

Country report on behalf of the  
Slovak Bar Association  
on the occasion of



## **47th European Conference of Presidents of Bar Associations and Law Societies in Vienna**

### **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. At the end of 2018 the Slovak Bar Association governing bodies were therefore in the process of assessing the first year in office and setting priorities for the near future.

Currently the number of active registered lawyers is 5 242 and there are 2 251 trainee lawyers with well-balanced gender ratio. There are also about 200 registered lawyers with foreign status (EU lawyers, foreign lawyers from OECD countries and international lawyers).

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, in November 2017 it was decided to establish a permanent regional office in Košice, the Slovak second largest city. The regional office serves purposes of regular regional activities undertaken by appointed regional representatives of the Slovak Bar Association, such as seminars, debates and social events. Moreover, as the Slovak Bar Association office has been spending significant amount of time and resources on issuing lawyer e-IDs and other services related to the electronisation of the legal sector, the new regional office also provides services related to this agenda. The official opening event for lawyers took place on 18 January 2019.

### **Relevant government legislative proposals**

Throughout the past year the Slovak Bar Association closely observed the national legislative process and submitted comments regarding the number of legislative proposals among which the following had an impact on the legislation in general or specifically on the legal profession:

- Ministry of Justice Working Group on the Improvement of the Functioning of the Commercial Register;
- Ministry of Justice Working Group on Electronic System of Monitoring of Persons that aims to analyse effectiveness of the electronic system as an alternative to detention;
- Several legislative proposals on the use of information systems and electronisation in administrative proceedings and in public administration;
- A proposal for the Rules governing the transparent use of legal services provided by lawyers to state bodies which focuses on choice of lawyer and the remuneration;
- New rules governing assignment of ex offo lawyers in criminal proceedings, which are expected to improve the system of distribution of cases.

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.

## **Electronisation: state of play**

An 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. The said obligation already applied as from the 1st of July 2017 to lawyers who provide legal services as legal entities. Lawyers who act as natural persons had to comply with the obligation as from the 1st of July 2018.

## **GDPR Code of Conduct for lawyers**

The Office for Personal Data Protection of the Slovak Republic (the "Office") approved the Code of Conduct of the Slovak Bar Association pursuant to Article 40 of the GDPR on 4 December 2018. It is historically the first code of conduct approved in the Slovak Republic and most likely one of the first codes of conducts approved under the GDPR regime in the European Union.

Codes of conduct are specific interpretation tools of GDPR rules for a particular segment. A code of conduct can only be proposed by a subject that represents such particular segment and the supervisory authority only approves such code of conduct if its wording is compliant with the GDPR. By the approval from the supervisory authority, the interpretation of the GDPR by the code of conduct becomes authoritative. The Slovak Bar Association was preparing and internally consulting the Code of Conduct from August 2017 and the request for its approval was filed on 31 May 2018. All lawyers had possibility to take part in the commenting of the Code of Conduct. One of the most resonating topics in relation to the Code of Conduct was and still is the monitoring subject pursuant to Article 41 of the GDPR. The Code of Conduct for lawyers was approved without the existence of monitoring subject or undergoing proceedings for its accreditation. However, the Code provides that accreditation can be requested only by the Slovak Bar Association or other subject with its explicit written consent. The Code of Conduct deals with many matters in the area of personal data protection that have for a long time been problematic or questionable for lawyers when ensuring their own compliance or when providing legal services in this area.

## **Legal Certainty Index**

Slovak Bar Association initiated undertaking of a project in the course of which a survey among more than 300 lawyers was made to analyse the level or impact on the legal certainty of selected legal acts, drafts and court decisions. The data was analysed and the objective was to monitor and assess the level of legal certainty in the practice of law-making bodies and bodies that apply the law. The results were published in June 2018. The Index was well received by members of the profession as well as by media. Slovak Bar Association intends to continue with this project and conduct the survey also the next year.

## **System of Appointment of Defence Lawyers**

Slovak Bar Association had been receiving regularly complaints for years from the part of defence counsels claiming that district courts did not distribute criminal cases equally among defence lawyers but appointed ex officio repeatedly only a number of selected defence counsels. Slovak Bar Association thus initiated a legislative amendment of the Criminal Procedure Code that introduced an automated system of defence counsel appointment. The amendment is in force in January 2019.

## **Long Term Projects and Priorities**

Slovak Bar Association Council decided to focus on the reform of the training of trainee lawyers in order to make it more interactive and to include sessions on practical skills. New system will apply as from the second half of 2019.

It has also decided to modernise the Slovak Bar Association web site and to introduce new ways of communication between lawyers and the Bar. Slovak Bar Association Portal was set up and it contains a number of documents for lawyers and Slovak Bar Association Wikipedia. The new website will be introduced in spring 2019.

Slovak Bar Association continues to support the legal clinic in the Comenius University in order to contribute to the training of future lawyers.

## **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 representation in ECBA.

On May 25<sup>th</sup>, 2018, Hungarian Bar Association and Slovak Association co-organised a 3rd meeting of Slovak and Hungarian lawyers, this year upon the kind invitation of Esztergom Bar Association President Dr. Etter in the city of Esztergom. The event was very successful and participants managed to establish cross-border cooperation and learn new information on the legal development in the respective countries.

In May 2018 Slovak Bar Association strengthened relations with Polish Bar Council and Warsaw Bar Association by signing a memorandum of mutual cooperation. The Bar equally established relations with Polish Chamber of Legal Advisers in Krakow.

In 2018 Slovak Bar Association celebrated together with the Czech Bar Association the 100 year anniversary of establishment of the first Czechoslovak Republic. On 21 September 2018 important mutual event was organised in the town of Luhačovice. The program was divided into scientific conference on the history of legal profession and current legal challenges, mutual meeting of Czech and Slovak Bar Councils and social events for participants, such as music concert and sport activities.

## **Focus on the history of legal profession**

A new book with the title “Bar Associations in Slovakia in 1875-1947” written by the members of the Slovak Bar Association Working Group on the History of Legal Profession was published by the Slovak Bar Association in June 2018.