

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE CZECH BAR ASSOCIATION**

No. 1/1997 of the Official Journal of the Bar

dated 31st October 1996,

**which determines the Rules of Professional Conduct and the Rules of Competition of
Lawyers of the Czech Republic (Code of Conduct),**

as amended by the Resolution of the Assembly No. 3/1999 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 2/2003 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 8/2004 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 6/2005 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 9/2006 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 12/2006 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 1/2008 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 2/2010 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 1/2013 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 1/2014 of the Official Journal of the Bar, and Resolution of the Board of Directors of the Czech Bar Association, and in the wording of editorial notice on correction of misprints, as announced in the issue No. 3/2003 of the Official Journal of the Bar

The Board of Directors of the Czech Bar Association has decided under s. 17 and s. 44 (4) b) of Act No. 85/1996 Coll. on the Legal Profession (hereinafter referred to as the “Act”) as follows:

PART ONE

**POWERS OF THE RULES OF THE PROFESSIONAL CODE OF CONDUCT AND
RULES OF COMPETITION OF LAWYERS OF THE CZECH REPUBLIC**

Article 1

Personal Powers

(1) All lawyers admitted to the Bar by being recorded in the Register of Lawyers (hereinafter referred to as “Lawyers”) kept by the Czech Bar Association (hereinafter referred to as the “Bar”) are bound by the rules of the Professional Code of Conduct and Rules of Competition (hereinafter referred to as the “Rules”); visiting European lawyers (s. 35f of the Act) and established European lawyers (s. 35l of the Act) when providing legal services on the territory of the Czech Republic¹⁾ are also bound by the Rules.

(2) Those provisions of the Rules which may concern legal trainees shall apply, with necessary modifications, to legal trainees recorded in the Register of Legal Trainees kept by the Bar.

(3) The Rules shall also apply, with necessary modifications, to business companies practising the legal profession under s. 15 (1) of the Act (hereinafter referred to as the

“Company”), and foreign legal entities practising the legal profession under s. 35na of the Act (hereinafter referred to as the “Foreign Company”)*.

¹⁾ Article 4 (4) of the Council Directive No. 77/249/ECC dated 22nd March 1977 on facilitating the effective practice of free movement of lawyers’ services.

Article 6 (1) of the Directive of the European Parliament and Council No. 98/5/EC dated 16th February 1998, on facilitating the continuous practice of the legal profession in a different member country than in which the lawyer gained his qualification.

* **Editorial note:** *Now s. 35s to 35u of the Act on the Legal Profession.*

Article 2 **Material Competence**

(1) The Legal code which regulates legal relationship of a lawyer with regard to his client or a third party in connection with practicing the legal profession shall be indecisive for the competence of the Rules.

(2) The Rules shall apply in subsidiary manner to the Code of Conduct of Lawyers of the European Union for the international activities of a lawyer within the European Union and the European Economic Area.

Article 3 **Conflicting Provisions**

(1) The lawyer who is providing legal services on the territory of a foreign country where he has the entitlement to do so, he shall observe the rules of conduct in force in that country.

(2) The lawyer who competes on foreign legal service markets, he shall observe the competition rules in force on the territory on which his conduct has the intended effects of competition.

PART TWO **RULES OF THE PROFESSIONAL CODE OF CONDUCT**

Section One **General Rules**

Article 4 **Dignity and Stature of the Profession**

(1) The lawyer shall generally be obliged by his honest, honourable and decent conduct to contribute to the dignity and stature of the legal profession.

(2) The lawyer shall be obliged to honour the commitments he accepts. He may only accept a commitment or guarantee for a foreign commitment if he is certain of fulfilling it.

(3) The lawyer's behaviour in connection with the practice of the legal profession shall be material, sober and not intentionally false.

(4) Any procurement of affairs of another person by the lawyer systematically and in return for a fee shall be considered practicing the legal profession for the purpose of these Rules.

Article 5 **Other Business**

(1) The lawyer's active participation in business other than practicing the legal profession, but of activities described as the provision of legal services, may not be contrary to the Rules herein; this does not affect the duty of the lawyer under Article 3 for practicing the legal profession on the territory of a different country.

(2) The lawyer shall cooperate with a businessman who is not a lawyer and whose activities also involve the procurement or arrangement of other person's affairs only on the basis of an order granted directly by his client.

Section Two **Duties of the Lawyer to his Client**

Article 6 **Basic Rules**

(1) The justified interests of the client shall take priority over the lawyer's own interests and his respect to other lawyers.

(2) The lawyer shall proceed cases assigned to him by the court or appointed by the Bar with the same conscientiousness and care as cases of other clients.

(3) The lawyer shall not be authorised to verify the truthfulness or completeness of factual information provided by his client without the client's consent.

(4) The lawyer may not use information he obtained from his client or has acquired about the client in connection with the provision of legal services to the detriment of the client or for his own benefit or the benefit of third parties.

(5) The lawyer may unilaterally set off claims ensuing from the lawyer's fee for representing a party in proceedings before the court or another authority only against a client's claim for the payment of the awarded compensation of costs of the proceedings.

Article 7 **Acceptance of Services**

(1) Should the lawyer provide legal services in a contractual matter to only one of the contractual parties, he shall be authorised to provide legal services to the party even during any dispute arising from this contract, provided that the contractual parties already knew,

when preparing the contract, that the lawyer is providing legal services only to one of them and have the opportunity to procure their own qualified legal representatives.

(2) The lawyer may provide a legal service in the same case to more than one person whose interests are not contrary only with the consent of all the persons except when assigned by the court or appointed by the Bar.

(3) The lawyer shall refuse to provide legal service in the same case to more than one person when there is a clear threat that a conflict of interest shall arise during the settlement of the case.

Article 8

Refusal of Legal Services and Withdrawal from a Contract

(1) In cases the lawyer is obliged or authorised to refuse to provide legal services and intends to do so, he shall always take the appropriate measures to avert serious harm that directly threatens the applicant for the legal service.

(2) The lawyer shall refuse to provide legal service even in the cases when, by providing the legal service, he would threaten the interests of the person to whom he is already providing legal services, for instance even as a consequence of the lawyer already being overburdened with work.

(3) In cases where the lawyer lacks experience or special knowledge, he shall refuse to provide legal services except when the applicant, even after being provided with an explanation, agrees that the legal service is provided; in such case the lawyer usually proceeds to cooperate with another lawyer or another expert. This does not apply to cases assigned by the court or appointed by the Bar to the lawyer.

(4) The lawyer shall also refuse to provide legal services when his state of health or mental condition prevents him from their due provision.

(5) If lawyers practice the legal profession in a consortium, a company or a foreign company, none of them shall knowingly accept representation of a client if any of the lawyers would have to refuse to provide legal service to such client when practicing the legal profession independently.

(6) The lawyer shall also refuse to provide legal services in the case he would have to commit himself to pay, even partially, client's costs without entitlement to their reimbursement.

Article 9

Duties during the Provision of Legal Services

(1) The lawyer shall be obliged to duly inform his client of the progress in the settlement of his case, and provide him with a prompt explanation and background documents necessary for considering further orders.

(2) The lawyer shall be obliged to guard money and other valuables he accepts for a specified purpose with due managerial care; he may not use them for any other purpose than

as specified. He shall be obliged to deliver any increments of valuables to the depositor unless agreed otherwise. The lawyer's duties during the lawyer's custody of his client's money, securities or other assets under Professional regulation shall not be affected hereby.^{1a)}

(3) Should the scope of the lawyer's possible liability for damage increase substantially during the provision of legal service, he shall be obliged to appropriately extend the scope of his insurance for liability for damage, or withdraw from the contract with the client concerned.

(4) The lawyer shall be obliged, at the termination of the provision of legal service, to deliver forthwith, at his client's or the client representative's request, all documents essential to the case that the client entrusted to him or arising from the discussion of the case; the fulfilment of this duty may not be subjected by payment of the required fee or expenses.

^{1a)} Resolution of the Board of Directors of the Czech Bar Association No. 7/2004 of the Official Journal of the Bar, on the lawyer's custody of the client's money, securities and other assets.

Article 9a **Lawyer's Custody of the Client's Money, Securities and Other Assets**

During the lawyer's custody of his client's money, securities or other assets, the lawyer shall be obliged to comply with the relevant legal and professional regulations.²⁾

²⁾ S. 56a of the Act on Legal Profession.

Act No. 61/1996 Coll. on some measures against the legalisation of proceeds of crime and on the change and amendments of associated Acts, as amended.

(Editorial note: Now the Act on some measures against legalisation of proceeds of crime and financing terrorism, No. 253/2008 Coll., as amended)

Resolution of the Board of Directors of the Czech Bar Association No. 6/2004 of the Official Journal of the Bar which determines the procedure of lawyers and Supervisory Council of the Czech Bar Association during performance of the duties stipulated by legislation on measures against the legalisation of proceeds of crime.

(Editorial note: Now the Resolution of the Board of Directors of the Czech Bar Association No. 2/2008 of the Official Journal of the Bar 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)

Resolution of the Board of Directors of the Czech Bar Association No. 7/2004 of the Official Journal of the Bar on the Lawyer's Custody of Client's Money, Securities or Other Assets.

Article 10 **Lawyer's Fee**

(1) When negotiating a contractual fee, the lawyer shall be obliged to provide his client true information about the expected scope of his practises and at the client's request a full explanation of the amount of the fee outside the contract for the case concerned.

(2) The contractual fee must be adequate. It may not be in clear disproportion to the value and complexity of the case.

(3) When examining the adequacy of a contractual fee, consideration shall also be taken of the situation of the bargaining skills and possibilities of the lawyer and client, the scope of the client's information about the situation on the legal service market, the special knowledge, experience, reputation and skills of the lawyer, the nature and duration of the relations between the lawyer and the client during the provision of legal services, the client's time demands on the settlement of the case, the difficulty and novelty of factual and legal problems connected with the case and the probability that as a consequence of the lawyer accepting the client's case means that the lawyer must refuse to accept other cases.

(4) The lawyer shall keep appropriate entries on his practices for the client and shall provide the client, at the client's request, a complete explanation of their contents.

(5) The lawyer shall be entitled to negotiate a contractual fee determined by a share of the value of the case or result of the case if the level of such a negotiated fee is adequate under the provision of paragraphs 2 and 3. However, a contractual fee determined by a share of the result of the case may not be usually considered appropriate if this share is higher than 25%.

(6) The lawyer may not conclude with a client a contract by which the client would commit himself to performance to the lawyer under terms and conditions disadvantageous to him unless the client had an adequate opportunity to be advised about the contract by another independent lawyer and the contract was concluded in writing. The lawyer also may not conclude with a client a contract which would enable the client to acquire unjust property benefit; in particular the difference between the lawyer's fee and the fee for representation determined by a court within its decision on compensation of costs of proceedings is considered unjust property benefit.

(7) When examining the adequacy of the advance payment, consideration of the expected cash expenses along with the realistic estimation of the total fee shall be taken into account.

(8) The lawyer shall always strive to find the most financially effective settlement of a dispute. Depending on the circumstances of the case, he shall, at the appropriate moment, recommend an attempt for an out-of-court settlement or settlement in arbitral proceedings to the client.

(9) The lawyer shall be obliged to inform the client of his possible entitlement to free legal aid under special Act.⁵⁾

⁵⁾ S. 30, s. 138 (3) of the Civil Procedure Code, s. 33 (2), s. 151 of the Criminal Procedure Code.

Section Three
Duties to the Legal Profession

Article 11
Colleague's Duties

(1) The lawyer may not slander another lawyer and may not initiate a legal dispute against him without a serious reason. If the person associated with the legal service provided

is represented by a lawyer, the lawyer may not deal with the person directly without the prior consent of the lawyer representing this person or refuse to deal with this lawyer.

(2) The lawyer may not accept provision of legal services to a client who is already being provided with legal services by another lawyer without the consent of the already authorised lawyer; should there be no such consent, he may not accept provision of legal services until the duly terminated relationship with the already authorised lawyer.

(3) The lawyer may not participate in the activities of persons who provide legal services and are not authorised to do so, nor support such activities. In especially serious cases he shall report the person performing such activities to the Bar.

Article 12

Duties in Joint Practice of the Legal Profession and Continuous Cooperation of Lawyers

(1) Contracts on joint practice of the legal profession in a consortium or contracts on the establishment of a company concluded between lawyers may not contain any provisions limiting the lawyer's duties arising from legal or professional regulations and from the oath taken, or which would be contrary to the independence of the lawyer when providing legal services.

(2) Lawyers providing legal services jointly within a consortium or a company shall inform each other appropriately about legal services they provide to the extent necessary to exclude conflict of interests.

(3) The lawyer providing legal services within a consortium or a company may not use special information to the detriment of another member of the consortium or member of a company, or for his own benefit or benefit of third parties, which he obtained in connection with such provided legal services. This duty persists even after the end of the lawyer's membership in the consortium or company.

(4) The preceding provision shall be applied even to agreements on joint provision of legal services in one or more cases under s. 14 (6) of the Act (hereinafter referred to as "Continuous Cooperation between Lawyers") between lawyers.

Article 13

Substitution during Provision of Legal Services

(1) Unless stipulated otherwise, the substitute is entitled to a non-contractual fee in amount under the lawyer's tariff. The substituent is responsible for its payment.

(2) Should the requested lawyer refuse to accept substitution, he shall inform the substituent without undue delay; however, even in such case he shall be obliged to take measures which cannot be delayed and are necessary to avert any negative consequences for the substituent or his client.

(3) The request for performing the substitution and report of its performance must comply with the care of a due expert and the circumstances of the case.

Article 14
General Duties to the Legal Profession

(1) Should the lawyer accept the representation of a client in a dispute against another lawyer, he shall be obliged to inform the Bar about this fact and about the result of the dispute without undue delay.

(2) The lawyer shall be obliged to duly and promptly instruct all persons who contribute to his activities connected with the provision of legal services about the extent of their legal duties to observe their confidentiality even in connection with the witness duties of such persons.

Article 15
Duties to Legal Trainees

(1) The lawyer shall be obliged to enable a legal trainee employed by him to carry out effective legal practice, to instruct and supervise him carefully so he may gain knowledge and experience required for sitting the Bar examination and practicing the legal profession, and so that he may learn and observe the rules of professional conduct.

(2) Should the legal trainee be employed by a company or a foreign company, the company shall appoint a lawyer to perform the duties stipulated under (1) and notify the Bar without undue delay.

(3) The legal trainee may be employed by only one lawyer. The lawyer shall inform the Bar about conclusion of the employment relationship with the legal trainee without undue delay, but no later than within one week of the conclusion of the employment relationship; he shall do the same in case of termination of the employment relationship of the legal trainee during his legal traineeship, or if obstacles to the work exceeding 60 successive working days appear on the legal trainee's side during the employment relationship.

(4) The lawyer may give the legal trainee his consent to practice other gainful activities under special legislation^{5a)} only in exceptional cases provided there are serious reasons for doing so and it shall not disrupt the due practice of the legal traineeship.

(5) The lawyer shall be obliged to issue a confirmation of the duration of the legal traineeship to the legal trainee.

(6) In the confirmation, the lawyer shall be obliged to assess the practice of legal traineeship with regard to achieving its purpose under (1). He shall consider especially whether the legal traineeship was negatively affected by the simultaneous practicing other activities by the legal trainee or whether the legal trainee devoted sufficiently to the practice of his legal traineeship.

(7) The lawyer shall be obliged to provide the legal trainee with an adequate salary, but may not take such measures under which the legal trainee would actually become his partner

in practicing the legal profession or would make the lawyer financially dependent on the legal trainee.

(8) The legal trainee shall not use special information he obtained in connection with his employment at the lawyer's office to the detriment of the lawyer for whom he works or for his own benefit or the benefit of third parties. This duty persists even after the legal trainee's employment at the lawyer's office ends.

^{5a)} S. 304 of the Labour Code.

Article 15a

Duties in Practicing the Legal Profession as an Employed Lawyer

(1) The lawyer who employs another lawyer under s. 15a (1) of the Act (hereinafter referred to as the "Employed Lawyer") shall be obliged to create appropriate working conditions for him for proper practicing the legal profession. The lawyer shall inform the Bar about a conclusion of the employment relationship with a lawyer or a termination of such employment relationship without undue delay, but not later than within one week of the conclusion or termination of the employment relationship.

(2) Should the Employed Lawyer make an authenticity of the signature statement under s. 25a of the Act, he does so on his own behalf and at the expense of the employer.

(3) When providing legal services, the lawyer shall be obliged to refuse to fulfil any instruction given by the employer that is contrary to the legal or professional regulation or instructions from a client.

(4) The provision of Article 15 (8) shall apply to the Employed Lawyer by analogy.

Article 16

Duties in Managing of a Law Office

(1) The lawyer shall be obliged to practise the legal profession primarily at his registered office. Should he establish a branch of his office in the same or different municipality or regularly provide legal services to the public outside his registered office at a time determined in advance, he shall be obliged to inform the Bar of this without undue delay.

(2) The lawyer shall manage his office in a manner so that it does not degrade the dignity of the legal profession. He shall entrust the practice of office procedures only to persons appropriately qualified, responsible and with a clean criminal record, and systematically supervise their activities. The provisions of Article 15 (4) and (7) on legal trainees shall apply to these persons by analogy.

(3) The lawyer must usually be personally present in his registered office or in another place stated in (1) at a regular time which the lawyer shall specify; he shall ensure possibility to leave a message in case serious reasons would prevent his personal presence.

(4) The lawyer shall keep records on his practices and the practices of his office to the scope and in a manner resulting from legislation and from special requirements on the proper practicing the legal profession.

Section Four
Other Duties of the Lawyer

Article 17
Duties of Lawyers in Proceedings before Law Courts and Other Bodies

(1) The lawyer shall be obliged to maintain the proper respect and courtesy towards courts of law, arbitration bodies, public administration bodies and other bodies which make decisions in legal matters, as well as towards persons who fulfil their tasks.

(2) In proceedings, the lawyer may not present data, or suggest evidence he knows to be false or deceptive, not even at the client's instruction to do so.

(3) In proceedings, the lawyer shall be obliged to act honestly, to respect legal rights of other participants of the proceedings and to treat them and other persons participating in the proceedings in a manner not degrading their dignity or the dignity of the legal profession. In such cases he may not deal with persons who fulfil the tasks of courts or other bodies and submit documents to them in the absence or without knowledge of the lawyer of the other party or such a party that is not represented by a lawyer, except if procedural regulations allow such a procedure.

(4) When special rules of conduct are established or are usual for behaviour before the court of law or other body, such as a manner of addressing, official dress, giving the floor, allocating a place and so on, the lawyer shall be obliged to observe these rules.

(5) The lawyer shall use garment that corresponds to the nature of the legal services provided and does not degrade the dignity of the legal profession; for hearing before the court or another body, such garment shall mean full-dress.

Article 17a

In a search of premises or other search conducted under the Criminal Procedure Code, in a tax inspection conducted under the Tax Administration Act and subsequent inspection conducted under the Customs Act if such a search or inspection is conducted in the premises where the lawyer practises the legal profession or where documents or other information media that contain facts to which the lawyer's duty of confidentiality apply under the law (hereinafter referred to as the "Document") may be found, the lawyer shall be obliged to draw the attention of the body authorised to conduct the search or inspection (hereinafter referred to as the "Authorised Body") to its legal duty of confidentiality and the limited editing duty associated thereto. The lawyer may allow the authorised body to become acquainted with the contents of the documents which it believes are subject to the lawyer's duty of confidentiality, only with the consent of a representative of the Bar present at the search or inspection. Should the Bar's representative not give his consent to allow the Authorised Body to become acquainted with the contents of the Document, the next procedure is regulated by the relevant legal and professional regulations^{5b)}.

^{5b)} S. 85b of the Criminal Procedure Code.

S. 16 (9) to (11) of the Tax Administration Act
(**Editorial note:** *Now s. 255 of the Tax Administration Code, No. 280/2009 Coll., as amended.*)
S. 127 (15) to (17) of the Customs Act.
S. 200j to 200m of the Civil Procedure Code.
Resolution of the Board of Directors of the Czech Bar Association No. 6/2006 of the Official Journal of the Bar which determines the procedure for appointing a representative of the Czech Bar Association during performance of inspections and audits.

Article 18 **Public Beneficial Activity**

(1) Should the lawyer be called upon to do so, he shall be obliged to participate, to the appropriate extent, in projects focused on enforcement or protection of human rights and freedoms, without being entitled to a fee, except serious reasons prevent him from doing so.

(2) Under the same conditions the lawyer shall be obliged, upon an appeal of the Bar, to participate in projects aimed at implementing the principles of a democratic and legal state or improving the legal system of the Czech Republic.

Article 18a **Return of Certificate and Professional Identity Card in case of Suspension of Practicing the Legal Profession**

(1) The lawyer or the established European lawyer whose practicing the legal profession has been suspended shall be obliged to return the Certificate of entry into the Register of Lawyers (s. 5d (1) of the Act) or the Certificate of entry into the Register of European lawyers (s 35m (3) of the Act) without undue delay.

(2) The Bar shall return to the lawyer or the established European lawyer the Certificate returned to the Bar under (1) after termination of the suspension of practicing the legal profession without undue delay.

(3) For returning the Lawyer's Professional Identity Card or the Established European Lawyer's Professional Identity Card in case of suspension of practicing the legal profession and for returning the Identity Card of the legal trainee in case of suspension of the traineeship (2) and (3) shall apply by analogy.

SECTION THREE **RULES OF COMPETITION OF LAWYERS**

Section One **Basic Rules**

Article 19 **General Provisions**

(1) In the interest of clients and competitors, the lawyer shall proceed in an honest manner when competing with other lawyers. He shall not use data that are knowingly false, deceptive or degrading another lawyer for competition purposes. For the purpose of this provision, deceptive data is every data which may give rise to unjustified expectations about

the results that the lawyer is able to achieve, or doubt that the result shall be achieved by means pursuant to the laws and professional regulations.

(2) The lawyer may use the identification of “lawyer” even outside the practice of the legal profession.

(3) In a competition the lawyer shall proceed pursuant to the legislation regulating competition^{5c)}.

^{5c)} For example s. 41 et seq. of the Commercial Code, Act No. 143/2001 Coll., on Protection of Economic Competition and Amendments of Some Acts (the Act on Protection of Economic Competition), as amended.

Section Two

Title and Name of the Lawyer, Title and Name of the European Lawyer, Common Name of the Consortium and Company’s Name

Article 20

Depending on the manner of practicing the legal profession (s. 11 (1) of the Act), the lawyer practising the legal profession as a sole lawyer shall be obliged to provide legal services under his title when not recorded in the Commercial Register (hereinafter referred to as the “Lawyer’s Title”) or under his co name if he is recorded in the Commercial Register (hereinafter referred to as the “Lawyer’s Name”); members of a consortium shall provide legal services under the consortium’s common name (hereinafter referred to as the “Consortium’s Common Name”) and a company shall provide legal services under its corporate name (hereinafter referred to as the “Company’s Name”).

Article 21

Title and Name of the Lawyer

(1) The Lawyer’s Title shall contain his name and surname, and an appendix expressing that the object of his business is practicing the legal profession, e.g. “lawyer”, or “law office”^{5d)}.

(2) The Lawyer’s Name is the name under which the lawyer is recorded in the Commercial Register; in addition to his name and surname, the Lawyer’s Name shall also contain an appendix expressing that the object of his business is practicing the legal profession, e.g. “lawyer”, or “law office”^{5e)}.

(3) The Lawyer’s Title or Lawyer’s Name may contain his scientific degree and academic or pedagogical titles.

^{5d)} S. 12 of the Act on Legal Profession.
S. 8 (2) of the Commercial Code.

^{5e)} S. 12 of the Act on Legal Profession.
S. 9 (1) of the Commercial Code.

Article 22

Title and Name of the European Lawyer

(1) The visiting European lawyer shall be obliged to use his professional title and other data under s. 35g of the Act when providing legal services on the territory of the Czech Republic.

(2) The established European lawyer shall be obliged, when providing legal services as a sole lawyer, to use only his name and surname and an appendix containing his professional title^{5f)} and other data under s. 35n (2) of the Act (hereinafter referred to as the “Established European Lawyer’s Title”).

(3) The corporate name of the established European lawyer shall be the name under which the established European Lawyer is recorded in the Commercial Register; in addition to the name and surname of the established European lawyer the corporate name only contains the professional title or other data stipulated in (2) (hereinafter referred to as the “Established European Lawyer’s Name”).

(4) The established European lawyer who is recorded in the Register of Lawyers under s. 5b of the Act shall be, as a lawyer, further entitled to use, in the appendix to his title or name under (2) and (3), the professional title^{5f)} under s. 35n (2) of the Act.

(5) The provisions of 21 (3) shall apply to the established European lawyer by analogy.

^{5f)} Notification of the Ministry of Justice No. 253/2004 Coll. notifying the Professional Titles under s. 2 (1) b) of the Act on Legal Profession.

(Editorial note: Now the Notification of the Ministry of Justice No. 121/2007 Coll., notifying the Professional Titles under s. 2 (1) b) of the Act on Legal Profession.)

Article 23

Common Name of the Consortium and Company’s Name

(1) The Consortium’s Common Name is the name under which the Consortium is registered in the Register of Lawyers; the Consortium’s Common Name shall contain information expressing that the entity is a Consortium, e.g., “Consortium of Lawyers”, “Law Office” or “Lawyers”. The Common Name may also include a postscript “and Partners”, “and Members” or “et al.”.

(2) The Company’s Name is the name under which the Company is registered in the Commercial Register; in addition to the appendix designating the legal form of the Company, the Company’s Name shall also include information specifying that the Company’s purpose is to practise the legal profession, e.g., “Company of Lawyers”, “Law Office”, “Lawyers”. The provision in par. 1 second sentence shall apply by analogy.

(3) Neither the Consortium’s Common Name nor the Company’s Name may be interchangeable with the name of any other consortium or company name of any other company, must not be deceiving or misleading, and must not degrade the dignity of the legal profession.

(4) Where the Consortium’s Common Name or the Company’s Name contains the name of a lawyer who is no longer member of the Consortium or member of the Company, the Consortium or the Company may continue to use his name only with his consent. If he died without giving previous consent to the use, consent of his spouse is required; if there is none, consent of offspring of age is required; if there is none, consent of an ancestor is required.

S. 428 of the Civil Code shall apply to withdrawal of consent with the use of one's name in a Consortium or a Company.

Article 24
Foreign Law Office

When any of the members of the consortium or any of the members of the company is in foreign country the member of a foreign consortium or member of a foreign legal entity whose object of activity is only the provision of legal services (hereinafter referred to as "Foreign Law Office"), the consortia in their common name or the company in its name shall be authorised to use the name of the Foreign Law Office instead of or in addition to the surname of the members of the consortium under 23 (1) a) or the surname of the members of the company under 23 (2) a) provided that the terms and conditions stipulated by the legislation of the Czech Republic and the legislation of the country in which the Foreign Law Office has its seat, as well as are other terms and conditions stipulated by this Resolution (23 (1) b) and 23 (2) b)) are fulfilled.

Article 24a
Additional Data

Unless it is contrary to the legal or other professional regulation, when using the Lawyer's Title or Lawyer's Name, the Title or Name of the Established European Lawyer, the Consortium's Common Name or the Company's Name, it is allowed to use data

- a) on preferred legal fields in which the lawyer, consortium or company are engaged,
- b) on permanent cooperation with other home and foreign lawyers, consortia, companies or foreign law offices (12 (4)),
- c) on cooperation with experts, interpreters, tax consultants, patent representatives or auditors
- d) on the registered office and branch-offices of the lawyer, consortium or company,
- e) on employed lawyers (s. 15a of the Act) or other employees of the lawyer or the company, including their scientific degrees, academic and pedagogical titles, or data on the preferred legal fields in which the employed lawyers are engaged,
- f) on further activities, when these relate to the provision of legal services, e.g. that the lawyer is an expert, interpreter or arbitrator^{5h)},
- g) on the authorisation to provide legal services on the territory of another country,
- h) which are part of the appendix under s. 35n (3) of the Act,
- i) on the provision of legal services in foreign languages.

^{5h)} Act No. 36/1967 Coll., on Experts and Interpreters as amended by Act No. 322/2006 Coll.
Act No. 216/1994 Coll., on Arbitration Proceedings and the Exercise of Awards, as amended by Act No. 245/2006 Coll.

Article 24b
Principles for the Use of Languages

(1) Unless the Act or this Resolution provides otherwise, the Lawyer's Title or Lawyer's Name, Consortium's Common Name or Company's Name must be stated in Czech.

(2) The professional title of the Established European Lawyer shall be stated in language under s. 35n (2) of the Act.

Article 24c
Joint Principles

(1) When providing legal services or in connection therewith, the lawyer or established European lawyer shall use solely his Title or Name under this Resolution in all his documents; this shall apply to the Consortium's Common Name or Company's Name by analogy.

(2) The Lawyer's Title or Established European Lawyer's Title, Lawyer's Name or the Established European Lawyer's Name, Consortium's Common Name or Company's Name must be stated separately and may not be associated with other titles, common names of other consortia or other corporate names, not even when these apply to the activities which the lawyer, consortium or company are authorised to practice; provisions of 24a shall not be prejudiced thereby.

(3) In the Lawyer's Title or Name, in the Established European Lawyer's Title or Name, in the Consortium's Common Name or in the Company's Name, or in connection therewith, false or misleading data may not be stated, especially concerning the form of provision of legal services or stating the names and surnames of persons other than those who provide legal services under the Lawyer's Title or Name, the Established European Lawyer's Title or Name, the Consortium's Common Name or the Company's Name.

(4) Using data other than those stipulated in 21 to 23, especially imaginary data, in the Lawyer's title or Name, the Established European Lawyer's Title or Name, the Consortium's Common Name or the Company's Name shall be inadmissible; the provisions of 24 shall not be prejudiced hereby.

(5) Using a surname of the former member of the consortium in the Consortium's Common Name or surname of the former member in the Company's Name may not be contrary to the legislation⁵ⁱ⁾.

⁵ⁱ⁾ For example s. 11 (5) of the Commercial Code.

Section Three
Information on the Business of the Lawyer

Article 25
Publicity

The lawyer shall have the right to inform the public of the services provided, assuming this information to be accurate, not deceitful and respecting the duty of professional secrecy and other fundamental values of the legal profession.

Article 26
Advertising

The lawyer's personal publicity in media such as press, radio, television, electronic commercial communication or other media is permitted provided that the terms and conditions stipulated in 25 are fulfilled.

Article 26a

The lawyer shall keep records of his activities under 25 and 26 provided their nature permits so. The Resolution of the Bar on keeping documentation by a lawyer shall apply to the keeping of records and access to them with necessary modifications.⁶⁾

⁶⁾ Article 1 et seq. of the Resolution of the Board of Directors of the Czech Bar Association No. 9/1999 of the Official Journal of the Bar which determines some details of the lawyer's documentation kept during the provision of legal services.

Article 27

Academic Publications

When the lawyer is the author or co-author of a literary or scientific work from the field of law the title "Lawyer" may be appended to his name, surname and titles together with the municipality of his business and commercial name under which he practises his business.

Article 28

Information Provided by Other Persons

The Lawyer may not give anybody his consent to provide information about his business beyond the scope of these Rules.

Section Four

Information on the Registered Office

Article 29

Information Tables

(1) The lawyer must have his title or name, on a table of an appropriate size, placed on the building where his registered office is located.

(2) The lawyer may mark the place where his office has its branch-office or where he provides his legal services on a regular basis in the same manner.

(3) The lawyer may place other similar signs on the building and its surrounding area to facilitate the orientation.

(4) The provisions of 1 to 3 shall apply to the Established European Lawyer's Title or Name, Consortium's Common Name and Company's Name by analogy.

Section Five

Recruitment of Clients

Article 30

Free Choice of the Lawyer

When recruiting clients the lawyer shall be obliged to refrain from any conduct which would cause, to people requiring provision of legal services, difficulties or impossibility to freely choose a lawyer.

Article 31
Offering of Legal Services

(1) The lawyer may not offer provision of legal services to a person who does not require the legal services from him unless this concerns a person the lawyer comes into contact with privately or while practicing of the legal profession. In exceptional cases he may do so if the immediate provision of legal services appears to be necessary in the interest of the person.

(2) The lawyer must refrain from any form of persuasion when offering his legal services, especially if the circumstances or the behaviour of the person appear to suggest that he or she is not interested in the service offered.

Article 32
Use of Other Persons

(1) The lawyer may not provide or accept fee or any other benefit for recommending or procuring legal services.

(2) Submitting his means of information or granting other persons the power of attorney specifying they should use these to acquire clients for the lawyer shall be also considered as inadmissible use of other persons by the lawyer.

PART FOUR
CLOSING PROVISIONS

Article 33
Repealed

Article 34
Force and Effect of the Rules

These Rules are in force as of the date of their adoption by the Board of Directors of the Bar. They shall come into effect on the 30th day after being published in the Official Journal of the Bar, except for Articles 5 and 20 to 24, which shall come into effect 6 months after being published in the Official Journal of the Bar.

JUDr. Luboš Tichý, in his own hand
President of the Czech Bar Association

* * *

Selected provisions of amendments:

**Resolution of the Board of Directors of the Czech Bar Association No. 12/2006 of the
Official Journal of the Bar**

Article II

Transitional Provisions

Lawyers, established European lawyers, consortia and companies shall be obliged to harmonise their title or name pursuant to the provisions herein not later than within one year as of the date of the effect of the resolution herein; until then commercial documents¹⁾ without the requisites under the resolution herein may be used.

**Resolution of the Board of Directors of the Czech Bar Association No. 2/2010 of the
Official Journal of the Bar**

Article II

Repealing Provision

The Resolution of the Board of Directors of the Czech Bar Association No. 10/1999 of the Official Journal of the Bar on proving the entitlement to practice the legal profession, and on the Lawyer Card, Lawyer Professional Identity Card and the Legal Trainee Card, as amended, shall be repealed hereby.

**Resolution of the Board of Directors of the Czech Bar Association No. 1/2014 of the
Official Journal of the Bar**

Article II

¹⁾ S. 13a (1) of the Commercial Code.

Transitional Provision

Lawyers practising the legal profession in Consortia and Companies shall amend the designation of their Consortia or Companies to comply with this Resolution by 30 June 214.

Effect:

The Resolution of the Board of Directors of the Czech Bar Association No. 1/1997 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct), was declared in the issue 1/1997 of the Official Journal of the Bar distributed on 31st January 1997; **came into effect on the thirtieth day after being declared, i.e. on 2nd March 1997, with the exception of the provisions of Articles 5 and 20 to 24, which came into effect 6 months after the declaration, i.e. on 31st July 1997.**

Changes:

- 1. Assembly Resolution No. 3/1999 of the Official Journal of the Bar**, which approves the Code of Organisation of the Czech Bar Association, was declared in chapter 4/1999 of the Official Journal of the Bar distributed on 11th November 1999; **came into effect on the thirtieth day after its declaration, i.e. on 11th December 1999.**
- 2. Resolution of the Board of Directors of the CBA No. 2/2003 of the Official Journal of the Bar**, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic, was declared in chapter 2/2003 of the Official Journal of the Bar, distributed on 29th August 2003; **came into effect on the thirtieth day after its declaration, i.e. on 28th September 2003.**
- 3. Resolution of the Board of Directors of the CBA No. 8/2004 of the Official Journal of the Bar**, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 3/2004 of the Official Journal of the Bar, distributed on 30th July 2004; **came into effect on 1st September 2004.**
- 4. Resolution of the Board of Directors of the CBA No. 6/2005 of the Official Journal of the Bar**, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 3/2005 of the Official Journal of the Bar, distributed on 30th November 2005; **came into effect on the thirtieth day after its declaration, i.e. on 30th December 2005.**
- 5. Resolution of the Board of Directors of the CBA No. 9/2006 of the Official Journal of the Bar**, which amends the Resolution of the Board of Directors of the CBA No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 4/2006 of the

Official Journal of the Bar, distributed on 30th November 2006; came into effect on the thirtieth day after its declaration, i.e. in December 2006.

6. ***Resolution of the Board of Directors of the CBA No. 12/2006 of the Official Journal of the Bar***, which amends the Resolution of the Board of Directors of the CBA No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 4/2006 of the Official Journal of the Bar, distributed on 30th November 2006; ***came into effect on the thirtieth day after its declaration, i.e. on 30th December 2006.***
7. ***Resolution of the Board of Directors of the CBA No. 1/2008 of the Official Journal of the Bar***, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 1/2008 of the Official Journal of the Bar, distributed on 15th July 2008; ***came into effect on the thirtieth day after its declaration, i.e. on 14th July 2008.***
8. ***Resolution of the Board of Directors of the CBA No. 2/2010 of the Official Journal of the Bar***, which amends the Resolution of the Board of Directors of the CBA No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, and repeals the Resolution of the Board of Directors of the CBA No. 10/1999 of the Official Journal of the Bar on proving the authorization to practice the legal profession and on the Lawyer's Card, Lawyer's Professional Identification Card and the Legal Trainee's Professional Identification Card, as amended by professional regulations, was declared in chapter 2/2010 of the Official Journal of the Bar, distributed on 12th August 2010; ***came into effect on the thirtieth day after its declaration, i.e. on 11th September 2010, except for provisions of article I, point 3 and article II, which came into effect on the effective date of the Decree stipulating details of Lawyer's Professional Identity Card, established European Lawyer's Professional Identity Card and Legal Trainee's Professional Identity Card, i.e. on 1 January 2011.***
9. ***Resolution of the Board of Directors of the CBA No. 1/2013 of the Official Journal of the Bar***, which amends the Resolution of the Board of Directors of the CBA No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 2/2013 of the Official Journal of the Bar, distributed on 1st August 2013; ***came into effect on the thirtieth day after its declaration, i.e. on 30th August 2013.***
10. ***Resolution of the Board of Directors of the CBA No. 1/2014 of the Official Journal of the Bar***, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 1/2014 of the Official Journal of the Bar, distributed on 20th February 2014; ***came into effect on the thirtieth day after its declaration, i.e. on 22nd March 2014.***
11. ***Resolution of the Board of Directors of the CBA No. 4/2015 of the Official Journal of the Bar***, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 3/2015 of the Official Journal of the Bar, distributed on 15th December 2015; ***came into effect on the thirtieth day after its declaration, i.e. on 14th January 2016.***