

Spanish National Report 2014- Abogacía Española

Crystal Scales of Justice: Online Legal aid, better solutions for people's rights.

The Council of Europe and the European Commission have granted the European “Crystal Scales of Justice” award of its 2014 edition to the Spanish National Bar for its project on the Legal Aid e-File. This European award recognizes the best innovative practices in the field of Justice across Europe to improve the efficiency and quality of the functioning and the procedure of Justice systems, especially to benefit users, or to improve knowledge in the area of Justice. The award was presented on October 2014 at the Portuguese city of Aveiro, with the occasion of the European Day of Justice. The event was co-chaired by the Secretary of State in the Ministry of Justice in Portugal, Antonio Costa Moura, and by the President of the European Commission for the Efficiency of Justice (CEPEJ), John Stacey, who presented the award to Pere Hugué and Oriol Rusca, Vice-Chairmen of the Bar in the Technology and the European areas, respectively. The Legal Aid e-File, a project conducted by RedAbogacía, allows the Bars (as public law bodies with State delegated functions) to collect automatically the necessary documents in order to justify the application of legal aid. This brings security, interoperability and transparency in the management process, minimizing errors, reducing its economic cost and processing faster the applications for the most disadvantaged citizens. In 2013, more than 524.000 files were served through this system reducing the legal closing date and the average period of adjudication from several weeks to a less than 72 hours. Justice Administrations from Estonia, Germany and Netherlands were also finalists.

The Spanish Advocacy demands to abolish the Judicial Court fees for Citizens

Two years after the publication in the Official Spanish Gazette of the Law on Legal Fees 10/2012, the Legal Profession reiterates the agreement of the Standing Commission of the Spanish Bar held in November of 2012, which demanded the “immediate withdrawal of the Legal Fees Law, as it establishes different justice for the rich and the poor, preventing access to justice to a huge number of citizens”. During the last two years, the Spanish Bar has led a proposal with all the other legal professions in order to request the withdrawal of the court fees claiming that they are unconstitutional, unfair and disproportionate. The Spanish Advocacy expressed its opposition to the current reform as it does not amend the fixed amount of the fees, or the application of the variable amount in attention to the effective economic capacity of the citizens. Furthermore, the amount collected from the fees was never devoted to the improvement of Legal Aid as originally stated.

Creation of the Transparency Portal of the Advocacy

The Spanish Bar and Transparency International-Spain signed on December 2014 a framework partnership agreement to achieve greater transparency in the functioning of the Public Law Corporations and to guarantee the compliance of the principle of accountability. With the signing of this agreement, the Spanish National Bar, institution composed of 83 local Bars across Spain, accepts voluntarily a series of commitments about transparency, for its operational policy and for a wide range of information about the institution and its activities, advising IT-Spain in these matters and verifying periodically the effective implementation of its contents. The Spanish National Bar has implemented -on the 9th December 2014- its Transparency Portal in compliance with the Transparency, Public Information Access and Good Governance Law 19/2013. In [the Transparency Portal of the Bar](#), citizens interested on acceding to the Bar information can get to know the structure and diverse activities of the Spanish National Bar, information about agreements, contracts and budgetary activity, and the Bar annual report. The setting up of this Transparency Portal, the Bar -as President Carnicer commented- “shows the desire to act alongside the rule” and carries on a Spanish National Bar tradition: to illustrate commitment to the transparency and the ability of citizens to access to the Spanish National Bar information.

The legislative proposal on “Professional Services and Organisations”

The Spanish Bar has been actively lobbying against the legislative proposal on professional services and Bars as it affects and hinders the Bar’s structural and economic independence. Amongst the most controversial measures were the fixing of a maximum fee to the the Bar (to all the professional organisations), the reassessment of the situation of in-house councils, or the split between voluntary and obligatory activities. The Spanish Bar monitors and follows this new step attentively, in line with a wider picture in conjunction with the principle of mutual recognition and the national evaluation of regulatory barriers to professional services. Recently, the proposal has been postponed *sine die*.

Human Rights and Annual Conference

The Spanish Bar awarded during its annual conference back in December 2014, delivered its annual Human Rights awards to Ciudad Escuela de los Muchachos (institutions), Juan José Aguirre and Aurelio Gazzera (persons), Henrique Cymerman (Media) and Íñigo Ortiz de Mendivil, (Nacho de la Mata award). The 2014 conference was chaired by Carlos Carnicer Díez, President of the Spanish Bar, Rafael Catalá, Spanish Minister for Justice and Francisco Pérez de los Cobos, President of the Spanish Constitutional Court. At the same time, the Spanish Bar Foundation celebrated its First seminar on torture and ill-treatment and the International Department organised two round tables on Corruption and “double track –media- judgements”.

Oriol Rusca, New Head of the Spanish Delegation before the CCBE

The President of the Spanish Bar, Carlos Carnicer Díez, has appointed the Vicepresident of the Abogacía Española and the Dean of Barcelona, Oriol Rusca Nadal, as Head of the Spanish Delegation before the Council of the Bars and Law Societies of Europe, CCBE. The new Head of the Spanish Delegation took place last 16th of May in Verona (Italy), during the 120th CCBE Plenary Session. During the first few months of his term of office, the Spanish delegation has supported, among others, the establishment of a future European Lawyers Foundation, it has promoted the launch of Find-A-Lawyer project, as well as it has collaborated in several European projects. Oriol Rusca takes over the mandate from Juan Font, elected member of the national Council and former President at the Balearic Bar, who held the position for the last eight years and has appointed also Marta Isern as new Member of delegation as well as some new committee members.

20th Anniversary of the EU Office, 20 years of service to the profession

Since 1994 the Spanish Bar has permanent presence in the heart of Europe, with a clear European vocation to represent the interests of the Spanish Bars before the EU institutions as well as offering services to the Spanish lawyers. In the last 20 years the work within the CCBE has also been consolidated, thanks to our active members from the delegation and the technical support of the EU Office. On the occasion of the last CCBE plenary session last November 2014, our European colleagues were invited to the opening of the exhibition organized in Brussels “Human Rights, how right?” composed by drawings of the most renowned Spanish cartoonists about a diversity of Human Rights (life and physical integrity, dignity, freedom of expression, right to housing or freedom of movement amongst others). The exhibition, conveniently subtitled for its international premiere, was previously touring around through 40 local bars in Spain and auctioned later, earning several thousands of euros for charities. The exhibition was inaugurated last 27th November at the Cervantes Institute in Brussels and remained opened until 15th January and thus became an unplanned still standing homage to the cartoonists of “Charlie Hebdo” tragically murdered in Paris. During its opening, Oriol Rusca, Chief of the Spanish Delegation to the CCBE, described the historical evolution of the EU office and the CCBE delegation and reiterated the commitment of the Spanish Bar with the improvement of the Access to Justice and the respect of Human Rights.

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