

European Presidential Conference 2022

Country Report - Slovenian Bar Association

Membership

In accordance with the Attorneys Act, lawyers practicing the legal profession in the Republic of Slovenia are obliged to join the Slovenian Bar Association. As at 1 March 2021, the Slovenian Bar Association included 1,834 lawyers (859 female and 973 male lawyers) and as at 28 February 2022, it included 1,853 lawyers (882 female and 971 male lawyers).

In the period from 1991 to the beginning of 2022, the number of lawyers increased from 613 to 1,853. 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 (around one percent), the number of lawyers continued to grow in 2021, which was, as the year before, affected by the COVID-19 epidemic.

The surplus of human resources in the labour market, in this case university graduates in law who have passed the state law examination, cannot find employment in other judicial professions due to market saturation, and there is increasing pressure on the profession of lawyers as the only possibility for self-employment in the judiciary. The imbalance in the market has also been made evident by the economic analysis of the situation of the profession of lawyers in Slovenia¹ prepared by the Faculty of Law of the University of Maribor. It found that as many as 25% are in danger of having to cease operations. This particularly applies to the lawyers operating outside of major urban centres. The 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 Attorneys Act, activities towards the elimination of anomalies in the payment of lawyers' fees in cases of pro bono legal aid and ex officio representation, and in this regard also amendments and supplements to the Attorney Tariff. However, the government will also have to take action.

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

Activity of the Slovenian Bar Association during the epidemic

The COVID-19 epidemic again severely affected the activity of lawyers in 2021. The Slovenian Bar Association has actively sought to ensure that lawyers' work is carried out as smoothly as possible under the changed circumstances, and that as many court cases as possible are conducted via videoconferencing in order to avoid backlogs and to ensure that clients can exercise their right of access to the courts. Furthermore, the Slovenian Bar Association encouraged members to report their difficulties in practising their profession during the epidemic. Members' notifications of problems in practice served as a basis for action by the Slovenian Bar Association and for warnings to the competent national authorities (courts, Ministry of Justice).

During the epidemic, the Slovenian Bar Association has also significantly stepped up its activities on Facebook and LinkedIn, ensuring a rapid exchange of information with its members

Election year

The year 2021 was an election year for the Slovenian Bar Association. At the May Assembly, a new President of the Bar was elected, lawyer Janez Starman from Koper, who succeeded mag. Roman Završek from Ljubljana. Two new vice-presidents were also elected, namely lawyer Aleksander Cmok from Celje and lawyer Luka Gaberščik from Ljubljana as well as members to other bodies of the Bar (Disciplinary Committee of the First and Second Instance, Disciplinary Prosecutor and their deputies). A new composition of the Board of Lawyers and the Ethics Committee also started work in June 2021. The Board of Lawyers also appointed new members to 12 different committees and 15 different working groups of the Slovenian Bar Association, which include lawyers on a voluntary basis who thus contribute to the work of the Bar with their knowledge and experience in specific legal fields.

Proposal of the ZOdv-G (elimination of the "half")

The Slovenian Bar Association made significant progress in 2021 with regard to the anomaly in the payment of pro bono legal aid services and ex officio representation, where the Attorneys Act stipulates payment of one half of the remuneration under the attorney tariff. The Bar's working group and the Ministry of Justice reached an agreement on the wording of the proposal for legislative amendments towards the abolition of half-payments in these cases. The harmonised proposal of the act (ZOdv-G) was submitted to the Government of the Republic of Slovenia for consideration in December 2021, but has not yet been discussed at a Government session. In 2022, the Bar will endeavour to push the proposal, which has been harmonised with the Ministry, through the legislative procedure as soon as possible.

Proposal of a new Attorneys Act (ZOdV-1)

In 2021, the Slovenian Bar Association actively continued its work on the proposal for a new Attorneys Act. This is a large-scale multi-annual project of the Slovenian Bar Association, in which, together with the Faculty of Law of the University of Ljubljana and the Faculty of Law of the University of Maribor, we finalised a comprehensive and in-depth draft working paper of the new Attorneys Act at the end of 2019. The aim of the Act is to improve the situation of the profession of lawyers, and modernise legal solutions in this field, which are required by the development of the judiciary and society. Regular working meetings were held in 2021 with representatives of the Ministry of Justice to harmonise the text of the draft law. The text of the draft law has already been largely aligned with the Ministry of Justice, and the Bar hopes that the draft law will be ready for legislative procedure in 2022.

Amendments and additions to the Attorney Tariff

No amendments or additions have been made to the attorney tariff since its entry into force in 2015. Due to the changes in legislation in recent years in a number of fields, there are lawyer services that are not priced in the existing attorney tariff, and the application of the tariff has shown that amendments and additions are necessary. In light of the above, the Bar's Working Group for the Attorney Tariff prepared a proposal for amendments and additions to the regulation. The proposal for amendments and additions to the Attorney Tariff has been discussed in several working meetings with the Ministry of Justice. In February 2022, the text was finally harmonised with the Ministries of Justice, and the Minister has in principle already given his oral agreement to the proposed amendments to the regulation. The matter is scheduled to be on the agenda of the Bar Assembly in April 2022.

New website

In January 2022, the new website of the Bar was launched. The website was not just visually refreshed, but also brought a number of novelties. It is a modern website which allows, inter alia, the electronic submission of applications relating to directories of lawyers (registration in the directories managed by the Bar, status changes), electronic submission of claims filed against lawyers, and has an online membership forum set up. The functionality of the directory of lawyers has been updated, and a popular section has been set up for website visitors – frequently asked questions and answers. Deriving from the feedback received from its members, the website continues to evolve and is frequently complemented with new content. As part of the umbrella website of the Bar, the website of the Bar Academy of the Slovenian Bar Association has also been refurbished with a range of useful educational content. Another refurbished website is that of the Mediation Centre.

Lawyers' School

In 2021, the Slovenian Bar Association and the Bar Academy of the Slovenian Bar Association organised the traditional educational event for lawyers – the Lawyers' School. The event was originally scheduled for April as a two-day series of lectures and workshops, but was cancelled due to the epidemic. After the situation calmed down, the Lawyers' School 2021, taking into account all measures for the prevention of the spread of communicable diseases, took place on 21 October 2021 in Portorož as a hybrid one-day event with direct attendance and distance participation. The Lawyers' School was followed by the Day of Slovenian Lawyers with the participation of representatives of the authorities, other professions in the judiciary and lawyers from abroad.

Bar Academy of the Slovenian Bar Association

The Slovenian Bar Association established the Bar Academy in 2015, with the aim of providing continuous, up-to-date and professional training for lawyers, candidates and trainee lawyers. After five years of operation, the Bar Academy can report outstanding results in the preparation and implementation of numerous and diverse lectures and workshops. The high-quality, up-to-date and diverse training courses provided by the Bar Academy of the Slovenian Bar Association have become recognisable and increasingly visited. More about the work of the Academy can be found in the continuation of this report.

Mediation Centre with the Slovenian Bar Association

The Mediation Centre with the Bar Academy of the Slovenian Bar Association, which was established in 2017, continued its activities in 2021 with the aim of realising the vision to become the largest private out-of-court mediation centre offered by a Slovenian institution. The Centre implements the efforts of lawyers to establish a culture of amicable and consensual dispute resolution, while at the same time potentially reducing the burden on the courts. On the other hand, the Mediation Centre with the Bar Academy of the Slovenian Bar Association also offers the possibility of conducting mediation for all lawyers interested in this aspect, and opens the door to a potentially new specialisation in the work of lawyers.

Traditional Day of Pro Bono Legal Aid

The traditional Day of Pro Bono Legal Aid has been held under the auspices of the Slovenian Bar Association continuously since 2010. On this day, lawyers offer free legal aid to clients throughout the country, and inform them about the services provided by lawyers. In 2021, the Day of Pro Bono Legal Aid took place on 20 December, and 271 lawyers decided to participate. Due to the epidemic, communication between lawyers and clients was mainly carried out by telephone or email, while some clients did come to the law firms by prior agreement. The

main issues raised by the clients were from the fields of law of obligations, family law, succession law and property law, slightly less from the fields of labour, criminal and enforcement law and social security, and the least from the fields of constitutional, administrative, misdemeanour, international and tax law. The Day of Pro Bono Legal Aid was again very successful in 2021, with a positive public response.

European Lawyers Day 2021

On 25 October 2021, the Slovenian Bar Association and the Bar Academy of the Slovenian Bar Association marked the European Lawyers Day with a panel titled There is No Justice without an Independent Lawyer, which was held live at the Faculty of Law of the University of Ljubljana. The panellists were lawyer Andrej Razdrih, Supreme State Prosecutor mag. Jože Kozina, and Assistant Professor Dr Miha Hafner. The event was moderated by lawyer Timon Hren.

International activity

Due to the epidemic, the international activity of the Slovenian Bar Association was again severely impaired in 2021. Regardless of the changed situation, the Delegation of the Slovenian Bar Association to the CCBE continued to actively perform all its tasks in 2021, especially within the PECO Committee of the CCBE, chaired by lawyer mag. Roman Završek. A detailed report of the delegation is available in the continuation of this report.

Charity activity of the Slovenian Bar Association

The Slovenian Bar Association regularly helps socially deprived individuals and humanitarian organisations through its Humanitarian Aid Fund, which in 2021 recorded its seventeenth successful year of activity, and to which all lawyers contribute through their contribution to humanitarian aid, In 2021, the Slovenian Bar Association distributed more than EUR 17,000 in aid for charity purposes through its Fund to individuals and organisations in need.

Janez Starman, President

Janez Starman

