



the global voice of the legal profession

Bar Executive Exchange

ISSUE 22 MAY 2019

14th Bar Leaders' Conference Budapest 22–23 May 2019

Ken Murphy

Director General, Law Society of Ireland
Co-Chair, Bar Executive Committee

Merete Smith

Secretary General, Norwegian Bar Association
Co-Chair, Bar Executive Committee



Christina Blacklaws President/Chairperson, The Law Society of England and Wales, England



Tshepo Shabangu Law Society of South Africa/Spoor & Fisher, Pretoria; Officer, BIC

Cristina Blacklaws and Tshepo Shabangu will be speaking at the Bar Executives Exchange session on Friday 24 May

CONTENTS

From the Co-Chairs: Ken Murphy and Merete Smith	1
Bar Executive Spotlight	3
Bar Executive Programme Budapest	4
BIC project Feature: Ethiopia	5
Budapest and Hungarian Bar Associations	7
BIC Officer Retreat	11
BIC sessions at the IBA Annual Conference Seoul, 22-27 September 2019	13

Diversity and inclusion: what should bars and law societies be doing?

Does your bar association or law society have a written policy declaring its firm support for diversity and inclusion? It's likely that it does. But what serious, sustained and effective actions, both in your bar or law society itself and in the legal profession as a whole, flow from that declaration? How real is the commitment? How determined and consistent are the activities undertaken, if any, to give effect to the written policy? Is it necessary, for example, for your organisation to have a woman President in order to move the diversity and inclusion policy up the agenda? Indeed, how often is a woman President appointed?

Of course, there is far more to diversity and inclusion than gender. Diversity and inclusion policies at your bar or law society can and should apply to sexual orientation, race and social diversity, among many other forms. However, diversity and inclusion in terms of gender has dominated the debate up until relatively recently.

Bar Executives Programme

Friday 24 May 2019
Hosted at the offices of the Budapest Bar Association
see page 4 for details

The 'feminisation of the legal profession' is a global phenomenon. For some decades now, in most parts of the world, the number of women entrants to the profession has significantly outnumbered men. The result, in relatively recent times, is that women practitioners have begun to outnumber men as was the case for the first time in the solicitors' profession in Ireland in 2014 and in England and Wales in 2017. In addition, gender parity in the legal profession has been reached or surpassed across other jurisdictions – or will be very soon.

Yet, statistics show that inequality and exclusion of women, at least as far as partnership in law

firms is concerned, remains rife. As the current President of the Law Society of England and Wales (LSEW), Christina Blacklaws points out that in her jurisdiction, women have accounted for over 60 per cent of newly qualified solicitors since 1990 and yet only 28 per cent of partners currently in private practice are women. In 'Big Law', the percentage of women partners is even lower. The commanding heights of the legal profession are still dominated by men.

Why is this disparity so seemingly intractable? Five years ago, recalls Blacklaws, the biggest perceived barrier to career advancement was the absence of flexible working opportunities. But, in 2018, a LSEW survey on women in the law found 'unconscious bias' to be the bigger culprit.

Our other speaker at this session will be Tshepo Shabangu. Tshepo is an officer of the IBA's Bar

Issues Commission and is a representative on the IBA Council of the Law Society of South Africa. She is an intellectual property law expert based in Pretoria. A member of the Black Lawyer' Association, she has wide experience of diversity and inclusion issues to share with us.

As a Bar Executive attending the IBA's meeting in Budapest, you are hereby invited to a business session on this topic, led by Christina Blacklaws and Tshepo Shabangu, on Friday 24 May from 1000-1400 at the Budapest Bar Association.

We hope very much to see you there.

Ken Murphy
*Director General,
Law Society of Ireland
Co-Chair, Bar Executive
Committee*

Merete Smith
*Secretary-General,
Norwegian Bar Association
Co-Chair, Bar Executive
Committee*



Bar Executives Committee members outside the headquarters of the Norwegian Bar Association © IBA 2018

Bar Executives Committee – Remit

The Bar Executives Committee will be directed to those involved in the day-to-day management and administration of a bar association and those involved in international liaison on behalf of a bar association. Typically, membership will include Chief Executive Officers of bar associations, bar association staff and international liaison officers. The Committee will provide opportunities for its membership to address issues and administrative matters which are of

common interest.

The Bar Executive Committee will provide substantive meetings and training at the bar leaders' conference and IBA Annual Conference, and where possible, at regional events. By working closely with those who work within a bar association, the BIC will help them to enhance their skills and abilities and exchange knowledge and ideas on administration, structure and promoting the rule of law

worldwide. Of special interest to this group will be the BIC Programme for Excellence, which has been designed for member bar organisations that are keen to achieve organisational excellence. This Programme offers the benefits of a structured approach in identifying organisational strengths and areas of improvement and recognises successful efforts to implement excellence and best practice.

Bar Executive Spotlight: Péter Köves



Péter Köves *Lakatos Köves and Partners, Budapest; Chair, Bar Issues Commission*

I was surprised when I heard that the International Bar Association's (IBA) Bar Executives Committee wanted to put me into the 'Spotlight' for two reasons: first, because I feel that I am too often in the spotlight, and second, because I am not a bar executive.

I served the Budapest Bar Association and the Hungarian Bar Association in various positions for 16 years, as board member, Vice-President and Chair of the disciplinary appeal panel, but never as bar executive. The closest I was to an executive position was when I was the Managing Partner of Lakatos Köves and Partners, a position I held for more than 20 years until I decided that it was time to hand over to the younger generation. Now we are again an independent law firm and I serve my partners and my firm as a senior partner.

Despite my international commitments, I try to exercise my profession as well. I don't have the time to do complex, time-consuming financial transactions such as public-private partnerships, which I have done in the past. Therefore, I am focusing on dispute resolution matters as counsel or arbitrator, which can be done from a 'remote office' when I'm travelling.

I have been always active in international organisations of the legal profession because I feel that I receive so much from my international colleagues that I have to give something back. I have been active in the Council of Bars and Law Societies of Europe (CCBE) since Hungary joined the European Union,

and in 2008 I had the privilege to become its first President from the Central-Eastern European region.

I have been active in the IBA for about 25 years. I have been the Councillor for the Hungarian Bar Association since 2002 and a member of the IBA Policy Committee since 2006. After undertaking the role of Bar Issues Commission (BIC) Officer-at-Large and then Vice-Chair, I now have the privilege to serve the BIC as its Chair.

I have witnessed the development of the BIC throughout the years, developing from a discussion forum to becoming an influential constituent of the IBA. I am proud that the reform process of the IBA was initiated by BIC member bars through the 'Berlin Paper'.

The cooperation between the BIC and other constituents has become much better; other IBA divisions and their committees are now seeking to cooperate with the BIC and its committees. I am very happy to be one of the initiators of the project work within the BIC, which resulted in the BIC taking over the IBA capacity-building work from the IBA's Human Rights Institute.

The BIC is very proud of its Bar Executives Committee. The experience gathered within this committee is invaluable for not only the BIC but the entire IBA. I would like to thank Merete Smith and Ken Murphy for their excellent chairmanship. What I can promise you is that 2019 and 2020 will not be dull years for the BIC and the IBA.

Thank you for putting me in the 'Spotlight'.

Bar Executive Officers Committee meeting, Budapest

Friday 24 May 2019

Bar Executives Programme – invitation only

This programme is for chief executive officers, bar association executives, international liaison officers and others who are responsible for the day-to-day running of their association and international project work. It is a programme made by our 'Bar Executive Officers' Committee which will go forward to plan its own agenda and future programmes.

The schedule is:

0945 – 1000 **Meet at the Budapest Bar Association**

Budapest, Szalay u. 7, 1055

1000 – 1345 **Bar Executives Officers' Meeting and Lunch**

Meeting topic focus: Gender equality and diversity policies in general in bars and Law Societies

Keynote Speakers

Christina Blacklaws President/Chairperson, The Law Society of England and Wales, England

Tshepo Shabangu Law Society of South Africa/Spoor & Fisher, Pretoria; Officer, BIC

1345 **Return to the Corinthia Hotel**

By invitation only

Other events of interest that are taking place on Friday 25 May as part of the IBA Mid-Year Meetings (24–26 May) are:

1400 – 1530 **BIC Bar Leaders' Forum**

All bar representatives are invited.

1545 – 1700 **IBA Open Forum**

All officers of IBA Sections, Committees, Fora, and bar representatives are expected to attend this meeting.

1900 – 2100 **Reception**

Corinthia Hotel Budapest

Hosted by the Hungarian Bar Association





Cord Brügmann
Brügmann Legal and
Political Consulting,
Berlin

Ethiopian Lawyers' Association facilitates work on legislation to establish a statutory bar

Ethiopia's new Prime Minister, Abiy Ahmed, came into power in April 2018. He is moving the country towards democratic structures at a breathtaking pace. Modernisation of law and justice legislation is a major pillar of these reforms. The new government and the legal profession agree that the legal framework for the legal profession is crucial to overall development. The International Bar Association's (IBA) Bar Issues Commission (BIC) is happy to support these reform efforts.

Our office is located near the post office tower,' Manyawkal Mekonnen, Chief Executive Officer of the Ethiopian Lawyers' Association (ELA), said, directing me to the ELA headquarters. What followed on a hot afternoon in November 2018 was an intense walk through Addis Ababa and a meeting that turned out to last almost three hours instead of 45 minutes. Mekonnen guided me through the Ethiopian legal system, and the new government's amazing efforts to bring about democracy and good governance. I learned about a country in which personal and political freedom has been suppressed for decades, and in which the operating range of civil society organisations (CSOs) has for years been curtailed by a regulatory system under close state control.

Challenges

ELA members, together with other reputable representatives of the legal profession, agreed to support the government in drafting a new statute forming the framework for an independent legal profession with a statutory mandatory bar as a core element. This working group prepared an

extensive study on the legal profession in Ethiopia and the laws guiding it, as well as suggestions for reform, taking into account an IBA report on various international models of regulation.

There are many challenges facing the legal profession in Ethiopia. Ethiopia is a federal republic with a constitution (of 1995) that grants considerable power to the nine regional states, including power over parts of the justice system. Some insiders call Ethiopia a de facto confederation rather than a federal country. For the legal profession, a dual licensing system for state and federal court levels makes it difficult to create a unified profession. There are many hurdles to creating a heterogeneous profession with a single economic community that promises free movement of goods, services, people and capital.

Even with the existing statutory framework, Ethiopia, like other countries in the region, has faced problems with the implementation of these norms. With an administration that does not seem to be fully functional on all levels, the application of procedures for licensing and re-licensing, a stable and impartial disciplinary system, and a continuing legal education has lagged behind.



Manyawkal Mekonnen (ELA) and Cord Brügmann (IBA consultant)



Focus Groups meeting (December 2018)

(photo credit: Cord Brüggmann)

Unsatisfactory implementation has perhaps left room for irregularities on the side of the legal profession. On the side of the regulatory authorities, the system has not provided enough resistance against arbitrariness and possibly even corruption.

Also, there is no degree of self-regulation of the profession in Ethiopia. It is the state and federal attorney generals (ie, ministries of justice) who have been responsible for regulating the profession. A look at foreign jurisdictions shows that in spite of all the challenges self-regulators have been confronted with in the past 15 years, there is still no superior system to that which allows the profession to exercise delegated power in order to set rules for legal practice and administer them responsibly in the public interest.

Last, but not least, one major request has been voiced by the profession for some time: Ethiopia must put in place effective regulation to allow for law firms. In a legal framework that knows only individual practitioners, and where de facto law firms exist without proper regulatory safeguards, norms need to align with reality. That's true for domestic practice, but it is especially necessary when it comes to collaboration with international law firms, many of which have already started to expand or are thinking about expanding their work to Ethiopia.

Solution

The legal profession and the Attorney General's Advisory Council on Law and Justice Reform are committed to close collaboration in order for the government to enact a new statute regulating the legal profession and creating a system of co-regulation (self-regulation under a statutory framework with limited supervisory power of the government) in 2019. An IBA delegation under the BIC's Chair, Péter Köves, supported the project during trips to various Ethiopian cities, where they met numerous stakeholders from the profession, academia, public authorities and non-governmental organisations, and advocated for the

change the profession in Ethiopia wants.

Key elements that shall be incorporated in the new law include clear-cut principles for admission, lawyers' professional conduct, law firms and a disciplinary system. Furthermore, the statute shall create a mandatory bar system as well as provide tools to unify and harmonise professional practice. In a country in which CSOs were suppressed but which now encourages its citizens to voluntarily associate, the ELA – as the voice of the profession – is destined to have a crucial role in representing the profession.

Of course, legislation cannot do more than encourage those involved to act, and provide guardrails for the establishment of stable institutions. The tasks for the Ethiopian legal profession will begin only after the statute is enacted. We know how challenging it is to keep a good organisation running. It will be more difficult to build a strong bar in a society that has not known stable institutions independent from government control for many years. Encouragingly, spirits in Ethiopia have been lifted by the new government's course to democratise the country. The window of opportunity is there, but nobody knows how long it will remain open. It is therefore crucial that the international legal community supports the profession in Ethiopia now.

This article would be incomplete if I did not mention that during many visits to Ethiopia, and hours of constructive discussions with the working group, I encountered lawyers from the entire range of the legal profession. It is amazing how well colleagues practise their profession under difficult circumstances. With facilitators like the ELA's Mekonnen, and with strong ties to the international legal profession, especially the IBA, it is probable that Ethiopia will see a well-functioning system of regulation. It will have to grow incrementally, and all actors must be patient. But it looks like this system of regulation can be built and stabilised from within the profession within the next few years.



Budapest and Hungarian Bar Associations

Welcome to Budapest!

On behalf of the Hungarian Bar Association and the Budapest Bar Association, it is our great pleasure to welcome colleagues from all over the world to the International Bar Association's (IBA) Bar Leaders' Conference (22–23 May) and the IBA Mid-Year Meetings (22–25 May) in Budapest.

Below is a brief introduction to the role of Hungarian lawyers and the history of the Hungarian and Budapest Bar Associations.

A brief history

The first regulation on attorneys was adopted in Hungary in 1723, introducing the mandatory examination and taking of oath for attorneys. Only in 1914 were mandatory four-year training periods for attorneys introduced.

The Budapest Bar dates back to 1875. The current building was erected in 1896 on a piece of land granted by Budapest Capital Council, paid for with funds provided by the then 1,200 Budapest lawyers. Inside the building, there is a painting of attorney Lajos Kossuth, who was the leader of the 1848 Hungarian Revolution against the Habsburgs. After the Revolution, Kossuth emigrated to England, where he found himself in a lawsuit launched against him by Emperor Franz Josef I of Austria. Kossuth was represented by a lawyer called Mr Freshfields and Emperor Josef by a lawyer called Mr Ashurst...

The number of attorneys rose to between 3,000 and 4,000 in the period between the two World Wars. After World War II, the heavily destroyed Bar building was reconstructed, once more from attorneys' donations. The headquarters were nationalised in 1952. Since the 1950s, the number of attorneys has dropped significantly to 600 and in-house counsel have been separated from attorneys at law.

Following the democratic changes, in 1991, the bar of the independent legal advisors merged into the attorneys' bar. In 2018, the newly adopted Act on the Practice of Attorneys at Law integrated those in-house counsel who represent clients before courts and who countersign documents into the Bar, resulting in the continued unification of the profession. At the same time, the Act also afforded these in-house counsel legal professional privilege, meaning that in-house counsel now enjoy substantially the same protection against courts and authorities seizing confidential advice.

Attorneys in Hungary today

There are currently 13,000 attorneys at law (ügyvéd), including approximately 500 salaried attorneys and 2,900 recently integrated in-house counsel, duly admitted to practise in Hungary. In addition, there are over 2,400 attorney candidates employed by attorneys and almost 500 articulated clerks working in-house who are registered with the bar.

Most Hungarian attorneys at law work alone or in small offices comprising two to five lawyers. With a population of roughly ten million, there is on average one attorney for every 750 persons in Hungary. Most attorneys, perhaps unsurprisingly, practise in the capital, Budapest, where the ratio is estimated to be around one attorney for every 250 people – the oft-repeated joke being that there are more lawyers in the city than there are taxi-drivers.

The Budapest Bar Association is the most significant territorial or 'county' bar, with over 7,500 attorney at law members (including approximately 350 salaried attorneys) and about 1,900 in-house counsel members. In addition, there are over 1,700 attorney candidates employed by law firms and over 350 articulated clerks working in-house who are registered with the bar. The number of foreign legal counsel is just 11 and there are only 75 European Community lawyers. Seventy-five per cent of lawyers registered with the bar are younger than 50. Most attorneys are sole practitioners: there are less than 600 collective law firms, the vast majority of which have less than five partners. There are only four law firms with more than 15 partners/salaried attorneys.

Bar associations

The bar associations are autonomous public bodies of attorneys based on the principle of self-government. They are engaged in performing both authority duties and duties in connection with interest representation. The bar associations function as county bar associations and as a national bar association (Hungarian Bar Association or HBA; Magyar Ügyvédi Kamara or MÜK in Hungarian). There are 20 county bar associations whose jurisdiction corresponds with the 19 counties plus Budapest. The county bars are members of the HBA.

The officers of the Hungarian and county bar associations, including the president and secretary general, as well as vice-presidents and secretaries, are all active attorneys elected by the respective general assemblies of attorneys to such positions.

Since 2006, the role of President of the Hungarian Bar Association has been held by Dr János Bánáti, and Secretary-General by Dr Tamás Fekete. Since the end of 2018, the Budapest Bar Association has had new leadership, with Dr Gábor M Tóth as President and Dr Balázs Gyalog as Secretary-General.

The HBA is vested with the duties of representing the legal profession vis-à-vis the government, exercising a general oversight over the county bars, determining certain rules pertaining to the legal profession by issuing by-laws (such as the Rules of Professional Conduct and Ethics), and reviewing the decisions of the county bars regarding disciplinary measures.

County bars, on the other hand, administer lawyers' admission to and dismissal from the legal profession by keeping the roll of attorneys, employed attorneys, in-house counsel, attorney candidates and articling clerks, as well as administering the disciplinary court.

Admission to the bar/qualification

The main gateway into the profession after graduation from the law faculty involves completing a three-year traineeship at a law firm followed by taking the state bar exams.

While most attorneys at law have worked as trainee lawyers with an attorney at law or law firm, the three years' practical experience required before taking the bar exams may be obtained at a court of law, the office of the public prosecutor or in the public administration.

Contrary to what its name suggests, the bar exams are the same for judges, prosecutors and attorneys alike and are administered by the Ministry of Justice. The exams consist of three separate oral examinations in matters of: (1) civil law (including company law); (2) criminal law; and (3) constitutional law, public administration law, labour law and European Union law. There is also a written part of the examination in one of the above subject matters, according to the choice of the applicant.

In order to become an attorney at law, a lawyer must become a member of a county bar association. In order to qualify for membership, the candidate must have: a university law degree, have passed the Hungarian bar exam, have been engaged in legal practice for at least one year as an articling clerk or attorney candidate in the decade prior to the application, have third party liability insurance, possess a suitable office and technical requirements for electronic proceedings, and be a national of a State that is party to the Agreement on the European Economic Area.

Attorney activities

Although admitted to the county bar, a Hungarian attorney at law may represent their client before



Photo Credit: Panpress / Hungary

any court or authority in Hungary.

Attorneys may act as legal representative in any and all cases, whether civil, administrative or criminal, and before any and all authorities, including courts of law, arbitration tribunals, criminal law enforcement agencies and administrative agencies. Attorneys may provide all kinds of legal services; the specialisations (special degrees) do not grant special rights to attorneys at law. Only an attorney at law may act as defense counsel in criminal cases, provide legal advice, draft and countersign/endorse legal documents and hold funds and other valuables in deposit (escrow) relative to the case that the attorney is handling.

Moreover, attorneys at law may also provide non-core activities, such as tax and social security advice, public procurement advice, trust/fiduciary asset management, insurance and financial advice, business consulting, real estate agency, patent agency and mediation, as well as converting paper-based written instruments into electronic format.

Two peculiar and important areas of legal service that may be provided by attorneys are: (1) the compulsory countersigning of documents in property transactions involving the land registry (ownership, lien, etc); and (2) compulsory legal representation and countersigning in company registration proceedings (establishment, modifications or transfer of ownership).

In addition to attorneys, there are separate Latin-type notaries public in Hungary as well, who act in a public capacity. They can countersign/notarise documents and can also administer inheritance cases. The notarised documents are directly enforceable. The number of notaries public is limited by legislation to 315 across the entire country. The fees of notaries public – unlike the fees of attorneys – are defined by legislation. A resolution of a county bar on minimum fees for attorneys was declared anticompetitive by the Hungarian Competition Office.

Introduction of mandatory Continued Legal Education (CLE) training

In addition to integrating in-house counsel into the bar, another novelty and challenge of the new

Attorneys Act is the introduction of mandatory Continued Legal Education (CLE) training by the end of 2019. Up until now, persons practising law improved their professional knowledge through self-directed learning and further training. The aim of the further mandatory training is to update attorneys' skills, thus improving the quality of their services. According to the Act, the HBA shall establish the details of this further training.

The system of further training will operate in five-year cycles. Attorneys will be obliged to collect 80 credits within such five-year-periods, with at least 16 credits per year. Since a course can be worth up to 20 credits, most likely one course a year will satisfy the minimum requirement of the five-year-terms. Attorneys above the age of 75 will be exempted up to the half of this obligation. Those who study LLM courses or hold lectures are also exempt from the mandatory further training (for the period they are undertaking such activity). The respective county bar association shall terminate the attorney's membership if he or she fails to fulfil the obligation to participate in further training and collect the minimum 80 credits within five years.

The Budapest Bar Association is currently working on the expansion of the 'Attorney's School' – which since 2006 has been operating to train attorney candidates, trainee lawyers or other legal professionals who have converted into an attorney from other legal professions – to also accommodate the training of all attorneys each year.

New legislation

An important task of bar associations is to help attorneys adapt to the new legislation directly affecting their day-to-day work:

- **New Code of Civil Procedure:** In November 2016, the Hungarian Parliament adopted a new Code of Civil Procedure. Its basic concepts include promoting the efficiency of litigation, strengthening alternative dispute resolution methods and introducing mandatory legal representation before the regional courts, as well as the strengthening of electronic communication. The legislature provided more than a year to prepare for the application of the new rules. The new code entered into force on 1 January 2018.
- **New Code of Criminal Procedure:** The codification of the new code of criminal procedure began in 2013. The new law builds on the traditions of Hungarian and European law, and does not bring about any change in the legal culture of criminal proceedings. However, the number of sections in the new code exceeds

870, which is much more than in the previous one. The new code was created in light of constitutional principles, the requirements of a fair trial and the principles of criminal policy. It entered into force on 1 July 2018.

- **New Code on General Public Administration Procedures:** The new code entered into force on 1 January 2018. The main changes are that it guarantees the right to a fair trial even more widely, changes the procedural deadlines and, in some cases, allows the use of evidence obtained in an irregular manner. Furthermore, it defines the concept of an administrative contract and the circumstances in which an appeal may be submitted based on new facts.
- **Establishment of Administrative Courts:** The Hungarian Parliament adopted a new act on administrative courts and related transitional law in December 2018. Under this act, the Higher Administrative Court and the administrative tribunals will begin operating from 1 January 2020, and the current administrative and labour courts will cease to operate. There are concerns surrounding this new law, particularly with regard to a potential blurring of the separation of powers between the executive and the judicial branches of the Hungarian legal system. The new court system will be overseen by the Minister of Justice, and will remove the authority of Hungary's Supreme Court over administrative matters including elections, taxation, police and public institutions. By giving the Minister of Justice, a political appointee, so much power to appoint, promote and discipline judges, concerns have been raised that there is great potential for the executive branch of Hungarian political power to be able to influence and interfere in rulings concerning protests, strikes, data privacy and construction, among others, which are issues that will no longer be under the supervision of the Supreme Court.

According to the main conclusion of the Report of the Venice Commission on Hungary (published on 19 March 2019, Opinion No 943/2018), the new law concentrates much power in the hands of few leaders and lacks the power-limiting checks and balances. The Commission highlights the importance of an independent judiciary, backed by appropriate safeguards, to effectively implement the principle of separation of powers. For this reason, it is considered that the Minister of Justice has too much power regarding the appointment and careers of judges, promotions to positions of responsibility and salary raises without real remedy or review. It was considered positive that attorneys with sufficient professional background could be appointed as judges of the administrative court. The Commission asked the Hungarian authorities to review the law with the help of the organisations concerned in the critical remarks. The Hungarian government has demonstrated a constructive attitude towards



From left to right: Dr. Balázs Gyalog, Secretary General, Budapest Bar Association, Dr. Gábor Tóth M., President, Budapest Bar Association, Dr. Orsolya Görgényi, Secretary, Budapest Bar Association, Dr. Péter S. Szabó, Vice-President, Budapest Bar Association and Dr. András Szecskay, Vice-President, Hungarian Bar Association.

the suggestions and seems ready to propose an amendment that takes them into account.

International work

The officers of the Hungarian and the Budapest Bar Associations are very active when it comes to various international lawyers' organisations, of which we are very proud.

We introduce you to Dr Péter Köves, who became President of the IBA Bar Issues Commission (BIC) as of 1 January 2019. Dr Köves was the President of the Conseil des Barreaux Européens (CCBE) in 2008, and is currently a member of the Hungarian Delegation to the CCBE, as well as a member of the CCBE Brexit Committee.

Dr András Szecskay is Vice-President of the Hungarian Bar Association in charge of international affairs. He is head of the Hungarian Delegation to the CCBE and Director in charge of the independence of the profession of the International Association of Lawyers Institution for the Rule of Law (UIA IROL).

Dr Péter S Szabó is Vice-President of the Budapest Bar Association in charge of international affairs. He is also a member of the Hungarian Delegation to the CCBE and Chairman of the CCBE Financial Committee.

Dr Orsolya Görgényi is Secretary of the Budapest Bar Association in charge of

international affairs. She was President of the International Associations of Young Lawyers (AIJA) in 2015–2016 and is currently Vice-Chair of the AIJA Skills, Career, Innovation, Leadership & Learning Commission. Dr Görgényi is also a member of the IBA Presidential Task Force on the Future of Legal Services.

In addition, the Budapest Bar Association's international activities are supported by the Foreign Affairs Committee: Dr Attila Jásdi (Chair), Dr Andrea Jádi-Németh, Dr Péter Kun and Dr Katalin Szecskay. All Committee members are active in various international lawyers' organisations and networks.

In addition to the current bar officers, many other members of the Budapest Bar Association take active roles in international work: former Budapest Bar President Dr László Réti in the CCBE's PECO Committee, Dr Szabolcs Kovács in the CCBE Insurance Committee, and Dr Éva Sándor in the CCBE Education Committee. Dr Péter Homoki was the President of the CCBE IT Committee for three years. Dr Judit Budai is Vice-Chair of the IBA Securities Law Committee.

International networking and pursuing opportunities and tasks jointly with our foreign colleagues are essential in today's globalised world.

We look forward to giving a warm welcome to our international colleagues at the IBA's Bar Leaders' Conference and the IBA Mid-Year Meetings in Budapest!

PALM SUNDAY FOR IBA LEADERS IN THE HEART OF HARLEM

The IBA's Bar Issues Commission (BIC) supports the interests of the IBA's member organisations from around the world. This includes arranging events to discuss issues that affect legal professionals globally, working groups that develop resources and guidelines for bar associations, and a policy committee advising the IBA Council on key IBA resolutions and statements.

The IBA is an avowedly secular body, as would be expected of a legal professional body – particularly one that operates on a global scale. Nevertheless, after three days of intense business meetings planning for the year ahead, the IBA's president, Horacio Bernardes Neto and senior officers, accepted an invitation to attend a church

service in the heart of Harlem, New York, on 14 April 2019.

The annual three-day retreat for the BIC officers was hosted in its entirety in New York by the Vice-Chair of the BIC, Deborah Enix-Ross. Although she is now a partner in the major international law firm Debevoise & Plimpton, whose headquarters is on 3rd Avenue and 55th Street in New York, she grew up in and around her 'mother church' in the heart of Harlem. It was 'a million miles away' from the hallowed halls of Debevoise & Plimpton.

She brought her IBA officer colleagues with her to an inspirational, all-singing, marvellously-musical service on Palm Sunday, where they received the warmest of welcomes.



IBA Officers' retreat, New York, 14 April 2019

(Back, left to right) Claudio Visco, *Immediate Past Chair, BIC, Italy*; Kimitoshi Yabuki, *Vice Chair, BIC, Japan*; Ken Murphy, *Officer, BIC, Ireland*; Péter Köves, *Chair, BIC, Hungary*; Horacio Bernardes Neto, *IBA President, Brazil*; David W Rivkin, *Past IBA President, USA*; (Front, l to r) Becca Verhagen, *Head of BIC and Support to the President, IBA, England*; Berit Reiss-Andersen, *Officer, BIC Norway*; Claudia Seibel, *Officer, BIC, Germany*; Deborah Enix-Ross, *Vice Chair, BIC, USA*; Alberto Navarro, *Officer, BIC, Argentina*.

IBA App – additional functionality now added

– available from the App Store and the Google Play Store

The IBA App has been updated to become even more user friendly, providing you with the latest legal news, updates and content while on the move.

All new functionality is now available for the App in both the Apple Store and for the Android version in the Google Play Store.

New functionality:

- Access to IBA Digital Content – with new articles, stories and items of interest available and updated daily
- The ability to download PDFs and podcasts from the IBA Digital Content library to your mobile device

How do I access the App?

- Simply download the App (search for International Bar Association and download the IBA Members' Directory) via the Apple App Store or Google Play Store
- Login with your IBA membership user ID and password
- Search the full IBA Member Directory or update your My IBA profile



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CONTACT

If you have any queries about the BIC, please contact Becca Verhagen, Head of Bar Issues Commission, at the IBA office in London (becca.verhagen@int-bar.org).

On the Web

www.ibanet.org/barassociations/bar_issues_commission.aspx

CONTRIBUTIONS

Should you wish to comment or offer a contribution to Bar Executive Exchange, please contact the editor, Jennifer Sadler-Venis at jennifer.sadler-venis@int-bar.org



ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION

IBA 2019 SEOUL

22–27 SEPTEMBER



Bar Executives Committee sessions and meetings of interest

Sunday

1330 – 1500
IBA Open Forum

1730 – 1845
Opening Ceremony
COEX Convention & Exhibition Center

1900 – 2200
Welcome Party
Venue TBC

Tuesday

0900 – 0915
IBA Bar breakfast hosted by the Japan Federation of Bar Associations and the Law Council of Australia

The death penalty and criminal justice in Asia In 2016, the Japan Federation of Bar Associations (JFBA) adopted a 'Declaration Calling for Reform of the Penal System Including Abolition of the Death Penalty,' which calls for an immediate moratorium leading to abolition of the death penalty by 2020 to coincide with Japan hosting the UN Congress on Crime Prevention and Criminal Justice. Key questions identified by the Declaration include: When a crime is committed, how should we deal with it? How can an offender come to feel and express genuine remorse for their crime and avoid reoffending? How can we ensure that our criminal justice systems contribute to the recovery of humanity and the rehabilitation and social inclusion of offenders, based on the inherent dignity and value of convicted persons as human beings? These questions recognise the death penalty as a symptom of imperfect criminal and penal systems that too often prioritise punishment while neglecting rehabilitation and reintegration. Presented by the JFBA and the Law Council of Australia, this session will focus on the complex problem of death penalty abolition in Asia, including the role of bar associations in making the case for change. Speakers from across the world will exchange views and share experience of relevant activities to explore the overall purpose of criminal justice with a central focus on the death penalty.

1615 – 1730

Digital trade in legal services – consequences for bar associations and smaller law firms

Presented by the BIC International Trade in Legal Services Committee

The impact of technology on lawyers and the provision of legal services is now a well-documented, albeit still hotly debated, topic in national and international lawyers' gatherings. One aspect which may have been overlooked, however, is the impact that technology, and most particularly digital innovation, can have on the cross-border trade in legal services. With the ascent of digital technology, legal services will continue crossing borders more than ever. But what about the need for lawyers (or their clients), as physical persons, to have to go through airport security, face jetlag and stay in bland hotel rooms or to invest large amount of capital in swanky offices in far distant lands? Would it actually be physical persons, as opposed to bots, legal software or block chain contracts, crossing borders effortlessly? Is it a legal service, if the 'advice' or 'document' is derived by artificial intelligence, or bundled into a smart contract? Is a border actually crossed at all if the transaction takes place in cyberspace? And how does the transaction fit into the current context and definitions of World Trade Organisation law and agreements? What is the impact for bar associations and regulators, the purpose of which is to regulate the admission and ethical behaviour of individual lawyers in a specific jurisdiction? What rules do we enforce when an international team of lawyers based in multiple jurisdictions works on a contract held in the cloud? What legal professional privilege applies? What can a bar association do vis-à-vis bots located across an ocean? Does there need to be more co-operation and mutual recognition between regulators? And what about the opportunities for firms, and most particularly smaller firms? There is no need any more to be a large firm with strong partner capitalisation and a

hard-won network of offices across the globe to provide your legal services to international clients. This session of the International Trade in Legal Services Committee of the Bar Issues Commission will bring to light different perspectives on the challenges of the ascent of digital technology and its impact on cross-border trade.

Wednesday

0930 – 1230

BIC Bar Leaders' Forum

This is an opportunity for Member Organisation Representatives to be updated on the status of ongoing projects in which the IBA is involved, and specifically those that touch on sensitive areas for bar associations. It will also allow them to find out what work is being planned, and propose subject matter and programmes for future activities within our very dynamic BIC

1430 – 1730

BIC Showcase: collapse of the middle the different impacts of modern populism in and within bars and the legal profession

Presented by the Bar Issues Commission and the Professional Ethics Committee

'The first thing we do, let's kill all the lawyers.'
(Shakespeare, Henry VI, Part II, act IV – statement made by Dick the Butcher, a follower of rebel Jack Cade, who thought that if he disturbed law and order, he could become king)

'First they came for the socialists, and I did not speak out – Because I was not a socialist. Then they for the trade unionists, and I did not speak out – Because I was not a trade unionist. Then they came for the Jews, and I did not speak out – Because I was not a Jew. Then they came for me – and there was no one left to speak for me.'
(Martin Niemöller, prominent German Lutheran pastor and outspoken foe of Adolf Hitler; who spent seven years in a concentration camp)

The term 'populism' – which has become a euphemism for describing extreme ideological positions in public discourse – is becoming increasingly popular and proving attractive to more people in many countries today. It is difficult to deny that the designation of a person or party as 'populist' poses a serious problem beyond the actors, as it seems a threat for the future of democracies, legal systems and the entire legal profession. Lawyers and judges feel many times pressed while seeking to maintain due process and legal representation of unpopular clients in an age of increasing trials by social media. Regardless of its historical antecedents, populism today poses challenges not only in terms of attacks on the judiciary, but in terms of what is acceptable speech; it is no longer a matter of right or left. For many, it seems to be the political cancer of the 21st century. This BIC Showcase session will look into recent efforts by governments and political parties around the world to tighten control of the judiciary, not give credence to the rule of law, use the courts as a delaying tactic (when not in some way promoting bribes to and corruption of judges), as well as to manage lawyers and prosecutors under different slogans. Scholars and practitioners assert that the trouble with the legal profession is not only that it can lose its autonomy, and thus its ability to act as a sociopolitical force that is independent from the ruling political party or coalition – but that, by virtue of the tightened control, law can become an unattractive channel for widespread opposition to economic, political and social actions and policies of a society or government. The legal profession should probably look at both Shakespeare and Niemöller's citations when considering how to address this polarising critical issue, which, while putting pressure on bar and law practitioners, provides them an essential say and role in society.

All programme information is correct at time of print.

To find out more about the conference venue, sessions and social programme, and to register, visit www.ibanet.org/Conferences/Seoul2019.aspx.

Further information on accommodation and excursions during the conference week can also be found at the above address.



Thursday

0800 – 0915

IBA Bar breakfast hosted by the Law Society of Hong Kong and the Hong Kong Bar Association

Hong Kong's unique role as an Asian international legal hub under 'one country, two systems' Hong Kong, a common law jurisdiction ranked highly globally for its rule of law, independent judiciary and absence of corruption, is the third leading global financial centre, after London and New York (Global Financial Centre Index). Its stock market is ranked the third largest in Asia (after Japan and Shanghai) and the fifth largest in the world in terms of market capitalisation. This breakfast will focus on how the principle of 'one country, two systems' following the return of Hong Kong's sovereignty to China on 1 July 1997, supports the cross-border and international practice of Hong Kong-based lawyers in capital markets, finance, intellectual property, M&A, investment and trade and dispute resolution in Mainland China, Asia and globally. Experts' discussion will include reference to Hong Kong's secure privacy and cybersecurity framework, recent developments in Hong Kong's international dispute resolution framework, including third party funding and arbitrability of intellectual property disputes and how Hong Kong based lawyers and their clients can benefit from the belt and road initiative.

0930 – 1045

Exaggerated reports of death: the place of the small firm in international practice

The solo and small firm practitioner remain in the majority in virtually all legal jurisdictions. Despite that, it is becoming conventional wisdom that only the large firms can prosper in cross-border practice. More law firms number in the thousands and span the continents, with multiple offices in a variety of models. On the other hand, single lawyers or small groups are leaving the large firm model to form 'boutiques'. This panel takes a fresh look at the issue in the context of delivery of legal services, attorney wellness and the practicalities of maintaining a solo or small firm practice in the international context.

1430 – 1815

IBA Council Meeting

The IBA Council is the governing body of the IBA, having the general control of the affairs of the IBA and passing, as required, resolutions and guidelines for members and the legal profession worldwide. Those entitled to attend are IBA officers,

Division Officers, Honorary Life Members of the Council, appointed representatives from Member Organisations, appointed Deputy Secretary Generals and any co-opted members.

1430 – 1730

IBA Showcase: opening a legal market around the world

Presented by the Presidential Task Force on Open/Closed Legal Markets, the BIC International Trade in Legal Services Committee and the Law Firm Management Committee

In this session, we will discuss how countries around the world have taken steps to open their respective legal markets. We will look at the current status of market opening in various countries and how the steps taken thus far have affected the industry, both domestic and foreign. We will specifically review how market opening has impacted South Korea and what this has meant for Korean companies doing business abroad, Korean law firms and the foreign law firms that have opened offices in Korea. We will compare and contrast the South Korean experience to that of other parts of the world

1930 – 2230

Bar Issues Commission dinner

Venue TBC

Friday

1930 – 2230

Closing party

The Raum

Located in the Gangnam district, the lovely event spaces and delightful gardens have made The Raum the preferred venue for both Korean events and international performers – a true oasis in the heart of the city.

Please join us for an evening of beautiful cuisine and outstanding entertainment – an elegant and exclusive farewell to Seoul and IBA 2019.

Price: \$185

Transport will be provided for those staying in official IBA hotels where necessary.

International Bar Association Conferences 2019–2020



2019

31 MAY – 1 JUNE 2019
HILTON PHILADELPHIA AT PENN'S LANDING,
PHILADELPHIA, USA
**7th Annual World Life Sciences
Conference**

4 JUNE 2019
WASHINGTON, DC, USA
**Seminar – Bullying and Sexual
Harassment in the Legal Profession**

4–5 JUNE 2019
THE PLAZA, NEW YORK, USA
**18th Annual International Mergers
& Acquisitions Conference**

6–7 JUNE 2019
IMPERIAL HOTEL, TOKYO, JAPAN
**15th Annual IBA Competition
Mid-Year Conference**

12–14 JUNE 2019
MANDARIN ORIENTAL, MIAMI, USA
**IBA/ABA Annual US and Latin America
Tax Practice Trends Conference**

13 JUNE 2019
ALTITUDE 360, LONDON, ENGLAND
**2nd European Fashion
and Luxury Conference**

25–26 JUNE 2019
OECD, PARIS, FRANCE
**17th Annual IBA
Anti-Corruption Conference**

6–7 SEPTEMBER 2019
FLORENCE, ITALY
23rd Annual Competition Conference

21 SEPTEMBER 2019
SEOUL, SOUTH KOREA
**Fundamentals of International
Legal Business Practice:
IBA Young Lawyers' Training**

22–27 SEPTEMBER 2019
COEX CONVENTION & EXHIBITION CENTER,
SEOUL, SOUTH KOREA

IBA Annual Conference 2019



IBA 2019

SEOUL 22–27 SEPTEMBER

ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION

OFFICIAL CORPORATE SUPPORTER LexisNexis®

24–25 OCTOBER 2019
MILAN, ITALY
**3rd IBA Litigation Conference on
Private International Law**

30 OCTOBER – 1 NOVEMBER 2019
GRANGE ST PAUL'S HOTEL, LONDON,
ENGLAND

**9th Biennial Global
Immigration Conference**

31 OCTOBER – 3 NOVEMBER 2019
TBC
IBA Europe-Caucasus-Asia Forum

1–2 NOVEMBER 2019
BERLIN, GERMANY
**7th Biennial Conference on Construction
Projects from Conception to Completion**

6–8 NOVEMBER 2019
ADDIS ABABA, ETHIOPIA
**Biennial IBA African Regional
Forum Conference**

7–8 NOVEMBER 2019
SÃO PAULO, BRAZIL
**IBA Latin American
Entrepreneurship Conference**

7–8 NOVEMBER 2019
BERLIN, GERMANY
**6th Biennial Technology Law
Conference – Technology Law
Taken to the Next Level**

14–15 NOVEMBER 2019
HAMBURG, GERMANY
**Digital Operations: 2019 –
Manufacturing, Supply Chains
and Transporting Goods**

15 NOVEMBER 2019
MOSCOW, RUSSIA
**10th Annual 'Mergers and Acquisitions
in Russia and CIS' Conference**

20 NOVEMBER 2019
LONDON, ENGLAND
4th IBA European Start-Up Conference

21 NOVEMBER 2019
LONDON, ENGLAND
Private Equity Transactions Symposium

21–22 NOVEMBER 2019
LONDON, ENGLAND
Building the Law Firm of the Future

5–6 DECEMBER 2019
FRANKFURT, GERMANY
**6th Annual Corporate
Governance Conference**

6 DECEMBER 2019
MOSCOW, RUSSIA
**13th Annual Law Firm
Management Conference**

2020

20–21 JANUARY 2020
LONDON, ENGLAND
**9th Annual IBA Finance &
Capital Markets Tax Conference**

25–27 MARCH 2020
CARTAGENA, COLOMBIA
**Biennial IBA Latin American
Regional Forum Conference**