

National Report 2015

Slovak Bar Association

In 2015, the Slovak Bar Association commenced the fourth year under the presidency of JUDr. Ľubomír Hrežd'ovič. As every year, in 2015 we witnessed further increase in the number of lawyers. At the end of the year the number reached 5 961 lawyers (men-women ratio being 1:1.4). This tendency is probably not going to change over next years. This presumption can be based on the statistics regarding the number of trainee lawyers that show growing number despite the extension of the traineeship period from three to five years in 2013. Thus, although the population is growing older, the legal profession is growing younger. Limited liability company was the most common form of legal practice and 944 law firms out of 1010 are limited liability companies. Lawyers from the European Union member states are most often among foreign lawyers who choose to provide legal services in Slovakia as registered lawyers.

In 2015, development of the legal profession in Slovakia was affected foremost by the requirements of e-government and by the adoption of new civil procedure legislation as will be explained further below. As concerns the protection of the legal profession values and quality of legal services, the Slovak Bar Association representatives drew attention to forms of unauthorised provision of legal services that interferes with the work of lawyers. As for the scientific contribution to legal profession, two interesting publications were released – Commentary to Lawyers' Tariff Rates and a book on first women in the Slovak legal profession by Peter Kerecman and Martina Gajdošová.

E-government: New Lawyer e-ID Cards

The Slovak Bar Association has been reissuing new e-ID cards to all its registered lawyers with a view to facilitating their communication with public institutions, mainly courts, registers of companies, business licensing registers etc.

New lawyer e-ID cards have been issued in cooperation with the company which is an accredited certification authority in the Slovak Republic under Act No. 215/2002 Coll. licensed to issue and supply certificates and provide other certification and accredited certification services in the Slovak Republic. Subsequently, in order to be able to communicate with state government authorities, there are software applications available to each holder he/she must install - trusted root certificate and intermediate I.CA certificate. Each PC is checked by the application to make sure whether the software installed in PC meets the requirements for the work with the certificate, or whether any additional software must be installed. D.Signer/XAdES application facilitates the use of advanced electronic signatures which may be required for various types of e-filings (e.g. in the above-mentioned business licensing register). Electronic communication with the state government authorities is done e.g. on the portal www.slovensko.sk, being a central public administration portal, which enables central approach to information sources and public administration services.

Legislation: Reform of Civil Law

As the lawyers' duties are influenced by the changes to legislation, selected amendments are briefly described below.

On 17th July 2015, the proposal to recodify civil procedure was accepted. Slovak Parliament launched a historical reform of the administration of civil justice in the Slovak Republic by having adopted three new Codes – Code of Contentious Civil Procedure, Code of Non-Contentious Civil Procedure and Administrative Code of Procedure which will as from 1 July 2016 replace the Civil Procedure Code that has been in effect since 1963. The new Codes are a result of searching for a wide consensus and compromises in the context of social and economic needs of the society, mainly in the light of the need to facilitate the functioning of new market mechanisms and to promote the quality of business environment in the Slovak Republic. The reform of civil procedure aims to ensure expeditious and at the same time fair court procedure.

Each Code has about 500 Sections, the reform may thus be regarded as one of the most extensive and most important legislative reforms since the formation of the independent Slovak Republic in 1993.

The Code of Contentious Civil Procedure is a key part of the reform. It governs and regulates procedures of courts, litigants and other parties involved in the dispute and in the decision-making process. The Administrative Code of Procedure will be applied to judicial review. The Code of Non-Contentious Civil Procedure will be used to adjudicate non-contentious issues which both the state and the society wish to see resolved, such as child custody cases, inheritance etc.

The Codes were drafted by the Civil Procedure Law Reform Commission appointed by the Minister of Justice of the Slovak Republic in July 2012 from among judges, lawyers, law enforcement officers, notaries, experts on legal history or the European law, i.e. legal theoreticians and practising professionals. In addition to the appointed members, the Law Reform Commission relied on opinions and inputs from other ad hoc members.

All the legal professionals – mainly judges and lawyers - have to start studying all the three Codes sufficiently in advance before they take effect in July 2016 because they will be under increasing pressure to be well prepared for the handling of the case. The better they will be prepared, the more expedient the decision-making is expected to be.

The Slovak Bar Association has therefore organized five seminars – two in Bratislava and three in other Slovak regions – in order to help lawyers to understand new concepts and new philosophy introduced by the Codes.

Unauthorised provision of legal services

The Slovak Bar Association is concerned with a widespread form of unauthorised provision of legal services in the course of which legal services are provided in unauthorised way (e.g. legal representation under pretences of civil representation, extension of officially claimed services to legal services). The Slovak Bar Association organises meetings with the representatives of courts and prosecution service in the course of which the ways how to approach this problem in the future are discussed. The Slovak Bar proposed that the courts should not allow the attendance of self-proclaimed legal representatives during the court proceedings, and it also emphasizes that this criminal offence should be properly prosecuted as crime of unauthorised provision of legal services.