

IN THIS ISSUE:

| | |
|-------------------|---|
| In Brief..... | 2 |
| EU Projects | 3 |
| Calendar..... | 6 |

FEATURES:

Professional Secrecy in the Age of PRISM

How do lawyers safeguard client data.....4

Focus: Croatia

Interview: Ranko Pelicarić of the Croatian Bar7

Common European Sales Law Backed By Legal Affairs MEPs

JURI MEPs support optional uniform EU contract law regime.....8

Assises de la Justice: Setting the Course for Justice Policy

Judges, civil servants, academics and lawyers discuss future EU justice policy goals.....9

Gender Equality: Raising the Bar

Much accomplished, much to be done

Unless you live in a bubble, you have seen gender equality at the forefront of mass news media for the past few years in the forms of quotas, targets, corporate and government agendas, and leadership discussions—all aimed at promoting women's leadership in traditionally male-dominated professions.

As noted during the World Economic Forum in Davos, a key driver of competitive advantage is no longer just capital, but the efficient use of human capital. In fact, numerous studies highlight that businesses with a higher proportion of women in leadership roles consistently outperform rivals in terms of returns on invested capital (66% higher), equity (53% higher) and sales (42% higher), but there is little comparable research on how gender imbalances in the public and private sectors affect the judicial system and administration of justice, particularly in Europe.



Evangelos Tsouroulis, President

In a sampling of published statistics of men and women in law schools and legal practises around Europe, one would think that in certain countries, equality already favours women. The Italian Bar (CNF), for example, reported in an article of the *The Global Legal Post* that 59% of legal trainees (practicante abilitato) are women, as compared to 42% of men. The Paris Bar similarly published 2013 statistics showing that over 52% of lawyers in Paris are women – a percentage that also holds true for the number of women lawyers in Greece. In Norway, 55% of trainee associates (advokatfullmektig) are women.

So why, after over half a century after legal changes in many countries ended discrimination on the basis of sex, are we still holding discussions on women being held back in their careers? The answer to this question can easily be seen in the Paris Bar's research: they note that while 52% of women are lawyers, only 15,6% rise to the level of partner – as opposed to 36% of men. Over a six-year period, the difference of women reaching partnership levels was 3%, which was less than half the percentage rate of growth for male lawyers. In other parts of Europe, women still lag behind men: in the Czech Republic, for example, women account for only 37,6% of lawyers in the country, while only 20% were reported as partners of limited liability companies.



Clearly, thanks to historical legal measures and changes in society, women are pursuing higher education in record

Continued on Page 11

COMMUNITY COURTS

- The CCBE is meeting with the European Court of Justice and General Court on 21 October. This continues a long tradition of exchanging views on matters that impact on the European Court of Justice. The CCBE will also organise (likely in May 2014) a conference on aspects of the Court of Justice.

COMPANY LAW

- Read the published CCBE response to the European Commission consultation on “**Single-member Limited Liability Companies**”. The CCBE notes that a person forming a company should have the option to use a single-member private limited liability company, rather than it being a mandatory initiative.

COMPETITION

- The CCBE is reviewing the proposed **European Commission Directive** on how citizens and companies claim damages when they are victims of infringements to EU antitrust rules, such as by cartels and abuses of a dominant market position. The 11 June proposal is aimed at removing a number of practical difficulties that victims face when they try to receive a fair compensation for damages suffered.

CRIMINAL LAW

- **Recent developments in Criminal Law: The Directive on Access to a Lawyer and Right to Communicate Upon Arrest has been approved.** The CCBE is happy with some points and expected more with regard to other points. An analysis can be requested from Peter McNamee (mcnamee@ccbe.eu).
- **Upcoming proposals in the Criminal Law field** (all expected in November): 1) a proposal for a Directive on the Presumption of Innocence; 2) a proposal for a Directive on Legal Aid (in criminal matters only); and 3) a proposal for a Directive on

the Protection of Children and Vulnerable Persons.

FREE MOVEMENT OF LAWYERS

- A **Commission-organised conference entitled “A Single Market for Lawyers: valuing achievements, tackling remaining challenges”** will be held on 28 October in Brussels as a follow-up to the May publication of the study on **The Evaluation of the Legal Framework for the Free Movement of Lawyers**. CCBE President, Evangelos Tsouroulis, and several CCBE experts have been invited as speakers. Topics to be addressed include: professional conduct rules, double deontology, cooperation between bars, developments in the organization of the legal profession and law firms, challenges and solutions in cross-border insurance, and new technologies. Contact Karine Métayer (metayer@ccbe.eu) for information.

INTERNATIONAL LEGAL SERVICES

- The CCBE held a meeting with the American Bar Association in August to discuss the EU – US trade negotiations and its implications for the legal professions on both sides. Further talks with the CCBE and its counterparts will take place in October.

SOUTH-EASTERN EUROPE

- On 13 September, the PECO Committee organised the second regional ‘South-Eastern Europe’ meeting of bars and law societies. Discussions focused on common interest issues including the free movement of lawyers, the EU lawyers’ directives and on the training of lawyers. The bars suggested that another event be held next year to potentially deal with issues of victims’ rights and legal aid.

UNIFIED PATENT COURT

- The CCBE is preparing a response to the consultation on the **Draft Rules of Procedure for the Unified Patent Court**.

ANTI-MONEY LAUNDERING

Vulnerabilities of Legal Professionals

In June 2013, the Financial Action Task Force (FATF) published a report on “**Money Laundering and Terrorist Financing - Vulnerabilities of Legal Professionals**”. The report attempts to describe red flag indicators of money laundering and terrorist financing that may be useful to legal professionals, self-regulatory bodies (SRBs), competent authorities and law enforcement agencies. The report also contains a large number of case studies.

The CCBE believes the report does not meet its initial objective of identifying potential money laundering/terrorist financing “vulnerabilities” of the legal profession. This implied the elaboration of typologies illustrating situations where there are risks for lawyers to unwittingly participate in money laundering activities even when lawyers have completed their due diligence requirements. The CCBE understood that the purpose was to prepare a report based on concrete and existing cases. This type of report would have been a useful pedagogical tool for lawyers and also a way to minimise money laundering risks.

Unfortunately, the CCBE believes the report ended up as a compilation of “cases” regarding, to a large extent, hypotheses where lawyers would deliberately be involved in criminal activities in collusion with their clients. Therefore, the typology initially foreseen to be prepared is absent from the report and the notion of “red flag” indicators have been diverted from their initial objective.



Find-A-Lawyer 1 (FAL 1 - Electronic lawyer search facility being built on the European Commission's e-Justice portal)

Bars and law societies participating in FAL 1 are using their best efforts to conclude all technical and administrative issues in order to participate in the live phase of the project. Increasing support for the project stems from CCBE members such as Spain, Sweden, the Bar Council of England and Wales and the Faculty of Advocates in Scotland, which are ready to join the 17 other participants in the project.

Find-A-Lawyer 2 (FAL 2 - Electronic verification of lawyers)

- At the Athens Plenary Session on 18 May 2013, delegations approved important FAL 2 policy decisions, including the use of digital certificates by lawyers, the role of bars in verifying a lawyer's status and legal liabilities for each involved party. On 21 June 2013, the monitoring panel selected an IT subcontractor, ARHS Developments, which has extensive experience in implementing EU projects and is currently involved in both Find-A-Lawyer 1 and e-CODEX. Substantial decisions were taken during the last FAL meeting regarding the FAL 2 system, including its interaction with e-CODEX, national systems and the e-Justice portal.

e-CODEX (Linkage of member states' national e-justice systems)

- Member States are piloting use cases in the field of civil law, which will be followed by use cases in criminal law. The modeling of future use cases is advancing to include topics such as a freezing and confiscation order and business registers.

European Training Platform (ETP - website for lawyer training courses)

- After defining the display interface of the online platform, such as search fields and the fixed list of practice areas, the ETP project is now focusing

on the engagement of training providers. The CCBE has prepared a list of 25 training providers from 11 different countries for the pilot phase. The successful IT subcontractor for ETP, a joint venture of ICON and Crimsonwing, contacted the training providers through online surveys and phone interviews for their input on crucial aspects of the project. Based on gathered results, the subcontractors prepared a feasibility report (including suggestions for an IT model), which was presented at the October ETP meeting in Brussels.

Study on the State of Play of Training of Lawyers in EU Law

- The CCBE and the European Institute for Public Administration (the "project consortium") have published Questionnaire 2 (Q2), which concerns the state of play of existing training providers and activities in EU Law for lawyers and Questionnaire 3 (Q3) on 'Good Practices' in the professional training of lawyers in EU law. Q2 can be answered by national training providers, while Q3 is expected to be answered by bars, training providers as well as individual lawyers. Both questionnaires can be completed electronically via the following links:

- Q2: <http://training-lawyers.eipa.eu/en/content/QUESTIONNAIRE-2.226/>
- Q3: <http://training-lawyers.eipa.eu/en/content/QUESTIONNAIRE-3.230/>

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PROTECTING PROFESSIONAL SECRECY IN THE AGE OF PRISM

How do lawyers safeguard client data from mass surveillance?

For months now, mass US governmental data mining for surveillance purposes, also known as “PRISM: The Edward Snowden-US Intelligence Leak Saga” has been debated around the world.

PRISM Revelations

Snowden’s data revealed that technology companies such as Google, Microsoft, Skype, and Facebook provided “direct access” to vast databases of emails, online chats and browsing histories of individuals – without prior authorisation from users. In addition, the European Parliament’s Civil Liberties Committee Inquiry Group on Electronic Mass Surveillance made clear at a hearing on 5 September 2013 that many national European governments cooperated with US authorities for the purpose of sharing technologies. It has been further pointed out that the collected data was mainly used for purposes other than national security, such as surveillance for commercial objectives.

The impact of PRISM is vastly divergent. Citizens trust that their government is using their authorized oversight according to legal mandates and to protect their citizens from foreign superpowers. Agencies regard PRISM from the view of preventing leaks by private contractors. For European lawyers, CCBE IT Law Committee Chair Péter Homoki highlights two issues: “one is about the question of legality and the other is about what we can do to help our clients.” We no longer live in a world where communication occurs in closed-door meetings or via sealed envelopes—lawyers must use modern technology in their professional duties. As such, the core value of professional secrecy (privilege) in the

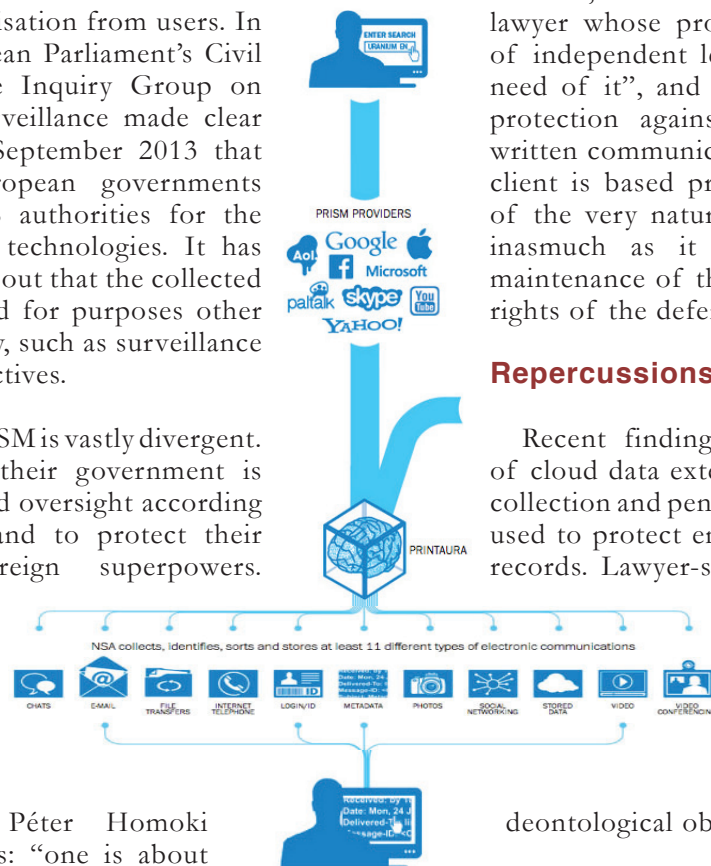
legal profession is at risk from organisations with sophisticated technical capabilities and finances, including state bodies with clandestine investigatory powers.

The erosion of the confidentiality of lawyer-client communications equally lowers a citizen’s trust in the rule of law. The European Court of Justice itself expressly stated in its decision in *AM & S Europe Limited v Commission of the European Communities*: “that confidentiality serves the requirements, the importance of which is recognized in all of the member states, that any person must be able, without constraint, to consult a lawyer whose profession entails the giving of independent legal advice to all those in need of it”, and that “the principle of the protection against disclosure afforded to written communications between lawyer and client is based principally on a recognition of the very nature of the legal profession, inasmuch as it contributes towards the maintenance of the rule of law and that the rights of the defence must be respected”.

Repercussions for Lawyers

Recent findings reveal that surveillance of cloud data extends well beyond metadata collection and penetrates encryption software used to protect emails, banking and medical records. Lawyer-specific legislation requires lawyers to maintain the confidentiality of client. PRISM implies that lawyers using unsecured systems of communication are *de facto* breaching deontological obligations.

The CCBE has repeatedly stressed the importance of professional secrecy and issued a [statement](#) that “noted with great concern the recent revelations of governmental practices involving mass data mining for the purpose of surveillance.” Similarly, the American Bar Association adopted a resolution to condemn



Source: The Washington Post

unauthorised intrusions into lawyers' computer networks and oppose "governmental measures that would have the effect of eroding the attorney-client privilege and the confidential lawyer-client relationship".

Péter Homoki notes that there is a similar lack of regulatory safeguards against secret surveillance, and no minimum level of legal privilege protection, in the EU. At this level, protection stems from *AM & S Europe Limited v Commission of the European Communities*, The Charter of Fundamental Rights of the European Union, The European Convention on Human Rights and related case law. Professional secrecy must be viewed as essential to the rule of law and the existence of an independent legal profession. Mr Homoki states that, "in international tendering processes, some clients could be afraid of secret intelligence services helping their own national businesses under the pretext of national security, and no legal counsel could dispel such a fear."

Protecting Client Data

Lawyers have to differentiate between protecting clients from presumed lawful governmental access and protection from access without a legal basis. Should lawyers deliberately protect clients' legitimate interests against those of national security? In considering PRISM from this perspective, then, if yes, we must examine useful technical and regulatory tools. According to Mr Homoki, "if lawyers have no choice in keeping client data in-house because new computing platforms presume working from the cloud, then client data will have to be protected by law accordingly."

Internal surveys conducted by the IT Law Committee suggest that a lawyer's office offers the best legal protection for client files since a search requires a judicial warrant. Information stored at a third party location, e.g., a cloud service or data centre, brings challenges and might actually affect lawyers' ability to adhere to their professional codes of conduct. Within that context the CCBE issued guidelines in 2012 on the use of cloud computing services by lawyers in order to make them more mindful of the risks associated with cloud computing and to assist them

"A BALANCE HAS TO BE STRUCK BETWEEN POLITICAL AIMS AND THE IMPACT ON FUNDAMENTAL RIGHTS, ESPECIALLY THE RIGHT TO PRIVACY," WHICH "IS NOT NEGOTIABLE"

**-Viviane Reding,
European Commissioner for Justice**

in making informed technology decisions. In view of the recent revelations, the CCBE will review, and likely revise, these guidelines. In practice, however, it might not always be possible for individual lawyers to take all necessary precautions. For instance, an individual lawyer may not be in a position to

negotiate specialized regulatory terms and conditions or to thoroughly assess the operational transparency of various cloud providers.

What next?

The issue is complex and raises the question of how the CCBE should respond to such large-scale privacy violations. Professional secrecy is the core of our profession and that is indeed what the CCBE has focused on in our recent statement responding to these data mining-surveillance revelations. The CCBE IT Law Committee is currently working on a detailed framework providing an overview of the concrete risks for lawyers and possible future options. The existing legal framework (including the proposed legislative package on data protection) does not guarantee an adequate level of protection and any future legal solution must be supplemented with technological measures aimed at securing online infrastructure devices by closing backdoors, creating security schemes and promoting the notion of privacy by design, i.e., that privacy and data protection are embedded in technology from the development stage to their deployment, use and ultimate disposal. An upcoming CCBE study on governmental access to lawyers' cloud data will review the existing legal regime in a number of EU Member States and offer suggestions for improvement.

The exposed PRISM programme is a wake-up call for data protection initiatives. Given PRISM's far-reaching implications, it is clear that mass electronic surveillance of citizens will remain a key priority on the CCBE's agenda for the coming years. ●

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Dates to Remember

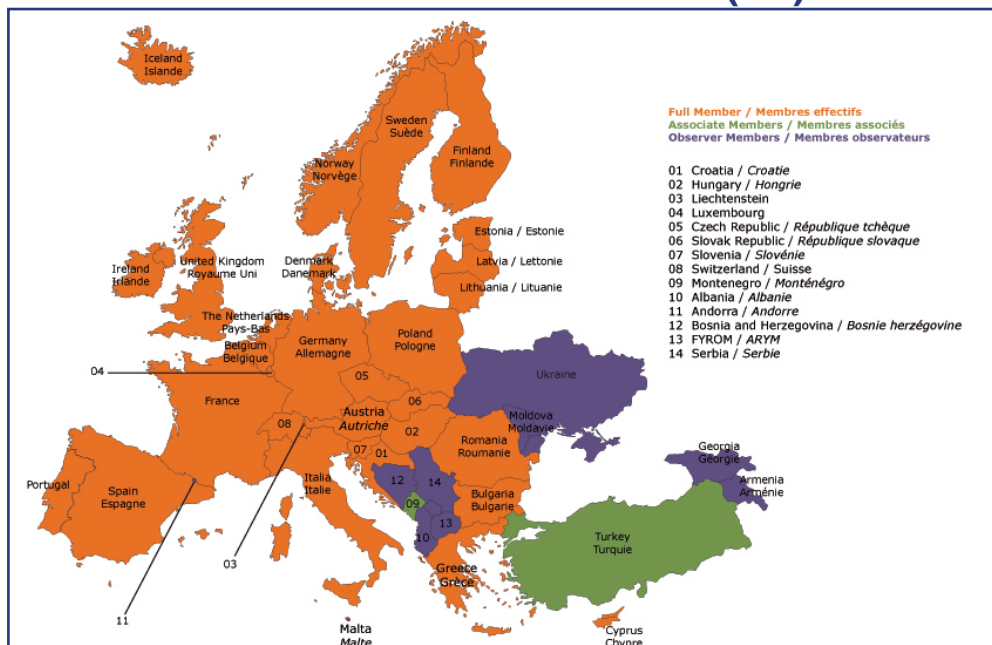
October

- 17 *Human Rights Workshop: "How to Set Up a Network in Support of Lawyers as Victims of Human Rights Violations?" (Brussels)*
- 21 *CCBE Meeting with the European Court of Justice and General Court (Luxembourg)*
- 24 *Conference: "Challenges in E-Justice" (Lithuania)*
- 28 *Conference: "A Single Market for Lawyers: Valuing Achievements, Tackling Remaining Challenges" (Brussels)*

November

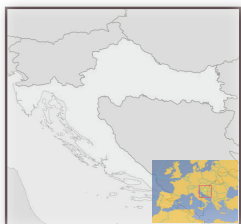
- 15 *General Conference on the Study of the State of Play of Training of Lawyers in EU Law (Brussels)*
- 21-22 *Conference: "Assises de la Justice: Setting the Course for Justice Policy" (Brussels)*
- 29 *Presentation of Human Rights Award - 119th CCBE Plenary Session (Brussels)*
- 29 *Seminar on Gender Equality - 119th CCBE Plenary Session (Brussels)*

2013 CCBE MEMBERS (43)



The CCBE welcomes its newest members:
Croatia, as a full member, and
Andorra, as an observer member.

WELCOME CROATIA!



- **Population:** 4,475,611 (July 2013 est.)
- **Capital:** Zagreb
- The legal profession is regulated by the **Law on the Legal Profession** (*Zakon o odvjetništvu*, Official Gazette “*Narodne novine*” No. 9/94, dated January 27, 1994 and No. 117 dated October 13, 2008).
- **No. of Lawyers:** 4418 (1883 women)
- **No. of Trainee Lawyers:** 1634 (1035 women)

INTERVIEW: 10 QUESTIONS

Ranko Pelicarić

Vice Chair of the PECO (Central & Eastern Europe) Committee



1. Tell us a bit about your background.

RP: From ‘what shall I be when I grow up’ until two weeks before enrolling in the Faculty of Law in Zagreb, I was going to be a naval engineer. Last year, I celebrated my 33rd year of law practice.

My office focuses on civil law and copyright litigation, commercial law and litigation, as well as indemnity and insurance cases. In the field of criminal law, we almost exclusively accept cases of traffic violations. For the past ten years, I have been involved with the CCBE as a representative of the Croatian Bar Association (CBA). Most recently, I was a Vice Chair of the CCBE’s PECO Committee, which focuses on Central and Eastern Europe.

2. How well known is the CCBE among Croatian lawyers?

RP: The CCBE was not well known among the members of our Bar before Croatia’s accession to the EU. In the last several months, Croatian newspapers have been writing more EU-related articles in which the CBA and the CCBE were mentioned. As a result, I notice more CBA members approaching me for information. Hopefully, better advocacy in Croatia will further increase this interest.

3. What area of focus of the CCBE could be the most beneficial to Croatian lawyers today?

RP: I believe that several law offices from other EU countries – not that I expect a lot of foreign lawyer activity in Croatia due to our relatively small size – will appear in Zagreb, Rijeka and/or Split, to work with Croatian lawyers on cases for their (mostly foreign) clients. In my opinion, this cross-border legal training will be beneficial to foreign and domestic lawyers.

4. How does your perspective as a Croatian lawyer affect your outlook and priorities for the CCBE?

RP: In my work with the PECO Committee, the CCBE Standing Committees and Plenary meetings, I see that the CCBE is able to intervene and to resolve problems – especially

between the political and executive bodies of Member States and Bars. The CCBE offers assistance in many other ways such as continuing education, which after the deontology I consider to be the distinguishing feature of the legal profession – and among all professions, as well as a crucial tool for advocacy.

5. How will Croatia’s new status as an EU Member State affect Croatian lawyers?

RP: The Croatian example should not be much different to other Member State advocacies. I believe in enabling CBA members (young and older) to develop better knowledge of EU laws and procedures, including the procedure of the Court of Human Rights. Organizing seminars in major cities of Croatia should be a future task for the CCBE. In terms of education, I recommend that younger CBA members have the opportunity to practise in a foreign law office in other EU Member States.

6. What is your greatest asset as a lawyer?

RP: I am not impatient in achieving any of my personal or professional goals, and I usually do not give up.

7. What is the best thing about your job?

RP: Creating tactics, i.e., being able to decide which direction to go in a client case, as well as the diversity of the cases – in our job we are never bored.

8. If you could do any job for a week, what would you do?

RP: I would design sailboats.

9. Do you have a role model and, if so, why?

RP: I have a friend who practises in a highly specialized legal field that interests me very much.

10. What are five things that you could not live without?

RP: Fran, Hugo, Bruno, and Alica – my boys and my wife, and my friends.

COMMON EUROPEAN SALES LAW BACKED BY LEGAL AFFAIRS MEPS

Unlike their colleagues from the Committee on the Internal Market and Consumer Protection (IMCO), members of the European Parliament's Committee on Legal Affairs (JURI) support the implementation of an optional uniform European contract law regime.

The Common European Sales Law (CESL) introduces a uniform set of EU-wide rules for cross-border sales, to be applied on a voluntary basis. The aim is to boost business in the internal market by overcoming trade barriers resulting from differences in national contract law. In a vote on 17 September, JURI amended the European Commission's regulation proposal and adopted a mandate for negotiations with the Council. The committee voted to restrict the scope of the new law to distance selling, emphasizing the benefits it would bring to internet shopping in particular.

In July, the IMCO committee provided its opinion to the lead committee – JURI, concluding that it was in favour of minimum harmonisation in certain aspects involving the guarantee period, and sales contracts signed with consumers, related services and digital content. The committee rejected the idea of an optional instrument and said it

Whatever happens, the three-way talks are not likely to start soon, since the Council has yet to adopt a general approach. According to the agenda, the Lithuanian Presidency should be organising an orientation debate during the Justice and Home Affairs Council on 5-6 December. Various member states – including Germany, France and the UK – have already announced that they were not convinced by this tool.

Once aware of the Council's position, EP negotiators will initiate three-way talks based on the JURI Committee's stance. In compliance with Article 50 of the EP regulation, IMCO may present its amendments again in plenary, where MEPs are supposed to validate the compromise.

In its CESL position paper of September 2012, the CCBE strongly supported the proposal for a CESL as an adequate instrument, and recommended that it should not only cover cross-border transactions, but also domestic transactions. Following the publication of the JURI Draft Report on the CESL, the CCBE in May 2013 commented on its regrets that the Draft Report, for evident political reasons, has proposed to restrict the scope of CESL to e-commerce and cross-border transactions. The CCBE shares the view expressed in the Draft Report that online trade is and will be a growing field of business activities in the future and most certainly will be an important growth factor in the internal market. Considering the benefits of CESL as an appropriate second legal regime in each Member State, the CCBE favours a more extensive scope. ●

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“With CESL we will be able to enhance legal certainty in cross-border online contracts. Consumers and traders will finally be able to benefit to the full from the potential the internal market offers.”

Luigi Berlinguer (S&D, IT) and Klaus-Heiner Lehne (EPP, DE),
Joint Rapporteurs

preferred a directive to a regulation. Two months later, the JURI Committee, who was in charge of the file, decided to adopt a completely different approach: it supported the idea of an optional instrument for purchases coming from other member states, but restricted the scope of a new legislation on distance selling. In addition, it specified laws that apply to sellers and buyers in the event of a problem.

ASSISES DE LA JUSTICE: SETTING THE COURSE FOR JUSTICE POLICY

Assises, medieval French for ‘sitting court’, conjures images of the Cour d’assises, the high court in the French legal system that hears the most serious criminal offences.

While there will not be a feudal trial, an event in Brussels on 21-22nd November seeks to capture the assises spirit by featuring a diverse panel of judges, civil servants, academics and, of course, lawyers, who will discuss the future justice policy goals of the European Union. Don’t let the French title mislead you: English- and German-speakers are welcome thanks to interpretation in three languages.

Closing the door on Stockholm

Under the helm of the European Commission’s Directorate-General for Justice, this [conference](#) will address the current state of the European justice area and gather “ideas on how to achieve a true European area of justice and meet the expectations of citizens.”

The idea of a European area of justice is not new, of course. Since 2000, three five-year “roadmaps” have been drawn up by Member States and the 2010-2014 plan, known as the Stockholm Programme for the area of justice, freedom and security (Stockholm) is drawing to an end. The Stockholm plan brought about the European Certificate of Succession, mutual recognition of legal acts, judicial training in European

law for judges and lawyers, and more effective e-justice systems for legal practitioners, among other initiatives. The adoption, by the European Parliament in September, of a directive that guarantees access to a lawyer in criminal proceedings is the latest of many steps forward. Nevertheless, much remains to be done such as bringing about stronger procedural guarantees in criminal proceedings or access to effective legal aid.

Recent revelations on the broad electronic spying programmes run by several European countries, or in partnership with the US National Security Agency, have also made it more urgent to defend data protection and the protection of communications between a client and their lawyer.

Looming over the debate will be the upcoming instrument on legal aid, expected to be published by the Commission sometime during the fall. Together with specific instruments on the presumption of innocence and special safeguards for suspects who are children, it constitutes the last major package of judicial measures that is likely to be laid out before the elections next June.

The **EU Justice Scoreboard** is a comparative tool covering all Member States of the European Union. It allows comparisons on the effectiveness of justice in each country, regardless of differences in justice systems or legal traditions. Essential parameters include timeliness, independence, affordability, and accessibility. The 2013 Scoreboard presents key findings in 27 countries compared on the basis of length of proceedings, clearance rate (resolved cases versus incoming cases) and the number of pending cases (backlog), taking into account monitoring and evaluation systems, alternatives to courts for dispute resolution, use of information technology, staff training, and available resources.

The European Commission insists that this “non-binding tool” can be used “as part of an open dialogue with the Member States and EU institutions in defining better justice policies”. As an evolving project it will expand in the coming years to cover more areas and elements of the “justice chain” that citizens and businesses must go through, from filing a complaint to the execution of a ruling. No doubt that these findings will come in handy for policy-makers who try to identify the hurdles companies face when doing business.

DID YOU KNOW...

- The Stockholm Programme follows the Tempere (2000-2005) and Hague (2005-2010) Programmes
- These Programmes established the European Fundamental Rights Agency, the mutual recognition of judgements in civil and commercial matters and the development of the Common Asylum System
- The 2007 Lisbon Treaty also introduced judicial competences for the European Union, such as the creation of a European Public Prosecutor's Office

The future of justice

Assises are not intended to come up with a detailed list of directives, but rather to consider broad issues that should be of concern in upcoming years. Administrative justice, for instance, is an important part of justice and the economy, but until now has remained under of European radar. Where can the EU bring added value? What existing problems need to be addressed at the EU level? These directions, taken by the EU Justice Scoreboard launched in March of this year, will be under consideration.

Also featuring on the provisional agenda is the effectiveness of justice systems, the independence of justice, the rule of law, and the European area of justice based on mutual trust. Prestigious speakers include Vassilios Skouris, President of the European Court of Justice; Robert Badinter, former President of the French Constitutional Council; and Alan Shatter, Minister of Justice of Ireland. Evangelos Tsouroulis, President of the CCBE, will speak on the independence of justice and represent the views of the legal profession.

Ahead of the event the Commission has published five "Discussion papers" (available online [here](#)) to help stakeholders and participants prepare the debate, covering the topics of EU civil law, EU criminal law, EU administrative law and national administrations, rule of law and fundamental rights. Each paper lists achievements in the field, current challenges, and several open questions. Interested parties are expected to submit their contributions by Monday, 11 November (JUST-ASSISES@ec.europa.eu), or after the Assises conference, until the end of the year.

After inviting CCBE members to participate in the event, Commissioner for Justice Viviane Reding expressed her wish that the CCBE "will fully contribute to this important discussion".

European elections loom

The introductory speeches by José Manuel Barroso,

President of the European Commission, and Viviane Reding, Commissioner for Justice, will set the tone of the discussion, which might have a hint of urgency to it. This may well be the last major event in the field of justice for them due to European Parliament elections next June and the appointment of a new College of Commissioners. While Mr Barroso has not ruled out running for a third term as the head of Europe's executive body, Ms Reding is also said to be in line to run for the position under the standard of the conservative European People's Party. She boasts a solid record of actions in support of consumers and citizens, first with the Telecoms portfolio, and then in support of citizens' rights as the newly-minted head of the Directorate-General for Justice, a post she has held since 2010. But while her steadfast pro-integration stance may earn her some points with the pro-European electorate, she may be glossed over by her own party in favour of a blander candidate who would be likely to gather an elusive consensus among heads of government.

In addition to a possible electoral campaign kick-off, Assises will be a forum for taking stock of what has been done so far, and what awaits the next Commissioner in charge of justice – including at the mandatory parliamentary hearing where the candidate can expect a thorough grilling from members.

The appointment of a Commissioner with an exclusive justice portfolio separate from home affairs, which only became a reality in 2010, was a longstanding request of the CCBE following the age-old principle that the judiciary should be separate from law enforcement. Three years is not a long time to enshrine a major change in any bureaucracy and while the future of the European Commission judicial arm seems safe, the legacy of Viviane Reding's work cannot carry it forever. Her successor will need willpower, a strong dose of courage and a lot of political power to build on the foundations that have been laid, with which the future of Europe's justice and fundamental rights will thrive. ●

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Gender Equality: Raising the Bar

numbers. Numerous research studies have identified barriers that impede women's advancement in the legal profession. As a result, women's initiatives are being pursued among many law firms in Europe. The international law firm of Freshfield Bruckhaus Deringer LLP is, for instance, focused on flexible work hours, mentoring and maternity policies as part of their long-term strategy to promote more female lawyers to partnership. Linklaters has similarly instituted a 'Women's Leadership Programme' targeted at attracting and retaining top female associates, and in The Netherlands, the OSR Legal Education (OSR Juridische Opleidingen) sponsors an international leadership program for senior women associates from fifteen European law firms.

Given the vast differential numbers of women in law school versus women as partners or in leadership positions, it is clear that overcoming gender imbalances requires more than eliminating blatant discriminatory practises – leaders must evoke change by also focusing on unconscious stereotypical gender biases. These deep-rooted stereotypes embedded in business culture require a variety of measures to create change. I therefore encourage our members to seek a better business model for their practises, one that includes a review of their methods of workflow, compensation, maternity and paternity practises, networking, hierarchy and management. Additionally, it cannot just be women who are expected to provide substantive added value – men's credentials must also be scrutinised to improve the quality of the firm or practise.

In an effort to focus more attention on this theme, we will hold a **Seminar on Gender Equality on Friday, 29 November from 10:30AM – 12:30PM**. I encourage as many of our members to attend as possible since, in order to develop and implement such changes, we need your input on the reality and impact of gender diversity in our profession. As the representative organisation of bars and law societies from 43 diverse countries, the CCBE has the opportunity to create a substantive conversation on gender equality in the legal profession – on a national and international level, and with European institutions or other organisations. We must look towards the future, as we now live in a world where inequalities reduce performance and profit. In this world, gender equality is no longer a superfluous option, but rather an absolute. •

Sources: *Ordre des Avocats de Paris*. "femmes au barreau en 2013". March 2013; *Bray, Nicholas*. "Morons and Oxymorons: Undermining Women in Leadership", INSEAD. 7 Feb 2013; *Harris, Joanne*. "Paris Bar reveals higher number of women than men in the law". *The Lawyer*, 8 Mar 2012; *Catalyst*, "Women in Law in the U.S." 11 Mar 2013; *McKinsey & Company*, "A Wake-up Call for Female Leadership in Europe". 2007; *World Economic Forum*. "Women Leaders and Gender Parity".
Image source: <http://thepeninsulairelandblog.files.wordpress.com/2012/07/gender-inequality.jpg>

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The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 32 member countries and 11 further associate and observer countries, and through them more than 1 million European lawyers. Founded in 1960, the CCBE is a non-profit organisation that advances the views of European lawyers and defends the legal principles upon which democracy and the rule of law are based.

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