

2020 OFFICER ELECTIONS

Report of the Nominations Committee - 15 June 2020

To the Officers and Councils (where appropriate) of the:

International Bar Association;
Legal Practice Division;
Section on Public and Professional Interest; and
Bar Issues Commission

via the IBA Secretary General

Ladies and Gentlemen:

As required by Section 4.1 of the Bylaws Governing the Constitution and Procedure of the Nominations Committee (the “NC Bylaws”), I hereby present the following report of the recommendations of the IBA Nominations Committee (the “Committee”) for each of the positions set forth below:

The IBA Nominations Committee is composed of the following IBA Individual Members:

Name	Country	Nominated by
Martin Šolc (Chair)	Czech Republic	Horacio Bernardes-Neto (IBA)
Claus Von Wobeser	Mexico	Horacio Bernardes-Neto (IBA)
Jacques Buhart	France	Horacio Bernardes-Neto (IBA)
Olufunmi Oluyede	Nigeria	Horacio Bernardes-Neto (IBA)
Jacqueline Leong	Hong Kong	Sarah Hutchinson (SPPI)
Geraldine Clarke	Ireland	Sarah Hutchinson (SPPI)
Hans-Jürgen Hellwig	Germany	Peter Koves (BIC)
Michael Kutschera	Austria	Peter Koves (BIC)
Moira Huggard Caine	Brazil	Jon Grouf (LPD)
Eytan Epstein	Israel	Jon Grouf (LPD)
Leigh-Alexandra Basha	USA	Jon Grouf (LPD)
Christopher Watson	England	Jon Grouf (LPD)

Each of the Individual Members named in the table below (the “Candidate”) has been considered by the Committee for the respective office set forth opposite such individual’s name. The Committee has concluded that each of the Candidates was validly nominated for the respective position pursuant to Section 2 of the NC Bylaws and did not withdraw his/her candidacy:

<u>For the Officers of the Association</u>	<u>Nominee</u>	<u>Nominated By¹</u>
For President	Sternford Moyo	Eddie Mwitwa Law Association of Zambia Thandaza Masiye-Moyo Law Society of Zimbabwe
For Vice-President	Almudena Arpon de Mendivil	Peter Bartlett Vice-Chair, LPD Deborah Enix-Ross Vice-Chair, BIC
For Secretary-General	Jaime Carey	Leonor Etcheberry Colegio de Abogados de Chile Juan Luis Leon Blanco Colegio de Abogados Costa Rica
For Secretary-General	Stephen Macliver	Arthur Moses Law Council of Australia Sarah Hutchinson Chair, SPPI
For Secretary-General	Claudio Visco	Deborah Enix-Ross Vice-Chair, BIC Antonino Galletti Consiglio dell'Ordine degli Avvocati di Roma

<u>For the Legal Practice Division ("LPD")</u>	<u>Nominee</u>	<u>Nominated By</u>
For Chair	Peter Bartlett	Alfred Page LPD Council Member Lise Lotte Hjerrild LPD Council Member
For Vice-Chair	Carola van den Bruinhorst	Sarah Hutchinson Chair, SPPI Alain Ranger LPD Council Member

¹ Many of the candidates received additional seconding support for their nominations. The list of additional support received by the Committee forms Schedule 1 to this Report

For Secretary-Treasurer	Daniel del Rio	Oliver Triebold LPD Council Member Eduardo Sanguinetti LPD Council Member
For Assistant Treasurer	Pascale Lagesse	Lise Lotte Hjerrild LPD Council Member Dirk Jan Rutgers Co-Chair, IBA Global Employment Institute

<u>For the Section on Public and Professional Interest (“SPPI”)</u>	<u>Nominee</u>	<u>Nominated By</u>
For Chair	Jörg Menzer	Peter Koves Chair, BIC Jon Grouf Chair, LPD
For Secretary-Treasurer	Myra Garrett	Peter Koves Chair, BIC Jon Grouf Chair, LPD

<u>For the Bar Issues Commission (“BIC”)</u>	<u>Nominee</u>	<u>Nominated By</u>
For Chair	Kimitoshi Yabuki	Yurato Kikuchi Japanese Federation of Bar Associations Chikara Shinozuka Tokyo Bar Association
For Vice-Chair	Deborah Enix-Ross ²	Judy Perry Martinez American Bar Association Arthur Moses Law Council of Australia
	Ken Murphy	Jens Johan Hjort Norwegian Bar Association Jonathan Herman Federation of Law Societies of Canada

² This candidate’s nomination is valid subject to the approval of an exception that would allow her to serve in the same role for a third consecutive term.

	Claudia Seibel	Edith Kindermann Deutscher Anwaltverein
		Claudio Visco Rome Bar Association

The Committee would like to elaborate on three issues related to the nominations.

1. On 3 March 2020 James Klotz, who had been validly nominated for the position of the IBA President, withdrew his candidacy.
2. The Committee had an extraordinary meeting to discuss and resolve whether the nomination of Sternford Moyo (received on 11 November 2019) was made within the time period set out in Sec. 2.1. of the NC Bylaws. Following the view of the Chair of the IBA Constitution Committee, who is one of the members of the Committee, the Committee decided unanimously that the provision of Sec. 3.1 of the NC Bylaws, the wording of which is ambiguous, shall be understood to mean “within 45 days from the last day of the IBA Annual Conference in the year preceding the elections”. In accordance with such a reading of the provision, the Committee concluded contrary to the initial view of the responsible member of the IBA Staff that the nomination of Sternford Moyo was submitted within the time period set out in the NC Bylaws.
3. The Committee further discussed the validity of the nomination of Deborah Enix-Ross, who had been nominated to serve for a third consecutive term as the BIC Vice-Chair. The Committee decided that the nomination is valid subject to a decision by the IBA Council to grant an exception pursuant to Sec. 3.1.1 of the BIC Bylaws. The granting of said exception is supported by the BIC Officers³ and the Management Board. Due to the fact that no physical meeting of the IBA Council will take place in 2020 and that the NC Bylaws do not allow electronic voting other than in the case of elections, the Committee recommends that:
 - (a) the IBA Council shall take a vote on Deborah Enix-Ross, with the foreknowledge that, by voting in her favour, they also vote in favour of the exception under Sec. 3.1.1. of the BIC Bylaws; and
 - (b) the next physical meeting of the IBA Council should ratify the granting of the exception under paragraph 3.a.

Due to the spread of the coronavirus, the Committee interviewed each of the foregoing Candidates (with the exception of Deborah Enix-Ross, who had already been interviewed twice in relation to the same position in prior years) by videoconference. The Committee gave very careful consideration to each of the Candidates (applying the criteria attached as Schedule 3 to this Report) and hereby makes the following recommendations for election:

<u>Association</u>	
President	Sternford Moyo

³ For more details on the BIC recommendation, please see Schedule 2.

Vice-President	Almudena Arpon de Mendivil
Secretary-General	Jaime Carey

<u>Legal Practice Division (“LPD”)</u>	
Chair	Peter Bartlett
Vice-Chair	Carola van den Bruinhorst
Secretary-Treasurer	Daniel del Rio
Assistant Treasurer	Pascale Lagesse

<u>Section on Public and Professional Interest (“SPPI”)</u>	
Chair	Jörg Menzer
Secretary-Treasurer	Myra Garrett

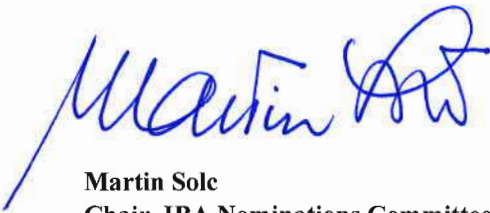
<u>Bar Issues Commission (“BIC”)</u>	
Chair	Kimitoshi Yabuki
Vice Chairs:	Deborah Enix-Ross and Ken Murphy

Those candidates for office who are not recommended by the Committee will only be entitled to stand for election if they are re-nominated in accordance with the requirements set forth in Section 5 of the NC Bylaws within 30 days after the date of delivery of this Report to the IBA Secretary General.

The Committee certifies that these recommendations have been made in accordance with Article 8.2 of the Constitution. To the best of the Chair's knowledge, there has been no outside interference with the work of the Committee save that, following the withdrawal of James Klotz's candidacy, the IBA President wrote to the Committee Chair "I am sure that you would not allow the Nominations Committee to attempt to misapply its discretionary power of nomination as provided in the Constitution and the Bylaws. The risk of litigation and/or reputation loss in exercising these powers inappropriately might be considerable." The President went on to describe his understanding of the circumstances under which the Nominations Committee should properly exercise its powers of nomination for the office of IBA President. The Committee considered that the communication from the IBA President constituted inappropriate interference in its statutory functions and has excluded it from any part of its considerations and conclusions.

Respectfully submitted,

Prague 15 June 2020



Martin Solc
Chair, IBA Nominations Committee

Schedules:

1. Additional support for the Candidates
2. Support for granting an exception for Deborah Enix-Ross to serve the third term as BIC Vice-Chair
3. Candidate selection criteria