

**9<sup>th</sup> February 2018**

## **PART I: GENERAL REPORT**

### **Governing Bodies and Statistics**

In June 2017 the Slovak Bar Association General Assembly elected new members of the Presidency that took up the four year mandate under the renewed leadership of President JUDr. Tomáš Borec.

Contrary to previous year when there was a slight decrease in the number of lawyers, currently the number of lawyers is again higher as there are 6 141 active registered lawyers with balanced gender ratio and about 200 registered lawyers with foreign status (EU, international, foreign). There was a slight decrease 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 2 191 trainee lawyers.

### **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 number of bills among which the following had a significant impact on the legal profession:

- Proposed Act on the Execution of the Order to Freeze Assets and on the Seized Assets Management – the act was motivated by the obligation to transpose the EU directive, nevertheless Slovak Bar Association found some flaws and called for more guarantees to match the interference with the fundamental rights of individuals; Proposed amendments to Criminal Code and Criminal Procedure Code were considered so significant that the Slovak Bar Association organised in October 2017 a round table discussion with representatives of ministry, legal professions and academia.
- New Act on the Rights of Victims of Crime – as regards this transposition of the EU directive the Bar advocated for sufficient guarantees of the quality of legal aid provided to the victims of crime as it was proposed to be provided by civil society bodies.
- Amendments and new forms related to the Register of Companies
- Amendments to Administrative Procedure Code introducing a “one-strike” principle according to which persons will be obliged to submit relevant documents to public authorities only once and further on they become part of interconnected public administration information systems
- Involvement in the preparation of the reform of the guardianship of protected adults
- Proposed new Act on Data Protection drafted with the objective to harmonise domestic legislation with the General Data Protection Regulation.

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.

## **Electronization: State of Play**

A recent amendment of the Act on Courts of Justice and on the amendment of additional laws has introduced an obligation for certain persons, including lawyers, to service documents in judicial proceedings into the court's electronic inbox and to use their activated electronic inbox in all electronic communications with that court. Furthermore, if there is a special standardized electronic form designated for submitting a certain motion, these persons are obliged to use the form. Any expenses incurred by a breach of this obligation are not included in the final reimbursement of expenses in judicial proceedings. The said obligation already applies to lawyers who are legal entities from the 1st of July 2017. Lawyers who are natural persons will have to comply with the obligation as from the 1st of July 2018.

It follows that, generally, public authorities are required to exercise public power electronically, unless the Act on e-Government or other special laws state otherwise, for example in cases when a special law provides that a legal act must be made in writing. In order to answer the question whether a public authority must communicate with third persons electronically, one must be acquainted with legislative regulation of so called electronic inboxes.

On top of the difficulties related to electronisation of justice, all the issued e-ID were found vulnerable and in danger of misuse in October 2017. Slovak Bar Association, however, was glad to inform the lawyers that e-IDs issued by the Bar and currently in use by lawyers were secure and available to use as they contained chips provided by different producer.

The Slovak Bar Association continues to organise regular seminars for lawyers on various practical aspects of electronisation.

## **Establishment of Regional Office in Košice**

The capital Bratislava being located at the very western corner of the country, a need to reinforce the regional representation in the east of Slovakia was perceived by lawyers and by the leadership of the Slovak Bar Association. Thus, a permanent regional office was established in the second largest city, Košice. The office will serve purposes of regular regional activities undertaken by appointed regional representatives of the Slovak Bar Association in eight Slovak regions, such as seminars, debates and social events. Moreover, as the Slovak Bar Association Office is currently spending much time and resources on issuing lawyer e-IDs and other services related to the electronisation of the legal sector, the new office will also take part of this agenda.

## **International Relations**

The Slovak Bar Association has throughout the year upheld the focus on involvement in the international organisations of lawyers – as a regular member of CCBE, IBA and AIJA, and with its active representative in ECBA. The year 2017 was rich in events with international elements, such as:

- 1st Multi country EU-COE “HELP in the 28” Course on Data Protection and Privacy Rights for Czech and Slovak lawyers
- Annual mutual working meeting of Presidencies of Slovak Bar Association and Czech Bar Association
- 12th German-Czech-Slovak Lawyer’s Forum, a conference for lawyers organised by four partner Bars - Bamberg, Sachsen, Slovakia and Czech Republic
- Meeting of Befriended and Neighbouring (German speaking) Bar Associations, traditional annual event for Bar representatives from Austria, Germany, northern Italy, Slovakia and other Bars from the region
- AIJA T.R.A.D.E. and Labour Law Commission Double Seminar

## **Focus on Historical Aspects of the Legal 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 and promoted. 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.

A decision was taken to digitalise the content of all editions of the Slovak Bar Association scientific journal published prior to the current journal that is being published since 1994. This collection of digital contents will be made available to all lawyers through the website of the Slovak Bar Association.

The XIVth Conference on the history of the legal profession usually organized by the Czech Bar Association was hosted last year on 3rd November by the Slovak Bar Association in Banská Bystrica. It was well attended and well-reviewed.

### **“Lawyers' Drop of Blood”**

At the moment an initiative to promote donation of blood is being undertaken by the National Blood Transfusion Service in cooperation with the Slovak Bar Association. The month of January 2018 was declared a “Lawyers’ Drop of Blood” month when lawyers are encouraged to donate blood in order to support the National Blood Transfusion Service according to which in January there is a lowest number of donors.

## **PART II: INDEPENDENCE OF THE LEGAL PROFESSION**

The Slovak Bar Association is an independent self-administrative professional organization. The legal profession governed by the Slovak Bar Association is fully independent and currently there are no incentives that it is to be otherwise.

The Slovak Bar Association maintains the roll of lawyers and trainee lawyers, issues licenses to lawyers and sets requirements for lawyers exams and aptitude tests, approves the Bar Examination Rules for the Bar examinations and for the aptitude tests, and appoints members of the Examining Committee from among the lawyers or judges, prosecutors and any other experts in the field of law. Slovak Bar Association provides for mandatory training of trainee lawyers. It has full disciplinary and supervisory competences.

Slovak Bar Association values its full independence in the matters determining the quality of legal profession – as regards the organisation of bar exams as well as disciplinary issues – as we believe that without a guarantee of independence it is impossible for lawyers to fulfil their professional and legal role. The disciplinary panels and committees are composed entirely from lawyers and bar exam organisation is fully in the hands of lawyers. Although representatives of other professions appointed to the examination board bring valuable input and help examine the candidate in a thorough way, the preparation of the exam questions, presiding over panels and appointment of board members are all in charge of the Slovak Bar Association. Similarly, the disciplinary competence of the Bar is without involvement of any external elements/persons. Disciplinary commission and appellate disciplinary commission members are elected by the supreme body of the Bar, the General Assembly, for the period of four years.