



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Madrid, 21st, 2016

On behalf of President Nazario de Oleaga, a letter has been sent to the Presidents of the Commissions the 29th of March (reminder sent the 15th of April) asking them to send their six-months activity report to the Secretariat of the Commissions before the 20th of April, as the Presidency will have its preparatory meeting in Madrid the 21st of April.

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

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

The following report has been sent to the Secretariat of the Commissions.

During these first months of the new composition of the Committee, we set the following objective.

I. We have made an availability check of the previous committee members, so we asked them to confirm their participation.

II. We sent direct invitations to all the Bars of Spain, France and United Kingdom.

III. 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 12th, 2016 at 15:00).

IV. We plan to engage in work - and that will be done in Strasbourg – one or two Bars from nations which still not participate at the commission.

V. Now 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 every one in the Federation, according to the decision of the FBE Presidency.

VI. I've just asked the members of the commission 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).

VII. Finally, in a next phase, we'll 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 14th of January 2016.

The six-months report has not been sent to the Secretariat of the Commissions yet.

ETHICS COMMISSION – DEVON

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

Neither the composition of the commission, nor the six-months report have been sent to the Secretariat of the Commissions yet.

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 evaluating the project of International Contract Competition for young lawyers at training level proposed by the Warsaw Bar Association to the Presidency and is now in direct contact with the Warsaw Bar Association to get the requested information and fulfill its evaluation.

The six-months report has not been sent to the Secretariat of the Commissions yet.

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.

An Arbitration Agreement has been signed in Naples the 23rd of March between the FBE represented by President Nazario de Oleaga and President of the Commission Alessandro Senatore and the University Suor Orsola Benincasa for *“the organization and implementation of seminars, conferences and training events, for vocational training of students and lawyers and for the diffusion, also in the business sector, of the culture of international arbitration”*.

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 composition of the Commission has been updated. Following the joint meeting in Barcelona, a new file should be sent soon by Diana Andrasoni to the Secretariat of the Commissions in order to complete the contact details of the members.

The six months report has not been sent to the Secretariat of the Commissions yet but the last report of the activities of the Commission had been sent on February 2016. It contains the working program of the commission for the next months.

The working program proposed:

1. *Applicable fiscal regime in Eastern Europe for Attorneys. How fiscal regime for attorneys may affect free access to justice. (Greek attorneys strike as first example)*
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.*

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 19th 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 hive 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 Vlieghe (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.

The questionnaire is as follows :

COMMISSION of the FBE:

„Organisation and Operation of the Bar Associations and Law Societies“

The President Andrea Griem

c/o Rechtsanwaltskammer Frankfurt am Main

Frankfurt, 3rd of February, 2016

Dear Colleagues,

This Commission was founded in a very early Stage of the development of the FBE in the 90ies. According to the Statutes of the FBE it was accepted that the members of the organization should reassure themselves about the common principles of the Self-Government of the Legal Profession. In respect of the autonomy and independence of the Member-organisations it is an objective of the FBE to find an European Model of the core principles of professional Self-governance. That is especially important because of the ongoing attacks against professional organisations concerning their will to rule the Legal Profession. In spite of the long time the Commission was existent, the work is not yet completed.

Somewhere along the way of the FBF-Meetings in the last years, you did sign for participating in this Commission. That is why I – als the actual President of this Ad-Hoc-Commission - write to you and ask you friendly for helping us by answering the following questions. If you do no longer want to cooperate in this Commission, please tell us, so that wie will not bother you any more.

First of all we need a comparison of the different systems and ways to organise the Self-governance of the Profession in the different Law Systems in the States of our members. That is why we want to take a survey about different aspects of Self-Governance which we want you to answer :

Name of your Lawyers-

Organisation: _____

Country: _____

Under which Rules is your Organisation operating?

Name and date: _____

Are these rules Laws by the elected Legislator ? (Parliament, etc. ?):

Are these rules Administrative Regulations by the State?:

Are these rules Statutes because of your own legislative power?:

Is the Role and the functioning of your Lawyers-Organization confirmed only in these rules or also secured in the Constitution?

Does your Organisation have legislative power concerning the behaviour of Lawyers?:

Do exist regulations that a national assembly of Lawyers has the power to legislate Rules on Lawyers?:

Does your organisation have disciplinary power?

Which other bodies are involved in executing disciplinary power?

Is membership in your Lawyers-Organisation voluntary or obligatory?

Is the qualification for being able to practise the Legal Profession designed by your Organisation?

Are the examinations for Lawyers exclusively operated by your Lawyers-Organisation or in which way is the State involved?

Is the Licensing Procedure exclusively executed by your Lawyers-Organisation?

Are other bodies or organisations involved in the Licensing Procedure?

Is your organisation involved and in which way in insuring the members concerning their Professional Liability?

Which role does your Organisation play in hearings of the parliamentary legislator concerning matters of the Legal Profession?

We kindly ask you to answer to our questions as precisely as possible. We need the answers for a first classification in categories to be able to have a more precise perception for further communication with you.

We Send you the questionnaire as a Word-document, so that you can easily write the answers on your Computer and forward it back by e-Mail to lauda@rechtsmarkt.eu.

*Andrea Griem
President of the Commission*

<p>COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE</p>
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<p><i>President : Bas Martens - Vice President : David de Knijff - Secretary : Saskia van der Toorn</i></p>

A letter had been sent by President Bas Martens to the current members of the commission on December 23rd 2015, informing them about the topics the commission is working on and to ask them to confirm their membership and complete their contact details.

The composition of the commission could not been updated yet.

The Presidency invited the Commission to work on solutions, within a six months period, to increase the membership of the FBE (especially for the North of Europe, Eastern Europe but also central countries like France which is badly represented in the FBE) and to increase the attendance to the FBE annual congress and intermediate meeting which is constantly decreasing.

During the joint meeting in Barcelona, President Bas Martens has presented a report on the above mentioned topics.

The commission 'Future of the Profession' is intended to deal with the future of the lawyers and the profession. The Presidency has also asked the commission to deal with the subject of the future of the FBE. Especially, we are asked to focus on two subjects:

- How to increase the attendance at the annual and intermediate congresses;*
- How to increase the membership of the FBE;*

Input was given by: Alessandro Gaglione (Rome), David Stros (Prague), Francois Coutard (Lyon) and Rod Mole (Devon). In Barcelona, the Bilbao Bar has asked to join the Commission.

Rotterdam has expressed the wish to remain in the Commission. Other commissionmembers have not reacted on (repeated) correspondence by the secretary of the commission. One more attempt will be made to contact the representatives of the bars and the bar-associations that did not react. If they fail to react, we will assume that they do not wish to remain a member of the commission.

Intro

This memo is intended to give an overview of the actions taken by the commission in anticipation of the FBE-conference in Strasbourg May 12-14.

Plans for initiatives to increase membership and attendance to the congresses may have been introduced in the past. Nevertheless, lack of originality of the proposals, does not make them less relevant.

Initiatives should be easy to implement and maintain. The FBE-staff should not be burdened with extra work.

The FBE must be made more relevant in the day-to-day practice of bars and/or lawyers.

A review of the costs of membership of the FBE might be in order to make a better connection with certain bars.

Suggestions made by the commission members:

How to increase membership?

- Open the membership to Young Bars, or young lawyers as the representatives attending the congresses and who are members of the commissions usually are bar leaders or former bar leaders. The young lawyers are the leaders of the future. One may expect that they have the energy and the ambition to grow in an organization as the FBE. The FBE now is to much a 'closed shop'.

- Free membership for the first years;

- Associate membership open to individual lawyers and adjacent organizations;

- To increase the relevance and awareness of the FBE, each country with FBE-members should have a FBE point of contact. This person has the obligation to inform the FBE secretariat on all mayor issues concerning bars and lawyers in his or her country. This person also has the obligation to promote FBE publications in the lawyers-journals of his/her country. In the Netherlands for example, we have three magazines (Advocatenblad, Advocatie and Mr.-online) targeting lawyers. They are always happy to publish articles, and for free.

- To increase awareness, promotion should be done through channels of social media (Linkedin-groups, Whatt-app, Twitter (a Twitter-accountant has been opened @Secr_General) and maybe even on Facebook).

- The FBE could present itself more as a lobbying organization, writing positioning papers, acting proactive on subjects such as the independence of the law profession, the position of

bar-associations in the legal field, but also subjects relevant to individual lawyers and clients, such as legal-aid and the professional secrecy.

Attendance to the congresses

- FBE could propose more practical subjects during (intermediate) congresses, linked to the professional actuality (f.e. IT, organization of bar-organizations, harmonization of regulations and practices throughout Europe);
- Choosing interesting topics and good speakers (Süskind?). Each meeting/congress should have a concrete output in the form of a booklet;
- As this meeting is linked to the Saint Ramon festivities, congresses could be linked to other events, such as IBA, IUI or CCBE-meetings;
- For each meeting the FBE should investigate if the attendees can obtain point for their permanent education;
- The fee for attending a congress could be reviewed as the congresses are generally considered as costly.

The Presidency is invited by President Bas Martens to review these initiatives and approve a limited number of them so the members of the commission could work them out in the working sessions in Strasbourg.

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

The new composition has been sent to the Secretariat of the Commissions.

The Commission was asked to give its input on the FBE website and to propose solutions to improve the website, to make it more attractive, efficient and interactive.

President Iza Konopacka informed the Secretariat of the Commissions that an audit is currently conducted by two web designers, Borys Pogoreło and Grzegorz Janiszewski, who are recognized specialists in the website building and designing. The Secretariat of the Commissions is in contact with them regarding technical aspects.

Following the joint meeting in Barcelona, it has been decided to have a specific meeting about the website in Strasbourg.

The commission has also prepared an online survey concerning application of New Technologies in the legal industry.

Immediately after the meeting in Barcelona, President Iza Konopacka has sent a short presentation of the survey as follows :

Dear Representatives of the Bar Members of the FBE,

The New Technologies Commission has prepared an online-survey regarding a growing importance of the new technologies in legal profession.

We would like to ask you kindly to complete the survey (either in English or German) by the end of March.

ENGLISH:

https://docs.google.com/forms/d/1Yv_MqKdOdoaRr1eRKtpKSPOzXJdA8gnRxto5SSIL74E/viewform

DEUTSCH: <https://docs.google.com/forms/d/1wlx9gercOQRSp4y6OywiDCCDP2yvJkV8Q5-ued-nma0/viewform>

Upon the receipt of your responses the NT Commission will prepare the presentation on the issues contained in the survey for the FBE General Congress in May.

As you are aware the importance of the new technologies can not be overestimated in a legal industry.

Those Bars which are currently working on or have implemented any interesting projects within the field of NT are kindly ask to share them with our NT Commission.

There is every sign that a combination of technological advance and market pressure is about to push law firms into the Artificial Intelligence Age.

A recent study by Jomati, Civilisation 2030: The Near Future for Law Firms, points out that, after long incubation and experimentation, "technology can suddenly race ahead at astonishing speed".

As law firms are currently moving towards the "Martini" option of working-anytime, any place, anywhere -we hope that our NT Commission will be able to share with all the Bar members the newest IT achievements interesting for our profession in May.

Best regards

*Izabela Konopacka
President of the NT Commission*

The information has been sent to the member Bars by the Secretariat of the Commissions the 2nd of March 2016

A summary of the results would be presented during the Congress in Strasbourg.

HUMAN RIGHTS FREEDOM COMMISSION - POZNAN

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

The new composition has been sent to the Secretariat of the Commissions and updated on the website.

The President has sent the following six months report to the Secretariat of the Commissions :



HUMAN RIGHTS&FREEDOM COMMISSION EUROPEAN BARS FEDERATION

Poznań, Poland
April 19, 2016

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

In accordance to the letter of the President of the European Bars Federation dated March 29, 2016 - I send the composition of Human Rights & Freedom Commission (HRFC) activities for last 6 month – year 2015/2016:

1. regular working and ad hoc meetings of the Human Rights&Freedom Commission :
 - in Kraków/Poland (October 2015),
 - in Barcelona/Spain (February 2016) and
 - in Kraków /Poland(April 2016)
2. permanent e-mail contact among the members of HRFC and other commissions belonging to the FBE (June 2015 – April 2016)
3. implementation of adopted FBE Resolution on refugees, Kraków October 10, 2015
4. prepare and sending out the letter of the President of FBE (via his Secretary e-mail) to the Member Bars to present by them their activity on refugees (Nov, 2015)
5. work on the preliminary report on refugee action to encourage our members to develop their own initiatives (April 2016),
6. basing on the report on refugees prepare the preliminary survey dedicated to the member Bars of FBE (April 2016),
7. work with the resolution 2096 (2016) of the Council of Europe (April 2016) as well as on the agreement between the UE and Turkey of the fundamental rights of the refugees
8. assisting the Member Bars with training ideas for refugee action
9. linked the contact with :
 - lawyers from Florence / Italy on their activity of refugees matters
 - human rights organizations in Europe as Amnesty International from Netherland, relevant human rights organizations in Germany, France, Poland, United Kingdom

10. letters to authorities in China, Turkey and Azerbaijan to support lawyers in need
11. letter to authorities in Turkey after the incident in March 2016 in Istanbul with international delegation of lawyers
12. condolence letter to Turkey Bar after the murder of Mr TAHIR ELCI
13. participation in the Ceremony of Ludovic-Trarieruix International Human Rights Prize 2015 in Geneva (A. Wierzbicki November 27, 2015)
14. participation in all activities of EUROPEAN LAWYERS DAY (December 2015).

The President of the Commission also sent a report regarding the activities of the commission for the next period.



HUMAN RIGHTS&FREEDOM COMMISSION EUROPEAN BARS FEDERATION

Poznań, Poland April 19, 2016

Dear Mr President, Dear Presidency, Dear Secretary,

In accordance to the letter of the President of the European Bars Federation dated March 29, 2016 - I send the composition of Human Rights & Freedom Commission activities for next 6 month (it is till the end of the year 2016) :

1. preparation and publication of the report on refugee action - encouraging our members to develop their own initiatives,
2. work with the Madrid Bar and FBE Commission on Training and Education on Guidance for Business & Human Rights training for FBE members,
3. assist member bar associations with training ideas for refugee action
4. develop a training programme for community legal education programme in schools and community centers on human rights for the use of our member bar associations,
5. carry the study of the transposition of the directives EU 2010/64 and EU 2010/13,
6. carry the studies on the EU and Turkey Agreement on refugees matters,
7. basing on the report on refugees prepare the survey for the member Bars of FBE and evaluate it, making proposals for action for Bars Association,
8. check the possibility of introducing Human Rights education in EU as a permanent programme (e.g at schools/ bar associations),

9. prepare a proposals for international conferences of human rights,
10. repeat the letter do all member Bars and write letters to UE governments on refugees problem.
11. consider the European lawyers access to their profession
12. support all international activities on human rights,
13. participation in the Columbia Caravana in August 2016 in Columbia to promote access to justice and protect human rights in that country (A.Wierzbicki)
14. working regular meetings of HRFC.

Yours sincerely,


ARTUR WIERZBICKI
President of
Human Rights & Freedom Commission
FBE

COMMISSION LAW WITHOUT BORDERS - FFM

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

Following the joint meeting in Barcelona, 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.

The six-months report has not been sent to the Secretariat of the Commissions yet.