

**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 - Berlin, July, 11<sup>th</sup>, 2016**

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

## **PERMANENT COMMISSIONS**

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

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

The following letter has been sent by the President to the members of the Commission the 8<sup>th</sup> of April 2016 :

Dear all,

During these first months of the new composition of the Committee, we asked the old members to confirm their participation. We also sent direct invitations to all the Bars of Spain, France and United Kingdom. Paris and Aix-en-Provence Bars have declared their interest and I hope that it will be confirmed during the Strasbourg meeting (Committee meeting will take on Thursday, May 12<sup>th</sup>, 2016 at 3.00 p.m. in Strasbourg, Ordre des Avocats, 3 rue du Général Frère 67000 STRASBOURG).

It's proposed to draft a text, showing the general conditions and the costs for the access to justice in any European Nation and publishing the work, available to everyone in the Federation, according to the decision of the FBE Presidency.

We shall engage in work - and that will be done in Strasbourg - Bars from nations which still not participate at the commission.

I kindly ask you to start preparing a tab with the conditions turned to civil justice, criminal and administrative and related costs. In addition, it's important to study and shortly report the conditions for access to legal aid (it also provided access to justice).



Finally, in a next phase, we could study and report the conditions and results about the efficiency of justice (what and when).

**HUMAN RIGHTS COMMISSION - BRUSSELS**

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

The members list of the Commission has been updated.

On behalf of President Nazario de Oleaga, a request for support in the context of prosecutorial abuse against the legal profession in Romania has been forwarded to the Commission the 14<sup>th</sup> of January 2016.

**ETHICS COMMISSION – DEVON**

*President : Rod Mole - Vice President : No information - Secretary : No information*

The Secretariat of the Commissions didn't get any reply from the President.

**LEGAL EDUCATION COMMISSION - MADRID**

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

The composition of the Commission has been updated.

The commission is currently conducting the International Contract Competition for young lawyers at training level organized by the Warsaw Bar Association.

## AD HOC COMMISSIONS

### **ARBITRATION COMMISSION - NAPOLI**

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

The composition of the commission could not been updated yet.

During the Presidency meeting held in Barcelona, President Nazario de OLEAGA informed the Presidency that he has spoken with Alessandro Senatore who will work on the composition of his commission and prepare a working program for the Congress of Strasbourg. The Secretariat of the Commissions didn't get any information from the President yet.

### **COMMISSION PROFESSIONAL INSURANCE - ANTWERP**

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

The members list of the Commission has been updated. The President also informed the Secretariat of the Commissions that he is waiting for replies from the Madrid and the Wroclaw Bar Associations. The Secretariat of the Commissions has been informed the 18th of April that neither the Madrid Bar nor the Wroclaw Bar Association have informed the President Bouteligier about their representatives in the Commission.

During the joint meeting in Barcelona, the President has informed the Presidency that the commission is waiting for instructions from the Presidency about relevant topics in the frame of professional insurance.

The President of the commission also informed the Presidency that the commission will start to work on legal aid insurance.

### **EASTERN BARS COMMISSION - CLUJ**

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

The six months report has been sent to the Secretariat of the Commissions the 25<sup>th</sup> of April 1016.

This Periodic Activity Report covers the activities of the Eastern Bars Commission for a period of 4 months, since previous report, from the meeting of Barcelona.

The active members are listed in the annex attached to the present report.

During this period, the scientific program was

1. Migration, asylum and infringement procedures against East European States for missing implementation of the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

The Eastern Bars Commission has prepared a written material concerning the explanation of migration procedures and laws on basis of 1951 Geneva Convention and 1967 New York Protocol relating to the status of refugees and it has been distributed through Romanian Bars to be discussed with attorneys during the continuous professional development courses. We will attach this material, to be distributed through other Bars from other countries.

From Eastern Bar Commission members of Cluj Bar Association have been designated as experts in the ACTIONES project (Active Charter Training through Interaction Of National Experiences) a EU funded project under the coordination of the EUI Centre for Judicial Cooperation, and involving 17 partners: 7 academic institutions, a European-wide association of judges, and 9 national institutions entrusted with the task to train judges and lawyers.

The experts have worked on migration and asylum section, consumer rights and judicial cooperation. All analysed cases and their interpretation will be the basis of a manual that will be utilised in international trainings for judges that will be held in Florence, Italy.

Eastern Bar Commission has developed a program to implement juridical education in high schools across Romanian Country.

Eastern Bar Commission has promoted the CCBE initiative to send attorneys in hotspots in Greece, and we are waiting the list of candidatures from all Bars from Eastern Europe.

We plan on holding a commission meeting in Romania, Cluj-Napoca in the upcoming 2 months.

**The working program proposed for the next 6 months:**

2. State interference in freedom and independence of advocacy.
3. Migration, asylum and infringement procedures against East European States for missing implementation of the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.
4. The principle of equality of arms threatened in ex-communist countries by the magistrate prosecutors statute. Professional relationship between Magistrates (Judges and prosecutors) and attorneys.

An updated members list has also been sent to the Secretariat of the Commissions.

**MEDIATION COMMISSION - BARCELONA**

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

The composition of the commission could not been updated yet.

President Silvia Gimenez Salinas has sent the 19<sup>th</sup> of April, the following document.

#### **FBE MEDIATION COMMITTEE ACTION PLAN**

In accordance with the proposal put forward by the Committee, in October 2015, the Bar Association of Barcelona committed itself to carrying out research work on the real situation of mediation in the Federation's associations – the details of each association's mediation centres and committees – and to drawing up of a new list of transnational mediators with common training and ethics.

This task has been carried out and organised under the following parameters:

**ONE.-** Comparison of FBE member countries on the applicable law and training required for mediators, in accordance with the appendix attached as an example.

**TWO.-** Each of the associations is being contacted directly to give us information about the following aspects:

- 1) *Is there a Mediation Centre in your bar? If not, which centre is responsible for it?*
- 2) *What is the legislation regarding mediation?*
- 3) *What is the necessary education of the Mediators? (degree...)*
- 4) *What is the judicial recognition?*
- 6) *What are the requirements of the Mediators?*

Once all the responses have been received, the aim is to update the contacts with all those responsible for mediation and to invite them to participate in the FBE and on our committee as active, members, necessary for exchanging information. Those responsible for mediation at each association should attend the two annual meetings of the FBE to join the committee and prepare the annual course.

We find very diverse situations, from associations that do not even have a mediation committee to associations with mediation centres, so updating the information and finding out about them is essential.

**THREE.-** We are delivering eight sheets with the following details: members of the FBE, their telephone numbers and e-mail addresses. This will provide links through the FBE secretary's office to each of the associations in order to check the details appearing on each of them, as well as indicating the contact person for mediation matters. One of the common problems is that the details appearing in the FBE's files are old and not updated and that the current members responsible for mediation are not known.

**FOUR** - Once we have all these details, which we will present in Strasbourg, we will analyse the minimum essential training all countries have for lawyers-mediators and draw up proposed requirements for appearing as a transnational mediator on the FBE website.

**FIVE.-** We also attach the ethical code for lawyers-mediators which was approved by the FBE two years ago. Compliance with this is necessary in order to be included on this list of transnational mediators with the FBE guarantee. Complaints about the actions of FBE mediators will be analysed by the Mediation Committee, which will send them to the corresponding association with its decision.

**SIX.-** The updated map of the exercise of mediation by lawyers will allow us to request the inclusion of our associations as receivers of European funds for the exercise of mediation. The FBE, through the list of transnational lawyers/mediators, may also receive subsidies for the practical application of mediation.

**SEVEN.-** This research work will allow us to find out the level of involvement of mediation in the different countries and associations and establish some kind of continuing training for the lawyers who want to use mediation to resolve their customers' disputes.

For this, the presence on the committee of new members responsible for mediation in their associations will be essential. They will help us establish minimums for programmes so associations can publicise their characteristics and the involvement of lawyers in their capacity as legal advisers in mediation processes. This is an essential element so any mediation can have legally acceptable and enforceable results in all the countries involved.

To achieve this, lawyers for the parties involved in mediation must not to withdraw from it. Instead, they must instruct their clients about the legal acceptability of the possible agreements and whether they can easily be enforced.

Barcelona, 12 April 2016

Signed: Silvia Gimenez-Salinas Colomer  
FBE Mediation Committee

The Presidency is invited by President Silvia Gimenez to give its input on the document and the proposed activities.

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

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

The composition of the commission could not been updated yet.

The following report has been sent to the Secretariat of the Commissions by President Andrea Griem.

*We sent our small questionnaire (see attachment) to 21 members of our commission that are listed on the website of the FBE. So far we only received three answers.*

*Mario Napoli (Italy) and Ferdinand de Vliegheer (Belgium) informed us, that they retired from their presidency and, hence, can be deleted from the list.*

*Moreover, Mariusz Maciejewski from Warsaw offered us his support for the survey and already answered the questionnaire. Therefore he should be added to the list.*

*The other countries did not answer yet.*

*Nevertheless, we have the oral agreement of our colleagues from Lyon, Madrid, Lucca, Cluj and Amsterdam to get reports on France, Spain, Italy, Romania and the Netherlands.*

*However, we are convinced that we will receive more data until we will meet in Strasbourg.*

**COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE**

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

Following the meeting in Strasbourg, the President has sent ...

1. *We are still finalizing the list of members of the Future of the Profession commission. We can now identify as members Aitzol Asla from Bilbao, Francois Coutard from Lyon, Rob Meijer from Rotterdam, David Stros from Prague, Alessandro Gagliani from Rome and David de Knijff from The Hague. **Please inform me** if you wan't to stay on the list of members of the commission, or otherwise. At a certain moment I shall inform the Presidency that the list has been finalized and ask to amend the list on the website.*
2. *In Strasbourg, we have been working on the theme 'Future of the FBE'; how to increase the membership of the FBE and how to increase the attendance at the congresses. In reaction on the suggestions made by the Presidency, we have investigated several ideas.*
  - **Communication and media.** *It is very positive that the Presidency is communicating through Twitter via @Secr\_general (but the social media channels of the FBE should be mentioned on the website and members should be informed about the existence of the social media channels). Communicating through channels of social media nowadays is an important way of communication to the members of the FBE. Extending the channels to LinkedIn and Facebook (or connection to) could be explored. On the topic of communication, we have also discussed that it could be a good idea to appoint a communications-point of contact (POC) for each country. This POC should get the responsibility to communicate each message from the Presidency to media (websites and social media) in the respective country. In every country exist one or more digital magazines for lawyers (similar to [www.thelawyer.com](http://www.thelawyer.com)). Usually content and press statements are picked up for free. This is an easy to implement and cost effective way to extend the range of the work of the FBE. The FBE could adopt a project on branding of the FBE; the FBE is a strong*

brand and could use this advantage in communications. We have to discuss on which subjects the FBE wants to communicate: on subjects concerning the interests of individual lawyers, individual bars, and/or individual clients. Finally, on this topic, we talked about the enormous amount of information available. The use of Google news and RSS-feeds are good tools to channel the information and give the FBE the possibility to only, but also pro-actively, communicate on subjects relevant for the members.

- It is also very positive that the FBE plans Presidency-meetings joining other events throughout Europe. The Presidency promotes the FBE at those events (f.e. Penyaforde in Barcelona, Madrid Meeting etc..).

- **Increase the attendance at congresses:** various ideas were discussed. The subject of the scientific program is important. This should be relevant for the members. Representatives attending the congress should go home with relevant information for the functioning of their bar association. Should the scientific program be more accessible for lawyers of various backgrounds (criminal-, civil- or administrative law)? It was suggested to work in workshops in the afternoon (like it was done in Bilbao), on different subjects, with interventions being prepared by the members.

- In almost every member-country lawyers have the obligation of permanent education; often lawyers have to conduct 20 hours per year. The FBE could investigate if accreditation of the scientific program for permanent education could be communicated when announcing a congress. For example: the congress accredits for 3 points/hours for the Dutch bar, 3 points for the French bar etcetera. This could make the congress more attractive because it doubles as a form of permanent education.

- We spoke about the attendance by young lawyers. First of all, the theme of the congress should be interesting for young lawyers: ethics, human-rights, European law were mentioned. Maybe a separate meeting could be organized especially for young lawyers. This could be combined with an event where members of young bars meet (Opening ceremonies of bars f.e.).

- The costs of each congress (500-600 euro) are quite high. We talked about this subject and determined that a fee of 300-400 euro would probably make the congress more accessible. How to organize this? An analyses of costs of the congresses might be a good point to start. It was also suggested if translating in five languages is still necessary, but we acknowledge the sensitivity of this subject. As mentioned before, if a part of the congress could be accredited for permanent education, a fee of 500-600 euro is not too high.

- Finally, we agree that inviting a 'star-speaker' to the congress will attract more attention (the lawyers in Making a Murderer, Richard Susskind).

3. Apart from the above mentioned topics, we discussed **other possible topics** relevant for our Commission. We propose to work on the subject of the lawyer who is working in service for a company or institutions, **the in-house lawyer**. In France, developments are ongoing. How is the independency of the in-house lawyer guaranteed? Should the in-house lawyer be allowed to plead cases in court?

Three items have been added to the previous list :

1. Future of the FBE;
2. Lawyers working for companies and institutions;
3. The future of permanent education;



## COMMISSION NEW TECHNOLOGIES - WROCLAW

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

An audit regarding the FBE website has been discussed during the meeting of Strasbourg and presented during the General Assembly.

### **1. Definitions**

**Website:** FBE Website address <http://www.fbe.org/?lang=en>

**FBE:** European Bars Federation/ Fédération des Barreaux d'Europe

### **2. Errors with the Website code and the influence on how it displays on browsers and devices as well as its positioning or ranking (i.e. search engine results) in Google.**

*There are certain errors and warnings on the Website, which may make the Website inaccessible for some users and adversely affect the Website operation. One of the main errors is the lack of headings used to separate text into sections. The smaller units of text are easier to read, but it influences Website positioning.*

### **3. Analysis of the Website suitability for mobile devices (mobiles, tablets etc.).**

*The Website resolution is effective and has been chosen properly. The Website displays on mobile devices. Despite this, the Website has not been adapted to mobile devices, which may make viewing the Website on such devices harder. Moreover, the Website may be omitted from Google search results on mobile devices.*

*A Google's compliance test with mobile devices<sup>1</sup> showed that the Website has not been adapted to be displayed on such devices. The most significant errors are the following:*

- fonts are too small, which make the text difficult to read,*
- the working window for mobile devices has not been properly set,*
- the links on the Website have been situated too close to each other.*

*The error called the Mobile device working window has not been properly set contributes to the failure of the Website to adjust to different mobile device sizes and features.*

*It is not essential to make the Website compatible to modern devices; however, it may affect the Website positioning on mobiles and tablets.*

*The above remarks concern only the main Website. However should the Website be converted into a mobile-friendly website, then the sub-websites should be examined the same way.*

*Adapting the Website to a user friendlier version may be carried out in two ways:*

- either by introducing changes to the existing Website or*
- by creating a new website from scratch.*

*In fact, the conversion of the existing Website would be much more time-consuming than the creation of a new website. Therefore, the latter option is recommended (currently there are different methods for constructing websites which did not exist at the time the FBE website was built).*

*The above suggestions could be applied to a newly constructed website.*

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<sup>1</sup> <https://www.google.com/webmasters/tools/mobile-friendly/?hl=PL&url=http%3A%2F%2Fwww.fbe.org%2F%3Flang%3Den>


## Drawing 1 Google's compliance test with mobile devices

**Strona nieprzystosowana do urządzeń mobilnych**

**Strona nie jest dostosowana do komórek**

- ✗ Mała czcionka utrudnia czytanie tekstu
- ✗ Okno robocze urządzenia mobilnego nie jest ustawione
- ✗ Linki zbyt blisko siebie

Szczegółowe informacje na temat części strony, które są podatne na problemy z obsługą, są dostępne na stronie [Pagespeed Insights](#).

**Jak Googlebot widzi tę stronę**

**Strona wymaga zmian pod kątem urządzeń mobilnych**

Wybierz opcję opisującą sposób, w jaki utworzyłeś tę witrynę:

**Użyłem systemu CMS**  
Użyłem oprogramowania takiego jak WordPress lub Joomla!  
[Dalej](#)

**Ktoś inny utworzył dla mnie witrynę**  
Zatrudniłem osobę do utworzenia tej witryny i potrzebuję porady programisty  
[Dalej](#)

**Utworzyłem tę witrynę samodzielnie**  
Samodzielnie utworzyłem tę witrynę i znam się na kodowaniu  
[Dalej](#)

### 4. The analysis and marketing recommendations for the Website ( e.g. a newsletter, location of elements on the Website etc.)

*There is not a proper footer on the Website, which could contain FBE contact details. The present footer is not very visible and practicable. It is worth considering whether the most important information regarding FBE and its contact details should be laid out in the footer.(I think what would make more sense is: It is perhaps worth considering not including FBE's most important contact information in such a footer.)*

*The above solution may serve as a convenient way to access the information without having to search the whole website or by the use of a specific form.*

*Although, there is such a tool as the newsletter on the Website, the last one is from 2010 so it is not used.*

*All the elements are grouped on the left-hand corner menu. The menu unfolds properly, but on clicking a particular reference window, the menu folds up and the user does not know where they are on the Website.*

### 5. Other possible problems with the Website.

*The Website does not comply with the Web Content Accessibility Guidelines (WCAG) standards, which are set out in the form of recommendations on how to make content accessible to a wider range of people with disabilities, including the blind, partially sighted, and people with hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity or combinations of these. Following these guidelines will also often make the Web content more usable to visitors in general.*

*Part of the Web content is not updated on regular basis, such as newsletters, reports ( the last one is dated 2012 ).*

*Another issue that must be considered is the exchange of the CMS (referred to as the Website engine). If the present system contains restrictions or is not operating properly the alternative solution may be proposed.*

### Conclusions

***The Website operates properly in general. However, it does not comply with recent standards for website building (such as a mobile –friendly website or WCAG standards). Therefore, modifications are necessary.***

***The Web content should be properly formatted and updated on a regular basis.***

### 6. Recommendations and modification suggestions.

- A mobile-friendly version of the FBE WEBSITE should be built
- The new CMS (i.e. contents management system) may be proposed

- *The Website should comply with WCAG standards*
- *Moving information from the Website footer*
- *Modification of the side menu*
- *The update and proper formatting of content*

President Konopacka is now waiting for a reply from the Presidency.

I am writing to ask you whether the NT Commission should continue its work on the FBE website, in particular whether the Presidency has made any decision regarding the Website. I have asked Borys and Grzegorz who had prepared the audit about the estimate of the new mobile-friendly website.

They have also prepared their portfolio.

I would be grateful if you could provide me with information to the above.

#### **HUMAN RIGHTS FREEDOM COMMISSION - POZNAN**

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

An interim report on the response of the legal profession in Europe to the refugee crisis, which will be updated according to the new answers of the member Bars, has been sent to the Secretariat of the Commissions.

#### **COMMISSION LAW WITHOUT BORDERS - FFM**

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

Following the joint meeting in Strasbourg, President Rudolf Lauda informed the Secretariat of the Commissions that he will work on the composition of the commission and present a program as soon as possible.