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CCBE CONFERENCE

# INNOVATION & FUTURE OF THE LEGAL PROFESSION

FRIDAY 21 OCTOBER 2016

PARIS - FRANCE

COUNCIL OF BARS & LAW SOCIETIES OF EUROPE

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## CCBEInfo

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### EDITORIAL: MADRID... LONDON... PARIS... BRUSSELS...

Nothing can justify the terrorist murders on these capitals and on other places where, for the same reason, innocent people were killed. What they want is to terrify us, to prevent us from living, travelling and to make our democracies take measures contrary to their values.

Our response must fully address the issue. We have to name our enemy and to fight him.

Nothing, however, can justify the parallels made between refugees and terrorism, or the disgraceful agreement between the European Union and Turkey aimed at treating refugees as commodities to be exchanged. Europe was built on humanist values. Yet, this agreement is to create, outside our borders, an immense detention camp managed by a guard who ignores and despises the rule of law, jeopardises the freedom of the press, convicts or tries to convict lawyers, and through this agreement looks for money and respectability.

Similarly, nothing can justify that we go from a rule of law to a state of security in which legislation, passed in an emergency, will definitely restrict citizens and residents' fundamental freedoms. This state of security can only be maintained if it is fed by terror and it will jeopardise our rights and freedoms.

Lawyers cannot be indifferent to this situation. They cannot ignore the proliferation of rules contrary to the fundamental values of Europe and to the foundations of the rule of law. We need constant vigilance.

They cannot turn a blind eye on the refugees' situation in Greece and in the Balkans. It is therefore necessary to be present in the hotspots where the registration and the sorting between migrants and refugees is operated (without access to justice, appeal or respect for rights). The Council of Bars and Law Societies of Europe calls all the bars and law societies to contribute to the project of sending European lawyers, for one year, to Lesbos to be observers, to provide the necessary documents as well as legal assistance to the refugees and migrants with the support of the Greek bar, which has already been doing much.

[Letter from CCBE President regarding the Project - European lawyers in Lesbos](#)

Michel BENICHOU  
CCBE President

## THE FUTURE OF JUSTICE

After centuries of practically the same system of Justice, it seems that we are close to critical changes. The most radical change is that the system is going to meet the needs of the public; not the needs of the system or of its professionals (judges, lawyers).

There are many factors driving this, but it is mainly technology that is overturning much of the current system and continuously replacing it with something new, always responding to people's needs. Information Technology does not only change the material used (paper will soon disappear from judicial proceedings); it also changes the proceedings themselves. E-justice

does not only include electronic applications or ODR platforms of third parties and big organisations; there are already Courts within the EU where Justice is directly accessible to citizens, provided totally electronically.

The informative role of technology is no less important. On the internet people can find the rules of law applicable to their cases, be informed about the costs of a potential judicial proceeding, compare rates and fees, and find the most specialised and least expensive lawyers.

Justice is changing for sure. It is not only the technology. Globalisation and poverty also influence these changes.

Along with the justice system, the legal profession is also impacted. All the above factors and additionally the need for specialisation and cooperation demand that the legal profession changes. We, lawyers, must change. We have to be modern, innovative, useful.

Because we still have the duty to ensure people's fundamental rights and, mostly, their right to access to Justice.

Lawyers must be present in the future of Justice.

Panagiotis Perakis,  
Chair of the CCBE Access to Justice  
Committee

## MEMORANDUM OF UNDERSTANDING BETWEEN THE CCBE AND THE ABA ROLI

At the CCBE Standing Committee on 18 March, the CCBE and the ABA ROLI signed an agreement marking cooperation between these two organisations to provide support for refugees and for legal practitioners assisting refugees. This cooperation project covers two main areas: firstly, a text message based legal helpline platform, already developed for Turkey, which could be expanded to include other countries. Secondly, support for those providing legal assistance for refugees taking the Western Balkans Route from Turkey to the EU, helping to ensure that refugees are aware of their rights under international and national law to safely and legally transit through



ABA ROLI representative, Angela Conway, and CCBE President Michel Benichou signing the agreement

the Balkans; building the capacity of local officials who come into direct contact with refugees to appropriately and lawfully respond to the crisis; and increasing public awareness among local communities of the issues faced by refugees. ABA ROLI is an international development program that promotes rule of law by working with in-country partners to build sustainable institutions and societies that deliver justice, foster economic opportunity and ensure respect for human dignity. The role of ABA ROLI was presented at the Standing Committee by two representatives: Angela Conway and Elizabeth Givens.

## INTIGAM ALIYEV FREED

The CCBE was delighted to learn that human rights lawyer Intigam Aliyev was released on 28 March 2016. Mr.

Aliyev was granted the CCBE Human Rights Award 2015 at the CCBE Standing Committee in Vienna in

February where he was represented by his son and daughter.

## EUROPEAN LAWYERS DAY

For the 2016 Edition of the European Lawyers' Day, the CCBE proposes the central theme of "Access to Justice". Access to Justice is indeed a main concern of the legal profession, and is an essential part of its core mission. This theme allows for local interpretation of a universal principle. However, since a one European voice is preferred, we suggest to concentrate on subtopics such as legal aid and access to a lawyer. Indeed, recent developments in

the area of legal aid allow for many a discussion around this topic. In addition, the implementation deadline of Directive 2013/48 on the right of access to a lawyer is November 2016, which provides plenty of material to underline the need for this procedural safeguard.

**More details about ELD 2016 will follow in the coming months.**

## EUROPEAN LAWYERS FOUNDATION'S PROJECT OF THE MONTH: UKRAINE

The European Lawyers Foundation has taken part in a project on improving the quality of legal services in Ukraine, covering topics such as the professional training of advocates in Ukraine, rights of audience and the possible introduction of professional insurance for advocates. The project was funded by the International Bar Association, and was implemented

in co-operation with the CCBE and the Ukraine National Bar Association (UNBA). The project was divided into three phases: during phase 1, a mission of European lawyers visited Kyiv and met with relevant stakeholders such as the UNBA and the Ukrainian Ministry of Justice. Phase 2 focused on the holding of a conference in Kyiv in June 2015.

Lawyer experts dealt with a variety of issues of importance for Ukrainian lawyers. Finally, phase 3 covered the drafting of a report on the content of the conference, including recommendations on improving the quality of legal services in Ukraine.

**The report was completed in February 2016, and is available [here](#).**

## PROCEDURAL SAFEGUARDS IN CRIMINAL PROCEEDINGS

The CCBE, together with the European Lawyers Foundation, is undertaking a comprehensive analysis, from the point of view of defence practitioners, of the implementation at national level of the following directives on procedural safeguards in criminal proceedings: the right to interpretation and translation (Directive 2010/64); the right to information (Directive 2012/13); the right of access to a lawyer and the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (Directive 2013/48).

The project commenced in April 2015 and a "kick-off" meeting took place on 24 June with the national experts who were appointed by the national delegations to the CCBE. Representatives from the Commission also participated in this meeting. The experts completed three comprehensive questionnaires over a three-month period. A follow-up meeting took place with national experts, Commission representatives and representatives from the Fundamental Rights Agency on 29 January. The final report was approved by the CCBE delegations on 18 March.

## CONSULTATION ON THE CCBE IDENTITY CARD

The CCBE identity card was created in 1978. The card can have both national and cross-border benefits. It can be a means to facilitate access to courts and institutions for lawyers in their home jurisdiction or outside their

home jurisdiction, as it identifies the card holder as an admitted lawyer in one of the Member States. The card is also recognised by the European Court of Justice and the General Court. The CCBE is undertaking a

consultation with members in order to receive views and ideas on the future of the card so that the card can remain practical, effective and have added-value.

## FBE GENERAL CONGRESS IN STRASBOURG

The European Bar Federation's General Congress, entitled "The Lawyer in dialogue with the European Court of Human Rights", will be held in Strasbourg from the 12th to the 14th of May 2016, in the Grande Salle d'Audience (Main Court Room) of the ECHR.

**More information is available at [www.fbe.org](http://www.fbe.org)**

**For on-line registration, please click [here](#).**

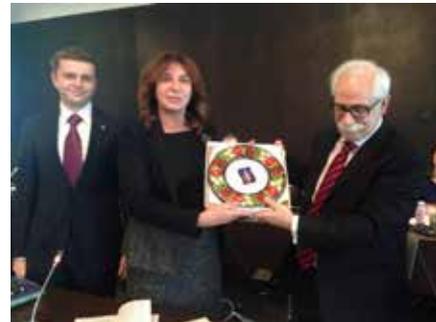
## CCBE MARCH STANDING COMMITTEE



Mr. Jean-Raymond Lemaire speaking at the Standing Committee

On 18 March, the CCBE Standing Committee welcomed two guest speakers. Firstly, Jean-Raymond Lemaire, as the President of the European Expertise and Expert Institute, who presented a new EU project concerning the creation a European expert contact book which could lead to a cooperation between the CCBE and the EEI. Secondly,

Lidiya Izovitova, President of the National Ukrainian Bar, the head of the new representative association of lawyers in Ukraine, calling for CCBE support concerning the protection of lawyers' rights in Ukraine.



Ms Lidiya Izovitova presenting Mr. Michel Benichou with a gift from Ukraine

## THE BALANCE BETWEEN PRIVATE AND PROFESSIONAL LIFE: A STUDY TOPIC FOR 7 EUROPEAN BARS AND LAW SOCIETIES

The European Observatory Working Group met on 4 March in Paris, and welcoming the Czech Republic representative who had responded favourably to the invitation sent in January. This meeting was an opportunity to settle the final details of the study on The balance between professional and personal life in the legal profession which is to be launched in April. This will be carried out in parallel with the German bar,

the Austrian bar, the French and German-speaking bars of Belgium (Avocats.be) as well as with the French bar, the Luxembourg bar, and with a slight delay with the Spanish bar. For this first study, the Working Group decided to focus on the main concern of young professionals, be they women or men. The Working Group therefore continues to develop its activities without abandoning its primary objective: elaborate robust

and reliable statistical data for the second edition of the "Statistics Book" which is planned for May. The next meeting will take place on 27 May in Brussels. We kindly ask the delegations wishing to participate to contact the Observatoire du Conseil national des barreaux ([observatoire@cnb.avocat.fr](mailto:observatoire@cnb.avocat.fr)).

The most recent study can be found [here](#).

### RECENTLY ADOPTED PAPERS

[CCBE position concerning contract rules for online purchases of goods and digital content \(COM \(2015\) 634 and 635\)](#)

[CCBE Position Paper on the Judgments Project concerning jurisdiction and the recognition and enforcement of judgments in civil and commercial matters \(No. 2\)](#)

### UPCOMING EVENTS

12-14/05 FBE General Congress, Strasbourg

20/05 CCBE Plenary Session, Lyon