



## *Cyprus Bar Association*

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### VIENNA PRESIDENTS' CONFERENCE 2014

The Cyprus Bar Association is the professional body for over 2600 advocates' members. The office of the CBA had two employees in 2005 whereas in 2013 has 12 employees. The office is becoming busier every day and expanding.

#### Increase in registered members.

In 2012 the number of registered lawyers was 2553 members and in 2013 has increased significantly to 2637 registered practicing lawyers.

The table below shows the number of registered lawyers during the years 2004-2013.

Year s	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Wo men	617	660	670	716	812	836	909	1098	1222	1287
Men	962	930	1006	1053	1114	1131	1179	1265	1331	1350
Total	1579	1650	1676	1769	1926	1967	2088	2365	2553	2637

### STRUCTURE OF THE CYPRUS BAR ASSOCIATION

Under our Advocates Law, Cyprus Bar Association, the Disciplinary Board and the Legal Council are the bodies regulating the legal profession in Cyprus.

Local Bar Associations include all the practicing advocates in the District. We have six local Bar Associations, one for each of the six Districts of Cyprus. The Cyprus Bar Association is independent from the Local Bar Associations as far as the election of its President and a number of its members are concerned and as far as its competences are concerned. The Cyprus Bar Association is the Union of the practicing advocates in Cyprus.

The Cyprus Bar Council consists of:

1. The President, who is elected by the General Meeting of the Bar Association, taking place every three years.
2. The Chairmen of the District Bar Associations and one member from each District elected as representative to the Bar Council.

3. Four members elected by the General Meeting of the Bar Association.

The Attorney General is considered as the honor President of the Bar Council.

### **EUROPEAN UNION MEMBERSHIP**

Our membership in European Union safeguards and guarantees a peaceful future for Cyprus within a safe and prosperous environment. And it promises the Union's unity and strengthens the stability safety and cooperation within the EU.

Our membership requires a continuous legislative reform for the harmonization with the European acquis and the protection of the basic principles of the European Union and the protection of the basic principles of human rights within the European law.

Lawyers have always been considered as the defenders of the human rights. Having faced a continuing facing human rights violation from Turkey since Turkish invasion in 1974, Cyprus and its legal profession are specifically committed to promote and protect human rights within European Union.

Nevertheless, all these give rise to the need for the exchange of views, for closer cooperation between the States and their legal systems and the need for new laws and methods of enforcement.

The creation of a common competitive market the free movement and establishment of services within the European Union is one of the main principles in Europe.

Inevitably, this influence the Legal Profession in Cyprus and on one hand challenges it to upgrade the services of the Legal Profession and on the other hand it entails obligations to change attitude and adoption of new methods.

The new requirements demand high level of knowledge and continuous training and above all seriousness and responsibility on behalf of the lawyers in combination with the protection of the ethics and human rights.

The protection of interests and rights, both as between individuals themselves as well as between individuals and Governments is the basic principle of any legal system. The obligations to find ways of enforcing these interests and rights have been entrusted to members of the legal profession.

Cyprus has enacted harmonizing legislation to implement the directives of the European Union to facilitate practice of the profession of lawyer on a permanent basis in a member state other than that the qualification was obtained (Directive 98/5/EC) and to facilitate the effective exercise by lawyers of freedom to provide services (Directive 77/249/EEC).

New search engine on our website has been launched.

[www.cyprusbarassociation.org](http://www.cyprusbarassociation.org)

We have succeeded to provide our members password where they can search:

1. Registry of bankruptcy
2. Winding up registry
3. Administrative service providers registry

We have recently redesigned and updated our website with all the needed information for Lawyers and clients.  
[www.cyprusbarassociation.org](http://www.cyprusbarassociation.org)

Launched CYLAW legislation engine ( [www.cylaw.org](http://www.cylaw.org) )

We have also provided to all our registered lawyers an online legal database where there can search for all Cyprus laws and cases.  
([www.cylaw.org](http://www.cylaw.org))

CYLAW is a non-profit organization established as the primary source of free access to the Law in Cyprus. In 2011 the service was granted to Cyprus Bar Association which undertook and advanced the function and the providing services as well as the expansion of data base so as to include all Legislation and Case Law of Cyprus.

Since 2004 CyLaw is a member of the World Legal Information Institute (WorldLii) and of the Free, independent and non-profit access to worldwide law, and has a close collaboration with counterparts of other countries.

The data basis of CyLaw includes all the Case Law of the Supreme Court of Cyprus, District Court cases, the consolidated and numbered Legislation of Cyprus, part of Subsidiary Legislation and cases of arbitrary instruments.

CyLaw is dedicated to the continuous advancement of its system and provided services. Its primary goal is to enrich the data basis and to further develop its current services.

### **Pension Fund Computerisation Project**

The Pension Fund records of members, their details, annual fees, retirement and other benefits were kept in manual books. In addition, the accounting was also kept in manual ledgers. All member records have now been transferred into a database, and the various processes of the Pension Fund have been automated, according to the relevant legislation. The new system can issue automated receipts for the annual subscription fees, as well as new member registration fees. It now provides details to members about their status, their subscription fees (statement of account), and can handle 'what-if' scenarios relating to retirement possibilities. The system is

continuously maintained with legislation updates. Shortly the system will be linked to electronic banking facilities so that beneficiaries are paid electronically and annual fees are collected in the same way. The Pension Fund system is also linked to a new accounting system which has the capability of producing periodic management accounts.

### **Supervisory Authority for Money Laundering**

In 2001 the Council of Ministers has appointed the Council of the Cyprus Bar Association as the supervisory authority for lawyers in accordance with section 59(4) of the Prevention and Suppression of Money Laundering Activities Law No. 188(I)/2007. The Cyprus Bar Association is the regulatory and competent authority for over 2500 registered practising advocates in Cyprus (417 Lawyers' Limited Company – LLC - and the rest are sole practitioners) and was firstly established in 1960 under Advocates' Law Cap. 2. Its major objective is the representation of the interests and the assistance of its members.

Cyprus' AML regime, in overall has received a positive evaluation in the 2011 Moneyval report. The Cyprus Bar Association has efficiently established the legal framework and succeeded in ensuring adequate procedures to protect Lawyers from being used by money launderers and terrorist financiers. Since the appointment of the Council of the Cyprus Bar Association as the supervisory authority for lawyer, steps have been taken to exercise its authority in practice either by organizing seminars and informing its members on the AML Law and

developments, while it has appointed educated staff to conduct on-site inspections on all law firms in Cyprus (LLC & sole practitioners).

### **THE ANNUAL GENERAL MEETING of THE CBA in February 2013**

Troika pointed out in the memorandum that the authorities should: eliminate any existing total bans on the use of a form of commercial communication (advertising) in regulated professions, as required by the Services Directive and further improve the functioning of the regulated professions sector (such as lawyers, engineers, architects) by carrying out a comprehensive review of requirements affecting the exercise of activity and eliminating those that are not justified or proportional.

Due to the above the Bar Association invited the members in a Extraordinary General Meeting in order to discuss and get the approval to amend the regulation concerning Advertising.

The decision was taken by all and we have amended the advertising regulation as follows:

We have adopted the exact wording of the CCBE code of conduct which provides:

19. (1) A lawyer is entitled to inform the public about his or her services provided that the information is accurate and not



misleading, and respectful of the obligation of confidentiality and other core values of the profession.

(2) Personal publicity by a lawyer in any form of media such as by press, radio, television, by electronic commercial communications or otherwise is permitted to the extent it complies with the requirements of 19.1

## FUTURE PLANS

1. **Continuous Training:** The Council of the Bar decided to proceed and prepare regulations about the continuous training. There was a very positive reaction by all lawyers.

The need for continuous training has become necessary and everybody accepted the need to create the right infrastructure at the Office of CBA in order to create the system that will accept the whole program of training.

Because of our participation to the Council for the European Lawyers Association we will collect and consult other countries what they have already successfully implemented to their system.

## **2. MEDIATION LAW**

We have adopted the Directive 2008/52/EC on certain aspects of “mediation in civil and commercial matters” and the national law provides that if a lawyer wishes to get registered as a mediator then he/she can apply to the Ministry of Justice but they have to provide to the Ministry a certificate that they are trained in civil matters together with their license and a fee of 30 euro. There is only exception in commercial matters where the certificate is not needed.

The bar association organized in the beginning of February the first round of training with the recognized group called ADR UK and decided to create the infrastructure for training lawyers on mediation for civil matters.

## **3. E –justice**

The Minister of Justice who has been appointed after the elections in February 2013 promised and he is in close cooperation with the CBA and the Supreme Court that he will proceed and create the e - justice within the courts and other authorities. In professional practice all the communications is done through tones of paper. This is the promise to change in the near future.

## **CONCLUSION**

Concluding the Cyprus Bar Association although it faces a lot of problems due to the economic situation will fight and try the best for its members.