



ALBANIAN NATIONAL CHAMBER OF ADVOCACY MANAGEMENT COUNCIL

I. MAIN ACTIVITIES OF THE ALBANIAN NATIONAL CHAMBER OF ADVOCACY DURING 2013

1. Mandatory Initial and Continues Training for assistant lawyers and practicing lawyers in place

The creation of the National School of Advocacy (NSA) as a requirement of the Law on Legal Profession and its amendments in 2012 has been reflected in the Albanian National Chamber of Advocacy (ANCA). NSA, from the legal point of view, is an ANCA' body, which has its structures and organizational management, namely the Scientific Committee as a collegial decision making body and the executive director as an individual executive body.

The NSA provides mandatory initial training for assistant lawyers and continues training for practicing lawyers, which are requirements for obtaining the lawyers' license and practicing the legal profession according to the law.

NSA has started delivering initial training for assistant lawyers in November 2013. NSA' bodies have adopted the syllabus of the annual calendar for the school teaching year 2013-2014, which is being implemented. Also, the teaching staff was recruited together with supportive lecturers on the basis of professional and scientific criteria among the lawyers community. Thematic curricula of each subject are determined by the teaching staff in cooperation with supportive lecturers.

The first group of assistant lawyers who consist of 255 persons has been selected through a preliminary stage in late October. Students admitted to the NSA are organized into six groups and develop the initial training process with a teaching load of four hours per week. Actually, the training has entered into the 7th week of the learning process.

As regards continues education for lawyers, ANCA is continuing to provide 12 modules/hours of training per year in cooperation with USAID Just Programme in Albania, in different cities of Albania. NSA is preparing the necessary infrastructure for organizing training sessions for lawyers nationwide.

It worth mentioning that during the implementation of the law on legal profession as regards continues education of lawyers and assistant lawyers, ANCA has been supported and still is by USAID JuST'Programme, Slynn Foundation in the UK and Scuola Superiore dell' Avvocatura, Italy , etc.

2. The establishment of ANCA' new disciplinary structures

During the year 2013, ANCA has created and established new disciplinary structures, such as the appointment of the Complaints Commissioner by the ANCA' Management Council and the establishment of the Disciplinary Committee as a collegial body composed of six lawyers who are elected by the ANCA General Council, one representative appointed by a decision of the High Council of Justice, one representative of the Ministry of Justice and a representative from academic field. The first meeting of the Disciplinary Committee was held in the month of April. Up till now the Disciplinary Committee has had six meeting and has taken into discussion 65 complaints, based on which has decided:

- 6 cases "counseling for appropriate behavior in the future";
- 1 case "restitution of half of the sum paid to the lawyer";
- 1 case "suspension of the lawyer' license for 5 months";
- 1 case "written warning for unprofessional behavior";
- 48 cases "rejection of the complaints".

ANCA' Complaints Commissioner is responsible for gathering and starting the disciplinary process against the lawyer, including the investigation and fact finding for each complain. During 2013, ANCA Complaint Commissioner has received 115 complaints, from witch 80 complains has been put forward to the Disciplinary Committee. The rest of the complaints are under the investigation process.

3. International Cooperation

Invited by Slynn Foundation in the United Kingdom, representatives of ANCA held a visit to London on the framework of the Project between ANCA and Slynn Foundation, UK. The visit was focused on three areas: i) information and recognition by ANCA Complaints Commissioner of the disciplinary process against barristers in the UK and experience exchange between structures, especially with the Bar Standard Board, ii) information and recognition of the Director of School Advocacy on the initial and continuous training of lawyers in UK as well as teaching methods in City Law School, iii) further discussion regarding the preparation of professional insurance policy for lawyers in Albania developed through meetings with several brokers in London.

Lawyers Professional Insurance:

Following the visit of ANCA Chairman, Mr.Haxhia in June 2013 in London, he attended two important meetings in November 2013 with the purpose the creation of the professional insurance for Albanian lawyers according to the obligation foreseen in the law on Legal Profession. In these meeting was discussed mainly on the professional insurance police of lawyers which should include only 'the professional negligence' rather than full civil responsibility, at this stage at least. Actually, ANCA is discussing with local insurance companies on the terms and conditions of the professional insurance of lawyers.

4. Brief information on Privacy Protection - personal data protection in Albania

The Albanian Parliament has approved the Law no. 9590 on 27.07.2006 "For the ratification of the Agreement of Association and Stabilization between the Republic of Albania and European Community and state members" and based on which has harmonised its legislation on the protection of personal data with community legislation and other European and international law on the privacy.

The law no. 9887 dated 10.03.2008 "For the protection of personal data" has been drafted in accordance with the Directive 95/46/EC "For the protection of individuals regarding personal data' processing and free circulation of other common data" and Council of Europe' Conventions. For the implementation of the Law has been set up the Data Protection Commissioner' institution, as an independent supervising authority for the implementation of the rules of processing the data from all public and private institutions.

New instructions were adopted in the area of protection of personal data in different sectors. In the justice sector has been drafted and approved the Guideline no.15, dated 23.12.2011 for "The Processing and publication of personal data in the judiciary system" and/or the Guideline no.17, dated 11.05.2012 for the "Determination of the time of keeping personal data which are being processed online, from state police for the purposes such as prevention, investigation, identification of criminal offences"etc.

However, the implementation from state structures has been relatively low so far. The protection of personal data has been until recently a very big problem as far as concerns the online publication of court decisions including all the personal data of victims of trafficking, rape and witnesses of the court proceedings. Another example of poor implementation of the legislation of data protection is linked with online portals - such as the online portal of the Ministry of Justice "Stop corruption in the judiciary" - which has been suspended for a period of time by Data Protection Commissioner with a intermediate decision no.1, dated 1.10.2013 for the protection of personal data.

Apart from poor implementation, it should be mentioned also that the Data Protection Commissioner is still not listed among the institutions to be consulted when legislative proposals are being drafted and approved.

CHAIRMAN

Maksim R. Haxhia

Tirana, 22 January 2014