

EUROPEAN PRESIDENTS' CONFERENCE 2021

Country Report - Slovenian Bar Association

Membership

In accordance with the Bar Act, the lawyers practicing the lawyers' profession in the Republic of Slovenia are obliged to join Slovenian Bar Association. At the end of 2020, Slovenian Bar Association included 1,834 members, 18 foreign lawyers, 179 prospective entrants and 283 pupils. As at 31 December 2020, there were 238 law companies, 14 civil law companies and 3 branch offices of foreign law companies active in the Republic of Slovenia. There, in the period from 1991 to the end of 2020, the number of lawyers increased from 613 to 1,834. The number of lawyers has been growing by an average of 2.5% per year over the last ten years. Although the last few years have seen a slightly smaller annual increase (from 1.1 to 1.5%), the number of lawyers continued to grow in 2020 that was strongly affected by the epidemic of the infectious disease COVID-19. The surplus of professionals in the market, in this case university graduated lawyers who have passed the state exam of professional competence, cannot find employment in other judicial professions due to market saturation. Accordingly, there is increasing pressure on the bar as the only possibility for self-employment in the judiciary. The disturbed balance on the market was also shown by the Economic Analysis of the Situation of the Bar in Slovenia¹, prepared by the Faculty of Law of the University of Maribor. It found out that in the entire number of law offices, as many as 25% of all are threatened to close down. This particularly applies to the lawyers operating outside major urban centers. Slovenian Bar Association has taken this fact very seriously and has already started taking the first decisive measures in this regard, including the proposal for a new Bar Act. However, the government will also have to take action.

Activity of Slovenian Bar Association During the Epidemic

The epidemic has severely affected the activity of lawyers as well. In the Republic of Slovenia, the spring wave of the epidemic was declared on 12 March 2020 and canceled on 1 June 2020 while the autumn wave of the epidemic has been in progress since 16 October. At the beginning of January 2021, the Government of the Republic of Slovenia extended the epidemic until mid-March 2021. In the first 80-day period of the declared epidemic, life in the Republic of Slovenia stopped almost completely and so did also the activity of courts, with the exception of a few urgent matters. An almost complete halt to the work of the courts in the first wave the epidemic also resulted in a drastic decline in the performance of law

¹ <https://www.intechopen.com/books/attorneys-and-attorney-tariff-in-slovenia>

offices. Not much better situation is repeated at the time of the second declaration of the epidemic, especially from 16 October 2020 onwards, when the activity of the courts was again almost completely stopped. Upon the declared epidemic, Slovenian Bar Association immediately took appropriate measures to mitigate the negative consequences of the epidemic on the membership. Among other things, it exempted its members from paying membership fees for two months and it postponed their obligation to pay the compulsory occupational insurance premium for a few months. Even before the declared epidemic, Slovenian Bar Association started to inform its members actively about the situation, the functioning of the courts as well as about health and life protective measures. It has set up a special "Coronavirus" subpage within its website where it keeps its members informed about its activities during the epidemic as well as about the adopted government measures and the operation of the courts. During the epidemic, Slovenian Bar Association considerably intensified its activities on the Facebook and LinkedIn social networks. At the same time, Slovenian Bar Association encourages its members to report on their difficulties in practicing their lawyers' profession during the epidemic. Notifications of its members about their problems in practice are the basis for action on the part of Slovenian Bar Association or for warnings to the competent government bodies (Ministry of Justice, courts) for action. Slovenian Bar Association succeeded in demanding the government to provide the necessary protective equipment to all lawyers participating in hearings and interrogations as attorneys ex officio, as proxies for persons under the Mental Health Act and as proxies for persons under the Free Legal Aid Act. Moreover, it provided for free of charge vaccination of its members against influenza and required from the government to include lawyers in the priority group for receiving the COVID-19 vaccine. During the epidemic, Slovenian Bar Association actively tried to ensure that as many cases as possible took place via videoconferences, in order to prevent court backlogs and to ensure that clients can exercise their right of access to the court.

Transition of Slovenian Bar Association to Distance Operation and Communication

The situation incurred by the epidemic encouraged Slovenian Bar Association to shift its direct operations with its members to distance communication via information and communication technology. Accordingly, for the majority of 2020, mandatory examinations on the knowledge of legal regulations, oaths of new lawyers accompanying their registration into the register of lawyers, meetings of its bodies, actions by disciplinary bodies of Slovenian Bar Association and by Ethics Commission were held at a distance. The rapid and smooth transition to distance communication and implementation of tasks made it possible for Slovenian Bar Association and its bodies not to stop their activity for even a day, despite the strict restrictions due to the epidemic.

New Bar Bill

At the year-end of 2019, Slovenian Bar Association, cooperating with the Law School of the University of Ljubljana and with the Law School of the University of Maribor, completed and extensive and intensive preparation of the new Bar Bill, intended for improvement of the position of the bar as well as for updating the respective legal solutions, such as required by the development of the judiciary and of the society. The new Bar Bill was submitted to the Ministry of Justice in April 2020 and in autumn a team of the Ministry of Justice and Slovenian Bar Association already started reviewing the text of the Bar Bill in order to prepare the material for the legislative procedure.

Renovation of Business Premises

In 2020, Slovenian Bar Association thoroughly renovated and adapted to its needs the business premises purchased in 2018. The new business premises cover almost 450 m² of space and offer optimal conditions for the activity of Slovenian Bar Association. The renovated business premises also include a spacious lecture hall that will enable the Law Academy of Slovenian Bar Association to provide training for lawyers, and the Mediation Center of Slovenian Bar Association to carry out mediations. Moreover, members can also take advantage of the privacy of the new lecture hall or meeting room for meetings with clients in case of need for a meeting outside their law office.

Finally, the renovated premises include a library with a collection of books that Slovenian Bar Association collected throughout its more than 150 years long activity.

Cooperation at Regulation Proceedings

In 2020, too, Slovenian Bar Association regularly took an active role in the proceedings of adopting the legislation in different fields of law. Participation of the representatives of Slovenian Bar Association in drafting the legislation contributes considerably to the search for adequate expert solutions concerning the Slovenian legal order, such as also recognized by most regulators upon many years long comments from Slovenian Bar Association.

Lawyers' School

In 2020, Slovenian Bar Association and Lawyers' Academy with Slovenian Bar Association already organized the 21st Lawyers' School. The event was originally scheduled for April as a two-day series of lectures and workshops, but was canceled due to the epidemic. After the situation calmed down, the Lawyers' School, taking into account all health measures, took place in September 2020, for the first time in a hybrid form with direct attendance and distance participation via a videoconference. Due to the epidemiological situation the initially planned two-day training event for lawyers, prospective entrants and pupils took place on a somewhat reduced scale but it was nevertheless well received this time as well. Due to the topicality of the discussed issues the professional contributions of domestic and foreign lecturers selected out of lawyers, professors, judges and other professions, the Lawyers' School enjoys high reputation outside the bar as well.

Lawyers' Academy with Slovenian Bar Association

The Lawyers' Academy with Slovenian Bar Association was established by Slovenian Bar Association in 2015 with the aim of providing ongoing, up-to-date and professional training for lawyers, prospective entrants and pupils. After five years of its operation, the Lawyers' Academy can report outstanding results in the preparation and implementation of numerous and varied lectures and workshops. The high quality, topical and diverse training courses run by the Lawyers' Academy with Slovenian Bar Association have already become recognizable and increasingly visited. Due to the epidemic, it also switched to conducting distance education, which in some cases even proved to be an advantage over conducting lectures with directly present participants. Actually, members who are further away from the place of the lecture and otherwise would not be able to take enough time to participate also decide to participate in online trainings. Moreover, in 2020 the Law Academy with Slovenian Bar Association continued to prepare for the state examination of professional

competence for the pupils employed in law offices, as the practice, which began in 2018, proved to be very well received among the participants. The number of participants in these lectures is growing from year to year.

Mediation Center with Slovenian Bar Association

In 2020, Mediation Center run by the Lawyers' Academy with Slovenian Bar Association, established in 2017, continued its activities for implementation of its vision to become the biggest private out-of-court mediation center ever available from any Slovenian institution whatsoever. This Mediation Center manages to implement the lawyers' efforts for developing the culture of peaceful and amicable settlement of disputes, in turn potentially reducing the workload of law courts. On the other hand, Mediation Center run by the Lawyers' Academy of Slovenian Bar Association offers the possibility of practicing mediation to all interested lawyers and thereby offers the opportunity for a potentially new specialization in the lawyers' profession.

Traditional Day of Lawyers' Pro Bono Legal Aid

The traditional Day of Lawyers' Pro Bono Legal Aid (free of charge) has been held under the auspices of Slovenian Bar Association continuously since 2010. On 16 December 2020, the lawyers who joined the project provided free legal aid to clients throughout the country, although, in accordance with the Code of Professional Ethics for Lawyers, many members offer such assistance on a daily basis. Its implementation was a special feature of the day in 2020. Due to the epidemic, for the first time, lawyers did not provide assistance in direct meetings with clients, but by telephone, e-mail or videoconference. Regardless of the circumstances, the day of free legal aid in 2020 was very well received by the clients, regardless of the situation. The available deadlines for consulting a lawyer filled up even faster than in previous years. The reason for such a response is also to be found in the plight of the people facing the changed situation due to the epidemic. In 2020, the event was also excellently covered by the media, as Slovenian Bar Association recorded as many as 45 publications in various media (radio, television, newspapers, online media) and 9 interviews with many of its representatives.

European Lawyers Day 2020

On 11 November 2020, Slovenian Bar Association and the Law Academy with Slovenian Bar Association marked the European Lawyers Day, this time with an online lecture for lawyers with the title "Continuity of justice and respect for human rights in time of pandemic". The participants were briefed on the challenges highlighted by the CCBE in the document "CCBE concerns and propositions regarding the current phase of reactivation of the justice system in the light of the COVID-19 crisis", as well as on the changes in national legislation during the epidemic.

International activity

Due to the epidemic, in 2020 the international activity of Slovenian Bar Association was also severely reduced. President and other Bar Association representatives were very active and

participated the conferences and meetings organized by other Bars and organisations via videoconferencing system.

Regardless of the changed situation, the Delegation of Slovenian Bar Association to the CCBE continued to actively perform all its tasks in 2020, especially within the PECO Committee of the CCBE, chaired by the President of Slovenian Bar Association. The Delegation also participated in the commission for the selection of a new Secretary General of the CCBE. In 2020, the Board of Slovenian Bar Association adopted the decision to nominate the President of Slovenian Bar Association, the lawyer Roman Završek, M.Sc., for the third Vice-President of the CCBE.

In the summer of 2020, when the measures to prevent the epidemic were somewhat relaxed, Slovenian Bar Association also managed to hold a traditional bilateral meeting between Slovenian Bar Association and Croatian Bar Association.

Charity Activity of Slovenian Bar Association

Slovenian Bar Association regularly helps socially deprived individuals and humanitarian institutions through its Humanitarian Aid Fund that in 2020 scored already sixteen years of efficient activity and is based on the financial support by all lawyers. In 2020, Slovenian Bar Association, through its fund for charitable purposes, donated more than 50,000.00 euros of assistance to needy individuals and organizations, among others to Lawyers in Lesbos charity organization.

M.Sc. Roman Završek, President

