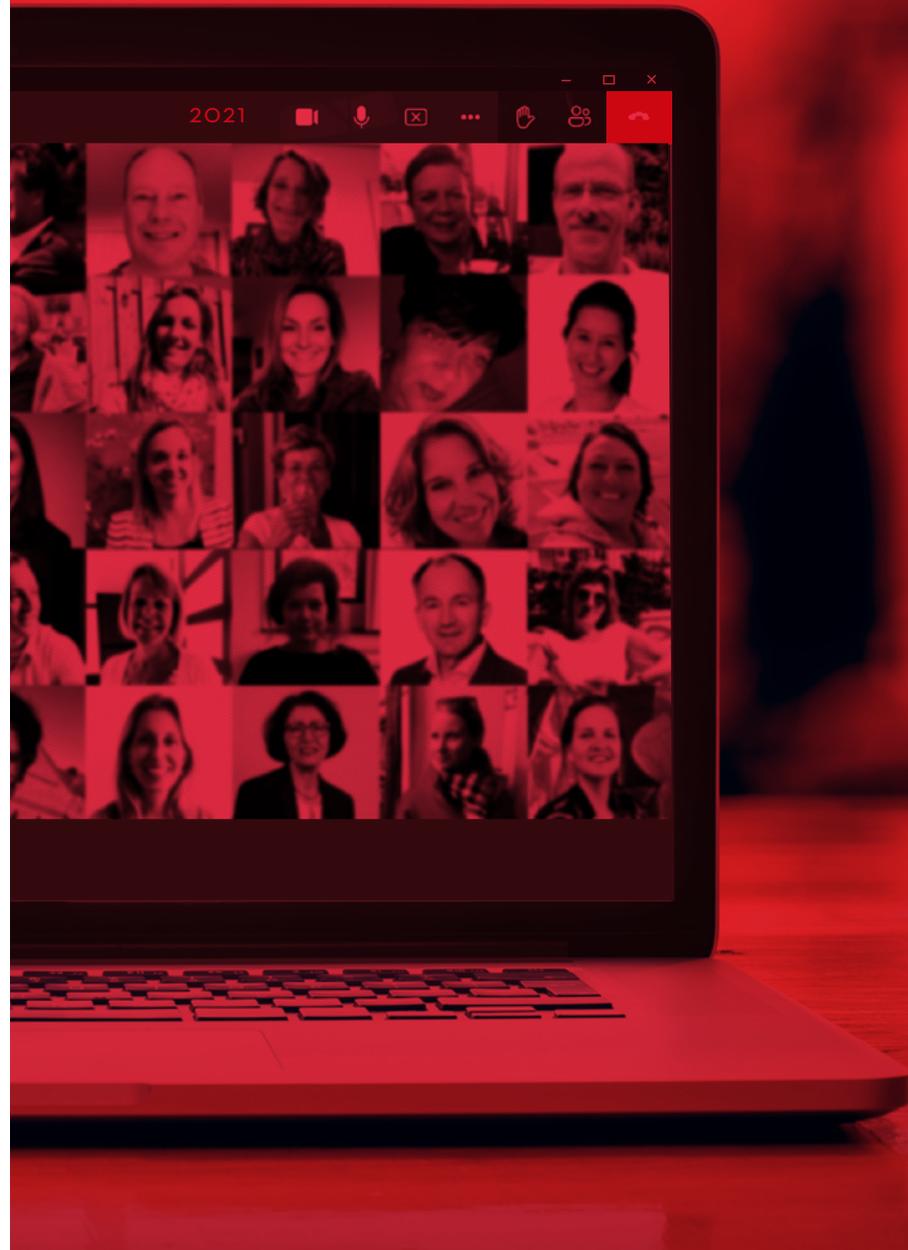


Annual report 2021



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PREFACE



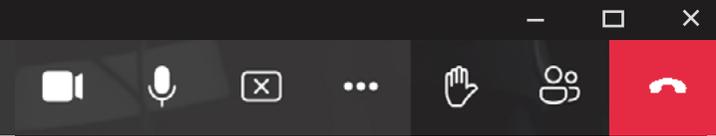
FOCUSING ON THE ADVOCATE!

In any state governed by the rule of law, access to justice should be guaranteed for everyone, and any litigant who needs it should be able to find proper legal aid. The NOvA (the Netherlands Bar) is fully committed to this. In the past decade, the focus has often been on funded legal aid and the position of legal aid advocates. And successfully, too! By the end of 2021, there was a broad political majority in favour of raising the fees for legal aid advocates to a more realistic level, in accordance with the recommendations of the Van der Meer Committee. But this year, too, the NovA will (have to) continue to draw attention to the necessary structural nature of this funding and the terms under which it is provided.

Access to justice remains a fixed item on the NOvA agenda. This year, the NOvA will focus more explicitly on the group of litigants who are above the threshold for assigned counsel. What can the Bar do for this group and what role can the NOvA play in that regard? This will be further explored together with the Bar, including by way of an Innovation Platform.

This year, the NOvA will continue to focus on the theme of resilience, safety and protection against subversion. Advocates (and other robed professionals) must be able to do their jobs in safety, but time and

PREFACE



again situations arise where that safety is seriously compromised. The NOvA wants to make advocates more resilient to aggression and intimidation and offer concrete tools for dealing with them. We therefore implemented, in addition to the NOvA emergency phone, safety scans and resilience training in 2021. Together with the other legal professions, the digital seminar "Resilience of the Rule of Law" explored what else is required to increase safety throughout the legal chain. The Minister for Legal Protection opened the seminar.

The NOvA aims to be the national knowledge and information centre for advocates when it comes to resilience and safety. The recently established Protection against Subversion Task Force will play a prominent role in this, especially at the 'front end', in recognising signals of subversion, taking preventive measures and offering support to advocates where necessary. In 2022, a Bar-wide survey will be conducted to determine the extent to which advocates face threats, intimidation and aggression and the underlying stories. In this way, the NOvA can identify what is going on and use this knowledge to respond even better to what advocates need in order to be resilient when carrying out their work.

The general council of the NOvA will start the year 2022 with a new team. In addition to Bernard de Leest, Theda Boersema, Susan Kaak and myself, Jeroen Soeteman and Sanne van Oers joined the general

council. Together, we will work on the themes that will guide our term in office: the advocate in society, the advocate in practice, the advocate as a human being, the advocate of the future and the home of the NOvA. The common thread running through all these themes is, of course, that they all centre on the advocate in all their capacities. In order to properly flesh out these themes, the general council sets great store by sound cooperation and consultation with the local bars, the board of representatives, specialist associations, advisory committees, law firms, etc. In short: consultations and discussions with the entire Bar. Each from their own role and responsibility. The Bar's diversity is its forte. Unity through diversity, both at the Bar and to the outside world. Always acting in the interest of the proper administration of justice in a well-functioning state governed by the rule of law, which is our shared responsibility.

I look forward to an inspiring year!

Robert Crince le Roy, *President of The Netherlands Bar*

Featured



RESILIENCE, SAFETY AND PROTECTION AGAINST SUBVERSION

Advocates should have a safe environment in which to perform their duties as part of the proper administration of justice. In recent years, there have been several situations where the safety of advocates was seriously compromised. For this reason, the NOvA, with the financial support of the Ministry of Justice and Security, launched a resilience programme for advocates that was fleshed out further in 2021.

Bas van Zelst in gesprek met



Ine Spee



&



Robert Crince le Roy

Video: NOvUM episode on threats to advocates.

Safety scan

At the beginning of 2021, the NOvA introduced the possibility for advocates to have their office or residence checked, free of charge, for vulnerabilities from a safety point of view. A specialised and certified company extensively examines the property for physical vulnerabilities including locks, windows, access control and cameras. Any needed security measures are then recommended to the advocate in question. Given the existence of online threats, the scan also covers the digital exposure of his name and address details in public records and on social media. According to one advocate who had a security scan carried out, "It makes you more aware of the risks, because you see what the security expert is looking for." There are 850 safety scans available.

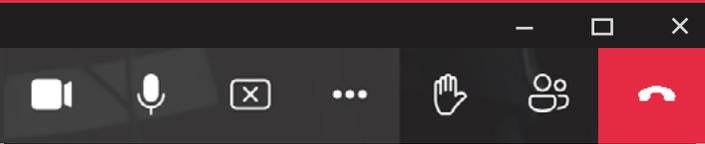
Resilience training

Since mid-2021, advocates have been able to enroll in resilience training for advocates provided by the NOvA. This practical training offers advocates concrete tools to help them cope with aggression and threats in their daily practice. This training provides some theoretical background but it is primarily a hands-on training. It is given by an advocate who is an expert on resilience, supported by a security expert who shares

practical safety tips. And an actor practises risky situations with participants, enabling them to test their own behaviour when these arise. After the first 250 slots were filled quite swiftly in 2021, another 500 slots have been made available free of charge for 2022.



Video: broadcast by Nieuwsuur about the NOvA's resilience training, which was extensively covered in the national media (such as NOS and NRC).



Emergency phone and emergency button

Since 2019, advocates experiencing threats have been able to make strictly confidential calls to a special emergency number provided by the NOvA, which can be found on My Bar (*Mijn Orde*). And since December 2021, NOvA has been offering an emergency button that allows advocates who are or feel threatened and who call the emergency number, to be directly connected to an emergency control centre. The control centre listens in, knows the (GPS) position of the person carrying the button and can, for example, call the police to provide immediate assistance.

LawCare and vocational training

Advocates who want to brainstorm confidentially with an experienced peer to increase their resilience can call the LawCare telephone helpline. Members of the LawCare team are trained to deal with advocates who feel unsafe. In March 2021, the topic of resilience was added to the curriculum of the NOvA's updated Vocational Training for Lawyers. In 2021, the LawCare helpline was called 33 times.

Protection from Subversion Task Force

At the end of 2021, the NOvA set up the Protection against Subversion Task Force. In doing so, the NOvA aims to strengthen the rule of law, increase awareness of risks that may be associated with professional practice, and strengthen the resilience and safety of advocates. The Task Force focuses on "the front end": recognising signs of subversion, preventive measures and support for advocates. This involves collaborating both nationally and internationally with other legal professions, sharing best practices, and providing advocates with knowledge and tools to practice their profession safely. In this way, the NOvA becomes a national knowledge and information centre for advocates. With the Task Force, the NOvA offers an alternative to the proposals such as limiting the free choice of an advocate and the rights of suspects and accused persons, with which the previous Minister for Legal Protection wanted to counter subversion. In 2022, the NOvA has a Bar-wide study carried out to examine the resilience of advocates in light of protection against subversion.

RESILIENCE, SAFETY AND PROTECTION AGAINST SUBVERSION



To better protect relatives of crown witnesses and legal professionals, secretary general Raffi van den Berg argued, in national newspaper AD, for an impact analysis of the crown witness scheme.

Webinar Resilience of the Rule of Law

In December, the NOvA - with the cooperation of the Royal Professional Organisation of Judicial Officers (KBvG), the Royal Dutch Association of Civil-law Notaries (KNB), the Public Prosecution Service and the Council for the Judiciary - organised the webinar Resilience of the Rule of Law (*Weerbaarheid van de rechtsstaat*). This discussed the importance of the



Video: webinar Resilience of the Rule of Law.

resilience of the legal professions which are essential within the Dutch rule of law: judges, public prosecutors, bailiffs, civil-law notaries and advocates. One of the speakers was Minister Dekker for Legal Protection. He emphasised how subverting forces from organised crime are an increasing problem and how it is important to defend ourselves as a society, including legal professions, against it.

Chapter

PROMOTION OF QUALITY



PROMOTION OF QUALITY



Every advocate must ensure that they provide high-quality services: for the litigant, but also in the interest of the profession itself. The NOvA contributes to promoting that quality and safeguards the quality of the legal profession as a whole.

Quality assessments

Every year, advocates are required to comply with the quality assessments by participating in one of three forms of structured feedback: intervision, peer review or structured peer consultations. Due to the coronavirus measures, the general council decided, in April 2020, to temporarily allow online participation in intervision and structured peer consultations. This does not apply to quality assessment through peer review because this involves reviewing confidential files. Given the positive experiences of advocates, facilitators, specialist associations, local bars and training institutions, the general council decided in 2021 to first extend and later permanently allow online participation in quality assessments.

Self-assessment

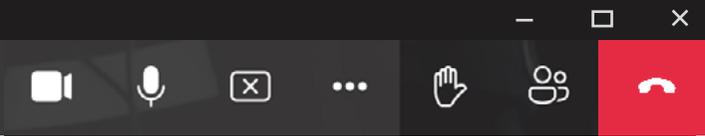
Last year, in order to support advocates in their continuous development as professionals, the NOvA developed a digital self-assessment tool. This self-assessment tool is aimed at gaining more insight into the three pillars of an advocate's craftsmanship: expertise, interaction and attitude. The self-assessment allows advocates to hold a digital mirror up to themselves, to reflect on their own behaviour and to learn about themselves as a person and as a professional. Advocates can use the results of the self-assessment as input for the quality assessments. Conversely, insights gained can be used when performing the next self-assessment. Use of the self-assessment is voluntary, confidential and free of charge.



***Theda Boersema**, member of the general council:*

"The self-assessment makes you think about your role as an advocate, it makes you more aware of the dilemmas you face in your work and the choices you make in the process. It is primarily intended to raise your ethical awareness and enhance your craftsmanship."

PROMOTION OF QUALITY



Video: introduction to self-assessment for advocates.



With DilemmApp, the NOvA brings professional ethics and integrity to the attention of the Bar in an inspiring and accessible way. This past year, participating advocates were presented with a stimulating dilemma every other week, in which they had to weigh up conflicting interests. In 2021, 23 dilemmas were published in the DilemmApp, each accompanied by a concluding comment from the NOvA examining the various response options.

Featured



GOVERNMENT-FUNDED LEGAL AID

Since 2013, the NOvA has continued its efforts to ensure easy access to justice for litigants and reasonable remuneration for legal aid advocates. In 2021, this culminated in the government decision to raise the fees for government-funded legal aid to a realistic level in accordance with the recommendations of the Van der Meer Committee, with effect from 2022.



INZET NOVA VOOR DUURZAAM STELSEL GEFINANCIERDE RECHTSBIJSTAND

De inzet van de NOvA voor een duurzaam stelsel gefinancierde rechtsbijstand in vogelvucht vanaf 2013 tot heden.

The NOvA's commitment to a sustainable system of government-funded legal aid since 2013.

Calling on the government and the House of Representatives

Prompted in part by the childcare allowance affair, [the NOvA called](#) on the outgoing Minister for Legal Protection and the House of Representatives, just after the Rutte III government resigned, to invest in the [government-funded legal aid](#) system. At the same time, the NOvA

GOVERNMENT-FUNDED LEGAL AID

made an urgent appeal to political parties to make room in a newly formed government for a Minister for Legal Protection with the right agenda and the necessary financial resources. Quickly followed by a new appeal to the House of Representatives not to take any irreversible steps towards a system reform during the outgoing government's term of office, following the outline policy memorandum entitled 'Reform of the Subsidised Legal Aid System'. During the information process, too, the NOvA, together with the (specialist) associations, repeatedly called attention to a realistic perspective for legal aid advocates and for sufficient investments in adequate remuneration for legal aid, in preliminary and primary legal aid and in young new legal aid advocates. This should ensure access to justice and legal protection for impecunious litigants.

From ray of hope to breakthrough

A first ray of hope was the outgoing Minister for Legal Protection promising that the temporary bridging arrangement for legal aid advocates would not expire at the end of 2021. This averted a looming decline in income for legal aid advocates. The real breakthrough followed about halfway through 2021, when the House of Representatives, in two successive motions, called on the government to make an additional structural investment of EUR 154 million (EUR 127 million excluding VAT)

into the government-funded legal aid system with effect from 1 January 2022, in line with scenario 1 of the Van der Meer Committee. In the end, the government heeded that request and included the aforesaid amount in the budget for 2022, as was revealed around Budget Day (*Prinsjesdag*) and then confirmed once again by the minister. A breakthrough, which would not have been achieved without the efforts made by NOvA over many years and the support from the legal profession. The NovA is, of course, delighted about this, but at the same time it continues to draw attention to the necessary structural nature of the financing of proper legal protection. The new fees for government-funded legal aid took effect on 1 January 2022.

Subsidy scheme for vocational training for legal aid advocates

In order to stimulate the participation of young advocates in the system of government-funded legal aid, the Legal Aid Board, on the initiative of the NOvA, launched the subsidy scheme for vocational training for legal aid advocates at the end of 2020. This allowed law firms providing legal aid to apply for subsidies to cover the costs of training trainee advocates who began the NOvA's updated Vocational Training for Lawyers in March and September 2021. A budget of EUR 2 million was set aside for

GOVERNMENT-FUNDED LEGAL AID

the scheme, which would cover 175 trainee advocates in 2021. An interim evaluation shows that the scheme meets a great need among legal aid advocates and can therefore be considered successful. The NOvA pleaded with the informateur to make the subsidy scheme for young talent in the system of government-funded legal aid a structural scheme.

Improved remuneration for divorce advocates

Eight in ten divorce advocates working in government-funded legal aid reported refusing complex cases at times, due to receiving too little remuneration. In addition, nearly half were considering ending providing government-funded legal aid altogether. This was revealed in early 2021 by a survey conducted by the NOvA, in which over 1,100 legal aid advocates specialising in divorce participated. The underpayment of this group of advocates prompted the NOvA to terminate its participation in the development of legal aid packages - including the Divorce Experiment. This led the desired result: in the spring, after years of pressure from the NOvA, Association of Dutch Legal Aid Lawyers (VSAN) and Association of Family Lawyers and Divorce Mediators (vFAS), the outgoing Minister for Legal Protection allocated 28 million euros to improved remuneration for legal aid advocates practising the law of persons and family law.

Advocate pool for persons affected by the allowance affair (*de toeslagenaffaire*)

The Legal Aid Board, in cooperation with the Ministry of Finance, has set up a scheme that gives persons affected by the allowance affair free legal aid from an advocate. The NOvA supported this scheme by, among other things, co-drafting the participation criteria for advocates, participating in the mid-term review, and cooperating in seminars for advocates participating in the advocate pool. Over the course of 2021, it became apparent that advocates assisting affected parents with requests under the childcare allowance recovery scheme, were still seeing a lot go wrong during the compensation process. The NOvA shared these concerns and drafted a proposal with these advocates for swifter resolutions of the bottlenecks in the process. The Temporary Legal Aid for Self Reliance Scheme (*Regeling tijdelijke adviestoevoeging zelfredzaamheid*) was created for people with legal problems for which no legal aid is provided, but which in practice are so complex that they cannot resolve them without the assistance of an advocate. The Legal Aid Board, the Legal Aid and Advice Centre and the NOvA are hereby offering a temporary solution for litigants who fall between two stools.

GOVERNMENT-FUNDED LEGAL AID



Robert Crinice le Roy, a member of the general council in 2021, was part of the independent external guidance committee that advises the Administrative Jurisdiction Division of the Council of State in its self-reflection on its role as the highest administrative court in childcare allowance cases.

Working together in primary legal aid

Cooperating even more closely in primary legal aid ensures better services for litigants and provides swifter solutions to their problems. That is the outcome of the pilot 'Working together in primary legal aid' in which the Legal Aid and Advice Centre, legal aid defence counsel and legal aid advocates worked together at the local level, consulted each other more often and jointly carried out duty advocate services. The pilot was



***Bernard de Leest**, holder of the government-funded legal aid portfolio in the general council:*

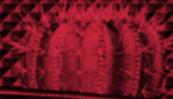
"The results of the 'Working together in primary legal aid' pilot have taught us a great deal about the possible design of a future system of government-funded legal aid"

carried out on the initiative of the NOvA, together with the Legal Aid Board, the Legal Aid and Advice Centre, Social Work Netherlands and the Association of Dutch Legal Aid Advocates. The result is a number of concrete recommendations that contribute to a sustainable system of government-funded legal aid.

Cooperation at the Bar

In 2021, the NOvA committed to further encouraging the increasing cooperation between legal aid advocates and firms that do not have a legal aid practice. The NOvA connects firms on a regional and national level and supports them in setting up partnerships. The NOvA encourages this cooperation, because it leads, among other things, to a stronger legal (aid) profession, more mutual solidarity and reciprocity between legal aid advocates and commercial firms. The NOvA rejects an obligatory contribution from "commercial" firms to the legal aid system

COMMUNICATION AND INFORMATION



COMMUNICATION AND INFORMATION



Advocates make an important contribution to maintaining the rule of law. To serve the interests of a proper administration of justice, they can only perform their duties well if the means are available to fully exercise the core values of the legal profession. This is not a given. Acting on behalf of and for the entire profession, the NovA makes a strong case for this to politicians and society as a whole.

Corona measures

As in 2020, the legal profession had to deal with the consequences of the corona measures last year too. Around the introduction of the curfew in January 2021, the NovA drew the attention of the Ministry of Justice and Security to the fact that advocates who were outside during the curfew had to carry two certificates. This posed an administrative burden and there was the possibility that it was not legally tenable. That same month, the NovA informed the Minister for Legal Protection that the corona measures were not yet being sufficiently complied with in all penal institutions. At the same time it also urgently recommended a review of the policy on the use of multi-person cells. In the spring, the NOvA issued legislative opinions on sweeping corona measures relating to test certificates, quarantine requirements and closure powers. Over the course of the past year, the corona situation gradually returned to

normal and corona measures were increasingly phased out, as shown by the corona dossier, a record of the most significant consequences for the legal profession which the NovA has been keeping since 2020.

Internal fact finding

Conducting internal fact-finding is part of an advocate's professional practice and it should be done within the limits set by the profession's core values and code of conduct. An advocate should not allow any misunderstanding to arise about their partisan role and they should guard their independence. In this regard, the NovA's general council recognises a number of potential risks which were clarified in the explanatory notes to the code of conduct in February 2021.

Bas van Zelst in gesprek met



Petra van Kampen



&



Diana de Wolff

Video: NOvUM episode on internal fact-finding.

COMMUNICATION AND INFORMATION



Penalty orders issued by the Public Prosecution Service

Since 1 April 2021, suspects and accused persons summoned to a hearing by the Public Prosecution Service have been allowed a free consultation with an advocate. They are entitled to this 'standard consultation' prior to being examined by the a public prosecutor in relation to the imposition of a penalty. There is no means test and no individual contribution is required. The NOvA worked hard to achieve this. It emphasises that a standard consultation is an initial, informative conversation and it is quite different from the actual legal assistance provided in the criminal proceedings. A separate assignment can be requested for this, under the customary conditions.



Video: Petra van Kampen, member of the general council, on the new Code of Criminal Procedure.

Extension of prohibition on community punishment

In February 2021, the House of Representatives voted to prohibit community punishment for anyone who had committed violence against emergency workers with public responsibilities. This means that community punishment orders may only be imposed in combination with a prison sentence. The NOvA had expressed fundamental objections at an expert meeting held in the Senate regarding the Act on the Extension of the Prohibition against Community Punishment (*Wet uitbreiding taakstrafverbod*). The requirement to impose a particular punishment curtails judicial discretion in sentencing, which should be avoided in a state subject to the rule of law if there is no critical need for it. As a matter of



Video: Petra van Kampen, member of the general council, at the expert meeting in the Senate.

COMMUNICATION AND INFORMATION



principle, in all cases it can (and should) be left to the judiciary to impose an appropriate sentence, taking account of all the relevant circumstances.

Introduction of the alcoholmeter

The NOvA has informed the Minister of Justice and Security that it has reservations about the introduction of the alcoholmeter. The government's aim is to make it possible for suspects, accused persons or convicted offender who has received an alcohol ban to be tested using an alcoholmeter rather than having to undergo blood or urine tests. In addition to doubts regarding the necessity and effectiveness of the alcoholmeter, the NOvA also believes that its reliability is a cause for concern. Given the severity of the measure as well as the (practical) objections and disadvantages attached to it, the NOvA recommended offering suspects, accused persons and convicted persons the choice between monitoring by an alcoholmeter or urine tests.

Protected telephone lines

Anyone seeking recourse to the law should always be able to consult freely and confidentially with their advocates. It is therefore essential



Video: Input from Frans Knüppe, President of The Netherlands Bar, during Rechtsstaatpoort (debate between the Police, Public Prosecution Service, Council for the Judiciary and the House of Representatives) on 21 June 2021 regarding access to justice in the criminal justice system and the rule of law.

that telephone conversations between clients and advocates be confidential. The system of number recognition used by the police and the Custodial Institutions Agency (DJI) automatically recognises the protected telephone lines of advocates and does not tap them. The NOvA notifies the National Police (NP) of the registered protected telephone lines every night. Due to an error made on 4 August, the police did actually record a small number of phone calls and messages from protected telephone lines. The NP stated that wrongly recorded calls and messages had been deleted as soon as possible after the error was discovered.

COMMUNICATION AND INFORMATION



Cryptophones

The use of cryptophones, which as a rule make it impossible to tell whether an advocate is participating a conversation, undermines the possibilities for guaranteeing the legal obligation of confidentiality. The general council has therefore advised advocates to use protected telephone lines provided by the NOvA when talking to their clients, where possible. The Public Prosecution Service had already given advocates the opportunity to disclose the fact that, as holders of a protected line, they had communicated via the encrypted chat services. If it turns out that data are intercepted from a call to or from the holder of a protected line, the Public Prosecution Service handles that in accordance with the rules applicable to protected telephone lines.

Rule of law in election programmes

As was the case four years ago, the NOvA set up a committee on the rule of law in election programmes in the run-up to the parliamentary elections held on 17 March 2021 to assess the election programmes of political parties against the minimum requirements of the rule of law. This involved effective access to justice, pro-



tection of basic fundamental rights, and whether the government itself is compliant. The NOvA committee, chaired by former Supreme Court Vice President Willem van Schendel, found that all of the party programmes that were examined explicitly emphasised the importance of the rule of law. Nonetheless, the committee also gave 'yellow' and 'red' cards in its report.

Length of procedural documents

Soon after the NOvA determined that it had not been involved in the decision of the National Consultations on Civil-Law Matters of the Courts of Appeal (*LOVCH*) to impose a limit of 25 pages on the length of procedural documents on appeal with effect from 1 April 2021, the NOvA submitted its opinion. Nevertheless, the National Consultations on Civil-Law Matters of the Courts of Appeal (*LOVCH*) decided not to reverse the amendment of the national procedural regulations, which drew an

COMMUNICATION AND INFORMATION

angry response from the NOvA. The NOVA considers the measure to be at odds with the law and fundamental principles of procedural law and it repeated its stance that the disputed measure should not be introduced as decided. The Judiciary nonetheless implemented the new rules on the length of procedural documents in civil proceedings before the courts of appeal, with effect from 1 April. The NOvA therefore supported the action of a group of advocates who filed interim relief proceedings against the new rules. Although not a litigant, the NOvA publicly showed its support by sending a delegation from the general council to attend the interim relief proceedings on 26 May. In an interlocutory judgment, the interim relief judge ruled that questions could be referred to the Supreme Court for a preliminary ruling, although the disputed Courts of Appeal measure was not suspended. The NOvA submitted its opinion on the answers to these questions in the form of Written Observations to the Supreme Court. In it, the NOvA argues that limiting the length of procedural documents would not improve the efficiency of the judicial process on appeal. The procedural rules of the Courts of Appeal not only lack a sufficient legal basis, they are not the appropriate means for achieving the intended aims either. It would be better to look for alternatives in a proper consultative process. At the end of 2021, the Advocate-General issued an opinion stating that the Courts of Appeal were at liberty to determine in their rules of procedure that court documents should not be longer than 25 pages, but at the same time that longer do-

cuments could not be refused. The Supreme Court will issue its decision in the course of 2022.

Mediation Act (*Wet mediation*)

In mid-2021, the Minister for Legal Protection informed the House of Representatives that the draft bill on the promotion of mediation would not be submitted for consultation. This was partly because there was "insufficient support" from within the profession. The NOvA had already expressed its objections to the (over)regulation of mediation in 2016, describing any legal regulation as "counterproductive". This does not alter the fact that the NOvA considers mediation to be an important instrument for resolving disputes.

Free choice of advocate with legal aid insurance

In 2020, the European Court of Justice ruled that a litigant has the right to hire an advocate at the expense of their legal aid insurer right from the preliminary stage of legal proceedings. This ruling was confirmed by the Financial Services Complaints Tribunal (*Kifid*) in March 2021. The NOvA has urged the Ministry of Justice and Security to ensure that Dutch laws and regulations are brought into line with the ruling of the European Court of Justice.

COMMUNICATION AND INFORMATION



Judiciary participation fee for advocates

In recent years, the Council for the Judiciary has increasingly called on advocates to participate in working parties and test groups. The NOvA appreciates this and recognises its added value, but also sees that advocates routinely make their contributions free of charge. After consulting with the Ministry of Justice and Security, the Council for the Judiciary stated that it was unwilling to establish a generic compensation scheme for advocates who participate in Judiciary projects. The NOvA is disappointed with this outcome.

Hyperlink sites and commission

The fundamental importance of independence is liable to come under pressure if an advocate is employed (and therefore dependent) on an employer, or if their practice is conducted at the expense and risk of a non-advocate. To ensure against any erosion to this independence, the NOvA sets rules for partnerships and practice structures. However, last year the NOvA introduced an experiment allowing advocates employed by a legal aid insurer (whose shareholders are not advocates) to also assist non-insured persons. The NOvA emphasises that all advocates are free to offer their services at fixed, low prices.

Business Register of the Chamber of Commerce

In mid-2021, the Chamber of Commerce discovered that a former advocate had improperly used private data of individuals listed in the Business Register. After consulting with the NOvA, all former advocates who still had access to private data at the Chamber of Commerce were removed from that list. Another outcome of this was that advocates who have been authorised by the Chamber of Commerce to request personal data must cancel that authorisation when deregistering themselves as advocates. In the first half of 2022, a link will be provided between the NOvA bar registration and the list of advocates who have applied for authorisation at the Chamber of Commerce.

Featured

INCLUSION AND DIVERSITY

The NOVA emphasises the importance of equal opportunity, diversity and inclusion. It does so from a social point of view, but also because embracing these principles enriches the legal profession itself. In early 2021, the NovA established the Inclusion and Diversity platform with the intention of promoting inclusion and diversity at the Bar.

Bas van Zelst in gesprek met



Mark Smeets



&



Gloria Heutinck-Gomes

Video: NovUM episode on inclusion and diversity in the legal profession.

INCLUSION AND DIVERSITY

The Inclusion and Diversity platform is made up of over 30 advocates from diverse backgrounds working at firms of all sizes. Together with the NOvA, they are exploring ways to promote diversity and inclusion in the legal profession and are putting forward proposals for social innovation. The platform also has three working parties that are examining the sub-themes "strengthening diversity at the Bar," "exploring the legal profession," and "law studies and the legal profession".

Diversity Day

On 5 October, Diversity Day, the NovA used various means to draw attention to the importance of equal opportunities, diversity and inclusion. These included a meeting which the NovA organised for members of the Inclusion and Diversity platform and focus being placed on the theme in



Theda Boersema, member of the general council:

"The results of the survey allow us to focus on areas for improvement and we will work on them in collaboration with the Inclusion and Diversity platform."

a number of NovA social media channels, with the visual backing of a modified logo in the rainbow colours.



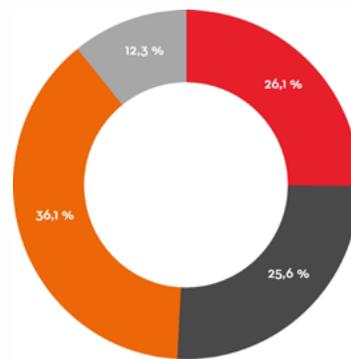
Bar survey

Diversity is not only about colour and origin but also, for example, gender, disability and sexuality (LGBT). As a basis for its further activities, the Inclusion and Diversity Platform wanted to gain a better understanding of the different experiences that people have at the Bar in this regard. It therefore carried out a survey across the Bar in 2021. The outcome was that diversity and inclusion is an important issue for many law firms, but that there is still room for improvement.

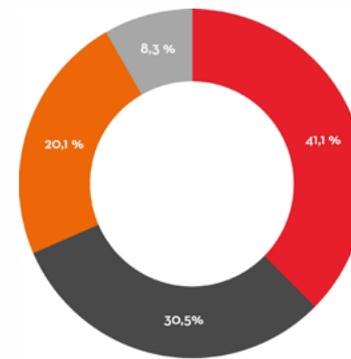
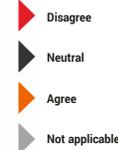
Two-thirds of the 300-plus respondents indicated that their firm provides an inclusive work environment with equal treatment of all advocates. Nearly the same percentage feel that all advocates are treated equally and

INCLUSION AND DIVERSITY

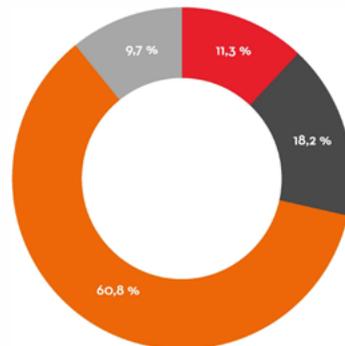
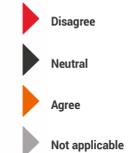
that their firm provides an inclusive work environment. Nearly half say their firm takes appropriate action in cases of discrimination, exclusion, harassment or intimidation. However, the same percentage say their firm does not have a diversity policy. As for hiring, a fifth of firms consciously aim to increase diversity. The survey results also show that diversity can be further improved at nearly half of the firms and that a large majority believe that greater commitment to a more diverse and inclusive legal profession is needed.



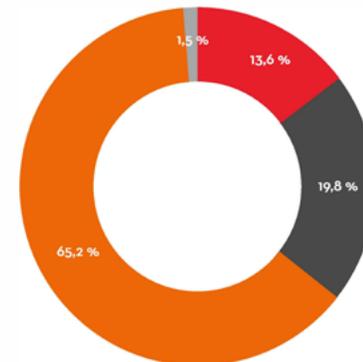
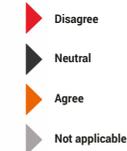
My firm (or its management) is committed diversity and inclusion of people:



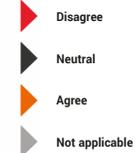
When we hire advocates, we consciously seek to achieve more diversity:



My firm provides an inclusive workplace:



Law firms should make more of an effort to deliver more diversity and inclusion in the legal profession:



INCLUSION AND DIVERSITY



NEDERLANDSE ORDE VAN ADVOCATEN

Diversiteit & Inclusie



Diversity and Inclusion seminar

Originally planned to take place in late 2021 the Diversity and Inclusion seminar was rescheduled for the spring of 2022 due to the corona measures. Among other things, it discussed the survey results as a basis for further action.



Website

The layout and design of the NOvA website was updated in 2021. Here advocates, litigants, stakeholders and others will find the NovA's latest news, positions taken by the NOvA in current matters and news about the legal profession. Other important sections include Find an advocate, laws and regulations, and the legal database of legislative opinions. Visitors to the website can also subscribe to news items on topics of their choice.

Lawyers Gazette

Published 10 times a year, the Lawyers Gazette (*in Dutch*) is The Netherlands Bar Association's official mouthpiece. It includes the section entitled "From the NovA", which contains news from and about the NOvA. In response to a survey across the Bar, the Lawyers Gazette will appear in a new page format in 2022, which will also see the appearance of an entirely new digital magazine. Advocates will then also be able to choose whether to receive their copies on paper or just in digital format.

Ordebericht

Twenty-eight editions of the *Ordebericht*, the NOvA's digital newsletter, were sent out last year (in 2020: 41). In addition to the regular mailings containing the latest news from the NOvA, it included specials on the self-assessment tool and the Legal Profession Complaints Board.

Newsletter 'Alert on government-funded legal aid' (*Signalering gefinancierde rechtsbijstand*)

In 2021, the NOvA launched the bi-weekly Dutch language newsletter entitled 'Signalling government-funded legal aid' (*Signalering gefinancierde rechtsbijstand*). It keeps advocates who work on an assignment basis up to date on developments in government-funded legal aid. In addition to news from the NOvA, it also includes relevant reports from organisations such as the Legal Aid Board, news articles from the media, and case law. A total of 24 newsletters were sent out last year.

COMMUNICATION AND INFORMATION



Bas van Zelst in gesprek met



Jeroen Soeteman



&



Jan Vlug

Video: NOvUM episode on cash payments.

NOvUM

In 2021, the NOvA launched a new series of web videos called NOvUM, partly as an alternative to the elimination of physical meetings due to the corona measures. In it, guests from the legal profession discuss current events and the practice of law. Last year, 5 editions were published. Topics addressed ranged from clients' interests to cash payments. NOvUM can be viewed on YouTube but also as a podcast available on Spotify, Apple Podcasts or Google Podcasts.

Social Media

As regards social media, the NOvA is active on Facebook and Instagram for public communications and LinkedIn and Twitter for professional communications. The NOvA shares all news items on these social media channels.

Physical events cancelled

As in 2020, corona measures made it impossible to host on-site events last year. It was therefore not possible to hold discussions with, for example, politicians on issues of the rule of law (Gerbrandy Debate), the general council and local bar councils on rules of conduct and ethics (Breakfast Sessions) or with experts on innovation in the legal profession (Innovation Platform) could therefore not take place physically. Instead, the NOvA drew on digital alternatives, such as online meetings and NOvUM in order to stay engaged with the Bar.

Information centre for advocates

The Information Centre for Advocates provides information to advocates about the regulations that apply to the legal profession, answers questi-

COMMUNICATION AND INFORMATION



ons from advocates about the use of the NOvA online applications, and identifies developments in the legal profession. In 2021, the Information Centre handled 4,271 phone calls and 6,346 emails. FAQs ranged over various topics including the NOvA's Vocational Training for Lawyers (e.g. the basic test and the patron course), PE points, the (online) quality assessments, protected telephone lines, and practical issues such as the Advocates Pass (app), My Bar/Advocates Pass Portal, and the CCV (although intended for the local bars). The FAQs on the website have been continuously updated in response to signals and questions received from advocates.



Legal Profession in a nutshell for dummies

On the NovA's initiative, the 'dummies' series now includes *De kleine Advocatuur voor dummies* (the legal profession in a nutshell for dummies). A compact publication put together with a sense of humour, it nevertheless packs a lot of facts and information on the legal profession and the role of advocates in the Netherlands. The booklet is larded with amusing cartoons by Fokke and Sukke. Highly recommended for anyone who wants to know what an advocate is and does.

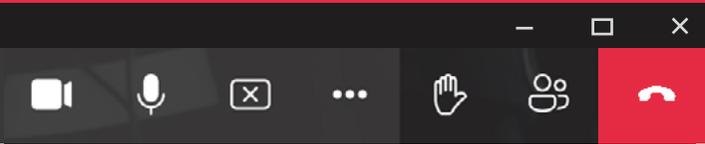


Featured

UPDATED VOCATIONAL TRAINING FOR LAWYERS

Society is changing, as are the training needs of trainee advocates and law firms. In March 2021, following years of preparation, the NovA launched its updated Vocational Training for Lawyers. It involved close cooperation with BA, the implementing organisation (a collaboration between CPO and Dialogue), the education providers Law Firm School and De Brauw, the board of representatives, education experts and advocates throughout the country.

UPDATED VOCATIONAL TRAINING FOR LAWYERS ADVOCATES



Susan Kaak, holder of the Training portfolio in the general council:

"The updated vocational training is solid and well thought out, meets the needs and demands of our time and is geared to the future."

Grand opening

The festive kickoff of the updated Vocational Training for Lawyers took place on 2 March 2021 with a spectacular live television production in Hilversum's Studio 21. Unfortunately, due to the corona situation, only a limited number of guests could attend. Over 500 trainee advocates experienced the opening digitally and followed via Zoom the first part of the Ethics module: Introduction to the Legal Profession.



UPDATED VOCATIONAL TRAINING FOR LAWYERS ADVOCATES



test and two integrative days. Lasting two years, updated vocational training now takes about thirty percent less time than it previously did.

Basic test

New to the Vocational Training for Lawyers is the fact that trainee advocates are now required to take a basic test. This test gives them a clear idea of their level and the extent to which their substantive legal knowledge is up to date. If the test shows that certain knowledge is lacking, it is then the responsibility of the trainee advocate and their patron to plug any gaps. The basic test is a diagnostic tool: there is no such thing as failing it and the results have no implications for participation in the vocational training.

Vocational Training for Lawyers

The new set-up of the Vocational Training for Lawyers provides new generations of trainee advocates with an excellent springboard to their future in the legal profession. Central to this are the themes ethics/integrity, practical skills (such as digital and entrepreneurial skills) and applying legal content knowledge in practice. The core values of the legal profession are explicitly embedded in the training. There is also greater focus on boosting resilience. There are three testing times: the ethics

Patron's course

The updated Vocational Training for Lawyers places greater emphasis on the importance of the patron in the training and supervision of trainee advocates. New to the vocational training is that patrons are required to take a six-hour patron's course.

Featured

UPDATED VOCATIONAL TRAINING FOR LAWYERS ADVOCATES

Video call interface controls including icons for video, microphone, chat, hand, and participants.

BAGazine

As in the year before, in 2021 the online BAGazine once again provided information to prospective trainee advocates, patrons and others about all aspects of the updated vocational training programme.



Chapter

TRAINING



TRAINING

The Vocational Training for Lawyers and the permanent education requirement provide the basis for legal expertise and contribute to the quality of the profession.

Vocational Training for Lawyers

Mandatory for all advocates at the threshold of their careers, the aim of NOVA's Vocational Training for Lawyers is to produce competent and independent legal professionals, thus enabling them to make a valuable contribution to the field. In March and September 2021, a total of 1068 trainee advocates started the updated professional training program (see below: Featured). This was considerably more than the year before (894 trainees). Patron meetings were organised concurrently with the start of the Vocational Training.

Vocational Training during corona

Given the corona measures, both teaching and testing in the Vocational Training were largely done online in 2021, just as in the year before. Starting in August 2021, however, classes were given as far as possible in the traditional teaching venues.



Telebingo and legal walk

Due to the corona measures then in place, the Vocational Training for Lawyers in September 2020 and March 2021 had virtually no opportunities to meet up with each other. To help them get to know each other better, the NOVA organised a so-called Telebingo. Enrolled trainee advocates were given random telephone numbers of their colleagues. This led to some surprising and inspiring meetings and conversations, which were a welcome addition to online studies. Given the success of this effort in February, which involved 65 trainees, it was repeated two months

TRAINING



later, in April 2021.

The NOvA also organised so-called legal walks through The Hague for groups of trainee advocates, giving them the opportunity to meet fellow participants and discover "legal The Hague" together.

Cassation committee

The cassation committee is responsible for conducting examinations and aptitude tests on behalf of the general council for advocates seeking admission to the cassation bar in civil cases.

Chair of the Legal Profession

The NOvA finances the Chair of the Legal Profession at the Amsterdam Centre on the Legal Professions and Access to Justice of the University of Amsterdam's Faculty of Law. The professor holding the endowed chair is Diana de Wolff, professor of law. Associate professor Iris van Domselaar is the associate chair. For more information on all teaching and academic activities, see the annual report on the Chair of the Legal Profession (*jaarverslag leerstoel Advocatuur*).

Chapter

PRACTICE



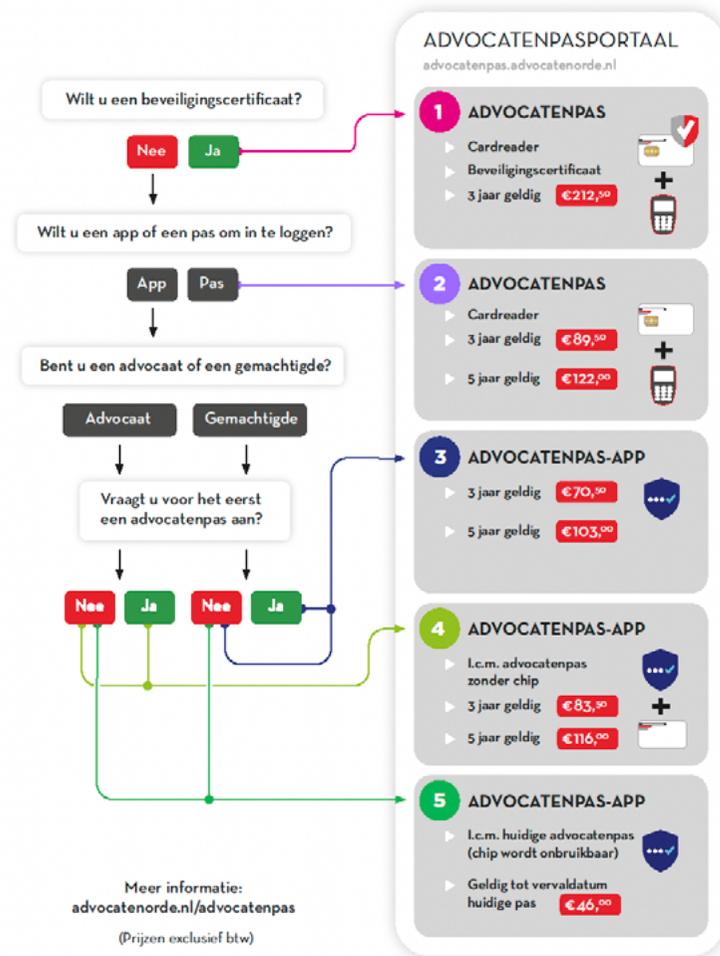
PRACTICE



In addition having a professional practice, an advocate's actual operation of his practice needs to be sound and reliable. This is necessary to ensure trust in the profession. In 2021, the NovA's activities aimed at ensuring sound professional practice among advocates and firms included:

Advocate's pass app (Advocatenpas-app) Since mid-November 2021, following a successful pilot, advocates have been able to order a digital advocates pass app in combination with an advocates pass without chip that provides access to the courts and penitentiaries. This is instead of a physical advocates card with chip and a card reader. Advocates can now use their mobile telephones anywhere at any time to log in to the advocates card portal and My Bar (*Mijn Orde*) as well as to the Judiciary. The Advocates pass app is available for download in the Google and Apple app stores (search for: SafeNet MobilePASS). Advocates who prefer a traditional advocates card with card reader will be able to continue using it. The advocates pass and app choice assistant has been developed to help advocates make their choice in this regard. At the end of last year, the board of representatives updated the Legal Profession Bye-law in line with the new situation.

KEUZEHULP ADVOCATENPAS EN -APP





Legal Profession Complaints Board

Until the end of 2021, the NOvA provided funding for the Legal Profession Complaints Board for business and consumer disputes. On 1 January 2022, the NOvA's umbrella registration and funding was replaced by direct affiliation and a fee per firm/advocate. With regard to the Legal Profession Complaints Board for Businesses, the NOvA does not consider it its duty to facilitate and fund arbitration between advocates and business owners or advocates' collection of claims. Given the need for an accessible dispute resolution mechanism between advocates and persons seeking justice, the NOvA wants to stimulate advocates' use of the Legal Profession Complaints Board for Consumers and it called on advocates and law firms to sign up directly. The NOvA launched an information campaign to publicise this in autumn 2021.

LawCare, helpline for the legal profession

LawCare, the helpline for the legal profession, celebrated its third anniversary in 2021. It is a helpline that advocates can call to talk about personal problems, such as burnout and stress, in complete anonymity and confidentiality. They can also phone in about other problems, such as coping with situations in which they feel unsafe. Staffed by passionate (former)

advocates working on a voluntary basis, LawCare (tel. 085 - 0640 182) was called 33 times last year (compared to 17 times in 2020). In 2021, seven additional advocates joined LawCare, bringing the team to 14 members.

The Management and Supervision of Legal Entities Act ("Wbtr") and foundations for clients' funds

In response to the enactment of the Management and Supervision of Legal Entities Act on 1 July 2021, the NOvA provided information about the consequences for law firms with a foundation for clients' funds (*stichting derdengelden*).

My Bar

By logging into My Bar (*Mijn Orde*), advocates themselves can update their personal data in their bar registration, e.g. address information, areas of specialisation, protected telephone lines etc. Office managers can also change office details in My Bar (*Mijn Orde*). The number of "self-service" changes made in 2021 was 18,674 (compared to 29,205 in 2020). This difference was largely due to the fact that more advocates registered or changed their areas of specialisation in the areas of law register in 2020 than they did last year.

Chapter

LEGISLATIVE ADVICE



LEGISLATIVE ADVICE



The NOvA provides legislative advice to lawmakers for bills relevant to the legal profession. This is prepared by legislative advisory committees for each area of law.

- Employment law advisory committee
- Tax law advisory committee
- Advisory committee on the Vocational Training for Lawyers
- Administrative law advisory committee
- Advisory committee on civil procedure
- Advisory committee on family and juvenile law
- Tenancy law advisory committee
- Insolvency law advisory committee
- Intellectual property advisory committee
- Competition advisory committee
- Mediation advisory committee
- Pension law advisory committee
- Advisory committee on the rule of law
- Criminal law advisory committee
- Insurance law advisory committee
- Immigration law advisory committee
- *Advisory committee on the Money Laundering and Terrorist Financing (Prevention) Act (Wwft) (established in March 2021)*
- Combined committee on company law (in cooperation with the Royal Dutch Association of Civil-Law Notaries)

Legislative advisory committees

The NOvA has 18 legislative advisory committees, composed mainly of advocates, which advise the general council on bills for legislation.

Legal database

Based on its advisory committees' legislative opinions, in 2021 the NOvA issued a total of 43 opinions on bills presented to the Senate, the House of Representatives and/or ministries (compared to 62 opinions in 2020). All legislative opinions are available in the NovA's legal database. These include:

- The EU Directive on Administrative Cooperation in the field of Taxation (DAC 7) (Implementation) Act (*Wet implementatie EU-richtlijn transparantie inkomsten (DAC 7)*)
From: the tax law advisory committee
To: the Ministry of Finance
Date: 9 November 2021
- Amendment to the Civic Integration Act 2021
From: the immigration law advisory committee
To: the Ministry of Social Affairs and Employment
Date: 21 October 2021

LEGISLATIVE ADVICE



- Bill to criminalise doxing

From: the criminal law advisory committee

To: the Ministry of Justice and Security

Date: 2 September 2021

- Temporary Expedited Liquidation Transparency Act (*Tijdelijke wet transparantie turboliquidatie*)

From: the insolvency law advisory committee and the combined committee on company law

To: the Ministry of Justice and Security

Date: 23 July 2021

- Benefits affair (*toeslagenaffaire*) and access to justice

From: the NovA's general council

To: the House of Representatives

Date: 18 January 2021

Legislative advisory committees meeting

"The fact that legislative proposals are assessed from a politically neutral and expert legal perspective is of crucial importance to the quality of new laws and this therefore constitutes an important contribution to the democratic rule of law." This was the message that Frans Knüppe, President of the Netherlands Bar, conveyed to the (online) meeting of the 134 members of the NOvA's 18 legislative advisory committees. As the guest speaker, Thom de Graaf, Vice-President of the Council of State, explained how the Advisory Division of the Council of State issues legislative advice.

Chapter

BAR REGISTRATION



BAR REGISTRATION



Slight growth

On 1 January 2022, 18,108 advocates were registered at the Bar, a slight increase of 0.8% compared to last year (17,964 advocates). This continued the slightly upward trend of recent years. Differences from last year are visible when viewed with regard to region. Seven of the eleven districts showed an increase (though generally minimal), three a decrease and, in Zeeland-West Brabant, the number of advocates remained even. In absolute numbers, the district of Amsterdam accounted for by far the most growth, with 135 new advocates. Relatively speaking, the district of Limburg showed the strongest growth (3.4 percent), with the district of North Holland showing the steepest decline (-3.4 percent).

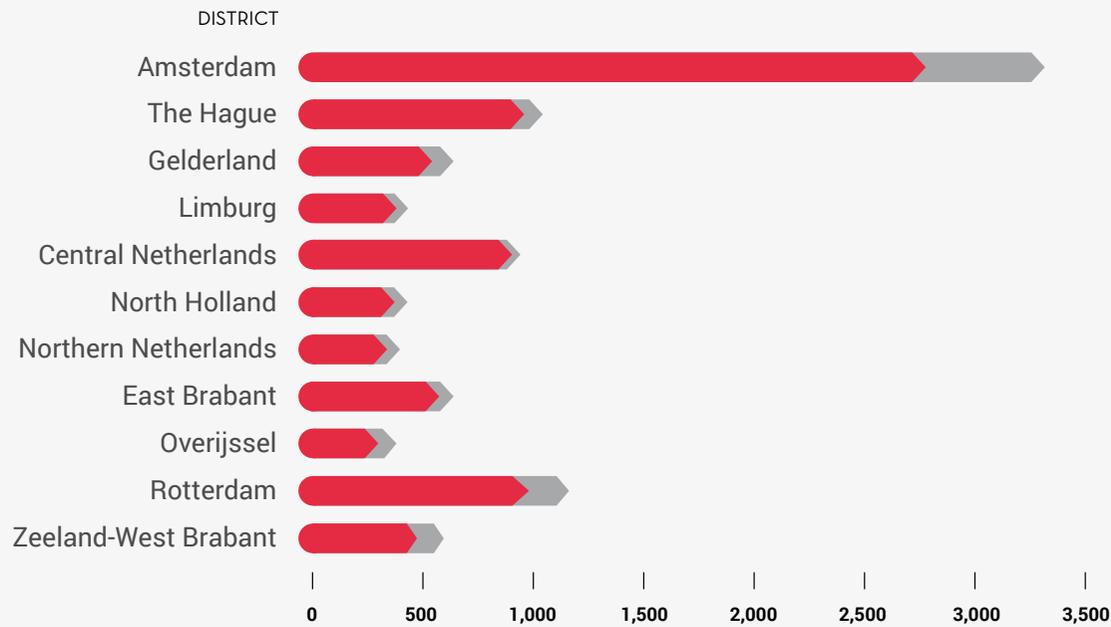
Growth of the Bar 2021

DISTRICT	Number of advocates as of January 1, 2021	Number of advocates as of January 1, 2022	Difference	
			number	percentage
Amsterdam	5,904	6,039	135	2.29%
The Hague	1,948	1,941	-7	-0.36%
Gelderland	1,201	1,188	-13	-1.08%
Limburg	731	756	25	3.42%
Central Netherlands	1,794	1,800	6	0.33%
North Holland	828	800	-28	-3.38%
Northern Netherlands	747	753	6	0.80%
East Brabant	1,143	1,147	4	0.35%
Overijssel	653	665	12	1.84%
Rotterdam	2,038	2,042	4	0.20%
Zeeland-West Brabant	977	977	0	0.00%
TOTAL	17,964	18,108	144	0.80%

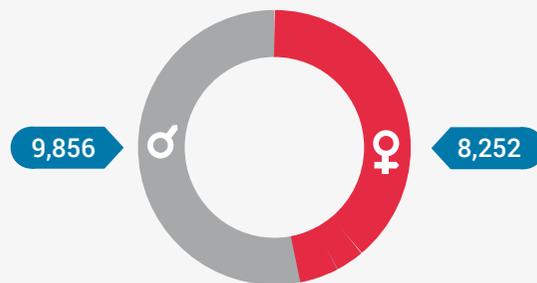
BAR REGISTRATION



Number of advocates, distribution of men and women as of 1/1/2022



♂	♀	TOTAL
3,330	2,709	6,039
1,021	920	1,941
652	536	1,188
417	339	756
909	891	1,800
421	379	800
418	335	753
631	516	1,147
371	294	665
1,132	910	2,042
554	423	977
9,856	8,252	18,108

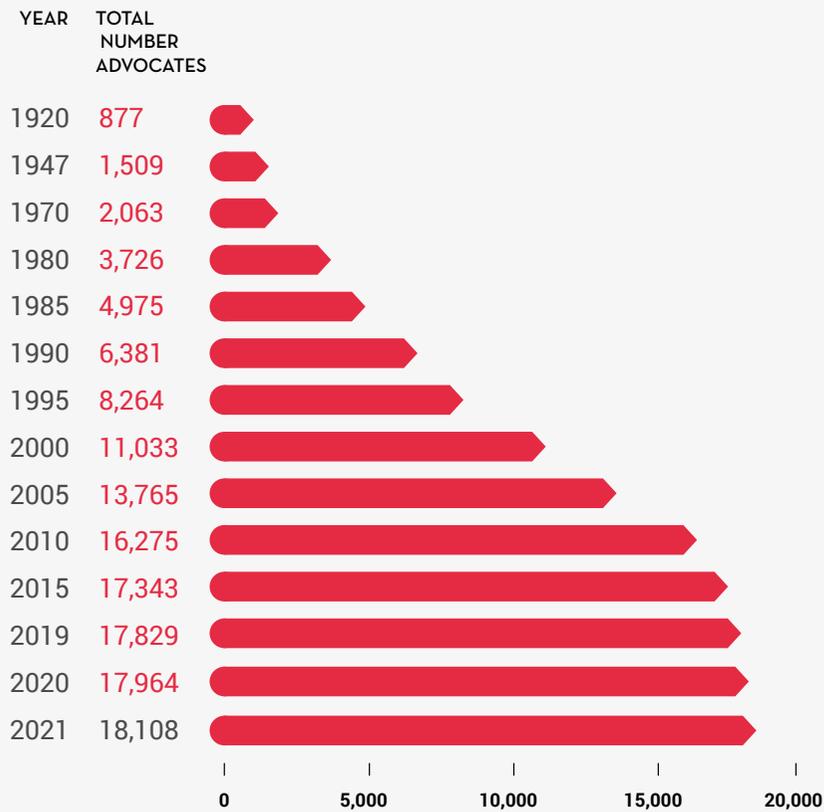


Total number advocates 2021 ▶ 18,108

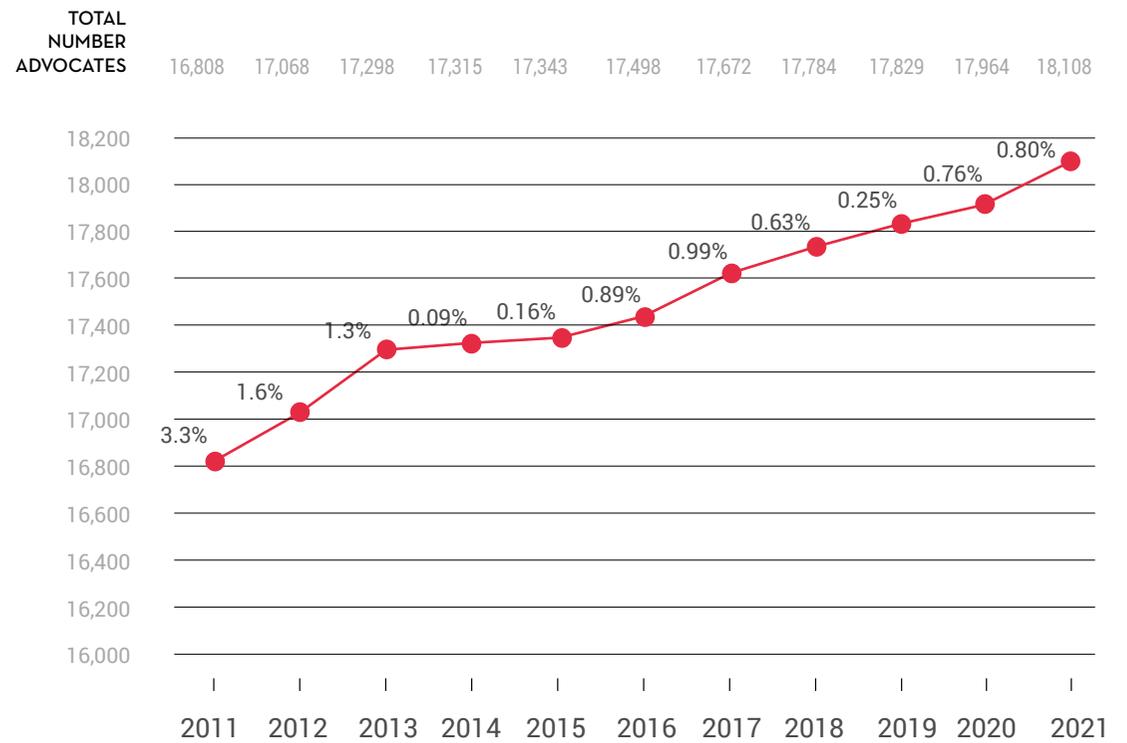
BAR REGISTRATION

Video call controls: video off, microphone on, chat off, menu, hand icon, participants icon, end call icon.

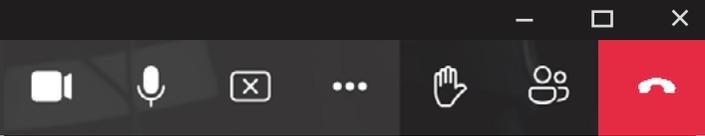
Bar growth per 1 / 1 / 2022



Growth of the Bar in the last 10 years

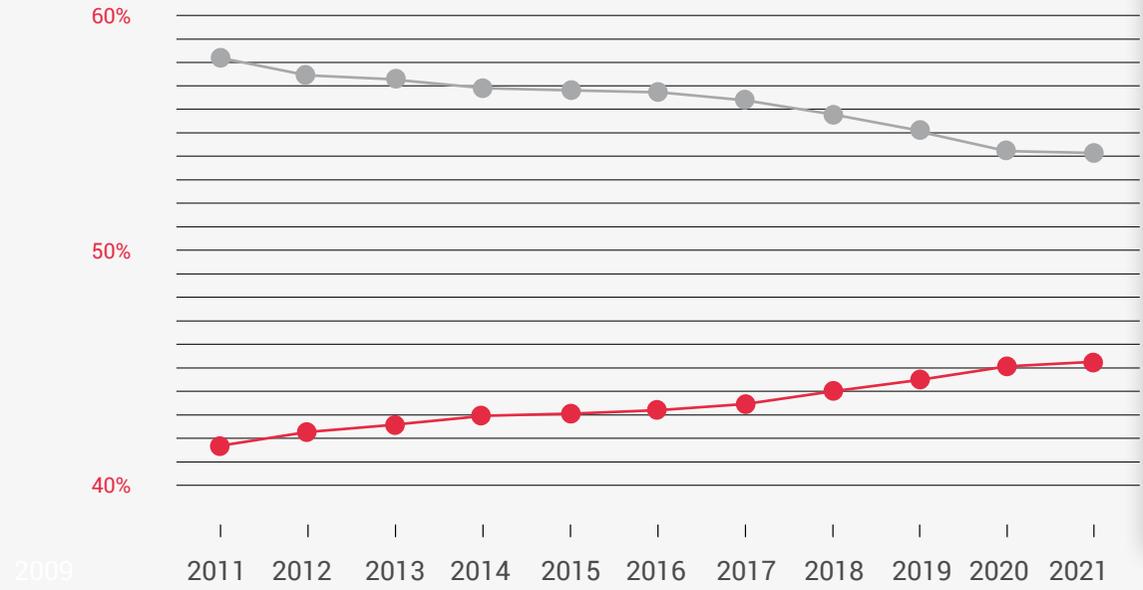


BAR REGISTRATION



Ratio of men/women in the last 10 years

RATIO
MAN/WOMAN
AS A PERCENTAGE

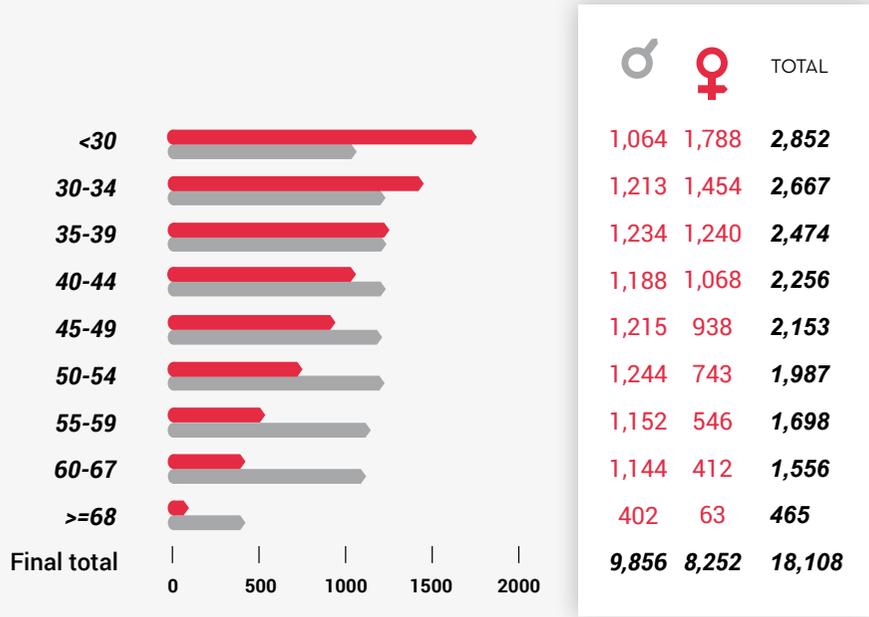


♂	♀	
58.28%	41.72%	2011
57.63%	42.37%	2012
57.34%	42.66%	2013
56.99%	43.01%	2014
56.88%	43.12%	2015
56.77%	43.23%	2016
56.36%	43.64%	2017
55.96%	44.04%	2018
55.34%	44.66%	2019
54.76%	45.24%	2020
54.43%	45.57%	2021

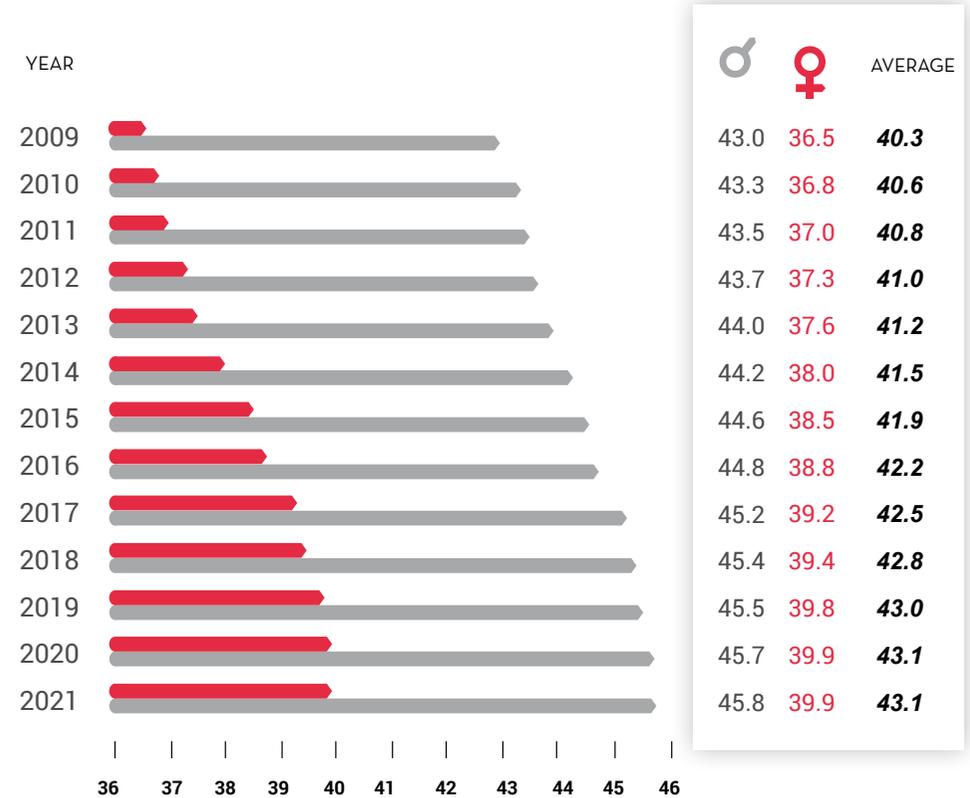
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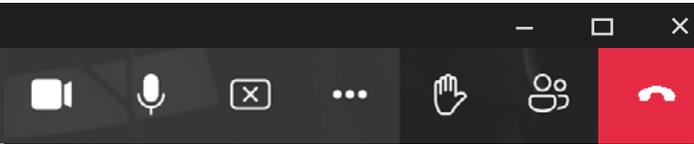
Age Structure as of 1 / 1 / 2022



Average age 2009 - 2022



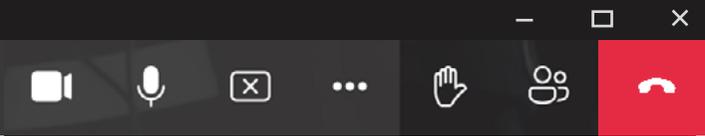
BAR REGISTRATION



Age structure by district as of 1 January 2022

AGE	Amsterdam	The Hague	Gelderland	Limburg	Central Netherlands	North Holland	Northern Netherlands	Eastern Brabant	Overijssel	Rotterdam	Zeeland-Western Brabant	TOTAL
<30	1,420	242	141	97	186	72	64	153	65	311	101	2,852
30-34	1,155	261	142	86	202	90	93	154	73	296	115	2,667
35-39	822	256	168	107	220	100	96	165	100	294	146	2,474
40-44	659	247	166	107	230	118	86	172	90	255	126	2,256
45-49	601	267	149	81	266	112	105	136	83	233	120	2,153
50-54	519	256	155	87	250	84	93	119	83	217	124	1,987
55-59	426	184	114	88	196	96	92	115	82	199	106	1,698
60-67	331	178	120	74	192	101	100	107	69	174	110	1,556
>=68	106	50	33	29	58	27	24	26	20	63	29	465
Final total	6,039	1,941	1,188	756	1,800	800	753	1,147	665	2,042	977	18,108

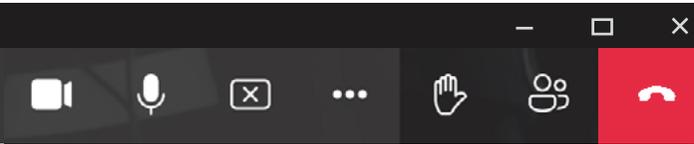
BAR REGISTRATION



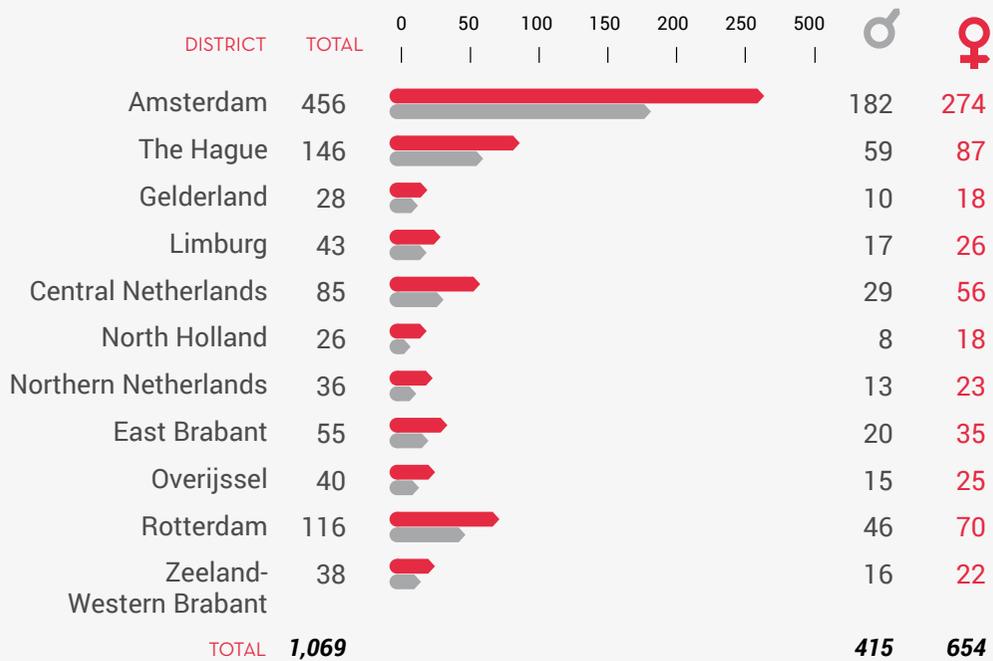
Number of advocates per district, distribution by firm size as of 1 January 2022

FIRM SIZE	Amsterdam	The Hague	Gelderland	Limburg	Central Netherlands	North Holland	Northern Netherlands	Eastern Brabant	Overijssel	Rotterdam	Zeeland-Western Brabant	TOTAL
One-man band	614	376	268	192	461	187	174	235	147	407	248	3,309
2	314	176	116	102	196	154	104	140	84	218	110	1,714
3-4	460	207	176	150	276	158	141	158	98	264	175	2,263
5-8	796	245	211	117	294	132	156	170	90	287	188	2,686
9-16	660	276	144	108	272	112	112	137	82	224	90	2,217
17-32	448	305	68	87	169	24	66	128	45	262	166	1,768
33-64	610	118	125	0	49	33	0	179	119	170	0	1,403
65+	2,137	238	80	0	83	0	0	0	0	210	0	2,748
Total	6,039	1,941	1,188	756	1,800	800	753	1,147	665	2,042	977	18,108

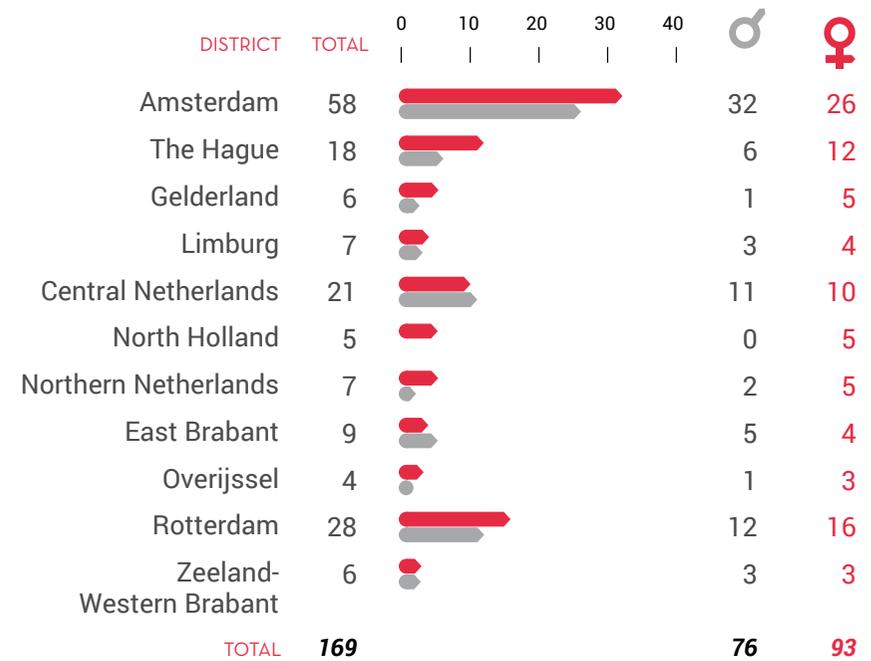
BAR REGISTRATION



Newly sworn-in advocates in 2021



Re-sworn-in advocates in 2021



Chapter

SUPERVISION



SUPERVISION



The local bar presidents are responsible for supervising the advocates in their districts. They are supported by the NOvA through the units Supervision of the legal profession by the bar president (Dekenaar Toezicht Advocatuur) and Financial Supervision of the Legal Profession (Financieel Toezicht Advocatuur). The supervisory board of the NOvA (see chapter on administrative organisation) focuses on system supervision and oversees the way in which the bar presidents exercise supervision and handle complaints.

Supervision by the bar president

The presidents of the 11 local bars oversee the advocates in their districts. Together they form the local bar president's consultative panel (*dekenberaad*), in which they consult with each other on how to exercise their supervisory duties and powers and handle complaints. For this, see the 2021 local bar president's consultative panel annual plan and the 2021 Local Bar Presidents' Consultative Panel annual report.

Evaluation of Act on the Position and Supervision of the Legal Profession

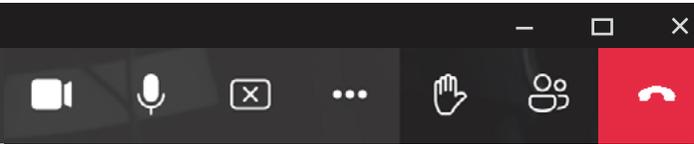
The NOvA agrees with the proposals that the Minister for Legal Protec-

tion submitted to the House of Representatives at the end of October 2021 on how the supervision of the legal profession should be shaped. The Letter to the House of Representatives followed the evaluation of the Act on the position and supervision of the legal profession (*Wet positie en toezicht advocatuur*, "Wpta") and the elaboration of the recommendations from the evaluation of the act. In November, the minister elaborated on how he envisions the supervision of the legal profession in the future. He proposes the introduction of a national regulator to oversee all advocates. This would entail an executive board within the national regulator that would have the authority to initiate investigations and enforce administrative and disciplinary law. In addition, he sees the option of having advocates other than the bar president perform the role of national regulator. Supervision will continue to be organised independently of the state, the minister adheres to this principle, but it should be strengthened, partly in the light of countering subversion. The NOvA and the Ministry of Justice and Security will continue to discuss the future supervision of the legal profession in 2022.

Financial supervision

The NOvA's Financial Supervision of the Legal Profession unit conducts financial investigations and investigations under the Money Laundering

SUPERVISION



<i>Investigations Financial Supervision of the Legal Profession unit</i>	2021	2020
Criminal Justice Theme Investigation	23	0
Targeted financial investigations	19	43
Substantive and Wwft investigations (including theme investigation Wwft 2019-2020)	10	53
Desk research	624	559
Analysis of financial key figures	5,355	5,467
Total	6,031	6,122

and Terrorist Financing (Prevention) Act ("Wwft") at advocates and law firms on behalf of and under the responsibility of the local bar presidents. In 2021, the Financial Supervision of the Legal Profession unit conducted a total of 6,031 investigations. In all 11 districts, financial key figures were requested from all law firms on behalf of the local bar presidents.

Bar president's appeal regarding advocates' financial key figures

After some advocates had refused to provide the financial key figures, the Disciplinary Board ruled that although they must comply with the

bar president's request, in this case the refusal was not liable to disciplinary action. The local bar president in Amsterdam filed an objection in response, while the President of the Netherlands Bar lodged a bar president's appeal as a matter of principle: is the collective obligation for advocates to provide financial key figures based on the Act on Advocates (*Advocatenwet*, disciplinary law) or on the General Administrative Law Act (*Algemene wet bestuursrecht*) (administrative law)? Here, the general council takes the view that requesting data, in this case key figures, requires the use of powers granted by the General Administrative Law Act. It is important that the regulator itself can also be checked. The Disciplinary Court ruled, as in the first instance, that the bar president is authorised as an administrative body to request financial key figures from law firms. Unlike the Disciplinary Board, however, the Disciplinary Court found that the advocates' refusal to cooperate with the request for the key figures was, in fact, liable to disciplinary action. The Disciplinary Court also stated that the bar president can enforce their supervisory duties through both administrative and disciplinary means.

Chapter

DISCIPLINARY LAW

A hand is shown holding a piece of white paper that has been torn at the edges. The word "DISCIPLINE" is printed in large, bold, black capital letters on the paper. The background is dark and has a red tint, with a person's hand and part of a suit visible in the background.

DISCIPLINE

DISCIPLINARY LAW



Disciplinary law is aimed at ensuring that advocates comply with the code of conduct of their profession. As of 2018, the legal profession as a professional group bears the full costs for the Disciplinary Boards and the Disciplinary Court.

Disciplinary rules

For the annual report of the joint disciplinary tribunals, supported by the Foundation for Supporting Disciplinary Tribunals in the Legal Profession (*Stichting Ondersteuning Tuchtcolleges Advocatuur, "SOTA"*), please visit the websites of the Disciplinary Court and the Disciplinary Boards.

Advocates who are suspended and removed from the bar register

Every two months, the NOvA publishes an overview of advocates who have been irrevocably removed from the bar register or unconditionally suspended by the disciplinary judge.

Advocates who are suspended or removed from the bar register*

	2021	2020
Removed from the bar register	9	8
Unconditionally suspended	18	26

** Note: these numbers are based on the date the ruling became final. This includes advocates who were no longer listed in the bar register when they were suspended or removed from the bar register. Because advocates can have multiple measures imposed on them, the number of advocates who were removed from the bar register or suspended does not equal the number of removals and suspensions.*

Disciplinary law rulings on zoek.eenadvocaat.nl

Via the NOvA's search engine *Zoek een advocaat* (Find an advocate), a litigant can find an advocate who can help them with a legal dispute. The information shown about the advocate found always included any reference to a disciplinary decision. To make it easier for users, it has been possible since last May to click immediately to the full Disciplinary Court or Board ruling.

Disciplinary law knowledge centre

At the disciplinary law knowledge centre of the NOvA, bar presidents and employees of the local bars can ask questions about the code of conduct (and its enforcement) and disciplinary matters. The NOvA publi-



DISCIPLINARY LAW



shes, among other things, the fortnightly newsletter NOvA Disciplinary Law Updates (*Tuchtrecht Updates*). All disciplinary rulings can be found in the NOvA Disciplinary Law Updates database by date, subject and/or disciplinary tribunal. In addition, the Disciplinary Justice Committee writes the section 'From the disciplinary judge' in the NOvA section of the Lawyers Gazette.

Chapter

LEGAL AFFAIRS



The NOvA sets the rules for the legal profession and publishes them on regelgeving.advocatenorde.nl.

Regulations

The following regulations were established in 2021:

Decision amending course and examination regulations 2021 (*Wijzigingsbesluit OER 2021*), 8 July 2021

Decision on the appointment of a bar president for the Wwft BES (*Besluit aanwijzing deken Wwft BES*), 9 July 2021

Amended decision on course and examination regulations (*Herstelbesluit OER*), 6 September 2021

NOvA power of procuration decision (*Procuratiebesluit NOvA*), 4 October 2021

Amendment to mandate AR (*Wijziging mandaat AR*), 4 October 2021

Amendment to mandate AS (*Wijziging mandaat AS*), 4 October 2021

Decision on subsidy cap 2022 (*Besluit subsidieplafond 2022*), 1 November 2021

Decision amending policy rule on subsidies 2021 (*Wijzigingsbesluit beleidsregel subsidies 2021*), 22 November 2021

Collective Bye-Law (*Verzamelverordening*) and Explanatory Memorandum (*Memorie van toelichting*), 30 November 2021

Decision on financial contribution 2022 (*Besluit financiële bijdrage 2022*), 30 November 2021

Collective Scheme (*Verzamelregeling*) and Explanatory Memorandum, 6 December 2021

Advisory committee on regulation

The advisory committee on regulation's task is to advise the general council, upon request, on the legislative quality of proposed regulations of the Netherlands Bar. In 2021, the advisory committee on regulation advised on the 2021 Collective Bye-Law and the 2021 Collective Scheme.

Vade mecum on the legal profession



In addition to the digital version on regelgeving.advocatenorde.nl (*in Dutch*), the vade mecum on the legal profession was, as usual, published in book form in 2021. This publication contains the most important and most recent laws and regulations, including the Advocates Act, the Legal Profession Bye-Law ("Voda"), the Legal Profession Regulations ("Roda"), the code of conduct and policies.

Administrative decisions

The duties of the general council include taking administrative decisions.

LEGAL AFFAIRS



<i>Primary administrative decisions</i>	2021	2020
Financial contribution, category I	14,635	14,275
Financial contribution, category II	4,539	3,545
Exemption due to secondment	101	16
Exemption due to practising outside the Netherlands	64	74
Exemption from course or exam Vocational Training for Lawyers	13	25
Application of Hardship Clause Vocational Training for Lawyers	9	16
Admission old Vocational Training for Lawyers	2	-
Removal from the bar register pursuant to Section 8c (1) (c) Act on Advocates	3	5
Training institution accreditation	20	25
Extension of training institution accreditation	11	57
Revocation of training institution accreditation	2	7
Registration under Section 16h Act on Advocates	28	27
Investigation pursuant to Section 2(4) Act on Advocates (Morgenbesser)	14	13
Recognition of EU professional qualification	9	5
Requests under the Government Information (Public Access) Act ("Wob")	14	6
Designation of intervision facilitator	125	614
Designation of reviewer for peer review	10	10
Changing teaching guidelines	0	2
Request Section 9j(6) Act on Advocates	0	1
Request Article 4.9(1) Voda	0	1
Request Article 4.11(2) Voda	1	-
Request Article 4.14(2) Voda	1	-

Review request	3	2
Decision on formal notice	2	1
Request under the GDPR	3	-
Recognition of foreign bar	1	-
Civil cassation exams passed	3	9
Tests of competence civil cassation passed	6	4
Settlement letter re complaint (not a decision)	2	-
Total	19,191	18,740

Objection and (administrative) appeal

Where appropriate, objection and (administrative) appeal is possible under the General Administrative Law Act.

<i>Objection financial contribution</i>	2021	2020
Well-founded	70	71
Unfounded	8	9
Withdrawn	44	48
Inadmissible	8	11
Unfounded/inadmissible	1	-
Total	136	139

LEGAL AFFAIRS



<i>Objection other</i>	2021	2020
Well-founded	3	5
Unfounded	4	10
Well-founded/unfounded	2	2
Withdrawn	6	1
Inadmissible	5	2
Unfounded/inadmissible	1	-
Total	21	20

<i>Subdistrict court proceedings</i>	2021	2020
NOVA's claim upheld in original proceedings, inadmissible in the counterclaim	1	-
Request for interim relief rejected	1	-
Total	2	-

<i>Administrative appeal</i>	2021	2020
Unfounded	2	1
Withdrawn	3	2
Inadmissible	2	5
Well-founded/unfounded	1	-
Stakeholder A unfounded, stakeholder B inadmissible	1	-
Amended decision: stay of administrative appeal stakeholder A, stay of interest stakeholder B	1	-
Total	10	8

<i>Appeal to District Court</i>	2021	2020
Partly inadmissible, partly well-founded/unfounded	1	-
Well-founded	4	-
Withdrawn	1	3
Inadmissible	3	-
Unfounded	5	5
Total	14	8

<i>Appeal to Administrative Jurisdiction Division of the Council of State</i>	2021	2020
Unfounded	2	2
Well-founded	1	-
Total	3	2



Complaints about the NOvA

The NOvA tries to be as diligently as possible. Anyone who nevertheless feels that they have not been treated correctly may file a complaint against the conduct of an administrative body of the NovA (or a person working under its responsibility) via the NOvA's Information Centre. In 2021, two written complaints were filed (2020: 4). Both complaints were admissible; one of them was partially unfounded and the other was neither well-founded nor unfounded.

Chapter

ADMINISTRATIVE ORGANISATION



ADMINISTRATIVE ORGANISATION



The Netherlands Bar (NOvA) is the public law professional organisation of the legal profession. All advocates in the Netherlands collectively form the NOvA. The general council, the board of representatives, the advisory board and the supervisory board are administrative bodies of the NOvA.

General council

The general council is in charge of the NovA's general management. The general council promotes the proper practice of law by advocates in the interest of the proper administration of justice. In 2021, the general council convened 21 times (2020: 19).

In 2021, the general council was composed of:

- Frans Knüppe - President of the Netherlands Bar
- Bernard de Leest - Deputy President
- Theda Boersema
- Petra van Kampen
- Susan Kaak
- Robert Crince le Roy

On 28 September 2021, on the recommendation of the general council, the board of representatives elected Robert Crince le Roy as the new President of the Netherlands Bar. Robert Crince le Roy, a member of the general council since January 2021, succeeded Frans Knüppe as the President of the Netherlands Bar on 1 January 2022.



Robert Crince le Roy, President of the Netherlands Bar

"I want to contribute to the proper functioning of the legal profession, guard the position of the legal profession and strengthen it where necessary."

At the meeting of the board of representatives of the Netherlands Bar on 30 November 2021, Jeroen Soeteman and Sanne van Oers were elected members of the general council. They became directors at the NovA on 1 January and 1 April 2022, respectively. Petra van Kampen stepped down as a member of the general council on 1 January 2022.



ADMINISTRATIVE ORGANISATION



The general council in its new composition as of 1 April 2022.
From left to right: Bernard de Leest, Theda Boersema, Susan Kaak,
Robert Crince le Roy, Sanne van Oers and Jeroen Soeteman.

ADMINISTRATIVE ORGANISATION



The general council acts as a collegial board, but each board member is responsible for several portfolios in preparation of various policy areas. The extension of the NOvA's management from five to six members in 2021 led to an adjusted portfolio allocation.

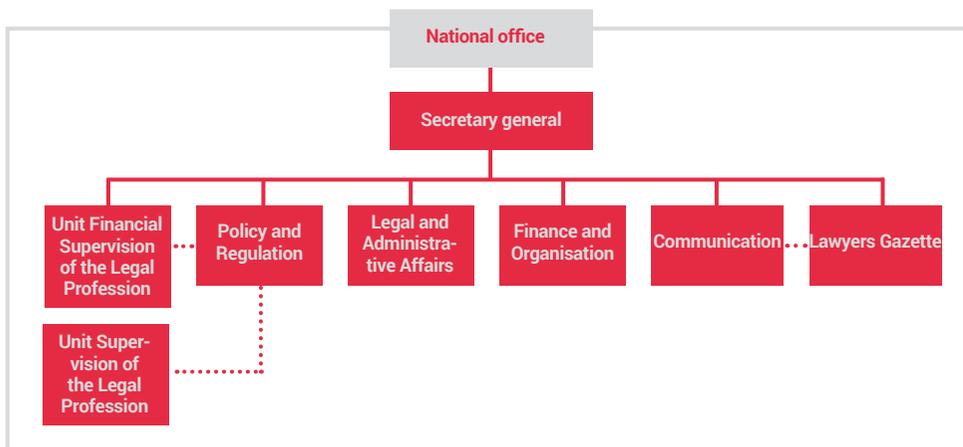
National office

The national office of the NOvA, headed by secretary general Raffi van den Berg, supports the general council in the preparation and implementation of policy. In 2021, the NOvA had 58 employees (48 FTE), a decrease from the previous year (60 employees, 48 FTE). 71% were women and 29% were men (2020: 72% women, 28% men).

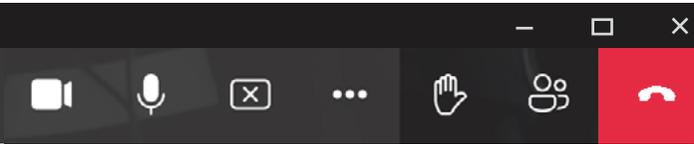


NOvA moves into the Monarch Tower

In early January 2021, the NOvA moved into the Monarch Tower in The Hague. The modern building has an excellent sustainability certificate and is easily accessible by public transport for employees and visitors. The NOvA has several meeting rooms in the Monarch, which are used for, among other things, board of representatives meetings and welcoming trainee advocates as part of the Vocational Training for Lawyers. Other organisations within the Bar, including specialist associations, are also welcome at the home of the NOvA.

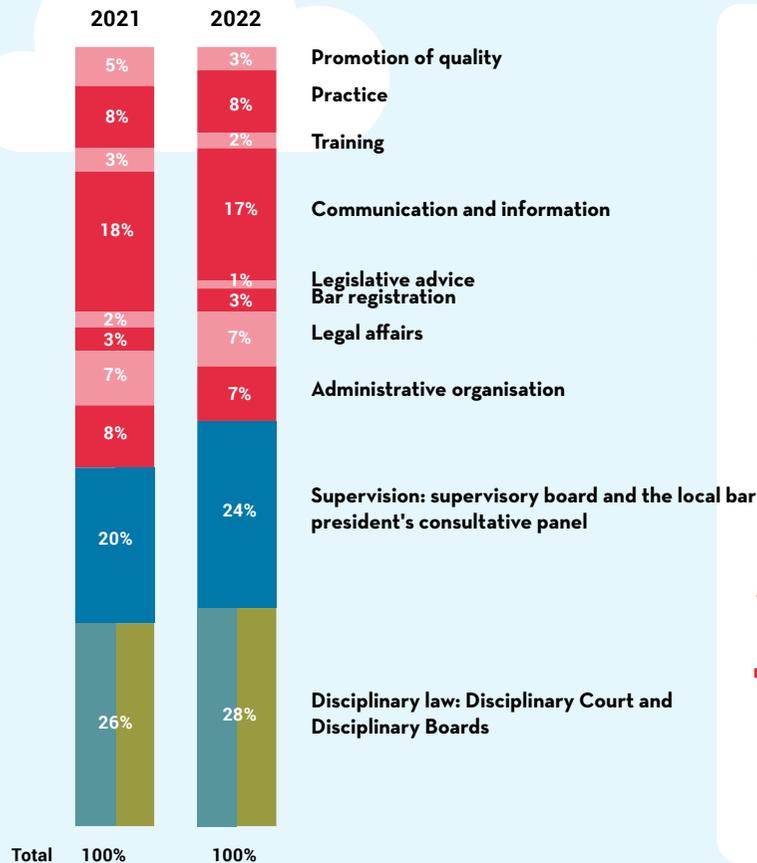


ADMINISTRATIVE ORGANISATION



What does your financial contribution fund?

The NOvA promotes the proper practice of law by advocates in the interest of the proper administration of justice:



-  **Promotion of quality**
For an expert legal profession for the proper administration of justice.
-  **Practice**
For advocates who can practise the profession in accordance with its core values.
-  **Training**
For adequate vocational training and maintenance of professional competence.
-  **Communication and information**
Communication about the profession and provision of information to advocates.
-  **Legislative advice**
Contributing to high-quality legislation that concerns the legal profession and the rule of law.
-  **Bar registration**
Registration of advocates for legal certainty.
-  **Legal affairs**
For legal protection and a legal framework within the legal profession.
-  **Administrative organisation**
Adequate governance, control and accountability of the NOvA.
-  **Supervision: supervisory board and the local bar president's consultative panel**
Independent, transparent, uniform, effective and professional supervision.
-  **Disciplinary law: Disciplinary Court and Disciplinary Boards**
Funding of the disciplinary tribunals.

Financial contribution

The Netherlands Bar acts independently from the government and receives no funding from the government to cover its costs. In order to pay for the NOvA's performance of its statutory tasks, all advocates registered at the Bar make a financial contribution.

By reducing costs, the financial contribution in 2021 increased minimally. Bernard de Leest, member of the general council, explained that this limited increase was due solely to the transfer of local costs for the local bar president's consultative panel to the NOvA budget.

ADMINISTRATIVE ORGANISATION



Consequently, these costs were not part of the budgets of the local bars and the individual contributions based on them in 2021.

New as of 2021 is that advocates who are sworn in during the year must pay a proportionate share of the financial contribution. In this way, new advocates also reasonably contribute to the costs incurred by the NOvA as a professional organisation for the legal profession as a whole from the time of registration. In 2022 the financial contribution is slightly lower.

Board of representatives

Advocates in the districts elect the members of the board of representatives. The board of representatives adopts bye-laws, makes decisions mandated by law or regulation, and, among other things, elects members of the general council and member-advocates to the Disciplinary Boards and Disciplinary Court.

With effect from 1 April 2021, the full board of representatives had 52 members (2 vacancies) and 32 alternate members (1 vacancy). In 2021, the board of representatives met four times formally in session and once in a smaller, more informal setting.

Following positive advice from the Finance Committee, on 30 June 2021, the board of representatives approved the NOvA's 2020 annual financial report and granted the general council discharge. Last year, for the first time, the financial statements were published in full. In addition, last year the board of representatives adopted, among other things, the Collective Bye-Law (*Verzamelverordening*) 2021 and the Decision on financial contribution 2022 (*Besluit financiële bijdrage 2022*).

Advisory board

The advisory board advises the general council and the board of representatives on the general policy of the NOvA. In 2021, the board of representatives convened two times.

The advisory board in 2021 was composed of:

- Aart-Jan de Geus, Chair
- Arnold Croiset van Uchelen
- Francien Rense
- Judith Swinkels
- Jeroen van den Hoven

ADMINISTRATIVE ORGANISATION



Aart-Jan de Geus joined the advisory board on 1 January 2021 and succeeded outgoing advisory board member Lex Michiels as Chair.

Supervisory board

The supervisory board, as a body of the NOvA, supervises how local bar presidents exercise supervision and handle complaints. The supervisory board is located in the NOvA building, but operates independently from the NOvA. For more information, please refer to the 2021 annual report of the supervisory board.

The supervisory board consists of three members, with the President of the NovA's general council as the chair. The two other members are appointed by royal decree, on the recommendation of the Minister of Justice and Security. On 1 January 2022, Andrée van Es was succeeded as Crown-appointed member by Roelie van Wijk-Russchen.

In 2021, the supervisory board was composed of:

- Frans Knüppe, Chair
- Andrée van Es, Crown-appointed member
- Jeroen Kremers, Crown-appointed member

International

Internationally, the NOvA is a member of the Council of Bars and Law Societies of Europe (CCBE) and the International Bar Association (IBA).

CCBE

The CCBE is committed at the European level to the proper administration of justice for the benefit of litigants and the role of the legal profession in that context. The CCBE also promotes the importance of an independent legal profession in a state governed by the rule of law. The Dutch delegation, with general council member Susan Kaak as delegation leader, focuses on files which are an extension of the NovA's statutory tasks in the CCBE context. To this end, the NOvA actively participates in a number of committees, working groups and the periodic Standing Committees and Plenary Sessions.

ADMINISTRATIVE ORGANISATION




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The Voice of European Lawyers
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EUROPEAN LAWYERS DAY 2021
25 OKTOBER 2021
Geen recht zonder
onafhankelijke advocaten

European Advocates Day

In 2021 the theme of the annual CCBE European Advocates Day was 'No justice without independent advocates'. The NOvA has drawn attention to this via social media.

Brexit

With effect from 1 January 2021, as a result of Brexit, new rules apply in the relationship between the European Union (EU) and the United Kingdom (UK). The NOvA informed British advocates in the Netherlands about the implications of this.

National Bar Day

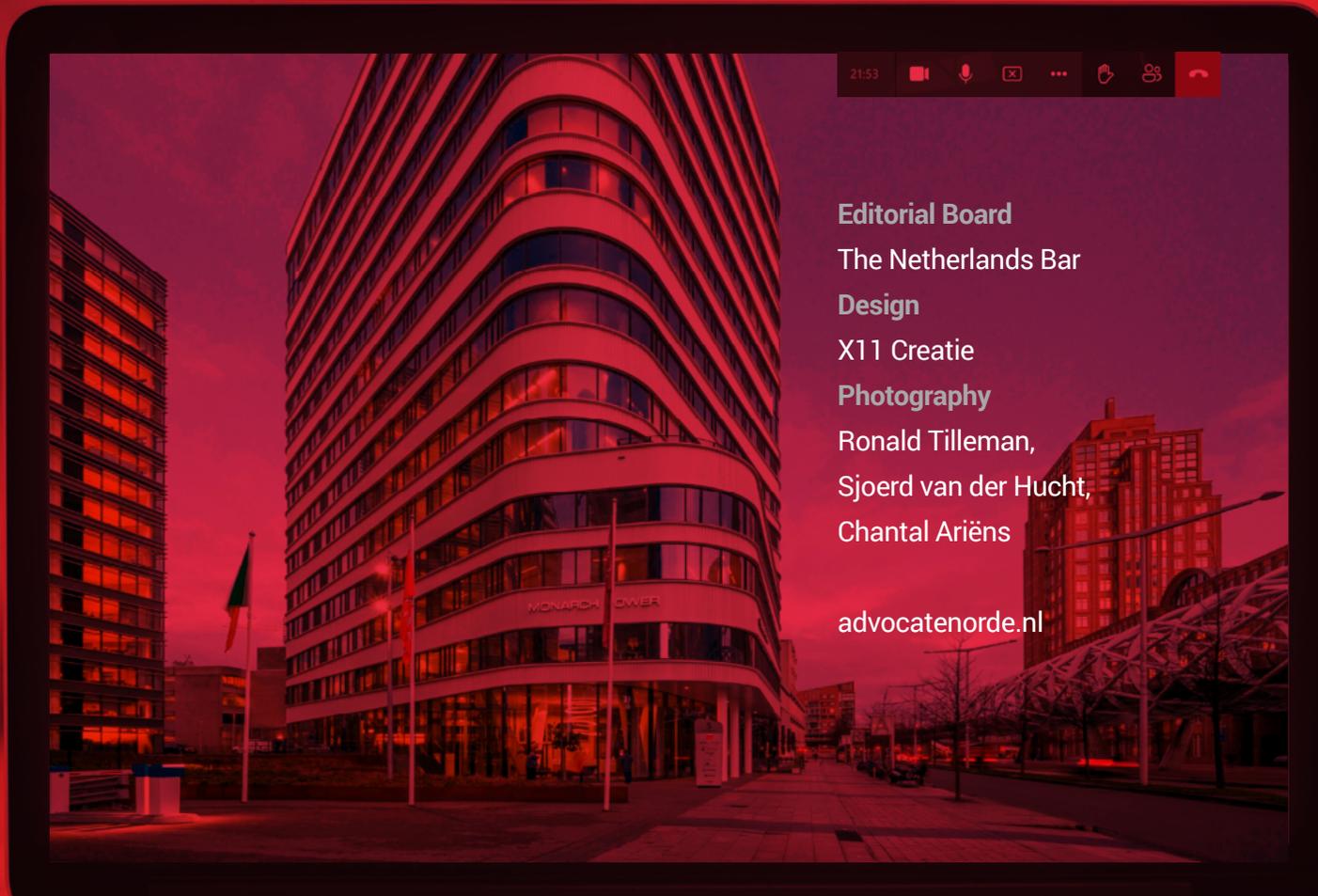
Just as two years ago, the NOvA organised another National Bar Day on 16 September 2021. This day was entirely devoted to meeting and exchanging knowledge with members of the board of representatives, local councils, the general council, the presidents and staff of the national and local bar offices. They shared information and experiences on a variety of topics in 14 workshops. In 2021, the general council decided to hold an annual National Bar Day.

IBA

The NOvA participated in the online IBA Council Meeting in December 2021. In addition, as a participant in the IBA Core Values working group, input was provided for the Bar Issues Commission's Unregulated Providers of Legal Services Information Paper, which was published in January 2021.

National Bar Day





21:53

Editorial Board

The Netherlands Bar

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