



EESTI ADVOKATUUR

ESTONIAN BAR ASSOCIATION

Country report – 43rd European Presidents' Conference 2015

Estonian Bar Association

(1) 95th anniversary

In 2014 the Estonian Bar Association celebrated the 95th anniversary and various events were held entire year:

- the exhibition “Estonian Bar Association 95”, that gives retrospective of the early years of the Bar Association until today at National Library of Estonia, Supreme Court, University of Tartu and in Tallinn Circuit Court;
- student research competition that was dedicated to the advocates and the Bar Association;
- conference on the theme of “Human on e-country”;
- special edition of legal magazine “Juridica” that was dedicated to the Bar Association issues.

(2) Amendments in Estonian Bar Association Act

Estonian Bar Association drafted the Estonian Bar Association Act amendments to ensure effective and sustainable functioning of the organization and started the negotiations with the Ministry of Justice. It was proposed to reorganize the regulation of the suspension of membership, the court of honor procedure, procedure how the professional suitability assessment committee will assess the professional suitability of an advocate as well as other issues. Among other things, the Bar Association introduced the title of *emeritus advocates* and stipulated the regulation and provided the procedure how to grant the title.

(3) Court action

Estonian Bar Association instituted proceedings in administrative court against state (ministry of Justice). The first question is if the state is fulfilling its obligation to



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finance the state legal aid from the state budget as stipulated in the State Legal Aid Act. As the fund allocated to the state legal aid are not sufficient, the second question is if the State Budget Act is in accordance with the Constitution of the Republic of Estonia. The main purpose of the litigation is the legal clarity if the state has an obligation to finance the state legal aid to ensure the quality and sustainable development of state legal aid.

(4) State legal aid in administrative proceedings

One of the biggest changes in the state legal aid sector was the pilot project conducted by the Bar Association how to appoint the provider of state legal aid in administrative proceedings and in administrative court proceedings. If before the changes all advocates had an opportunity to represent a person in administrative proceedings and in administrative court proceedings then now one law firm is entitled to provide state legal aid. In order to select the law firm with whom to conclude corresponding agreement for two years, Estonian Bar Association organized competition and selected the law firm that was able to ensure the timely and sufficient availability of competent and reliable legal services to all persons.

(5) Participating in Find-A-Lawyer, Find-A-Lawyer2 (FAL 2) and European Training Platform projects

Estonian Bar Association joined with the Find-A-Lawyer, which is an IT search engine to simplify and accelerate the process of searching for a lawyer in any European Union Member State through harmonized search criteria and a single point of entry.

Estonian Bar Association participated in FAL 2 project, which main objective is to build a prototype which will use the original FAL search engine to verify lawyers' identification in cross-border e-proceedings. FAL 2 will also be linked to the e-CODEX project, currently being implemented by the European Commission and many member States to interconnect national e-Justice systems and enable secure electronic communication and data exchange. Within the framework of e-CODEX,



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FAL 2 will provide the necessary solution to ensure that the person claiming to be a lawyer is indeed a qualified lawyer in his/her home jurisdiction and is, thus, able to fill in claims on behalf of the client through e-Justice procedures available, for instance, under e-CODEX.

The European Training Platform will consist of an IT platform which will provide information about courses for lawyers in a cross-border context. Although the final format of the system is not established, all relevant information from national and European-level training providers about training activities and courses will be made available on-line on e-Justice portal.

Sten Luiga

Chairman