



Czech Bar Association

Country report Czech Republic

45th European Presidents' Conference 2017

Changes in the legal and professional regulations

1) Legal regulations

Draft amendment to the Act on the Legal Profession

The Czech Bar Association has not yet been successful in pushing through an amendment to the Act on the Legal Profession, which should ensure accurate preparedness of trainee lawyers, specify obligations of the lawyer-mentor in relation to trainee lawyers, and introduce some new disciplinary measures in efforts to ensure better legal services provided by lawyers. The amendment has been proposed by a group of Members of the Parliament, however, it has not been considered by the Parliament yet.

Other legal regulations

Although no new laws were adopted in 2016 which would directly regulate the legal profession, some other laws were passed which also affect lawyers. Largely negative effects may follow in particular from an amendment to the Criminal Code, which criminalized, with effect from 1 July 2016, preparation of the offence of evasion of tax, fee or similar mandatory payment. In essence, the amendment stipulates a possibility of criminal sanctions against lawyers (as well as tax advisors) for providing legal advice on their clients' tax obligations, although the current legal regulation according to which a lawyer is not obliged to inform on crimes committed by his client stays unchanged; therefore the new legal regulation will not disrupt necessary confidence amongst lawyers (or tax advisors) and their clients.

An amendment to the Consumer Protection Act, which transposes Directive 2013/11/EU on alternative dispute resolution and adapts Regulation 524/2013 on online dispute resolution for consumer disputes, can be perceived positively; this amendment enabled the Czech Bar Association to become a body for out-of-court settlement of consumer disputes between clients and lawyers, which the Czech Bar Association took advantage of and became an exclusive conciliation body for the settlement of consumer disputes concerning the legal profession.

Case law

A judgement of the Czech Constitutional Court regarding the issue of recognition of foreign education for the purposes of registration to the list of trainee lawyers can be considered important in terms of functioning of the legal profession. In its decision, the Constitutional Court declared that in assessing the compatibility of foreign education with domestic education, one may not only take into account the acquired knowledge of law but it is also necessary to take into account the acquired legal skills and any legal practice of the applicant for the registration to the list of trainee lawyers. On the other hand, the Constitutional Court emphasized that the Czech Bar Association continues to have authority to assess the statutory

conditions for registration to the list of trainee lawyers. It further stated that the conclusions from that case cannot be generalized in a way that the right of graduates from foreign law schools to free choice of occupation should always *en bloc* prevail over the interest on protection of competence and professionalism of provision of legal services in the Czech Republic. Therefore, it can be expected in this area that there will be significant changes in the application practice.

2) Professional regulations

Amendment to the Rules of procedure for lawyers' conciliation

In connection with the amendment to the Consumer Protection Act, which enabled the Czech Bar Association to become a body for out-of-court settlement of consumer disputes between clients and lawyers (see above), the Board of Directors adopted an amendment to the Rules of procedure for lawyers' conciliation, which stipulates conditions and procedural rules for the course of conciliation.

General information

Statistics as of 31. 12. 2016:

Number of lawyers: 11 310

Number of trainee lawyers: 3 124

Number of lawyers registered in 2016: 600

Ratio men / women: 3 : 2

The "European lawyers in Lesvos" project

The Czech Bar Association has been actively engaged in the CCBE/DAV project European Lawyers in Lesvos through both financial and personnel support. 8 Czech lawyers applied, one of whom was selected and spent two weeks in the Moria hotspot in August, where he provided migrants with legal assistance.

Study trip of lawyers to the ECHR

The Czech Bar Association organized, between 23 and 25 May 2016, a study trip of lawyers and trainee lawyers to the European Court of Human Rights (ECHR) in Strasbourg. Their two-day agenda included lectures by ECHR judges Aleš Pejchal (for the Czech Republic), Alena

Poláčková (for the Slovak Republic), Mirjana Lazarova (for Macedonia) and András Sajó (for Hungary) and other ECHR lawyers and representatives of the Council of Europe. On the third day, the participants had the opportunity to attend hearing before the ECHR Grand Chamber. Very beneficial was in particular the opportunity to obtain answers to practical questions of lawyers relating mainly to the admissibility of applications.

Seminar on “Freedom of speech”

On 30 June 2016, the Czech Bar Association organised, in cooperation with francophone L’association Masaryk, a seminar on “Freedom of speech”. Major contributions were presented by a member of the Paris Bar Association, lawyer Yves Laurin; a French judge and current President of section in the Council of State Christian Vigoroux; former President of the Czech Bar Association and a constitutional judge, lawyer Stanislav Balík, and Karel Eliáš, a university professor, lawyer and author of the new Civil Code. The seminar was met with great acclaim.

German-Czech-Slovak 2016 Lawyers Forum

On 4 and 5 November 2016, already the 14th year of the German-Czech-Slovak Lawyers Forum, organized alternately by the Saxon, Bamberg, Czech and Slovak Bar Associations, was held in Pilsen. After 4 years, the event was organized by the Czech Bar Association on the topic of “Cross-border cooperation between lawyers”. With 80 attendees, the Forum has been historically one of the most attended ones.

European Lawyers Day

On the occasion of the European Lawyers Day, an opening of Jan Šibík’s exhibition of photographs with human rights themes was held in newly renovated entrance area of the Czech Bar Association on 12 December 2016. Jan Šibík is one of the most prominent contemporary Czech reportage photographer.

The renovation of the entrance area provided the Czech Bar Association with a representative atrium which serves as exhibition space and is also intended for the public.

Czech Bar Association on Twitter

The Czech Bar Association discussed, in 2016, the possibility of engaging in social networks. Among the options considered, the Board of Directors finally opted for creation of a Twitter account https://twitter.com/cak_cz. The account has been in use since the beginning of 2017.