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Types of legal professions

Czech Republic

This section provides you with an overview of the legal professions in the Czech Republic.

Legal professions - introduction

The legal professions comprise judges, public prosecutors, lawyers, notaries, and bailiffs.

Public prosecutors

Organisation

Public prosecutors are legal professionals who work in a prosecutor's office. Public prosecutor's offices are public bodies that represent the state to protect the public interest in clearly defined matters. Public prosecutors handle cases that fall within the competence of the public prosecution service. No other bodies or persons may encroach on their field of activity or replace or represent them in performing their duties.

The organisation of the prosecution service mirrors the court system (district, regional, and supreme levels). At the head of the service is the Supreme Public Prosecutor's Office in Brno, which is the central public prosecutor's office and oversees the prosecution service. The government has the power to appoint and dismiss the Supreme Public Prosecutor on the recommendation of the Minister for Justice.

Professional association

The Czech Union of Public Prosecutors, *Unie státních zástupců České republiky*, is a voluntary professional association whose aim is to help prosecutor's offices in performing their tasks and to promote the rule of law in decision-making free of all influence. The Union also plays a part in training prosecutors and trainee prosecutors and represents the interests of public prosecutors.

The profession is governed by the Code of Professional Ethics for Public Prosecutors.

A list of public prosecutors, broken down by the office to which they are assigned, is available via the Justice Ministry's web page: [Ministry of Justice](#).

Role and obligations of public prosecutor's offices

Public prosecutors are public officials whose job is to represent the state in protecting the public interest, in particular by bringing criminal prosecutions, and ensuring that the law is observed as regards pre-trial detention, imprisonment, court-ordered medical treatment, youth detention centres and institutional care homes, crime prevention, and the provision of help for crime victims.

Powers in criminal proceedings

Public prosecutors have the power to act as a law enforcement authority at every stage in criminal proceedings. The public prosecutor enjoys certain procedural rights and is subject to corresponding procedural obligations.

The public prosecution service operates as specified in Act No 283/1993. In particular, it is responsible for bringing public criminal prosecutions and for certain other tasks under the Code of Criminal Procedure. It also monitors compliance with the law as regards pre-trial detention, imprisonment, court-ordered medical treatment, security detention, youth detention centres and institutional care homes, and other instances where the law authorises restrictions on personal liberty, and it acts in non-criminal proceedings and performs other specific tasks laid down by a special act.

Public prosecutors ensure that the law is observed in pre-trial criminal proceedings. Under the Code of Criminal Procedure (Act No 141/1961), certain steps at this stage are the sole prerogative of the public prosecutor.

Before beginning a criminal prosecution, the public prosecutor must have been notified of facts indicating that a crime has been committed (§ 158(2) of the Code of Criminal Procedure).

The public prosecutor issues a formal charge (recommending a penalty), which sets in motion the procedure for an action to be brought before the relevant court. Public prosecutors must attend the main hearing, where they open proceedings by setting out the charges and end them with their closing statement. Public prosecutors also enjoy powers in reaching agreement on guilt and sentencing.

The public prosecutor can appeal on the grounds of that a wrong verdict has been given. Appeals may be in the accused's favour or to their disadvantage. A further appeal can be lodged by the Supreme Public Prosecutor.

The public prosecutor can also recommend a retrial in the accused's favour or to their disadvantage.

In proceedings against a juvenile the public prosecutor must always be present, not only at the main hearing but also at public hearings (Act No 218/2003 on judicial proceedings in juvenile cases).

Decisions on alternative settlements at the pre-trial stage are among the exclusive decision-making powers of the public prosecutor.

Action by the prosecution service in non-criminal cases

The public prosecution service can also recommend bringing civil proceedings or can intervene in civil proceedings that are already under way, but only where the law permits.

The basis for the involvement of the prosecution service in civil proceedings is Article 80 of the Czech Constitution, which states that the public prosecution service may perform other tasks under the law besides bringing public prosecutions. Under the Prosecution Service Act the public prosecution service can act in other proceedings besides criminal cases. These powers are covered in more detail in the Code of Civil Procedure, which specifies when the public prosecution service may intervene in ongoing civil proceedings.

Besides the possibility of becoming a party to civil proceedings, the public prosecution service can recommend that proceedings be brought by the Supreme Public Prosecutor, for instance in paternity denial cases under the Family Act.

Qualifications and other requirements for public prosecutors

Public prosecutors take office upon being appointed. They are appointed by the Minister for Justice, on the recommendation of the Supreme Public Prosecutor, and appointment is for an unlimited period. A public prosecutor takes the oath before the Minister for Justice.

To be appointed as a public prosecutor a person must be a Czech citizen and must:

enjoy legal capacity;

have no criminal record;

be at least 25 years of age at the time of appointment;

have obtained a master's degree in law at a Czech university;

have passed the final examination;
possess the moral qualities that guarantee they will exercise their function properly, and
accept appointment as a public prosecutor and assignment to a prosecutor's office.

Public prosecutors are appointed for an unlimited period, but they can be suspended from duty by decision of the Minister for Justice. Their tenure ceases when they reach the age of 70, when they die or are declared dead, or if, for example, they lose their legal capacity or it is restricted, if they refuse to take the oath, if they lose Czech citizenship, if they take on a function incompatible with that of public prosecutor, if they are found guilty of a crime, if they are found to be unfit to perform their duties, or if lasting ill health prevents them from performing their duties. Their tenure is also terminated if they are removed from office as a disciplinary measure or if they resign.

The Minister for Justice sets the budget of the prosecution service. The status of public prosecutor is governed by Act No 283/1993.

Incompatible functions

Except where the law permits, a public prosecutor may not act as an arbitrator or mediator for the settlement of legal disputes, represent parties to judicial proceedings, or act as an agent for a claimant or party in judicial or administrative proceedings. Apart from serving as a public prosecutor, or as chief or deputy chief public prosecutor, or performing duties arising from temporary assignment to the Ministry or the Judicial Academy, public prosecutors may not hold any paid function or engage in any other gainful activity, except managing their own assets and performing academic, teaching, literary, journalistic, or artistic work, or to serve on advisory bodies to the Ministry or government or on parliamentary bodies.

Remuneration

Prosecutors' remuneration is laid down by law and paid by the state.

Professional liability

The state is liable, as specified in a special act, for any damage, injury, or loss resulting from unlawful decisions or procedural errors by public prosecutors. Public prosecutors are also liable if they commit a disciplinary offence.

Judges

Organisation

The basic provision governing the position of judges is Article 82(1) of the Czech Constitution, which states that judges must be independent in the exercise of their functions and that no one may seek to undermine their impartiality. Further rules are laid down in Act No 6/2002 on courts and judges.

Appointment and tenure

If they fulfil all the requirements, judges are appointed by the President of the Republic and take office on taking the oath. However, there is no legal entitlement to be appointed as a judge.

Preparation to become a judge involves three years' service as a trainee judge in the courts. On completion of their preparatory service, trainees sit a special judicial examination.

Appointment as a judge is not limited in time, but judges may be released from their duties temporarily by the Minister for Justice. Judges' tenure ends at the close of the year in which they reach the age of 70, on their death or when they are declared dead, if they are officially declared unfit to perform their duties, or if they resign.

Qualifications and other requirements for judges

To be appointed as a judge a person must:

- be a Czech citizen;
- enjoy legal capacity;
- have no criminal record;
- be at least 30 years of age;
- have obtained a master's degree in law at a Czech university;
- have passed the special judicial examination;
- possess the experience and moral qualities that guarantee they will exercise their function properly, and
- accept appointment as a judge and assignment to a specific court.

Lay judges are appointed from the general public (provided they do not have a criminal record). They take an oath before the president of the court and serve for four years.

Incompatible functions

Apart from serving as president or deputy president of a court, judges may not engage in any other form of paid activity except managing their own assets, performing academic, teaching, literary, journalistic or artistic work, or serving on advisory bodies to the Ministry or government or on parliamentary bodies.

Remuneration

The level of judges' remuneration is laid down by law.

Role and obligations

The basic right and obligation of judges is to remain independent in performing their duties and to be bound solely by the law, interpreting it to the best of their knowledge and according to their conscience. They must not allow themselves to be influenced e.g. by the interests of political parties, public opinion, or the media. Undermining or threatening the independence and impartiality of judges is forbidden.

Judges must give their rulings within a reasonable time and without undue delay and must give the parties to proceedings and their representatives the opportunity to assert their rights, but may not negotiate with them on the substance of the case or on procedural issues that could affect the case.

Even after leaving office, judges must not disclose any matters that have come to their knowledge in the course of their duties; this obligation may only be lifted in exceptional cases.

A list of judges and the courts where they work is available via the webpage of the Justice Ministry: [Ministry of Justice](#).

The Union of Judges (*Soudcovská unie*) does not represent all judges, as membership is voluntary. Its general assembly has adopted a code of conduct for judges setting out ethical principles to guide the judiciary.

Categories and specialisation of judges

Besides deciding on cases, judges may also serve as court presidents or vice-presidents. They are appointed by the President of the Republic (Supreme Court and Supreme Administrative Court) or by the Minister for Justice (higher, regional, and district courts). Their main tasks include administration of the courts.

A judge may also be appointed to preside over a college of the Supreme Court or of the Supreme Administrative Court, or to preside over a court senate. Internally the district, regional, and higher courts are basically organised into specialised criminal, civil, and administrative divisions for the different types of cases.

Professional liability of judges

The state is liable for any damage, injury, or loss arising from a wrongful ruling, remand decision, sentence, or protective measure, or from a procedural irregularity. The judge concerned may be required to make compensation only if he is found guilty of a disciplinary or criminal offence. Judges are accountable for their professionalism in performing their duties

Other judicial staff

[Assistant to judge/assistant to prosecutor](#)  (374 Kb) 

[Trainee](#)  (422 Kb) 

[Higher court clerk / higher clerk of prosecution office](#)  (372 Kb) 

Notaries

Organisation

Notaries and their activities are regulated by Act No 358/1992 on notaries and their activities (Notarial Code).

Notaries must belong to the Chamber of Notaries (*Notářská komora*), which is responsible for administering the profession. The Chamber also organises professional training and examinations of trainee notaries. A list of notaries, broken down by region, can be found on the webpage of the [Chamber of Notaries](#)

Appointment and tenure

Notaries are appointed to a vacancy by the Minister for Justice, acting on a recommendation by the Chamber, following a competitive examination. A notary takes office once entered in the register of notaries kept by the Chamber of Notaries.

A trainee notary prepares for the profession by working under a notary. The next stage in preparation is when the trainee attains the status of candidate notary after completing at least three years' traineeship and passing the notarial examination.

A notary's tenure of office is not limited in time, but can be suspended. Notaries' tenure ceases when they reach the age of 70, on their death or if they are declared dead, on dismissal, loss of Czech citizenship, loss of legal capacity, or if, for example, they refuse to take the oath or if their state of health makes it impossible for them to perform their duties in the long term.

The number of notaries' offices in the area of each district court is laid down by the Minister for Justice after consulting the Chamber of Notaries.

Notaries are independent in the performance of their duties. They are bound only by the law. Practice as a notary is incompatible with any other paid activity (except where the law states otherwise).

Qualifications and other requirements for notaries

To be appointed as a notary, a person must:

- be a Czech citizen;
- enjoy legal capacity;
- have no criminal record;
- have a university degree;
- have completed at least five years' notarial practice;
- have passed the notarial examination.

In order to begin practising as a notary a person must:

- be appointed as a notary;
- have taken the oath before the Minister for Justice, if this has not already been done;
- have obtained the official stamp of a notary;
- have concluded a liability insurance policy for any damage, injury, or loss that may occur in the course of their practice.

Incompatible functions

Notaries may not engage in any other gainful activity apart from managing their own assets. However, they may perform academic, publication, teaching, interpreting, expert, or artistic work for remuneration.

Remuneration

Under the Notarial Code, a notary works in return for remuneration, which mainly comprises a fee, reimbursement for the time spent, and reimbursement of expenses. Payment is due from the person seeking notarial assistance. Notaries are entitled to request a reasonable advance payment in respect of their fee and expenses. Detailed rules on the remuneration of notaries are laid down in specific legislation.

Role and obligations of notaries

In performing their duties notaries must comply with acts of law and other legal provisions of generally application; in providing legal assistance they are also bound by their clients' instructions. They have the right to refuse to do what is requested only if this would conflict with generally applicable law; if they or persons close to them are involved in the case; if they have already provided legal assistance in the same case to someone else with conflicting interests; or if the person seeking assistance fails to pay a reasonable advance without good reason. A notary has the right to withdraw from a contract with a client or person seeking advice where there is a breakdown of mutual trust.

Notaries may not disclose any matters that come to their knowledge in the course of their work and that might affect the legitimate interests of their clients or persons seeking advice; only the persons concerned may relieve them of this obligation.

The legal and other services provided by notaries include:

- acting as judicial commissioners, i.e. as agents of the court, for inheritance matters;
- drawing up notarial deeds – official records of legal acts, of annual general meetings and meetings of legal persons, of other acts and situations;
- drawing up contracts;
- notarial custody;
- drawing up notarial acts permitting enforcement;
- drawing up and depositing wills;
- drawing up premarital agreements (which must be in the form of notarial deed), surety agreements, and registering sureties;
- authenticating documents.

They also issue extracts from the Czech Land Register, etc.

Professional liability of notaries

Notaries are liable to clients, persons seeking advice, or other persons concerned for any damage, injury, or loss they may cause in performing their duties; they are also liable to their staff for any damage, injury, or loss they may suffer in the course of their work. To cover that risk, they must have a liability insurance policy.

Notaries are also liable to disciplinary action.

State supervision of notaries is the responsibility of the Ministry of Justice, the Czech Chamber of Notaries, and the individual chambers of notaries.

Professional association

The chambers of notaries, established by law in the area of each regional court and the Prague municipal court, comprise all notaries established in the corresponding area. The chamber of notaries enjoys legal personality and has its own income and organs.

The Czech Chamber of Notaries (*Notářská komora ČR*) is the central self-governing professional organisation comprising the individual chambers of notaries. It enjoys legal personality and has its own income and organs. Its tasks include keeping and managing the central register of wills, which is a non-public list in electronic form comprising wills, deeds of disinheritance and acts revoking them, records of the appointment and dismissal of executors of wills. The Czech Chamber of Notaries also keeps the register of sureties.

Organisation of the legal profession: legal practitioners

Lawyers

Lawyers must be members of the Czech Bar Association (*Česká advokátní komora*), the central self-governing non-governmental organisation responsible for the profession.

The provision of services by lawyers is regulated by Act No 85/1996, [on the legal profession](#).

Requirements for lawyers

To practise as a lawyer, a person must be entered in the register of lawyers kept by the [Czech Bar Association](#). To be entered in the register, a person must apply in writing and must:

enjoy [legal capacity](#);

have [no criminal record](#),

have obtained a [master's degree](#) in law;

have served at least three years as a [trainee lawyer](#);

have passed the [bar examination](#) and

have taken an [oath](#) before the president of the [Czech Bar Association](#).

In the [Czech Republic](#) legal services may be provided systematically and against payment only by:

lawyers registered with the [Czech Bar Association](#);

European lawyers.

In the Czech Republic there is only one type of lawyer without any kind of distinction. Only in the course of their practice do individual lawyers build up their specialisation in one of the fields of law.

Rights and obligations of lawyers

A lawyer takes office on being entered in the register.

A prospective lawyer prepares for the profession by working as a trainee under a lawyer.

Registration is not limited in time, but the right to practice as a lawyer may be suspended, either as specified in law or following a decision by the Czech Bar Association.

The right to practice as a lawyer ceases when a lawyer is removed from the register on grounds specified by law, such as death or being declared dead, loss or restriction of legal capacity, being struck off the register as a disciplinary measure, bankruptcy, or at a lawyer's own request. The Czech Bar Association may also decide to strike a lawyer off the register.

Incompatible functions

Under the law, a practising lawyer may not at the same time be employed or hold any other similar position, except as a university teacher, and may not engage in any activity incompatible with that of a lawyer.

Remuneration

Lawyers generally act on payment of a fee by the client; the lawyer may request a reasonable advance. The method for determining lawyers' fees for legal services, reimbursement of expenses, and remuneration for time spent is governed by a generally binding provision. As a rule, the fee for providing legal services is laid down in a contract with the client ('contractual fee'). If not, it is determined in accordance with the scale of lawyers' non-contractual fees. If a lawyer is appointed to provide legal services, the fees are paid by the state.

Professional association

The Czech Bar Association, which has its seat in Prague and a branch in Brno, is the self-governing professional organisation for all lawyers. It has its own bodies and issues binding professional rules for lawyers that are published in the Official Gazette of the Czech Bar Association.

These include the rules of professional ethics and rules on competition governing lawyers in the Czech Republic.

Professional liability

Lawyers are liable to their clients for any damage, injury, or loss that they, their employees, or representatives may cause in the course of their work. Lawyers must be insured against all such liability.

Lawyers are also liable if found guilty of a disciplinary offence involving serious or repeated breaches of their obligations.

Legal database

A list of lawyers can be found on the webpage of the [Czech Bar Association](#). There you can search for lawyers not only by location, but even by their specialisation and knowledge of languages.

Is access to the database free?

Yes, access to this database is free.

Commercial lawyers/legal advice

In the Czech Republic there is only one type of lawyer.

Other legal professions

Bailiffs

A [court bailiff](#) is an [independent legal](#) professional who enforces [execution](#) in accordance with the [Enforcement Code](#). All court bailiffs must belong to the self-governing [Chamber of Bailiffs](#).

They are governed by Act No 120/2001 on court bailiffs and enforcement (Enforcement Code).

Bailiffs are appointed by the Minister for Justice.

In the Czech Republic a bailiff is a public official and his duties are deemed to be acts of the courts.

To be appointed as a court bailiff a person must be a Czech citizen and must:

have [full legal capacity](#);

have a legal training at a Czech [university](#);

have [no criminal record](#);
have at least three years' professional experience;
have passed the [bailiffs examination](#).

Appointment and tenure

After taking an oath, a bailiff is appointed by the Minister for Justice to a vacancy following a published selection procedure. On appointment, he becomes a member of the Chamber of Bailiffs. Preparation for the office of bailiff involves first working as a trainee under a bailiff. The next stage is candidate bailiff; candidates must have completed at least three years' practice and have passed the bailiffs examination before they can be entered in the register. The appointment is not limited in time, but the Minister for Justice can suspend a bailiff. During the period of suspension a bailiff may not act as a bailiff, and a replacement is appointed, as is the case for any other period when a bailiff is prevented from carrying out his activities (e.g. sickness, vacation). A person ceases to be a bailiff from the moment when they cease to be a member of the Chamber of Bailiffs. This happens through death or being declared dead, dismissal, loss of Czech citizenship, or loss or restriction of legal capacity.

Incompatible functions

Bailiffs may not engage in any other gainful activity apart from managing their own assets. However, they may perform academic, publication, teaching, interpreting, expert, or artistic work for remuneration.

Remuneration

Bailiffs perform enforcement and other activities for remuneration, which mainly comprises the bailiff's fee, reimbursement of expenses, remuneration for time spent, and reimbursement for delivering writs. The bailiff's fee may be agreed between the bailiff and the person concerned. If there is no such agreement, the fee is determined in accordance with the generally applicable legal provision. Bailiffs are entitled to ask for payment of a reasonable advance on the costs of enforcement.

Professional liability:

Bailiffs are liable for any damage, injury, or loss caused in the course of their enforcement work, either by themselves or by their employees. They must be covered by liability insurance.

Bailiffs and candidate bailiffs are also liable for disciplinary offences involving breaches of their obligations under the law or causing serious or repeated detriment to the dignity of the profession.

Further details can be found on the webpage of the [Chamber of Bailiffs](#).

Organisations providing legal services *pro bono* (for free)

There are a number of non-governmental organisations providing public legal aid in various areas: for example [Environmental Law Services](#), [Iuridicum remedium](#).

In certain specific cases the Czech Bar Association also provides free legal advice.

The Czech Chamber of Bailiffs provides free legal advice on enforcement questions.

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