



Czech Bar Association

**Country Report
Czech Republic**

51st European Presidents' Conference 2023

STATISTICS

Statistics on lawyers and trainee lawyers as of 31 December 2022

Number of lawyers: 12.834

Number of trainee lawyers: 2.427

Number of lawyers registered in 2022: 532

CHANGES IN THE LEGISLATION AND PROFESSIONAL RULES ON THE LEGAL PROFESSION

Stricter penalties for unlawful provision of legal services by non-lawyers

Practical experience has shown certain shortcomings in the existing legislation on offences involving the unlawful provision of legal services by non-lawyers. As a result of these, many cases could not be punished because it was not possible to prove that legal services had been provided without a licence in exchange for payment. An amendment has therefore been passed, so that it is now an administrative offence for non-lawyers to even offer legal services.

Efforts to enshrine lawyer-client privilege in law

In 2022 the Czech Bar Association instigated an amendment to the Legal Profession Act aimed at enshrining protection for lawyer-client privilege in law. Its bill rests on three pillars: that any information exchanged with a lawyer during the provision of legal services is confidential; that only the client, and nobody else, may decide what is done with confidential information; and that no one can be forced to provide confidential information without the client's consent. Discussions regarding amendment of the Legal Profession Act will continue in 2023, and it is anticipated that a bill will be presented to Parliament this year.

Digitalisation of the Czech Bar Association

The COVID-19 pandemic has shown that the personal attendance requirement for convening the Assembly (the Czech Bar Association's supreme body) can constitute an obstacle that was not foreseen in the law. The CBA has therefore set the wheels in motion to amend the law and its professional rules so that the Assembly can be held online. By 2025 lawyers should thus be able to attend the Assembly remotely and elect the CBA's bodies via online elections.

Amendment of the professional rules on the practice of escrow

The revocation of Sberbank's Czech banking licence as part of the sanctions against Russia in 2022 led to a number of problems in the use of escrow accounts held with the bank. It became clear that more detailed regulation was required in relation to the practice of escrow by lawyers, to ensure that clients are kept informed to the fullest possible extent, and that their rights to payment of escrow funds are adequately protected. The Czech Bar Association therefore amended its professional rules governing escrow, and also drew up a proposal for

amendment of the Banking Act, which provides for the disbursement of compensation from the Deposit Insurance Fund.

Honorary awards of the Czech Bar Association

In 2022 the Czech Bar Association adopted new professional rules establishing honorary awards which the CBA will present to lawyers for their services in advancement of the practice of law. These will be a worthy form of recognition given to lawyers for their contribution to the legal profession, and one which has been lacking until now. Along with the annual social event “Lawyer of the Year”, these awards will thus support the cultivation of the legal profession as a self-governing occupation.

ACTIVITIES OF THE CZECH BAR ASSOCIATION DURING THE CZECH PRESIDENCY OF THE EU COUNCIL

The CBA was very busy during the Czech Republic’s Presidency of the Council of the EU, which ran from 1 July to 31 December 2022. It organised a number of international events, some of which even received backing from the Minister for European Affairs and were thus included on the official list of cultural and accompanying events held under the auspices of the Czech Presidency 2022.

The CBA’s primary focus during the Czech Presidency was “the rule of law and the role of lawyers in promoting its principles”. Indeed, the promotion of European values, such as democracy and the rule of law, is embedded in the official programme set out by the French, Czech and Swedish Presidencies (the “trio”) within the 18-month programme of the EU Council. The CBA thus actually became involved during the French Presidency, which included close cooperation with the French National Council of Bar Associations (the *Conseil national des barreaux*, “CNB”). In June 2022 the CBA joined other European lawyers in signing the Vienna Declaration in Support of the Rule of Law and undertook to continue the ongoing work during the Czech Presidency. By July the Presidents of the CBA and CNB had already signed a joint address to the profession entitled “European lawyers: The rule of law is our common heritage!”

The CBA also organised two international conferences which were included among the official accompanying events for the Czech Presidency. The first of these, held on 26 September 2022 at the Carolinum in Prague, was the international conference “Balance and Perspective of EU Criminal Law and its Application in the Member States”, which the CBA co-organised with the Ministry of Justice, the Union of Czech Defence Lawyers and Charles University’s Faculty of Law. The second major conference took place on 8 November 2022 in Brussels, this time organised in cooperation with the Permanent Representation of the Czech Republic to the EU. Its first part explored the role of lawyers in asserting and protecting the principles of the rule of law, while the second then focused on lawyers’ duty of confidentiality and its protection in the context of surveillance activities, data collection and the use of filtering procedures for confidential communications. This second part of the conference resonated particularly strongly with a range of other activities pursued by the CBA, which is making every effort to resist repeated attempts to undermine lawyer-

client privilege for various reasons. Overall, the CBA organised a total of nine international meetings, seminars and conferences during the Czech Republic's Presidency.

CONFERENCES AND SEMINARS

As well as the conferences mentioned above, the CBA also organised the following international events during the Czech Presidency:

- A Czech-Slovak-German law profession forum devoted to the interesting topic of the “well-being” of lawyers.
- It organised a major Meeting of the Presidents of Central and Eastern European Bar Associations in Prague.
- In Prague the CBA co-hosted an international seminar on private charitable foundations.
- This was followed by a conference organised in collaboration with the Academy of European Law (ERA) on the theme of “Mediation in civil and commercial cases, with a focus on language, law and practice”.
- The CBA also provided its support for a seminar at which Polish lawyers from the Polish Free Courts Foundation “*#Wolne Sądy*” spoke on the theme of “Justice under Attack”.
- The CBA's last international event in 2022 was an international seminar organised in Prague in cooperation with the European Lawyers Foundation (ELF), which was devoted to family law.
- Throughout the Presidency, the CBA was also actively involved in events staged by other entities, with CBA delegates attending, for example, a meeting of representatives of the European Judicial Network in Civil and Commercial Matters, which was held in Prague by the Czech Ministry of Justice on 7–8 November 2022.

Conference on the theme of “Rudolf Slánský – The Judiciary and Show Trials”

A conference reflecting on the trial of Rudolf Slánský and others raised the difficult subject of the political trials staged between 1948 and 1960. This period can be described, without exaggeration, as one of the worst in our modern history. The show trial of a group headed by Rudolf Slánský was conducted at the High Court in Prague exactly 70 years ago. In the indictment, totalling 40 pages in length, 14 people were accused of conspiring against the Czechoslovak Republic, with the charges including high treason, espionage, sabotage, military treason, Trotskyism and Titoism. Eleven of them were sentenced to death and three to life imprisonment. According to the indictment, they wanted to split Czechoslovakia away from the Soviet Block following the example of Yugoslavia and had established a second centre of power for that purpose. They were alleged to have formed conspiracies, installed their agents in positions of power, sabotaged the policy of socialist expansion and alliance with the USSR, and plotted to oust Klement Gottwald and his political executives. An anti-Semitic dimension to the trial was also strongly reflected throughout the indictment, in which it was noted that 11 of the 14 defendants were of Jewish descent. The conference speakers and audience searched for answers to the questions of how this could have been possible, what went wrong, what circumstances 70 years ago led society, the judiciary, and every one of its

representatives to actively participate in rigged trials, to negate the democratic principles they were trained to uphold, and, worst of all, to place the stamp of legality on murder.

THE CBA'S ACTIVITIES IN RELATION TO THE WAR IN UKRAINE AND ASSISTANCE TO THE UKRAINIAN LEGAL PROFESSION

The Czech Bar Association has taken its place alongside other foreign bar associations in expressing its solidarity with Ukraine, the Ukrainian people and Ukrainian lawyers. After Russia's invasion of Ukraine, the CBA immediately sent out an appeal, seeking Czech lawyers who would be willing to provide assistance and pro bono legal services to refugees arriving in the Czech Republic. With their permission, a list of these lawyers is posted on the CBA's website. The CBA has also set up a transparent account to which lawyers (and anyone else) can contribute, which has so far collected almost three and a half million Czech crowns (roughly € 140,000). Funds from this transparent account have been sent to the National Ukrainian Bar Association and have been used to help our Ukrainian fellow lawyers who have been most affected by the war. Some funds have also been sent to the CCBE to purchase generators for the National and Regional Ukrainian Bar Associations. The legal community and the general public are regularly updated about the CBA's activities in relation to the war in Ukraine via all of the CBA's media channels.