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Estonian

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Types of legal professions

Estonia

This page provides you with an overview of the organisation of the legal professions in Estonia

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Legal professions – introduction**The legal professions in Estonia are made up of:**

Prosecutors;

Judges;

Lay judge;

Assistant judges and judicial clerks;

Advocates;

Notaries;

Bailiffs;

Trustees in bankruptcy

Prosecutors**Organisation**

The [Prosecutor's Office](#) is a government agency that falls under the responsibility of the Ministry of Justice. It consists of two levels: the Office of the Prosecutor General (as the superior prosecutor's office) and four district prosecutor's offices.

The jurisdiction of the Office of the Prosecutor General covers the whole of Estonia and the jurisdiction of each District Prosecutor's Office corresponds to that of the police prefectures. The Prosecutor's Office is headed by the Prosecutor General, who is appointed to office for five years by the Estonian Government following a proposal of the Minister for Justice, having heard the opinion of the Estonian Parliament's Legal Affairs Committee.

Each year at Parliament's spring session the Prosecutor General presents to the Constitutional Committee of the Parliament an overview of performance during the previous calendar year of the duties assigned to the Prosecutor's Office by law.

A District Prosecutor's Office is headed by a chief prosecutor, who is also appointed to office for five years by the Minister for Justice on the proposal of the Prosecutor General.

In total there are eight types of prosecutor in Estonia: the Prosecutor General, chief state prosecutors, state prosecutors and assistant prosecutors in the Office of the Prosecutor General and chief prosecutors, senior prosecutors, special prosecutors, district prosecutors and assistant prosecutors in the District Prosecutors' Offices.

See also the [Prosecutor's Office Act](#).

Role and duties

Pursuant to the Prosecutor's Office Act:

the Prosecutor's Office participates in planning surveillance required for the prevention and detection of crimes;

leads pre-trial criminal proceedings ensuring their lawfulness and effectiveness;

represents public prosecution in court;

fulfils other duties imposed on the Prosecutor's Office by law.

The Prosecutor's Office carries out its duties under the Prosecutor's Office Act in an independent manner.

As the leader of criminal proceedings, the prosecutor guides the investigating body in collecting evidence and decides whether to bring charges against a person on the basis of the facts established.

Under the Statutes of the Prosecutor's Office:

the Office of the Prosecutor General:

leads preliminary investigations and represents public prosecution in courts of all instances in acts of criminal official misconduct, economic crime, offences related to service in the Defence Forces, environmental crimes, offences against administration of justice and criminal offences related to organised crime, of cross-border nature and other particularly serious organised crimes or crimes attracting great public interest, as well as crimes against humanity and international security, more serious criminal offences against the state, criminal offences perpetrated by prosecutors and other criminal offences assigned by the chief public prosecutor;

supervises and provides advice on the activities of District Prosecutors' Offices and analyses and makes general conclusions on judicial practices and the practices of the prosecutors' offices;

performs obligations arising from international cooperation, including participation in the work of Eurojust;

participates in drafting Acts, Government of the Republic Regulations and administrative Orders, and Regulations and Orders of the Minister for Justice concerning the activities of the Prosecutor's Office.

Judges**Organisation**

A judge must be an Estonian citizen who has obtained a nationally recognised Master's Degree in law, an equivalent qualification within the meaning of Section 28(22) of the Republic of Estonia Education Act or an equivalent foreign qualification, is proficient in Estonian at advanced level, is of high moral character and has the abilities and personal characteristics necessary to work as a judge. Judges are appointed to office for life. The Minister for Justice has no right of command or disciplinary authority over judges. A judge can be removed from office only on the basis of a court judgement that has entered into force. Judges may serve until the age of 67, but this may be extended.

The following may not be appointed as a judge:

anyone convicted of a criminal offence;

anyone who has been removed from the office of judge, notary, sworn translator or bailiff;

anyone who has been expelled from the Estonian Bar Association;

anyone who has been released from the public service for a disciplinary offence;

anyone who is bankrupt;

anyone whose professional activities as an auditor have been terminated, except where on the basis of the application of the auditor;

anyone from whom the right to work as a patent agent has been withdrawn, except where on the basis of the application of the patent agent.

Anyone who has completed the preparatory service to become a judge or who is exempt from such service and has passed the judge's exam may be appointed as a judge in a county or administrative court. The preparatory service for becoming a judge does not have to be completed by anyone who has worked for at least two years as an attorney-at-law or as a prosecutor (but not as a prosecutor's assistant) immediately before passing the judge's exam, or by anyone who has previously worked as a judge if no more than 10 years have passed since they were released from office as a judge.

Anyone who is an experienced and recognised lawyer and has passed the judge's exam may be appointed as judge of a district court. Anyone who has worked as a judge immediately prior to their appointment does not have to take the judge's exam.

Experienced and recognised lawyers may be appointed to the office of justice of the Supreme Court.

Judges are appointed through an open competition.

A judge may not be employed other than in the office of judge, except for in a teaching or research capacity. A judge must inform the President of the Court of all employment other than in the office of judge. Any employment other than in the office of judge must not jeopardise performance of the judge's official duties or the judge's impartiality in the administration of justice. A judge may not be a member of the Riigikogu or a member of a municipality or city council, a member of a political party, a founder, managing partner or member of the management board or supervisory board of a company, a director of a branch of a foreign company, a trustee in bankruptcy, a member of a bankruptcy committee, the compulsory administrator of an immovable or an arbitrator chosen by one of the parties to a dispute.

A judge may be removed from office only by a court judgment. Criminal charges against a judge of a court of first or second instance may be brought during his or her term of office only on the proposal of the Supreme Court en banc with the consent of the President of the Republic. Criminal charges against a justice of the Supreme Court may be brought during his or her term of office only on the proposal of the Chancellor of Justice with the consent of a majority in the Estonian Parliament.

The requirements applicable to judges, their preparatory service and their obligations are laid down in the [Courts Act](#).

Role and duties

The judicial profession is regulated by law. A code of ethics has been adopted by all Estonian judges sitting together (en banc). More information can be found on the Estonian [Courts](#) website and on the website of the [Supreme Court](#).

The role of a judge is to administer justice in accordance with the Constitution and legal acts, on the basis of which the judge decides on a just solution for the parties to the case. A judge develops the law by interpreting legal acts and undertaking research.

A judge performs his or her official duties in an impartial manner without self-interest and observes service interests even outside his or her professional activities. A judge must behave impeccably both in and outside his or her professional activities and refrain from acts which may damage the reputation of the court. A judge may not disclose information which becomes known to him or her at a court session held in private or in discussions held when reaching a settlement. The duty of confidentiality applies at all times, even after the judge has retired. A judge must supervise candidate judges, candidate assistant judges and university student trainees undergoing their preparatory service. No judge is required to supervise more than two candidate judges, candidate assistant judges or university student trainees at a time. A judge is required to develop his or her professional knowledge and skills regularly and to participate in training.

Social guarantees for judges

By law, judges receive various social guarantees, including an official salary, additional remuneration, a judge's pension, leave, official robes and other social guarantees.

A judge's official salary is laid down in the Act on the official salaries of state officials nominated by the Estonian Parliament and the President of the Republic. In addition to their official salary, judges are paid additional remuneration for years of service amounting to 5 % of the official salary as of the fifth year; 10 % of the official salary as of the tenth year; 15 % of the official salary as of the fifteenth year;

A judge's pension is made up of their retirement pension, a superannuation pension, invalidity pension and a survivor's pension for the judge's family members. A judge's pension is not paid during employment as a judge. If a retired judge is employed elsewhere he or she receives the judge's pension in full regardless of earnings. A judge's pension is not paid to anyone expelled from office for a disciplinary offence or convicted of an intentionally committed criminal offence. A judge's pension is withdrawn from anyone convicted of an offence against the administration of justice.

A judge's retirement pension may be paid to anyone who has been employed as a judge for at least fifteen years and who has reached pensionable age. Judges are also eligible for a retirement pension if they lose 100 %, 90 % or 80 % of their work capacity following fifteen years' employment as a judge, even if they have not reached pensionable age. Judges who have reached pensionable age have the right to receive their retirement pension after ten years of work as a judge if they lose 100 %, 90 % or 80 % of their work capacity. A judge's retirement pension is 75 % of their final salary.

A superannuation pension totalling 75 % of the judge's final salary is paid to anyone who has been employed as a judge for at least thirty years.

A judge who becomes permanently incapacitated for work during his or her employment as a judge has the right to obtain a judge's invalidity pension. A judge's invalidity pension is 75 % of the judge's final salary in the event of a 100 % loss of capacity for work, 70 % of the final salary in the event of an 80 % or 90 % loss of capacity for work and 30 % of the final salary in the event of a 40 %-70 % loss of capacity for work.

If a judge dies, a survivor's pension amounting to 30 % of the judge's final salary is paid to each family member entitled to receive a survivor's pension, but no more than 70 % of the judge's final salary is paid in total.

A judge is entitled to annual leave totalling 49 calendar days for a judge of a court of first or second instance and 56 calendar days for a justice of the Supreme Court. A judge is not entitled to the additional leave provided for in the Public Service Act.

Lay judges

Lay judges participate in the administration of justice in county courts only in criminal cases concerning a crime of the first degree. A lay judge has the same status, rights and duties as a judge in the administration of justice. A lay judge may be appointed for up to four years and must be an Estonian citizen with active legal capacity, aged between 25 and 70, resident in Estonia, proficient in Estonian at advanced level and of suitable moral character to perform the functions of a lay judge. A lay judge may not be appointed for more than two consecutive terms.

The following may not be appointed as a lay judge: anyone who has been convicted of a criminal offence, who is bankrupt, who is unsuitable on health grounds, who has had a permanent address (i.e. an address entered in the population register) for less than one year within the local government area which put the person forward as a candidate for lay judge, who works for the courts, the Prosecutor's Office or the Internal Security Service, who is in the defence forces, who is a lawyer, notary or bailiff, who is a member of the Estonian Government or a municipal or city government, or who is the President of the Republic, a Member of Parliament or a county governor. Anyone who is accused of a criminal offence may not be appointed as a lay judge during the criminal proceedings.

In essence, the role of a lay judge is to represent, in the administration of justice, the outlook of an ordinary person who regards legal proceedings more from a humane than a legal standpoint. Local government councils are responsible for electing candidate lay judges.

Assistant judges and judicial clerks

An assistant judge is a court official who performs duties laid down by law. An assistant judge is impartial, but must comply with the instructions of a judge to the extent prescribed by law. An assistant judge is competent to make entries in registers (e.g. the land register, the commercial register) and to issue regulations on the keeping of registers, including orders imposing a penalty. Assistant judges may implement an accelerated procedure for payment orders. The restrictions on holding the office of judge also apply to assistant judges.

Anyone may be appointed as an assistant judge if they have obtained a nationally recognised Master's Degree in law, an equivalent qualification within the meaning of Section 28(2) of the Republic of Estonia Education Act or an equivalent foreign qualification, are proficient in Estonian at advanced level, are of high moral character and have completed the preparatory service to become an assistant judge. A person who has not undergone assistant judge's preparatory service, but who has undergone judge's preparatory service or has been exempted from this and has passed a judge's examination may also be appointed as an assistant judge.

The following may not be appointed as an assistant judge: anyone convicted of a criminal offence; anyone who has been removed from the office of judge, notary, sworn translator or bailiff; anyone who has been expelled from the Estonian Bar Association; anyone who has been released from the public service for a disciplinary offence; anyone who is bankrupt; anyone whose professional activities as an auditor have been terminated, except where on the basis of the application of the auditor; anyone from whom the right to work as a patent agent has been withdrawn, except on the basis of an application by the patent agent. anyone removed from the office of judge due to their unsuitability for office – for three years following their appointment to office.









Assistant judges are appointed through an open competition.

The requirements for assistant judges are laid down in the [Courts Act](#)

A judicial clerk is a court official who participates, either independently or under the supervision of a judge, in the preparation and the handling of cases to the extent provided for in the Act governing the court procedure. A judicial clerk has the authority to perform all the same acts and make the same judgments as an assistant judge or other court official pursuant to the Act governing the court procedure. A judicial clerk is independent when performing his or her duties, but must comply with the instructions of a judge to the extent prescribed by law.

The requirements imposed on judicial clerks are the same as those imposed on assistant judges. A vacant position of a judicial clerk is filled by way of public competition.

The following may not be appointed as a judicial clerk: anyone who has been punished for an intentionally committed criminal offence; anyone who has been punished for an intentionally committed offence against the state, irrespective of whether the conviction details have been expunged; anyone whose right to work in the role of judicial clerk has been withdrawn under a court judgement having legal force; anyone who is the next of kin or partner of a person directly supervising a judicial clerk.

In addition to [judicial clerks](#)  (371 Kb)  and [assistant judges](#)  (373 Kb) , other court officers include [directors of courts](#)  (367 Kb)  and [clerks of court sessions](#)  (364 Kb) .

Advocates

Lawyers include attorneys-at-law and their assistants.

Advocates are members of the Estonian Bar Association and are regulated by the Bar Association Act. Anyone who meets the requirements laid down in the Bar Association Act and has passed the bar examination may be a member of the Estonian Bar Association.

The Estonian Bar Association is a self-governing professional association established to provide legal services in both the private and public interest and protect the professional rights of lawyers. The Estonian Bar Association monitors the professional activities of its members and their compliance with requirements for professional ethics. The Estonian Bar Association also organises lawyers' professional in-service training and the provision of state legal aid. Through its members, the Estonian Bar Association ensures the provision of state legal aid.

The Estonian Bar Association acts through its bodies. These include the general assembly, the board, the chairperson, the audit committee, the court of honour and the professional suitability assessment committee.

Attorneys-at-law have the authority:

to represent and defend clients in court and in pre-trial and other proceedings both in Estonia and abroad;

to gather evidence;

to select at will and to use lawful means and measures when providing legal services;

to obtain from national and local authorities the information needed to provide legal services, to have access to documents and to obtain copies and extracts of them, unless lawyers are prohibited by law from obtaining this information and documentation;

to process the personal data of people other than their clients that were obtained in accordance with a contract or legal act, including sensitive personal data, without the agreement of those people if this is necessary to provide the legal services;

to verify signatures and copies of documents submitted to the court and other official bodies as part of the legal services provided to a client;

to act as arbitrators or as conciliators in the procedure laid down in the Conciliation Act;

to act as trustees in bankruptcy, if they are members of the Chamber.

Assistants of attorneys-at-law have the authority of an attorney-at-law within the limits provided for by law.

Assistant attorneys-at-law are not authorised to act as arbitrators or as conciliators in the procedure laid down in the Conciliation Act. They do not have the authority to represent or defend clients in the Supreme Court unless provided otherwise by law. Assistant attorneys-at-law do not have the authority to act as trustees in bankruptcy.

An assistant attorney-at-law may provide legal services only under the supervision of his or her patron, who is an attorney-at-law.

When providing legal services a lawyer acts independently and in accordance with the law, the legal acts and decisions adopted by the bodies of the Estonian Bar Association, the requirements for the professional ethics of lawyers, good practice and their conscience.

Information disclosed to a lawyer is confidential. A lawyer or an employee of the Estonian Bar Association or a law office who is being heard as a witness may not be interrogated or asked to provide explanations concerning matters of which he or she became aware in the course of providing legal services.

Data media related to the provision of legal services by a lawyer are inviolable.

The performance by a lawyer of his or her professional duties may not lead to him or her being identified with a client or the client's court case.

A lawyer may not be detained, searched or taken into custody for reasons arising from his or her professional activities, except on the basis of a ruling of a county or city court. A law office through which a lawyer provides legal services may not be searched for reasons arising from the lawyer's professional activities.

A list of lawyers and law offices and other useful information can be found on the website of the [Estonian Bar Association](#). The 'find a lawyer' function, however, makes it possible to find a lawyer throughout the European Union.

Legal databases

There are no databases apart from those listed above.

Legal advisers

The professional activities of legal advisers are not regulated by law in Estonia.

Notaries

Organisation

All notaries in Estonia have equal competence. The profession of notary is regulated under the [Notaries Act](#). The Ministry of Justice and the Chamber of Notaries are both responsible for regulating and administering notaries' professional activities. The Chamber of Notaries is a legal entity under public law, and all notaries appointed to office are members. The tasks for which it is responsible include monitoring whether notaries are carrying out their professional activities in a conscientious and correct manner, harmonising notaries' professional activities, arranging training for notaries, organising candidate service, administering and developing the electronic information system in relation to notaries, and providing assistance to the Minister of Justice in respect of supervisory activities, etc. The website of the [Chamber of Notaries](#) provides information about notaries and notarial duties.

Role and duties

A notary holds an office in public law. He or she is empowered by the State to attest, at someone's request, facts and events that have legal meaning and to perform other notarial acts in order to ensure legal certainty.

Notaries must be impartial, trustworthy and independent in their activities. They are obliged to ascertain the actual intentions of the parties to a transaction and the circumstances required for a correct transaction to be performed and to explain to the parties the different ways of carrying out the transaction and the consequences of the transaction.

Notaries perform the following notarial acts, where so requested:

provide notarial certification (various contracts, acts of delegation, wills) and notarial authentication (copies, signatures, print-outs, etc.);
settle succession matters;

issue certificates on the preparation of notarial documents to be enforced in Estonia (which are to be enforced in Estonia and correspond to the standard forms established in Annex VI to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, pp. 1–23)).

declare authorisation documents invalid in accordance with the Notarisation Act;

declare agreements concluded through a lawyer acting as a conciliator or through another notary to be enforceable;

issue certificates (apostilles);

at the request of legal persons, submit their annual financial reports to the court keeping the register;

confirm marriages and divorces and prepare marriage and divorce entries;

accept deposits of money, securities and documents;

enable access to the data entered in the register of the land registry department or registration department or to a document maintained in the register;

submit notices and applications at the request of an undertaking, receive documents or other information from economic administrative authorities and

deliver an administrative act to an undertaking;

enter information in the register at the request of an undertaking;

The client must pay the notary the fee laid down by law for these transactions.

Notaries may offer the following official services:

legal counselling outside of the attestation procedure;

advice on taxation law and foreign law, whether or not as part of an attestation procedure;

offer conciliation pursuant to the Conciliation Act;

act as an arbitrator on the basis of the Code of Civil Procedure;

conduct auctions, voting, lotteries and the casting of lots, and verify the results;

preside over the taking of oaths and authenticate sworn certificates;

forward petitions and notices not related to official duties and issue certificates concerning the forwarding or impossibility to forward such petitions and/or notices;

accept deposits of money — with the exception of cash — securities, documents and other items if this is not a notarial act or an official duty resulting from a notarial act;

certify the correctness of the translation of documents from a foreign language into Estonian until 2020 (as of 2015, only sworn translators are authorised to issue official translations from Estonian into a foreign language, and as of 2020 only sworn translators will be authorised to issue official translations from a foreign language into Estonian);

respond to a request for explanation submitted by an undertaking

Information on the official services offered by notaries can be found on the website of the [Chamber of Notaries](#). The fees for notaries' services are agreed between the client and the notary before the service is provided.

Other legal professions

Bailiffs

In Estonia, this is a liberal legal profession: bailiffs act on their own behalf and are liable for their own actions. A bailiff must be impartial and responsible in his or her duties. Bailiffs' official activities are regulated under the [Bailiffs Act](#).

A joint professional organisation for bailiffs and trustees in bankruptcy, the Chamber of Bailiffs and Trustees in Bankruptcy (hereinafter the Chamber), has been in operation since January 2010. Bailiffs' official activities, their supervision, disciplinary liability and professional association activities are regulated

under the Bailiffs Act. The role of the Chamber is to develop and promote the liberal legal professions, including developing and monitoring compliance with good official and professional practice, to draw up recommendations for harmonising professional activities, to organise training, to develop information systems, etc. The Chamber also has a court of honour. Further information on the activities of the Chamber is available on its [website](#).

A bailiff's professional duties are:

1. to carry out enforcement procedures in accordance with the Code of Enforcement Procedure;
2. to serve documents in accordance with the procedural codes;
3. to make inventories of estates and administer estates in accordance with the Law of Succession Act;
4. to conduct, in the cases and pursuant to the procedure prescribed by law, an auction at the request of a court or administrative body outside enforcement proceedings.

The bailiff's fee for carrying out these official duties is laid down in the Bailiffs Act.

A bailiff's official services are:

By request from a person, a bailiff may perform the following as professional services:

- 1) conduct movable and immovable property auctions
- 2) deliver documents;
- 3) give legal advice and draw up legal documents if his or her education corresponds to the provisions of Section 47(1)(1) of the Courts Act.

Bailiffs are entitled to refuse to provide a professional service.

The terms for the provision of professional services and the procedure for remuneration shall be agreed in writing with the person requesting the service. The terms and remuneration agreed shall be in conformity with good professional practice.

In the provision of professional services, bailiffs may not exercise those rights that have been granted to bailiffs by law for carrying out their professional duties or which arise from his or her office.

Information regarding the services provided by bailiffs can be found on the Chamber's [website](#). The provision of official services is agreed in writing with the service requester before the service is provided.

State supervision of bailiffs' official duties is carried out by the Minister for Justice.

Bailiffs are liable for damage wrongfully caused in the course of his or her professional activities, including if the damage was caused by an employee of his or her office. If claims for the compensation of damage caused by the professional act of a bailiff cannot be satisfied from the assets of a bailiff or any other person liable for the damage or if such claims cannot be satisfied in full, the Chamber is liable for the damage caused. The State bears final liability for the actions of bailiffs. Both the Chamber and the State possess the right of recourse against the person responsible for the damage; the State also has the right of recourse against the Chamber.

Trustees in bankruptcy

A trustee in bankruptcy is a court-appointed person who, on the basis of his or her role, performs transactions and other acts relating to a bankruptcy estate and represents the debtor in court in disputes relating to a bankruptcy estate. The main obligation of a trustee in bankruptcy is to defend the rights and interests of all creditors and the debtor and to ensure lawful, prompt and financially reasonable bankruptcy proceedings. A trustee in bankruptcy carries out his or her duties personally. The following may act as trustees in bankruptcy: physical persons who have been granted the authority to act as trustees in bankruptcy by the Chamber, attorneys-at-law, statutory auditors and bailiffs. The Chamber shall maintain a list of trustees in bankruptcy. The list includes data on all those entitled to act as trustees in bankruptcy and is accessible to the public on the Chamber's website. A trustee entered on the list must ensure that the data are accurate.

The main duties of a trustee in bankruptcy are:

- 1) to determine the claims of the creditors, administer the bankruptcy estate, and organise the formation and sale of the estate and the satisfaction of the claims of the creditors out of the estate.
- 2) to determine the reasons for and date of the debtor's insolvency;
- 3) to arrange, where necessary, for the business activities of the debtor to continue;
- 4) to conduct, where necessary, the liquidation of the debtor, if the debtor is a legal person;
- 5) to provide information to creditors and the debtor in the cases laid down by law;
- 6) to report on their activities and provide information concerning the bankruptcy proceedings to the court, the supervisory official and the bankruptcy committee.

Administrative supervision of the activities of trustees in bankruptcy is carried out by the Ministry of Justice, on the basis of complaints or other data sent to it regarding the trustee and which give reason to believe that the trustee has failed to meet his or her obligations. The Ministry of Justice has the right when monitoring the activities of a trustee to verify the appropriateness and lawfulness of the trustee's professional activities. The Minister for Justice may take disciplinary action against a trustee who fails to comply with the obligations arising from legal acts laying down the professional activities of trustees in bankruptcy. The Minister for Justice may not take disciplinary action against attorneys-at-law acting as trustees in bankruptcy. However, the Minister does have the right to bring court of honour proceedings in the Bar Association.

In addition to administrative supervision, the activities of trustees in bankruptcy are also monitored by the bankruptcy committee, the general meeting of creditors, the court and the Chamber within their field of competence.

Related links

[Ministry of Justice](#)

[Non-profit organisation Association of Lawyers](#)

[Legal Services Office Foundation](#)

[Estonian Bar Association](#)

[Prosecutor's Office](#)

[Chamber of Notaries](#)

[Chamber of Bailiffs and Trustees in Bankruptcy](#)

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