot have been fired; also journalists.*

*No fair trials, however judges are scared so postpone or convict. Bar Associations also scared. Is a balance between what can be done and what is too risky.*

*HOW do trials PROCEED? : chaos, unpredictable, passive role for prosecutor, crowded, people going in and out, noise, lawyers go in and out, not involved, big difference depending on the judges presiding, not all of the three judges are present all the time, even the prosecutors may come in late, it seems it is no importance what the defending lawyers says. Not listening. No deliberation, just give the decision, which seems to be decided in advance.*

*REMARKABLE OBSERVATIONS: judges disappear, averse to making @ decision and so postpone various times, strange evidence, passive prosecutors and can make a decision and their office opposes it and wants it changed; activist approach from defence lawyers, challenge the interpreters, who make make a wrong translation; widely represented armed forces; handcuffed suspect in court, including in the canteen. Police take suspect with them, and the suspect is not allowed TO EAT.*

*CONCLUSIONS: about 1500 lawyers arrested after attempted coup. 189 in detention after verdict. Stigmatisation identification of lawyers with their clients' causes and victimisation of the lawyers. Repression against lawyers and their organisations, harassment and attacks on lawyers. Disrespect on confidentiality*

*Makes monitoring and solidarity very important.*

*Some Turkish lawyers have asylum in other countries, but cannot return because now refugees.*

*Case in E C of HR. Article 18 case. Chief of Turkish party in detention: decided was political motivated cases. November 2018. Erdogan says do not respect the decision, we pay fine but we do not follow the remedy. Eg Turkey has to release the Chief of Turkish party. Court then did a quick conviction, he is not under detention now, he is convicted. 45% of judgements are not fulfilled, only pay compensation.*

*Case: judge decides person to be released. Artist and his lawyer. Prosecutor asked the court to re detain the suspect. Afterwards the judges were removed to another cities court.*

*Another case: 3 judges decided on Friday released a suspect. Next day 2 of the 3 judges were removed and sent to another city. And suspect was re detained.*

## ETHICS COMMISSION – BILBAO

*President : Michael Auer - Vice President : Rod Mole - Secretary : Maria Begoña Angulo*

### Update 30.01.20

After the Presidency meeting in Brussels, SeCo has invited the commission on behalf of the Presidency, to analyze the amendments to the ECHR rules provisionally adopted the 9<sup>th</sup> of January 2020 and to work on the scope of the lawyers' activities and the supervision of the Bars. What can lawyers do in the different countries ? (only legal activities, also accessory activities or no limitation at all...). And under which conditions and what kind of supervision / control from the Bar Association.

Following email has been sent to the members by Secretary Maria Begona Angulo :

*Dear members of the Ethics Commission,*

*I send you attached the agenda for our next meeting in Barcelona next Friday 31st of January, 14:15 h. (after lunch in Barcelona Bar).*

*Please, read carefully the document because we have been requested to submit our written remarks on the amendments to the Court Rules of the ECHR to the Presidency of the FBE before the end of March. I send you also the actual and complete rules of the Court in english and french.*

*I would be very grateful if you could send your opinions or comments analysing the amendments by e-mail (before or after the meeting in Barcelona). We have been asked to prepare a written report defending lawyers, legal profession and Bar Associations and send it to the Presidency of the FBE before the end of March. Therefore, all your opinions and comments will be very welcome.*

*I Look forward to seeing you all in Barcelona.*

*Warmest regards,*

*Maria Begoña Angulo Fuertes  
Vicepresident of International Relations Commission of Bilbao-Biscay Bar Association  
Secretary of the FBE Ethics Commission*

The agenda of the meeting is :

#### **1.- MEMBERS**

- *How to increase membership.*
- *Attendance to the congresses*

#### ***How to increase membership?***

*FBE contact in each country:* *We need to know the legislative developments that may arise in each country in terms of Ethics, to try to establish, as far as possible, common guidelines.*

*That is why we need to increase membership in order to have at least two members of each country of the FBE.*

#### **Attendance to the Congresses**

*We meet on-site two times a year (FBE General Congress and Annual Intermediate Meeting) and it does not seem to be enough. Therefore, we might arrange meetings via videoconference or via Skype to achieve permanent contact between the members of the Commission.*

#### **2.- DISCUSSION ON THE FUTURE WORK OF THE COMMISSION.**

- *Amendments of the rules of the European Court of Human Rights. (See next pages)*
- *Scope of the lawyers' activities and the supervision of the Bars. What can lawyers do in the different countries? (only legal activities, also accessory activities or no limitation at all...). And under which conditions and what kind of supervision / control from the Bar Association.*

#### **3.- ANY OTHER BUSINESS (AOB)**

### **Update 09.01.20**

Following email has been sent by Maria Begona Angulo :

Dear all,

I send you this e-mail in order to know if you wish me to introduce any concrete item on the agenda of the Ethics Commission meeting of 31 January in Barcelona. I will wait for your suggestions. Thank you very much.

With my best wishes for the New Year,

Maria Begoña Angulo Fuertes  
Vicepresident of the International Relations Commission of the Bilbao-Biscay Bar Association  
Secretary of the Ethics Commission of the FBE

Following report on the Task Force on the Role of Lawyers and International Commercial Structures has also been sent :

*In the late 2016 the International Bar Association (IBA) and the Secretariat of the Organisation for Economic Co-operation & Development (OECD) established the Task Force on the Role of Lawyers and International Commercial Structures in order to examine the role of lawyers, as operators capable of recognizing, and preventing illegal conduct in commercial transactions, especially international ones.*

*The activities and the Statement of Principles elaborated by the Task Force, in consultation with the internal constituencies of the two organisations, have been summarized in a Report, dated May 2019.*

*Its aim is to sensitize the lawyers, who, since they play a crucial role in society, are considered the "guardians of the rule of law". Indeed, as key components in the administration of justice, it's crucial for them to give independent legal advice and to respect professional duties to their clients. Furthermore, they must not act in any manner that can encourage or facilitate illegal conduct.*

*Although the objective of this Report, in its will of educating lawyers to give value to their role, duties and activities, it's important also to underline the wrongness of the functioning approach.*

*It is wrong to assume that, thanks to some lawyers who don't act diligently, there is a proliferation of illegal activities, but, on the contrary, it would have been better to set the discussion by focusing on their key role: in particular, a professional behaviour, in compliance with law and ethical principles, is able to affect the operational choices of clients, acting as a dissuader and to alienate them from unlawful conduct.*

*The lawyer must have a "mission": to protect the rights of those who rely on him, first of all, but also of the community: for this reason, all his decisions and performances must be ethical; on the other hand, the prevailing values must be that of loyalty, rightness and consistency of every action.*

*Faced with this need to raise the awareness of professionals, as a condition felt not only at EU level, but also internationally, a possible solution that is already being adopted by our country, is to enshrine the obligation of refresher courses for lawyers, organized by the Councils of the Bar Association, by the Legal Fund or by public bodies with certain requirements, in order to ensure an all-round and continuous training.*

*The participation at events, such as courses on specific subjects of particular professional and cultural qualification or aimed at obtaining the qualification of specialist, first and second level master's degrees, can be useful for the improvement of professional competences in legal and interdisciplinary subject.*

*The general principle that inspires the rules governing an obligation of continuous training is that of "freedom of preparation", aimed at giving the lawyer the broadest choice, consistently with the "training needs" of each member; as a consequence, it is introduced the possibility to follow teaching events not only on the national territory, but also abroad. Moreover, it would be useful and profitable, to add Deontology as a subject of the state Examination for the profession of lawyer, so as to confirm its importance and return to this discipline the real primacy that is due to it.*

*Although the above mentioned solutions are only few examples of a possible strategic improvement approach, they can ensure an increasingly active sharing of common values and ideals.*

## **Update 28.11.19**

Following report has been sent by Maria Begoña Angulo to SeCo regarding the meeting in Lisbon :

### **MEMBERS PRESENT:**

- President: Mr. Michael Auer
- Secretary of the Commission: Maria Begoña Angulo
- Mr. Florenzo Storelli
- Mr. Tiziano Simi
- Mr. Klaus Edelthalhammer

### **1.- NEW MEMBERS**

*We welcome Mr. Florenzo Storelli (Lucca), Mr. Tiziano Simi (Lucca), and Mr. Klaus W. Edelthalhammer (Nürnberg) as new members of our Commission.*

### **How to increase membership?**

*FBE contact in each country: FBE is the Organization of bars and not of national bars like CCBE is. But the idea should be pushed on. It is important to have one or two Bars members in each country, so that they are notifying us both legislative developments that may arise in each country in terms of Ethics, to try to establish, as far as possible, common guidelines. We have contacted the colleagues who are listed as members of our Commission in the Website and who have not participated in the Commission's meetings in the last three years and only Mr. Lange has answered informing he was not going to participate at the Commission anymore because he has retired. Many email addresses were inexistent in the moment we sent the communication so we suppose they are not interested in being members of the Ethics Commission anymore. We will ask the Secretary of the Commissions of the FBE to actualize the list of members of our Commission.*

#### **Attendance to the Congresses**

*We know sometimes it is difficult to be present in all the meetings of our Commission; that is why it might be interesting to meet and share using Skype. It is an easy way to keep in touch, share opinions and make decisions. 3*

#### **2.- DISCUSSION ON THE FUTURE WORK OF THE COMMISSION.**

- *Report of the Task Force on the Role of Lawyers and International Commercial Structures of the OECD and the IBA.*

*According to the wish of the Presidency of the FBE, the members of the Ethics Commission present in the meeting discussed about the report elaborated by the International Bar Association and the Organisation for Economic Co-operation and Development dated May 2019.*

*Accepting the petition of the President of our Commission, Mr. Storelli will examine the report and will extract the conclusions to send to the Presidency of FBE.*

- *Candidature of Bilbao Bar to host this Commission for the next two years.*

*Bilbao Bar Association presented its candidature to continue hosting the Ethics Commission for the next two years and it was elected by the Presidency of the FBE and announced in Lisbon on 24th of October. The President of the Commission will be Mr. Auer (Wien).*

- *Convenience of cooperating with CCBE for protection of professional independence & confidentiality;*
- *Convenience of protecting the right of citizens to confidentiality. Necessary change of words (confidentiality instead of secrecy).*
- *Contribution of self-regulation to achieving a balance between the quality of services and respect for ethical principles. The balance between ethical values and quality in lawyer's work.*

#### **3.- ANY OTHER BUSINESS (AOB)**

*Next meeting will be in Barcelona, 30th January - 1st February (Festividad de Sant Raimon de Penyafort - Trobades de Barcelona) but we might meet before via Skype.*

The members list of the commission has also been updated by the Secretary of the commissions Maria Begoña Angulo.

#### **Update 24.10.19**

Following agenda has been sent by Maria Begoña Angulo to SeCo regarding the meeting in Lisbon :

### **1.- NEW MEMBERS**

*How to increase membership.  
Attendance to the congresses*

*How to increase membership?*

*This is a point that should be worked on.*

*FBE contact in each country: FBE is the Organization of bars and not of national bars like CCBE is. But the idea is should be pushed on. It is important to have one or two Bars members in each country, so that they are notifying us both legislative developments that may arise in each country in terms of Ethics, to try to establish, as far as possible, common guidelines.*

*Is the way that FBE Ethics Commission is actually communicating the right way? Are there things that have to be improved or changed?*

*Lobbying, writing, acting proactive ... is interesting.*

*Attendance to the Congresses*

*Difficult to say what subjects could be interesting. Having two meetings a year, all subjects have a chance to come through. Possibly a completely different type of congress? To have the opportunity to treat the contents of the various committees in "Workshops"*

*Permanent contact between the members of the Commission.*

### **2.- DISCUSSION ON THE FUTURE WORK OF THE COMMISSION.**

*Convenience of cooperating with CCBE for protection of professional independence & confidentiality;*

*Convenience of protecting the right of citizens to confidentiality. Necessary change of words (confidentiality instead of secrecy).*

*Contribution of self-regulation to achieving a balance between the quality of services and respect for ethical principles. The balance between ethical values and quality in lawyer's work.*

### **3.- ANY OTHER BUSINESS (AOB)**

The Secretary of the commissions Maria Begoña Angulo has also sent an email to the whole members in order to know if they wish to remain members of the commission.

## **Update 30.05.19**

Following report has been sent by Maria Begoña Angulo to SeCo :

### **1.- NEW MEMBERS**

- *How to increase membership.*
- *Attendance to the congresses*

*How to increase membership?*

*This is a point that should be worked on.*

FBE contact in each country: FBE is the Organization of bars and not of national bars like CCBE is. But the idea is should be pushed on. It is important to have one or two Bars members in each country, so that they are notifying us both legislative developments that may arise in each country in terms of Ethics, to try to establish, as far as possible, common guidelines

Is the way that FBE Ethics Commission is actually communicating the right way? Are there things that have to be improved or changed?

Lobbying, writing, acting proactive ... is interesting.

#### **Attendance to the Congresses**

Difficult to say what subjects could be interesting. Having two meetings a year, all subjects have a chance to come through. Possibly a completely different type of congress? To have the opportunity to treat the contents of the various committees in "Workshops"

Permanent contact between the members of the Commission.

#### **2.- DISCUSSION ON THE FUTURE WORK OF THE COMMISSION.**

- Convenience of cooperating with CCBE for protection of professional independence & secrecy;
- Cross-border litigation: Different regulation in FBE countries about the presentation of letters and communication acts to the Court that were exchanged with the opposing party in pre-procedural negotiations.
- Secrecy or publicity of the sanctions imposed by FBE Bar Associations on members.

#### **3.- ANY OTHER BUSINESS (AOB)**

## LEGAL EDUCATION COMMISSION - MADRID

*President : Raúl Ochoa Marco - Vice President : To be determined - Secretary : Victor Gamero*

### Update 30.01.20

Following the Presidency meeting in Brussels, SeCo has informed Secretary Victor Gamero the Presidency has approved the survey the commission has drafted and which has been sent in the meantime to the member Bars. The information on the third edition of the International Contract competition has also been sent to the Bars.

Following information has been sent to Seco :

*Dear Phillippe,*

*Thank you very much for your email.*

*We are very happy to see that the projects received the presidency's approval.*

*In relation to the survey, please see the brief text I have prepared for it:*

#### ***"FBE Training Needs Assessment***

*FBE Training Needs Assessment is a brief survey of 14 questions oriented to ascertain the needs and challenges faced by the European Bars concerning legal education. In particular, the questionnaire aims to identify:*

- *Current education services offered by the FBE members*
- *Lawyers' needs in terms of legal education*
- *Bar Association staff's training needs*

*The present Assessment is the outset of a project designed to create a shared legal education platform for the benefit of all FBE members and its members."*

*Second, regarding the third edition of the FBE International Contract Competition, I see that you already have the latest version of the flyer. In this sense, we will very soon publish our pre-selection process for the competition on our website and RRSS.*

*Third, with regard to the internships abroad, I have been working on a explicatory brief of the program but I still need to receive some information from other Departments at ICAM. I will share it with you as soon as I get this information.*

*Thank you very much again and please let me know if you need anything else.*

*Best regards,*

*Victor*

### Update 09.01.20

Following report has been sent to SeCo after the meeting in Paris :

*The FBE General Congress celebrated in Barcelona in May 2019 served the FBE Legal Education Commission as the perfect venue to exchange views on the legal education matters and ongoing issues faced by the FBE members. In particular, the Commission agreed to continue promoting the different initiatives:*

- *The Commission members would work to present the FBE Training Needs Assessment to the FBE presidency as the first step to investigate the main legal education issues faced by each participating country in order to exchange information and best practices.*
- *The Bilbao Bar committed to boost the organization of the 3rd edition of the International Contract Competition designed for young lawyers and with an especial focus on new technologies.*
- *The Madrid Bar proposed to initiate the organization of a Court Skills Competition for young lawyers willing to experience the presentation of a case in equivalent conditions to a courtroom.*
- *Finally, the Commission members decided to explore with the FBE presidency the possibility of offering internships in Law firms abroad, using the relationship between the Bar members of the Commission and their contacts.*

#### **STATUS OF THE ONGOING ACTIVITIES OF THE LEGAL EDUCATION COMMISSION.**

*First initiative: the FBE Training Needs Assessment was reviewed and approved by the Commission Members on October 16th and will be sent to all FBE Bar Members the week after the Lisbon Congress, unless the FBE presidency proposes to delay it.*

*The Legal Education Centre of the Madrid Bar Association designed a brief questionnaire of 15 questions oriented to ascertain the needs and challenges faced by the European Bars. During the General Assembly in Lisbon, the Commission will explain the main objectives of the Assessment and the project overall. It is important to clarify that the Assessment is only the beginning of a project oriented to create a shared legal education platform for the benefit of all FBE members.*

*Second initiative: The organization of the 3rd edition of the FBE International Contract Competition.*

*The Bilbao Bar is currently organizing the 3rd edition of the FBE International Contract Competition which will be celebrated on March 2020 to be able to present the competition results on the next FBE General Congress in May 2020 celebrated in Paris. In particular, the Bilbao Bar is working at the moment with the following timeline:*

#### **The FBE International Contract Competition 2020 Timeline**

<i>Date</i>	<i>Task</i>
<i>December 2019</i>	<i>Sponsors call</i>
<i>January 2020</i>	<i>Invitation sending</i>
<i>10 February 2020</i>	<i>Deadline for applications submission</i>
<i>March 2020</i>	<i>Competition</i>
<i>—</i>	<i>Report during the FBE Meeting</i>
<i>—</i>	<i>Presentation of the project at the FBE</i>

*The structure of the competition will be similar to the first and second editions organized by the Bilbao Bar.*

*The Madrid Bar will assist the Bilbao Bar with the promotion of the event as well as conforming a team of qualified members to participate in the competition.*

*Third initiative: the organization of a FBE Court Skills Competition.*

*The Madrid Bar Association proposed the organization of a Court Skills Competition providing young lawyers the unique opportunity of getting involved in a real-world simulation.*

*The Competition will be based on a homicide case where prosecutors and defense attorneys will be evaluated in terms of oral advocacy skills. Evidence and police statements will play an important role during the tournament.*

*Last year, the Association of Young Lawyers of Madrid organized a successful Oral Advocacy Tournament which might be of consideration for the organization of the next FBE Court Skills Competition. The tournament could be structured as follows:*

- 1st Round of debates*
- 2nd Round of debates*
- Semi-final rounds*
- Final*

*The winners and finalists received an economic compensation for their achievements. The new tournament will take place in spring 2021 in order to have enough time to coordinate our efforts so that a high participation rate be guaranteed. The Lisbon Congress will be the venue to debate possible dates for celebrating the event.*

*Fourth initiative: program of internships abroad.*

*In the last FBE meeting, it was suggested the possibility of offering internships in law firms abroad, using the relationship between the Bar members of the Commission and their contacts.*

*In relation to the above, the Madrid Bar Association has consistently been organizing an internship program, in collaboration with law firms and different Bar Associations to assist students in their legal education so that this new program could be an extension of the program already put in practice by the Madrid Bar. The program already developed is as follows:*

*The duration of the internship in the country of placement is generally of 2 months and, if nothing is stated on the contrary, the working language is English.*

*The expenses are only partially covered by the Madrid Bar in order to assist students and foster a high participation on the internship program.*

*Notwithstanding the aforesaid, since the intention of this proposal is to extend the ICAM's internal program and thus develop a permanent FBE Internship Program, in case there is a high number of bars interested in participating, the program format should be deeply discussed to accommodate it to the Bars' needs in order to guarantee a high participation rate and, consequently, the success of the program.*

*As it occurs with regards to the previous initiative, the Lisbon Intermediate Congress will be a suitable venue to discuss the details, proposal and possible participants for the development of the program.*

**Formal approval from the Presidency on the survey on training needs assessment is requested. The survey will then be sent to our member Bars (see attachment).**

## AD HOC COMMISSIONS

### ARBITRATION COMMISSION - NAPOLI

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

**None**

## **EASTERN BARS COMMISSION - CLUJ**

*President : Stanca Gidro - Vice President : Rajko Maric - Secretary : Diana Andrasoni*

### **Update 30.01.20**

Following the Presidency meeting in Brussels, President Stanca Gidro has been informed the proposal of the commission will be submitted to the Ethics and the New Technologies commissions. Decision will be taken later on.

### **Update 28.11.19 & 09.01.20**

Following letter has been sent to SeCo by President Stanca Gidro, in French and English :

#### **FRENCH**

*À la suite de la discussion à Lisbonne avec Madame la Présidente SILVIA GIMÉNEZ-SALINAS et avec Monsieur le Secrétaire des Commissions PHILIPPE LOEW, la Commission des Barreaux de l'Est, hébergée par le Barreau de Cluj, réitère la proposition faite lors de la réunion des présidents des commissions de la FBE du 24/10/2019 de créer au niveau de la FBE une plate-forme pour assurer une communication directe entre les avocats et les justiciers des pays membres de l'UE afin de rendre efficace la fourniture de services juridiques au profit de toutes les parties concernées.*

*Pour atteindre cet objectif, nous avons pensé à une plate-forme en ligne qui aiderait les citoyens résidant dans un pays autre que celui d'origine à trouver un avocat familiarisé avec le droit de l'État résident et celui de l'État d'origine ou du droit international privé et connaissant en même temps une langue commune avec celle ou celles connue(s) par le citoyen ayant besoin d'assistance.*

*L'idée est née de :*

- Varsovie, où le consul de Roumanie a demandé notre soutien pour les citoyens roumains résidant en Pologne (environ 5 000) pour trouver des avocats basés en Pologne avec qui communiquer et se consulter sur la législation polonaise et, éventuellement, roumaine ;*
- le fait qu'à l'heure actuelle, il y a environ 4 millions de Roumains vivant dans les pays de l'UE et des dizaines de millions de citoyens d'autres pays de l'Est.*

*Le phénomène de migration de force de travail d'est en ouest est apparu, en particulier, après l'adhésion des anciens États communistes à l'Union européenne et a été accentué par la crise économique dans certains États de l'est et n'est pas typique de la Roumanie.*

*La migration (souvent d'un seul membre de la famille) a des conséquences juridiques sur les biens, la famille - le divorce, le domicile des enfants, la relation avec le parent parti, les troubles antisociaux - la succession, etc.)*

*Les normes applicables à de telles situations peuvent provoquer l'ingérence de législations différentes tant en droit matériel qu'en droit procédural. Ainsi, les personnes résidant dans un pays européen et les citoyens d'autres États européens se trouvent souvent dans la situation de ne pas trouver ou de trouver extrêmement difficile des avocats qui puissent résoudre leur problème ou (au moins) les conseiller.*

*D'autre part, l'Union européenne autorise les avocats à exercer leur métier, sous certaines conditions, dans un pays de l'Union autre que celui d'origine.*

*L'accès au site Web CCBE ne suffit pas à couvrir ces besoins, car il fait référence au portail e-Justice, où l'interface « trouve un avocat » fait référence au groupe d'avocats de chaque pays, ce qui n'aide pas beaucoup les parties intéressées, car ces listes ne contiennent pas toutes les données nécessaires.*

*La plate-forme aurait pour objectif de fournir des informations sur les avocats connaissant les langues étrangères et, éventuellement, la législation de plusieurs pays, et plusieurs filtres seront appliqués dans ce but.*

*Bien entendu, une telle approche implique des coûts, que nous détaillerons dans la suite. Nous avons contacté une société informatique qui a offert son aide. Ils nous ont fait une offre de sorte que, au début, les coûts sont minimes et que, pendant le cours, il est possible d'obtenir un revenu à la fois pour la FBE et pour la société informatique.*

*VARIANTE I. Elle est plus simple et implique uniquement la possibilité de rechercher un avocat dans plusieurs langues sur la base de plusieurs critères (pays, expertise, langues parlées, etc.) et d'évaluer ses services.*

*VARIANTE II. Elle comprend également un réseau social impliquant un profil social et la possibilité de communiquer entre avocats, de publier des articles, des nouvelles, des photos, des événements, etc.*

*La partie financière suppose un montant de 2 000 euros + TVA (19%) pour l'installation puis ceux qui s'inscrivent sur la plate-forme paient un montant de 0,50 euro / mois ou 1 euro / mois, selon la version choisie, le revenu sera réparti entre la FBE et la société informatique, selon le tableau.*

*Le montant de 2 000 euros + TVA requis pour démarrer le projet peut être assuré en obtenant des parrainages au cas où la FBE ne disposerait pas de ces fonds.*

*Dans la mesure où vous accepterez notre proposition, la participation de la FBE consistera en la publicité de la plate-forme, en vue d'attirer autant d'avocats que possible, puis vers les ambassades, consulats, etc. et dans la gestion de la plate-forme et des montants que nous espérons collecter.*

*Dans cette situation, il faudra évidemment nous informer au préalable de la version convenue par vous, afin de pouvoir poursuivre les étapes afin de concrétiser la proposition, en précisant que, à notre avis, la deuxième option serait préférable car elle comprend plus d'opportunités pour les intéressés.*

*Veuillez bien vouloir analyser notre proposition et nous laisser connaître la réponse afin que, d'ici à la réunion de mai 2020 à Paris, nous puissions aller de l'avant avec notre projet.*

## **ENGLISH**

*Following the discussion in Lisbon with Ms SILVIA GIMÉNEZ-SALINAS and with Mr Secretary of the Commissions, PHILIPPE LOEW, the Eastern Bar Committee, hosted by the Cluj Bar, reiterates the proposal made during the meeting of the presidents of the FBE committees from October 24, 2019 to create a platform within FBE to ensure direct communication between lawyers and litigants from EU member countries in order to make the provision of legal services more efficient for the benefit of all parties involved.*

*In order to achieve this goal, we thought of an online platform that would help the citizens resident in another country than the one of origin to find a lawyer who is knowledgeable both of the legislation of the resident State and of the State of origin or of the private international law and, at the same time, speaks a common language with the one or those spoken by the citizen in need of assistance.*

*The idea originated from:*

*- Warsaw, where the Romanian consul asked for our support for the Romanian citizens living in Poland (approx. 5,000) in finding lawyers based in Poland with whom to communicate and consult on Polish and, possibly, Romanian legislation;*

*- The fact that, at present, there are approx. 4,000,000 Romanians resident in EU countries and tens of millions of citizens from other eastern countries.*

*The phenomenon of labour force migration from east to west emerged, in particular, after the accession of the former communist States to the European Union and was intensified by the economic crisis in some eastern States and is not typical only for Romania.*

*Migration (often only of one family member) has legal consequences for property, family - divorce, children's home, relationship with departed parent, antisocial disorders - succession, etc.)*

*The rules applicable to such situations can cause the interference of different legislations both in terms of material and procedural law. Thus, people residing in a European country, who are citizens of other European States, often find themselves in the situation of not finding or finding particularly difficult lawyers who could solve their problem or (at least) advise them.*

*On the other hand, the European Union allows lawyers to practice, under certain conditions, in another country of the Union than the country of origin.*

*Accessing CCBE website is not enough to cover such needs, as it refers to the e-Justice portal, where the interface 'Find a lawyer' refers to the panel of lawyers in each country, which does not help the interested parties too much, as these lists do not contain all the necessary data.*

*The purpose of the platform is to provide information on lawyers who speak foreign languages and know the legislation of several countries, with several filters in this regard.*

*It must be pointed out that such an approach involves costs, to be detailed below.*

*We got in touch with an IT company, which has offered its help. They made us an offer so that at first the costs would be minimal and thereafter there is the possibility to obtain income for both the FBE and the IT company.*

*- VERSION I. It is simpler and only implies the possibility of seeking a lawyer in several languages on the basis of several criteria (country, expertise, spoken languages, etc.) and to evaluate his/her services.*

*- VERSION II. It also includes a social network with a social profile and the possibility to communicate between lawyers, to post articles, news, photos, events, etc.*

*The financial side supposes an amount of EUR 2,000 + VAT (19%) for installation and then those who register on the platform pay an amount of 0.50 euro cents / month or 1 euro / month, depending on the chosen version, the income shall be divided between FBE and the IT company, according to the table.*

*The amount of EUR 2,000 + VAT required to start the project can be ensured by obtaining sponsorships in case the FBE is unable to provide it.*

*Should you agree to our proposal, the participation of the FBE will consist in the publicization of the platform, to attract as many lawyers as possible, then to embassies, consulates, etc. and in managing the platform and the amounts we hope to collect.*

*In this situation, obviously, it will be necessary to inform us beforehand of the version you agree, in order to be able to continue the steps to implement the proposal, mentioning that, in our opinion, the second option would be preferable due to the fact that it includes more opportunities for those interested.*

*Would you kindly review our proposal and let us know the answer so that by the meeting from May 2020 in Paris we can move forward with our project.*

The offer presented in Lisbon is attached.

## Update 24.10.19

Following report has been sent to SeCo by Calin Iuga :

### **RAPPORT D'ACTIVITÉ**

*À compter de la date du dernier congrès, la Commission des Barreaux de l'Est a été et est impliqué dans le activités suivantes:*

*1. Participe à l'organisation de l'événement marquant le centenaire de Barreau de Cluj et participera à ces événements du 29 mai au 1er juin 2019 par l'intermédiaire de son président et de ses secrétaires. Les événements ne pouvaient pas être planifiés plus tard en raison du programme de six juges de la CEDH qui ont accepté l'invitation du 29 mai au 1er juin 2019. Des avocats et des doyens des barreaux roumains et européens ont été invités à l'événement.*

*2. Participe au projet de jumelage avec le Barreau de Varsovie, l'acte de jumelage devant être signé le 29 mai 2019.*

*3. Il travaille à créer une plateforme en ligne visant à aider les ressortissants étrangers dans un État membre à identifier les avocats de cet État qui parlent leur langue maternelle ou une langue commune et qui sont disposés à offrir leurs services.*

*Par exemple, à l'heure actuelle, un citoyen roumain aura des difficultés à identifier un avocat polonais en Pologne sans connaître le polonais ou une langue commune.*

*Président du comité  
av. Dr. Stanca GIDRO*

*Secrétaire suppléant  
av. Călin Viorel IUGA*

### **ACTIVITY REPORT**

*Since the last congress, the Eastern Bars Commission has been and is involved in the following activities:*

*1. It is involved in organizing the event that marks the centenary of the Cluj Bar and will take part in May 29th - June 1, 2019 at this event through its president and its secretaries. The event could not be planned in another period of time due to the program of six judges from ECHR who accepted the invitation only in the period 29 May - 1 June 2019. Lawyers and deans from Romania and from the European bars were invited to the event.*

*2. It is involved in the twinning project with the Warsaw Bar Association, the twinning agreement being scheduled for signature on 29 May 2019.*

*3. It is working to create an online platform to help foreign citizens in a Member State identifying lawyers from that state who speak in their mother tongue or in a common language and who are willing to offer their services. For example, nowadays, a Romanian citizen will find it difficult to identify a Polish lawyer in Poland without knowing Polish or a common language.*

*Chairman of the committee  
av. Dr. Stanca GIDRO*

*Alternate Secretary  
av. Călin Viorel IUGA*

## Update 30.05.19

Following report has been sent to SeCo by Calin Iuga :

**RAPPORT D'ACTIVITÉ**  
**Réunion des présidents F.B.E., 29 Mai 2019**

*À compter de la date du dernier congrès, la Commission des Barreaux de l'Est a été et est impliqué dans les activités suivantes:*

*1. Participe à l'organisation de l'événement marquant le centenaire de Barreau de Cluj et participera à ces événements du 29 mai au 1er juin 2019 par l'intermédiaire de son président et de ses secrétaires. Les événements ne pouvaient pas être planifiés plus tard en raison du programme de six juges de la CEDH qui ont accepté l'invitation du 29 mai au 1er juin 2019. Des avocats et des doyens des barreaux roumains et européens ont été invités à l'événement.*

*2. Participe au projet de jumelage avec le Barreau de Varsovie, l'acte de jumelage devant être signé le 29 mai 2019.*

*3. Il travaille à créer une plateforme en ligne visant à aider les ressortissants étrangers dans un État membre à identifier les avocats de cet État qui parlent leur langue maternelle ou une langue commune et qui sont disposés à offrir leurs services.*

*Par exemple, à l'heure actuelle, un citoyen roumain aura des difficultés à identifier un avocat polonais en Pologne sans connaître le polonais ou une langue commune.*

*Président du comité*  
*av. Dr. Stanca GIDRO*

*Secrétaire suppléant*  
*av. Călin Viorel IUGA*

**ACTIVITY REPORT**  
**Meeting of Presidents F.B.E., May 29, 2019**

*Since the last congress, the Eastern Bars Commission has been and is involved in the following activities:*

*1. It is involved in organizing the event that marks the centenary of the Cluj Bar and will take part in May 29th - June 1, 2019 at this event through its president and its secretaries. The event could not be planned in another period of time due to the program of six judges from ECHR who accepted the invitation only in the period 29 May - 1 June 2019. Lawyers and deans from Romania and from the European bars were invited to the event.*

*2. It is involved in the twinning project with the Warsaw Bar Association, the twinning agreement being scheduled for signature on 29 May 2019.*

*3. It is working to create an online platform to help foreign citizens in a Member State identifying lawyers from that state who speak in their mother tongue or in a common language and who are willing to offer their services. For example, nowadays, a Romanian citizen will find it difficult to identify a Polish lawyer in Poland without knowing Polish or a common language.*

*Chairman of the committee*  
*av. Dr. Stanca GIDRO*

*Alternate Secretary*  
*av. Călin Viorel IUGA*

**Update 14.02.19**

Following report has been sent to the SeCo :

*The Commission of the Eastern Bars is currently involved in the following activities:*

- 1. Supports the protest of the Romanian lawyers regarding the increase of ex officio lawyers' fees.*
- 2. Supports the requests of the Romanian lawyers to be allowed with their mobile phones into the police and parquet units. Is not allowed to anybody to enter into such unit with mobile phones.*
- 3. Works on a project aimed to help the foreign nationals into a Member State identifying lawyers in that state willing to offer their services. For example, nowadays, a Romanian citizen will find it difficult to identify a Polish lawyer in Poland without knowing Polish.*
- 4. It is involved in organizing the event that marks the centenary of the Cluj Bar. Lawyers from Europe and judges from ECHR were invited. The invitation is opened to all European lawyers wishing to attend to this event. An email with the details of the event will also be transmitted to the FBE Chairman.*

## **MEDIATION COMMISSION - BARCELONA**

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

Update 30.01.20

Following report has been sent to SeCo :

*En la Asamblea General que tuvo lugar el 19 de mayo de 2018 en Bolonia se aprobó la elaboración de un trabajo de investigación que se está llevando a cabo desde el Colegio de la Abogacía de Barcelona, en el marco de la Comisión de Mediación de la FBE. El trabajo consiste en una comparativa de las diferentes leyes y reglamentos de mediación que existen en los Estados de los Colegios Miembros de la FBE*

*El objetivo final es poder extraer de los mismos los aspectos comunes en todas las legislaciones sobre la mediación y poder proponer a la UE una directiva de armonización que regule unos parámetros esenciales que serán comunes a todas las leyes de mediación de los países miembros de la UE.*

*El primer paso que dimos, tras diseñar el plan de acción, fue trasladarlo a todos los miembros de la comisión, a la vez que les preguntamos por su continuidad como miembros activos de la misma.*

*Por lo que se refiere a la ejecución del plan de acción, hemos contactado ya con todos los colegios miembros de la FBE para que faciliten las leyes y los reglamentos de mediación existentes en su Estado.*

*En una primera fase, recibimos las respuestas adjuntando las leyes y reglamentos sobre mediación de: Rumania – Cluj, Austria – Niederösterreich, España – Madrid, Italia – Bolonia y Lucca.*

*Tras un recordatorio recibimos:*

- *Italia – Ordine degli Avvocati di Bologna, Ordine Avvocati di Lucca, Ordine Avvocati di Verona, Ordine degli Avvocati di Firenze y Ordine Forensi di Avvocati di Padova*
- *Belgium – Nederlandse Orde van Advocaten bij de balie te Brussel*
- *Czech Republic -Czech Bar Association*
- *Germany – Rechtsanwaltskammer Berlin y Rechtsanwaltskammer Köln*
- *France – Ordre des Avocats à la Cour de Paris*
- *Hungary – Budapest Bar Association*
- *Poland – ORIP Warsaw*
- *Turkey – Istanbul Bar Association*
- *United Kingdom – The City of Westminster and Holborn Law Society*

- *España – Ilustre Colegio de Abogados de Madrid*
- *The Netherlands – Nederlandse Orde Van Advocaten*
- *Österreich – Rechtsanwaltskammer Niederösterreich*
- *Romania – Baroul Cluj y Baroul Tulcea*

*Por ello, quisiéramos agradecer a todos estos Colegios su colaboración en este proyecto.*

*Actualmente estamos ya en la segunda fase del plan de acción, que consiste en la redacción del informe en el que se compararán las diferentes leyes y reglamentos de mediación.*

*Uno de los objetivos de nuestra Comisión para el año 2021 es organizar un encuentro en Barcelona con todos los Centros de Mediación de Colegios de Abogados de Europa.*

*M<sup>a</sup>. Eugènia GAY*  
*Presidenta Comisión de Mediación de FBE*

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

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

**Update 30.01.20**

President Griem has sent an email to SeCo regarding GDPR, stating the commission has so far only two members, Vice-President Rudolf Lauda and herself.

**Update 24.10.19**

Following report has been sent to SeCo :

*This commission was founded in the nineties of the last century.  
It was the time of fundamental historical changes.*

*The countries of eastern europe suddenly have become the possibilty to get in contact with  
other countries behind the Iron Curtain.*

*At this time in many countries the independence of the bar associations was not natural.  
Purpose and aim of the commission was therefore to find a common solution which  
guarantees the independence and self-regulation of the bar associations.*

*The comparison of the country reports has shown that, as a consequence of the political  
changes of the last twenty years, all countries have now implemented these principles, so  
that the work of the commission has come to a dead end.*

*The result of the commission in form of the country reports will now be summarized ,so that  
it might be possible to publish it at the homepage.*

*In the future the commission will be engaged with the proposed European Convention  
Recommendation Nr. (2000)21und (2018)2121.*

*The proposed European Convention aims to clarify and impose international standards  
regulating the profession of lawyers in order to enable them to play their role as important  
actors in protecting rights oft he civilians and upholding the Rule of Law.*

*It also confirms the institutional independence and self-regulation of the bar associations or  
other professional lawyers associations (Principle V of the Recommendation).*

*Andrea Griem*

## COMMISSION FUTURE OF THE PROFESSION – LUXEMBOURG

President : Bertrand Christmann - Vice President : - Secretary :

Update 24.10.19

Following email has been sent by Bertrand Christmann, new appointed President of the Commission, to the members :

*Dear Colleagues,*

*Following my recent discussion with Bas Martens, I am hereby writing to you in connection with the next meeting of our commission in Lisbon.*

*The topic I would like to discuss in Lisbon and also in May in Paris, is the protection of our professional secrecy which is in danger in some countries but also on an EU level.*

*I think that it could be very helpful to have a better and larger understanding of the national laws and / or practices which allow a public authority to infringe the lawyer's professional secrecy.*

*I know that this is short notice before our next congress. Therefore, I propose focusing this time on the protection of the written communication between lawyers and their clients, by responding to four precise questions as a first step.*

*Topic for our Lisbon meeting :*

*The question I would like to cover is currently also debated in the CCBE commission. Germany gives us a good example of legal innovation where the question is currently a big issue. Indeed, Germany is confronted with a draft new law including a very far reaching provision on the right to confiscate documents concerning the lawyer-client relation.*

*According to the bill there would be no protection for the written correspondence between a lawyer and its client any more. Everything which is produced in written will be exposed to confiscation by the public prosecutor, except the written communication of a criminal defense lawyer.*

*Clients who seek advice in the field of civil or administrative law will have to take into account that the written advice by the lawyer or notes on what the client had reported to the lawyer may be seized if a criminal investigation, which touches the issue which had been subject to the lawyer's activities, comes up.*

*This without the lawyer being suspected of participation in the alleged crime. The official motivation is the fight of white collar crimes. This could, in the long term, influence the legislation in other European Countries.*

*I would be grateful if you could share how the law and or practice are in your country. It would therefore be good if you could provide me with short answers to the following questions concerning the situation in your country:*

- 1. Is the written correspondence between lawyers and their clients protected against confiscation when the lawyer is not acting as a criminal defense lawyer and not suspected of having participated in the crime?*
- 2. How does your country deal with documents which were handed over to a lawyer (who is not the criminal defense lawyer) and which shall serve as evidence for the investigation?*
- 3. Do you have the requirement that a member of the Bar has to be present during a control or an investigation in a law firm?*

4. *If documents are confiscated in a law firm, who decides about their admissibility for the investigation? Is there a court which decides or is this just at the discretion of the public prosecutor?*

*Topic for our Paris meeting :*

*I would also like to introduce the next topic regarding the protection of our professional secrecy which I propose to discuss in Paris.*

*1. Firstly I would be grateful if you could report on national laws and / or practices which allow a public authority to infringe lawyer's professional secrecy.*

*2. More precisely, I would like to discuss the implementation of the EU directive 2018/822, commonly referred to as DAC6. DAC6 broadly reflects the elements of action 12 of the OECD BEPS project on the mandatory disclosure of potentially aggressive tax planning.*

*Information received and exchanged under DAC6 among tax authorities of EU member states would allow them to react more rapidly to potentially aggressive tax arrangements and to address potential loopholes through conducting appropriate risk assessments and tax audits, or involving legislative reforms aimed at closing such loopholes.*

*The reporting obligation would fall on intermediaries. An intermediary would be defined as any person who designs, markets, organizes, makes available for implementation or manages the implementation of a reportable cross-border arrangement.*

*An intermediary would also mean any person that, having regard to the relevant facts and circumstances and based on available information and the relevant expertise and understanding required to provide such services, knows or could be reasonably expected to know that they have undertaken to provide, directly or by means of other persons, aid, assistance or advice with respect to the activities mentioned above.*

*Businesses and tax lawyers are directly concerned by that disclosure obligation which means, of course, a large infringement of our professional secrecy.*

*According to the directive, lawyers may be granted a waiver from reporting information, where doing so would breach their legal professional privilege. However, where such waiver would apply, they would still be required to report information of a general nature to the tax authorities. They would also have an information duty towards another intermediary involved in the transaction or, in the absence of such, towards the relevant taxpayer.*

*Basically, in Paris, it would be interesting to focus on the question of the implementation of DAC6 in your country, more specifically on the contemplated choice which will be made by the legislators to protect or not the lawyers professional secrecy.*

*I would also be happy if you could, in the meantime, share your comments and suggestions for additional questions. On my side, I will then revert to you with a more detailed agenda.*

*Many thanks for your efforts and see you in Lisbon.*

*Bertrand.*

## **Update 30.05.19**

**Following email has been sent by Bas Martens to the members of the Commission :**

*Dear Members of commissions Future of the Profession,*

*I am pleased to remind you that our **Commission will meet on Thursday, May 30th 2019 at 5.00 pm in Barcelona, at ICAB, Mallorca 283.** Kindly please confirm your attendance.*

*On April 12<sup>th</sup>, in Wroclav, young lawyers and law students competed in the competition 'law firm of the future'. The competition was organized by the Wroclav- and the Hague Bar and hosted in Wroclav. It was an exciting day.*

*The 11 finalists were all very well prepared and made a great effort. At the end of the day, the jury had to decide. Romyana Yordanova and Gabriela Hristova from the international law firm Penkov Markov from Sofia were the winners. In their point of view, to survive, the law*

*firm of the future should be run as a commercial business. Law firms should deliver 'more for less' and run on technology like artificial intelligence. Outsourcing of tasks and cooperation with other disciplines will be key factors in the future. And with a warning: we should be very careful that artificial intelligence does not take over the role of humans. Runner up was Ludmila Glembotzky Goya from Akro Abogados y asesores Bilbao, Spain was the runner up. She had very innovative ideas and elaborated about the benefits of Blockchain-technology, video-conferencing, legal outcome prediction and smart contracts. She emphasized that Legal Tech 'is and must remain only a tool and must never replace the lawyer'. The brothers Yavor Stoychev (Stoychev & Stoycheva law firm) and Yassen Stoychev (KPG Bulgaria) from Sofia came in third. In a very profession presentation they envisioned a fully digital law firm where face to face contact with the client is no longer necessary. They mentioned digital archiving of documents with real time access for clients, digital conference rooms, more control for clients, digital assistants and innovations on time management. The jury especially recommended Cem Sanap Alperen (Guner law office) from Istanbul for his swirling presentation: 'Cem has the energy and persuasiveness every client wishes from his lawyer'.*

*In Barcelona, the winners will have the opportunity to give their presentation again.*

*As a suggestion, I want to propose to you to talk about the 'law firm of the future' in our commission-meeting. As an intro to the winners' presentation, we could give our view on this subject. How will the law firm of the future be organized in the view of the international group of lawyers in the commission Future of the Profession? And how does this relate to the presentations of the competitors in Wroclaw?*

*You are all very welcome to join the discussion! See you in Barcelona.*

*With warm regards,*

*Bas Martens  
Commission Future of the Profession*

## **Update 06.05.19**

The Commissions Future of the Profession and New Technologies co-organized a Young Lawyers' Competition on the topic "LAW FIRM OF THE FUTURE" in Wroclaw.

Following report has been sent by Bas Martens to SeCo :

*On April 12th, in Wroclaw, young lawyers and law students competed in the competition 'law firm of the future'. The competition was organized by the Wroclaw- and the Hague Bar and hosted in Wroclaw. It was an exciting day.*

*The 11 finalists were all very well prepared and made a great effort. At the end of the day, the jury had to decide. Rumyana Yordanova and Gabriela Hristova from the international law firm Penkov Markov from Sofia were the winners. In their point of view, to survive, the law firm of the future should be run as a commercial business. Law firms should deliver 'more for less' and run on technology like artificial intelligence. Outsourcing of tasks and cooperation with other disciplines will be key factors in the future. And with a warning: we should be very careful that artificial intelligence does not take over the role of humans. Runner up was Ludmila Glembotzky Goya from Akro Abogados y asesores Bilbao, Spain was the runner up. She had very innovative ideas and elaborated about the benefits of Blockchain-technology, video-conferencing, legal outcome prediction and smart contracts. She emphasized that Legal Tech 'is and must remain only a tool and must never replace the lawyer'. The brothers Yavor Stoychev (Stoychev & Stoycheva law firm) and Yassen Stoychev (KPG Bulgaria) from Sofia came in third. In a very profession presentation they envisioned a fully digital law firm where face to face contact with the client is no longer necessary. They mentioned digital archiving of documents with real time access for clients, digital conference rooms, more control for clients, digital assistants and innovations on time management. The jury especially recommended Cem Sanap Alperen (Guner law office) from Istanbul for his swirling presentation: 'Cem has the energy and persuasiveness every client wishes from his lawyer'.*

*In Barcelona, the winners will have the opportunity to give their presentation again.*

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The 18th of March 2019, President Lucherini has sent to Iza Konopacka the five principles of the Ethical Charter on the Use of Artificial Intelligence in Judicial Systems, asking the commission to report on the Charter.

President Konopacka replied as following :

*The IT Commission will present its comments on the Ethical Charter to the Presidency within a couple of weeks.*

*I will contact also Artur Wierzbicki, the President of the Human Rights Commission, to propose to discuss the issues during the joint meetings of the two Commissions as the Charter makes references to the safeguards regarding the human rights in use of AI.*

## **Update 14.02.19**

The Commissions Future of the Profession and New Technologies will co-organize a Young Lawyers' Competition on the topic "LAW FIRM OF THE FUTURE" in Wroclaw.

The application/registration forms and the rules of the competition have been put online and sent to all FBE contacts.

Recently, the submission date has been extended to 3<sup>rd</sup> of March 2019. About twenty contributions have already been sent to Iza Konopacka.

## COMMISSION NEW TECHNOLOGIES - WROCLAW

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

### Update 09.01.20

The composition of the commission's members has been updated (GDPR letter).

### Update 24.10.19

President Konopacka sent the following news to SeCo :

*Dear Philippe,*

*(...)*

*The Commission will continue its work with regard to development of NT and its impact on performance of our legal profession.*

*Best regards*

*Iza*

Following agenda has also been sent to SeCo in view of the meeting in Lisbon :

#### *NT COMMISSION MEETING AGENDA ON 24 OCTOBER 2019 in LISBON*

- 1. Legal Aspects of AI (including liability issues)– discussion.*
- 2. Smart Contracts -a threat or opportunity for lawyers?*
- 3. "Smart law" -judgment of the Regional Court of Cologne dated 8 October 2019 which issued a landmark judgement regarding the assessment of legal tech services offered to end users (i.e. not to the legal profession).*
- 4. LegalTech tools used in legal practice having significant impact on practicing law.*
- 5. Developments in Scotland re. the new "accreditation for legal technologists".*

<https://www.lawsocieties.eu/latest-news/law-society-of-scotland-launches-new-accreditation-for-legal-technologists/6000362.article>

### Update 30.05.19

President Konopacka sent the following agenda to SeCo :

- 1. Discussion on: "Ethics Guidelines for Trustworthy AI" (on 8 April the High-Level Expert Group on AI (AI HLEG) of the European Commission published its guidelines). They may be accessed here: <https://ec.europa.eu/digital-single-market/en/news/ethics-guidelines-trustworthy-ai>*

2. *European Ethical Charter on the use of AI in judicial systems and their environment-protection of human rights.*

3. <https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c>

4. *Recent developments on Multi-disciplinary practices – non-lawyers’ participation – alternative legal providers. Ernst & Young entity acquires Thomson Reuters’ business* ([http://www.abajournal.com/news/article/ernst-young-entities-acquire-legal-managed-services-business-pangea3-should-law-firms-worry/?icn=most\\_read](http://www.abajournal.com/news/article/ernst-young-entities-acquire-legal-managed-services-business-pangea3-should-law-firms-worry/?icn=most_read))

5. *(New) Model of Law firms with IT developments.*

- a) *summary of the FBE FUTURE OF LAW FIRM COMPETITION held in Wrocław and co-organized by the Bar Association in Wrocław and in Hague.*
- b) *InteliLex -the application that won Global Legal Hackathon 2019.*

6. *Data protection and a big recent leak in Italy (stolen from a email provider’s server of the password of the certified email of thousands of Italian lawyers and bad habits in maintaining the passwords from the users). Lesson learnt and possible actions from the Commission or Federation.*

## **Update 06.05.19**

The Commissions Future of the Profession and New Technologies co-organized a Young Lawyers’ Competition on the topic “LAW FIRM OF THE FUTURE” in Wrocław.

Following report has been sent by Bas Martens to SeCo :

*On April 12th, in Wrocław, young lawyers and law students competed in the competition ‘law firm of the future’. The competition was organized by the Wrocław- and the Hague Bar and hosted in Wrocław. It was an exciting day.*

*The 11 finalists were all very well prepared and made a great effort. At the end of the day, the jury had to decide. Rumyana Yordanova and Gabriela Hristova from the international law firm Penkov Markov from Sofia were the winners. In their point of view, to survive, the law firm of the future should be run as a commercial business. Law firms should deliver ‘more for less’ and run on technology like artificial intelligence. Outsourcing of tasks and cooperation with other disciplines will be key factors in the future. And with a warning: we should be very careful that artificial intelligence does not take over the role of humans. Runner up was Ludmila Glembozky Goya from Akro Abogados y asesores Bilbao, Spain was the runner up. She had very innovative ideas and elaborated about the benefits of Blockchain-technology, video-conferencing, legal outcome prediction and smart contracts. She emphasized that Legal Tech ‘is and must remain only a tool and must never replace the lawyer’. The brothers Yavor Stoychev (Stoychev & Stoycheva law firm) and Yasen Stoychev (KPG Bulgaria) from Sofia came in third. In a very profession presentation they envisioned a fully digital law firm where face to face contact with the client is no longer necessary. They mentioned digital archiving of documents with real time access for clients, digital conference rooms, more control for clients, digital assistants and innovations on time management. The jury especially recommended Cem Sanap Alperen (Guner law office) from Istanbul for his swirling presentation: ‘Cem has the energy and persuasiveness every client wishes from his lawyer’.*

*In Barcelona, the winners will have the opportunity to give their presentation again.*

*As a suggestion, I want to propose to you to talk about the ‘law firm of the future’ in our commission-meeting. As an intro to the winners’ presentation, we could give our view on this subject. How will the law firm of the future be organized in the view of the international group of lawyers in the commission Future of the Profession? And how does this relate to the presentations of the competitors in Wrocław?*

## **Update 14.02.19**

The Commissions Future of the Profession and New Technologies will co-organize a Young Lawyers' Competition on the topic "LAW FIRM OF THE FUTURE" in Wroclaw.

The application/registration forms and the rules of the competition have been put online and sent to all FBE contacts.

Recently, the submission date has been extended to 3<sup>rd</sup> of March 2019. About twenty contributions have already been sent to Iza Konopacka.

## **Update 10.01.19**

The Commissions Future of the Profession and New Technologies will co-organize, the 22nd February 2018, a Young Lawyers' Competition on the topic "LAW FIRM OF THE FUTURE" in Wroclaw.

The application/registration forms and the rules of the competition have been put online and sent to all FBE contacts.

Iza Konopacka represented the FBE Presidency in Lille the 30<sup>th</sup> November 2018. Following report has been sent to SeCo :

*Imperfections of the Perfect Artificial Systems*

*CCBE AI Conference, Lille.*

*Last month a long awaited event by all those interested in LegalTech took place at Lille University, France. Announced as one of the most important conferences devoted to technological advancement, the conference attracted great interest from lawyers all over Europe. As a result, five hundred lawyers registered for the conference.*

*Bearing in mind the impact of new technology on the development of the legal profession and its significance for FBE Bar members Izabela Konopacka (chair of the New Technology Committee) has been instructed by the presidency to take part in the conference.*

*The conference took place on the last day of November and coincided with the introduction of the European Ethical Charter on the use of artificial intelligence in judicial systems.*

*What is AI? What technological legal advancements are available on the market? How to use AI to increase the efficiency and quality of court proceedings? Who bears liability in the situation where AI has made a bad decision? How should the legislator ensure the protection of Human Rights within the context of using automatic systems based on algorithms?*

*These were just a few of the many questions raised during the conference in Lille.*

*It goes without saying, that the future environment lawyers are to work in will be greatly affected by LegalTech. Therefore, the fact that some of us are resistant to technological development pales into insignificance in the face of our clients' expectations. Clients who have become accustomed to instantaneous access to information will determine the range of technological advancements lawyers will implement into their practices. As was already discussed during the conference, the era of increased competition among law firms means that those lacking in technological innovation may face difficulties in finding a place within the legal services market. Thus, local and national Bars are*

*under a duty to provide LegalTech training to its members as the trend to “work smart” instead of “work hard” is going to continue in the coming year - 2019.*

*Consequently, while the paperless court solution may be an everyday reality for lawyers from Austria and Germany, it is difficult for the majority of us to imagine such a court environment. Here the use of actual paper documents has been reduced to an absolute minimum or completely eliminated by electronic versions.*

*However, the above situation where attorneys submit electronic documents only and are served with electronic documents by courts via an electronic platform is seemingly acceptable in contrast to court judgments delivered by AI based systems. (referred to as prescriptive justice).*

*Such AI court solutions, already used by judges in the USA, raise many questions among legal practitioners. One significant question asked by lawyers refers to how much access parties and their attorneys have to this solution. It is not hard to imagine the situation where a defective decision generated by AI is approved and handed down by the court which subsequently is appealed by one of the parties. In such a case it would seem obvious for the parties and their attorneys to have access to the AI system in the sense that the reasoning behind a decision is given by a human judge and is available. Whereas, an AI based decision is derived from programmed situations and algorithms. As has been pointed out, physical courts using AI as well as the AI system itself should be transparent and accessible to all concerned. It is of considerable importance that AI systems should be used in compliance with Human Rights.*

*Microsoft director Martin Slijkhuis has also presented other LegalTech options which could contribute to greater efficiency for both courts and public bodies as well as legal practices.*

*Some of the most interesting solutions from a legal practitioner’s perspective were the following:*

- 1. software used to anonymise electronic documents to remove any identifying information, which is still readable by the lawyer and client, but not for third parties.*
- 2. software designed to read handwritten documents and convert them into electronic and computer-typed documents.*
- 3. A solution used to digitalise evidence e.g. where software selects the key issues for the case from video to reduce the evidence to a few minutes instead of a few hours when presented in court.*
- 4. Another highly innovative solution and very useful from a legal practitioners point of view is undoubtedly the CARA system based on AI (CARA AI). CARA can not only verify any formal requirements for documents i.e. pleadings and assess whether all the relevant rulings for the case at issue have been presented, but can draft its own documents, for instance, a statement of claim, a defence or any other pleadings required. CARA AI can analyse the legal arguments raised in the pleading as well as make a summary of all the key facts. It may also be used to identify any unfair contractual terms too.*

*The above solutions aim at improving the efficiency of legal practices and eliminate the routine and mundane . time-consuming tasks from its everyday work, which can be just as well performed by an AI system. Thus, an attorney is able to devote much more time to actual lawyering and building good relationships with their clients.*

*In summary, it should be noted that the significance of an FBE presence through its representation at the AI Conference in Lille seems unquestionable since it may be in the coming year 2019 which could be revolutionary in terms of the implementation of LegalTech solutions.*

## EQUALITY COMMISSION - PARIS

*President : Valence Borgia - Vice President : Roberta Altavilla - Secretary : To be determined*

### Update 30.01.20

Following email had been sent by President Borgia to the commission members :

*Dear All,*

*The Promotion and Equality commission held a meeting in Lisboa on Thursday October 24th.*

*This was an occasion to discuss the actions that could be undertaken this year, subject of course to your observations and suggestions:*

1. *Draft and circulation of a **questionnaire** on gender equality in the different bars (discrepancies in remuneration, career, presence in the professional organizations, etc.)*

*This will allow us to identify where we stand among various bars in Europe, but also when necessary to raise awareness on the issue.*

*Please, do not hesitate to contact me shall you be interested in drafting this questionnaire with us.*

2. *Elaborate a presentation **support toolkit** that could be used when organizing local events on gender equality, and call for the organization of such events with the FBE support.*

*Indeed, we are convinced that in order to promote gender equality, the topic must be addressed, discussed and advertised. That is why we would like to elaborate a presentation that could be used by any interested bar willing to organize a presentation on the issue (this could be a power presentation where data on the local gender equalities statistics could be included, before a description of what leads to gender inequalities and some proposals to fight them).*

*Those presentations could lead to the creation of equality commission or committee in the bar each time deemed necessary.*

*As requested, please find attached an example of document we prepared in Paris. It is a document listing actions that can be undertaken to achieve gender equality on the workplace.*

*On this action also I would welcome any volunteer who would like to help in elaborating this support toolkit.*

3. *We also plan a joint action with the access to justice committee on the topic of the **access to justice of the women victims of violence** in order to underline the need of law and lawyers in the field.*

*Do not hesitate to contact me shall you have any question.*

*Thanks in advance to all for your active participation in the commission. I look forward working with you in the Promotion and Equality commission.*

*Warm Regards,*

*Valence*

The contact details of the members could also be updated according to the information sent by President Borgia.

#### **Update 28.11.19**

As President, Valence Borgia is setting up the Equality Commission.

The first members of the commission may be Claudia Senatore, Coral Hill, Elisabetta Baldo (verone), Kinga Konopka (cracovie) ; Gerrit Jan Pulles, Enrico Lattanzi, Stéphane Campana and Iciar Angulo (Bilbao).

SeCo is now waiting for their contact details in order to update the website.

**COMMISSION ACCESS TO THE PROFESSION – AMSTERDAM & ANTWERP**

*President : Gerrit Jan W. Pulles & Leo Bouteligier - Vice President : TBD - Secretary : TBD*

Update 30.01.20

Co-Presidents Gerrit Jan W. Pulles and Leo Bouteligier have been invited to set up the new created commission and to send all contact information to SeCo.