

## Annual Report 2022 – Chamber of Advocates

I am pleased to present to members at this annual general meeting the annual report and audited financial statements of the Chamber for the financial years 2021 and 2022.

What follows is a brief report to members of the Chamber of the work undertaken by Council over the course of the year, and of the major challenges the profession is facing.

The year 2022-23 has been a significantly challenging year following on the pandemic years that saw unprecedented challenges particularly in court.

The Chamber has continued to pursue, over the course of 2022, and is still pursuing today, the introduction of a law to regulate the legal profession. The challenges have been, and remain, substantial, and this is possibly a law that has been in the offing for too long a time. It is certainly a time when the profession needs it and indeed a time when the whole local environment needs it. We need to secure a strong independent profession that is attuned to the needs of the 21<sup>st</sup> century market for legal services but which remains firmly entrenched in its core values of integrity, competence and independence. The time during which discussions have been ongoing has been well spent. Indeed, the draft of the bill has had significant improvements made to it since its inception. Discussions with Government have been ongoing, and it is hoped that we are now closer to having this Bill presented to the House. This will be a significant achievement for the profession that will have a regulatory framework that reflects the demands being made of the profession in the 21<sup>st</sup> century. This law will however only provide us with a framework within which to work, a framework that provides the necessary tools to work towards a profession that will heighten its standards of integrity and competence; but that will also create new challenges for the Chamber going forward.

Over the course of the year under review the council was deeply involved in dealing, over the initial part of 2022 with Covid-19 protocols in court of what were remnants of the preceding period of pandemic, and which gradually brought the workings of the court to normality over the course of the year.

The council also started meeting various law firms to muster their support on areas such technical inputs and education & training within the profession, and the future of the profession. The feedback was very positive from all member firms.

In 2022, the Chamber was invited to nominate a member on the Steering Committee of the Digital Justice Strategy, that is responsible for the digitalisation of and re-engineering of court processes. This is an ongoing project in which the Chamber remains involved.

The Chamber participated in a number of initiatives by international bodies that seek to report on Malta and where the Chamber is considered as a body that can provide a dispassionate and independent articulation of the situation on the ground. These included participation in fora dealing with Malta's grey listing by the FATF and was part of the steering group that met up with the FATF team, in 2022 on the local situation within the profession from an AML/CFT perspective; and meetings with the EU Commission team reporting on Malta's Rule of Report 2022.

The profession still faces a number of challenges, the most prominent of which remains the lack of an adequate regulatory framework that is attuned to the needs of the 21<sup>st</sup> century and the manner in which the profession has evolved over the past 30 years. There have been several proposals made by the Chamber to address this situation and talks remain on-going with the authorities to try and find the right balance in this respect. It is essential, and a matter of public interest, that the legal profession retains the core values that have distinguished it to this day, it is also just as essential that any incursions by other professions to enter the legal services market to be curbed and to ensure that only properly authorised legal professionals working within a legal environment and bound to the same ethical standards and rules are allowed to provide legal services. The integrity of the profession is a *sine qua non* and any attempt to dilute ethical standards or to create businesses or bazaars, that amongst others also sell legal services, must be vociferously and intensely pushed back by the profession as a whole. The Chamber has always taken a principled approach to the matter, rather than an opportunistic one, and I trust that it will retain that principled approach going forward, in the best interest of the profession.

This is not however the only challenge, albeit a very important one. Court delays, that have plagued the profession and the system as a whole remains another challenge not just for the profession but for all stakeholders. The chamber has had the opportunity of making representations on the matter in several for a, and the issue is one which is complex, but unfortunately tends to be over-simplified in some quarters. There are several factors that contribute towards our courts not working as efficiently as one expects, none of them singularly will however

address the situation. We are lagging behind in terms of our digital capabilities, both with respect to the court registry, as well as in court sittings that remain firmly ingrained in and based on the need of physical presence in a registry or courtroom. The COVID-19 pandemic has highlighted the vulnerabilities of the system, not only in terms of extent but also in terms of sheer depth. Addressing these vulnerabilities is not something that the Chamber can undertake in any solo effort, although it has taken a pro-active stance in the matter, but it also requires the collaboration of all those concerned in the judicial process. The Chamber believes that this is a major challenge for the coming few years. We need, amongst others, to revisit old and obsolete working practices; we need to emphasise more on the importance of written pleadings that do not require our presence in court but can be substituted by a fully functional digital registry with e-notification systems that are secure, binding and effective; we need to co-operate in having separate case management hearings which can be done virtually, in essence we need a comprehensive review of the whole system that will allow courts to provide a public service without necessarily having to be housed in a building – or at least to have a system which relies on physical presence in a building, only to the extent that is necessary, but to allow remote systems to take over those parts of the process that may efficiently and effectively be undertaken remotely through the use of modern technology. This will not, at least initially, be an all or nothing process, but a hybrid one that will depend less and less on physical presence and more on digital and remote technology.

Above all we need to challenge the status quo. All stakeholders need the boldness to move out of their respective comfort zones and from the legacy of a judicial system that was never designed and meant to handle either the volume or the complexity of the cases being handled today. The system has been left to simmer without an overhaul for too long, and issues which were or could have been easily handled on their own years back, have today become overwhelming problems, simply because they have been compounded by a plethora of other issues and problems. A re-think of the whole system is required. The Chamber commits to actively participate and contribute in the debate and design of such a system.

**Louis de Gabriele**  
**President**  
**June 2023**