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**Croatian**

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**Types of legal professions**

Croatia

**Lawyers in judicial bodies****Judges (*sudci*; sing. *sudac*).**

Education requirements: Have been awarded a university degree or master's degree in law and passed the national bar examination.

A person who is a Croatian citizen may be appointed judge.

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

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

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

**Courts Act (*Zakon o sudovima*)****State Judicial Council Act (*Zakon o državnom sudbenom vijeću*)****Act on the Remuneration of Judges and Other Judicial Officials (*Zakon o plaćama sudaca i drugih pravosudnih dužnosnika*)****Court staff**

The number of court staff and assistant staff required for the performance of professional, clerical and technical tasks is decided by the Minister for Justice.

The employment of state staff and assistant staff in courts, their remuneration and other work-related rights, obligations and responsibilities and their liability for professional misconduct are governed by the regulations on state staff and assistant staff and the general regulations on work.

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

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

Regulations on the educational requirements for court staff and assistant staff, traineeships, the conditions for taking the specialist state examination, the curriculum and the method of taking that examination and other related matters are adopted by the Minister for Justice.

Court staff may be transferred to another court by decision of the Minister for Justice in accordance with the needs of the service. A court may have court counsellors (*sudski savjetnici*; sing. *sudski savjetnik*) and senior court counsellors (*viši sudski savjetnici*; sing. *viši sudski savjetnik*).

A person who has a university degree in law and who has passed the national bar examination may work as a court counsellor.

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

A person who has worked for at least four years as a court counsellor, judicial official, attorney or notary or a person who has worked for at least 10 years on other legal affairs after passing the national bar examination may be appointed to a post of senior court counsellor at the Supreme Court of the Republic of Croatia.

**Powers of court counsellors and senior court counsellors**

Court counsellors and senior court counsellors take part in trials and are authorised to conduct certain court proceedings independently, to assess evidence and to establish facts.

On the basis of such proceedings, a court counsellor or senior court counsellor submits a draft to a judge authorised for that purpose by the president of the court, on the basis of which the judge adopts a decision. The court counsellor or senior court counsellor publishes that decision by authorisation of the judge. If the judge does not accept the draft submitted by the court counsellor or senior court counsellor, he/she will conduct proceedings himself/herself.

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

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

in labour disputes stemming from collective agreements,

in administrative disputes which concern legal action relating to matters on which a ruling is being adopted on the basis of a final judgment in a model dispute, or legal action against an act or omission committed by a body governed by public law, and in administrative disputes in which the amount at issue does not exceed HRK 100 000.00,

in enforcement proceedings,

in succession proceedings,

in land register proceedings,

in misdemeanour proceedings,

in non-contentious proceedings, except in proceedings concerning deprivation of operational capacity, dissolution of a coownership association, settlement of boundaries and proceedings under the Family Act (*Obiteljski zakon*),

in registration proceedings,

in shortened insolvency proceedings,  
concerning the costs of court proceedings.

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

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

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

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

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

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

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

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

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

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

If no lay judge has been appointed by the end of the term of office of an existing lay judge, the latter shall continue to perform his/her duties until an appointment is made.

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

Lay judges of the Supreme Court of the Republic of Croatia are appointed by the Croatian parliament, on the basis of a proposal from the Minister for Justice, in such a way that all counties are represented.

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

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

A court that has more than 40 judges may have a director of court administration.

Several courts of different instance and type which are located in the jurisdiction of a county court and which have more than 40 judges in total may have a joint director of court administration who performs tasks for those courts. Courts which have a joint director of court administration conclude an agreement on the joint performance of the tasks for which the director of court administration is responsible.

The director of court administration is responsible for the proper and timely performance of expert, administrative, technical and other work in the court, as follows:

taking care of maintenance of the court building, premises and work equipment, and investment,  
organising and coordinating the drafting of the annual procurement plan in accordance with the law and the needs of the court,  
being responsible for conducting public procurement procedures,  
monitoring material and financial operations and carrying out clerical and ancillary technical tasks,  
taking care of and monitoring the use of the court's budgetary and own resources,  
taking part in the preparation and implementation of projects of the court administration and supervising the implementation of such projects,  
taking care of and being responsible for the proper functioning of the computer system at the court,  
making sure that statistics on the court's work are produced properly and on time,  
cooperating with local and regional authorities on the purchase of equipment and the provision of resources for the specific activities of courts,  
performing other tasks that are assigned to him/her by the president of the court.

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

In order to be appointed director of court administration, a person must have a university degree in law or economics and relevant experience in organisational and financial work.

**Court registrar (*tajnik suda*)**

A court that has more than 15 judges may have a registrar. The court registrar assists the president of the court in the performance of the tasks of the court administration. A person who has a university degree in law may be appointed court registrar.

In order to be appointed registrar of the Supreme Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, the High Administrative Court of the Republic of Croatia and the High Misdemeanour Court of the Republic of Croatia, a person must meet the conditions to be a senior court counsellor in the court in question.

The court registrar is responsible for the proper and timely performance of clerical and other technical work in the court, as follows:

organising and being responsible for the work of court staff and assistant staff,  
monitoring and planning the training of staff and assistant staff, and supervising their performance,  
with the consent of the president of the court, adopting decisions on the assignment of court staff and assistant staff,  
on the basis of a delegation from the president of the court, being responsible for petitions and complaints from parties about the work of the court,  
performing other tasks for which the court administration is responsible and which are assigned to him/her by the president of the court,  
performing other tasks laid down by specific legislation.

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

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

A court has a spokesperson.

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

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

A deputy spokesperson may be appointed.

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

**State Attorneys (*državni odvjetnici*; sing. *državni odvjetnik*)**

Education requirements: Have been awarded a university degree or master's degree in law and passed the national bar examination.

A state attorney is responsible for performing tasks relating to the area of competence of the State Attorney's Office (*državno odvjetništvo*) that he/she represents and manages.

The State Attorney's Office is an autonomous and independent judicial body that is authorised and obliged to take action against perpetrators of crimes and other punishable offences, to take legal action to protect the assets of the Republic of Croatia and to use remedies to protect the Constitution and legislation. The State Attorney's Office exercises its powers on the basis of the Constitution, legislation, international treaties that form part of the legal order of the Republic of Croatia and other regulations that have been adopted in accordance with the Constitution, an international treaty or a law of the Republic of Croatia.

The State Attorney's Office of the Republic of Croatia has been established to cover the entire territory of the Republic of Croatia, municipal state attorney's offices (*općinska državna odvjetništva*; sing. *općinsko državno odvjetništvo*) have been set up to cover the territory of one or more municipal courts, and county state attorney's offices (*županijska državna odvjetništva*; sing. *županijsko državno odvjetništvo*) have been set up to cover the territory of a county court or commercial court and the jurisdiction of an administrative court.

**STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA  
OFFICE FOR THE PREVENTION OF CORRUPTION AND  
ORGANISED CRIME (*URED ZA SUZBIJANJE KORUPCIJE I ORGANIZIRANOG KRIMINALITETA*) [USKOK]  
COUNTY STATE ATTORNEY'S OFFICES (15)  
MUNICIPAL STATE ATTORNEY'S OFFICES (33)**

State Attorney's Office of the Republic of Croatia  
Gajeva 30a, 10 000 Zagreb

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Criminal Law Division (*kazneni odjel*)

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Municipal State Attorney's Offices  (370 Kb) 

County State Attorney's Offices  (284 Kb) 

**State Attorney's Office Act (*Zakon o državnom odvjetništvu*)**

**(Territories and Registered Offices of State Attorney's Offices Act (*Zakon o područjima i sjedištima državnih odvjetništava*))**

*The new Territories and Registered Offices of State Attorney's Offices Act streamlining the network of municipal state attorney's offices enters into force on 1 April 2015.*

**Act on the Office for the Prevention of Corruption and Organised Crime (*Zakon o Uredu za suzbijanje korupcije i organiziranog kriminaliteta*)  
Attorneys (*odvjetnici*; sing. *odvjetnik*)**

Education requirements: Have been awarded a university degree or master's degree in law and passed the national bar examination.

The legal profession is an independent service that provides legal assistance to natural and legal persons so that they can exercise and defend their rights and legal interests. The legal profession is governed by the Legal Profession Act (*Zakon o odvjetništvu*).

The autonomy and independence of the legal profession is ensured by attorneys exercising their liberal profession autonomously and independently.

Attorneys are organised within the Croatian Bar Association (*Hrvatska odvjetnička komora*), which is an autonomous and independent association of attorneys in the territory of the Republic of Croatia.

Attorneys may be organised as a law office (*odvjetnički ured*), a joint law office (*zajednički odvjetnički ured*) or a law firm (*odvjetničko društvo*), in the last case specifically as a public trading company (*javno trgovačko društvo*) or a limited liability company (*društvo s ograničenom odgovornošću*). Attorneys provide the attorney's service as a profession and may not perform other duties.

Attorneys must join the Croatian Bar Association, which is an autonomous and independent organisation with the characteristics of a legal person. The Croatian Bar Association represents the legal profession of the Republic of Croatia as a whole. The Association's bodies are the Assembly (*Skupština*), Management Board (*Upravni odbor*), Executive Board (*Izvršni odbor*), President (*Predsjednik*) and other bodies defined by its Articles of Association.

Attorneys may offer any kind of legal assistance, in particular:

give legal advice,

draft documents (contracts, wills, statements, etc.) and draw up actions, complaints, motions, requests, applications, extraordinary legal remedies and other pleadings,

represent their clients.

An attorney may carry out his/her legal practice autonomously or in a joint office or a law firm.

Only attorneys may offer legal assistance on a professional basis, except where the law provides otherwise. Professors and assistant professors (*docenti*)

teaching legal subjects at a university in the Republic of Croatia may give legal advice and opinions for payment. This does not include the drafting of documents (contracts, wills, statements, etc.) or the preparation of actions, complaints, motions, requests, applications, extraordinary legal remedies and other pleadings. Such persons are not authorised to offer other forms of legal assistance, and they are obliged to inform the Croatian Bar Association of their intention to offer legal assistance so that it can be recorded.

A person acquires the right to work as an attorney in the territory of the Republic of Croatia by being enrolled on the list of attorneys and upon taking an oath. The special decision to enter a person on the list of attorneys is made by the Croatian Bar Association.

Croatian Bar Association

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**Legal Profession Act**

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

Education requirements: Have been awarded a university degree or master's degree in law and passed the state examination for the notarial profession. Notaries do not represent clients. They are experienced experts commissioned by clients. Their aim is to help their clients to manage their affairs as well as possible in order to avoid lengthy and costly disputes. Moreover, they are impartial, since they act in order to protect legal security, rather than in the interests of a particular client, and they may not refuse to perform official duties unless they have a valid reason. They are obliged to treat as confidential the information that they obtain in the performance of their work.

The notarial service comprises the official drafting and issuing of public documents on legal transactions, statements and facts on which rights are based, the official certification of private documents, the acceptance for safe keeping of documents, money and valuables with a view to handing them over to other persons or competent bodies, and the conduct of procedures laid down by law following an instruction from a court or other public body. The organisation and functioning of notaries as a public service are laid down by the Notaries Act (*Zakon o javnom bilježništvu*).

Notarial services are provided by notaries as autonomous and independent professionals vested with public trust. Notaries are appointed by the Minister for Justice. The registered office of notaries in the territory for which they are appointed is determined by the Ministry, and the official territory covered by notaries corresponds to the territory laid down by law for the municipal court on whose territory they have their registered office. A notary is authorised to represent a client before courts and other public bodies in a non-contentious case if such a case is directly linked to any of his/her documents, in which case he/she has the rights and duties of an attorney.

In the Republic of Croatia notaries must join the Croatian Chamber of Notaries (*Hrvatska javnobilježnička komora*). The Chamber's registered office is in Zagreb. The Chamber seeks to protect the reputation and honour of notaries and to defend their rights and interests, and it decides on their rights, obligations and responsibilities. The bodies of the Chamber are its Assembly (*Skupština*), Management Board (*Upravni odbor*) and President (*Predsjednik*). The work of notaries is monitored by the Ministry of Justice and the Chamber.

Croatian Chamber of Notaries

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**Notaries Act (*Zakon o javnom bilježništvu*)**

**Act on Notaries' Fees (*Zakon o javnobilježničkim pristojbama*)**

#### **Lawyers in national, local and regional authorities**

Education requirements: Have been awarded a university degree or master's degree in law and passed the national bar examination (for posts representing an employer).

The position of state staffs (including lawyers) in national authorities is governed by the State staff Act (*Zakon o državnim službenicima*), whereas the position of staff (including lawyers) of local and regional authorities is regulated by the Local and Regional Self-Government Act (*Zakon o lokalnoj i područnoj (regionalnoj) samoupravi*).

#### **Lawyers in trading companies**

Education requirements: Have been awarded a university degree or master's degree in law and passed the national bar examination (for posts representing an employer).

Lawyers in trading companies are authorised to represent the trading company concerned, in their capacity of authorised representative by virtue of employment, before all authorities and in all legal relationships, such as civil proceedings, the conclusion of contracts, matters of labour law, property and status, misdemeanour and criminal proceedings, etc. Lawyers who work in business are authorised to take the national bar examination under the conditions laid down by law.

The Republic of Croatia has no chamber of lawyers who work in trading companies. For that reason a certain number of lawyers who work in trading companies belong to civil society organisations which have been set up to promote the interests of the legal profession in business and to obtain advanced professional training for lawyers in such companies.

The position of lawyers in trading companies in the Republic of Croatia is not regulated by separate regulations.

#### **Lawyers in institutions and academia**

Education requirements: Have been awarded a university degree or master's degree in law and passed the national bar examination (for posts representing an employer).

Education requirements for work in academia or for exercising scientific and educational occupations: The person concerned must have been awarded a university degree or master's degree in law or a doctor's degree, have made public presentations at scientific or academic gatherings in the field concerned and published scientific and academic works.

#### **National Judicial Council (*Državno sudbeno vijeće*)**

The **National Judicial Council** is an autonomous and independent body that ensures the autonomy and independence of the judiciary in the Republic of Croatia. It decides autonomously, in conformity with the Constitution and law, on the appointment, promotion, transfer, dismissal and disciplinary responsibility of judges and presidents of courts, except in the case of the President of the Supreme Court of the Republic of Croatia. The President of the Supreme Court is elected and dismissed by the Croatian Parliament on the basis of a proposal from the President of Croatia once the General Assembly (*Opća sjednica*) of the Supreme Court of the Republic of Croatia and the competent committee of the Croatian Parliament have given their opinion. The President of the Supreme Court of the Republic of Croatia is elected for a term of four years.

The National Judicial Council has 11 members, of whom seven are judges, two are university professors of law and two are members of Parliament, one of whom must be from the ranks of the opposition.

**National Judicial Council Act (*Zakon o državnom sudbenom vijeću*)**

#### **State Attorneys' Council (*Državnoodvjetničko vijeće*)**

The State Attorneys' Council appoints and dismisses, and decides on the disciplinary responsibility of, state attorneys, apart from the State Attorney-General of the Republic of Croatia, and of their deputies. The State Attorney-General of the Republic of Croatia is appointed for a term of four years by the Croatian Parliament, on the basis of a proposal from the Government of the Republic of Croatia, once the competent committee of the Croatian Parliament has given its opinion.

The National State Attorneys' Council has 11 members, of whom seven are deputy state attorneys, two are university professors of law and two are members of Parliament, one of whom must be from the ranks of the opposition.

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