



ANNUAL REPORT
THE NETHERLANDS BAR



The rule of law fights back

The Dutch rule of law has been close to my heart ever since I became an advocate decades ago and since early 2022 in particular, when I became President of The Netherlands Bar (NOvA). In our state governed by the rule of law, laws and regulations form the basis for the actions of all citizens as well as the government. At the same time, everyone's rights and freedoms are protected by the legal system. This is a great thing, which we should cherish. However, 'the rule of law' is not a status quo but is constantly evolving. This also means that we must stand up for the rule of law as and when necessary. As this Annual Report shows, this was certainly necessary last year. In a number of cases, the NOvA has had to push back considerably to protect the rule of law.

Advocates make a special and important contribution to maintaining the rule of law. They can only do their work well if the core values of the legal profession can be fully exercised. However, principles which are self-evident to advocates, such as bias and secrecy and the associated legal professional privilege, have come under pressure. Whenever necessary, the NOvA, acting on behalf of the Bar, will make every effort to uphold these core values and associated privileges - not only in the interests of litigants, but also



PREFACE

to ensure the proper functioning of the legal profession and, by extension, the rule of law. In 2022, the NOvA regularly - and with positive results - stood up for legal professional privilege, as explained in more detail in the Views and Policies chapter.

To ensure maximum legal protection for litigants, proper access to justice and proper administration of justice are key pillars of our rule of law. Through funded legal aid, which is a statutory responsibility of the government, every individual in the Netherlands can defend their rights regardless of their self-reliance or financial position in society. They may also take on that same government, as in the case of parents affected by the childcare allowance affair, who were assisted by an expert advocate.

During the year, the NOvA continued to work hard for litigants and their advocates within the system of government-funded legal aid. After fees for legal aid advocates were raised to more realistic levels in 2021, this positive change was virtually offset by high inflation rates in 2022. The NOvA has therefore proposed that those fees should be adjusted to reflect actual inflation rates. The NOvA also requested a permanent adjustment of the lagging travel expense allowance for legal aid advocates and is pleased to say that its request will be granted in 2023. Worryingly, we have seen a decline in the influx of new advocates into the legal aid profession over the last few years.

”The NOvA will make every effort to uphold the core values of the legal profession

This trend is likely to threaten access to justice in the long run. To turn the tide, we need to provide the legal profession with a better perspective - also financially - in order to protect the interests of litigants.

The rule of law also crucially depends on having an independent legal profession, especially when it comes to supervision. During the year, the Minister for Legal Protection took important steps in the process of transitioning towards a national regulator for the legal profession, a move supported by the NOvA. Precisely because of the role and position of advocates, supervision of the legal profes-

sion should be independent from the state and be set up as a professional public-law organisation as part of the NOvA. This will allow the relationship between advocates and clients to remain confidential and free from government interference so as to optimally protect the position of litigants.

It is in the interests of the rule of law that advocates can do their job safely and unimpeded. As an alternative to proposals limiting the free choice of advocate and the rights of suspects accused persons, the NOvA's Protection from Subversion Task Force seeks 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 safety survey we conducted last year has shown just how necessary this is. The findings make for some alarming statistics: as many as half of all advocates have experienced some form of aggression. To help them deal with such events even more effectively, the NOvA will be expanding its resilience programme in 2023. How we will do this is explained immediately below in a special section on resilience, safety and protection against subversion.

Robert Crince le Roy, President of The Netherlands Bar

Behaviour of people in authority

President of The Netherlands Bar Robert Crince le Roy at the 'Jungle of Law' conference on the rule of law in Europe, hosted by the Flemish Bar Association: "In late May 2022, the Dutch Senate debated about the **state of the rule of law**. Ahead of the debate, I called attention to the **behaviour of people in authority**. If people in authority do not lead by example in the way we may expect, they undermine not only their own authority but also the rule of law. This also applies to robed professionals in a wider sense."

[See video](#)



Contents

FACTSHEET

page 13

FEATURED: RESILIENCE, SAFETY AND PROTECTION AGAINST SUBVERSION

pages 6 - 12



1

PROMOTION OF QUALITY

pages 14 - 15



2

TRAINING

pages 16 - 17



3

VIEWS AND POLICIES

pages 18 - 30



4

COMMUNICATION AND INFORMATION

pages 31 - 35



5

PRACTICE

pages 36 - 37



6

LEGISLATIVE ADVICE

pages 38 - 39



7

BAR REGISTER

pages 40 - 48



8

SUPERVISION

pages 49 - 50



9

DISCIPLINARY LAW

page 51



10

LEGAL AFFAIRS

pages 52 - 54



11

ADMINISTRATIVE ORGANISATION

pages 55 - 63





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. However, NOvA research has shown that half of all advocates experienced some form of aggression in the past year. At the same time, the risk of subversion has also increased. That is why the NOvA, with financial support from the Ministry of Justice and Security, set up the **Protection from Subversion Task Force** in late 2021. 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.

PROTECTION FROM SUBVERSION TASK FORCE

The **Protection from Subversion 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 the knowledge and tools they need to practise their profession safely and increase their resilience. The NOvA aims to be a national knowledge and information centre for advocates in



“ The Protection from Subversion Task Force focuses on 'the front end': recognising signs of subversion, preventive measures and support for advocates ”

this regard.

ALTERNATIVE TO RESTRICTIVE DETENTION ORDERS

With the Task Force, the NOvA offers an alternative to the proposals with which both the **previous Minister** and the **current Minister for Legal Protection** want to counter subversion, such as limiting the free choice of advocate and the rights of suspects and accused persons. In response to the proposed **measures against**

State of the rule of law

On 19 April 2022, the Senate's Justice & Security Committee spoke about combating subversion and other issues. On behalf of the legal profession, President of The Netherlands Bar Robert Crince le Roy was invited to this **expert meeting** in preparation for the debate on the **state of the rule of law**.





organised crime in detention centres announced in late 2022, the **NOvA has stated** that those measures will put serious pressure on free and confidential communications between advocates and their clients. The NOvA's **legislative opinion** shows that the need for and usefulness of limiting the number of lawyers providing legal aid to accused persons in a maximum security prison or intensive supervision units has not been properly substantiated. The same goes for conducting visual surveillance of EBI detainees and their advocates. Those measures are based solely on incidents and severely restrict the right to legal aid and free

communications with counsel.

HALF OF ALL ADVOCATES FACE PRESSURE AND THREATS

In light of protection against subversion, in 2022 the NOvA commissioned I&O Research to conduct a **Bar-wide survey** to examine the resilience of advocates. Nearly 1,100 advocates took part in the survey. The **findings** are shocking. Half of all advocates experienced at least one form of aggression in the year preceding the survey. In fact, four in ten experienced multiple incidents. More than one third rated the incident they had experienced as serious or very serious. The most common incident involved verbal aggression (41%), followed by harassment (34%), threat-

Secrecy

Jeroen Soeteman, member of the general council, speaking to EenVandaag: "A suspect or accused person should always be able to speak freely with their advocate. It's not about hiding anything, but about the government not listening in on what you're discussing. That contact should remain confidential. Professional secrecy is about the most important thing about being an advocate, as well as the fact that a client is free to choose you."



The rule of law

In early 2022, on the eve of a parliamentary debate with the recently appointed Minister of Justice and the Minister for Legal Protection, in the Volkskrant daily newspaper the NOvA called on the Cabinet not to overly restrict the position of advocates and the rights of suspects and accused persons in the fight against organised crime. The right to choose your own advocate, in particular, should not be a point of debate. Raffi van den Berg, Secretary General: "We must ensure that our answers remain within the rule of law." Robert Crince le Roy, President of The Netherlands Bar: "The rule of law is a precarious system, one that we shouldn't tamper with too quickly."

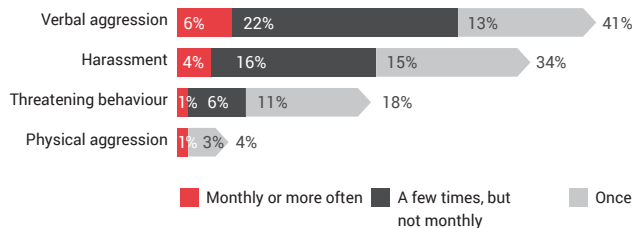
[Article in the Volkskrant newspaper](#)



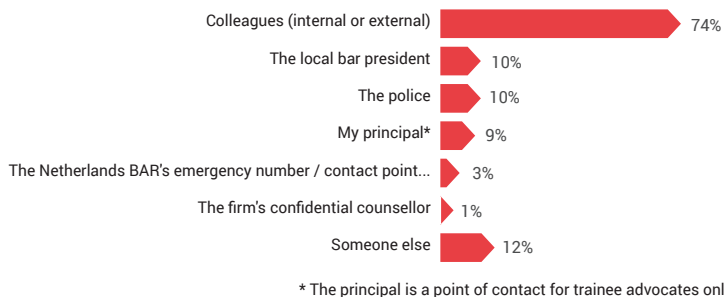
RESILIENCE AND SAFETY



Percentage of advocates who experienced verbal aggression, harassment, threatening behaviour and physical aggression (breakdown)



Who do advocates discuss an incident of aggression with? (more than one answer allowed)



Adverse effects after experiencing an incident. The incident affected...



ening behaviour (18%) and physical aggression (4%).

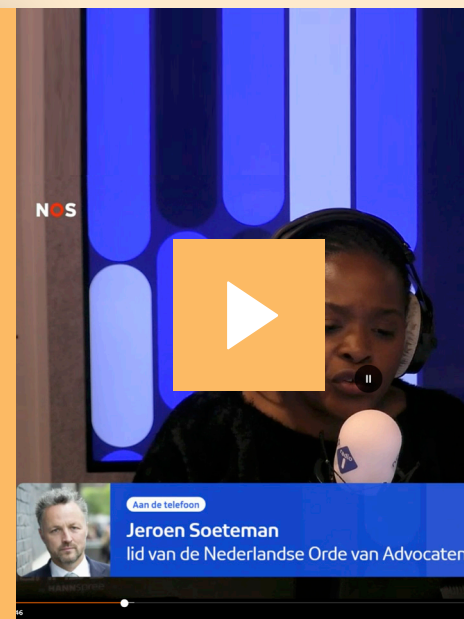
More than two thirds of advocates who were faced with these kinds of incidents suffered adverse effects. Advocates working in insolvency law, criminal law, personal injury law, the law of persons and family law are the most likely to experience an incident. In half of the cases, it was a current or former client who had exhibited aggressive behaviour.

The 2022 survey forms the baseline for periodic research on pressure and threats in the legal profession. To monitor developments, the survey will be repeated once every two years. The Dutch survey has also been made available internationally to the Council of Bars and Law Societies of Europe and the Chief

Aggression and threatening behaviour

Jeroen Soeteman, member of the general council, on NOS Radio 1 News: "We're very shocked by the results of the study. Although at the same time, it's not entirely surprising as we've been receiving signals from advocates for some time now that they do face aggression and threats. Unfortunately, there seems to be an upward trend here, and that's a big problem."

See video





Executives of European Bar Associations.

STUDIES INTO THE CROWN WITNESS SCHEME, PGP PHONES AND PAYMENTS TO ADVOCATES

In 2022 the NOvA commissioned three **academic studies**, all of which will be completed in 2023. Leiden University is studying the impact and possible expansion of the crown witness scheme and the use of PGP phones and other identity-masking devices by advocates. Both studies are carried out from the advocate's perspective, and the potential risks faced by advocates and their environment (such as their firms and families). In addition, Erasmus University Rotterdam is looking into practices for making payments to advocates, such as cash and non-cash payments, cryptocurrencies and clients' funds.

SAFETY AND RESILIENCE PROGRAMME

To increase the safety and resilience of advocates, the NOvA offers free support under the umbrella of the Protection from Subversion Task Force as follows:

Emergency line

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*). If necessary, a threat that is reported is forwarded to the National Coordinator for Counter-terrorism and Security (*Nationaal Coördinator Terrorismebestrijding en Veiligheid*; NCTV).

The advocate will then be called back as soon as possible by an NCTV official or a local representative from the Public Prosecutor's Office or the police about how to proceed. The **emergency line** receives one to two calls a week. In 2022, the NOvA hosted a meeting for advocates who had contacted the emergency line. Led by an experienced crisis counsellor from ARQ IPV, participants shared their experiences about how they dealt with this difficult situation on a personal level and professionally.

Hotline for advocates

Raffi van den Berg, Secretary General, on EenVandaag: "After the attacks on Derk Wiersum and Philippe Schol, we set up a hotline for advocates. An absolute low point, but advocates continue to be threatened and intimidated as we speak. We receive one or two reports a week. We assumed the hotline would be surplus to needs after six months and things would calm down, but the profession is still very vulnerable."



See video



Emergency button

Advocates who are or feel threatened and who call the emergency number can use an emergency button provided by the NOvA since the end of 2021. They are then put through directly to an emergency control centre. The control centre listens in, knows the (GPS) position of the person carrying the button and can call the police to provide immediate assistance if need be. If the threat focuses on the advocate's personal situation, an emergency button can also be provided to their partner.

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 security measures needed are then recommended to the advocate in question. Given the existence of online threats, the scan also covers the digital exposure of the advocate's name and address details in public records and on social media. A **safety scan** was conducted at 119 law firms in 2022.

Safety scans	Carried out
2022	119
2021	132
Total	251

Resilience training	Number of training sessions	Number of participants
2022	26	317
2021	17	176
Total	43	493

Resilience training

Since mid-2021, advocates have been able to enrol free of charge in a **resilience training course** provided by the NOvA. This practical training course offers advocates concrete tools to help them cope with aggression and threats in their daily practice. The training course provides some theoretical background but primarily involves 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. Advocates can use the training certificate for their annual Central compliance audit of the bye-laws (CCA) declaration (5 permanent education points for non-legal education). In 2022, 317 advocates participated in 26 resilience training sessions. The NOvA will continue to offer these free training sessions in 2023, extending the course to trainee advocates in addition to advocates.



Resilience training for advocates with detained clients

Criminal advocates who assist EBI detainees or who have clients in another facility with a similar regime may face pressure, threats and possibly even manipulative behaviour. To help advocates with this category of clients to become more resilient, in 2022 the NOvA launched a **special resilience training course** which differs from the 'regular' resilience training course in terms of content and purpose. This training course is also free of charge and focuses on manipulative behaviour and how it can lead to undue influence being exerted on advocates. During the year, two of these special resilience training sessions were held.

LawCare

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.

Resilience programme to be expanded in 2023

The resilience package offered by the NOvA to increase the resilience of advocates will continue to be available free of charge to advocates in 2023. **Additional components will also be added.** For example, resilience training - in modified form - will also be offered extracurricular to trainee advocates in addition to their vocational training.

The NOvA will also provide advocates with a tool to find out in which registers their (personal) data can be found and how to approach the relevant register to shield their data. Also in 2023, the NOvA will launch the **Confidential Advocate** pilot project as a point of contact for advocates who are facing a dilemma from the perspective of subversion or finding themselves under pressure from a client or third party.

 **50%**
of advocates experience aggression

119 safety scans 

 **317** participants in resilience training



HOTLINE FOR UNSAFETY IN COURT BUILDINGS

Partly at the NOvA's insistence, the Judiciary **established a hotline** at every courthouse in early 2022, allowing advocates to contact security directly if they and/or their clients feel unsafe, threatened or vulnerable in connection with a case being heard in the relevant courthouse. For that purpose, a special email address has been set up at each District Court and Court of Appeal, and at the Central Appeals Tribunal and the Trade and Industry Appeals Tribunal. The relevant email addresses are available at My Bar, from the local bars and from the specialist advocates' associations. This **hotline at the Judiciary** is in addition to the procedure set out in the national procedural regulations and ensures that advocates can contact security (or the security coordinator) directly.

“ 'Being an advocate', as shown in the NOvA database [Zoekeenadvocaat.nl](https://zoekleenadvocaat.nl), is a sufficient ground for shielding one's visiting address ”

SHIELDING RESIDENTIAL ADDRESS AND VISITING ADDRESS IN THE BUSINESS REGISTER

Since 1 January 2022, **the Chamber of Commerce has shielded the residential addresses, as listed in the Business Register**, of owners of sole proprietorships and partners in general partnerships, limited partnerships and other partnership firms. The shielded residential addresses can now only be accessed by government agencies such as the Tax Administration and authorised professional groups such as advocates, civil-law notaries and bailiffs. Since 15 December 2022, it has also been possible to **shield visiting addresses in the Business Register**. This can be done in the event of an actual threat or likely threat resulting from an individual's professional practice. Law firms and individual advocates can use this option with no problem at all because the NOvA was one of the first professional associations to enter into an **agreement** with the Chamber of Commerce. 'Being an advocate', as shown in the NOvA database [Zoekeenadvocaat.nl](https://zoekleenadvocaat.nl), is a sufficient ground for shielding one's visiting address, without having to provide any reason or other substantiation. The NOvA had **issued positive advice** on the issue as early as March 2022.

Factsheet 2022

NEDERLANDSE ORDE VAN ADVOCATEN





Promotion of quality

Every advocate must ensure that they provide high-quality services: for the litigant, but also in the interests of the profession itself. The NOVA promotes the quality of advocates and safeguards the quality of the legal profession as a whole. This is done through, among other things, mandatory **Vocational Training for Lawyers** for new trainee advocates (see Training section), mandatory **registration of areas of law**, the associated **professional skills requirements (training points)**, and quality tests.

QUALITY ASSESSMENTS

Advocates must comply with annual **quality assessments**. They can choose one of three forms of structured feedback for this purpose: intervision, peer review or structured peer consultations.

Intervision: facilitators are also participants

As of 1 July 2022, facilitators who supervise intervision sessions themselves qualify as intervision participants and so comply with the quality assessments. To this end, the board of representatives **approved the Professional Skills Amendment Bye-law 2022**, as a result of which the Legal Profession Bye-law was amended on this point.



“ As of 1 July 2022, facilitators who supervise intervision sessions themselves qualify as intervision participants and so comply with the quality assessments ”

Peer review: courses for reviewers

In 2022, as in 2021, the NOVA provided **peer review courses for peer reviewers**. Because reviewers have access to files of other advocates, it is important that they are qualified as expert reviewers. About 30 advocates participated in three course groups.





PROMOTION OF QUALITY

Search engine for intervision facilitators/reviewers

A user-friendly search engine has been developed to make it easier to find facilitators for intervision sessions and reviewers for peer reviews. All intervision facilitators and reviewers appointed by the general council are easy to find in a new database available at advocatenorde.nl/gespreksleiders and advocatenorde.nl/reviewers, respectively, which was launched in the autumn of 2022. Advocates can easily search by name, location and (in the case of reviewers) legal area.

DILEMMAPP

With the **DilemmApp**, the NOVA brings professional ethics and integrity to the attention of the Bar in an accessible and inspiring 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 2022, 22 dilemmas were published in the DilemmApp, each accompanied by a concluding comment from the NOVA examining the various response options.

In each issue of the Lawyers' Gazette, a dilemma from the app, advocates' responses to it and the NOVA's concluding remarks are shared more widely with members of the Bar.

 **22 dilemmas published**

”Professional ethics and integrity brought to the Bar's attention





Training



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

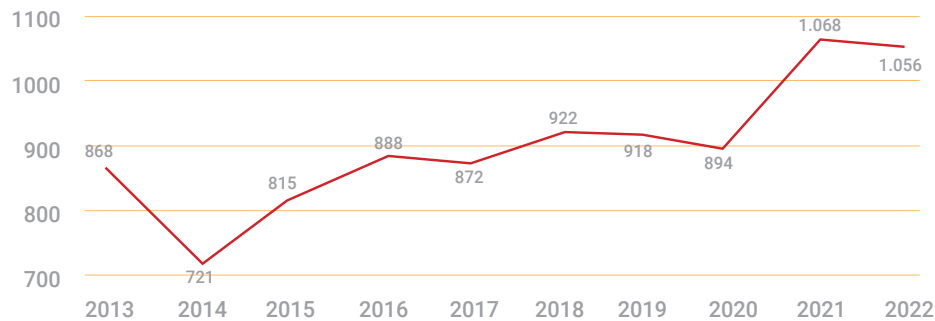
VOCATIONAL TRAINING FOR LAWYERS

Mandatory for all advocates at the threshold of their careers, the aim of the NOvA's **Vocational Training for Lawyers** is to produce

“ The Vocational Training for Lawyers trains all trainee advocates to become independent and skilled professionals ”

competent and independent legal professionals, thus enabling them to make a valuable contribution to the field. In 2022, a total of 1,056 trainee advocates started their professional training in March (541) and September (515). The training had been **thoroughly updated** the previous year. They have all since passed the mandatory **basic test**. Their principals attended a mandatory **patron meeting** concurrently with the start of the Vocational Training.

Number of trainee advocates



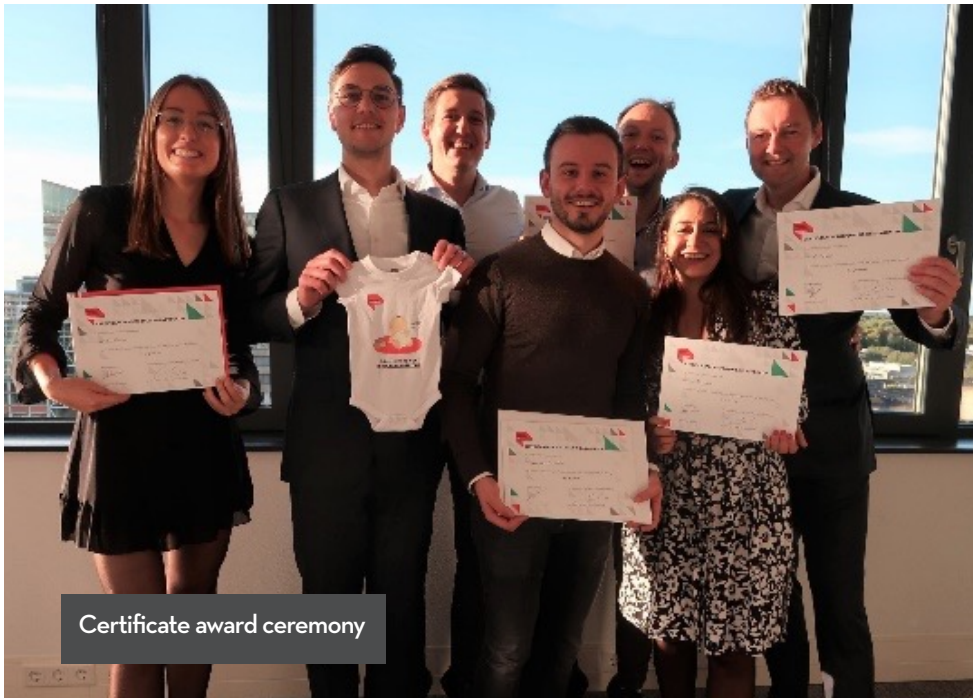
SUBSIDY SCHEME FOR VOCATIONAL TRAINING FOR LEGAL AID ADVOCATES 2022

At the NOvA's request, the successful '**Subsidy Scheme for Vocational Training for Legal Aid Lawyers**' was extended in 2022, with a subsidy ceiling of EUR 2,050,000. As in 2021, legal aid firms could apply for a subsidy under this scheme for trainee advocates who started the Vocational Training for Lawyers during the past year. This will again enable some 175 trainee advocates at legal aid firms to fund their professional training. Because about 100 subsidies had been awarded by mid-November 2022, **there is still room for subsidy applications for 2023.**



TRAINING CERTIFICATE AWARD CEREMONY ADVOCATES AT THE NOVA'S PREMISES

On 29 September 2022, some 170 trainee advocates and their principals attended the **festive Vocational Training award ceremony** (cohort 14) hosted by The Netherlands Bar. It was the first time the ceremony took place at the NOvA's own premises: the Monarch Tower in The Hague. After speeches by Jeroen Soeteman (NOvA's general council), Member of Parliament Ulysse Ellian and others, the trainee advocates were presented with their coveted Vocational Training certificate.



Certificate award ceremony

REDUCTION IN TRAINING CREDITS DUE TO PREGNANCY

To maintain their professional skills, advocates must obtain a minimum of twenty **training credits** each year, at least half of which must be in a legal area relevant to their practice. Since 1 July 2022, following approval by the board of representatives of the Professional Skills Amendment Bye-law 2022 and hence the **amendment to the Legal Profession Bye-law**, advocates have been allowed to obtain **fewer training points if they are pregnant**. The credits required are now calculated on a pro-rata basis, similar to the arrangement in place for prolonged absence due to illness. For the average four-month maternity leave, this amounts to a reduction of about six training credits.

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. Until 1 April 2022, the professor holding the endowed chair was **Diana de Wolff**, professor of law. A new appointment is currently under consideration. For more information, see the **annual report on the Chair of the Legal Profession ([i] jaarverslag leerstoel Advocatuur/[i])**, academic year 2021-2022.



Views and policies



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.

“ To ensure maximum legal protection for litigants, proper access to justice and the proper administration of justice are key pillars of the rule of law ”

Government-funded legal aid

To ensure maximum legal protection for litigants, proper access to justice and the proper administration of justice are key pillars of the rule of law. With this in mind, the NOvA has worked **tirelessly** over the past decade to ensure easy access to justice for litigants and reasonable remuneration for legal aid advocates.



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

A bird eye's view of the NOvA's commitment to a sustainable system of government-funded legal aid from 2013 to the present.

To the time line



FEES UNDER PRESSURE FROM INFLATION

In 2021, this culminated in the government's 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 1 January 2022. However, the increase in fees was largely offset by rapidly rising inflation during the past year. Unlike many other professions, advocates and mediators providing legal aid will barely be compensated for the rise in inflation in 2023 and 2024. The NOvA has therefore proposed that the Minister apply a **realistic adjustment to reflect inflation rates**. The NOvA also requested a permanent adjustment of the lagging travelling allowance for legal aid advocates; its request will be granted in **2023**.

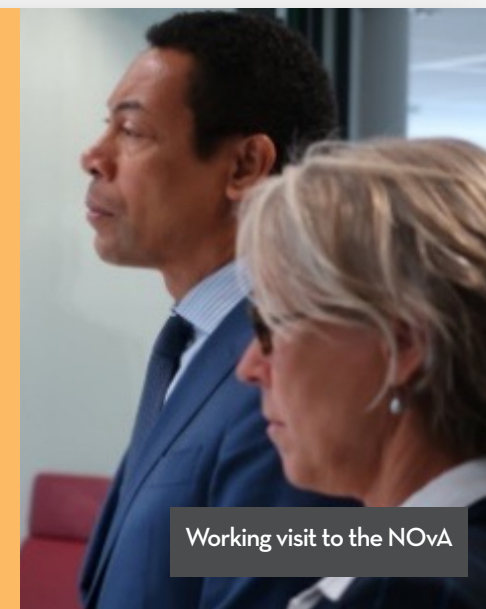
LABOUR MARKET SURVEY: PROBLEMATIC SHORTAGE OF LEGAL AID ADVOCATES

Commissioned by the Legal Aid Board and in close cooperation with the NOvA, research firm Panteia conducted a study of the labour market for legal aid advocates in 2022. The **study findings** show that the shortages likely to occur in the legal profession in the not too distant future are **particularly problematic**. This trend will threaten access to justice in the long run, which deeply concerns us at the NOvA. It is therefore important that the supply of legal aid advocates continues to be sufficient in the future to meet the demand for government-funded legal aid.

The NOvA agrees with the **Legal Aid Board** that a comprehensive plan is needed to turn the tide. In addition, existing legal aid advocates must be given a perspective for the future. This means not only that the number of hours per case must be periodically reassessed, but also that the hourly rate for government-funded legal aid must be revised; it is now only half the market rate.

Working visit

On 7 July 2022, the Minister for Legal Protection, Franc Weerwind, paid a **working visit to the NOvA**. Together with the Director General for the Administration of Justice and Law Enforcement and the Coordinating Policy Adviser for Advocacy and Legal Aid, the Minister met with the President of The Netherlands Bar, members of the general council and the Secretary General of the NOvA.



Working visit to the NOvA



THE NOVA IS POSITIVE ABOUT THE SEVENTH PROGRESS REPORT

At the same time, in mid-2022 the NOvA welcomed the Minister for Legal Protection's promise to update the fees for legal aid providers within the system of government-funded legal aid from now on. Other positive elements from the **seventh progress report** include the cancellation of legal aid packages, which the NOvA had always been critical of, and not increasing the personal contribution payable by people who need an advocate. The NOvA also welcomed the postponement of the introduction

of the **diagnostic and triage document**. While this provides a discount on the personal contribution through the Legal Aid and Advice Centre, it does not provide certainty that an advocate will in fact be assigned.

JOINT VISION FOR A SYSTEM OF GOVERNMENT-FUNDED LEGAL AID

On 19 May 2022, the Minister for Legal Protection received the **joint vision** for the system of government-funded legal aid drawn up by The Netherlands Bar, the Netherlands Mediators Federation and the Legal Aid Board. In it, the three parties present their **shared view** of a stable and sustainable system that demonstrably works for people and the professionals who assist them, with a focus on strengthening the legal aid profession and mediation. This will require collegial alignment and coordination between the supply chain partners, which has demonstrably worked in, for example, the **'Working together in primary legal aid'** pilot project. Follow-up discussions were held with the Legal Aid and Advice Centre and the Ministry of Justice and Security to work out the details of how the first line (initial advice and referral) should be set up. All organisations endorse the guiding principle that the emphasis should be placed on intensified support, high-quality diagnoses and sustainable solutions for litigants in the first line. This was reiterated during a **joint consultation with the Minister** in late 2022.

To do or not to do

A large group of people cannot find their way to (legal) professionals or cannot afford their services. In addition to focusing on litigants with limited resources, the NOvA is therefore widening its focus to include the group of **litigants above the threshold for assigned counsel**. At the **'To do or not to do' seminar** on 14 December 2022, experts and professionals discussed the **role of professional associations** and practitioners in providing services to people with limited self-sufficiency.



See video



The policy line that has begun will be followed up in the spring of 2023 during the **Legal Aid updated** working conference. The first signals in January 2023, based on the eighth progress report on legal aid system renewal, **are hopeful as far as the NOVA is concerned.**

COOPERATION AT THE BAR AND SOCIAL PASSPORT

In 2022, the NOVA continued to focus on **promoting closer cooperation** between legal aid advocates and firms that do not have a legal aid practice. The NOVA encourages this **cooperation across the Bar**, because it leads to a stronger legal (aid) profession, more mutual solidarity and reciprocity between firms with and without a legal aid practice. The NOVA rejects the idea of firms without a legal aid practice paying a mandatory contribution to legal aid advocates. Funding an effective system of government-funded legal aid is and remains a task for the government. To identify the legal profession's existing CSR activities and to obtain insight into the social passport of law firms and individual advocates, the NOVA sent out a survey to the entire Bar in early 2023.

LACK OF PROGRESS IN RESOLVING CHILDCARE ALLOWANCE AFFAIR

In the spring of 2022, advocates assisting parents who had been affected by the childcare allowance affair expressed dissatis-

faction with the lack of progress made in the resolution process. Like the NOVA, they still saw a number of issues which had not been resolved, as a result of which many victims were still waiting for effective help. Together with advocates involved, **the NOVA expressed its concerns** in a conversation with the State Secretary for Benefits, urging the government to produce concrete results as soon as possible. One bright spot was that with effect from 1 June 2022, aggrieved parents automatically receive free legal aid from a specialised juvenile advocate if their children will be placed into care. The NOVA, which had **long been arguing** for an arrangement of this kind, lent its full **cooperation**. Unfortunately, this did not put an end to the matter. In early 2023, the NOVA **again warned** that advocates acting for aggrieved parents threatened to pull out if the State Secretary did not act on the recommendations issued by the NOVA and the advocates involved.

OTHER MATTERS IN A NUTSHELL

During 2022, the NOVA published opinions on several other issues within the system of government-funded legal aid. For example, the NOVA:

- expressed its support for the Socialist Party's initiative memorandum **Houses of Justice**, because a place where people can just walk in for legal advice can contribute to improving access to justice;



- warned of the **adjustment to the results assessment**, which could have a major impact on litigants as they may face a hefty bill for 'old' legal aid assignments;
- recommended withdrawing the Bill on the **Imposition of Payment Arrangements by the Courts**, as it could expose debtors to more complex procedures;
- cooperated in the **Experiment Subsidy Scheme for Divorce Cases** of the Legal Aid board so as to better and more specifically meet the (legal) needs of people during a divorce.

Sanctions regulations

CONDEMNATION OF RUSSIA'S INVASION OF UKRAINE

In early March 2022, the NOvA, along with more than forty European Bars from the CCBE and the IBA, **strongly condemned** Russia's invasion of Ukraine. The invasion violates Ukraine's sovereignty and hence constitutes a violation of the rule of law by Russia. The NOvA has called for this fundamental principle of national and international law to be respected.

The NOvA's general council also expressed its sympathy to the acting President of the Ukrainian Bar.

ROUNDTABLE DISCUSSION ON SANCTIONS

After the European Union issued the first series of sanctions in February and March 2022, the question arose as to how this would affect the legal profession and what responsibility advo-

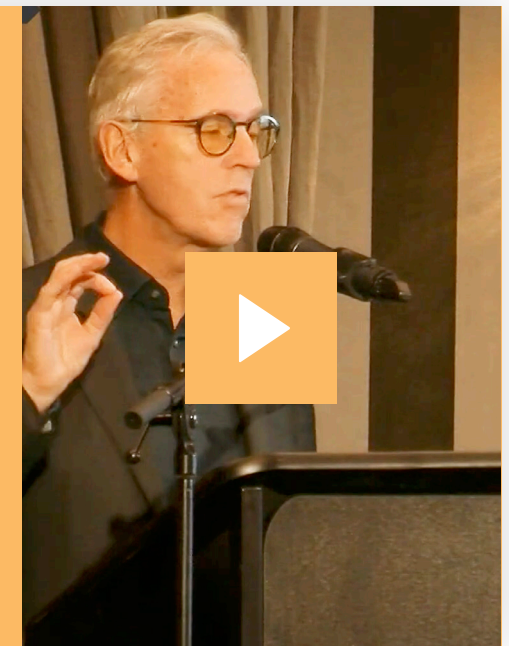
cates have for complying with the sanctions. Due to the multiplicity and complexity of the sanctions regimes, proper compliance proved to be no easy task. Moreover, compliance with sanctions has a double dimension for the Dutch legal profession because of the role advocates play within the democratic state under the rule of law. Among other things, the sanctions raised questions about **access to justice** for Russian citizens and companies. To update advocates on this, in April the NOvA organised a **roundtable discussion** about the sanctions and legal services (read the **report**).

Gerbrandy debate

The impact of international sanctions on the Dutch legal profession was also a topic of discussion at the NOvA's **Gerbrandy debate** in late 2022.

Themed 'Making the law prevail in times of war: the role of lawyers', the **2022 European Lawyers Day** also zoomed in on the situation in Ukraine.

[See video](#)





SANCTIONS REGULATIONS SECTION

During the year, in the interests of advocates and litigants and to ensure their access to justice, the NOvA held frequent consultations with the relevant ministries to obtain clarity about **various aspects of the sanctions regulations**. To keep the Bar constantly informed of the latest developments with regard to sanctions, the NOvA has added a **Sanctions Regulations section** to its website. In addition to an overview of all sets of sanctions, advocates will find current and relevant European and Dutch news coverage and answers to **frequently asked questions about sanctions regulations**.

Legal professional privilege

ASSESSMENT OF PRIVILEGED INFORMATION

As part of the modernisation of the Dutch Code of Criminal Procedure, in recent years the NOvA has repeatedly called attention to the officer holding confidential information in relation to legal professional privilege. The Public Prosecutor's Office deploys this officer to assess (potentially) privileged information obtained through seizure or a disclosure request. The NOvA finds it fundamentally incomprehensible and incorrect that the filtering out of privileged information, which by its nature must remain secret, is performed by an officer of the investigative authorities. According to **the NOvA**, information accessed by the officer

holding confidential information should be reviewed for admissibility by an examining magistrate rather than the officer.

PUBLIC PROSECUTOR'S OFFICE'S HANDBOOK FOR PROCESSING PRIVILEGED INFORMATION

In 2021, after confidentially receiving the internal Handbook for Processing Privileged Information from the Public Prosecutor's Office, the NOvA immediately responded by saying that essential points of the Handbook did not do justice to the guiding principles of legal professional privilege as laid down in the law and case law. Both the Handbook and the NOvA's response became public in 2022. **The NOvA's position** centres on the argument that, in light of the nature of legal professional privilege, there is no place for an officer holding confidential information at the investigative authorities.

In the spring of 2022, the preliminary relief judge hearing the case of **Stibbe versus the State of the Netherlands** ruled that the use of an officer holding confidential information did not in itself violate the Dutch Code of Criminal Procedure or the Retention and Destruction (Non-Case Documents) Decree. However, the court did find that the Handbook partially violated the law and that Decree. As a result of the ruling, the NOvA will now be involved in drawing up a new handbook and operating procedures for the Public Prosecutor's Office. What is important is that the



basic premise of legal professional privilege, which is the right to confidentiality for litigants when communicating with an advocate, is guaranteed.

COMPREHENSIVE (CHANGES TO TAX LEGISLATION) ACT: NO CURTAILMENT OF LEGAL PROFESSIONAL PRIVILEGE

Because of the substantial, undesirable and unnecessary curtailment of legal professional privilege, as early as 2020 the NOvA expressed **severe criticism** at the draft Comprehensive (Changes to Tax Legislation) Act 2024. Part of the criticism was that the Tax Administration would be given access to communications between advocates and their clients. This would violate statutory professional secrecy and legal professional privilege, both of which are designed to ensure confidential contact between advocates and their clients. Two years on, the NOvA is **pleased to say** that the criticism expressed by the legal profession has been taken to heart in the legislative process.

PROFESSIONAL SECRECY AND LEGAL PROFESSIONAL PRIVILEGE IN CROSS-BORDER TAX STRUCTURES

In late 2022, the European Court of Justice ruled that the **notification requirement under the European DAC6 Directive** violated the right to respect communications between advocates and their clients. Advocates can invoke professional secrecy

and legal professional privilege in such cases. After consulting the Ministry of Finance and the Tax Administration, the NOvA **obtained clarity** about the implications of the European DAC6 Directive for the Dutch legal profession in early 2023.

Cash payments

CASH PAYMENTS TO ADVOCATES

The local bar presidents' investigation into the acceptance of cash payments by advocates suggests that (criminal defence) advocates have frequently accepted cash without consulting the president, thus violating the rules. Although the investigation report was not shared with the NOvA, there appears to be a problem with awareness of the applicable rule as well as compliance with it and the associated monitoring. In response to the report, **the NOvA has clarified** that payments to advocates must be made by bank transfer under Section 6.27 of the Legal Profession Bye-law, unless there are facts or circumstances justifying a cash payment. If the cash payment(s) from the same client amount(s) to 5,000 euros or more over a period not exceeding one year, prior consultation with the president is required. Be that as it may, the advocate's special position brings with it obligations, including where **payments are concerned**.



PUBLIC PROSECUTOR'S OFFICE REAFFIRMS ITS POLICY ON PAYMENTS TO ADVOCATES

As part of their supervisory role, a number of local bar presidents have asked the Public Prosecutor's Office to what extent an advocate may be exposed to criminal charges when accepting payments. This is because combating money laundering and subversion is a high priority for the local bar presidents and it is necessary to prevent advocates from becoming involved in criminal offences such as receiving stolen goods and money laundering. In a **letter to the President of The Netherlands Bar**, the Public Prosecutor's Office highlighted a number of relevant developments in the law and rules of conduct, indicating that these did not constitute a change in its policy of prosecution restraint. The **NOvA emphasises** that it must be prevented that persons suspected of criminal offences from which they may have obtained financial gain are deprived of legal aid because their advocate runs the risk of being considered a suspect when providing paid legal aid.

Criminal law

NO EXPANSION OF PROHIBITION ON COMMUNITY PUNISHMENT

After the House of Representatives had voted to prohibit community punishment for anyone who uses violence against emer-

gency workers with public responsibilities in 2021, the Senate rejected the **expansion of this prohibition in 2022**. Prior to this, the NOvA had expressed its **principled objections** to the Bill in the Senate and had previously **advised against it**. 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 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.

CIVIL CONFISCATION BYPASSES CRIMINAL SAFEGUARDS

In a **legislative opinion** to the Minister of Justice and Security, the NOvA **criticised** both the form and content of the Bill on Strengthening the Approach to Subversive Crime II. The civil confiscation procedure as proposed by the Bill circumvents criminal safeguards, which is undesirable from the perspective of legal protection. It would allow property to be seized without the need for a conviction or an accused person. The NOvA also elaborated on extending the possibility of imposing the confiscation measure on a joint and several basis, expansion of the sentencing options for certain offences, and a change to the rules of objection.



Detention orders

DATA STICK FOR ADVOCATES WITH CLIENTS IN A MAXIMUM SECURITY PRISON

Because of the arrest of an advocate, in early 2022 the maximum security prison imposed a ban on advocates bringing laptops when visiting their clients. The NOvA protested that this type of blanket ban based on a single incident was **unjustifiable**. To nonetheless allow advocates to do their work and discuss cases with their clients, a temporary stop-gap solution was found in a special secure data stick (offered free of charge by the NOvA), linked to a laptop provided by the maximum security prison. Because of this disproportionate measure, the NOvA remains committed to ensuring that advocates can once again use their own laptops when visiting clients in the maximum security prison.

CURTAILING THE RIGHTS OF DETAINEES

In November 2022, the Minister for Legal Protection announced additional measures to make it more difficult for detainees to access the criminal network from the maximum security prison and to prevent criminal activity from being continued from there. The measures included adjustments to the Regulations on Selection, Placement and Transfer of Detainees and the House Rules of the maximum security prison. The NOvA backed the

opinion of the Council for the Administration of Criminal Justice and Protection of Juveniles, which qualified these measures as a **serious curtailment of the rights of detainees**.

CALL-BACK REQUESTS REINSTATED IN PRISONS

Since 1 October 2022, criminal advocates have been able to reach their detained clients again by submitting a **call-back request to the penal institution**. This had not been possible since August 2020. In addition, advocates can continue using the My-Telio app or the 0900 number. The NOvA had repeatedly called attention to this in concert with the Dutch Association of Young Criminal Advocates (NVSJA).

MANDATORY VIDEO CONFERENCING FOR TRANSPORTATION SAFETY REASONS

On 25 November 2022, the amendment to the Video Conferencing Decree came into effect. This means that video conferencing without the consent of the accused person is an option not only for security reasons at the hearing, but also in the interest of **secure transportation**. In a **legislative opinion**, the NOvA expressed its understanding to allow video conferencing in exceptional cases without the consent of the accused person or their counsel if there is a special need for secure transportation. At the same time, the NOvA emphasised the need to prevent this rule from being applied more widely than intended according to the explanatory memorandum.



Secrecy

PROTECTED TELEPHONE NUMBERS SENT AUTOMATICALLY TO THE CUSTODIAL INSTITUTIONS AGENCY

Anyone seeking recourse to the law should always be able to consult freely and confidentially with their advocates. It is therefore essential that telephone conversations between advocates and their clients be confidential. The system of number recognition used by the **National Police** and the **Custodial Institutions Agency** automatically recognises the **protected telephone numbers** of advocates and does not tap them. As from 1 January 2023, the NOvA will share all protected telephone numbers of advocates **with the Custodial Institutions Agency automatically** rather than on a voluntary basis, as it has been doing with the National Police since 2011. This prevents occasional errors and so better protects the confidentiality of conversations between detainees and their advocates. At a later stage, this will also apply to the intelligence and security services (AIVD/MIVD).

PRIVATE ADDRESSES OF ADVOCATES IN CRIMINAL FILES

In mid-2022, the **NOvA received word** that if someone is called by a telephone number that is being tapped by the police, the address at which the subscription of the person being called was taken out shows up in the tapping data that the Central Telecommunications Investigation Information Point provides to investigation, security and intelligence services. This means that advocates' private addresses may end up in criminal files and that accused persons and others can access those address details. Although the Minister for Legal Protection has indicated a desire to get rid of the inclusion of advocates' residential addresses in criminal files, it may be prudent for advocates to change the private address of a cellphone subscription to their office address and to always register new subscriptions at an office address.

Free choice of advocate

LEGAL AID TO FAMILY MEMBERS: BETTER NOT

There is no rule of law prohibiting advocates from assisting family members. Moreover, everyone has the right to choose their own advocate. **According to the general council**, advocates who are asked to assist a family member would nonetheless be wise to advise them to engage another advocate.



There are very obvious risks involved in assisting family members that are best avoided. It may compromise one's independence as a professional practitioner. Interpersonal relationships, possible emotional involvement and possible interference from the family make it difficult to maintain sufficient distance from the client.

Civil procedure

LIMITATION ON LENGTH OF PROCEDURAL DOCUMENTS AFTER ALL

The limitations on the length of appeal documents as provided for in the rules of procedure of the Courts of Appeal are permissible, according to a **ruling by the Dutch Supreme Court handed down in mid-2022**. This ended a discussion between the NOvA and advocates of the one part and the National Consultations on Civil-Law Matters of the Courts of Appeal (LOVCH) of the other part. The dispute had been prompted by the LOVCH's decision to impose a **limit of 25 pages** on the length of appeal documents as from 1 April 2021. The NOvA **argued** that the measure was at odds with the law and fundamental principles of procedural law, and placing a limit on the length of procedural documents was not the way to ensure more efficient appellate proceedings.

Despite the NOvA's **protestations, preliminary relief proceedings** commenced by a group of advocates and **written comments** in which the NOvA explained its position to the Supreme Court, the highest court held that placing a limit on the size of procedural documents was not disproportionate. According to the Supreme Court, 25 pages would do in most cases, and in other cases there would be the option of obtaining permission to submit a longer document.

Integrity

BUSINESS REGISTER AUTHORISATION POLICY TIGHTENED

After the Chamber of Commerce **discovered** in 2021 that a former advocate had improperly used personal data of individuals listed in the Business Register, after consultation with the NOvA all former advocates who still had access to that data were removed from the list of authorisations. **Advocates are now themselves responsible** for cancelling their authorisation once they have deregistered from the bar register as an advocate. Since 2022, to prevent any possibility of improper use, the Chamber of Commerce has been keeping the list of authorisations up to date by periodically checking it against the NOvA's bar register.



Digitisation of justice

SECURE EMAILING WITH THE JUDICIARY REPLACES THE FAX

As from 1 February 2022, faxing with the Judiciary is a thing of the past. As a secure alternative to share confidential information with the Judiciary, advocates can use Safe Mailing. To mark the end of the fax era, the President of The Netherlands Bar, Robert Crince le Roy, symbolically sent a **final fax message** to Henk Naves, President of the Council for the Judiciary.

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. Via the **Inclusion and Diversity platform**, the NOvA is working with the Bar to put this into practice. The platform is made up of about 30 advocates from different backgrounds working at law firms of all sizes. Together with the NOvA, they are exploring ways to promote diversity and inclusion in the legal profession.



”Addressing diversity and inclusion in the legal profession





DIVERSITY AND INCLUSION SEMINAR

Originally planned to take place in late 2021 the **Diversity and Inclusion seminar** was rescheduled to 24 March 2022 due to Covid restrictions. Among other things, it discussed the **Bar-wide survey** results as a basis for further action.

DIVERSITY DAY

The Inclusion and Diversity platform also met on Diversity Day, 4 October 2022. After an inspiring lecture by professor of sociology Ruben Gowricharn, the members engaged in a conversation to determine, among other things, the spearheads for 2023. The same day, **the general council** called attention to the importance of diversity and inclusion in the legal profession.

IBA GENDER (IN)EQUALITY STUDY

In 2021, the International Bar Association and the LexisNexis Rule of Law Foundation launched an international **gender (in) equality study**. The project aims to uncover, identify and address the root causes of the lack of gender equality at the highest levels of the global legal profession. A total of 16 jurisdictions are being explored, with some country studies now completed. Initial survey results show the underrepresentation of women in leadership roles in law firms. In 2022, a follow-up study began in the Netherlands among representatives of the judiciary, the public sector, law firms and corporate advocates. The results will be published in 2023.



Diversity Day





Communication and information

Through a Bar-wide survey conducted In 2022, research firm Media-Test gauged how advocates value the means of communication used by the NOvA to keep them informed. The communication mix used by the NOvA was rated as strong and considered a good mix of diverse resources. Ninety-one percent of respondents indicated that the NOvA kept them well informed about developments in the legal profession. Recommendations emerging from the survey, such as the frequency of newsletters, have since been implemented.

WEBSITE

On the NOvA website, visitors can find the latest **news from the NOvA** (and the option to **subscribe**), **positions taken by the NOvA**, **current affairs** and **news about the legal profession**. Other important sections include **Find an advocate**, containing the details of all advocates practising in the Netherlands, current **laws and regulations** and the **legal database of legislative opinions**. In 2022, the website advocatenorde.nl had nearly 243,000 visitors, with zoekenaadvocaat.nl registering more than 334,000 visitors.

LAWYERS GAZETTE

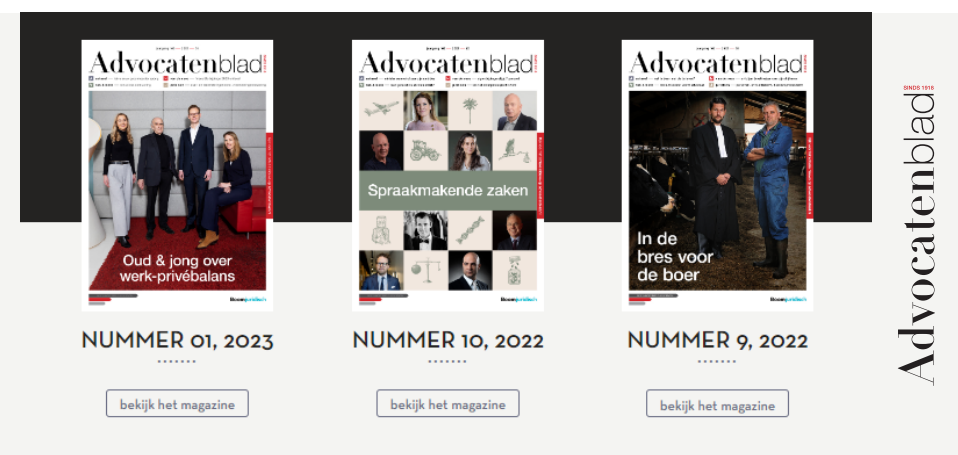
Published 10 times a year (in Dutch), the **Lawyers Gazette** is The Netherlands Bar's official mouthpiece. It includes a section entitled 'From the NOvA', which contains news from the NOvA. Following a Bar-wide readership survey, the Lawyers Gazette

“ A Bar-wide survey shows that the NOvA's communication mix is rated as strong ”

was given a new format in the spring of 2022, and it has also been available as a **digital magazine** since the third quarter of 2022. Advocates can now also choose whether to receive their copies on paper or just in digital format. Currently, nearly one third of subscribers (5,270 advocates) read the magazine online and more than two thirds of the Bar (12,890 advocates) receive their copy by post.

ORDEBERICHT

The *Orderbericht* is the NOvA's digital newsletter. In addition to the regular bi-weekly mailings containing the latest news from the NOvA, specials were published on the impact of the war in Ukraine (including sanctions) and the investigation into pressure and threats in the legal profession. Twenty-one editions were sent out in 2022.





NEWSLETTER 'ALERT ON GOVERNMENT-FUNDED LEGAL AID' (*Signalering gefinancierde rechtsbijstand*)

In 2021, the NOvA launched the bi-weekly Dutch language newsletter entitled 'Alert on government-funded legal aid' (*Signalering gefinancierde rechtsbijstand*). It keeps advocates working 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 fifteen newsletters were sent out last year.

NOVUM

Partly as an alternative to the elimination of physical meetings due to Covid restrictions, the NOvA launched a series of web videos in 2021: **NOvUM**. In these videos, guests from the legal profession discuss current events and the practice of law. Because physical meetings were possible again in 2022, a NOvUM edition was published during the year (**the walk-in room**). All episodes of NOvUM can be viewed on **YouTube** and are also available as podcasts on **Spotify**, **Apple Podcasts** or **Google Podcasts**.

PHYSICAL MEETINGS WERE POSSIBLE AGAIN

After the Covid restrictions were lifted in the spring of 2022, the NOvA resumed hosting on-site meetings. For this purpose, the NOvA regularly used its own meeting and event spaces in the Monarch Tower. During the past year, the following public events took place:

'Diversity and Inclusion' Innovation Platform

On 24 March 2022, some eighty advocates attended the 'Diversity and Inclusion': experiences across the Bar' Innovation Platform to exchange views on diversity and inclusion within the legal profession. Led by criminal advocate and chairman of the day Natacha Harlequin, the attendees discussed the **findings of the Bar-wide survey**, followed by a panel discussion with experts. After some members of the Inclusion and Diversity platform had shared their personal experiences, the meeting concluded with a workshop on 'culture-sensitive working'.

Bas van Zelst in gesprek met



Juliëtte Habets



&



Jan Bram de Groot

See video

NOVUM: the walk-in room



Professional meeting between legal profession and judiciary

On 23 June 2022, about thirty advocates and judges visited the NOVA's office for a **professional meeting between the legal profession and the judiciary**, organised by the Dutch Association for the Judiciary and the NOVA. Central to the meeting was the topic of online skills in the legal practice.

'Above the threshold for assigned counsel' Innovation Platform

For many people whose income is (only just) too high to qualify for government-funded legal aid, the threshold for engaging an advocate often proves too high. This creates gaps in legal assistance and access to justice. Together with advocates, members of the general council and outside speakers discussed the possibilities for bringing this group of litigants and advocates closer together during the **'Above the threshold for assigned counsel' Innovation Platform** on 14 June 2022. The ACM's Board Chairman Martijn Snoep gave an introduction. Read the **report**.



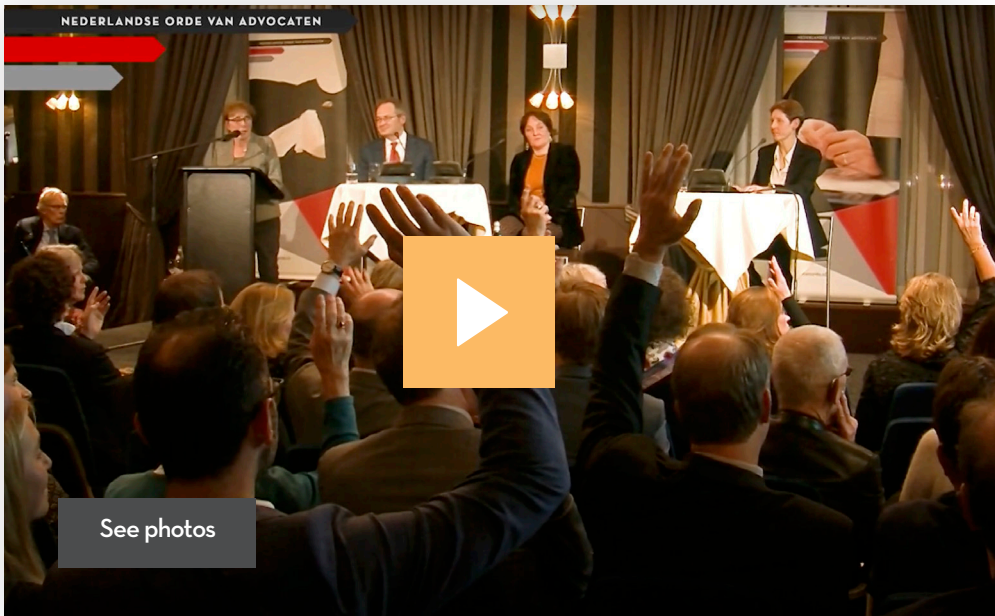


Gerbrandy debate 2022

On 9 November 2022, as tradition would have it, Sociëteit De Witte in The Hague was again the backdrop of the **twelfth Gerbrandy debate**, attended by some 170 advocates and other invitees. Led by Clairly Polak, a panel debate took place on the international sanctions imposed against the Russian Federation and the implications for the legal profession. Prior to this, Russia expert Derk Sauer provided an introduction on sanctions policy from a (geo)political and humane perspective. The second part of the debate was devoted to the role of the legal profession in a changing culture of governance.

'To do or not to do?' seminar

A large group of people are unable to find their way to (legal) professionals or cannot afford their services. Many problems remain unresolved as a result, with all the resulting economic and emotional damage that will bring. In addition to focusing on litigants with limited resources, the NOVA is therefore widening its focus to **include the group of litigants above the threshold for assigned counsel**. During the seminar **'To do or not to do'** held on 14 December 2022, an expert panel and 100 professionals discussed the **role of professional associations** and practitioners in providing services to people with limited self-sufficiency.





The President of the Supreme Court, Dineke de Groot, provided an **introduction**. The seminar in Nieuwspoor was organised jointly by the professional associations KNB (civil-law notaries), KBvG (bailiffs), NBA (accountants), NOB (tax consultants) and the NOvA (advocates).

SOCIAL MEDIA

As regards social media, the NOvA is active on **Facebook** and **Instagram** for public communications and **LinkedIn** and **Twitter** for professional communications. Through these social media channels, the NOvA shares all current news and engages in on-line conversations with advocates and other interested parties.

INFORMATION CENTRE FOR ADVOCATES

The **Information Centre for Lawyers** provides information to advocates about the regulations that apply to the legal profession, answers questions from advocates about the use of the NOvA online applications, and identifies developments in the legal profession. In 2022, the Information Centre handled 3,757 phone calls and 5,928 emails.

FAQs included topics ranging from the NOvA's Vocational Training for Lawyers (e.g. the basic test and the patron course), PE points, the (online) quality assessments, protected telephone numbers, and practical issues such as the Lawyers Pass (app), My Bar/Lawyers Pass Portal, and the Central compliance audit of the bye-laws (CCA)(although intended for the local bars). The FAQs on the website have been continuously updated in response to signals and **questions** received from advocates. Also, the most frequently asked questions and the corresponding answers are shared more broadly with the Bar via a section in the Lawyers Gazette.



Information requests	2022	2021
By telephone	3,757	4,271
By email	5,928	6,346
Total	9,685	10,617



Practice



In addition to delivering professional services, advocates must also run a sound and reliable practice. This is necessary to ensure trust in the profession. In 2022, the NOvA's activities aimed at ensuring sound professional practice among advocates and law firms included:

THE LAWYERS PASS APP (*Advocatenpas-app*)

Since the end of 2021, advocates have been able to opt for an **Lawyers Pass app** instead of a physical card with a chip and



Lawyers Pass (app) 2022	App	Pass	Total
<i>Initial application (new advocates)</i>	474	1,098	1,572
<i>Replacement (lost/stolen)</i>	7	19	26
<i>Regular renewal</i>	735	1,707	2,442
Total	1,216 (30%)	2,824 (70%)	4,040

“ Lawyers can opt for the Lawyers Pass app, instead of a physical card with a chip and card reader ”

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. In 2022, the Lawyers Pass app was issued more than 1,200 times, i.e. 30%.

MY BAR

By logging in to **My Bar** (*Mijn Orde*), advocates can update their personal data in their bar registration, such as address details, areas of specialisation, protected telephone numbers, etc. Office managers can also change the firm's details in My Bar (*Mijn Orde*). The number of 'self-service' changes in 2022 was 19,050. This difference is largely due to the fact that more advocates registered or changed their areas of specialisation in the legal areas register in 2020 than in 2022.

Year	Number of 'self-service' changes
2022	19,050
2021	18,674
2020	29,205



WWFT AND UBO REGISTER MANUAL

Under the Dutch Money Laundering and Terrorist Financing (Prevention) Act (Wwft), advocates are required to identify and verify their clients if they wish to provide certain services and, in the context of those services, report any proposed or completed unusual transactions. To assist advocates in this regard, the NOvA has published an updated **Wwft and UBO Register Manual for Lawyers**. The **manual** provides advocates and law firms with tools to effectively comply with their obligations under the Wwft.

In addition, the NOvA has updated the Bar on the European Commission's Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) Action Plan, including the establishment of the **European Anti-Money Laundering Authority**, and its implications for the Dutch legal profession. For example, advocates may face higher costs involved in implementing AML/CFT supervision and an increase in their administrative burden.

On 22 November 2022, the Court of Justice of the European Union published its ruling about the UBO register. It basically held that mandatory public access to the UBO register as provided in the European Anti-Money Laundering Directive was insufficiently substantiated and hence invalid. As a result, the Dutch Minister of Finance announced that no information from the UBO register would be given out at all for the time being. In response to inquiries from the NOvA, the Ministry of Finance **clarified** the implications this would have for the legal profession.

In late December 2022, it **appeared** that the limited opening of the UBO register did not yet apply to advocates and that the Temporary UBO Register Regulation would again be extended. This means that Wwft institutions are not required for the time being to submit feedback reports. The NOvA keeps tabs on **developments** on its website.

LAWCARE, HELPLINE FOR THE LEGAL PROFESSION

LawCare is the helpline for the legal profession. Advocates can call the helpline 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. The helpline (085 - 0640182) is staffed by passionate (former) advocates who volunteer to help their fellow professionals.

In 2022, the LawCare helpline was called 31 times. After the departure of two members in 2022, the **LawCare team** currently consists of 12 confidential counsellors.

Number of calls made to LawCare





Legislative advice



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

LEGISLATIVE ADVISORY COMMITTEES

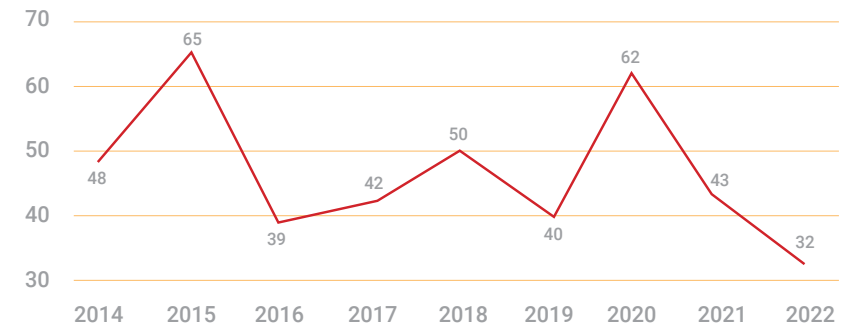
The NOvA has **18 legislative advisory committees**, composed mainly of advocates, which advise the general council on bills in the following legal areas.

- 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 law advisory committee
- Competition law 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)
- Combined committee on company law
(in cooperation with the Royal Dutch Association of Civil-law Notaries)

LEGAL DATABASE

Based on its advisory committees' legislative opinions, in 2022 the NOvA issued a total of 32 opinions on bills presented to the Senate, the House of Representatives and/or ministries.

Legislative opinions





All legislative opinions are available in the NOVA's **legal database**.

These include:

Act enabling municipalities to provide asylum reception facilities

From: administrative law and immigration law advisory committees

To: Ministry of Justice and Security

Date: 23 November 2022

Two-stage procedure in criminal law

From: criminal law advisory committee

To: Minister for Legal Protection

Date: 12 August 2022

Decree on Future of Pensions

From: pension law advisory committee

To: Minister of Social Affairs and Employment

Date: 26 April 2022

Inventory of squeezing laws and regulations

From: advisory committees on tax law, administrative law, criminal law, immigration law

To: various ministries

Date: 22 March 2022

Consultation paper on insolvency law

From: insolvency law advisory committee

To: Minister of Justice and Security

Date: 24 February 2022

Bill on Strengthening the Approach to Subversive Crime

From: advisory committees tax law, administrative law, civil procedure, criminal law

To: Minister of Justice and Security

Date: 31 January 2022



Bar registration



SLIGHT GROWTH OF THE BAR

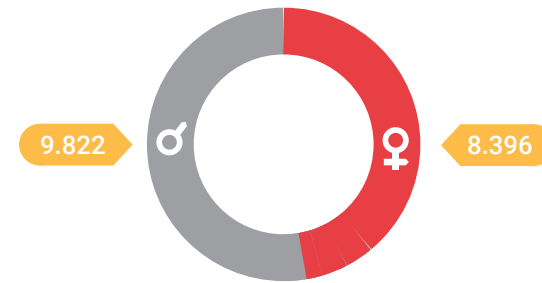
On 1 January 2023, 18,218 advocates were registered at the Bar, a **limited increase** of 0.61% compared to the previous year (18,108). The minimal growth of the Bar in 2022 was almost entirely accounted for by the district of Amsterdam. Here, the number of advocates increased substantially by 187, up more than 3%. The only other district with - limited - growth was The Hague, where on balance nine advocates (+0.46%) entered the profession. Nine of the eleven districts saw a slight decrease in the number of advocates. The relatively largest fall in numbers was recorded in Limburg (-2.25%), followed by Zeeland-West Brabant (-1.64%), Gelderland (-1.26%) and Overijssel (-1.20%).

Growth of the Bar 2022

DISTRICT	Number of advocates as of 1 January 2022	Number of advocates as of 1 January 2023	Difference number percentage	
Amsterdam	6,039	6,225	187	3.08%
The Hague	1,941	1,950	9	0.46%
Gelderland	1,188	1,173	-15	-1.26%
Limburg	756	739	-16	-2.25%
Central Netherlands	1,800	1,788	-10	-0.67%
North Holland	800	796	-4	-0.50%
Northern Netherlands	753	751	-2	-0.27%
East Brabant	1,147	1,145	-2	-0.17%
Overijssel	665	657	-8	-1.20%
Rotterdam	2,042	2,033	-9	-0.44%
Zeeland-West Brabant	977	961	-16	-1.64%
TOTAL	18.108	18.218	114	0.61%

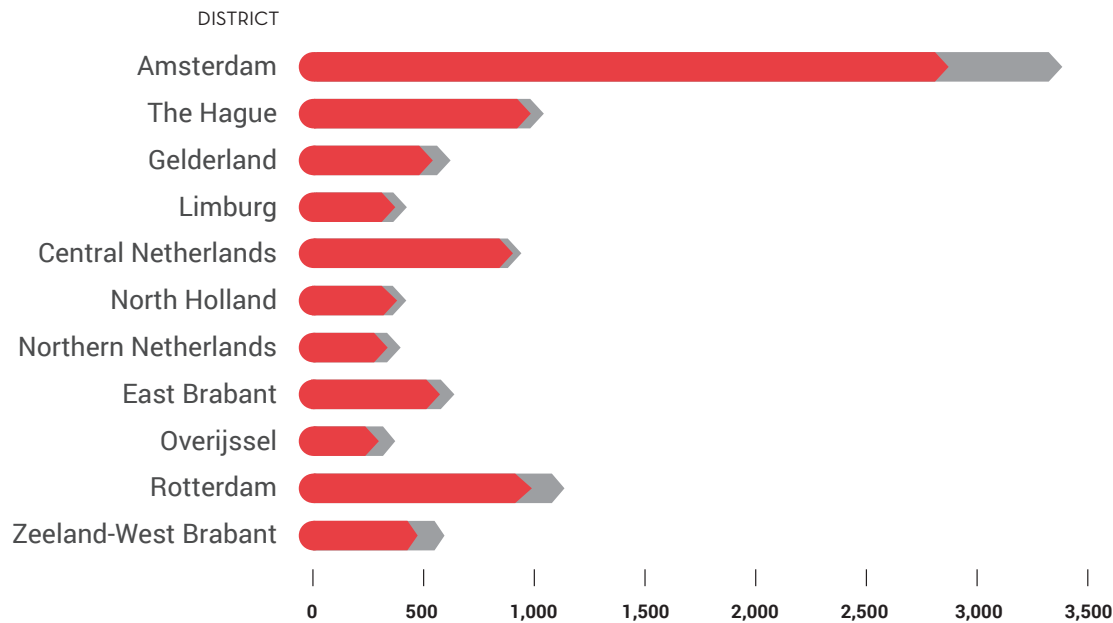


Number of advocates



Total number of advocates 2022 ▶ 18.218

Number of advocates, distribution of men and women as of 1 January 2023

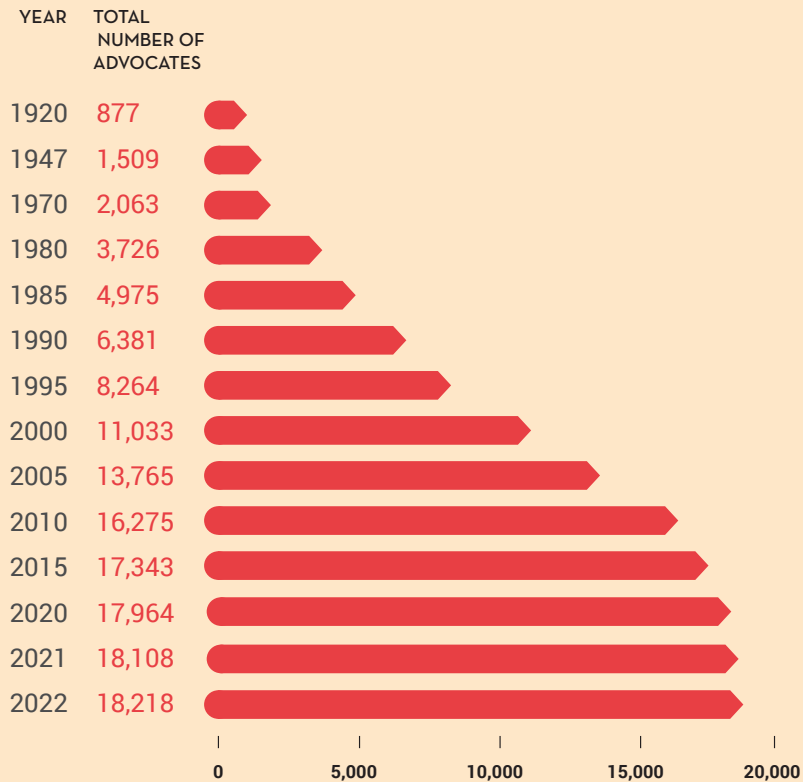


♂	♀	TOTAL
3,409	2,816	6,225
1,014	936	1,950
635	538	1,173
406	333	739
895	893	1,788
407	389	796
414	337	751
626	519	1,145
362	295	657
1,113	920	2,033
541	420	961
9,822	8,396	18,218

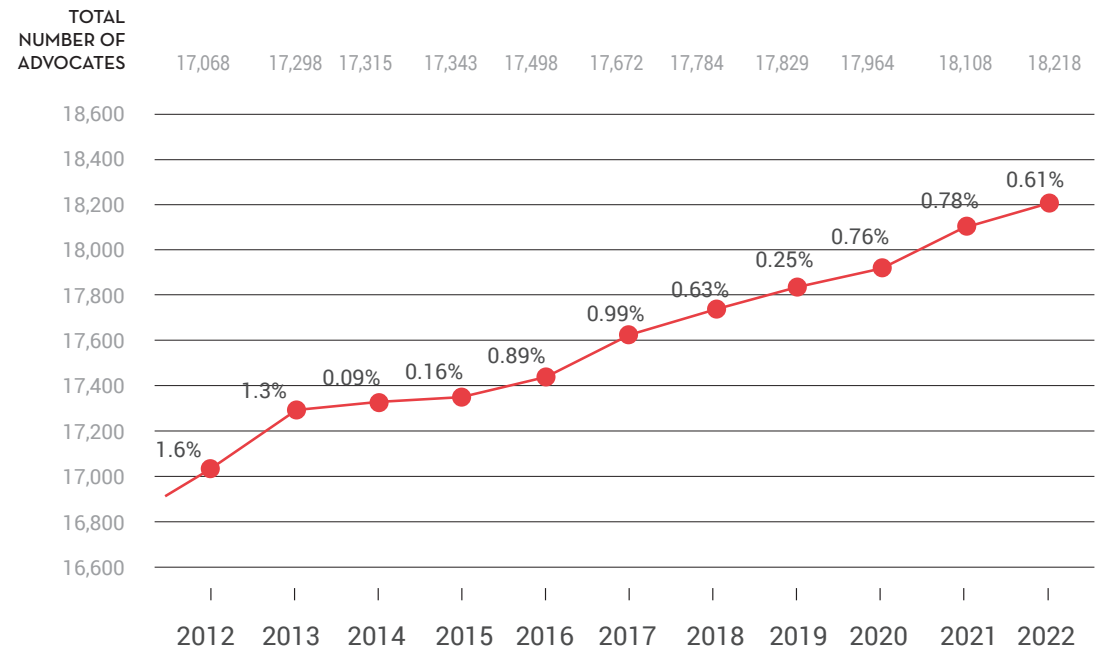


Growth of the Bar

Growth of the Bar as of 1 January 2023



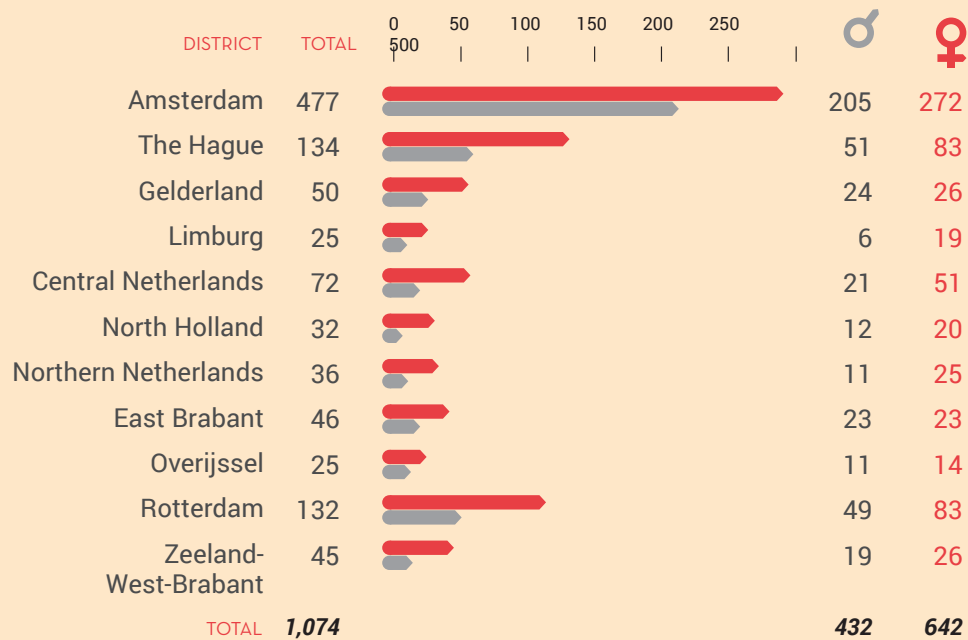
Growth of the Bar in the last 10 years



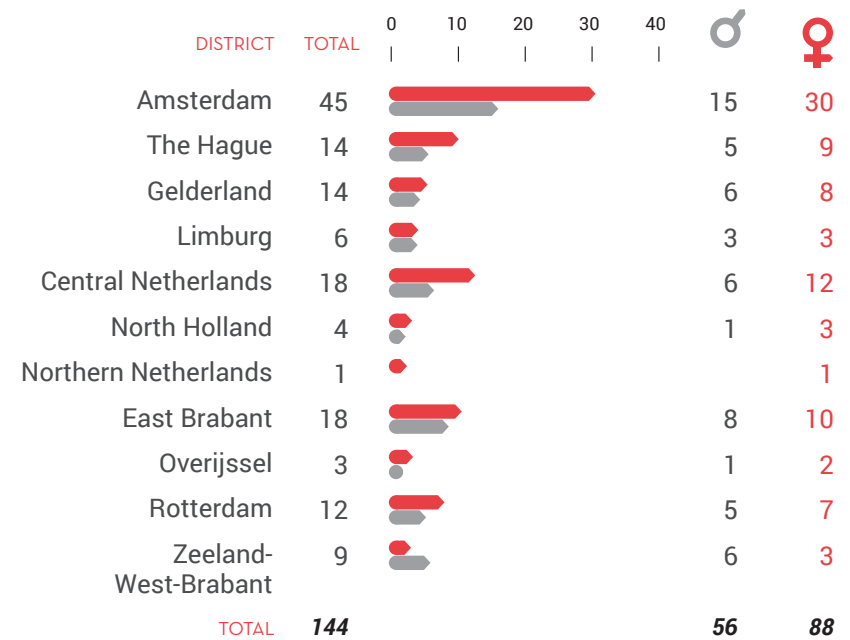


Newly sworn-in advocates

Newly sworn-in advocates in 2022



Re-sworn-in advocates in 2022

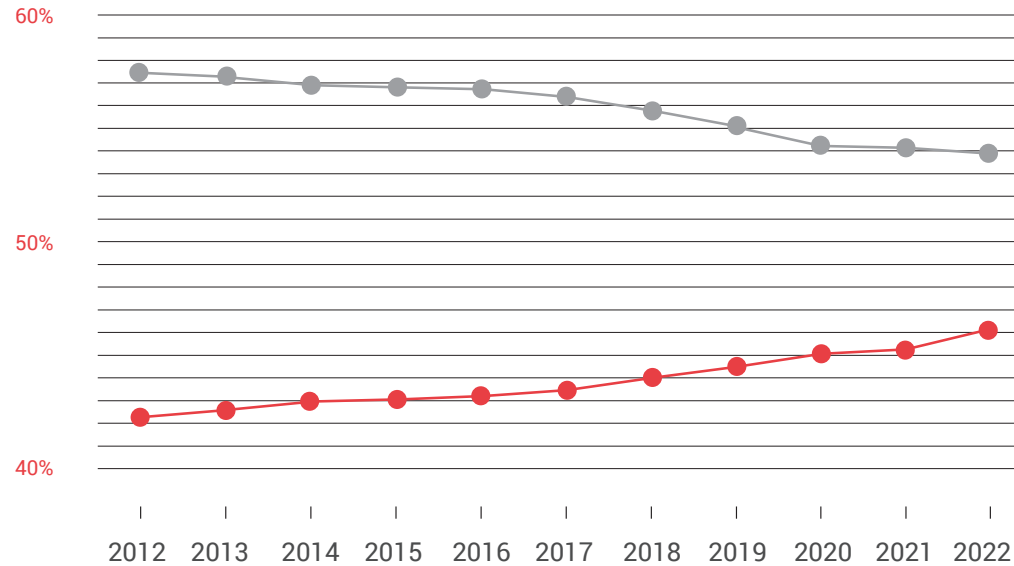




Ratio of men/women

Ratio of men/women in the last 10 years

RATIO OF MEN/WOMEN AS A PERCENTAGE

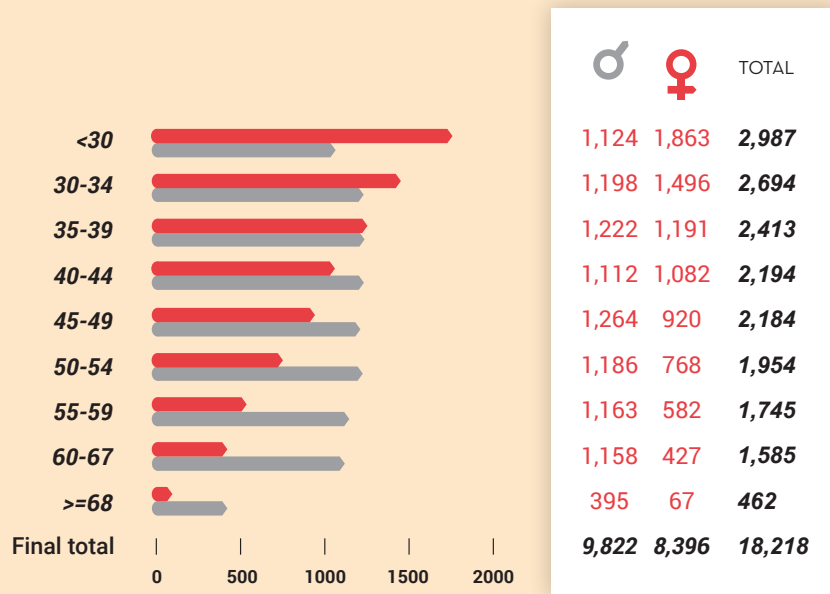


♂	♀	
57.63%	42.37%	2012
57.34%	42.66%	2013
56.99%	43.01%	2014
56.88%	43.12%	2015
56.77%	43.23%	2016
56.36%	43.64%	2017
55.96%	44.04%	2018
55.34%	44.66%	2019
54.76%	45.24%	2020
54.43%	45.57%	2021
53.90%	46.10%	2022

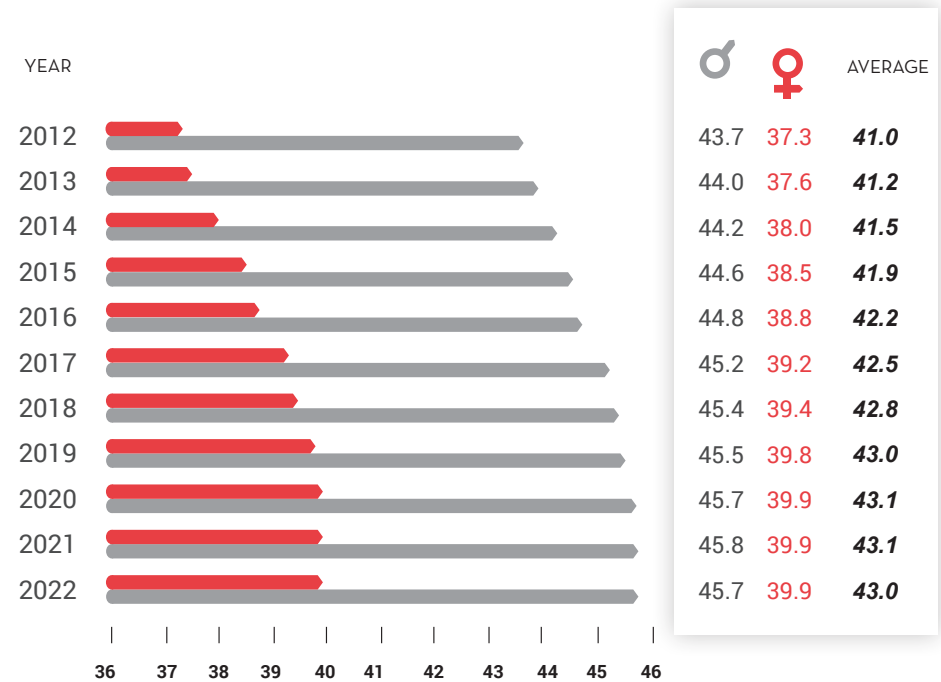


Age structure

Age structure as of 1 January 2023



Average age 2009 - 2022





Age structure by district

Age structure by district as of 1 January 2023

	Amsterdam	The Hague	Gelderland	Limburg	Central Netherlands	North Holland	Northern Netherlands	East Brabant	Overijssel	Rotterdam	Zeeland-West-Brabant	TOTAL
AGE												
<30	1,486	263	145	95	184	72	76	156	71	330	109	2,987
30-34	1,222	266	147	83	202	85	85	146	74	276	108	2,694
35-39	817	246	170	93	219	99	96	170	83	287	133	2,413
40-44	664	217	145	106	223	107	85	168	92	255	132	2,194
45-49	622	273	147	87	247	126	98	137	98	227	122	2,184
50-54	514	252	143	77	253	82	88	116	77	229	123	1,954
55-59	441	197	123	95	210	100	91	121	78	196	93	1,745
60-67	109	49	33	29	56	26	25	25	19	61	30	462
68+	350	187	120	74	194	99	107	106	65	172	111	1,585
Final total	6,225	1,950	1,173	739	1,788	796	751	1,145	657	2,033	961	18,218



Number of advocates by district

Number of advocates by district, distribution by firm size as of 1 January 2023

	Amsterdam	The Hague	Gelderland	Limburg	Central Netherlands	North Holland	Northern Netherlands	East Brabant	Overijssel	Rotterdam	Zeeland- West-Brabant	TOTAL
FIRM SIZE												
Sole proprietor	608	386	263	182	449	199	183	225	151	399	247	3,292
2	308	182	114	116	206	136	96	132	66	230	106	1,692
3-4	440	141	196	143	263	164	110	194	119	260	168	2,198
5-8	786	284	179	114	280	147	174	138	91	295	191	2,679
9-16	711	261	157	97	284	96	121	122	73	195	65	2,182
17-32	513	303	17	87	177	54	67	152	78	276	184	1,908
33-64	644	155	164	0	43	0	0	182	79	168	0	1,435
65+	2,215	238	83	0	86	0	0	0	0	210	0	2,832
Total	6,225	1,950	1,173	739	1,788	796	751	1,145	657	2,033	961	18,218



Number of firm locations by district

Number of firm locations by district as of 1 January 2023

	Amsterdam	The Hague	Gelderland	Limburg	Central Netherlands	North Holland	Northern Netherlands	East Brabant	Overijssel	Rotterdam	Zeeland-West-Brabant	Abroad	TOTAL
FIRM SIZE													
Sole proprietor	542	378	261	181	437	198	181	222	150	380	241	90	3,261
2	147	90	57	57	103	65	48	68	33	113	53	13	847
3-4	121	43	58	43	82	52	35	55	35	76	49	8	657
5-8	125	46	28	19	46	24	27	23	16	47	31	5	437
9-16	63	22	11	9	26	9	11	12	6	17	6	3	195
17-32	24	13	2	4	9	2	3	7	2	12	9	0	87
33-64	14	3	4	0	1	0	0	5	3	4	0	0	34
65+	15	2	1	0	1	0	0	0	0	3	0	0	22
Firm closed down	3	2	1	2	2	2	1	0	0	2	1	2	18
Final total	1,054	599	423	315	707	352	306	392	245	654	390	121	5,558



Supervision



The local bar presidents are responsible for supervising the advocates located in their districts. They are supported by the NOvA through the units Supervision of the Legal Profession by the Bar President (*Dekenaal Toezicht Advocatuur*; DTA) and Financial Supervision of the Legal Profession (*Financieel Toezicht Advocatuur*; FTA). The NOvA's **supervisory board** (see chapter on administrative organisation) focuses on system supervision and oversees the way in which the bar presidents exercise supervision and handle complaints.

The presidents of the **11 local bars** oversee the advocates in their districts. Together they form the **local bar presidents' consultative panel** (*dekenberaad*), in which they consult with each other on how to exercise their supervisory duties and powers and handle complaints. For more information, see the **local bar presidents' consultative panel's annual plan 2022** and its annual report 2022.

The NOvA's Financial Supervision of the Legal Profession unit conducts financial investigations and investigations under the Money Laundering and Terrorist Financing (Prevention) Act (Wwft) at law firms and individual advocates on behalf and under the responsibility of the local bar presidents.

WPTA EVALUATION: NATIONAL REGULATOR FOR THE LEGAL PROFESSION

Following the NOvA's positive assessment of the **final evaluation report on the Act on the Position and Supervision of the Legal Profession** (Wpta) in 2020, **in September 2022 the NOvA endorsed** the proposal of the Minister for Legal Protection. In a **letter to the House of Representatives** the Minister explained the creation of a single national regulator for the legal profession. Under the proposal, supervision will continue to be organised within the profession, independent of the government, so as to ensure the confidentiality of the advocate-client relationship. The **NOvA believes** that the Minister's proposal takes due consideration of the legal profession's core values and independent position within the rule of law.

In his letter, the Minister explains that the national regulator will be formed by three advocates who will be exempt from advocacy work and focus entirely on supervision. With the introduction of the national regulator, local bar presidents will no longer be responsible for supervision in their own districts. Local embedding will be ensured by (specialised) regulators appointed by the national regulator. There will also be no need for a supervisory board as a system regulator because with the introduction of



SUPERVISION

the national regulator there will be a single regulator rather than eleven as is the case now. The NOvA shares the Minister for Legal Protection's opinion that it is important to provide for a 'view from outside"', **positioned fully independently** from the national regulator and other NOvA bodies.

The national regulator will be ultimately responsible for monitoring compliance with the Act on Advocates, the Money Laundering and Terrorist Financing (Prevention) Act, sanctions regulations and the Quality of Collection Services Act. With the introduction of the national regulator, supervision will be organised independently, transparently, uniformly, preventively and effectively. The general council therefore sees the arrival of the national regulator as a strengthening of supervision and a safeguard for ensuring public trust in the legal profession.

In late 2022, the board of representatives set up a core team to work with the general council to address the challenges arising from the new supervision model. Additionally, in early 2023 the general council met with several sections of the legal profession to gauge their views on the supervision model. On that basis, the general council will draft the contours of a supervision model as envisaged by the Minister in his letter of September 2022. The Bill will most likely be discussed by the House of Representatives and the Senate in 2023 and 2024.



” With the introduction of a national regulator for the legal profession, supervision will continue to be organised within the profession, independent of the government.





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**.

Year	Disbarred*	Unconditionally suspended*
2022	9	16
2021	9	18
2020	8	26
2019	11	20
2018	18	13

** Note: these numbers are based on the date on which the ruling became irrevocable. This includes advocates who were no longer included on the bar register at the time when they were suspended or disbarred. Because advocates can have multiple measures imposed on them, the number of advocates suspended or disbarred does not equal the number of suspensions and disbarments.*

“ Once every two months, the NOvA publishes a list of advocates who have been suspended or removed from the bar register ”

ADVOCATES WHO HAVE BEEN SUSPENDED OR REMOVED FROM THE BAR REGISTER

Once every two months, the NOvA **publishes** a **list** of advocates who have been irrevocably removed from the bar register or unconditionally suspended by the disciplinary judge.

DISCIPLINARY LAW RULINGS AVAILABLE AT ZOE-KEENADVOCAT.NL

Via the NOvA's search engine **[i] Zoek een advocaat/[i]** (Find an advocate), litigants can find an advocate who can assist them in a legal dispute. The information shown about the advocate selected will include a reference to any disciplinary action taken, and a link to the full text of the ruling handed down by the Disciplinary Court or Disciplinary Board.

DISCIPLINARY LAW KNOWLEDGE CENTRE

Local bar presidents and staff can contact the NOvA's **disciplinary law knowledge centre** if they have any questions about the code of conduct (and its enforcement) and disciplinary matters. The NOvA publishes, 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** authors the section 'From the disciplinary judge' on the NOvA pages of the Lawyers Gazette.



Legal affairs



The NOvA sets the **rules and regulations for the legal profession** and publishes them at regelgeving.advocatenorde.nl.

REGULATIONS

The following regulations were adopted in 2022:

- **Amended Bye-law on Professional Skills 2022** (6 April 2022)
- **Amendment to Mandate Decision AS** (2 May 2022)
- **Amendment to Mandate Decision AR** (2 May 2022)
- **Policy Rule on Appointments** (16 June 2022)
- **Regulation amending financial contribution categories 2022** (5 September 2022)
- **Bye-law amending rules on protected telephone numbers DJI/AIVD/MIVD** (27 September 2022)
- **Regulation amending model charter WBTR** (7 November 2022)
- **Decision on subsidy cap 2023** (15 November 2022)
- **Decision on financial contributions 2023** (1 December 2022)
- **Regulation amending attendance fees 2022** (12 December 2022)

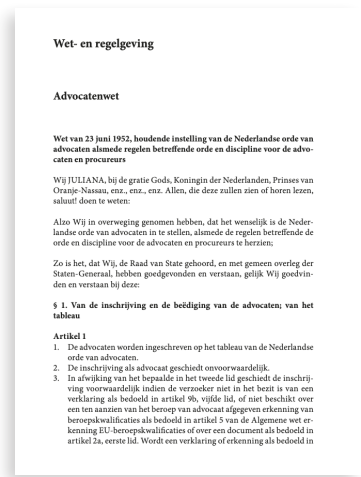
REGULATIONS ADVISORY COMMITTEE

The **regulations advisory committee's** task is to advise the general council upon request on the legislative quality of regulations proposed by The Netherlands Bar.

The advisory committee issued no opinions in 2022.

VADEMECUM ON THE LEGAL PROFESSION

In addition to a digital (Dutch-language) version available at regelgeving.advocatenorde.nl, the vademecum on the legal profession was also published in **book form** in 2022. This annual publication by the NOvA in cooperation with Boom Publishers contains the most important and most recent laws and regulations, including the Act on Advocates, the Legal Profession Bye-law (Voda), the Legal Profession Regulations (Roda), code of conduct and policy rules.





ADMINISTRATIVE DECISIONS

The general council's duties include taking administrative decisions.

Primary administrative decisions	2022	2021
Financial contribution, category I	14,809	14,635
Financial contribution, category II	4,502	4,539
Exemption due to secondment	105	101
Exemption due to practising outside the Netherlands	110	64
Exemption from course or exam Vocational Training for Lawyers	1	13
Application of Hardship Clause Vocational Training for Lawyers	1	9
Admission old Vocational Training for Lawyers	-	2
Approval of shorter internship	1	-
Disbarment based on Section 8c (1) (c) of the Act on Advocates	7	3
Training institution accreditation	18	20
Extension of training institution accreditation	3	11
Revocation of training institution accreditation	4	2
Registration based on Section 16h of the Act on Advocates	12	28
Investigation based on Section 2 (4) of the Act on Advocates (Morgenbesser)	5	14
Recognition of EU professional qualification	6	9
Freedom of Information requests (based on the old law; WOB)	3	14
Freedom of information requests (based on the new law; WOO)	12	-
Requests based on Government Information Reuse Act	2	-
Appointment of intervision facilitators	78	125
Appointment of reviewers for peer reviews	17	10
Requests based on Section 4.11 (2) Voda	1	1
Requests based on Section 4.14 (2) Voda	1	1
Review requests	2	3
Decisions on formal notice	-	2
GDPR requests	5	3
Recognition of foreign bar	2	1
Civil cassation exams passed	6	3
Tests of competence civil cassation passed	7	6
Settlement letter re complaint (not a decision)	-	2
Complaint based on Chapter 9 General Administrative Law Act	1	-
Total	19,720	19,191

OBJECTION AND (ADMINISTRATIVE) APPEAL

Where appropriate, decisions are open to objection or (administrative) appeal under the General Administrative Law Act.

Objections to financial contribution	2022	2021
Valid	100	70
Unfounded	23	8
Withdrawn	45	44
Inadmissible	27	8
Unfounded/inadmissible	1	1
Total	196	136

Other objections	2022	2021
Valid	-	3
Unfounded	10	4
Valid/unfounded	-	2
Withdrawn	-	6
Inadmissible	2	5
Unfounded/inadmissible	1	1
Manifestly inadmissible	1	-
Total	14	21

Administrative appeal	2022	2021
Unfounded	3	2
Withdrawn	2	3
Inadmissible	8	2
Valid/unfounded	-	1
Stakeholder A unfounded, stakeholder B inadmissible	-	1
Amended decision: stay of administrative appeal stakeholder A, stay of interest stakeholder B	-	1
Total	13	10



Appeals to District Court	2022	2021
<i>Partly inadmissible, partly valid/unfounded</i>	-	1
<i>Partly inadmissible, partly valid</i>	1	-
<i>Valid</i>	5	4
<i>Withdrawn</i>	2	1
<i>Inadmissible</i>	2	3
<i>Unfounded</i>	5	5
Total	15	14

Request for preliminary relief District Court	2022	2021
<i>Withdrawn</i>	2	-

Request for preliminary relief Council of State	2022	2021
<i>Rejected</i>	3	-

Appeals to Council of State	2022	2021
<i>Unfounded</i>	-	2
<i>Valid</i>	2	1
<i>Withdrawn</i>	1	-
<i>Rejected</i>	6	-
Total	9	3

COMPLAINTS ABOUT THE DE NOVA

The NOvA seeks to operate as diligently as possible. Anyone who nevertheless feels that they have not been treated fairly may **file a complaint** against the conduct of an administrative body of the NOvA (or anyone working under its responsibility). In 2022, one written complaint was filed and proved to be invalid.

	2022	2021	2020
<i>Complaints about the NOvA</i>	1	2	4
<i>Details</i>	<i>Unfounded</i>	<i>1 partly unfounded, 1 neither valid nor unfounded</i>	



Administrative organisation

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

GENERAL COUNCIL

The **general council** is tasked with NOvA's general management. The general council promotes the proper practice of law by advocates in the interests of the proper administration of justice. In 2022, the general council convened 22 times (2021: 21).

Composition

In 2022, the general council comprised:

- Robert Crince le Roy (President of The Netherlands Bar)
- Susan Kaak (Deputy President as of 1 November 2022)
- Jeroen Soeteman (as of 1 January 2022)
- Sanne van Oers (as of 1 April 2022)
- Jan Broekhuizen (as 1 November 2022)
- Bernard de Leest (until 31 October 2022)
- Theda Boersema (until 31 October 2022)

Robert Crince le Roy succeeded Frans Knüppe as **President of The Netherlands Bar** on 1 January 2022. At the meeting of the

” The Netherlands Bar is the professional public-law association for the legal profession ”

board of representatives on 30 November 2021, **Jeroen Soeteman** and **Sanne van Oers** were elected members of the general council. They **began work as directors** of the NOvA on 1 January and 1 April 2022, respectively. At the meeting of the board of representatives on 27 September 2022, **Jan Broekhuizen** was elected to the general council and then **joined the general council** on 1 November 2022. Petra van Kampen (effective 1 January 2022), Bernard de Leest and Theda Boersema (both effective from 1 November 2022) stepped down as members of the general council. Susan Kaak succeeded Bernard de Leest as Deputy President.

Areas of focus

The general council operates as a collegial board, but each board member is responsible for one or more focus areas in preparation of one or more policy areas. Its composition at 31 December 2022:

- Robert Crince le Roy: general representation of the Bar and rule of law issues
- Susan Kaak: Home of the NOvA
- Jeroen Soeteman: the advocate of the future
- Sanne van Oers: the advocate in society
- Jan Broekhuizen: the advocate in practice
- Vacancy (to be filled in 2023): the advocate as a human being



NATIONAL OFFICE

The NOvA's **national office**, headed by Secretary General Raffi van den Berg, supports the general council with policy preparation and implementation.

In 2022, the NOvA's national office employed 58 staff (48 FTE). Of the staff, 75% were women and 25% were men.

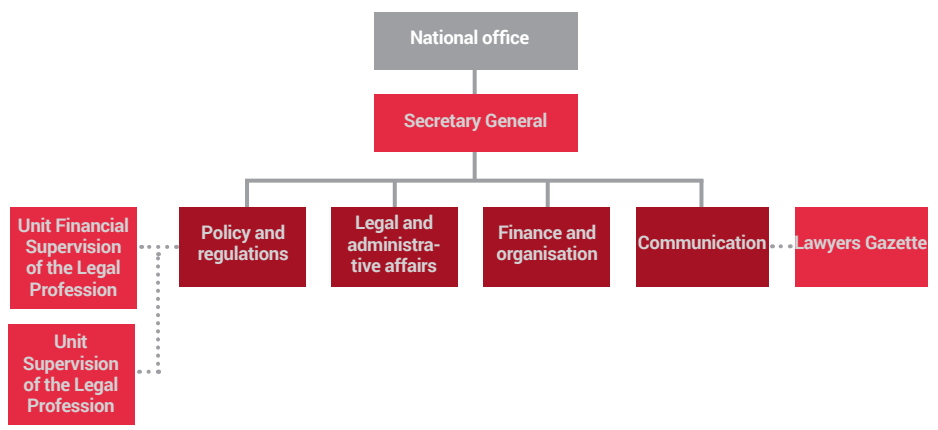
Year	Number of FTEs	Number of employees	Female	Male
2022	48	58	75%	25%
2021	48	58	71%	29%
2020	48	60	72%	28%
2019	50	63	69%	31%
2018	52	66	72%	28%

FINANCIAL CONTRIBUTION

The Netherlands Bar acts independently from the government and receives no funding from the government to cover its costs. In order to fund the NOvA's statutory tasks, all advocates registered with the Bar are required to pay a **financial contribution** to the NOvA as a professional association under public law.

Of the **financial contributions received in 2022**, the largest part (28%) was used to fund the disciplinary system (disciplinary court and boards). Twenty-four percent of contributions were spent on supervision, comprising the costs of the supervisory board and the local bar presidents' consultative panel. Slightly less than half of contributions went to other tasks carried out by the NOvA, such as arranging professional training, promoting the quality of the profession, and communicating about and providing information to the legal profession.

Advocates who have been registered with the Bar for a total of more than three years and earn a gross income of EUR 40,000 or less may be eligible for paying a **reduced financial contribution** to the NOvA (category 2). In 2022, the general council raised this gross income threshold from EUR 37,000 to EUR 40,000 and so more advocates pay a reduced financial contribution.

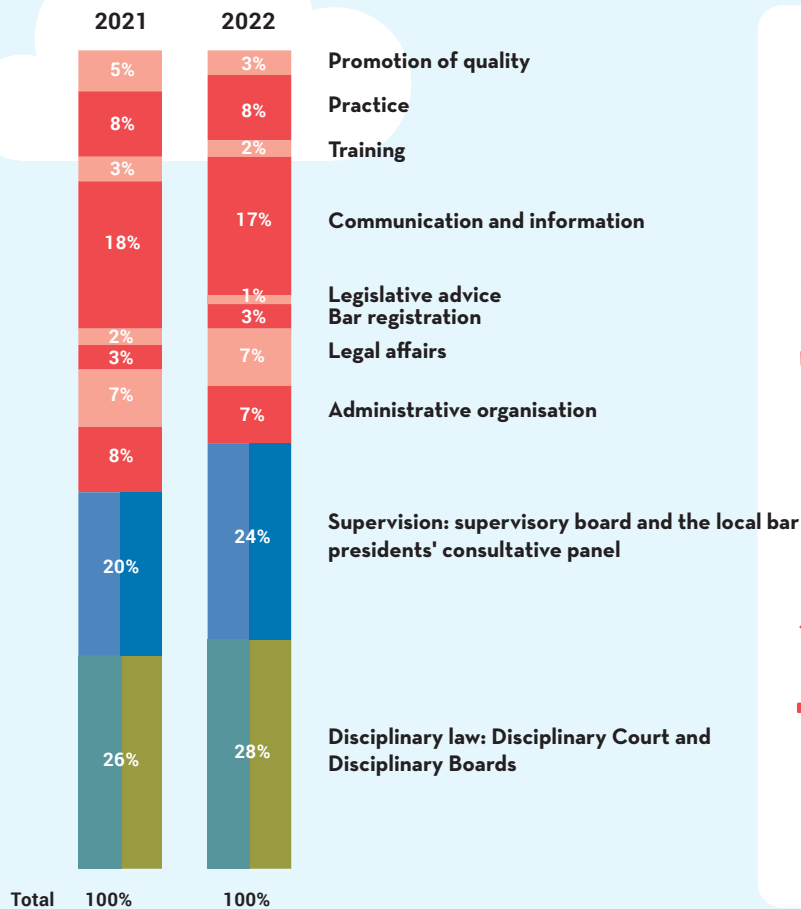




NEDERLANDSE ORDE VAN ADVOCATEN

What does your financial contribution fund?

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



Promotion of quality
For an expert legal profession for the proper administration of justice.



Practice
For advocates to practice their profession in accordance with its core values.



Training
For adequate vocational training and maintaining professional skills.



Communication and information
Communication about the profession and provision of information to advocates.



Legislative advice
To contribute to high-quality legislation affecting the legal profession and the rule of law.



Bar registration
Registration of advocates to ensure legal certainty.



Legal affairs
For legal protection and a legal framework within the legal profession.



Administrative organisation
Proper governance, control and accountability by the NOvA.



Supervision: supervisory board and the local bar presidents' consultative panel
Independent, transparent, uniform, effective and professional oversight.



Disciplinary law: Disciplinary Court and Disciplinary Boards
Funding of the Disciplinary Tribunals.



For advocates in category 1, the financial contribution fell in 2022 by 3.5% to EUR 970, for advocates in category 2 to EUR 317. This slight decrease was driven by limited growth of the Bar and the profit achieved in 2021. In 2023, the necessary increase in the financial contribution will remain limited to 7%, despite the fact that the 2023 budget factors in a price index of 10%.

Financial contribution (year and explanation)	Category 1	Category 2
2022	EUR 970	EUR 317
2021	EUR 1,005	EUR 329
2020	EUR 973	EUR 319
2019	EUR 869	EUR 285
2018	EUR 720	EUR 189
2017	EUR 790	EUR 259
2016	EUR 790	EUR 259

As of 2021, advocates who are sworn in during the year will pay the financial contribution on a pro-rata basis. In this way, new advocates also pay a reasonable contribution towards the costs incurred by the NOvA as a professional organisation for the legal profession as a whole from the time of their registration.

BOARD OF REPRESENTATIVES

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

In 2022, the full board of representatives had 54 members and 33 deputy members. In 2022, the board of representatives met four times formally in session and three times in a smaller, more informal setting.



On 6 April 2022, the meeting of the board of representatives was held for the first time at the NOvA premises in The Hague.



On **30 June 2022**, following positive advice from the Finance Committee, the board of representatives approved the NOvA's **annual financial report 2021** and granted the general council discharger. During the year, the board of representatives also adopted, among other things, the **Bye-law amending the professional skills requirements 2022**, the **Bye-law amending the rules on protected telephone numbers DJI/ AIVD/MIVD** and the **Financial Contributions Decision 2023**.

ADVISORY BOARD

The **advisory board** advises the general council and the board of representatives on the NOvA's general policies. In 2022, the advisory board met five times (2021: twice).

In 2022, the advisory board comprised:

- Aart-Jan de Geus (Chair, until 31 December 2022*)
- Arnold Croiset van Uchelen (acting Chair, as of January 2023*)
- Judith Swinkels
- Jeroen van den Hoven
- Francien Rense (until 30 September 2022)

** In connection with his appointment by the Crown as a member of the supervisory board on 1 January 2023, Aart-Jan de Geus resigned as Chair of the advisory board as of that date. Until a new Chair is appointed, Arnold Croiset van Uchelen will be the acting Chair.*

In 2022, the advisory board issued opinions in response to the following requests for advice:

- Bye-law amending the professional skills requirements 2022
- Bye-law amending the rules on protected telephone numbers
- Design and set-up of supervision of the legal profession

In addition, the following topics were on the agenda during the year:

- Protection from Subversion Task Force
- Social corporate responsibility and image of the legal profession
- Artificial intelligence
- Subversion and supervision
- Developments around the Act on the Position and Supervision of the Legal Profession (Wpta)
- Advocate of the future
- Composition of the advisory board

SUPERVISORY BOARD

The **supervisory board** was established on 1 January 2015 as an independent body of The Netherlands Bar on the basis of the Act on Advocates. 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. In 2022, the supervisory board among other things published the **third and fourth progress reports**. For more information about its activities, see the supervisory board's **Work Plan 2022** and Annual Report 2022.

The supervisory board consists of three members and is chaired by the president of the NOvA's general council. The two other members are appointed by royal decree, on the recommendation of the Minister of Justice and Security.

In 2022, the supervisory board comprised:

- Robert Crince le Roy, Chair
- Roelie van Wijk-Russchen, Crown-appointed member
- Jeroen Kremers, Crown-appointed member (until 29 October 2022)

The President of the NOvA, Robert Crince le Roy, joined the supervisory board on 1 January 2022, and chairs the board by operation of law. On 1 January 2022, Andrée van Es was **succeeded as Crown-appointed member by Roelie van Wijk-Russchen**. On 1 January 2023, Crown-appointed member Jeroen Kremers was succeeded by Aart-Jan de Geus.

INTERNATIONAL

The NOvA is active in various international contexts.

Council of Bars and Law Societies of Europe

The NOvA's greatest involvement is with the **Council of Bars and Law Societies of Europe** (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 regard. The CCBE also promotes the importance of an independent legal profession in a democracy governed by the rule of law. For more information, please refer to the **CCBE's Annual Report 2022**.

The NOvA focuses mainly on issues which are of importance to the Dutch legal profession and tie in with the strategic themes formulated by the general council. To this end, the NOvA actively participates in a number of committees and working groups. The **Dutch delegation to the CCBE**, headed by delegation leader Susan Kaak, represents the NOvA in the standing committees and plenary session (general assembly) of the CCBE.



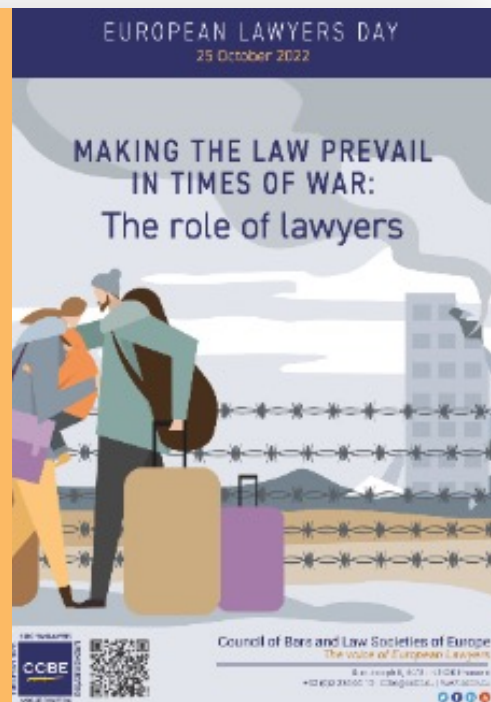
In 2022, the NOvA among other things:

- Contributed to the European Commission's **Rule of Law Report** and EU **Justice Scoreboard**;
- Participated in consultations between the CCBE and the European Public Prosecutor's Office (EPPO);
- Contributed to the 'CCBE paper on CSR and the legal profession' and the 'CCBE position paper on the proposal addressing situations of instrumentalisation in the field of migration and asylum'.

European Lawyers Day

The theme of the annual CCBE **European Lawyers Day** in 2022 was 'Making the law prevail in times of war: the role of advocates'. On 25 October, the 46 European bar associations, united in the CCBE, reflected on the impact of the Russian invasion of Ukraine and the role advocates play in defending the law in times of war. The NOvA has also **called attention to this**.

CCBE



International Bar Association

The **International Bar Association** (IBA) is the most important organisation for international legal practitioners and bar associations. The NOvA participates in mid-year and annual meetings, the Bar Issue Committee (BIC) and council meetings.

In 2022, the NOvA among other things:

- Contributed to the 'IBA Constitution and Governance Committee Consultation';
- Expressed support for the **IBA Gender Project** (a study of the Dutch legal profession is currently underway).

Chief Executives of European Bar Associations

The Chief Executives of European Bar Associations (CEEBA) is the forum for the secretaries general of national bar associations in Europe. Frequent consultations and exchanges take place within this network. In 2022, the NOvA organised the annual CEEBA meeting in The Hague on 8-10 September.

International Institute of Law Association Chief Executives

The International Institute of Law Association Chief Executives (IILACE) is the association of secretaries general of national bar associations from around the world. It provides a forum for exchanging views and information of common interest between local, national and international secretaries general (executive



officers) of bar associations. In 2022, the NOvA attended the annual conference in Washington.

European Presidents' Conference

The **European Presidents' Conference** (EPC) is the annual conference of European presidents of bar associations. Hosted by the Austrian Bar Association in Vienna, the conference focuses on the rule of law. The NOvA's President attended the conference in **2022**.

Deutschsprachige Präsidentenkonferenz

The Deutschsprachige Präsidentenkonferenz (DPK) is the annual conference of the presidents of the bar associations in Switzerland, Germany, Austria, Luxembourg, Liechtenstein and the Netherlands. In 2022, the NOvA's President attended the DPK in Luxembourg. The NOvA also prepared the annual country report for the conference.

Networking reception

On 1 November 2022, some 100 national and international advocates gathered for the NOvA's networking reception at the IBA conference in Miami. Guest of honour was Ruth Emerink, Consul General to the United States. The President of The Netherlands Bar, Robert Crince le Roy, spoke to the attendees about the rule of law and the importance of an independent legal profession, among other topics.



CEEBA meeting

At the 2022 CEEBA meeting, the NOvA's Secretary General Raffi van den Berg was elected President of the Chief Executives of European Bar Associations.





International Lawyer's Forum

The International Lawyer's Forum (IAF) is the biennial forum on current trends and developments in appellate law and legal politics. In 2022, the NOvA participated in the forum in Berlin, organised by the BRAK (Bundesrechtsanwaltskammer).

”Consultations and exchanges between advocates around the world





National Bar Day

The NOvA organised a National Bar Day for the third time running on 7 September 2022. More than 150 staff and boards of local and national bar associations, members of the board of representatives, the supervisory board and the advisory board gathered at the Herwijnen Geofort for a relaxed and professional event. During workshops, they exchanged views about current topics such as advocates' resilience to pressure and threats, artificial intelligence, becoming a partner or working part-time, and access to justice. There was also ample opportunity for conversation and getting to know each other over drinks and during the pub quiz and organic barbecue.





Editorial Board

The Netherlands Bar

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