

Annual report 2020 – the Danish Bar and Law Society

1. The impact of Covid-19

The COVID-19 pandemic has obviously had a serious impact on the work carried out by the Danish Bar and Law Society in 2020.

Following the Danish government's decision of 11 March 2020 to close down the public sector, the Danish Courts established an emergency service to ensure that the most critical functions and cases could still be handled during lockdown. By the end of April, the Danish Court Administration decided to gradually reopen the courts.

The Danish Bar and Law Society has cooperated closely with the Danish Court Administration in order to secure a safe, fair and efficient process and to address the specific challenges that Danish lawyers faced when almost all court hearings were cancelled for a period of time.

Furthermore, in order to safeguard the rule of law, the Danish Bar and Law Society has closely followed the measures imposed by the Danish authorities to control the COVID-19 pandemic in Denmark and has subsequently scrutinized the emergency legislative proposals proposed by the Danish government throughout 2020.

In June 2020, the Danish Bar and Law Society, together with the Danish Institute for Human Rights, published a report on COVID-19 measures in Denmark and their consequences for human rights and the rule of law. In the report, the two organisations draw attention to selected issues and put forward a number of recommendations.

Following this report, the organizations were invited by the Danish Parliament to participate in a number of meetings in order to address the issues and concerns that the new COVID-19 legislation raises when it comes to human rights and the rule of law.

The Danish authorities continue to impose new measures and restrictions, some of which require amendments to the existing COVID-19 legislation. The Danish Bar

and Law Society will continue to follow the changes closely and work to safeguard the rule of law in a time of crisis.

With the national lockdown and a large part of the Danish workforce working from home for an extended period of time, the COVID-19 pandemic has had its impact on the supervision of lawyers carried out by the Danish Bar and Law Society as well. The Danish Bar and Law Society has, however, been successful in carrying out supervision with due consideration to the health and safety measures. This has included converting a number of the supervision visits into virtual meetings. The Danish Bar and Law Society has to the greatest extent possible continued to conduct the mandatory training for lawyers-to-be as well as the written bar exams. It has, however, been necessary to cancel a number of training-courses, one written exam and a number of oral exams throughout 2020.

2. Anti-money laundering

As part of a general strengthening of Anti-Money Laundering (AML) supervision conducted by relevant authorities in Denmark, the Danish Bar and Law Society has decided to introduce AML-specific supervision of lawyers. This supervision is a supplement to the regular supervision of lawyers. The AML-specific supervision consists of a preparation phase before an on-site visit. During the preparation phase, the supervisory team receives information and documents concerning cases and procedures from the law firm. After reviewing the information and documents, three supervisors from the Danish Bar and Law Society conduct a full day on-site supervision visit at the law firm. Based on a risk assessment from the Bar, it has been decided to initially target medium and large-sized law firms.

It is the intention that the AML-specific supervision shall provide further focus on lawyers that has a large number of AML cases, a higher risk, a number of complex AML cases or AML cases involving transactions of high values. This risk-based approach will focus resources on lawyers and law firms that have cases with increased risk.

3. Project on threats against lawyers

The Danish Bar and Law Society is currently working on a project on threats and harassment against lawyers. The initiative follows several surveys conducted by the Danish Bar and Law Society focusing on the experiences that Danish lawyers have when it comes to harassment and threats during their daily work. The latest survey from 2020 showed that during the last three years more than one out of three lawyers have been subject to threats and/or harassment in connection with their work.

The purpose of the project is to raise awareness of the guidance and counselling that the Danish Bar and Law Society provides to lawyers and to secure a better legislative protection of lawyers who are victims of serious threats.

The work will continue in 2021 where the Danish Bar and Law Society will discuss the legislative matter with the Ministry of Justice.

4. The Danish Competition and Consumer Authority's release of a report on competition on the Danish market for lawyers

On 14 January 2021, the Danish Competition and Consumer Authority ("Konkurrencerådet") released its report on competition on the Danish market for lawyers. The report has been in progress for the last 1½ years, and the Danish Bar and Law Society has given several consultation responses to the report during this period, including during 2020. The overall conclusion of the report is that competition is lacking, and the Danish Competition and Consumer Authority subsequently gives 16 recommendations as to how competition can be strengthened.

As for the content of the report, the Danish Bar and Law Society believes that several of the recommendations will lead to a risk of damage of fundamental rule of law principles, and that they will possibly harm the independence of lawyers. The recommendations include e.g. changes of ownership regulation and of the rules regarding the use of the lawyer title. The Danish Bar and Law Society has also questioned the method used when researching and drafting the report: focus has primarily been on lawyers instead of using a wider approach including e.g. legal services from other professions as well (banks, accountants, consulting businesses etc.). This approach opens up for an incorrect reflection of the actual market shares between the different professions in the legal services market

In order to bring a broader picture of the actual situation on the table, the Danish Bar and Law Society has, during 2020, initiated a report on its own (prepared by the Boston Consulting Group (BCG)), which to a greater extent shows the entire legal services market. The BCG-report discloses that the total market for legal services sums up to DKK 42 billions, and that lawyers having the right of audience before the court hold a market share of approx. 1/3 of this.

The report of the Danish Competition and Consumer Authority currently awaits further political action. Due to the COVID-19 situation and other urgent political matters, it is, however, uncertain when and how the political follow-up will be initiated.

5. Initiation of reputation project

In collaboration with the Association of Danish Law Firms, The Danish Bar and Law Society has initiated a large-scale project on the reputation of lawyers. The objective of the project is to analyze the view on lawyers and the role of lawyers in Danish society. The project includes a thorough analysis of the views on lawyers among citizens, opinion makers, politicians and other stakeholders. The project aims at delivering an in-depth understanding of what drives the reputation of lawyers, and how the role of lawyers is perceived.

A wide variety of surveys and interviews were carried out in 2020, and the work will continue in 2021. When data are collected and analyzed, the next phase will be to decide on initiatives and actions which can help improve the reputation of lawyers

and increase the knowledge of lawyers' work and their important role in society. This part of the project is currently scheduled to be carried out during autumn 2021.

6. Magazine and newsletter

On the basis of an analysis from 2019, which showed that there is a great need of more information sources on the legal profession, the Danish Bar and Law Society has relaunched the magazine and newsletter *Advokaten*. The aim has been to develop the two media platforms into more modern and user-friendly concepts that can support the work carried out by the Danish Bar and Law Society. The two platforms are intended as a united media channel of high quality where lawyers, citizens, politicians and the press can find information based on solid research and proper journalism.

7. Continued focus on the rule of law and social security law

During 2020, the Danish Bar and Law Society has continued its efforts to draw attention to and strengthen the rule of law within the area of social security and administrative law. In 2020, a report on the Rule of law and Citizens with Disabilities was published. The report uncovers the urgent need for rethinking and ensuring that rule of law guarantees for disabled citizens are respected by the public administration. Currently, there are too wide discrepancies between the disability-compensating services guaranteed by law and the citizen's actual possibility of being granted or offered these services. Pointing forward, the report provides 11 different recommendations as to how the system can be adjusted in this respect. The recommendations have received huge attention and have given rise to a large political involvement including hearings at the Parliament.

8. Facts about the Danish Bar and Law Society and its members

By the end of 2020, the Danish Bar and Law Society has 6,848 lawyers as its members in total, out of which 1,850 are employed as in-house lawyers. 1,445 assistant attorneys are employed by the the 6,848 lawyers, and 2,550 of the lawyers are women.

The age distribution among the lawyers is as follows: 26-39 years: 2,254, 40-49 years: 2,113; 50-59 years: 1,349 and 60+ years: 1,132.

Yours sincerely,



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Secretary General