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Latvian

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Types of legal professions

Latvia

This page provides you with an overview of the legal professions in Latvia.

Prosecutors

Organisation

The **Office of the Public Prosecutor (*Prokuratūra*)** is a unified, centralised **judicial authority** in a three-tiered system. The Office is headed by the **Prosecutor-General (*ģenerālprokurors*)**. Its purpose is to **react to infringements of the law and ensure that cases related to those infringements are decided on** in accordance with the law.

The Office of the Public Prosecutor comprises institutions in the following tiers:

Office of the Prosecutor-General (*Ģenerālprokuratūra*);

regional public prosecutors' offices (*tiesu apgabalu prokuratūras*);

district or city public prosecutors' offices (*rajona vai republikas pilsētu prokuratūras*);

specialised public prosecutors' offices (*specializētas prokuratūras*).

If necessary, the Prosecutor-General can establish a specialised sectoral public prosecutor's office having the same status as a district or regional public prosecutor's office. There are currently **five specialised public prosecutors' offices** in Latvia:

a specialised public prosecutor's office for organised crime and other sectors (*Organizētās noziedzības un citu nozaru specializētā prokuratūra*);

a specialised multi-sectoral public prosecutor's office (*Specializētā vairāku nozaru prokuratūra*);

Riga Road Transport Public Prosecutor's Office (*Rīgas autotransporta prokuratūra*);

a public prosecutor's office for investigating financial and economic crime (*Finanšu un ekonomisko noziegumu izmeklēšanas prokuratūra*); and

a public prosecutor's office for investigating crimes involving the illegal circulation of narcotics (*Narkotiku nelegālas aprites noziegumu izmeklēšanas prokuratūra*).

The Prosecutor-General's Office may also supervise the work of public bodies that, while not themselves acting as prosecutors, do help achieve certain tasks in criminal proceedings that fall within their remit. These bodies are established, reorganised and disbanded by the Prosecutor-General. The Prosecutor-General also determines the structure and number of staff of these bodies in accordance with the amount of funds allocated from the State Budget. Only one such body has been established to date: **The Anti-Money-Laundering Service (*Noziedzīgi iegūtu līdzekļu legalizācijas novēršanas dienests*)**.

Public Prosecutor's Offices form part of the courts system. This means that they operate independently of the legislative and executive branches. The Saeima (Latvian Parliament), Cabinet and President may instruct a Public Prosecutor's Office to verify facts relating to infringements and receive explanations from the Prosecutor-General's Office. They may not, however, interfere with the work of the Public Prosecutor's Office in question even when it is investigating infringements of major national importance.

Public prosecutors may enter objections to legislation adopted by the Cabinet and public authorities which is not in accordance with the law. The Prosecutor-General and Chief Prosecutors of departments of the Prosecutor-General's Office may attend Cabinet meetings and express their opinion on the matters under discussion.

Role and duties

The tasks of the Office of the Public Prosecutor in a pre-trial investigation are laid down in Article 2 of the [Law on the Office of the Public Prosecutor](#).

The Office of the Public Prosecutor:

supervises the investigative field-work of the investigative authorities and other bodies;

arranges, leads and carries out pre-trial investigations and gives the investigative authorities instructions for the conduct of their criminal investigations;

initiates and conducts criminal prosecutions;

protects the rights and legitimate interests of persons and the state;

in cases prescribed by law, submits a document instituting proceedings or an application in court.

According to Article 36(1) of the [Law on Criminal Procedure](#), a public prosecutor supervises and carries out investigations, prosecutes, argues accusations on behalf of the state and performs other functions in criminal proceedings.

Supervising prosecutor

The supervising prosecutor supervises the investigation of a particular criminal case and may:

overturn the decisions of an officer conducting proceedings or of members of an investigation team;

request that an investigator's immediate superior replace the officer conducting the proceedings or make changes to the composition of the investigation team in the event of non-compliance with instructions or a breach of procedure which jeopardise the course of criminal proceedings;

consider complaints against the actions or decisions of an officer bringing proceedings or a member of an investigation team, an investigator's immediate superior or a person performing tasks in relation to the proceedings;

take decisions initiating criminal proceedings or referring the matter to another investigative authority;

perform actions related to the proceedings after informing the officer conducting the proceedings thereof.

Officer conducting the proceedings

The supervisory prosecutor (or another prosecutor, on the instructions of a senior prosecutor) may become the officer conducting the proceedings (*procesa virzītājs*). This involves taking over the conduct of the criminal proceedings and taking a decision on whether or not to initiate a criminal prosecution. In exceptional circumstances the Prosecutor-General, the Criminal Law Department of the Prosecutor-General's Office or the Chief Prosecutor of a regional court may appoint a public prosecutor as officer conducting the proceedings at the investigation stage.

As the officer conducting the proceedings, the prosecutor may:

- come to an agreement with the accused regarding an admission of guilt;
- take a decision to refer a criminal case to court;
- submit a case for prosecution under a special procedure;
- terminate criminal proceedings on compelling legitimate grounds.

The officer conducting the proceedings may adopt any procedural decision and perform any procedural action, or refer these to a member of the investigation team or person performing other tasks in relation to the proceedings.

Senior prosecutor

Under the law, a senior prosecutor checks whether a public prosecutor performs the functions with which he or she has been entrusted and takes decision on complaints and reprimands with regard to the decisions and actions of the supervisory prosecutor and prosecutor/officer conducting the proceedings. A senior prosecutor may, for example, take a decision on a proposal by the supervisory prosecutor to change an investigator's immediate superior or investigative body, or on whether a dismissal of an accusation is justified and legitimate.

A senior prosecutor may:

- overturn the decisions of an investigator, member of an investigation team or junior prosecutor;
- appoint or replace a supervisory prosecutor or prosecutor/officer conducting the proceedings, if supervision and prosecution are not fully guaranteed, or assume responsibility himself or herself;
- establish an investigation team, if the volume of work jeopardises completion of the criminal proceedings within a reasonable time-frame;
- request that another immediate superior be appointed for the investigator, or assign the criminal investigation to a different investigative body.

By decision of a senior prosecutor, a prosecutor may be included within an **investigation team**; the officer conducting the proceedings may require the prosecutor to perform one or more tasks in relation to the proceedings.

Judges

Organisation

The constitutional foundation for the judiciary is Articles 82 to 86 of the [Constitution](#), pursuant to which justice is rendered solely by the courts. Judges are independent and answerable only to the law. The judiciary is governed by [the Law on judicial power](#). Under Latvian laws and regulations, judges are national civil servants.

Public authorities, social and political organisations and other legal and natural persons must respect and abide by the independence of the courts and the immunity of judges. Nobody has the right to request that a judge give account of or provide explanations for how a particular case has been considered, or to interfere in the administration of justice, irrespective of the purpose for which this is done. While fulfilling his or her responsibilities in respect of the administration of justice, a judge is inviolable. The office of judge is incompatible with membership of any political party or other political organisation.

Role and duties

The task of a judge is to administer justice in civil, administrative and criminal cases in accordance with the law.

In civil cases, judges hear and decide disputes relating to the protection of natural and legal persons' civil, labour, family and other rights and legitimate interests.

In criminal cases, judges hear accusations brought against persons and take decisions on the validity of those accusations. Judges may acquit innocent persons or declare persons guilty of a criminal offence and impose a penalty on them.

In administrative cases, judges exercise judicial review over the lawfulness of the actions of the executive (the administrative acts they issue or the conduct they adopt) and consider disputes arising from any relationship governed by public law. Judges also clarify the legal rights and obligations of private individuals under public law. In administrative infringement cases, judges hear and decide matters relating to the commission of administrative infringements. The professional obligations of judges cover all the obligations of judges and courts under procedural law.

Legal databases

The judiciary has its own [National Courts Portal](#), the content of which is currently available only in Latvian. It contains information on the Latvian courts system, a list of Latvian courts and judges, court statistics, a brief description of the procedures applicable in various court proceedings, highlighting their main characteristics and the main differences between them, and information on how to bring cases before the judicial authorities. It provides access to a selection of topical court judgments, a schedule of court hearings and other information.

By entering the reference number of a case or writ of summons in the 'e-services' (*epakalpojumi*) section of the portal, information can be obtained on the progress of the prosecution, in which court and at which level the case is being heard, a schedule of upcoming court hearings, any decisions delivered and objections submitted in the case, and the results of proceedings.

Court reports are also published on the website of the [Courts Office](#).

Information on current **policy issues relating to the courts system** are also published on the website of the [Ministry of Justice](#).

E-information on the Supreme Court and its activities is available on the [Supreme Court](#) website.

All of these portals are also available in English.

Organisation of the legal profession: lawyers

Lawyers

Lawyers are considered to be officers of the courts system; they are independent legal professionals who:

- act in cases in any court and at the pre-trial investigation stage if chosen to do so by parties to a dispute, accused persons, or other interested parties (their clients) and on their behalf and, in certain cases provided for [in law](#), on behalf of the Chief Justice of a court, the head of a pre-trial investigative body or the Latvian Council of Certified Lawyers (*Latvijas zvērīnātu advokātu padome*);
- provide legal consultations;
- draws up legal documents;
- provide other forms of legal assistance.

In Latvia the following may practise as lawyers, subject to certain conditions:

- certified lawyers (*zvērīnāti advokāti*);
- certified lawyers' assistants (*zvērīnātu advokātu palīgi*);

citizens of European Union Member States that have obtained qualifications to practise as a lawyer in any European Union Member State ;
foreign lawyers other than lawyers from EU Member States that can practise in Latvia in accordance with international agreements on legal assistance binding on Latvia.

All certified lawyers in Latvia are independent members of the legal profession who have joined together to form the Latvian Bar Association (*Latvijas Zvērinātu advokātu kolēģija*), an independent national professional body. The bodies comprising the Latvian Bar Association are **the general assembly of certified lawyers, the Latvian Council of Certified Lawyers, the Audit Committee and the Disciplinary Committee.**

Legal databases

Information on **the activities of the Latvian Bar Association and the Latvian Council of Certified Lawyers**, laws and regulations on lawyers and the courts in which they practise (including contact information) and information on other issues concerning the **legal profession in Latvia** can be found on the website of the **Latvian Council of Certified Lawyers**.

Notaries

Organisation

Certified notaries (*zvērīnāti notāri*) are entrusted with oversight of notarial matters under the supervision of the courts, in accordance with procedures laid down in **law**. Latvia's certified notaries are considered to be officers of the court system who fulfil obligations laid down in law and associated with the exercise of public authority.

According to the **Law on notaries**, notaries are authorised to:

draw up notarial deeds;

draw up notarial certificates;

accept money, securities and documents for safekeeping;

accept an item that is the subject of an obligation for safekeeping;

conduct inheritance cases;

draw up proposals for the division of property in cases duly provided for in law;

conduct divorce cases (on condition that both spouses have agreed to this in writing and there is no outstanding dispute);

perform actions provided for in other laws.

All certified notaries are members of the legal profession. However, in the exercise of their profession, certified notaries are considered to be public officials.

Certified notaries are officers of the courts system, practise in regional courts and fulfil the obligations laid down for them in law. In the exercise of their profession, certified notaries are financially independent, and their fees are fixed by the Cabinet.

All of Latvia's certified notaries have joined together to form the **Latvian Certified Notaries Association** (*Latvijas Zvērinātu notāru kolēģija*), an independent national professional body for certified notaries. **The Latvian Council of Certified Notaries** (*Latvijas Zvērinātu notāru padome*) is the representative and supervisory body for certified notaries and the administrative and executive body for the Latvian Certified Notaries Association. Its tasks are set out in Article 230 of the Law on notaries.

Legal databases

Information on the activities and number of certified notaries, the location of their practices, and other issues relating to the Latvian notarial system can be found on the official **Latvian notaries** website.

Other legal professions

Certified bailiffs

Certified bailiffs (*Zvērināti tiesu izpildītāji*) are considered to be officers of the courts system. Certified bailiffs are attached to regional courts, implement the decisions of judicial and other institutions and perform acts prescribed in other laws.

Certified bailiffs are members of the legal profession, but when performing the function of certified bailiff are considered equivalent to public officials. Certified bailiffs perform their functions independently and are answerable only to the law. The demands and orders issued by certified bailiffs in implementing court judgments and other rulings are enforceable within Latvia.

Certified bailiffs perform their duties within the territorial jurisdiction of the regional court to which they are affiliated. The number of certified bailiffs, their posts, jurisdictions and jurisdictional boundaries are laid down by the Cabinet.

In the performance of their duties, certified bailiffs apply the **Law on civil procedure** and other laws and regulations, and use the methodology approved by the Latvian Council of Certified Bailiffs (*Latvijas Zvērinātu tiesu izpildītāju padome*, the representative and supervisory body for certified bailiffs in Latvia) and recommendations arising from case-law.

Legal databases

Information on the locations of certified bailiffs' offices, the laws and regulations governing the profession of certified bailiff and the laws and regulations governing the activities of the Latvian Council of Certified Bailiffs can be found on **the website of the Latvian Council of Certified Bailiffs**. The portal is currently only available in Latvian.

Organisations providing pro bono legal services

There is no list of such organisations in Latvia.

Links

Office of the Public Prosecutor, Anti-Money-Laundering Service, National Courts Portal, Courts Administration, Latvian Council of Certified Lawyers, Latvian Notaries, Latvian Council of Certified Bailiffs, Ministry of Justice of the Republic of Latvia

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