

Legal professions - Sweden

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Legal professions - introduction

Prosecutors

Organisation

The public prosecution service consists of the [Prosecution Authority](#) (*Åklagarmyndigheten*) and the [Economic Crimes Authority](#) (*Ekobrottsmyndigheten*). Both authorities answer directly to the Government (Ministry of Justice). The Prosecution Authority is headed by the Prosecutor-General and the Economic Crimes Authority by a Director-General. The **Prosecutor-General** (*Riksåklagare*) is the highest-ranking prosecutor in the country and is responsible for and heads the prosecution service.

The Prosecutor-General is responsible for legal development, the operations of the [Supreme Court](#), and administrative tasks. **Senior prosecutors** are responsible for particular areas of the prosecution service. Public prosecutors are appointed by the Prosecutor-General, and are organised into prosecution districts staffed by **district prosecutors**. Some district prosecutors are specialists in a particular field. There are 32 district prosecution offices. There are also three international and four nationwide prosecution offices, which handle special types of case. Each district prosecution office is headed by a **Chief Prosecutor**.

All prosecutors within the Prosecution Service are completely independent in their decision-making, which means that a senior prosecutor may not decide what decisions a subordinate prosecutor may make in a case for which the subordinate is responsible. To become a prosecutor you must have Swedish citizenship. Before you can be accepted as a prosecutor you must also have obtained a Swedish law degree and completed a period of practical legal training, working for two years as a clerk at a district court or administrative court. In certain circumstances, legal training in another Scandinavian country can be regarded as equivalent to a law degree. Prosecutors are first taken on as **trainee prosecutors** for nine months, during which the prosecutor has a mentor to guide him or her in the work. After this, the prosecutor undergoes a two-year course of training while working as a prosecutor, before being appointed District Prosecutor.

There are three prosecution **development centres**, situated in Stockholm, Gothenburg and Malmö, which are headed by a Senior Prosecutor. The task of the development centres is to conduct methodology and legal development work within their respective

criminal fields, and act as knowledge centres in their areas of responsibility. They also carry out legal follow-up and supervision; an example of this is that all appeals against decisions by prosecutors are handled by the development centres.

Role and duties

A prosecutor has **three main duties**:

- to lead investigations into crimes;
- to decide whether charges should be brought;
- to appear in court.

The prosecutor heads the preliminary investigation for crimes that are not regarded as minor, in which a particular person can reasonably be suspected of the crime. A prosecutor may lead an investigation in other cases too, if there are special grounds for doing so. As leader of the preliminary investigation, the prosecutor is responsible for ensuring that the crime is investigated in an optimal way. For less serious crimes, the investigation is handled entirely by police officers.

When a prosecutor is leading the preliminary investigation, he or she is assisted in the investigation by the police. The prosecutor continually monitors the investigation and makes decisions about the investigative measures and decisions required. When the preliminary investigation is complete, the prosecutor decides whether or not to initiate legal proceedings. (This also applies to the preliminary investigations for which the police are responsible.)

Another important aspect of the prosecutor's work is the preparation of cases and appearance in court. Through the decision to bring charges, and the prosecutor's description of the crime, the prosecutor sets the framework for the criminal proceedings in court. Most prosecutors spend at least one or two days a week in court.

The Prosecutor-General is the only prosecutor allowed to instigate or pursue proceedings in the Supreme Court. He or she may, however, appoint an assistant prosecutor at the Office of the Prosecutor-General, or appoint another public prosecutor to represent the Prosecutor-General in the Supreme Court.

Legal databases

More information on prosecutors is publicly accessible at the [Prosecution Authority website](#).

Judges

Organisation

Permanent judges (*ordinarie domare*) are appointed by the Government on the recommendation of an independent state advisory body, the Judges Proposals Board (*Domarnämnden*). In principle, a judge cannot be dismissed other than in the circumstances set out in the constitutional document known as the Instrument of Government (*regeringsformen*).

To become a judge you must have Swedish citizenship. To be allowed to serve as a judge you must also have a Swedish law degree. In certain circumstances, legal training in another Scandinavian country can be regarded as equivalent to a law degree. Most permanent judges work as district court or administrative court judges, or as judges at courts of appeal or administrative courts of appeal. The president of a court of appeal or administrative court of appeal is known as the *president*, and the president of a district court or administrative court is known as the *lagman*. Judges of the Supreme Court and Supreme Administrative Court are known as **justices** (*justitieråd*).

Many of those appointed as permanent judges have followed a traditional career path during which they spend two years as a **clerk at a district court or an administrative court** and then apply to become a reporting clerk (*fiskal*) at a court of appeal or administrative court of appeal. After at least one year at such a court, a **trainee judge** must serve for at least two years as a reporting clerk at a district court or an administrative court. This is followed by at least one year's service as an acting associate judge at a court of appeal or administrative court of appeal. After successfully completing and passing the course, the trainee judge is appointed associate judge of appeal at a court of appeal or administrative court of appeal. Reporting clerks and associate judges are examples of **judges without permanent tenure** who can appear in courts. The courts also employ a number of **drafting lawyers** and **rapporteurs**.

District courts, courts of appeal, administrative courts and administrative courts of appeal all have a number of **lay judges** (*nämndemän*). The lay judges are appointed for a term of four years by

- the municipal council in municipalities within the territorial jurisdiction of the district court;

- the county council in counties within the jurisdiction of the administrative court, administrative court of appeal or court of appeal.

During votes in connection with the court's deliberations, each lay judge has one vote.

Legal databases

For more information on judges and lay judges, see [the Swedish courts' website](#). For judges in particular, see the website of [the Swedish Judges' Association](#).

Organisation of the legal profession: Lawyers

Barristers/Advocates

Under Swedish law, only members of [the Swedish Bar Association](#) (Sveriges Advokatsamfund) are entitled to use the professional title **advokat** ('barrister' or 'advocate'). To become a **member of the Association**, a person must:

- be a resident of Sweden or another country within the EU or EEA, or of Switzerland;
 - have passed the examinations qualifying the holder to become a judge – in Sweden, the LL.M degree;
 - have three years' practical experience of qualified legal work, and be practising at the time of application for membership;
 - have completed the Bar Association's training and passed the examination;
 - be known to be of good character and suitable in other respects to practise as a barrister.
 - Special rules apply to applicants from other EU or EEA countries or Switzerland who meet the training requirements to become barristers in their home countries.
 - Decisions to accept new members are made by the Board of the Bar Association.
 - The Swedish Bar Association was founded on a private initiative in 1887 and was given official status with the 1948 entry into force of the current Code of Judicial Procedure. The Association now has more than 4 700 members.
 - The Association is governed by the Code of Judicial Procedure and by the Association's own charter, which is subject to approval by the Government. The Association, which is governed by private law, has the following aims:
 - to maintain high ethical and professional standards in the legal profession;
 - to monitor legal developments and ensure that the Association's expertise is brought to bear in that context;
 - to safeguard the general professional interests of its members and promote cooperation and consensus among them.
- The Association also has some public duties. The Code of Judicial Procedure allocates administrative tasks to the Association, enabling it to function as a public authority, primarily in disciplinary matters.
- The Association's governance aims to ensure that members of the public seeking legal counsel and advice receive qualified assistance. Under the Code of Judicial Procedure, members have a duty to abide by the code of professional ethics and are subject to the regulatory and supervisory authority of the Bar Association and the Chancellor of Justice. Barristers are under the supervision of the Bar Association's Disciplinary Committee. If the Disciplinary Committee considers that a barrister has breached the Bar's code of conduct, the Committee can impose a disciplinary sanction on the member concerned.

Legal databases

More information is available at the [Swedish Bar Association website](#).

Legal counsel/legal advisers

There is no requirement for the **legal counsel** in court proceedings to be a barrister, but the court must consider the legal counsel to be suitable. In principle, however, only advocates are appointed public defence counsel.

Notaries

Organisation

Besides the **Notary Public** (see below), there are no special notaries in Sweden.

A notary public is appointed by the [County Administrative Board](#) (*länsstyrelsen*). A notary public must be legally qualified, know the Swedish language and be otherwise suitable.

Role and duties

Legal databases

There is no publicly available directory and/or website for this profession.

Some of the County Administrative Boards' websites, however, contain more information on notaries public.

The function of the notary public is to assist the public in various matters, such as:

- the verification of signatures, copies, translations and other information that concerns the content of documents;
- attending court as a witness in certain cases;
- supervising lottery draws;
- following other inspection or examination, submitting a report on his or her observations;
- receiving declarations on circumstances of a legal or economic nature and delivering those declarations to a third party;
- confirming that an authority or person is authorised to carry out certain measures;
- issuing certificates under the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (apostille).

Legal databases

There is no publicly available directory and/or website for this profession.

Some of the County Administrative Boards' websites, however, contain more information on notaries public.

Other legal professions

The [Enforcement Authority](#) (*Kronofogdemyndigheten*) is responsible for the enforcement of debt recovery and other obligations. An **enforcement officer** (*kronofogde*) is employed by the Authority and is responsible for ensuring that recovery takes place lawfully. It is possible to train as an enforcement officer in Sweden. To be accepted for training you must be a Swedish citizen, have obtained a law degree or comparable qualification and be a qualified court clerk (*notarie*). It is also possible to replace the qualification as a court clerk with a specifically determined period of in-service training or a dispensation procedure.

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