



**Czech Bar Association**

**Country report  
Czech Republic**

**49th on-line European Presidents' Conference 2021**

## STATISTICS

### Statistics on lawyers and trainee lawyers as of 31. 12. 2020

Number of lawyers: 13 945

Number of trainee lawyers: 2 886

Number of lawyers registered in 2020: 368

## COVID 19 AND THE ACTIVITIES OF THE CZECH BAR ASSOCIATION

As far as the involvement of the Czech Bar Association is concerned, the CBA has been very active since the beginning of the pandemic situation and informed lawyers and trainee lawyers about the steps taken during the pandemic. On its website, under the section “Covid 19 Measures”, it has been publishing regular and up-to-date information on the provision of legal services and the current legal situation. Lawyers and trainee lawyers have access to the email address [help@cak.cz](mailto:help@cak.cz), to which they can send their questions concerning the application of currently adopted measures or legal regulations in relation to the practice of the Legal Profession, the activities of lawyers and the Czech Bar Association. The Board of Directors of the Czech Bar Association approved the Principles for the Provision of Loans and Social Contributions from its Social Fund to lawyers and trainee lawyers for reasons related to the state of emergency declared by a resolution of the Government of the Czech Republic.

**The new “Skype Defence” project** was launched by the Prison Service in cooperation with the Czech Bar Association. Since 16 April 2020 defence lawyers in the Czech Republic have been able to communicate online with their clients in prison with the help of the new “Skype Defence” project launched by the Prison Service in cooperation with the Czech Bar Association. 10 Czech remand prisons and four other prisons have been provided with the technology to allow lawyers to talk to their clients remotely, reducing the risk of bringing the disease into prisons. An additional advantage for defence lawyers is, of course, the time saved on travelling to prisons, which can add up to hundred hours a year. At the moment the video calls are arranged through the Skype platform which has until now been used for calls between prisoners and their family members and only requires a computer equipped with a camera, microphone and loudspeakers.

**CBA has submitted number of statements related to the extraordinary measures adopted by the Czech Government and to some ongoing legislative proceedings.** CBA, for example, commented on the governmental proposal for the draft Act amending the Act on the Protection of Public Health; on the government proposal of the Act on Protection of Tenants; on the proposal of the so called “Lex Covid-19” drafted by the Ministry of Justice with the aim of helping persons involved in court proceedings victims of crime, debtors in execution and insolvency or other legal persons, or on the proposal for the Act on Extraordinary Measures of COVID-19 in 2020 and Amendments to Certain Related Acts drafted by the Ministry of Health.

Under the auspices of the Czech Bar Association the Union of Family Lawyers launched an e-mail box [koroporadna@uracr.cz](mailto:koroporadna@uracr.cz) (**CoronaCounselling**) where it answered questions from all

areas of law and other related fields. The answers, prepared by a team of lawyers, psychologists, doctors, therapists and other experts, were published on a special website of the Union of Family Lawyers. Experts responded 24 hours a day, for free and online. CoronaCounselling answered more than 6000 inquiries by email and by phone during the state of emergency.

The Czech Bar Association has transformed the **compulsory training of trainee lawyers and lifelong voluntary training of lawyers** into online distance learning to the maximum extent possible.

## **COVID 19 AND A KEY DECISION OF THE PRAGUE MUNICIPAL COURT**

The Municipal Court in Prague, which has jurisdiction over lawsuits in all administrative actions against measures taken by government and ministries based in Prague, has received more than 10 lawsuits proposing the annulment of one of the measures issued in connection with the declared state of emergency. Most lawsuits were primarily directed against measures of the Ministry of Health limiting the free movement of persons and limiting the sale of goods and services. Other lawsuits directly targeted the Czech government. One of the key court decisions was the decision repealing four measures of the Ministry of Health that limited free movement of persons and retail due to coronavirus. According to the court, in a situation where a state of emergency is declared only the Czech government can restrict fundamental rights and freedoms to such a massive extent, by issuing measures on the basis of the Act on Crisis Operation and not on the basis of the Act on the Protection of Public Health, despite the fact the main aim of those four measures was the protection of public health. By applying the Act on the Protection of Public Health instead of the Act on Crisis Operation, the Czech government did not choose the right way to deal with the situation. In relation to the economic sphere, this was also partly seen as an attempt to exclude retail businesses, otherwise legally entitled, to adequate compensation that could only be received under the Act on Crisis Operation but not under the Act on the Protection of Public Health. The above-mentioned judgment will certainly form part of Czech case-law in the future.

## **CHANGES IN THE LEGISLATION AND PROFESSIONAL RULES ON THE LEGAL PROFESSION**

### **1) Legislation**

#### **Change to the Act on the Legal Profession further to the transposition of the AML Directive**

The transposition of the 5<sup>th</sup> AML (Directive of the European Parliament and of the Council (EU) 2018/843 of 30 May 2018) brought several significant changes in the position of lawyers as obliged entities and in the position of the Czech Bar Association in the fight against money laundering and terrorism financing. The key issue is that lawyers will have the status of an obliged entity not just when acting on a client's behalf or on a client's account, but also when they merely perform advisory work, for example. In addition, lawyers will be obliged entities when providing legal assistance or financial advice in all matters of taxes, fees and equivalent

payments. The CBA's status changes primarily in the sense that in future unlawful conduct by lawyers will be dealt with in administrative proceedings as a misdemeanour and not in disciplinary proceedings as a disciplinary offence.

### **Bar exams**

For the purposes of Bar exams, the ongoing Covid-19 pandemic has made it necessary to ensure that exams could be held despite the state of emergency that has been declared and forbids gatherings of more than 2 people. Given the importance of Bar exams, which are a condition for entering the profession, an exemption from the government regulation banning gatherings was granted so that an exam for as many as 10 candidates can be held at one time.

## **2) Professional regulations**

### **Change to the resolution on the training of trainee lawyers**

The ongoing Covid-19 pandemic has made it necessary to make changes in the training of trainee lawyers, which previously always required the trainee lawyer's personal presence. Now it will be possible to hold all training events in a way enabling remote access, which will make it possible to continue to stage training events even during the state of emergency that prevents gatherings of more than 2 people.

## **GENERAL INFORMATION**

### **Lawyers into Schools**

In 2019, the Czech Bar Association launched a "lawyers into schools" project under the auspices of the Ministry of Justice of the Czech Republic and the Ministry of Education, Youth and Sports of the Czech Republic. The project is based on lawyers' voluntary and unpaid involvement in teaching children in the upper levels of primary school and lower levels of secondary school. Schoolchildren from 7<sup>th</sup> to 9<sup>th</sup> grade and pupils at secondary vocational schools are the target group. The usual duration of discussions with the schoolchildren is one to three hours. In autumn 2020, the Czech Bar Association's headquarters in Prague held a ceremony to launch two publications created as part of this special educational project of the CBA: *Právní desatero pro žáky* (Ten Rules of Law for Pupils, Students and Teachers) and *Advokáti do škol* (Lawyers into Schools). These publications are available on the Czech Bar Association's website:

[https://www.cak.cz/assets/advokati\\_do\\_skol\\_2020\\_va4-kniha\\_ii\\_final.pdf](https://www.cak.cz/assets/advokati_do_skol_2020_va4-kniha_ii_final.pdf)

[https://www.cak.cz/assets/advokati\\_do\\_skol\\_2020\\_va4\\_final.pdf](https://www.cak.cz/assets/advokati_do_skol_2020_va4_final.pdf)

## **Lawyers against Totalitarianism**

Following the successful staging of the Lawyers against Totalitarianism exhibition at the headquarters of the Czech Bar Association in Prague and the publication of a book with the same title to mark the 30<sup>th</sup> anniversary of the Velvet Revolution in 1989, the exhibition was made accessible in Brno, the capital city of the Czech justice system, in autumn of this year, after a delay caused by the Covid-19 pandemic. For more information about the exhibition go to <https://www.advokatiprotitotalite.cz/vystava>.

## **Lawyer of the Year 2020**

The 15<sup>th</sup> year of Lawyer of the Year, a competition encompassing the entire legal profession organised by the Czech Bar Association together with the EPRAVO.CZ publishing company, took place in January 2020. The competition honours those who have achieved outstanding results in several categories (e.g. civil law, criminal law, financial law, intellectual property law, but also Talent of the Year, Pro Bono and other categories). The highest award is the lifelong work award handed out in the Lawyers' Hall of Fame category. Last year was the first time that two people were inducted into the Lawyers' Hall of Fame instead of a single individual. Having said that, the Olomouc-based lawyers JUDr. Petr Ritter and JUDr. Zdeněk Šťastný, who are also authors and lifelong popularisers of law and the legal profession, have known each other for over 51 years and can almost be regarded as a single body and soul.

## **2021 Assembly of the Czech Bar Association**

The Assembly of the Czech Bar Association, the supreme body of the Czech Bar Association will be held in September 2021. There, lawyers will elect a new board of directors for the next 4 years.