

### **Governing bodies, statistics and summary of main developments**

In 2016, the Slovak Bar Association commenced the fifth year under the presidency of JUDr Ľubomír Hrežd'ovič and continued to fulfil its role under the leadership of the Bar Council members in their second term of office.

Contrary to previous years there was no further increase in the number of lawyers. In fact, there was a slight decrease and currently there are 5 962 practicing lawyers (2560 women), 196 registered European lawyer, 3 foreign lawyers and 7 international legal practitioners). Similarly there was almost no increase in the number of trainee lawyers presumably caused by the restrictive qualitative measure in the form of the prolongation of the traineeship period from three to five years in 2013. At the moment there are 2 100 trainee lawyers.

The current development within the Slovak Bar Association and legal profession in Slovakia is marked by the debate on the future of the legal sector, by relevant legislative changes and proposals, by initial preparations for the upcoming conference of lawyers 2017, by re-establishment of the Slovak Bar Association Court of Arbitration, by further electronization of ID cards and awareness raising activities promoted among its members.

### **Position documents on the future role of the Bar on the legal services market**

In April 2016 Slovak Bar Association Working Group on the Core Issues of the Profession commenced discussions on relevant changes on the legal services market with the intention to keep pace with the global development. The WG agreed on the content of the position paper which was drafted and presented to all lawyers via website. Lawyers are invited to comment the paper with the aim to have some results of the debate before the upcoming conference of lawyers in June 2017. The document comprises of two parts – the first being an overview of current trends and changes in the legal profession based on the foreign studies and analyses, the second proposes the course of action the Slovak Bar can take in order to cope with the changes in the best way as well as suggestions on how to tackle long-lasting issues such as illicit trading, professional training or strengthening of the fundamental values.

### **Relevant government legislative proposals**

As regards the proposed new legal acts and amendments to the existing legislation, the Slovak Bar Association closely observed the national legislative process and submitted comments regarding the following bills:

- Antiterrorist criminal law legislation package that entered into force as of January 2016 and which widens the powers of police forces and includes other measures in the name of the state security.
- Establishment of new register of public sector partners that aims at transparency of transactions with state and beneficial owners involved. The public sector partner is

natural or legal person receiving funds, assets or other property rights from public resources, including EU funds. Lawyers are one of the persons authorised to register a public sector partner but at the same time they bear responsibility and are subject to fines in case of insufficient or misleading identification of beneficial owner.

- Proposal for substantial changes in the status of executors according to which the executors are no longer a liberal profession as we have known it for the past twenty years, executors are going to be allocated by the court using an electronic system.
- Introduction of a new type of electronic payment order that centralises payment orders to a single court that will adequately specialize on payment orders.
- Simplification and easier accessibility of personal bankruptcy - the new personal insolvency regime will open to a wider debtor audience but leave little protection to creditors.
- Transposition of the fourth Anti-Money Laundering Directive that proposes significant raise in fines and imposes stricter obligations on obliged entities without taking into consideration differences in size and type of the entities.
- Amendment of the act on acquisition of ownership of agricultural land that proposes some restriction of freedom of business and fundamental ownership rights in order to stimulate the use of land for agricultural purposes.

In this context the Bar members did their utmost to protect the legal profession, strengthen its position and reputation of an organisation protecting and promoting the rule of law as well as independence, freedom and dignity of the legal profession.

### **Civil law recodification: three codes entered into force**

In July 2016 the new Civil Litigation Procedure Code, Code of Non-contentious Civil Procedure and Code on Judicial Proceedings in Administrative Cases entered into force, presenting a new challenge for lawyers who need to cope with a number of novelties in civil procedure and need to find their feet in the restructured provisions. In order to assist its members the Slovak Bar Association organised a great number of seminars in Bratislava and in Košice and related training events on the subject of the relevant changes.

### **Re-establishment of the Slovak Bar Association Arbitration Court**

As of 1<sup>st</sup> July 2016, new Statute and Rules of procedure of the Slovak Bar Association Court of Arbitration was published in the official gazette of the Companies Register. Re-establishment of the Arbitration Court presents an important impetus in the field of civil arbitration in Slovakia and alternative solution to commercial and civil litigation at general courts. The Arbitration court is competent to decide disputes arising out of domestic and international commercial and civil legal relationships where the place of arbitration is the Slovak Republic, and the recognition and enforcement of domestic and foreign arbitral awards

in the Slovak Republic. All disputes concerning legal relationships eligible for a settlement agreement, including disputes on the existence of a legal relationship or legal title, can be dealt with in arbitration. Arbitration proceedings may not be, however, conducted in relation to disputes between a supplier and a consumer, arising out of or in connection with a consumer contract, which can be resolved by consumer arbitration.

### **Electronization: State of play**

In order to enable lawyers to benefit from new technical possibilities, in 2014 the Slovak Bar Association initiated a project of electronization and within this framework the reissuance of lawyers' ID cards is taking place. The Slovak Bar Association thus serves as an administrator responsible for the agenda of electronisation of the legal profession. Throughout the past year the Bar focused on raising awareness about the advantages of new ID cards with electronic chip.

As of 1<sup>st</sup> August 2016, all legal persons were supposed to be obligated to have their electronic mailboxes activated but a transitional period was allowed until January 2017.

### **International Relations**

The Slovak Bar Association has throughout the year upheld the focus on involvement in the international organisations – as a regular member of CCBE and IBA and with its active representative in ECBA and AIJA. The Slovak Bar Association appointed a Slovak HELP Info Point in order to facilitate participation on Slovak lawyers at Council of European training activities for legal professionals.

In October 2016 the Slovak Bar Association hosted annual meeting and conference of English speaking chief executives and secretaries general of European Bar Associations (CEEBA).

### **“HELP in the 28” course on Data protection and privacy right**

In January 2017 fifteen Slovak lawyers took part in the Council of Europe programme HELP (Human Right Education for Legal Professionals) distance course along with Czech lawyers and in cooperation with the Czech Bar Association as the host of kick-off meeting. A great number of persons expressed their interest in further training of this sort.

### **European Lawyers Day**

Slovak Bar Association took part in the annual festivities of legal profession initiated by CCBE and organised an essay competition on the topic of Access to Justice for trainee lawyers and student of law under 35 years. The objective was to raise the interest of young lawyers in publication and to hear the view of the next generation.

### **Regular training activities**

As every year the Slovak Bar Association organised regular summer and winter two days seminar for lawyers, as well as a traditional conference called "Slovenské dni práva/ Slovak days of law" that takes place in October in Bratislava. The main topics discussed were the following: legal regime of immoveable property and problems with application in practice; ultima ratio principle in criminal law; recodification of civil procedure code, amendments to execution code, to act related to payment order and act on bankruptcy and restructuring; data boxes and documents conversion; arbitration; lawyers and occupational stress.

### **Focus on cultural/historical aspects of the profession**

Several activities organised or facilitated by the Slovak Bar Association merit attention. A new set of publications on interesting personalities from among the lawyers were issued, promoted and prepared – first women in the Slovak legal profession, famous writers who worked at the same time as lawyers, remarkable Slovak lawyers in living memory.

Commemorative plaque was put up on the first building of the Slovak Bar Association in Martin.

Travelling exhibition entitled "*Legal profession – the past and the present*" was welcomed in several towns, attracted positive comments and interest of older and younger generation.

In January 2017 a new book called "*Lawyers-DAVists*" by Dr. Peter Kerecman was released about lawyers who were members of DAV, a group of young Slovak intellectuals who from the mid-1920s and during the 1930s published a journal of the same title and focused on art, philosophy, literature, politics and critical (re)views.