

Legal professions - Finland



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



Legal professions – introduction

The legal professions in Finland include judges working in courts, prosecutors, public legal aid attorneys, advocates, notaries public and enforcement officials (bailiffs).

Prosecutors

Organisation

According to the Constitution of Finland, the **prosecutor general** is the supreme prosecutor and heads up the prosecution service.

The prosecution service has a two-tier structure. It consists of the office of the prosecutor general, the central authority of the prosecution service, and 15 local prosecution offices with 50 service bureaux. The Finnish prosecution service has 581 personnel, 381 of whom are prosecutors.

Chief district prosecutors head the local prosecutors' offices. There are also deputy chiefs and district prosecutors. Some prosecution units have junior prosecutors, who are in training for prosecutorial duties.

All of the above are **general prosecutors** and, with some rare exceptions, are competent to bring charges in all criminal offences committed within their jurisdiction. Special prosecutors, like the parliamentary ombudsman and the chancellor of justice, are competent to bring charges only in certain, clearly defined, special cases.

Role and duties

According to the law, the duty of a prosecutor is to establish criminal liability in a criminal case – In a manner that ensures the legal safety of the parties and the public interest. The prosecutor must perform his or her duties impartially, expeditiously and economically.

The prosecution service must observe the jointly defined values of fairness, competence and well-being in all areas of activity.

The title of public prosecutor refers to the public service function of prosecutors; unlike the other parties to a criminal case, the prosecutor does not act in his or her own interest, but on behalf of society, looking after its interests. A prosecutor is a **state official**,

whose duty it is to see that the **proper statutory sanction** is attached to a criminal act. Prosecutors form an **independent** part of the Finnish judicial administration.

Most criminal matters (some 80,000 cases annually) are dealt with by local prosecution units. The office of the prosecutor-general deals mainly with criminal cases with wider significance to society as a whole – amounting to a few dozen every year.

The investigation of crimes – pre-trial investigations – is the duty of the **police**. Once an investigation is completed, the material compiled is sent to the prosecutor, who evaluates the charges in the matter. This means that, for each suspected person and each alleged act, the prosecutor evaluates whether a criminal offence has been committed and whether there is sufficient evidence to warrant a prosecution.

A charge must be brought if there is a prima facie case against the suspect. If there is not enough evidence, or if there is another reason why charges cannot be brought (e.g. owing to the statute of limitations), the prosecutor will make a decision not to prosecute.

Legal databases

You can find additional information on the website of the [Office of the Prosecutor General](#) and the Finnish [Ministry of Justice](#).

Judges

Organisation

In Finland, most court judgements are made by professional judges. In district courts, there are also lay judges (laymen or women). 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, as well as 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. In addition, a judge cannot be transferred to another office without his or her consent.

Chapter 12 of the **State Civil Servants Act** contains separate legal provisions for judges as civil servants. According to the law, the provisions governing leave of absence, admonition, termination of employment and temporary dismissal of other civil servants do not apply to judges. According to the State Civil Servants Act, a judge is obliged to resign from office once he reaches the statutory retirement age (for judges this is 68), or upon becoming permanently incapacitated

Role and duties

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 appointment as a judge in a district court or a court of appeal. In the future, candidates will receive training. The court of appeal announces vacancies and the Judicial Appointment 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 ordinary 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's 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 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 that each lay judge should 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 Public Legal Aid Offices. Public legal aid attorneys are state officials, appointed to office by the Minister of Justice. The Public 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) 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.

Organisation of the legal profession: Lawyers

Barristers/ advocates

Only members of the Bar Association are entitled to use the professional titles of '**asianajaja**' or '**advokat**'. Anyone applying for membership of the **Bar Association**, among other things, must:

- Have completed a **Master of Laws degree** (LL.M.), which entitles her or him to hold judicial office
- Be known as a person of integrity
- Have several years 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 independent and autonomous of influence by government and all other quarters, with the exception of his or her client
- Have various other qualifications.

Responsibilities of an advocate and supervision of his or her practice

In terms of penal or indemnity 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 launch a disciplinary action. Such a procedure starts most often with a written complaint. 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 Appellate Court of Helsinki.

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

The Bar Association has about 1850 members, designated as 'advocates' (in Finnish: asianajaja; in Swedish: advokat). Law firms employ about 600 associates, about 120 of whom are public legal advisers. Legal aid offices also employ more than 100 legal advisers who are not members of the Bar Association.

A lawyer who has been dismissed from the Bar Association following disciplinary measures can still pursue his profession under another professional title; in such a case, however, a 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 he or she is known to be honest and, in respect of his or her other characteristics and way of life, suitable for the profession of advocate. He or she must have passed the academic requirements stipulated in Finland for judicial office, acquired the skills required to practise as an advocate and have work experience in advocacy tasks. He or she must not be a bankrupt and must have full legal capacity.

In accordance with international commitments that have entered into force in Finland, a person who has not passed the academic requirements nor 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 the applicant must prove,

in an examination arranged by the Bar Association, that he or she has sufficient knowledge of Finnish legislation and the practice of law in Finland.

In addition, 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 an examination. Acceptance as an advocate without an examination is subject to the applicant having been registered for at least three years in the register of advocates administered by the Bar Association, using the professional title of their home member state and qualified to practise advocacy in another member state (EU register). In addition, the person must prove the regular pursuit of the profession of an advocate in Finland for at least that period.

Legal databases

You can find more information on the website of the [Finnish Bar Association](#).

Solicitors/ legal advisers

In Finland, practically anybody can advise on and assist in legal matters, even professionally. However, very few such advisers do not hold a Master of Laws degree.

Practising lawyers who are not members of the Bar Association may perhaps not meet the requirements for an advocate, or may prefer not to submit to the obligations of the profession. Lawyers who have recently graduated from university, for instance, or lawyers who have just started practising or have been transferred from other fields of law, do not fulfil the requirements; nor do part-time lawyers.

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).

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 notaries public; the majority of officials carrying out the tasks of notaries public are district registrars in local register offices. Because of the freedom of manner 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 the conveyance of real property.

Notaries public handle the notarisation of, among other things, signatures and copies of certificates and the authentication of curriculum vitae. Notaries public can also certify so-called 'apostille certificates' that confirm that the signatory of a given document holds the position indicated and that he or she is authorised to hand over the document.

Other legal professions

Enforcement authorities

Organisation

Enforcement tasks are carried out by local bailiffs: that is, district bailiffs, rural police chiefs and the Åland provincial bailiff. These officials are assisted by deputy bailiffs, who are, in practice, in charge of most individual enforcement tasks. The enforcement offices also have clerical staff. Enforcement authorities are state officials.

The Ministry of Justice is in charge of the general management, control and supervision of the enforcement service. The heads of judicial administration in the state provincial offices also have control and supervision functions relating to enforcement. For example, they deal with complaints about the conduct of the enforcement authorities. However, neither the Ministry of Justice nor the heads of legal administration have the power to overrule or alter an individual enforcement or other measure.

In Finland, enforcement is most often a matter of collecting judgement debts, and it is thus closely linked to court proceedings. In the proceedings, the validity of the creditor's claim is investigated and a payment liability ordered on the debtor. If the judgement is not heeded voluntarily, it is carried out compulsorily by way of enforcement. Some receivables, such as taxes and certain insurance premiums, can be enforced even in the absence of a judgement.

The enforcement authorities protect the interests of both creditors and debtors. They aim to receive a voluntary payment after sending a collection letter. If no payment is forthcoming, wages, salaries, pensions or business income are garnished or assets are distrained (seized). Distrained assets may be sold by bailiff's auction.

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