

## **Country report, European Presidents' Conference 2015**

### **Czech Bar Association**

#### **GENERAL**

##### **Lawyer of the Year 2014**

The 9th year of the Lawyer of the Year awards, covering the entire judicial spectrum, took place in 2014. The CBA organizes this major event together with EPRAVO.CZ (the largest legal portal). The gala evening was held at the Hotel International Brno (it regularly alternates between Prague and Brno). The contest is attended by broad legal community, i.e. judges, prosecutors, lawyers, enforcement officers and corporate lawyers, and it is organised under the auspices of the Ministry of Justice. There are always categories by fields of law and several special ones such as Talent of the Year with a financial reward for professional work in the field of judiciary, the Pro Bono category for providing legal services by lawyers free of charge beyond their obligations, and the Lawyer Hall of Fame category for lifetime contribution to Czech law. The event is the biggest and actually the only social event of the Czech judiciary. Its reputation and credit have been increasing year by year. The 10th jubilee gala evening will take place in January 2015 – Lawyer of the Year 2014.

##### **Massive training and educational events associated with the new Civil Code; professional conference New Private Law – 2014**

An extensive new codification of private law took place in the Czech Republic in the past year. A new Civil Code came into effect on 1 January 2014. During the whole of last year, as well as in the previous year, the CBA provided intensive training to lawyers, not only in Prague and Brno, but in all regions of the Czech Republic. These educational activities peaked on 25 November 2014 as a professional conference **New Private Law – 2014**. The CBA was a co-organizer and co-funder of this largest professional conference related to the new Civil Code. It was attended by more than 200 lawyers and experts from the entire legal world.

##### **Bulletin of the Legal Profession – the best 2014 legal journal in the CR**

After a year break, when the professional journal Bulletin of the Legal Profession (Bulletin advokacie) ranked second in a poll of the professional legal conference Carlsbad Legal Days, it became the best legal journal again in 2014 and defended its position from 2011 and 2012. Each year, readers evaluate more than two dozen publications in the questionnaires. Moreover, our journal has been listed as a peer-reviewed journal since January 2014, which means that it is highly professionally evaluated, although it includes also information from the professional life of the Czech legal profession on top of professional topics.

### **Conference with judges of the European Court of Human Rights**

A long-awaited conference with judges of the European Court of Human Rights was held in the Senate in 2014. Its topic was “Implementation of ECHR case law into national systems; comparison and experience”. The conference was a great success given that the capacity of 140 seats for professional public was fully occupied.

7 judges participated in the conference – Aleš Pejchal (Czech Republic), Ján Šikuta (Slovakia), Angelika Nussberger (Germany), Dmitry Dedov (Russian Federation), Helena Jäderblom (Sweden), Krzysztof Wojtyczek (Poland), and Mark Villiger (Liechtenstein). The conference was moderated by Dr. Jiří Novák.

The event was organized by the CBA with financial support from the Judicial Academy.

### **Meeting of presidents of Central and Eastern Europe bar associations**

On 14 and 15 September 2014, the CBA hosted a regular meeting of presidents of Central and Eastern Europe bar associations. The event was attended by representatives of the CBA, Hungary, Germany, Poland, Austria, Slovakia and Slovenia. Croatia participated for the first time in history. The aim of this annual meeting is to discuss key topics and issues of the European legal profession. The first part of the meeting, which was held in the seat of the CBA on 15 September 2014, dealt with a number of topical problems, e.g. provision of legal services by persons other than lawyers, the issue of payment of costs of proceedings, computerization of the legal profession, etc.

### **AIJA congress**

Annual Congress of the International Association of Young Lawyers (AIJA) took place in Prague between 26 and 30 August 2014 with the support of the Czech Bar Association, among others. This important legal event was attended by more than 550 foreign lawyers and corporate lawyers from 55 countries worldwide.

All five Congress days were filled with more than 50 hours of specialist lectures and practical seminars on topical issues in the area of law both at the international level and in relation to the Central and Eastern Europe region. The course of the Congress was, to the satisfaction of all organizers and partners, evaluated very positively, which was said not only by the Congress participants themselves but also declared by the organizing AIJA; the Congress was attended by the largest number of participants since 2008.

### **European Lawyers Day**

The CCBE (Council of Bars and Law Societies of Europe) initiated establishment of a new tradition this year – the European Lawyers Day, which will always fall on 10 November, which is also the International Day of Human Rights. The aim of the European Lawyers Day is to attract attention at the European level to current legal issues while highlighting and

emphasizing the role of the lawyer and his vital role in protecting the rights of the client. The CBA, naturally, joined this significant day too.

Much earlier than on the specified date, the CBA created a special folder on its website dedicated to this day. On the website, the professional and lay public could learn what the European Lawyers Day is, and, more importantly, various contributions and documents were published related to the topic selected for this year—personal data protection, electronic mass monitoring of citizens and professional principle of confidentiality. The Czech Bar Association had its own poster made and adapted the selected topic for the purposes of the Czech legal profession. In the framework of this topic, the Czech Bar Association wanted to draw attention to one of the most important principles in the legal profession, that of confidentiality obligation. The following topics were discussed with regard to the Day, which are currently very topical:

- Efforts to break the confidentiality of lawyer about matters of the client;
- Efforts to obtain the personal data of the client;
- Hacking of electronic communication with the client;
- Attempts to make lawyers' electronic data repositories available;
- Search of lawyer's premises;
- Criminalization of lawyers consistently defending the interests of clients.

The CBA actively contributed with articles on the specified topics in the Bar Bulletin (on-line and printed version) and in the nationwide media such as nationwide newspapers, legal servers, web portals of the Czech judiciary, and broadcast of an interview with the CBA president in public television.

Moreover, a conference for the legal profession public was held on 10 December in the CBA's Brno office, which hosted a discussion with the Police of the Czech Republic and prosecutors on the subject of lawyer's statutory confidentiality obligation. On the following day, in connection with the European Lawyers Day, a television film Ex-offo was screened also in the CBA's Brno office, portraying the defender of K.H. Frank, lawyer JUDr. Kamill Resler. The screening of the film was accompanied by a professional lecture of the author of the book about K. Resler "Obeying the laws of his country and his profession", Charles University Faculty of Law student Jakub Drápal.

## **LEGISLATION**

### **1) Legal regulations**

#### *Change in the lawyer's tariff*

The Ministry of Justice changed the lawyer's tariff in 2014, which now regulates also the costs of legal representation in civil proceedings. This is one of steps whereby the Czech

Governments seeks greater protection of debtors against negative effects of recovery of so-called petty claims up to CZK 50,000 (~EUR 1,800), where the accessories of the claim and the cost of discovery and enforcement proceedings are clearly disproportionate to the enforced claim. Since the lawyer's fee is part of the proceedings cost, the Ministry of Justice decided to substantially reduce this fee for claims not exceeding CZK 50,000. The lawyer's fee in the discovery proceedings is now CZK 200 to 500 for each act of legal service which the lawyer carries out until (inclusive of) filing a petition. The lawyer's fee in the enforcement proceedings is CZK 100 for the first two acts of legal service in the case (preparation and takeover of representation and drafting of the petition to commence proceedings).

#### Draft amendment to the Act on the Legal Profession

The Czech Bar Association prepared a proposal to change the law amending the Act on the Legal Profession. The aim of the proposal is to achieve greater readiness of lawyer's apprentices, specification of obligations of the lawyer-mentor in relation to lawyer's apprentices, and introduction of new disciplinary measures in efforts to toughen disciplinary punishment of lawyers. It is expected that the proposal will be discussed by the Parliament of the CR in 2015.

#### Proposal for new bar examination regulations

Together with amendment to the Act on the Legal Profession, the Czech Bar Association prepared a proposal to adopt new bar examination regulations, which aims to increase the objectivity of the bar exam and verify the apprentice's readiness for legal practice in greater detail. The bar exam is to include a written test, an essay and an oral part, where the candidate will also be given space to defend their essay. However, it will also depend on the Ministry of Justice whether the new bar examination regulations are issued since they take the form of a decree of the Ministry of Justice.

### **2) Profession-related regulations**

#### Amendment to the resolution on the education of lawyer's apprentices and further education of lawyers

In 2014, the Czech Bar Association adopted an amendment to the professional regulation governing the education of lawyer's apprentices; a new concept of education was adopted, which is based on a fixed number of seminars that an apprentice has to attend in each year of their three-year legal practice. Seminars are divided into categories by fields of law, which represent basic areas in which lawyers provide legal services (private law, criminal law, public law), supplemented by lawyers skills and ethics. Seminars are compulsory for apprentices, i.e. they are a requirement for proper completion of legal practice.