

*‘Lawyers in search of their professional identity:
EU standards are the only way forward’*

EVENT REPORT – ALBANIA 2017



FES ALBANIA & EUROPEAN LEGAL RESEARCH & TRAINING NETWORK

WHITE DREAM HOTEL, TIRANA, ALBANIA - March 2017

EXECUTIVE SUMMARY

In supporting the efforts to create a European judicial culture through an area of shared values among lawyers in the Western Balkans, European Legal Research & Training Network in collaboration with FES Albania organized a three-day training dedicated to the professional investment and growth among lawyers at an early stage of the integration in those countries, through the introduction and maintenance of high professionalism.

Since, becoming an EU lawyer means being part of a rich diversity accepted and recognized as equal, where the lawyer isn't just the mouthpiece of the law, but has an important function in the administration of justice and in safeguarding democracy and justice – the purpose of this training was to bring lawyers to the realization that such process should start now, and not when our countries are Member States of the EU.

Because professional integration is about high professional standards, skills and qualities, behaviours and attitudes that extend beyond the technicalities and tasks strictly attached to the daily practice of our profession – it was our aim during this event to combine certain aspects and issues that lawyers need to deal with professionally at an early stage of their career, such as the lack of a professional identity, wrong concepts and understanding of their professional integration, introduction to the legal profession on EU level, as well as restrictions attached to its practicing.

This training was a combination of several important and necessary tasks and assignments such as motivational speaking, questionnaires, and case law assignments, as well as interactive tasks and networking possibilities, all serving to the same purpose: That of having lawyers get directly involved in what it means to be an EU lawyer. The topic of the training was a combination of two main issues and complementary parts, that were necessary for the lawyers at this stage to understand not only their current situation but also the EU standard related to their own profession and functioning within it.

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EVENT STRUCTURE

DAY I

Introducing our organizations and missions

The purpose of the first day had mostly an informative and introductory character to the main issues of the legal profession but also to bring participants to a realistic understanding of their professional situation and the issues around it, through personal experiences and examples. In drawing the lawyers a realistic picture of how things are perceived within their daily functioning – the representatives of European Legal and FES brought up few situations and explained the complication of the issues among young lawyers in the Western Balkans today.

Furthermore, they explained several misconceptions and misunderstandings related to their professional integration and what that means in terms of skills and qualities, behaviours, and attitudes. The aim of this part of the training was to let lawyers understand that competing on a national level and regional level among professionals is not necessarily the same as competing within a legal job market on an EU level.

Finally, both FES and European Legal introduced their mission, vision, and purpose of their work as well as future projects and plans towards the gradual professional integration among young legal professionals in the Western Balkan region. Hereby, both European Legal and FES stressed out the importance of a continuous, development and professional investment as the first and most crucial step towards the lawyer's integration in the EU job market.

DAY II

The importance of having a professional identity – EU standards introduced

The second day of the training was comprised of a long set of combined activities, including presentations on at least 5 topics, assignments, case law interpretation and analysis, interactive exercises, and other types of activities. The day was mainly divided into two main parts, including the search and maintenance of a professional identity among lawyers and its importance in the functioning of

lawyers as true professionals on a national, regional, and European level. During this part of the training, the knowledge of their identity as professionals and the ways to investigate that was explained, together with the layers that build such professional identity – referred to as the KNOWING, DOING, BECOMING stages of such identity. Furthermore, the concepts of building, maintaining and investing into such professional identity with the purpose to act as European lawyers was addressed as well.

After the professional identity and the importance of having such identity among professionals was explained – the nature of the legal profession and what it represents was explained. The trainers involved lawyers through examples and concrete practical tasks in situations where they could reflect of what their role, position and purpose within their profession is today and what should it be. They raised questions and asked lawyers how they would decide in regard to a certain problem or situation professionally, with the skills and qualities on hand and the current knowledge they have.

Moreover, the trainers raised issues such as the fact of the lawyer-ing being a commodity or a service and the way it is perceived among the legal professionals among the WB countries with the aim to raise awareness among them on important issues such as the pursuit of the legal profession mainly for financial wellbeing, the vague role of lawyers in the entire legal system and their profession and many other related issues. Finally, the importance of reviving ideals within the legal profession through thinking, acting and behaving as a lawyer, was explained to the participants during which important questions such as: whom lawyers serve and how to bring back the lost dignity among lawyers – were raised.

The second part of the training included topics such as the lost identity of the legal professionals among our countries and the importance of the mission beyond the profession. Moreover, a comparison in terms of what the legal profession aims today in our countries and what the EU standard requires us to do and behave as lawyers was made. Primary and secondary EU law was analysed, as well as international standards about what the purpose and the mission of the legal profession is today, in a free open market like the EU. In this context three Directives, dedicated to the legal profession and its functioning in the EU were touched upon.

The Lawyers Services Directive 77/249/EEC and the Lawyers Establishment Directive 98/5/EC as well as Professional Qualifications Directive (Directive 2005/36/EC and its predecessor Directive 89/48/EEC) were analysed in their main articles to give the participants an overview of the rules, restrictions and requirements about the legal profession and its exercise within the EU. Finally, the code of conduct, principles and main norms based on which the legal profession and lawyers function within the EU exist and function upon, as well as the international code of conduct, ethical rules and deontology of the legal profession were explained and analysed with the active participation of the lawyers as well.

DAY III

Motivation, certification, homework, and networking

European Legal is one of the first organizations in the Western Balkan region to introduce two main concepts among legal professionals that were introduced and used during the third day of the training. During such introduction and application in practice of such tools, lawyers were faced with issues that these new concepts brought on the surface, such as a wrong perception and mindset about the legal profession, lawyer's function in it and their role and place within such profession.

Participants agreed on the fact that implementation of such tools is important in their daily lives, serving them to adjust and reshape the grounds upon which their functionality as lawyers is build, but also change or improve what does not serve them anymore. Moreover, their regular application, would help them achieve great results in their benefit, and give lawyers a deep understanding of the professional and personal goals, situations, and ambitions in each country.

Finally, certification and the Networking Platform too place on the last part of the training, the idea of which was welcomed from the first moment among the participants mostly due to the reason that there has been a missing similar platform on a regional level. The purpose of Networking with the aim to share, interact for the purpose to grow and improve professionally, exchange experiences, collaborate and improve – was very well received among the participants. At the end of the event, among the high interest to get involved in the first place within such mechanism, the participants raised questions and asked more information on what this platform consists of and how will it function on a regional level.

PARTICIPATION

The participation in this training, had elements of interest from a broader range of participants than the ones the training was planned for. In terms of the topic and structure of the training, there was high interest from graduate lawyers and students from different law schools in Tirana. Since this event was organized from lawyers from the Western Balkan region, lawyers from Bosnia, Macedonia were as well present in the training, showing just as high interest as lawyers from Albania. All participants showed involvement, interaction, and desire to learn in all parts of the trainings, but in particular to the last part of the second day – related to the EU standards regarding the functioning of the legal profession, rules and principles, norms and regulations related to its functioning and consequently, their place within the legal profession.

During the training on the first day, the interaction, questions and activity level from the lawyers was lower due to their hesitation to ask questions and fear of expressing wrong ideas, a behaviour commonly known as hesitation among lawyers in all countries of the region. However, during the lunch and coffee breaks they opened to all types of discussions and conversations, asking the trainers more explanations on the related and discussed topics. Finally, even though the level of academic English among lawyers in the region is still an issue, their potential and capacity to understand complicated issues and analyse them, think together with the trainers, raise the right questions and ability to distinguish the main gaps within a raised problem, was above average.

QUESTIONNAIRESS

European Legal recognizes the importance of feedback from lawyers after each training. Therefore, during this training, lawyers were provided a three-part questionnaire, comprised with questions about their interest and main issues they face in the daily practice as lawyers, divided into three main areas:

- *Development, improvement, and capacity building*
- *Professional behaviour and attitude of the legal profession*
- *Understanding and interpretation of national and EU laws*

Most of the participants accept the fact that the legal profession in the region is in crisis and according to their view the main reason for that is lack of professionalism, skills and qualities, and an overall wrong mentality and mindset about their place within their profession. Acknowledgment of the situation and understanding how complicated the issues are around their profession is a great start to act in changing the situation. Recognizing the importance of high professional skills and qualities as the A and B of the legal profession and the fact that more investment and growth is required regarding the EU laws and procedures, was also pointed out during the questionnaires.

Furthermore, having a cause and a purpose as a lawyer was stated as one of the most crucial values throughout the answers in the questionnaires. Nevertheless, lawyers acknowledged that good intentions only are not sufficient. The lack of orientation and clear structure on how to achieve that goal was stated as one of the main issues in that regard. When asked if they had a role model they would like to follow, lawyers were sceptic as there are very few professional models among our countries they could identify, a fact which they see as a disappointment among them. Not being able to follow on the footsteps of someone who stands up for a cause, has a great goal and purpose behind its daily functioning as a lawyer and who stands up for justice - was the model these lawyers referred as a true missionary cause they lack as legal professionals.

EVALUATIONS

At the end of the training, lawyers were asked to evaluate the organization and training quality to which they responded positively and gave a very satisfactory evaluation. Rating our performances, speeches, presentations, and their structure from 1 (poor) to 5 (excellent) most the participants gave an excellent evaluation. During and after the event organisations and the trainers received great evaluations in person and compliments on the topics, structure, and organization of the training.

The overall evaluation for the training was very satisfactory and the enthusiasm among lawyers at the end of the event showed their interest in attending similar events and trainings in the future as well. Furthermore, lawyers participating to this training showed most interest regarding their professional investment and growth in activities such as trainings in soft legal skills, behaviour, and attitude but not only. They also showed a need in terms of their involvement and learning through becoming active in each one of the Western Balkan countries which showed a great interest to come forward and show their potential through daily involvement when given the chance.

Moreover, lawyers shared the opinion that regular trainings on professional skills and qualities followed by regular coaching and motivation in every step of their career would help and assist them to gradually integrate as legal professionals and prepare them for the EU job market in a long term. Face to face trainings, e-learning and on job trainings were among the most asked types of trainings among them, but not only. Workshops and seminars as well as other events adding to their professional future were referred to as necessity among them, in all legal areas. Maintenance of high levels of professionalism through all of these mechanisms was stated to be very important to keep them on the right level of professionalism but also encourage them to grow and improve daily.

HOMEWORK

European Legal aims to keep lawyers involved not only during the trainings it provides but also after that. Therefore, just as with previous types of trainings, it introduced and assigned lawyers with two homework assignments within a two months' timeframe to complete with the intention is to keep them involved and active not only during the trainings but also afterwards. The deadline given to the participants (might they choose to do the assignments) is 15 of May 2017.

- 1- *Writing an essay / article on the topic or one of the subtopics of the training. FREE publication of the best ones on European Legal website www.legislationnet.com*
- 2- *Letter to yourself / self-reflection on few issues. FREE-coaching 45-minute session with those who need answers on the questions raised on the letter*

After their work is evaluated by the European Legal trainers and researchers, the lawyers with best results, to be invited and become part of our working groups and overall become part of the European Legal structure within their country. Depending on their level of involvement, future results, and ambitions, also to be given the chance to represent European Legal in future events on a national level. Of course, depending on their commitment to our organization, they will be given the opportunity to participate and represent our organization on a regional and later EU level.

RECOMMENDATIONS

The biggest issue and challenge for us as organizations, is related not only to the professional poverty and hunger among lawyers but also to the expectations, perceptions and wrong mindset professionals have there. For this reason, we believe that the biggest area where a lot of work needs to be done is changing and adjusting the professional mindset and understanding of the functioning and purpose behind the legal profession.

Lawyers themselves have agreed during the training that no matter how many great skills and qualities a lawyer might have- is he or she won't be able to think, act and behave as a lawyer accordingly, he or she will be only partially ready to face the EU standards as true professionals. Most professionals in the region are not informed accordingly and don't have a clear understanding of the EU laws, procedures and principles lying at the core of the legal profession and their own professionalism.

Finally, the lack of motivation, coaching and mentoring professionally to help them grow, improve, and maintain a high professional level in the region is crucial and must be at the core of all approaches to bring these lawyers closer to the EU standards. Together with increasing the awareness and the lawyers interest to develop a reading culture, to get involved and become active with the purpose to get them out of their comfort zone – is another challenge for any organization that aims to achieve high results in terms of approximation of professional standards with the EU ones.

Our goal as organization is to place a corner stone to the integration of lawyers in the region, through the introduction, maintenance, and development of high professionalism among them, with the aim to invest in the improvement and enhancement of the entire legal profession and legal system in our countries. We will continue to pursue the goals leading to that final mission and hope to see our future partners joining us in this noble cause.

EUROPEAN LEGAL RESEARCH & TRAINING NETWORK