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Types of legal professions

Danska

This section provides an overview of legal professions in Denmark.

Prosecutors

Organisation

The **Danish Prosecution Service** (*den danske anklagemyndighed*) is under the authority of the Ministry of Justice. The Prosecution Service is composed of the Director of Public Prosecutions (*rigsadvokaten*), the Public Prosecutors (*statsadvokaterne*) and the Police Commissioners (*politidirektørerne*).

The Director of Public Prosecutions conducts criminal proceedings before the Supreme Court and also participates in hearings at the **Special Court of Indictment and Revision** (*Den Særlige Klageret*).

The Director of Public Prosecutions is the hierarchical superior of the other prosecutors and oversees their work. The Director of Public Prosecutions also handles appeals against decisions taken by the Public Prosecutors at first instance.

Role and responsibilities

The functions and organisation of the **Prosecution Service** are set out in Chapter 10 of the **Administration of Justice Act** (*retsplejeloven*) (§§ 95-107).

The task of the Prosecution Service, in cooperation with the police, is to prosecute crimes in accordance with the rules laid down in the Administration of Justice Act. § 96(2) states that the Prosecution Service is to take forward all proceedings at the speed dictated by the nature of the case. In doing so, the Prosecution Service must ensure that those liable to punishment are prosecuted but also that the innocent are not prosecuted ('principle of objectivity').

Six regional public prosecutors conduct criminal proceedings – appeals and jury trials – before the High Courts and oversee the handling of criminal cases by the Police Commissioners. The regional Public Prosecutors also deal with appeals against decisions of the Police Commissioners concerning criminal prosecutions. Finally, the Public Prosecutors deal with compensation cases in connection with criminal prosecutions and complaints against the police.

The Public Prosecutor for Serious Economic Crime (*Statsadvokaten for Særlig Økonomisk Kriminalitet*) prosecutes major economic crimes nationwide.

The Public Prosecutor for Special International Criminal Matters (*Statsadvokaten for Særlige Internationale Straffesager*) prosecutes international crimes committed abroad, including genocide, crimes against humanity and war crimes.

The Police Commissioners act as prosecutors before the District Courts (first instance) and thus, in addition to heading the police, are responsible for the investigations carried out by the police district and the activities of the local prosecution service.

Judges

Organisation

The **Judicial Appointments Council** (*Dommerudnævnelsesrådet*) is responsible for submitting proposals to the **Minister for Justice** for judicial appointments, with the exception of the appointment of the President of the Supreme Court. In practice, the Minister for Justice always follows the Council's recommendations.

Disciplinary proceedings concerning judges and other judicial staff of the Danish courts are dealt with by the

Special Court of Indictment and Revision (*Den Særlige Klageret*).

The **Danish Court Administration** (*Domstolsstyrelsen*) has overall responsibility for training the judicial staff of the courts.

Role and responsibilities

In general, **professional judges** in Denmark do not specialise in a particular field. Judges may be appointed to a permanent or temporary (acting) post.

Assistant judges (*retsassessorer*) and deputy judges (*dommerfuldmægtige*) usually deal with minor cases (e.g. bailiffs).

With a few important exceptions, **lay judges** (*lægdommere*) participate in all criminal proceedings heard by the courts of first and second instance. In civil cases, expert assessors (*sagkyndige domsmænd*) may be used at first and second instance. Lay judges and expert assessors are appointed for a four-year term.

Legal databases

For more information, please visit:

Website of the **Association of Danish Judges** (*Den Danske Dommerforening*)

Homepage of the **Association of Deputy Judges** (*Dommerfuldmægtigforeningen*)

Information on **clerical court staff**  (361 Kb) 

Organisation of the legal profession: lawyers (*advokater*)

Lawyers

Private practice lawyers

All Danish lawyers are members of the **Danish Bar and Law Society** (*Advokatsamfundet*), which was founded in 1919.

In-house lawyers and trainee lawyers (*advokatfuldmægtige*)

Lawyers and trainee lawyers are organised in the Association of Lawyers and Trainee Lawyers (*Foreningen af Advokater og Advokatfuldmægtige – FAAF*),

which is part of the Danish Association of Jurists and Economists (*Danmark Jurist- og Økonomforbund – Djøf*). Djøf is Denmark's largest trade union and advocacy organisation for students and employees in the fields of law, administration, governance, research, education, communication, economics and political science. The trade union has around 50 000 members working in these fields. Of the FAAF's approximately 1 500 members, about 900 are privately practising lawyers.

Company lawyers

Company lawyers are organised in the Danish Bar and Law Society, but may also choose to join the Association of Danish Company Lawyers (*Danske Virksomhedsjurister – DVJ*). Currently, approximately two thirds of the members of the DVJ are lawyers with a Danish licence to practice. Generally speaking, the DVJ represents the professional interests of company lawyers. The association also aims to promote the recognition and understanding of the work of company lawyers and its growing importance for businesses, public authorities, non-governmental organisations and society at large. The DVJ is a member of the **European Company Lawyers' Association** (ECLA).

The difference between privately practising lawyers and company lawyers

In Denmark, **company lawyers** with a Danish licence to practice are subject to exactly the same rules as privately practising lawyers. The Administration of Justice Act does not distinguish between the two, and both groups are organised in the Danish Bar and Law Society.

This means, in essence, that company lawyers have the same legal status as other lawyers with regard to the code of professional conduct (*advokatetiske regler*), professional secrecy, client/lawyer confidentiality, etc. However, the code of professional conduct has been amended to include company lawyers, taking into account the specific circumstances in which they operate.

The principle of confidentiality between client and lawyer as it applies to company lawyers thus follows from the same rules as those applicable to privately practising lawyers. Whether the standard for company lawyers is the same as for other lawyers or lower has not yet been reviewed by the courts.

The only exception to the rule that company lawyers have the same legal status as other lawyers concerns who a company lawyer may represent as a lawyer. The possibility under the law to act as a company lawyer is considered as an implied exception to § 124 of the Administration of Justice Act on the type of company for which a lawyer can work.

Consequently, unless they also have a private law practice, company lawyers can only use the title of 'lawyer' when representing the company or organisation of which they are an employee. This means that if the employer asks the company lawyer to provide legal counsel to a client or member, the company lawyer cannot act as a lawyer unless he or she also has a private law practice and provides counsel to the client or member through this practice. If the company lawyer does not also have a private law practice and provides legal counsel to a client or a member who is a consumer, and if the counsel is provided for commercial purposes, the Act on Legal Counsel (*lov om juridisk rådgivning*) shall apply to the company lawyer, with one exception: the Act does not apply to legal counsel provided by trade unions and non-governmental organisations. The reason for this exception is that such counsel is not provided for commercial purposes and is generally regarded as a service that goes beyond the general service that the trade union provides to its members in the pursuit of its main aims.

Legal counsel provided to a consumer by a trade union employee who has a licence to practice is therefore governed solely by the general rules on tort, delict or quasi-delict and is governed only indirectly by the code of professional conduct. Under the latter, cf. § 126(4) of the Administration of Justice Act, a lawyer may not (in a non-professional capacity) behave in a manner that is inappropriate for a lawyer when acting in commercial or financial matters.

Act on Legal Counsel

Since July 2006, legal counsel provided to consumers for commercial purposes has been subject to a separate Act, which applies regardless of the educational background of the person providing the counsel. It is expressly stated in the Act that it does not apply to legal counsel provided by lawyers in the exercise of the profession of independent lawyer. Nor does it apply to legal counsel provided by trade unions or non-governmental organisations, as such counsel is not considered to be provided for commercial purposes (see above). Furthermore, the Act does not cover legal counsel provided by financial undertakings covered by the Financial Business Act, provided the Minister for Economic and Business Affairs has issued rules on good practice in the area in question.

However, as previously mentioned, this does not mean that legal counsel provided by a person with a licence to practice is not regulated by the law. If a company lawyer with a licence to practice provides legal counsel to a consumer (i.e. someone other than his or her employer) and the company lawyer does not also have a private law practice, this service is covered by the Act on Legal Counsel, if it is considered that the counsel was provided for commercial purposes.

The main features of the Act on Legal Counsel are as follows:

A legal counsellor must conduct him or herself in accordance with good practice for legal counsel. This implies that the counsellor must perform his or her duties thoroughly, conscientiously and in accordance with the legitimate requirements of the client's best interests. The counsel shall be given with the necessary speed. .

Agreements to provide legal counsel must be in writing.

A legal counsellor is not obliged to take out civil liability insurance, but the contract concluded must contain information on these matters.

A legal counsellor must inform the client about the cost of the legal counsel.

A legal counsellor shall not receive funds held in trust.

A legal counsellor must not undertake tasks in which he or she has a personal or financial interest.

A legal counsellor shall comply with the rules on good practice for legal counsel issued by the Minister for Justice. The Consumer Ombudsman supervises counsellors' compliance with the law and the rules of good practice.

Legal databases

This information is available on the website of the [Danish Bar and Law Society](#).

The website contains information on the profession of lawyer in Denmark and a list of practising lawyers.

Other legal professions

Organisations providing legal aid

Institutions providing legal aid are available across Denmark. Anyone wishing to receive legal aid can contact the [Department of Civil Affairs \(Civilstyrelsen\)](#) to be pointed to the nearest institution. The address is:

Department of Civil Affairs

Toldboden 2, 2. floor.

8800 Viborg.

Tel.: +45 33 92 33 34

Email: civilstyrelsen@civilstyrelsen.dk

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