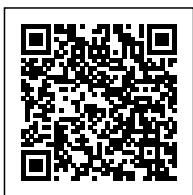


# A NEW STATUTE FOR A PROFESSION IN CONSTANT UPDATING

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***Opinion by Victoria Ortega, president of the General Council of Spanish Lawyers.***



I do not know if the legal profession is among the first professions in the history of civilization, but I am sure that law has always been crucial to the evolution of our world. Nothing can be organized in society without law. From the moment law existed, the figure who advocates for its respect and compliance took on the utmost relevance. Many have been the regulations that over the centuries have established the role of lawyer and the tools at his or her fingertips. We can say broadly that the more advanced a State has been in democratic terms, the greater the protection that the practice of

law has enjoyed.

Little further explanation specifies the extent to which the 1978 Constitution offered our profession the development that had been denied to it during the four-decade period preceding it. The constitutional text not only valued the work of lawyers, but underpinned their role as essential in the development of the rule of law. The course of time and the adoption of successive rules have consolidated their position as a central element in defence of rights and freedoms.

And yet, 42 years later, there was still a long way to go in such essential aspects as the guarantees that should be attributed to those who offer citizens the essential knowledge of the laws and the

functioning of the complex judicial system. In this sense, the new General Statute of the Legal Profession comes, if not to completely repair the gaps that existed, at least to complete the bulk of the demands that the legal profession had been demanding for several decades.

Considering that the exercise of defence cannot be understood if the lawyer and his or her client are not attended by the main shield and protection tool that is professional secrecy. The unwavering privacy of communications in the deliberation process and in the preparation of cases is a critical cog in the wheel of rights protection and claims for damages. And it is not that professional secrecy was not a reality in the Statute that is still in force and will remain so until 1<sup>st</sup> July. But, for the first time, all aspects are collected in an exhaustive way. And as a sample, it is sufficient to refer that from now on, it will be the lawyer who, before a search warrant in his or her office, acts as an actor capable of demanding the presence of his or her dean. In the 2001 Statute, that power rested solely with the judge and/or the government authority. I hope and trust that, as the text contains, the new regulation will also prevent the confiscation without discretion of all files of a professional office, since search warrants can only affect documents related to the case being investigated in court.

Providing lawyers with such unavoidable protection was and is undoubtedly as necessary as it is irreplaceable for the legal profession. It is fundamental for people in an investigation or lawsuit, who should in principle have no secret with their legal representative.

As could not be otherwise, the new Statute delves into the protection of legal professionals, but it does so to the same extent as the transparency and guarantee regime that its clients must enjoy. That is why the new rule governing lawyers enshrines such relevant aspects as the advance of a fee forecast, the fluidity of information and a system of complaints that must be provided with the utmost diligence by Bars and Councils.

Also, providing transparency in terms of deontological sanctions and commitment to services through quality letters from institutions will help us to be more useful and efficient when lending them to our Bar members and provide a better perception of the attention we directly give to citizens.

The estimate is moderately optimistic, because, as I have explained, it is a significant step forward. And yet we must not forget that our profession requires a permanent updating, not only in terms of knowledge of legal practice, but also in terms of the claim of rights not recognized or recognized but still to be materialized.

As soon as we have achieved a new goal, I have no doubt that others will soon emerge. And as soon as it happens, we will get to work. Because that is the spirit that gives law its ability to continue transforming society.

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