

Annual Report 2015 - The Danish Bar and Law Society

New president of The Danish Bar and Law Society

The Danish Bar and Law Society is governed by a Council of 15 members of which the current president is Mr. Peter Fogh who was elected at the Ordinary General Assembly in May 2015.

For the next two years, the Council has inter alia decided to focus on supervision of lawyers and Rule of Law, including legal certainty in the public administration, UN Guiding Principles on Business and Human Rights, the independence and integrity of advocates and rule of law in Greenland.

Project on Rule of Law within the Public Administration

In April 2015, the Council of The Danish Bar and Law Society published a report, which identifies major challenges to the Rule of Law within the public administration. In addition to pointing out the challenges the report included the Council's recommendations on how to ensure the Rule of Law within the public administration.

The report raised awareness on the issues raised and in November 2015 a conference was arranged to advance the debate on the recommendations raised in the report. The panel included members of the national parliament, legal experts as well as representatives of the important stakeholders.

Following the conference, legislative proposals were brought forward in parliament, and more proposals along with legislative changes are expected in 2016.

The People's Meeting "Folkemødet" on Bornholm 2015

The Danish Bar and Law Society participated for the fourth time in the official "People's meeting" in June 2015. The People's Meeting "Folkemødet" situated on the Danish Island of Bornholm is a unique platform with open debates where politicians informally meet citizens, business people and organizations and the meeting takes place every year in June and lasts for four days. Folkemødet is the Danish counterpart to the famous Swedish "Almedalsveckan".

In 2015 The Danish Bar and Law Society hosted a stand with numerous activities including a "legal emergency room" where lawyers for the duration of the event offered free legal advice to people visiting Folkemødet. Following the success from the previous years, a moot court was once again organized, this time displaying the functioning of a criminal law case. City court judges participated and the audience acted as a jury. The Danish Bar and Law Society is planning to attend the People's Meeting again in 2016.

Participation in International Work

The Danish Bar and Law Society has throughout the year upheld a strong focus on its international work and cooperation with bars from other countries. This has included - beside active participation within IBA and CCBE – the hosting of events and seminars for foreign delegations visiting Denmark. This year the Bar has had the pleasure of receiving visits from China and explaining about how the legal system works in Denmark, the rule of law and human rights in a Danish context and how the legal profession is regulated.

The Centre for Law and Justice

The Centre for Law and Justice was established in 2009 with the purpose of establishing an inspiring think tank comprising representatives of all relevant private and public institutions. The Centre has in 2015 held a meeting discussing the role of public employees. The public employees traditionally provides the Minister with objectively and unbiased information on specific matters and conducting preparatory legislative work. A journalist has provided substantiated material which indicates that there has been a change in how public employees carry out their duties. The journalist has gathered examples of how the public administration has interpreted numbers, legislation and facts to better fit the Minister's or the government's agenda.

Interpretation in the Public Administration regarding court proceedings

The Danish Bar and Law Society focus on the quality assurance of translations in court proceedings including criminal cases. Following this, the Danish Bar and Law Society has assisted the Association of Translators drafting a report on the interpretation in the public administration. The report focuses on due process and the quality of the interpretation by the public administration including criminal cases. The report concluded that in Denmark it occurs that interpretations in criminal cases does not hold the quality expected, as some interpreters do not master the foreign language sufficiently including the legal phrases and legal terms. Consequently, the

defendant's statement could appear incoherent and lead to unjust convictions. Therefore, the Danish Bar and Law Society supports creating a mandatory training including a language test and a register including all certified interpreters.

Wish List to Parliament

The Bar and Law Society had prepared a "wish list" with three items for the Danish Parliament which was presented at the beginning of the 2015/2016 session. The first item on the list was improved quality of legislation in Denmark. This includes introducing greater transparency in and standards for the preparatory legislative work. The second item has been a focus point for the Danish Bar and Law Society for some time and concerns Rule of Law within the Public Administration (see above). There are examples on how financial motivated decisions have lead to legal uncertainty for citizens with limited resources. The last item on the wish list concerns the lack of coherency in the tax legislation as well as proposed amendments to the legislation often are based on individual cases. Consequently, the Bar and Law Society proposes to establish a national tax law board consisting of experts that independently can advice on proposed tax law legislation.

Referendum on Danish opt-out in EU

Since the Edinburgh Agreement in 1993 Denmark holds opt-outs in relation to the Monetary Union (EMU), Common Security and Defence Policy (CSDP), Justice and Home Affairs (JHA) and the Citizenship of the European Union. In December 2015 72 % of the Danish voters attended the ballot boxes and 53,1 % rejected to convert Denmark's current full opt-out on Justice and Home Affairs into an opt-out with case-by-case opt-in similar to that currently held by Ireland and the United Kingdom.

The Danish Bar and Law Society contributed to the debate in the campaign before the referendum by neutrally presenting the Rule of Law aspects of possible outcomes of the referendum.

Facts about the Danish Bar and Law Society

The Danish Bar and Law Society has 6140 lawyers who pay a yearly subscription fee of app. 830 euro excl. VAT. Of the 6140 lawyers are 1401 employed as in-house lawyers and the remaining 4739 are employed in 1650 law firms. 1100 of these law firms are owner-managed companies. The 6140 lawyers employ 952 junior associates and 2037 of the lawyers are women. Among the lawyers the age distribution is as follows 27-39 years: 1993; 40-49 years: 1844; 50-59 years: 1199 and 60+ years: 1104.

Yours sincerely,

Torben Jensen