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Types of legal professions

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Latvia

Latvia

This section presents an overview of the various legal professions in Latvia.

Prosecutors

Organisation

[Prosecution Office of the Republic of Latvia \(Prokuratūra\)](#) is a unified, centralised, three-tiered judicial authority. The Office is headed by the Prosecutor General (ģenerālprokurors). Its purpose is to respond to infringements of the law and ensure that cases relating to such infringements are settled in accordance with the procedure provided for by law. The Prosecution Office comprises institutions at the following levels:

1. Prosecutor General's Office (Ģenerālprokuratūra);
2. prosecution offices of the judicial regions (tiesu apgabalu prokuratūras);
3. district or city prosecution offices (rajonu [republikas pilsētu] prokuratūras);
4. specialised prosecution offices (specializētās prokuratūras).

If necessary, the Prosecutor General can set up a specialised sectoral prosecution office having the same status as a district or regional prosecution office. There are currently five specialised prosecution offices in Latvia:

1. a specialised prosecution office for organised crime and other sectors,
2. a specialised multi-sectoral prosecution office,
3. the Riga road transport prosecution office,
4. a prosecution office for investigating financial and economic crimes,
5. a prosecution office for investigating crimes involving the illegal circulation of narcotics.

The Prosecutor General's Office may also oversee the work of public bodies which, whilst not performing prosecutorial functions, do help implement certain tasks in criminal proceedings that fall within their remit. These bodies are set up, reorganised and wound up by the Prosecutor General. The Prosecutor General also takes structural and staffing decisions for these bodies in accordance with the resources allocated under the State budget. To date, only one such body has been set up, namely the [Anti-Money-Laundering Service](#).

Prosecution Offices form part of the courts system, meaning that they operate independently of the legislative and executive branches. The Saeima (Latvian Parliament), the Cabinet of Ministers and the President may instruct a prosecution office to verify facts relating to infringements and seek explanations from the Prosecutor General's Office. They may not, however, intervene in the work of the prosecution office in question, even when it is investigating infringements of major national importance.

Prosecutors may enter objections to legislation adopted by the Cabinet and public authorities which is not in accordance with the law. The Prosecutor General and Chief Prosecutors of departments of the Prosecutor General's Office may attend Cabinet meetings and give their opinion on the matters under discussion.

Role and duties

The tasks of the Prosecution Office in a pre-trial investigation are laid down in Article 2 of the [Law on the Prosecution Office](#).

The Prosecution Office:

1. oversees the operational work of investigative authorities and other bodies;
2. arranges, leads and carries out pre-trial investigations and gives the investigative authorities instructions on the conduct of criminal investigations;
3. initiates and conducts criminal prosecutions;
4. protects the rights and legitimate interests of individuals and the State;
5. in cases provided for by law, submits a document instituting proceedings or an application to court.

In accordance with Article 36(1) of the [Law on criminal procedure](#), in criminal proceedings a prosecutor shall perform functions relating to investigative supervision, investigation, criminal prosecution, upholding a prosecution by the State and other functions.

Supervising prosecutor

The supervising prosecutor oversees the investigation of a particular criminal case and may:

1. overturn the decisions of an officer conducting proceedings or of members of an investigation team;
2. request that an investigator's immediate superior replace the officer conducting the proceedings or make changes to the composition of the investigation team in the event of non-compliance with instructions or a breach of procedure which jeopardise the course of criminal proceedings;
3. consider complaints about the actions or decisions of officers conducting proceedings or members of an investigation team, an investigator's immediate superior or a person performing tasks in relation to the proceedings;
4. take decisions on the initiation of criminal proceedings or referral to another investigative authority;
5. take procedural actions after providing the officer conducting the proceedings with notification to that effect.

Officer conducting proceedings

The supervising prosecutor (or another prosecutor, on the instructions of a senior prosecutor) may become the officer conducting the proceedings (*procesa virzītājs*). This involves taking over conduct of the criminal proceedings and taking a decision on whether or not to initiate a criminal prosecution. In exceptional circumstances the Prosecutor General, the Criminal Law Department of the Prosecutor General's Office or the Chief Prosecutor of a regional court may appoint a prosecutor as officer conducting the proceedings at the investigation stage.

In the capacity of officer conducting proceedings, the prosecutor may:

1. come to an agreement with the accused regarding an admission of guilt;
2. take a decision on referral of a criminal case to court;
3. submit a case for adjudication under a special procedure;
4. terminate criminal proceedings where there is legitimate justification to do so.

The officer conducting the proceedings may adopt any procedural decision and perform any procedural action, or refer these to a member of the investigation team or a person performing procedural tasks.

Senior prosecutor

In accordance with the procedure laid down by law, a senior prosecutor checks whether a public prosecutor is performing the functions with which they have been entrusted and takes decisions on complaints and reprimands with regard to the decisions and actions of the supervisory prosecutor/officer conducting the proceedings. A senior prosecutor may, for example, take a decision on a proposal by the supervisory prosecutor to change an investigator's immediate superior or investigative body, or on whether a dismissal of an accusation is justified and lawful.

A senior prosecutor may:

1. overturn the decisions of an investigator, member of an investigation team or junior prosecutor;
2. appoint or replace a supervisory prosecutor or prosecutor/officer conducting the proceedings, if supervision and prosecution are not fully guaranteed, or assume responsibility themselves;
3. establish an investigation team, if the volume of work jeopardises completion of criminal proceedings within a reasonable time-frame;
4. request that another immediate superior be appointed for the investigator, or assign the criminal investigation to a different investigative body.

By decision of a senior prosecutor, a prosecutor may be included in an investigation team; the officer conducting the proceedings may require the prosecutor to perform one or more procedural tasks.

Judges

Organisation

The constitutional basis for the judiciary is Articles 82 to 86 of the [Constitution of the Republic of Latvia](#) (Latvijas konstitūcija), pursuant to which justice is rendered solely by the courts. Judges are independent and answerable to the law only. The judiciary is regulated by the [Law on the judiciary](#). Under Latvian legislation, judges are civil servants.

Public authorities, social and political organisations and other legal and natural persons must respect and abide by the independence of the courts and the immunity of judges. Nobody has the right to request that a judge give account of or provide explanations for how a particular case has been considered, or to intervene in the administration of justice, irrespective of the purpose for which this is done. Judges are protected by judicial immunity whilst fulfilling their responsibilities in respect of the administration of justice. The office of judge is incompatible with membership of any political party or other political organisation.

Role and duties

It is the job of judges to administer justice in civil, administrative and criminal cases in accordance with the law.

In civil cases, judges hear and settle disputes relating to the protection of the rights (civil, employment, family, etc.) and legitimate interests of natural and legal persons.

In criminal cases, judges hear charges brought against persons and decide on their merits. Judges may acquit innocent persons or find persons guilty of a criminal offence and impose a penalty on them.

In administrative cases, judges exercise judicial review over the lawfulness of actions by the executive (administrative acts issued by authorities or specific actions taken by them) and consider disputes arising from any relationship governed by public law. Judges also clarify the legal rights and obligations of private individuals under public law. In administrative infringement cases, judges hear and settle cases relating to the commission of administrative infringements.

The professional duties of judges cover all the duties of judges and courts under procedural law.

Legal databases

The judiciary has its own portal, the [Latvian National Courts Portal](#), which is currently available in Latvian only. This gives details of Latvia's court system, a list of Latvian courts and judges, court statistics and a brief description of the procedures applicable in various court proceedings, highlighting their main features and differences, and information on how to bring cases before the judicial authorities.

The [Latvian courts e-services portal](#) for its part provides access to anonymised court decisions, case law, the schedule of court sessions and other information. Entry of the reference number of a case or writ of summons in the 'Tiesvedības gaita' [status of proceedings] section provides information on the exact status of case proceedings and shows which court is hearing the case and at what level, a schedule of upcoming court

sessions, decisions adopted, objections submitted and the outcome of legal proceedings.

Court reports are also published on the website of the [Courts Office](#).

Information on current policy issues relating to the courts system is also published on the website of the [Latvian Ministry of Justice](#). The portal is also available in English.

E-information on the Supreme court and its activities is available on the [Supreme Court](#) website. The portal is also available in English.

Lawyers (advocates)

Organisation

Lawyers (advocates) are independent legal professionals who provide legal assistance, defending and representing the legitimate interests of individuals in court and in pre-trial investigations, providing legal advice, drawing up legal documents and performing other legal tasks.

Lawyers (advocates) are members of the judicial system who conduct cases in any court of law or pre-trial investigation body in the Republic of Latvia after they have been selected and retained by the parties to a dispute, defendants and other interested parties (clients), as well as in the cases provided for by law on behalf of the chief justice of a court, the head of a pre-trial investigation body or the Latvian Council of Sworn Advocates. Lawyers (advocates) also provide other types of legal assistance in accordance with the procedure provided for by [law](#).

In Latvia, the following may practise as lawyers:

1. Latvian nationals;
2. nationals of European Union Member States who have qualified to practise as a lawyer/advocate in any European Union Member State (lawyers of EU Member States);
3. foreign lawyers (other than lawyers from EU Member States) who may practise in Latvia in accordance with international agreements on legal assistance that are binding on Latvia.

All sworn lawyers (advocates) are independent members of the legal profession who have joined together as the Latvian Collegium of Sworn Advocates (*Latvijas Zvērinātu advokātu kolēģija*), which is an independent national professional body of sworn advocates. The bodies comprising the Latvian Collegium of Sworn Advocates are the general assembly of Sworn Advocates, the Latvian Council of Sworn Advocates, the Audit Committee and the Disciplinary Committee.

Legal databases

Information on the activities of the Latvian Collegium of Sworn Advocates and the Latvian Council of Sworn Advocates, on the laws and regulations, the lawyers (advocates) and the courts in which they practise (with contact details), along with details of other issues concerning the Latvian legal profession, can be found on the website of the [Latvian Council of Sworn Advocates](#).

Notaries

Organisation

Notarial matters under the supervision of the judicial authorities are entrusted to sworn notaries in accordance with the procedure established by the [Law on notaries](#). Sworn notaries are members of the judicial system who are attached to regional courts and perform the duties defined for them under law. In the performance of their duties, sworn notaries are equivalent to public officials. In the exercise of their profession, sworn notaries enjoy financial autonomy, their fees being fixed by the [Cabinet of Ministers](#).

Under the [Law on notaries](#), sworn notaries are authorised to:

1. draw up notarial acts;
2. draw up notarial certificates;
3. take custody of money, securities and documents;
4. take custody of an item subject to an obligation;
5. conduct inheritance matters ;
6. draw up proposals for the division of property in the cases provided for by law;
7. conduct divorce proceedings (provided that both spouses have agreed to this in writing and there is no outstanding dispute);
8. perform other actions provided for in laws.

Under the [Law on notaries](#), sworn notaries may also:

1. see to the consolidation of rights and the securing of rights in land registers, and the recording of rights, the securing of rights and other particulars in the State Land Registry and in the registers kept by the Register of Enterprises;
2. obtain from public, municipal and private institutions, and from officials and private individuals, the authorisations, certificates and other documents needed for the conclusion or authentication of acts to be notarized and certified;
3. produce drafts of acts, contracts and other documents relating to the activity of a sworn notary, and prepare copies and translations;
4. provide other legal assistance;
5. conduct mediation as a certified mediator in accordance with the provisions and procedures laid down in the [Law on mediation](#).

All of Latvia's sworn notaries have joined together as the Latvian Collegium of Sworn Notaries (*Latvijas Zvērinātu notāru kolēģija*), which is an independent national body of sworn notaries. The [Latvian Council for Sworn Notaries](#) (*Latvijas Zvērinātu notāru padome*) is the representative and supervisory body for sworn notaries and the administrative and executive body for the Latvian Collegium of Sworn Notaries. Its tasks are set out in [Article 230 of the Law on notaries](#).

Legal databases

Information on the activities and the number of sworn notaries, the location of their practices and other issues relating to the Latvian notary system can be found on the official [Latvian notaries](#) website.

Sworn bailiffs

Organisation

Sworn bailiffs (*Zvērināti tiesu izpildītāji*) are members of the judicial system. Sworn bailiffs are attached to regional courts, enforce the decisions of judicial and other bodies and carry out other activities provided for by law.

Sworn bailiffs are independent members of the legal profession, but in the performance of their duties are considered equivalent to public officials. In the performance of their duties, sworn bailiffs are independent and answerable to the law only. The demands made and orders issued by sworn bailiffs in the course of their professional duties are binding on all parties within the national territory.

Sworn bailiffs perform their duties within the territorial jurisdiction of the regional court to which they are attached. The number of sworn bailiffs, their positions, jurisdictions and jurisdictional boundaries are laid down by the Cabinet of Ministers.

In the performance of their duties, sworn bailiffs apply the [Law on civil procedure](#) and other items of legislation and comply with the methodology approved by the Latvian Council of Sworn Bailiffs (which is the representative and supervisory body for sworn bailiffs in Latvia) and the lessons learned from case law.

Legal databases

Information on where sworn bailiff practices are located and details of legislation regulating the profession of sworn bailiffs and the activities of the Latvian Council of Sworn Bailiffs can be found on the [website of the Latvian Council of Sworn Bailiffs](#). The portal is currently available in Latvian only.

Organisations providing *pro bono* legal services

There is no list of organisations of this type in Latvia.

Links

[Prosecution Office](#)

[Anti-Money-Laundering Service](#)

[Latvian National Courts Portal](#)

[Courts Office](#)

[Latvian Council of Sworn Advocates](#)

[Latvian Notaries](#)

[Website of the Latvian Council of Sworn Bailiffs](#)

[Ministry of Justice of the Republic of Latvia](#)

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