

BIC News

a forum for Bars and law societies worldwide



the global voice of
the legal profession

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As President of the International Bar Association, I warmly welcome the online publication of this first issue of *BIC News*. I congratulate the Chair and all officers of the IBA Bar Issues Commission (BIC) on this initiative.

I am committed to writing the success story of the IBA during my term over the next two years. Better engagement with all parts of the IBA, especially with Bars and law societies, is fundamental for such purpose. This requires maintaining an open dialogue that will allow us, the IBA leadership, to know more and better of your interests in the IBA, and will allow you, our Member Organisations, to learn more about ongoing activities and your potential involvement in the same.

My endeavour towards the IBA's communication with Bars and law societies is evidenced by the fact that, even some weeks before I commenced my two-year term as your President on 1 January 2023, I reached out to all Member Organisations and requested the two IBA Vice-Presidents, Claudio Visco and Jamie Carey; the Secretary-General, Jörg Menzer; and the BIC Chair, Ken Murphy, to organise and meet over online calls with as many Bar leaders as possible. They have been doing this with great success, and actions for increased engagement have begun.

Now, this latest great move, *BIC News*, will contribute further to the two-way communication between the IBA and its Member Organisations, an essential path to keep us aligned.

Almudena Arpón de Mendivil
President, IBA



Increased communication, engagement, information, collaboration and connection between the 180 Bars and law societies worldwide that constitute the foundation on which the IBA is built: these are among the benefits that my colleagues and I in the BIC seek to achieve with the creation of this new and unique publication, *BIC News*.

It was on the initiative of Bars and law societies internationally that the IBA was created in 1947. Although the IBA has grown and developed enormously since then, the Bars and law societies remain at its core.

The BIC was established within the IBA almost 20 years ago 'to provide a forum for Member Organisations of the Association to discuss among themselves issues of common interest'. The range of thought-provoking topics in the programme for the BIC's Bar Leaders' Conference, being held this year in Helsinki on 24–25 May, is a perfect example of this worldwide and world-class discussion of issues of common interest.

But the BIC is much more than a discussion forum. It is a source of principled public support for Bars and law societies when their role, in the public interest, as custodians of the independent legal profession's core values and the rule of law has come under pressure from overreaching governments.

BIC News introduces you to my very diverse, able and industrious BIC Officer colleagues. It also gives you a flavour of the work on which we have been engaged in on your behalf recently. I hope you find it of interest.

Ken Murphy
Chair, IBA Bar Issues Commission

Introducing the BIC Officers...



Ken Murphy
Chair
IBA Bar Issues Commission

When Ken Murphy announced his retirement with effect from March 2021, after 26 years in office, the Sunday Times described him as 'the suave Director General of

the Law Society who has long been the public face of the legal profession in Ireland'.

The Law Society of Ireland is the representative, educational and co-regulatory body for the 22,000 solicitors on the roll in Ireland. It has a staff of 230 and an annual turnover of circa €45m. On his retirement, Ken Murphy was the longest serving Chief Executive Officer of any national Bar or law society in the world.

Throughout his 26 years as Director General, he was the Law Society's chief spokesperson in the media with which he engaged on an almost daily basis. In addition to print and television, he was a well-known voice on the radio on a wide variety of programmes including as a regular guest, for over two decades, on current affairs discussion programmes on Sunday mornings.

Born and raised in Dublin, he completed a degree in English and Philosophy in University College Dublin before qualifying as a solicitor in 1981. Within two years of qualification, he became one of the youngest ever candidates to be elected by the profession to the Council of the Law Society. He was subsequently elected 12 times in the annual elections to the Council, serving on and chairing a wide variety of Law Society committees.

Prior to his appointment to the Law Society Director General role in 1995, he practiced in one of Ireland's largest commercial law firms, A&L Goodbody, where he became a partner in 1990. He practiced primarily in litigation and in EU and competition law including, for four years, in the firm's Brussels office.

He has served on numerous IBA committees and task forces, including as Chair of the BIC's Policy Committee in 2022. Before work with the IBA, he was active for many years with the International Institute of Law Association Chief Executives, and the Chief Executives of European Bar Associations. In both of these associations, he served terms as the elected president.



Steven M Richman
Vice-Chair
IBA Bar Issues Commission

Steven M Richman holds a law degree from the New York University School of Law and is a member of Clark Hill, based in Princeton and New York, with a national and international

litigation, arbitration and appellate practice. His book publications include the *Photography Law Handbook*, and has written and spoken extensively in the areas of international law; business and human rights; contracts; litigation and arbitration; and professional responsibility. He is a past Chair of the American Bar Association's (ABA) International Law Section, serves in its House of Delegates, and is the ABA Representative to the United Nations. He is a deputy editor on *Juriste International*, the UIA magazine, the Vice-Chair of the IBA Bar Issues Commission and Co-Chair of the IBA Professional Wellbeing Commission.

Steven's publications in the area of business and human rights include *Ethical Issues for Business Lawyers Under the United Nations Guiding Principles*, 51 *Int'l Law* 423 (2018). He is a member of the New York City Working Group on Business and Human Rights, the ABA Representative to the Uniform Law Commission Supply Chain Transparency Study Committee, past member of ABA Center for Human Rights Advisory Council, and a special advisor to the ABA Rule of Law Initiative board. He is a recipient of the ABA's International Law Section Leonard J Theberge Award for Private International Law (2022) as well as the Section's Lifetime Achievement Award (2023).

BIC Officers



Berit Reiss-Andersen

Vice-Chair

IBA Bar Issues Commission

Berit Reiss-Andersen holds a law degree from the University of Oslo from 1981. After a few years in public administration and as prosecutor, she started in private practice in 1987. She has worked as a litigator, predominantly with criminal law, white collar crime, environmental law, human rights and so on. She has worked out of small boutique firms, except for five years as a partner at DLA Piper.

She obtained the right to appear in front of the Norwegian Supreme Court and has been its special counsel. Over the years she has litigated more than 100 cases for the Supreme Court.

From an early stage in her career, she has been engaged in the Norwegian Bar Association – serving as its president from 2008–2012 – and has sat on numerous committees. For 12 years she was the representative to the Council of Bars and Law Societies of Europe. Presently is a member of the CCBE Criminal Law Committee.

She served as state secretary for the Norwegian Minister of Justice and Public Security, is a public speaker and the Chair of the Norwegian Nobel Committee.

Her time is shared between commitments on the international scene and having a full portfolio of cases to be litigated.



Olumide Akpata

Officer

IBA Bar Issues Commission

Olumide Akpata is a Nigerian legal practitioner, senior partner at Templars Law Firm and the immediate past President of the Nigerian Bar Association (NBA).

Olu heads the corporate and commercial practice group of Templars and has about 30 years of experience advising clients on various aspects of Nigerian

corporate and commercial law. He joined upon the formation of Templars and, with his partners, has grown the firm into one of the largest law practices in Nigeria.

In his nearly three decades at Templars, Olu has practised across the diverse areas in which the firm operates and he has led and participated in some of the major ground-breaking transactions that have shaped commercial law practice in Nigeria and indeed the Nigerian economy.

In August 2020, Olu was inaugurated as the 30th President of the NBA after a very keenly contested election. The NBA, under his leadership, undoubtedly regained its place at the vanguard of promoting democracy, fundamental human rights and the rule of law in Nigeria. The office of NBA President also accorded Olu the platform to actualise his personal dreams of engendering the professional development of Nigerian lawyers and raising the level, especially of business law practice in Nigeria and across Africa.

Olu is also an active member of the IBA and has played different roles within it, including serving as Vice-Chair of the IBA African Regional Forum and as a member of the IBA Presidential Task Force on the Future of the Legal Profession. He also represented the NBA on the IBA Council from 2014–2016 and 2020–2022 respectively and is a member of the IBA Credentials Committee.



Claudia Amore

Officer

IBA Bar Issues Commission

Based in Bogotá, Colombia, Claudia Amore has served as Executive Director for the Colombian Chamber of Legal Services for the past six years, promoting the rule of law and

socioeconomic development in the country from a legal perspective.

With over 20 years of experience, her practice's primary focus has been the legal services industry in Colombia, from a macro- and micro-economic perspective. She periodically teaches and publishes articles related to the future of the profession, business trends and opportunities in the legal service sector.

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In her day-to-day work she promotes that the practice of law is carried out within a secure legal environment, protecting citizens and creating favourable business conditions. She constantly leads debates and committees related to the application of several legal practices areas.

She is extremely passionate about advocating for the rule of law, helping organisations address issues that affect the legal profession and is committed to promoting human rights and diversity and inclusion in the legal profession.



Christina Blacklaws

Officer

IBA Bar Issues Commission

Christina Blacklaws studied Jurisprudence at Oxford and is a qualified solicitor, advocate and mediator. She is a former President of the Law Society of England and Wales, the representative

body of over 200,000 solicitors.

She is an innovator in the legal field, having developed and managed one of the first 'virtual' law firms and set up the UK's very first alternative business structure with the Co-operative Group. She was also one of the first directors of innovation at a top UK firm. She now runs her own consultancy business providing strategic advice, particularly in the areas of transformational change, technological developments and diversity and inclusion.

Christina is a non-executive director for three large law firms and a fiduciary business, as well as a tech startup. She holds a range of public appointments including chairing the LawtechUK Panel, a UK government body; chairing the Judicial Pension Board; and being a member of the King's Counsel Selection Panel. Christina is also the Head of Faculty of the Legal Technology & Innovation Institute and chairs the human rights charity, the Civil Liberties Trust.

Passionate about diversity and inclusion, Christina is the former representative for the Women Lawyers Division of the Law Society of England and Wales. As president, she spearheaded the largest ever global research on women in law involving thousands of lawyers across 20 countries, resulting in three reports and a UK government-backed pledge.

Christina speaks internationally on a wide range of business, legal and ethical topics and is a multi-award winning (for innovation and diversity and inclusion) published author, lecturer and frequent media commentator.



Riccardo G Cajola

Officer

IBA Bar Issues Commission

Riccardo G Cajola is licensed to practice as lawyer in Italy before the Court of Cassation and serves as officer in the Foreign Affairs Commission of the Milan Bar Association, with the

task of developing relationships with international legal associations.

Riccardo graduated from the University of Milan and has an LLM in International Legal Studies from the American University Washington College of Law in Washington, DC.

He is the managing partner of Cajola & Associati, a law firm based in Milan founded in 1966. His practice is focused on transactional, tax and commercial work, in the area of mergers and acquisitions, private equity and venture capital investments, corporate restructurings and a variety of other general corporate transactions. Riccardo's foundational experiences as a tax and custom law litigator reflects in his work as a transactional lawyer and is often manifested in complex matters involving analysis and strategy of commercially dynamic business models.

Riccardo is the editor and co-author of several legal publications and he is a frequent speaker at national and international conferences. He also serves as Chief Technology Officer in the leadership of the Inter-Pacific Bar Association, as Vice-Chair of the IBA International Commerce and Distribution Committee and as Vice-President of UIA's Tax Law Commission.

BIC Officers



Jonathan G Herman
Officer
IBA Bar Issues Commission

Jonathan G Herman is the Chief Executive Officer of the Federation of Law Societies of Canada. The Federation is the national association of the 14 provincial

and territorial law societies that are mandated by statute to regulate Canada's 136,000 lawyers, Quebec's 4,200 notaries and Ontario's 10,000 licensed paralegals in the public interest.

Appointed in 2006, he is the Federation's first CEO following a major reform and was responsible for establishing the organisation's national profile in Ottawa. He is also Vice-President of the International Institute of Law Association Chief Executives.

From 2004–2006, he was Chief of Staff to Canada's Minister of Justice and Attorney-General. Until 2003, he was a partner in a Montreal law firm where he practised corporate and commercial law.

Jonathan is a graduate of McGill University, and also holds law degrees in civil law and common law from the Université de Sherbrooke and Dalhousie University. He has been a member of the Barreau du Québec since 1991.



Tshepo Shabangu
Officer
IBA Bar Issues Commission

Tshepo Shabangu is a Trade Mark Practitioner, with BProc and LLB degrees from the University of KwaZulu-Natal and an LLM from the University of Bonn, Germany. She is

an Attorney of the High Court of South Africa and a notary public. She has over two decades of experience in the local and international selection, clearance, prosecution and registration of trademarks. She also has expertise in trademark audits, IP portfolio management and due diligence investigations, as well as drafting IP related agreements and policies. Her experience also extends to corporate governance and she serves as non-executive director and trustee of various organisations.

Tshepo is the past president and member of the South African Institute of Intellectual Property Law. She sat on the Council of the now defunct Law Society of the Northern Provinces, a body which regulated attorneys, and a member of the IBA Council, representing the Law Society of South Africa.



Fiona McLeod AO KC
Officer
IBA Bar Issues Commission

Fiona McLeod is a King's Counsel, practising for more than 30 years and appearing in a number of Royal Commissions, including as counsel assisting the Yoorrook

Justice Commission of Victoria. She is a leader of the peak legal professional bodies in Australia and internationally, including as president of the Law Council of Australia and the Australian Bar Association. She has contributed to the development of human rights and gender equality over decades and has advocated for access to justice, integrity and accountability reforms. She is currently leading a class action against the Australian government for its failure to protect Torres Strait Islanders from climate change impacts.



Kimitoshi Yabuki
BIC Past Chair
IBA Management Board

Kimitoshi Yabuki, the immediate past Chair of the IBA Bar Issues Commission, was President of the Tokyo Bar Association and Vice-President of the Japan Federation

of Bar Associations. He has worked on various international legal assistance projects in the Asia Pacific region for approximately 30 years. This experience led him to work at the IBA, representing the Asia Pacific region, including taking the role of Chair of the IBA Asia Pacific Regional Forum, after which he joined the BIC and became its Chair in 2021–2022

Reflection and renewal at Princeton retreat

Developing and implementing a plan is vital to success in every endeavour.

Accordingly, just three months into its two-year term of office, the ten officers of the IBA Bar Issues Commission (BIC) met in March 2023 to think, discuss and agree on both its priorities and the practical steps necessary to achieve them.

This year's retreat was held in the university town of Princeton, New Jersey, US which is the hometown of BIC Vice-Chair, Steven Richman.

The two days of intensive meetings examined, on the one hand, the 'big picture' vision behind the BIC's purpose of serving the interests of Bars and law societies worldwide and, on the other hand, the specific actions that need to be taken, by whom and by when, towards the practical achievement of that purpose.

The resources available to the BIC are very limited. As a result, the tasks undertaken must be carefully chosen and accord with strategic priorities. There is plenty of work to go around, both for every BIC officer and every BIC Committee.

One key piece of work undertaken in Princeton was a review of the specific tasks required of the BIC under the Implementation Plan, drawn up at IBA-wide level last year, of the IBA's Strategic Plan. Breaking down silos and continuously increasing the levels of collaboration across the whole Association is central to this Plan. The BIC embraces this with enthusiasm and determination.

Top of the BIC's priorities is to continue to reach out, both online and as much as possible in person, to Bars and law societies worldwide through high-quality programmes, events and in-person meetings at our Bar Leaders' and Annual Conferences.



In an Ivy League of their own. BIC Officers in front of Princeton University's historic Nassau Hall.

This increased communication is designed to lead to increased engagement and, ultimately, to increased value delivered by the BIC to the Bars and law societies we serve.

You are reading the first issue of *BIC News*. This innovation seeks increased two-way communication with Bars and law societies. In other ways too, the BIC wishes to take on new initiatives, new projects – in the excruciating clichéd phrase of our times, 'to think outside the box'.

I expressed this spirit of openness in the concluding paragraph of my report to the IBA Management Board meeting in February 2023, by (only slightly tongue-in-cheek) employing the elegant words of the great Irish writer George Bernard Shaw – words made even more famous when often-quoted by JFK: 'Some see things as they are and say why, I dream things that never were and say, why not?'

Ken Murphy
Chair, IBA Bar Issues Commission



Brainstorming and bonding. All smiles at the BIC Officers retreat in Princeton, New Jersey, in March 2023.

Miami recap and Helsinki teaser



At the BIC's Bar Executives Committee seminar in November 2022, held in the headquarters of Miami Dade Bar Association, the CEO, Bret Berlin, describes what his organisation provides to its members on professional wellbeing.

For more than a decade, the leading staff members and heads of international from law societies and bar associations around the world have been able to meet during the IBA Annual Conference and Mid-Year Meetings to discuss issues of common interest. The IBA Bar Executives Forum (BEX) was initiated by Ken Murphy, now Chair of the IBA Bar Issues Commission (BIC), and Merete Smith, who still Co-Chairs the BEX with Paul Mollerup. The whole idea of the BEX is to be a forum for those of us who are employed by Bars and law societies, and we strive to remain a 'staff-only zone' in order to be able to focus on the issues relating to running our organisations on a daily basis.

During the 2022 IBA Annual Conference in Miami, the BEX was invited to visit the Miami Dade Bar Association, where we were hosted by their Executive Director Bret Berlin, who told us about the wide-ranging activities the Miami Dade Bar Association does on a daily basis. Each BEX meeting has a theme, and in Miami the theme was professional wellbeing. Berlin went through the initiatives that they have, focusing on membership services of relevance for the individual lawyer. BIC project lawyer George Artley gave an update of the activities going on in this area within the IBA – activities that have now led to the official establishment of the IBA Professional Wellbeing Commission.

Our next IBA meeting, which is also exclusively for senior staff members and heads of international, will take place Friday 26 May 2023 at 1000 and will be hosted by the Finnish Bar Association and their Secretary-General, Niko Jakobsson. The focus of this meeting will be on cybersecurity, looking at what the current threats are to us as law societies and bar associations and what we can do to counter the threat. We will also hear from Jakobsson about the cybersecurity

guidelines that the Finnish Bar Association has issued to its members.

We look forward to seeing many chief staff officers and staff heads of international at the meeting in Helsinki.



BIC Chair, Ken Murphy, and Bar Executives Committee Co-Chair, Merete Smith, at the seminar in Miami.

5th Annual IBA Latin American Bar Leaders' Forum



Among the keynote speakers at the Forum, held in Bogotá Colombia, were: seated (left to right) Felipe Cuberos (President, Colombian Bar), Jamie Carey (Vice-President, IBA) and Ricardo Gil Lavedra (President, Buenos Aires Bar). Standing (left to right) Ken Murphy (Chair, BIC), Almudena Arpón de Mendivil (President, IBA), Claudia Amore (Officer, BIC) and Diego Dede (Vice-President, Buenos Aires Bar).

The fifth meeting of the Latin American Bar Leaders Forum was held on 21 March, within the framework of the Biennial IBA Latin American Regional Forum Conference which took place on 22–24 March.

The event was chaired by IBA President Almudena Arpón de Mendivil; Ken Murphy, Chair of the IBA Bar Issues Commission (BIC); Claudia Amore, BIC Officer and Executive Director of the Colombian Chamber of Legal Services; and Felipe Cuberos, President of the Colombian Chamber of Legal Services.

The meeting was attended by more than 40 participants, including the presidents of the bar associations of Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay, among others.

The main topic of the meeting was the evolution of the access to justice, considering that with the Covid-19 pandemic and the subsequent isolation periods, governments of countries all around the world were obligated to identify concrete solutions to provide access to justice to their citizens. As a result, it became imperative to offer innovative tools and digital solutions to improve quality of life through technology.

Amore started the discussion by sharing some relevant information regarding the regulatory evolution that emerged in Colombia since 1996, when, for the first time to date, the possibility of implementing information technologies was included in the discussion of justice.

Ulises Canosa Suárez, President of the Colombian Institute of Procedural Law, shared a presentation based on the challenges and opportunities that the country has faced as a result of the pandemic in terms of access to justice, while highlighting the

need for the digital transformation of justice to be accompanied in Latin America by appropriate budgets; greater access to technology; credibility in and of the system; renovation of the legal education system; ethical standards; and a deep change of mentality, among others. He indicated that the Ibero-American system requires a humane and fair civil process, for which it is essential to consider the efficiency of the substantive rights, the non-excessive formalities that give way to guaranteeing fundamental rights, the timeliness of judicial proceedings from beginning to end and procedural economy. He concluded that the oral and virtual systems are promising, since the terms of duration of the processes are reduced, formalities are lightened and technology is gradually accepted in anticipation of future applications of artificial technology in law.

Ricardo Gil Lavedra, President of the Buenos Aires Bar Association and former judge at the 1985 Trial of the Juntas, narrated the trial process carried out under the orders of then-President Raúl Alfonsín, a few days after recovering democracy. This trial condemned Argentine military members for the serious and massive violations of human rights committed systematically as part of their repressive plans. As part of the panel of judges that presided over the trial, Gil Lavedra narrated how 'orality' was used for the first time in a trial and how this milestone in history helped shape today's access to justice systems. He pointed out that states should recognise their history in order to not repeat it and recognised the importance of incorporating new technologies in accessing justice. He concluded by inviting the bar associations to rescue democracy in their countries and to continue promoting laws

that guarantee access to justice in an efficient and effective manner.

Following the presentations, the Bar leaders attending the event shared their opinions on the matter as well as particular concerns of their jurisdictions.

María Laura Capalbo, President of the Uruguayan Bar Association, stated that the implementation of technologies in the Uruguayan judicial system is going at a slower pace compared to Colombia. Judicial proceedings are still conducted in person which, after the pandemic, has led to questioning the need to reform the General Procedural Code of Uruguay.

Jaime Carey, IBA Vice-President and member of the Chilean Bar Association, said that the technological transition in Chilean law is still a challenge for the defence of the rule of law.

He expressed his concerns regarding the weakening of democracy in his country.

Carlos José Santos da Silva from the Brazilian Bar Association expressed the difficult political situation in his country, especially after the last presidential elections, which showed a deterioration of the rule of law and democracy.

Víctor Olea, President of the Mexican Bar Association, stated that the problem in Mexico is not only based on issues of technology and access to justice, but also on the government's repression of the branches of public power, such as the judiciary, to which there has been evidence of attacks. Olea also expressed his concern about the direct attacks by the Mexican president against the Mexican Bar Association and against the judges and magistrates in the country.

Diego Dedeu, Vice-President of the Buenos Aires

Bar n, highlighted his concern in regard to the same situation of the weakening of the rule of law in his country. Dedeu mentioned, among others, the attacks on the Supreme Court's judges as a result of the trial against Vice-President Cristina Kirchner.

Anneth Jiménez, partner at BLP in Costa Rica, stated that although the Costa Rican judicial system is 'robust', the structure and functioning of the judicial government has serious limitations to overcome in order to improve its efficiency and transparency. She also stressed the importance of working for the protection of democracy and the social rule of law in the Latin and Central American regions.

Ken Murphy made a comparison of the events that took place in Argentina and the situation that arose in Ireland, where the process did not end with a trial but resulted in an agreement and the possibility for everyone to participate in the elections.

In concluding the event, Murphy explained the relevance of providing security and support to colleagues from the different bar associations and highlighted the IBA's commitment in regard to situations in countries such as Afghanistan and Ukraine. Arpón de Mendivil also explained the relevance of having heard each of the testimonies. She highlighted that the IBA provides tools to raise awareness of these problems but also offers solutions aimed at defending the rule of law in each country. She mentioned the recent IBA communication regarding the situation in Israel, considering that the proposed reforms to the legal system would jeopardise the rule of law, making the possibility of replicating this type of communication in other jurisdictions stand out.



Some of the Bar leaders from throughout Latin America who gathered for the Forum in Bogotá on 21 March 2023.

International legal practice: What Bars need to know

International legal practice – having lawyers from different jurisdictions working together or facing each other for the benefits of their clients – is at the heart of the International Bar Association, its values and its purpose. International legal practice is also something of great interest to Bar and law society members of the IBA, whether we look at the issue from a regulatory perspective, as an opportunity for members to develop their legal practice, or in our relations with Bars and law societies from other jurisdictions. That is essentially why the IBA Bar Issues Commission (BIC) has its own committee devoted to International Trade in Legal Services.

This is not about having a pro- or anti-liberalisation agenda, but rather about educating and supporting Bars and law societies on the issue, raising awareness of the multifaceted aspects of international legal practice, the sharing of experience and best practice.

One of the major outputs of the committee over the years has been the *General Agreement on Trade in Services (GATS) handbook*, first published in 2002, revised in 2013 and with a new 2023 edition which should be ready just in time for the 16th Annual Bar Leaders' Conference in Helsinki. The handbook was written to assist Bars and law societies that may be approached by their own governments to discuss trade in legal services. It explains how the work of the World Trade Organization (WTO) and, in particular, the provisions of the GATS apply in the context of legal services and how Bars might respond to developments, such as the accession of their country to the WTO or their government preparing for new trade negotiations.

This new edition fully takes into account the shift of the centre of gravity in international trade away from the multilateral structure of the WTO to a plethora of bilateral and regional trade agreements, from the post-Brexit Free Trade Agreements the UK seeks to negotiate, to the recent African Continental Free Trade Agreement, or the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP). Other publications of the Committee helpfully complement the Handbook, including the 2019 IBA *Global Cross-border Legal Services Report*, a database of information about the regulation of trade in legal services, and the 2017 guide for Bars and law societies on *What models for cross-border joint practice?*.

Responding to practical requests for assistance from Bars and law societies on the issue of trade in legal services is a key priority for the Committee. We have partnered with a growing number of them in a series of globalisation conferences to help their members rise to the challenge of international legal practice, from models of

association between local and foreign lawyers, working with large international law firms and the role of foreign and local lawyers in the arbitration of international commercial disputes. The reports on these conferences can be found on the BIC Projects webpage. We are currently working on our next event with the Southern African Development Community – Lawyers Association and we are keen to hear expressions of interest from other Bars and law societies that think they would benefit from these discussions.

Monitoring relevant developments in international trade is another important activity of the Committee. We regularly engage with the WTO secretariat, national delegations to the WTO as well as regional organisations to raise awareness about the work of the IBA and BIC on international trade in legal services matters and beyond. Upon advice of the Committee, the IBA President wrote to the WTO urging members to find a solution to the stalemate regarding the nomination of judges to the WTO appellate body which effectively blocks effective dispute resolution. We also attended the two most recent WTO Ministerial Conferences (2017 in Buenos Aires and 2022 in Geneva) during which WTO members painfully reached an agreement on the extension of a moratorium on applying duties to electronic transmissions. The consequences of failure are difficult to fathom but could have seen individual states apply duties to the digital provision of cross-border legal advice!

Last but not least, being at the forefront of policy debates of relevance to international legal practice remains a strong ambition of our Committee. The impact of technology and the cross-border digital provision of legal services challenge how we regulate legal services and the interaction between local and foreign lawyers (and indeed non-lawyers or even chatbots). So does the impact of climate change on international legal practice, with the issue being taken seriously by the IBA and increasingly by Bars and law societies.

We very much look forward to seeing you in Helsinki! I will chair one of the 'hot topics' roundtables on the Thursday and I hope to be able to continue the discussion with you then. We will also have our own session at the IBA Annual Conference in Paris on the rise of regional commercial dispute resolution/arbitration centres and the increasing competition to attract international disputes work, seen from the perspective of Bars and law societies and of the interaction between foreign lawyers and the local legal profession.

Mickaël Laurans
Chair, IBA BIC Trade in Legal Services Committee



Mickaël Laurans

Launch of report on Professional Indemnity Insurance

The International Bar Association (IBA) Bar Issues Commission Policy Committee and the IBA Legal Policy & Research Unit (LPRU) formed a Working Group to raise awareness of the concept of professional indemnity insurance in the legal profession and has now published a report to assist bar associations and regulatory bodies in addressing three principal issues relating to professional indemnity insurance:

1. Should such insurance be mandatory and if so, under what conditions?
2. Should whether or not the attorney maintains professional indemnity insurance be mandatorily disclosed?
3. If so, to whom should it be disclosed: the client, the public or a regulatory body?

Professional indemnity insurance is intended to provide coverage for lawyers, and those acting under their direction, for errors and omissions relating to their provision of legal advice and other engagements in the practice of law. However, during research for the new report, *IBA International Principles on Professional Indemnity Insurance for the Legal Profession*, the Working Group found there to be little global uniformity as to the requirement of a lawyer to hold professional indemnity insurance, and where a requirement does exist, there is no consistency in terms of the extent or scope of the coverage.

The IBA report outlines a set of eight principles on which bar associations and regulatory bodies should focus when assessing the needs of their jurisdictions on these issues. They are:

1. **Independence** – Professional independence is integral to legal practice, and it is important that bar associations and regulatory bodies protect lawyers against external pressures that could affect this principle. Requiring lawyers to have insurance can provide clients with assurance that their lawyer will act independently.
2. **Competence** – Lawyers must be competent to perform legal services, providing the required level of care, skill, and diligence to their clients' cases. Malpractice insurance can protect lawyers against professional liability claims, but it may not be necessary for such insurance to be mandatory, for example, in fields where the risk of mistakes and exposure for negligent results is low.

3. **Integrity** – Lawyers should maintain the highest standard of honesty, integrity and fairness towards clients, the court and colleagues. Acting in accordance with these standards mitigates the risk of fraud allegations, which are excluded in many professional indemnity policies.
4. **Risk** – Requiring lawyers to purchase and maintain professional indemnity insurance can mitigate the financial risks they face in cases of cyber-attacks and investigations into the handling of client funds. In jurisdictions where insurance is not mandatory, expensive litigation claims could cause firms to become insolvent.
5. **Responsibility** – Lawyers have a responsibility to familiarise themselves with local requirements for professional indemnity insurance and any obligations to disclose this information. It is also legal practitioners' duty to understand insurance-specific terminology to ensure they are purchasing the correct cover for their needs.
6. **Communication** – Lawyers should treat client interests as paramount. It is therefore considered good practice in many jurisdictions for lawyers to ensure that they secure adequate insurance cover against claims based on professional negligence or malpractice.
7. **Confidentiality** – Attorney-client confidentiality is a core value of the legal profession; lawyers must comply with all legal and ethical requirements related to confidentiality, and this applies to both present and former clients.
8. **Maintaining public confidence** – Regardless of professional indemnity insurance status, legal practitioners have a role to play in upholding public confidence in the judiciary. Bar associations and regulatory bodies should emphasise to lawyers the duties owed to their clients to ensure that the public maintains confidence and trust in the legal profession.

The principles are designed to raise awareness of the issues surrounding professional indemnity insurance across global jurisdictions and offer guidance to bar associations considering such issues. The report seeks to provide an analysis of the issues at stake; it therefore does not offer a conclusion in favour of or against mandatory insurance or disclosure.

A Conference presented by the IBA Bar Issues Commission, supported by the Finnish Bar Association.



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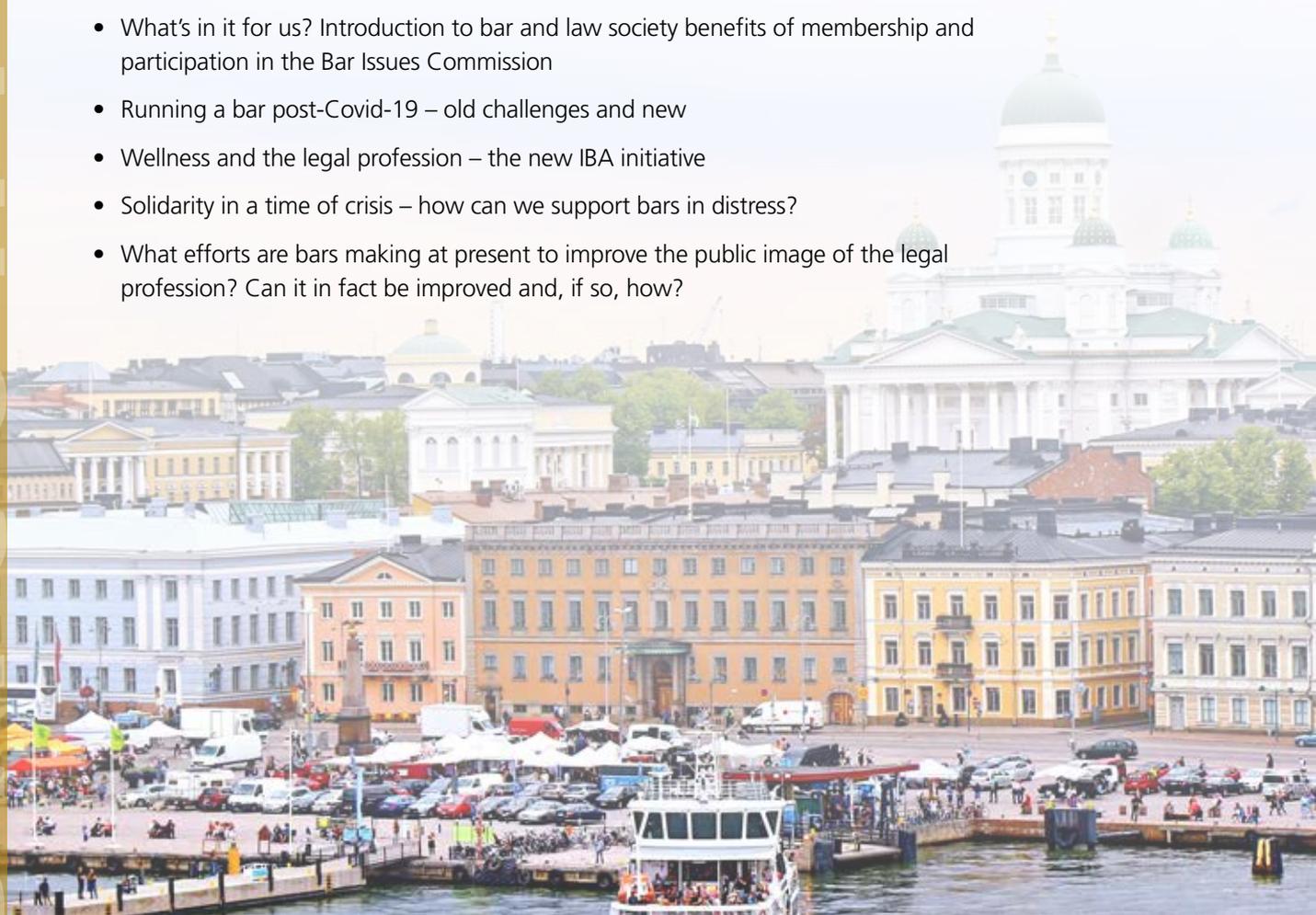
16th Annual Bar Leaders' Conference

24–25 May 2023, Scandic Park Hotel, Helsinki, Finland

Once again, this key event will bring together bar leaders from around the globe to discuss the latest developments and thorny issues affecting the legal profession today. This year's programme will include input from expert panellists and commentators, as well as encouraging interaction from delegates in several roundtable sessions.

Topics will cover:

- What's in it for us? Introduction to bar and law society benefits of membership and participation in the Bar Issues Commission
- Running a bar post-Covid-19 – old challenges and new
- Wellness and the legal profession – the new IBA initiative
- Solidarity in a time of crisis – how can we support bars in distress?
- What efforts are bars making at present to improve the public image of the legal profession? Can it in fact be improved and, if so, how?



Programme

Conference Chair

Ken Murphy *Law Society of Ireland, Dublin; Chair, Bar Issues Commission*

Wednesday 24 May

1130 – 1700 **Registration**

1200 – 1300 **Lunch**

1300 – 1330 **Welcome and opening remarks**

Almudena Arpón de Mendivil *Gómez-Acebo & Pombo Abogados, Madrid; President, IBA*

Ken Murphy *Law Society of Ireland, Dublin; Chair, Bar Issues Commission*

Hanna Räihä-Mäntyharju *President/Chairperson, Finnish Bar Association, Helsinki*

1330 – 1500

What's in it for us? Introduction to bar and law society benefits of membership and participation in the Bar Issues Commission

Bars and law societies around the world come in all shapes and sizes, histories and traditions. Some exist to serve the interests of their members, some are mandated by law to regulate the legal profession in the public interest, and others carry out both roles at the same time. Despite each organisation's differences and local autonomy, the case for them to come together as a global association - in this instance under the auspices of the Bar Issues Commission of the IBA - begins with the universally shared principle that an independent, competent and ethical legal profession is an essential pillar of well-functioning legal systems everywhere.

The constant rhythm of change of leadership of our member organisations means that many conference attendees will be new to their roles and new to the IBA. In this interactive session, we will provide an overview of how the BIC brings value to its member organisations, and more importantly, how participation by each organisation on the IBA's global stage benefits the others. Speakers will provide concrete examples of information-sharing, collaborative action and collective advocacy, all of which is intended to enhance the level of knowledge and connection that will prove useful for bar leaders to take to their home jurisdictions in order to strengthen their work locally. The session will also provide an opportunity for participants to express their ideas on how the value proposition offered by their bar or law society's membership in the IBA (and the BIC) can be maximised.

Session Chair

Ken Murphy *Law Society of Ireland, Dublin; Chair, Bar Issues Commission*

Speakers

Riccardo Cajola *Cajola & Associati, Milan; Officer, Bar Issues Commission*

Jonathan Herman *Federation of Law Societies of Canada, Ottawa, Ontario; Officer, Bar Issues Commission*

Merete Smith *Norwegian Bar Association, Oslo; Co-Chair, BIC Bar Executives Committee*

Kimitoshi Yabuki *Yabuki Law Offices, Tokyo; Chair, Credentials Committee*

1500 – 1530 **Coffee/tea break**

1530 – 1700

Running a bar post-Covid-19 – old challenges and new

Covid-19 focused the attention of many bars on the need to update their technological capability to accommodate more virtual and remote programming, meetings and conferences, among other things. While some had made strides towards that, others were faced with the need to adapt immediately. With the general end of the pandemic and lockdowns, it became apparent that various aspects of the new accommodations should not be abandoned, and a return to "business as usual" was not optimum. This interactive program addresses how bars are adapting post-Covid to retain certain structures that proved advantageous, and what lessons have been learned.

Session Chair

Steven Richman *Clark Hill, Princeton, New Jersey; Vice Chair, Bar Issues Commission*

Speakers:

Olumide Akpata *Templars, Lagos; Officer, Bar Issues Commission*
Adriana Castro *BLP, Costa Rica; Co-Chair, Young Lawyers' Committee*

Luke Murphy *President/Chairperson, Law Council of Australia, Brisbane, Queensland*

Ulrich Wessels *President/Chairperson, German Federal Bar Association, Berlin*

1830 – 2030 Cocktail reception hosted by the Finnish Bar Association

Finnish Bar Association,
Mikonkatu 25, 00101 Helsinki

All registered delegates and registered guests may attend.

Thursday 25 May

0830 – 1730 **Registration**

0900 – 1030

Solidarity in a time of crisis – how can we support bars in distress?

Discuss and analyse different situations where the rule of law fully or partly has collapsed. What kind of action should be set in motion and how can Bars in other jurisdictions give support? We will discuss situations that originated in some jurisdictions to see if there are lessons to be learned on how to handle future crisis.

Session Co-Chairs

Alessandra Nascimento S F Mourão *Nascimento e Mourão Advogados, São Paulo; SPPI Representative, Bar Issues Commission*
Berit Reiss-Andersen *Norwegian Bar Association, Oslo; Vice Chair, Bar Issues Commission*

Speakers

Dr Gábor Damjanovic *Forgo Damjanovic & Partners, Budapest; Chair, Professional Ethics Committee*

Eytan Epstein *M. Firon & Co., Tel Aviv; IBA Council Member for the Israeli Bar Association*

Baroness Helena Kennedy KC *Director, IBA Human Rights Institute, London*

Alessandra Nascimento S F Mourão *Nascimento e Mourão Advogados, São Paulo; Officer, Bar Issues Commission*

1030 – 1100 **Coffee/tea break**

1100 – 1230

Around the tables: a taste of hot topics – part I

Topics will include:

- Diversity & disability – **Ian Jeffery** *The Law Society of England and Wales, London, England*
- Lawyers as Gatekeepers – **George Artley** *Bar Issues Commission Project Lawyer, London* & **Sara Carnegie** *IBA Director Legal and Research Unit Projects, London*
- Revitalising rule of law – **Riccardo Cajola** *Cajola & Associati, Milan; Officer, Bar Issues Commission* & **Berit Reiss-Andersen** *Norwegian Bar Association, Oslo; Vice Chair, Bar Issues Commission*
- Wellness in the legal profession – **Steven Richman** *Clark Hill, Princeton, New Jersey; Vice Chair, Bar Issues Commission*
- Update on recent global developments concerning international trade in legal services – **Mickael Laurans** *Chair, BIC International Trade in Legal Services Committee*
- Good governance and role clarity – **Jonathan Herman** *Federation of Law Societies of Canada, Ottawa, Ontario; Officer, Bar Issues Commission*

1230 – 1400 **Lunch**

1400 – 1530

Around the tables: a taste of hot topics – part II

Topics will include:

- Diversity & disability – **Ian Jeffery** *The Law Society of England and Wales, London, England*
- Lawyers as Gatekeepers – **George Artley** *Bar Issues Commission Project Lawyer, London* & **Sara Carnegie** *IBA Director Legal and Research Unit Projects, London*
- Revitalising rule of law – **Riccardo Cajola** *Cajola & Associati, Milan; Officer, Bar Issues Commission* & **Berit Reiss-Andersen** *Norwegian Bar Association, Oslo; Vice Chair, Bar Issues Commission*
- Wellness in the legal profession – **Steven Richman** *Clark Hill, Princeton, New Jersey; Vice Chair, Bar Issues Commission*
- Update on recent global developments concerning international trade in legal services – **Mickael Laurans** *Chair, BIC International Trade in Legal Services Committee*
- Good governance and role clarity – **Jonathan Herman** *Federation of Law Societies of Canada, Ottawa, Ontario; Officer, Bar Issues Commission*

1530 – 1600 **Coffee/tea break**

1600 – 1730

What efforts are bars making at present to improve the public image of the legal profession? Can it in fact be improved and, if so, how?

Reputation/image is vitally important in the modern world. For lawyers it shapes not just the attitudes of consumers of legal services, but also the policies of Governments towards the profession.

What does expert research in different jurisdictions say is the public image of the profession? What shapes it? What are its most positive and negative aspects? Where does the profession rank in public esteem? Is its position changing?

And, most importantly, what, if anything, can Bars do about it? The Finnish Bar Association is currently running an advertising campaign on national television. We will see some of these advertisements on screen with translations for our benefit. In addition, many bars, often under pressure from members, have run public relations campaigns in the past. What worked in these campaigns? What didn't? What can we learn from each other's experiences?

Session Chair

Ken Murphy *Law Society of Ireland, Dublin; Chair, Bar Issues Commission*

Thursday continued

Speakers

Julie Couturier *President/Chairperson, Ordre des Avocats de Paris*

Deborah Enix-Ross *President/Chairperson, American Bar Association, New York, New York; Member, Credentials Committee*

Hanna Rähkä-Mäntyharju *President/Chairperson, Finnish Bar Association, Helsinki;*

Lubna Shuja *President/Chairperson, The Law Society of England and Wales, London*

Ravintola Sipuli, Kanavaranta 7, 00170 Helsinki, Finland
– Please note that this is a ticketed event; please ensure that you have booked tickets (via online registration or the registration form)

€110

1730 Closing remarks

Ken Murphy *Law Society of Ireland, Dublin; Chair, Bar Issues Commission*

Thursday 25 May

1930 – 2200

Dinner

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

PLEASE NOTE

THE IBA MID-YEAR MEETINGS WILL TAKE PLACE FROM 24-27 MAY 2023 AT THE SCANDIC PARK HELSINKI, HELSINKI, FINLAND.

YOU MUST REGISTER SEPARATELY FOR THE MID-YEAR MEETINGS AND DETAILS ON HOW TO DO SO HAVE BEEN SENT TO THE RELEVANT PARTIES SEPARATELY.

LISTED REPRESENTATIVES OF THE IBA MEMBER ORGANISATIONS WILL BE INVITED TO ATTEND THE FOLLOWING AS PART OF THE MID-YEAR MEETINGS:

Wednesday 24 May

0830 – 1200

BIC Officers meeting

Friday 26 May

1000 – 1330

Bar Executives Programme

Finnish Bar Association

Return transport will be provided.

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 Transport from Scandic Park Helsinki to Finnish Bar Association

1000 – 1015 Welcome by BEX co-chairs and the Finnish Bar – Secretary General Niko Jakobsson

1015 – 1100 Round the table – current issues at the various bars

1100 – 1215 - "Under attack" - What Bars need to know about cyber security for themselves and their members

- The current cyber security threat environment
- Presentation by the Finnish Bar about regulating cyber security and their cyber security guidelines – Secretary General Niko Jakobsson.

1230 – 1330 Lunch

1330 – 1345 Return to the Scandic Park Helsinki

Saturday 27 May

0900 – 1300

IBA Council meeting

Sign in from 0830

1000 – 1330

BAR EXECUTIVES PROGRAMME IS BY INVITATION ONLY.

To register your interest please contact Emily Griffin-Saunders at Emily.Griffin-Saunders@int-bar.org.

1400 – 1530

BIC Bar Leaders' Forum

An open forum for all IBA member organisation representatives and BIC members.

1545 – 1730

IBA's Constitution and Governance Committee Consultation session

IBA Council and Management Board members, LPD and SPPI Council members, BIC officers, HRI Co-Chairs and Bar Executive Officers are invited to attend.

1900 – 2100

Reception

Join us at the Grand Central Hotel for the Mid-Year Meeting reception hosted by the Finnish Bar.