

CROATIA

Croatian Bar Association

The Electoral Annual Assembly of the CBA was held in July 2009 at which the new CBA management was elected as follows:

Leo Andreis, President, Robert Travaš, Maroje Matana, Branko Baica and Mladen Klasić, Vice-Presidents, Mladen Sučević, Secretary General, Marijan Hanžeković, treasurer. New members of the Executive and Management Board were elected as well, the Disciplinary Prosecutor and his deputies, the President of the Disciplinary Court of first instance and the judges of that court, the President and the judges of the Disciplinary Court of second instance. All the stated bodies have been elected for a term of office of three years.

3805 lawyers and 1685 law trainees are currently registered with the Croatian Bar Association.

Almost the whole year 2009 was burdened by the process of adopting the Tariff of Lawyers. In fact, pursuant to the amendments to the Act on the Legal Profession the Croatian Bar Association does not adopt and establish the Tariff independently, but consent to the Tariff established by the CBA must be given by the Minister of Justice of the Republic of Croatia. Prior to giving his consent the Minister of Justice has to seek the opinion of the Economic and Social Council as a special body of the Government of the Republic of Croatia that consists of representatives of the Government, trade unions and employers. The representatives of the Croatian Bar Association are not members of the Economic and Social Council and can thus not influence the opinion of that body. Briefly, it is the representatives of trade unions and employers, who are actually users of legal services, the ones who in the end decide about the price of lawyers' services.

Since the CBA considers the Act on the Legal Profession as amended not to be compliant with the Constitution of the Republic of Croatia, we filed a motion with the Constitutional Court of Croatia to initiate proceedings for the evaluation of the constitutionality of the Act on the Legal Profession as amended.

The Law on the Legal Profession as amended has been harmonized with the EU *acquis communautaire* so that lawyers from EU member states will be able to practice on the territory of Croatia as from the moment of Croatia's EU full membership.

At the beginning of 2009 the Act on Money Laundering and the Financing of Terrorism entered into force. This Act was adopted on the basis of the Directive 2005/60/EC and imposed onto lawyers the obligation of reporting clients in case they have a suspicion on money laundering. This problem is known to all lawyers in the EU. The Croatian Bar Association filed a motion with the Constitutional Court of the Republic of Croatia to initiate proceedings concerning the evaluation of the constitutionality of the given Act, since it considers that the given Act violates the basic principle of the legal profession and that is the lawyer-client privilege and the protection of confidentiality. In fact, the Constitution of the Republic of Croatia determines the legal profession as an autonomous and independent public service,

and the CBA considers therefore that the Constitution protects also the statutory right of the client to have a confidential relation with the lawyer and the obligation of the lawyer to protect confidentiality.

The Croatian Bar Association is boosting its international cooperation: in the course of last year it organized a joint seminar with the German Bar Association within the frame of the Croatian Lawyers' Day, a seminar was organized also the previous year together with the Law Society of England and Wales. Equally so, the CBA organized together with the Deutscher Anwaltverein a seminar on criminal and civil liability of supervisory board and management members of companies. Also a seminar on mediation was organized with experts from the USA and Switzerland, whereas with the Law Society of England and Wales a seminar was held in Dubrovnik concerning the novelties Croatian lawyers can expect with EU accession. Within the frame of the Croatian Lawyers' Day, which will be held in Zagreb on 4th and 5th March 2010, the Croatian Bar Association and the Bar Council of Ireland and the Law Society of Ireland will hold a joint seminar on lifelong learning and the permanent education of lawyers. The Round Table is devoted to the topic of the Rule of Law and the Independence of Justice. The speakers at the Round Table will be professor Ivan Šimonović, Minister of Justice of the Republic of Croatia, Branko Hrvatin, President of the Supreme Court of the Republic of Croatia, Corrado De Martini, President of the UIA, Francis Neate, former President of the IBA, Professor Friedrich Graf von Westphalen, lawyer in Germany, Rupert Wolf, Vice-President of the Austrian Bar and Marijan Hanžeković, lawyer in Croatia.

Aware of the fact that today the legal profession is practiced in a completely new environment, the CBA has adopted a plan on "e-Legal Profession" supporting thus the efforts of applying as efficient and fast working practices as possible and this not only within the legal profession but also in the whole judicial system of the Republic of Croatia. And all of this finally serves to meet the needs of our clients. This program is under way and the major part of it is expected to be completed by the end of the year.

Although the Legal Aid Act, which has many shortcomings, has been in force since the beginning of last year, the Croatian Bar Association has decided to continue its practice of providing socially challenged persons with legal services pro bono.

As a member of the UIA, the IBA and as associate member of the CCBE, the Croatian Bar Association has participated in the work of these lawyers' organizations through the representatives of the CBA, and has therefore put forth a candidacy for hosting one of the following congresses of the UIA, considering that all necessary requirements are met.