

## **Annual report 2018 – the Danish Bar and Law Society**

### **The Danish Bar and Law Society turns 100 years old in 2019**

The Danish Bar and Law Society turns 100 years old in 2019 and has spent a fair amount of time during 2018 preparing for the celebration. The anniversary will be celebrated in connection with the General Assembly of Danish lawyers on 23 and 24 May in Copenhagen.

The festive events will include a seminar with high-level national and international speakers at the Royal Danish Library and a huge gala party at the Royal Danish Opera House.

The theme for the seminar in the Royal Danish Library will be the rule of law and the reputation of lawyers in a future perspective. There will be speeches from the Minister of Justice and the President of the Danish Supreme Court. Also, we have the honor of having lawyer and Chairperson of the Norwegian Nobel Committee, Berit Reiss-Andersen, to participate in a debate with the President of the Supreme Court about the role of lawyers in society. Furthermore, the Danish Bar and Law Society will publish a book portraying 10 lawyers, former and current. The main focus of the book will be the interaction between Danish lawyers and the development of Danish society during the past 100 years, and it will be published by the largest Danish publishing house, Gyldendal. The book has been authored by a historian and former Editor-in-Chief at a large national newspaper and contains solid research, inspiring conversations, provocative portraits, and profound reflections and should be an interesting read for all people interested in the development of Danish society over the past 100 years. A little later, in September 2019, the Danish Bar and Law Society has invited CCBE and its delegations to Copenhagen where a Standing Committee will be conducted.

### **Amended Administration of Justice Act:**

During 2018, the Danish government has adopted a bill amending the Administration of Justice Act, including a number of initiatives relating to supervision of lawyers.

The new legislation aims at restricting the way defense lawyers use advertising in order to gain new clients. This includes a prohibition of defense lawyers distributing gifts to their clients or their relatives in criminal cases. It also authorizes the Minister of Justice to decide on a possible future prohibition of clothing used as an advertising pillar for defense lawyers at facilities and institutions belonging to the Prison and Probation Service

The new legislation also includes a more general tightening of the regulation regarding the Bar and Law Society's supervision of Danish lawyers: the Council of the Danish Bar and Law Society will from now on have to classify the lawyers according to the risk of non-compliance with the duties and obligations imposed on the lawyer profession. The frequency of the supervision of lawyers has also been increased.

Furthermore, the Council has gained a number of new possibilities for obtaining the information needed for carrying out supervision in an even more thorough way. This includes obtaining information from the relevant public authorities.

In addition, the Council must once a year prepare an updated and comprehensive plan for the supervision and also submit an annual report to the Minister of Justice on the supervision performed during the past year.

Finally, the legislative amendments contain a number of measures aimed at making the disciplinary sanctions towards lawyers more effective.

The revised Act entered into force on 1 January 2019. However, the most important changes to the supervision will not enter into force until 1 July 2019. The Danish Bar and Law Society is currently working hard at implementing the new rules.

#### **Amendment of the bye-laws regulating client accounts:**

The General Council has during 2018 worked on an audit of the bye-laws regulating client accounts. The project is anchored under the Rules and Regulations Committee.

The reason for initiating the project was basically the rising need for a more general and updated version of the practical handling of fiduciary funds.

The draft is expected to be approved by the Ministry of Justice during 2019.

#### **LegalTech:**

The Council of the Danish Bar and Law Society has established a working group intended to study trends within all areas of LegalTech. The working group consists of members of the Council; the Committee on Supervision and Regulation and lawyers specializing in tech start-ups. The working group is organizationally located under the Committee on Supervision and Regulation.

The main focus of the working group is to evaluate LegalTech-developments in correlation with the present rules of professional conduct such as conflict of interest, rules of fixation of fees and independence. The aim is to propose to the Council how the Danish Code of Conduct might need adjustments to keep up with developments within LegalTech. The working group visited San Francisco on a fact finding mission in September 2018 and is expected to report back to the Council with recommendations in 2019.

### **Project: Lawyers' reputation**

Throughout the last couple of years, there have been a number of negative media stories about lawyers – one example is the coverage of the Panama Papers. Against this background, the Danish Bar and Law Society has initiated a study on lawyers' image.

The first results show, however, that the recent negative coverage in the media has not had a major impact on the perception of lawyers in Denmark. Only a small number of respondents have noticed the negative stories about lawyers in the media, and even fewer people have noticed them on social media.

The first findings show that 77 % of all respondents believe that lawyers are important to society.

The study indicates that initiatives such as legal aid and pro bono affect the perception of lawyers considerably in the positive direction. The study will be completed in early 2019 after which a strategy will be prepared in order to try to positively affect the reputation of lawyers in Denmark.

### **Rule of Law and social security law:**

The Danish Bar and Law Society has continued its efforts on two projects within the area of rule of law and social security law:

- 1) The judicial review of a number of decisions from the civil administration on public services to citizens in need. These citizens can, inter alia, be families with disabled children in need of public support. The issues at stake are chosen from their fundamental nature, and we hope that the project can increase rule of law for citizens whose quality of life is depending on correct decisions from the public administration. The first case will be presented in court in the beginning of February 2019.
- 2) The establishment of a think tank looking into problem areas within the public social security system and suggesting analyses and possible solutions to its findings. The think tank-project has received public funding. The actual set-up has not yet been decided on – it is in political motion at the moment – but will most likely include an advisory board with members from, inter alia, well-known and respected organizations working with social security law and universities. A secretariat will uphold the daily administration and provide draft reports, project plans etc. for the advisory board to decide on.

### **Data Protection**

The Danish Bar and Law Society has established a working group on data protection with the purpose of publishing advisory guidelines on the rules in the General Data Protection Regulation and their interaction with the Danish rules on professional conduct. Based on the research conducted by the working group, the Danish Bar and Law Society has in April 2018 published guidelines on lawyers' processing of personal data. The Danish Bar and Law Society will continue the work with data protection in 2019 and will publish an updated version of the guidelines in spring 2019.

### **The People's Political Festival "Folkemødet" at Bornholm**

The Danish Bar and Law Society participated for the seventh time at the People's Political Festival in June 2018. The People's Political Festival is a unique platform with open and informal debates where politicians can meet citizens, business people and organizations. The meeting takes place every year in June and lasts for four days. The Danish Bar and Law Society hosted a stand with numerous activities, including a moot court displaying a criminal law case.

The Danish Bar and Law Society will attend the People's Political Festival again in June 2019.

### **Participation in Culture Night**

The Danish Bar and Law Society participated for the second time in Copenhagen Culture Night in October 2018. It is a festive evening where representatives of the entire cultural life of the city work together to create joy and inspiration for all citizens. In 2018, the Danish Bar and Law Society opened up its doors to the public and had organized an evening with interesting talks from lawyers, a moot court and a "legal emergency room". Soup and drinks were offered to all visitors.

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

The Danish Bar and Law Society has per 14 January 2018 a total of 6424 lawyers who each pay a yearly subscription fee of app. 900 euros excl. VAT. Of the 6424 lawyers 1672 are employed as in-house lawyers and the remaining 4752 are employed at law firms. The 6424 lawyers employ 1492 assistant attorneys and 2270 of the lawyers are women.

The age distribution of the lawyers is as follows:

27-39: 1779 lawyers; 40-49: 2068; 50-59: 1342; and 60+: 1235

Yours sincerely,

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Secretary General