



Michel Benichou attending the VIII Encuentros en Madrid

# CCBE Info

N° 51  
April 2016

Editorial - The meaning of the Law - CCBE Conference on Innovation and Future of the Legal Profession - The future of law firms - European Lawyers Foundation's project of the month: TRAINAC - Barcelona Declaration - CCBE highlights concerns about recent killings of lawyers and violations of lawyers' rights in Ukraine - European Public Prosecutor Office - UIA and Casablanca Bar Conference - 2016 EU justice scoreboard - Twinning agreement between Georgian and Polish lawyers

## EDITORIAL - THE MEANING OF THE LAW

I cannot define the Law, but I do know what the absence of Law is. It is barbarity. It is violence. It is the power of the strong and the powerful over the weak and the poor. The Law constitutes a defence against abuse. It is the protection of freedoms, marking a permanent step forward for citizens. In some countries, we see that challenges to the Law start by questioning its enforcement. Some governments want the Law to serve them, they want judges to be submissive and lawyers to be silent.

But even from the very beginning of Europe, there was the Law; present through Treaties and other texts. Europe continues to exist by issuing directives, regulations and other decisions to ensure the protection of citizens, for their freedoms and their fundamental rights.

We should tirelessly praise the Law. We are its leading actors and we are proud of it.

**Michel Benichou**  
CCBE President

## CCBE CONFERENCE ON INNOVATION AND FUTURE OF THE LEGAL PROFESSION

We are pleased to announce the launch of a website for the CCBE conference on "Innovation and Future of the legal profession" being organised in Paris on 21 October 2016.

Please register now on the [website](#) to receive updates on the programme, the speakers and registration!



## THE FUTURE OF LAW FIRMS

Technology is leading to the commoditisation of many aspects of the law. Clients see electronic innovation in other areas of life and are starting to ask themselves why such techniques cannot be applied to legal work. Standard and essentially repetitive work can either be carried out by machines or by a firm on the other side of the world with lower costs. This puts pressure on the standard law firm model in which

junior associates work many hours, generating the essential profitability of the firm.

But is this anything more than a reminder of the need never to lose sight of the need to balance law as justice with law as business? Surely most law firms realise that they must focus on the specificity of the lawyer as a guardian of the rule of law.

Litigation tends to be seen as the poor relation of commercial work, but the need for strategic advice and judgment in that field might point the way for firms doing commercial work. Law firms need to embrace technology to move with their clients, to refocus the nature of the service they offer.

**Hugh Mercer**  
Chair of the CCBE EU Lawyers  
Committee

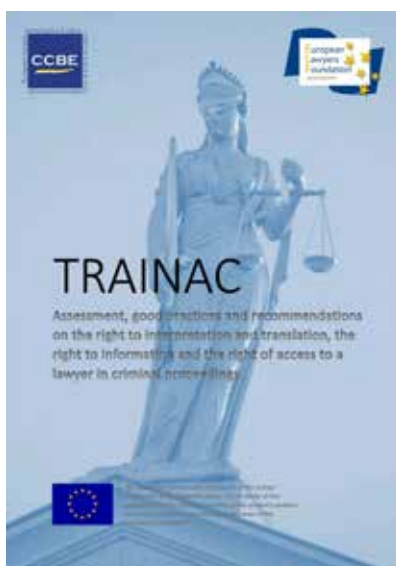
## EUROPEAN LAWYERS FOUNDATION'S PROJECT OF THE MONTH: TRAINAC

In **March 2015**, the CCBE and the European Lawyers Foundation (ELF) were awarded a project by the European Commission's Directorate-General of Justice and Consumers (under the Justice Programme), called "TRAINAC: Assessment, good practices and recommendations on the right to interpretation and translation, the right to information and the right of access to a lawyer in criminal proceedings".

This project aimed to achieve a comprehensive analysis by defence practitioners of the implementation at a national level (in the countries where the Directives apply) of the following three Directives:

- » **Directive 2010/64** on the right to interpretation and translation in criminal proceedings;
- » **Directive 2012/13** on the Right to information in criminal proceedings; and
- » **Directive 2013/48** on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on 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.



In order to assess the implementation of the three Directives, the project team prepared questionnaires that were answered by national experts appointed by national Bars (the project covered all the Member States except Denmark which exercised its right to opt out of these Directives, Germany and Romania). The project resulted in a report on these procedural rights. The report is 80 pages long and the annexes (which contain the original responses to the questionnaires) are a further 270 pages. The report contains an analysis of the Directives and identifies good practices and recommendations (see pages 6-9 for the recommendations). The project

lasted from 15 April 2015 to 14 April 2016.

The report is available [here](#).

For more information, please contact: [pinzon@europeanlawyersfoundation.eu](mailto:pinzon@europeanlawyersfoundation.eu)

## BARCELONA DECLARATION

The Barcelona Declaration was signed by the CCBE President, Michel Benichou, on **23 April** at the VIII Encuentros en Madrid.

This statement was drafted and signed on 19 February by several European Bars and representative bodies of the

legal profession in order to denounce the French criminal procedure draft reform which aims at sustaining the exceptional measures adopted under the state of emergency decreed in the wake of the recent Paris attacks.

The full declaration is available [here](#).



Michel Benichou and Paris Bar Vice-President Dominique Attias signing the Barcelona Declaration

## CCBE HIGHLIGHTS CONCERNS ABOUT RECENT KILLINGS OF LAWYERS AND VIOLATIONS OF LAWYERS' RIGHTS IN UKRAINE

On **5 April 2016**, the CCBE sent a [letter](#) to the President of Ukraine to express its deepest concern over murders of four lawyers in Ukraine. The CCBE respectfully urged the President to take effective steps to ensure that these murders are thoroughly and independently investigated, and to guarantee in all circumstances that all lawyers in Ukraine are able to perform their professional duties without fear of reprisal, hindrance, intimidation, or harassment.

In a follow-up to this, on **6 April 2016**, the CCBE sent a [letter](#) to the Ukrainian authorities (President, Prime Minister and Acting Prosecutor General of Ukraine) supporting

the Ukrainian National Bar Association (UNBA) request to stop violations of lawyers' rights in Ukraine. The CCBE had received information from the UNBA about numerous cases of violations of lawyers' rights in connection with the searches and seizures of lawyer's offices, and of summoning lawyers to witness against their clients. The CCBE strongly condemned these violations and recommended that the Ukrainian authorities take all necessary steps in order to guarantee that all relevant provisions of both international and national law are respected. The CCBE emphasised that lawyers play a vital role in the administration of justice and in maintaining and defending the rule of law and therefore, their rights should not be disregarded.

## EUROPEAN PUBLIC PROSECUTOR OFFICE

On **25 April**, the CCBE had a high-level meeting with Commission representatives. The meeting was convened to discuss certain aspects of the proposal to establish a European Public Prosecutors Office (EPPO). The need to have proper procedural safeguards was emphasised, and in particular the need to have an effective system of legal aid was communicated as being an essential requirement.



CCBE Meeting with the Commission to discuss EPPO

The meeting also emphasised the need to have proper judicial redress. The high-level meeting was a continuation of numerous meetings with the Commission that have taken place over recent years on many aspects of the EPPO. It is expected that negotiations on the proposal may be concluded before the end of this year, as the creation of a EPPO has been identified as one of the priorities of the Commission for 2016.

## UIA AND CASABLANCA BAR CONFERENCE

On **8 and 9 April**, President Michel Benichou represented the CCBE at a conference on 'The Lawyer and Digital Technology' organised by the Bar of Casablanca and the Union Internationale des Avocats (UIA). Many topics were discussed during this event, such as e-justice, the achievements of artificial intelligence, collective actions and digital technology, the protection of personal data and the risks and benefits of the use of the Internet by lawyers.

Mr. Benichou also participated in the UIA Executive Committee to express the will of the CCBE to work with all organisations which represent the legal profession, in particular the UIA, on issues relating to human rights, migrants, the automatic exchange of reports and information and the future of the legal profession.

Further information is available [here](#).



CCBE President Michel Benichou speaking in Casablanca

## 2016 EU JUSTICE SCOREBOARD

On 11 April, the European Commission presented the [fourth edition](#) of the EU Justice scoreboard, the aim of which is to assess and improve the effectiveness, quality and independence of justice by providing a comparative study of the functioning of judicial systems in the member states. So as to provide a

more complete analysis, this edition includes new indicators, such as judicial training, the existence of quality standards or the availability of legal aid. For this year's edition, the CCBE contributed to the scoreboard in particular in relation to "Income threshold for legal aid in a specific consumer case" (see Figure 20, p.19).



## TWINNING AGREEMENT BETWEEN GEORGIAN AND POLISH LAWYERS



Ms Klara Shukvani, Polish National Council of Legal Advisors President Dariusz Safajewski, CCBE, Past-President Maria Ślęzak and Mr. Fridon Sikhuashvili

The Polish and Georgian Bars organise regular consultations and exchanges of views on matters discussed by the CCBE Standing Committee and Plenary Sessions, and also take part in various events organised by each Bar. After participation of the Delegation of the Polish Bar of Legal Advisers in the 10th Anniversary of the independent legal profession in Georgia, another meeting took place within the framework of the Twinning Agreement signed in Gdańsk last year. On **11 March 2016**, two Georgian human rights defenders, Mr. Fridon Sikhuashvili and Ms Klara Shukvani, were rewarded during the 8th Gala of the Crystal Heart, organised once a year by the Polish Bar of Legal Advisers to honour lawyers with outstanding achievements and activities in the field of pro bono work. Georgian laureates are particularly active in representing lawyers whose rights have been violated, including Mzia Tomashvili the lawyer whose case has been mentioned in the [letter of concern](#) sent by the CCBE last year.

### UPCOMING EVENTS

- 20/05** CCBE Plenary Session, Lyon
- 12-14/05** FBE Annual Congress, Strasbourg
- 25-28/05** IBA Bar Leaders Conference and Council Meeting, Barcelona
- 28/05** Day of Macedonian Advocacy – 71st Anniversary, Ohrid