



**Summary of the scientific program at the congress of the Fédération des Barreaux d'Europe / European Bars Federation (FBE) in Palermo 17-19 November, 2022.**

**Title : 'The lawyer und attack'**

- Lawyers as guardians of the rule of law including during times of war and times of political and social conflict
- Current challenges around the professional privilege and professional secrecy
- Should the bar association be dealing with stress, anxiety and professional concerns affecting the lawyers work

**Opening remarks**

Introduction by **Bas MARTENS**, President European Bars Federation

Welcome speech by Antonio **GABRIELE ARMETTA**, President Ordine Avvocati di Palermo  
He expresses the proudness of the bar of Palermo to be the host of this FBE congress

Speech by **Jeremy MC BRIDE**, Barrister London, Consultant to the Council of Europe's Committee of experts on the protection of Lawyers (CJ-AV) : Mr Mc Bride presents among other themes around the protection of lawyers the new european convention on the Profession of Lawyer. The purpose of the convention is to strengthen the Rule of Law

and, so doing, the protection of lawyers whose work is fundamental to the administration of justice and the protection of fundamental rights. This is a Council of Europe's ongoing work which is the first European treaty for the protection of lawyers. He notices the presence of Bosnia Herzegovina and Azerbaijan as observers.

Speech by **Jorge COSTA**, Deputy Minister of Justice of Portugal : he stresses the fundamental role of the lawyers and the bar associations in the justice and in the society and state in general.

### **PANEL 1 : Lawyers as guardians of the rule of law including during times of war and times of political and social conflict**

#### **1st Session**

**Moderator: Michele CALANTROPO**, Council Member of the Ordine Avvocati di Palermo

#### **PANELLISTS:**

Speech by **Dominique ATTIAS**, former President European Bars Federation 2021-2022  
Me Dominique Attias speaks about many interventions in favour of colleagues in difficulties (Turkey, Ukraine, etc.) and about the absolutely fundamental new convention of the Council of Europe (see above).

Speech by **Ronald ELEK** (Member of the Cluj Bar , Rumania, winner of the competition of International Young Lawyers' and Law Students' Human Rights Oratory Competition). He stresses the importance of the respect of the rule of law in the social medias.

Speech by **Katarzyna OKONEK**, Attorney-at-law, Member of the Committee for International Relations and Human Rights of the Warsaw Bar Association of Attorneys-at-law.

Speech by **Sviatlana BABINTSEVA** : she presents the situation in Belarus (73 lawyers are deprived of the right to a profession, at least 6 lawyers are deprived of their liberty, lawyers lack independence and are under the control of the Ministry of Justice, Bar associations in Belarus do not meet the essential features of a professional association of advocates- independence, self-governance and self-regulation, they have turned into a kind of state bodies, and don't fulfill their tasks of protecting the rights of advocates. etc.).

#### **2nd session**

**Moderator : Sara Chandler, FBE President 2017-2018**

#### **PANELLISTS:**

Speech by **Mikolaj PIETRZAK**, Dean Warsaw Bar Association  
Speaks of the situation in Poland . His conference can be resumed in this cartoon:



Speech by **Ivan PANEFF**, member of the Paris Bar association, Administrator of Avocats sans frontières France. After a very original introduction of the history of the universe he speaks about the activity of Avocats sans frontières France (ad hoc court for the defence of the victims in Cambodia and the defense pro bono of lawyers for the count of victims ; activity in Lybia, Ex-Yugoslavia concurrence authority in Bosnia Herzegovina, Nigeria).

Speech by **Magdalena KRZYZANOWSKA-MIERZEWSKA**, polish attorney at law, lawyer at the registry of the European Court of Human Rights 1998 – 2018, Strasbourg She presents the challenges to the Strasbourg Court and the challenges to the Legal Profession and stresses a general onslaught against human rights by populist minorities/majorities in many countries.

Speech by **Peter HANENBERG**, Dean of the Rotterdam Bar Association

He speaks about the basic principles of the role of lawyers and bar associations

« The right to a fair trial is often thought of as protection for the accused but it also safeguards the justice system against government abuse. Courts and their officials, in particular judges and prosecutors, play an essential role in upholding the rule of law, serving as a bulwark against excessive or arbitrary executive power. Unfortunately, governments around the world have upended this role of the courts and instead employing them to punish critics and consolidate their power.

[...] the manipulation of the criminal justice system has a corrosive impact on the rule of law, undermining the integrity of courts and the laws they enforce, as well as public confidence in the justice system. »

## **PANEL 2 : Current challenges around the professional privilege and professional secrecy**

**Moderator : Bas Martens, FBE President**

Speech by **Jacqueline SCHAAP**, dean of the Amsterdam bar

She speaks of the law and the code of conduct in the Netherlands and evokes two specific threats in relation with the Marengo trial (subversion of the rule of law) as well as the fact-finding and the lawyer's role and position in this. However she concedes that exceptions are still rare although the pressure of public opinion and the parliament is increasing. She concludes that we must stay strong against the pressure.

Speech by **Amédée KASSER**, Council Member of the Swiss Bar Association

He speaks about the professional secrecy in Switzerland which presents a mixed content inspired by German and French law. He stresses the new vademecum of the Swiss Bar Federation on the professional secrecy which has been largely spread among lawyers and different recipients. He insists that we have to repeat constantly that the professional secrecy exists to protect the client and the rule of law and not to protect the lawyer.

Speech by **Ludmila GLEMBOTZKY**, Spanish advocate, member and secretary of the FBE New Technologies Committee.

She stresses the necessity to have absolutely secured passwords and technical supports. A cloud storage data should be located in Europe to avoid the collision between the US Patriot Act and LGDPR and other good recommendations for the security and so doing the professional secrecy. Not protecting adequately our devices could lead to a breach in our obligation to maintain professional secrecy

Speech by **Romano ZIPOLINI** speaks about the professional secrecy in the Italian perspective.

(Suddenly intervening:) Speech by **Roberto Lagalla**, the Mayor of Palermo. He gives us the welcome of the municipality of Palermo.

Speech by **Patrizia ROMANO**, lawyer at KPMG Milan and member of the international relations commission of the Milan Bar.

She speaks about different issues and decisions of justice for example the European Community regulations in the matter of the money laundering which represent a threat against the professional secrecy.

**PANEL 3: Should the bar association be dealing with stress, anxiety and professional concerns affecting the lawyers work**

**Moderator : Izabela Konopacka, FBE 1st vice president**

Speech by **Stephanie Boyce**, immediate past president of the Law society of England and Wales. She speaks of the Burn-out by young lawyers and the responsibility of the bar to be aware of the health of its members.

Speech by **Sabine Fuhrmann**, President of the Saxony Bar  
She speaks of the balance between all the challenges of our profession and the health of lawyers. Expectations of the young colleagues: they don't want to have 8 hours days, are interested in a 4 days week, home office, better work-life balance, etc.

Speech by **Olivia Longrigg**, England and Wales law society  
She is a family law lawyer and speaks about the stress and the well being in the profession and the role of the bar in this issue.

Speech by **Carles Garcia Roqueta**, Council Member of the Barcelona Bar Association  
« La abogacía es una profesión que nos obliga a estar en constante equilibrio personal y profesional”

If we are sick we can not do properly our job for our clients.

The bars have to help their members.

The risks for the health are described as well as the ways to look for a better health, among others to be able to say no.

Speech by **Magdalena Witkowska**, dean of Gdansk bar

She speaks of the activity of her bar in this aspect

She evokes the augmentation of disciplinary measures, the dependency of lawyers of drugs and alcohol, exposes all the difficulties of the job of lawyers. Her conclusion: lawyer mental health and wellness, also referred to as legal wellness or lawyer well-being, needs to be an essential consideration for bar associations