

**NEWSLETTER NO 10.**  
**Of the Association of Corporate Lawyers**

**WHAT WAS HAPPENING DURING OCTOBER?**

1. A **new Minister of Justice** has been appointed. Although the situation the Minister has to face is not brilliant, the office he has taken over and expectations of the public are to be sufficient motivation for him to take a serious approach to all problems of the legal profession. That is just the situation we have our chance taking into consideration global changes bound to the profession explained in the text below.
2. On the Island of Knowledge (the island of Koločep) a **Round Table on Judiciary** was held from 10<sup>th</sup> to 12<sup>th</sup> October. The moderator of the Round Table was Mr. Slaven Letica, while the foreword was given by a member of the Academy, Mr. Barbić and a professor from Maribor, Slovenia, Dr. Šime Ivanjko. The majority of the Round Table participants (45 of them) were younger judges of municipal courts, several judges of the commercial courts and one judge from the Supreme Commercial Court, several state attorney deputies, two public notaries, two corporate lawyers' representatives and one colleague from the area of science.  
In addition to pleasant associating organised by the European Movement, a member of the Academy, Mr. Barbić repeated his view of the future of the legal profession as the greatest change from the point of view of expertness in the history for all the members of the legal profession. At the same time he offered the organisation of a lecture with the topic "preparations for EU Law", but at the moment without necessary details.
3. **From 16<sup>th</sup> to 19<sup>th</sup> October, our organisation was the host to colleagues from ECLA**

**HOW WE FULFILLED THE CHALLENGING TASK AND WERE A GOOD HOST TO ORGANISATIONS OF CORPORATE LAWYERS FROM EUROPE**

As you have been already informed, our Association of Corporate Lawyers fulfilled all the conditions to become a member of the European family (ECLA or European Company Lawyers Association; [www.ecla.org](http://www.ecla.org)) in November, 2007, during the Dublin Conference. ECLA is the roof organisation of European corporate layers comprising today **23 European national professional legal organisations** and over **29.000 lawyers**. The main function of national organisations is protection of professional status of corporate lawyers and care of their life long education.

ECLA meets two times a year and the Association of Corporate Lawyers was the host of the Conference held in Zagreb from 17<sup>th</sup> to 18<sup>th</sup> October, 2008. 26 participants from different countries (England, Ireland, Germany, France, Switzerland, Italy, Spain, etc.) were present.

The topic of the Zagreb Conference was extension of ECLA to the rest of European countries. Within the frames of that extension, Russia is expected to be the first to join the Association. The Russian representative used the occasion to present activities of her organisation, performance of the scheduled plans, redefinition of aims and targets.

The report on the status of the Intervention into AKZO Nobel Case in front of the European Commission was presented as well as reports from the existence and

activities of each individual national organisation. Those reports were very interesting to each one of the present colleagues.

It is very important to point out that problems of all ECLA members are similar and recognisable. It refers in the first line to the regional connections and especially to the engagement of organisation members that do not have a head office in the headquarters of the Association / Bar. Solutions are different and depend on each individual case. The Organisation of Corporate Lawyers from the countries that do not have a rich industrial tradition, do not have problems with membership either. It refers especially to countries where corporate layers have well defined professional status. Completely unexpected, but the representative of the **Italian organisation** informed us about the problem of mobilisation and activation of the membership in Italy.

They started with telephone calls talking to possible members and interviews on possible ways or attracting of the membership.

It has been found out that corporate lawyers are interested in and ready to join the professional organisation under the precondition to find a job with the help of that association. The Italian Association entered into an agreement with several "head hunters" who are the members of the Association and who obtained a data base of possible candidates (having the prior consent of each individual member). They have taken over the obligation to publish invitations for vacancies on the web site of the Association first. Such a move has proved to be satisfactory.

Participants of the Conference were especially surprised with the political turn over in **France** where the president, Mr. Sarkozy, has announced establishment of a common professional organisation of all lawyers within the frames of which French corporate lawyers would realise their long wished status, i.e. membership in the Common bar.

Our Association had created all conditions for a high quality activities of ECLA Conference in Zagreb, participated in its operation and presented not only itself, but also Croatia to all participants during their associating and stay in Zagreb and Croatia. A reception at the Law Faculty, sight seeing of Zagreb, gala dinner in the Journalist Centre "Novinarski Dom" on 17<sup>th</sup> October and a visit to Opatija on 18<sup>th</sup> October were only a part of those meetings that followed the official part of the programme of the Conference. As a result all the participants estimated the organisation of the Conference as a very successful one. You can find photographs at: <http://www.udruga-korporativnih-pravnika.hr/foto/>

#### **OUR DEBT FROM THE LATEST NEWSLETTER**

On 29<sup>th</sup> and 30<sup>th</sup> September of this year, the European In-House Counsel Conference was held in Brussels. In-House Counsel is only one of the lawyer associations gathering lawyers dealing with corporate law and employed by large companies. Members of our Association participated at the Conference this year as well. Lecturers and workshop heads were colleagues from large corporations such as Airbus S.A.S., Daimler Chrysler, British Telecom, Coca –Cola Enterprises Ltd., Orange and others, to the contrary of the practice in Croatia. Representatives from twenty six different countries of Europe and America were present.

The main principle of the Conference was presentation of predetermined topics followed by showing of practical examples and ways of solving individual issues within companies themselves. Three blocks of workshops were organised such as: competition law, anticorruption means, corporation transactions and insolvency,

labour law / multinational employing and issues of employment contract terminations, creation of working centres from planning to performance, discussion on wages of executive bodies – EU recommendations, protection of data and legal privilege , what after In house career. The quality was achieved by participation of all participants in the discussion about predetermined topics.

We also consider that we, in our organisation, have passed the phase of ex cathedra discussions and we are going to give our best to organise conferences of the kind.

### **WHERE OUR ASSOCIATION IS TODAY AND WHERE ARE WE GOING?**

The above described reports on operation and activities of individual organisations remind us at a high scale of our Association. We can be proud and point out that we have succeeded to attract approximately 150 members in a year, but, unfortunately, we cannot be proud of the level of mobilisation of our membership as well.

As it has been repeated before, the measure of the value of operation of the Association is just the attitude and activities of our membership body.

The experience has shown that the most active members are middle aged persons who have already personally experienced the problem of undefined professional status and who have enough experience to be able to recognise sources of dangers for such a status.

It is not to be expected from younger members who are just defining their careers and solving existential issues to recognise all professional dangers. It is also natural that it is hard for a lawyer who is working in a trading company in the environment of the experts belonging to other professions, very often not having enough time and occasions to consult with colleagues, burdened with every day tasks and obligations to monitor every day new rules and regulations, to find some time for any further engagements that is crucial for functioning of the Association. On the other hand the experience has proved that just those younger colleagues are facing the highest risks and that they are just those who should be active.

Therefore we are inviting you to contact us to achieve cooperation, to write an article with the topic of our profession or about a view you see a problem. Or, just sent an e-mail message to say whether you consider such a Newsletter as a good solution or you have some other proposals. We are also reminding you that some colleagues have proposed initiation of the procedure to question the constitutionality of the Law on Lawyer Trainees.

But, we need someone to work on it. The Association does not count with professionals for the time being....

Unfortunately, the Amendment on Civil Procedure Law has been adopted. The good point is that it has not worsened our status, although some actions aiming at decreasing of our rights have been registered as well. That does not mean that as early as tomorrow there would not be pretensions of other members of the legal profession to decrease our rights.

On the other hand, any person who monitors word trends can feel very clearly, and also see strong changes that have been in due course. As we have stated earlier, France, as a traditionally conservative country relying on legal practice plans to unite the profession. The latest reform of English law tends to unite solicitors and barristers and has treated the issue of corporate lawyers and attorneys-at-law allowing entrance of the capital into legal companies bases of the Australian model.

Croatia is a small country in which people know each other and expect the arrival of Europe with a fear. The fear is based on a possible completion that is inevitably

coming and therefore there is need to conquer as much room as possible to assure some when that "Europe" finally arrives. And during the process let hurt those who are to be hurt.

Therefore we have to be on guard since the hunting season has been open. The positions are being occupied.

And we are engaged with amendments of laws that give us hard times. And it is not weird that we forget ourselves and our professional status. The President of the Association held an extraordinary presentation on the island of Rab aiming at increasing of the self-confidence of corporate lawyers. We have been preparing an extended version of that excellent presentation.

Therefore only knowledge and experience can help us to keep our positions. One of the segments of making our members conscious is strengthening of the profession and positioning of our function. In that respect we are inviting all young colleagues and trainees to pass the bar exam as soon as possible.

We are reminding you that from the 1<sup>st</sup> September, 2009 all the candidates shall seat for the exam pursuant new criteria. As far as we are acquainted, preparations for the exam started last week in Split, organised by an association bound to the Law Faculty. Our Association will give its best to organise preparation course for the bar exam. The precondition is that we can count on at least 40 candidates.

**WE ARE INVITING ALL THE CANDIDATES TO APPLY AS SOON AS POSSIBLE AND TO SHOW THEIR INTEREST TO ENABLE ORGANISATION OF A PREPARATION COURSE.**

We expect a positive attitude of all the colleagues. The proposal we have sent to every one of you is to engage our internal expert workshops based on issues that are of interest at the moment (Public Purchase Law, Capital Market Law, etc.). Workshops will be organised on the priority principle: who proposes a topic first, the first is to organise the workshop.

**WHAT ARE WE PREPARING FOR NOVEMBER?**

- **Lecture from the area of Enforcement Law with a special view to novelty to the Enforcement Law**, to be held by the President of the Enforcement and Non Contentious Procedure of the Commercial Court of Zagreb, Mrs. Nada Nekić Plevko in the premises of the Association, Teslina Street 1/1, on Wednesday, 26<sup>th</sup> November, 2008 at 14:00 p.m.
- Presentation **The importance of the Role of a Corporate Lawyer** will be held by the President of the Association, Mrs. Josipa Jurinić. The term of the presentation will be announced later on.