



Czech Bar Association

Country Report

Czech Republic

47th European Presidents' Conference 2019

STATISTICAL DATA

Statistical data as of 31 December 2018

Number of lawyers: 11883

Number of legal trainees: 2768

Number of lawyers registered in 2018: 645

AMENDMENTS TO THE LEGAL AND PROFESSION-RELATED REGULATION OF THE LEGAL PROFESSION

1) Legal regulations

In 2018 the Government of the Czech Republic submitted to the Parliament for adoption a new amendment of the Law No. 40/2009 Coll. (“Criminal Code”) extending the list of offences about new offence “obstruction of justice”, which applies to presenting evidence known to the offender to have been fabricated or changed and to fabricating or changing evidence. The elements of crime originally covered also soliciting to committing an offence of making false accusations, perjured testimony and false expert testimony, and perjured interpretation, which was a from a viewpoint of the Czech Bar very dangerous provision that could be easily misused against lawyers who provide legal services in court proceedings (in both civil and criminal, as well as administrative procedures). Following the intervention of the Czech Bar Association, a compromise draft was adopted, which did introduce the new offence of obstruction of justice, however, amended and without the controversial provision regarding the act of solicitation.

The transposition of the directive DAC5, which the Ministry of Finance intended to use to breach the professional secrecy of a lawyer beyond the scope of the directive, constituted another unsafe proposal for lawyers’ profession. This initiative was nevertheless successfully prevented. However, it may be expected that another attempt will be made this year (2019) during the transposition of the directive DAC6.

Apart from this, an amendment to the Bar Examination Code was adopted, introducing a new part of the Bar exam, a written multiple-choice test, which needs to be passed for one to be admitted to sit for the written and oral part of the Bar exam. The new part of the Bar exam will be introduced on 1 August 2019.

2) Profession-related regulations

New regulation of the rights and obligations of legal trainees and mentors (lawyers)

Following the amendment to the Act on the Legal Profession, which became effective on 1 September 2017, a more detailed regulation of the rights and obligations of legal trainees and

mentors was adopted in the profession-related regulations. The objective of the regulation is to ensure that lawyers occupying the role of a legal trainee's mentor consistently fulfil their obligations, which primarily include providing practical preparation for the Bar exam and the practice of the legal profession. Legal trainees are, on the other hand, required to fulfil their obligations leading to proper professional training.

Resolution on free legal aid

Following the new legislation on free legal aid for underprivileged clients, which came into effect on 1 July 2018, the Czech Bar Association adopted a profession-related regulation that tackles organizational issues regarding the appointment of lawyers and controls over fee invoicing for the legal services that were provided.

Changes regarding the staff authorized to substitute for a lawyer

Following the problems in legal practice, the conditions under which a lawyer may authorise his/her employee other than a legal trainee to execute certain individual acts were tightened. Under the new conditions, it is not allowed for a lawyer to be substituted by any employee other than a legal trainee (or by an employed lawyer) in cases where the legal services provided consist of the representation of a client in a court proceeding.

Lawyer's contribution fee for the Czech Bar Association's activities has increased

The Board of Directors of the Czech Bar Association adopted a decision to increase the lawyer's contribution fee for its activities starting the beginning of the year 2019. The fee has been regulated in connection to the inflation rate in between the years 2006 – 2018 and amounts to 10,600 CZK (cca € 400). The lawyer's contribution in between the years 2006 – 2018 was 8.500 CZK (cca € 340).

GENERAL INFORMATION

Continuous training of lawyers

Lawyers may take part in a continuous training project that will be launched on 1 January 2019, by means of which lawyers can enhance their competitiveness on the Czech legal market. If lawyers participate over the course of three years (for the first time in 2019) in training events and gain at least 36 credits, they may ask the Czech Bar Association to issue for them a prestigious certificate.

Signature of Memorandum between the Czech Bar Association and the Prosecutor General's Office regarding diversions of criminal proceedings

Representatives of the Czech Bar Association and the Prosecutor General's Office signed Memorandum of Cooperation. The document sets out the principles under which the parties to criminal proceedings, public prosecutor and counsel should communicate with each other on

the institute of diversion and plea bargain agreement. Leaders of the public prosecution and the legal profession also agreed to assess their mutual cooperation in this area on a regular basis.

Signature of Memorandum of Cooperation and Support between the Czech Bar Association and the Slovak Bar Association

On Friday 21 September 2018 the President of the Czech Bar Association, JUDr. Vladimír Jirousek, and the President the Slovak Bar Association, JUDr. Tomáš Borec, signed a Memorandum on the occasion of the celebration of the 100th anniversary of the Czech and Slovak legal profession in Luhačovice in which they undertake to honour and cultivate a privileged partnership and mutual respect as well as to promote and protect the good reputation of the other party to the Memorandum, both in the home country and in the sphere of international relationships in connection to the legal profession.

2018 Conference on Private Law

2018 Conference on Private Law took place in three largest cities in the Czech Republic (Prague, Brno and Ostrava) and focused on recodification of the Czech civil procedure. Ministry of Justice Working Group for Recodification of Civil Procedure presented its contributions, which were devoted to the substance of the Civil Procedure Code. Representatives of the legal profession presented the position of the legal profession and its members on the proposed procedural changes.

Celebrations of 100 years of the Czech and Slovak legal profession

In September, Czech and Slovak lawyers celebrated together 100 years of the Czech and Slovak legal profession in Luhačovice. The celebrations commenced with an expert conference with distinguished Czech and Slovak speakers and other invited guests from abroad. The contributions were devoted to the insights into the Czech, Slovak and Uzhorod history of the legal profession. The conference also focused on the pressing issues in the Czech and Slovak legal systems and the legal profession with parallel sessions on the legal history. On Saturday, sport, relaxing and social activities were organized as well as an evening concert. An integral part of the celebrations were three Czechoslovak matches in football, basketball and volleyball.

Lawyer of the Year 2018

The 13th year of the judiciary-wide contest Lawyer of the Year took place in January 2018. Its organizer is the Czech Bar Association in alliance with the EPRAVO.CZ publisher. Those who have achieved extraordinary results in their areas are awarded in several categories (e.g. civil law, criminal and financial law, intellectual property law, but also Talent of the Year, Pro Bono and more). The highest award is the award for lifetime achievement, awarded in the category of Lawyer Hall of Fame. Last year, the 13th person awarded was JUDr. Jiří Machourek, a lawyer from Brno, who became from 1977 the defending counsel of dissidents and opponents of the Communist regime. At the Awards ceremony, Bulletin of Advocacy (Bulletin advokacie), law journal published by the Czech Bar Association, received outside the competition Václav Mandák's award, presented for the first time, for the best published professional article.