

Chicago Daily Law Bulletin®

Volume 160, No. 53

DLA Piper offers helping hand to Kosovo lawyers

BY JAMIE LOO

Law Bulletin staff writer

Watching attorneys in Kosovo debate the results of a hypothetical lawyer-discipline scenario regarding judicial bribery made Peter D. Lindau feel like he was witnessing the Founding Fathers of the United States at work.

"It's like being at the Continental Congress," he said about the training program. "They're starting from these first principles and they're arguing about what should be and what should not be. It was really interesting, and they were really into it."

Lindau, assistant general counsel at DLA Piper LLP, spent a week in Kosovo last month as part of a pro bono project with the country's bar association that focused on professional ethics, a disciplinary system and Continuing Legal Education training.

The trip was part of a partnership between DLA Piper's nonprofit pro bono organization New Perimeter and the National Center for State Courts in the U.S., which has been working on a three-year initiative with the Kosovo Chamber of Advocates (KCA) to strengthen the legal profession in the country.

Kosovo has roughly 1.8 million people and formally declared its independence in 2008 after years of repression and war throughout the former Yugoslavia. The KCA, which is Kosovo's bar association, has about 450 attorneys.

Lindau and fellow DLA Piper attorneys Kathy J. Owen of the Dallas office and Sheldon Krantz — who worked in the Washington, D.C., office and was New Perimeter's director at the time — previously traveled to Kosovo in 2012 to help the KCA with its bar procedures, ethics and disciplinary process and provide recommendations on getting it in alignment with the Kosovo Law on Bar, which is the statute governing the country's legal profession.

The codes were not well-integrated, Lindau said, so they identified missing parts and areas that were contradictory or duplicative.

For example, there was inconsistency in terminology, and the code did not have a definitions section.

Regulations for disciplinary procedures had their own section and were scattered throughout the main KCA statutes, so the DLA Piper team recommended consolidating everything in one place with some cross references. The language in some of the rules was unclear, so the KCA had to consider what would be mandatory or discretionary.

"One of the challenges was to help them envision the infrastructure and build the infrastructure without designing it for them," Lindau said.

This recent trip built on that prior work, Lindau said, and focused on implementation issues.

Things that may seem obvious and fundamental to attorneys in the U.S. were not always readily apparent to Kosovar attorneys who are building their system from scratch. For example, during his training with the KCA disciplinary committee, which is similar to the Attorney Registration & Disciplinary Commission, Lindau discussed the importance of drafting and issuing opinions.

Some of the opinions the committee had written only had a brief set of facts and then a conclusion, he said, without including the legal reasoning behind their decisions. Lindau said they talked about why this is important for transparency.

Transparency discussions came up repeatedly during Lindau's trip. The disciplinary committee debated whether their opinions should be written in layman's terms so that the public could understand them. The KCA is launching a new website, Lindau said, and anticipates adding a prominent link for



Peter D. Lindau

complaints — which is a big step for them.

"One of the things they're grappling with is to increase civic engagement and to do that I would think you need some level of transparency," Lindau said. "I hope that's an ongoing discussion that they have."

The KCA passed requirements for CLE training about two years ago and needed attorneys trained to give CLEs as well as resources for program content. Lindau gave a presentation on how to structure a CLE program which included tips such as presentation methodologies, small group work, integrating technology such as video clips and making sure there is enough time for questions.

CLE trainers in Kosovo also have to coordinate logistics for their program, Lindau said, which is taken for granted in the U.S. In the U.S., an attorney giving a CLE program can usually send his or her PowerPoint slides and handouts to an event host and arrive at the program with a laptop, screen and any other needs already taken care of.

"They have to think about that stuff because if they're not doing it, it's not getting done," Lindau said.

Lindau also met with two groups of law school students, many of whom were skeptical

about ethics and discipline implementation and enforcement.

The students seemed to assume that the older, pre-war generation of lawyers didn't have a vested interest in this. Lindau said he told them that there were passionate attorneys working on this issue and encouraged them to speak up and be part of that process as the country's future lawyers.

When students asked Lindau how they could create an open system that ensures fairness, Lindau said it wasn't an easy answer. He told them that he has "the huge benefit of being born into a place where that was all done for me." Kosovar attorneys do not have this luxury.

"I have some resources to help you build it but you have to create the Kosovo that you want," he said.

The remnants of the war still linger in the country's physical environment and in talking with its citizens.

The capital city of Pristina has a modern, European look with coffee shops and restaurants. But Lindau also saw buildings with large holes in the side that had been damaged in the fighting.

If you asked someone how long they have lived in Pristina, Lindau said they often referenced a pre-war time, the location they fled to during the war and when they returned. Many of the young lawyers were children during the war.

"One man said, 'I have seen things I should not have seen as a child,'" Lindau said. "He didn't go into details and I didn't press him."

Roadway signs outside of the capital have town names in both of the country's languages and in some cases either the Serbian or Albanian translation is spray painted over.

The war is commemorated in various ways such as prominent images and a statue of Kosovo's first president, Ibrahim Rugova, displayed throughout the city. Lindau said he met many

Kosovars who felt they owed a huge debt of gratitude to the U.S. for its role in helping their country.

Pristina has a 10-foot statue of President Bill Clinton and his picture is painted on one side of a building. Clinton has a boulevard named after him which connects to another large roadway named after President George W. Bush.

New Perimeter has been sending DLA Piper attorneys to Kosovo for more than eight years to help the country's civic leaders with rule of law issues

and strengthening their legal system.

Stephanie A. Zosak, an attorney in DLA Piper's Chicago office, went to Kosovo last year with other attorneys to help the KCA gender and minority committee develop a plan to increase the number of female attorneys in the country.

Sara K. Andrews, New Perimeter assistant director and senior international pro bono counsel, was part of the organization's Kosovo Law Reform Project when she was a litigation associate in 2008. She recalled

meeting many young attorneys excited about building their new country's future, but at the same time, "there was a big gap in terms of knowledge and experience."

"The war had robbed them of an entire generation of civic leaders," she said.

Andrews said it's extremely important for attorneys and legal organizations to support law initiatives in Kosovo because it's going to take a long time for the country to have a functioning and transparent legal system.

The National Center for State

Courts will finish its current project with the KCA at the end of the year. Among the attorneys he worked with, Lindau saw passion and hopes the momentum continues.

"What I found was lawyers really committed to making some changes. To making the KCA a legitimate, viable, accountable entity and to do it in a way that withstands scrutiny by the public, by the government, by everybody," he said.

"We take it for granted, but that really is a tall order for a structure that's just beginning."