

## **Annual Report 2017 – the Danish Bar and Law Society**

### **Ordinary General Assembly and new Council of The Danish Bar and Law Society**

The Ordinary General Assembly took place in May 2017 where a number of new Council members were elected from around the country. Mr. Peter Fogh continues to serve as President of the Danish Bar and will be up for election at the Ordinary General Assembly in 2019.

For the next two years, the Council has decided to focus on *inter alia* increased involvement of young lawyers regarding colleague-to-colleague network; lawyers reputation in the society; the digital development and what it means for Danish lawyers; the quality of interpretation in court proceedings and what it consequently leads to in terms of rule-of-law related issues for the citizens; the imbalance between the resources available for a citizen versus the resources available for the state and the rule-of-law challenges this entails in cases where a citizen is up against the state.

### **Working group on data protection:**

In October 2017 a working group on data protection was established by the Danish Bar and Law Society. The working group is established with the purpose of publishing advisory guidelines to lawyers regarding the data protection regulation under regulation 2016/679. Furthermore, the working group shall examine the interaction between the data protection regulation on one hand and the rules of professional conduct on the other. Members of the group include lawyers with expert knowledge on data protection and representatives from the Danish Bar and Law Society. It is expected that the guidelines for lawyers on data protection will be published during March 2018.

### **Rule of Law in Jordan**

The Danish Bar has participated in a project run by the Danish human rights organization DIGNITY, who currently works with the Jordanian national anti-torture program (Karama). The program is based on co-responsibility: state institutions and civil society organizations work together to reach a shared goal of eliminating the use

of torture and increase rule of law - with a particular focus on criminal proceedings. The Danish Bar has cooperated with the Jordanian prosecution, the courts and the Law Society and provided rule-of-law training and tools for the stakeholders. There has been a specific focus on the rules and procedures governing pre-trial detention. This has included training of lawyers and moot courts demonstrating how criminal cases are being handled in Denmark. The Danish involvement in Jordan will continue in 2018.

### **Increased supervision of defense lawyers**

During 2017 the Danish Bar and Law Society decided to initiate increased supervision of defense lawyers. The reason behind was a heavy and, to some extent, critical press coverage of the way defense lawyers are performing their duties: how they settle their salaries for the performed work and how they advertise themselves and their services in order to gain new clients. The number of defense lawyers in Denmark amounts currently to around 400 beneficial lawyers and an additional 150-200 lawyers dealing with criminal cases on a regular basis – all in all around 10% of the total number of lawyers in Denmark. The aim for the first six months has been to conduct 150 supervisions at the law firms before the end of March 2018. The selection of the defense lawyers to undergo increased supervision is partly random, partly risk-based. At the end of the 6 months period of time a report will be drafted and the results analyzed.

### **Project regarding threats and harassment directed on family law lawyers and defense lawyers**

The Danish Bar and Law Society has in 2017 continued its work with the project on threats and harassment directed on family law lawyers and defense lawyers (started 2016).

As a starting point for the project a survey was conducted amongst 660 family law lawyers and defense lawyers in order to clarify to which extent these lawyers have experienced being exposed to threats and harassment. According to the survey 40% of the family law lawyers and 27% of the defense lawyers have been exposed to threats etc. during the last five years. To most of the lawyers this has happened one to five times during the last five years. More than half of the lawyers completing the survey have been mentally affected, including seeking trauma counselling. The survey also shows that a large percentage of the lawyers who have experienced threats or other harassment have had to leave cases and some have even considered giving up being a lawyer.

Following the survey, the Danish Bar and Law Society has been working on developing tools in order to support and guide the affected lawyers, e.g. guidance on blocking people on social media and on avoiding and coping with conflict escalation. Furthermore the Danish Bar has recently received funding from Dreyer's Foundation

to allow for a two year pilot project where the affected lawyers can get psychological support free of charge if they have been mentally affected by threats or harassment.

A complete guidance is expected to be published by the Danish Bar and Law Society in the first half of 2018.

### **Participation in Culture Night**

For more than 20 years Culture Night has been one of Copenhagen's most well-attended cultural events. It is a festive evening, where the entire cultural life of the city works together to create joy and inspiration for all citizens. The Danish Bar and Law Society participated in 2017 with the aim of bringing lawyers and their role in society into focus. The premises of the Bar and Law Society were open to the public and various events were organized throughout the evening, including a moot court displaying the functioning of a criminal law case ("Folkedomstolen"/ "Peoples' Court"). The moot court was performed by real-life lawyers, a prosecutor and a city court judge. The Danish Bar and Law Society had also arranged for a "legal emergency room" where various lawyers offered free legal advice to the people attending the evening. There were presentations from various experts and public debates on the upcoming legal changes to the family law-system as well as citizens' opportunities for seeking financial legal aid in case of a lawsuit.

### **The Peoples' Meeting "Folkemødet" on Bornholm**

The Danish Bar and Law Society participated for the sixth time at the "Peoples' Meeting" in June 2017. The Peoples' Meeting ("Folkemødet") is situated on the Danish Island of Bornholm and is a unique platform with open debates where politicians informally meet citizens, business people and organizations. The meeting takes place every year in June and lasts for four days. Folkemødet is the Danish counterpart to the famous Swedish "Almedalsveckan". The Danish Bar and Law Society hosted a stand with numerous activities, including a moot court ("Peoples Court"), this time displaying the functioning of a criminal law case (home robbery).

The Danish Bar and Law Society is planning to attend the Peoples' Meeting again in 2018.

### **Rule-of-law and social security law**

The Danish Bar and Law Society has throughout the year collaborated with a number of civil society-organizations to do some stocktaking on rule-of-law within social security- and administrative law. This has included a scrutiny of the current legislation and the way the legislation is being used in practice amongst the municipalities around the country when they decide on e.g. social security benefits for citizens in need.

Specific proposals have been made to the government to increase homogeneity in the decision-making process and ensure that the municipalities' decisions observe all the rights you have as a Danish citizen. There has been ongoing dialogue with relevant parliamentarians regarding these proposals. Furthermore, there has been a parallel project on the establishment of a Council dealing with social security law ("Det Sociale Retssikkerhedsråd") in order to keep a more permanent focus on the area. Finally, there is a continuous project where the Danish Bar and Law Society work together with some expert lawyers and select a number of cases from citizens who have received decisions from the municipalities, but do not themselves have the capacity to challenge or appeal them in front of a court. The work in this area continues in 2018.

### **Participation in International Work**

The Danish Bar and Law Society has throughout the year upheld a strong focus on its international work and cooperation with bars from other countries. This has included active participation within the IBA and the CCBE, including Danish involvement in a number of committees and working groups. A particular focus area has been Brexit and its consequences for the future cooperation with the UK, clients as well as lawyers. The Danish Bar and Law Society has worked closely together with a number of other delegations in order to provide the Commission with the best possible material for the negotiations with the UK.

Mr. Philip Thorsen has replaced Ms. Karen Larsen as new Head of the Danish Delegation to the CCBE. Philip Thorsen has also joined the Danish Bar and Law Society's International Committee.

### **Facts about the Danish Bar and Law Society**

The Danish Bar and Law Society has as per 1 January 2018 6.309 lawyers who pay a yearly subscription fee of app. 900 euro excl. VAT. Of the 6.309 lawyers 1.562 are employed as in-house lawyers and the remaining 4747 are employed at law firms. 1030 of these law firms are owner-managed companies. The 6.309 lawyers employ 1310 junior-associates and 2.178 of the lawyers are women.

Among the lawyers the age distribution is as follows: 27-39: 1976; 40-49: 1971; 50-59: 1231; 60+: 1131

Yours sincerely,

  
Torben Jensen  
Secretary General