

The lawyering after three decades



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From 1990 to date, many have expressed their impressions, facts or have shared memories regarding institutional reforms, or political movements in the post-communist Albania. But one institution that has not been so much on focus, or has been somehow forgotten, in respect to the reforms, is the legal practice (in Albanian: Avokatiq).

Main comments regarding the law practice as a private profession have been analyzing the reasons for its abrogation and then reasons from its re-establishment in 1992. As already known its abrogation was decided considering the private legal services as redundant, as citizens of a happy country could have their rights and freedoms protected by their state. No matter if the state was a prosecutor and judge at the same time, it could function as a defense lawyer, too. So, the reintroduction of the Ministry of Justice and the legal profession in 1991 shortly after the fall of Berlin Wall and the Bronze Statue of Enver Hoxha marks the start of one of the most important reforms in the whole legal system.

We would witness through the years how the two institutions played a significant role in the set-up of the whole system and drafting of the new modern legislation, and also completing the full structure of institutions that would be contributors to the implementation of the fair process, which was missing for more than four decades before nineties.

In my view, the role of foreign lawyers' associations that sent volunteers to Albania on their behalf, was of a great value. Main contribution came from the Law Society of England and Wales, and British Albanian Law Association, formed in London in the nineties, and later Slynn Foundation. A precious assistance was also extended generously by the American Bar Association through their CEELI (Central and Eastern Europe Law Initiative) supported by ABA (American Bar Association). Their know-how was crucial in the introduction of a set of rules that would make the legal profession to conduct in a fashion that was prevalent in modern societies.

As well, some foreign individual lawyers, who considered Albania as a potential market for their practice, started to get acquainted with Albanian lawyers with the means to select those who were able to understand quickly and grasp the needs of foreign investors and offer services in a confident and timely manner to them. It was the time when exploring new markets in South East Europe became so attractive because of lots of opportunities that usually associate the transformation of isolated economies. Albanian economy, like other economies in our poor region, needed oxygen, money, experience. A handful of foreign lawyers, mainly from Italy, Greece and US started to move quickly to establish relationships or even partnerships with Albanian lawyers, thus giving clients based in their home countries, a considerable comfort and security that their investment or business would in safe hands.

The Albanian lawyers who got before the other peers the sense what was happening were advantageous and became part of new initiatives and structures of partnership. The firm TEUTA was probably the first one then others followed. As an eye witness of this interesting development I saw how some of those who took the bravery under the slogan 'Tomorrow is now!' rushed to build up their simple firms, and successfully ran them and are still running them now of course, larger in size and better in experience, but I also saw many others who did not manage, and some others who downgraded their practice from partnerships to the sole practice. Language proficiency was one of the pre-requisites that conditioned the process of facilitation of amalgamation of foreign practice with the local one.

Although rather primitive management in the very beginning, time told the Albanian law firms turned into competitive firms very quickly which impressed even the foreign lawyers who were considering forming partnerships with the Albanian law firms' founders.

The first law firms started putting their signs on the walls of a handful buildings downtown that looked nicer with modest law firms hosted in there.

The model that the original law firms adopted was different and such differences gave the said firms, gradually, the respective status in the legal market. Some of them decided to remain general, some specialized in a number of niche commercial areas, as to respond to the needs of clients' interest in various industries and some others elected to become full services law firms.

Issues that law firms started to consider and implement step by step, while building their practice were mainly those dealing with the qualification of lawyers. A few of them (our firm was one) put as a condition precedent in the recruitment process the post graduate qualification. As well, gender balance was taken into consideration and now you can see that in law practice gender balance is quite evident and even the balance seems to have gone to the favour of female. Finally, the structure of the firms, many of which operated as sole proprietorships., moved to limited liability companies, professional associations or partnerships. The legal market in commercial area today is dominated by firms who employ ambitious young lawyers and who have earned their law degrees or LLM in well know foreign universities and even worked for some time in foreign or international law firms. The new generation of lawyers is becoming a factor in an increasing competition.

For more than two decades I have been personally working hard in building a practice which has now great credentials. The firm I founded and run has been stable in the implementation of a combined traditional law practice with the modern one; we have pioneered a rather broad partnership, including foreign lawyers who worked in the firm; we have represented many Fortune 500 and have acted on major privatizations and mega projects and transactions; we have been firm to adopt the high standards of integrity and committed to combat corruption, prevent money laundering and promote values of the society, especially the cultural heritage, by embracing any initiatives and memberships like CSR Network, our firm was one of the original 5 founders along with Vodafone Albania, Antes Cement/Titan, Intracom and BKT.

We promote and will keep promoting the implementation in Albania of the 17 Sustainability Development Goals that are meant to transform the world in this new decade; we have been active in the global and regional initiatives of lawyers that aimed at improving the legal services, but also the life of societies at large. Our firm is one of the founders of the successful alliance SOUTH EAST EUROPE GROUP (SEE LEGAL) and in 16 years since its foundation has demonstrated its full commitment to making this strong vehicle active not only in the legal industry, but also in improving the societal involvement in these challenging times.

In this new decade that just took-off we have a good reason to thank clients, partners, associates, assistants of the firm, including those who worked in our firm in the past and now follow their professional life in other places or structures. Their contribution remains a priceless asset which is materialized in our strong goodwill.

An imminent task of the Bar Association is now to establish closer relationship with lawmakers before laws pass through the parliament. We see more involvement by business organizations who really do not have so much experience in legislative drafting than the association of lawyers who have a large "army" of specialized people and can contribute significantly to the improvement of the laws and efficiency of rule of law mechanisms as well. This becomes more imperative especially in the phase of pre-negotiations where Albania is.