

REPORT BY THE PORTUGUESE BAR ASSOCIATION

During 2017 the Portuguese Bar Association was involved in a series of activities and events relevant to the improvement of the Portuguese system of justice, to the defense of the citizens' rights and to the strength of the legal profession, from which we would like to highlight the following:

1. In 2016/2017, the Portuguese Bar Association, the Solicitadores and Enforcement Agents' National Association, the Court Officers' Union, the Portuguese Judges' Union and the Public Prosecutor's Union, following to a challenge launched by the President of the Republic set up an informal group aiming to obtain an agreement between the operators of the judiciary on the respective system and which was a first step for a permanent co-work on the improvement of the Portuguese system of justice.

The main focus of the works are: Judicial organization, economic justice, access to justice and economic crime and corruption.

Common ground has been established and deepened and, consequently, a number of relevant agreements were achieved by unanimity.

A document with the conclusions of the works has been made public and delivered to the President of the Republic on January.

(https://portal.oa.pt/media/123697/acordos-para-o-sistema-de-justica_12janeiro2018.pdf)

The setting up of a permanent forum for discussion and debate of questions relevant for the judiciary, was also one of the main achievements of the works.

The Bar Association has been and continues fully committed with these works, having as main goals the defense of the rule of law and the public interest.

In the context of its efforts to the improvement of the system of justice in Portugal, the Bar Association has also deepened its institutional relationship with the President of the Supreme Court of Justice and the Prosecutor General. Regular informal meetings between the three heads of the respective institutions were agreed and implemented.

Also, in the same context, a public inquiry on the public perception of justice is to be launched by the three entities together having as goal to improve the quality of the system but also the citizen's relationship with it.

2. A main goal of the Bar Association is the reduction of the court fees which we consider to be a true obstacle to the citizen's access to justice. In this context, the President of the Bar has actively developed and supported a number of initiatives with that purpose, both at political and the judiciary operators' levels.
3. The Bar Association has intensified its intervention in the legislative process and the public debate on legal issues, both on a reactive and a proactive perspective. The Bar Association has contributed to the legal development, providing its views on a large number of bills and other proposals of legislation, in special those which may contend with the citizen's rights, of which a main example is the transposition of EU law on AML.
4. The Portuguese Bar Association is keen to be involved with the community and to offer its services to help to solve the main problems that, by its nature, magnitude or social relevance may benefit from our specific skills and knowledge.

In this context we have been and still are actively involved in the support to the victims of the dramatic fires that we faced all over the country during the 2017's Summer and, in addition to the free legal consultation provided by voluntary counsels to the victims of the major fires, we are also involved in the special indemnity proceedings still in course.

Other field where the Bar Association has been actively involved is that of the defense of the victims of the recent financial/banking crisis, defending both the rule of law and the rights, freedoms and guarantees of citizens. The Bar Association believes that it must be in the forefront when it comes to upholding citizens' rights, especially when it comes to disadvantaged and underprivileged citizens

Finally, in this same line, we awarded the Portuguese Firemen Associations with the Bar Association Human Rights Award and appointed as honorary President of the Human Rights Commission José Augusto Rocha, former President of that same commission, who was recently decorated by the President of the Republic with the rank of Grand Officer of the Order of Freedom, for his life dedicated to the causes of freedom, justice and the defense of fundamental rights, in special during the dictatorship.

5. On our internal organization:

First of all, we would stress our goal of restructuring the training to young lawyers, which is already in course, with the main objective of simplifying the process and confer a higher level of stability and coherence to the current system, in special considering that it is mandatory to have access to the profession.

Also, we would highlight the recently empowered Law Practice Institute, composed of three distinct sections dedicated to Individual Practice Lawyers, Company Lawyers and Law Firms and whose main activity is to follow up and propose solutions to the different questions and challenges that each modality of exercise of the profession faces, benefiting from the exchange of experience from the different ways of exercise.

We also approved incentives to maternity through a reduction of 2/12 of the annual fee to be paid to the Bar Association.

6. **Finally, on self-regulation:** Although that is not an issue in Portugal, the fact is that a slight change is being felt in the court decisions as, by considering the contractual nature of the relationship between lawyers and clients they endanger in special the professional privilege. The Bar Association has been alert and uncompromisingly defending the core values of the profession.

Other related aspect which deserves the Bar Association attention is the need to increase the resources affected to the self-regulation mechanism as, due to the increase of the number of lawyers in the last decade or two, naturally the number of disputes submitted to our internal disciplinary bodies rose.

Lisbon, January 2018