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### Types of legal professions

#### Croația

#### Staff in judicial bodies

The staff of judicial bodies are judicial officials, civil servants and ancillary staff.

#### Judges (suci; sing. sudac)

Judges are judicial officials in permanent posts. A person who is a Croatian citizen may be appointed judge.

A person who has graduated from the State School for Judicial Officials (*Državna škola za pravosudne dužnosnike*) or who is already performing judicial duties may be appointed judge of a municipal court (*općinski sud*), a commercial court (*trgovački sud*) or an administrative court (*upravni sud*).

A person who has worked as a judicial official for at least 10 years may be appointed judge of a county court (*županijski sud*).

A person who has worked as a judicial official for at least 12 years may be appointed judge of the High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*), the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*) and the High Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*).

In order to be appointed judge of the Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*), a person must have worked for at least 15 years as a judicial official, attorney, notary or university professor of law (in the last case the relevant work experience is that following the bar examination), or be a renowned lawyer who has passed the national bar examination, has at least 20 years' work experience and has proven himself/herself through his/her work in a particular field of law and by his/her professional and academic works.

#### Courts Act (*Zakon o sudovima*)

#### State Judicial Council Act (*Zakon o Državnom sudbenom vijeću*)

#### Act on the Remuneration of Judges and Other Judicial Officials (*Zakon o plaćama sudaca i drugih pravosudnih dužnosnika*)

#### Court staff

The number of judicial civil servants and ancillary staff required for the performance of professional, clerical and technical tasks is decided by the Minister for Justice.

The employment of civil servants and ancillary staff in courts, traineeships, the procedure, method and programme for the specialist state examination, remuneration and other work-related rights, obligations and responsibilities, and liability for professional misconduct are governed by the regulations on civil servants and ancillary staff and the general regulations on work.

Court vacancies may be filled only with the approval of the Ministry of Justice.

When judicial civil servants and ancillary staff are recruited to a court, account must be taken of the representation of persons who belong to national minorities.

Regulations on the educational requirements for judicial civil servants and ancillary staff are adopted by the Minister for Justice.

#### Court counsellors (*sudski savjetnici*; sing. *sudski savjetnik*), senior court counsellors (*viši sudski savjetnici*; sing. *viši sudski savjetnik*) and specialised senior court counsellors (*viši sudski savjetnici - specijalisti*; sing. *viši sudski savjetnik - specijalist*)

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law and who has passed the national bar examination may work as a court counsellor.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination and has worked for at least two years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least five years on other legal affairs after passing the national bar examination may be appointed as a senior court counsellor or a court counsellor at the Supreme Court of the Republic of Croatia.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination and has worked for at least four years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least eight years on other legal affairs after passing the national bar examination may be appointed as a specialised senior court counsellor.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination, has worked for at least four years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least eight years on other legal affairs after passing the national bar examination may be appointed as a senior court counsellor at the Supreme Court of the Republic of Croatia.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination and has worked for at least six years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least ten years on other legal affairs after passing the national bar examination may be appointed as a specialised senior court counsellor at the Supreme Court of the Republic of Croatia.

#### Powers of court counsellors and senior court counsellors

Court counsellors, senior court counsellors and specialist senior court counsellors take part in trials and are authorised to independently conduct certain court proceedings, assess evidence and establish facts. After proceedings have been conducted, they submit a draft to the judge, which forms the basis for his/her decision, and they publish the adopted decision by authorisation of the judge.

#### Under the applicable provisions of the Courts Act, court counsellors, senior court counsellors and specialised senior court counsellors are authorised to conduct proceedings and propose draft decisions, as follows:

in civil proceedings in disputes concerning the payment of a monetary claim or compensation where the amount at issue does not exceed HRK 100 000.00 and in trade disputes where the amount at issue does not exceed HRK 500 000.00,

in labour disputes stemming from collective agreements,

in administrative disputes which concern legal action relating to matters on which a ruling is being adopted on the basis of a final judgment in a model dispute, or legal action against an act or omission committed by a body governed by public law, and in administrative disputes in which the amount at issue does not exceed HRK 100 000.00,  
in enforcement proceedings,  
in succession proceedings,  
in land register proceedings,  
in misdemeanour proceedings,  
in non-contentious proceedings, except in proceedings concerning deprivation of operational capacity, dissolution of a co-ownership association, settlement of boundaries and proceedings under the Family Act (Obiteljski zakon),  
in registration proceedings,  
in shortened insolvency proceedings,  
concerning the costs of court proceedings.

Court counsellors, senior court counsellors and specialised senior court counsellors are authorised to act and to take decisions in particular proceedings where this is provided for by specific legislation.

In second-instance proceedings and proceedings under extraordinary legal remedies court counsellors, senior court counsellors and specialised senior court counsellors report on case progress and draw up a draft decision.

#### **Trainee judges (sudački vježbenici; sing. sudački vježbenik)**

Each year the Ministry of Justice decides the number of trainee posts in courts in accordance with the available funding earmarked in the national budget. The conditions governing the recruitment of trainee judges to courts, the way in which this is done and the duration of, and arrangements for, traineeships are governed by a separate law.

#### **Expert associates (stručni suradnici; sing. stručni suradnik)**

Courts may also have staff who have completed relevant vocational studies or an undergraduate or graduate university study programme and have the requisite work experience in defectology, sociology, education, economics, book-keeping and finance or another relevant field.

expert associates and expert assistants (stručni pomoćnici; sing. stručni pomoćnik) assist judges in work on cases which require expert knowledge.

#### **Lay judges (suci porotnici; sing. sudac porotnik)**

Lay judges are Croatian citizens who take part in trials in particular proceedings and who do not perform the function of judge as their regular occupation. Rather, as members of the court's chamber, they are equal to judges when it comes to deciding on matters on which a ruling must be adopted in criminal proceedings.

In order to be appointed lay judge, a person must be an adult Croatian citizen who is fit to occupy such a post.

Lay judges are appointed for a term of four years and may be reappointed at the end of that term.

Lay judges of municipal and county courts are appointed by the county assembly (*županijska skupština*) or, in the case of Zagreb, by the City Assembly of Zagreb (*Gradska skupština Grada Zagreba*) following the submission of proposals from the municipal or city council, trade unions, employers' associations and the Chamber of the Economy.

Before lay judges are appointed, it is necessary to obtain the opinion of the president of the court concerned about the proposed candidates.

#### **Director of court administration (ravnatelj sudske uprave)**

A court that has more than 15 judges has a director of court administration.

The director of court administration assists the president of the court with the tasks of court administration, in particular by:

performing specialised tasks relating to the planning and management of the court's human resources,  
organising the work of judicial civil servants and ancillary staff and supervising their performance,  
monitoring and planning the training of judicial civil servants and ancillary staff,  
taking care of maintenance of the court building, premises and work equipment, and investment,  
organising and coordinating the drafting of the annual procurement plan in accordance with the law and the needs of the court,  
organising public procurement procedures,  
monitoring the court's financial and operating activities and the performance of clerical and ancillary technical tasks,  
taking care of and monitoring the use of the court's budgetary and own resources,  
taking part in the preparation and implementation of projects of the court administration and supervising their implementation,  
making sure that statistics on the court's work are produced properly and on time,  
cooperating with local and regional authorities on the purchase of equipment and the provision of resources for the specific activities of the court,  
performing other tasks that are assigned to him/her by the president of the court.

The director of court administration is accountable to the president of the court for his/her work.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law or a graduate university degree or a specialist graduate vocational degree in economics and who has at least five years' experience in related work may be appointed director of court administration.

#### **Court spokesperson (glasnogovornik suda)**

A court has a spokesperson.

A court's spokesperson is a judge, court counsellor or a person designated by the president of the court in the annual work schedule.

The president of a county court may designate one judge from that court to be spokesperson for that court and for the municipal courts within its jurisdiction.

A deputy spokesperson may be appointed.

The court spokesperson provides information about the work of the court in accordance with the Courts Act, the Court Rules of Procedure (Sudski poslovnik) and the Freedom of Information Act (Zakon o pravu na pristup informacijama).

#### **Public prosecutors (državni odvjetnici; sing. državni odvjetnik)**

A person who fulfils the general and specific conditions to be appointed as deputy Chief public prosecutor of the Republic of Croatia (*zamjenik Glavnog državnog odvjetnika Republike Hrvatske*) may be appointed as Chief public prosecutor of the Republic of Croatia (*Glavni državni odvjetnik Republike Hrvatske*).

County public prosecutors (*županijski državni odvjetnici*) are appointed from the ranks of public prosecutors, deputy Chief public prosecutors, deputies in a specialised public prosecutor's office and deputy county public prosecutors who have performed the duties of deputy county public prosecutor for at least two years.

County public prosecutors are appointed by the Public Prosecution Council (*Državnoodvjetničko vijeće*) for a term of four years, on the basis of a proposal from the Chief public prosecutor of the Republic of Croatia and after the Collegiate Body of the Public Prosecutor's Office of the Republic of Croatia (*Kolegij Državnog odvjetništva Republike Hrvatske*) has issued an opinion.

Municipal public prosecutors (*općinski državni odvjetnici*) are appointed from the ranks of public prosecutors and deputy public prosecutors.

Municipal public prosecutors are appointed by the Council for a term of four years, on the basis of a proposal from the Chief public prosecutor of the Republic of Croatia and after the collegiate body of the county public prosecutor's office and the county public prosecutor have issued an opinion.

#### **Deputy public prosecutors (*zamjenici državnog odvjetnika*)**

Deputy public prosecutors are appointed in a manner, under the conditions and through a procedure designed to ensure their expertise, independence and worthiness to perform the duties of a public prosecutor.

A Croatian citizen who has passed the national bar examination and meets the specific conditions laid down in the Public Prosecution Council Act (*Zakon o državnoodvjetničkom vijeću*) may be appointed deputy public prosecutor.

A person who has graduated from the State School for Judicial Officials may be appointed deputy municipal public prosecutor.

A person who has been in a judicial post for at least 10 years may be appointed deputy county public prosecutor.

In order to be appointed deputy Chief public prosecutor of the Republic of Croatia, a person must have held judicial office in a judicial body for at least 15 years or worked for that period as an attorney, notary or university professor of law who has passed the national bar examination (in the last case the relevant work experience is that following the bar examination), or be a renowned lawyer who has passed the national bar examination, has at least 20 years' work experience and has proven himself/herself through his/her work in a particular field of law and by his/her professional and academic works.

In order to be appointed to the post of deputy public prosecutor in a higher public prosecutor's office, as well as meeting the conditions laid down in the Act, the person concerned must have been considered to be at least »successfully fulfilling his/her duties« in his/her most recent appraisal.

One or more deputy public prosecutors are appointed in the public prosecutor's office and perform their duties on a permanent basis.

Public prosecutors and deputy public prosecutors must conduct themselves in such a way as to avoid damaging their own reputation, bringing the public prosecutor's office into disrepute or creating any doubts about their impartiality or the autonomy and independence of the public prosecutor's office.

When public prosecutors and deputy public prosecutors perform representation duties, and in their relations with state bodies and legal entities, they are obliged to abide by the principles of legality, professionalism and impartiality, while keeping to the time limits for particular proceedings and following the rules on priority in dealing with cases.

When public prosecutors and deputy public prosecutors appear in proceedings before a court or administrative body, they must respect and preserve the dignity of the court or body concerned, their own personal dignity and the dignity of the public prosecutor's office.

Public prosecutors and deputy public prosecutors must keep private any data and other knowledge pertaining to the private and family life of the parties and other persons which they obtain while performing their duties and which are not classified in legislation as official secrets, if this does not constitute a criminal offence, and must keep secret all data which are not in the public domain.

Public prosecutors and deputy public prosecutors must not belong to any political party or be involved in politics.

The Chief public prosecutor of the Republic of Croatia, the deputy chief public prosecutors of the Republic of Croatia, public prosecutors and deputy public prosecutors cannot be held liable for any legal opinion expressed in a case which has been assigned to them, unless the law has been infringed and a criminal offence committed.

#### **Counsellors to a public prosecutor (*Državnoodvjetnički savjetnici*)**

Counsellors to a public prosecutor, higher counsellors to a public prosecutor (*viši državnoodvjetnički savjetnici*) and specialised higher counsellors to a public prosecutor (*viši državnoodvjetnički savjetnici – specijalisti*) assist the public prosecutor and his/her deputy in their work, draw up draft decisions, put reports, submissions and statements from individuals on the record, perform other specialised tasks laid down by law and implementing regulations, independently or under supervision, and in accordance with the instructions of the public prosecutor and his/her deputy.

In crime departments of public prosecutor's offices they may present charges in proceedings for criminal offences which are punishable with a fine or imprisonment of up to five years.

In civil and administrative departments of public prosecutor's offices they may appear before courts and administrative and other bodies on the basis of a specific power of attorney issued by the competent public prosecutor, as follows:

in municipal public prosecutor's offices, in disputes where the sum involved does not exceed HRK 100 000.00,

in county public prosecutor's offices, in disputes where the sum involved does not exceed HRK 500 000.00.

#### **Office for the Prevention of Corruption and Organised Crime (*Ured za suzbijanje korupcije i organiziranog kriminaliteta*) – USKOK**

The Office for the Prevention of Corruption and Organised Crime is a special public prosecutor's office, covering the whole of Croatia, which deals with crimes related to corruption and organised crime.

#### **Office for the Prevention of Corruption and Organised Crime**

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#### **Act on the Office for the Prevention of Corruption and Organised Crime (*Zakon o Uredu za suzbijanje korupcije i organiziranog kriminaliteta*)**

#### **Director of the Office for the Prevention of Corruption and Organised Crime (USKOK)**

The work of USKOK is managed by the Director, who is appointed by the Chief public prosecutor after the minister responsible for justice and the Collegiate Body of the Public Prosecutor's Office of the Republic of Croatia have each issued an opinion. The Director is appointed for a term of four years and may be reappointed to this post.

#### **The legal profession – an autonomous and independent service**

**The legal profession is an independent and autonomous service that provides legal assistance to natural and legal persons so that they can exercise and defend their rights and legal interests.**

#### **Attorneys (*odvjetnici*; sing. *odvjetnik*)**

Attorneys may offer any kind of legal assistance.

In particular, they may provide legal advice, draft documents (contracts, wills, statements, etc.) and draw up actions, complaints, motions, requests, applications, extraordinary legal remedies and other pleadings, and represent their clients.

They may carry out their legal practice autonomously or in a joint office or a law firm, and they must refrain from performing activities which are incompatible with a lawyer's reputation and independence.

Attorneys must preserve the confidentiality of all information provided by their clients and all knowledge which they acquire in another way by representing them. This confidentiality must also be preserved by all other persons who work, or have worked, in the law firm.

An attorney is entitled to a fee for legal services and to the reimbursement of any costs incurred in connection with the work done, according to the tariff established by the Croatian Bar Association (*Hrvatska odvjetnička komora*) and approved by the minister for justice.

When an attorney provides defence *ex officio*, the level of the fee for such work is established by the Ministry of Justice.

Only an attorney may represent a defendant before a county court (*županijski sud*), which means that only an attorney with at least eight years' experience as an attorney or an official in a judicial body may provide defence *ex officio* or defence which is paid for by the state in criminal proceedings for a criminal offence which is punishable by a long-term prison sentence.

Attorneys must issue their clients with an invoice upon performance of a service. In the case of cancellation or revocation of the power of attorney, the attorney issues an invoice within 30 days of the day on which the power of attorney was cancelled or revoked.

Attorneys must join the Croatian Bar Association, which is an autonomous and independent organisation with the characteristics of a legal person. The Croatian Bar Association represents the legal profession of the Republic of Croatia as a whole.

A person acquires the right to work as an attorney in the Republic of Croatia by being enrolled on the list of attorneys.

#### **Croatian Bar Association**

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[Legal Profession Act](#)

#### **Notarial service**

##### **Notaries (*javni bilježnici*; sing. *javni bilježnik*)**

Notaries are persons vested with public trust who are appointed by the Minister for Justice following a competition conducted by the Croatian Chamber of Notaries (*Hrvatska javnobilježnička komora*).

They are qualified lawyers who have passed the national bar examination and the state examination for the notarial profession, have the necessary experience and are autonomous and independent providers of a public service and impartial experts commissioned by clients.

They are authorised to:

draft and issue notarial acts, which are public documents on legal transactions and statements on which the rights of the parties are based,

draft and issue notarial records on the legal actions which they have performed or at which they were present,

draft and issue notarial certificates on facts which they have witnessed,

accept documents, money, securities and valuables for safe keeping, with a view to handing them over to other persons or competent bodies (notarial deposit),

validate (authenticate) private documents,

perform actions and adopt decisions as court-appointed trustees in succession proceedings,

conduct enforcement proceedings on the basis of an authentic instrument,

represent their clients before courts and other public bodies, but only if the matters concerned are directly related to one of their documents.

The fact that the parties cannot change the court's jurisdiction in succession proceedings means that they cannot choose a notary as court-appointed trustee.

Whenever a notary represents a party before a court or other public body, he/she has the rights and duties of an attorney.

Notaries must not refuse to perform official duties unless they have a valid reason, and must keep secret the knowledge that they obtain through the performance of their work.

Notaries are entitled to notarial fees and the reimbursement of costs for the performance of official acts within their area of competence, in accordance with the Rules on the temporary tariff of notaries (*Pravilnik o privremenoj javnobilježničkoj tarifi*), the Rules on the remuneration and cost reimbursements of notaries acting as court-appointed trustees in succession proceedings (*Pravilnik o visini nagrade i naknade troškova javnog bilježnika kao povjerenika suda u ostavinskom postupku*) and the Rules on the remuneration and cost reimbursements of notaries in enforcement proceedings (*Pravilnik o nagradama i naknadi troškova javnih bilježnika u ovršnom postupku*).

In the Republic of Croatia notaries must join the Croatian Chamber of Notaries.

The work of notaries is supervised by the Croatian Chamber of Notaries and the Ministry of Justice, within their respective areas of competence.

The work of a notary as a court-appointed trustee in succession proceedings is supervised by the court which appointed him/her.

#### **Croatian Chamber of Notaries**

Koturaška 34/II

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[Notaries Act \(\*Zakon o javnom bilježništvu\*\)](#)

[Notaries' Fees Act \(\*Zakon o javnobilježničkim pristojbama\*\)](#)

#### **Judicial Academy**

The Judicial Academy is an independent public institution which provides initial education and training to candidates on how to perform judicial duties in an autonomous, responsible and independent way; vocational education to trainees, counsellors in judicial bodies and other judicial staff; and upskilling for judicial officials. The Academy is headed by a Director and managed by a Steering Council comprising nine members. The Academy's teaching staff are qualified people drawn from the ranks of judges, public prosecutors and deputy public prosecutors, higher education lecturers, and where necessary other professions as well.

The Academy actively promotes international cooperation and takes part in European Union projects as a beneficiary or participant. These projects are designed to strengthen the Academy as an institution and to ensure the professional development of its target groups.

[Judicial Academy Act \(\*Zakon o Pravosudnoj akademiji\*\)](#)

[National Judicial Council \(\*Državno sudbeno vijeće\*\)](#)

The **National Judicial Council** is an autonomous and independent body that ensures the autonomy and independence of the judiciary in the Republic of Croatia. It decides autonomously, in conformity with the Constitution and law, on the appointment, promotion, transfer, dismissal and disciplinary responsibility of judges and presidents of courts, except in the case of the President of the Supreme Court of the Republic of Croatia. The National Judicial Council has 11 members, of whom seven are judges, two are university professors of law and two are members of Parliament, one of whom must be from the ranks of the opposition.

[Zakon o državnom sudbenom vijeću\)" target="\\_blank">State Judicial Council Act \(\*Zakon o državnom sudbenom vijeću\*\)](#)

#### **Public Prosecutors' Council (Državnoodvjetničko vijeće)**

The Public Prosecutors' Council is an autonomous and independent body that ensures the autonomy and independence of public prosecutors in the Republic of Croatia.

It is responsible for appointing and dismissing deputy public prosecutors and county and municipal public prosecutors, conducting proceedings and ruling on the disciplinary responsibility of deputy public prosecutors, transferring deputy public prosecutors, managing and checking the asset declarations of public prosecutors and deputy public prosecutors and carrying out other tasks in accordance with the law.

It has 11 members, of whom seven are deputy public prosecutors, two are university professors of law and two are members of Parliament, one of whom must be from the ranks of the opposition.

The members of the Public Prosecutors' Council are elected for a period of four years, and no person may serve two successive terms.

[Public Prosecutors' Council Act \(\*Zakon o Državnoodvjetničkom vijeću\*\)](#)

#### **Constitutional Court of the Republic of Croatia (*Ustavni sud Republike Hrvatske*)**

The creation, organisation and jurisdiction of the Constitutional Court are laid down in the Constitution of the Republic of Croatia (*Ustava Republike Hrvatske*) and the Constitutional Act on the Constitutional Court of the Republic of Croatia (*Ustavni zakon o Ustavnom sudu Republike Hrvatske*).

The Constitutional Court of the Republic of Croatia comprises 13 judges, who are elected by the Croatian Parliament, by a majority of two thirds of the total number of MPs, from the ranks of eminent legal experts, especially judges, public prosecutors, attorneys and university professors of law, in the manner and by the procedure laid down in the Constitutional Act. The term of office of a Constitutional Court judge lasts eight years and is extended by up to six months in exceptional cases if it expires before a new judge has been appointed or taken up his/her duties. The procedure for seeking applications from prospective judges of the Constitutional Court and proposing candidates for election by the Croatian Parliament is conducted by the parliamentary committee responsible for constitutional matters. The Constitutional Court of the Republic of Croatia elects a president of the Court for a term of four years.

The Constitutional Act on the Constitutional Court of the Republic of Croatia lays down the conditions and procedure for the election of judges of the Constitutional Court and the termination of their term of office, the conditions and time-limits for instituting proceedings to review the compatibility of a law with the Constitution and the compatibility of other regulations with the Constitution and the law, the procedure and legal effects of its decisions, the protection of human rights and fundamental freedoms guaranteed by the Constitution, and other issues of importance for the performance of the duties and work of the Constitutional Court.

The Constitutional Court ensures that the Constitution of the Republic of Croatia is respected and applied, and bases its action on the provisions of the Constitution and the Constitutional Act on the Constitutional Court of the Republic of Croatia.

The Constitutional Court is independent of all state authorities and autonomously decides how to use the funding earmarked for it in the national budget, in keeping with its annual budget and the law, in order to ensure its functioning. The internal organisation of the Constitutional Court is governed by the Rules of Procedure of the Constitutional Court of the Republic of Croatia. The work of the Constitutional Court is public, and its judges enjoy immunity, like members of the Croatian Parliament.

#### **Constitutional Court of the Republic of Croatia**

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