

**European Presidential Conference 2024
Country Report – Slovenian Bar Association**

I. Statistical data

As of December 31, 2023, there were 1,907 lawyers (980 male lawyers and 912 female lawyers) registered in the Lawyers' Directory and 19 lawyers (12 male lawyers and 7 female lawyers) were registered in the Foreign Lawyers' Directory.. As of December 31, 2023, 274 law firms and 24 civil law firms were actively operating in the Republic of Slovenia. The number of lawyers in the Republic of Slovenia is still slowly increasing, but more slowly than in the years before the Covid epidemic, when the average annual growth rate was 2.5%. In 2023, the growth rate was only 1.6%. However, there is a noticeable trend of increasing the proportion of women in the legal profession. In 2023, the proportion of female lawyers was 48%, and the proportion of male lawyers was 52%.

II. The work of the Bar Association of Slovenia in 2023

1. Abolition of half-payment of lawyers' fees in cases of representation in free legal aid and ex officio cases

The amendment to the Attorneys Act provided from 2009 onwards that a lawyer is entitled to only half-fee according to the Attorneys' Tariff when representing a client in free legal aid and ex officio representation cases. The Slovenian Bar Association, after many years of efforts and also after filing lawsuits against the State, has achieved the abolition of this discrimination in 2021 after almost 14 years, with regard to the discrimination of lawyers in the payment for legal services in these cases, where the State is the payer of legal services for clients. On 26 April 2023, amendments to the Attorneys Act (ZOdv-G) entered into force, under which lawyers who provide free legal assistance to clients and represent clients ex officio (ex officio) are entitled to 100 per cent remuneration for legal services rendered according to the Attorney's Tariff.

2. Proposal for a new Attorneys Act (ZOdv-1)

In 2023, the Bar Association of Slovenia continued to actively work on a proposal for a new Attorneys Act. This is an extensive multi-year project of the Bar Association of Slovenia, in which a comprehensive and in-depth proposal for the working material of the new law was completed at the end of 2019, together with the Faculty of Law of the University of Ljubljana and the Faculty of Law of the University of Maribor. The purpose of the new Act is to improve the position of the legal profession and to update legal solutions in this area, which are required by the development of justice and society. The proposal for the new Attorneys Act was in the process of harmonizing the text with the Ministry of Justice in 2023 with the aim of forming a final proposal for the law, which will be sent to the legislative process.

3. Adjusting the value of a lawyer's point to inflation

The Attorneys' Tariff provides that the value of a attorneys' point may be changed when the increase in the cost of living or the increase in judges' salaries exceeds 10% since the last increase in the value of a attorneys' point came into effect. At its meeting on 13.12.2022, the Management Board already noted that the inflation rate since the last adjustment of the value of the attorneys' point was 15.8% and therefore decided to increase the value of the attorneys' point from EUR 0.60 to EUR 0.70. As the change of value requires the written consent of the Minister of Justice, the Slovenian Bar Association immediately requested this consent. Despite the fulfilment of the conditions for adjusting the value of a attorneys' point to inflation as laid down in the Attorneys' Tariff, repeated urgent requests and meetings with the Ministry, the consent has still not been given. The Slovenian Bar Association is therefore considering legal action against the State.

4. Support for judges in regulating their material situation

In June 2023, the Constitutional Court of the Republic of Slovenia found that the regulation of basic salaries of judges is incompatible with the constitutional principle of judicial independence, due to the failure to comply with the constitutional requirement of stability of judges' salaries. In fact, these salaries have lost their real value very significantly in just over ten years. The Slovenian Bar Association has expressed its public support for judges and public prosecutors in regulating their material situation and has expressed its concern that the executive and legislative branches of government are not respecting the constitutional decision. The Slovenian Bar Association maintains its support for judges also during the protest actions the by the courts in January 2024, which is resulting in a reduction of work of the courts. A well-functioning judicial system is only possible if the basic working conditions of the key players in the judiciary are guaranteed. Only in this way can we speak of pursuing the highest possible standards of protection of human rights and fundamental freedoms and thus achieving an adequate level of protection of the legal interests and rights of the end-users of justice - i.e. all those whose rights and obligations are decided in court proceedings.

5. European Commission's letter of formal notice on the ban on commercial communications by lawyers

In February 2023, the Republic of Slovenia received a formal notice from the European Commission (EC) for banning advertising by lawyers. According to the EC, the Attorneys Act prohibits the advertising of lawyers, which would result in the non-implementation or incorrect implementation and incorrect transposition of EU legal acts. The Slovenian Bar Association immediately took an active part in the preparation of the EC's reply in the pre-trial proceedings and, together with the Ministry of Justice, rejected the EC's allegations in a comprehensive and reasoned manner, as the regulation of advertising in the Republic of Slovenia does not prohibit it entirely, but merely restricts it, in accordance with the rules and principles of the legal profession, which is customary in the European area and, in view of the position and role of the legal profession, also quite logical.

6. Application for the Republic of Slovenia to take part in the proceedings before the Court of Justice of the European Union in Case C-295/23

In November 2023, the Slovenian Bar Association was informed about the proceedings pending before the Court of Justice of the EU in Case C-295/23, a case between a German law firm and the Munich Bar Association concerning the deprivation of the right to practise law of a law firm whose shareholder, following a recapitalisation, became a non-lawyer-owned company. The latter also holds a majority stake in the law firm. In view of the importance of the decision for the development of the legal profession in the European area and in the Member States, some European countries have already notified their participation in the proceedings. Slovenian Bar Association proposed the same to the Ministry of Justice, which agreed with the initiative.

7. Training of lawyers and promotion of the legal profession

- Lawyer' School 2023

On 24 and 25 March 2023, the Bar Association of Slovenia and the Bar Academy held the traditional 24th Lawyer' School, which featured excellent lectures in nine sections. Thanks to the wide range of topics and the quality of the lectures, more than 500 participants attended the main annual training for lawyers.

- Joint training courses for the licence to become a juvenile defender

In 2023, the training of defence lawyers in proceedings against juveniles continued successfully. The Ministry of Justice has entrusted the Bar Academy with the task of providing training for lawyers, for which the Ministry also provides the necessary financial resources.

- Preparation of young lawyers for the State Legal Exam

In 2023, the Bar Academy continued to prepare young lawyers working in law firms as trainee lawyers for the State Legal Exam. Successful completion of the State Legal Exam is a prerequisite for practising in the legal profession and is one of the conditions for entry in the Register of Lawyers' Candidates. In the course of the training, the Bar Academy successfully cooperates with judges who, as lecturers, share their extensive practical experience with the young trainee lawyers.

8. Mediation Centre at the Slovenian Bar Association

The Mediation Centre at the Slovenian Bar Association's Bar Academy, which was established in 2017, successfully continued its activities in 2023 to realise its vision of becoming the largest private out-of-court mediation centre offered by any Slovenian institution.

9. Major events and promotional activities

- Commemoration of 155 years of the Slovenian Bar Association

In 2023, the Slovenian Bar Association celebrated 155 years of organised advocacy in Slovenia. The main ceremony was held as part of the Day of Slovenian Lawyers on 22 October 2023 in Bled, which was attended by representatives of all branches of government, representatives of 21 foreign bar associations and chambers, and a number of local lawyers. On this occasion, the Slovenian Bar Association also issued a commemorative postage stamp depicting the lawyer Dr. Danilo Majaron, after whom the highest award granted by the Slovenian Bar Association is named.

- Pro Bono Legal Aid Day

The traditional Day of Pro Bono Legal Aid has been held under the auspices of the Bar Association of Slovenia continuously since 2010. On a predetermined day in December, Slovenian lawyers across the country offer free legal assistance to clients and promote the legal profession. In 2023, the Pro Bono Legal Aid Day took place on 19 December. As every year, the response from clients was overwhelming.

- Promotion of the legal profession among law students

In 2023, the Slovenian Bar Association launched a trial promotion of the legal profession among students of the Faculty of Law at the University of Ljubljana and the Faculty of Law at the University of Maribor. It was found that the knowledge of the legal profession among law students is insufficient, therefore the Slovenian Bar Association will continue its promotional activities in the next academic year.

10. Charity of the Slovenian Bar Association

The Slovenian Bar Association regularly assists socially disadvantaged individuals and humanitarian institutions through its Humanitarian Aid Fund, which in 2023 has already completed 19 years of successful operation and to which all lawyers contribute financially through the Humanitarian Aid Contribution. In 2023, the Slovenian Bar Association distributed more than EUR 81,000 to the needy for charitable purposes.

Janez Starman, President

