

## **Annual report of the Swiss Bar Association (SBA) for the attention of the European Presidents' Conference 2026 in Vienna**

### **Professional secrecy**

In addition to independence within the judicial system, professional secrecy is a central pillar. Politicians and media representatives had to be repeatedly made aware of its importance during the reporting year. They tend to view professional secrecy as a privilege of the legal profession and fail to recognise that professional secrecy covers both the forensic and advisory activities of the legal profession.

How can a lawyer successfully conduct proceedings if the client withholds important facts from them during the preliminary consultation because these are not subject to professional secrecy? How can a lawyer advise a client against taking legal action during the consultation if they have not been provided with all the facts?

During the deliberations in parliament on the Russia sanctions and the Draft Federal Act on Combating Money Laundering and Terrorist Financing, the SBA vigorously advocated not only the defence of professional secrecy but also an efficient and target-oriented solution.

### **Diversity/Wellbeing**

Employment conditions in law firms have a major impact on whether young professionals will remain in the legal profession. Based on findings obtained at conferences held by the SBA (the most recent example being the well-attended 4th edition of the Women Lawyers' Day on the topic of "Empower today – transform tomorrow", existing offerings in a few cantonal associations, model examples and discussions with the Young Lawyers Forum, the SAV Executive Committee has decided to launch a new initiative. edition of Lawyers' Day on the topic of 'Empower today – transform tomorrow'), existing offers in a few cantonal bar associations, showcase models and discussions with the Young Lawyers Forum, the Executive Board of the SBA has adopted a rough concept in order to implement measures that will ultimately enable law firms to offer a modern, efficient and economically attractive environment. On the other hand, young colleagues should receive the support they need at the start of their careers through flexible, modern employment conditions and, where necessary, supporting measures such as mentoring.

Ultimately, such services must also be offered to colleagues who find themselves in crisis at a later stage of their professional careers, so that support measures are available in a timely manner.

## Digitisation and AI

A **survey conducted by the SBA** in 2025 revealed that digitisation continues to advance in law firms.

In order to support lawyers in the digital transformation, the SBA commissioned a study and the development of an online tool. As part of a comprehensive survey of law firms conducted by an external institute, the costs of digitisation in law firms were recorded in as much detail as possible. Based on this survey, an online tool (<https://digital.sav-fsa.ch>) designed to calculate law firm costs was developed in collaboration with ETH Zurich. This tool enables law firms to estimate the costs associated with specific digitisation measures, depending on the specific characteristics of their firm.

In addition to the cost issue, the study provides interesting insights regarding which processes in law firms have already been digitised, i.e. which activities are carried out digitally, hybrid (digitally and analogously) and analogously. Overall, it is clear that the vast majority of processes are mainly digital or at least partially digital (i.e. hybrid) and that a genuine trend towards digitisation has taken place and will continue. Regardless of cost and size, almost every law firm states that it will continue with digitisation either as a matter of principle or even as a high priority. The fact that highly digitised law firms already prioritise digitisation the most is obvious in the context of the advantages that were surveyed: highly digitised law firms benefit more from digitisation than less digitised law firms. Accordingly, they experience the advantages and continue to prioritise digitisation.

The SBA used this study as an opportunity to emphasise its support in the area of digitisation. The **2025 Lawyers' Congress in Lucerne** was dedicated to the topic of '**between tradition and transformation**'. Numerous workshops demonstrated which aspects of a law firm can and should be changed. Together with the Group of Experts on Digitisation, the Executive Board adopted various guidelines and other documents to serve as a compass for law firms. In doing so, it drew on the ongoing work of European lawyers' associations.

At the end of the year, with the support of the SAV, the Federal Act on the Platform for Electronic Communication in the Justice System (**ECJA**) was passed by the parliament. The SBA consistently represented the interests of the legal profession and successfully fought for improvements in the parliament that benefit the legal profession. The **Justitia 4.0** project (creation of a central platform through which submissions to the court and vice versa can be processed electronically) has advanced to such an extent that pilot projects have been launched in various cantons in order to test the application. The introduction of mandatory electronic legal transactions is expected for all actors in the justice system (lawyers and courts) in 2027.

In view of the above, all colleagues find themselves under considerable pressure to review internal law firm processes and, where possible, to digitise them. Client expectations are high, and the opportunities arising for law firms in the context of digitisation are almost limitless. The market is constantly offering new solutions that comply with professional law. For the purpose of educating, preparing and promoting this development, the SBA continuously organises regional awareness seminars, which are always fully booked. This shows how much interest law firms have in this topic. Therefore, it can be assumed that Justitia 4.0 (J40) will give the digitisation of the industry another boost.

The focus of the 2026 conference is specifically and solely dedicated to the topic of 'AI – significance and application in practice'. It is planned to provide a technical introduction and a practical demonstration of the possibilities on site, with the involvement of the participants.

Finally, the SBA is endeavouring to develop a common understanding with universities of doctrine and, in particular, legal practice regarding the significance of and approach to AI tools, which will then give rise to ideas for the design of corresponding teaching modules. This project is based on the recognition that law degree programmes focus heavily on the content of legal areas, while the handling of clients and modern tools such as AI is hardly taught. The aim is to convince universities of the importance of integrating the use of AI tools into law degree programmes.

### **Latest legislative developments**

In autumn 2025, the parliament passed two important laws:

- With the adopted amendments to the Anti-Money Laundering Act (AMLA), advisors, including lawyers, are subject to qualified due diligence and documentation requirements when accepting and managing mandates with the risk of possible money laundering.
- The Federal Act on the Transparency of Legal Entities and the Identification of Beneficial Owners (TLEA) creates a new transparency register. Essentially, legal entities under Swiss law and certain legal entities under foreign law, as well as trusts with a connection to Switzerland, are required to identify their beneficial owners and provide this information to the register.

The core concerns of the legal profession, namely that advisors must have access to the register and, in principle, be able to rely on the records it contains regarding beneficial owners, were supported by the parliament.

These new laws are crucial for the legal profession. Until now, only colleagues who were not subject to professional secrecy in their work as financial intermediaries

were subject to the AMLA. Under criminal law, they were and continue to be liable if they assist in money laundering or terrorist financing. Now, all advisors, not only lawyers, are subject to the AMLA. The Federal Council's bill provided for extensive coverage, which was closer to the wording of Recommendation 22(d) of the FATF (GAFI). However, the Parliament did not follow this approach. Instead, the legislature has restricted the scope of coverage so that only advisory activities involving relevant risks of misuse by advisors for the purposes of money laundering or terrorist financing are included. This was one of the key concerns of the professional associations in the advisory industry (primarily insurers, trustees, banks, etc.) that participated in the consultation process and parliamentary deliberations.

Very important: the protection of lawyers' professional secrecy has been cemented due to its significance in a state governed by the rule of law. While financial intermediaries must continue to report suspicious cases to the supervisory authority, the reporting obligation for lawyers and notaries is restricted in such a way that there can be no violation of professional secrecy.

All this was achieved through a great amount of expert knowledge and persuasion in the parliament.

## **Conclusion**

The defence of professional law, satisfied employees and efficient working conditions are indispensable prerequisites for the legal profession to remain successful in the future.

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President of the SBA

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