

Malo čez. Grenzgänger.

40  **grilc vouk škof**
RECHTSANWÄLTE ° ODVETNIKI ° LAWYERS

01 - INTRODUCTION

Beginnings and Early Development
of Grilc & Partner

The Beginnings

On 1 July 1979, the law firm now called GRILC-VOUK-ŠKOF started to operate. On that day and at the same address where the law firm still has its premises today, Dr Matevž Grilc opened the law firm in a small room. Before that Dr Grilc was an associate with the senior lawyer of the Carinthian Slovene Lawyers, Dr Janko Tischler, as well as chairman of the National Council of Slovenes in Carinthia. In the 1970s, which was a turbulent time for political minorities, he, together with Dr Franci Zwitter, the chairman of the ZSO (the Union of the Slovenian Organisations), who was also a lawyer, represented Slovenian activists, who through spectacular actions called attention to the suppression of minority rights. At the same time, Matevž Grilc as the chairman of the NSKS (the National Council of Carinthian Slovenians) and as the political representative of the Carinthian Slovenians had - and ought to have - a good relationship with the former Yugoslavia.

Typically, before becoming independent, a lawyer must ensure a nominal capital, which consists not of cash but of clients, whom he is certain that he will represent in the future. Those include banks, insurance companies or larger companies that a specific law firm represents permanently. The other option is to be the only or one of the rare few lawyers in a certain location, where permanent clients can be found.

Strong Trust from the Minority

The path of Matevž Grilc was somewhat different: as the politician representing Carinthian Slovenes, he was well known among them and trusted by many. They came to him, asking him for advice in regard to everyday legal worries - border disputes, traffic accidents, defamations, purchase agreements, sale of farm agreements, etc. Though rare, some German-speaking people also came to ask Dr Grilc for his services, precisely due to his political endeavours on behalf of the political minority; they believed that they are in good hands, as Dr Grilc did not always agree with the ruling of the Carinthian and Austrian politics and would, therefore, represent their interests well. Local people from the Grilcs' hometown, Pliberk (Bleiburg) and Sinča vas (Kühnsdorf) came to ask for his services, as well as, from the very start, companies from Yugoslavia, which had legal difficulties in Austria. When considering the structure of the law firm, we could say that it resembled a countryside legal firm in the first few years, with difference that most of the clients were Slovenians and in addition that some of the cases had a decidedly political content.

Dr Roland Grilc - Greater Economic Focus

Dr Roland Grilc, the nephew of the founder, first started to work at the law firm as an apprentice in 1982, and from 1987 on as a lawyer. With his help, the law firm gained a stronger focus on economic matters, especially in the field of cross-border economic cooperation. While direct representation by an Austrian lawyer in Yugoslavia was, of course, impossible, cooperation with colleagues from Slovenia was possible. At the same time, detailed knowledge of the socialist legal system was required, especially the understanding of Yugoslavia's self-governing system, so that it was even possible to represent Yugoslavian companies in Austria. It had to be explained to Austrian courts time and time again what TOZD (Basic Organisation of Associated Labour), SOZD (Complex Organisation of Associated Labour) and socially owned property were.

Roland Grilc became an independent lawyer in a truly turbulent time, during Slovenia's transition from socialism into the market economy; he actively involved himself into the extremely intriguing process of forming a new legal system. Consequently, he witnessed the founding of the first private companies in Slovenia and was the author of one of the first legal manuals for companies. He also followed many Austrian companies in their dealings with, for them yet unknown, Slovenia and partially Croatia.

Emerging Possibilities Through the Independence of The Republic of Slovenia

In the period of Slovenia's efforts to become independent, Matevž Grilc was still the Chairman of the NSKS and thus played an important part in it. The Grilc & Grilc law firm, as it was known back then, among other matters, implemented the procedure to turn former Yugoslavian Consulate-General in Celovec (Klagenfurt) into the Slovenian Consulate-General, which was by no means a self-evident matter. During Slovenia's push for independence, many renowned Slovenian politicians and businessmen brushed their shoulders when coming to his office and his house - quite literally.

The Slovenian independence greatly expanded the field of work of the then called Grilc & Grilc law firm. It was possible to invest in Slovenia, Austrian companies were able to establish Slovenian companies; the volume of the cross-border turnover, and consequently the workload of the law firm, increased significantly. However, some obstacles remained: thus, the Austrian enforceable title was not enforceable in Slovenia - and vice versa - if we omit rare exceptions, such as the enforcement of proceedings costs or child support. Those who wanted to council at the border of the two legal systems, had to know both.

Mag. Rudolf Vouk - Focus on Constitutional, Administrative and Social Law

Mag. Rudi Vouk joined the two lawyers, first as an associate in 1991, and then as a lawyer from 1997 on. The focal points of the law firm remained the same, while mag. Vouk focused on constitutional, administrative and social law. On the one hand, due to unexpected demand. Vouk joined the law firm when the war in former Yugoslavia started, and numerous refugees, mostly from Bosnia, needed legal aid on a daily basis, as they did not know how to speak German. The Grilc & Grilc law firm was one of the rare few places where they could obtain basic guidance in their own language. Numerous administrative and social procedures were automatically related to that, from status recognition to applications for acquiring citizenship, from dealing with pension-related questions to family allowance, as well as cross-border recognition of documents. Vouk was also the mayor of his home municipality of Dobrla vas at that time; therefore, his work sphere extended to that field, due to his knowledge about municipality by-laws and related fields, such as sewage, water supply network, registry office and general municipal order. On the other hand, Vouk tried to exercise open minority rights in legal proceedings. The first prominent accomplishment in this field was the Constitutional Court's ruling that the Slovenian language must be allowed as an official language of the municipality of Dobrla vas and that provisions of the National Groups Acts opposing that are unconstitutional.

The Ruling of the Constitutional Court Concerning Bilingual Signs

A year later, in 2001, the most renowned ruling was adopted, namely the ruling of the Constitutional Court that bilingual signs need to be placed in Škocjan. This procedure was initiated because Vouk drove too fast through Škocjan and then filed a complaint against the imposed fine, substantiated with the argument that the place signs, due to lack of bilingualism, were not implemented properly. On the basis of the Constitutional Court's ruling, the validation area, where the Slovenian language is an official language, should have been expanded in 2000 or 2001, and bilingual signs should have been placed in approximately 400 locations. However, that did not happen. What followed was a decade of Carinthian and Austrian politicians' mockery of the rule of law, 30 subsequent Constitutional Court's rulings and a compromise, which was only reached in 2011, and which does not comply with the Constitutional Court's rulings, although it is within the constitutional range. The advocacy for rights of minorities through legal means will continue, however, not only in Carinthia. The Grilc-Vouk-Škof law firm is one of the rare few legal firms who lead proceedings in the Croatian language in front of the Gradiščanska (Burgenland) administrative court.

Dr Maria Škof - European Law as a Daily Cross-Border Challenge

In 2009, lawyer Dr Maria Škof joined the legal firm, which was at that time called Grilc & Partner, who previously worked as an associate in Ljubljana and Vienna. The opening of branches in Graz and Ljubljana were associated with her joining the firm.

During this period, preparation for legal challenges related to Slovenia's accession to the European Union started. While Slovenia became a member state of the EU in 2004, the unlimited access for Slovenian companies and workforce to the Austrian market was granted only in 2011. Austria enforced the longest possible transition period. The field, which was at first considered only as an additional offer for clients, namely consulting and legal aid in the field of service provision in Austria proceedings, evolved into one of the focal points of the Grilc-Vouk-Škof legal firm. Austria constantly tightened conditions for the provision of services in Austria until the end of the transition period, i.e. 2011, in order to protect the Austrian market from unwanted competition from other European Union member states, and especially their south-eastern neighbours. Lawyers from the Grilc-Vouk-Škof legal firm believe that Austria's actions violate the applicable European law. In the Čepelnik case, Dr Škof achieved the first ruling of the Court of Justice of the European Union in Luxembourg, which clearly stated that Austrian anti-dumping legislation does not comply with the European legal order, while further proceedings are already in motion before the Court of Justice of the European Union.

European law is becoming increasingly significant in lawyers' work. Unlike lawyers who are oriented towards the domestic market, it is imperative for a law firm that resides in two countries of the European Union and operates even wider, to know the European legal order. This also relates to a different outlook on domestic legal order. It is therefore not surprising that Grilc-Vouk-Škof's lawyers represented clients before the Court of Justice of the European Union in Luxembourg in numerous legal fields on several occasions.

Further Expansion

Dr Matevž Grilc, the founder of the legal firm, retired in 2014. However, he still supports active lawyers by offering them valuable advice. At the same time, the law firm expanded further. Lawyers mag. Maja Ranc, mag. Sara Grilc and Mojca Erman, LL.M (LSE), as well as associate mag. Matej Zenz, work within the framework of the law firm. The next associates are already eagerly expected by the firm. The Grilc-Vouk-Škof law firm opened a branch in Vienna and is also present in the capital.

The Grilc-Vouk-Škof law firm does not only offer their services in the German or Slovenian languages. In addition to Croatian, Serbian and Bosnian languages, the firm advises and represents interests of its clients in English, Italian and French language. Dr Roland Grilc, mag. Rudi Vouk and Dr Marija Škof are registered as lawyers in both Austria and Slovenia.

Journey Through Time

Important events

from the 40-year-old history of the firm, significant rulings, key achievements, as well as the development of the legal firm, which is anchored in the small minority of Carinthian Slovenes, and which does not only work on both sides of the border in Austria and Slovenia, but literally throughout Europe, we wish to present to you through articles in the coming weeks and months. We kindly invite you to join us.

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