

47th European Presidents' Conference Country report – Estonia

General information

As of 31 December 2018, the Estonian Bar Association (EBA) had 1041 members, including:

- 688 sworn advocates (in Estonian *vandeadvokaat*);
- 350 assistant advocates (in Estonian *vandeadvokaadi abi*); and
- three associated members.

207 members had inactivated their membership for various reasons (parental leave, studies, working in public service or as in-house counsel, etc.).

EBA members practiced in 216 law firms out of which 96 were solo practices.

The membership fees of EUR 61 per month for sworn advocates and EUR 48 per month for assistant advocates remained unchanged.

Professional ethics and disciplinary proceedings

The EBA published academic commentary to the EBA Code of Conduct.¹ The commentary aims at explaining the professional standards in a thorough yet practical manner to EBA members, their clients, judiciary, media and public at large.

In 2018, the Disciplinary Committee received 123 complaints (up 22%). The Committee initiated 46 disciplinary cases (up 53%) and applied sanctions (fine or warning) in six disciplinary cases (down 14%).

Strategy for 2018–2027

EBA Board adopted strategy for 2018–2027 and presented it to the members at the General Assembly in May 2018. Major strategic goals for the next ten years are:

- maintaining EBA's role as the autonomous representative body and regulator of the legal profession;
- actively participating in the legislative process and in public discussion about independent judiciary and fundamental rights and freedoms;
- enhancing user-friendly and safe electronic services for lawyers and their clients;
- gradually lifting the service and ownership restrictions that currently apply to law firms; and
- promoting mentoring of young lawyers within law firms and within the EBA.

¹ <https://advokatuur.ee/est/oigusaktid/eeetikakoodeks/eeetikakoodeksi-kommenteeritud-valjaanne> (in Estonian)

Commenting on legislation

EBA participated actively in legislative process by reviewing and commenting on draft legislation. EBA has established nine expert committees (on human rights and due process, administrative law, commercial law, competition law, family law, insolvency law, IPR/IT law, labour law, and tax law) and a criminal law working group. The committees and criminal law working group assist the EBA in responding to requests by the Ministry of Justice or other government agencies to review and comment on draft legislation.

Amendments to the Bar Association Act

The following amendments to the Bar Association Act came into force in 2018:

- sabbatical was introduced (lawyers can inactivate their membership for up to one year without need to show reason);
- examination of former judges, prosecutors and advocates who want to (re-) enter the EBA was eased;
- grounds for exclusion of members from the EBA were clarified (non-compliance with the requirements set in the law); and
- number of members in Disciplinary Committee and Exam Committee were increased.

AML

In implementation of the new AML legislation, the EBA adopted in November 2018:

- risk assessment for legal services (defining risks, risk appetite and risk management model for law firms and lawyers); and
- model AML guidelines for law firms.

The EBA in cooperation with the FIU also provides regular AML training for the EBA members.

Legal Aid

The EBA runs government funded legal aid scheme and has the duty to arrange the aid. In 2018, the funding was EURm 4.65 for which in average 100 members provided legal aid to 13.5 thousand applicants (incl. 63% defence in criminal proceedings and 32% representation in civil proceedings). Although the legal aid rates increased in 2018, the gap between market rates and legal aid rates is still unacceptably wide and the EBA continues to pursue additional funding of legal aid from the state budget.

New Secretary General

Ms Leen Eenpalu began her five-year term as Secretary General on 17 July 2018.