

Dear colleagues,

We are here today, at Alba Iulia, historic city with multiple meanings in terms of nation. It was a common ideal that led to this unity, ideal that gave people the necessary strength to accomplish the Great Union.

Each year, on June 24, we celebrate the Romanian Lawyer's Day, celebration that as well started from a common ideal, namely the lawyers' ideal who, 152 years ago, realized that only if they are united in a professional body with common principles and values should they have the strength to administrate justice in this country. In 1864 the Law for the establishment of the Lawyers' professional body entered into force. It is on this legislation that the modern profession is based on and it is the first act that consecrated the organization of the profession in a unitary body. This unity materialized in a visionary spirit, that even nowadays constitutes the grounds of the lawyer's profession.

Today we celebrate the core values our predecessors left us, the unity of the profession based on the aspiration for truth and justice, on the fundamental principles that our profession was built on.

And, throughout a blessed coincidence, here we found ourselves in a place in which sharing the lawyers' common values goes beyond our country's borders. It is here at Alba Iulia that the 30th Congress of the European Lawyers' Union is taking place. Lawyers and other professionals from all across Europe are attending this event. The main topic of the Congress is "The Challenges confronting the lawyer in the 21st century Europe"

Indeed, there are challenges, a lot of them, unimaginable just a few years ago! The challenges the profession are facing are globalized and I am convinced that even our colleagues from other countries, who are present here, will acknowledge them. As terrorism and organized crime are expanding, keeping an equilibrium amongst the fundamental rights of citizens has become an extremely difficult mission both for authorities, in the legislative process, as for lawyers and magistrates.

The mechanisms throughout which fundamental rights are protected - the right to defense, the right to a fair trial - are disturbed under the pressure of increasingly frequent dramatic events which fundamentally change the legislative priorities and perspectives.

We have already seen that both in Romania as worldwide, disasters are responsible for important legislative reforms. It's just that given those conditions, under the pressure of big emotions caused by such events, the presumption of innocence, one of the main weapons of defense, becomes a meaningless phrase. Whoever is pointed out in public space becomes suspicious in justice! It is extremely difficult to give credibility to arguments for your client when he is already subject of the public disgrace through the media, when he is already condemned by the public opinion.

A new kind of justice appears, a parallel one, outside the courts of justice, in which the prosecution and the defence are waging a publicity war, won by the force with stronger PR. Within this war that incites to revenge, the lawyer's profession is implicitly attacked. We are constantly under pressure of the public opprobrium, next to our clients presumed guilty. The rational, technical arguments fade out under the great force of public emotions.

We live in an era of instantaneous dissemination of information all over the world. We do not longer have the time to "prepare the defense" when we have the indictment presented in the media, before even any official charges are formulated, during searches to which crowds are assisting, in front of the house in question.

Unfortunately, even the anti-corruption and political discourse contains, in some cases, elements of propaganda against the legal profession, that is accused of defending rather criminals, terrorists, thieves, already presumed guilty than fundamental rights and freedoms of citizens.

The confusion surrounds the principles of law and those of the defense, which were easily understood not far ago, both by the legislature as by all citizens. Nowadays, few are those who realize that everyone has the right to defense when the defense itself is being accused, when the presumption of innocence is sacrificed on the altar of a parallel justice, which is actually an injustice. The purpose for which the basic principles of the profession were set up, in particular the professional secrecy, is distorted for propaganda purposes.

Here are the controversies faced by the bill amending the Law no. 51/1995 on the organization and the practice of the legal profession, in which we wanted to strengthen certain guarantees for the defense of the litigants. How many

unfounded accusations were made with regard to this project, most of them coming from persons presumed to understand the principles that on which are built the defense and the justice in general!

One of the fundamental principles, the professional secrecy, that always stood at the basis of the lawyer's credibility is attacked, nicknamed "super-immunity", defamed as a trick meant to conceal complicities of lawyers with their clients. Lately, hardly a day passed without a "defamation" to be presented with regard to the project of the law, and implicitly with regard to the profession.

Even the ECHR rulings validating in fact the compliance of the bill amending the Law no. 51/1995 with the European Convention were interpreted in a distorted and truncated manner, as argument against the bill. It is about the ECHR judgment of June 16th 2016 in the case Versini-Campinchi and Crasnianski against France, which confirms exactly what is foreseen in the bill: that the principle of the professional secrecy is set to ensure the principle of equality of arms in the defense of the litigant, not of the lawyer and that the lawyer cannot be protected by the principle of confidentiality of communications between the client and the lawyer, when the lawyer himself becomes suspect for committing criminal acts.

We live in a time when the challenges that confront the profession have acquired a permanent character and come from the most unexpected sources. We cannot hope that within a certain period of time we will solve them so we can all manage our businesses.

Not so long ago, we got rid of the plague of the parallel practice of the legal profession, one of the biggest problems we faced for years. As recent history, other assaults targeted at the profession are occurring and this time we face **direct hits targeted at the foundation of the profession, the fundamental principles.**

We face attacks to the principle of the independence of lawyers due to the tendencies to requalify the lawyer's activities as dependent activity. We even struggle with attacks targeted on the principles of honesty and loyalty towards the client. How else can be defined the pressures put on lawyers to denounce their clients, including by the use of legislative instruments? Recently, the Ministry of Finance has put into public debate a bill amending the Code of Fiscal Procedure, in which it is intended to introduce the obligation for lawyers to

inform the fiscal authorities (ANAF) on a daily basis about operations in lei and foreign currency, of which they know as a result of their activity, operations that have a minimum limit of the equivalent in RON of EUR 15,000. Such provisions existed in the original draft of the new Code of Fiscal Procedure, but as a result of the repeated appeals of the UNBR they were removed from the final version of the Code. We appealed again for the elimination of those provisions that are in serious breach of the professional secrecy, as the obligation to report to ANAF transactions that overpass a certain threshold value turns lawyers into administrative agents and severely diminishes the professional independence of the lawyer.

Therefore, **the current challenges are directly targeted at the fundamental principles of the profession.** To throw into derision these principles, on which the profession itself was built leads to destroying the confidence in lawyer and implicitly destroying the profession.

Later this year, a news was broadcasted that the world's first robot-lawyer, created by IBM, was "hired" by a company in the US! Many of you will smile ironically at such news, but things are quite serious. Without these principles increasingly attacked – the principles of confidentiality, loyalty, honesty – the lawyer is also a robot.

Today, on the occasion of the Romanian Lawyer's Day, it is the time to deeply think about our common principles and to join forces in order to defend them if we don't want to be replaced by "robots".

We cannot make long-term plans as unpredictability and hazard are features of the times we live in.

But we can have a vision of what we want to be in the long run. A unified vision is needed and only the unity of the profession can grant that!

The President of the National Association of the Romanian Bars

Lawyer Gheorghe Florea, PhD.