

European Lawyers' Programme 2021

Candidate Information

This document provides basic practical information about the ELP. Details specific to the forthcoming year's Programme is found in Annex A to this document. The information in this document and the ELP is subject to changes and cancellation.

1. Objectives of the Programme and Introduction

The European Lawyers Programme ("ELP" or "Programme") is a two and a half to three months programme for European qualified lawyers at the Faculty of Advocates (Scottish Bar) providing an unrivalled opportunity for successful applicants to shadow Advocates and a Judge of the Court of Session (the highest civil court in Scotland) and the High Court of Justiciary (the highest criminal court in Scotland). The next ELP will run from 6 April 2021 until 25 June 2021.

The Scottish legal profession is divided into solicitors and Advocates (split bar system). The ELP provides placements with Advocates. Advocates (like English barristers) are part of an independent referral bar of specialised court pleaders, immediately recognisable by their wig and gown when appearing in court. The ELP provides a superb opportunity for up to 10 European lawyers to gain first-hand experience of an adversarial English-speaking legal system.

The Scottish legal system should also be of considerable interest for lawyers from continental Europe, as it is a "mixed" system - it is primarily a common law/adversarial system, but also contains some uncodified civil law concepts and principles. In addition to providing a professional and intellectual stimulus, the Programme will enable participants to meet with lawyers in Scotland and to network with other European lawyers on the Programme. The Programme has its own alumni association, - the European Lawyers Association (see below) which allows participants to maintain and develop these networks.

The ELP comprises of two parts:

- The first part is an introductory course on Scots law and the operation of the Scottish legal system of 10 days; and
- The second, and principal, part of the Programme involves placements with a Court of Session/High Court Judge, a senior Advocate (Queen’s Counsel) and at least one junior Advocate.

The introductory course includes a wide range of legal subjects (including written pleadings and oral advocacy), delivered by Judges, Advocates and academics. As far as possible, the placements are chosen to fit in with each participant’s interests and/or specialism as demonstrated in their application form and CV.

The European Lawyers Association (ELA) is the alumni association of the European Young Lawyers Scheme (the predecessor of the ELP) and the ELP and was set up in 1985 with a view to maintaining the professional and social contacts established during the Programme, and to provide a forum for participants to develop these links with other participants and practitioners in the UK. It has around 700 members from 28 countries. The ELA is registered in Belgium as an International Non-Profit Association (*'association internationale sans but lucratif'*/*'internationale vereniging zonder winstoogmerk'*). Further information can be found at www.european-lawyers.org. Participants who complete the Programme automatically receive an invitation to join the ELA.

2. The Programme

The Programme is organised jointly by the ELA and the Faculty of Advocates (www.advocates.org.uk), i.e. the Scottish Bar. The Programme enjoys financial support from Vialegis (www.vialegis.be). Up to 10 European lawyers will take part in the Programme.

Part 1: Introductory Course - Faculty of Advocates Training Facility

Tuesday, 6 April 2021 until Friday, 16 April 2021

The course provides all participants with an introduction to the legal system of Scotland, to give context to what they will soon experience during their placements with Advocates, QCs and Judges. The course includes: an overview of the legal system and its history, including a description of the court structure and other institutions; an outline of civil and criminal procedure (including judicial review of administrative actions); the basics of various areas of “black letter” law such as contract, delict, property and constitutional law. The introductory course also includes practical training in written and oral advocacy in an adversarial legal system. Practical matters are addressed, such as a tour of the Faculty of Advocates Library (generally regarded as the finest working law library in the UK and where most practising Advocates work day-to-day, and where all participants will also be allocated

space); and obtaining access to the Faculty of Advocate's electronic resources.

Due to the Covid-19 pandemic, all or parts of the introductory course may be conducted online, depending on how the situation develops.

Part 2: Advocates, QCs and Judges' placement

Monday, 19 April 2021 until Friday, 25 June 2021

Participants are assigned to at least two practising members of the Faculty of Advocates (the Scottish Bar) in Edinburgh – a Queen's Counsel (Senior Counsel) and a Junior Counsel – as well as to a Senator of the College of Justice (a Judge of the High Court/Court of Session). There are opportunities to study the cases with which the Advocates and Judges are concerned; to attend consultations with Solicitors and clients; and to observe Advocates as they appear before courts and tribunals. Advocates may ask those assigned to them to do research and to assist in the preparation of legal opinions and other legal documents. In recent years there has also been an opportunity for some participants to accompany Advocates to London for cases being heard before the UK Supreme Court.

Due to the Covid-19 pandemic, also parts of the placement may be conducted online or with other protective measures in place (social distancing, masks etc.). Participants will have to adhere to the Scottish Government's and the Faculty of Advocates' respective policies applicable at the time.

3. Recruitment profile

Candidates for the ELP should normally:

- have a minimum of two years' work experience as a European qualified lawyer;
- have a good command of English, both in writing and orally (broadly equivalent to band scores 7.00 on IELTS or 100 on TOEFL); and
- show a commitment to professional and social interaction with those participating in the Programme and with lawyers in Scotland.

All candidates need to make themselves available for the whole duration of the ELP and must indicate a commitment to spend three months in Edinburgh for the purpose of pursuing the Programme.

4. Application and selection procedure

4.1 Application stage

To apply for the Programme, all candidates must complete the application form on the ELA website (www.european-lawyers.org), including the supporting documents mentioned below in one PDF file. The applications submitted through the ELA website will be forwarded to the responsible ELA

National Representative of the applicant's country of residence as well as the ELA Board.

List of supporting documents:

- Motivation letter;
- up-to-date CV;
- at least one letter of reference;
- copies of relevant professional certifications (university diploma and professional qualification certificates, school leaving examination certificates are *not* required).

It is important that the CV and online application form reflect the candidates' areas of specialism and/or interest. The CV and the application form are used by the Programme Director of the Faculty of Advocates to help provide appropriate placements with Judges, QC's and Advocates. In the motivation letter, candidates should explain their objectives and motivation for participating in the ELP and what they can bring to the Programme.

4.2 Interview stage

Locally shortlisted candidates are invited to attend a selection interview in their home country. The interview panel consists of local representatives of the ELA (National Representatives) and the interview, in whole or in part, will be conducted in English. Where no local ELA National Representatives are available, the ELA Board will conduct the interview by video call.

After the interviews, the ELA National Representatives will forward the applications of the candidates they recommend to the ELA Board who will make the final selection. Before the final selection, the ELA Board may conduct a second interview with candidates.

The ELA Board will select up to 10 participants for the ELP 2021. In addition to those selected, a number of reserve participants may be identified so that in the event of a first-choice candidate having to withdraw from the Programme, the vacant place can be filled.

The ELA Board aims to inform all candidates about the outcome of their application by mid-December 2020.

Please note:

The ELA is committed to promoting equal opportunities in the recruitment of candidates for the ELP. All applicants will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

The ELA regards the lawful and fair treatment of personal information as important to the maintenance of confidence between it and those with whom

it deals. We will ensure that our members, and those acting on our behalf who process personal information, adhere to the applicable data protection regulations. For details about how we collect, use, share and transfer personal information please see our privacy policy attached to this document (Annex C).

5. Practical information

5.1 Preliminary arrangements

Selected participants will be in regular contact with the Programme coordinators of the ELA and the Faculty of Advocates throughout the period preceding the Programme to make all the practical arrangements for the Programme (areas outlined below, plus preliminary reading, placements etc.).

5.2 Arrival

Participants are expected to arrive in Edinburgh at the latest the weekend before the Programme begins. If at the time of the ELP 2021 quarantine obligations are in place, the participants must arrive early enough to complete the quarantine before the Programme starts.

5.3 Health Care

Participants are responsible to ensure that they have sufficient medical insurance before beginning the programme.

For further information on what health services are covered for overseas visitors, see: <https://www2.gov.scot/Topics/Health/Services/Overseas-visitors>. In any event, the advice is to get medical insurance suitable for each candidate's personal needs.

5.4 Accommodation

Advice may be given to participants selected for the Programme on how to find suitable accommodation. However, this can be a difficult task, and participants are advised to start making enquiries as soon as they can. All the participants' contact details are circulated after the selection process to enable them, if they so wish, to communicate with one another with a view to exploring opportunities for sharing accommodation.

5.5 Organisation

The ELA manages the selection of the candidates and the administration of the Programme. The Faculty of Advocates, in consultation with the ELA, will organise the introductory course and placements with Advocates and Judges.

5.6 Costs

The ELP is offered by the Faculty of Advocates and the ELA on a *pro bono* basis. Candidates do not have to pay a fee to participate in the Programme.

Vialegis, a Belgium based international recruitment firm (www.vialegis.be) will be providing financial support to the ELA to cover certain organisational expenses.

As the Programme is otherwise unfunded, candidates will be required to have the requisite financial means to cover all living and accommodation expenses during their stay in Scotland. The candidates are encouraged to seek financial support (sponsorship) for their accommodation costs and living expenses from their employer or other interested parties.

The estimated cost for shared accommodation in Edinburgh amounts to £400-600 per month. Candidates should note that Participants will not be paid a salary/stipend (nor be reimbursed any expenses) by the ELA or the Faculty of Advocates.

6. Brexit

The UK has left the EU and is now in a transition period, before new rules are expected to come into force from 1 January 2021. According to these rules, visas will not be required for citizens of the EU, EEA or Switzerland to enter the UK for short-term visits, whether for work, leisure or study. As a result, visa issues should not arise.

Please note that for entry to the UK you will need to show a valid passport. For more information, see <https://www.gov.uk/guidance/visiting-the-uk-from-1-january-2021>.

7. Covid-19

The ELP 2020 unfortunately had to be cancelled upon short notice due to the Covid-19 pandemic. The Faculty of Advocates and the ELA will do everything in their power to run the ELP 2021. However, depending on the development of the pandemic and the applicable rules and guidance at the time of the Programme, it cannot be excluded that the ELP 2021 may have to be cancelled on short notice.

In any case, participants will be responsible to comply with any travel, public health and other restrictions applicable in Scotland as well as in their home country (e.g. quarantine after arrival in the UK etc.) at the time of the Programme. Likewise, the participants will have to strictly adhere to any code of conduct imposed by the Faculty of Advocates in relation to Covid-19 (social distancing, face masks etc.). Due to the pandemic, it may be that certain aspects of the Programme will be conducted online and that there will be less personal contact between participants and the Advocates and Judges they are assigned to than would normally be the case. The ELA and Faculty of

Advocates cannot refund costs that candidates may incur as a result of the cancellation of the Programme.

8. Further information

For further information, you may contact the ELA National Representative of your country of residence. A list of the National Representatives and their contact details can be found on www.european-lawyers.org. If your country of residence does not have a National Representative, you can contact the ELA Board directly via info@european-lawyers.org.

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Annexes:

- Annex A: Timetable for the ELP 2021
- Annex B: Testimonials
- Annex C: ELA Privacy Policy

Annex A

Timetable for the ELP 2021

The timetable for recruitment and for the Programme itself is subject to changes.

Beginning of August 2020	Advertisement of the ELP on http://www.european-lawyers.org/ and through local ELA National Representatives.
6 November 2020	Deadline for applications.
7 – 27 November 2020	Shortlisting and Interviews. Interviews are carried out with shortlisted applicants: <ul style="list-style-type: none">– by national representatives for applicants from countries with an ELA National Representative;– by the ELA Board for candidates from countries with no ELA National Representative.
28 November 2020	Deadline for local ELA National Representatives to recommend shortlisted applications to the ELA Board for selection.
29 November – 6 December 2020	Possible second interviews by the ELA Board of candidates recommended by local ELA National Representatives.
7 – 16 December 2020	Final selection of participants by the ELA Board and communication of selection to ELA National Representatives.
17 December 2020 (latest)	All candidates notified of the outcome of their applications by the relevant ELA National Representative and the ELA Board. Formal acceptance letter sent to accepted candidates.
March 2021	Pre-departure communications.
6 April 2021	Programme begins.
25 June 2021	Programme ends.

Annex B

Testimonials

"Participation in the ELA Programme in Edinburgh was one of the most valuable (and the most fun) experiences in my legal career. Not only that you learn a lot about Scottish legal system, but you also get an insight into the legal systems of other European countries from other participants. I found that to be very helpful in my everyday work with clients from different countries. Moreover, comparison with other legal systems gave me a wider perspective of Croatian legal solutions and reasoning behind such solutions. Finally, the Programme is a great opportunity for networking with other participants, advocates, judges and later with the ELA members. Through it, I met fascinating legal experts and extraordinary fun people from all over the Europe, and the most importantly I gained some close friendships for life."

Franka Baica (Croatia)

"Joining the European Lawyers Programme in Edinburgh gave me a unique opportunity to meet and work with other young lawyers from across Europe. Moreover, I learned from very talented advocates and judges in a common-law jurisdiction. Participating in the course also contributed to my international network. Until this day I benefit from my wonderful experience in Edinburgh, both on a personal and professional level!"

Stan van Liere (Holland)

"I had a great chance to participate to the amazing ELA programme in Edinburgh in 2014. It was a unique opportunity for me to have a greater understanding of the legal system in Scotland and to work side by side with brilliant and very friendly advocates. I was made very welcome and supported by the whole community of lawyers throughout the placement. I worked on very interesting public, corporate and criminal cases. I spent a lot of time in court observing the advocates examining and cross-examining the witnesses. Also I met awesome Euro devils that became very close friends. It is definitely a great intellectual and human experience that I recommend without hesitation!"

Ophelie Snoy (Belgium)

"The Programme allowed me to learn how a Common Law System works and I got to know the judicial structure in Scotland. Work with two advocates day-to-day and observing a trial with a Judge has allowed me to learn a lot about the differences between both systems.

Also, I have met colleagues from different parts of Europe and become a member of the ELA which allows me to give better services to my clients because all members are connected."

Rodrigo Royo (Spain)

"I participated in the 2014 ELP in Edinburgh and it was such an enriching experience - both from a personal and professional perspective. I had the opportunity to closely observe how the law is practised in Scotland and to learn about the common law, which allowed me to compare the main differences with the Portuguese legal system and to develop my analytical skills. I also had the opportunity to learn so much about practice from other lawyers, judges and the other participants with different cultures and different methods to apply the law. The ELP is also a great networking opportunity, not only during the 3 months of the programme but also after that with the European Lawyers Association members - the alumni association for former participants. The ELP is really a lifetime experience - I took friends, knowledge and beautiful memories for life."

Alice Bermejo Silva (Portugal)



European Lawyers Association

Compliance with the General Data Protection Regulation

The Board of the European Lawyers Association is taking compliance with its legal obligations very seriously and wishes to be transparent towards its members with regards to the processing by the ELA of its members' personal data. This paper outlines the strategy and processes which the Board has adopted in order to comply with the General Data Protection Regulations which come into force on 25 May 2018.



Compliance with the General Data Protection Regulation

submitted by the European
Lawyers Association Board to all its members at the Annual
General Meeting held in Marseille on Saturday 12th May 2018.

Background

The EU General Data Protection Regulation (GDPR) will become effective on 25 May 2018. The GDPR will bring considerable changes to data protection law across the European Economic Area (EEA) and will include significantly greater fines for breaches of up to €20 million or 4% of total worldwide annual group turnover.

This paper summarises the actions which the Board of the European Lawyers Association (ELA) is taking in order to be compliant and transparent with regards to the processing of personal data in pursuance of its activities.

GDPR – What is the law?

What is personal data?

Personal data is defined broadly and comprises data relating to any living individual who can be identified from that data.

Personal data includes for example:

- Names
- Addresses

Seven Data Protection Principles



Principle 1. Personal data should be processed fairly, lawfully and in a transparent manner.

Principle 2. Personal data should be obtained only for specified, explicit and legitimate purposes and processed only in a compatible manner.

Principle 3. Personal data should be adequate, relevant and not excessive.

Principle 4. Personal data should be accurate and up to date. Inaccurate data should be erased or rectified.

Principle 5. Personal data should be kept for no longer than necessary in a form which can identify data subjects.

Principle 6. Personal data should be kept secure using appropriate technical or organisational measures.

Principle 7. Personal data should be processed in a way which evidences the controller's accountability to compliance with the principles.



- Telephone numbers.

What are the risks of non-compliance?

There are many potential ramifications of failure to comply with the GDPR, including:

- Prosecution of or regulatory enforcement action against the ELA, resulting in substantial penalties, of up to 4% of annual worldwide turnover of the preceding financial year or 20 million euros (whichever is the greater – so in ELA’s case that could be 20million euros).
- Adverse publicity, potentially leading to reputational damage and lost members trust.
- Increased scrutiny from data protection authorities whose confidence and powers are increasing substantially under the GDPR.
- Civil liability or punitive damages for breaches.
- Orders issued by the relevant data protection authorities, which seriously impact business.
- Disruption of our activities due to redirected time, effort and expense.

Personal Data held by the European Lawyers Association

I. ELA members.

The ELA is a not for profit alumni organisation and relies on the contact details of its members to ensure the success and continuity of its activities. The ELA collects the personal data contained in the application form (a copy of which is set out in Appendix 1 of this Paper).

This information is held by the ELA on an electronic database which is accessible by all ELA members through a secure, password protected access on the ELA website.

The website and the database are serviced by a Belgian based company, Code d’Or, with a registered office at Visserij 171, 9000 Gent, Belgium and all data are held on their servers in Belgium with the occasional back-up in Germany. Both parties have entered into a data processing agreement compliant with GDPR.

The ELA does not sell any of its members’ personal data to third parties. The data however is accessible by all members who can use it for personal, networking or professional reasons.



II. Applicants to the European Lawyers Programme.

Every year, the ELA organises in collaboration with the Scottish Faculty of Advocates a 9 weeks' programme (entitled the 'European Lawyers Programme' or hereafter referred to as the 'ELP') which introduces up to 12 European lawyers to the Scottish legal system. The ELP is held in Edinburgh.

In order to apply for the ELP, candidates have to submit an application form. The application form requires the candidates to supply their Curriculum Vitae as well as the personal data contained in the application form (a copy of which is set out in Appendix 2 of this Paper):

This information is necessary to ensure the operation and success of the European Lawyers Programme for which the candidates apply. The applicants' information is shared between:

- the relevant ELA national representative who oversees the application process for the candidate's respective country of origin; and
- the following ELA Board members: the Chairwoman or Chairman (as applicable) and two Directors in charge of the ELP as appointed by the ELA General Meeting.

The information regarding applicants to the ELP will be deleted or destroyed by the holders of the data **within 2 years of receipt of the application.**

All data relating to successful candidates (i.e. those applicants who have been selected to participate in the ELP) is shared between:

- the national representative as mentioned above;
- the following ELA Board members: the Chairwoman or Chairman (as applicable) and two Directors as mentioned above; and
- the ELP Programme Director(s) of the Faculty of Advocates who require such information in order to match the candidates to suitable 'devilmasters' (mentors/supervisors during the ELP).

The information regarding successful candidates will be deleted or destroyed by the ELA **within 5 years of receipt of the original application.** The reason for this longer term is to allow candidates who wish to join the ELA at a later stage, to do so. Membership of the ELA is reserved to persons who have attended the ELP and thus their details and participation need to be checked before their membership can be authorised.

III. Registration details for activities, events and annual conference.

The ELA regularly organises activities for its members. For certain activities, such as the annual meeting, a bespoke registration website is created. Members are required to provide some personal details when registering for such an activity. The ELA endeavours to enter into a data processing agreement with the website provider of such activities.



What is the ELA doing about complying with GDPR?

Due diligence:

We have assessed what data is being held by the ELA, what personal data is being processed by third parties on behalf of the ELA, how the ELA uses the data and what steps the ELA needs to take to comply with the new legal obligations. The outcome of that due diligence exercise is reflected in this paper.

Privacy Policy

We are creating a fit-for-purpose comprehensive privacy policy which will be sent to all members and provided on a one-to-one basis to all new members when applying to become a member of the ELA. A copy of the Privacy Policy is set out in Appendix 3.

Our website and database provider

Our ELA website and database provider is the only third party (other than our members) which has access to our database. We work closely with our provider to understand where our data is held, what security measures are being put in place to protect the integrity of our data and a restriction on the use of our data to only allow it to process it on our behalf for the purposes of the ELA. We have entered into a GDPR compliant data processing agreement with the provider of the website and database.

Our conference website provider

Once a year, we organise an annual meeting/conference whereby members need to register through a bespoke website. The ELA will endeavour to ensure that a data processing agreement is in place with the provider of such website.

Legitimate interest and member consent

We are relying on a mixture of legitimate interest and consent as a legal basis for holding and processing personal data.

Legitimate interest – existing members' personal data

The ELA uses a limited amount of personal information, only as strictly necessary to ensure the running and operation of the association. Following due diligence of the data, we believe that the nature of the data and the way it is used by the ELA has a minimal privacy impact on its members.



The members' data held in the database is limited to the members' contact details and year of attendance to the ELP. The processing of the members data held in the database is necessary for the operation of the association and no other means have been identified to ensure that the ELA can contact its members and organise activities in the same way as using the database and its information.

Our members can access the database and control the content of their information, including the possibility to delete it. They fully expect the processing by the ELA. For these reasons, the ELA has concluded that it has a legitimate interest in the processing of its existing members personal data and therefore is permitted under GDPR.

Consent – new members and applicants to ELP

Where possible, we obtain consent to processing personal data. We have carefully reviewed existing procedures in relation to obtaining such consent.

When applying for membership, a potential new member will be asked to explicitly consent for the inclusion of their personal data on the ELA database. We will inform the member that the data can be accessed by all ELA members for personal, networking and professional reasons.

When applying to participate in the European Lawyers' Programme, each applicant will be asked to explicitly consent with the processing of their personal information for the purpose of selection and organisation of the ELP.

Once a person has given the ELA explicit consent, they can easily withdraw their consent at any time by e-mailing the ELA via the website <https://european-lawyers.org/> or by e-mailing chair@european-lawyers.org. The ELA General Secretary will ensure that their details are removed as soon as reasonably practical but no later than 90 days after receipt of the request.

Submitted for approval to the AGM on behalf of the Board by Sabrina Jenquin, Chairwoman on 12th May 2018.