



Czech Bar Association

**Country Report
Czech Republic**

50th European Presidents' Conference 2022

STATISTICS

Statistics on lawyers and trainee lawyers as of 31 December 2021

Number of lawyers: 14 141

Number of trainee lawyers: 2 803

Number of lawyers registered in 2021: 498

COVID-19 AND THE ACTIVITIES OF THE CZECH BAR ASSOCIATION

The whole of 2021 was another year dominated by the COVID-19 pandemic. During the state of emergency, the Czech Bar Association made regular public statements on the emergency response (crisis measures) by the Czech government and Ministry of Health, in which it consistently pleaded that the state of emergency and reasonable curtailment of rights not be maintained for longer than was strictly necessary to ensure the protection of life and health. It stressed that the state of legislative emergency should not be exploited to pass laws that were not immediately related to the state of emergency and that debates on ordinary legislation should be postponed until normalcy was resumed (e.g. amendments to the Insolvency Act or the Rules of Enforcement). During the state of emergency, the government made several attempts to amend the existing legislation on emergency laws, citing the need for a legislative response to the unfolding pandemic and the associated implications in public and private law. In this regard, it submitted, in rapid succession, several bills considered troublesome by the Czech Bar Association because they significantly overstepped the bounds of the rule of law. In all instances, the Czech Bar Association made its opinions public. This was also the case when there was no state of emergency, but rather a state of pandemic alert declared by virtue of Act No 94/2021 on emergency measures during the COVID-19 epidemic and amending certain related acts, as amended.

CHANGES IN THE LEGISLATION AND PROFESSIONAL RULES ON THE LEGAL PROFESSION

Amendment to the Act on the Legal Profession

In 2021, the Czech Republic continued to digitalise the exercise of official authority by adopting the Act on the Computerisation of Procedures for Public Authorities. This law included an amendment to the Act on the Legal Profession allowing lawyers, as of 2022, to authenticate electronic signatures. Lawyers will thus be authorised to authenticate

both handwritten signatures and electronic signatures as provided for under the eIDAS Regulation.

Another significant change to the Legal Profession Act was a revision of the facts of the offence of the unlawful provision of legal services. This is a systemic change intended to afford stricter penalties for the unlicensed practice of law. The effect of this change is that it will now be an offence not only to actually provide such legal services, but also to offer them in any shape or form (e.g. on a website).

Change to the Scale of Lawyers' Tariff

The devastating floods in 1997 prompted the Czech government to introduce a number of budgetary measures, including a 10% reduction in the remuneration of court-appointed defence lawyers. While other budgetary measures had since been repealed, the reduction in lawyers' fees remained in place. Moreover, in 2010 there was a further 30% cut in this remuneration, which was extended to all cases where the state pays a lawyer's fees. The Czech Bar Association had long campaigned for the abolition of this "flood tax", arguing that there was no reason why court-appointed lawyers' fees should be reduced at all, especially since almost 25 years had passed since the floods. Following protracted negotiations, the Ministry of Justice agreed to abolish the "flood tax" with effect from 1 January 2022.

Change to the minimum limits of indemnity insurance

For 2022, the Association was able to reach a deal with the insurance company providing collective insurance for lawyers that there would be an increase in the indemnity limit from CZK 5 million to CZK 7 million, with no increase in premiums. Consequently, the professional rules establishing the minimum limits of indemnity for lawyers' insurance were also amended so that they would be a uniform CZK 7 million.

Amendment to the Courts and Judges Act and an end to personal searches of lawyers on entering court buildings

An amendment to the Courts and Judges Act provides that, as of 1 January 2022, lawyers will no longer have to submit to unwarranted searches when entering court buildings. The current wording was amended so that a president of a court may only have a lawyer searched if there are justifiable grounds for doing so.

GENERAL INFORMATION

8th Assembly of the Czech Bar Association

On 22 October 2021, the 8th Assembly of the Czech Bar Association, attended by an all-time record of 2,489 lawyers from all over the country, was held at the Clarion Hotel in Vysočany, Prague. The Assembly elected the Czech Bar Association's new Board of Directors of 11 members and 5 alternates, as well as members of the Supervisory Committee, the Disciplinary Committee and the Disciplinary Appellate Panel.

The Czech Bar Association Assembly instructed the newly elected Board to work towards the adoption of legislation that would allow lawyers to participate in the Assembly online, i.e. in particular to cast votes for members of the Association's bodies online. The new Board was also charged with advocating for a change that would allow the Assembly to adopt resolutions by memorandum, i.e. without the need for the Assembly to be convened or for lawyers to be physically present at the Assembly.

Election of the President and Vice-Presidents of the Czech Bar Association

The President and Vice-Presidents of the Czech Bar Association were elected by secret ballot from among the new Board members appointed by the 8th Assembly. Mr Robert Němec, a Prague lawyer, was unanimously elected President. Mr Martin Maisner, Ms Monika Novotná, Ms Michala Plachká, and Mr Petr Toman were elected as Vice-Presidents.