

ACT  
No. 85/1996 Coll.  
of 13<sup>th</sup> March 1996  
on the Legal Profession

*as amended by Act No. 210/1999 Coll., Act No. 120/2001 Coll., Act No. 6/2002 Coll., Act No. 228/2002 Coll., judgment of the Constitutional Court No. 349/2002 Coll., Act No. 192/2003 Coll., Act No. 237/2004 Coll., Act No. 284/2004 Coll., Act No. 555/2004 Coll., Act No. 205/2005 Coll., Act No. 79/2006 Coll., Act No. 312/2006 Coll., Act No. 296/2007 Coll., Act No. 254/2008 Coll., Act No. 314/2008 Coll., Act No. 219/2009 Coll., Act No. 227/2009 Coll., Act No. 214/2011 Coll., Act No. 193/2012 Coll., Act No. 202/2012 Coll., Act No. 303/2013 Coll. and Act No. 258/2017 Coll.*

The Parliament has resolved upon the following Act of the Czech Republic:

PART ONE  
INITIAL PROVISIONS

Section 1

(1) The Act herein shall govern conditions under which legal services, as well as legal services provided by lawyers, may be provided (hereinafter referred to as “practice of the legal profession”).

(2) The provision of legal services shall be understood as representing clients in proceedings before courts and other bodies, acting as a defence lawyer in criminal cases, giving legal consultations, preparing documents, legal analyses and other forms of legal aid where these are provided on a permanent basis and for a fee. The provision of legal services shall include the activity in proceedings of a legal guardian appointed under special legislation<sup>1)</sup> as long as this activity is performed by a lawyer.

Section 2

(1) Legal services in the territory of the Czech Republic may be provided, under conditions and in the manner stipulated by the Act herein, by the following:

a) lawyers, and

b) natural persons who

1. are citizens of a EU Member State, Contracting State to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as “home country”), or citizens of other state permanently established in a home country, and
2. have obtained in their home country entitlement to provide legal services under the home-country professional title notified in the Communication of the Ministry of Justice, published in the Collection of Laws (hereinafter referred to as the “European lawyer”).

(2) Provisions under (1) shall not be to the prejudice of entitlement of

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<sup>1)</sup> Act No. 358/1992 Coll. on Notaries and Their Activities (The Notarial Procedure Act).

Act No. 237/1991 Coll. on Patent Attorneys, as amended. (Editorial note: replaced by Act No. 417/2004 Coll. on Patent Attorneys and Alteration of the Act to Protect Industrial Property).

Act No. 523/1992 Coll. on Tax Counselling and the Chamber of Tax Advisors of the Czech Republic.

Act. No. 120/2001 Coll., on Licensed Executors and Execution (the Execution Procedure Act) and Amending Some Other Acts.

- a) notaries, licensed executors, patent attorneys or tax advisors<sup>1a)</sup>, or other persons authorized by special legislation to provide legal services, or
- b) employees of artificial legal or natural persons, members of a cooperative or members of the armed forces, to provide legal services to persons with whom they are in an employment or service relationship or for whom they work, if the provision of legal services is a part of their duties resulting from such relationship.

#### Section 2a

Everyone has the right to a free choice of the lawyer; the provisions of ss. 18–18c and special legislation governing the appointment of the lawyer by court shall not be prejudiced thereby.

#### Section 3

(1) The lawyer shall be independent in the provision of legal services; he shall be bound by the law and, according to the law, by his client's orders.

(2) The lawyer shall provide legal services in all matters and cases.

(3) Subsection (2) shall not prejudice the limitation on the entitlement of lawyers to provide legal services under the Act herein (s. 5a (2)).

### PART TWO THE LAWYER

#### Title One

#### Requirements for Practising the Legal Profession

#### Section 4

A lawyer shall be a person who has been admitted to the Bar having his name recorded in the Register of Lawyers maintained by the Czech Bar Association (hereinafter referred to as “the Bar”).

#### Section 5

(1) The Bar shall admit to the Bar by entering his name in the Register of Lawyers, upon a written application, any person who

a) is fully legally competent,

b) has obtained a university degree in law

1. within a Master's programme\* studied at a university in the Czech Republic<sup>1b)</sup>, or
2. at a foreign university, if such degree is recognized in the Czech Republic as equivalent to the degree under subparagraph 1, based on an international treaty the Czech Republic is bound by, or if such education was recognized pursuant to special legislation<sup>1d)</sup> and, simultaneously, it corresponds, in its content and extent, to the general education which may be acquired within a Master's programme in law at a university in the Czech Republic,

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<sup>1a)</sup> Act No. 358/1992 Coll. on Notaries and Their Activities (The Notarial Procedure Act).

Act No. 237/1991 Coll. on Patent Attorneys, as amended. (**Editorial note:** replaced by Act No. 417/2004 Coll. on Patent Attorneys and Alteration of the Act to Protect Industrial Property).

Act No. 523/1992 Coll. on Tax Counselling and the Chamber of Tax Advisors of the Czech Republic.

Act. No. 120/2001 Coll., on Licensed Executors and Execution (the Execution Procedure Act) and Alteration of Some Other Acts.

\* A Master's programme in law at Czech universities is a five-year undergraduate programme.

<sup>1d)</sup> S. 89 of Act No. 111/1998 Coll.

- c) has participated in professional training as a legal trainee for a minimum of three years,
- d) has no record of criminal convictions,
- e) has not had imposed on him the disciplinary punishment of termination of his membership in the Bar, or who is deemed not to have had imposed on him such punishment,
- f) has not had his membership in the Bar terminated according to s. 7b (1) e) or f), or where five years have passed since the termination, and insolvency proceedings are closed at this time<sup>1d)</sup>,
- g) is not in any employment or service relationship, with the exception of employment contract
  - 1. for the Bar or similar legal professional organization in any home country,
  - 2. for a lawyer, legal entity pursuant to s. 15 (1) (hereinafter referred to as “Company”), or a foreign legal entity entitled to provide legal services pursuant to s. 35s (1) (hereinafter referred to as “Foreign Company”),
  - 3. subject matter of which is the performance of academic, pedagogical, literary, publicist or artistic activity, and who neither performs any other activity incompatible with practising the legal profession,
- h) has passed the Bar examination,
- i) paid the fee set by the professional rules in the amount of up to CZK 10,000 to the Bar, and
- ij) after fulfilling all the requirements under a) to hi) has made a promise to the President of the Bar the promise as follows: “On my best honour and integrity I promise that I will respect the law and ethics of the legal profession and protect human rights. I promise to observe the duty of professional secrecy and respect the dignity of the legal profession.”

(2) The period of traineeship of a legal trainee under (1) c) shall include only time for which a legal trainee is duly preparing for the practice of the legal profession under the supervision of his supervisor (section 38); leave taken during such traineeship period is considered practice of the legal profession only up to four weeks in each calendar year. Where a legal trainee fails to participate in professional training due to obstacles at work caused by himself, or due to his excused absence, those days shall be included in his traineeship period only up to 70 working days of each year of the duration of his traineeship period.

#### Section 5a

(1) The Bar shall admit to the Bar and record in the Register of Lawyers, upon a written application and making of the promise, every person who has fulfilled the requirements under s. 5 (1) a) and d) to g) and i) and who

- a) proves that he is entitled to provide legal services in the manner stipulated in s. 3 in a foreign country under conditions compatible with the Act herein, and who
- b) has passed the equivalency examination (s. 54 (3)).

(2) A lawyer whose name has been admitted to the Bar under subsection (1) shall be entitled to provide legal services in the area of law of the country in which he obtained his entitlement to provide legal services, and in the area of international law.

#### Section 5b

(1) The Bar shall admit to the Bar and record in the Register of Lawyers, upon a written application and making of the promise, a European lawyer who has fulfilled requirements under s. 5 (1) a) and d) to g) and i) and who has proved

- a) that he has provided legal services in the Czech Republic as an established European lawyer (s. 35l (1)) for at least three years without any significant interruption, and that
- b) he has provided legal services under a) in the area of law of the Czech Republic.

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<sup>1d)</sup> S. 309 (4) of Act No. 182/2006 Sb., on bankruptcy and modes of its solution (Insolvency Act), as amended.

(2) If a person applying for the admission to the Bar fails to fulfil the requirement under (1) b), but in an interview before a three-member panel appointed by the President of the Bar, proves that his knowledge of the law of the Czech Republic and of professional rules, and his experience acquired during his provision of legal services, are sufficient to practise the legal profession, the Bar may waive that requirement partly or fully.

#### Section 5c

The Bar shall admit to the Bar and record in the Register of Lawyers, upon a written application and making of the promise, a citizen of a home country or a citizen of other state being permanently established in any home country who has fulfilled requirements under s. 5 (1) a) and d) to g) and i), and who

a) proves that he has fulfilled requirements for professional education and practice set in his home country in order to be entitled to provide legal services under the professional title according to s. 2 (1) b), and who

b) passes the aptitude test (s. 54 (2)).

#### Section 5d

(1) The Bar shall issue the Certificate of Admission to the Bar and the Lawyer's Professional Identity Card to the lawyer no later than within one week after the record in the Register of Lawyers. The design, requisites and mode of use of the Lawyer's Professional Identity Card shall be set by delegated legislation; the delegated legislation may also set the validity period of the Lawyer's Professional Identity Card. The Bar shall set down the limitation of the entitlement to provide legal services under s. 5a (2) in the Certificate and the Lawyer's Professional Identity Card.

(2) The lawyer shall prove his entitlement to provide legal services under (1) by the Certificate or the Lawyer's Professional Identity Card.

(3) The first Lawyer's Professional Identity Card shall be issued to the lawyer by the Bar free of charge; the Bar may set, by its professional rules, the amount of the fee not exceeding CZK 1,000 for the issuance of a new Lawyer's Professional Identity Card.

(4) A person who is struck off the Register of Lawyers under s. 7b (1) d) to g), shall be obliged to return the Certificate of entry into the Register of Lawyers and the Lawyer's Professional Identity Card to the Bar without delay. The returning of the Certificate and the Lawyer's Professional Identity Card in case of suspension of practising the legal profession and in case of termination of suspension of practising the legal profession shall be governed by the professional regulation.<sup>\*)</sup>

#### Section 5e

(1) The admission to the Bar by entering a person's name in the Register of Lawyers shall be made by the Bar without delay, not later than within the time-limit set in s. 5d (1).

(2) The Bar shall, upon entering the name into the Register of Lawyers, inform the lawyer about the personal identification number allocated to him by the Register Administrator under another Act<sup>1c)</sup> the above shall not apply if the lawyer is an employed lawyer or if the personal identification number had already been allocated to the lawyer.

#### Section 5f

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<sup>\*)</sup> **Editorial note:** See par. 18a of Resolution of the Board of Directors of the Czech Bar Association No. 1/1997 of the Official Journal, which lays down the rules of professional ethics and rules for the competition of lawyers in the Czech Republic (Code of Conduct), as amended by subsequent professional regulations.

<sup>1c)</sup> Act No. 111/2009 Coll. on Basic Registers.

A lawyer who has been admitted to the Bar under s. 5a shall be entitled to apply for a new entry in the Register under s. 5 (1) or s. 5c if he has fulfilled requirements for such an entry in the Register of Lawyers stipulated in these provisions.

#### Section 5g

He who proves his legal interest will be issued a notification by the Bar as to whether he has fulfilled the requirements for his admission to the Bar and the entry to be made in the Register of Lawyers under s.5 (1) b), c) or h).

#### Section 6

(1) The following examinations shall be considered to be the Bar examination: the judicial examination, the judiciary examination, the unified judiciary examination, the unified judiciary and Bar examination, the prosecutors' examination, the final examination of prosecuting attorneys, the arbitration examination, the notarial examination, and the licensed executors' examination; the Bar may recognize other exams within traineeship to be the Bar examination.

(2) The traineeship of a legal trainee shall also include the practice of a judge, a prosecutor, a prosecuting attorney, a state arbitrator, a state notary, a notary, a trainee judge, a prosecution trainee, an arbitration trainee, a trainee prosecuting attorney, a notary candidate and a notary trainee, a licensed executor, a licensed executor candidate and trainee, a Constitutional Court Justice, an assistant to a Constitutional, Supreme or Supreme Administrative Court Justice; an assistant to a Ombudsman, an assistant to a judge and an assistant to a prosecuting attorney, an activity of an employee of the Ministry of Justice who has obtained a university degree in law required by s. 37 (1) (b) and who autonomously participates in creating drafts of generally binding legislation; activities of an employee of the Office for Government Representation in Property Affairs acting in proceedings before courts, arbitrators or permanent arbitral tribunals, administrative authorities and other bodies in matters listed in s. 16 (2) of Act No. 201/2002 Coll., on the Office for Government Representation in Property Affairs; the Bar may recognize other traineeship to be the traineeship of a legal trainee.

(3) Any other special examination in the area of traineeship under (1) may be recognized as the Bar examination only in connection with the application for admission to the Bar by entering the person's name in the Register of Lawyers; any other traineeship under (2) may be recognized as the traineeship of a legal trainee only in connection with the application for the Bar examination or for admission to the Bar by entering the person's name in the Register of Lawyers.

#### Section 7

(1) The Bar shall, within nine months of its receipt of the written application and upon the payment of the fee set by the professional rules in an amount of up to CZK 10,000 (hereinafter referred to as "the examination fee"), admit

- a) any person to take the Bar examination (s. 54 (1)) who proves the fulfilment of the requirements stipulated under s. 5 (1) a) to d) as at the date of application filing,
- b) a foreign citizen of any home country to take the aptitude test (s. 54 (2)) who proves the fulfilment of the requirements stipulated under s. 5 (1) a) and d) to g) and s. 5c a) as at the date of application filing, and
- c) any person to take the equivalency examination (s. 54 (3)) who proves the fulfilment of the requirements under s. 5 (1) a) and d) to g) and s. 5a (1) a) as at the date of application filing.

(2) The Bar shall notify the applicant whether or not he has met the requirements to be admitted to the examination under (1) not later than within four months of its receipt of the application for the examination.

(3) An applicant who has failed any of the examinations under (1) may, within one month of such failure, apply in writing to the Bar to permit his retaking the examination. The Bar shall, upon payment of the examination fee, admit the retaking; the retaken examination shall be held not earlier than after six months after the original examination which was failed. The examination may be retaken only twice.

(4) A person who failed any of the examinations under (1) and who failed to apply to retake such examination within the set time-limit under (3), or a person who failed at his second retake of any of the examinations under (1), may submit a new application to sit the examination not earlier than after three years from the date of the last failed examination. A person who applies for the Bar examination in such a way must prove that he has participated in professional training as a legal trainee for at least two years within the three year period before the submission of his application; otherwise the provisions of subsection (1) shall apply by analogy.

(5) The Bar shall admit any person who proves his fulfilment of the requirements under s. 5 (1) a) to h) or ss. 5a-5c, upon his application for the making of the promise and for admission to the Bar, to make the promise in those towns where it is possible to sit the Bar examination. The Bar shall enter the applicant's name in the Register of Lawyers on the day of his making of the promise or at a later date stated in his application if the period between the promise and that date does not exceed three months, otherwise the application will be dismissed, and any recognition under s. 6 of a different examination or traineeship, or a waiver under s. 5b (2) of a requirement for admission to the Bar by entering a person's name in the Register of Lawyers, shall cease to be valid.

#### Termination of Membership in the Bar

##### Section 7a

The entitlement to practise the legal profession shall cease upon the termination of a person's membership in the Bar by striking of his name off the Register of Lawyers:

- a) if any of the circumstances stated under s. 7b occurs, or
- b) if the Bar so decides in cases under ss. 8 and 10.

##### Section 7b

###### (1) A person

- a) who has died shall have his name struck off the Register of Lawyers as of the date of his death,
- b) who has been declared dead shall have his name struck off the Register of Lawyers as of the date of the legal effect of the judicial decision on the declaration of death,
- c) whose legal capacity has been limited shall have his name struck off the Register of Lawyers as of the date of the legal effect of the court decision by which his legal capacity has been limited,
- d) who has had imposed on him a disciplinary measure of the termination of his membership in the Bar, shall have his name struck off the Register as of the date of the legal effect of the decision imposing the measure,
- e) who has been declared bankrupt, shall have his name struck off the Register of Lawyers as of the date of the legal effect of the court decision on bankruptcy,
- f) who has been a member of a Company or a Foreign Company which has been declared bankrupt, shall have his name struck off the Register as of the date of the legal effect of the court decision on bankruptcy,
- g) who submitted to the Bar a request, appended with an officially verified signature, to terminate his membership in the Bar and to have his name struck off the Register of Lawyers,

shall have his membership terminated and name struck off the Register of Lawyers upon termination of the calendar month in which the request was delivered to the Bar; the officially verified signature shall not be required if the request is delivered in person to the President of the Bar or to an employee of the Bar designated thereby, and is signed in front of him.

(2) The termination of membership in the Bar under (1) shall be recorded by the Bar in the Register of Lawyers without any delay and not later than one month after the termination of membership was brought to its attention. The Bar shall notify in writing persons affected by the termination where the grounds for the termination fall under (1) d) to g); in other cases the Bar shall notify in writing all close kin if they are known to the Bar.

## Section 8

(1) The Bar shall terminate the membership in the Bar, and strike off the Register of Lawyers the name of any person who

a) has been admitted to the Bar and recorded in the Register of Lawyers but does not fulfil any of the requirements stated in the Act herein,

b) has been convicted upon a legally effective judgment to serve a term of imprisonment for an intentional crime committed in relation to practising the legal profession,

c) has been convicted upon a legally effective judgment for an intentional crime other than that under b), or has had imposed on him a sentence other than an unconditional term of imprisonment for the crime under b) if such criminal activity may endanger trust in the proper practice of the legal profession,

d) has been for more than 6 months in default of payment of the Bar fee or any other payment under s. 30 (1), and who has failed to pay the fee or any other payment within one month after being called upon by the Bar and warned of the consequence of such failure; the Bar shall, on equal terms, terminate the membership in the Bar, and strike off the Register of Lawyers the name of a person who is the representative of a Company or a Foreign Company or the head of a structural unit of a Foreign Company, provided that this Company or Foreign Company shall be obliged to pay under s. 30 (1),

e) has breached the obligation to be insured under s. 24a (1) in the amount of the minimum limit of the insurance claim reimbursement from lawyers' insurance.

(2) The Bar shall be entitled to decide on the termination of the membership in the Bar and striking names off the Register of Lawyers under (1) a) only within one year of the date when the failure to fulfil the requirements for admission to the Bar was brought to its attention; this rule does not apply to the requirements under s. 5 1) a), b) or d), or s. 5a (1) a).

(3) The termination of membership in the Bar by striking a person's name off the Register of Lawyers shall be recorded in the Register by the Bar without any delay but not later than one month after the decision on the striking has become enforceable.

## Suspension of Practising the Legal Profession

### Section 8a

The practice of the legal profession shall be suspended if

a) any of the circumstances under 8b occur,

b) the Bar so decides in cases stated under ss. 9 and 10.

### Section 8b

(1) The practice of the legal profession by a lawyer who

a) has been declared bankrupt, shall be suspended on the date of the legal effect of the judicial decision on bankruptcy,

b) has been a member of a Company or a Foreign Company which has been declared bankrupt, shall be suspended as of the date of the legal effect of the court decision on bankruptcy,

c) has had a disciplinary measure of temporary prohibition to practise the legal profession [s. 32 (3) d)] imposed upon him, shall be suspended as of the date of the legal effect of the decision on the disciplinary measure,

d) has been taken into custody, shall be suspended on the date of the legal effect of the decision on custody,

e) has begun to serve a term of imprisonment, shall be suspended on the date of commencement of the service. Provisions of s. 8 (1) b) and c) shall not be prejudiced thereby,

f) has been sentenced with a prohibition to practice his profession<sup>1e)</sup> subsisting in the prohibition of legal practice, shall be suspended on the date of the legal effect of the decision imposing the punishment. Provisions of s. 8 (1) a) and c) shall not be prejudiced thereby,

g) has practised law as an employee (s. 15a), shall be suspended on the date the legal practice of the lawyer employing him is suspended, or on the date the last of the members of a Company or a Foreign Company which is his employer, had its legal practice suspended.

(2) The suspension of the practice of the legal profession under subsection (1) shall be recorded by the Bar in the Register of Lawyers without any delay but not later than within one month after it receives the information; the Bar shall notify the lawyer in writing of the record.

## Section 9

(1) The Bar may suspend the practice of the legal profession of a lawyer if

- a) he has entered into employment or service relationship other than those relationships stated under s. 5 (1) g) or employment under s. 15a), or if he has commenced undertaking any activity incompatible with the legal profession,
- b) any other obstacle hinders his practising the legal profession for a period longer than four months, or
- c) based on a lawyer's written request.

(2) The Bar may suspend the practice of the legal profession of a lawyer if

- a) an indictment, a proposal for approval of an agreement on guilt and punishment, or a proposal for punishment of an intentional crime has been filed against him, or if criminal prosecution has already started against him for such a crime and the circumstances appear to suggest that such a crime was committed and may endanger trust in proper practice by that lawyer; the legal practice may be suspended for these reasons for no longer than by the date of the legal effect of the decision closing the criminal proceedings,
- b) proceedings to decide on limitation of the legal capacity of the lawyer have commenced, but for no longer than by the date of the legal effect of the decision closing the proceedings,
- c) proceedings to declare bankruptcy or permit composition have commenced against him or a Company or a Foreign Company, of which he is a member.

(3) The Bar may, upon the application of the disciplinary petitioner (s. 46 (3) and s. 51 (2)), suspend the practice of the legal profession of a lawyer against whom disciplinary proceedings have commenced if

- a) the circumstances suggesting that the lawyer committed a disciplinary transgression are of such a serious nature that his further practising the legal profession may endanger trust in the proper legal practice, or
- b) more than one year has passed from the commencement of disciplinary proceedings because the case has been adjourned at least three times due to reasons on the part of the

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<sup>1e)</sup> Ss. 49 and 50 of Act No. 140/1961 Coll., the Criminal Code, as amended.

**(Editorial note:** Now ss. 73 and 74 of Act No. 40/2009 Coll., the Criminal Code, as amended.)



lawyer subject to disciplinary proceedings, but for no longer than until the date of the legal effect of the decision closing the disciplinary proceedings.

(4) The suspension of the practice of the legal profession shall be recorded in the Register of Lawyers by the Bar without delay but not later than within one month of the legal effect of the decision on the suspension.

#### Section 9a

(1) During the period of suspension of his practising the legal profession

- a) the lawyer shall not be entitled to provide legal services,
- b) the lawyer shall not be entitled to perform other activities under s. 56 if the requirement for their performance is to be entitled to practise the legal profession,
- c) the lawyer's membership in the bodies of the Bar under s. 41 (1) b), d) to f) shall cease to exist, and
- d) the lawyer may not be elected or appointed to the bodies of the Bar under s. 41 (1) b), d) to f).

(2) The suspension of practising the legal profession shall not

- a) terminate the participation of the lawyer in a Consortium under s. 14 or in a Company; the participation of the lawyer in a Foreign Company shall not terminate unless the legislation of the home country of the Foreign Company's seat provides otherwise,
- b) be to the prejudice of the duty of the lawyer under s. 24a (1),
- c) terminate the duty of the lawyer to make payments under s. 30 (1),
- d) be to the prejudice of the disciplinary responsibility of the lawyer including any disciplinary transgression committed during the suspension of his legal practice.

#### Section 9b

(1) The suspension of practising the legal profession shall terminate

- a) on the date when the fact which was the reason for suspension of practising the legal profession ceases to exist, and in cases under s. 9 (2) a) or b), or s. 9 (3), on the date of the expiry of the time for which the legal practice was suspended,
- b) on the date of the legal effect of the decision cancelling or altering the decision to suspend the legal practice (s. 55 (7)),
- c) on the date of delivery of a lawyer's written request or on the date stated in such a request unless it precedes the delivery date in cases where the practice of the legal profession has been suspended under s. 9 (1) (c).

(2) The termination of suspension of practising the legal profession shall be recorded in the Register of Lawyers by the Bar without delay but not later than within one month of the information being brought to its attention; the lawyer shall be notified of the record in writing by the Bar.

#### Section 10

(1) If a lawyer recorded in the Register of Lawyers under s. 5a has his entitlement to provide legal services abroad suspended or terminated, the Bar shall suspend his legal practice under the Act herein, or terminate his membership in the Bar and strike his name off the Register of Lawyers.

(2) The Bar shall, without delay, inform the competent body of a foreign country, to the extent necessary, of the suspension of legal practice of the lawyer recorded in the Register of Lawyers under s. 5a, as well as of his Bar membership being terminated and name struck off the Register of Lawyers.

(3) Where a lawyer recorded in the Register of Lawyers under s. 5b has his legal practice suspended, or has his name struck off the Register, the Bar shall inform the body of

the home country which awarded him the entitlement to provide legal services under the professional title according to s. 2 (1) b) (hereinafter referred to as the “competent home-country body”) about such facts, without delay and to the extent necessary.

(4) The Bar shall, without delay and to the extent necessary, inform the competent home-country body where the lawyer having his name entered in the Register of Lawyers under s. 5 (1) or s. 57 provides his legal services in a position similar to an established European lawyer under the Act herein, of the suspension of his practising the legal profession, as well as of his Bar membership being terminated and name struck off the Register of Lawyers.

## Title Two The Form of Practising the Legal Profession

### Section 11

(1) A lawyer shall practise the legal profession

- a) as a sole lawyer, or
- b) jointly with other lawyers as a member of a Company under the Civil Code (hereinafter referred to as “Consortium”) or a member of a Company under s. 15 or the member of a Foreign Company, or
- c) within his employment under s. 15a.

(2) The Bar shall keep a Register of Consortia, Companies and Foreign Companies; the provisions of special legislation shall not be prejudiced thereby.

### Section 12

(1) In the course of his practising the legal profession, a lawyer shall be obliged to use the title “lawyer”.

(2) It must be clear from the common name of a Consortium or a Company name, that these are the Consortium or the Company whose objects of activity are to practise legal profession.

(3) Details of the use of the title under (1) and of the common name of a Consortium and the Company name under (2) shall be set by professional rules; the lawyer, Consortium or Company shall be entitled to use appendices relating to provided legal services based on terms set by professional rules.<sup>\*)</sup>

(4) The Lawyer providing legal services on behalf of a Foreign Company under s. 35s shall use the Company name or the name of the Foreign Company or its structural unit pursuant to their records in the Commercial Register.

### Section 13

(1) A lawyer must have his official seat in the Czech Republic; such seat must be recorded in the Register of Lawyers.

(2) If the lawyer practices law as a sole lawyer or as a member of a Consortium his seat under (1) shall be the seat of a businessman under special legislation

(3) The seat of a lawyer practising law as a member of a Company must be identical with the registered office of the Company under special legislation.

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<sup>\*)</sup> **Editorial note:** See Art. 20 et seq. of the Code of Conduct.

(4) The seat of a lawyer practising law within his employment (s. 15a (1)) for another lawyer or a Company, shall be the seat or the registered office of his employer under (1) or (3) respectively.

Title deleted

#### Section 14

##### Consortium

(1) Lawyers may consort for the purposes of joint practising of the legal profession; in such case, they shall regulate their mutual relations through a written Contract under the Civil Code. Members of a Consortium may only be lawyers and they shall be obliged to practise the legal profession under their common name. In order to attain the agreed objective of a Consortium, its individual members shall be entitled to employ other lawyers under s. 15a; these lawyers shall not be members of the Consortium.

(2) Property acquired in the course of joint practising the legal profession shall become common property of all members of the Consortium unless their Contract provides otherwise. Where the management of a common business should be decided by the majority of members each member shall have one vote unless the Contract provides otherwise. A third person shall not be authorized to manage the common business.

(3) Lawyers who are members of a Consortium must have a common seat; should this duty be breached the service of documents shall be effective even when mail to a particular member of the Consortium is delivered to another member.

(4) As of the day of establishment of participation until its cessation, a lawyer who is a member of a Consortium may not, at the same time, practise the legal profession as a sole lawyer or as a member of Company or as the member of a Foreign Company, or in another Consortium, nor as an employee.

(5) Provisions of (1) to (4) shall not apply if lawyers agree on joint provision of legal services in one or more cases.

#### Section 15

##### Company

(1) Lawyers may practise the legal profession as members of an unlimited company, limited partnership company or limited liability company provided that the object of business of such Company is solely the practice of legal profession and that only lawyers establish its membership; the object of business of the unlimited liability company may include the practice of an insolvency administrator pursuant to special legislation<sup>4a)</sup>.

(2) Unless the Act herein provides otherwise, the Company shall be subject to provisions of the Act regulating the legal relationships of business companies and cooperatives.

(3) The lawyer shall be entitled to practise the legal profession in the Company only after he has been recorded as member of the Company in the Commercial Register and after the entry of compliance with payment obligation to the full scope into the Commercial Register; the entitlement of the lawyer to practise the legal profession as a sole lawyer, in a Consortium or in another Company until the recording is effected shall not be prejudiced.

(4) Lawyers who are members of a Company shall practise the legal profession on behalf of the Company and at its expense. Should legal practice on behalf of a Company be

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<sup>4a)</sup> Act No. 182/2006 Coll., on bankruptcy and modes of its solution (Insolvency Act), as amended.

prohibited in individual cases by special legislation<sup>4c)</sup> the lawyers shall practise the legal profession on their own behalf and at the expense of the Company; this rule shall apply if a lawyer who is a Company member has been appointed by the Bar to provide legal services under the Act herein. Only the Company shall be a party to a legal relationship, created in connection with the provision of legal services by a lawyer who is a Company member, with clients, as well as third persons; those relationships shall be governed by the Act herein (s. 24 (2) and (3)) and by special legislation.

(5) The registered (corporate) agent of a limited liability company may be appointed only from among its members; the proctor of a Company may only be a lawyer. Lawyers acting as registered agents or proctors of a Company shall be bound by the duty of professional secrecy (non-disclosure) under s. 21 with respect to facts relating to the provision of legal services by the respective Company.

(6) The termination of a lawyer's membership in the Bar and striking of his name off the Register of Lawyers shall terminate his membership in the Company; the lawyer shall be entitled to a settlement (distribution) share under special legislation.

(7) Only a lawyer may become an heir to the business share in a Company; the right of a non-lawyer heir to be paid the settlement share under special legislation shall not be prejudiced thereby.

(8) A lawyer practising law as a Company member may not, from the date of commencement of participation until the date of termination of the company's legal existence or a decision on the company's liquidation, practise the legal profession as a sole lawyer, or as a member of a Consortium or of any other Company or as the member of a Foreign Company, nor may he be employed to practise the legal profession (s. 15a).

(9) Provisions of s. 18 (1), ss. 19, 20, s. 22 (1), ss. 23, 25, 28, and s. 29 shall apply to a Company with necessary modifications.

## Practising the Legal Profession within Employment

### Section 15a

(1) A lawyer may practise the legal profession as an employee of another lawyer or a Company or a Foreign Company (hereinafter referred to as "employed lawyer").

(2) Unless stipulated otherwise by the Act herein, the employment relationship of employed lawyers shall be governed by the Labour Code.

(3) A lawyer may be employed only by one lawyer or one Company or one Foreign Company; the employed lawyer shall not be entitled to practise the legal profession as a sole lawyer, nor may he practise the legal profession jointly with other lawyers.

(4) While practising the legal profession, an employed lawyer shall be obliged to use the title "lawyer" along with the title of his employer; other titles or appendices under s. 12 may be used by the employed lawyer only upon agreement with his employer.

(5) An employed lawyer shall not be entitled to make a contract of employment in the capacity of employer with another lawyer or legal trainee [s 37 (1) e)], or to employ other persons in connection with his own legal practice.

(6) While practising the legal profession an employed lawyer shall follow the provisions of s. 3 (1) and s. 16, and he shall be obliged to observe all instructions of his employer unless those instructions are contrary to legislation, professional rules, or the orders of his client.

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<sup>4c)</sup> For example, s. 35 (1) of the Criminal Procedure Code, ss. 24 and 25 of the Civil Procedure Code, s. 35 of the Rules of Administrative Justice, ss. 29 to 31 of the Constitutional Court Act.

**(Editorial note:** Now s. 35 (8) of the Code of Administrative Justice.)

#### Section 15b

(1) An employed lawyer shall practise the legal profession on behalf of his employer and at the employer's expense; the employed lawyer, upon consent of his employer, shall be entitled to practise the legal profession on his own behalf and at the expense of his employer

a) unless special legislation prohibits in individual cases that the law be practised by the employed lawyer on behalf of his employer, or

b) if legal services subsist in the representation of clients in proceedings before courts or other bodies, including defence in criminal proceedings.

(2) If an employed lawyer has been appointed by the Bar under the Act herein or appointed under special legislation to provide legal services, he shall provide such legal services on his own behalf and at the expense of his employer.

#### Section 15c

Damage caused to his employer by the employed lawyer when rendering legal services under ss. 15a, 15b or in the direct relation thereto, shall be the damage caused in the course of fulfilment of employment duties; the employed lawyer shall be responsible for such damage to his employer under the Labour Code.

#### Section 15d

(1) Should the lawyer practising the legal profession as a sole lawyer become an employed lawyer, his existing rights and duties regarding clients shall pass to his employer as of the date of the commencement of the employment relationship, unless agreed otherwise between the lawyer and the client by the date of the commencement of the employment relationship or unless the client takes other measures by the date of the commencement of the employment relationship. The lawyer shall inform his clients of his becoming the employed lawyer within 3 days from the date of the conclusion of the employment contract, no later than within 15 days before the date of commencement of the employment relationship.

(2) Rights and duties passing under (1) shall not include the liability of the employed lawyer to compensate the detriment under s. 24 (1), or the duty to return things including money paid by the client. Other rights and duties resulting from the original contractual relationship between the lawyer and the client shall not pass to the employer where the employer may, compared to the lawyer, take unjust advantage or incur unjust disadvantage as a result of the passing of those rights and duties, or where it appears to be unjust to require that the employer fulfil those duties.

#### Permanent cooperation between lawyers

#### Section 15e

(1) A lawyer practising legal profession as a sole lawyer may permanently provide legal services for another lawyer practising legal profession as a sole lawyer, for a Company or a Foreign Company under a contract on permanent provision of legal services concluded with another lawyer, Company or Foreign Company (hereinafter referred to as "Permanent Cooperation Contract"). The Permanent Cooperation Contract must be in writing and it may not limit the independence of the lawyer while providing legal services under s. 3 (1) and s. 16.

(2) A lawyer practising legal profession as a sole lawyer may permanently provide legal services to lawyers in a Consortium, provided that he concludes the Permanent Cooperation Contract at least with any member of the Consortium and other members express their consent thereto in writing.

(3) The provisions of s. 19 shall not be prejudiced by the provisions of (1) and (2).

(4) A lawyer providing legal services under the Permanent Cooperation Contract (hereinafter referred to as “Cooperating Lawyer”) may cooperate only with one lawyer or one Company or one Foreign Company or one Consortium; provisions of s. 14 (5) shall not be prejudiced thereby.

#### Section 15f

(1) The Permanent Cooperation Contract must include

- a) the definition of objects and extent of legal services provided by the Cooperating Lawyer,
- b) the definition of mutual relations and modes of coordination in providing legal services by the Cooperating Lawyer,
- c) the definition of administrative and technical background for the provision of legal services by the Cooperating Lawyer, e.g. letting an office to the Cooperating Lawyer, its equipment or his access to the common administrative and technical facilities,
- d) the agreement on whether the Cooperating Lawyer shall provide legal services under the Permanent Cooperation Contract on his own behalf or on behalf of the lawyer, Company, Foreign Company or Consortium he cooperates with, or, possibly, the method and conditions for using the name of the lawyer, Company, Foreign Company or Consortium while providing legal services upon the Permanent Cooperation Contract,
- e) the determination of accounting methods regarding the legal services provided by the Cooperating Lawyer under the Permanent Cooperation Contract.

(2) The Cooperating Lawyer shall advise his client in advance that he provides legal services under the Permanent Cooperation Contract.

(3) Legal services may not be provided under the Permanent Cooperation Contract if the Cooperating Lawyer is appointed under the Act hereunder or designated pursuant to special legislation; the provisions of s. 16 (1) shall not be prejudiced thereby.

### Title Three

#### Rights and Duties of Lawyers

#### Section 16

(1) Lawyers shall be obliged to protect and enforce the rights and legitimate interests of clients and to follow their orders. The orders of clients shall not be binding if these are contrary to legal or professional regulations; a lawyer shall be obliged to reasonably notify his clients of this principle.

(2) While practising the legal profession, a lawyer shall be obliged to act faithfully and with integrity; he shall be obliged to consistently use all legal measures and, within these measures, to apply everything in the interest of his client that the lawyer believes may be beneficial.

#### Section 17

A lawyer shall proceed in his legal practice in such a manner that the dignity of the legal profession may not be degraded; for this purpose he shall be obliged to observe the rules of professional ethics and competition. These rules shall be stipulated by the regulations of the legal profession.

#### Section 17a

(1) In criminal proceedings before court, in proceedings before the Supreme Court, the Supreme Administrative Court and the Constitutional Court, the lawyer shall be obliged to wear the official dress of the legal profession.

(2) The Bar shall determine, by professional rules, the appearance of the official dress of the legal profession.

(3) The Bar shall be entitled, on the basis of a carried out tender, to determine one or several suppliers of the official dress.

#### Section 18

(1) A lawyer may refuse to provide legal services unless he has been designated under special legislation or appointed by the Bar under (2) and ss. 18a–18c to provide legal services; the provisions of s. 19 shall not be prejudiced thereby.

(2) A person who does not fulfil requirements to have a lawyer appointed by court under special legislation to act in his case<sup>7c)</sup> and cannot secure provision of legal services otherwise (hereinafter referred to as “applicant”), shall have, upon a timely application, the right to have his lawyer appointed for:

- a) legal consultations under s. 18a, or
- b) legal services under s. 18c.

#### Section 18a

(1) An applicant whose average monthly income does not exceed, for the period of 6 calendar months preceding application filing, three times the living minimum for an individual or persons assessed jointly with the applicant under the law governing the living minimum and subsistence minimum and who is not represented by another lawyer or a person referred to in s. 2 (2) a) in the matter in which the applicant is applying for the provision of legal consultation shall have the right to have a lawyer appointed by the Bar for the provision of legal consultation. Where there are reasons worthy of special consideration, fulfilment of the conditions for the average monthly income may be waived.

(2) Legal consultation shall be provided to one applicant as a minimum of 30 minutes and up to 120 minutes of legal consultation for each calendar year; every commenced 30 minutes of legal consultation shall be included in the total annual time limit.

(3) An application for appointment of a lawyer for the provision of legal consultation may be filed only on a form. In addition to general elements stipulated by the Code of Administrative Procedure, an application shall include

- a) a statement by the applicant that his circumstances are consistent with the conditions for entitlement to legal consultation under (1), and
- b) a statement by the applicant that he is not represented by another lawyer or a person referred to in s. 2 (2) a) in the matter in which the applicant is requesting legal consultation.

(4) Details of the application elements including a model application form shall be stipulated by a decree of the Ministry of Justice.

(5) Upon filing his application, an applicant shall pay to the Bar a fee of CZK 100 for handling the application. The fee is the Bar’s income. The fee is not payable by:

- a) foreigners placed in facilities for detention of aliens under the law governing the stay of aliens in the territory of the Czech Republic or a reception centre under the law on asylum,
- b) ZTP or ZTP/P disability cardholders,
- c) individuals receiving assistance in material need allowances under the law governing assistance in material need,
- d) individuals under 15 years of age,
- e) individuals who are recipients of allowance for care in degree III (heavy dependence) and IV (total dependence) under the law on social services, and

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<sup>7c)</sup> For example s. 30 (2) of the Civil Procedure Code, s. 35 (8) of the Rules of Administrative Justice, s. 33 of the Criminal Procedure Code.

**(Editorial note: Now s. 35 (8) of the Rules of Administrative Justice.)**

f) individuals caring for persons who have been granted allowance for care in degree III (heavy dependence) and IV (total dependence) under the law on social services.

(6) The Bar shall appoint a lawyer to provide legal consultation to an applicant who has demonstrated fulfilment of the statutory requirements and has paid the fee under (5) without undue delay. The decision is not made in writing.

(7) Where the Bar does not grant the application, it shall issue a decision to that end.

#### Section 18b

(1) Upon a motion of the operator of facilities for detention of aliens under the law governing the stay of aliens in the territory of the Czech Republic or a reception centre under the law on asylum, the Bar shall appoint a lawyer to provide a one-off legal consultation to an undetermined number of individuals placed in such facilities; s. 18a (3) b) and s. 18a (6) shall apply by analogy.

(2) A motion under (1) may be filed only a form the model of which is provided by the Ministry of Justice.

#### Section 18c

(1) An applicant whose income and property circumstances justify it and who is not represented by another lawyer or a person referred to in s. 2 (2) a) in the matter in which the applicant is applying for the provision of a legal service shall have the right to have a lawyer appointed by the Bar for the provision of a legal service. A lawyer may be appointed for an applicant only once in the same matter; this shall not apply where an earlier appointed lawyer refuses to provide legal services due to reasons listed in s. 19 or in the event of occurrence of situation referred to in s. 20 (2).

(2) An application for the appointment of a lawyer to provide a legal service may only be filed on a form. In addition to general elements stipulated by the Code of Administrative Procedure, an application shall include

a) a description of the matter in which the legal service is to be provided, and

b) a statement by the applicant that he is not represented by another lawyer or a person referred to in s. 2 (2) a) in the matter in which the applicant is requesting the legal service.

(3) Where it is not the case of provision of a legal service at the expense of the State under s. 23 (3), the applicant is to prove, in his application under (2), that he has unsuccessfully attempted to secure provision of a legal service through at least two lawyers contacted.

(4) The application shall be accompanied by documents with the amount of income of the applicant and persons assessed jointly with the applicant for a period of 6 calendar months preceding application filing as well as documents about his property circumstances. Details of the application elements including a model application form and the manner of proving the applicant's income and property circumstances as well as the scope of information applicants are to provide the Bar with shall be stipulated by a decree of the Ministry of Justice.

(5) The Bar shall appoint a lawyer to provide a legal service to an applicant who has demonstrated fulfilment of the statutory requirements without undue delay. The Bar shall not grant the application in the case of misuse of the right or in the case of manifestly unfounded exercise of or impediment of the right.

(6) In its decision on the appointment of a lawyer, the Bar shall define the matter in which the lawyer is to provide legal services as well as the scope of such services. In its decision on the appointment of a lawyer, the Bar may also stipulate additional conditions of provision of legal services. The lawyer appointed by the Bar is to provide the applicant with legal services under the conditions stipulated by the Bar. This shall not apply where there are



reasons for refusal of provision of legal services referred to in s. 19 or in the case of misuse of the right, manifestly unfounded exercise of or impediment of the right or situation referred to in s. (20) (2); in such cases, the lawyer shall notify the applicant and the Bar in writing of the reasons for not providing legal services. Appointment of a lawyer by the Bar shall not replace power of attorney required by special legislation for the defence of the individual for whom the lawyer has been appointed in criminal proceedings or for his representation in other proceedings.

(7) The Bar shall cancel appointment of a lawyer where it is found during provision of legal services by the lawyer in the matter in question that the income and property circumstances of the client had not justify the provision of legal services. The Bar shall also cancel appointment of a lawyer where it is found during provision of legal services by the lawyer in the matter in question that the income and property circumstances of the client have changed in such a way that they no longer justify provision of legal services; the Bar shall cancel appointment of a lawyer as at the moment of change in such circumstances. Unless the lawyer agrees with the client otherwise or unless the client takes another measure, the lawyer shall, for 15 days from the date of cancellation of its appointment for the provision of legal services, undertake all urgent acts so as to avoid prejudice of the client's rights or legitimate interests. This shall not apply where the client informs the lawyer in writing that he does not insist on the fulfilment of this obligation.

(8) From the date of the Bar's cancellation of the lawyer appointment becoming effective, the lawyer shall be entitled to the payment of his fee for the provision of a legal service from the client in accordance with the law governing non-contractual remuneration.

(9) Where the applicant's income and property circumstances change during provision of legal services, he shall notify the Bar without undue delay.

#### Section 18d

(1) For the purposes of provision of legal consultations under s. 18a and provision of legal services under s. 18c, the Bar shall maintain a list of applicants. This list is not public. The applicant list includes identification data of applicants for legal aid, contact details provided in the applications, information necessary for the assessment of entitlement, and information to what extent legal aid has been provided. Applicants' data are stored for 3 years after termination of provision of a legal service subject to appointment.

(2) For the purposes of lawyer appointment, the Bar shall maintain a list of lawyers who have expressed their consent with provision of legal services under ss. 18a–18c; in appointing a lawyer for such provision of legal services, the Bar shall ensure that lawyers are appointed evenly, also with regard to the character and complexity of the matter in which legal services are to be provided and to possible costs the appointed lawyer may incur in connection with provision of legal services. Where no lawyer from this list can be appointed, the Bar shall appoint a lawyer from the list maintained under s. 4.

(3) Lawyer's obligation in the provision of a legal service under ss. 18–18c shall be stipulated by the professional rules.

#### Section 19

(1) A lawyer shall be obliged to refuse to provide legal services if

- a) he has provided his legal services in the same or a related case to someone else whose interests are contrary to the interests of the person requesting the provision of legal services,
- b) a person whose interests are contrary to the person requesting legal services has been provided legal services in the same or a related case by a lawyer with whom the lawyer

practices law jointly (s. 11(1)), or, in the case of an employed lawyer, by a lawyer who is his employer, or by a lawyer who is an employee of the same employer,  
c) he possesses information on another or earlier client which may bear unlawful benefits for the person applying for the provision of legal services,  
d) he, or a person close to him<sup>8)</sup>, has participated in the proceedings, or  
e) the interests of the person requesting legal services are contrary to the interests of the lawyer or a person close to the lawyer.

(2) Participation in the proceedings under (1) d) shall not mean the provision of legal services by the lawyer or persons under s. 2 (2).

## Section 20

(1) A lawyer shall be obliged to withdraw from the contract to provide legal services, or to apply for the cancellation of his appointment, or to request the Bar to appoint another lawyer, if he subsequently discovers facts stated under s. 19.

(2) A lawyer shall be entitled to withdraw from the contract to provide legal services, or to apply for the cancellation of appointment or to request the Bar to appoint another lawyer if the fiduciary relationship between him and his client has been impaired, or if the client fails to cooperate. The lawyer shall be entitled to take these steps where his client insists that the lawyer follow his orders although the client has been informed that such orders are contrary to the law or to professional rules.

(3) A lawyer shall be entitled to withdraw from the contract to provide legal services if his client fails to advance a reasonable portion of the fee for the provision of legal services although the lawyer has so requested.

(4) The client shall be entitled to withdraw from the contract to provide legal services at any time without stating reasons.

(5) The notice period may be arranged only for cases of the withdrawal from the contract to provide legal services by the lawyer under (2) (first sentence) or by the client; the notice period may not exceed three months.

(6) Unless a lawyer and his client agree otherwise, or the client takes another measure, the lawyer shall be obliged, within 15 days after the contract to provide legal services ceased to exist due to the withdrawal under subsections (1) to (5) or other reasons, to take all necessary actions not to cause harm to his client's rights or legitimate interests. This rule does not apply if the client notifies his lawyer that he does not insist on the fulfilment of that duty.

## Section 21

(1) A lawyer shall be obliged to preserve professional secrecy regarding any facts known to him in connection with his provision of legal services.

(2) A lawyer's duty of professional secrecy (non-disclosure) may be waived only by his client, and, after the client's death or termination of existence, his successor; should there be more than one legal successor the consent of all legal successors shall be necessary to waive the duty of professional secrecy (non-disclosure). Waiver by the client or his legal successor(s) of a lawyer's duty of professional secrecy (non-disclosure) must be in writing and must be addressed to the lawyer; it may be possible for a waiver to be made orally to be recorded in the transcript at the court hearing. A lawyer shall be obliged to observe the duty of professional secrecy (non-disclosure) even after the waiver if the circumstances appear to suggest that the waiver was made under coercion or duress.

(3) A lawyer shall not owe the duty of professional secrecy (non-disclosure) against a person he authorises to pursue individual actions within legal services if this person himself is obliged to observe the duty of professional secrecy (non-disclosure).

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<sup>8)</sup> S. 119 of the Civil Code.

(4) A lawyer shall not be bound by the duty of professional secrecy (non-disclosure) to the extent necessary for proceedings before courts or other bodies if the cause is a dispute between the lawyer and his client or client's legal successor; the duty of professional secrecy (non-disclosure) shall not be binding on the lawyer in proceedings under s. 55, in proceedings against a decision of the Bar, or in proceedings concerning a cassation complaint against the judicial decision on that petition under special legislation<sup>8a)</sup>, and proceedings concerning issues under s. 55b, to the extent necessary to protect the lawyer's rights or legally protected interests.

(5) The duty of professional secrecy (non-disclosure) of a lawyer shall not be to the prejudice of his duties as a taxpayer, stipulated by special legislation on the administration of taxes and charges<sup>9)</sup>; even in such cases the lawyer shall be obliged not to disclose the nature of a case where he has provided or provides legal services.

(6) A lawyer may not rely on the duty of professional secrecy (non-disclosure) in disciplinary proceedings or against another lawyer designated by the Chair of the Supervisory Council to prepare investigation of whether a disciplinary transgression has been committed (s. 33 (3)). A lawyer may not rely on the duty of professional secrecy (non-disclosure) when he fulfils duties under special legislation against the legalization of the proceeds of crime, or against a Bar representative performing acts under subsection (10).

(7) The duty of professional secrecy (non-disclosure) shall not be to the prejudice of the statutory duty to prevent commitment of a crime<sup>10)</sup>.

(8) The duty of professional secrecy (non-disclosure) shall exist after the termination of a respective lawyer's Bar membership and striking his name off the Register of Lawyers.

(9) The duty of professional secrecy (non-disclosure), to the extent stipulated under (1) to (8), shall apply to

- a) employees of a lawyer or Company or Foreign Company, as well as other persons sharing with the lawyer or the Company or the Foreign Company the provision of legal services, and
- b) members of the bodies of the Bar and their employees, and all persons participating in administrative proceedings under s. 55 or disciplinary proceedings, including lawyers designated by the Supervisory Council Chair to prepare investigation of whether a disciplinary transgression has been committed (s. 33 (3)).

(10) Members of the bodies of the Bar, their employees, and lawyers designated by the Supervisory Council Chair to prepare investigation of whether a disciplinary transgression has been committed shall not be bound by the duty of professional secrecy (non-disclosure) under (9) to the extent necessary for proceedings before courts in cases stated under (4) after the semicolon. Members of the bodies of the Bar and their employees shall not be bound by the duty of professional secrecy (non-disclosure) to the extent necessary to fulfil their duty to inform under s. 10 (2) to (4), s. 35d and s. 35r (1), (2) and (4).

## Section 22

(1) Law shall be practised regularly for a fee; the client may be requested to pay a reasonable fee in advance.

(2) An employed lawyer shall practise the legal profession for wages set according to special legislation<sup>10a)</sup>, which shall be paid by his employer.

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<sup>8a)</sup> Act No. 150/2002 Coll., Rules of Administrative Justice, as amended.

<sup>9)</sup> Act No. 337/1992 Coll., on Administration of Taxes and Charges, as amended.

**(Editorial note: Now Act No. 280/2009, the Tax Code, as amended.)**

<sup>10)</sup> S. 167 of Act No. 140/1961 Coll., the Criminal Act, as amended.

**(Editorial note: Now s. 367 of the Criminal Code.)**

<sup>10a)</sup> Act No. 1/1992 Coll., Providing for Wages, Pay for On-call Duty and Average Wages, as amended.

**(Editorial note: Now Act No. 262/2006 Coll., the Labour Code, as amended.)**

(3) The mode and amount of the fee and reimbursement of a lawyer practising law as a sole lawyer or jointly with other lawyers (s. 11 (1)), and/or its rates, shall be set by the Ministry of Justice in its executive regulation upon the Bar's expressing its opinion on the matter.\*)

#### Section 23

(1) If a lawyer has been appointed by court, the State shall cover his fee.

(2) If a lawyer has been appointed by the Bar under ss. 18a or 18b, the State shall cover his fee. Lawyers shall be entitled to compensation of missed time and reimbursement of travel expenses only in justified cases.

(3) If a lawyer has been appointed under s. 18c to provide a legal service consisting in representation in proceedings before public authorities or in proceedings before the Constitutional Court, the State shall cover his fee under legislation governing non-contractual remuneration, unless specified otherwise. In other matters, a lawyer appointed under s. 18c shall only be entitled to provision of reimbursement under professional rules. The provision in s. 22 (1) in the part of the sentence after the semicolon shall not apply.

(4) Where the State covers the lawyer's fee under (2) or (3), the lawyer shall bill his fee, and send the billing together with a request for reimbursement to the Bar within one month of provision of legal consultation under s. 18a or of termination of provision of legal services under s. 18c. The Bar shall check, within one month, the completeness and correctness of the billing sent and if it finds any inaccuracies, it shall return the billing to the lawyer for correction. The Bar shall submit the request for reimbursement to the Ministry of Justice for payment.

#### Section 23a

If a lawyer or a Company or a Foreign Company is liable to pay Value Added Tax (VAT) the respective amount of VAT shall be added to the lawyer's fee or reimbursement under s. 22 or s. 23, which the lawyer or the Company or the Foreign Company shall return from their fee or reimbursement under special legislation<sup>10b)</sup>.

#### Section 24

(1) A lawyer shall be responsible to his client for any detriment the lawyer has caused in relation to his practising the legal profession. A lawyer shall be responsible for detriment caused to his client even if the detriment has been caused by a substitute lawyer or an employee other than an employed lawyer, in connection with the practice of the legal profession; the responsibility of these persons for detriment caused to their employer under special legislation shall not be prejudiced thereby.

(2) Where a lawyer practices law in a Company or Foreign Company the Company or the Foreign Company shall be responsible to his client for detriment under (1).

(3) Where the detriment is caused to the client by the employed lawyer in the course of his practising the legal profession the liability for detriment shall be borne by the lawyer's employer including cases under s. 15b.

(4) A lawyer or a Company shall be exempted from liability under (1) and (3) if they prove that the detriment would not have been prevented even if all reasonable efforts which may have been required had been exercised.

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\*) **Editorial note:** Regulation of the Ministry of Justice No. 177/1996 Coll., Providing for Lawyers' Fees and Reimbursement for Their Provision of Legal Services, as amended.

<sup>10b)</sup> Act No. 235/2004 Coll., on Value Added Tax, as amended.

#### Section 24a

(1) A lawyer practising law as a sole lawyer or in a Consortium must be insured against liability for compensation of detriment for which he is responsible to his client under s. 24 (1), as well as against liability for compensation of detriment the payment of which is obligatory under special legislation for a lawyer practising law in a Consortium, due to the principle of joint and several liability. A lawyer practising law in an unlimited liability company or as a general partner of a liability partnership company must be insured, within the insurance policy of the company or individually, against liability for damages for which the company may be responsible under s. 24 (2); the lawyer shall be obliged, under special legislation, to discharge the obligation due to his liability as member or partner of the company.

(2) The limit of the insurance claim reimbursement from lawyers' insurance under s. 1 shall be proportionate to the potential damage. The Bar shall prescribe the minimum limit for the claim reimbursement from professional indemnity insurance under (1) by professional rules.\*)

#### Section 24b

(1) A limited liability company and a limited partnership must be insured, from the moment of their registration in the Commercial Register to the date of their dissolution, against liability to their client for the detriment under s. 24 (2) (hereinafter referred to as "professional indemnity insurance of Company"); the insurance of the Company is a precondition for the registration of the Company into the Commercial Register.

(2) The minimum amount of the claim reimbursement from professional indemnity insurance of Company must be CZK 50,000,000 for each member of a limited liability company whose practice of legal profession has not been suspended, or at least CZK 10,000,000 for each limited partner of a limited partnership whose practice of legal profession has not been suspended, however, no less than CZK 50,000,000 in the case of a limited liability company and CZK 10,000,000 in the case of a limited partnership.

(3) Should the number of members of the limited liability company or limited partners of a limited partnership increase, or should the suspension of the practice of legal profession of the member of a limited liability company or the limited partner of a limited partnership terminate, the claim reimbursement from professional indemnity insurance of Company must be increased in order to comply with the minimal limit of the insurance claim reimbursement under (2) as of the date of the change.

(4) A counterpart or verified copy of the contract of professional indemnity insurance of Company or a document issued by the insurance company or another competent person confirming the Company's insurance (hereinafter referred to as "certificate of professional indemnity insurance of Company") must be attached to the application for the registration of the Company, or of any new member or partner thereof in the Commercial Register, and shall be deposited in the Commercial Register's Collection of Instruments, including counterparts or verified copies of amendments to the certificate of professional indemnity insurance of Company.

(5) The company shall provide the Bar with the counterpart or verified copy of the certificate of professional indemnity insurance of Company

a) by the end of the calendar year preceding the calendar year to be covered by the professional indemnity insurance of Company,

b) within one week from the date of the change under (3), or

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\*) **Editorial note:** Resolution of the Board of Directors of the Czech Bar Association No. 4/2009 in the Official Journal, laying down the minimum limits of insurance claim reimbursement from lawyers' insurance, as amended by subsequent professional regulations.

c) within one week from the date when the Bar requests so.

(6) Should the Company fail to fulfil its obligation under (5) or should the Bar find out that the Company has not been insured under (1) to (3), the Bar shall, without delay, apply to court, pursuant to special legislation, for the dissolution of the Company and for its liquidation.

#### Section 24c

(1) The Bar shall take out the professional indemnity insurance against liability for detriment for which the responsibility to the client exists under s. 24 (1) for lawyers practising the legal profession as sole lawyers or members of a Consortium (hereinafter referred to as “common professional indemnity insurance of lawyers”). The Bar shall publish the contract of common professional indemnity insurance of lawyers in the Official Journal of the Bar. A lawyer shall be obliged to pay his common insurance premium to the Bar by the end of the calendar year preceding the calendar year to be covered by the common professional indemnity insurance of lawyers.

(2) Should the lawyer refuse to be covered by the common professional indemnity insurance of lawyers he shall, not later than within the time-limit set in (1), submit to the Bar a counterpart, or verified copy, of his professional indemnity insurance contract or the document issued by the insurance company or other competent person proving that he is insured individually for the respective calendar year; the minimum amount of the claim payment of such insurance may never be lower than that applicable to the common professional indemnity insurance of lawyers.

#### Section 25

(1) A lawyer shall be obliged to keep reasonable files with respect to his provision of legal services.

(2) Legislation on accounting shall not be prejudiced thereby<sup>11)</sup>.

#### Section 25a

(1) A lawyer shall be entitled to substitute for the official verification of a signature required by special legislation his statement to the same effect, if he has prepared the document by himself, or if the actor has signed the document with his own hand in front of the lawyer (hereinafter referred to as “the authenticity of signature statement”).

(2) The authenticity of signature statement must be executed in, or firmly attached to, the document, and it shall contain

- a) the current number in the book of the authenticity of signature statements,
- b) the name, surname, address, or the place of residence and the date of birth of the actor,
- c) information as to how the actor’s identification has been established, including the designation of type and number of the identity card,
- d) the statement of a lawyer that he himself has prepared the document, or that the actor has signed the document with his own hand before the lawyer,
- e) the date and place where the lawyer made the authenticity of signature statement,
- f) the name and surname of the lawyer, his registration number according to the Register of Lawyers, and his signature; in case under (5) the name and surname of the lawyer, his registration number according to the Register of Lawyers, name and surname of the legal trainee and his registration number according to the Register of Legal Trainees, and his signature with appendix “on behalf of”.

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<sup>11)</sup> Particularly Act No. 563/1991 Coll., on Accounting, as amended.

(3) Before his first authenticity of signature statement, the lawyer shall be obliged to submit to the Bar a sample of his signature which must be officially verified; the official verification of the lawyer's signature may not be substituted by an authenticity of signature statement.

(4) A lawyer shall be obliged to keep files of all ~~his~~ authenticity of signature statements in the form of a book of authenticity of signature statements, to be issued to him for a fee by the Bar.

(5) Pursuant to s. 26 and when the statement of authenticity of the signature is made, the lawyer may be substituted by a legal trainee having practised his legal traineeship for a minimum of two years; subsection 3 shall apply to the legal trainee by analogy.

(6) Details of the duty of a lawyer and legal trainee under preceding subsections shall be stipulated by professional rules.<sup>\*)</sup>

#### Section 25b

(1) A lawyer shall lend the respective volume of the book of authenticity of signature statements to the Bar, the Ministry of Justice within its responsibilities under s. 52b, courts, investigative or prosecuting bodies or an expert appointed within proceedings before state or other bodies unless the expert may dispense with the volume when preparing his report, or he shall permit copies or extracts of records in the volume to be made by such persons.

(2) Where the Chair of the Supervisory Council or a member of the Supervisory Council appointed by him deems that a lawyer, in making an authenticity of signature statement, breaches obligations stipulated by this law or professional rules, he may seize the book; the Chair of the Supervisory Council shall, without undue delay, propose to the Board preliminary withdrawal of the book.

(3) Where the circumstances appear to suggest that a lawyer, in making an authenticity of signature statement, breached obligations stipulated by this law or professional rules, the Board shall, without undue delay, decide on the preliminary withdrawal of the book.

(4) The Board's decision on the preliminary withdrawal of the book under s. 3 shall terminate

a) if no disciplinary proceedings in connection with the seized book of authenticity of signature statements are initiated against the lawyer who has been preliminarily withdrawn the book of authenticity of signature statements within three months of the effect of the decision on preliminary withdrawal of the book,

b) on the date of the legal effect of a decision issued in disciplinary proceedings against the lawyer in connection with the seized book of authenticity of signature statements.

#### Section 25c

Providing his legal services, the lawyer may execute the authorized conversion of documents pursuant to special legislation<sup>11a)</sup>.

#### Section 26

(1) A lawyer may have another lawyer to replace him within his assignments and empowerment.

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<sup>\*)</sup> **Editorial note:** Resolution of the Czech Bar Association Bar No. 4/2006 of the Official Journal, of the Official Journal which stipulates the details of the obligations of a lawyer when declaring the authenticity of a signature, the keeping of records on these declarations, higher certification of these declarations and the book of declarations on signature (Resolution on the lawyer's declaration of signature authenticity), as amended by subsequent professional regulations.

<sup>11a)</sup> Act No. 300/2008 Coll., on Electronic Acts and Authorized Conversion of Documents.

(2) Unless special legislation provides otherwise<sup>12)</sup> a lawyer may be represented in individual acts of legal aid by the lawyer's employee or legal trainee.

#### Section 27

(1) If a lawyer practising law as a sole lawyer has been prevented from practising law due to any obstacle, and has failed to take other measures to protect the rights or legally protected interests of his clients, he shall be obliged to appoint, without any delay but not later than within one month of the date of commencement of the obstacle, another lawyer, upon the lawyer's consent, to be his substitute (s. 26 (1)), and to notify his clients of such fact in writing and without delay; s. 29 (2) shall not be prejudiced thereby. Should the lawyer breach this duty the Bar shall appoint his substitute and set the amount of compensation, according to the circumstances, to be paid by the lawyer to his substitute.

(2) Unless a lawyer's substitute appointed by the Bar under (1) (second sentence) agrees with the client otherwise, within one month of the date on which the client was notified of the substitute's appointment, or unless the client takes another measure within this time-limit, the rights and duties of the lawyer towards the client resulting from the contract to provide legal services, shall pass to the lawyer's substitute, including rights and duties resulting from the representation of the client in proceedings before courts or other bodies, and the rights and duties of a defence lawyer in criminal proceedings. This principle shall apply to the relationship between the client and the lawyer based on appointment under s. 18 (2), or appointment under special legislation. The Bar shall certify the passing of rights and duties to the substitute upon the substitute's request. The provisions of ss. 19 and 20 shall apply by analogy to the substitute of a lawyer appointed by the Bar under (1) (second sentence).

(3) Those rights and duties passed under (2) to the substitute shall not include the liability of the lawyer for compensation of the detriment (s. 24 (1)), or the duty to return things including money paid by the client. Other rights and duties resulting from the original contractual relationship between the lawyer and the client shall not pass to the substitute if the substitute may undergo, compared with the lawyer, unreasonable advantage or disadvantage as a result of the passing of those rights and duties, or if it appears to be unjust to require that the substitute fulfil those duties.

(4) If a lawyer practising law as a sole lawyer has had his membership in the Bar terminated and his name struck off the Register of Lawyers the Bar shall appoint another lawyer to be his successor, or, it shall take appropriate measures to protect the rights and legally protected interests of his clients; the appointed successor shall notify the clients of any measures taken in writing and without delay. If circumstances of the case request so, the Bar may appoint several lawyers to be successors to the lawyer struck off the Register of Lawyers. Subsections (2) and (3) regulating the passing of rights and duties from the substituted lawyer to his substitute shall apply by analogy to the passing of rights and duties from the lawyer struck off the Register of Lawyers to his successor.

(5) Should a lawyer practising law as a sole lawyer die the court shall, upon the proposal of the Bar, appoint a successor of the deceased lawyer, provided the successor agrees, to act as administrator of the part of the estate which was used by the deceased lawyer to practise law.

#### Section 28

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<sup>12)</sup> S. 35 (1) of the Criminal Procedure Code.

S. 25 (3) of the Civil Procedure Code. (**Editorial note:** *Now s. 25 (2) of the Code of Civil Procedure.*)

S. 31 (1) of Act No. 182/1993 Coll. on the Constitutional Court.



(1) A lawyer or legal trainee, in order to respect the integrity and dignity of the legal profession, shall be obliged, before commencing a judicial or other action relating to legal practice against another lawyer or legal trainee, to make use of the conciliation procedure before the bodies of the Bar; this principle shall not apply where at least one participant in the dispute is a third person.

(2) The conciliation procedure shall regularly be held before the President of the Bar or any other member of its Board of Directors; the purpose shall be to lead the parties to reconcile their dispute.

(3) Details for the conciliation procedure shall be set by professional rules.\*)

#### Section 29

(1) A lawyer shall be obliged to notify the Bar, without delay after his commencing of the practice of the legal profession, the seat and the mode of legal practice as well as other facts necessary to be recorded in the Register of Lawyers pursuant to professional rules; the lawyer shall be obliged to notify the Bar of changes to these facts without delay and not later than within one week of their occurrence.

(2) A lawyer shall be obliged to notify the Bar, within the time-limit set under (1), of all facts which may be potential reasons for suspension of his legal practice or termination of his membership in the Bar by striking his name off the Register of Lawyers.

#### Section 30

(1) A lawyer shall be obliged to pay fees for the Bar activities and contributions to the Bar social fund, and to make other payments foreseen by the Act herein [s. 43 c)].

(2) Due debts pursuant to the duties under subsection (1) shall not cease to exist upon striking off the Register of Lawyers; this rule shall not apply if the termination and striking is due to reasons under s. 7b (1) a) to c).

#### Section 31

A lawyer or a Company or a Foreign Company employing a legal trainee shall be obliged to create such working conditions which enable the legal trainee to properly prepare and be trained for his legal practice; the legal trainee must be allowed to participate in training organized by the Bar; he must be enabled to properly prepare himself for the Bar examination, as well as to take the Bar examination.

### Title Four

#### Disciplinary Liability and Disciplinary Proceedings

#### Section 32

(1) Lawyers and legal trainees shall be subject to disciplinary liability for a disciplinary transgression.

(2) A disciplinary transgression shall be a serious or repeated culpable breach of duties imposed upon lawyers or legal trainees by the Act herein or by special legislation or by professional rules.

(3) A lawyer may have, as a result of his disciplinary breach, any of the following disciplinary measures imposed upon him:

- a) an admonition,
- b) a public admonition,

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\*) **Editorial note:** Resolution of the Board of Directors of the Czech Bar Association No. 2/1998 of the Official Journal governing the reconciliation procedure (Lawyers' Reconciliation Code), as amended by subsequent professional regulations.

- c) a fine of up to one hundred times the monthly minimum wage set by special legislation<sup>13)</sup>,
- d) a temporary ban on practising the legal profession imposed for a period of six months up to three years,
- e) termination of his membership in the Bar by striking his name off the Register of Lawyers,
- f) withdrawal of the book of authenticity of signature statements for a period of six months up to three years if the lawyer has committed a disciplinary transgression in making an authenticity of signature statement,
- g) a temporary ban on his activities under s. 56a imposed for a period of six months up to three years if the lawyer has committed a disciplinary transgression in practising the legal profession.

(4) A legal trainee may have, as a result of his disciplinary transgression, any of the following disciplinary measures imposed upon him:

- a) an admonition,
- b) a public admonition,
- c) a fine of up to twenty times the monthly minimum wage set by special legislation<sup>13)</sup>,
- d) striking his name off the Register of Legal Trainees.

(5) If there has been a less serious breach of duties the imposition of a disciplinary measure on a lawyer or legal trainee may be waived should the hearing itself of the disciplinary transgression be considered to be sufficient. A disciplinary measure may also be waived where the disciplinary accused enters into a written agreement with the injured party proving removal of consequences of breach of obligations by the disciplinary accused in the event such a decision may be considered sufficient with regard to the circumstances of the case.

(6) The proceeds from fines shall form the income of the Bar.

(7) The disciplinary measures of withdrawal of the book of authenticity of signature statements and a temporary ban on lawyer's activities under s. 56a may be imposed separately or in addition to another disciplinary measure.

(8) Provisions of the Criminal Code governing aggregated and cumulative punishment and imposition of a joint punishment for continuation in a criminal offence shall apply by analogy to imposition of a disciplinary measure.

### Section 33

(1) The three-member Disciplinary Panel composed of members of the Bar Disciplinary Commission shall decide whether a lawyer or a legal trainee has committed a disciplinary transgression, and on the imposition of a disciplinary measure, upon the disciplinary petition filed by the disciplinary petitioner (s. 46 (3) and s. 51 (2)). The parties to the hearing shall be the disciplinary petitioner and the lawyer or the legal trainee against whom the disciplinary proceedings have been commenced (hereinafter referred to as "disciplinary respondent").

(2) The disciplinary petition must be filed within six months from the disciplinary petitioner gaining knowledge of the disciplinary transgression, but not later than within two years from the commitment of the breach. The period of preparatory measures taken to search whether the disciplinary transgression has been committed shall not be included in the six-month time-limit; the preparatory period may not be longer than two months.

(3) Where the Supervisory Council Chair should act as disciplinary petitioner he shall be entitled to designate another lawyer, upon the lawyer's consent, to prepare investigation of

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<sup>13)</sup> Government Regulation No. 303/1995 Coll., on Minimum Wages, as amended.

**(Editorial note:** Now s. 2 of Government Resolution No. 567/2006 Coll., on minimum wage, minimum level of guaranteed salary, on determination of hazardous work environments and on salary supplement for work in hazardous work environments, as amended.)

whether the disciplinary transgression has been committed; the designated lawyer shall, with respect to the instruments and documents of lawyers, have the powers of a member of the Supervisory Council under s. 46 (4) (second sentence).

(4) The disciplinary respondent may be represented by a lawyer during disciplinary proceedings. An unrepresented disciplinary respondent shall have a guardian appointed if the protection of his interests so require, in particular, should he suffer from a mental disorder or disease preventing him from defending himself. Another lawyer, upon that lawyer's consent, shall be appointed the guardian by the Disciplinary Panel.

(5) The disciplinary respondent shall have the right to express himself concerning all facts he has been accused of; he has the right to defend himself and to propose evidence to be produced.

(6) The examination of witnesses, experts or participants may be pursued only if they voluntarily attend and testify. Other evidence may also be produced only if provided voluntarily. Evidence which cannot be presented this way shall be produced before court upon the request and at the expense of the Bar; the court shall be obliged to satisfy such request unless the production of evidence is forbidden by law. The court shall make all decisions necessary regarding the requested production of evidence.

#### Section 33a

(1) Costs of disciplinary proceedings incurred by a party to the proceedings shall be borne by that party. The Bar shall bear costs relating to the activities of the disciplinary and appellate panels, the costs of an interpreter, and costs with respect to production of the evidence.

(2) If the Disciplinary Panel declares in its decision closing the disciplinary proceedings that the disciplinary respondent has committed the disciplinary transgression, it shall also bind the respondent in the decision to cover the costs of the disciplinary proceedings borne by the Bar under (1) as a lump-sum set as a reasonable amount by the professional rules.

(3) The Bar shall pay for the cash expenditures of witnesses and their loss of earnings properly substantiated. Such claim should be filed with the Bar within three days of the examination date or otherwise it will expire; witnesses must be notified of this fact.

(4) The covering of cash expenditures and fees of experts and interpreters shall be governed by special legislation<sup>13a)</sup>.

#### Section 34

(1) The facts and the law at the time when the disciplinary transgression was committed shall be considered relevant for the disciplinary decision; later legislation shall be used if it is more favourable to the disciplinary respondent.

(2) A decision, in writing, closing the disciplinary proceedings must contain the statement, reasoning and notice of an available legal remedy and must be served on all participants; in cases provided under 33a (2), the written decision shall also contain a statement imposing the duty to cover the costs of disciplinary proceedings.

(3) A served decision closing the disciplinary proceedings, against which there is no appeal, shall be legally effective and enforceable unless the case falls under (4). All other decisions shall become legally effective upon their promulgation; should there be no promulgation prescribed by the Disciplinary Code the legal effect shall commence upon receipt of the decision.

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<sup>13a)</sup> Act No. 36/1967 Coll., on Sworn Experts and Interpreters.

Regulation No. 37/1967 Coll., to Implement the Act on Sworn Experts and Interpreters, as amended.

(4) If a fine has been imposed as a disciplinary measure, it should be paid within 15 days of the legal effect of a decision unless the decision allows for a longer time-limit or for payment in instalments. The decision imposing this disciplinary measure shall be enforceable as soon as the time-limit expires.

(5) Provisions under (4) shall apply by analogy with respect to a decision imposing the duty to cover the costs of proceedings.

#### Section 34a

(1) The Disciplinary Panel may decide on the merits without a hearing by issuing a disciplinary order if the facts have been infallibly established through the evidence produced.

(2) A disciplinary order may impose only the disciplinary measure of an admonition or a fine of an amount of up to ten times the minimum monthly wage set by special legislation<sup>13)</sup> if a lawyer was the respondent, or up to twice the minimum monthly wage set by special legislation<sup>13)</sup> in case of a legal trainee being the disciplinary respondent; s. 32 (5) shall not be prejudiced thereby.

(3) A disciplinary order shall have the nature of decision through which the Disciplinary Panel expresses that the disciplinary respondent has committed a disciplinary transgression. The legal effect of promulgation of the decision by the Disciplinary Panel shall commence upon the service of the written disciplinary order on the disciplinary respondent.

#### Section 34b

(1) A written disciplinary order shall contain a statement on the merits, a statement imposing the duty to cover the costs of disciplinary proceedings (s. 33a (2)), and notification that a protest may be submitted, including a notice that should the respondent fail to file the protest then a hearing of the Disciplinary Panel to consider the case shall not be ordered (s. 34d (1)).

(2) A written disciplinary order shall be served on the disciplinary respondent and petitioner; where the respondent has a representative or guardian (s. 33 (4)) the written disciplinary order shall be served on the representative or guardian respectively.

#### Section 34c

(1) A disciplinary respondent, petitioner or representative or guardian of the respondent (hereinafter referred to as “entitled person”) may submit a protest against a disciplinary order; the protest should be submitted within 15 days of the service of the written disciplinary order. The time-limit for filing the protest by the respondent’s representative or guardian shall terminate on the same date as applicable to the disciplinary respondent.

(2) An entitled person may expressly waive his right to file a protest upon being served the written disciplinary order.

#### Section 34d

(1) If a protest has been submitted by an entitled person within the time-limit under s. 34c (1) the disciplinary order shall be cancelled and the Chair of the Disciplinary Panel shall order a hearing to consider the case; the Panel in its hearing shall be bound neither by the legal qualification nor the type or level of the disciplinary measure imposed by the disciplinary order.

(2) Should none of the entitled persons submit the protest within the time-limit under s. 34c (1) the disciplinary order shall become legally effective and enforceable on the day following the last day of the time-limit. If all entitled persons have expressly waived their right to protest (s. 34c (2)) before the time-limit under s. 34c (1) expires, the disciplinary

order shall become legally effective and enforceable on the day following the day when the Disciplinary Panel received such waiver from the last of all the entitled persons.

#### Section 34e

If a disciplinary order has been issued the disciplinary petitioner may withdraw the petition at any time until the written disciplinary order is served on any of the entitled persons; a withdrawal of the disciplinary petition shall quash the order and the disciplinary proceeding shall be discontinued.

#### Section 35

(1) An appeal shall lie against the decision of the Disciplinary Panel closing disciplinary proceedings, and may be lodged by a participant in the proceedings within fifteen days of the service of the written decision; the appeal shall have a suspensory effect. The first sentence shall not apply if the Disciplinary Panel has issued its decision by means of a disciplinary order.

(2) The appeal shall be decided by a three-member panel established from amongst the members of the Appellate Disciplinary Panel (hereinafter referred to as “Appellate Panel”).

(3) In appellate proceedings, the Appellate Panel of the Bar shall quash the decision, or dismiss the appeal and affirm the decision or dismiss the appeal. If the Appellate Panel quashes the decision it shall decide on the merits, or return the case to the Disciplinary Panel for further proceedings and a decision; in the latter case, the Disciplinary Panel shall be bound by the legal opinion of the Appellate Panel.

#### Section 35a

(1) A decision to impose the disciplinary measure of an admonition, or the termination of membership in the Bar by the striking-off from the Register of Lawyers, and the striking-off from the Register of Legal Trainees, shall be executed on the date of its legal effect.

(2) A decision to impose the disciplinary measure of a public admonition shall be executed by the President of the Bar by its publication in the Official Journal of the Czech Bar (hereinafter referred to as “the Official Journal”); it shall be executed on the date stated in the respective issue of the Official Journal as the date of its distribution. The decision may not be executed after a period longer than six months has lapsed from the date of its legal effect.

(3) A decision to impose the disciplinary measure of a temporary ban on practising the legal profession or a temporary ban on practising lawyer’s activity shall be executed on the date of expiry of the time of the ban stated in the decision. The time shall start to run on the date of the legal effect of the decision; if the legal effect has been deferred the running of time shall be suspended.

(4) A decision to impose the disciplinary measure of a fine shall be executed on the date of its payment to the Bar in the amount stated in the decision; if the fine should be paid in instalments the decision shall be executed on the date of the payment of the last instalment. The legally effective decision on the imposition of a fine shall be the basis for the enforcement of the decision and the enforcement order under special legislation<sup>14)</sup>. Should the fine be paid in instalments the Bar shall be entitled to file a petition for the execution of the decision if any of the instalments are not paid in time; in such a case the execution of the decision shall apply to the whole unpaid amount of the fine. Such entitlement may be used by the Bar not later than by the due date of the next instalment.

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<sup>14)</sup> S. 274 i) of the Civil Procedure Code.

S. 40 (1) g) of Act No. 120/2001 Coll., Providing for Licensed Executors and Their Activities (the Execution Procedure Act), and Amending Other Laws, as amended.

(5) A decision imposing the disciplinary measure of withdrawal of the book of authenticity of signature statements is executed on the date when the period referred to in the decision elapses. This period commences on the date the book was seized.

(6) A decision imposing the duty to cover the costs of disciplinary proceedings shall be executed on the date of payment to the Bar of the amount of costs (s. 33a (2)). If the duty to cover the costs has not been fulfilled within the time-limit under the Act herein or the time-limit set in the decision, subsection (4) on the execution of a decision imposing a fine shall apply by analogy to the execution of the decision imposing the payment of costs of disciplinary proceedings.

#### Section 35b

A lawyer, or a legal trainee, shall, for the purposes of disciplinary proceedings, be deemed not to have committed a disciplinary transgression, or not to have had a disciplinary measure imposed upon him

- a) as of the date of the legal effect of a decision discharging the imposition of a disciplinary measure,
- b) as of the date when a decision imposing an admonition or a public admonition was executed if such admonition or public admonition has been imposed upon him. Should the decision imposing a public admonition not be executed within the time-limit under s. 35a (2), the person who has had the disciplinary measure imposed upon him shall be deemed not to have committed the disciplinary transgression upon the expiration of that time-limit;
- c) if the period of one year from the date on which the decision to impose a disciplinary measure was executed, provided the disciplinary measure of a fine, a temporary ban on his legal practice, withdrawal of the book of authenticity of signature statements or temporary ban on lawyer's activities under s. 56a has been imposed, has elapsed,
- d) if the period of five years from the date of the termination of membership in the Bar by the striking a lawyer's name off the Register of Lawyers provided the lawyer has had imposed upon him such a measure has expired,
- e) if the period of three years from the date of striking a legal trainee's name off the Register of Legal Trainees provided the legal trainee has had imposed upon him such measure has expired.

#### Section 35c

(1) Where a decision closing disciplinary proceedings has become legally effective, proceedings against the same respondent and for the same cause may continue only should new disciplinary proceedings be permitted; the new hearing may be permitted if a legally effective decision discontinued the disciplinary proceedings.

(2) An application for new disciplinary proceedings may be filed only by its participant if new facts or evidence occur which could not have been revealed or produced in the original proceedings and which may, by themselves or in relation to the facts and evidence known earlier, lead to a decision to be more favourable to the disciplinary respondent.

(3) An application for new disciplinary proceedings may be filed within six months of the date when the participant applying for new proceedings became aware of reasons for the new proceedings under (2), or within six months of the date on which he may have relied on the reasons; the application shall not be permissible against any decision other than a decision on the merits.

(4) An application for new disciplinary proceedings shall be decided upon by a disciplinary panel especially established for this purpose; the disciplinary panel shall either

dismiss the application, or permit new proceedings. An appeal shall lie against the decision to permit new proceedings, to be lodged by a participant in the proceedings (s. 35)

(5) When a decision permitting new disciplinary proceedings has become legally effective all earlier decisions issued in the original disciplinary proceedings shall be quashed and the disciplinary panel which has permitted new proceedings to be held shall hear the disciplinary case again.

#### Section 35d

(1) The Bar shall inform, without delay and to the extent necessary, the competent body of a foreign state of the commencement and result of disciplinary proceedings against a lawyer recorded in the Register of Lawyers under s. 5a.

(2) The Bar shall inform, without delay and to the extent necessary, the competent body of the home country where a lawyer having his name entered in the Register of Lawyers under s. 5 (1) or s. 57 provides legal services in a position similar to the position of an established European lawyer under the Act herein, of the commencement and result of disciplinary proceedings against that lawyer.

#### Section 35e

(1) Details of disciplinary proceedings shall be laid down by the Rules of Disciplinary Procedure.<sup>\*)</sup>

(2) Unless the Act herein or the Rules of Disciplinary Procedure provide otherwise, or unless the nature of the case suggests otherwise, provisions of the Criminal Procedure Code shall apply, with necessary modifications, to disciplinary proceedings.

### PART THREE THE EUROPEAN LAWYER

#### Title One The Visiting European Lawyer

#### Section 35f

A visiting European lawyer<sup>14a)</sup> shall be a European lawyer who provides legal services on a temporary or occasional basis within the territory of the Czech Republic.

#### Section 35g

A visiting European lawyer shall, in the provision of legal services, be obliged to use his professional title under s. 2 (1) b) along with the name of the competent authority in his home country; such title must be expressed in the official language, or in one of the official languages, of his home country.

#### Section 35h

(1) A visiting European lawyer may not be a member of a Consortium (s.14), nor may he become a Company member (s. 15).

(2) A visiting European lawyer shall not be entitled to participate in the Assembly nor may he be elected into the bodies of the Bar.

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<sup>\*)</sup> **Editorial note:** Ministry of Justice Regulation No. 244/1996 Coll., Providing for the Disciplinary Code (the Bar Disciplinary Code) under Act No. 85/1996 Coll., Governing the Legal Profession, as amended.

<sup>14a)</sup> Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise of freedom to provide services by lawyers.

(3) A visiting European lawyer shall not be entitled to prepare real property transfer contracts, security contracts regarding real property, or contracts to transfer or to lease the business or a part thereof if applying to real estate; a visiting European lawyer shall not be entitled to produce statements regarding the authenticity of a signature (s. 25a).

#### Section 35i

(1) While providing legal services, subsisting in the representation of his clients before courts or other bodies and including the acting as a defence lawyer in criminal proceedings, a visiting European lawyer shall be obliged to observe duties stipulated by the law and professional rules for lawyers in their capacity as representatives of participants in proceedings. Where those regulations fail to provide for a relevant issue the visiting European lawyer shall be obliged to observe duties set by the laws of his home country and professional or other rules within his home country which regulate the provision of legal services (hereinafter referred to as “home-country laws”).

(2) While providing legal services other than those services under (1), a visiting European lawyer shall be obliged to observe duties stipulated by the laws of his home country. Where the home-country laws fail to provide for a relevant issue the following provisions shall be used with respect to the provision of services by visiting European lawyers: s. 3 (1) and (2), ss. 16, 17, s. 18 (1), ss. 19 - 21, s. 22 (1), s. 24 (1) to (3), ss. 25, 26, and s. 28, as well as provisions of special legislation if these regulate the provision of legal services by lawyers.

(3) Provisions of the Act herein, or those of special legislation under (2), shall not be applicable with respect to the provision of legal services by a visiting European lawyer where, due to the circumstances and, in particular, due to the fact that the provision of legal services is temporary or occasional, it appears to be unreasonable to request that the visiting European lawyer observe such rules; this exemption shall not apply with respect to duties stipulated in ss. 16 and 17, ss. 19 - 21, and s. 24 (1) to (3).

#### Section 35j

(1) Where a visiting European lawyer provides his legal services in the Czech Republic for more than one month without any significant interruption he shall be obliged to notify the Bar of his mailing address in the Czech Republic where documents including decisions adopted by the bodies of the Bar in proceedings under the Act herein, can be sent to him by the Bar. Should a visiting European lawyer fail to fulfil such duty the Bar shall deposit his documents with the legal effect of service of such documents (decisions) commencing on the third day of their deposition; such rule shall also apply to documents to be delivered into a visiting European lawyer’s own hands.

(2) If a visiting European lawyer provides legal services subsisting in the representation of his clients before courts or other bodies, including acting as a defence lawyer in criminal proceedings, he shall be obliged to appoint a lawyer as his agent for the purpose of service of documents (hereinafter referred to as “agent for service of documents”); s. 35p shall not be prejudiced thereby. A visiting European lawyer shall be obliged to notify courts or other bodies of the address of the registered office of his agent for service of documents on the date of his first communication with the respective court or body; courts or other bodies shall serve documents including decisions to the address of the registered office of the agent for service of documents. Should a visiting European lawyer not fulfil this duty, courts or other bodies shall deposit documents (decisions) with the legal effect of service commencing on the third day of the deposition; this shall apply also to documents to be delivered into a visiting European lawyer’s own hands.



#### Section 35k

(1) If so requested, a visiting European lawyer shall be obliged to prove his entitlement to provide legal services in his home country under his home-country professional title according to s. 2 (1) b) by providing the Bar, courts, or other bodies with the relevant document or documents issued in his home country (hereinafter referred to as “certificate of entitlement”); the certificate must be submitted by a visiting European lawyer along with its translation into the Czech language.

(2) For as long as a visiting European lawyer fails to fulfil his duty under (1) he shall not be entitled to continue to provide legal services.

## Title Two The Established European Lawyer

### Section 35l

(1) An established European lawyer<sup>14b)</sup> shall be a European lawyer with his name entered in the Register of European Lawyers kept by the Bar.

(2) An established European lawyer shall be entitled to provide legal services on a permanent basis in the Czech Republic.

### Section 35m

(1) The Bar shall enter a European lawyer's name in the Register of European Lawyers within one month of its receipt of a written application for such entry which must be appended with

a) documents proving that the European lawyer fulfils the requirements under s. 2 (1) b) items 1 and 2,

b) a document proving satisfaction of his duty under s. 24a,

c) documentary proof of the payment of the fee, as set by the professional rules in an amount of up to CZK 10,000, by the European lawyer to the Bar.

(2) The Bar shall not enter a European lawyer's name in the Register of European Lawyers if he has the disciplinary measure of a temporary ban on his provision of legal services s. 35q (2) imposed upon him, and the period of at least one year since the execution of the decision on the imposition of that disciplinary measure has not yet expired.

(3) An established European lawyer shall prove his entitlement to provide legal services hereunder by the Certificate of Entry in the Register of European Lawyers or the Established European Lawyer's Professional Identity Card; the Bar shall issue these documents to this lawyer no later than within one week after the record in the Register of European Lawyers has been made. The design, requisites and modes of use of the Established European Lawyer's Professional Identity Card shall be set by delegated legislation; the delegated legislation shall also set the validity period of the Established European Lawyer's Identity Card. Section 5d (3) and (4) shall apply to the Certificate and the Established European Lawyer's Professional Identity Card by analogy.

(4) The Bar shall make the entry in the Register of European Lawyers within the time-limit set in (3); the Bar shall inform, within the same time-limit and to the extent necessary, the competent home-country body of the entry in the Register of European Lawyers.

(5) The entitlement to provide legal services by an established European lawyer under the Act herein shall be suspended should any of the facts stipulated under s. 8b (1) a), b), d) to g) occur.

(6) The Bar shall suspend the entitlement of an established European lawyer to provide legal services under the Act herein in cases under s. 9 (1) and in the case where entitlement to provide legal services under the professional title pursuant to s. 2 (1) b) has been suspended in his home country; the Bar may suspend the entitlement of an established European lawyer to provide legal services under the Act herein in cases under s. 9 (2) and (3).

(7) An established European lawyer who

a) has died, shall have his name struck off the Register of European Lawyers as of the date of the death,

b) has been declared dead, shall have his name struck off the Register of European Lawyers as of the date of the legal effect of the decision to declare him dead,

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<sup>14b)</sup> Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

c) has had the disciplinary measure of a temporary ban on his provision of legal services (s. 35q (2)) imposed on him, shall have his name struck off the Register of European Lawyers as of the date of the legal effect of the decision imposing the measure,

d) has submitted to the Bar a request to have his name struck off the Register of European Lawyers appended with an officially verified signature, shall have his name struck off the Register upon termination of the calendar month in which the request was delivered to the Bar; the officially verified signature shall not be required if the request is delivered in person to the President of the Bar, or to an employee commissioned thereby, and is undersigned before him,

e) has been admitted to the Bar and had his name entered in the Register of Lawyers (s. 5b), shall have his name struck off the Register of European Lawyers as of the date of his entry in the Register of Lawyers; his entitlement to use, at the same time, his home-country professional title or entitlement under s. 35na, shall not be prejudiced thereby.

(8) The Bar shall strike a European lawyer's name off the Register of European Lawyers when

a) he ceases to fulfil the condition under s. 2 (1) b) item 1

b) his entitlement to provide legal services in his home country under s. 2 (1) b), item 2 ceases, or

c) there are reasons stipulated pursuant to s. 7b (1) e) and f), and s. 8 (1) b) to d).

(9) The provisions of s. 8b (2), s. 9 (4), ss. 9a, 9b and s. 55 (7) shall apply, with necessary modifications, to suspension of the entitlement of an established European lawyer to provide legal services under the Act herein. The provisions of s. 7b (2) and s. 8 (2) and (3) shall apply, with necessary modifications, to the striking of the name of an established European lawyer off the Register of European Lawyers.

(10) The Bar shall inform, without delay but not later than within one week, the competent home-country body of the suspension of entitlement of an established European lawyer to provide legal services under the Act herein, as well as of striking his name off the Register of European Lawyers.

#### Section 35n

(1) Unless the Act hereunder provides otherwise the provisions of the Act herein, professional rules regarding the rights and duties of lawyers, and relevant special legislation providing for the rights and duties of lawyers in their practising the legal profession, shall apply, with necessary modifications, to an established European lawyer.

(2) An established European lawyer shall be obliged to use, in his legal practice, the professional title under s. 2 (1) b); this title must be expressed in the official language, or in one of the official languages of his home country. An established European lawyer shall be obliged to refer to his entry in the Register of European Lawyers in addition to his using of the title. Where the established European lawyer provides legal services on behalf of a Foreign Company under s. 35s, the provisions of s. 12 (4) shall apply by analogy.

(3) An established European lawyer shall be entitled to use, along with his title according to subsection (2), an appendix expressing the fact that he provides legal services in his home country, or other countries, jointly with other persons as a member (partner) of an association or legal entity comparable to a Consortium or Company under the Act herein (ss. 14, 15).

(4) An established European lawyer may be a member of a Consortium (s. 14) or a member of a Company (s.15), or practise law as an employed lawyer (s. 15a).

(5) An established European lawyer shall have the right to participate in the Bar Assembly; he may not be elected into the bodies of the Bar.

(6) The seat of an established European lawyer (s. 13) shall be recorded in the Register of European Lawyers.

(7) An established European lawyer, within his entitlement, may have other persons, stipulated under s. 26, represent him.

(8) Provisions of s. 27 (4) and s. 30 (2) shall apply to striking the established European lawyer's name off the Register of European Lawyers.

### Title Three Common Provisions

#### Section 35o

A European lawyer shall be entitled to provide legal services subsisting in representation of clients in proceedings before courts and other bodies including his acting as a defence lawyer in criminal proceedings; this shall also apply to cases where special legislation stipulates that a party must be represented by a lawyer, or that only a lawyer may be the representative of a party to proceedings.

#### Section 35p

(1) When a European lawyer provides legal services subsisting in representation of clients before courts and other bodies, including defence in criminal proceedings, and where special legislation stipulates that a party must be represented by a lawyer, or that only a lawyer may be the representative of a party, the European lawyer shall be obliged to appoint a lawyer, upon agreement with his client, as a consultant in procedural issues to be solved in the proceedings (hereinafter referred to as "consultant"); a European lawyer may also appoint his agent for service of documents under s. 35j (2) to act as his consultant.

(2) A European lawyer shall be obliged to notify the court or other body of the seat of his consultant when the first procedural contact with the court or body is made; the European lawyer may not provide legal services unless he fulfils this duty.

(3) Unless otherwise decided by the court or other body the consultant shall be entitled to be present, upon the consent of the European lawyer, for all acts where the European lawyer is entitled to be present in his capacity as representative (defence lawyer).

(4) Preceding subsections shall not be to the prejudice of special legislation regulating proceedings before courts or other bodies.

(5) Subsection (1) shall not be to the prejudice of a European lawyer's liability for the detriment under s. 24 (1) to (3) nor his disciplinary responsibility (s. 35q (1)).

### Disciplinary Responsibility and Disciplinary Proceedings

#### Section 35q

(1) A European lawyers shall be subject to disciplinary liability under Part Two, Title Four, of the Act herein.

(2) Within disciplinary proceedings, a European lawyer may have disciplinary measures stipulated under s. 32 (3) a) to c), and the disciplinary measure of a temporary ban on legal practice for a period of one to five years imposed on him. Provisions of s. 35a (3) and s. 35b c) shall apply, with necessary modifications, to the decision on the temporary ban on his legal services.

#### Section 35r

(1) The Bar shall inform, to the extent necessary, the competent home-country body of the fact that the Chair of the Supervisory Council intends to commence disciplinary proceedings against a European lawyer.

(2) Should it be impossible to fulfil the duty to inform under (1) due to the risk of delay, or should disciplinary proceedings have already been commenced by the Minister of Justice, the Bar shall be obliged to inform, without delay and to the extent necessary, the competent home-country body of the commencement of disciplinary proceedings against a European lawyer.

(3) The disciplinary panel, or the appellate panel, in the course of disciplinary proceedings but before the issuance of a decision on the merits, shall ordinarily request the opinion of the competent home-country body.

(4) The Bar shall inform, without delay and to the extent necessary, the competent home-country body of the result of the disciplinary proceedings against the European lawyer.

### PART FOUR

#### Foreign Company

#### Section 35s

(1) A Foreign Company may provide legal services in the Czech Republic if

- a) its seat or a structural unit of its business is located in any home country,
- b) members of the Foreign Company are lawyers or other natural persons entitled to provide legal services in any home country under professional title pursuant to s. 2 (1) b) item 2,
- c) the provision of legal services is the sole purpose of business of the Foreign Company,
- d) the Foreign Company, or its structural unit has been recorded in the Commercial Register under special legislation,
- e) legal services are provided solely by lawyers or established European lawyers.

(2) Only a lawyer or an established European lawyer who is the member of a Foreign Company may be recorded in the Commercial Register as a representative of the Foreign Company, or as head of its structural unit. Only a lawyer or an established European lawyer may be recorded in the Commercial Register as the proctor of a Foreign Company; provisions of s. 15 (5) (second sentence) shall apply by analogy.

(3) A Foreign Company may enter into an employment contract with lawyers, established European lawyers and legal trainees.

(4) The provisions of s. 15 (4) and (8), s. 18 (1), ss. 19, 20, s. 22 (1), s. 23, s. 24 (2) to (4), ss. 25, 28 and 29 shall apply to the Foreign Company by analogy.

(5) Unless the Act herein provides otherwise, the Foreign Company shall be subject to provisions of the Act governing the legal relationships of business companies and cooperatives.

#### Section 35t

(1) Every member of a Foreign Company who is liable for debts of the Foreign Company with all his property (hereinafter referred to as “unlimited liability member”) shall be obliged to take out professional indemnity insurance against the liability of the Foreign Company for the detriment caused in relation to their provision of legal services in the Czech Republic; the insurance shall commence on the date of the registration in the Commercial Register of the Foreign Company or its structural unit, and shall correspond with the insurance of an unlimited company member or of a general partner in a limited partnership company under s. 24a (1) (hereinafter referred to as “professional indemnity insurance of members of a Foreign Company”).

(2) A Foreign Company with no unlimited liability members must be insured against liability for the detriment caused in relation to its provision of legal services in the Czech Republic as of the date of the registration in the Commercial Register of the Foreign Company, or its structural unit, in the manner applicable to the limited liability company under the Act herein; a Foreign Company with at least one unlimited liability member among other members must be insured in the manner applicable to a limited partnership company under the Act herein (hereinafter referred to as “professional indemnity insurance of a Foreign Company”).

(3) A Foreign Company shall be obliged to submit to the Bar a counterpart or an officially verified copy of its contract of insurance of its members or of the Foreign Company itself, or a document issued by the insurance company or a foreign insurance company or another competent person certifying the existence of insurance, relevant in terms and its scope, of its members or of the Foreign Company itself (hereinafter referred to as “certificate of professional indemnity insurance of Foreign Company”) by the end of the calendar year in which it was recorded in the Foreign Companies Register, and subsequently by the end of each calendar year preceding the calendar year covered by the insurance contract, as well as at any time the Bar may so request.

(4) The fulfilment of requirements under s. 35s (1) a) to c) and the professional indemnity insurance of members of a Foreign Company, or professional indemnity insurance of a Foreign Company, shall be pre-requisites for the registration in the Commercial Register of the Foreign Company, or its structural unit. The documents proving the fulfilment of requirements under s. 35s (1) a) to c) and the certificate of professional indemnity insurance of a Foreign Company must be attached to the application for the registration of the Foreign Company, or its structural unit, in the Commercial Register, and deposited in the Collection of Instruments of the Commercial Register, including their amendments.

(5) The Bar shall, without delay, submit to the court an application to remove a Foreign Company, or its structural unit, from the Commercial Register if it finds that

- a) the Foreign Company fails to meet the requirements under s. 35s (1) a) to c) and e),
- b) the members of the Foreign Company fail to be insured under s. 35t (1),
- c) the Foreign Company fails to be insured under s. 35t (2),
- d) the Foreign Company fails to fulfil the duty under s. 35t (3).

#### Section 35u

Provisions of ss. 35s and 35t shall apply to the relocation of the seat of a Foreign Company to the Czech Republic by analogy.

### PART FIVE THE LEGAL TRAINEE

#### Section 36

A legal trainee shall be the person whose name has been entered in the Register of Legal Trainees maintained by the Bar.

#### Section 37

(1) The Bar shall enter in the Register of Legal Trainees the name of every person who

- a) is fully legally competent,
- b) has obtained a university legislation degree in law
  - 1. within a Master’s programme studied at a university in the Czech Republic<sup>1b)</sup>, or

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<sup>1b)</sup> S. 46 of Act No. 111/1998 Coll. on Higher Education Institution and Amendments to Other Laws (the Higher Education Act), as amended.

2. at a foreign university, if such degree is recognized in the Czech Republic as equivalent to the degree under subparagraph 1, based on an international treaty binding on the Czech Republic, or if such education was recognized pursuant to special legislation and, simultaneously, it corresponds, in its content and extent, to the general education which may be acquired within a Master's programme in law at a university in the Czech Republic,

c) has no records of criminal convictions,

d) has not had the disciplinary measure of striking his name off the Register of Legal Trainees imposed upon him, or is deemed not to have had such a measure imposed upon him, and

e) has been employed by a lawyer, established European lawyer, a Company or a Foreign company for the set weekly working hours under special legislation.<sup>14c)</sup>

(2) Upon the fulfilment of duties under (1) and upon his written application, the Bar shall enter the person's name in the Register of Legal Trainees as of the date stated in the application; this date may not precede the date of commencement of his employment under (1) e) and the date of the submission of the application. Should there be no date stated in the application the Bar shall enter the applicant's name in the Register of Legal Trainees ~~not~~ as on the date of the submission of the application. The entry in the Register of Legal Trainees shall be made by the Bar without delay but not later than within one week of the decision to enter the applicant's name in the Register of Legal Trainees and the Bar shall issue to the legal trainee the Legal Trainee Identity Card; the legal trainee shall use the Legal Trainee Identity Card for identification within professional training including the substitution of lawyer upon his delegation in individual acts of legal aid. The design, requisites and the mode of use of the Legal Trainee Identity Card are set in the delegated legislation; the delegated legislation shall also set the validity period of the Legal Trainee Identity Card. S. 5d (3) and (4) shall apply to the Legal Trainee Identity Card by analogy.

(3) The Bar shall strike a legal trainee's name off the Register of Legal Trainees if it becomes aware of his failure to fulfil any of the requirements under subsection (1).

(4) A legal trainee who

a) has had the disciplinary measure of striking his name off the Register of Legal Trainees imposed upon him shall have his name struck off the Register as of the date of the legal effect of the decision imposing such measure;

b) has filed with the Bar a request, with his officially verified signature, for striking his name off the Register of Legal Trainees, shall have his name struck off the Register upon the expiration of the calendar month during which the Bar received his request; the official verification of signature shall not be required if the legal trainee delivers his request for the striking-off in person to the President of the Bar, or a Bar employee commissioned thereby, and attaches his signature before the President or the commissioned employee;

c) has been admitted to the Bar and recorded in the Register of Lawyers shall have his name struck off the Register of Legal Trainees as of the date of his entry in the Register of Lawyers,

d) has passed the Bar examination shall have his name struck off the Register of Legal Trainees upon termination of sixth calendar month following the month in which he passed the examination; the provisions of b) and c) shall not be prejudiced thereby.

(5) A legal trainee who filed with the Bar a written request for suspension of his traineeship as legal trainee, with his officially verified signature appended, shall have his traineeship suspended upon the expiry of the calendar month in which the Bar received the request; the official verification of signature shall not be required if the legal trainee delivers his request in person to the President of the Bar, or a Bar employee commissioned thereby, and attaches his signature before the President or the employee. The Bar may suspend the traineeship of a legal trainee on grounds under s. 9 (2) and (3). A legal trainee shall have his

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<sup>14c)</sup> S. 83a (1) and (5) of the Labour Code.

(**Editorial note:** Now s. 79 (1) of Act No. 262/2006 Coll., the Labour Code, as amended.)

traineeship suspended should he be remanded in custody, commence a sentence of imprisonment or be sentenced with a prohibition on practising his profession subsisting in the prohibition of his traineeship.

(6) Provisions of s. 7b (2), s. 8 (3), s. 8b (1) d) to e), and s. 8b (2), s. 9 (4), s. 9a (1) a) and b), and s. 9a (2) d) and s. 9b shall apply, with necessary modifications, to striking off the Register the name of a legal trainee or suspension of the traineeship of a legal trainee.

### Section 38

(1) A legal trainee shall participate in professional training by a lawyer or an established European lawyer, Company or a Foreign Company, the purpose of which shall be, under the guidance and supervision of the supervisor, to attain knowledge and experience necessary for practising the legal profession.

(2) Only a lawyer who has been practising the legal profession for at least one year may be a supervisor; the Board may waive this condition in justified cases. A lawyer may be a supervisor of no more than five legal trainees at the same time; a lawyer shall inform the Bar of who his supervisees are. In the case of a lawyer practising the legal profession as an independent entity, the supervisor is this lawyer in a Consortium, Company or Foreign Company, the task of supervisor is carried out by a designated lawyer; the Consortium, Company or Foreign Company shall inform the Bar of such fact. A Cooperating Lawyer may also be the designated lawyer. Rights and obligations of the supervisors and legal trainees in professional training shall be stipulated by professional rules.<sup>\*1</sup>

\_\_\_\_\_(3) In professional training, legal trainees shall proceed in accordance with this law and professional rules. As part of their professional training, legal trainees shall attend educational events stipulated by the Bar in the form of professional rules; participation in such educational events shall be considered performance of work.<sup>\*)</sup>

### Section 39

Provisions of ss. 16, 17, 17a, 21, and s. 29 shall apply, with necessary modifications, to legal trainees.

## PART SIX THE BAR

### Section 40

(1) The Bar shall be established with its seat in Prague and branch-office in Brno. The branch-office shall, in particular, be responsible for the execution of the powers of the Bar with respect to European lawyers and lawyers within the jurisdiction of regional courts in Brno and Ostrava, and for their legal trainees.

(2) The Bar shall be a self-governing professional organization of all lawyers.

(3) The Bar shall perform public administration in the area of the legal profession<sup>15)</sup>.

(4) The Bar shall be an artificial legal person. The Bar may establish a beneficiary legal entity.

### Section 41

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<sup>\*)</sup> Resolution of the Board of Directors of the Czech Bar Association No. 1/1998 of the Official Journal on Education of Legal Trainees and Continued Education of Lawyers, as amended by subsequent professional regulations.

<sup>15)</sup> S. 1 of Act No. 500/2004 Coll., the Code of Administrative Procedure.



- (1) The Bar shall have bodies as follows:
- a) the Assembly;
  - b) the Board of Directors;
  - c) the President of the Bar;
  - d) the Supervisory Council ;
  - e) the Disciplinary Commission; and
  - f) the Appellate Disciplinary Panel,
  - g) the Examination Board for the Bar examination, aptitude tests and equivalency examinations (hereinafter referred to as “the Examination Board of the Bar”).
- (2) The Bar may establish advisory bodies.

#### Section 42 The Assembly

- (1) The Assembly shall be the supreme body of the Bar.
- (2) All lawyers shall have the right to participate in the Assembly. Representation of a lawyer by another lawyer at the Assembly shall not be permissible.
- (3) The Board of Directors shall convene the Assembly so that it may be held not later than by the end of the fourth calendar year of the preceding Assembly.
- (4) The Board of Directors shall convene the Assembly within the period of two months if a minimum of one third of all lawyers so request in writing, or if the Supervisory Council so requests. The Board shall be obliged in such cases to convene the Assembly not later than within two months; should the Board fail to do so the Supervisory Council shall be entitled to convene the Assembly. In these cases, the Assembly must be convened in such a way that it may be held not earlier than within one, and not later than within three months of its convention.
- (5) The Assembly shall have a quorum regardless of the number of lawyers present. A resolution of the Assembly shall be passed by a simple majority vote in its favour. The number of votes returned for individual candidates by lawyers voting shall be decisive in the election of members to the bodies of the Bar and substitutes (those on the waiting list); should there be just one candidate it shall be necessary for him to obtain the simple majority of votes of those voting. To remove a member from a body of the Bar, or to remove a substitute, it shall suffice if three fifths of voting lawyers are in favour of the removal.
- (6) The Assembly shall be convened by an invitation published in the Official Journal; the date of invitation to the Assembly shall be the date of distribution printed in the head of the respective Official Journal.

#### Section 43

##### The Assembly shall

- a) elect, from amongst lawyers, by direct and secret vote and for a period of four years, members of the Board of Directors, the Supervisory Council ~~and~~, the Disciplinary Commission and the Appellate Disciplinary Panel, and substitutes for these bodies. These persons shall be removed by the Assembly by secret ballot;
- b) approve the Code of Organization of the Bar in the form of professional rules;
- c) establish, in the form of professional rules, the Bar social fund, or other funds, and set the rules for their creation and operation;
- d) approve, in the form of professional rules, the rates of lawyer’s fees under s. 30 (1), or determine principles for their setting by the Board,
- e) approve, in the form of professional rules, compensation for the loss of time spent as an official in the bodies of the Bar, or determine principles for its setting by the Board of Directors,

- f) consider and approve the Report on activities of other bodies of the Bar,
- g) cancel or amend decisions of the Board except for decisions under s. 44 (3). Rights of lawyers or other persons created by a cancelled Board decision may not be prejudiced thereby;
- h) approve the Electoral Code (s. 49 (2)) and the Rules of Order of the Assembly;
- i) approve professional rules passed by the Board in cases explicitly reserved thereby; and
- j) approve by resolution all other issues reserved thereby except for decisions in disciplinary proceedings.

## Section 44

### The Board of Directors

- (1) The Board of Directors shall be the executive body of the Bar.
- (2) The Board of Directors shall be composed of eleven members and five substitutes; should the number of members fall below the number stipulated by the Act herein, the Board shall be entitled to complement its membership with substitutes.
- (3) The Board of Directors shall be competent to decide on
  - a) the termination of a lawyer's membership in the Bar by the striking of his name off the Register of Lawyers under s. 8 (1) a) and c);
  - b) striking a legal trainee's name off the Register of Legal Trainees under s. 37 (3) due to failure to fulfil the requirement stipulated under s. 37 (1) c);
  - c) the suspension of the legal practice of lawyers stipulated under s. 9 (2) a) and c), or s. 9 (3);
  - d) the suspension of the traineeship of legal trainees under s. 37 (5) on the grounds stipulated under s. 9 (2) a) and c) or s. 9 (3);
  - e) the cancellation of a decision to suspend legal practice under s. 55 (7);
  - f) the cancellation of a decision not to suspend legal practice pursuant to s. 55 (8);
  - g) preliminary withdrawal of the book of authenticity of signature statements pursuant to s. 25b (1) and (2);
  - h) preliminary suspension of lawyer's activities pursuant to s. 56a based on a motion by the Supervisory Council.
- (4) The Board of Directors shall be further competent to
  - a) elect from amongst its members, and remove, the President of the Bar. One Vice-President elected from amongst lawyers within the jurisdiction of the branch-office shall supervise the operation thereof. The number of Vice-Presidents shall be set by the Bar Code of Organization;
  - b) pass professional rules except those whose approval is subject to the approval of the Assembly under the Act herein, or a resolution of the Assembly. If the Assembly has reserved its approval of a professional regulation passed by the Board (s. 43 i)) the professional regulation shall cease to be valid unless the next Assembly approves it; rights created by such regulation may not be prejudiced thereby;
  - c) publish the Official Journal of the Bar;
  - d) manage the finances of the Bar social fund, or other funds of the Bar;
  - e) convene the Assembly;
  - f) express its opinion on the Rules of Examination regarding the Bar examination, aptitude tests and equivalency examinations (hereinafter referred to as "the Rules of Examination of the Bar");
  - g) express its opinion on the Disciplinary Rules;
  - h) manage the property of the Bar;
  - i) promote publishing, documentation, educational and training activities of the Bar;
  - j) repealed

k) take all measures necessary for regular operation of the Bar, and to pursue other activities under the Act herein unless they fall within the competence of other bodies of the Bar.

(5) The Board of Directors shall be obliged to, on a regular basis, inform lawyers of the activities of the Bar.

(6) The Board shall meet ordinarily once a month; the meeting of the Board shall be called by the President of the Bar.

## Section 45

### The President of the Bar

(1) The President of the Bar shall act on behalf of all Bar members in all matters.

(2) The President of the Bar shall be competent to decide on

a) the appointment of a lawyer under ss. 18a–18c, and the cancellation thereof under s. 18c (7);

b) the appointment of a lawyer's substitute under s. 27 (1);

c) the appointment of a lawyer's successor under s. 27 (4);

d) the termination of a lawyer's membership in the Bar by striking his name off the Register of Lawyers under s. 8 (1) b), d), and s. 10 (1);

e) striking a legal trainee's name off the Register of Legal Trainees under s. 37 (3) due to the failure to fulfil requirements stipulated under s. 37 (1) a), b), d) and e);

f) the suspension of the legal practice of a lawyer stipulated under s. 9 (1) and (2) b) and s. 10 (1);

g) the suspension of the traineeship of a legal trainee under s. 37 (5) due to reasons provided in s. 9 (2) b);

h) the suspension of the entitlement of an established European lawyer pursuant to s. 35m (6) to provide legal services under the Act herein;

i) the striking of the name of an established European lawyer off the Register of European Lawyers under s. 35m (8);

j) other issues stipulated by the Act herein.

(3) The President of the Bar shall make records in the Register of Lawyers, the Register of Legal Trainees, the Register of Consortia, Companies and Foreign Companies, and the Register of European Lawyers.

(4) The President of the Bar shall be entitled to take other measures and make other decisions within his responsibilities pursuant to the Act herein or professional regulations. Between the meetings of the Board, the President shall be also entitled to take other measures necessary for the maintenance of regular activities of the bodies of the Bar unless those measures have been reserved by the Act herein or by professional regulations to be taken by a different body of the Bar.

## Section 46

### The Supervisory Council

(1) The Supervisory Council shall be the controlling body of the Bar.

(2) The Supervisory Council shall be composed of 70 members.

(3) The Supervisory Council shall elect, from amongst its members, the Chair, and if so provided by the Code of Organization, also Deputy Chairs. The Chair shall be entitled to act in disciplinary proceedings under the Act herein in his capacity as disciplinary petitioner.

(4) The Supervisory Council shall be responsible to supervise the compliance of other bodies of the Bar, Bar employees, lawyers, European lawyers and legal trainees with the Act herein, with special legislation including the Act on Measures Against the Legalization of Crime Proceeds and Terrorism Funding if they are linked with the legal practice or activities of the Bar, and compliance with professional rules. Lawyers, European lawyers and legal

trainees shall be obliged to submit to the Supervisory Council all documents required or other documents made in relation to their provision of legal services, or, if this appears to be impossible, to enable the members of the Council to access such documents; the same duty shall be owed by other bodies of the Bar and Bar employees with respect to documents made in relation to their activities.

(5) The Supervisory Council shall fulfil tasks of the Bar set in Act on Measures Against the Legalization of Crime Proceeds and Terrorism Funding; details of the steps to be taken by the Supervisory Council, and duties of lawyers resulting from special legislation, shall be stipulated by a professional regulation.<sup>\*)</sup>

(6) If it appears to the Supervisory Council that a decision, except a decision under s. 44 (3), or any other measure taken by the Board, including a professional regulation adopted thereby, is contrary to the law or resolution of the Assembly the Council shall be entitled to suspend its execution; the suspension shall cease to be valid if the Board confirms the suspended decision by a two-third majority of all its members. The Supervisory Council shall have the right to suspend the execution of an already confirmed decision; in such case the Council shall be obliged to apply to the Board for the convention of the Assembly on that decision under s. 43 g).

## Section 47

### The Disciplinary Commission

(1) The Disciplinary Commission shall have powers within disciplinary proceedings stipulated by the Act herein and the Disciplinary Code.

(2) The Disciplinary Commission shall be composed of 83 members.

(3) The Disciplinary Commission shall elect, from amongst its members, and remove, the Chair of the Committee and Deputy Chairs, if so provided by the Code of Organization. The Chair shall appoint members of disciplinary panels from amongst the Committee members (s. 33 (1)).

## Section 47a

### Appellate Disciplinary Panel

(1) The Appellate Disciplinary Panel shall have powers within disciplinary proceedings stipulated by the Act herein and the Disciplinary Code.

(2) The Appellate Disciplinary Panel shall be composed of 11 members.

(3) A lawyer who is at least 40 years old and who was a member of the Board of Directors, the Supervisory Board or the Disciplinary Commission for at least 3 years, shall be qualified for the position of a member of the Appellate Disciplinary Panel.

(4) The Appellate Disciplinary Panel shall elect, from amongst its members, and remove the Chair of the Appellate Disciplinary Panel and, if so provided by the Code of Organization, its Deputy Chairs. The Chair of the Appellate Disciplinary Panel shall appoint members of appellate panels from amongst the members of Appellate Disciplinary Panel (s. 35 (2)).

## Common Provisions for the Bodies of the Bar

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<sup>\*)</sup> **Editorial note:** Resolution of the Board of Directors of the Czech Bar Association No. 2/2008 of the Official Journal which determines the details of lawyers' obligations and procedure of the Supervisory Council of the Czech Bar Association in relation to the Act on some measures against legalisation of proceeds of crime and financing terrorism.

#### Section 48

Positions within the bodies of the Bar shall be honorary; their holders shall be entitled to have their cash expenditures covered and their loss of time compensated.

#### Section 49

(1) Details of the organization of the Bar and its bodies shall be stipulated by the Code of Organization and other professional regulations.

(2) Details of elections to the bodies of the Bar, and of the removal of their members, shall be set by the Electoral Code of the Bar.

### PART SEVEN BAR ACTIVITIES IN THE MEDIATION AREA

#### Section 49a

- (1) The Bar shall ensure the education of lawyers in the mediation area and shall ensure Mediator's Examinations under the Act on Mediation for them.
- (2) Unless further stipulated otherwise, provisions of the Act on Mediation shall apply to the content of the examination and its requisites by analogy.
- (3) The Bar shall, within 6 months of its receipt of the application and upon the payment of the fee in an amount of CZK 5,000, enable each lawyer to take a Mediator's Examination; should the lawyer also require to take the Family Mediation Examination, the fee shall be CZK 10,000. The fee shall be the revenue of the Bar.
- (4) Upon an application, the Mediator's examination may be taken within the Bar Examination, Aptitude Test or Equivalency Examination; the fee for taking such examination shall be increased by CZK 5,000. Should the applicant also require to take the Family Mediation Examination, the fee shall be increased by another CZK 5,000.
- (5) A lawyer whose name was entered in the List of Mediators shall be obliged to notify the Bar about the fact within one week. The Bar shall enter the fact in the Register of Lawyers or the Register of European Lawyers without delay. The Bar shall, upon a request of the lawyer whose name was entered in the List of Mediators, enter in the Register of Lawyers or the Register of European Lawyers his specialization in the mediation field.

#### Section 49b

- (1) A registered mediator who is a lawyer and a visiting mediator who is a European lawyer shall be subject to disciplinary liability for a disciplinary transgression.
- (2) A disciplinary transgression, under (1), shall be a serious or repeated culpable breach of duties imposed upon a mediator by the Act on Mediation.
- (3) A registered mediator who is a lawyer may have, for the disciplinary transgression, the following imposed upon him:
  - a) an admonition
  - b) a public admonition
  - c) A fine of up to 100 times minimum monthly wage set by another legislation, or
  - d) Temporary ban on providing mediator's services imposed for a period of 6 months up to 5 years.
- a) A visiting mediator who is a European lawyer under another legislation may have, as a result of disciplinary transgression, the following imposed upon him: an admonition

- b) a public admonition, or
- c) a fine of up to 100 times minimum monthly wage set by another legislation.
- (4) The Bar shall be obliged to inform, without delay, the Ministry of Justice of the imposing of a disciplinary measure under (3) d).
- (5) Provisions of this Act governing the disciplinary liability of a lawyer shall apply, with necessary modifications, to the disciplinary proceedings.

## PART EIGHT POWERS OF THE MINISTRY OF JUSTICE

### Section 50

(1) The Bar shall be obliged to submit to the Ministry of Justice, within 30 days, all professional regulations passed by its bodies.

(2) If it appears to the Minister of Justice that a professional regulation of the Bar is contrary to the law he shall be entitled to file an application for the review thereof by court.

### Section 51

(1) The Ministry of Justice shall, upon the prior opinion of the Bar, issue, in the form of a legal regulation, the Disciplinary Code<sup>\*)</sup>

(2) The Minister of Justice shall be entitled to act, under the Act herein, as a disciplinary petitioner in disciplinary proceedings.

(3) The Minister of Justice shall be entitled to apply for the commencement of proceedings to strike the lawyer's name off the Register of Lawyers, off the Register of European Lawyers or to suspend the practice of the legal profession of lawyers or European lawyers.

### Section 52

(1) The Ministry of Justice shall, upon the prior opinion of the Bar, issue, in the form of a legal regulation, the Bar Rules of Examination.<sup>\*\*\*)</sup>

(2) The Minister of Justice shall appoint members of the Bar Examination Board, at least one third of its members being nominated by the Bar and one third of its members being nominated by the Supreme Court.

### Section 52a

The Ministry of Justice shall notify, through the communication published in the Collection of Laws, professional titles under s. 2 (1) b).<sup>\*\*)</sup>

### Section 52b

(1) The Ministry of Justice shall exercise state supervision over activities of lawyers, European lawyers and legal trainees under s. 25a and over activities of lawyers under s. 25c.

(2) The Ministry of Justice shall exercise state supervision over decision-making activities of the Bar pursuant to ss. 18a and 18b and over the decision-making activities of the Bar pursuant to s. 18c where a lawyer has been appointed to provide a legal service consisting

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<sup>\*)</sup> **Editorial note:** Ministry of Justice Regulation No. 244/1996 Coll., Providing for the Disciplinary Code (the Bar Disciplinary Code) under Act No. 85/1996 Coll., Governing the Legal Profession, as amended.

<sup>\*\*)</sup> **Editorial note:** Ministry of Justice Communication No. 121/2007 Coll., notifying about professional titles under s. 2 (1) b) of the Act on the Legal Profession.

in representation in proceedings before public authorities and in proceeding before the Constitutional Court.

(3) The Bar shall allow the Ministry of Justice to access the list of applicants to perform state supervision under s. 2.

(4) Where the Bar appoints a lawyer in breach of conditions under ss. 18a–18c, it shall compensate the State for wrongfully paid legal aid costs.

#### Section 52c

The Ministry of Justice shall, upon the prior opinion of the Bar on the matter, issue a Regulation to implement s. 5d (1), s. 35m (3) and s. 37 (2).<sup>\*)</sup>

### PART NINE OFFENCES

(1) A natural, legal or a natural person-entrepreneur commits an offence by  
a) providing legal services repeatedly and for consideration although not being authorized to provide them under s. 2 (1), or  
b) using the designation ‘advokát’ (lawyer) although not fulfilling statutory conditions for the use of such designation.

(2) A fine of up to CZK 3,000,000 may be imposed for an offence under (1) a) and a fine of up to CZK 200,000 may be imposed for an offence under (1) b).

(3) A ban on activities of up to 1 year may be imposed in addition to a fine for the offence under (1) a).

(4) Offences under this law shall be heard by the Ministry of Justice.

### PART TEN COMMON, TRANSITIONAL AND FINAL PROVISIONS

#### Common Provisions

#### Section 53

(1) Professional rules shall govern issues assigned thereto by the Act herein; they shall further provide for

- a) an examination fee and details of its payment;
- b) the fee for admission to the Bar and the fee for an entry in the Register of European Lawyers, and details of the payment of these fees;
- c) details of payments made by lawyers and established European lawyers under s. 30 (1);
- d) rules for publishing the Official Journal;
- e) details of individual modes of the practice of the legal profession;
- f) details of the provision of legal services by lawyers and/or by trainee lawyers;
- g) details of the provision of legal services by European lawyers;
- h) details of rights and duties of lawyers, legal trainees and European lawyers stipulated by the Act herein, except for rights and duties in disciplinary proceedings and proceedings under s. 55;
- i) details of rights and duties of lawyers, legal trainees and European lawyers which are regulated by special legislation if relating to practising the legal profession;
- j) obligations of a lawyer in the provision of a legal service under ss. 18–18c.

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<sup>\*)</sup> **Editorial note:** Decree No. 176/2010 Coll., stipulating details on identification documents of lawyers, established European lawyers and legal trainees.

(2) The Bar shall promulgate professional rules in the Official Journal; the date of promulgation shall be the date stated in the head of the respective Official Journal as the date of its distribution.

(3) Professional rules adopted pursuant to the Act herein, and promulgated according to (2), shall become binding on lawyers, legal trainees and European lawyers on the thirtieth day after their promulgation unless the professional rules provide for a later date.

(4) Professional rules under (1) a) shall also be binding on applicants for the Bar examination, aptitude test or equivalency examination.

(5) S. 50 (2) shall not be prejudiced by subsections (3) and (4).

#### Section 54

(1) The Bar examination shall examine the applicant's knowledge of the system of law of the Czech Republic, including his ability to interpret and apply the law to a particular situation, and his knowledge of professional rules. The Bar examination may be taken only in Czech or Slovak language.

(2) The aptitude test shall examine the knowledge under (1) considering the fact that the applicant has already passed the Bar examination in his home country and satisfied requirements for awarding the entitlement to provide legal services in that Country under the professional title pursuant to s. 2 (1) b). The aptitude test may be taken only in Czech language or Slovak language.

(3) The equivalency examination shall examine the knowledge of legislation on the provision of legal services and a basic knowledge of the law of the Czech Republic; it shall also check on the knowledge of the professional rules. The examination may be taken in a foreign language regularly used within international relations.

(4) The Bar examination, aptitude test and equivalency examination may be taken in Prague and Brno, or at another place determined by the Bar.

(5) Details of the Bar and aptitude tests and equivalency examination shall be set by the Bar Rules of Examination (s. 52 (1)).

#### Proceedings

#### Section 55

(1) Issues under s. 44 (3) and s. 45 (2) shall be governed by the bodies of the Bar pursuant to the Code of Administrative Procedure<sup>15a)</sup>, unless the Act herein stipulates otherwise. The following provisions of the Code of Administrative Procedure shall not apply: ss. 10, 11, 13, ~~25~~, 58 to 63, s. 71 (3) to (5), s. 73 (1), ss. 80 - 100, ss. 103 - 129, ss. 135 -139, ss. 141 - 152, and s. 178.

(2) A participant in proceedings under (1) may be represented under the power of attorney only by a lawyer; only a lawyer may be appointed a guardian of a participant in the proceedings.

(3) Proceedings under (1) may include the examination of witnesses, experts or participants, as well as the production of evidence pursuant to conditions under s. 33 (6).

(4) An oral hearing shall always be ordered in proceedings on issues where the Board of Directors is competent to decide (s. 44 (3)).

(5) A written decision of the Bar closing proceedings under (1) must contain the ruling, reasoning and notice that an action may be brought before court under special legislation; the reasoning and the notice may be dispensed with if the decision has satisfied all claims of all participants in the proceedings.

(6) A decision of the Bar shall be legally effective upon its service on participants.

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<sup>15a)</sup> Act No. 500/2004 Coll., the Code of Administrative Procedure.



(7) The Bar may, upon the application of a lawyer, quash a decision to suspend the practice of the legal profession under s. 9 (2) a) should the continuing suspension become insignificant or unreasonably strict for the lawyer with respect to his personal situation, the circumstances revealed after the commencement of criminal proceedings, or due to the time of the commencement; a lawyer shall be entitled to submit such an application not earlier than after one year of the legal effect of the decision to suspend his legal practice. The provisions of the Code of Administrative Justice for the satisfaction of an applicant shall not be prejudiced thereby<sup>15b)</sup>.

(8) The Bar may, upon an application of the disciplinary petitioner, or by virtue of office, quash a decision not to suspend legal practice under s. 9 (2) a), and decide on the merits again if trust in the proper practice of the lawyer subject to the criminal prosecution may be endangered due to circumstances revealed after the original decision not to suspend.

(9) A legally effective decision shall be the basis for the execution of the decision and the enforcement order pursuant to special legislation.<sup>14)</sup>

#### Section 55a

(1) In matters referred to in ss. 18a–18c, the Bar shall proceed according to the Code of Administrative Procedure, unless otherwise provided in this Act. Provisions in s. 13, s. 15 (4), s. 35, s. 35 (3), s. 37 (3), s. 41, s. 45 (2), s. 47, s. 49, s. 51 (2), ss. 80–93, ss. 100–129, s. 131, s. 133, ss. 137.

(2) A decision not to grant an application shall include a finding, justification and advice on the possibility to file an appeal against the decision pursuant to the Code of Administrative Justice.

(3) No appeal can be filed against decisions of the Bar under ss. 18a–18c. A decision of the Board that has been notified has a legal effect.

(4) In appointing a lawyer under s. 18a or 18b, a lawyer may not be represented by a legal trainee.

(5) S. 18 (2), s. 18a or 18c shall not apply to proceedings or other procedure of a Czech Embassy.

(6) An applicant under s. 18a may not be a legal entity.

#### Section 55b

(1) A person who

a) has not had his name entered, within time-limits stipulated by the Act herein, in the Registers of Lawyers, the Register of Legal Trainees or the Register of European Lawyers,

b) was not issued a Certificate of Admission to the Bar, or the Certificate of Entry in the Register of European Lawyers, Lawyer's Professional Identity Card, Established European Lawyer's Professional Identity Card or Legal Trainee Identity Card within the time-limits set by this Act,

c) has not been admitted, within the time-limit set by the Act herein, to take the Bar examination, aptitude test or the equivalency examination,

d) has not been admitted, within the time-limit set by the Act herein, to make the promise,

e) has not, within the time-limit set by the Act herein, had records under s. 55c (1) a) or d) made in the Register of Lawyers, the Register of Legal Trainees or the Register of European Lawyers,

f) has, contrary to the Act herein, had records under s. 55c (1) b) or c) made in the Register of Lawyers, the Register of Legal Trainees or the Register of European Lawyers,

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<sup>15b)</sup> ) S. 62 of the Code of Administrative Justice.

shall be entitled to apply to a court to decide on his rights.

(2) Disputes over the fulfilment of debts resulting from the duties set under s. 30 (1) shall be considered and decided by courts.

#### Section 55c

(1) A record in the Register of Lawyers, Register of Legal Trainees or the Register of European Lawyers shall be understood as recording of the following facts:

- a) the admission to the Bar by entering a person's name in the Register of Lawyers, the entry of a name in the Register of Legal Trainees, or the Register of European Lawyers,
- b) the termination of membership in the Bar by striking a name off the Register of Lawyers, striking a name off Register of Legal Trainees or the Register of European Lawyers,
- c) the suspension of the legal practice of a lawyer or the suspension of the traineeship of a legal trainee,
- d) the termination of the suspension of the practice of the legal profession of a lawyer or the suspension of the traineeship of a legal trainee,
- e) other facts stipulated by professional rules.

(2) The Bar shall publish the records under (1) a) to d) in its Official Journal.

#### Section 55d

(1) The Register of Lawyers, the Register of Legal Trainees and the Register of European Lawyers shall be public registers; every person may inspect the registers and make excerpts thereof in the seat of the Bar.

(2) The Register of Lawyers, the Register of Legal Trainees and the Register of European Lawyers shall contain the following personal data of lawyers, legal trainees and European lawyers:

- a) name and surname,
- b) birth identification number, and if not issued, then the date of birth,
- c) home address and the address of the seat.

(3) Certificates under s. 5g and s. 27 (2), the Certificate of Admission to the Bar, the Certificate of Entry in the Register of European Lawyers, Lawyer's Professional Identity Card, Established European Lawyer's Professional Identity Card and Legal Trainee Identity Card, and excerpts from the Registers of Lawyers, Legal Trainees and European Lawyers issued by the Bar shall be public instruments.

#### Section 55e

(1) Documents addressed to a lawyer or established European lawyer shall be delivered by the Bar to his respective seat; s. 14 (1) shall not be prejudiced thereby. Documents addressed to a visiting European lawyer shall be delivered by the Bar to the place set pursuant to s. 35j (1). Documents addressed to a legal trainee shall be delivered to the seat of the lawyer employing the legal trainee; if the legal trainee is employed by a Company (s. 15) the Bar shall deliver documents addressed to the legal trainee to the registered office of the Company, or to the seat of any lawyer who is the Company member.

(2) A request for payment under s. 8 (1) d), a disciplinary petition, writ of summons to the party to attend a disciplinary hearing, a disciplinary order and all other decisions within disciplinary proceedings where the Disciplinary Code so provides, decisions issued in proceedings under s. 55 and closing proceedings, and decisions whereby the Bar alters or quashes its decision after the decision has been challenged in court (s. 55a), shall be delivered to a lawyer, legal trainee or European lawyer, to the place under (1), into their own hands.

(3) Unless the Act herein provides otherwise the service of documents under (2) shall be subject to the provisions of the Code of Administrative Procedure for the service of documents in administrative proceedings except for s. 20 (6) and s. 24 (2) of the Code of Administrative Procedure<sup>15a)</sup>.

(4) If a lawyer, legal trainee or established European lawyer has been assigned a representative or guardian in disciplinary proceedings or proceedings under s. 55, documents under (2) shall be served only on the representative or the guardian.

(5) The preceding subsections shall not be to the prejudice of s. 35j (1) (second sentence).

## Administration of the Property of Another by the Lawyer

### Section 56

(1) A lawyer shall be entitled to administer the property of another person including taking money and documents into custody for the purpose of their delivery to other persons and the lawyer's acting as trustee in bankruptcy under special legislation<sup>17)</sup>.

(2) Provisions of Title Two and Three of the Act herein shall apply to the activity of a lawyer under (1) as well as, with necessary modifications, to other activities of lawyers performed under special legislation<sup>17a)</sup>. A lawyer shall not owe the duty of professional secrecy (non-disclosure) pursuant to s. 21 with respect to facts he has become aware of in relation to his acting as trustee in bankruptcy; provisions of special legislation<sup>17b)</sup> regarding the duty of a trustee in bankruptcy not to disclose shall not be prejudiced thereby.

### Section 56a

(1) A lawyer shall be obliged to deposit money, securities or any other property accepted by the lawyer into his administration, on a special account in a bank or with another person authorized pursuant to special legislation to accept deposits or take securities or other property into custody.

(2) The client shall be obliged to cover the costs incurred by the lawyer in relation to his administration of property pursuant to (1).

(3) The contract of administration of property, copies of the documents submitted by the client, the power of attorney awarded by the client, and other instruments made in relation to the administration of property pursuant to the preceding subsections, shall be deposited by the lawyer for the period of ten years following the termination of administration.

(4) Provisions in (1) to (3) shall apply by analogy to taking money and documents into custody for the purpose of their delivery to other persons.

(5) Details of duties of a lawyer pursuant to the preceding subsections shall be provided by the professional regulations.

### Section 56b

(1) Where the Chairman of the Supervisory Board or a designated member of the Supervisory Board deem that a lawyer breaches obligations stipulated by this act or professional rules in property administration under s. 56a, the Chairman of the Supervisory Board shall propose to the Board a preliminary suspension of such activities.

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<sup>17)</sup> Ss. 36 to 40 of Act No. 182/2006 Sb., on bankruptcy and modes of its solution (Insolvency Act), as amended by Act No. 296/2007 Coll.

<sup>17a)</sup> For example, s. 13 (1) d) of Act No. 455/1991 Coll., Regulating the Business as a Form of Trade (the Trade Act), as amended, s. 70 (3) of the Commercial Code, s. 9 (3) of Act No. 77/1997 Coll., providing for State Enterprises, as amended by Act No. 103/2001 Coll., s. 50 (3) and (4) of Act No. 328/1991 Coll., as amended, s. 28 and s. 29 of Act No. 21/1992 Coll., on Banks, as amended.

<sup>17b)</sup> Act No. 182/2006 Sb., on bankruptcy and modes of its solution (Insolvency Act), as amended.

(2) Where the circumstances appear to suggest that a lawyer breached, in property administration under s. 56a, obligations stipulated by this law or professional rules, the Board shall decide, without undue delay, on preliminary suspension of these activities.

(3) A decision of the Board on preliminary suspension of property administration shall terminate

a) if no disciplinary proceedings in connection with property administration are initiated against the lawyer who has been temporarily suspended from property administration within three months of the effect of the decision on preliminary suspension of property administration,

b) on the date of the legal effect of a decision issued in disciplinary proceedings against the lawyer in connection with property administration.

## Transitional Provisions

### Section 57

(1) Lawyers having their names entered in the Register of Lawyers kept under the current legislation shall become lawyers under the Act herein as of the date of effect of the Act herein; the Bar shall enter their names in the Register of Lawyers without their applying for such.

(2) Commercial lawyers having their names entered in the Register of Commercial Lawyers kept pursuant to the current legislation shall become lawyers under the Act herein as of the date of effect of the Act herein; the Bar shall admit them to the Bar and enter their names in the Register of Lawyers without their applying for such.

### Section 58

(1) Legal trainees having their names entered in the Register of Legal Trainees pursuant to the current legislation shall become legal trainees under the Act herein as of the date of effect of the Act herein; the Bar shall enter their names in the Register of Legal Trainees without their applying for this.

(2) Trainees of a commercial lawyer having their names entered in the Register of Trainees kept pursuant to the current legislation shall become legal trainees under the Act herein as of the date of effect of the Act herein; the Bar shall enter their names in the Register of Legal Trainees without their applying for this.

(3) The traineeship of legal trainees and trainees of commercial lawyers pursuant to the current legislation shall be considered to be the traineeship of a legal trainee under the Act herein.

### Section 59

(1) A Bar examination passed before the date of effect of the Act herein pursuant to the current legislation shall be considered as the Bar examination under the Act herein.

(2) An examination of commercial lawyers passed before the date of effect of the Act herein pursuant to the current legislation shall be considered as the Bar examination under the Act herein.

(3) The Bar examination passed before 31<sup>st</sup> December 1992 under the Act of the Slovak National Council No. 132/1990 Sb. on the Legal Profession, shall be considered as the Bar examination under the Act herein.

### Section 60

## Repealed

### Section 61

Higher education under s. 5 (1) b) and s. 37 (1) b) shall also be higher education completed at law schools of higher education institutions having their seats in the Czech and Slovak Federal Republic, or their legal predecessors.

### Section 62

(1) The disciplinary measure of the termination of membership in the Bar by striking names off the Register of Lawyers, and the disciplinary measure of striking names off the Register of Commercial Lawyers imposed under the current legislation shall be considered as the disciplinary measure of the termination of membership in the Bar by striking names off the Register of Lawyers under s. 5 (1) e) and s. 8b (1) f).

(2) A petition for the commencement of disciplinary proceedings under the Act herein, if the misdeed, which appears to be considered as a disciplinary transgression or disciplinary breach under the current legislation, was committed before the effect of the Act herein, may be filed only by the Chair of the Supervisory Council; the time-limits pursuant to the current legislation shall apply to the filing of the petition to commence the proceedings.

(3) Proceedings for the disciplinary transgression or disciplinary breach of breach commenced under the current legislation before the effect of the Act herein shall be completed pursuant to that legislation; the powers of disciplinary bodies under the current legislation shall be executed by competent bodies of the Bar.

### Section 63

Rights to seek protection in courts belonging to a person who has not has his name entered in the Register of Lawyers or commercial lawyers under the current legislation, or who has had his membership terminated and name struck off the registers under the current legislation, or who has had his legal practice as lawyer or commercial lawyer suspended under the current legislation, shall not be prejudiced by the Act herein.

### Section 64

The time-limits under s. 5 (1) e), s. 7, s.8 (2) and s. 37 (2) shall include periods or time-limits which commenced during the effect of the current legislation.

### Section 65

(1) Before the Board of Directors is elected under the Act herein, its powers shall be executed by the Board composed of the members of the Board of Directors of the Bar and the Board of Directors of the Association of Commercial Lawyers of the Czech Republic elected pursuant to the current legislation.

(2) The Board pursuant to (1) shall elect from amongst its members the President and/or Vice-Presidents of the Bar.

(3) Until the date of the first Assembly (s. 68) the Board shall have powers, in addition to those stipulated by the Act herein, of the Assembly under s. 43 b) to f).

### Section 66

(1) Before the Supervisory Council is elected under the Act herein its powers shall be executed by the Council composed of members of the Audit Committee of the Czech Bar and the Supervisory Board of the Association of Commercial Lawyers elected under the current legislation.

(2) The Council under (1) shall elect from amongst its members the Chair and/or Deputy Chairs of the Council.

#### Section 67

(1) Before the Disciplinary Commission is elected under the Act herein its powers shall be executed by the Disciplinary Commission composed of members of the Disciplinary Commission of the Czech Bar and the Disciplinary Commission of the Association of Commercial Lawyers elected under the current legislation.

(2) The Disciplinary Commission under (1) shall elect from amongst its members the Chair and/or Deputy Chairs of the Commission.

#### Section 68

The Board of Directors pursuant to s. 65 shall convene the first Assembly under the Act herein within three months of the date of effect of the Act herein.

#### Section 69

On the date of effect of the Act herein, the rights and duties of the Czech Bar established by the Act of the Czech National Council No. 128/1990 Coll. on the Legal Profession, and the Association of Commercial Lawyers established by the Act of the Czech National Council No. 209/1990 Coll. on Commercial Lawyers and Legal Aid Provided Thereby, shall pass to the Bar.

### Final Provisions

#### Section 70

(1) Trade licences to provide legal services issued under special legislation<sup>19)</sup> shall cease to exist on the date of effect of the Act herein.

(2) Members or bodies of business companies and cooperatives whose objects of business (activities) include the provision of legal services, shall be obliged to amend the memorandum of association, by-laws and the legal standing of the company and cooperative pursuant to the Act herein within six months of its effect, and to submit, within the same time-limit, an application for the respective record to be made in the Commercial Register; should they fail to do so s. 764 (2) (second sentence) of the Commercial Code shall apply with necessary modifications.

#### Section 71

The following acts shall be repealed:

1. Act of the Czech National Council No. 128/1990 Coll., on the Legal Profession,
2. Act of the Czech National Council No. 209/1990 Coll. on Commercial Lawyers and Legal Aid Provided Thereby.

#### Section 72

The Act herein shall take effect on 1<sup>st</sup> July 1996.

### Selected provisions of amended legislation

#### Act No. 228/2002 Coll. Article II

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<sup>19)</sup> Act No. 455/1991 Coll.

#### Transitional Provisions

1. A new entry to be made in the Register of Lawyers under s. 5f may also be requested by a lawyer who has been admitted to the Bar after his successful completion of the equivalency examination under the current legislation.

2. The termination of membership in the Bar by striking a name off the Register of Lawyers under s. 7b (1) g) upon a request reaching the Bar before the date of effect of the Act herein shall be pursued after the time-limit set by the current legislation expires.

3. Striking a name off the Register of Legal Trainees under s. 37 (4) b) upon a request reaching the Bar before the date of effect of the Act herein shall be pursued after the time-limit set by the current legislation expires.

4. Proceedings pursuant to s. 55 (1) (first sentence) commenced before the date of effect of the Act herein shall be completed by the competent body of the Bar under the current legislation.

5. The Examination Board for the Bar examination and equivalency examination appointed under the current legislation shall be considered to be the Examination Board of the Bar under Act 85/1996 Coll., on the Legal Profession, as amended by the Act herein.

#### Act No. 205/2005 Coll.

##### Article III

#### Transitional Provisions for Part Two

1. The duration of the electoral term of the existing members and substitutes of the Board of Directors, Supervisory Council and Disciplinary Commission of the Czech Bar shall be governed by the current legislation.

2. The convention of the Assembly by the Board of Directors of the Czech Bar shall be governed by the current legislation.

#### Act No. 79/2006 Coll.

##### Article II

#### Transitional Provisions

1. In its consideration of the length of traineeship of a legal trainee pursued before the date of effect of the Act herein, the Czech Bar shall follow the current legislation.

2. A disciplinary order may be issued also in disciplinary proceedings commenced before the date of effect of the Act herein unless the hearing has been held before the disciplinary panel and if the requirements for the issuance of the disciplinary order have been satisfied under Act No. 85/1996 Coll., on the Legal Profession, as amended as of the date of effect of the Act herein.

3. The period of one year under s. 55 (7) of Act No. 85/1996 Coll. on the Legal Profession, as amended as of the date of effect of the Act herein, shall include time which has begun to run before the date of effect of the Act herein.

4. The Czech Bar may, pursuant to s. 55 (8) of Act No. 85/1996 Coll. on the Legal Profession, as amended, as of the date of effect of the Act herein, decide on the cancellation of a decision not to suspend legal practice only in the case when such decision was passed after the date of effect of the Act herein.

#### Act No. 219/2009 Coll.

##### Article II

#### Transitional Provisions

1. Legal trainee who passed the Bar examination before the date of effect of the Act herein and who was not recorded in the Register of Lawyers as on this date, shall have his name struck off the Register of Legal Trainees upon termination of the third calendar month following the month in which this Act becomes effective, provided that his name is still recorded in the Register of Legal Trainees.

2. The Bar shall issue to lawyers, established European lawyers and legal trainees recorded in the Register of Lawyers, Register of European Lawyers or the Register of Legal Trainees on the date of effect of the Act herein, the Lawyer's Professional Identity Card, Established European Lawyer's Professional Identity Card or the Legal Trainee Identity Card within two years as of the date of effect of the Act herein; the Bar may prescribe a fee of up to CZK 1,000 for the issuance of such Identity Card in its professional rules.

3. Lawyers and established European lawyers may prove their entitlement to provide legal services, and legal trainees may prove their entitlement to legal training, by documents issued pursuant to the existing legislation until the date of the issuance of their Identity Card under (2).

4. The Appellate Panel appointed under s. 35 (2) of Act No. 85/1996 Coll., on the Legal Profession, as amended by acts prior to the date of effect of this Act, shall decide on appeals against the decisions of the Disciplinary Panel in disciplinary proceedings until the date of the election of the Appellate Disciplinary Panel; this Disciplinary Panel shall complete the appellate proceedings against the decisions of the Disciplinary Panel in disciplinary proceedings commenced before the date of the election of the Appellate Disciplinary Panel.

Act No. 303/2013 Coll.

Article XXVI

Transitional Provision

A lawyer, a limited liability company, limited partnership, an established European lawyer, a member of a foreign company who is liable for debts of the foreign company with all his property, and a foreign company with no unlimited liability members, have to fulfil the obligation to be insured under s. 24a, 24b or 35t of the Act No. 85/1996 Coll., as amended, as of the date of effect of the Act herein,, not later than within one year as of the date of effect of the Act herein. The duty of these persons to be insured under the current legislation, until commencement of the insurance contract under the first sentence, shall not be terminated hereby.

### **Transitional provisions of Act No. 258/2017 Coll.**

Art. II

#### **Transitional provisions**

1. Legal relations of legal trainees listed on the list of legal trainees before the date of entry into effect of this Act shall be governed by existing legal regulations.

2. Disciplinary proceedings initiated before the date of entry into effect of this Act shall be completed according to the existing legal regulations.

#### ***Effect:***

***Act No. 85/1996 Coll., on the Legal Profession, was published in chapter 29/1996 of the Collection of Laws, circulated on 22 April 1996; it entered into effect on 1 July 1996.***



### **Amendments:**

1. **Act No. 210/1999 Coll.**, Amending Act No. 85/1996 Coll., on the Legal Profession, and Act No. 140/1961 Coll., the Criminal Code, as amended, was published in chapter 73/1999 of the Collection of Laws, circulated on 20 September 1999; **it entered into effect on the fifteenth day following the date of its promulgation, i.e., on 5 October 1999.**
2. **Act No. 120/2001 Coll.**, on Licensed Executors and Execution (the Execution Procedure Act) and Amending Some Other Acts, was published in chapter 48/2001 of the Collection of Laws, circulated on 3 April 2001; **Part Fourteen (section 145), amending the Act on the Legal Profession, entered into effect on the first day of the calendar month following the date of promulgation, i.e., on 1 May 2001.**
3. **Act No. 6/2002 Coll.**, on Judges, Courts, Judges on the Bench and the State Administration of Courts and Amending Some Other Acts (the Act on Courts and Judges), was published in chapter 4/2002 of the Collection of Laws, circulated on 11 January 2002; **Part Two (section 187), amending the Act on the Legal Profession, entered into effect on 1 April 2002.**
4. **Act No. 228/2002 Coll.**, Amending Act No. 85/1996 Coll., on the Legal Profession, as amended, and Act No. 6/2002 Coll., on Judges, Courts, Judges on the Bench and the State Administration of Courts and Amending Some Other Acts (the Act on Courts and Judges), was published in chapter 87/2002 of the Collection of Laws, circulated on 4 June 2002; **it entered into effect on the date of entry into force of the Treaty of Accession of the Czech Republic to the European Union, i.e., on 1 May 2004, except Art. I (3), (4), (7), (9), (10), (13), (15) to (18), (21) to (26), (29), (30), (32), (34), (43) and (51) and Art. III, which entered into effect on the date of promulgation, i.e., on 4 June 2002, and Art. I (27), which entered into effect on 1 January 2003.**
5. **Judgment of the Constitutional Court published under No. 349/2002 Coll.** in chapter 126/2002 of the Collection of Laws, circulated on 6 August 2002, **entered into force, in the part related to the Act on the Legal Profession, on the date of promulgation in the Collection of Laws, i.e., on 6 August 2002.**
6. **Act No. 192/2003 Coll.**, Amending Act No. 6/2002 Coll., on Judges, Courts, Judges on the Bench and the State Administration of Courts and Amending Some Other Acts (the Act on Courts and Judges), as amended, Act No. 283/1993 Coll., on the Attorney's General Office, as amended, and some other laws, was published in chapter 68/2003 of the Collection of Laws, circulated on 1 July 2003; **Part Fourth (Art. IV), amending the Act on the Legal Profession, entered into effect on the date of its promulgation, i.e., on 1 July 2003.**
7. **Act No. 237/2004 Coll.**, Amending Some Acts in Connection with the Adoption of the Value-Added Tax Act and Adopting some Measures and Amending Act No. 353/2003 Coll., on Excise Taxes, as amended by Act No. 479/2003 Coll., and Act No. 338/1992 Coll., on Real Estate Tax, as amended, was published in chapter 78/2004 of the Collection of Laws, circulated on 23 April 2004; **Part Twenty-One (Art. XXI), amending the Act on the Legal Profession, entered into effect on the date of entry into force of the Treaty of Accession of the Czech Republic to the European Union, i.e., on 1 May 2004.**

8. *Act No. 284/2004 Coll., Amending Act No. 61/1996 Coll., on Selected Measures against Legitimation of Proceeds of Crime and Amending and Supplementing Related Acts, as amended, and Some Other Acts, was published in Chapter No. 91/2004 of the Collection of Laws, distributed on 7 May 2004; **Part Six (Art. VIII), amending the Act on the Legal Profession, entered into effect on the first day of the fourth month following the date of promulgation, i.e., on 1 September 2004, except provisions in Art. VIII (3), (5) and (8), which entered into effect on 1 January 2005.***
9. *Act No. 555/2004 Coll., Amending Act No. 99/1963 Coll., the Code of Civil Procedure, as amended, Act No. 150/2002 Coll., the Code of Administrative Justice, as amended, Act No. 549/1991 Coll., on Court Fees, as amended, and Act No. 85/1996 Coll., on the Legal Profession, as amended, was published in chapter 189/2004 of the Collection of Laws, distributed on 9 November 2004; **Part Fourth (Art. IV), amending the Act on the Legal Profession, entered into effect on the date of its promulgation, i.e., on 9 November 2004.***
10. *Act No. 205/2005 Coll., Amending Act No. 99/1963 Coll., the Code of Civil Procedure, as amended, and Act No. 85/1996 Coll., on the Legal Profession, as amended, was published in chapter 74/2005 of the Collection of Laws, distributed on 27 May 2005; **Part Two (Art. II and III), amending the Act on the Legal Profession, entered into effect on the date of promulgation, i.e., on 27 May 2005, except Art. II (1), which entered into effect on the first day of the third calendar month following the promulgation of Act No. 205/2005 Coll., i.e., on 1 August 2005.***
11. *Act No. 79/2006 Coll., Amending Act No. 85/1996 Coll., on the Legal Profession, as amended, and other related laws, was published in chapter 30/2006 of the Collection of Laws, distributed on 15 March 2006; **Part One (Art. I to III), amending the Act on the Legal Profession, entered into effect on the first day of the first month following the date of its promulgation, i.e., on 1 April 2006.***
12. *Act No. 312/2006 Coll., on Insolvency Administrators, was published in chapter 96/2006 of the Collection of Laws, distributed on 23 June 2006; **the Act entered into effect (including Part Three section 43, amending the Act on the Legal Profession) on 1 July 2007.***
13. *Act No. 296/2007 Coll., Amending Act No. 182/2006 Coll., on Insolvency and Methods of its Resolution (the Insolvency Act), as amended, and Some Acts in Connection with its Adoption, was published in chapter 97/2007 of the Collection of Laws, distributed on 29 November 2007; **Part Forty-Five (Art. LVII), amending the Act on the Legal Profession, entered into effect on 1 January 2008.***
14. *Act No. 254/2008 Coll., Amending Some Acts in Connection with the Adoption of the Act on Selected Measures Against Legitimation of Proceeds of Crime and Financing of Terrorism, was published in Chapter No. 80/2008 of the Collection of Laws, distributed on 8 July 2008; **the Act entered into effect (including Part Thirteen Art. XIV, amending the Act on the Legal Profession) on 1 July 2008.***
15. *Act No. 314/2008 Coll., Amending Act No. 6/2002 Coll., on Judges, Courts, Judges on the Bench and the State Administration of Courts and Amending Some Other Acts (the Act on Courts and Judges), as amended, Act No. 150/2002 Coll., the Code of Administrative Justice, as amended, Act No. 7/2002 Coll., on*

*Proceedings Concerning Judges and Public Prosecutors, as amended, Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, Act No. 283/1993 Coll., on the Attorney's General Office, as amended, Act No. 200/1990 Coll., on Administrative Infractions, as amended, and Act No. 85/1996 Coll., on the Legal Profession, as amended, was published in chapter 101/2008 of the Collection of Laws, distributed on 21 August 2008; **the Act entered into effect (including Part Seven Art. XI, amending the Act on the Legal Profession), on the first day of the second calendar month following the date of its promulgation, i.e., on 1 August 2008.***

- 16. Act No. 219/2009 Coll., Amending Act No. 85/1996 Coll., on the Legal Profession, as amended, and Some Other Acts, was published in Chapter No. 66/2009 of the Collection of Laws, distributed on 20 July 2009; *the Act entered into effect on 1 September 2009.***
- 17. Act No. 227/2009 Coll., Amending Some Acts in Connection with the Adoption of the Act on Basic Registers, was published in chapter 68/2009 of the Collection of Laws, distributed on 24 July 2009; *Part Sixty-Two Art. LXIII, amending the Act on the Legal Profession, entered into effect on 1 July 2010.***
- 18. Act No. 214/2011 Coll., Amending Act No. 85/1996 Coll., on the Legal Profession, as amended, was published in chapter 76/2001 of the Collection of Laws, distributed on 19 July 2011; *it entered into effect on the first day of the second month following the date of its promulgation, i.e., on 1 September 2011.***
- 19. Act No. 193/2012 Coll., Amending Act No. 141/1961 Coll., on Criminal Court Proceedings (the Code of Criminal Procedure), as amended, and some other acts, *entered into effect on the first day of the third month following the date of its promulgation, i.e., on 1 September 2012.***
- 20. Act 202/2012 Coll., on Mediation and Amending Some Acts (the Act on Mediation), *entered into effect on the first day of the third calendar month following the date of its promulgation, i.e., on 1 January 2012.***
- 21. Act 303/2013 Coll., Amending Some Acts in Connection with the Adoption of the Recodification of Private Law, *entered into effect on 1 January 2014.***
- 22. Act No. 258/2017 Coll., Amending Act No. 85/1996 Coll., on the Legal Profession, as amended, Act No. 358/1992 Coll., on Notaries and Their Activities (the Notarial Procedure Act), as amended, Act No. 120/2001 Coll., on Licensed Executors and Execution (the Execution Procedure Code) and Amending Some Other Acts, as amended, and Act No. 99/1963 Coll., the Code of Civil Procedure, as amended, *entered into effect on 1 September 2017.***