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Types of legal professions

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Finland



Finland

This page provides you with an overview of the legal professions in Finland.

Legal professions – Introduction

The legal professions in Finland include court judges, public prosecutors, public legal aid attorneys, advocates, licensed legal counsels, notaries public and bailiffs.

Prosecutors

Organisation

The National Prosecution Authority employs around 550 people. Some 400 of them are prosecutors. In addition, the Authority employs around 150 people in various support and expert positions.

The National Prosecution Authority consists of the Office of the Prosecutor General acting as the central administrative unit, and five Prosecution Districts: Southern Finland, Western Finland, Northern Finland, Eastern Finland and Åland. It has 34 sites across Finland.

The National Prosecution Authority is headed by the Prosecutor General as the highest prosecutor in the country.

The Office of the Prosecutor General is responsible for the central administration, direction and supervision of the National Prosecution Authority and its operation overall. The Prosecution Districts carry out the actual prosecution work.

The National Prosecution Authority falls within the administrative remit of the Ministry of Justice.

Tasks

The independent National Prosecution Authority is a state authority and part of the judiciary. Its task is to ensure that there is criminal liability, i.e. that an offence is punishable by a penalty within the meaning of the law. Prosecutors take their prosecution decisions independently and are independent judicial bodies.

In criminal proceedings, the public prosecutor has the most substantial role to play among the public authorities, extending in the chain of proceedings from pre-trial investigations to court proceedings. A prosecutor may also impose a fine for minor offences.

The prosecutor's duties focus mainly on prosecution and court proceedings. In the course of the prosecution, public prosecutors decide which cases they bring to court on the basis of the charges brought. It is the responsibility of the public prosecutor in a trial to prove that the offence that a defendant is accused of has been committed.

The public prosecutor will also ensure that the pre-trial investigation is carried out in sufficient depth. The prosecutor becomes acquainted with more complex criminal cases already at the start of the pre-trial investigation and may also, on the proposal of the head of the investigation, end the pre-trial investigation

before the indictment stage.

The role of the prosecutor in the pre-trial investigation is especially important when a police officer is suspected of having committed a crime. In such a case, the prosecutor will also head the pre-trial investigation.

Legal databases

More information is to be found on the [National Prosecution Authority](#) website.

Judges

Organisation

In Finland, most court judgements are made by professional judges. In district courts, there are also lay judges. Judges are members of an independent judiciary. They hold office in the Supreme Court, courts of appeal and district courts, the Supreme Administrative Court and administrative courts, the Insurance Court, the Labour Court and the Market Court. Judges are state officials and cannot be removed from office. A judge may not be suspended from office, except by a judgement of a court of law. Additionally, a judge cannot be transferred to another post without his or her consent.

Chapter 12 of the Act on Public Officials in Central Government contains separate legal provisions for judges as civil servants. According to the law, the provisions governing leave of absence, admonition, temporary employment and dismissal of other civil servants do not apply to judges. According to the Act on Public Officials in Central Government, judges are obliged to resign from office once they reach the statutory retirement age (for judges this is 68), or upon becoming permanently incapacitated.

Tasks

Judges

A person wishing to qualify as a judge must hold a higher university degree in law and have completed one year's training on the bench in a court of first instance. The usual route to the profession of judge is by working as a referendary clerk (senior secretary) in the court of appeal, followed by an appointment as a judge in a district court or a court of appeal. In the future, candidates will receive special training. The court of appeal announces vacancies and the Judicial Appointments Board assesses the suitability of the applicants. The judges are appointed by the President of the Republic.

Lay judges

The district courts have lay members or 'lay judges', who participate in making decisions in certain cases. In the main, lay judges are used in criminal cases, but can also act in civil matters and tenancy disputes. In a district court, a case will be heard by one permanent judge, acting as the chairperson, and three lay judges. The lay judges are independently empowered and, when necessary, a decision is reached by taking a vote; the majority opinion decides the verdict. If there is a tie in a criminal case, the opinion most advantageous to the defendant will prevail; in a civil case, the chairperson has the casting vote.

The municipal councils appoint lay judges for terms of four years. Every municipality must have at least two lay judges; large municipalities have a far higher number. The lay judges should represent the age, sex, language and occupation structure of the municipality as closely as possible.

A lay judge must be a Finnish citizen. People under the age of 25 or older than 63 years cannot be appointed as lay judges. People with official positions in the courts or penal institutions cannot serve as lay judges, nor can people serving as prosecutors, advocates or police officers. A lay judge takes a judge's oath or makes a solemn affirmation before taking his or her seat.

The objective is for each lay judge to participate in a hearing approximately once a month or 12 times a year. The district court pays a hearing fee to lay judges and reimburses them for loss of income.

Public legal aid attorneys

Organisation

Public legal aid attorneys are lawyers or advocates employed by State Legal Aid Offices. They are state officials, appointed to office by the Minister of Justice. Legal aid offices are managed by the Ministry of Justice.

The requirements for eligibility for the office of public legal aid attorney are a Master's degree in law (*oikeustieteen kandidaatti* or *oikeustieteen maisteri*) and adequate experience of advocacy or adjudication. Many public legal aid attorneys also hold the honorary title of *varatuomari* (Master of laws with court training).

Public legal aid attorneys are engaged to appear before courts of law. They are under an obligation to observe the rules of proper professional conduct for advocates in their activities. In this respect, they are subject to the disciplinary powers of the Finnish Bar Association. More than half of the public legal aid attorneys in Finland are members of the Bar Association. Public legal aid attorneys are independent of any other actors in the performance of their commissions.

Advocates

Only members of the Finnish Bar Association are entitled to use the professional titles 'asianajaja', (in Swedish) 'advokat'. Anyone applying for membership of the Finnish Bar Association must:

- have completed a Master of Laws degree (LL.M.), entitling them to hold a judicial office
- be known as a person of integrity
- have several years of experience in the legal profession and other judicial activities
- pass a special examination covering the basic elements of the legal profession and professional ethics
- be autonomous and independent of influence by government and all other quarters, with the exception of their client
- have various other qualifications, as appropriate.

Responsibilities of advocates and supervision of their practice

In terms of penal or tort liability, the responsibility of an advocate does not differ in principle from the responsibility of other citizens. Every advocate must, however, take out liability insurance to cover damages arising from anything but premeditation or gross negligence. The Bar Association has established a compensation fund to cover damages emanating from an advocate's criminal conduct.

An advocate has, furthermore, a professional responsibility. The board of the Bar Association must ensure that advocates fulfil their duties according to professional ethics. Where they do not, the Bar Association will start disciplinary procedures, which most often begin with a written complaint or warning. The Chancellor of Justice is informed of the decisions taken by the Bar Association, and he or she may file appeals against these decisions with the Helsinki Court of Appeal.

The Finnish Bar Association is an organisation governed by public law, regulated by the Advocates Act of 1958. This organisation was preceded by a registered association with the same name. All members of both organisations are and always have been advocates.

The Bar Association has about 1 850 members, designated as 'advocates' (in Finnish '*asianajaja*', in Swedish *advokat*). The law firms employ approximately 600 associate lawyers. Around 120 advocates are public legal aid attorneys. Legal aid offices also employ more than 100 legal aid attorneys who are not members of the Bar Association.

Lawyers who have been dismissed from the Bar Association following disciplinary measures can still pursue their profession under another professional title. In such a case, however, the lawyer practises without the obligations of an advocate and outside the supervision of the Bar Association.

A citizen of Finland or another state within the European Economic Area, who has reached the age of 25 years, may be accepted as an advocate, if they are known to be honest and in terms of their other characteristics and way of life suitable for the profession of advocate. They must have the academic requirements stipulated in

Finland for judicial office, acquired the skills required to practise as an advocate and have work experience in advocacy. Furthermore, they must not be bankrupt and must have full legal capacity.

In accordance with international commitments that have entered into force in Finland, a person who does not have the academic qualifications nor has acquired the work experience required in Finland — but who holds the professional qualifications of an advocate in one of the states of the European Economic Area — may be accepted as an advocate. In such cases applicants must show, in a Bar Association examination, that they have sufficient knowledge of Finnish law and the practice of law in Finland.

Additionally, a person who holds the professional qualifications of an advocate in a Member State of the European Union may be accepted as an advocate without sitting an examination. Acceptance as an advocate who has not taken an examination is subject to the applicant having had an entry for at least three years in the register of advocates kept by the Bar Association, using their original professional title and qualified to practise advocacy in another Member State (EU register). In addition, they must show that they have regularly pursued the profession of advocate in Finland for at least that period.

Legal databases

Further information can be found on the [Finnish Bar Association](#) website.

Licensed legal counsel

A licensed legal counsel is a lawyer who has obtained a licence from the Legal Counsel Board to act as a legal counsel. Licensed legal counsels are required to comply with the rules of professional conduct equivalent to those of the Code of Conduct when acting in court as counsel or attorney. In this respect, licensed legal counsels are subject to supervision by the Supervisory Board of the Finnish Bar Association, the Legal Counsel Board and the Chancellor of Justice.

Legal databases

Further information on the list of legal counsels is available on [The Finnish Ministry of Justice](#) website.

Notaries public

In Finland, the tasks of notaries public are regulated by law. Notaries public are employed by local register offices and jurisdictional district offices. The requirement for eligibility for the office of notary public is a master's degree in law (oikeustieteen kandidaatti or oikeustieteen maisteri).

Despite many similarities, the duties of notaries public in Finland differ largely from the duties of notaries in the rest of Europe and the United States. In Finland, a notary public is always a state official. However, notaries public are not full-time positions; the majority of officials carrying out the tasks of notaries public are district registrars in local register offices. Because of the doctrine of freedom of contract in civil matters, confirmation by a notary public is not a prerequisite for the validity of contracts in Finland. The only civil law contract requiring notarisation in Finland is one related to conveyance.

Notaries public handle the certification of, inter alia, signatures, copies of certificates and curricula vitae. Notaries public can also certify documents with an apostille, a certificate confirming that the signatory of a given document has the position indicated in the document and that he or she is authorised to issue the document.

Other legal professions

Enforcement authorities

The National Enforcement Authority Finland is an agency under the Ministry of Justice, responsible for the independent performance of statutory enforcement tasks. Enforcement is part of the judicial system and is based on law. Enforcement tasks include the recovery of claims, evictions and security measures. The enforcement authority acts impartially and takes into account the rights of both the creditor and the debtor. The network of 64 offices of the National Enforcement Authority covers the whole of Finland.

A bailiff, or enforcement officer, is an umbrella term for government officials carrying out enforcement tasks. A bailiff has independent powers of enforcement.

Under the law, bailiffs are:

- Enforcement Inspectors of the Basic Enforcement Unit;
- Senior Enforcement Inspectors of the Extensive and Special Enforcement Units
- they report to the Senior Enforcement Officers and
- the Chief Enforcement Officers
- in Åland, the equivalent titles are the Senior Enforcement Inspector and Provincial Senior Enforcement Officer.
- Bailiffs under the law also include the Director-General of the National Enforcement Authority Finland and the Deputy Director.

There are also other legal titles at the National Enforcement Authority, such as economic counsellor, specialist, administrative bailiff and senior administrative bailiff.

The majority of enforcement claims are dealt with using electronic recovery tools at the National Basic Enforcement Unit, and this does not require face-to-face contact with the debtor.

In their respective territories, the five regional enforcement units for extensive enforcement are responsible, for example, for the sale of seized property (distrain) and other more exacting enforcement tasks.

The National Special Enforcement Unit carries out a lot of investigative and time-consuming enforcement tasks, and is involved in inter-agency cooperation and the fight against the shadow economy and economic crime.

The Central Administration of the National Enforcement Authority is responsible for the administrative supervision, development and control of the enforcement service. The Central Administration is also responsible for the performance and effectiveness of the Authority as a whole.

The Authority's Central Administration is not involved in individual enforcement tasks; the enforcement units all act independently. Individual enforcement cases always fall within the jurisdiction of the bailiff/enforcement officer in charge of the case, and decisions taken in individual enforcement cases cannot, for example, be revised by Central Administration.

Further information is available at the [National Enforcement Authority Finland](#) website.

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