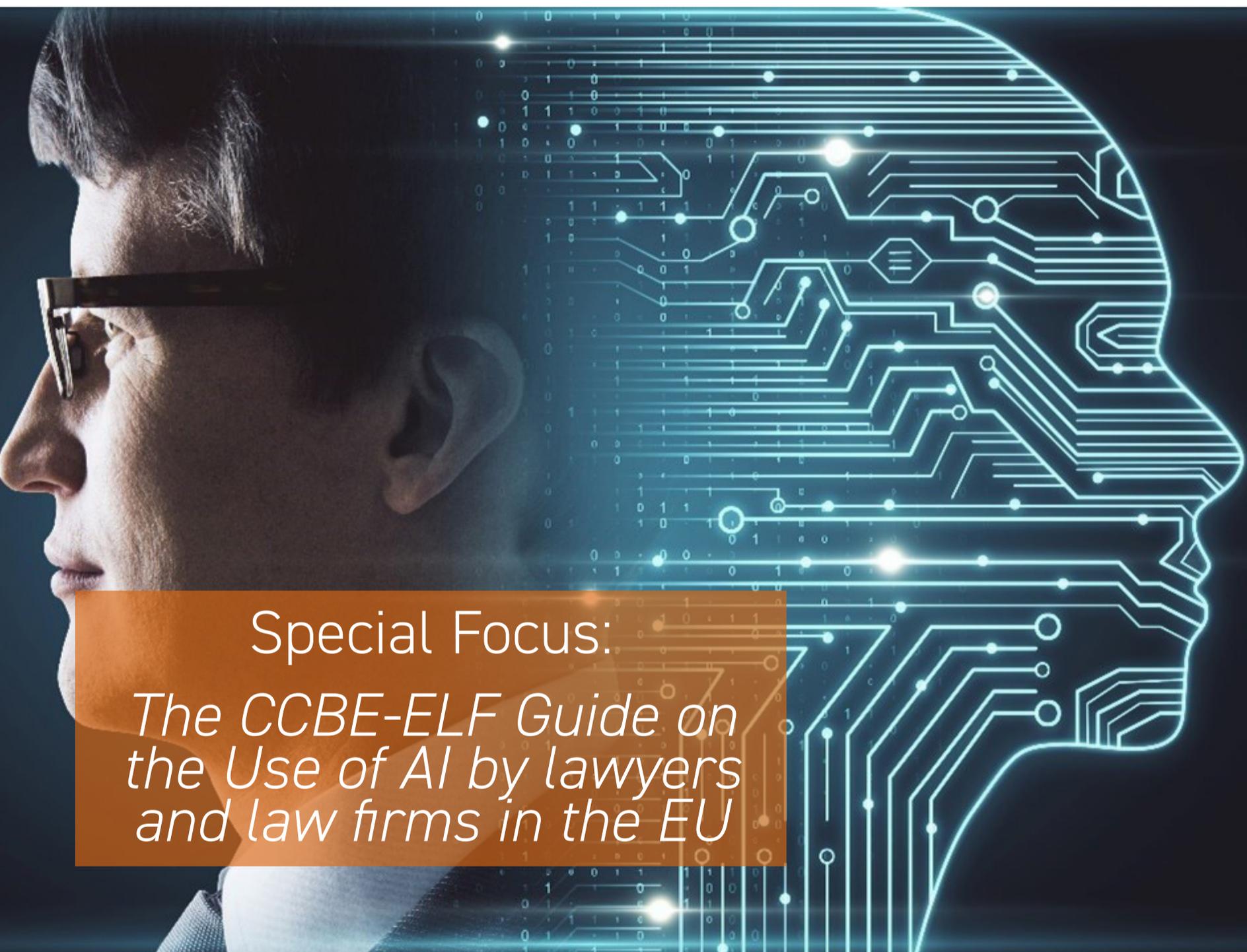


CCBE-INFO

Newsletter



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Special focus:

The CCBE-ELF Guide on the Use of AI by lawyers and law firms in the EU

On 31 March 2022, the CCBE and the European Lawyers Foundation (ELF) presented their [Guide on the use of AI by lawyers and law firms in Europe](#).

The Guide is the final deliverable of the CCBE-ELF project called [AI4Lawyers](#) financed with the support of the Justice Programme of the European Union. The objective of the project was to provide a better understanding for lawyers and small and medium-sized law firms on how to use the opportunities provided by new technologies, such as conversational systems, which can open up new service channels to clients.

The Guide will help lawyers to better understand the use of Artificial Intelligence (AI) and other novel IT technologies in their daily practice. The guide's approach is educational and provides practical information on what tools to use and how to use them. [A webpage](#) dedicated to the Guide is now available with all the information related to it.



Péter Szabó

The Public presentation of the Guide gathered EU officials, Bars' representatives, as well as lawyers. The event was also the opportunity to address the challenges posed by the digitalisation of justice, the digital transformation of law firms, and the use of AI in justice. The CCBE President James MacGuill and the Chair of the ELF Board of Directors, Péter Szabó gave opening speeches.



James MacGuill



Petar Vitanov



Ingrid Bellander Todino

Petar Vitanov, MEP, rapporteur on recommendation on the use of AI in criminal justice and shadow rapporteur on the AI Act, underlined the importance of the ethical framework and fundamental rights safeguards in the development of AI in Justice. He considered that nothing should replace the human touch.

Ingrid Bellander Todino, Head of Unit for Fundamental Rights policies at the DG Justice of the European Commission, pointed out that the digitalisation of justice is a priority of the European Commission and presented the EU initiatives in this domain, such as e-CODEX and the digitalisation of cross-border judicial procedures.

During the first panel, moderated by the CCBE Secretary General Simone Cuomo, speakers Thierry Wickers, third CCBE Vice-President, Jiří Novák Chair of the CCBE IT Law Committee and Élise Hecq Representative of INCUEBRUX discussed “The digital transformation of law firms – challenges and opportunities.” Thierry Wickers pointed out the importance of Natural Languages Processing Tools and what they offer to law-firms and lawyers to improve legal research and analysis. Élise Hecq presented the work of the Incubator of the Brussels Bar to help lawyers find their way in the constellations of legal tech.



Speakers of the first panel



Speakers of the second panel

During the second panel entitled “Can AI deliver Justice?” moderated by the Managing Director of ELF Alonso Hernández-Pinzón, the Vice-President of the CCBE Panagiotis Perakis presented the CCBE work on Artificial Intelligence, while Iliana Kosti, member of the CCBE IT Law Committee, explained the CCBE position on the Artificial Intelligence and the main concerns of lawyers regarding the use of AI in justice. Eike Gräf, Policy Officer at the Fundamental Rights Policy Unit of the DG Justice, discussed the impact of the AI Act on the use of AI systems in justice while Griff Ferris, Legal advisor at Fair Trials, underlined the dangers of using AI in criminal matters, especially in predictive policing, by giving examples of current uses.

Watch the videos of the different presentations and exchanges on the [CCBE webpage](#) dedicated to the event.



Interview of Péter Homoki

Author of the Guide on the Use of AI by lawyers and law firms in the EU

Why lawyers should be aware of AI?

AI is a collection of very different technologies with different promises to diverse segments of the society. Lawyers can encounter such technologies either in relation to offers promising to replace work done by lawyers or when such tools deliver assistance to lawyers in areas that have previously required human intervention by administrative staff, trainees, lawyers etc. For different reasons both viewpoints are exciting for lawyers and therefore warrant a closer look. Unfortunately, most of the sources lawyers find in these matters are biased in some way or another. Those who invest time and effort to demonstrate such existing or potential tools often have an interest in furthering their own commercial agenda, such as to make a certain type of technology or a particular product better known and accepted, without emphasising its limitations and disadvantages.

On the other hand, there are also so many technical options, so many developments in very distinct fields that makes it extremely difficult to give a comprehensive review of everything that may be possible with such tools.

At the same time, how lawyers work, what kind of work they do, is even more colourful and incredibly diverse, even within a single member state of the EU, let alone in all the EU countries. Even for the CCBE it is challenging to define how “a typical” lawyer works in the EU, what their day-to-day work processes look like. We should keep also in mind that lawyers have to work according to different rules from country to country, because of the relatively few harmonised areas across the EU and also due to the differences in deontology according to which lawyers have to work. Even if we have a very important and fixed set of core values and principles, the details of how lawyers should be working are different from country to country.



Péter Homoki

All this make it very difficult for technical providers to offer appropriate products providing assistance for lawyers, and therefore lawyers cannot just expect other parties to provide AI tools that best serve their interests. Effectively implementing the abstract potentials of AI into practical tools readily available at affordable prices, this is a very long, complex process. Lawyers, and bars and law societies representing their interests have a lot to do in this area. They have to actively participate in this transposition process by formulating, standardising and prioritising lawyers' needs, by developing and furnishing training data for machine learning, etc. To this end, and in order to support this process appropriately, it is very important that as many lawyers as possible have some basic understanding and awareness of the opportunities and dangers of using AI tools.

What added value does the CCBE-ELF Guide provide?

The Guide intends to provide a basic level of understanding to lawyers interested in this field, especially those working as sole practitioners or in small law firms. Those curious to know more about these subjects can use the guide as a starting point, to find out which fields may be more promising for their own practice and specific work flows. The Guide starts with some general explanations, like what is the difference between machine learning and AI, or how certain training methods are different, and how to interpret benchmarks published to compare different tools used for similar problem areas. The second part where lawyers may dive deeper provides a categorisation of AI tools based on some typical daily activities of lawyers, such as in document generation or analysis, case law review and legal research, and the use of chatbots as a replacement for some typical call centre or website functions. Each of these categories is used to provide some insight into how these tools work, what kind of mechanisms they rely on, what the prerequisites are in order for such tools to be useful for practitioners. For example, the part on document analysis explains how classifiers and information extraction tools can be used

to create reports according to specific subjects, and the part on advanced searching techniques shows how the purpose and focus of searches have changed over time. To assist the understanding of readers, there is a separate chapter on imaginary future situations, scenarios, where a fictional lawyer from the near future is shown how her daily work life is affected by tools relying on different AI techniques. Finally, the last chapter is dedicated to the risks of the profession in relation to using such tools. This part explains and illustrates risks from vendor lock-in, the general problem of using tools that rely on statistical relationships and probabilities, the lack of explainability in many cases, and the risks of chaining together several such tools. Risks of privacy and breach of professional secrecy obligations of lawyers are also investigated in more detail, including the potential of decoding (predicting) the content of the original material on which an AI tool was trained on. The risks to professional competence are also addressed by stressing that the risk of trying out experimental tools before they are ready for prime-time is as much of a risk as ignoring tools offered for lawyers.

Could you give concrete examples of how AI technologies can help lawyers in their daily practice?

AI technologies can help lawyers in their daily practice depending on what kind of work processes they currently have. These tools of automation work properly only with a sufficient number of repetitions, maturity, and understanding of their own work processes. For example, for many years during my professional work, I had to serve clients with customised sets of IT industry contracts as fast as possible and in a very consistent way, which always required regular updating due to changes in the client's processes and regulatory rules. So for me, the best introductory use case was document assembly tools. I had to create a repository of very different provisions, from invoicing to software development and copyright provisions, from insider trading to outsourcing, and be able to use these different provisions in dozens of very different templates. Accordingly, saving documents as precedents for each different template was out of the question, but assembling contracts from a repository of provisions was a good approach. It made updating template texts much easier. But at the same time, standard document assembly software available in English since the 1990s was not very effective, because I had to deliver these contracts in Hungarian, and adapting

these generic provisions to different nouns, cases, using declensions and conjugation was so burdensome with these standard tools that natural language processing tools are needed to make document assembly tools truly effective. By using such AI tools that can generate the proper form in that language, lawyers are freed from having to use convoluted computational scripts to receive the proper word forms, speed up the drafting process, and resulting in more coherent and more grammatically correct documents that are capable of supporting many more options and contracts based on a single repository of contractual provisions.

Or with regard to case law analytics: advanced search techniques building on an ever-increasing corpus of court decisions can ensure that the lawyer is not flooded with the increasing number of search results, and the search tools can assist lawyers in providing only the results that are the most relevant to the given query. Such search techniques can also support new ways of searches, not based on keywords, but on quantitative content such as damages awarded, or even by finding chains of argumentation that may support the lawyer in a given type of claim.

CCBE Standing Committee



James MacGuill and Didier Reynders

The CCBE held its Standing Committee on 1 April 2022 in Brussels with the participation of the European Commissioner for Justice, Didier Reynders, as a keynote speaker. In his speech, the Commissioner underlined “the essential role of lawyers in safeguarding and promoting the rule of law”. He also explained how the European Commission monitors the independence of lawyers as part of the Commission’s Rule of Law Report. Watch the video of his speech [here](#).



Speech by Didier Reynders, European Commissioner for Justice

A large part of the Standing Committee was devoted to the situation in Ukraine. A minute of silence was observed at the beginning of the session to show the CCBE’s support to the country and its observer member bar during these critical times. The President of the Ukrainian National Bar Association (UNBA), Lydia Izovitova, delivered a [speech](#) underlining that the UNBA is making “every effort to ensure the operation of the bar’s self-governing bodies and advocacy as a whole in such difficult conditions.”

The President of the CCBE, James MacGuill, gave an overview of the CCBE’s current and planned initiatives in relation to the situation in Ukraine and to support the Ukrainian lawyers, following the [CCBE statement on the invasion of Ukraine](#).



A minute of silence was observed at the beginning of the Standing Committee

The CCBE furthermore adopted a statement on VAT rates applicable to legal services in reaction to the Draft Council Directive of 7 December 2021, as well as a position paper on the e-ID proposal (see hereafter for more information).

Main CCBE events and activities

New CCBE Webpage dedicated to Ukraine



The CCBE created a new [webpage](#) on its website specifically dedicated to Ukraine. The page includes in particular a [List of contact points which can be contacted by people fleeing Ukraine and in need of legal assistance](#). Following the invasion of Ukraine by Russia and the massive flux of people that this invasion caused, the CCBE Migration Committee decided to launch an initiative that resulted in the publication of this list of contact points which can be used by people fleeing Ukraine and in need of legal assistance. Legal assistance is organised differently per country and the table, which is managed by bar associations/coordinators in different countries,

therefore seeks to provide some explanations in addition to the provision of contact details. The list might also be of assistance to lawyers who need to reach out to colleagues in other European countries.

The CCBE webpage on Ukraine also includes the call for donations recently published by the Ukrainian National Bar Association to support the lawyers in Ukraine and their families. The aid will be distributed by the Charity Foundation of the National Bar Association of Ukraine to those lawyers who need it the most, including those who have lost their homes, have been injured, or have no means of subsistence.

Additional information on the CCBE initiatives in relation to Ukraine as well as relevant information at European level are also available.

CCBE Participation in external events



On 4 March 2022, the CCBE President, James MacGuill, the Secretary-General, Simone Cuomo, and representatives from the Criminal Law Committee, IT Law Committee, Migration Committee and Surveillance Working Group, had a meeting with representatives from the European Union Agency for Fundamental Rights (FRA) as a continuation of the traditional

CCBE-FRA annual meeting. The meeting discussed a range of issues including criminal law, the independence of the legal profession, artificial intelligence, surveillance, the CCBE work in relation to the rule of law and fundamental rights, the European Convention on the Profession of Lawyer, training, and migration issues. The meeting was extremely beneficial and informative as both the CCBE and FRA are working on many issues in common.



On 26 March 2022, the CCBE President spoke at the European Young Bar Association's (EYBA) Spring Conference dedicated to the topic "The Environment and Law" in Glasgow. The CCBE President underlined how to become an

"environmentally conscious lawyer", and how concerns over the environment are affecting legal trends and legal practice. The President also reported on upcoming legislative changes, in particular in relation to the work of the Council of Europe Drafting Group on Human Rights and Environment.



James MacGuill and Giulia Guagliardi,
President of the European Young Bar
Association



On 23 April, the CCBE President, James MacGuill, chaired a discussion group on lawyer-client privilege at the European Criminal Bar Association (ECBA) Spring Conference 2022 in Riga, Latvia. The conference addressed various attacks against lawyer-client confidentiality from some political and media sources. The discussion emphasised the importance of privilege for clients and the need to defend the right for a client to consult a lawyer in confidence. In addition, the need for lawyers to be protected from interference when undertaking their professional duty was also highlighted.



Ongoing work towards a European Convention on the profession of lawyer:

First meeting of the Council of Europe's Committee of Experts on the protection of lawyers (CJ-AV)



Participants of the CJ-AV in Strasbourg © Council of Europe

From 6 to 8 April 2022, the Chair of CCBE European Convention Working Group, Laurent Pettiti, participated in the first meeting of the Committee of Experts on the protection of lawyers (CJ-AV). The Committee's mandate is to draft a legal instrument aiming at strengthening the protection of the profession of lawyer and the right to practise the profession without prejudice or restraint. It also aims to set out a comprehensive set of minimum standards applicable to a lawyer's right to freely exercise their professional activities and ensure protection and independence of the profession. It might also include the establishment of a mechanism entrusted with the implementation of the standards by Member States or giving guidance on their application.

Overall, this was a very positive and constructive meeting. The CCBE notably noted the excellent organisation by the Council of Europe which gave a genuine opportunity to the observer representatives of the legal profession, including the CCBE, to actively contribute to the discussions. In particular, the CCBE welcomes the initial proposal made by the CJ-AV "to consider preparing a convention, taking into account the gaps in the existing recommendation and its uneven observance, as well as the added value of the protection afforded by a legally binding legal instrument with means for its implementation". Furthermore, the CCBE wishes to congratulate Mr Valentyn Gvozdiy, Ukraine representative and current Vice-President of the Ukrainian National Bar Association, for his election as Vice-Chair of the CJ-AV.

For more information read the following documents:

- [Press release](#) Work started on the elaboration of a new legal instrument to strengthen the protection of lawyers
- [CJ-AV 1st Meeting Report](#)
- [CJ-AV website](#)

European Parliament Hearing on the new Anti-Money Laundering package



On 22 March 2022, the former CCBE President, Margarete von Galen, represented the CCBE at a public hearing in the European Parliament regarding the new Anti-Money Laundering package. The event was organised jointly by the ECON and LIBE Committees and aimed at hearing the views from six external experts regarding certain elements of the package and included a question and answer session with MEPs. In her intervention, the CCBE representative reiterated some points from the [CCBE position paper on the 2021 AML package](#), such as concerns regarding a too far reaching supervisory framework, risks that some provisions of the package would create for the independence of the legal profession and thus for the rule of law, and the necessity to have accessible, user friendly, accurate and reliable beneficial ownership registers.

The CCBE requests lower rates of VAT to all legal services

In the recently adopted [CCBE statement on VAT rates applicable to legal services](#) in reaction to the Draft Council Directive dated 7 December 2021, the CCBE welcomes the inclusion of some categories of legal services among those which, as from 2025, could benefit from lower rates of VAT. On the other hand, it considers that this improvement is insufficient. The CCBE can hardly support differentiation or discrimination between legal services and consequently invites the Council to extend lower rates of VAT to other categories of legal services, especially those provided to private individuals such as legal advice, support in legal proceedings as well as alternative dispute resolution, the objective being to respect the principles of “equality of arms” and “fair trial” while promoting core values of the European Union as well as the Rule of Law. The CCBE and its member bars and law societies have been considering the issue of VAT rates applicable to legal services for many years, advocating for the application of a 0% rate, or at least lower rates.

e-ID proposal: a good initiative but some amendments and clarifications are needed

The CCBE also adopted a [position paper](#) in response to the [e-ID proposal](#), reviewing the e-IDAS regulation. The CCBE considers that the new proposal will contribute to a stronger, healthier, more secure and more widely used digital ecosystem of the EU. However, the CCBE underlines the danger of enabling issuers of the new European Digital Identity Wallet (“EDIW”) to collect unnecessary information for the wallet service and combine the EDIW with personal data from other services. Sufficient measures must be taken to ensure that the EDIW will be usable for small businesses. In this regard, the



CCBE considers the concept of “relying parties” includes lawyers and technical means should be made available for small-sized relying parties without having to make considerable investment in technical infrastructure. Furthermore, clarifications must be made between, on one hand, the provisions on the scope of the regulation excluding aspects related to the conclusion and validity of contracts or other legal obligations where there are legal requirements as regards form and, on the other hand, the provisions covering the requirements for the recognition of qualified electronic attestations of attributes. Moreover, the CCBE is of the opinion that bars and law societies must be able to act as authentic sources to verify attributes such as professional qualifications and titles.

Defence of the defenders



In March and April 2022, the CCBE sent 10 letters and joined several initiatives in support of endangered lawyers in Belarus, Egypt, Israel, Kyrgyzstan, Mexico, the Philippines, Sri Lanka, Tunisia, Turkey and Venezuela. All CCBE letters of support to endangered lawyers and other joint initiatives can be consulted on the CCBE [Human Rights portal “Defence of the defenders”](#).

Appointment of new Committee Chairs

The CCBE is delighted to welcome the following new Chairs:

Christian Lemke
Germany



Chair
Future of the Legal Profession
and Legal Services Committee

Jean-Marc Gollier
Belgium



Chair
Environment and Climate
Change Committee



Upcoming Events

13 MAY 2022
CCBE Plenary Session in Dublin

20 MAY 2022
CCBE Webinar on Ukraine and the International Criminal Court: the role of European lawyers

4 JUNE 2022
CCBE Standing Committee in Sofia

Webinar on Ukraine and the International Criminal Court: the role of European lawyers

This is a free webinar organised by the European Lawyers Foundation (ELF) and the Council of Bars and Law Societies of Europe (CCBE), which aims to delve into the role of the International Criminal Court related to the War in Ukraine.

More information on the programme is available on the [CCBE website](#).

Free registration [here](#).

WEBINAR on Ukraine and the International Criminal Court: THE ROLE OF EUROPEAN LAWYERS

20 May 2022
9.00 - 11.00



Council of Bars and Law Societies of Europe

The voice of European Lawyers

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