



EESTI ADVOKATUUR

ESTONIAN BAR ASSOCIATION

50th European Presidents' Conference Country report – Estonia

General information

As of 31 December 2021, the Estonian Bar Association (EBA) had 1074 members, including:

- 731 attorneys-at-law (in Estonian *vandeadvokaat*);
- 340 assistant attorneys-at-law (in Estonian *vandeadvokaadi abi*) and
- 3 associated members.

215 members had suspended their membership for various reasons (parental leave, working in public service or as in-house counsel, etc.).

EBA members practiced in 221 law firms and statistically there were one attorney for every 1 543 Estonian resident.

The membership fees of EUR 60 per month for attorneys-at-law and associated members and EUR 45 per month for assistant attorneys-at-law remained unchanged.

Disciplinary proceedings

In 2021, Ethics Tribunal received 164 complaints (increase 20% compared to 2020). Ethics Tribunal initiated 36 (increase 3%) disciplinary cases and applied sanctions in 10 disciplinary cases (2 fines and 8 reprimands, increase 25%).

Commenting on legislation

EBA participated actively in legislative process by reviewing and commenting on draft legislation. EBA has established twelve expert committees (on ethics and methodology, state legal aid, protection of fundamental rights, administrative law, commercial law, competition law, family law, insolvency law, IP/IT law, labour law, tax law and financial law) and a criminal law working group. The committees and criminal law working group assisted EBA in responding to requests by the Ministry of Justice or other ministries to review and comment on draft legislation. In 2021, EBA was asked for its opinion on a total of 4 intentions to develop a law, 33 on a draft law and, in 20 cases, on another legal document (public consultation, action plan, ministerial decree etc.). EBA's opinions were published 23 times through both the expert committees, board of EBA or attorneys individually.

EBA initiated changes in the Bar Association Act, which entered into force 01.01.2021 and are involved with exercising attorneys' rights and obligations in EBA. Namely, a meeting of EBA's General Assembly may be held as a fully physical meeting, as a partly physical and partly electronic meeting or as a fully electronic meeting. Participation in a meeting of the General Assembly via electronic means takes place in accordance with the procedure set out in the General Part of the Civil Code Act and on each occasion, the Board of EBA establishes a more detailed procedure for participation in a meeting of the General Assembly via electronic means. Also, when convening a meeting of the General Assembly, the Board has the right to allow voting attorneys to vote on draft resolutions drawn up on the agenda items of the meeting of the

General Assembly, sending their vote to EBA in a form that is at least reproducible in writing before the meeting of the General Assembly. This regulation is particularly necessary at a time when there is still a real risk of quarantine and gathering restrictions. It is also necessary for people who are ill or in compulsory isolation. In 2022, General Assembly was already held in hybrid form, where it was possible to attend physically at the conference venue or via electronic means (live broadcast).

In addition, EBA is continuously working in order to ensure and regulate the law regarding the search of the law offices in the context of client confidentiality protection. In 2021 EBA compiled a draft law and presented it to the Estonian Ministry of Justice. The feedback from the ministry has been encouraging, co-operation will continue between the parties involved (representatives of EBA, the ministry, courts and Prosecutor's Office).

EBA Quality Management Certificate

The Quality Management Certificate of EBA is a recognition granted by EBA to law firms for the implementation of a higher service standard and important processes in a law firm.

In the course of issuing the certificate, the level of service quality of the law firm is assessed, primarily through the requirements established in the Bar Association Act, Rules of Procedure, Code of Ethics and the guidelines and procedures of EBA. In 2021, EBA issued 3 Quality Management Certificates. EBA has also introduced the Certificate to the CCBE (The Council of Bars and Law Societies of Europe), which earned a positive response and interest from other CCBE member states as it turned out that our certificate is quite unique (only one Bar besides Estonia has developed something similar).

State legal aid

According to the law, EBA has the duty to arrange state legal aid. In 2021, the funding of state legal aid was 4.22m EUR. 11 992 legal aid applications were submitted (incl. 52.2% defence in criminal proceedings, 40.8% representation in civil proceedings and 0.4% representation in administrative procedures) and in average 145 attorneys provided legal aid. The legal aid fee rates are set forth by the Minister of Justice and the rates did not increase in 2021. Therefore, the gap between market fee rates and legal aid fee rates are still unacceptably wide. EBA is continuously pursuing for additional funding of legal aid.

Foreign relations

In addition of being active member to the CCBE, EBA is also a member of IBA (International Bar Association).

In 2021, EBA had an honour to host The Deputy Prosecutor General of Ukraine, who was accompanied by other senior officials from the Ukrainian Public Prosecutor's Office, the police and the Ministry of Internal Affairs. EBA introduced foreign guests Estonian e-file and the state legal aid information system and how to choose and appoint a lawyer in criminal proceedings. EBA marks that at the moment we are doing everything we can in our powers to help the persons fleeing the war in Ukraine and attorneys/lawyers seeking professional work in Estonia.

It has become a tradition that EBA together with other judicial authorities host every year foreign judges and prosecutors, in order to discuss important and topical issues between the counterparts. Luckily, in 2021 physical meetings were managed to held and EBA hosted judges from Germany, Romania and France and prosecutors from Germany, Italy, Poland, Romania and Croatia.