

tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rechts
ammer | Le Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le B
| Česká advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barrea | Česká ad
| Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advokát | ch Bar
tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advokátní komora | Czech Bar Ass | chechische
kammer | Le Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rechts | er | Le
| Česká advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká ad
| Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advokátní komora | Czech Ba
tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rech
| Le Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barrea
advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advokátní k
Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau Tchèque



Czech Bar



Association

Czech Bar Association | Tsche
chtsanwaltskammer | Le Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rechtsanwalts
Barreau Tchèque | Česká advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau T
eská advokátní komora | Czech Bar Association | Tschechische Rechtsanwaltskammer | Le Barreau Tchèque | Česká advok

WE THANK WI-ASS CR s.r.o. FOR THEIR
SUPPORT TO THE EDITION OF THIS PUBLICATION.



Insurance specialist for lawyers
and other legal professions and long-term
Partner of the Czech Bar Association

www.wiass.cz



The Czech Bar Association

Contacts

The Czech Bar Association

Kaňka Palace (head office)

Národní 16
110 00 Praha 1
tel.: +420 273 193 111
E-mail: sekr@cak.cz

Palace Dunaj (CBA Training and Educational Centre)

Národní 10 (Voršilská 14)
110 00 Praha 1
tel.: +420 273 193 273

CBA Electronic Registry: epodatelna@cak.cz
Data box ID: n69admd

Klein Palace (CBA branch office in Brno)

Nám. Svobody 84/15
602 00 Brno
tel.: +420 513 030 111
E-mail: sekr@cakbrno.cz
CBA Electronic Registry: epodatelna@cakbrno.cz



Regional Centres

Current addresses of offices and names of regional representatives are available at www.cak.cz.

The Czech Bar Association

Contacts	2
About the Czech Bar Association	5
Benefactor of lawyers	9
Memorial plaque of the “Velvet” Revolution in 1989	11
Gallery of 17 November	13
Palace Dunaj – Training and Educational Centre	15
Third Palace	17
Czech Bar Association bodies	19
Bar Association in international organizations	25
Milestones of the Czech legal profession	29
Who can become a lawyer?	31
Lawyers wear gowns	33
What services do lawyers provide?	35
Obligations of lawyers	37
The lawyer – client relationship	39
Professional secrecy	41
Protection of clients	43
You need to find a lawyer	47
Alternative dispute resolution	49
You can't afford a lawyer and you need a legal advice	51
Information for lawyers, clients and public	53



Conference room with paintings of the Presidents of the CBA



About the Czech Bar Association

The Czech Bar Association (the „CBA“ or the „Bar“) is the largest self-governing legal professional organization in the Czech Republic gathering all lawyers providing legal services in the Czech Republic. The Bar carries out public administration in the area of the legal profession and as such protects and guarantees the quality of legal services provided by lawyers. Its control and disciplinary power result from the Act on the Legal Profession. The Bar also educates legal trainees and provides continuous legal training to lawyers.



Kaňka Palace located at Národní St. 16 has been connected with the legal profession for more than two centuries.

The seat of the Czech Bar Association is at Národní St. in Prague

The seat of the Czech Bar Association is in the Kaňka Palace at Národní St. 16. Its builder was baroque architect František Maxmilián Kaňka, grandfather of Jan Nepomuk Kaňka, whose name is indelibly linked to the history of the legal profession in Czech Republic. Jan Nepomuk Kaňka (1772–1865) was not only an eminent and well known Prague lawyer and the Dean of the Faculty of Law but also a composer and benefactor. After his death and in his honour, widow Vilemína established the “Foundation of Dr. Jan Kaňka for Honourable Poor Lawyers who practiced law in the Kingdom of Bohemia as well as for the poor widows and poor orphans of such lawyers”. Vilemína donated the Kaňka Palace to the Foundation and as the time passed, it became a seat of lawyers.

During the communist era, in the period between August 1968 and November 1989, so-called “normalization”, the building housed the Head Office of the Czechoslovak legal profession. However, cornerstones of the modern structure of the Czech Bar Association were laid after the revolution in November 1989 (the Velvet Revolution) based on new legislation on lawyers and commercial lawyers. The Palace was definitely returned to the Czech legal profession and later also became a cultural site registered on the UNESCO World Heritage List.

Nowadays, the historical seat of the Bar, Kaňka Palace houses the seat of its President, the Secretary General, and the administration – Departments of Communication, International Relations, Legislation, and the Economic and Organizational Department.



A bust of Jan Nepomuk Kaňka, created by academic sculptor Zbyněk Fojtů, found its place in the CBA building in December 2011.

Benefactor of lawyers

Jan Nepomuk Kaňka (1772–1865) was one of the most important personalities in the history of the legal profession in the Czech lands. He was not just a well-known Prague lawyer even though he practised for unbelievable 69 years, but he was also famous as a music composer. His close friend, Ludwig van Beethoven, later also became his client. Kaňka provided legal services mainly to aristocratic families. Later he became the Dean of the Faculty of Law and subsequently also the Rector of the Charles-Ferdinand University. As an owner of several homesteads, he also became interested in the countryside and his charitable activities in one of them – in Jetřichovice – were also very significant. There he founded the Society of the Poor, built a school, distributed medicine to the sick people free of charge and established a library with 20,000 books. The local chapel also became the place of his eternal rest.

Due to the fact that Jan Nepomuk Kaňka was a composer and pianist, the anthem of the Czech Bar Association was composed on the motifs of Kaňka's well known piano concert in D major by contemporary composer Boris Urbánek.



*A memorial plaque of the “Velvet Revolution”
in 1989.*

A memorial plaque of the Velvet Revolution in 1989

2016 year saw a large reconstruction of the Kaňka Palace. With respect to its cultural protection and historical value, the reconstruction was demanding. The Bar carried it out in cooperation with the National Heritage Institute as well as with the Department for Historic Preservation of the Prague City Hall, and the baroque palace received its original shape again. A memorial plaque commemorating events of the 17 November 1989 and the subsequent Velvet Revolution, originally situated in the passage of the building, was moved to the front side of the Kaňka Palace. The new place is not only more dignified but also safer. The public have now much better opportunity to honour the memorable days of The Velvet Revolution of 1989 without any danger.



A new gallery space, which originated from arcades, is a scene for interesting exhibitions.

Gallery of the 17 November (The Velvet Revolution)

A small 17 November Gallery with large-format photographs from the period of Velvet Revolution that are visible to the passers-by has been installed in the place of a former passage, now an entrance hall. In the entrance hall, open to public, exhibitions focused on human rights are often organized. The entrance hall serves as a reception, a contact place for visitors and an information point for those seeking legal aid that is provided by the Czech Bar Association to the public free of charge. In 2017, the courtyard building constructed in the 1990s was also completely modernized, and a new library and meeting and session rooms were renovated.



Seminars and training courses for lawyers and legal trainees take place in the Danube Palace.

The Danube Palace – Educational Centre of the CBA

The Danube Palace, the Training and Educational Centre of the Czech Bar Association, is located close to the Kaňka Palace. This building houses the Departments of Education, Registry, Control, and the Disciplinary Department. There are also two lecture halls that are used mainly for the education of legal trainees and continuous legal education of lawyers. A large functionalist hall has a capacity of nearly 100 places, and a smaller one has approximately 60 places, including facilities for interpreters. There is also a snack bar available for coffee breaks or snacks.



A regional branch of the CBA in the Klein Palace in the city centre of Brno.

The third Palace

*The seat of the Bar's branch office in Brno has been, since 2015, the **Klein Palace**, a neo-renaissance building in the historical centre of Brno, náměstí Svobody 15, which is also registered on the list of cultural heritage of the Czech Republic. This branch facilitates not only administrative, technical, personal and economic agenda and education of legal trainees and lawyers but, above all, designation of lawyers providing legal aid (free of charge), as well as operation of the Information and Educational Centre, which also includes a library.*

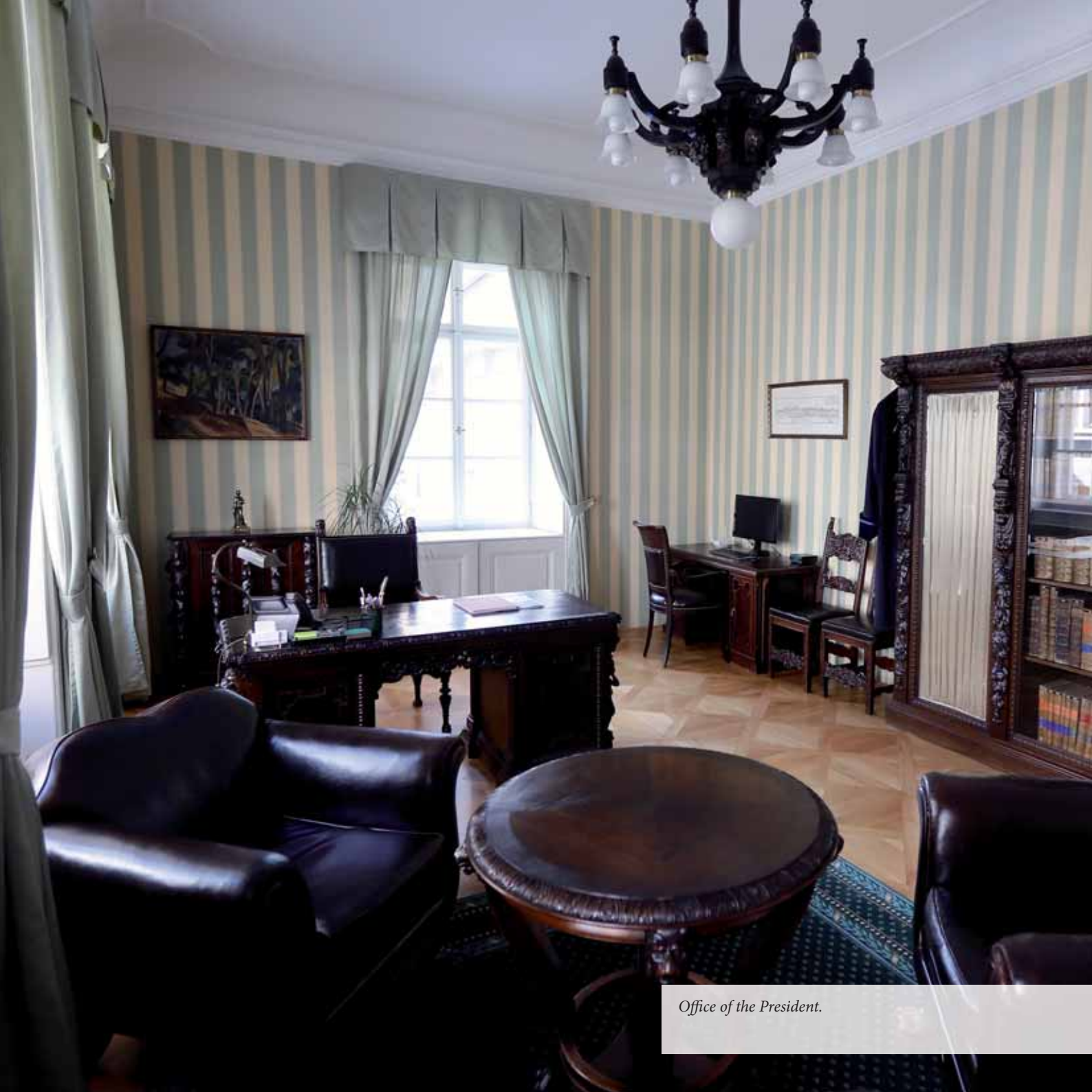


The Board of Directors of the Czech Bar Association usually meets once a month. Once a year, a joint meeting with the Board of Directors of the Slovak Bar Association takes place.

The Czech Bar Association bodies

*The supreme body of the Bar is the **Assembly**, convened by the Board of Directors every four years. All lawyers have the right to participate in the Assembly. The Assembly elects members of the Board of Directors, members of the Supervisory Council, Disciplinary and Appellate Disciplinary Panel, and substitutes for these bodies. It also considers and approves reports on activities of the bodies of the Bar, approves the amounts of lawyers' contributions for the Bar's activities, approves professional rules in cases it reserves, and cancels or amends decisions of the Board. The Assembly also establishes the Bar's social and other funds and sets the rules for their creation and operation.*

*The **Board of Directors** is the executive body of the Bar. It manages the regular operation of the Bar and the property of the Bar, approves professional rules and also decides on the suspension of legal practices of lawyers or on the striking a lawyer / legal trainee off the Register of Lawyers / Legal Trainees. The Board is composed of eleven members and five substitutes. The President and two to four Vice Presidents are elected from amongst its members. Members of the Board of Directors are elected for a period of four years, and the President and Vice Presidents for a period of two years.*



Office of the President.

The Czech Bar Association bodies

The **President** acts on behalf of all Bar members in all matters stipulated under s. 45 of the Act on the Legal Profession. The President is also entitled to take other measures and make other decisions within their responsibilities pursuant to the Act on the Legal Profession or professional rules. Between the meetings of the Board, the President is also entitled to take other measures necessary for the maintenance of regular activities of the Bar bodies unless those measures have been reserved for a different Bar body.

The **Supervisory Council** is responsible for the supervision of lawyers' and other Bar bodies' compliance with the Act on the Legal Profession and other professional rules. It also supervises economic activities of the Bar including budget expenditures as well as implementation of resolutions of the Board of Directors. However, the main power of the Supervisory Council is to decide upon complaints against lawyers registered in the Register of Lawyers. Each year, the Supervisory Council deals with approx. 1500 complaints against lawyers, out of which one tenth is subject to disciplinary petition. In these cases, a Chairman of the Supervisory Council acts as a disciplinary petitioner.

The **Disciplinary Commission** has powers within disciplinary proceedings and deals with serious or repeated culpable breaches of duties imposed upon lawyers or legal trainees by the Act on the Legal Profession, by special legislation or by professional rules. A three-member Disciplinary Panel composed of members of the Disciplinary Commission deals with disciplinary actions. Where a lawyer or a legal trainee has committed a disciplinary transgression, the Panel imposes disciplinary measures. The Disciplinary Commission is not entitled to decide on clients' rights and duties where this would interfere with matters that are in the jurisdiction of a court.



Office of the Secretary-General

The Czech Bar Association bodies

*The **Appellate Disciplinary Panel** has powers within disciplinary proceedings stipulated by the Act on the Legal Profession and the Disciplinary Code and it deals with lawyers' appeals against the decisions of the Disciplinary Commission. The Appellate Disciplinary Panel is composed of 11 members. Only a lawyer who is at least 40 years old and who has been a member of the Board of Directors, the Supervisory Board or the Disciplinary Commission for at least 3 years is qualified for the position of a member of the Appellate Disciplinary Panel. The Chair of the Appellate Disciplinary Panel appoints members of Appellate Senates from amongst the members of the Appellate Disciplinary Panel.*

*The **Examination Board and its Examination Senates** is a body through which the Czech Bar Association organizes Bar examinations. Its powers include issuing a list of regulations knowledge of which is required for the examination. The Bar examination consists of both written and oral parts. The written part takes place in three consecutive days and is composed of the following areas of law: criminal, civil, family, labour and commercial law. In addition to these ones, the oral part also includes constitutional and administrative law as well as knowledge of professional rules. The Czech Bar Association also organizes mediators' examinations, aptitude tests and equivalency examinations.*

*The Czech Bar Association is also entitled to establish a number of **advisory bodies**. First, the committees – e.g. the Budgetary and Economic Committee, Committee for Education, for Communication, for Professional Help and Protection of Interests of Lawyers, etc. Other advisory bodies include the Study and Legislative Collegium or sections focused on individual legal specializations. The organizational structures of the advisory bodies as well as of the Bar itself are stipulated by the Organizational Rules, which is a professional regulation adopted by the Assembly.*

Offices within the bodies of the Bar are honorary; their holders are only entitled to have their cash expenditures covered and their loss of time compensated.



The hall in the Danube Palace is a place where seminars for lawyers and legal trainees take place.

The Czech Bar Association is a member of international organizations

The CBA is an active member of the international legal environment and is represented by its members in leading international organizations. The CBA also has its Permanent representation office in Brussels.



*First, the **Council of Bars and Law Societies of Europe (CCBE)**, based in Brussels and representing, through its members – bar associations – more than 1 million lawyers from 45 European countries, is to be mentioned. The CCBE is recognized as the voice of the European legal profession and acts as a liaison between its members and the European Union. The CBA has been its full member since 2004.*

***JUDr. Antonín Mokrý**, lawyer and Vice-President of the Czech Bar Association for international relations has achieved significant success for the Czech legal profession by becoming, as a representative of the Czech Bar Association, the third Vice President of the Council of Bars and Law Societies of Europe in 2014, which means that he will become the President of the CCBE in 2018. In 2017-2018, **JUDr. PhDr. Stanislav Balík**, former President of the CBA and former judge of the Constitutional Court, was elected Chairman of the CCBE Committee for Central and Eastern Europe (PECO), which is one of the most important CCBE committees.*



*The **International Bar Association (IBA)** is the world's leading organization gathering individual legal practitioners, bar associations and law societies. It currently brings together approximately 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 160 countries. IBA has its European Office in London, and it is an honour for the Czech Republic and the Czech Bar Association that **JUDr. Martin Šolc** was elected President of the IBA for a two-year term of 2017–2018, as historically the first representative of the countries of Central and Eastern Europe.*



ČESKÁ ADVOKÁTNÍ
KOMORA

Logo of the Czech Bar Association.

The Czech Bar Association is a member of international organizations



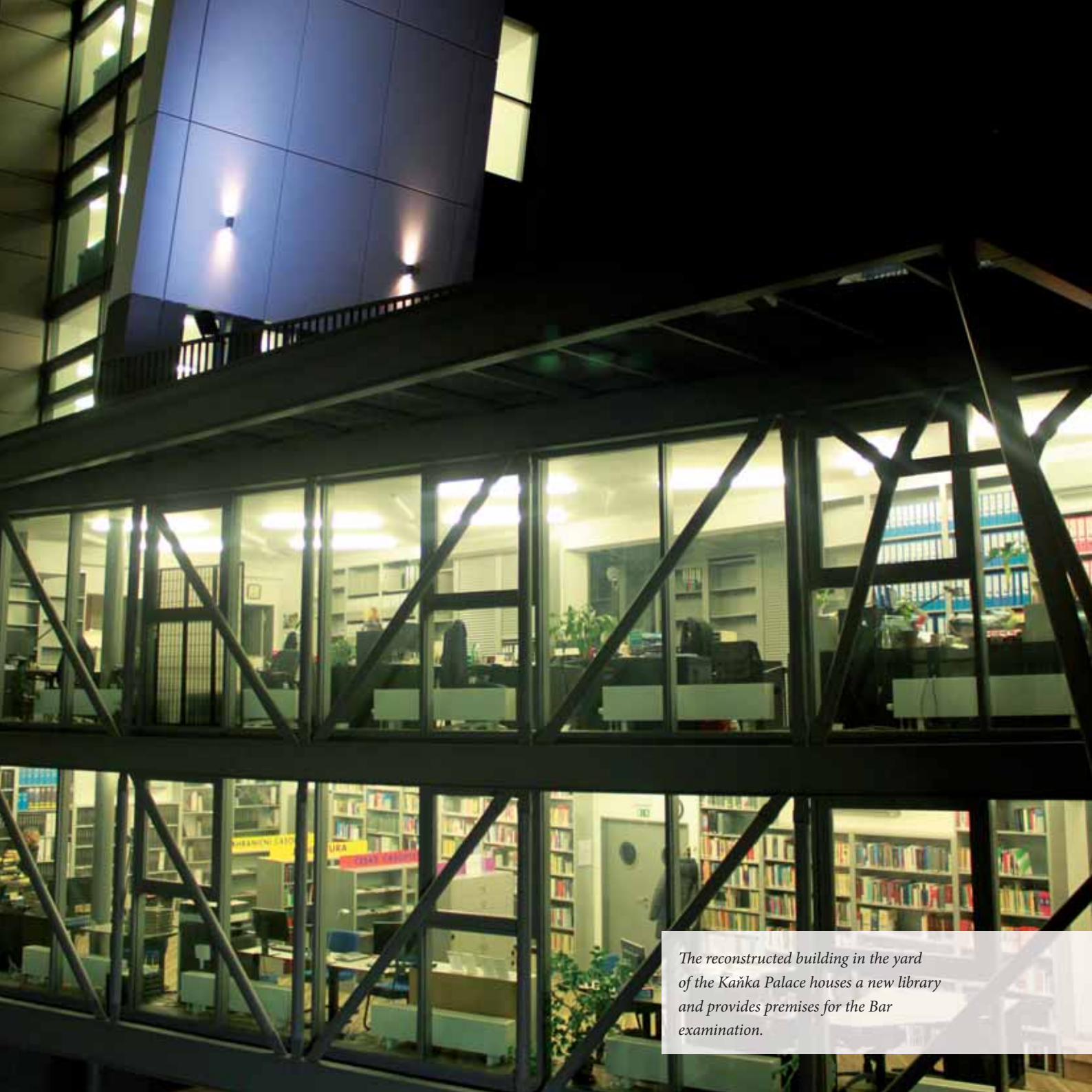
The **International Union of Lawyers (UIA)** has been operational since 1927 and has its seat in Paris. Through collective members (bar associations, federations and associations) and individual members (lawyers), it brings together currently around 2 million lawyers from more than 120 countries of the world. The UIA is open to all lawyers; however, there are other members as well – judges, law students, academics, etc. The UIA organizes seminars in various places of the world, educational programs and other events for continuous training of lawyers.



The **International Association of Young Lawyers (AIJA)** is the only global association for lawyers and in-house counsels aged 45 and under. It brings together over 4,000 individual members and 60 collective members from 90 countries. The main task of the Association is to promote friendship and cooperation between young lawyers at the international level.



The **European Criminal Bar Association (ECBA)** gathers lawyers engaged in criminal proceedings' defence from more than 35 European countries. It defends interests of criminal lawyers in EU institutions during the legislative process, takes part in many professional projects and twice a year it organizes conferences on topical criminal law issues. The main task of the ECBA is to be a leader of independent defence lawyers while asserting fundamental human rights of persons in criminal proceedings and persons suspected, accused and sentenced. The ECBA was founded in 1997 and has its seat in London.



The reconstructed building in the yard of the Kaňka Palace houses a new library and provides premises for the Bar examination.

Milestones of the Czech legal profession

- 1348** – The Charles University in Prague was founded. The Faculty of Law was its part from the beginning
- 1615** – The first mention of an attempt to organize the legal profession in a professional manner
- 1627–1628** – The Restored Land Order (Land Constitution) brings the first formal arrangement of the legal profession
- 1652** – Mandatory representation by a lawyer was known; the conditions for access to the profession were set out; only a Faculty of Law graduate could become a lawyer
- 1750** – A tendency to transform a liberal profession into an office; however, there was no systematic regulation of the legal profession
- 1848** – Jan Nepomuk Kaňka, eminent Prague lawyer and Dean of the Faculty of Law, goes down in the history
- 1849** – The Interim Act on the Legal Profession was adopted
- 1861** – The first issue of Czech legal magazine “The Lawyer” was published
- 1864** – The Prague Union of Lawyers was founded
- 1868** – Adoption of the new Act on the Legal Profession
- 1882** – The Faculty of Law started to provide education in Czech
- 1898** – The Association of Czech lawyers started to issue a Czech magazine solely focused on the legal profession, subsequently renamed to “Legal Horizons”
- 1914** – It became a common practice to involve lawyers into politics; lawyers were involved in the establishment of the independent State, they were ministers, diplomats, etc.
- 1918** – Faculties of Law were founded also in Brno and Bratislava cities and were opened to women
- 1923** – Matylda Mocová - Wichová became the first female lawyer in the Czech legal history
- 1948** – The World War II and the communist putsch led to a decline of the legal profession – private practices ceased to exist, inconvenient lawyers were stripped of privileges, State supervision in law offices escalated
- 1989** – Return to core values of the legal profession
- 1990** – Establishment of the Czech Bar Association
- 1990–1995** – A period of two parallel legal professions – lawyers and commercial lawyers
- 1996** – Adoption of Act No. 85/1996 Coll. on the Legal Profession, which merged the profession of lawyers and commercial lawyers under one single bar association – the CBA
- 2004** – Czech Republic joined the European Union and the Czech legal profession European legal structures



Legal trainees who complete the Bar examination are taking their oaths. This ceremony is held several times a year.

Who can become a lawyer?

To become a lawyer, a person must complete the Master's degree studies in the field of law at a university in the Czech Republic. During the years of study, student obtains general knowledge of all fields of law, legal theory and history. After defending a thesis and passing the final State exams, he/she gets the title Master of Law (in Czech "Mgr.") and becomes a jurist. The student may continue his/her studies and pass also a rigorous examination awarded by the title Doctor of Law (Latin abbreviation "JUDr."). A jurist may choose any other legal profession with its own specialized training – e.g. a notary, a judge, a bailiff, etc.



If somebody wants to become a lawyer, he/she should work as a legal trainee in a law office for at least 3 years; he/she learns from his/her supervisor, studies and prepares for the Bar exam and performance of the legal profession. After a successful completion of the exam and taking the oath, he/she may be recorded in the Register of Lawyers kept by the Czech Bar Association. Within one week from entering his/her name in the Register of Lawyers, the CBA will issue a certificate of registration and also the lawyer's identification card.

There are currently approximately 13,000 lawyers within the Czech Bar Association recorded in the Register of Lawyers; the ratio between the sexes is 60:40 men to women, and the number is constantly rising.

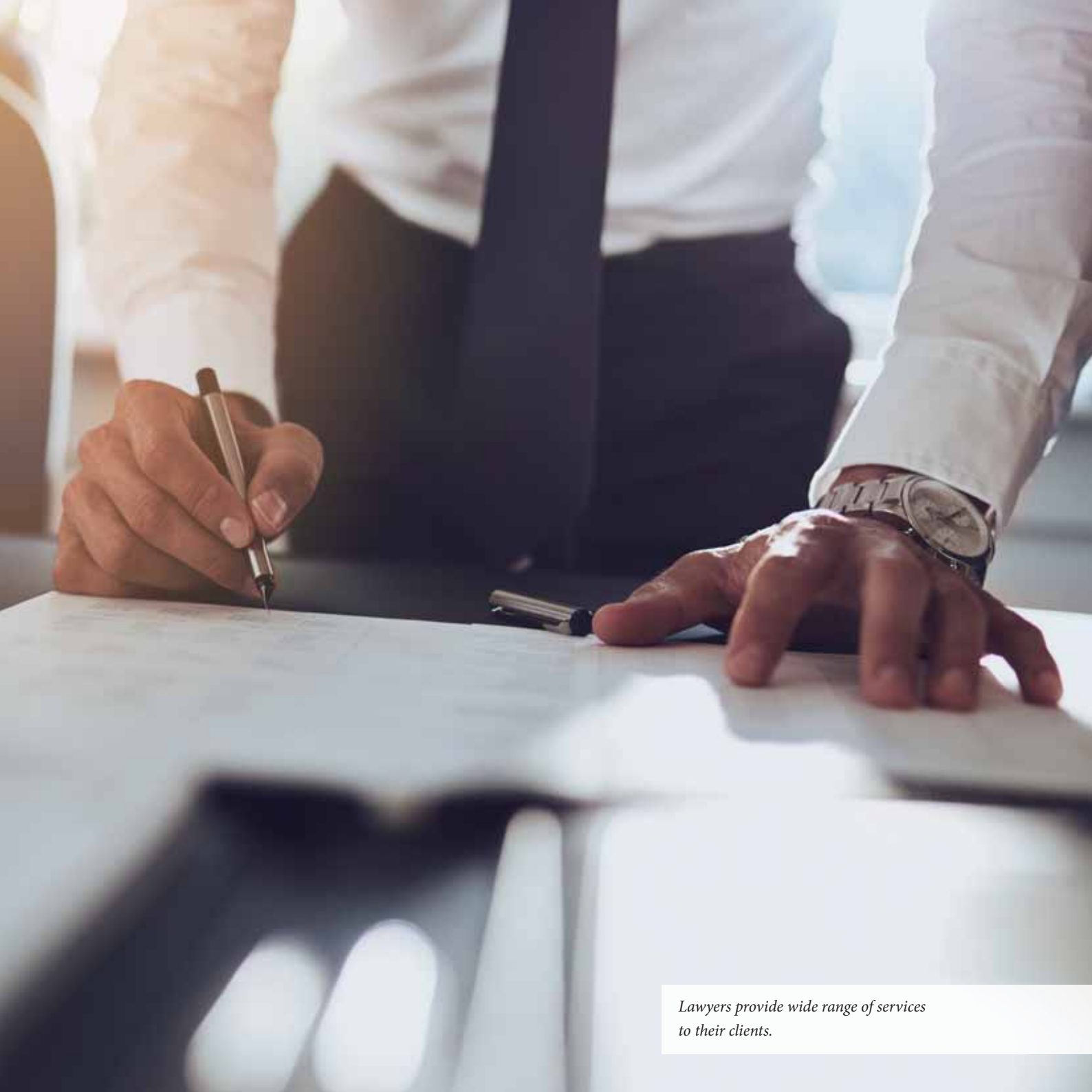


Gowns have become “working clothes” of lawyers again since 2011.

Lawyers wear gowns

It is quite common in many countries that lawyers wear official clothing. Wearing a gown in the judiciary also had its tradition in the Czech lands. In 1904–1948, a regulation of the Minister of Justice made it compulsory for lawyers to wear gowns. That regulation was repealed in 1948 and for many years lawyers wore civilian clothes in court. In 2011, the legal profession returned to the tradition of the gown. Since 1 June 2011, lawyers in court can also be recognized thanks to the gown, which is, however, different from those worn by judges and public prosecutors. Due to that gap, it was possible to design new gowns to reflect the current trends and needs, so we can say the current type is more practical than ever before.

The gown is universal for men and women and its base colour is dark blue in matt and glossy, in combination with azure blue structured fabric on an ornate strip at the neck and on the ties. Wearing of this special professional clothing is a condition to take a stand in criminal proceedings at all levels and in proceedings before the supreme courts, i.e. before the Supreme Court of the Czech Republic, the Supreme Administrative Court of the Czech Republic, and the Constitutional Court of the Czech Republic. Gowns are ordered by lawyers themselves; the Czech Bar Association has selected the gown design and the vendor. The Bar has also ordered 315 extra gowns that are available for lease in all courts in the Czech Republic for lawyers who either forget to bring their gowns or who do not own one yet.



Lawyers provide wide range of services to their clients.

What kind of services do lawyers provide?

The legal profession is a regulated profession governed by Act No. 85/1996 Coll., on the Legal Profession, as amended; it is also ruled by implementing rules and regulations of the Czech Bar Association, including very strict ethical rules, which are mandatory for lawyers.

A lawyer is entitled to provide legal services on a permanent basis and for a fee in all matters and all fields of law. Provision of legal services means any kind of legal aid, e.g. offering legal advice, preparing documents, performing legal analyses, representing clients in proceedings before courts and other bodies, defending in criminal and civil matters or acting as a legal guardian.

A lawyer may provide services in all matters, the authorization is not limited. It is very common that lawyers specialize in certain fields; however, this does not prevent them from representing a client in another field of law.

A lawyer can practice the legal profession as a sole lawyer, jointly with other lawyers as a member of a company under the Civil Code, or a member of a Company under s. 15 of the Act on the Legal Profession, or a member of a Foreign Company, or within his employment under s. 15a of the Act on the Legal Profession.

A lawyer's fee is regulated by the Regulation of the Ministry of Justice No. 177/1996 Coll., on fees and remuneration of lawyers for the provision of legal services (the lawyer's tariff). According to it, a lawyer's fee is set either based on a contract between a lawyer and his / her client (contractual fee) or it is governed by the provisions of the above-mentioned Regulation (non-contractual fee). Contractual remuneration must be reasonable and must not be clearly disproportional to the value and complexity of the case.



Each lawyer must fulfil the obligations imposed on him/her by professional regulations.

Obligations of lawyers

Each lawyer must fulfil the obligations imposed on him/her by the Act on the Legal Profession and other legal and professional regulations.

General and basic duties of a lawyer related to the profession itself, and the basic principles of lawyer's conduct while providing legal services include:

- *A lawyer is to have liability insurance for compensation of detriment he/she has caused in relation to his/her practice of the legal profession.*
- *A lawyer is to have an official seat in the Czech Republic and be available at the seat at specified times.*
- *While practicing the legal profession, a lawyer is obliged to use the title "lawyer".*
- *A lawyer is to proceed in his/her legal practice in such a manner that the dignity of the legal profession may not be degraded.*
- *A lawyer is obliged to keep reasonable files with respect to his provision of legal services (s. 25 of the Act on the Legal Profession).*
- *A lawyer has to refuse to provide legal services in specific cases (s. 19 of the Act on the Legal Profession; Article 8 of the Code of Conduct).*
- *A lawyer has to withdraw from a contract on the provision of legal services in specific cases (s. 20 (1) of the Act on the Legal Profession).*



Lawyers' word is the word of honour.

The lawyer–client relationship

Most of the duties of a lawyer, of course, are directed to the client the legal services are provided to. We all may become clients of a lawyer sooner or later. Therefore, it is good to know basic information about the obligations a lawyer has towards a client.

- *To protect and enforce the rights and legitimate interests of the client and to follow the client's instructions; the legitimate interests of a client shall prevail over the lawyer's own interests and over the lawyer's considerations of other lawyers.*
- *To refuse to provide legal services in specific cases (s. 19 (1a) of the Act and Article 8 of the Code of Conduct); for example, if a lawyer does not have sufficient knowledge and experience, if prevented by his/her health, or if such provision of legal services would endanger the interests of a client already represented by the same lawyer.*
- *To make urgent steps after the termination of the provision of legal services to the client to prevent detriment of the client's rights.*
- *To preserve professional secrecy regarding any facts known to him/her in connection with provision of legal services.*
- *In case of obstacles occurred to his legal practice, a lawyer has to appoint another lawyer to act in his substitution.*
- *A lawyer is not authorized to verify a truthfulness or completeness of the facts provided to him/her by a client.*
- *To inform the client of the progress of the client's case, to provide timely explanations and documents necessary for deliberation about the client's further instructions.*
- *Upon completion of provision of legal services, a lawyer is to return to the client or the client's representative all the significant documents related to the case and entrusted to him by the client or those that arose from the case, without undue delay.*
- *To keep adequate records of his / her performance and to provide, upon request, the contents of these records with full explanation.*
- *To inform the client about the client's possible entitlement to free of charge legal aid.*



The main obligation of lawyer is to preserve professional secrecy.

Professional secrecy

A lawyer is obliged to preserve professional secrecy regarding any facts known to him/her in connection with his/her provision of legal services. A lawyer's duty of professional secrecy may be waived only by his/her client, and, after the client's death or termination of existence, the client's successor: should there be more than one legal successor, the consent of all legal successors is necessary to waive the duty of professional secrecy. Waiver by the client or his/her legal successor(s) of a lawyer's duty of professional secrecy must be in writing and must be addressed to the lawyer; it may be also made orally and recorded in the transcript during a court hearing. A lawyer is obliged to preserve the duty of professional secrecy even after the waiver if the circumstances appear to suggest that the waiver was made under coercion or duress.

Professional secrecy protects clients, not lawyers.

A lawyer may not rely on the duty of professional secrecy 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. A lawyer may not rely on the duty of professional secrecy when he/she fulfils duties under special legislation against the legalization of the proceeds of crime and terrorism financing. The duty of professional secrecy survives the termination of a respective lawyer's Bar membership and striking the lawyer's name off the Register of Lawyers.

Other obligations of a lawyer towards a client are listed in detail in the Code of Conduct observance of which is mandatory for lawyers. The Code is available at www.cak.cz.

A lawyer also has a variety of responsibilities towards the Czech Bar Association, or generally towards the state of the legal profession. In particular, a lawyer is obliged to act honestly and conscientiously both while exercising the legal profession and also out of his/her legal practice, and to act in such a manner that the dignity of the legal profession may not be degraded.



Meeting room in Danube Palace where disciplinary proceedings with lawyers who breached their professional duties take place.

Protection of clients

The lawyer's obligations towards clients are closely related to the protection of clients and their interests.

If a lawyer breaches the obligations laid down by the legislation or the contract between the lawyer and the client, disciplinary liability or the lawyers' liability for damage may occur depending on the intensity of the infringement.

DISCIPLINARY LIABILITY

Lawyers are subject to disciplinary liability for a disciplinary transgression, a serious or repeated culpable breach of duties imposed by the Act or by special legislation or professional rules. If a client has doubts about proper conduct of a lawyer, the client can lodge a complaint to the Bar. Receiving, registering and dealing with complaints, and not only about lawyers but also about legal trainees and employees of the Bar, is the duty of the Control Department of the Bar, which also regularly informs the petitioner about the procedure. The result of the examination of a complaint may be a finding that the complaint was well-founded or it was not. In case it is well-founded, the Chairman of the Supervisory Board issues a disciplinary claim as a Disciplinary petitioner and disciplinary proceedings are held with the lawyer.

The decision that the lawyer has committed a disciplinary transgression is taken during the disciplinary proceedings by a three-member Disciplinary Panel assembled ad hoc from the members of the Disciplinary Commission. The result of the disciplinary proceedings is either to waive the disciplinary charges or establishment of guilt. In the latter case, the lawyer may have, because of his/her disciplinary breach, any of the disciplinary measures imposed upon him/her from an admonition up to a termination of his membership in the Bar by striking his/her name off the Register of Lawyers.

An appeal may be filed against a decision of the Disciplinary Panel closing disciplinary proceedings; it will be decided upon by a three-member panel assembled from the members of the Appellate Disciplinary Panel.

Where the lawyer disagrees with the decision of the Appellate Disciplinary Panel, the lawyer may file an administrative lawsuit against the Czech Bar Association to seek the annulment of the disciplinary decision with the Administrative Court.



Lawyers have legal obligation to have liability insurance, because the detriment caused in connection with the practice of the legal profession may amount to huge sums.

Liability for damage

A lawyer is liable for detriment caused in connection with the practice of the legal profession. For such case of liability for the detriment, the lawyer has legal obligation to be insured against such cases. A lawyer may be covered by joint professional indemnity insurance of lawyers, arranged by the Bar, or insured individually by an insurance company of his/her choice. The minimum limit of indemnity set by the professional regulation is CZK 5 million. Where a lawyer provides legal services that might cause more severe damage, the lawyer is obliged to arrange additional insurance according to the risk.

INDEMNITY FROM INSURANCE

Where a lawyer causes damage to a client, the injured party may require compensation from the lawyer. In this case, the lawyer contacts his/her insurance company to provide compensation for the lawyer. The client, in this case, is not a party to the insurance and therefore not authorized to report or deal with the event.

The insurance company will carry out its own investigation and if the claim is justified, the insurance company will provide adequate indemnity. Where a lawyer refuses to recognize the client's entitlement to damages, the client has the right to seek damages by legal action in court. The court must rule on such an action; the Bar, however, cannot help the client in this regard, even where the lawyer is found guilty of a disciplinary transgression. In fact, disciplinary proceeding cannot lead to imposition of an obligation to compensate a client for damage.

VYHLEDÁVACÍ ADVOKÁTŮ EU

VYHLEDÁVACÍ ADVOKÁTŮ A KONCIPIENTŮ ČR

nepřehlédněte!

BEZPLATNÉ PRÁVNÍ PORADENSTVÍ ZDE

Nový zpravodajský portál ČAK

ADVOKÁTNÍ DENÍK



DESKA (NE)JCI



POZOR NA PRÁVNÍ ŠMEJDY!

- POVĚŘENÍ A POJISTNÉ
- POJISTNÉ SMLOUVY
- OZNÁMENÍ ČAK
- MATRKA
- PRŮKAZY, KOBY, POTVRZENÍ
- PŘEDPISY O ADVOKACI
- VZDĚLÁVÁNÍ ADVOKÁTŮ
- MEDIACE
- REGULOVACÍ SPRÁVCI
- ZKOUŠKY
- GDPR
- MEZINÁRODNÍ VZTAHY
- AKTUÁLNÍ INFORMACE
- PRO KONCIPIENTY
- PRO VEŘEJNOST
- KOMORA

Česká advokátní komora (ČAK) je největší samosprávnou právníčtí profesní organizací v České republice. Zároveň vykonává veřejnou správu na úseku advokacie a jako taková chrání a garantuje kvalitu právních služeb poskytovaných advokáty.

Na našich stránkách naleznete mj. seznam advokátů a advokátních koncipientů, který usnadní hledání vhodného advokáta pro konkrétní právní problém, informace důležité pro výkon advokacie, zprávy o dění v české advokacii, o rozhodovacích procesech na půdě Komory, pozvánky na vzdělávací, sportovní i společenské akce a mnoho dalších informací.

Věříme, že webové stránky České advokátní komory se stanou efektivním pomocníkem všech, kteří na ně zavítají.

AKTUÁLNÍ INFORMACE

- Oznámení o zneužití jména advokáta (29.06.2020)
- Zápůjčky advokátních talárů - OS Zlín a pobočka KS Brno (26.06.2020)
- Zápis z 30. schůze představenstva ČAK konané ve dnech 15. a 16. června v sídle ČAK - Národní 15, Praha 1 (24.06.2020)
- Letošní absolventi právnických fakult a zápis do seznamu koncipientů (24.06.2020)
- Oznámení o zneužití jména advokáta (22.06.2020)

Více aktuálních informací...

Z MÉDIÍ

- Tomáš Sokol: Advokáti pomáhají, jen o dobročinnosti nemluví - 13.07.2020
- Výrazné postavy advokacie v době jarní koronamánie - 13.07.2020
- Podle Šimáčkové by měli advokáti třetinu práce věnovat lidem, komora nad výrokem vyjádřila „hrubou nelibost“ - 13.07.2020

Více z médií...

OFICIÁLNÍ TWITTER ČAK

AKTUÁLNÍ ČÍSLO BULETENU ADVOKACE (PDF)

Tweety od uživatele @CAK_cz

ČAK @CAK_cz
"Advokacie v časech #pandemie obstála," říká vyznamenaný advokát. Jeho dobou, jejíž "nejvýznamnějším znakem by funkce parlamentu a pátosti právních no

KDE NÁS NAJDETE



Česká advokátní komora - Klatkovský palác (státní budova) Národní 15

You can find a suitable lawyer according to his seat and specialization on the CBA website.

Need to find a lawyer?

Finding a good lawyer can be considered a half-success in addressing a legal issue. Real legal help can be provided only by a lawyer so to look for any help from a non professional is not a good idea. The list of lawyers contains not only all lawyers specializing in family, civil and criminal law but also ones specializing in very specific fields of law. Clients seeking help abroad can ask for help both foreign as well as Czech lawyers who have enough experience in solving cross-border cases, especially in the European Union. International law firms that gather lawyers from several countries can also be helpful in these cases because they often have branches in many European countries and other continents.

*The Czech Bar Association's website provides the only statutory, guaranteed and up-to-date list of all lawyers providing legal services in the Czech Republic as well as a list of foreign lawyers providing services in the territory of the European Union. For a simple search, you can use one of the search engines on the home page of the site – a **search engine for lawyers and legal trainees of the Czech Republic and an EU lawyer search engine**.*

The Czech Bar Association is a self-governing organization of all lawyers, but it has no authorization to provide legal services. These can be provided by individual lawyers only.



Online platforms are the future of legal services.

Alternative disputes resolution

LOOKING FOR A MEDIATOR?

The Czech Bar Association's website also provides a list of mediators, independent intermediaries who deal with out-of-court settlement of disputes. Mediators support communication between parties to a conflict and help to reach an amicable solution to a dispute, concluded by signing a Mediation Agreement. Where a lawyer passes a mediation examination and becomes registered in the list of mediators, they can also act as a mediator.

DO YOU HAVE A CONSUMER DISPUTE WITH A LAWYER AND WANT TO RESOLVE IT OUT OF COURT?

An amendment to the Consumer Protection Act brought, in 2016, further possibilities for resolving lawyers' disputes with client-consumer where they themselves fail to agree on a mutually acceptable compromise. The role of the mediator of out-of-court settlement has been vested in the Czech Bar Association. This possibility can be used in particular by consumers who are unhappy with the billing of cost of legal services provided, their quality or with refusal to provide legal services by the provider of legal services – a lawyer. For further information see the Out of Court Settlement section at www.cak.cz/en/.

IN A RISK OF INSOLVENCY?

It is more and more common that natural or artificial persons are not able to fulfil their obligations. This state of affairs is called “insolvency” and the law sets out the rules of solving these cases. Lawyers who also act as insolvency administrators / administrators in bankruptcy proceedings can help clients with debt relief. Lawyers specializing in insolvency law can also be found on the Czech Bar Association website.



*The client cannot get lost with a lawyer
in the labyrinth of laws.*

In need of legal advice and cannot afford a lawyer?

FREE LEGAL AID

The Czech Bar Association arranges free legal aid for persons who are unable to afford a lawyer. Free legal aid is a beneficial activity provided in the form of informative legal consultations with the aim to provide applicants with information about their rights and obligations and the steps that can be taken in their case. If necessary, the applicant is also informed about the possibility of having a lawyer appointed for the provision of a legal service, in particular for representation in court or other proceedings.

In any case, this free legal aid cannot, however, replace provision of legal services of the lawyers in full depth since its purpose is not to resolve a specific legal case, but as previously mentioned, only to acquaint the applicant with their situation and possible options of solution to their case. Certainly, legal aid cannot encompass detailed study of the files, preparation of detailed legal analyses or drawing up of documents (for example actions or other submissions, contracts, etc.).

Where a need for provision of legal services to a greater extent (e.g., representation before courts or public authorities, preparation of documents, etc.) arises following a free legal consultation, a person unable to secure a lawyer by any other means (personal choice, ex offico lawyer established by the court) can request the Bar to appoint one for them.

The conditions are stipulated in the Act on the Legal Profession and its implementing regulation. A special form to claim these conditions – Request for the appointment of a lawyer and a Statement of the income and financial situation of the applicant are available at www.cak.cz.

Bulletin advokacie 5 2017

právník roku

Čestná stříbrná pro Právnický rok
Čestná stříbrná pro Právnický rok
Čestná stříbrná pro Právnický rok
Čestná stříbrná pro Právnický rok

Bulletin advokacie 4 2017

**Jak si poradit v některých
problémových situacích právní praxe?**

Bulletin advokacie 9 2014

**Fignománie občanské společnosti České
církvi JUDr. Antonína rytíře Rásky.**

ČESKÁ ADVOKÁTNÍ KOMORA

Bulletin advokacie

Čestí civilisté diskutovali v Brně
o problematice nového zkušebního práva.
Čestí civilisté diskutovali v Brně
o problematice nového zkušebního práva.
Čestí civilisté diskutovali v Brně
o problematice nového zkušebního práva.

Bulletin advokacie 9 2016

**Přehled 1. 10. 2016 mluví o státnosti
žadatelů řízení nově zaknihovaný akcí!**

Bulletin advokacie 7-8 2016

XIV. Karlovarská právníků dny
Karlovarská právníků dny
Karlovarská právníků dny
Karlovarská právníků dny

news ČESKÉ ADVOKÁTNÍ KOMORY 6. 12. 2016 č. 12/2016

**POZOR! OD 2. 1. 2017
PŘECHÁZÍ KOMORA
NA NOVA TELEFONNÍ
ČÍSLA!**

VYBÍRÁME Z POZVÁNEN NA VZDĚLÁVACÍ AKCE

...ČAK V PRAXE

PRIMA DONNA ELITE

PRÁVNÍK ROKU

Bulletin advokacie

**PRÉSERA ČAK MÁRTIN VYHOŘEL JAKO PRVNÍ
SILNĚNÁCI ADVOKÁT ČESKÉHO NEJVNĚŠÍ
SILNĚNÁCI ADVOKÁT VÝZNAMNÁSI**

Praetor
advokátní systém pro společnost

AKCE PRÁVNÍK ROKU

**Migrujte data do 31. 1. 2017
50% slevou**

NEJVNĚŠÍ ČESKÉ ADVOKACE

**VEŘEJNÁ SOUTĚŽ NA PRÁVNÍ
SLUŽBY**

**DOPĚJTE VÁNOČNÍ DÁREK
VAŠI KNIHOVNE**

PLES V OSTRAVĚ

KRAKOVŠŮV POHÁR 2017

AKCE PRÁVNÍK ROKU

**Migrujte data do 31. 1. 2017
50% slevou**

NEJVNĚŠÍ ČESKÉ ADVOKACE

**VEŘEJNÁ SOUTĚŽ NA PRÁVNÍ
SLUŽBY**

NATUZZI EXPRESS
POHOVKY IHNEK K DOČANÍ

Bulletin advokacie 3 2015

**Jak ochránit advokátní data
v elektronických úložištích?**

Bulletin advokacie 1-2 2015

Právník roku po desáté:
ste a jubilejní galavěra nejen o ak. 1. 12.

Bulletin advokacie 7-8 2014

**Čestná Karlovarská právníků dny
pro nejlepší právníky časopisu
roku 2014.**

Bulletin advokacie 9 2013

**Řešitelné spory: organizace pohybu
ke snímku, návrhy usnesení, úvodní
a volání programy kandidátů**

The CBA issues the legal journal Bulletin of Legal Profession and also informs lawyers through electronic media.

Information for lawyers, clients and the general public

*If you are interested in law or you just want to keep up with the developments in the world of lawyers, you can read the current issue of the legal journal *Bulletin of the Legal Profession* issued by the Czech Bar Association every month (lawyers and legal trainees receive it free of charge). You can either order and subscribe to it with the Czech Bar Association or view its electronic form on the CBA's website by clicking on the Bulletin's cover page. Some detailed articles as well as current case law can also be found at www.bulletin-advokacie.cz. The recent developments of the Czech legal profession can also be followed on the official CBA Twitter account – https://twitter.com/CAK_cz.*

All information about the Czech Bar Association can be found on the Internet except data not provided pursuant to Act No. 106/1999 Coll., on free access to information. Detailed information on sending applications, submissions and other documents is available at www.cak.cz.