

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



**48th European Conference of
Presidents of Bar Associations
and Law Societies in Vienna**

Governing bodies and statistics

Slovak Bar Association is governed by the members of the Presidency that took up the four year mandate in 2017 under the renewed leadership of President JUDr Tomáš Borec.

Currently the number of active registered advocates is 5 339 and there are 2 154 trainee lawyers with well-balanced gender ratio. The number of registered European lawyers reached 212 and there are 18 other registered lawyers with foreign status (foreign lawyers from OECD countries and international legal practitioners). Since the last year, there has been no particular increase in the number of lawyers in general.

Amendment of the Act on the Legal Profession

In March 2019, the Act on the Legal Profession (No.586/2003) was amended on the basis of MP legislative proposal to simplify the recognition of other legal practice in the traineeship period and to shorten the traineeship period of trainee lawyers from five to three years. Amendment was adopted without prior inter-ministerial commenting period and retroactively. This has put the Bar Association Office in a demanding situation as a high number of trainee lawyers requested to pass the final exam, the brand new training scheme had to be redrafted and the Bar had to cope with the surge of requests, for recognition of other legal practice and requests for the registration in the Bar Association registry.

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 entered into force in January 2019. Until June 2019 the Bar Association representatives participated in numerous meetings with the Ministry of Justice in order to improve the selection criteria and flow of updated data.

New provision in the Criminal Code to combat an illicit trading

New provision in the Criminal Code to combat an illicit trading in regulated profession services came into force in January 2019. Slovak Bar Association has been working for years in order to raise public awareness on the illicit trading issues among citizens but also judges and prosecutors. The amended version of the Criminal Code provision on the illicit trading explicitly mentions provision of services that belongs to the area of regulated professions and it imposes penalty from 6 months to three years. Since its entry into force, the activities to combat illicit trading proved more effective.

Other relevant 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:

Negotiations on the wording and aim of the legislative proposals in the following:

- Ministry of Justice Working Group on the Improvement of the Functioning of the Commercial Register
 - o introduction of exclusive electronic communication with the register, reform of the map of registry courts, proposal to centralise commercial registers in one court, proposal to introduce notaries as external registrars;
- 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;
- Ministry of Justice Working Group on the Reform of the Guardianship of Adults

Comments on the published legislative proposals:

- Transposition of the Proportionality Test Directive
- Amendment to the Act on the Arbitration Proceeding
- Amendment to the AML legislation
- Amendment to the Ministry Resolution on the Remuneration of Advocates
- Amendments to the Criminal Code and Criminal Procedure Code

In June 2019, Slovak Bar Association participated in the GRETA evaluation procedure on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, third evaluation round.

Day of the legal profession 2019 with record number of pro bono lawyers

On 24th April 2019 Slovak Bar Association celebrated the traditional Day of the legal profession on which occasion advocates provided pro bono legal aid at the premises of the Bar as well as in 11 other towns. In 2019 a record number of volunteers covered much larger area and so far highest number of beneficiaries received legal aid.

Prison and detention sites study visits for trainees

On the occasion of the European Lawyers Day held on 25th October 2019 and focused on the rights of the accused and detainees, the Slovak Bar Association invited trainee lawyers to participate at the prison and detention sites study visit in Bratislava as well as other regional facilities such as Nitra, Banská Bystrica, Prešov and Košice. Each group of 15 trainees was accompanied by an experienced defence counsel and the members of the Slovak Prison and Court Guard Service showed trainees various parts of the facilities, gave a lecture on the practical aspects on the rights of defence and answered their questions. All in all almost 90 trainees attended the event and based on their positive feedback, the Slovak Bar Association would like to organise the event on a regular basis.

Roundtable on the future of legal education

In March 2019 Slovak Bar Association organised a roundtable on the topic of the future of the legal education. Invitation was accepted by the deans of all the faculties of law in Slovakia as well as representatives of the Slovak Ministry of Education, Rector of the Comenius University and by representatives of other legal professions. Participants discussed possible measures that may increase the quality of the education and thus

provision of legal services itself. Faculties have already focused on adoption of new strategy that involves more practical approach to legal education. In general there is a decline in the number of applicants at law faculties which results in decrease in state funding. Participants concluded that it is necessary for all stakeholders to cooperate to reach the common goal as well as modernisation of the study programmes.

Roundtable on the ethical aspects of legal professionals in the justice system

Another important roundtable discussion took place on 29 November 2019 as a reaction to highly medialized case that involved suspicions related to trustworthiness of members of the judiciary. Discussion focused on the ethical aspects of relations among legal professionals in justice system. Representatives of the Council of Judiciary, General Prosecution, Chamber of Judicial Officers and Slovak Bar Association signed a joint public statement reassuring citizens that despite possible high-profile cases of individual failures overwhelming majority of legal professionals act strictly in adherence to values in order to protect citizens and strengthen the rule of law. Supervision of ethical conduct is one of the most important roles of professional associations they carry out.

Debate with students on the occasion of Velvet Revolution anniversary

On the occasion of the Velvet Revolution anniversary in November 2019, Slovak Bar Association organised several debates with secondary school students focusing on the principles of rule of law illustrated by the historical development, on the role of different justice system actors and the state of individual rights in totalitarian states.

30th Anniversary of the restoration of independence of the legal profession

In 2020 Slovak Bar Association celebrates 30th anniversary of the restoration of the independence in the legal profession after the change of political regime in Czechoslovakia and adoption of the Act on the Legal Profession in 1990. Following the 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 published in June 2018, two other books covering the more recent period have been finalised and will be launched at the occasion of annual gala event marking the anniversary of the independent legal profession in April 2020.

Legal Certainty Index II

In 2018 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, proposals 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 Index was well received by members of the profession as well as by media and Slovak Bar Association decided to continue with this project and conducted a similar survey in 2019.

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.

As of 1 January 2019, Slovak Bar Association Vice-President Ondrej Laciak took office as the Chairman of CCBE Criminal Law Committee.

In March 2019, Slovak Bar Association took part in the Conseil national des barreaux (CNB) project on the occasion of the International Francophonie Day and four advocates

gave lectures in French on several bilingual secondary school. The topic was focused on the awareness rising as regards the use of social media, related rights and duties.

In June 2019, the Slovak Bar Association hosted a traditional bilateral meeting with the Czech Bar Association representatives which is held on reciprocal basis since the 90s.

In January 2020 Slovak Bar Association in cooperation with the Czech Bar Association launched a pilot Council of Europe HELP distance on-line course on procedural safeguards in criminal proceedings and victim's rights for 60 participants.

Slovak Bar Association has joined 10 other bar associations in ELF-CCBE project LAWYEREX – Multilateral Exchange of Lawyers – that offer opportunity to lawyers to spend two weeks in the host institution in other EU member state.

Internal affairs

Slovak Bar Association Council decided to focus on the reform of the training of trainee lawyers in order to make it more interactive, in smaller groups and to include sessions on practical skills. The new system of training was launched on 1 September 2019 and met with positive feedback from the trainee lawyers.

Slovak Bar Association decided also to extend the number of means of communication by opening a LinkedIn profile in autumn 2018. It proved to be successful and the number of followers has gradually increased to 1300.

Equally positive reactions are related to the functioning of the Regional Office in Košice which was established in 2017 and gradually is being imprinted in the legal profession of the Eastern Slovakia. About 20 events took place last year and official opening event that was held in January 2019 was well attended. It continues steadily to serve multiple purposes related to regular regional activities undertaken by appointed regional representatives of the Slovak Bar Association, such as seminars, debates and social events, as well as administrative tasks.

On the other hand Slovak Bar Association premises in Bratislava proved to lack sufficient capacity for the required number of lawyer's exams and training activities and therefore additional new premises in adjacent building were put into use in mid-2019.

Arbitration Court of the Slovak Bar Association

SBA Arbitration Court reported increase in the number of applications in 2019. It has continued to take part in the professional debate on the future of the arbitration in Slovakia, as a partner in Arbitration Conference 2019, by organising training events, lectures and