

EESTI ADVOKATUUR

ESTONIAN BAR ASSOCIATION

49th European Presidents' Conference Country report – Estonia

General information

As of 31 December 2020, the Estonian Bar Association (EBA) had 1095 members, including:

- 800 sworn advocates (in Estonian *vandeadvokaat*);
- 393 clerks of sworn advocates (in Estonian *vandeadvokaadi abi*) and
- 3 associated members.

235 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 221 law firms out of which 99 were solo practices.

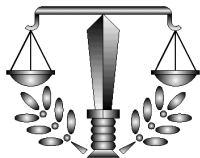
The membership fees of EUR 60 per month for sworn advocates and associated members and EUR 45 per month for clerks of sworn advocates remained unchanged.

Cooperation agreement between EBA and Prosecutor's Office

EBA and Prosecutor's Office concluded a cooperation agreement to involve the representatives of the victims in the criminal proceedings. In particular, the cooperation agreement will encourage closer communication and the wider use of electronic means in proceedings. The cooperation agreement contains the principles of how and in what way the information collected between victims and their representatives will be exchanged and the victims will be informed of the further course of the proceedings. The conclusion of the agreement marks a very important step in the cooperation between EBA and Prosecutor's Office, setting out both the principles and the practical steps to better protect the rights of victims. Substantive exchange of information and constructive cooperation between the prosecutor and the victim's advocate, especially during the pre-trial phase, is extremely important for victims.

Ten years of cooperation between EBA and Estonian Union for Child Welfare

EBA and Estonian Union for Child Welfare celebrated already ten years of cooperation. EBA has been providing free legal advice to families with children for ten years now. Years of cooperation have shown that the need for legal advice is growing. During the cooperation, advocates have provided free legal advice to a total of almost 1600 people.



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Disciplinary proceedings

In 2020, the Disciplinary Committee received 136 complaints (decrease 5 %). The Committee initiated 35 (decrease 16 %) disciplinary cases and applied sanctions (fine or warning) in 8 disciplinary cases (decrease 52 %).

Commenting on legislation

EBA participated actively in legislative process by reviewing and commenting on draft legislation. EBA has established eleven expert committees (on ethics, state legal aid, human rights and due process, administrative law, commercial law, competition law, family law, insolvency law, IP/IT law, labour law, and tax law) and a criminal law working group. The committees and criminal law working group assisted the EBA in responding to requests by the Ministry of Justice or other government agencies to review and comment on draft legislation. In 2020, EBA was asked for its opinion on a total of 11 intentions to develop a law, 28 on a draft law and, in 8 cases, on another legal document (public consultation, action plan etc.). The opinion has been published 24 times through both the expert committees or the board of EBA.

State legal Aid

According to the law the EBA has the duty to arrange the state legal aid. In 2020, the funding was 4.34m EUR. 12 421 legal aid applications was submitted (incl. 60,4% defence in criminal proceedings and 36,7% representation in civil proceedings) and in average 100 advocates provided legal aid. The legal aid rates did not increase and the gap between market rates and legal aid rates are still unacceptably wide. EBA is continuously pursuing for additional funding of legal aid.