



ORDEM DOS ADVOGADOS

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CONSELHO GERAL

Dear Austrian Bar Association's President Armenak Utudjian

Dear CCBE President Roman Zavrsek

Dear Presidents

Dear Colleagues

We are all living times of deep tension between the defence of professional secrecy, as the cornerstone of our profession and the need for transparency, as a general principle of a democratic rule of law.

Throughout its century-long history, Ordem dos Advogados, Portuguese Bar Association has pursued its duties of defending the rule of law in Portugal, promoting access to justice, defending human rights and their fundamental values with a view to social peace, and implementing a balanced and fair justice system.

In this respect, we believe that the adoption of the European Convention on the Protection of the Profession of Lawyer, signed by Portugal on January 21st, to be of utmost relevance in this historical period.

I strongly believe the aforementioned instrument constitutes a very relevant institutional stance and a major step forward in guaranteeing the independence and security of the profession and the fundamental role of the legal profession in defending the rule of law and justice in Europe and the world.

The European Convention on the Protection of the Profession of Lawyer addresses the main concerns related to the protection of lawyers, including their independence, the confidentiality of their communications, and their ability to practice law without intimidation, harassment, or undue interference.

Subsequently, as my Board has started office last May, we continue to highlight our concerns regarding the dignified remuneration for citizens' access to justice, lawyers' access to public offices, and the dignified and free exercise of their mandate.



The application of this instrument translates into the independence of professional associations, especially with regard to statutory changes and the legal framework of their own actions.

Ordem dos Advogados had multiple situations related to threats to our role, reported by Advogados involving court decisions such as limitations on use of language in cases, regardless of being language commonly used in courts or procedures mirroring conflicted positions between lawyers.

Other court decisions limit unreasonably (and illegally) the scope of professional activity such as rejection of due postponing of a court session, on account of post-partum (less than 7 days), on account of proven illness, on account of chemotherapy sessions, dismissal of legal aid pleas for lawyer replacements or even rejection to use a personal laptop during hearing on a court session (for on line access to pending case documents under discussion).

We even had public services, such as Tax, Registry or other refusing priority reception of lawyers, especially facing high migration flow of Visa demand, overwhelming public resources and causing refusals to book appointments or documents;

Refusals from tax authority to give out information on estate to owners' representatives, with professional ID proof (even with prior authorisation memos from top, to services allowing that information). Occasionally, on the other hand, services are not strict and enable easy access to illegal representation;

The General Council of the Ordem dos Advogados has a team of in house counsels only defending prerogatives' cases and threats to professionals, pending in court, around five dozens of cases namely: legal aid court fees' inaccuracies, identity theft, illegal representation, forgery, insults, slander, severe assault, an alleged violation of lockdown during the pandemic and even a lawyer who was "appointed" by state request (no legal aid involved) for a specific case four years ago and is still waiting for just reimbursement of fees.

For our presidency, we are focused on improving conditions in our country and in the current justice system which our Bar has noticed to influence our independence in the future:

we are determined to improve the quality of legal aid system and the income of our members practising in this system. We are working with the current Minister of Justice for that specific purpose.



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It is most unworthy that an average case only enables fees of around 380 euros, to the acting appointed professional!

Regarding the former Recommendations of the European Commission to Member States governments, regarding the rule of law, Ordem dos Advogados has followed the urgent call to reform the Administrative and Tax Courts;

Ordem dos Advogados is also often heard within the Ministry of Justice and the High Council of the Judiciary for promoting the rule of law.

So we would like to highlight our efforts and commitment to our best practices, to our Centenary celebrations, through events and conferences nationwide, initial and continuous training for better defence of civil rights, the independence of lawyers, professional secrecy and the rule of law!

My deepest appreciation for this occasion and to our hosts, the Austrian Bar, President Armenak Utudjian!