



EESTI ADVOKATUUR
ESTONIAN BAR ASSOCIATION

Country report – 45th European Presidents' Conference 2017
Estonian Bar Association

(1) New board, chairman and deputy chairman of the Estonian Bar Association

During the General Assembly of Estonian Bar Association (hereinafter EBA) in March 2016, new board and chairman were elected. The board consists of 9 members, including the chairman. The new chairman is advocate-at-law Mr. Hannes Vallikivi and according to the board's decision, a new deputy chairman is advocate-at-law Mr. Jaanus Tehver.

(2) Amendments in legislation

The Board of EBA prepared a proposal for amendments to the Bar Association Act in order to achieve the objectives defined in the "Development trends of the Bar Association for the period 2011–2020" document. Main amendments adopted in March 2016 by the Parliament of Estonia were following:

- The amended Bar Association Act foresees the possibility for establishing the fee for taking advocate's exam or re-exam. Only the General Assembly of EBA has the right to establish these fees. During the General Assembly in March 2016, the fee for taking re-exam was established in the amount of 120 EUR. Also, when an advocate fails to undergo in-service training, the fee for an assessment or re-assessment of his/her professional knowledge may also be established by the General Assembly. According to the General Assembly's decision, the fee for taking re-assessment is 120 EUR.
- An advocate whose membership or professional activity has been suspended shall pay membership fee of one-tenth of the membership fee rate. In justified cases, the Board may release the person from the membership fee payment obligation based on the person's application.
- The regulation of suspending the advocate's membership is updated. The bases for suspending membership are specified and the possibility of suspending membership, generally for a specified period, is streamlined.
- The suspension of membership does not release the person from the obligation to undergo in-service training, unless the person joins public service, is elected as the member of the Parliament of Estonia or the European Parliament or as the President of the Republic or if the person is appointed as the member of the Government of the Republic or the European Commission. A person, whose membership has been suspended due to his or her state of health or for the time of the maternity leave and parental leave, shall also be released from the obligation to undergo in-service training.
- Advocate *emeritus* is introduced: The title of an advocate *emeritus* may be granted on the basis of a decision made by the board of EBA to persons who have left their position

with honour and attained retirement age. So far the title of advocate emeritus has been awarded to 3 persons.

Bar Association Act was again amended on the 1st of August 2016. According to the amendment, a person may be admitted to EBA without taking the advocate's exam as an advocate-at-law if he or she has acted as a judge, judge of the European Court of Justice, European Court of Human Rights or General Court of the European Union or as a Chancellor of Justice or a prosecutor, except for an assistant prosecutor, for at least three years. The purpose of this change is to even more simplify the rotation between different legal professions, as in previous redaction this list did not include national I and II instance judges and prosecutors.

(3) Regarding the state legal aid system

One of the biggest challenges in 2016 for EBA was to find a solution for the funding of the state legal aid system. EBA is continuously pursuing the Ministry of Justice for additional funding of state legal aid from the state budget. The resources allocated from the state budget must enable to increase the fees for the provision of state legal aid to ensure fair remuneration for the work of an advocate; the gap between the fees/prices of regular legal aid and state-funded legal aid is still unacceptably big. Considerable efforts have been made to find more efficient alternatives to the current system. The work in this field will also continue in 2017.

2016 also brought some changes in the state legal aid system. The Supreme Court of Estonia ruled in its decision that EBA does not actually have legal power to establish the procedure for fees and expenses regarding the compensation for expenses to the advocates, who provide state legal aid. Therefore from the 1st of August 2016, the procedure for fees and expenses is being set down by Minister of Justice. Minister of Justice should establish the rates of fees and extent of compensation of expenses with a view that the state legal aid would be guaranteed to the end of the budget year.

Ministry of Justice together with EBA is now preparing a reform of state legal aid system, but this process is still in the beginning.

(4) Project for granting legal aid to refugees

Unfortunately the expanding migrant crisis has also affected EBA and has made us to seek for additional possibilities to ensure the delivery of services in order to pay for legal services provided by the state legal aid advocates. Therefore EBA started to pursue a project together with the Ministry of the Interior, which aim is to involve EU funding in order to pay for legal services. The project was running from 01.10.2015 until 31.12.2016 and it was extended until 31.12.2017.

(5) Foreign cooperation

Between August 2015 and August 2016, EBA developed a bilateral development project in cooperation with The National Legal Aid Council of Moldova. The project was financially supported by Estonian Ministry of Foreign Affairs and its main purpose was to introduce and transfer Estonia's expertise and best practices in the field of legal aid to Republic of Moldova.

The project aimed to strengthen and develop the legal aid system in Republic of Moldova and

establish a partnership between Estonian and Moldovan authorities involved in the management of the legal aid system. Project's activities were oriented to support the management of an efficient, effective legal aid system, familiarizing with quality improvement methods and models of legal aid services and professional standards acting in the Estonian system, sharing Estonia's expertise linked to its integration into EU and good practices experience in terms of operation the *acquis* regarding legal aid system.

(6) The Quality Management Certificate of the Estonian Bar Association

Preparations for the development of a quality management system ISO 9001:2008 for EBA started in 2014 and the Bar got its certificate in August 2014.

Preparations for the development of a special quality management system for all Estonian law firms – The Quality Management Certificate of EBA - started in early 2014. In 2015 EBA issued the first Quality Management Certificate of EBA. Until now, EBA has issued altogether 8 certifications.

The Quality Management Certificate of EBA is the recognition given to law firms operating in Estonia to mark their high service standards. Three key areas are highlighted:

- good management of a law firm and proper administration;
- creation of a working environment that promotes the provision of quality legal services;
- innovation and sustainable development of service solutions, appropriate establishment and maintenance of client relationships.

The level of the law firm's service quality is assessed when the certificate is applied for. The content and quality of the legal aid provided by the attorneys is not evaluated when the certificate is applied for and issued.

Applying for a Quality Management Certificate is optional for all law firms. It is not an obligation. Applying for the certificate and (annual) follow-up audits are subject to a fee.

The existence of a Quality Management Certificate primarily shows the law firm's commitment and capacity to consistently provide services that meet the expectations of clients, improve overall satisfaction and create trust. The existence of the certificate gives the firm's clients and partners a clear signal that the firm observes high service standards, which in addition to ordinary legal requirements also turn attention to the implementation of optional guidelines as the norm, seeks ways of keeping up with the demands of changing times and act as an example in the use of innovative solutions.

(7) Pro bono activities

Alongside with other activities, EBA finds it very important to promote pro bono activities and to ensure legal aid for vulnerable target groups. Already in June 2010, a cooperation agreement was signed with the Estonian Union for Child Welfare, under which members of EBA provide a *pro bono* counselling service on family law matters and matters linked to family law. The project called "A good advice for families with children" and during 2016, 147 families were counselled regarding various family law matters.

From 2010, more than 1 100 people have received *pro bono* legal aid in such matters. The

counselling takes place in Tallinn, in the capital of Estonia, but also via Skype from the mainland to the island of Hiiumaa, where we do not have any practising advocates, on a regular basis (once or twice a month) and from the second half of 2015 also in Sillamäe (Ida-Virumaa county).

Together with the Estonian Union for Child Welfare, advisory articles regarding children`s rights are being published in web magazine “*Märka Last*” on regular basis. In addition, EBA has its own column in the “*Pere ja Kodu*” magazine for providing legal counselling for families with children.