



Flemish Bar Association (OVB): Activity Report 2019

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The Flemish Bar Association (OVB) represents all lawyers registered at the Flemish bars (more than 10.600) and looks after their rights and common professional interests in accordance with the competences endowed upon by the Belgian Judicial Code.

This report presents a limited collection of the activities and most important developments in 2019 with regard to the legal profession, access to justice and the protection of the rule of law.

A. Relevant legislation and actions by the OVB

1. Decree on juvenile delinquency

The Flemish Parliament has reformed the juvenile delinquency legislation, placing the responsibility of the minor at the forefront. The legislator wants to provide a differentiated supply of quick, clear and constructive reactions/sanctions to juvenile delinquent acts. As a result of systematic and long-term negotiations during the preparation of the decree, the OVB has assured that the competences of the specifically trained and certified juvenile lawyers were not only incorporated in the decree but also expanded upon.

The OVB is nonetheless still concerned about some of the procedures adopted by the new decree in terms of the protection of the rights of children. The Flemish Bar Association has therefore decided to intervene in an annulment procedure regarding specific provisions of the decree before the Constitutional Court. Additionally, negotiations on the decree with the relevant minister and her cabinet are on their way.

2. Proposal for a new Penal Code

The OVB has developed and submitted an extensive advice to the Justice Commission of the Chamber of Representatives concerning the first Book of the newly proposed Belgian Penal Code. While positive on the legislator's objective to make the new Code more simple, accurate and coherent, the Flemish Bar Association has raised several important points of attention (e.g. the absolute nature of imputability, the punishment for minors). The OVB was heard by the



Justice Commission on its findings. While the proposal is currently still under discussion, the OVB will closely follow further developments and review the second Book of the proposed Code in the near future.

3. Law of evidence

The OVB has provided a comprehensive legislative dossier as well as a training course to inform its lawyers on the new and modernised law of evidence, as incorporated into the Belgian Civil Code. The legislation aims to adapt the rules of evidence to modern day society and its corresponding technological developments.

4. Digitalisation of justice

The OVB are authorized by the law of 5 May 2019 on the informatisation of justice to develop and administer three electronic lists containing the lawyers as currently registered in accordance with art. 430/1 of the Belgian Judicial Code. This is a vital step in creating a real authentic source for lawyers and is of great importance for the further digitalisation of the legal profession.

With regard to the same law, the OVB has successfully negotiated that lawyers are now able to scan and make copies of criminal law dossiers at the court's registry with their own smartphones. Nevertheless, the OVB considers this to be only an intermediate solution and pushes further so that lawyers will have digital access to these files from their office or from wherever they are working.

5. First line legal assistance

In 2019, a new decree concerning the first line legal assistance was published in the Belgian Gazette. The aim is to improve access to justice for all citizens and strengthen the connection of the legal assistance with the services provided in the social sector.

The Flemish Bar Association is working closely together with the cabinet of the competent Flemish minister for the preparation and subsequent implementation of the executive Decision by the Flemish government. The OVB has succeeded in retaining the prominent position of lawyers in the commissions for legal assistance.

6. Supervisory Board for disciplinary measures

The OVB has established a Supervisory Board ('College van Toezicht') responsible for the centralised and anonymized registration of disciplinary complaints and investigations against lawyers. The presidents of the local bars are still exclusively authorized to investigate the individual complaints, but will have to provide a list with all relevant information to the Supervisory Board. This way, the Board will independently supervise, report to and advise the bars and the presidents of the disciplinary councils.

B. Training

1. Roadshow juvenile delinquency

The OVB has organised a roadshow concerning the new Flemish Decree on juvenile delinquency (supra). A seminar was held in each of the Flemish provinces, highlighting the changes in legal assistance and representation of minors by the specially trained 'juvenile lawyers' (which are lawyers who have followed a special training course by the OVB and are awarded a certificate).



The seminars zoomed in on the new role for these lawyers and the new rules and sanctions in the decree.

2. *Supralat*

In light of the new OVB-regulation on legal assistance in the context of the “Salduz permanency”, a special training course will be obligated for lawyers who wish to enregister to the list of Salduz lawyers. The Supralat training programme provides criminal law attorneys the knowledge and skills necessary for adequately advising and defending suspects (both adults and minors) during their police interrogation. It also aims to stimulate the relationship between lawyers and the police. The training programme consists of three parts: 1) e-learning for the theoretical background; 2) practical sessions with skills training and focus on communication; 3) evaluation afterwards.

3. *Training programme collaborative negotiations*

Following the law of 18 June 2018, the joint commission on collaborative law established by the OVB and its counterpart “l’Ordre des barreaux francophones et germanophone (OBFG)” has determined the criteria for a special training course on conducting collaborative negotiations. In order to become a collaborative lawyer, such a course has to be followed. In 2019, the OVB has provided its own training which will, due to its success, be reprised in 2020. The course provides lawyers with thorough information on the procedure, the corresponding negotiation techniques and the necessary emotional and communication skills to be able to work towards a sustainable and balanced solution to a legal conflict in a confidential and voluntary manner.

4. *Professional liability*

Due to the collective insurance policy, Flemish lawyers are insured with regard to contractual and extra-contractual civil liability with respect to third parties, including clients. In two seminars, The Flemish Bar Association has informed its lawyers on which risks and damages are insured and which are the most occurring professional misconducts.

5. *Roadshow anti money-laundering*

The past decade, several European directives on money-laundering have been adopted, which has led to the Belgian AML-law of 18 September 2017. The Flemish Bar Association has also issued a regulation containing several (deontological) obligations for lawyers. Since lawyers are frequently confronted with money-laundering issues in different branches of law, the OVB has organised seminars to clarify their obligations and how to comply with them.

C. Campaigns and communication

1. *Legal Tech*

The OVB organised its second Legal Tech-congress. Distinguished experts in the field from both Belgium as well as abroad discussed topics such as robot judges, predictive justice, case law analytics, etc. The Flemish Bar Association aims to be at the forefront of the debate concerning the future of the profession and the challenges it presents: technologically, commercially but also with regard to the protection of privacy.



2. Social media judge

The OVB launched a campaign in which it highlighted the importance of the rule of law and the role of lawyers to uphold that principle in the age of social media. Social media provides a great outlet for free speech, but its use by politicians and others to spread populist opinions or to digitally convict people before a fair legal process has taken place, illustrates the need to keep defending and promoting the rule of law.

This campaign consisted of three parts: internet videos containing shocking judgments by the social media judge, some of which were televised on the public broadcasting station, a webpage with more substantive information on the topic and finally a debate between three lawyers, a judge and an A.I. judge that derived its judgements from opinions on social media.

3. Survey on the well-being of lawyers

The Flemish Bar Association has prepared a survey that assesses the well-being of lawyers on the topics of stress, burn-out and inappropriate behaviour. The OVB has also published tips on preventing burn-outs and informs its lawyers about reporting inappropriate behaviour in the workplace to relevant instances.

4. Peer review

The OVB has introduced the concept of 'peer review' in the context of quality management and customer satisfaction. A law firm can request the OVB for an audit carried out by a fellow lawyer, who will be specially trained to perform such peer reviews. He will examine and assess whether that firm is working adequately and whether its services could be further improved. The review is based on an open and transparent conversation between lawyer and auditor, which the latter will investigate and report on in full confidentiality. A positive evaluation leads to a certificate of quality.

5. Intranet for lawyers

The OVB has launched a fully renewed private user website for lawyers in the summer of 2019. This new website, accessible to all lawyers registered at the Flemish bars, is a much more modern, dynamic and user-friendly version. It contains more news updated on a daily basis, more legal content, official OVB-opinions, practical information for professionals, and access to an array of relevant services.

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