

SPEECH BY IZABELA KONOPACKA PRESIDENT OF THE EUROPEAN BARS FEDERATION

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Dear Madam President,
Dear Distinguished Guests,
Dear Colleagues and Friends,

Today I have a great honor to be with you and address you in my capacity as the president of the European Bars Association of which the Portuguese National Bar is a member and on behalf of the FBE presidency I would like to emphasize that we are very proud to have you as our member.

The FBE is an association of 220 national and local bars of Europe through which it represents approximately 1000 000 lawyers. The FBE aims to promote the rule of law, the independence of justice, the right to a fair trial, and the defense of human rights in Europe and in the world.

On 17 June 2023 in Amsterdam the General Assembly consisting of representatives of the FBE Bar members adopted unanimously the resolution which expresses the grave concerns of the FBE on the current state of affair of the lawyer's profession in Portugal, where a new law on professional public associations (LAPP) and further intended amendments to the national law would allow non-lawyers to independently provide legal services to the citizens without adequate training, supervision, or ethical obligations. The resolution argues that this would adversely affect the rule of law, the effective access to justice, and the rights and fundamental freedoms of the Portuguese citizens.

The resolution requests the Portuguese national authorities to ensure the fair administration of the system of justice and effective protection of human rights by respecting among others the following points:

- The role of lawyers as essential agents of the administration of justice and their independence from any external influence or pressure;
- The exclusive competence of lawyers to provide legal advice and representation to clients in all matters concerning their rights and interests;
- The cooperation and dialogue between the national authorities and the bar association on any legislative or regulatory changes affecting the legal profession.

The resolution also expresses its solidarity and support to the Portuguese advocates and their bar association in their efforts to defend their profession and their clients' rights.

The letter introducing the resolution and the very resolution was subsequently sent to the Portuguese national authorities including the Ministry of Justice.

European Lawyers who know the Federation would say that FBE is like a loving family, where everyone shows mutual concern for each other. Therefore, I can assure you that we will not abandon you in your time of need. Following the address of your Madam President, numerous Bars being the members of the FBE promptly expressed their support by sending petitions to the state authorities denouncing the proposed legal reform and urging its discontinuation due to its incompatibility with the rule of law.

We are very well aware at the FBE that the Portuguese lawyers and the Portuguese justice system faces a crucial moment of change and disintegration.

But as one of my favorite writer Italo Calvino says in his novel "The Cloven Viscount" the beauty, wisdom and justice emerge from what is broken. The breakage exposes the reality of the individual and the society. It reveals the moment of crisis, when we lose our sense of identity, connection and belonging. Breaking is a conflict, a betrayal, a grief; it is a fracture in our relationships, as friends, partners, lovers, as a community. But breakage does not have to end the relationship, it rather indicates the need for care, support, or ... distance and reflection. To withdraw and return to what is beneficial for us. To gain perspective. To be perhaps wiser and more beautiful than before breaking, because we know our shortcomings. And here ... we repair those breaks. We repair them, with a deeper understanding of our inner needs. We relearn ... ourselves and others,

remembering (with Camus) that "if man fails to reconcile justice and freedom, he fails in everything".

Aristotle saw justice as a virtue, as "the ability of voluntarily doing good to others and avoiding acts that harm them", as a "golden mean" that is able to unite us together.

And this in fact our wish for you, our fellow lawyers, to stand together, to unite and to fight for our noble profession.

As choosing this profession we assumed great responsibility towards our clients, towards the citizens by promising them to act fairly, to avoid conflicts of interest and to uphold the rule of law, even if it hurts, even if it comes at our own personal costs and us lawyers we do it, we do it every time when we stand for the independence of the legal profession as you do nowadays in Portugal.

Last but not least let me express on behalf of the FBE Presidency words of appreciation for your President, Madam Fernanda De Almeida Pinheiro, for her determination, courage and engagement in the struggle for the independence of the Bar, the legal profession and for the Rule of Law.

