Õigusvaldkonna ametid

Euroopa Liidu liikmesriikide õigus- ja kohtusüsteemides tegutsevad erinevad õiguspraktikud, nagu juristid, notarid, kohtunikud, prokurörid ja kohtuametnikud. Õigusvaldkonna töötajad ei kanna kõikides liikmesriikides samu ametinimetusi, samuti erineb liikmesriigiti nende roll ja staatus.

Sellel lehel antakse üldteavet õigusvaldkonna ametite esindajate (rolli ja staatuse) kohta.

Üksikasjaliku teabe saamiseks konkreetse riigi kohta klõpsake asjaomase riigi lipul.

Kui Teil on vaja leida õiguspraktikut mõnes Euroopa Liidu liikmesriigis, otsige osast Otsige õigusvaldkonna spetsialisti.

Sissejuhatus

Euroopa Liidu õigusega reguleeritakse ainult juristi kutsealal tegutsemise tingimusi. Õigusvaldkonnas tegutsemise tingimusi reguleeritakse tavaliselt riigi tasandil. Hoolimata võimalikest sarnasustest, erinevad liikmesriikide asjaomased normid riigiti märkimisväärselt, sest need kajastavad sageli juba ammu välja kujunenud traditsioone.

Euroopa Nõukogu ministrite komitee on esitanud mitu soovitust õigusvaldkonna ametite kohta. Ühes neist käsitletakse juristi kutsealal töötamist, teises kohtunike sõltumatust. Euroopa Nõukogu ministrite komitee soovitused ja muu teabe selle valdkonna kohta leiate Euroopa Nõukogu veebisaidilt.

Ka Euroopa inimõiguste konventsioonis on sätestatud, et igal kuriteos süüdistataval on õigus kaitsta end ise või enda poolt valitud kaitsja abil või saada tasuta õigusabi juhul, kui õigusemõistmise huvid seda nõuavad ja tal ei ole piisavalt vahendeid õigusabi eest tasumiseks. Säte viitab küll peamiselt kriminaalasjadele, kuid Euroopa Inimõiguste Kohus on laiendanud selle kohaldamisala ka tsiviilasjadele.

Kohtunikud

Kohtunik on juhtivametnik, kes on kohtu eesistuja kas üksinda või kohtunike kolleegiumi koosseisus. Tema volitused, ülesanded, ametisse määramine, ametikohustused ja koolitus erinevad riigiti märkimisväärselt. Kohtunik on vahemees, kes juhib kohtuasja erapooletult ja avalikult. Ta kuulab ära kõik tunnistajad ja tutvub kohtuasja poolte esitatud muude tõenditega, hindab poolte usaldusväärsust ning teeb seejärel kohtuasjas otsuse oma õigusliku tõlgenduse ja siseveendumuse pinnalt.

Kohtuniku elukutse kohta leiate lisateavet järgmistelt veebisaitidelt:

Euroopa Halduskohtunike Ühing (AEAJ),

Euroopa Kohtunike ja Prokuröride Ühing (EJPA),

Rahvusvaheline Kohtunike Ühing (eelkõige Euroopa osakond),

Euroopa Kohtunikud Demokraatia ja Vabaduse eest (MEDEL).

Prokurörid

Prokuratuuril on väga tähtis roll kriminaalmenetlustes. Prokuratuuride töökorraldus erineb liikmesriigiti oluliselt, samuti erinevad prokuröri roll, ülesanded ja volitused.

Kohtutöötajad

Kohtutöötajate ametinimetused võivad olla väga erinevad: *Greffier* Prantsusmaal, *Rechtspfleger* Saksamaal.

Lisaks erinevad õigussüsteemide lõikes suuresti ka kohtutöötajate ülesanded: kohtunike või prokuröride abistamine, kohtutöö korraldamine, kindlad ülesanded konkreetsetes menetlustes. Sõltuvalt riigist peab kohtutöötajatel olema õigusalane kõrgharidus, nad võivad anda õigusalast nõu ja/või nad osalevad korrapäraselt täiendkoolitustel.

Igal juhul on neil kohtute töös oluline roll – nad võtavad vastu ohvreid ja süüdistatavaid ja kannavad nende eest hoolt ning aitavad üldisemalt tagada kohtusüsteemi tõhusa toimimise.

Kohtutöötajaid esindab Euroopa tasandil Euroopa Kohtutöötajate Liit, valitsusväline organisatsioon, mis ühendab mitme riigi kohtutöötajate ühendusi. Euroopa Kohtutöötajate Liidu eesmärk on osaleda õigusaktide väljatöötamisel, arendamisel ja ühtlustamisel nii Euroopa kui ka rahvusvahelisel tasandil, teha koostööd Euroopa institutsioonidega, esindada oma liikmete kutsealaseid huve ja edendada kohtusüsteemi parema toimimise huvides kohtutöötaja elukutset.

Kohtutäiturid (kohtuametnikud)

Kohtuametnike kutseala reguleeritakse liikmesriikide õigusega ja vastavad normid on liikmesriikides erinevad.

Selle elukutse esindajaid esindab Euroopa tasandil Kohtuametnike Rahvusvaheline Ühendus (UIHJ). Ühendus esindab oma liikmeid rahvusvahelistes organisatsioonides ja tagab koostöö riikide asjaomaste ametiasutustega. Tema eesmärk on täiustada riikide menetlusõigust ja rahvusvahelisi lepinguid, samuti aitab ta levitada ideid ning käivitada projekte ja algatusi, millega püütakse edendada kohtuametnike sõltumatust.

Euroopa kohtuametnike koda (prantsuskeelne akronüüm CEHJ) esindab samuti kohtuametnikke. Selle Belgia õiguse alusel tegutseva mittetulundusühenduse eesmärk on soodustada kohtuametnike suuremat kaasamist õigusvaldkonna töötajate kooskõlastatud tegevusse Euroopa tasandil.

Juristid

Sõltumata sellest, kas juristi palkab eraisik, organisatsioon või riik, on tema ülesandeks klienti usaldusväärselt nõustada ja esindada. Kolmandad isikud austavad teda kui kutseala professionaalset esindajat ning tal on ka asendamatu roll õiglases kohtumõistmises. Kui jurist kehastab kõiki neid omadusi ning teenib truult oma kliendi huve ja kaitseb tema õigusi, täidab ta ka ühiskonna poolt juristile seatud ülesandeid: aitab ära hoida konflikte ja tagada, et vaidlused lahendatakse kooskõlas tsiviil-, avaliku ja kriminaalõiguse tunnustatud põhimõtetega ning arvestades õiguste ja huvide kaitset, edendada õiguse arengut ning kaitsta vabadust, õigust ja õigusriigi põhimõtet.

Juristide tegevust reguleerivad liikmesriikides kutseühendused või ametiasutused – advokatuurid ja õigusliidud –, kelle ülesanne on kehtestada juristide ametialased käitumisreeglid ja valvata distsipliini järele.

Euroopa Liidu õigusega ei reguleerita õigusvaldkonnas tegutsemise tingimusi. 1998. aasta direktiivis sätestatakse siiski tingimused, mille täitmise korral on juristil, kes on omandanud kutsekvalifikatsiooni ühes liikmesriigis, õigus advokaadi kutsealal alaliselt tegutseda mõnes muus liikmesriigis.

ELi tasandil esindab juriste 1960. aastal asutatud rahvusvaheline mittetulunduslik organisatsioon Euroopa Advokatuuride ja Õigusliitude Nõukogu (CCBE). See nõukogu on ühenduslüliks ELi ja liikmesriikide advokatuuride ja õigusliitude vahel kõikides vastastikust huvi pakkuvates küsimustes, mis on seotud juristi kutsealal töötamisega.

Notarid

Notarid on õigusvaldkonna töötajad, kes on spetsialiseerunud teatavatele õigusküsimustele ja neil on õigus teha vastavaid õigustoiminguid. Ülesannete ja vastutusala tõttu on notaritel oluline roll riigi õigussüsteemis nendes 22 liikmesriigis, kus õiguskorra aluseks on Rooma tsiviilõigus. Notari elukutse on olemas ka lirimaal, mis on ainus üldisel õigusel põhinev õigussüsteem Euroopa Liidus. Sealsete notarite töö seisneb erinevate õigusteenuste osutamises ning nende

ülesanded ja volitused on enamasti seotud välismaal kasutatavate õiguslike vahendite ja dokumentidega. Neil on oluline roll oma riigi rahvusvahelises kaubandus- ja majandustegevuses.
Notarite peamised ülesanded on järgmised:
koostada eralepinguid ja nõustada pooli, järgides samal ajal nende võrdse kohtlemise põhimõtet. Dokumentide koostamisel vastutab notar selle eest, et dokumendid ja tema antavad nõuanded oleksid õiguspärased, ning teavitab pooli võetavate kohustuste sisust ja tagajärgedest;
tagada enda vormistatud notariaalaktide täitmine. Notariaalakti saab registreerida aktide registris ja selle saab ilma kohtuniku sekkumiseta pöörata täitmisele juhul, kui üks pool ei täida oma kohustusi;
tegutseda vahendajana, kes erapooletult ja seadust rangelt jälgides võimaldab pooltel jõuda vastastikku rahuldava kokkuleppeni.
Notarid on ametnikud, kellele riik annab avaliku teenuse osutamiseks teatavad volitused ja kes täidavad oma ülesandeid vaba elukutse esindajatena. Notarid peavad hoidma ametisaladust. Notarite ametisse nimetamise tingimused sarnanevad kohtunike ametisse nimetamise tingimustele, notarid on ametikohustuste täitmisel sõltumatud, nad määratakse ametisse eluaegsena, nad on erapooletud, nende ametitoimingutel on õigusjõud ja need kuuluvad täitmisele. Notarid tegutsevad justiitsministeeriumi järelevalve all.
22 Euroopa Liidu liikmesriigis, mille õigussüsteem põhineb Rooma tsiviilõigusel, on kokku ligikaudu 35 000 notarit.
Tehingutes Euroopa institutsioonidega esindab liikmesriike, mille õiguskorra aluseks on Rooma tsiviilõigus, Euroopa Liidu Notariaatide Nõukogu (CNUE), mis loodi 1993. aastal. CNUE esindab järgmiste ELi liikmesriikide notariaate: Austria, Belgia, Bulgaaria, Eesti, Hispaania, Horvaatia, Itaalia, Kreeka, Leedu, Luksemburg, Läti, Madalmaad, Malta, Poola, Portugal, Prantsusmaa, Rumeenia, Saksamaa, Slovakkia, Sloveenia, Tšehhi Vabariik ja Ungari. Iirimaal on olemas oma esindusorgan, aga rahvusvahelisel areenil esindab sealseid notareid Ühendkuningriigi ja Iirimaa notarite foorum.
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Käesolevat lehekülge haldab Euroopa Komisjon. Sellel veebisaidil avaldatud teave ei kajasta tingimata Euroopa Komisjoni ametlikku seisukohta. Komisjon ei võta mingit vastutust ega kohustusi seoses käesolevas dokumendis esitatud või viidatud teabe ega andmetega. Palun lugege õigusteabe viida alt ELi veebilehtede autoriõiguste eeskirjade kohta.

Types of legal professions - Belgium

This section presents an overview of the various legal professions in Belgium.

Legal professions – introduction

This section presents some information relating to legal professions such as:
the state counsel's office,
judges,
lawyers,
notaries, and
bailiffs.

The state counsel's office

Organisation

The **state counsel's office**, or public prosecutor's office (*ministère public/openbaar ministerie*, also known as the *parquet/parket*), which essentially brings prosecutions (see below), consists of law officers who are qualified judges (*magistrats/magistraten*), and who carry out their duties within the area of jurisdiction of the particular court at which they are based.
In any judicial district (*arrondissement judiciare/gerechtelijk arrondissement*) the officers representing the State Counsel's Office before the court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*), and likewise before the juvenile court (*tribunal de la jeunesse/jeugdrechtbank*), which is a division of the court of first instance, are the **state counsel** (*procureur du Roi/procureur des Konings*), senior deputy state counsel (*premiers substituts /eerste substituten*) and deputy state counsel (*substituts/subsituten*). They also act before the police court or courts (*tribunal de police/politierechtbank*) and the commercial court (*tribunal de commerce/handelsrechtbank*) of their area of jurisdiction.
Before the labour tribunals (*tribunaux de travail/arbeidsrechtbanken*) this function is exercised by an officer known as the **labour auditor** (*auditeur du travail /arbeidsauditeur*), who is likewise assisted by deputies and possibly senior deputies. In criminal cases within their sphere of competence these officers also act before the criminal court (*tribunal correctionnel/correctionele rechtbank*), which is a division of the court of first instance, or the police court or courts.
In each court of appeal (*cour d'appel/hof van beroep*) and labour court (*cour du travail/arbeidshof*), this role is played by the **principal state counsel** (*procureur-général/procureur-generaal*), who directs and oversees the law officers of the principal state counsel's office at the court of appeal (*parquet général /parket-generaaal*) and the corresponding body at the labour court (*auditorat général/arbeidsauditoraat-generaal*). In a court of appeal the principal state counsel is assisted by a senior advocate-general (*premier avocat-général/eerste advocaat-generaal*), advocates-general (*avocats-généraux/advocaten-generaal*), and deputy principal state counsel (*substituts généraux/substituten-generaal*). In a labour court the principal state counsel is likewise assisted by a senior advocate-general, advocates-general, and deputy principal state counsel.
At the Court of Cassation (*Cour de cassation/Hof van cassatie*) the function of the state counsel's office is performed by the **Principal State Counsel at the Court of Cassation**, assisted by a senior advocate-general and advocates-general. Although the same terminology is used, the function of the state counsel's office here is quite different. The Court of Cassation does not rule on the substance of the case, but verifies the legality and regularity of the proceedings.
The state counsel's office is **independent** in the conduct of investigations and prosecutions in individual cases, subject only to the right of the responsible minister to order that a prosecution be brought and to issue binding criminal policy guidelines, including guidelines on investigation and prosecution policy.

Role and duties

The state counsel's office performs a number of tasks and duties. Its work consists of **casework and follow-up** in both **criminal cases** and **civil cases**.
In criminal matters the law officers of the state counsel's office act in the public interest, and seek to ensure the proper conduct and resolution of criminal proceedings. They do this both in the main court proceedings themselves and in the earlier inquiry and investigation proceedings (which are supervised by one of two courts: the pre-trial division (*chambre du conseil/raadkamer*) or the indictment division (*chambre des mises en accusation/kamer van inbeschuldigingstelling*)). At the hearing they ask the court to apply the criminal law; they also seek to ensure that the necessary measures are taken for appropriate enforcement of the sentences handed down. **Before the assize court** (*cour d'assises/hof van assisen*) the role of the state counsel's office is exercised by the principal state counsel at the court of appeal, who may, however, also delegate another officer.
In civil matters the state counsel's office intervenes on its own initiative in circumstances provided for by law and whenever public policy so requires. In such cases it submits an opinion, written or oral. The state counsel's office must be asked for its opinion in cases relating to specific matters listed in the first paragraph of Article 764 of the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*). It may also ask to be informed of other cases, with a view to giving an opinion, where it judges it appropriate, and a court may bring a case to its attention of its own motion (Article 764 of the Judicial Code, second paragraph).
Alongside the main tasks just described, the state counsel's office also ensures that **decisions and guidelines relating to criminal policy are monitored and properly applied in its area of jurisdiction**.

Criminal policy guidelines are issued by the Minister for Justice, after consulting a college consisting of the principal state counsel at the five courts of appeal (*collège des procureurs généraux/college van procureurs-generaal*).
This college is under the authority of the Minister for Justice and takes decisions with a view to maximum consistency in the drafting and coordination of policy and the proper functioning of the state counsel's office generally.
The college's jurisdiction extends throughout the country and its decisions are binding on the principal state counsel at the courts of appeal and on all members of the state counsel's office under their authority and direction.
More information is available on the website of the state counsel's office.

Judges

Organisation

The Belgian state is founded on the principle of the separation of powers, namely, the separation of the legislative, executive and judicial branches of government. The judiciary is independent.
A distinction is made between 'sitting judges' (*la magistrature assise/de zittende magistratuur*), who adjudicate in the cases that come before them, and 'standing judges' (*la magistrature debout/de staande magistratuur*), the law officers who serve in the state counsel's office (see above).
The judiciary is made up of courts and tribunals which give rulings on legal cases. It also reviews the legality of the acts of the executive.
In general, adjudicating judges are called «*juges/rechters*» in the lower courts and «*conseillers/raadsheren*» in the appeal courts.
The role of the adjudicating judges is to apply the law to a situation or dispute put before them in a civil matter, or to persons who have committed an offence.
In some lower courts professional judges sit alongside non-professional or lay judges. There are non-professional judges in the following courts:
Commercial court: professional judges and non-professional judges (called *juges consulaires/consulaire rechters*).
Labour tribunal: professional judges and non-professional judges (called *juges sociaux/sociale rechters*).
Sentence implementation court (*tribunal de l'application des peines/strafuitvoeringsrechtbank*): professional judges and non-professional judges (*assesseurs en application des peines/assessoren in strauitvoeringszaken*).
The state counsel's office carries out a specific social mission within the judiciary which includes tasks of a civil nature in the areas of labour, youth and commercial law, in addition to compliance with criminal law norms.

Management and support

College of courts and tribunals

Courts and tribunals are part of the judiciary. Within a democratic state governed by the rule of law, they contribute to the resolution or prevention of conflicts in an independent, impartial and professional manner, in accordance with the competences conferred upon them by the legislature. They comply with legal rules and use available resources to ensure the highest standards of quality.
The college of courts and tribunals (*Collège des cours et tribunaux/College van de hoven en rechtbanken*) assists the courts and tribunals in carrying out their main task by:
requesting necessary resources in a transparent, professional and justified manner and ensuring optimum use of them;
acting as spokesperson for the management of the courts and tribunals as regards external stakeholders;
assisting with the management of courts and tribunals.

College of the state counsel's office

In addition to the five principal state counsel, the college of the state counsel's office (*Collège du ministère public/College van het openbaar ministerie*) is made up of the federal prosecutor (*procureur fédéral/federale procureur*), three advisors to the state counsel (*Conseil des procureurs du Roi/Raad van procureurs des Konings*) and an advisor to the labour auditors (*Conseil des auditeurs du travail/Raad van arbeidsauditeurs*). Together, they consider issues relating to the good governance of the state counsel's office.
The president of the college of the principal state counsel is also the president of the college of the state counsel's office.
Firstly, the college of the state counsel's office assists in managing the implementation of criminal policy as established by the college of the principal state counsel. Secondly, it strives for the highest quality communication, knowledge management, computerisation, workload measurement, work processes, statistics and strategic human resources management standards within the state counsel's office. Finally, it provides management support to the judicial bodies, namely, the principal state counsel, the principal state counsel's office at the labour court (*auditorats généraux du travail/arbeidsauditoraten*), the department of the state counsel (*parquets du procureur du Roi/parketten van de procureur des Konings*), the state counsel's office at the labour court (*auditorats du travail/arbeidsauditoraten*), and the federal prosecutor's office (*parquet fédéral/federaal parket*).
To accomplish these tasks, the college of the state counsel's office takes any necessary measures and may issue binding recommendations and directives. It meets once per week. It consults regularly with the Ministry of Justice.

Opinion

Advisory Council of the Judiciary

The Advisory Council of the Judiciary (*Conseil consultatif de la magistrature/Adviesraad van de magistratuur*) represents the judiciary before the authorities in relation to the status, working conditions and rights of judges.

Autonomous and federal bodies of the judicial system

High Council of Justice

Review and opinion

The High Council of Justice (*Conseil supérieur de la Justice/Hoge Raad voor Justitie*) must assist the Belgian judicial system to function more effectively by playing a key role in the selection and appointment of judges, by carrying out external reviews of how it functions, in particular via audits, individual inquiries, the processing of complaints and the issuing of opinions.
The High Council of Justice is independent of parliament, the government and the judiciary.

Judicial Training Institute

Training

The Judicial Training Institute (*Institut de formation judiciaire/Instituut voor Gerechtelijke Opleiding*) is an independent federal body responsible for the drafting and implementation of a comprehensive development and training policy for judges and the staff of the judiciary, and contributes to high standards of quality.

Lawyers

Role and duties

Lawyers (*avocats/advocaten*) are law and justice professionals. They are subject to rules of conduct which guarantee their **total independence**. They are also bound by professional secrecy.

Lawyers are trained to act in the different fields of law, which often overlap (company law, administrative law, town planning law, tax law, family law, etc.). Over the course of their career, lawyers may specialise in one or more fields where they have acquired specific expertise.
Lawyers can assist you not only before the courts but in any situation where you may need legal assistance, a representative, a drafter or even moral support. Their mission is therefore threefold:
Lawyers **advise**
Lawyers **conciliate**
Lawyers **defend**.
Any lawyer can plead and represent their client in any court in the country — the police court, the civil magistrate's court (*justice de paix/vredegerecht*), the court of first instance, the commercial court, the labour tribunal, the court of appeal, the labour court, the assize court, or the Council of State (*Conseil d'État /Raad van State*) – as well as in other European Union countries.
Lawyers also provide assistance in arbitration or mediation proceedings, with alternative dispute resolution, or for any meeting.
They do not act only in the event of a dispute. Through the advice they provide, or the contracts they draft or adapt, they often avoid the need to go to court. They can also help if you need to rent or buy real estate, if you want to set up a company, if you are struggling with debt, if you want to conclude a contract with a new employer, if you have been the victim of an accident or an assault, if you are summoned to court or if you are separating from your partner.
Lawyers for everyone:
For people on low incomes, the law provides a legal aid service (*aide juridique/juridische bijstand*, formerly known as 'pro deo') and assistance with court costs (*assistance judiciaire/rechtsbijstand*):
Through **legal aid**, the services of a lawyer are made available completely or partially free of charge. It is a two-tier system:
Front-line legal aid (*aide juridique de première ligne/eerstelijnsbijstand*) is available to all, and is not linked to income. Lawyers are available on standby (*permanence/permanentie*) for brief consultations: initial advice, a request for information, etc.
The bodies responsible for the provision of front-line legal aid are known as 'legal aid commissions' (*Commissions d'Aide Juridique/Commissies voor Juridische Bijstand*).
Second-line legal aid (*aide juridique de deuxième ligne/tweedelijnsbijstand*) is available to persons who meet certain financial conditions or who are in certain situations. This aid – free or charged only in part depending on individual circumstances – means that a lawyer will be appointed to assist you in legal or administrative proceedings, to provide you with more detailed advice, or even as part of mediation.
The bodies responsible for providing second-line legal aid are known as 'legal aid bureaus' (*Bureaux d'Aide Juridique/Bureaus voor Juridische Bijstand*).
Assistance with court costs means that fees incurred during the proceedings – registry costs (*droit de greffe/griffierechten* or *droits d'enregistrement /registratierechten*), the fees payable to bailiffs (*huissiers de justice/rechtsdeurwaarders*), to notaries (*notaires/notarissen*) or for expert reports – will not be charged, or will be charged only in part. To obtain assistance with court costs clients must contact the legal aid bureau themselves or through their lawyer.
Responsible authorities
All lawyers are members of a bar (*barreau/balie*). At present there are 25 bars in Belgium.

An Association of the French-speaking and German-speaking Bars (*Ordre des barreaux francophones et germanophone/Kammer der französischsprachigen und deutschsprachigen Rechtsanwaltschaften* (AVOCATS.BE)) groups together the bars of the French-speaking and German-speaking communities in the country (11 French-speaking bars and one German-speaking).
The Flemish Bar Association (*Orde van Vlaamse Balies (OVB)*) groups together the bars of the country's Dutch-speaking community (13 bars).

Information concerning the profession of lawyer may be obtained by consulting the following websites:
Association of French-speaking and German-speaking Bars of Belgium
Flemish Bar Association
Access to these databases is **free of charge**.

Notaries

Notaries are **public officers**, appointed by the King, whose particular role is to authenticate legal instruments executed before them. By law, some instruments require the involvement of a notary to record an agreement reached between the parties ('**authentic instruments**', *actes authentiques/authentieke akten*). Thus, for example, the involvement of a notary is required when selling a property. As well as acting to draw up authentic instruments, a notary may also be asked to liquidate an estate, to draft a private agreement, to give an opinion, etc.
The sphere of responsibility of notaries covers three major areas:
Property law (sale of a property, borrowing, etc.),
Family law (marriage contracts, inheritance, divorce, etc.) and
Business law (setting up of companies, etc.).
There is a **National Chamber of Notaries** (*Chambre nationale des notaires/Nationale Kamer van Notarissen*). Its main **objectives** are:
to represent the notaries of Belgium in dealings with the authorities within the scope of its competence,
to lay down rules of professional conduct,
to make recommendations to chambers of notaries to help in maintaining professional discipline.
Provincial chambers are the profession's disciplinary bodies: their main tasks are to ensure that the rules of professional conduct are observed and to settle professional disputes (among other things, they handle complaints). As regards complaints, a national mediation service has also been established for notaries (www.ombudsnotaire.be).
There is also the Royal Federation of Belgian Notaries (*Fédération Royale du Notariat Belge (Fednot)/Koninklijke Federatie van het Belgisch Notariaat (Fednot)*), Fednot is a professional association which assists notaries by providing legal opinions, advice and recommendations on the management of notary offices, information technology solutions, training and communication with the public. There are 1 150 notary offices in the Fednot network, encompassing 1 550 notaries and 8 000 associates.
More information is available on the website of the Royal Federation of Belgian Notaries.

Other legal professions

Bailiffs
Bailiffs are **public legal officials** who operate as practitioners of a **self-employed profession.** In other words, they have a dual professional identity: on the one hand, they are public officials; on the other hand, they practise their profession **independently**.
They are **public legal officials** because the State has delegated a share of official authority to them. For that reason, they cannot refuse to respond to a request to act, unless their code of professional conduct or the law does not allow it, for example where there is a conflict of interest or the request is

unlawful. They never act on their own initiative, but always at the request of someone who has given them formal instructions. In each of the tasks they have to perform they must adhere to various legal requirements. They may charge fees for the acts they perform, to cover part or all of their costs.
As **self-employed professionals**, bailiffs act independently and impartially. Their professional experience is available to everyone. They do not receive any salary, compensation or other emolument from the authorities. They have to pay for everything themselves.
The steps that a bailiff may have to take fall into two broad categories: **'out-of-court' measures** (*interventions extrajudiciaires/buitengerechtelijke tussenkomsten*, such as out-of court recovery of debts or official findings of fact) and **'court' measures** (*interventions judiciaires/gerechtelijke tussenkomsten*, meaning the serving or enforcement of a decision). When the bailiff is taking a step of one of these kinds they will often have a duty to provide you with information on how you can exercise your rights, and to answer your questions about the bailiff's role, regardless of whether you asked the bailiff to act, or whether the step taken by the bailiff is addressed to you.
In each judicial district there is an **association** (*chambre/kamer*) of all the bailiffs **in the district**. Its main tasks are to ensure that bailiffs in the district observe the rules of professional discipline and the laws and regulations that concern them, and to settle disputes that may arise between them.
There is also a Belgian National Association of Bailiffs (*Chambre nationale des huissiers de justice de Belgique/Nationale Kamer van Gerechtsdeurwaarders van België*), whose main **objectives** are:
to ensure uniformity of discipline and rules of professional conduct among bailiffs,
to defend the interests of its members, and
to represent them.
More information is available on the website of the Belgian National Association of Bailiffs.

Other

Judges and the law officers of the state counsel's office are assisted by a range of administrative and legal professionals, such as: registrars, legal secretaries, lawyers, secretaries and administrative staff.
At every hearing the judge is assisted by a **registrar** (*greffier/griffier*). The registrar clears the way for the work of the judge, for example by preparing the files needed for the hearing. At the hearing the registrar records the proceedings and ensures that all the necessary documents are properly drawn up. The registrar performs and coordinates the tasks of the court registry (*greffe/griffie*). Every court has a registry, headed by a chief clerk or registrar (*greffier en chef /hoofdgriffier*). There are one or more registrars in a registry, depending on the size of the court. In turn, court registrars may be assisted by administrative staff.
Legal secretaries (*référendaires/referendarissen*) are lawyers who assist the judges in the drawing up of their judgments. They help in the handling of cases, on the instructions and under the responsibility of one or more judges. They study the file, look into the legal questions raised, and draft judgments.
The officers of the state counsel's office may also engage lawyers to prepare the legal aspects of their cases. These lawyers are known as *juristes du parquet /parketjuristen*. They carry out legal research, manage investigations, or prepare the legal aspects of summonses and submissions, on the instructions and under the responsibility of one or more of the law officers of the state counsel's office.
Every state counsel's office has a secretariat headed by a chief secretary. These secretaries assist the law officers in research and documentation work and in compiling files. They keep the office's documents and registers up to date, maintain records, etc. The number of secretaries depends on the size of the office. The secretaries may also be assisted by administrative staff.
Court registries and state counsel's offices employ large numbers of administrative staff. The administrative staff manage the files on the cases being dealt with and the data entered in databases. Other administrative staff handle post and filing, and receive visitors at the office.
More information on these professions can be found in this document (378 Kb) fr.

Organisations providing free legal advice

All citizens can obtain **free initial legal advice**, given by law professionals. This is known as **front-line legal aid** (see above):
practical information,
legal information,
an initial legal opinion, or
referral to a specialised organisation.
Here the matter will not be resolved immediately, but **initial guidance** is given. Pools of lawyers are available on standby in law courts, community law centres (*maisons de justice/justitiehuizen*), some municipal offices (*administrations communales/gemeentelijke diensten*), most public social welfare centres (*centres publiques d'action sociale/openbare centra voor maatschappelijk welzijn*), and various associations that provide a legal service.
More information is available in the online brochure: Legal Aid: Better Access to Justice.

Legal databases

Information is available on the website of the Federal Public Service for Justice (Ministry of Justice).

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Types of legal professions - Bulgaria

This page provides information about the legal professions in Bulgaria.

Legal professions: Introduction
Prosecutors
Investigators
Judges
Organisation of the legal profession: Attorneys-at-law
Notaries
Other legal professions

Legal professions: Introduction

The main legal professions in Bulgaria are: **public prosecutor**, **investigator**, **judge**, **attorney-at-law**, **notary**, **private bailiff, State bailiff and registration judge**.
They are governed by the Constitution of the Republic of Bulgaria and the Judicial System Act.

Prosecutors

Organisation

The public prosecution service in the Republic of Bulgaria consists of the Prosecutor-General, the Supreme Cassation Prosecutor's Office, the Supreme Administrative Prosecutor's Office, the National Investigation Service, the appeal prosecutors' offices, the Specialised Appeal Prosecutor's Office, the Military

Appeal Prosecutor's Office, the provincial prosecutors' offices, the Specialised Prosecutor's Office, the provincial military prosecutors' offices and the district prosecutors' offices. Within the structure of the provincial prosecutors' offices, there are provincial investigation departments, and within the structure of the Specialised Prosecutor's Office, there is an Investigation Department. The provincial prosecutors' offices have administrative departments whose prosecutors take part in the proceedings of administrative cases.
The public prosecution service is a unified and centralised structure. All prosecutors and investigators are subordinate to the Prosecutor-General. Each prosecutor reports to the respective superior prosecutor, and all prosecutors and investigators are subordinate to the administrative head of the respective prosecutor's office. Military prosecutors and investigators are independent of the military authorities in the performance of their duties.
The Prosecutor-General is appointed (and removed) by the President of the Republic of Bulgaria, acting on a proposal from the Supreme Judicial Council (Vissh Sadeben Savet) (VSS) for a period of seven years, and is not eligible for a second term in office.
Prosecutors are appointed, promoted, demoted, transferred and removed from office by decision of the Supreme Judicial Council.
Prosecutor posts and the prior experience required are as follows:
Prosecutor at the Supreme Cassation Prosecutor's Office and prosecutor at the Supreme Administrative Prosecutor's Office – at least 12 years' legal experience;
- Prosecutor at the Appeal Prosecutor's Office, prosecutor at the Military Appeal Prosecutor's Office and prosecutor at the Specialised Appeal Prosecutor's Office – at least ten years' legal experience, but for a prosecutor at the Specialised Appeal Prosecutor's Office – at least 12 years' experience, at least eight of them as a prosecutor or investigator;
- Prosecutor at a provincial prosecutor's office, prosecutor at a provincial military prosecutor's office, prosecutor at the Specialised Prosecutor's Office – at least eight years' legal experience, but for a prosecutor at the Specialised Prosecutor's Office – at least ten years' experience, at least five of them as a prosecutor or investigator;
- Prosecutor at a district prosecutor's office –at least three years' legal experience;
- Junior prosecutor – no experience required.
Subject to a positive comprehensive appraisal of performance, prosecutors acquire tenure by decision of the Supreme Judicial Council after five years in office.

Role and functions

The **Prosecutor-General** heads the Prosecutor's Office and issues instructions and guidance on the activities of the public prosecution service; together with ministry managers and State institutions, he or she sets up specialised inter-departmental units to assist in investigations under the procedural guidance of a prosecutor appointed by him or her. The Prosecutor-General may refer matters to the Constitutional Court.
The **prosecutor** leads an investigation as supervising prosecutor. He or she may lodge objections and request the revocation or amendment of unlawful measures within the time limits and under the conditions provided for by law. He or she may suspend the execution of a measure until an objection has been considered by the relevant authority. All acts and deeds of a prosecutor's office are open to appeal before the prosecutors' office directly above it, unless they are subject to judicial review. A superior prosecutor or a prosecutor from a superior prosecutor's office can perform actions falling within the jurisdiction of subordinate prosecutors, and can suspend or revoke their decisions in writing in cases specified by law.
In the performance of their duties, prosecutors are independent and act in accordance with legislation. Politically neutral, they base their decisions on the law and on the evidence gathered in the case at hand, and are guided by their conscience and inner conviction.
More information can be found on the website of the Public Prosecutor's Office of the Republic of Bulgaria (Prokuraturata na Republika Bulgaria).
The Association of Public Prosecutors in Bulgaria is a voluntary non-political association of magistrates who work or have worked in the country's public prosecution system. The aim of the Association is to bring together prosecution-service magistrates nationwide and provide a forum for the provision of necessary information and the exchange of views on issues relating to prosecutorial work, as well as to expand the international contacts of the public prosecution service and its prosecutors. More information can be found on the Association's website: - http://ecocrime.bg.

Investigators

Under the Judiciary Act, investigators in the Republic of Bulgaria have the status of magistrates (judges and prosecutors).
Investigative bodies are the National Investigation Service (NSIS), the provincial investigation departments at the provincial prosecutors' offices and the investigation department at the Specialised Prosecutor's Office. The investigation department at the Sofia City Prosecutor's Office has the status of a provincial investigation department.
The National Investigation Service is headed by the Prosecutor-General, either directly or through the Service's Director, who deputises for the Prosecutor-General for the purpose of investigations. The Director of the National Investigation Service is responsible for the administrative and organisational management of the investigators and staff at the NIS and provides methodological guidance to investigators from the provincial investigations services of the provincial prosecutors' offices.
The provincial investigation departments at the provincial prosecutors' offices and the investigation department at the Specialised Prosecutor's Office are made up of investigators.
The investigators at the provincial investigation departments of the provincial prosecutors' offices and at the investigation department of the Specialised Prosecutor's Office undertake investigations into cases assigned to them by the administrative head of the respective prosecutor's office.
When carrying out their tasks in connection with criminal proceedings, the investigating authorities act under the direction and supervision of a public prosecutor.
Orders issued by investigators in the course of an investigation are binding on all State bodies, legal entities and citizens.

Judges

Judges in Bulgaria are appointed, promoted and demoted, transferred and removed from office by decision of the Supreme Judicial Council.

Organisation

The following positions exist for judges who possess the requisite experience:
Judge at the Supreme Court of Cassation and judge at the Supreme Administrative Court – at least 12 years' legal experience;
Judge at a court of appeal, judge at a military court of appeal, judge at the Specialised Criminal Court of Appeal – at least ten years' legal experience, but for a judge at the Specialised Criminal Court of Appeal – at least 12 years' experience, at least eight of them as a judge in criminal cases;
Judge at a provincial court, judge at an administrative court, judge at a military court, judge at the Specialised Criminal Court – at least eight years' experience, but for a judge at the Specialised Criminal Court – at least ten years' experience, at least five of them as a judge in criminal cases;
Judge at a district court – at least three years' experience;
Junior judge – no previous experience required.
Subject to a positive comprehensive appraisal of their performance, judges acquire tenure by decision of the Supreme Judicial Council after five years in office.

The **Union of Judges in Bulgaria** (SSB) was established in Sofia on 28 March 1997 by 30 founding members, including judges from the Supreme Court of Cassation and provincial and district courts across the country.
The Union of Judges in Bulgaria succeeded the Union of Bulgarian Judges, founded in 1919 and active until 1945, as an informal professional organisation bringing together the community of judges and aiming to protect its professional interests as well as to discuss and find solutions to its problems.
More information can be found on the website of the Union of Judges in Bulgaria (Sayuzat na Sadiite v Bulgaria).
The Bulgarian Judges Association was created to guarantee the public fairness, transparency and access to justice.
Within the framework of the judicial system, the Association strives to work in compliance with the Constitution and statutory provisions, while at the same time following the rules of professional ethics. More information can be found on the website of the Bulgarian Judges Association - https://judgesbg.org.

Role and functions

The Union of Judges in Bulgaria compiles dossiers, including on disciplinary proceedings against judges, mediates in disputes between judges and other civil servants, provides assistance to the legislature during the legislative process, keeps records and issues its own journal.

Judicial assistants and prosecutorial assistants

Judicial assistants are employed at the provincial and administrative courts, the courts of appeal, the Supreme Court of Cassation and the Supreme Administrative Court.
Prosecutorial assistants work at the provincial and appellate prosecutor's offices, the Supreme Cassation Prosecutor's Office and the Supreme Administrative Prosecutor's Office.
Persons who meet the requirements laid down for the position of judge, prosecutor or investigator and have passed a competitive examination for judicial officers are appointed as judicial assistants or prosecutorial assistants.
Judicial assistants are appointed by the administrative head of the relevant court. Prosecutorial assistants are appointed by the Prosecutor-General or the administrative head of the relevant prosecutor's office.

Organisation of the legal profession: Attorneys-at-law

Attorneys-at-law

In Bulgaria, attorney-at-law is a profession laid down in the Constitution. Only persons who have taken an appropriate oath and are entered in the register of a bar association may be attorneys-at-law. Each judicial district of a provincial court has a bar association. These are subordinate to the Supreme Bar Council, whose seat is in Sofia. The status, rights and obligations of attorneys-at-law are governed by the Bulgarian Bar Act.
The **Supreme Bar Council** is a legal entity comprising representatives of the bar associations, the representation ratio being one delegate per 40 attorneys-at-law.
The Supreme Bar Council convenes and organises meetings of the General Assembly of Bulgarian Attorneys-at-Law, executes its decisions and prepares and submits reports to the General Assembly, determines the initial and annual contributions of attorneys-at-law to its budget, issues ordinances in line with the Bar Act, rules on appeals against unlawful decisions of general assemblies of bar associations and against the legality of election of bar councils, rules on appeals and protests against decisions of bar councils on the admission to traineeships of attorneys-at-law and against refusals to register attorneys-at-law, ensures and endorses expenditure in relation to the operation of the Supreme Control Board and the Supreme Disciplinary Tribunal.
The Supreme Bar Council keeps a register of attorneys-at-law, one of junior attorneys-at-law and of law firms, and one of foreign attorneys-at-law who have the right to appear as defence counsels before Bulgarian courts.

Legal database

More information can be found on the website of the Supreme Bar Council (Visshiyat Advokatski Savet).

Notaries

Organisation

A notary is a person appointed by the State to perform the notarial activities provided for by law. In the performance of his or her functions, a notary is independent and must comply solely with the law. The Minister for Justice oversees the activities of all notaries as regards compliance with the law and the statute of the Chamber of Notaries.
The status, rights and obligations of notaries are governed by the Bulgarian Notaries and Notarial Activities Act.

Role and functions

The Chamber of Notaries (Notarialnata Kamara) is an organisation of notaries in the Republic of Bulgaria founded under the Notaries and Notarial Activities Act. All notaries are members, as of right, of the Chamber of Notaries, which has legal personality and is based in Sofia.
The governing bodies of the Chamber of Notaries are the General Assembly, the Council of Notaries, the Supervisory Board and the Disciplinary Committee.
The Chamber of Notaries is represented by the President of the Council of Notaries.
The Chamber of Notaries organises and provides support for notaries' activities, protects and promotes the prestige of the profession and maintains relations with international organisations pursuing similar activities.
More information can be found on the website of the Chamber of Notaries (Notarialnata Kamara).

Other legal professions

Private bailiffs

A private bailiff is a person to whom the State assigns the enforcement of private claims and the collection of public receivables. The area in which a private bailiff operates is the geographical jurisdiction of the relevant provincial court.
The **mission of the Chamber of Private Bailiffs** is to promote the profession and improve the enforcement process in Bulgaria, while supporting its members and protecting the public interest.

Legal database

The Chamber of Private Bailiffs (Kamarata na Chastnite Sadebni Izpalniteli) keeps a register of private bailiffs.
The register is public and can be accessed via the Chamber's website. Everyone has the right to inspect the register and obtain extracts from it (Private Bailiffs Act).
Private bailiffs are required to submit to the Ministry of Justice six-monthly and annual activity reports, on the basis of which the Minister for Justice builds up, maintains and develops a judicial-enforcement information system. The Ministry of Justice charges a fee for the use of the information system in accordance with the schedule of fees approved by the Council of Ministers. Official access to the information system is free of charge for State authorities, local government and local administration bodies, and persons entrusted with public functions.

State bailiffs

State bailiffs carry out the enforcement of private claims. The State may also assign to State bailiffs the task of collecting public receivables in particular cases determined by law.
The number of State bailiffs is decided by the Minister for Justice.

At district courts where there are no State bailiffs, their functions are carried out by a district judge appointed by the president of the relevant court, the Minister for Justice being notified of this fact.
State bailiffs are appointed by the Minister for Justice on the basis of a competition. The Minister for Justice may schedule a competition at the proposal of the president of a district court.
The Bulgarian Association of State Bailiffs (Asotsiatsiyata na Darzhavnite Sadebni Izpalniteli v Bulgaria) is an independent and voluntary professional organisation that defends the professional, intellectual, cultural, social and material interests of State bailiffs in Bulgaria, while promoting the profession and contributing towards raising its prestige within the State and society.

Legal database

The Register of State Bailiffs (Registarat na Darzhavnite Sadebni Izpalniteli) can also be consulted on the website of the Association of State Bailiffs.

Registration judges

Registration judges perform their duties at district courts as follows.
They order or refuse entries, endorsements and removals from the property register and decide whether references and certificates are issued; they perform notarial and other deeds laid down by law. Registration judges may act only in their own district.
The number of registration judges is decided by the Minister for Justice.
In district courts where there is no registration judge or where the registration judge is unable to attend to his or her duties, the registration judge's duties are performed by a district judge, with the Minister for Justice being notified of this fact.
The Minister for Justice may assign the functions of a registration judge to a State bailiff at the same court.
Registration judges are appointed by the Minister for Justice on the basis of a competition. The Minister for Justice may schedule a competition at the proposal of the president of a district court.
The Bulgarian Association of Registration Judges is an independent and voluntary professional organisation that defends the professional, intellectual, cultural, social and material interests of registration judges in Bulgaria, while also promoting the profession and contributing towards raising its prestige within the State and society. More information can be found on the Association's website: http://www.basv.free.bg

More information on court staff can be found here (378 Kb) en.

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Types of legal professions - Czechia

This section provides you with an overview of the legal professions in the Czech Republic.

Legal professions - introduction

The legal professions comprise judges, public prosecutors, lawyers, notaries, and bailiffs.

Public prosecutors

Organisation

Public prosecutors are legal professionals who work in a prosecutor's office. Public prosecutor's offices are public bodies that represent the state to protect the public interest in clearly defined matters. Public prosecutors handle cases that fall within the competence of the public prosecution service. No other bodies or persons may encroach on their field of activity or replace or represent them in performing their duties.
The organisation of the prosecution service mirrors the court system (district, regional, and supreme levels). At the head of the service is the Supreme Public Prosecutor's Office in Brno, which is the central public prosecutor's office and oversees the prosecution service. The government has the power to appoint and dismiss the Supreme Public Prosecutor on the recommendation of the Minister for Justice.

Professional association

The Czech Union of Public Prosecutors, *Unie státních zástupců České republiky*, is a voluntary professional association whose aim is to help prosecutor's offices in performing their tasks and to promote the rule of law in decision-making free of all influence. The Union also plays a part in training prosecutors and trainee prosecutors and represents the interests of public prosecutors.
The profession is governed by the Code of Professional Ethics for Public Prosecutors.
A list of public prosecutors, broken down by the office to which they are assigned, is available via the Justice Ministry's web page: Ministry of Justice.

Role and obligations of public prosecutor's offices

Public prosecutors are public officials whose job is to represent the state in protecting the public interest, in particular by bringing criminal prosecutions, and ensuring that the law is observed as regards pre-trial detention, imprisonment, court-ordered medical treatment, youth detention centres and institutional care homes, crime prevention, and the provision of help for crime victims.

Powers in criminal proceedings

Public prosecutors have the power to act as a law enforcement authority at every stage in criminal proceedings The public prosecutor enjoys certain procedural rights and is subject to corresponding procedural obligations.
The public prosecution service operates as specified in Act No 283/1993. In particular, it is responsible for bringing public criminal prosecutions and for certain other tasks under the Code of Criminal Procedure. It also monitors compliance with the law as regards pre-trial detention, imprisonment, court-ordered medical treatment, security detention, youth detention centres and institutional care homes, and other instances where the law authorises restrictions on personal liberty, and it acts in non-criminal proceedings and performs other specific tasks laid down by a special act.
Public prosecutors ensure that the law is observed in pre-trial criminal proceedings. Under the Code of Criminal Procedure (Act No 141/1961), certain steps at this stage are the sole prerogative of the public prosecutor.
Before beginning a criminal prosecution, the public prosecutor must have been notified of facts indicating that a crime has been committed (§ 158(2) of the Code of Criminal Procedure).
The public prosecutor issues a formal charge (recommending a penalty), which sets in motion the procedure for an action to be brought before the relevant court. Public prosecutors must attend the main hearing, where they open proceedings by setting out the charges and end them with their closing statement. Public prosecutors also enjoy powers in reaching agreement on guilt and sentencing.
The public prosecutor can appeal on the grounds of that a wrong verdict has been given. Appeals may be in the accused's favour or to their disadvantage. A further appeal can be lodged by the Supreme Public Prosecutor.
The public prosecutor can also recommend a retrial in the accused's favour or to their disadvantage.

In proceedings against a juvenile the public prosecutor must always be present, not only at the main hearing but also at public hearings (Act No 218/2003 on judicial proceedings in juvenile cases).
Decisions on alternative settlements at the pre-trial stage are among the exclusive decision-making powers of the public prosecutor.

Action by the prosecution service in non-criminal cases

The public prosecution service can also recommend bringing civil proceedings or can intervene in civil proceedings that are already under way, but only where the law permits.
The basis for the involvement of the prosecution service in civil proceedings is Article 80 of the Czech Constitution, which states that the public prosecution service may perform other tasks under the law besides bringing public prosecutions. Under the Prosecution Service Act the public prosecution service can act in other proceedings besides criminal cases. These powers are covered in more detail in the Code of Civil Procedure, which specifies when the public prosecution service may intervene in ongoing civil proceedings.
Besides the possibility of becoming a party to civil proceedings, the public prosecution service can recommend that proceedings be brought by the Supreme Public Prosecutor, for instance in paternity denial cases under the Family Act.

Qualifications and other requirements for public prosecutors

Public prosecutors take office upon being appointed. They are appointed by the Minister for Justice, on the recommendation of the Supreme Public Prosecutor, and appointment is for an unlimited period. A public prosecutor takes the oath before the Minister for Justice.
To be appointed as a public prosecutor a person must be a Czech citizen and must:
enjoy legal capacity;
have no criminal record;
be at least 25 years of age at the time of appointment;
have obtained a master's degree in law at a Czech university;
have passed the final examination;
possess the moral qualities that guarantee they will exercise their function properly, and
accept appointment as a public prosecutor and assignment to a prosecutor's office.
Public prosecutors are appointed for an unlimited period, but they can be suspended from duty by decision of the Minister for Justice. Their tenure ceases when they reach the age of 70, when they die or are declared dead, or if, for example, they lose their legal capacity or it is restricted, if they refuse to take the oath, if they lose Czech citizenship, if they take on a function incompatible with that of public prosecutor, if they are found guilty of a crime, if they are found to be unfit to perform their duties, or if lasting ill health prevents them from performing their duties. Their tenure is also terminated if they are removed from office as a disciplinary measure or if they resign.
The Minister for Justice sets the budget of the prosecution service. The status of public prosecutor is governed by Act No 283/1993.

Incompatible functions

Except where the law permits, a public prosecutor may not act as an arbitrator or mediator for the settlement of legal disputes, represent parties to judicial proceedings, or act as an agent for a claimant or party in judicial or administrative proceedings. Apart from serving as a public prosecutor, or as chief or deputy chief public prosecutor, or performing duties arising from temporary assignment to the Ministry or the Judicial Academy, public prosecutors may not hold any paid function or engage in any other gainful activity, except managing their own assets and performing academic, teaching, literary, journalistic, or artistic work, or to serve on advisory bodies to the Ministry or government or on parliamentary bodies.

Remuneration

Prosecutors' remuneration is laid down by law and paid by the state.

Professional liability

The state is liable, as specified in a special act, for any damage, injury, or loss resulting from unlawful decisions or procedural errors by public prosecutors. Public prosecutors are also liable if they commit a disciplinary offence.

Judges

Organisation

The basic provision governing the position of judges is Article 82(1) of the Czech Constitution, which states that judges must be independent in the exercise of their functions and that no one may seek to undermine their impartiality. Further rules are laid down in Act No 6/2002 on courts and judges.

Appointment and tenure

If they fulfil all the requirements, judges are appointed by the President of the Republic and take office on taking the oath. However, there is no legal entitlement to be appointed as a judge.
Preparation to become a judge involves three years' service as a trainee judge in the courts. On completion of their preparatory service, trainees sit a special judicial examination.
Appointment as a judge is not limited in time, but judges may be released from their duties temporarily by the Minister for Justice. Judges' tenure ends at the close of the year in which they reach the age of 70, on their death or when they are declared dead, if they are officially declared unfit to perform their duties, or if they resign.

Qualifications and other requirements for judges

To be appointed as a judge a person must:
be a Czech citizen;
enjoy legal capacity;
have no criminal record;
be at least 30 years of age;
have obtained a master's degree in law at a Czech university;
have passed the special judicial examination;
possess the experience and moral qualities that guarantee they will exercise their function properly, and
accept appointment as a judge and assignment to a specific court.
Lay judges are appointed from the general public (provided they do not have a criminal record). They take an oath before the president of the court and serve for four years.

Incompatible functions

Apart from serving as president or deputy president of a court, judges may not engage in any other form of paid activity except managing their own assets, performing academic, teaching, literary, journalistic or artistic work, or serving on advisory bodies to the Ministry or government or on parliamentary bodies.

Remuneration

The level of judges' remuneration is laid down by law.

Role and obligations

The basic right and obligation of judges is to remain independent in performing their duties and to be bound solely by the law, interpreting it to the best of their knowledge and according to their conscience. They must not allow themselves to be influenced e.g. by the interests of political parties, public opinion, or the media. Undermining or threatening the independence and impartiality of judges is forbidden.

Judges must give their rulings within a reasonable time and without undue delay and must give the parties to proceedings and their representatives the opportunity to assert their rights, but may not negotiate with them on the substance of the case or on procedural issues that could affect the case.

Even after leaving office, judges must not disclose any matters that have come to their knowledge in the course of their duties; this obligation may only be lifted in exceptional cases.

A list of judges and the courts where they work is available via the webpage of the Justice Ministry: Ministry of Justice.

The Union of Judges (*Soudcovská unie*) does not represent all judges, as membership is voluntary. Its general assembly has adopted a code of conduct for judges setting out ethical principles to guide the judiciary.

Categories and specialisation of judges

Besides deciding on cases, judges may also serve as court presidents or vice-presidents. They are appointed by the President of the Republic (Supreme Court and Supreme Administrative Court) or by the Minister for Justice (higher, regional, and district courts). Their main tasks include administration of the courts.

A judge may also be appointed to preside over a college of the Supreme Court or of the Supreme Administrative Court, or to preside over a court senate.

Internally the district, regional, and higher courts are basically organised into specialised criminal, civil, and administrative divisions for the different types of cases.

Professional liability of judges

The state is liable for any damage, injury, or loss arising from a wrongful ruling, remand decision, sentence, or protective measure, or from a procedural irregularity. The judge concerned may be required to make compensation only if he is found guilty of a disciplinary or criminal offence. Judges are accountable for their professionalism in performing their duties

Other judicial staff

Assistant to judge/assistant to prosecutor (374 Kb) en

Trainee (422 Kb) en

Higher court clerk / higher clerk of prosecution office (372 Kb) en

Notaries

Organisation

Notaries and their activities are regulated by Act No 358/1992 on notaries and their activities (Notarial Code).

Notaries must belong to the Chamber of Notaries (*Notářská komora*), which is responsible for administering the profession. The Chamber also organises professional training and examinations of trainee notaries. A list of notaries, broken down by region, can be found on the webpage of the Chamber of Notaries.

Appointment and tenure

Notaries are appointed to a vacancy by the Minister for Justice, acting on a recommendation by the Chamber, following a competitive examination. A notary takes office once entered in the register of notaries kept by the Chamber of Notaries.

A trainee notary prepares for the profession by working under a notary. The next stage in preparation is when the trainee attains the status of candidate notary after completing at least three years' traineeship and passing the notarial examination.

A notary's tenure of office is not limited in time, but can be suspended. Notaries' tenure ceases when they reach the age of 70, on their death or if they are declared dead, on dismissal, loss of Czech citizenship, loss of legal capacity, or if, for example, they refuse to take the oath or if their state of health makes it impossible for them to perform their duties in the long term.

The number of notaries' offices in the area of each district court is laid down by the Minister for Justice after consulting the Chamber of Notaries.

Notaries are independent in the performance of their duties. They are bound only by the law. Practice as a notary is incompatible with any other paid activity (except where the law states otherwise).

Qualifications and other requirements for notaries

To be appointed as a notary, a person must:

be a Czech citizen;

enjoy legal capacity;

have no criminal record;

have a university degree;

have completed at least five years' notarial practice;

have passed the notarial examination.

In order to begin practising as a notary a person must:

be appointed as a notary;

have taken the oath before the Minister for Justice, if this has not already been done;

have obtained the official stamp of a notary;

have concluded a liability insurance policy for any damage, injury, or loss that may occur in the course of their practice.

Incompatible functions

Notaries may not engage in any other gainful activity apart from managing their own assets. However, they may perform academic, publication, teaching, interpreting, expert, or artistic work for remuneration.

Remuneration

Under the Notarial Code, a notary works in return for remuneration, which mainly comprises a fee, reimbursement for the time spent, and reimbursement of expenses. Payment is due from the person seeking notarial assistance. Notaries are entitled to request a reasonable advance payment in respect of their fee and expenses. Detailed rules on the remuneration of notaries are laid down in specific legislation.

Role and obligations of notaries

In performing their duties notaries must comply with acts of law and other legal provisions of generally application; in providing legal assistance they are also bound by their clients' instructions. They have the right to refuse to do what is requested only if this would conflict with generally applicable law; if they or

persons close to them are involved in the case; if they have already provided legal assistance in the same case to someone else with conflicting interests; or if the person seeking assistance fails to pay a reasonable advance without good reason. A notary has the right to withdraw from a contract with a client or person seeking advice where there is a breakdown of mutual trust.
Notaries may not disclose any matters that come to their knowledge in the course of their work and that might affect the legitimate interests of their clients or persons seeking advice; only the persons concerned may relieve them of this obligation.
The legal and other services provided by notaries include:
acting as judicial commissioners, i.e. as agents of the court, for inheritance matters;
drawing up notarial deeds – official records of legal acts, of annual general meetings and meetings of legal persons, of other acts and situations;
drawing up contracts;
notarial custody;
drawing up notarial acts permitting enforcement;
drawing up and depositing wills;
drawing up premarital agreements (which must be in the form of notarial deed), surety agreements, and registering sureties;
authenticating documents.
They also issue extracts from the Czech Land Register, etc.

Professional liability of notaries

Notaries are liable to clients, persons seeking advice, or other persons concerned for any damage, injury, or loss they may they may cause in performing their duties; they are also liable to their staff for any damage, injury, or loss they may suffer in the course of their work. To cover that risk, they must have a liability insurance policy.
Notaries are also liable to disciplinary action.
State supervision of notaries is the responsibility of the Ministry of Justice, the Czech Chamber of Notaries, and the individual chambers of notaries.

Professional association

The chambers of notaries, established by law in the area of each regional court and the Prague municipal court, comprise all notaries established in the corresponding area. The chamber of notaries enjoys legal personality and has its own income and organs.
The Czech Chamber of Notaries (*Notářská komora ČR*) is the central self-governing professional organisation comprising the individual chambers of notaries. It enjoys legal personality and has its own income and organs. Its tasks include keeping and managing the central register of wills, which is a non-public list in electronic form comprising wills, deeds of disinheritance and acts revoking them, records of the appointment and dismissal of executors of wills. The Czech Chamber of Notaries also keeps the register of sureties.

Organisation of the legal profession: legal practitioners

Lawyers

Lawyers must be members of the Czech Bar Association (*Česká advokátní komora*), the central self-governing non-governmental organisation responsible for the profession.
The provision of services by lawyers is regulated by Act No 85/1996, on the legal profession.

Requirements for lawyers

To practise as a lawyer, a person must be entered in the register of lawyers kept by the Czech Bar Association. To be entered in the register, a person must apply in writing and must:
enjoy legal capacity;
have no criminal record,
have obtained a master's degree in law;
have served at least three years as a trainee lawyer;
have passed the bar examination and
have taken an oath before the president of the Czech Bar Association.
In the Czech Republic legal services may be provided systematically and against payment only by:
lawyers registered with the Czech Bar Association;
European lawyers.
In the Czech Republic there is only one type of lawyer without any kind of distinction. Only in the course of their practice do individual lawyers build up their specialisation in one of the fields of law.

Rights and obligations of lawyers

A lawyer takes office on being entered in the register.
A prospective lawyer prepares for the profession by working as a trainee under a lawyer.
Registration is not limited in time, but the right to practice as a lawyer may be suspended, either as specified in law or following a decision by the Czech Bar Association.
The right to practice as a lawyer ceases when a lawyer is removed from the register on grounds specified by law, such as death or being declared dead, loss or restriction of legal capacity, being struck off the register as a disciplinary measure, bankruptcy, or at a lawyer's own request. The Czech Bar Association may also decide to strike a lawyer off the register.

Incompatible functions

Under the law, a practising lawyer may not at the same time be employed or hold any other similar position, except as a university teacher, and may not engage in any activity incompatible with that of a lawyer.

Remuneration

Lawyers generally act on payment of a fee by the client; the lawyer may request a reasonable advance. The method for determining lawyers' fees for legal services, reimbursement of expenses, and remuneration for time spent is governed by a generally binding provision. As a rule, the fee for providing legal services is laid down in a contract with the client ('contractual fee'). If not, it is determined in accordance with the scale of lawyers' non-contractual fees. If a lawyer is appointed to provide legal services, the fees are paid by the state.

Professional association

The Czech Bar Association, which has its seat in Prague and a branch in Brno, is the self-governing professional organisation for all lawyers. It has its own bodies and issues binding professional rules for lawyers that are published in the Official Gazette of the Czech Bar Association.
These include the rules of professional ethics and rules on competition governing lawyers in the Czech Republic.

Professional liability

Lawyers are liable to their clients for any damage, injury, or loss that they, their employees, or representatives may cause in the course of their work. Layers must be insured against all such liability.
Lawyers are also liable if found guilty of a disciplinary offence involving serious or repeated breaches of their obligations.

Legal database

A list of lawyers can be found on the webpage of the Czech Bar Association. There you can search for lawyers not only by location, but even by their specialisation and knowledge of languages.

Is access to the database free?

Yes, access to this database is free.

Commercial lawyers/legal advice

In the Czech Republic there is only one type of lawyer.

Other legal professions

Bailiffs

A **court bailiff** is an independent legal professional who enforces execution in accordance with the Enforcement Code . All court bailiffs must belong to the self-governing Chamber of Bailiffs.
They are governed by Act No 120/2001 on court bailiffs and enforcement (Enforcement Code).
Bailiffs are appointed by the Minister for Justice.
In the Czech Republic a bailiff is a public official and his duties are deemed to be acts of the courts.
To be appointed as a court bailiff a person must be a Czech citizen and must:
have full legal capacity;
have a legal training at a Czech university;
have no criminal record;
have at least three years' professional experience;
have passed the bailiffs examination.

Appointment and tenure

After taking an oath, a bailiff is appointed by the Minister for Justice to a vacancy following a published selection procedure. On appointment, he becomes a member of the Chamber of Bailiffs. Preparation for the office of bailiff involves first working as a trainee under a bailiff. The next stage is candidate bailiff; candidates must have completed at least three years' practice and have passed the bailiffs examination before they can be entered in the register.
The appointment is not limited in time, but the Minister for Justice can suspend a bailiff. During the period of suspension a bailiff may not act as a bailiff, and a replacement is appointed, as is the case for any other period when a bailiff is prevented from carrying out his activities (e.g. sickness, vacation).
A person ceases to be a bailiff from the moment when they cease to be a member of the Chamber of Bailiffs. This happens through death or being declared dead, dismissal, loss of Czech citizenship, or loss or restriction of legal capacity.

Incompatible functions

Bailiffs may not engage in any other gainful activity apart from managing their own assets. However, they may perform academic, publication, teaching, interpreting, expert, or artistic work for remuneration.

Remuneration

Bailiffs perform enforcement and other activities for remuneration, which mainly comprises the bailiff's fee, reimbursement of expenses, remuneration for time spent, and reimbursement for delivering writs. The bailiff's fee may be agreed between the bailiff and the person concerned. If there is no such agreement, the fee is determined in accordance with the generally applicable legal provision. Bailiffs are entitled to ask for payment of a reasonable advance on the costs of enforcement.

Professional liability:

Bailiffs are liable for any damage, injury, or loss caused in the course of their enforcement work, either by themselves or by their employees. They must be covered by liability insurance.
Bailiffs and candidate bailiffs are also liable for disciplinary offences involving breaches of their obligations under the law or causing serious or repeated detriment to the dignity of the profession.
Further details can be found on the webpage of the Chamber of Bailiffs.

Organisations providing legal services *pro bono* (for free)

There are a number of non-governmental organisations providing public legal aid in various areas: for example Environmental Law Services, Iuridicum remedium.
In certain specific cases the Czech Bar Association also provides free legal advice.
The Czech Chamber of Bailiffs provides free legal advice on enforcement questions.

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Types of legal professions - Denmark

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) en

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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Types of legal professions - Germany

This page provides information on legal professions in Germany.

Public prosecutor

Role and duties

The **public prosecution service** (*Staatsanwaltschaft*) is an independent body within the criminal justice system and is on an equal footing with the courts. It is responsible for leading preliminary investigations, bringing charges, presenting the case for the prosecution during the trial, and enforcing convictions. Except when there is legislation to the contrary, the public prosecution service is also responsible for prosecuting minor offences.

The public prosecution service has an obligation to act whenever there is an offence that can be prosecuted, provided there are sufficient grounds (principle of legality). This means that before deciding whether a public prosecution should be brought, the public prosecution service must investigate and carry out a legal examination of all the facts of which it has become aware. It is required to do this objectively and impartially: it must investigate both facts that incriminate the suspect and facts in the suspect's favour. If the conditions laid down by law are met, it must bring charges. When the proceedings relate to a minor offence, the public prosecution service may refrain from prosecution if there is a low degree of culpability and there is no public interest in prosecuting the offender. Under certain conditions laid down by law, the consent of the court with jurisdiction to try the case is also required. The offender may also have to fulfil certain conditions and follow certain instructions for the case to be closed.

When conducting investigations for criminal proceedings, the public prosecution service may seek assistance from other parties, such as police officials, tax investigators and customs officers. These parties must follow the service's instructions.

Before a criminal case can be tried, a charge must be brought against a defendant. With a few exceptions concerning petty offences, the charge must always be brought by the public prosecution service. A public prosecutor normally participates in the trial to represent the prosecution.

The public prosecution service is involved in both first-instance proceedings and appeal proceedings (appeals on points of fact and points of law).

In the trial, the public prosecutor must read out the charge. He or she has the right to question the defendant and any witnesses and submit his or her own requests for evidence. At the end of the trial, the public prosecutor presents closing arguments, assessing the substantive and legal facts and often asking the court to pass a certain sentence on the defendant or acquit the defendant.

If the public prosecution service, the court and the defendant all consent, the case can be closed at this stage of the proceedings. For instance, this can be done if, after the trial, the defendant's degree of culpability is considered to be low.

If the public prosecution service firmly believes that a court decision needs to be reviewed on a point of fact or law, it may lodge an appeal. It can even lodge an appeal in the defendant's favour.

Organisation

The public prosecution service has offices at each regional court (*Landgericht*) and higher regional court (*Oberlandesgericht*) and at the Federal Court of Justice (*Bundesgerichtshof*). It has a hierarchical structure.

Because of the federal system in Germany, there is a need to distinguish between the competencies of the Federal Government and the competencies of the *Länder*.

Public prosecutors' offices in the *Länder* (*Staatsanwaltschaften der Länder*)

The public prosecutors' offices in the *Länder* are competent to prosecute all offences other than those prosecuted by the Federal Prosecutor-General at the Federal Court of Justice (*Generalbundesanwalt beim Bundesgerichtshof*). The Federal Prosecutor-General at the Federal Court of Justice and the public prosecutors' offices in the *Länder* are distinct and separate, and operate at their own levels. There is no hierarchical link between the federal public prosecutor's office and the public prosecutors' offices in the *Länder*. However, in exceptional cases, the Federal Prosecutor-General at the Federal Court of Justice can transfer cases falling under his or her jurisdiction to the public prosecutors' offices in the *Länder* or take over cases falling under their jurisdiction.

Each of the 16 *Länder* has its own public prosecutor's office. The offices' organisation is described below.

Each regional court (*Landgericht*) has its own public prosecutor's office, which also assumes responsibility for the local courts (*Amtsgerichte*) within the judicial district of that regional court.

The public prosecutors' offices in the regional courts are each subordinate to the prosecutor-general's office in the corresponding higher regional court (*Oberlandsgericht*), which in turn answers to the ministry of justice of the *Land* in which it is located.

The prosecutor-generals' offices (*Generalstaatsanwaltschaften*) are responsible for appeals on points of law in the higher regional courts. If such proceedings fall within the jurisdiction of the Federal Court of Justice, prosecution is conducted by the Federal Prosecutor-General.

For more information about public prosecutors' offices, see the Courts and public prosecutors' offices (*Gerichte und Staatsanwaltschaften*) section of the website of the Federal Ministry of Justice and Consumer Protection. Many public prosecutors' offices also have their own websites, which can be accessed through the justice portals of the *Länder*.

Federal Prosecutor-General at the Federal Court of Justice (*Generalbundesanwalt beim Bundesgerichtshof*)

In the Federal Republic of Germany, justice is, in principle, a matter for the *Länder* (under Articles 30, 92 and 96 of the Basic Law). The office of the Federal Prosecutor-General at the Federal Court of Justice is the Federal Government's only public prosecutor's office. It is also referred to as the federal public prosecutor's office (*Bundesanwaltschaft*). Alongside the Federal Prosecutor-General, it is staffed by other federal public prosecutors, senior public prosecutors, public prosecutors and other employees. The Federal Prosecutor-General heads the federal public prosecutor's office at the Federal Court of Justice.

The Federal Prosecutor-General at the Federal Court of Justice acts as counsel for the prosecution in all cases of serious crimes against the state that significantly compromise Germany's internal security (particularly acts of terrorism) or external security (treason and espionage). The Federal Prosecutor-General at the Federal Court of Justice can assume responsibility for prosecuting other crimes against the state under certain conditions laid down in Section 120(2) of the Courts Constitution Act (*Gerichtsverfassungsgesetz*, GVG). This is known as the 'right of evocation'. The Federal Prosecutor-General is also responsible for prosecuting offences under the Code of Crimes Against International Law (*Völkerstrafgesetzbuch*) and appears in appeal and complaint proceedings before the criminal divisions of the Federal Court of Justice (*Bundesgerichtshof*).

The Federal Prosecutor-General is nominated by the Federal Minister for Justice and Consumer Protection and appointed by the Federal President. The nomination must be approved by the *Bundesrat* (the upper house of the German Parliament). The work of the Federal Prosecutor-General is supervised by the Federal Minister for Justice and Consumer Protection. However, the Minister cannot exercise supervisory rights over the public prosecutors of the *Länder* or give them instructions.

Judge

Organisation

The main legislation governing the profession of judge in both national and regional courts is the **German Judges Act** (*Deutsches Richtergesetz*, DRiG). Further provisions can also be found in legislation at *Land* level.

The ministries of justice of the *Länder* supervise the work of judges at *Land* level. The work of judges in federal courts (with the exception of the judges of the Federal Constitutional Court (*Bundesverfassungsgericht*)) is supervised by the relevant federal ministry.

Role and duties

Professional and lay judges (*Berufsrichter und Laienrichter*)

Professional judges (*Berufsrichter*) serve in either national or regional courts. Judges at *Land* level officiate in a local court (*Amtsgericht*), a regional court (*Landgericht*) or a higher regional court (*Oberlandesgericht*). Most judges work at *Land* level.

Federal judges (*Bundesrichter*) may serve on the Federal Constitutional Court (*Bundesverfassungsgericht*), the Federal Court of Justice (*Bundesgerichtshof*), the Federal Labour Court (*Bundesarbeitsgericht*), the Federal Fiscal Court (*Bundesfinanzhof*), the Federal Social Court (*Bundessozialgericht*), the Federal Administrative Court (*Bundesverwaltungsgericht*) or the Federal Patent Court (*Bundespatentgericht*).

In criminal proceedings, professional judges are joined by lay judges (*Laienrichter*). Lay judges are called by the authorities to perform this service and are not paid a salary. In theory, a person may even be appointed as a lay judge without their consent and can refuse service only under exceptional circumstances. Lay judges participate in local court hearings and criminal and juvenile hearings at regional courts.

In principle, lay judges have the same voting rights as professional judges, i.e. they decide jointly with the professional judges whether the defendant is guilty and what sentence to apply.

Under Section 36 of the **Courts Constitution Act** (GVG), lay judges are elected every five years. Only German nationals may act as lay judges (**Section 31 GVG**) and the following persons are excluded (**Section 33 GVG**):

persons under 25 or over 70, and persons who would be over 70 on the date of assuming duty;

persons not residing in the district concerned;

persons unfit for the role on health grounds;

persons unfit for the role due to insufficient knowledge of the German language;

persons who are financially insolvent.

The following persons cannot act as lay judges:

persons who have been deemed by court order to be unfit for public office or who have been sentenced to a term of imprisonment exceeding six months for an intentional offence; or

persons who are under investigation for an offence that could result in them being deemed unfit for public office (**Section 32 GVG**).

Lay judges are entitled to compensation for loss of earnings, the amount being determined by the Legal Remuneration and Compensation Act (*Justizvergütungs- und -entschädigungsgesetz*) (**Section 55 GVG**). The *Länder* provide explanatory brochures to inform lay judges about their duties. These brochures are also available online. The *Länder* offer training for lay judges too.

Judicial officer

Judicial officers (*Rechtspfleger*) are officials of the German judiciary. Their role – as the 'second pillar of the third branch of government' – is mainly confined to non-contentious matters (including probate, custody, various matters concerning children and adoption, land registry, commerce, cooperative societies and partnerships, registration of associations, of matrimonial property, of ships, and so on). Their responsibilities extend to a number of other judicial activities, e.g. in relation to debt recovery orders, legal aid, writs of execution, forced sales and receiverships, insolvency, the fixing of costs, enforcement of convictions, and proceedings before the Federal Patent Court and in the international legal order.
There are currently more judicial officers than judges in the local courts. The tasks and responsibilities of judicial officers are set out in the Judicial Officers Act (*Rechtpflegergesetz*, RPflG). In exercising their duties and taking decisions, judicial officers, like judges, are impartial and independent and bound only by law and statute. As a matter of principle, appeals may be made against their decisions in accordance with the general procedural laws in force.

Databases

Internet websites dedicated to the judicial professions and accessible to the general public are:
the website of the Federal Ministry of Justice and Consumer Protection;
the websites of the ministries of justice of the *Länder* (e.g. Hamburg, Berlin and Bavaria);
individual courts that make information available over the internet;
the joint justice portal of the Federal Government and the *Länder*.
Information is also available on the web pages of the German Association of Judges (*Deutscher Richterbund*) and of the Association of German Judicial Officers (*Bund Deutscher Rechtspfleger*).

Lawyer

There are approximately 166 000 lawyers in Germany. They must complete the same legal training as judges and are authorised to advise and represent their clients in all legal matters. They are allowed to exercise their profession both inside and outside the courtroom: in German law, there is no special category of lawyers who plead cases in court. In principle, lawyers are entitled to represent their clients in any court in Germany; the only exception is when lawyers wish to represent their clients in a civil case before the Federal Court of Justice, which has specific conditions for admission. There is also an exception for in-house lawyers (*Syndikusanwälte*), who are lawyers employed by a non-lawyer to advise and represent the employer in legal affairs; in-house lawyers are not allowed to represent their employer before some courts.
Lawyers are subject to the statutory provisions of the Federal Lawyers Act (*Bundesrechtsanwaltsordnung*, BRAO). The legal profession is also self-regulated by further professional rules, more specifically, the Lawyers' Professional Code of Conduct (*Berufsordnung der Rechtsanwälte*, BORA) and the Code of Conduct for Specialist Lawyers (*Fachanwaltsordnung*, FAO). Lawyers' remuneration is determined by the Lawyers' Remuneration Act (*Rechtsanwaltsvergütungsgesetz*, RVG).
Lawyers may belong to one of the 27 regional bar associations (*Rechtsanwaltskammern*) or to the bar association of the Federal Court of Justice. The bar associations are responsible for admission to the legal profession. Among other things, they are also responsible for monitoring lawyers' compliance with their professional obligations.

Databases

Comprehensive information on the **profession of lawyer** can be found on the website of the Federal Bar Association (*Bundesrechtsanwaltskammer*, BRAK). The German Lawyers' Association (*Deutscher Anwaltverein*, DAV), which is the largest independent association of German lawyers, also provides a wide array of information on the profession of lawyer (also available in English and French).
The following websites provide help with finding a lawyer: the German official directory of lawyers (*Bundesweites Amtliches Anwaltsverzeichnis*), which lists all lawyers (content in German and English), and the federal lawyer information service (*Deutsche Anwaltauskunft*).

Patent agent

There are approximately 3 500 practising patent agents in Germany. Patent agents have generally completed university-level studies in a scientific or technical subject, followed by additional legal training. The scope of their activity is limited to advising and representing clients within the field of industrial property rights (in particular, regarding patents, utility models, trademarks and designs), with a specific focus on application and monitoring procedures.
Patent agents are entitled to represent their clients before the German Patent and Trademark Office, the Federal Patent Court and, under specific circumstances, the Federal Court of Justice. Before the regional and higher regional courts, however, they may only deliver opinions on their clients' cases and cannot conduct actions themselves.
Patent agents are subject to the statutory provisions of the Patent Agents Act (*Patentanwaltsordnung*, PAO) and belong to the Chamber of Patent Agents (*Patentanwaltskammer*).

Databases

The website of the Chamber of Patent Agents provides information on the profession. The German official directory of patent agents (*Bundesweites Amtliches Patentanwaltsverzeichnis*) can be found there too.

Notary

There are currently almost 7 000 practising notaries in Germany. In principle, they need to have completed the same legal training as judges. Notaries provide independent, impartial and objective advice and support for carrying out important legal transactions and handling legal matters in such a way as to avoid litigation. Their most important task is certifying legal transactions.
Because of Germany's federal structure, there are different types of notary. In most of the *Länder*, notaries exercise their duties as their main professional occupation ('single-profession notaries', *Nurnotariat*). However, in some *Länder*, notaries perform notarial duties while also working as lawyers ('lawyer-notaries', *Anwaltsnotariat*). All notaries are appointed and supervised by their respective regional judicial authority (*Landesjustizverwaltung*).
The provisions governing the notarial profession can be found in the Federal Notaries Act (*Bundesnotarordnung*, BNotO). The remuneration of notaries is determined by the Fees Order (*Kostenordnung*, KostO).
Notaries belong to their respective regional Chamber of Notaries.

Databases

Comprehensive information on various topics related to the notarial profession can be found on the website of the Federal Chamber of Notaries (*Bundesnotarkammer*). The directory of notaries (*Verzeichnis der Notare*) on that website also provides help with finding a notary. The content is available in German, English, French and Spanish.

Other legal professions

Legal professions defined in the Legal Services Act (*Rechtsdienstleistungsgesetz*, RDG)

The Legal Services Act allows debt collectors, pension consultants and legal service providers specialising in foreign law to provide extrajudicial legal services. In certain cases, debt collectors and pension consultants may also represent their clients in court. They must be registered in order to do so (approval is obtained by applying to the court). The names of all registered persons are listed in the Legal Services Register.
There is no legal requirement for these legal service providers to belong to a chamber or a specific professional association. Some debt collectors and pension consultants belong to professional bodies, the largest of which are the German Association of Debt Collection Agencies (*Bundesverband Deutscher*

Inkassounternehmen), the German Association of Legal Advisers/Legal Service Providers (*Bundesverband Deutscher Rechtsbeistände/Rechtsdienstleister*) and the German Association of Pension Consultants (*Bundesverband der Rentenberater*).

Databases

It is possible to consult the Legal Services Register, which features a list of legal service providers and a list of courts responsible for registration, through the German justice portal. A wealth of further information is available on the websites of the following organisations: the German Association of Debt Collection Agencies, the German Association of Legal Advisers/Legal Service Providers, and the German Association of Pension Consultants.

Organisations that provide free legal services

In Germany, numerous charitable organisations provide free legal advice (in accordance with **Sections 6 and 8 of the Legal Services Act** (*Rechtsdienstleistungsgesetz*)). The main associations providing such advice include:

- the German Workers' Welfare Association (*Arbeiterwohlfahrt Bundesverband e.V.*);
- Caritas;
- Diakonie;
- the Jewish Social Welfare Association (*Zentralwohlfahrtstelle der Juden in Deutschland*);
- the German Red Cross (*Deutsches Rotes Kreuz*); and
- the Parity Welfare Association (*Paritätischer Wohlfahrtsverband*).

Related links

- Justice portal of the Federal Government and the *Länder*
- Information about courts and public prosecutors' offices, Federal Ministry of Justice and Consumer Protection
- Federal Ministry of Justice and Consumer Protection
- Ministry of Justice of Hamburg
- Ministry of Justice of Berlin
- Ministry of Justice of Bavaria
- German Association of Judges
- Federal Bar Association
- German official directory of lawyers
- German Lawyers' Association
- Federal lawyer information service
- Chamber of Patent Agents
- Directory of notaries
- Federal Chamber of Notaries
- Legal Services Register
- German Workers' Welfare Association
- Caritas
- Diakonie
- Jewish Social Welfare Association
- German Red Cross
- Parity Welfare Association

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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.

Legal professions – introduction

The legal professions in Estonia are made up of:

prosecutors;
judges;
lay judges;
assistant judges and judicial clerks;
lawyers;
notaries;
enforcement agents; and
trustees in bankruptcy.

Prosecutors

Organisation

The Prosecutor's Office is a government body 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:
ensures the lawfulness and effectiveness of pre-trial criminal proceedings 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 or 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;
analyses, supervises and provides advice on the activities of District Prosecutor's Offices and analyses and makes general conclusions on judicial practices and the practices of prosecutor's 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;
participates in drawing up development plans relating to the Prosecutor's Office and its functions;
organises the public relations activities of the Prosecutor's Office and informs the public about the operations of the Prosecutor's Office;
organises the human resources and training work of the Prosecutor's Office, deals with issues relating to the occupational health and safety of officials and employees, and keeps staff records;
organises the administrative tasks of the selection board for prosecutors;
prepares the draft budget for the Prosecutor's Office and ensures that budgetary resources are used in a targeted manner;
organises the management of State assets in the possession of the Prosecutor's Office;
performs other functions assigned to it by an Act, a decision of the Riigikogu, a decree of the President of the Republic, a Government of the Republic regulation or order, or a regulation or order of the Minister for Justice.

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 or enforcement agent;
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 from whom the right to work as a sworn translator has been withdrawn on the basis of Section 28(3)(3) of the Sworn Translators Act.
Anyone who, after obtaining the relevant qualification, has acquired at least 5 years' legal experience or who has worked as a law clerk or a judicial clerk for at least 3 years and has passed the judge's exam or is exempt from doing so may be appointed as judge of a county or administrative court.
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 property 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 first instance judges with less than 3 years' experience, those undergoing the preparatory service to become an assistant judge, and university student trainees. A judge may not have more than two people under his or her supervision at any one 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.

The official salaries of judges are laid down in the Salaries of Higher State Servants Act.

The grounds for determining a judge's pension are set out in the Courts Act.

A judge's pension is made up of a retirement pension, a superannuation pension, an 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 is entitled to annual leave. The duration of annual leave is 35 calendar days, and additional leave of up to a total of 7 calendar days is granted for the time spent working as a judge, subject to the conditions laid down in the Courts 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 4 years and must be an Estonian citizen with active legal capacity, aged between 25 and 70, domiciled in Estonia, proficient in the Estonian language at C1 level as set out in the Language Act or at an equivalent 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 enforcement agent, who is a member of the Estonian Government or a municipal or city government, or who is the President of the Republic or a Member of the Riigikogu. 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(22) of the Republic of Estonia Education Act or an equivalent foreign qualification, are proficient in Estonian at C1 level as set out in the Language Act or at an equivalent level, are of high moral character, and have completed the preparatory service to become an assistant judge, unless the selection board has exempted them from said preparatory service. Anyone who has passed the judge's exam 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 or enforcement agent; 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 from whom the right to work as a sworn translator has been withdrawn on the basis of Section 28(3)(3) of the Sworn Translators Act. anyone removed from the office of judge due to their unsuitability for office – for 3 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 (521 Kb) en and assistant judges (373 Kb) en, other court officers include directors of courts (367 Kb) en and clerks of court sessions (364 Kb) en.

Lawyers

Lawyers include attorneys-at-law and their assistants.

Lawyers 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 Bar Association ensures the provision of State-funded 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 special categories of 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 provide the services of a contact person;
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.
Assistant 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 court. A law office through which a lawyer provides legal services may not be searched for reasons arising from the lawyer's professional activities.
You can find a list of lawyers and law offices and other useful information 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, powers of attorney, 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, on the basis of Article 60 of or Annex II to Regulation (EU) No 1215 /2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1);
issue certificates on the legal force of notarial documents in Estonia, on the basis of Article 59(1) of and Annex II to Regulation (EU) No 650/2012 of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (OJ L 201, 27.7.2012, p. 107), and issue certificates on the preparation of notarial documents to be enforced in Estonia, on the basis of Article 60(2) and Annex II;
issue extracts concerning the preparation of notarial documents to be enforced in Estonia, on the basis of Article 48(3) of and Annexes III and IV to Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009, p. 1);
declare powers of attorney 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 to an economic administrative authority 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;
at the request of a legal person or a trustee, provide information concerning the beneficial owner.
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;
provide the services of a contact person;
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;
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

Enforcement agents

In Estonia, this is a liberal legal profession: enforcement agents act on their own behalf and are liable for their own actions. An enforcement agent must be impartial and responsible in his or her duties. The official activities of enforcement agents are regulated under the Enforcement Agents Act.
A joint professional organisation for enforcement agents and trustees in bankruptcy, the Chamber of Enforcement Agents and Trustees in Bankruptcy (hereinafter the Chamber), has been in operation since January 2010. The official activities of enforcement agents, their supervision, disciplinary liability and professional association activities are regulated under the Enforcement Agents 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.
The professional duties of an enforcement agent are:
to carry out enforcement procedures in accordance with the Code of Enforcement Procedure;
to serve documents in accordance with the procedural codes;
to make inventories of estates and administer estates in accordance with the Law of Succession Act;
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;
to act as an intermediary in respect of maintenance received from a foreign State, on the basis of the Family Benefits Act;
to compile debtors' enforcement profiles.
The enforcement agent's fee for carrying out these official duties is laid down in the Enforcement Agents Act.
At the request of a person, an enforcement agent may perform the following as professional services:
conduct movable and immovable property auctions
serve documents;
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.
provide the service of establishing a legal fact outside court proceedings;
act as a conciliator in accordance with the Conciliation Act;
act as an arbitrator on the basis of the Code of Civil Procedure.
Enforcement agents are entitled to refuse to provide a professional service.
The terms for the provision of professional services and the procedure for remuneration is to be agreed in writing with the person requesting the service before the service is provided. The terms and remuneration agreed shall be in conformity with good professional practice.
In the provision of professional services, enforcement agents may not exercise those rights that have been granted to enforcement agents by law for carrying out their professional duties or which arise from their office.
Information regarding the services provided by enforcement agents can be found on the Chamber's website.
State supervision of the official duties of enforcement agents is carried out by the Ministry of Justice and the Chamber.
Enforcement agents are liable for damage wrongfully caused in the course of their professional activities, including if the damage was caused by an employee of their office. If claims for the compensation of damage caused by the professional act of an enforcement agent cannot be satisfied from the assets of the enforcement agent 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 enforcement agents. 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: natural persons who have been granted the authority to act as trustees in bankruptcy by the Chamber, attorneys-at-law, statutory auditors and enforcement agents. The Chamber maintains 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:

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;
to determine the reasons for and date of the debtor's insolvency;
to arrange, where necessary, for the business activities of the debtor to continue;
to conduct, where necessary, the liquidation of the debtor, if the debtor is a legal person;
to provide information to creditors and the debtor in the cases laid down by law;
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 Enforcement Agents and Trustees in Bankruptcy

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Types of legal professions - Ireland

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

Legal Professions - Introduction

The judicial arm of the state is exercised by the judiciary in accordance with Article 34 of the Constitution and certain legislation: primarily the Courts (establishment and Constitution) Act 1961 and the Courts (Supplemental Provisions) Act 1961, as amended. Judges are appointed from applicants from within the legal professions. They are completely independent in the performance of their functions. This independence is enshrined in the Constitution. The legal profession is divided between solicitors (who concentrate on direct client work) and barristers (who specialise in advocacy and litigation).

1. Judges

The Judicial Appointments Advisory Board identifies and informs the Government of the suitability of persons for appointment to judicial office. The Judicial Appointments Advisory Board (JAAB) was established pursuant to the Court and Courts Officers Act 1995. The board consists of the Chief Justice, the Presidents of the Court of Appeal, High Court, Circuit Court, and District Court, the Attorney General, nominated representatives of the Bar Council and the Law Society and three persons nominated by the Minister for Justice and Law Reform. Judges are appointed by the President on the advice of the Government. The judiciary are independent and are subject only to the Constitution and the law. In accordance with the Constitution, the number of judges is fixed from time to time by legislation.
The Supreme Court comprises of the Chief Justice, who presides over the Court, and seven ordinary judges titled 'Judge of the Supreme Court'. The President of the High Court is also an ex officio member of the Supreme Court. The High Court comprises of the President of the High Court who is responsible for the general organisation of the High Court's work and ordinary judges titled 'Judge of the High Court'. The Chief Justice and the President of the Circuit Court are also ex officio members of the High Court. The High Court is comprised of a President and 35 judges. The Circuit Court comprises the President of the Circuit Court and 37 ordinary judges titled 'Judge of the Circuit Court'. The President of the District Court is also an ex officio member of the Circuit Court. The District Court comprises the President of the District Court and 63 other judges titled 'Judge of the District Court'. Salaries of judges are fixed by legislation enacted from time to time.
Judges are appointed from the legal professions of qualified solicitors or barristers with certain years of practising experience (not research). For the District Court, Section 29(2) of the Courts (Supplemental Provisions) Act 1961 provides that a person who is a practising barrister or solicitor of not less than ten years' standing is qualified for appointment as a judge of the District Court. Section 30 of the Courts and Courts Officers Act 1995 provides that a solicitor or barrister of ten years' standing is qualified for appointment as a judge of the Circuit Court. The Courts and Courts Officers Act 2002 provides that a person who is a practising barrister or solicitor of not less than 12 years' standing is qualified for appointment to the High ,Court, Court of Appeal and the Supreme Court. As stated earlier, the judiciary are independent in that they are only subject to the Constitution and the law and on taking office make the following declaration under Article 34.5.1 of the Constitution:
"In the presence of almighty God I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me."
Under the Constitution, Judges of the High Court and Supreme Court can only be removed from office for stated misbehaviour or incapacity after resolutions have been passed through both houses of the Oireachtas (Irish for Parliament). The Courts of Justice Act 1924 and Courts of Justice (District Court) Act 1946 provide similar statutory provisions for judges of the Circuit and District Courts.

2. The Attorney General and The Director of Public Prosecutions

The Attorney General is "the adviser of the Government in matters of law and legal opinion" as provided by Article 30 of the Constitution. The Attorney General is appointed by the President on the nomination of the Taoiseach (Irish for Prime Minister) and is obliged to retire from office when the Taoiseach does. The Attorney General is generally a practising barrister and a Senior Counsel. There is no rule requiring the Attorney General to cease their private practice but this has been the case in recent years.

As the government's legal adviser, the Attorney General scrutinises all draft legislation that the Government intend to put before both the Oireachtas (houses of Parliament) in order to get passed into law. The Attorney General also advises the government on international matters such as the ratification of international agreements. Another function of the Attorney General is to represent the public in the assertion of public rights. This is done by initiating or opposing legal proceedings. Although appointed by the Taoiseach, the Attorney General is independent of the Government. In terms of the Constitution, the Attorney General is always the main defendant where the constitutionality of legislation is challenged.

Before 1976, all serious criminal offences were prosecuted in the name of the Attorney General. The Constitution provides that this function can be carried out by another person authorised in law to act for that purpose. The office of the Director of Public Prosecutions was thus created by s. 2 of the Prosecution of Offences Act 1974 which came into effect in 1976 - the idea being to have an officer, independent of political connections to discharge these functions. The Director is appointed by the Government but is a civil servant so the Director does not resign when a government falls, unlike the Attorney General. This ensures continuity in the prosecution of offences. The 1974 Act also provides that the Director of Public Prosecutions is to be independent in the performance of their duties. The Director may be removed from their position by the Government, but this is only after a report has been conducted on their health or conduct by a committee comprising the Chief Justice, a judge of the High Court and the Attorney General.

The Director of Public Prosecutions (DPP therefore makes the decision whether a person should be charged with a serious criminal offence and what the charge should be. All offences are taken in the name of the DPP but most of the less serious crimes can be prosecuted by the Gardaí (Irish police force) without sending a file to the DPP. In these cases, the DPP has the right to advise the Gardaí on how to deal with the case. Although the DPP has taken over the Attorney General's role in the prosecution of cases, the Attorney General retains it in relation to cases of an international nature such as extradition.

3. Employees of the Courts Service

Court Registrars and **Court Clerks** are employed by the Courts Service

Clerks of the Court are responsible for the general administration of the courts. A Court Registrar's main function is to assist the judge during the course of a court sitting and ensures that the administration necessary for the smooth running of the courts is managed efficiently.

The Courts Service is an independent corporate body that came into existence in November 1999 and was established by the Government under the Courts Service Act, 1998. The Courts Service is accountable to the Minister for Justice and Equality and, through the Minister, to the Government.

The Courts Service has five mandates:

To manage the Courts

To provide support services for the judges

To provide information on the Courts system to the public

To provide, manage and maintain Court buildings

To provide facilities for users of the Courts

4 The Sheriff

Each county in Ireland has a Sheriff who is a public servant and part of their responsibility is to take and sell goods in order to discharge a debt after a court judgment has been obtained. Sheriffs are appointed under the Court Officers Act 1945 and s.12(5) of the Act limits the appointment of the position to persons who are barristers or solicitors who have practised for five years or to those who have acted for not less than five years as managing clerk or principal assistant to an under-sheriff or sheriff. Section 12(6) (g) of the Act states that the conditions of employment of every Sheriff subject to foregoing sections of the Act are determined from time to time by the Minister for Finance after consultation with the Minister for Justice and Equality.

5. Solicitors

The Law Society of Ireland has control over the education of students who want to become solicitors and has disciplinary powers over qualified solicitors. To become a solicitor, individuals must complete the Final Examinations (FE-1s) which are held twice a year, normally in Spring and Autumn. The FE-1 examination consists of eight papers; Company Law, Constitutional Law, Contract Law, Criminal Law, Equity, European Union Law, the Law of Real Property and Tort Law. Individuals must then find a suitable (practising) solicitor to act as a training solicitor in order to commence the Professional Practice Course I (PPC I). PPC I runs from September to March and the following subjects are covered throughout the course; Applied Land Law, Probate & Tax, Business Law, a Foundation Course, Litigation (Civil & Criminal), Legal Practice Irish (LPI) and skills including (Civil and Advocacy, Interviewing & Advising, Legal Research, Legal Presentation Skills, Legal Writing & Drafting, Negotiation & Professional Development) The candidates training contract then commences 14 days after the final examination on PPC I. Before you can be admitted onto the PPC II course you must have been declared by the Education Committee to have passed PPC I. After 11 months into the 24-month training period, the trainee returns to the Law School to attend PPC II. The subjects covered on the PPC II are Professional Practice, Conduct and Management (compulsory) and a range of elective choices under the three headings of Business, Practice & Procedure, and Private Client. It usually commences in April each year and runs for 11 weeks, inclusive of examinations. Having completed PPC II, individuals must return to the office of the training solicitor and complete the outstanding period of time - ten months if the trainee has not gained credit for work done prior to PPC I, or six months if credit has been obtained.

Trainees may apply to have their names entered in the Roll of Solicitors when:

they have passed all the examinations

they have successfully completed the training period, and

the training solicitor has sworn that the trainee is a fit and proper person to become a solicitor.

Finally, a practising certificate may be applied for once the individuals name has been admitted to the Roll of Solicitors.

Every qualified solicitor is subject to the disciplinary powers of the Law Society. Under the Solicitors Acts 1954 to 1994, the Disciplinary Tribunal of the Law Society is empowered to investigate allegations of misconduct such as the misappropriation of monies .Where there is a finding of misconduct, the Tribunal can itself impose a sanction on the solicitor (which can include a direction to pay restitution of a sum not exceeding €15,000 to any aggrieved party) or the Tribunal may refer its finding and recommendation to the President of the High Court, who ultimately will decide on the nature of the sanction to be imposed on the solicitor. The President has the power to suspend a solicitor from practice and to lift the suspension. The Disciplinary Tribunal has the power to require repayments of funds to clients if they find a solicitor has overcharged.

Statutory Instrument 732 of 2003, the European Communities (Lawyers' Establishment) Regulations 2003, provides that member state lawyers who wish to pursue the professional activities of a barrister or solicitor shall apply to the Bar Council or Law Society for registration to do so. The application is considered and if accepted a registration certificate is issued. An appeal from a refusal of the Bar Council or Law Society lies with the High Court.

6. Barristers

The Honorable Society of King's Inns provides post-graduate legal training, leading to the award of the degree of barrister-at-law, for those who wish to practice at the Bar as the profession is collectively known. The King's Inns operates as a voluntary society under the control of the Benchers of the Honorable Society of King's Inns who are members of the judiciary and senior barristers. Entrance to the degree course is by means of an entrance examination for graduates of the King's Inns Diploma in Legal Studies or law graduates. The length of the Diploma in Legal Studies course is two years (part-time) and the Barrister-at Law Course is a full-time one-year course or a modular two-year course. On successful completion of the degree course, students

are called to the Bar in the Supreme Court by the Chief Justice and the barristers called sign the roll of members of the Bar after the ceremony. However, there are further requirements before they can engage in paid legal work.
Barristers must be members of the Law Library in order to practice. The Law Library provides a place to work from and access to legal texts and materials in return for an annual fee. Before becoming a member of the Law Library, a barrister has to select a master - an established barrister with at least five years' experience. While under the master's guidance, which is generally for a year, the newly qualified barrister is known as a devil. The master introduces the devil to the practical work of a barrister and will usually ask the devil to assist with the drafting of court pleadings, legal research and to attend court on their behalf.
The General Council of the Bar of Ireland, which is a non-statutory body, oversees the conduct of barristers. The Council is elected annually by members of the Bar and issues a Professional Code of Conduct, which is amended from time to time by members of the Bar. This Code of Conduct lays down what is required of barristers.
Allegations of breaches of the Code of Conduct are investigated by the Professional Practices Committee of the Bar Council, which includes non-members of the Bar. The Committee has the power to issue fines and admonishments and to suspend or exclude a member from the Law Library. Appeals from their decisions can be made to the Appeals Board, which includes a Circuit Court judge and also includes a lay member.
A barrister was traditionally required to receive instructions from a solicitor and direct access to barristers was prohibited. This practice was examined by the Fair Trade Commission who in its 1990 report recommended that the blanket ban on direct access was a restrictive practice and should be deleted from the Code of Conduct. The Commission did accept that in certain cases the continued involvement of a solicitor was desirable. The Commission recommended that there should be no statutory or other rules requiring the physical attendance of a solicitor in court to instruct a barrister. These recommendations have not been implemented in full but a number of amendments were made to the Code of Conduct to allow direct access from certain Approved Professional Bodies.
Barristers are either junior or senior counsel. The tradition is for members of the Bar to practice as junior counsel for a number of years before considering whether to become senior counsel. It is not a matter of automatic promotion, and some junior counsel will choose never to apply. In general, most barristers consider becoming senior counsel after 15 years' practice. Those who wish to become senior counsel apply to the Attorney General for approval but the actual appointment is made by the Government on the advice of the Attorney General who also liaises with the Chief Justice, the President of the High Court and the Chairman of the Bar Council.
In general, junior counsel draft and prepare pleadings and conduct some court cases, generally in the lower courts but not exclusively so. A senior counsel's functions would include scrutinising draft pleadings prepared by junior counsel and conducting the more difficult cases in the High and Supreme Court.

7. County Registrars

County registrars are qualified solicitors and are appointed by the government. They perform quasi judicial functions in relation to the circuit court, and are responsible for the management of the circuit court offices.
They also act as County Sheriff (except in Dublin and Cork).

8. Notaries

Notaries Public are appointed by the Chief Justice sitting in open court. The Notary Public discharges the following principal functions:
Authentication of documents
Attesting and verifying of signatures on documents
Execution of notarial protests in respect of commercial documents such as bills of exchange and promissory notes, and of maritime matters
Taking of affirmations, declarations and (save in respect of proceedings before the Irish courts) affidavits.
Applications are made by petition showing the residence and occupation of the Petitioner, the number of Notaries Public in the district, the population of the district and the circumstances showing the necessity for a Notary Public and/or how a vacancy has occurred. The Petition must be verified by affidavit of the Petitioner in which is exhibited a certificate of fitness generally signed by six local solicitors and six leaders of the local business community. The petition is brought before the Chief Justice by Notice of Motion which is served through the Supreme Court Office on the Registrar of the Faculty of Notaries Public in Ireland, The Secretary of the Law Society and all Notaries Public practising in the applicant's counties and adjoining counties.
The general practice is to appoint Solicitors only as Notaries Public. When a person, who is not a Solicitor, applies to be a Notary Public, the Law Society will require that an undertaking be given by the Petitioner to the Chief Justice not to engage in conveyancing or in legal work usually performed by a solicitor. For all petitioners to be appointed a Notary Public, they must first pass an exam set by the Faculty of Notaries Public in Ireland.

Note:

Queries on the current remuneration of the Attorney General, Director of Public Prosecutions, Clerks of the Court and Sheriffs can be emailed or posted to:
Human Resources
Department of Finance
Merrion Street
Dublin 2
Barristers are self-employed and their earnings vary greatly.
Solicitors can be self-employed (by owning their own practices) or employees and their earnings vary greatly as well.
Notaries charge a fee per document notarised. There is no legislation governing the fee charged but notaries generally charge on the basis of time, travel and the amount a professional would be expected to charge for a service.

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Types of legal professions - Greece

This page provides an overview of the legal professions in Greece.

Public prosecutors

Organisation

As judicial authorities, public prosecutor's offices (*eisangelíes*) belong to the 'judicial branch' of government and participate in the administration of justice. Public prosecutors (*eisangeleís*) enjoy operational and personal independence.

In every court, with the exception of misdemeanour courts, there is a public prosecutor's office, which acts as an independent judicial authority. Its powers are essentially related to the preparation of criminal proceedings. A public prosecutor's main duty is to initiate criminal proceedings, supervise investigations and lodge appeals.
In Greece, public prosecutors do not specialise in any field.
The Ministry of Justice is responsible for public prosecutors' general conditions of service.
There is no special website for public prosecutors. Information on their conditions of service is kept at the Ministry of Justice.

Role and principle duties

Public prosecutors are responsible for:
carrying out preliminary investigations;
initiating criminal proceedings;
questioning persons involved in a case;
supervising law enforcement authorities for crime prevention and prosecution;
submitting proposals to judicial councils and courts;
lodging appeals;
supervising prisons; and any other responsibilities laid down by law.
Public prosecutors are reviewed by Supreme Court judges and senior public prosecutors, as defined by law.

Judges

Organisation

Justice is administered by courts composed of ordinary judges (*taktikoí dikastés*) enjoying operational and personal independence.
In exercising their duties, judges (*dikastés*) are subject only to the Constitution and laws and are not required to comply with any provision violating the Constitution.
Ordinary judges are reviewed by senior judges and by the Public Prosecutor and Deputy Public Prosecutors (*antieisangeleís*) of the Supreme Court (*Áreios Págos*), as defined by law.
The Ministry of Justice is responsible for judges' conditions of service.
There is no special website for judges. Information on their conditions of service is kept at the Ministry of Justice.

Organisation of the legal profession: Barristers/Lawyers

Barristers/Lawyers

In Greece, lawyers (*dikigóroi*) are unpaid civil servants and are not required to specialise in any field.
The Ministry of Justice is responsible for lawyers' conditions of service.
There are 63 bar associations (*dikigorikoí sýllogoi)* in Greece – one at the seat of each court of first instance (*protodikeío*).
The Minister for Justice supervises all bar associations in Greece.

Legal databases

Information is available on the website of the Plenary of Bar Associations, but access is restricted to the members of each Association.

Solicitors/Legal advisers

In Greece, lawyers also serve as legal advisers (*nomikoí sýmvouloi*).

Legal databases

Information is available on the website of the Plenary of Bar Associations, but access is restricted to the members of each Association.

Notaries

Notaries (*symvolaiográfoi*) are unpaid civil servants whose main duty is to prepare and store documents that constitute or serve as evidence of legal acts and statements by interested parties when such documents are required by law or when the parties wish to make such documents official.
In Greece, notaries do not specialise in any field.
There is at least one notarial post at the seat of each district civil court (*eirinodikeío*), established by presidential decree.
The Ministry of Justice is responsible for the conditions of service for notaries.
There are nine notary associations (*symvolaiografikoí sýllogoi*) in Greece, operating at the seats of the courts of appeal (*efeteía*).
The notary associations are supervised by the Ministry of Justice.
Information on notaries may be found on the website of the Notary Association of the Athens, Piraeus, Aegean and Dodecanese Courts of Appeal and on the European Directory of Notaries website, which operates under the aegis of the Council of the Notariats of the European Union (CNUE).

Other legal professions

Bailiffs

Bailiffs (*dikastikoí epimelités*) are unpaid civil servants.
Bailiffs are responsible for:
serving judicial and extrajudicial documents;
enforcing the enforceable acts referred to in Article 904(2) of the Code of Civil Procedure, i.e. (a) final judgments and judgments passed by and declared to be provisionally enforceable by a Greek court, (b) arbitration awards, (c) records of Greek courts containing a settlement or setting court costs, (d) notarised documents, (e) payment orders issued by Greek judges and 'eviction orders', (f) foreign acts declared to be enforceable; and (g) orders and acts legally recognised as being enforceable; and
any other duty established by law.
The Ministry of Justice is responsible for bailiffs' conditions of service.
There are eight Bailiff Associations(*sýllogoi dikastikón epimelitón*) in Greece.

Clerks

The Ministry of Justice is responsible for the conditions of service of employees of Greek courts.

Bailiffs (377 Kb) el

Clerks (376 Kb) el

Related links

Plenary of Bar Associations
Ministry of Justice
Notary Association of Athens, Piraeus, the Aegean and the Dodecanese
Notary Association of the Thessaloniki Court of Appeal

Notary Association of the Thrace Court of Appeal
Greek Federation of Bailiffs
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Types of legal professions - Spain

In Spain, a legal profession means a profession that can only be practised by someone who has undergone special legal training, given that their work has to do with applying the law.

Judges and senior judges
Public prosecutors
Court registrars
Lawyers
Legal advisers
Notaries
Registrars
Legal representatives
Advisers on labour law and social security matters

Legal professions - introduction

In Spain, a legal profession means a profession that can only be practised by someone who has undergone special legal training, given that their work has to do with applying the law.

The main legal professions in Spain are public prosecutors (*fiscales*), judges (*jueces*) and senior judges (*magistrados*), lawyers (*abogados*), notaries (*notarios*), court registrars (*letrados de la administración de justicia*), land and business registrars and legal representatives (*procuradores*).

Judges and senior judges

Organisation

Justice emanates from the people and is dispensed on behalf of the monarch by the judges and senior judges constituting the judiciary. Only judges can dispense justice, i.e. only they can hand down judgments and have them enforced.

Judges are independent of the other powers of the state and are subject only to the constitution and the law.

Admission to careers in the judiciary is based on the **principles of merit and ability**. The selection process is objective and transparent, guaranteeing equal opportunity for everyone who meets the criteria and who has the necessary skills, professional competence and qualifications to serve as a judge.

The Organic Law on the Judiciary lays down three career categories:

Supreme Court judge (*magistrado del Tribunal Supremo*),

Senior judge (*magistrado*),

Judge (*juez*).

The category for which there are most candidates is that of judge. Under the Organic Law on the Judiciary, in order to become a judge, candidates must pass a competitive examination for law graduates and take a course at law school (*Escuela Judicial*).

A smaller number of candidates also enter the judiciary via the senior judge and Supreme Court judge route.

Finally, Supreme Court judges are appointed by the General Council of the Judiciary (*Consejo General del Poder Judicial*) from senior judges with at least 15 years' service, including 10 years as a senior judge, while one fifth of Supreme Court judges are appointed from lawyers of recognised ability with at least 15 years' experience

Functions and tasks

The courts and tribunals will only hear cases where jurisdiction is conferred on them by the Organic Law on the Judiciary or some other law.

To find out more about the various jurisdictions, see 'Courts in Spain'.

Judges and senior judges exercise their judicial power independently of all the judiciary's judicial and governing bodies.

Judges and senior judges may be liable under criminal or civil law in the cases and in the manner laid down by law, and are liable to disciplinary action in accordance with the Organic Law on the Judiciary.

For more information, see the website of the General Council of the Judiciary.

Public prosecutors

Organisation

The Public Prosecutor's Office (*Ministerio Fiscal*) is a constitutionally important body with its own legal personality, which has functional autonomy within the judiciary. It exercises its functions through its own structures, in accordance with the principles of unity of action and hierarchical subordination, and subject in all cases to the principles of legality and impartiality.

The Prosecutor General (*Fiscal General del Estado*) is the head of the Public Prosecutor's Office and represents it throughout Spain. He is responsible for issuing the necessary orders and instructions concerning the Office and its internal workings, and for its general management and supervision.

Public prosecutors are civil servants selected by a competitive examination for holders of law degrees and doctorates. In organisational terms they come under the Prosecutor General's Office and the respective Public Prosecutor's Offices of the autonomous communities.

Functions and tasks

Article 124 of the Spanish Constitution of 1978 states that the Public Prosecutor's Office 'without prejudice to functions entrusted to other bodies, has the task of promoting the operation of justice in defence of the rule of law, citizens' rights, and the public interest as safeguarded by the law, whether *ex officio* or at the request of interested parties, as well as that of protecting the independence of the courts and securing before them the satisfaction of social interest'.

Its functions include:

ensuring that the judicial function is performed effectively in accordance with the laws and within the stipulated time limits through the necessary actions, appeal procedures and other measures;

acting in the criminal process by ensuring that the judicial authority takes the appropriate precautionary measures and carries out investigations aimed at establishing the facts;

acting in civil proceedings specified by law that affect the public interest or the interests of minors, the disabled or the underprivileged until the normal representation mechanisms are provided;

performing the functions assigned to them by the relevant legislation in cases involving the criminal liability of minors, in order to serve the best interests of the minor.

For more information, see the website of the Public Prosecutor's Office.

Court registrars

Organisation

Court registrars constitute a senior body in the justice administration system. They are civil servants who come under the Ministry of Justice, and they act as an authority in their own right.

Court registrars must hold a law degree and pass a competitive examination followed by a course at the Centre for Legal Studies (*Centro de Estudios Judiciales*), entry to which is also by competitive examination.

Court registrars form a hierarchical body under the Ministry of Justice and the Court Administrators (*Secretarios de Gobierno*) of each of the high courts, and they are subject to practically the same rules on incompatibilities and prohibitions as judges.

Functions and tasks

The functions of court registrars include ensuring that all decisions of the judges or courts for which they are responsible. They must at all times observe the principles of legality and impartiality, of autonomy and independence in authenticating judicial instruments, and of unity of action and hierarchical subordination when exercising all their other functions.

Court registrars are responsible for documentation and record-keeping. They must keep a record of court decisions and are responsible for initiating and ensuring the proper conduct of legal proceedings and for managing court staff. They are also responsible for cooperating with other bodies and public administrations, and for drawing up court statistics.

For more information on court staff in Spain, go to:

Court registrars (*letrados de administración de justicia*) (381 Kb) es

Procedural agents (*gestores procesales*) (371 Kb) en

Legal documentalists (*tramitadores procesales*) (371 Kb) en

Court assistants (*auxilio judicial*) (374 Kb) en

Organisation of the legal professions

Lawyers

Lawyers are independent members of a liberal profession who provide a service to society. They are not civil servants and practise on the basis of free and fair competition (Article 1 of the General Statute of Spanish Lawyers —*Estatuto General de la Abogacía Española*).

The role of lawyers is basically to direct and defend parties in all kinds of legal proceedings, to provide legal advice and to represent their clients unless this task is reserved by law to other professions.

In order to practise as a lawyer, a person must:

be a Spanish national or a national of a Member State of the European Union or of a country that is a party to the Agreement on the European Economic Area of 2 May 1992;

be of age and must not be disqualified from practising as a lawyer for any reason;

be a qualified lawyer or hold a Spanish law degree (in cases not regulated by Law 30/2006 of 30 October 2006 on admission to the professions of lawyer or legal representative and related implementing regulations) or an equivalent foreign degree that has been officially approved under the rules in force;

be a member of the bar (*Colegio de Abogados*) for the district in which the sole or main professional domicile is located, in order to practise anywhere in Spain.

Lawyers charge **fees** for the services they provide, in the form of a fixed fee, hourly fee, or periodic payments. The amount of the fee can be agreed freely between the client and the lawyer provided it does not go against the professional code of ethics or the rules of fair competition.

For more information, see the website on the General Council of Lawyers in Spain.

Legal databases

For legislation: Official State Gazette.

For case-law: Legal Documentation Centre.

Is access to these databases free of charge?

Yes, access is free of charge.

Legal advisers

See the section on 'lawyers'.

Notaries

Organisation, functions and tasks

Notaries have two indissociable roles: they are public officers and legal professionals whose main public function is to witness legal instruments and other extrajudicial documents; they must draw up these documents in accordance with the wishes of the parties and in line with the law, which they must check and interpret, while informing the parties of its effects.

The notary's role as a public officer means that documents authorised or certified by him/her (notarial acts – *escrituras publicas*; commercial agreements – *pólizas mercantiles*; or authenticated copies – *testimonios*) have special judicial or extrajudicial effects, depending on the type of document.

All aspects of the role of notaries in Spain are strictly regulated (appointment by the Ministry of Justice; admission through competitive examinations; limited number of places; remuneration in the form of fees fixed by the government; retirement; disciplinary measures). Promotions are based on seniority or on competitions for notaries organised by the Ministry of Justice.

Only law graduates or postgraduates may take part in competitions for admission as notaries.

Notaries are grouped into Associations of Notaries (*Colegios Notariales*), with one for each autonomous community, and these are coordinated by the General Council of Notaries (*Consejo General del Notariado*), which has been assigned certain supervisory powers by the State.

Notaries come under the direct authority of the Ministry of Justice in the shape of the Directorate-General of Registers and Notaries (*Dirección General de los Registros y del Notariado*), which is in charge of inspecting and monitoring notary services.

For more information, see the website of the General Council of Notaries (www.notariado.org).

Other legal professions

Registrars

The land, business and moveable property registers serve as public records of certain legal rights, instruments or acts with substantive effect *erga omnes*, which permits a presumption of legitimacy, correctness, completeness and accuracy. This means that no other guarantees are required (title deeds,

guarantees, etc.) to prove that such rights are held; it thus constitutes a more secure and cost-effective system, since there is only a one-off registration fee and it has immediate and permanent effect.
Land, business and moveable property registrars are public officers in charge of keeping the land, business and property registers in Spain. They are both public officers and legal professionals: acting on their own responsibility, they perform certain public functions assigned to them by law, in particular by mortgage, business and administrative law; and in their capacity as public officers under the Mortgage Act (*Ley Hipotecaria*), they exercise the powers conferred on them by administrative law.
The government regulates all matters relating to their admission, the number of places, remuneration, disciplinary measures and retirement. To become registrars, law graduates or postgraduates must take part in competitions organised by the State.
Their remuneration is in the form of fees fixed by the government.
Land, business or moveable property registrars are members of the National Association of Registrars in Spain (*Colegio Nacional de Registradores de España*), which has been assigned certain supervisory powers by the State.
They come under the direct authority of the Ministry of Justice in the shape of the Directorate-General of Registers and Notaries (*Dirección General de los Registros y del Notariado*), which is in charge of inspecting and monitoring the registers.
Registrars' functions are: classifying the documents submitted for entry in the registers for which they are responsible; advising the public on matters relating to registers and providing public access to the information entered; checking, where necessary, that persons requesting access have a legitimate interest and duly protecting sensitive data.
For more information, see the website of National Association of Registrars in Spain.

Legal representatives

Legal representatives (*procuradores*) represent the rights and interests of parties before the courts through a power of attorney granted for this purpose, ensure that communications between the courts and the parties are duly authenticated, and perform any other duties required by law.
To practise as a legal representative, a person must hold a qualification as legal representative or court legal representative (the latter in accordance with Law 34/2006 of 30 October 2006 on admission to the professions of lawyer or legal representative), must be registered with the Association of Legal Representatives (*Colegio de Procuradores*), must provide security and must swear an oath or make an affirmation.
Legal representatives come under the authority of the Association of Legal Representatives, whose governing body ensures that members perform their duties properly.
Their remuneration is in the form of fees fixed in advance by the Ministry of Justice.
For more information, see the website of the General Council of Legal Representatives in Spain.

Advisers on labour law and social security matters

Advisers on labour law and social security matters (*graduados sociales*) are specialists who can act in labour and social security proceedings before the courts.
They may appear in proceedings before the lower and higher courts, and may lodge appeals. However, to lodge an appeal with the Supreme Court, the presence of a lawyer is necessary.
In Spain, there are over 25 000 advisers in this area assisting both businesses and employees.

Related links

MINISTRY OF JUSTICE IN SPAIN
GENERAL COUNCIL OF THE JUDICIARY IN SPAIN
PUBLIC PROSECUTOR'S OFFICE IN SPAIN
NATIONAL ASSOCIATION OF COURT REGISTRARS IN SPAIN
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Juhime tähelepanu sellele, et käesoleva lehekülje fr originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Types of legal professions - France

In this section, you will find an overview of the different legal professions.

Legal professions - introduction

Judges

Organisation

In France **professional judges** (*magistrats*) are career judges, and are divided into **adjudicating judges**, who try law cases, and the law officers who work for the **State Counsel's Office** (*ministère public* or *parquet*). The adjudicating judges are often referred to as 'judges of the bench' (*magistrats du siège*), while the law officers who work for the State Counsel's Office are known as 'standing judges' or 'judges of the well of the court' (*magistrats du parquet*).
Adjudicating judges decide the disputes that come before them; the role of the **State Counsel's Office is to represent the public interest and to ensure the proper application of the law**. The rules governing the profession of judge are laid down in Order (*ordonnance*) No 58-1270 of 22 December 1958 enacting the institutional Law (*loi organique*) on the status of the judiciary. Under Article 1 of this Order, judges can be appointed as adjudicating judges or to the State Counsel's Office at different stages in their career. This is known as the principle of the unity of the judiciary, a principle that has been reaffirmed by the Constitutional Council, notably in a decision of 11 August 1993. All judges form part of the judicial branch, which is required by Article 66 of the Constitution to protect individual freedoms. Nevertheless, there are a number of differences in the rules that govern them: adjudicating judges are not subject to instructions from any higher authority, and enjoy security of tenure, in that they cannot be given a new posting without their consent. The way in which they are appointed also differs: adjudicating judges are appointed with the assent of the Supreme Council of the Judiciary (*Conseil supérieur de la magistrature*), or on a proposal by it in the case of adjudicating judges at the Court of Cassation, first presidents of the courts of appeal and presidents of courts; the

Supreme Council of the Judiciary lastly has disciplinary powers over all adjudicating judges. The law officers of the State Counsel's Office, on the other hand, are appointed after consultation of the Supreme Council of the Judiciary, with the Minister for Justice being responsible for putting forward nominations and exercising disciplinary powers.

Most judges are **recruited by competitive examination** (*concours*). In order to take the first competitive examination open to students, candidates must hold a degree confirming that they have completed at least four years of higher education, up to master's level. Successful candidates are appointed as trainee judges (*auditeurs de justice*), and they all then receive the same training, given by France's national college of the judiciary (*École nationale de la magistrature* — ENM). There are also channels for entering the judiciary direct. At the end of their training at the ENM, trainee judges are appointed to a court or State Counsel's office by order (*décret*).

In addition to their judicial functions, **heads of courts** (President and State Counsel, or First President and Principal State Counsel, depending on the court) also have administrative duties, for example regarding the scheduling of hearings.

On 1 January 2018 there were **8 412 practising judges**, of whom 7 881 were serving in the courts or the State Counsel's Office.

The Supreme Council of the Judiciary

The Supreme Council of the Judiciary (*Conseil supérieur de la magistrature* — CSM) is provided for in **Article 65 of the Constitution**. The Constitutional Law of 23 July 2008 changed the composition of the Supreme Council and its powers in respect of appointments, and made provision for cases to be referred to it by litigants. The President of the Republic is now no longer a member of the CSM.

The **division of the Council with jurisdiction over adjudicating judges** is chaired by the First President of the Court of Cassation. It also includes five adjudicating judges, one law officer of the State Counsel's Office, one member of the Council of State (*Conseil d'État*) designated by the Council of State, one lawyer (*avocat*), and six qualified persons who do not belong to the legislature, to the ordinary courts or to the administrative courts. The President of the Republic, the chairman of the Lower House of Parliament (*Assemblée nationale*) and the chairman of the Senate each designate two qualified persons.

The **division of the Council with jurisdiction over the law officers of the State Counsel's Office** is presided over by the Principal State Counsel (*procureur général*) at the Court of Cassation. It also includes five law officers of the State Counsel's Office and one adjudicating judge, along with the member of the Council of State, the lawyer and the six qualified persons already referred to.

The division of the Council with jurisdiction over the adjudicating judges puts forward nominations for the posts of adjudicating judges at the Court of Cassation, first presidents of the courts of appeal (*cours d'appel*), and presidents of the regional courts (*tribunaux de grande instance*). Other adjudicating judges can be appointed only with its **assent**.

This division acts as a **disciplinary board** for adjudicating judges. In that capacity it includes the adjudicating judge who sits in the division of the Council with jurisdiction over the law officers of the State Counsel's Office.

The division of the Council with jurisdiction over the law officers of the State Counsel's Office gives its opinion on appointments of such law officers. It also gives its opinion on disciplinary measures taken in respect of law officers. In that capacity, in addition to the members referred to in the third paragraph of Article 65, it includes the law officer of the State Counsel's Office who sits in the division of the Council with jurisdiction over adjudicating judges.

The State Counsel's Office

Organisation

The **law officers** of the **State Counsel's Office** are required to act in the interests of society, which they represent in seeking that the law be applied.

With the exception of the office of the Principal State Counsel (*parquet général*) at the Court of Cassation, which is separate, France's State Counsel's Offices make up a hierarchical pyramid under the authority of the Minister of Justice. Article 30 of the Code of Criminal Procedure provides that the Minister of Justice is to conduct the criminal justice policy determined by the government. The Minister is to ensure that this policy is applied consistently throughout the country. To this end, the Minister may give general instructions to the law officers of the State Counsel's Office regarding criminal justice policy.

At each **regional court** (*tribunal de grande instance*), there is a State Counsel's Office, headed by a **State Counsel** (*procureur de la République*) and made up of several law officers answerable to him or her. The State Counsel manages the office, distributing tasks and departments among the deputy State Counsel officers (*procureurs adjoints*), the vice State Counsel officers (*vice-procureurs*) and the assistant State Counsel officers (*substituts*). The State Counsel heading that office in turn works under the supervision and direction of the Principal State Counsel (*procureur général*).

Despite this **hierarchical structure**, the State Counsel's Office is regarded as an **indivisible unit**: an assistant does not need authority from a superior to act, and all of his or her acts bind the State Counsel's Office as a whole.

Role and functions

The functions of the State Counsel's Office are essentially concerned with the enforcement of **criminal law**. It directs **investigations**, and itself takes all steps necessary to prosecute offences, or sees to it that steps are taken to do so. It has discretion to decide what action should be taken in criminal cases (e.g. initiating a preliminary judicial inquiry (*ouverture d'une information judiciaire*), committing a matter for trial in court (*renvoi devant une juridiction de jugement*), or discontinuing proceedings (*classement sans suite*)). It is required to appear at the court hearing; the law officer appearing is free to make such oral submissions as he or she considers most conducive to the proper administration of justice (on the facts, the character of the accused, and the sentence).

The State Counsel's Office also ensures that sentences are enforced.

The State Counsel's Office is responsible for **protecting minors** who are at risk, and it has certain civil functions (concerning, for example, the status of individuals in the registers of births, marriages and deaths), administrative functions (e.g. in relation to public houses, the periodical press, or direct marketing) and commercial functions (e.g. in relation to some insolvency proceedings).

The role and functions of adjudicating judges are explained in the page on the ordinary courts.

Lay judges (*juges non professionnels*)

Temporarily appointed lay judges (*magistrats exerçant à titre temporaire*)

In order to bring the administration of justice closer to the community, a representative of civil society may be recruited as a temporarily appointed lay judge (*magistrat exerçant à titre temporaire* - MTT) to provide temporary assistance to the justice system pursuant to Articles 41-10 et seq. of Order (*ordonnance*) No 58-1270 of 22 December 1958 enacting the institutional Law (*loi organique*) on the status of the judiciary, as amended.

A specific feature of this role is that temporarily appointed lay judges may, for a term, perform the duties of district court judge, police court judge and/or assessor in cases heard by a three-judge panel at the regional courts while also carrying on a professional activity that is compatible with their court duties.

The recent growth in the number of temporarily appointed lay judges is a direct consequence of the disappearance of local magistrate courts (*juges de proximité*), originally set up by a law of 9 September 2002, pursuant to Article 15 of Law No 2016-1547 of 18 November 2016 on modernising the justice system for the 21st century and to Decree No 2017-683 of 28 April 2017.

Institutional Law (*loi organique*) No 2016-1090 of 8 August 2016, which entered into force on 1 July 2017, merged the roles of local magistrate and temporarily appointed lay judge (MTT).

Temporarily appointed lay judges are recruited regularly on the basis of an application file (rather than a competitive examination).

Conditions of access to the role of temporarily appointed lay judge

Hold French citizenship, be between 35 and 75 years of age, enjoy full rights as a citizen, be of good character, have met any national service requirements and be physically fit to perform the duties required, bearing in mind any accommodations that can be made for disabilities.
Applicants must also meet one of the following conditions:
hold a degree confirming that they have completed at least four years of further education (or an equivalent qualification) and have proven professional experience of at least seven years qualifying them to carry out judicial duties
be director* of the Registry of the Court and have proven service of seven years as a court clerk
be a civil servant in category A at the Ministry of Justice** and have proven service of at least seven years in this capacity
be a member or former member of a legal or judicial profession that is regulated or whose title is protected, and have proven professional practice of at least five years.
Status of temporarily appointed lay judges
The division of the Supreme Council of the Judiciary with jurisdiction over adjudicating judges gives an opinion on the candidates proposed by the Minister for Justice.
Temporarily appointed lay judges, appointed by order (*décret*) of the President of the Republic, are subject to the rules governing career judges.
They are appointed for a period of five years, renewable once, and may not exercise their duties beyond the age of 75.
They may carry on a professional activity alongside their court duties, provided it is not included in the list of incompatible activities in the application file.
Duties of temporarily appointed lay judges
Temporarily appointed lay judges carry out the following duties:
At the regional court, they hear civil and criminal disputes as assessors in a three-judge panel. They can validate settlements in criminal cases within the limit of a third of the court's work imposed on them. They also sit at police courts to hear a limited number of cases involving the first four categories of traffic offence and the fifth category for fixed fines, and to process penalty orders for the above offences.
At the district court, they hear civil cases up to a limit of a third of the work of the district court to which they are assigned.
Training of temporarily appointed lay judges
Temporarily appointed lay judges complete ten days of theoretical training at the national college of the judiciary (ENM).
On the decision of the Supreme Council of the Judiciary, they complete either a probation period at court of between 40 to 80 days over six months or a period of training at court of 40 days, which can exceptionally be reduced in the light of the candidate's professional experience.
Remuneration of temporarily appointed lay judges
Temporarily appointed lay judges are remunerated for services rendered by duty period worked.
The unit rate for a duty period is € 106.28 gross (as per the index point for public sector salaries as at 1 February 2017) subject to a maximum of 300 duty periods in a year.
Temporarily appointed lay judges do not receive travel allowances for the journey from their home to the court to which they are assigned.

Members of the employment tribunals

Established in 1806, the employment tribunals are first-instance tribunals specialised in settling individual disputes that arise between employees or apprentices and employers in connection with their contracts. The judges (members) of the employment tribunals come from industry and commerce.
The system of employment tribunals is based on the idea that labour relations, specific and complex by nature, require examination by a judge with experience of such relations, whether as an employee or an employer.
Employment tribunals therefore necessarily include an equal number of employee and employer representatives (joint panels). The members of the tribunal are divided into two colleges (employees and employers) and five specialised divisions (industry, commerce, agriculture, miscellaneous activities and management).
The 14 512 members carry out their duties at 210 employment tribunals in metropolitan France and the overseas territories and handle around 142 500 cases per year.
Their primary task is conciliation of the parties and, failing that, to decide on the disputes between them.

Method of appointment

From 1979 on, members of employment tribunals were elected by their peers every five years in general elections by direct universal suffrage. Given the declining voter turn-out and, consequently, declining legitimacy of the employment tribunal system, new methods of appointing tribunal members were investigated.
Accordingly Order (*ordonnance*) No 2016-388 of 31 March 2016, while confirming the specific nature of the employment tribunal system, replaced the direct ballot by appointment on a proposal by the trade unions and employer associations, following calculation of their representativeness during the procedure put in place to measure the representativeness of trade unions and employers' organisations.
There is now a general round of appointment for members of employment tribunals every four years. Appointment is by joint order (*arrêté*) of the Ministers for Justice and Employment. Positions that fall empty during the term of office are published as part of supplementary appointment rounds and filled by way of the same procedure as for the general rounds.

Training

Law No 2015-990 of 6 August 2015 on growth, activity and equal economic opportunities sought to enhance the professional status of members of an employment tribunal, in particular by introducing compulsory initial and continuous training.
Members of employment tribunals thus follow compulsory initial training before taking up their judicial duties, and continuous training.
The initial training is the same for members representing employers and those representing employees. It is organised and given by the national college of the judiciary (ENM) and comprises several theoretical and practical modules with a total duration of five days. Any member of an employment tribunal who fails to complete the initial training within 15 months of the first day of the second month following their appointment is deemed to have resigned.
Members of employment tribunals also have six weeks of continuous training during their four-year term of office. The Ministry of Employment is responsible for giving this training.

Rules of conduct

Members of employment tribunals swear an oath. They are subject to the rules of conduct incumbent on judges: independence, impartiality, dignity and probity, and must conduct themselves in such a fashion as to remove any legitimate doubt in this respect. They are also bound by the confidentiality of the decision-making process.
Decree No 2016-1948 of 28 December 2016 on professional ethics and disciplinary procedures for members of employment tribunals, adopted in application of Law No 2015-990 of 6 August 2015 on growth, activity and equal economic opportunities, inserted a new Article R.1431-3-1 into the Labour Code, entrusting to the Supreme Council of Members of Employment Tribunals (*Conseil supérieur de la prud'homie*) the task of drawing up a code of conduct for tribunal members, which must be published.

The code of conduct was approved by the Supreme Council of Members of Employment Tribunals on 26 January 2018.

Status

Serving members of employment tribunals enjoy protected employee status, meaning that they cannot be dismissed without the prior authorisation of the labour inspectorate, and the right to absent themselves during their working hours.

Such absences count as effective working time and as such are remunerated by the employer and covered by social security. Time spent on work for the employment tribunal during working hours accordingly does not entail any loss in salary or benefits. The employer is reimbursed for the salary by the State.

Employer representatives and employees on the tribunal who are not in the category above (job seekers, pensioners, members serving on the tribunal outside their working hours) are paid for their periods of duty at a rate set by legislative order (*décret*).

Their travel expenses may also be reimbursed.

Judges of the commercial courts

There are 134 first-instance commercial courts spread throughout metropolitan France, excluding Alsace-Moselle (where a division of the regional court handles commercial disputes pursuant to an exception under local law), and nine mixed commercial courts in the overseas territories.

The commercial courts hear disputes between traders, or between traders and commercial companies, and disputes regarding commercial transactions.

The judges of the commercial courts (*juges consulaires*) are traders or company managers. They therefore have professional experience in business.

There are currently more than 3 400 commercial court judges.

They are elected by their peers in an annual two-stage election.

They are elected for an initial term of two years. They can then be re-elected for terms of four years at the same court or any other commercial court, subject to a limit of four terms, except for the outgoing president, who can be re-elected for a fifth term as a panel member only.

They swear an oath and are subject to the same code of conduct as professional judges.

They serve as volunteers. To serve they must be available and be prepared to make a personal commitment, in particular by taking part in indispensable initial and continuous training.

Law 2016-1547 of 18 November 2016 on modernising the justice system for the 21st century introduced a major reform of the status of commercial court judges. In particular, it revised the provisions on their code of conduct and disciplinary procedures and enhanced their professional status by introducing compulsory initial and continuous training given by the national college of the judiciary.

Assessors at the social security tribunals

Assessors at the social security tribunals (*tribunaux des affaires de la sécurité sociale*) are appointed for three years by the first president of the court of appeal, from a list submitted for the particular tribunal by the regional director for young people, sport and social cohesion following nominations by the most representative trade and professional organisations.

The Law of 18 November 2016 on modernising the justice system for the 21st century abolished the social security tribunals and transferred their caseload as of 1 January 2019 to specially designated regional courts. Assessors will hear cases there.

Assessors at the disability tribunals

Assessors at the disability tribunals (*tribunaux du contentieux de l'incapacité*) are appointed for three years by the first president of the court of appeal with jurisdiction in the area, by the regional director for young people, sport and social cohesion from lists drawn up following nominations by the most representative trade and professional organisations.

The Law of 18 November 2016 on modernising the justice system for the 21st century abolished the disability tribunals and transferred their caseload as of 1 January 2019 to specially designated regional courts. Assessors will hear cases there.

Assessors on regional court panels for social security matters

As from 1 January 2019 these assessors sit on the regional court panels specially designated to hear social security and social assistance disputes.

They are appointed for a term of three years by the first president of the court of appeal, after consulting the president of the regional court, from lists drawn up for the particular court by the prefect following nominations by the most representative trade and professional organisations.

Candidates must be French nationals, must be aged 23 years or more, must meet the conditions for serving as a jury member, must not have been found guilty of an offence under the Rural and Maritime Fishing Code or the Social Security Code and must not be members of a board of a social security organisation or mutual association. Their duties are compatible with the duties of members of an employment tribunal.

Assessors at the juvenile courts

Assessors at the juvenile courts (*tribunaux pour enfants*) are appointed for four years by the Minister for Justice from a list of candidates submitted by the first president of the court of appeal to which the juvenile court is attached.

Candidates must be French nationals, must be aged 30 years or more and have a particular interest, in any capacity, in matters concerning young people.

Assessors at the agricultural land tribunals

The assessors at the agricultural land tribunals (*tribunaux paritaires des baux ruraux*) are appointed for a term of six years by the first president of the court of appeal from lists drawn up for the particular tribunal by the prefect following nominations by the most representative professional or landowners' organisations.

They include landlords who are not also tenants, and tenants who are not also landlords, divided where appropriate into two sections of a joint tribunal, one comprising landlords and tenants under tenancy agreements and the other, landlords and tenants under share-farming agreements.

Candidates must be French nationals, must be aged 26 years or more, must not have been deprived of their civil, civic or professional rights and must have been a landlord or tenant under a tenancy or share-farming agreement for at least five years.

Court clerks

Court clerks (*greffiers*) are specialists in legal procedure who assist the judges in drawing up court documents and are responsible for authenticating the acts of the court, where the law so requires.

Court clerks work hand in hand with the judge, helping to prepare and process cases and conducting legal research. As instructed by the judges, they draft decisions and pleas. As part of providing information and assistance services to the public, clerks may be entrusted with providing information, guidance or assistance to users in completing judicial formalities or procedures. They may also be assigned professional training duties.

Most of a court clerk's **duties** are performed **in the different offices of the courts**. Depending on the size and structure of the court, court clerks may occupy management posts as director or deputy director of the Registry of the Court or as head of a department.

Chief clerk (378 Kb) en

Clerk (375 Kb) en

On 1 January 2018, the Ministry of Justice Department for human resources at court registries was managing 10 931 staff, 9 368 of whom were assigned to the courts.

Lawyers

Lawyers (*avocats*) are officers of the court and members of an independent self-employed profession. The rules that govern them are in the main laid down in Law No 71-1130 of 31 December 1971 reforming certain judicial and legal professions, and Order (*décret*) No 91-1197 of 27 November 1991 structuring the profession of lawyer. Law No 90-1259 of 31 December 1990, which amended the 1971 Law, together with its implementing orders, created a new profession of lawyer (*avocat*) by amalgamating the existing professions of lawyer (*avocat*) and legal adviser (*conseil juridique*).The Law of 25 January 2011 reforming legal representation before appeal courts in turn merged the functions of lawyer and legal representative at the court of appeal (*avoué près les cours d'appel*) .

In their daily business lawyers have two functions: one, to assist and represent clients in court (judicial function) and, the other, to provide legal advice and draw up legal instruments (legal function).

Under Section 4(1) of the Law of 31 December 1971, lawyers have a virtual monopoly on assisting and representing parties, and acting and pleading before courts, judicial authorities and disciplinary tribunals of all kinds.

There is no national association of lawyers, as lawyers wish all bar associations to be fairly represented. There are 16 bar associations (*barreaux*) in metropolitan and overseas France, each attached to a regional court (*tribunal de grande instance*) and each headed by a chairman (*bâtonnier*) and directed by a bar council (*conseil de l'ordre*); the role of the bar council is to deal with all issues concerning the practice of the profession, to ensure that lawyers fulfil their responsibilities, and to protect their rights.

The National Council of Bar Associations (*Conseil national des barreaux* — CNB), created by the Law of 31 December 1990 (Article 15), is a body recognised as being of public utility (*établissement d'utilité publique*), and has legal personality; it is responsible for representing the legal profession in dealings with public authorities and seeking to ensure that the rules and usages of the profession are harmonised.

The National Council of Bar Associations has a website which allows everyone to have free access to information on the structure of the profession, current issues concerning the profession, and a directory of all the lawyers registered with French bar associations. Most of the larger bars have their own websites, which are free and accessible to all; their addresses appear in the bar associations directory available on the CNB website.

The CNB produces National Rules of Conduct by way of regulatory decisions published in the Official Gazette and directly applicable to lawyers.

Lawyers at France's two supreme courts, the Council of State and the Court of Cassation, form a separate profession: they are public officials appointed to their posts by order of the Minister for Justice, and when parties must be represented before those courts they have the sole right to plead. The rules governing them are laid down essentially in the Order (*ordonnance*) of 10 September 1817 establishing the Order of Lawyers at the Council of State and the Court of Cassation, Order (*décret*) No 91-1125 of 28 October 1991 relating to the conditions for entering the profession, and Order (*décret*) No 2002-76 of 11 January 2002 on the disciplinary rules governing the profession.

The lawyers at the supreme courts form a separate bar or order, headed by a president, who is assisted by a bar council of 11 members. This body is responsible for ensuring professional discipline, and represents the profession.

The website of the Order of Lawyers at the Council of State and the Court of Cassation provides more details.

Is there a database for this area?

There is a database, managed by the National Council of Bar Associations, which covers the **list of lawyers appearing on the rolls of every bar association in France**.

Is access to this information free of charge?

Access to the database on the website of the National Council of Bar Associations is free.

Notaries

Organisation

The notary (*notaire*) is a public legal official appointed by order (*arrêté*) of the Minister of Justice. Notaries nevertheless operate as practitioners of an independent self-employed profession. The rules governing the profession are laid down mainly in the Law of 25 Ventôse Year XI (dated according to the French Republican Calendar); Order (*ordonnance*) No 45-2590 of 2 November 1945; Order (*décret*) No 45-0117 of 19 December 1945 relating to the organisation of the profession of notary; Order (*décret*) No 73-609 of 5 July 1973 relating to professional training and the conditions for entering the profession of notary; and Order (*décret*) No 78-262 of 8 March 1978 fixing the schedule of notaries' fees.

The profession is **organised into chambers of notaries** at the level of départements and into councils at regional level, which are responsible for regulating and disciplining the notaries from their own areas. In dealings with national authorities the profession is represented by the **Supreme Council of Notaries** (*Conseil supérieur du notariat*).

In addition to its role in representing the profession in dealings with public authorities, the Supreme Council of Notaries has the task of preventing and resolving professional disputes between notaries who do not belong to the same regional council. The Supreme Council of Notaries has a free website which sets out the principal characteristics of the profession and contains **a directory of notaries and their chambers and councils in the départements and regions.**

Role and functions

Notaries are empowered to **issue authenticated documents**, which are then enforceable without having to obtain a court order.

They also have the task of **advising** individuals and businesses, whether or not in connection with the drafting of official documents, and alongside their main business they may play a part in the **administration of assets and property transactions.**

Other legal professions

Court bailiffs

Court bailiffs (*huissiers de justice*) are public legal officials appointed by order (*arrêté*) of the Minister of Justice. They nevertheless operate as practitioners of an independent self-employed profession. The rules governing the profession are laid down mainly in the Law of 27 December 1923, Order (*ordonnance*) No 45-2592 of 2 November 1945, Order (*décret*) No 56-222 of 29 February 1956, and Order (*décret*) No 75-770 of 14 August 1975.

They alone are permitted to serve court papers and to execute court orders and enforceable orders or instruments. In addition they may, either on commission from the courts or at the request of individuals, draw up reports making official findings. Alongside their main business they are also allowed to act as mediators, property administrators or insurance agents, provided they first inform their regional bailiffs' chamber and the Principal State Counsel (*procureur général*) at the court of appeal for their area.

For the steps they take in civil and commercial matters within their remit, bailiffs are remunerated at fixed rates set out in Order (*décret*) No 96-1080 of 12 December 1996.

The profession is represented by chambers at the level of the départements and regions in the geographical jurisdiction of each court of appeal. There is a national chamber that represents the entire profession in dealings with the public authorities, and resolves disputes between chambers and between bailiffs who do not belong to the same regional chamber. The National Chamber of Court Bailiffs has a free website which sets out the principal characteristics of the profession and contains a **directory of court bailiffs**.

The Order (*ordonnance*) of 2 June 2016 created a new profession of court enforcement officer (*commissaire de justice*) to replace, from 1 July 2022 onwards, the professions of court bailiff and judicial auctioneer (*commissaire-priseur judiciaire*).
The Order sets out the rules governing court enforcement officers and provides for the new profession to be phased in by 1 July 2022 through transitional arrangements. As the roles of court bailiff and judicial auctioneer are partly similar and complementary, it was decided to rationalise the current organisation of the professions and merge them into one profession of court enforcement officer.
The rules governing court enforcement officers will be fully applicable from 1 July 2022. As of 1 July 2026, it will completely replace the former professions: court bailiffs and judicial auctioneers who have not followed specific training to qualify as court enforcement officers will cease to practise. As of 1 January 2019 the National Chamber of Court Enforcement Officers (*Chambre nationale des commissaires de justice*) will replace the National Chambers of Court Bailiffs and Judicial Auctioneers respectively, in order to prepare the gradual alignment and then merger of the two professions.

Other officers of the court

The **clerks of the commercial courts** (*greffiers de tribunaux de commerce*) are public legal officials whose main task is to assist the members of the commercial court during hearings and to assist the president of the court in all his or her administrative tasks. They manage the Registry of the Court and see to it that the register of commerce and companies (*registre du commerce et des sociétés* — RCS) and the court directories and files are properly maintained. They issue official copies, are responsible for affixing the court seal, take care of money lodged at the Registry, and draw up Registry documents and other formal documents within their area of responsibility.
The profession is regulated by Articles L.741-1 et seq. to R.741-1 of the Commercial Code.
The profession is represented in dealings with the authorities by the **National Council of Clerks of the Commercial Courts** (*Conseil national des greffiers des tribunaux de commerce* — CNGTC). This is a body recognised as being of public utility (*établissement d'utilité publique*), and has legal personality; it is responsible for representing the collective interests of the profession. It organises the initial and ongoing training of court clerks and Registry staff and the professional examinations, and facilitates and supervises traineeships. The website of the National Council of Clerks of the Commercial Courts has more information on these matters.

Clerks of the commercial courts (366 Kb) en

Clerks of the commercial courts with an employment contract (366 Kb) en

Legal advisers/in-house lawyers

The profession of **legal adviser** (*conseil juridique*) was merged with the profession of lawyer (*avocat*) under Law No 90-1259 of 31 December 1990.
Lawyers (*juristes*) who do not practise as independent lawyers (*avocats*) but instead work in-house for businesses are not subject to any specific professional regulation.

Last update: 10/01/2022

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Types of legal professions - Croatia

Staff in judicial bodies

The staff of judicial bodies are judicial officials, civil servants and ancillary staff.

Judges (suci; sing. sudac)

Judges are judicial officials in permanent posts. 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*) or who is already performing judicial duties may be appointed judge of 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 10 years may be appointed judge of a county court (*županijski sud*).
A person who has worked as a judicial official for at least 12 years may be appointed judge of 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 judicial civil servants and ancillary staff required for the performance of professional, clerical and technical tasks is decided by the Minister for Justice.
The employment of civil servants and ancillary staff in courts, traineeships, the procedure, method and programme for the specialist state examination, remuneration and other work-related rights, obligations and responsibilities, and liability for professional misconduct are governed by the regulations on civil servants and ancillary staff and the general regulations on work.
Court vacancies may be filled only with the approval of the Ministry of Justice.
When judicial civil servants and ancillary 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 judicial civil servants and ancillary staff are adopted by the Minister for Justice.

Court counsellors (*sudski savjetnici*; sing. *sudski savjetnik*), senior court counsellors (*viši sudski savjetnici*; sing. *viši sudski savjetnik*) and specialised senior court counsellors (*viši sudski savjetnici - specijalisti*; sing. *viši sudski savjetnik - specijalist*)

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

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination and has worked for at least four years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least eight years on other legal affairs after passing the national bar examination may be appointed as a specialised senior court counsellor.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination, has worked for at least four years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least eight years on other legal affairs after passing the national bar examination may be appointed as a senior court counsellor at the Supreme Court of the Republic of Croatia.

A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law, has passed the national bar examination and has worked for at least six years as a court counsellor or a counsellor to a public prosecutor, or as a judicial official, attorney or notary, or who has worked for at least ten years on other legal affairs after passing the national bar examination may be appointed as a specialised senior court counsellor at the Supreme Court of the Republic of Croatia.

Powers of court counsellors and senior court counsellors

Court counsellors, senior court counsellors and specialist senior court counsellors take part in trials and are authorised to independently conduct certain court proceedings, assess evidence and establish facts. After proceedings have been conducted, they submit a draft to the judge, which forms the basis for his/her decision, and they publish the adopted decision by authorisation of the judge.

Under the applicable provisions of the Courts Act, court counsellors, senior court counsellors and specialised 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 co-ownership 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, senior court counsellors and specialised 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, senior court counsellors and specialised 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)

Lay judges are Croatian citizens who take part in trials in particular proceedings and who do not perform the function of judge as their regular occupation. Rather, as members of the court’s chamber, they are equal to judges when it comes to deciding on matters on which a ruling must be adopted in criminal proceedings.

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.

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' associations and the Chamber of the Economy.

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 15 judges has a director of court administration.

The director of court administration assists the president of the court with the tasks of court administration, in particular by:

performing specialised tasks relating to the planning and management of the court’s human resources,

organising the work of judicial civil servants and ancillary staff and supervising their performance,

monitoring and planning the training of judicial civil servants and ancillary staff,

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,

organising public procurement procedures,

monitoring the court’s financial and operating activities and the performance of 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 their implementation,

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 the court, 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.
A person who has a graduate university degree in law or an integrated undergraduate/graduate university degree in law or a graduate university degree or a specialist graduate vocational degree in economics and who has at least five years' experience in related work may be appointed director of court administration.

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).

Public prosecutors (državni odvjetnici; sing. državni odvjetnik)

A person who fulfils the general and specific conditions to be appointed as deputy Chief public prosecutor of the Republic of Croatia (*zamjenik Glavnog državnog odvjetnika Republike Hrvatske*) may be appointed as Chief public prosecutor of the Republic of Croatia (*Glavni državni odvjetnik Republike Hrvatske*).
County public prosecutors (*županijski državni odvjetnici*) are appointed from the ranks of public prosecutors, deputy Chief public prosecutors, deputies in a specialised public prosecutor's office and deputy county public prosecutors who have performed the duties of deputy county public prosecutor for at least two years.
County public prosecutors are appointed by the Public Prosecution Council (*Državnoodvjetničko vijeće*) for a term of four years, on the basis of a proposal from the Chief public prosecutor of the Republic of Croatia and after the Collegiate Body of the Public Prosecutor's Office of the Republic of Croatia (*Kolegij Državnog odvjetništva Republike Hrvatske*) has issued an opinion.
Municipal public prosecutors (*općinski državni odvjetnici*) are appointed from the ranks of public prosecutors and deputy public prosecutors.
Municipal public prosecutors are appointed by the Council for a term of four years, on the basis of a proposal from the Chief public prosecutor of the Republic of Croatia and after the collegiate body of the county public prosecutor's office and the county public prosecutor have issued an opinion.

Deputy public prosecutors (*zamjenici državnog odvjetnika*)

Deputy public prosecutors are appointed in a manner, under the conditions and through a procedure designed to ensure their expertise, independence and worthiness to perform the duties of a public prosecutor.
A Croatian citizen who has passed the national bar examination and meets the specific conditions laid down in the Public Prosecution Council Act (*Zakon o državnoodvjetničkom vijeću*) may be appointed deputy public prosecutor.
A person who has graduated from the State School for Judicial Officials may be appointed deputy municipal public prosecutor.
A person who has been in a judicial post for at least 10 years may be appointed deputy county public prosecutor.
In order to be appointed deputy Chief public prosecutor of the Republic of Croatia, a person must have held judicial office in a judicial body for at least 15 years or worked for that period as an attorney, notary or university professor of law who has passed the national bar examination (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.
In order to be appointed to the post of deputy public prosecutor in a higher public prosecutor's office, as well as meeting the conditions laid down in the Act, the person concerned must have been considered to be at least »successfully fulfilling his/her duties« in his/her most recent appraisal.
One or more deputy public prosecutors are appointed in the public prosecutor's office and perform their duties on a permanent basis.
Public prosecutors and deputy public prosecutors must conduct themselves in such a way as to avoid damaging their own reputation, bringing the public prosecutor's office into disrepute or creating any doubts about their impartiality or the autonomy and independence of the public prosecutor's office.
When public prosecutors and deputy public prosecutors perform representation duties, and in their relations with state bodies and legal entities, they are obliged to abide by the principles of legality, professionalism and impartiality, while keeping to the time limits for particular proceedings and following the rules on priority in dealing with cases.
When public prosecutors and deputy public prosecutors appear in proceedings before a court or administrative body, they must respect and preserve the dignity of the court or body concerned, their own personal dignity and the dignity of the public prosecutor's office.
Public prosecutors and deputy public prosecutors must keep private any data and other knowledge pertaining to the private and family life of the parties and other persons which they obtain while performing their duties and which are not classified in legislation as official secrets, if this does not constitute a criminal offence, and must keep secret all data which are not in the public domain.
Public prosecutors and deputy public prosecutors must not belong to any political party or be involved in politics.
The Chief public prosecutor of the Republic of Croatia, the deputy chief public prosecutors of the Republic of Croatia, public prosecutors and deputy public prosecutors cannot be held liable for any legal opinion expressed in a case which has been assigned to them, unless the law has been infringed and a criminal offence committed.

Counsellors to a public prosecutor (*Državnoodvjetnički savjetnici*)

Counsellors to a public prosecutor, higher counsellors to a public prosecutor (*viši državnoodvjetnički savjetnici*) and specialised higher counsellors to a public prosecutor (*viši državnoodvjetnički savjetnici – specijalisti*) assist the public prosecutor and his/her deputy in their work, draw up draft decisions, put reports, submissions and statements from individuals on the record, perform other specialised tasks laid down by law and implementing regulations, independently or under supervision, and in accordance with the instructions of the public prosecutor and his/her deputy.
In crime departments of public prosecutor's offices they may present charges in proceedings for criminal offences which are punishable with a fine or imprisonment of up to five years.
In civil and administrative departments of public prosecutor's offices they may appear before courts and administrative and other bodies on the basis of a specific power of attorney issued by the competent public prosecutor, as follows:
in municipal public prosecutor's offices, in disputes where the sum involved does not exceed HRK 100 000.00,
in county public prosecutor's offices, in disputes where the sum involved does not exceed HRK 500 000.00.

Office for the Prevention of Corruption and Organised Crime (*Ured za suzbijanje korupcije i organiziranog kriminaliteta*) – USKOK

The Office for the Prevention of Corruption and Organised Crime is a special public prosecutor's office, covering the whole of Croatia, which deals with crimes related to corruption and organised crime.

Office for the Prevention of Corruption and Organised Crime
Gajeva 30a
10 000 Zagreb
tel.: +385 4591 874
fax: + 385 1 4591 878
email: tajnistvo@uskok.dorh.hr
Act on the Office for the Prevention of Corruption and Organised Crime (*Zakon o Uredu za suzbijanje korupcije i organiziranog kriminaliteta*)
Director of the Office for the Prevention of Corruption and Organised Crime (USKOK)
The work of USKOK is managed by the Director, who is appointed by the Chief public prosecutor after the minister responsible for justice and the Collegiate Body of the Public Prosecutor's Office of the Republic of Croatia have each issued an opinion. The Director is appointed for a term of four years and may be reappointed to this post.

The legal profession – an autonomous and independent service

The legal profession is an independent and autonomous service that provides legal assistance to natural and legal persons so that they can exercise and defend their rights and legal interests.

Attorneys (odvjetnici; sing. odvjetnik)
Attorneys may offer any kind of legal assistance.
In particular, they may provide legal advice, draft documents (contracts, wills, statements, etc.) and draw up actions, complaints, motions, requests, applications, extraordinary legal remedies and other pleadings, and represent their clients.
They may carry out their legal practice autonomously or in a joint office or a law firm, and they must refrain from performing activities which are incompatible with a lawyer's reputation and independence.
Attorneys must preserve the confidentiality of all information provided by their clients and all knowledge which they acquire in another way by representing them. This confidentiality must also be preserved by all other persons who work, or have worked, in the law firm.
An attorney is entitled to a fee for legal services and to the reimbursement of any costs incurred in connection with the work done, according to the tariff established by the Croatian Bar Association (*Hrvatska odvjetnička komora*) and approved by the minister for justice.
When an attorney provides defence *ex officio*, the level of the fee for such work is established by the Ministry of Justice.
Only an attorney may represent a defendant before a county court (*županijski sud*), which means that only an attorney with at least eight years' experience as an attorney or an official in a judicial body may provide defence *ex officio* or defence which is paid for by the state in criminal proceedings for a criminal offence which is punishable by a long-term prison sentence.
Attorneys must issue their clients with an invoice upon performance of a service. In the case of cancellation or revocation of the power of attorney, the attorney issues an invoice within 30 days of the day on which the power of attorney was cancelled or revoked.
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.
A person acquires the right to work as an attorney in the Republic of Croatia by being enrolled on the list of attorneys.
Croatian Bar Association
Koturaška 53/II
10 000 Zagreb
tel.: +385 1 6165 200
fax: +385 1 6170 686
hok-cba@hok-cba.hr
http://www.hok-cba.hr/
Legal Profession Act

Notarial service

Notaries (*javni bilježnici*; sing. *javni bilježnik*)
Notaries are persons vested with public trust who are appointed by the Minister for Justice following a competition conducted by the Croatian Chamber of Notaries (*Hrvatska javnobilježnička komora*).
They are qualified lawyers who have passed the national bar examination and the state examination for the notarial profession, have the necessary experience and are autonomous and independent providers of a public service and impartial experts commissioned by clients.
They are authorised to:
draft and issue notarial acts, which are public documents on legal transactions and statements on which the rights of the parties are based,
draft and issue notarial records on the legal actions which they have performed or at which they were present,
draft and issue notarial certificates on facts which they have witnessed,
accept documents, money, securities and valuables for safe keeping, with a view to handing them over to other persons or competent bodies (notarial deposit),
validate (authenticate) private documents,
perform actions and adopt decisions as court-appointed trustees in succession proceedings,
conduct enforcement proceedings on the basis of an authentic instrument,
represent their clients before courts and other public bodies, but only if the matters concerned are directly related to one of their documents.
The fact that the parties cannot change the court's jurisdiction in succession proceedings means that they cannot choose a notary as court-appointed trustee.
Whenever a notary represents a party before a court or other public body, he/she has the rights and duties of an attorney.
Notaries must not refuse to perform official duties unless they have a valid reason, and must keep secret the knowledge that they obtain through the performance of their work.
Notaries are entitled to notarial fees and the reimbursement of costs for the performance of official acts within their area of competence, in accordance with the Rules on the temporary tariff of notaries (*Pravilnik o privremenoj javnobilježničkoj tarifi*), the Rules on the remuneration and cost reimbursements of notaries acting as court-appointed trustees in succession proceedings (*Pravilnik o visini nagrade i naknade troškova javnog bilježnika kao povjerenika suda u ostavinskom postupku*) and the Rules on the remuneration and cost reimbursements of notaries in enforcement proceedings (*Pravilnik o nagradama i naknadi troškova javnih bilježnika u ovršnom postupku*).
In the Republic of Croatia notaries must join the Croatian Chamber of Notaries.
The work of notaries is supervised by the Croatian Chamber of Notaries and the Ministry of Justice, within their respective areas of competence.

The work of a notary as a court-appointed trustee in succession proceedings is supervised by the court which appointed him/her.

Croatian Chamber of Notaries

Koturaška 34/II
10 000 Zagreb
tel.: +385 1 4556 566
fax: +385 1 4551 544
e-mail: hjk@hjk.hr
http://www.hjk.hr/Uredi
Notaries Act (*Zakon o javnom bilježništvu*)
Notaries' Fees Act (*Zakon o javnobilježničkim pristojbama*)

Judicial Academy

The Judicial Academy is an independent public institution which provides initial education and training to candidates on how to perform judicial duties in an autonomous, responsible and independent way; vocational education to trainees, counsellors in judicial bodies and other judicial staff; and upskilling for judicial officials. The Academy is headed by a Director and managed by a Steering Council comprising nine members. The Academy's teaching staff are qualified people drawn from the ranks of judges, public prosecutors and deputy public prosecutors, higher education lecturers, and where necessary other professions as well.

The Academy actively promotes international cooperation and takes part in European Union projects as a beneficiary or participant. These projects are designed to strengthen the Academy as an institution and to ensure the professional development of its target groups.

Judicial Academy Act (*Zakon o Pravosudnoj akademiji*)

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 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.

Zakon o državnom sudbenom vijeću)" target="_blank">State Judicial Council Act (*Zakon o državnom sudbenom vijeću*)

Public Prosecutors' Council (Državnoodvjetničko vijeće)

The Public Prosecutors' Council is an autonomous and independent body that ensures the autonomy and independence of public prosecutors in the Republic of Croatia.

It is responsible for appointing and dismissing deputy public prosecutors and county and municipal public prosecutors, conducting proceedings and ruling on the disciplinary responsibility of deputy public prosecutors, transferring deputy public prosecutors, managing and checking the asset declarations of public prosecutors and deputy public prosecutors and carrying out other tasks in accordance with the law.

It has 11 members, of whom seven are deputy public prosecutors, two are university professors of law and two are members of Parliament, one of whom must be from the ranks of the opposition.

The members of the Public Prosecutors' Council are elected for a period of four years, and no person may serve two successive terms.

Public Prosecutors' Council Act (*Zakon o Državnoodvjetničkom vijeću*)

Constitutional Court of the Republic of Croatia (*Ustavni sud Republike Hrvatske*)

The creation, organisation and jurisdiction of the Constitutional Court are laid down in the Constitution of the Republic of Croatia (*Ustava Republike Hrvatske*) and the Constitutional Act on the Constitutional Court of the Republic of Croatia (*Ustavni zakon o Ustavnom sudu Republike Hrvatske*).

The Constitutional Court of the Republic of Croatia comprises 13 judges, who are elected by the Croatian Parliament, by a majority of two thirds of the total number of MPs, from the ranks of eminent legal experts, especially judges, public prosecutors, attorneys and university professors of law, in the manner and by the procedure laid down in the Constitutional Act. The term of office of a Constitutional Court judge lasts eight years and is extended by up to six months in exceptional cases if it expires before a new judge has been appointed or taken up his/her duties. The procedure for seeking applications from prospective judges of the Constitutional Court and proposing candidates for election by the Croatian Parliament is conducted by the parliamentary committee responsible for constitutional matters. The Constitutional Court of the Republic of Croatia elects a president of the Court for a term of four years.

The Constitutional Act on the Constitutional Court of the Republic of Croatia lays down the conditions and procedure for the election of judges of the Constitutional Court and the termination of their term of office, the conditions and time-limits for instituting proceedings to review the compatibility of a law with the Constitution and the compatibility of other regulations with the Constitution and the law, the procedure and legal effects of its decisions, the protection of human rights and fundamental freedoms guaranteed by the Constitution, and other issues of importance for the performance of the duties and work of the Constitutional Court.

The Constitutional Court ensures that the Constitution of the Republic of Croatia is respected and applied, and bases its action on the provisions of the Constitution and the Constitutional Act on the Constitutional Court of the Republic of Croatia.

The Constitutional Court is independent of all state authorities and autonomously decides how to use the funding earmarked for it in the national budget, in keeping with its annual budget and the law, in order to ensure its functioning. The internal organisation of the Constitutional Court is governed by the Rules of Procedure of the Constitutional Court of the Republic of Croatia. The work of the Constitutional Court is public, and its judges enjoy immunity, like members of the Croatian Parliament.

Constitutional Court of the Republic of Croatia

Trg Svetoga Marka 4
10000 Zagreb
tel.: +385 1 640 02 50
Fax: +385 1 455 10 55
e-mail: Ustavni_sud@usud.hr
https://www.usud.hr/

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Types of legal professions - Italy

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

Legal professions – introduction

The main legal professions in Italy are: professional judges (*magistrati*), including adjudicating judges (*giudici*) and law officers working for the public prosecution service (*pubblici ministeri*), lawyers and notaries.

Adjudicating judges and public prosecution service

The system by which judges and law officers of the prosecution service discharge their **judicial functions** is set out in the Constitution.

Judges

Justice is administered in the name of the people. Judges are subject only to the law. (Article 101 of the Constitution).

The system by which judges discharge their judicial functions is laid down and regulated by the laws on the judicial system.

No 'extraordinary' or 'special' courts may be set up, only special chambers attached to ordinary courts. The law lays down how and when the public may take part directly in the administration of justice.

Access to the judiciary is through public competition. However, honorary judges may be appointed to carry out all the functions of an individual ordinary judge.

Autonomy and independence

The judiciary is an **autonomous body**, independent from any other branch of government (**Article 104 of the Constitution**).

This independence is upheld by the Higher Judicial Council (*Consiglio Superiore della Magistratura*), a self-governing body charged with judicial appointments, assignment of duties and transfers, promotions and disciplinary measures (Article 105 of the Constitution).

The only difference between judges is the nature of their work.

Their appointment is permanent and they cannot be dismissed or suspended without a decision to that effect by the Higher Judicial Council pursuant to the laws on the judiciary and with the guarantees laid down therein, or with the consent of the judge concerned.

Law officers of the prosecution service

Organisation

The Constitution also enshrines the principles of the **independence and autonomy** of the public prosecution service (**Article 107**).

Article 112 lays down the principle of mandatory prosecution of crimes: once the competent public prosecutor has been informed of a criminal offence, they must conduct investigations and submit the results of these investigations to a judge for appraisal, along with the relevant requests. The obligation to institute criminal proceedings helps to ensure the independence of the public prosecution service in carrying out its work and also underpins the equality of all people before the law.

The offices of the public prosecution service are attached to the Court of Cassation, the appeal courts, ordinary courts and juvenile courts.

Role and duties

The prosecution service is involved in all **criminal proceedings** and acts on behalf of the **State**. Officers of the prosecution service participate in civil proceedings where this is provided for in law (e.g. in certain family disputes, cases involving person lacking legal capacity, etc.).

Registry and secretariat staff

The court registries and prosecution service secretariats employ administrative staff of various categories (heads of office, officials, court clerks, accounts clerks, deputies, etc.) recruited by exams-based public competitions and acknowledged as public servants subject to a national collective agreement for ministries.

They are employed by the Ministry of Justice's Department of Judicial Organisation, Staff and Services (*Dipartimento dell'organizzazione giudiziaria, del personale e dei servizi*) and perform administrative tasks relating to the administration of registers and files and assist the courts and prosecutors' offices in all types of proceedings.

The Ministry of Justice's Directorate-General for Staff and Training (*Direzione Generale del Personale e della Formazione*) is in charge of their training.

Organisation of the legal profession: lawyers and notaries

Lawyers

A lawyer is an independent professional called upon to represent and assist their clients – who may be an individual, a company or a government body – before a civil, criminal or administrative court.

A lawyer defends clients on the basis of an agreement to represent them and upon payment of a fee.

Attached to each court is a council composed of local lawyers (*Consiglio dell'ordine*).

At national level there is the National Bar Council (*Consiglio Nazionale Forense*).

Law No 247 of 31 December 2012 brought in new provisions governing the practice of law.

Notaries

A notary is an independent professional who exercises a public function: their role is to authenticate acts signed in their presence.

The profession of notary is governed by Law No 89 of 16 February 1913 on the rules governing the notarial profession and notarial archives.

The national body is the National Council of Notaries (*Consiglio Nazionale del Notariato*).

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Types of legal professions - Cyprus

Legal professions – Introduction

Other related professions

There are no related professions in Cyprus, such as the profession of notary public. Anything relating to legal affairs is legal material and only members of the Cyprus Bar Association (*Pankýprios Dikigorikós Sýllogos*) are allowed to practise under the relevant laws. Naturally, retired lawyers may continue to work as internal legal consultants both in existing law firms and in other organisations.

One profession which might be said to be a related profession is that of paralegals (*dikigorikoí ypálliloi*), for which there is separate legislation. Persons wishing to become a paralegal must have completed secondary school education, must have worked for at least 6 consecutive months in a law firm, must be of impeccable character and must apply to the Registrar (*Protokollitís*) of the District Court (*Eparchiakó Dikastírio*) in whose district the law firm in which the candidate works is located.

Prosecutors (*Dimósioi Katígoroi*)

Organisation

General

In addition to their capacity as legal advisor to the state, the Attorney General (*Genikós Eisangeléas*) of the Republic also heads the Law Office (*Nomikí Ypiresía*) and acts as the Director of Public Prosecutions (*Ypéfthynos tis Ypiresías Diacheírisis Poinikón Ypothéseon*)

The Law Office of the Republic, which is headed by the Attorney General, is staffed by lawyers, some of whom specialise in criminal law and handle cases tried by the Assize Courts (*Kakourgiodikeía*). In all cases, the Attorney General is informed and issues the relevant guidelines.

In addition to the members of the Law Office, members of the Cyprus Police Force (*Astynomikí Dýnami Kýprou*) with a law degree and the qualifications to practise law also act as public prosecutors. Although they are police officers, these persons report and answer to the Attorney General while acting as public prosecutors. The Attorney General has the same powers in relation to work carried out by these persons as he does to the work carried out by the lawyers of the Law Office.

In exceptional cases, the Attorney General has the authority to delegate specific cases to reputable practising lawyers.

Role and duties of public prosecutors

The prosecution service (*Katigoroúsa Archí*) before the district criminal courts is directed by the advocates (lawyers) working in the police prosecution departments, although, of course, this does not preclude the possibility in specific cases of a member of the Law Office being instructed to carry out this work. The prosecution service before the Assize Courts is directed by lawyers working in the Law Office. Regardless of who directs the prosecution service, they all come under the jurisdiction of the Attorney General, who may intervene at any given moment and may occasionally suspend criminal proceedings.

The Law Office is headed by the Attorney General, assisted by the Deputy Attorney General (*Voithós Genikós Eisangeléas*), followed by the Attorneys of the Republic (*Eisangeleís tis Dimokratías*), Senior Counsels of the Republic (*Anóteroi Dikigóroi tis Dimokratías*) and Counsels of the Republic (*Dikigóroi tis Dimokratías*). One of the Attorneys of the Republic heads the Criminal Law Section (*Poinikó Tmíma*), again reporting to the Attorney General.

The hearing system is adversarial in nature. The prosecution service presents its evidence and the witnesses called by it undergo examination, cross-examination and re-examination. Once all witnesses have been called by the prosecution, the court is required to rule on whether the prosecution service has established a *prima facie* case. If it has, the accused is called to enter a plea and the court advises them that they can call their own witnesses and testify under oath, in which case both the accused's witnesses and the accused are cross-examined by the prosecution service. Otherwise, they may give an unsworn statement from the dock, in which case there is no cross-examination.

The court hands down its judgment at the end of the hearing. In the case of an acquittal, the accused is acquitted and released. In the case of a conviction, the defence is given the opportunity to plead for a reduced sentence and, once the proceedings have been completed, the court hands down the appropriate sentence.

Judges

Organisation

The structure of the courts in Cyprus is very straightforward.

Supreme Court (*Anótato Dikastírio*)

The Supreme Court was created on the basis of the provisions of the Administration of Justice (Miscellaneous Provisions) Law of 1964 (*O perí Aponomís tis Dikaiosínis (Poikílai Diatáxeis) Nómos tou 1964*) [Law 33/1964] after the Presidents of both the Supreme Court and the Supreme Constitutional Court (*Anótato Syntagmatikó Dikastírio*) had resigned, thereby essentially dissolving the two courts in question, as the representatives of the Turkish Community in the various state bodies failed to attend and consent to the necessary decisions.

The members of the Supreme Court are appointed by the President of the Republic of Cyprus. There are currently 13 members, one of whom is appointed as President. Persons of impeccable character with at least 12 years' dedicated service as a member of the legal profession can be appointed as members of the Supreme Court.

Assize Courts (*Kakourgiodikeía*)

The Assize Court is the supreme criminal court of first instance of the Republic and comprises three judges (the President (*Próedros*), a Senior District Judge (*Anóteros Eparchiakós Dikastís*) and a District Judge (*Eparchiakós Dikastís*). The members of the Assize Court are appointed by the Supreme Court for a two-year term of office, from the ranks of the Presidents of the District Court, the Senior District Judges and the District Judges respectively).

District Courts (*Eparchiaká Dikastíria*)

There is a District Court in every district of the Republic of Cyprus with unlimited jurisdiction, except, of course, in matters that fall within the jurisdiction of the Supreme Court and the specialised courts referred to below. District Court Judges are divided into Presidents of the District Courts, Senior District Judges and District Judges. District Court Judges are appointed, transferred and promoted by the Supreme Court.

Family Courts (*Oikogeneiaká Dikastíria*)

The Family Courts, which were set up on the basis of the Family Courts Law (*O perí Oikogeneiakón Dikastiríon Nómos*) [Law 23/90], are composed of three members (a president and two associate judges), all of whom have a legal background and must have successfully practised law prior to their appointment.

Rent Control Tribunal (*Dikastírio Elénchou Enoikiáseon*)

This specialised court is composed of three members: a president and two associate judges. The president of the court must be a lawyer who has successfully practised law for at least the same number of years as that required for appointment to the bench of the District Court.

Industrial Disputes Tribunal (*Dikastírio Ergatikón Diaforón*)

As with the Rent Control Tribunal, the Industrial Disputes Tribunal is composed of three members (a president and two associate judges). The president must be a lawyer who has practised for 5 years prior to their appointment to the bench of the court.

Military Court (*Stratiotikó Poinikó Dikastírio*)

The final specialised court is the Military Court, which is presided by a reputable lawyer who, when appointed, held the qualifications required for appointment to the bench of a District Court. The president of the Military Court must be a commissioned military officer of at least the rank of colonel. The associate judges of the Military Court must be professional military personnel serving in the army.

Directory (*Evretírio)*

There is a directory on the Supreme Court website containing some general information on the courts in Cyprus.

Roles and duties

Supreme Court (*Anótato Dikastírio*)

The Supreme Court acts as a court of appeal against judgments by all the lower courts in the Republic of Cyprus and as a court of first instance on various matters such as administrative law and admiralty issues. It also issues *certiorari, mandamus* and other orders, supervises all other courts in the Republic of Cyprus to ensure that they operate smoothly and exercises disciplinary control over the members of the judiciary.

Assize Courts (*Kakourgiodikeía*)

With the exception of certain very serious offences, each Assize Court has the jurisdiction to try at first instance all offences punishable under the Criminal Code (*Poinikós Kódikas*) or any other law committed within the borders of the Republic or in the Sovereign Base Areas and involving Cypriots either as

offender or victim, or in any other country while the accused was in the service of the Republic, or on a ship or aeroplane in the Republic, or in such other places and under such circumstances as may be provided for by law.

District Courts (*Eparchiaká Dikastíria*)

District Courts composed of a president have the jurisdiction to hear and rule at first instance on any action which falls within their local jurisdiction.
Every Senior District Judge or District Judge has jurisdiction (subject to certain exceptions) to rule on any action in which the sum contested or the value of the dispute at issue does not exceed EUR 500 000.00 for a Senior District Judge and EUR 100 000.00 for a District Judge.
The criminal jurisdiction of the District Courts extends to all offences committed within the limits of the district of the court and for which the punishment provided for by law does not exceed 5 years' imprisonment or a fine of EUR 50 000.00 and/or both and which for which the court may order compensation of up to EUR 6 000.00 to be paid to the victim.
All judgments handed down by the District Courts, in both criminal and civil cases, are open to appeal before the Supreme Court without restriction.

Specialised courts

The jurisdiction of the Family Courts extends to almost all marital disputes. The jurisdiction of the Rent Control Tribunal is limited to disputes involving buildings subject to rent control. The jurisdiction of the Industrial Disputes Tribunal only extends to employer/employee relations, especially in cases of alleged unfair dismissal. The Military Court has jurisdiction to try criminal cases involving members of the National Guard (*Ethnikí Frourá*) or where National Guard regulations have been infringed.
All judgments handed down by the above courts can be appealed before the Supreme Court.

Organisation of legal professions: Lawyers (*Dikigóroi*)

There is a standard system for the provision of legal services in the Republic of Cyprus and all those involved in offering such services are referred to as lawyers, regardless of the country where they studied and the university degree which they acquired during their legal studies.
There is a directory of lawyers on the internet to which lawyers and judges have free access and which the public can access on payment of a subscription fee.

Legal databases

There is no official website where judgments are published. Some selected recent judgments are published on the website of the Supreme Court.
There are a number of private websites offering access to case-law, either for payment or free of charge. The leginetcy website contains legislation, case-law and regulatory administrative acts and is free for lawyers, judges and government departments. Anyone else wishing to access this website must pay a subscription. The cylaw website contains court judgments and is free for everyone wishing to access it.

Lawyers/Legal Advisors (*Nomikoí Sýmvouloi*)

As mentioned above, Cyprus has a standard system under which lawyers/legal advisors practise.

Notaries public (*Symvolaiográfoi*)

The profession of notary public is unknown in Cyprus. Work usually carried out by a notary public is carried out by a lawyer.

Other legal professions

The following professions in the Republic of Cyprus are related to the legal profession.

Registrars (*Protokollités*)

Registrars are appointed by the Supreme Court. They are court officers who are usually lawyers with a strong legal background. Registrars have specific duties, as provided for under the relevant law. The most senior registrar is the head of the court staff responsible for their general supervision. A registrar can also be appointed for this purpose by the Supreme Court.

Bailiffs (*Epidótes*)

There are two types of bailiff: private-sector bailiffs whose activity is limited to the service of various court documents and bailiffs on the court payroll who are involved mainly in enforcing court judgments.

Paralegals (*Dikigorikoí Ypállilοi*)

The title of paralegal (*dikigorikós ypállilos*) is acquired on completion of 6 months' work in a law firm and after submitting an application to the registrar of the District Court in whose district the law firm in which the candidate works is located.

Relevant links

Attorney General's Office
Supreme Court

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Järgmised keeleversioonid: fr on juba tõlgitud.

Types of legal professions - Latvia

This section presents an overview of the various legal professions in Latvia.

Prosecutors

Organisation

Prosecution Office of the Republic of Latvia (Prokuratūra) is a unified, centralised, three-tiered judicial authority. **The Office** is headed by the **Prosecutor General (Ģenerālprokurors)**. Its purpose is to **respond to infringements of the law and ensure that cases relating to such infringements are settled** in accordance with the procedure provided for by law. The Prosecution Office comprises institutions at the following levels:
Prosecutor General's Office (Ģenerālprokuratūra);
prosecution offices of the judicial regions (tiesu apgabalu prokuratūras);
district or city prosecution offices (rajonu [republikas pilsētu] prokuratūras);
specialised prosecution offices (specializētās prokuratūras).
If necessary, the Prosecutor General can set up a specialised sectoral prosecution office having the same status as a district or regional prosecution office.
There are currently **five specialised prosecution offices** in Latvia:
a specialised prosecution office for organised crime and other sectors,

a specialised multi-sectoral prosecution office,
the Riga road transport prosecution office,
a prosecution office for investigating financial and economic crimes,
a prosecution office for investigating crimes involving the illegal circulation of narcotics.
The Prosecutor General's Office may also oversee the work of public bodies which, whilst not performing prosecutorial functions, do help implement certain tasks in criminal proceedings that fall within their remit. These bodies are set up, reorganised and wound up by the Prosecutor General. The Prosecutor General also takes structural and staffing decisions for these bodies in accordance with the resources allocated under the State budget. To date, only one such body has been set up, namely the Anti-Money-Laundering Service.
Prosecution Offices form part of the courts system, meaning that they operate independently of the legislative and executive branches. The Saeima (Latvian Parliament), the Cabinet of Ministers and the President may instruct a prosecution office to verify facts relating to infringements and seek explanations from the Prosecutor General's Office. They may not, however, intervene in the work of the prosecution office in question, even when it is investigating infringements of major national importance.
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 give their opinion on the matters under discussion.

Role and duties

The tasks of the Prosecution Office in a pre-trial investigation are laid down in Article 2 of the Law on the Prosecution Office.
The Prosecution Office:
oversees the operational work of investigative authorities and other bodies;
arranges, leads and carries out pre-trial investigations and gives the investigative authorities instructions on the conduct of criminal investigations;
initiates and conducts criminal prosecutions;
protects the rights and legitimate interests of individuals and the State;
in cases provided for by law, submits a document instituting proceedings or an application to court.
In accordance with Article 36(1) of the Law on criminal procedure, in criminal proceedings a prosecutor shall perform functions relating to investigative supervision, investigation, criminal prosecution, upholding a prosecution by the State and other functions.

Supervising pro-secutor

The supervising prosecutor oversees 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 about the actions or decisions of offices conducting proceedings or members of an investigation team, an investigator's immediate superior or a person performing tasks in relation to the proceedings;
take decisions on the initiation of criminal proceedings or referral to another investigative authority;
take procedural actions after providing the officer conducting the proceedings with notification to that effect.

Officer conducting proceedings

The supervising prosecutor (or another prosecutor, on the instructions of a senior prosecutor) may become the officer conducting the proceedings (*procesa virzītājs*). This involves taking over 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 prosecutor as officer conducting the proceedings at the investigation stage.
In the capacity of officer conducting proceedings, the prosecutor may:
come to an agreement with the accused regarding an admission of guilt;
take a decision on referral of a criminal case to court;
submit a case for adjudication under a special procedure;
terminate criminal proceedings where there is legitimate justification to do so.
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 a person performing procedural tasks.

Senior prosecutor

In accordance with the procedure laid down by law, a senior prosecutor checks whether a public prosecutor is performing the functions with which they have been entrusted and takes decisions on complaints and reprimands with regard to the decisions and actions of the supervisory 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 lawful.
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 themselves;
establish an investigation team, if the volume of work jeopardises completion of 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 in an **investigation team**; the officer conducting the proceedings may require the prosecutor to perform one or more procedural tasks.

Judges

Organisation

The constitutional basis for the judiciary is Articles 82 to 86 of the Constitution of the Republic of Latvia (Latvijas konstitūcija), pursuant to which justice is rendered solely by the courts. Judges are independent and answerable to the law only. The judiciary is regulated by the Law on the judiciary. Under Latvian legislation, judges are 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

intervene in the administration of justice, irrespective of the purpose for which this is done. Judges are protected by judicial immunity whilst fulfilling their responsibilities in respect of the administration of justice. The office of judge is incompatible with membership of any political party or other political organisation.

Role and duties

It is the job of judges to administer justice in civil, administrative and criminal cases in accordance with the law.

In civil cases, judges hear and settle disputes relating to the protection of the rights (civil, employment, family, etc.) and legitimate interests of natural and legal persons.

In criminal cases, judges hear charges brought against persons and decide on their merits. Judges may acquit innocent persons or find persons guilty of a criminal offence and impose a penalty on them.

In administrative cases, judges exercise judicial review over the lawfulness of actions by the executive (administrative acts issued by authorities or specific actions taken by them) 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 settle cases relating to the commission of administrative infringements.

The professional duties of judges cover all the duties of judges and courts under procedural law.

Legal databases

The judiciary has its own portal, the Latvian National Courts Portal, which is currently available in Latvian only. This gives details of Latvia's court system, a list of Latvian courts and judges, court statistics and a brief description of the procedures applicable in various court proceedings, highlighting their main features and differences, and information on how to bring cases before the judicial authorities.

The Latvian courts e-services portal for its part provides access to anonymised court decisions, case law, the schedule of court sessions and other information. Entry of the reference number of a case or writ of summons in the 'Tiesvedības gaita' [status of proceedings] section provides information on the exact status of case proceedings and shows which court is hearing the case and at what level, a schedule of upcoming court sessions, decisions adopted, objections submitted and the outcome of legal proceedings.

Court reports are also published on the website of the Courts Office.

Information on current **policy issues relating to the courts system** is also published on the website of the Latvian Ministry of Justice. The portal is also available in English.

E-information on the Supreme court and its activities is available on the Supreme Court website. The portal is also available in English.

Lawyers (advocates)

Organisation

Lawyers (advocates) are independent legal professionals who provide legal assistance, defending and representing the legitimate interests of individuals in court and in pre-trial investigations, providing legal advice, drawing up legal documents and performing other legal tasks.

Lawyers (advocates) are members of the judicial system who conduct cases in any court of law or pre-trial investigation body in the Republic of Latvia after they have been selected and retained by the parties to a dispute, defendants and other interested parties (clients), as well as in the cases provided for by law on behalf of the chief justice of a court, the head of a pre-trial investigation body or the Latvian Council of Sworn Advocates. Lawyers (advocates) also provide other types of legal assistance in accordance with the procedure provided for by law.

In Latvia, the following may practise as lawyers:

Latvian nationals;

nationals of European Union Member States who have qualified to practise as a lawyer/advocate in any European Union Member State (lawyers of EU Member States);

foreign lawyers (other than lawyers from EU Member States) who may practise in Latvia in accordance with international agreements on legal assistance that are binding on Latvia.

All sworn lawyers (advocates) are independent members of the legal profession who have joined together as the Latvian Collegium of Sworn Advocates (*Latvijas Zvērinātu advokātu kolēģija*), which is an independent national professional body of sworn advocates. The bodies comprising the Latvian Collegium of Sworn Advocates are **the general assembly of Sworn Advocates, the Latvian Council of Sworn Advocates, the Audit Committee and the Disciplinary Committee.**

Legal databases

Information on the activities of the **Latvian Collegium of Sworn Advocates** and the **Latvian Council of Sworn Advocates**, on the laws and regulations, the lawyers (advocates) and the courts in which they practise (with contact details), along with details of other issues concerning the **Latvian legal profession,** can be found on the website of the Latvian Council of Sworn Advocates.

Notaries

Organisation

Notarial matters under the supervision of the judicial authorities are entrusted to sworn notaries in accordance with the procedure established by the Law on notaries. Sworn notaries are members of the judicial system who are attached to regional courts and perform the duties defined for them under law. In the performance of their duties, sworn notaries are equivalent to public officials. In the exercise of their profession, sworn notaries enjoy financial autonomy, their fees being fixed by the Cabinet of Ministers.

Under the Law on notaries, sworn notaries are authorised to:

draw up notarial acts;

draw up notarial certificates;

take custody of money, securities and documents;

take custody of an item subject to an obligation;

conduct inheritance matters ;

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

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

perform other actions provided for in laws.

Under the Law on notaries, sworn notaries may also:

see to the consolidation of rights and the securing of rights in land registers, and the recording of rights, the securing of rights and other particulars in the State Land Registry and in the registers kept by the Register of Enterprises;

obtain from public, municipal and private institutions, and from officials and private individuals, the authorisations, certificates and other documents needed for the conclusion or authentication of acts to be notarized and certified;

produce drafts of acts, contracts and other documents relating to the activity of a sworn notary, and prepare copies and translations;

provide other legal assistance;
conduct mediation as a certified mediator in accordance with the provisions and procedures laid down in the Law on mediation.
All of Latvia's sworn notaries have joined together as the Latvian Collegium of Sworn Notaries (***Latvijas Zvērinātu notāru kolēģija***), which is an independent national body of sworn notaries. The Latvian Council for Sworn Notaries (*Latvijas Zvērinātu notāru padome*) is the representative and supervisory body for sworn notaries and the administrative and executive body for the Latvian Collegium of Sworn Notaries. Its tasks are set out in Article 230 of the Law on notaries.

Legal databases

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

Sworn bailiffs

Organisation

Sworn bailiffs (*Zvērināti tiesu izpildītāji*) are members of the judicial system. Sworn bailiffs are attached to regional courts, enforce the decisions of judicial and other bodies and carry out other activities provided for by law.
Sworn bailiffs are independent members of the legal profession, but in the performance of their duties are considered equivalent to public officials. In the performance of their duties, sworn bailiffs are independent and answerable to the law only. The demands made and orders issued by sworn bailiffs in the course of their professional duties are binding on all parties within the national territory.
Sworn bailiffs perform their duties within the territorial jurisdiction of the regional court to which they are attached. The number of sworn bailiffs, their positions, jurisdictions and jurisdictional boundaries are laid down by the Cabinet of Ministers.
In the performance of their duties, sworn bailiffs apply the Law on civil procedure and other items of legislation and comply with the methodology approved by the Latvian Council of Sworn Bailiffs (which is the representative and supervisory body for sworn bailiffs in Latvia) and the lessons learned from case law.

Legal databases

Information on where sworn bailiff practices are located and details of legislation regulating the profession of sworn bailiffs and the activities of the Latvian Council of Sworn Bailiffs can be found on the website of the Latvian Council of Sworn Bailiffs. The portal is currently available in Latvian only.

Organisations providing *pro bono* legal services

There is no list of organisations of this type in Latvia.

Links

Prosecution Office
Anti-Money-Laundering Service
Latvian National Courts Portal
Courts Office
Latvian Council of Sworn Advocates
Latvian Notaries
Website of the Latvian Council of Sworn Bailiffs
Ministry of Justice of the Republic of Latvia

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Types of legal professions - Lithuania

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

Legal professions – introduction

Legal professions in Lithuania include:
Prosecutors (prokurorai)
Judges (teisėjai)
Advocates (advokatai)
Notaries (notarai)
Bailiffs (antstoliai)

Prosecutors

Organisation

In Lithuania, there are 56 territorial prosecutors' offices:
51 Regional
5 District
The Prosecutor General's Office (Generalinė prokuratūra) is responsible for the territorial prosecutors' offices (teritorinės prokuratūros). She or he is appointed for a seven year term by the **President of the Lithuanian Republic** (Lietuvos Respublikos Prezidentas)**,** with the consent of the Parliament (Seimas).
The prosecutor general is accountable to the Parliament and the President. Types of prosecutors are:
Prosecutor general (generalinis prokuroras)
Chief territorial (district or regional) prosecutors (vyriausieji (apylinkių arba apygardų) prokurorai)
Other prosecutors.
There is no relationship between the Ministry of Justice and the prosecution – of subordination, common jurisdiction or any other specific relationship.

Role and duties

The functions of the prosecutors' offices are to:
Organise and direct pre-trial investigations
Uphold charges on behalf of the state in criminal cases
Protect the public interest
Ensure justice
Assist the judiciary in the administration of justice
Prosecutors participate in all criminal cases and in civil or administrative cases, in the order indicated by the claim.

Judges

Organisation

There are no different types of judges in Lithuania; all are **professional judges** (profesionalūs teisėjai).

The general principles of the judiciary are set out in the Constitution and in the parliamentary act governing the courts. Courts are independent, with the following self-governing bodies:

General meeting of judges (Visuotinis teisėjų susirinkimas)

The judicial council (Teisėjų taryba)

The judicial court of honour (Teisėjų garbės teismas)

Courts are assisted with their activities by the National courts administration (Nacionalinė teismų administracija).

Organisation of the legal profession: Lawyers

Barristers/ Advocates

There are advocates (advokatai) and apprentices of advocates (advokatų padėjėjai) in Lithuania. Apprentices of advocates can represent their clients in civil proceedings and defend them in criminal proceedings – with the permission of the supervising advocate and when allowed by law.

Advocates and apprentices of advocates are not classified by type. Advocates are free to choose the field of law in which they wish to specialise (specialisation of advocate).

Legal databases

You can find more information on the website of the Lithuanian Bar Association (Lietuvos advokatūra).

Is access to this database free of charge?

Yes, access to the website of the Lithuanian Bar Association is free of charge.

Solicitors/ legal advisers

There are no solicitors or legal advisers in Lithuania.

Notaries

Organisation

There is only one type of classification for notaries (notarai) in Lithuania. The number of notaries, their offices and the territory of their jurisdiction are determined by the **Minister of Justice** (Teisingumo ministerija). Notaries are appointed and dismissed by the Minister.

Notaries fall under the **Chamber of Notaries** (Notarų rūmai). Each year, the chamber of notaries submits to the Ministry of Justice a detailed **annual report** about its activities, together with an outlook and guidelines for the activities of notaries in the coming year.

The regulatory acts governing notaries are approved by the Minister of Justice, with regard to the opinion of the Presidium of the Chamber of Notaries (Notarų rūmų prezidiumas).

If the Minister of Justice is of the opinion that a resolution or decision of the Chamber of Notaries contravenes the laws of the Republic of Lithuania, she or he may file an appeal with the Vilnius Regional Court (Vilniaus apygardos teismas) for a reversal of those resolutions or decisions.

You can find more information on the website of Lithuanian chamber of notaries.

Role and duties

The major duties of the **Chamber of Notaries** are:

Coordination of the activities of notaries

Taking care of the professional **advancement** of notaries

Protection and **representation** of the interests of the notaries in the institutions of state governance and administration

Designing **draft regulatory acts** on issues relating to the notariate, and their submission to the Ministry of Justice

Uniformity of notarial practice

Supervision of how notaries perform their functions and comply with the requirements of professional ethics

Ensuring **preservation** and use of the instruments drawn up in the practice of the notarial profession

Ensuring notarial **traineeship**

Carrying out other tasks provided for in the **Statute of the Chamber of Notaries** (Notarų rūmų statutas).

Other legal professions

Bailiffs

There is only one type of classification for bailiffs (antstoliai) in Lithuania.

You can find Information on bailiffs on the website of the bailiffs' profession and on the website of the Chamber of bailiffs (Antstolių rūmai).

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Types of legal professions - Luxembourg

In this section, you will find an overview of the different legal professions.

Legal professions - introduction

This section contains information on professions in the legal field (description of profession, eligibility for admission, etc.).

Overview of the legal system

In Luxembourg, the courts are divided into two branches, **the ordinary courts and the administrative courts**. The nature of the dispute dictates which branch will hear the case.

The ordinary courts (*l'ordre judiciaire*) consist of three justices of the peace (*Justices de Paix*), two district courts (*Tribunaux d'arrondissement*), a court of appeal (*Cour d'Appel*) and a Court of Cassation (*Cour de Cassation*). These courts essentially have jurisdiction in disputes relating to civil law, commercial law, criminal law and labour law. Both judges (*magistrats du siège*) and prosecutors or deputy public prosecutors (*magistrature debout*) belong to this branch.

The administrative branch comprises one Administrative Court of First Instance (*Tribunal administratif*) and one Administrative Court (*Cour administrative*). These courts deal with disputes in administrative and tax-related matters (*impôts directs*).

The Constitutional Court (*Cour constitutionnelle*) is composed of judges from the ordinary courts and the administrative courts. It ensures that the laws comply with the Constitution, which is the highest legal authority in the country.

Judges

There are two ways to become a judge:

Recruitment by competitive examination

Future judges, namely junior judges (*attachés de justice*), are recruited by competitive examination. To be admitted to the competitive examination, a candidate must meet the following conditions:
be a national of Luxembourg;
enjoy full civil and political rights and present the necessary guarantee of good repute;
hold a full Luxembourg university law degree corresponding to a recognised master's degree or a full foreign law degree corresponding to a master's degree accepted and recognised by the minister responsible for higher education under the amended Act of 18 June 1969 on higher education and recognition of foreign higher education degrees and diplomas;
have sufficient knowledge of the Luxembourgish, French and German languages;
have followed a judicial or notarial traineeship of at least twelve months;
meet the requisite conditions of physical and mental aptitude, which are verified by a medical and psychological examinations.
The competitive examination for the recruitment of judges is organised by the commission for the recruitment and training of junior judges ('the commission'), made up exclusively of judges. This competitive examination comprises three written tests concerning civil law and civil procedure, criminal law and criminal procedure and administrative law and administrative disputes. The tests basically involve drafting a judgment or ruling. Successful candidates must obtain at least three fifths of the total points available for the three tests and at least half the points available for each test. Candidates are ranked by the commission according to their final scores. Candidates are recruited in order of their ranking.

Recruitment based on application file

This is an alternative recruitment procedure that is organised only if the competitive examination fails to deliver the number of junior judges set each year by the Minister for Justice.
To be eligible to apply, a candidate must:
meet certain conditions required for admission to the competitive examination, namely 1, 4 and 6;
hold a diploma marking completion of the traineeship;
have practised as a lawyer for a total of at least five years.
The commission invites candidates to an individual interview. A psychology specialist takes part in the individual interview and submits a reasoned opinion on each candidate. The criteria for selecting candidates are the results of final examinations on additional courses in Luxembourg law and the traineeship final examination, professional experience, any additional qualifications and any publications. Candidates are selected by the commission.
The Constitution guarantees the political independence of adjudicating judges. Their appointment is permanent. An adjudicating judge can be deprived of their position or suspended only by a court judgment. Moreover, an adjudicating judge can be transferred only by appointing them to a new position and only with their consent. Nevertheless, in the event of disability or misconduct, adjudicating judges can be suspended, dismissed or transferred, in accordance with the conditions laid down by the law.
The office of judge is incompatible with being a member of the government, member of parliament, mayor, alderman or municipal councillor, holding any public or private salaried position, being a notary or bailiff, holding a military or ecclesiastical office or being a lawyer. Judges are impartial and are bound to professional secrecy. Their remuneration is set by law.
For more information, please refer to the page on the profession of judge on the Ministry of Justice website.

Lawyers

The profession of lawyer (*avocat*) is regulated by the **amended Act of 10 August 1991** on the profession of lawyer.
Lawyers are members of an **independent, liberal profession**. Lawyers can practice their profession on an individual basis. They can also form law firms with legal personality. Only lawyers may assist or represent parties and plead on their behalf before judicial bodies of whatever nature, take receipt of their documents and certificates in order to present them in court, draw up and sign the procedural instruments necessary, and prepare cases for court.
Lawyers alone are entitled to give **legal advice** on a regular basis for remuneration or to draft private acts on behalf of others. Lawyers also assist or represent their clients before international courts, such as the Court of Justice of the European Union or the European Court of Human Rights. Lawyers are bound by professional secrecy, which is a matter of public policy and violation of which is a criminal offence.
In order to practise in Luxembourg, **lawyers must be registered with a bar association established in the Grand Duchy of Luxembourg**. This also applies to European lawyers wishing to practise in Luxembourg under their home-country professional title.
A **bar association (*ordre des avocats*) register** comprises **six lists**:
List 1: full lawyers (*avocats à la Cour*)
List 2: lawyers
List 3: emeritus lawyers (*avocats honoraires*)
List 4: European Union lawyers practising under their home-country title
List 5: law firms qualified as full lawyers
List 6: other law firms
To be registered with a bar association in Luxembourg, lawyers have to satisfy **the following conditions**:
present the necessary guarantee of good repute;
show that they have fulfilled the entry requirements for the legal traineeship, or that they have passed the aptitude test established for lawyers from another Member State of the European Union by the amended Act of 10 August 1991 laying down for the legal profession the general system of recognition of higher education diplomas confirming the successful completion of at least three years of professional training, or that they satisfy the conditions for registration as a lawyer practising in the Grand Duchy of Luxembourg under their home-country professional title, in application of the amended Act of 13 November 2002 transposing into Luxembourg law European Parliament and Council Directive 98/5/EC of 16 February 1998 on facilitating practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained; and demonstrate a good command of the language of legislation and the languages of administration and the courts within the meaning of the Act of 24 February 1984 on the use of languages;
be a Luxembourg national or a national of another Member State of the European Union;
have a good command of the language of legislation and the languages of administration and the courts within the meaning of the Act of 24 February 1984 on the use of languages, without prejudice to Article 31-1 of the amended Act of 10 August 1991. For Luxembourgish and German the level of proficiency required is level B2 of the Common European Framework of Reference in oral comprehension, level B1 in oral expression and, for German only, level B2 in written comprehension. For French a B2 level of the same framework is required in comprehension and written and oral expression.
Notwithstanding the previous paragraph, on their admission to List 1 of a Bar Association, European lawyers referred to in Article 10 of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State

other than that in which the qualification was obtained need only demonstrate a sound knowledge of the language of legislation within the meaning of the Act of 24 February 1984 on the use of languages, provided they restrict their professional activities to those not requiring a command of the other languages referred to in the Act. The level of language knowledge required is as indicated in the previous paragraph.

Further clarification as regards the language requirements:

Lawyers registered on an individual basis must demonstrate a good command of the language of legislation within the meaning of the Act of 24 February 1984 on the use of languages, and of any other language required in order to pursue their professional activities, without prejudice to the above.

Lawyers registered on List II must also have a good command of the languages of administration and the courts in Luxembourg that may be required in order to fulfil the obligations ensuing from their legal traineeship.

Any lawyer who takes on a case must possess the required professional and language skills, failing which they may be subject to disciplinary measures.

The Bar Council, having heard the opinion of the Minister of Justice, may, upon proof of the reciprocity of a **non-Member State of the European Union** of which a **candidate** is a national, waive the nationality requirement. The same applies to candidates who have political refugee status and enjoy the right of asylum in Luxembourg.

Only lawyers included in List I are entitled to use the title of **full lawyer (*avocat de la Cour*). To be entered in List I they must:**

have completed a two-year legal traineeship and have successfully completed the traineeship final examination, as lawyers registered on List II,

or have passed the aptitude test established for lawyers from another Member State of the European Union by the amended Act of 10 August 1991 laying down for the legal profession the general system of recognition of higher education diplomas confirming the successful completion of at least three years of professional training,

or, for European lawyers permitted to practise under their home-country professional title, prove that they have practised regularly over a period of at least three years in Luxembourg and in Luxembourg law, including European Union Law, or be subject to Article 9(2) of the amended Act of 13 November 2002 transposing into Luxembourg law European Parliament and Council Directive 98/5/EC of 16 February 1998 on facilitating practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

Only full lawyers are allowed to perform the acts for which laws and regulations require legal representation, namely representing the parties before the Constitutional Court, before the administrative courts, before the Supreme Court of Justice and before the district courts sitting on civil matters, and pleading on their behalf, taking receipt of their documents and evidence in order to present them to the courts, and ensuring the proper signature of the documents and to prepare the case for trial.

Lawyers registered on List II, and European lawyers authorised to practice under their home-country professional title registered **on List IV**, cannot perform these tasks unless assisted by a full lawyer registered on List I. As there are no restrictions regarding the representation of parties in courts where there is no mandatory requirement for legal representation, lawyers on Lists II or IV are permitted to represent parties in those courts without the assistance of a full lawyer.

Access to training for lawyers, which is regulated by the Grand-Ducal Regulation of 10 June 2009 on the organisation of legal traineeships and the regulation of access to the profession of notary, consists in a professional traineeship comprising a period of additional courses in Luxembourg law followed by a work experience placement.

Having obtained the certificate of additional training in Luxembourg law, trainees are admitted to List II of one of the bars of Luxembourg.

The aim of the legal traineeship is to learn the profession of lawyer. University study enables trainees to acquire in-depth knowledge of the law, and the additional courses in Luxembourg law (CCDL) supplement this knowledge by teaching the specific characteristics of Luxembourg law. During the legal traineeship, the emphasis is placed mainly on learning the profession of lawyer both by practising under the aegis of a supervisor and by following courses specifically designed for learning the profession.

The work experience placement of a period of at least two years ends with a final traineeship examination. On successful completion of this examination, the candidate becomes a full lawyer and is registered on List I.

On presentation of a reasoned and substantiated application, a trainee may be permitted by the steering committee to carry out a minimum of three and a maximum of six months of their legal traineeship in a law firm in another European Union Member State. This duly authorised traineeship counts towards the legal traineeship period.

Lawyers form a bar association (*ordre des avocats*), which is a body independent of the public authorities and the judiciary. There is **a bar association in Luxembourg** and **a bar association in Diekirch**. Each bar association has legal personality. The bar associations comprise the following bodies: an assembly, a bar council, a chairman of the bar, and a disciplinary and administrative council covering the entire profession.

For more information, please refer to the page on the profession of lawyer on the Ministry of Justice website.

Notaries

The number of notaries is fixed by the Grand-Ducal regulation pursuant to Article 13 of the amended Act of 9 December 1976 concerning the organisation of the profession of notary (*notaire*). Currently, **there are 36 notaries** serving the whole country.

Notaries are public officers authorised to record any instrument or contract which the parties are obliged, or may wish, to invest with the authenticity associated with instruments having public authority, and to authenticate their date, keep them safe and issue principal and additional copies.

It is prohibited for notaries themselves directly or indirectly, or through an intermediary: to engage in trade; to be managers, general partners, managing directors or liquidators of a commercial company or an industrial or commercial establishment; to be involved in the administration and supervision of companies, businesses or agencies whose business activity is buying, selling, allotment of land or construction of buildings, or to have any interest therein; to have close relations with the aforesaid companies, businesses or agencies, which might interfere with the free choice of notary by the parties; to engage on a regular basis in banking, discounting and brokerage transactions or in stock exchange speculations, with the exception of discounting transactions carried out in the performance of their duties; to take funds on deposit, with the exception of funds received in the performance of their duties or in the course of the settlement of an estate; to provide their services for any matter in which they might have an interest; to have acts that they cannot complete themselves performed using names of others; to have business or property agents working on their behalf in any capacity whatsoever.

Notarial acts are authentic documents in accordance with the provisions of the Civil Code; they are enforceable when they contain a clause granting authority to enforce. Notaries are obliged to use French or German to prepare acts, as required by the client.

Notaries exercise their functions throughout the entire country. In performing their duties they participate in the exercise of public authority.

The **Chamber of Notaries** (*Chambre des Notaires*) has seven members elected from amongst the notaries in the country by the General Assembly of Notaries.

In addition to the powers entrusted to it by the country's laws and regulations, the Chamber has, inter alia, the following **responsibilities**:

to maintain discipline amongst notaries and to exercise disciplinary powers through its disciplinary council; to prevent or settle any disputes between notaries and, if settlement cannot be achieved, to give its opinion on the dispute;

to settle any disputes between notaries and third parties;

to give its opinion on difficulties regarding professional fees, emoluments, salaries, payments, expenses and disbursements charged by notaries as well as any disputes submitted in this respect to the civil courts;
to take deposit of records of minutes; to inspect notaries' accounts;
to represent notaries of Luxembourg in defence of the rights and interests of the profession.
The Disciplinary Council is composed of the President of the District Court of Luxembourg or the judge replacing them as president, and four members of the Chamber of Notaries appointed according to their seniority in the profession.
The Disciplinary Council exercises disciplinary power over all notaries in respect of: breach of legal and regulatory requirements relating to the practice of the profession; professional misconduct and negligence; actions contrary to professional discretion and dignity and to honour and probity; all without prejudice to any legal action which might arise as a result of such conduct. The Disciplinary Council's decisions may be appealed, either by a notary who has been censured or by the State Prosecutor-General. Appeals are filed with the civil division of the Supreme Court of Justice, which gives a final judgement on the matter.
To be allowed to practise as a notary, a candidate must:
be a Luxembourg national or a national of another Member State of the European Union;
enjoy full civil and political rights,
be over 25 years old and have obtained either a candidate notary's diploma in accordance with Luxembourg legislation (under the present system) or a traineeship completion certificate needed to be admitted to practice as a notary (under the previous system).
have a good command of the language of legislation and the languages of administration and the courts within the meaning of the Act of 24 February 1984 on the use of languages.
For more information, please refer to the page on the profession of notary on the Ministry of Justice website.

Other legal professions

Bailiffs

Bailiffs (*huissiers de justice*) are public officers who have sole power to:
serve acts and writs and to perform service prescribed by laws or regulations where the law does not lay down any other method of notification;
enforce court judgments and other documents that are directly enforceable.
Bailiffs may engage in:
judicial or out-of-court recovery of all types of debt. This power includes the right to sign applications on behalf of claimants to obtain orders for payment or attachment orders on periodic payments;
the valuation and public sale of furniture, household effects and seized goods, in conformity with the laws and regulations in this respect.
They may be appointed by the court to draw up:
purely material reports, excluding any opinion as to the factual or legal consequences to which they may give rise;
reports of the same nature on application by private parties; in both cases, these reports are authoritative until proven otherwise.
The **fees of bailiffs are determined by Grand-Ducal regulation**.
The **Chamber of Bailiffs** (*Chambre des huissiers de justice*) represents the profession at national level. The Chamber is administered by a board of three members: a chairman, a secretary and a treasurer. The chairman represents the Chamber of Bailiffs in judicial and other matters.
For more information, please refer to the page on the profession of bailiff on the Ministry of Justice website.

Registrars

The **chief registrar** (*greffier en chef*) heads the registry and the court staff. A chief registrar's administrative tasks include issuing copies to lawyers and private individuals (e.g. divorce certificates for transcription abroad), issuing copies of procedural documents, accepting the deposit of holograph wills and declarations of succession, swearing in registrars, preparing general assemblies and statistics and supervising the archives. A registrar also takes receipt of challenges to the impartiality of judges.
The role of **registrars** is to assist judges with all relevant acts and records, namely during hearings, the appearance of parties, investigations, on-the-spot visits, autopsies, bankruptcy inventories, the drafting of judgments and hearings of persons under guardianship or custodianship. A judge cannot act without a registrar.
Registrars' duties are laid down in Articles 78 et seq. of the amended Act of 7 March 1980 on the judicial system.
Access to the profession is governed by the amended Act of 16 April 1979 establishing the general staff regulations of civil servants.

Related links

Ministry of Justice

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Types of legal professions - Hungary

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

Legal professions – introduction
Prosecutors
Judges
Lawyers
Notaries
Other legal professions

Legal professions - introduction

The chapter provides an overview on legal professions in Hungary, on prosecutors, judges, advocates, solicitors, notaries and bailiffs.
In Hungary representatives of legal professions (advocates, notaries, bailiffs) act independently, but with professional self-governance in a system of chambers. The membership in a chamber is the prerequisite for pursuing their activity, and chambers have the right to exercise professional control over their members, which aims to ensure that members of the professions provide services of an appropriate level.

Prosecutors (ügyész)

Organisation

Hungarian constitutional rules stipulate that the **Office of the Public Prosecutor** (Ügyészség) exercises rights specified by law in connection with investigations, conducts prosecutions in court, and is responsible for verifying the legality of penal measures.

The Office of the Public Prosecutor helps ensure that everybody complies with the law, and acts to uphold the law when it is violated in such cases and in the manner specified by law.
The Public Prosecution Service (Ügyészség) is a centralised organisation directed by the General Prosecutor (legfőbb ügyész), who is accountable to Parliament. Prosecutors are appointed and removed by the General Prosecutor.
Prosecutors are first appointed for three years and thereafter for an indeterminate period of time.
The regulations pertaining to the Office of the Public Prosecutor are determined by law.

Role and duties

The tasks, responsibilities and legal status of prosecutors are regulated by law. The prosecution service is a uniform body and all prosecutors have the same legal status.
The Prosecutor's Office (ügyészség):
Investigates in cases defined by the law on criminal proceedings;
Verifies that investigation are conducted in conformity with the relevant legal provisions;
Exercises other competences in connection with investigations;
Prepares and submits indictments and conducts prosecution in criminal proceedings, exercises rights of appeal defined by law;
Verifies that the execution of penalties is carried out in conformity with the relevant legal provisions;
Participates in other civil, employment, administrative and commercial proceedings: the prosecutor participates in proceedings regulated by the Code of Civil Procedure (polgári perrendtartás) if the rights-holder is not capable of defending his or her rights for any reason;
In the framework of the general review of legality (általános törvényességi felügyelet), ensures that the law is obeyed;
In the framework of the general review of legality (általános törvényességi felügyelet), ensures that the law is obeyed;
Initiates the necessary child protection measures in relation to crimes committed against minors;
Performs tasks arising out of international obligations; particularly legal assistance;
Performs tasks in relation to Eurojust - Contributes to ensuring that all social organisations, governmental bodies and citizens observe the law, and acts to uphold the rule of law where laws are violated.

Legal databases

You can find more information on the website of the Prosecution Service of the Republic of Hungary (Magyar Köztársaság Ügyészsége).

Judges

Organisation

The Constitution stipulates that judges are independent; they make decisions on the basis of the law and in harmony with their convictions, and they may not be influenced and directed in making their judgments.
The right to **appoint judges lies with the President of Hungary** (köztársasági elnök).
A person who wishes to be appointed as a judge must satisfy the following criteria:
Be a Hungarian citizen;
Have no criminal record;
Have the right to vote;
Hold a university law degree;
Pass the Hungarian Bar Exam (szakvizsgával rendelkezik) ;
Make the financial disclosure statement as specified by law; and
Have at least one year’s experience as a court clerk (bírósági titkár) or district attorney clerk (ügyészségi titkár), or as a constitutional court judge, military judge, prosecutor, notary public, attorney at law or legal counsel, or in a position at a central administrative agency (központi közigazgatási szerv) for which a bar examination is required..

Assises

According to constitutional rules **lay judges/assises** (nem hivatásos bíró/ülnök) may also participate in **judicial proceedings**.
Candidates must have no prior criminal record, the right to vote, be Hungarian citizens and be over the age of 30. In addition to these requirements military associate judges (katonai ülnök) must serve in the professional staff of the Hungarian armed forces (Magyar Honvédség) or the law enforcement agencies.
Assises are elected for **four year terms**.
In **criminal proceedings** local courts comprise **one professional judge** (hivatásos bíró) and **two associate judges** in circumstances where the criminal offence under consideration is punishable by a term of imprisonment of eight or more years. The county court (megyei bíróság) acting as a court of first instance may conduct its procedure by means of a panel (tanács) consisting of **one professional judge** and **two assises**.
In **civil proceedings** a panel consisting of **one professional judge** and **two associate judges** may sit in cases defined by law.

Court clerks, court assistants

Graduates of law schools are employed at courts in the position of court clerks or court assistants to gain knowledge and experience for a **future career as a judge**. They may act as judges only in procedures and under conditions defined by law.
Information sheets on judicial staff can be found under the following links:

office-holders (407 Kb) en
court clerks (382 Kb) en
court assistants (286 Kb) hu
physical workers (280 Kb) hu

Lawyers

Barristers/ Advocates (ügyvéd/ügyvéd)

In the course of practising their profession, **attorneys-at-law** (ügyvéd) help their clients to assert their rights and perform their obligations. Attorneys (ügyvéd) can provide **legal representation** in all cases and **before all authorities**. Attorneys are independent in the course of their professional work, which means that they may not be influenced and may not undertake such liabilities that would endanger this independence.
Activities subject to fees that may be performed only by attorneys include:
Representation and defence in criminal cases;
Legal consultation;
The preparation and editing of legal documents;
The handling of money and valuables on deposit in relation to the activities noted above.

Although these do not fall exclusively within the scope of attorneys' activities, due to the requirements of today's economic life, attorneys may also provide services such as **tax advice**, **real estate agency operations** and out-of-court **mediation** (peren kívüli közvetítés).
Attorneys' activities can be conducted by any person who has been admitted to the bar (kamara) and taken the lawyer's oath (ügyvédi eskü).
In order to obtain admission to the bar, a person must have:
Citizenship of a member state of the European Economic Area (Európai Gazdasági Térség);
No criminal record;
A university degree and Hungarian professional examination in law (jogi szakvizsga);
Liability insurance and a suitable office space.
Attorneys from the Member States of the European Union may conduct attorneys' activities in three basic forms in Hungary: as **providers of ad hoc services**, **on a regular basis** and as a **member admitted to the bar**. Providers of ad hoc services are obliged to notify their services to the bar association (ügyvédi kamara) having competence in the place in which the services are provided, while those wishing to provide regular attorney's services must register with the competent bar association.
European Union lawyers (európai közösségi ügyvéd) entered in the register can seek admission to the bar if they meet the requirements prescribed by law [e. g. the practice period prescribed by law has passed, they prove their competence in Hungarian law (as well as European Union law), they have adequate command of the Hungarian language to conduct their activities, etc.].
A European Union lawyer who has been admitted to the bar is entitled to use the professional title of attorney (ügyvédi cím) and is subject to the same rules as Hungarian attorneys.
Attorneys have a **confidentiality obligation** in relation to all facts and data provided to them in the course of carrying out their professional activities.
As a general rule, attorneys' **compensation** is subject to **free agreement** between attorneys and their clients. Attorneys' fees are only regulated if they act as public defenders (kirendelt védő) in court proceedings.
Legal databases
You can find more information on the website of the Hungarian Bar Association (Magyar Ügyvédi Kamara).
Solicitors (jogtanácsos)
The fundamental task of solicitors is to facilitate the operation of the organisation by which they are employed. Solicitors **conduct legal representation within the organisation employing them**, provide legal advice and information; prepare applications, contracts and other documents; and participate in organising legal work. As a general rule, solicitors – in contrast to attorneys – discharge their duties (which are not as extensive as those of attorneys) **as employees**.
Solicitors' compensation is based on the regulations concerning employment.
Any person entered in the **register maintained by** the **county court** – in Budapest (that is, the Metropolitan Court of Budapest) (Fővárosi Bíróság) – can become a solicitor. Applicants must:
Hold citizenship in one of the member states participating in the Agreement on the European Economic Area (az Európai Gazdasági Térségről szóló megállapodás);
Have no criminal record;
Hold a university degree;
Have passed the Hungarian professional examination in law; and
Be entered in the register.
In certain cases the **Minister for Justice** (az igazságügyért felelős miniszter) **can grant exemption from the citizenship condition**.
Notaries (közjegyző)
Acting within the powers defined by law, the **notary public** (közjegyző) performs official administration of justice as part of the State judicial system.
The **aim of their activities** is to prevent the development of legal disputes, and they are only entitled to work in this field if admitted to membership of the **Notaries' Association** (Közjegyzői Kamara). On the basis of law, notaries are **appointed by the Minister of Justice** to work at **given headquarters** and **for an indeterminate time**.
Notaries are obliged to obtain liability insurance and maintain it during the period in which they are conducting their professional activities.
Notaries' **exclusive range of activities** includes registering legal transactions, legal statements and facts in public instruments (közokirat). One of the notary's traditional tasks is to conduct probate and other non-litigious proceedings. Another important task performed by notaries is keeping records of chattel mortgages as well as handling deposits, in the framework of which they receive money, valuables and securities on the basis of the authorisation received from the parties involved with the purpose of delivering them to the party entitled.
For activities which may be deemed average in terms of duration, requirement for the exercise of legal judgement and responsibility conducted in their offices, notaries are entitled to the **amount of fee defined by law**. In exceptional cases (e.g. concerning difficult cases calling for a higher level of skill) the fee may differ from the usual amount. If the value represented by the subject of the notary's activity can be stated, the notary's fee is defined on the basis of this. If the value represented by the subject of the notary's activity cannot be stated, the notary's fee must be determined on the basis of the time devoted to the professional activity. The price of authenticating copies of documents by notaries is set.
As **Hungarian citizenship** is a fundamental requirement for judges, prosecutors, court clerks, bailiffs and notaries, foreign citizens may not be appointed to hold these offices in Hungary.
Legal databases
You can find more information on the website of the Hungarian National Chamber of Notaries (Magyar Országos Közjegyzői Kamara).
Other legal professions
Bailiffs
Enforcement measures are executed by **bailiffs** (independent court bailiffs (önálló bírósági végrehajtó) and county court bailiffs (megyei bírósági végrehajtó)).
As a general rule, **claims included in court decisions** (bírósági határozat) made in civil cases are executed by independent court bailiffs. Independent court bailiffs are **appointed by the Minister for Justice to join a given local court (helyi bíróság) in a given area of competence.**
Independent court bailiffs **are not employed by the State**; **their income is paid by clients** as consideration for their work.
Their range of activities is the following:
Execution is based on a certificate of enforcement (végrehajtási lap) issued by the court;
Execution is based on a document with a writ of execution (végrehajtási záradék) issued by the court;
Execution is based on a judicial order or restraint of enforcement, or order of transfer (végrehajtást elrendelő, letiltó, átutalási végzés), furthermore, a decree of direct judicial notice (közvetlen bírósági felhívás).
Regional court bailiffs are active at regional courts and the Budapest-Capital Regional Court (Fővárosi Törvényszék). A regional court bailiff shall be appointed by the president judge of the regional court for an indefinite period of time, to serve under a specific regional court. A tender for the office of a

regional court bailiff shall be announced by the president judge of the regional court. The regional court bailiff is the court office-holder employed by the regional court, receiving benefits based on this labour relation.
Regional court bailiffs shall execute 'judicial claims' (when the rightful owner of the claim is the state); judicial claims are the costs of civil or criminal proceedings prepaid by the state. The collection of the costs of a criminal procedure, the confiscation of property and other penalties which are of a pecuniary nature are the task of county court bailiffs. The child support advanced by the court is qualified as judicial claims and its execution is also under the purview of county court bailiffs. In addition, regional court bailiffs shall execute if the rightful owner of the claim is the court, the National Judicial Council, the National Judicial Office, the Ministry of Justice, an institute of judicial experts or the state.
Bailiffs' area of competence coincides with the area of competence of the court.

Legal databases

You can find more information on the website of the Hungarian Court Bailiffs' Chamber (Magyar Bírósági Végrehajtói Kamara).

Organisations which provide legal services pro bono

Legal clinics operate at universities and at several non-governmental Hungarian and international organisations active in the field.

Related links

Homepage of the Hungarian National Chamber of Notaries (A Magyar Országos Közjegyzői Kamara honlapja)
Homepage of the Hungarian Court Bailiffs Chamber (A Magyar Bírósági Végrehajtói Kamara honlapja)
Homepage of the Prosecution Service of the Republic of Hungary (A Magyar Köztársaság Ügyészségének honlapja)
Homepage of the Hungarian Bar Association (A Magyar Ügyvédi Kamara honlapja)

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Types of legal professions - Malta

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

Legal professions – introduction

The legal professions in Malta are those of lawyer, notary public and legal procurator.
Lawyers have rights of audience before all courts.
Notaries public are considered public officials, and they draft and publish public acts.
Legal procurators have the right of audience before the lower courts: in practice, most of their work consists of following up legal acts, both those related to court cases and those related to other claims in the court registry.
The legal profession in Malta is organised as a unitary system, and public prosecutors are appointed from amongst practising lawyers.

Prosecutors

Organisation

Under Article 91 of the Constitution, the **Attorney General** is vested with constitutional functions and the Office of the Attorney General is established as a government agency under the Attorney General Ordinance, Chapter 90 of the Laws of Malta and as a defence counsel of the Republic.
In accordance with the provisions of the Constitution of Malta, the Attorney General has security of tenure and exercises independent judgement in matters concerning criminal prosecutions, as well as carrying out the functions prescribed by the Criminal Code in relation to criminal prosecutions.
The Attorney General is assisted by the Deputy Attorney General and other legal officers.

Role and duties

The Attorney General is the **Main Prosecutor** before the Criminal Courts. In accordance with the Prosecution of Offences (Transitory Provisions) Regulations, 2020 (Legal Notice 378 of 2020), that entered into force on 1 October 2020, the Attorney General has been vested with the power to decide whether a prosecution is to be instituted before the Court of Magistrates as a court of inquiry for a category of serious crimes including:
acts of terrorism, funding of terrorism and ancillary offences under Sub-title IV A of Title IX of Part II of Book First of the Criminal Code;
unlawful exaction, extortion, bribery, embracery and corruption, trading in influence, and accounting offences under Sub-title IV of Title III of Part II of Book First of the Criminal Code;
crimes of money laundering under Article 3 of the Prevention of Money Laundering Act, except where such crimes are prosecuted together with crimes against the Dangerous Drugs Ordinance or the Medical and Kindred Professions Ordinance;
cases of fraud and misappropriation where the financial loss caused is of at least fifty thousand euro (€50 000);
attempts or conspiracy to commit or be complicit in the abovementioned offences.
In the exercise of their powers to initiate, conduct or terminate criminal proceedings granted to them by any law that authorises the exercise of such powers, the Attorney General is not subject to the direction or control of any person or any other authority, except where a given law may provide for:
judicial review of a decision that no prosecution is to be conducted or any other decision on the basis of an illegality or unreasonableness; or
judicial review, on the basis of criteria established by law of a decision, taken by the Attorney General that the prosecution is to be conducted in a superior court of criminal jurisdiction where the applicable punishment is more severe to that which would have been applicable had the same offence been tried before an inferior court of criminal jurisdiction.

State Advocate

Organisation

The office of the State Advocate was established on 18 December 2019 as a separate legal entity, and performs certain functions and duties that formerly fell under that responsibility of the Office of the Attorney General. In accordance with Article 91A of the Constitution, the State Advocate has constitutional functions. The Office of the State Advocate is established as a government agency in accordance with the State Advocate Act, Chapter 603 of the Laws of Malta.
In accordance with the Constitution of Malta, the State Advocate has the same security of tenure in his position as the Attorney General and, in the exercise of their functions, the State Advocate must act in accordance with their own individual judgement and must not be subject to the direction or to the control of any other person or authority.
The State Advocate is assisted by a Deputy State Advocate and other legal officials.

Role and duties

The State Advocate is the Chief Legal Advisor to the Government, while the legal officials of the Office of State Advocate represent Government before the civil and constitutional courts.
The Office of the State Advocate **represents the Republic of Malta** before international courts, including the Court of Justice of the European Union and the European Court of Human Rights, and their officials represent Government in international meetings on legal and judicial cooperation.
Additionally, the Office assists in the **drafting of legislation** and in the ratification of legislation by Parliament.

Judges

Organisation

Judges and magistrates are appointed by the President of the Republic upon the recommendation of the Judicial Appointments Committee established by virtue of Article 96A of the Constitution. The Chief Justice is appointed by the President of the Republic by virtue of a resolution of the House of Representatives supported by a vote of not less than two-thirds of its members.
All judges and magistrates are independent from the executive and enjoy security of tenure. A person must have practised as an lawyer in Malta for a period of not less than seven years to qualify for appointment as a magistrate, and twelve years for appointment as a judge. Disciplinary measures concerning the judiciary, that may not lead to the removal from office of a member of the judiciary, is a prerogative of the Commission for the Administration of Justice. Decisions relating to the above may be appealed before the Constitutional Court. In the exercise of its functions, the Commission is vested with all the powers of the courts of civil jurisdiction. Where the Commission finds that the conduct under investigation may lead to the removal of an adjudicator, it should proceed by advising the President of the Republic to remove the adjudicator from office on the basis of proven misconduct or proven incapacity to perform the functions of their office. The adjudicator may appeal against this recommendation before the Constitutional Court.

Organisation of the legal profession: Lawyers

Barristers/Lawyers

Role and duties

Lawyers are professionals authorised to provide **legal advice and opinions** as well as to **represent** their clients before courts, tribunals or other legal forums.
To be able to practise as a lawyer in Malta, individuals must be in possession of a warrant issued by the President of the Republic and under the Public Seal of Malta. Those holding such a warrant must, before beginning to practise, take an oath of allegiance and an oath of office before the Court of Appeal in a public sitting.

Organisation

The **Malta Chamber of Advocates** represents advocates admitted to the Bar of Malta. It is a voluntary, non-political, non-governmental organisation funded by the fees payable by members and from funds raised from the activities it organises, and is legally recognised as the consultative and participatory organ of advocates in matters relating to the organisation and administration of justice.
There is only one type of lawyer in Malta, and **the terms 'lawyer' and 'advocate' are used interchangeably**. The profession is regulated by the **Commission for the Administration of Justice**, which is composed of the President of Malta, the Chief Justice, two judges, two magistrates, the President of the Chamber of Advocates, and two legal professionals. All complaints against lawyers are handled by a committee of five lawyers which then makes recommendations to the Commission for the Administration of Justice on the disciplinary action to be taken. Three of the five lawyers are appointed by the Chamber of Advocates, thus giving the Chamber effective powers of regulation over the profession.
The Chamber of Advocates maintains an informative website dedicated to the profession, which also includes a **directory**. The directory is divided in two parts: the part accessible to the general public that contains details of all lawyers who are members of the Chamber of Advocates, while the private members' part contains details of all lawyers known to the Chamber of Advocates.
Over the past years the Chamber has organised a number of academic conferences and seminars, as well as a series of monthly lectures in a drive to promote a culture of continuous legal development of all lawyers.

Legal databases

The Government website lawyersregister.gov.mt provides an official list of lawyers giving the name and other details of warranted lawyers who gave their consent for the publication of their professional details in this registry. The registry is accessible to the public.

Notaries

Role and duties

Notaries are public officers warranted to receive acts done by any person during his/her lifetime and wills, and to attribute public faith thereto. As a result of such obligation and duty, they are also responsible for the custody of these same documents and may issue copies of these documents. Chapter 55 of the Laws of Malta (Notarial Profession and Notarial Archives Act) delineates what other powers and functions a notary has.
Notaries take an oath of allegiance and an oath of office before the Court of Appeal prior to commencing the practice of this profession.
The supervision over all Notaries, Notarial archives and the Public Registry is exercised by a special court called the **Court of Revision of Notarial Acts**. This Court is composed of members appointed by the Minister responsible for notarial matters from amongst retired judges and magistrates and from among advocates and notaries public.
The Court may, whenever it considers it to be expedient and without giving notice, visit and inspect the Archives, the Public Registry or the office of any notary.
In January each year, the **Malta Government Gazette** publishes the details of all notaries practising in Malta.

Organisation

The Notarial Council is the general body overseeing the notarial profession, and is entitled, either on its own initiative or following the receipt of a complaint, to investigate the conduct of any notary considered to be acting in a manner that is at variance with the decorum of the notarial profession. The Council may also deal with any accusation of negligence or abuse made against any notary in the course of his or her professional conduct or in connection with professional matters, unless the power to do so is vested in some other authority as set out in Articles 85 and 94 of Chapter 55: Notarial Profession and Notarial Archives Act of the Laws of Malta, or in any other law.

Legal databases

The official website of the Notarial Council (Malta) includes information about the **Notarial Council**, general information which is useful both for the public and for notaries, and a directory containing details of Notaries Public practicing in Malta. The database is accessible to the general public and is free of charge.

Other legal professions

Legal procurators

To be able to practise as a legal procurator in Malta, individuals must be in possession of a warrant issued by the President of the Republic and under the Public Seal of Malta. Those holding such a warrant must, before beginning to practise, take an oath of allegiance and an oath of office before the Court of Appeal in a public sitting.

The principal duty of the legal procurator is to assist the lawyer by whom he or she is retained in relation to court proceedings. They are thus involved in filing written pleadings to court registries on behalf of clients and generally performing other services in connection with the preparation of lawsuits by lawyers. Legal procurators have rights of audience before the magistrate courts and special tribunals and boards. They may also give advice.

The **Commission for the Administration of Justice** is the entity responsible for the regulation of this profession in Malta.

Court Services Agency

The Court Services Agency is responsible for the administration of the Law Courts of Malta. The Agency is responsible for the registries and the officers attached to them, the filing and service of judicial acts, the execution of executive titles, such as judgments and warrants via Court-appointed marshals and other officials, sales by auction, trials by jury and other criminal court procedures.

Deputy Registrar (489 Kb) mt

Judicial Assistant (382 Kb) mt

Registry Clerk (390 Kb) mt

Related links

Malta Chamber of Advocates

Official website of the Notarial Council (Malta)

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Types of legal professions - Netherlands

This page provides an overview of legal professions in the Netherlands.

Prosecutors

Organisation

The Public Prosecution Service (*Openbaar Ministerie*, or OM) is a national organisation with offices in all regions of the Netherlands. There is also a national public prosecutor's office that focuses on combating (international) organised crime, and a functional public prosecutor's office to combat environmental and financial crime and fraud.

There are 10 district prosecutor's offices, where public prosecutors, assisted by administrative and legal experts, handle several hundred thousand cases a year. If an appeal is lodged, the case will be referred to one of the four regional prosecutor's offices. The OM's representative at these offices is called the advocate-general (*Advocaat-Generaal*). Chief public prosecutors and chief advocates-general are in charge of these offices. At national level, the OM is governed by the Board of Prosecutors General (*College van Procureurs-generaal*) in The Hague. Political responsibility for the OM lies with the Minister for Justice. Together with the Board of Prosecutors General, the Minister decides on priorities for investigation and prosecution.

Role and duties

Anyone who is suspected of committing a criminal offence will have to deal with the OM. The OM is the only body in the Netherlands that can bring suspects to trial. It ensures that criminal offences are investigated and prosecutions brought.

To this end, it works in collaboration with the police and other investigation services. The public prosecutor is in charge of investigations. The OM also oversees the proper enforcement of court rulings: fines must be paid, prison sentences served, and community service carried out. The OM and the judges are part of the judiciary. Although its Dutch name literally means 'public ministry', the OM is therefore not a ministry in the usual sense of the term.

Judges

Organisation

Anyone wishing to become a judge must have several years of professional experience. More information about the requirements is available here.

Professional experience can be acquired through an internal training course with the judiciary or elsewhere in the justice system. The judiciary provides the necessary training.

Judges are appointed by the Crown, under the aegis of the Minister for Justice and Security. Only Dutch nationals can be appointed to the office of judge. Candidates must hold a law degree from a Dutch university.

Individuals can be nominated for appointment to the judiciary only on recommendation by a national selection committee, made up of members from the various courts, the Public Prosecution Service and individuals active in society.

A judge is appointed to administer justice at a specific court. Such an appointment can take place only if the court in question nominates the prospective judge. These conditions are designed to make the appointment system as objective as possible.

Judges are government officials with a special status. After being appointed, they cannot accept an appointment elsewhere. Judges can remain in office until the age of 70. Before that, they can be removed from office against their will only by the country's highest court, the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*), at the instigation of the prosecutor general (*procureur-general*) of this court.

Role and duties

The task of the judge is to give an unbiased decision in legal disputes – including cases to which the government is party. To guarantee impartiality in respect of the government, a special selection and appointment system is used. This is why the legal status of judges differs from that of other government officials. The Dutch Constitution requires judges to rule on disputes and contains provisions governing the legal status of members of the judiciary.

Guided by the prevailing legislation, judges may hear cases at their discretion. They also determine, to a large extent, the practical progress of proceedings (for instance, the length of certain parts of the proceedings).

There are several statutory provisions governing the behaviour of judges. Their purpose is to guarantee that judges do their work impartially. If a party to a proceeding has doubts about the impartiality of the judge, the law provides that party with an opportunity to object to the judge hearing the case. Sometimes, one party to a lawsuit is dissatisfied with the work of the judge. Here, a distinction is made between the decision handed down by the court and the behaviour of the judge.

If the dissatisfaction relates to the judgment, the party complaining usually has the option of lodging an appeal.

Complaints about the behaviour of a judge may be filed with the board of the court where the judge in question holds office. Every court has a complaints procedure that sets out the rules on dealing with complaints.

Judges must gain expertise in at least two fields. They usually hear one case in a certain area of law, then switch to another. This system is designed to prevent judges from overly focusing for too long on one area of expertise.
Judges work in district courts (*rechtbanken*). These comprise at least four sectors: one for civil law, one for criminal law, one for administrative law and one for sub-district court matters. Judges working in the latter sector are called *kantonrechters*, while in the other sectors they are known as *rechters*. The judges working in the courts of appeal (*gerechtshoven*) and the Supreme Court are called *raadsheren*.
The composition of the courts when hearing cases is explained below.
Judges in the sub-district court sector hear cases on their own.
District court judges usually hear cases on their own, but some cases must be heard by a panel of three judges.
A panel of three judges hears cases in the courts of appeal, except where such a case can be heard by one judge. The rules governing this are set down in the Judiciary (Organisation) Act (*Wet op de rechterlijke organisatie*).
Five judges hear each case before the Supreme Court.
The Council for the Judiciary (*Raad voor de rechtspraak*) is responsible for regulation of the profession.

Legal database

For more information, see the general website on the Dutch judiciary, which is accessible to the general public.

Organisation of legal professions

Lawyers

The Netherlands Bar (*Nederlandse Orde van Advocaten*) is the public-law professional body for all lawyers in the Netherlands. The statutorily regulated core activity of the Netherlands Bar is to oversee the quality of services provided by lawyers. Among other things, the quality of lawyers' services is ensured by:
a comprehensive training programme for lawyers;
the production of by-laws and other binding rules for lawyers;
disciplinary proceedings;
information and services for members; and
advice to the Dutch government about policy plans and draft legislation.
Under the Lawyers Act (*Advocatenwet*) all lawyers must become members of the Netherlands Bar. There are currently over 18 000 registered lawyers.

Legal advisers

There is no centralised body regulating this profession.

Notaries

Organisation

The Royal Dutch Association of Civil-law Notaries (*Koninklijke Notariële Beroepsorganisatie*) defends the interests of notaries in the Netherlands and ensures that they can do their work properly.

Role and duties

The law requires a notarial instrument for a number of agreements and legal transactions. The most important of these are:
conveying real property in the Netherlands;
creating or cancelling mortgages;
incorporating public or private limited liability companies (NVs and BVs) or altering their articles of association;
establishing foundations or associations (including cooperatives) or altering their constitution;
drawing up, altering and executing wills;
drawing up or altering marriage contracts and registered domestic partnership agreements;
transferring registered shares; and
providing for gifts and donations in a notarial instrument.
For practical reasons, a notary often also performs other types of legal transactions and may draft other kinds of agreement. These include, for example, partnership agreements (commercial, civil and limited partnerships), agreements between cohabitees and provisions to protect private limited liability companies from third parties.

Other legal professions

The Royal Professional Organisation of Judicial Officers in the Netherlands (*Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders*, KBvG) is governed by the Judicial Officers Act (*Gerechtsdeurwaarderswet*). The Act gives the KBvG – which all judicial officers in the Netherlands are required to join – the task of fostering good practice within the profession.
Dutch judicial officers are responsible for receiving and sending documents in accordance with Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. Documents to be served in the Netherlands must be sent directly to a judicial officer. Requests for this service must be submitted in Dutch or in English. Requests cannot be sent to the Dutch central body, the Royal Professional Organisation of Judicial Officers in the Netherlands. Its assistance can be requested only in the exceptional circumstances defined in Article 3(c) of the aforementioned EU Regulation.

Pro bono legal services

For primary legal advice, you can ask for help at one of the Legal Help Desks (*Het Juridisch Loket*). Here you can request information, advice and clarification on legal matters. The Legal Help Desks are the first port of call in the provision of legal aid.
If necessary, you will be referred to a private lawyer or mediator, who acts as the secondary line of legal aid.
All information services at the help desks are provided free of charge, on the spot or as part of a consultation. You can contact these help desks about problems concerning civil, administrative, criminal and immigration law.
A total of 44 Legal Help Desks have been established. They are distributed evenly throughout the Netherlands so that every Dutch citizen is within easy reach of legal services.
For more information, see the website of the Legal Help Desks.

Related links

Public Prosecution Service
Dutch judiciary and the Supreme Court of the Netherlands
Netherlands Bar
Royal Dutch Association of Civil-law Notaries
Royal Professional Organisation of Judicial Officers in the Netherlands

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Types of legal professions - Austria

This page gives an overview of legal professions in Austria.

Legal professions – Introduction

Currently (as at 2023) around **1 850 professional judges** are employed in the area of 'ordinary courts', i.e. civil, criminal, labour and social law cases **(figure representing active full-time equivalents, including at the Supreme Court). Some 700 judicial practitioners are responsible for a substantial part of the judiciary. There are also around 600 professional judges in the administrative courts.**

In addition, **lay persons** are assigned to specific cases and work on a voluntary basis. These include lay judges or jury members in criminal cases and associate judges with special expertise working on commercial, labour and social law cases as well as certain administrative proceedings.

There are around **480 prosecutors (as at 2023, figure representing active full-time equivalent positions, including at the Procurator General's Office but excluding the central authority).**

3 799 people are employed in the **prison system (figure as at 1 September 2019, representing active full-time equivalent positions, including members of the Prisons Directorate); this figure includes a total of 3 214 prison wardens** (including those in the training service).

1. Judges

Training and appointment of judges

At least 4 years' legal experience and successful completion of the judicial office examination following the completion of law studies are the requirement for appointment as a judge in the **ordinary courts**.

Part of the professional experience is a traineeship in the court of at least 7 months (court practice, formerly called 'court year') to which female graduates are entitled and which is also a prerequisite for all those wishing to become a lawyer or notary. The remaining mandatory professional practice is usually acquired through special judicial preparation as a trainee judge in the course of judicial training, but this may also be acquired in another legal activity, for example as a trainee lawyer.

Around 100 trainee lawyers are admitted to preparatory training every year. Judicial preparation service (including the court traineeship) lasts 4 years in principle and is carried out at district courts, regional courts, public prosecutors' offices, prisons, centres for victim protection or assistance, or at the offices of a lawyer, notary, or the Financial Prosecutor's Office. Part of this training can also be completed at the Higher Regional Court, the Supreme Court, the Federal Ministry of Justice, the Prisons Directorate, probation service centres, associations of legal trustees or youth welfare offices, the office of the commissioner for legal protection, or in the financial sector (for example, in suitable undertakings). Judicial preparation service concludes with the judicial office examination. For people changing their career path after acquiring professional experience in other legal professions, the training period is reduced accordingly. A person who has already passed a lawyer or notary examination must sit only a supplementary examination and not the judicial office examination.

Following successful completion of the judicial office examination, a vacant position as a judge or public prosecutor must be applied for.

There is no judicial preparation service in the **administrative courts**; however, administrative judges must have at least 5 years' prior professional experience (e.g. in service with an administrative authority) and do not sit an examination.

Ordinary court judges can switch to the administrative courts. Administrative court judges, too, can be appointed as ordinary court judges after 5 years of service in the administrative courts.

Appointments to the position of judge or public prosecutor are usually made by the Federal Minister for Justice. The right to make appointments is reserved for the Federal President only for certain functions. By contrast, Regional Administrative Court judges are appointed by the respective provincial government. Only Austrian citizens may be appointed as judges or public prosecutors.

Judges' status

Judges appointed to **federal ordinary and administrative courts** are federal civil servants. Apart from the Federal Constitutional Act (*Bundes-Verfassungsgesetz (B-VG)*), the main legal source for the training and professional status of judges is the **Judge and Public Prosecution Service Act (*Richter- und Staatsanwaltschaftsdienstgesetz (RStDG)*)**. The Act lays down many provisions (including, for example, disciplinary law and service descriptions) for both judges and public prosecutors.

Judges appointed to **Regional Administrative Courts (*Landesverwaltungsgerichte*)** are civil servants of the respective province. Their professional status is regulated in the Federal Constitutional Act and in specific provincial legislation.

All professional judges are appointed for an unlimited period of time and retire at the end of the month in which they reach the age of 65.

According to Articles 87 and 88 of the Federal Constitutional Act, judges act as independent agents of the state in interpreting the law and adjudicating cases. This independence is expressed in the judges' freedom from instruction (material independence) and in the fact that they cannot be removed or transferred to another position (personal independence). Judges are bound only by the law and decide on the basis of their own legal convictions. Likewise, they are not bound by earlier decisions of other courts on similar legal issues (precedents).

Apart from when they retire after reaching the statutory age limit, judges can be removed from office or transferred to another position or retired against their will only in the circumstances and in the manner provided for by law and on the basis of a formal judicial decision (Article 88 of the Federal Constitutional Act).

Judges enjoy a special constitutional status only in the exercise of their judicial functions (when undertaking all judicial activities assigned by law and the allocation of cases), not in the area of the administration of courts, which is also carried out by judges. An exception applies to judicial administrative cases to be dealt with in chambers or commissions (e.g. allocation of cases, proposals for appointments). Otherwise, they are bound by instructions from their superiors. The fixed allocation of judicial business ensures that the legal right to a judge, established by the constitution, is upheld.

Role and duties

Judges are responsible for **adjudicating civil and criminal law cases**. In administrative and constitutional law matters, they act as a **check on the administration** and as **guardian of the constitution**.

Responsibility before the law

Disciplinary Court: judges who culpably contravene their professional and ethical obligations are answerable to the disciplinary court. For ordinary court judges, the disciplinary court is established at the Higher Regional Court or the Supreme Court and consists solely of judges. The disciplinary court is also competent in matters of misconduct by public prosecutors. The same disciplinary regulations, with a few exceptions, apply to judges of federal administrative courts. In contrast, disciplinary rules for Regional Administrative Court judges are laid down in the relevant provincial legislation.

Criminal Court: judges (and public prosecutors) who, in culpable breach of their professional obligations, also commit a criminal offence are answerable to the criminal court (for example, in the event of abuse of official power).
Civil Court: parties who have suffered a loss as a result of unlawful and culpable conduct by a judge (or a public prosecutor) can enforce a claim for the loss against the State. The State can have recourse against the judge (or the public prosecutor) in cases of intentional acts or gross negligence.

2. Public prosecutors

Organisational structure

In general, the hierarchical organisation of the public prosecutor's office corresponds to the courts' organisation.
There is a public prosecutor's office at each of the 16 first-instance courts with jurisdiction over criminal cases. In addition, there is the Public Prosecutor's Office for Combating Economic Crime and Corruption (*Wirtschafts- und Korruptionsstaatsanwaltschaft*) with competence throughout Austria. There is a senior public prosecutor's office at each higher regional court, and a Procurator General's Office at the Supreme Court. The senior public prosecutors' offices and the Procurator General's Office are directly subordinate to the Federal Minister for Justice.

Training and appointment of public prosecutors

Public prosecutor training corresponds to that of professional ordinary court judges.
Only those who also fulfil the requirements for appointment to the position of judge can be appointed as a public prosecutor.
Vacant permanent positions for public prosecutors, like permanent positions for judges, must be advertised publicly to be filled. The Federal President has the right to appoint public prosecutors but, as in the case of judges, the President will have delegated the right of appointment to the Federal Minister for Justice for most permanent public prosecutor positions.

Public prosecutors' status

Public prosecutors' offices are separate, but **not independent**, judicial authorities. They have a hierarchical structure and are bound by the instructions of the senior public prosecutor's office and ultimately of the Federal Minister for Justice.
There are **precise statutory rules governing the right to issue instructions**. Instructions from a senior public prosecutor's office or from the Federal Minister for Justice may be issued only in written form and must be accompanied by a statement of reasons. Moreover, instructions received have to be recorded in the criminal case file. Before issuing an instruction, the Federal Minister must consult the advisory council on instructions (*Weisungsrat*). The Federal Minister for Justice bears ministerial responsibility and is accountable – and obliged to provide information – to the Parliament.
Staff members of the individual public prosecutors' offices must comply with instructions given by the office director. However, if they consider an instruction to be contrary to the law, they may demand a written instruction and may even arrange to be released from handling the criminal case in question.

Role and duties

Public prosecutors' offices are special **bodies separate from the courts**. Their role is to **safeguard the public interest in the administration of criminal justice**. This includes being in charge of criminal **investigation proceedings**. They are also responsible for filing and presenting the indictment in criminal proceedings. They are therefore also called **indictment agencies**.
Public prosecutors are responsible for **filing and presenting indictments**, both before the Regional Court and before the district courts of the respective Regional Court district. As a rule, **district prosecutors** will present the indictment before the district courts. These are officials with special expertise, but they are not required to have an academic degree.
A special position is occupied by the Public Prosecutor's Office for Combating Economic Crime and Corruption, whose country-wide jurisdiction primarily extends to the fields of malfeasance by civil servants and economic crimes involving amounts in excess of EUR 5 000 000. Also falling within its competence are financial crimes involving amounts of more than EUR 5 000 000, aggravated cases of social fraud, aggravated fraudulent bankruptcy offences (*kridaträchtiges Verhalten*), and, inter alia, offences under the Law on Public Limited Companies or the Law on Private Limited Companies committed at correspondingly large undertakings (with a share capital of at least EUR 5 000 000 or more than 2 000 employees).
Senior public prosecutors' offices are hierarchically superior to public prosecutors' offices and are established at the Higher Regional Courts in Vienna, Graz, Linz and Innsbruck. In addition to **presenting indictments before the Higher Regional Court**, they are also responsible for **supervising all public prosecutors' offices in their district** and are directly subordinate to the Federal Minister for Justice.
The **Procurator General's Office**, established at the Supreme Court, in turn occupies a special position. This **reports directly to the Federal Minister for Justice** and does not itself have the right to issue instructions to public prosecutors' offices and senior public prosecutors' offices. Nor does it present indictments; rather, it is charged with **supporting the Supreme Court**. It is authorised primarily to lodge appeals for nullity to ensure that the law is upheld in criminal matters in which the parties have no (further) possibility of appeal. The Procurator General's Office thus performs an important function in that it preserves the **unity of the law** and ensures **legal certainty** in criminal law matters.

Responsibility before the law

The disciplinary, criminal and civil responsibility of public prosecutors is regulated in the same way as that of ordinary court judges.

3. Registrars

Organisational structure

In Austria, registrars (*Diplomrechtspfleger*innen*) are an essential pillar of the judicial system. Today, more than 80% of all first-instance court decisions in civil cases are taken by more than 700 registrars.

Registrar training

Only persons who have passed the school leaving examination or gained a professional qualification are admitted to training as a registrar. The training takes 3 years and comprises court work including the preparation of dispositions in the relevant work area, participation in a general and work-area-specific training course, and passing the relevant examinations. After passing the registrar's examination, provided that the other requirements listed in Section 3 of the Registrars Act (*Rechtspflegergesetz*) have been met, the candidate registrar receives a diploma from the Federal Minister for Justice. The diploma must specify the work area. Upon receiving this diploma, the candidate registrar is authorised to carry out judicial business coming within their work area within the federal territory, and can therefore work as a registrar.
The presiding judge of the Higher Regional Court must subsequently determine the court at which the relevant court official is to be employed as a registrar and, if applicable, for what period. Within the court determined by the presiding judge, the registrar is allocated by the management body (the president or head of the court) to a court department managed by a judge or, if applicable, to a number of court departments.

Registrars' status

Registrars are specially trained court officials to whom the handling of specifically circumscribed business in civil matters at first instance may be transferred on the basis of Article 87a of the Austrian Federal Constitutional Act and the Registrars Act. In this function they are bound only by the instructions of the judges responsible for the case according to the allocation of court business. Judges may at any time reserve the handling of the case for themselves or seize it themselves. Decisions taken by registrars may be contested, just like judges' decisions.
In practice, registrars mostly work independently. Instructions from the judge are not usual and are issued extremely rarely.

Role and duties

Registrars are appointed in the following work areas:
civil procedure, enforcement and insolvency matters (debt settlement proceedings);
non-contentious matters;
land register and ship register matters;
companies register matters.
Each of these work areas requires special training and special appointment as a registrar in respect of the relevant work area.

Division of responsibilities between judges and registrars

A registrar's sphere of activity does not include all work and decisions in the above-mentioned work areas. The business that comes within the registrar's sphere of activity is specifically set out in the Registrars Act, and the extent of the sphere of activity varies from one work area to another.
The Registrars Act lays down spheres of activity for the individual work areas which assign specific responsibilities to registrars (for example, the sphere of activity in insolvency cases comprises bankruptcy cases before the district courts). Of course, certain responsibilities are reserved for judges.
In addition, each sphere of activity comprises, among other things, carrying out 'order for payment' procedures, confirming the legal effect and enforceability of court rulings in the given work area, decisions on applications for legal aid in registrar proceedings, and performing official functions on the basis of a request for judicial assistance by a domestic court or a domestic authority.

4. Lawyers

General

Lawyers are qualified and authorised to represent parties in all court and out-of-court proceedings in all public and private matters before all courts and public authorities of Austria.
No official appointment is required for those wishing to practise as a lawyer in Austria; however, professional practice is conditional upon the requirements set out below.
The main legal bases are the Lawyers' Code (*Rechtsanwaltsordnung (RAO)*), Imperial Law Gazette (RGBl.) No 96/1896; the Disciplinary Statute for lawyers and trainee lawyers (*Disziplinarstatut für Rechtsanwälte und Rechtsanwaltsanwärter (DSt)*), Federal Law Gazette (BGBl.) No 474/1990; the Federal Law on the Tariff of Lawyers (*Bundesgesetz über den Rechtsanwaltstarif (RATG)*), BGBl. No 189/1969; the Law on the examination of lawyers (*Rechtsanwaltsprüfungsgesetz (RAPG)*), BGBl. No 556/1985; and the Federal Act on the freedom to provide services and the establishment of European lawyers and the provision of legal services by internationally active lawyers in Austria (*Bundesgesetz über den freien Dienstleistungsverkehr und die Niederlassung von europäischen Rechtsanwältinnen und Rechtsanwälten sowie die Erbringung von Rechtsdienstleistungen durch international tätige Rechtsanwältinnen und Rechtsanwälte in Österreich (EIRAG)*), BGBl. I No 27/2000.

Requirements for professional practice

Those wishing to exercise the profession of lawyer must first have studied Austrian law and then prove that they have spent a total of at least 5 years engaged in professional legal work, of which at least 7 months must be spent working at a court or a public prosecutor's office and 3 years at the office of an Austrian lawyer as a candidate lawyer.
The **lawyers' examination**, which candidates must pass to be able to practise, can be taken after practical employment of 3 years, of which at least 7 months must be spent working at a court and at least 2 years at the office of a lawyer. In order to sit the examination, candidates must also take part in the mandatory training courses prescribed for candidate lawyers by the bar association.
Those who meet the requirements can be entered in the list of lawyers of the bar association in whose judicial district their practice is to be located.
Under certain circumstances, foreign lawyers who are citizens of a European Union Member State, another State party to the Agreement on the European Economic Area, or Switzerland, may also:
carry out activities as a lawyer on a temporary basis in Austria;
apply to be entered in the list of lawyers of the responsible bar association (after sitting an aptitude examination); or
set up a practice in Austria immediately without any prior aptitude examination under the professional title used in the country of origin and become fully integrated into the Austrian legal profession after 3 years' effective and regular professional practice in Austria.
Under certain circumstances, a member of a bar association of a GATS Member State can also carry out certain precisely delimited lawyer activities on a temporary basis in Austria.

Responsibility before the law

Lawyers who breach professional obligations or bring the profession into disrepute are answerable to a disciplinary council selected by the local bar association. The penalties that may be imposed by the disciplinary council extend to the striking of the person concerned off the list of lawyers. Decisions at second instance are made by the Supreme Court in four-person divisions consisting of two judges from the Supreme Court and two lawyers.
Additionally, lawyers are, of course, also subject to criminal and civil liability.

Bar Association, Austrian National Bar Association

All lawyers in a given province who are entered in that province's list form a bar association (*Rechtsanwaltskammer*). Bar associations are bodies governed by public law and autonomous self-governing bodies.
At federal level, the interests of Austrian lawyers in general are represented by the Austrian National Bar Association (*Österreichischer Rechtsanwaltskammertag*). This is composed of Austria's nine bar associations, and its Representatives' Meeting is formed of delegates from the bar associations (http://www.rechtsanwaelte.at/).

5. Notaries

General

Notaries, as an independent and impartial institution of preventive justice, are available to the law-seeking public for the purposes of regulating their private legal relationships.
Their main duty is to participate in legal processes and to provide legal assistance to the public. Notaries draw up public deeds, hold third-party property in trust, draw up private deeds and represent parties, especially in non-contentious matters. Notaries are also responsible for work as agents of the court in non-contentious proceedings. In particular, they are consulted as 'court commissioners' to conduct probate proceedings.
Notaries ensure that a deceased person's assets are secured and passed to the persons entitled to receive them. This work requires special knowledge of inheritance law and of non-contentious proceedings, which also means that notaries are constantly consulted by the public to assist in drafting wills and in general to give advice and provide representation in inheritance matters.
Notaries hold a public office but are not civil servants. They bear the commercial risk of running the office of the practice but do not run a business. They are similar to persons practising a liberal profession, but as court commissioners they are judicial officers. Work as a notary is a main occupation and cannot be combined with work as a lawyer.

Changes in the number of notarial positions and in the locations of their offices are made by regulation of the Federal Minister for Justice. There are currently 536 notarial positions in Austria (as at April 2023).
The fundamental legal bases for this activity are contained in the Notaries Code (*Notariatsordnung (NO)*), RGBl. No 75/1871; the Notarial Deeds Act (*Notariatsaktsgesetz*), RGBl. No 76/1871; the Notary Tariff Act (*Notariatstarifgesetz (NTG)*), BGBl. No 576/1973; the Notarial Examination Act (*Notariatsprüfungsgesetz (NPG)*), BGBl. No 522/1987; the Court Commissioners Act (*Gerichtskommissärsgesetz (GKG)*), BGBl. No 343/1970; and the Court Commissioner Tariff Act (*Gerichtskommissionstarifgesetz (GKTG)*), BGBl. No 108/1971.

Training

Those who have completed their law studies (in Austrian law) and are interested in the profession of notary must look for a notary who will accept them as an employee and have their name entered in the list of candidate notaries.
Entry in the list of candidate notaries maintained by the responsible chamber of notaries is permissible only if the relevant person has had 7 months' court practice as a legal practitioner at a court or in a public prosecutor's office and has not yet reached the age of 35 when first entered in the list of candidates.
In order to be admitted to the notarial examination, the candidate notary must attend the mandatory training events prescribed by the chamber of notaries.
The notarial examination must be sat in two parts:
The candidate notary can sit the first part of the examination after 18 months' candidacy, but no later than at the end of the 5th year of candidacy; otherwise, their name is removed from the list of candidate notaries.
The second part can be sat following further practical employment of at least 1 year as a candidate notary. The second part of the notarial examination must be passed at the latest before the end of 10 years of candidacy; otherwise, the candidate's name is removed from the list of candidate notaries.

Appointment

Notarial positions that have become vacant or that have been newly created must be advertised publicly before they are filled. The law (Section 6 of the Notaries Code) requires, inter alia, that applicants for a notarial position:
be citizens of an EU or EEA Member State or of Switzerland;
have successfully completed studies in Austrian law;
have passed the notarial examination; and
be able to prove 7 years of employment in the legal profession, including at least 3 years as a candidate notary after sitting the notarial examination.
These basic requirements do not, however, give the right to be appointed as a notary. In the recruitment procedure, the applicants are assessed and ranked by the chamber of notaries with territorial jurisdiction, and subsequently by the staff panels of the responsible regional court and of the higher regional court, the length of practical employment being of decisive importance. The chamber of notaries and the two staff panels each submit a shortlist of three applicants to the Federal Minister for Justice. Though not bound by these, in practice the Minister appoints only shortlisted applicants.
A notary may practise until 31 January of the calendar year following their 70th birthday. An official transfer of a notary to a different notarial position is not permissible.

Supervision of notaries; responsibility before the law

Because of their duties in drawing up public deeds and as court commissioners, notaries are subject to particular supervision. The supervision of notaries is the responsibility of the Federal Minister for Justice, the judicial administration and, directly, the chambers of notaries.
Notaries are subject to a special disciplinary law. Disciplinary offences are punished at first instance by the Higher Regional Court as the disciplinary court for notaries, and at second instance by the Supreme Court as the disciplinary court for notaries. The divisions that hear cases must also each have notaries as members. The list of penalties that can be imposed by the disciplinary court extends to removal from office. Penalties for mere administrative offences are imposed by the chamber of notaries.
In addition to their disciplinary liability, notaries are, of course, also liable under criminal and civil law.
Where notaries act as court commissioners, they are deemed to be civil servants for criminal law purposes and are therefore liable for malpractice, which includes in particular the abuse of official power. Their liability under civil law is regulated differently. Where notaries act as court commissioners, they are subject to the same liability provisions as judges and public prosecutors. Therefore, claims cannot be brought directly against them by the parties, who must instead direct their claims for compensation to the State. The State can take recourse in the event of intentional acts or gross negligence. Apart from their activity as court commissioners, notaries are directly answerable to the parties under civil law.

Boards of notaries, Austrian National Chamber of Notaries

Notaries who have their practice in a federal province or who are entered as candidate notaries in that federal province's list of candidate notaries constitute a board of notaries. The federal provinces of Vienna, Lower Austria and Burgenland have a joint board, as do the federal provinces of Tyrol and Vorarlberg.
The board is responsible for preserving the honour and dignity of the profession and for representing its interests.
Each board of notaries must elect a chamber of notaries from among its members. A chamber of notaries consists of one notary as president, and six notaries (12 in Vienna) and three candidate notaries (six in Vienna) as members.
The Austrian National Chamber of Notaries (Österreichische Notariatskammer) is composed of the provincial chambers of notaries. The Austrian National Chamber of Notaries is qualified to represent notaries and to defend their rights and concerns in matters concerning Austrian notaries as a whole or in matters whose scope extends beyond that of an individual chamber of notaries.

Related links

Legal professions – Austria

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Juhime tähelepanu sellele, et käesoleva lehekülje pl originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Types of legal professions - Poland

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

Prosecutors

Organisation

The structure described below concerns the public prosecution service and other relevant departments under the Act of 9 October 2009.
The public prosecution service of Poland comprises:

The Prosecutor General;
prosecutors in ordinary units of the prosecution service and military prosecutors answerable to the Prosecutor General;
prosecutors of the Institute of National Remembrance and **the Commission for the Prosecution of Crimes against the Polish Nation.**
The Prosecutor General is the highest authority in the public prosecution service and is appointed by the President of Poland from a shortlist of candidates recommended by the National Council of the Judiciary and the National Council of Public Prosecutors. The Prosecutor General provides the Prime Minister with annual reports on prosecution activities. Ordinary and military prosecutors are appointed by the Prosecutor General from a shortlist of candidates proposed by the National Council of Public Prosecutors.
The ordinary units of the public prosecution service are divided into **four levels**:
Office of the Prosecutor General;
Office of the Appellate Prosecutor;
Office of the Regional Prosecutor;
Office of the District Prosecutor.
The military units of the public prosecution service operate at three levels:
Office of the High Military Prosecutor;
district offices of the military prosecutor;
garrison offices of the military prosecutor;
Public prosecutors at the Institute of National Remembrance and the Commission for the Prosecution of Crimes against the Polish Nation operate in the following organisational units:
the Commission for the Prosecution of Crimes against the Polish Nation;
the departments of the Commission for the Prosecution of Crimes against the Polish Nation;
the Vetting Office;
the departments of the Vetting Office.
Polish law distinguishes between public prosecutors appointed by the Prosecutor General and private prosecutors who are parties to criminal proceedings and who, according to the rules of procedure, may assist public prosecutors in their work.
Polish law provides for a variety of professional associations. These include the National Council of Public Prosecutors within the Office of the Prosecutor General, and prosecutors' assemblies and boards at appellate prosecutors' offices. However, these bodies are strictly internal and organisational in character, and do not have websites or provide eservices.
For further information on public prosecution service in Poland, see the website of the Office of the Prosecutor General.
Roles and responsibilities of the public prosecutor service:
The main tasks of the public prosecution include **enforcing the law and overseeing prosecutions in criminal cases**.
In particular, public prosecutors perform their duties by:
conducting or overseeing pre-trial proceedings in criminal cases;
acting as the public prosecutor in the courts;
initiating proceedings in criminal and civil cases, submitting applications and participating in court proceedings in civil, labour and social security cases if necessary in order to protect the rule of law, the public interest, property or citizens' rights;
taking the measures provided for by law to ensure the correct and uniform application of the law;
conducting research into crime and taking action to combat and prevent crime;
collecting, processing and analysing data from proceedings conducted or overseen pursuant to the Act;
cooperating with the authorities to prevent crime and other infringements of the law;
cooperating with and participating in proceedings coordinated by international organisations for the purposes of law enforcement and crime prevention.
Rights and responsibilities of public prosecutors:
Public prosecutors are required to act within the law, in accordance with the principle of impartiality and equal treatment of all citizens. Irrespective of the hierarchical organisation of the public prosecution service, public prosecutors discharge their official duties in an independent fashion. Public prosecutors may not be involved in politics or take on other employment and are required to constantly improve their qualifications.
Public prosecutors deal primarily with criminal cases. On occasion they also participate in civil cases concerning in particular the establishment of paternity, termination of parental rights or legal incapacity and in administrative cases usually involving real estate and construction law. In every regional prosecutor's office there is a public prosecutor specialising in international cooperation in criminal matters.

Ordinary courts

Organisation

The ordinary courts in Poland are:
district courts;
regional courts;
appeal courts.
Ordinary courts dispense justice (in cases outside the jurisdiction of administrative courts, military courts and the Supreme Court) and discharge other justice-related duties conferred upon them by law. Court judgments are supervised by the Supreme Court in accordance with the law.
District courts have jurisdiction over one or more municipalities (in justified cases, more than one district court may operate within a single municipality, e.g. in big cities).
The regional court is the court of appeal for district courts and also the court of first instance in specific cases. It has jurisdiction over at least two district courts (its court administrative district).
Where a case is heard in first instance in the regional court, any appeals are heard in the appeal court. The appeal court has jurisdiction over at least two regional courts (its appellate area).
A court is presided over by the Presiding Judge. He/she is appointed for a fixed term (four years in district courts and six years in regional courts and appeal courts).

Legal professions in courts

In Poland, ordinary courts dispense justice (in cases outside the jurisdiction of administrative courts, military courts and the Supreme Court) and discharge other justice-related duties conferred upon them by law. The dispensation of justice is the preserve of judges. Justicerelated duties other than the dispensation of justice are discharged by judicial clerks and senior judicial clerks (and may also be discharged by judges if judicial clerks cannot do so).

Judges

Polish law distinguishes between **professional judges** and **lay judges**.
Judges discharge duties relating to the dispensation of justice. They are appointed for an indefinite period by the President of the Republic on a proposal from the National Council of the Judiciary.
In performing their duties judges are independent and are subject only to the Constitution and the law.
The independence of the courts and of judges is guaranteed by the **National Council of the Judiciary,** which is a constitutional body.
Judges' independence is guaranteed by judicial immunity and security of tenure as enshrined in the Constitution.
Judges are subject to disciplinary action for any breaches of professional duty. Disciplinary matters involving judges are heard: in the first instance, in the appeal courts, and in the second instance, in the Supreme Court.

Lay judges

The role of lay judges in dispensing justice is enshrined in the Polish Constitution. Lay judges are independent and, like professional judges, are subject only to the Constitution and the law. Lay judges have equal rights with judges when resolving cases. Unlike judges, however, lay judges may not preside over a trial or session or (in principle) discharge duties outside a trial.
In both civil and criminal proceedings, as a rule, hearings take place in the presence of a single judge, i.e. without the involvement of lay judges. However, both the laws covering both types of procedure provide for categories of cases which, in view of their social importance, are heard with the involvement of lay judges.
Lay judges are appointed by the municipal councils operating within the jurisdiction of the courts concerned. Their term of office is four years.

Judicial clerks

Judicial clerks are employed at district and regional courts to discharge the justice-related duties conferred upon the courts by law. Judicial clerks are appointed to their posts as of the date indicated in the instrument of appointment. They are appointed by the presiding judge of the appeal court.
In civil proceedings, judicial clerks exercise the powers of the court within the framework of the duties assigned to them, unless the law stipulates otherwise. However, in proceedings involving criminal cases, minor offences and tax offences, judicial clerks are authorised to hand down recommendations and, in the cases stipulated by law, decisions and orders.
As such, judicial clerks are court staff authorised to discharge justice-related duties who act on behalf of the courts within the framework of the remit conferred upon them. Within the framework of their remit, judicial clerks are independent as regards the substance of court decisions and orders enshrined in law. This independence implies that their judicial activities are organisationally and functionally separate from those of other bodies to ensure that they perform the actions enshrined in law in an independent fashion.

Information sheet on judicial clerks. (374 Kb) en

Judicial assistants

Judicial assistants discharge duties in court with a view to preparing court hearings and to ensuring the smooth internal operation of the court (involving the dispensation of justice and and other justice-related duties). Candidates are selected by way of a competition.

Information sheet on judicial assistants (374 Kb) en.

Court secretaries

Court secretaries are employed in all ordinary courts and discharge duties associated with administrative support for the courts other than those reserved to other professional groups, e.g. they take minutes at hearings, manage judges and organise the court secretariat. Their rights and obligations and conditions of employment are laid down by the Court Staff Act and by the public prosecutor. Candidates are selected by way of a competition.

Information sheet on court staff. (379 Kb) en

Organisation of legal professions

Advocates

Advocates in Poland provide legal services with a view to protecting citizens' rights and freedoms. They offer legal assistance and prepare legal opinions. They also ensure that parties are represented in criminal, civil, family-law and juvenile cases, cases involving labour and social security law and proceedings before the Supreme Administrative Court.
Professional specialisation is not imposed in Poland - advocates are free to choose the field in which they specialise. However, because Polish law guarantees state-appointed counsel for financially disadvantaged parties, advocates must be able to provide legal services in cases involving different areas of the law.
There are 24 **regional bar councils** and the **Polish Bar Council** operating at national level. These professional associations are responsible for representing and protecting the professional rights of advocates, developing their professional skills, providing training to trainees and establishing, promoting and enforcing rules of professional conduct.

Legal databases

For further information, see the webpage of the Polish Bar Council.

Attorneys at law (radcowie prawni)

Attorneys at law provide legal services to companies, other businesses, organisational units and natural persons. They offer legal assistance and prepare legal opinions. Unlike lawyers, they can be employees of other parties. Since 1 July 2015 lawyers and attorneys at law have enjoyed the same procedural rights - attorneys at law can act as counsel for the defence in criminal proceedings unless they are employees of other parties. They can also act in cases involving minor offences and act as counsel for the defence in disciplinary proceedings.
The professional association of attorneys at law consists of 19 **regional chambers of attorneys at law and the National Chamber of Attorneys at Law** operating at national level. These professional associations are responsible for representing and protecting the professional rights of attorneys at law, developing their professional skills, providing training to trainees and establishing, promoting and enforcing rules of professional conduct.

Legal databases

For further information, see the webpage of the Attorneys at law in Poland.

Notaries

Organisation

The Minister for Justice appoints notaries and assigns their office further to an application from the persons concerned after consulting the council of the relevant chamber of notaries. The Minister for Justice is also empowered to dismiss notaries.
The Minister for Justice keeps a register of notaries' offices and lays down the maximum rates for notarial transactions.
Notaries form a professional association comprising 11 **notarial chambers** and the **National Chamber of Notaries.**

Role and responsibilities

Notaries are appointed to perform transactions which must be processed by notarial deed (e.g. transfers of property ownership), or in cases where the parties elect to do so.
The notarial profession is a profession of public trust. As persons of public trust acting on behalf of the State, notaries are required to guarantee the security of real estate transactions.
Notaries perform the following notarial duties: drawing up notarial deeds, certificates of inheritance and other certificates, lodging declarations, writing minutes, drawing up protests concerning promissory notes and cheques, storing cash, securities, documents and data on a data storage medium, making entries in and producing copies and excerpts of documents, drafting deeds, declarations and other documents at the request of parties and carrying out other activities under separate provisions.
Notarial transactions effected by a notary in accordance with the law are deemed to constitute official documents.
Notaries conduct their business in individual notary offices. A notary may operate only one office, whereas several notaries may jointly operate one office in accordance with the rules governing civil-law partnerships. In that case, however, each notary performs their duties on their own behalf and bears responsibility for the transactions they have processed.

Legal databases

For further information, see the webpage of the National Chamber of Notaries (not available in English).

Other legal professions

Polish law makes provision for the following legal professions: **bailiffs**.

Bailiffs

Under Polish law, bailiffs are judicial enforcement officers. They also have civil servant status, because that status alone confers sufficient legitimacy on the duties they discharge, which impinge to a significant extent on civil rights and freedoms. These duties include, first and foremost, coercive measures necessary for the enforcement of court rulings and implementation of the constitutional right to a fair trial.
Bailiffs' powers include carrying out enforcement proceedings in civil cases.
Bailiffs are appointed by the Minister for Justice from a shortlist of candidates who must meet the requirements laid down in the Bailiffs and Enforcement Act. These include possessing a law degree, completing an apprenticeship, passing the bailiff examination and completing a probation period of at least two years as a probationer assessor bailiff.
Supervision of bailiffs is carried out by the Minister for Justice and presiding judges in the courts where bailiffs operate and by bailiffs' associations - **the National Council of Bailiffs** and **the councils of chambers of bailiffs**.
See the webpage of the Ministry of Justice and the National Council of Bailiffs.

Organisations providing pro bono legal services (free of charge)

A large number of organisation provide pro bono legal services in Poland. These include:
'**Blue Line**', which operates under the aegis of the Ministry of Family, Labour and Social Policy to combat domestic violence. For further information, see the webpage of Blue Line; it can also be contacted on: +48 22 668 70 00;
Pro bono legal assistance is also provided by **the Law Clinics,** run by students belonging to associations operating at the law faculties of all the main universities in Poland.

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Types of legal professions - Portugal

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

Judicial court judges and administrative and tax court judges

As set out in the Portuguese Constitution, judges belong to a sovereign body – the Courts.
Bound only by the law, judges administer justice on behalf of the people.
Judicial court judges are governed by the Constitution and the Statute of Judicial Court Judges (*Estatuto dos Magistrados Judiciais*). In accordance with the hierarchy of the respective courts, there are three types of judicial court judge:
Judges of the Supreme Court of Justice (*Supremo Tribunal de Justiça*), designated as *Conselheiros*;
Judges of the Appeal Courts (*Tribunais das Relações*), designated as *Desembargadores*;
Trial court judges at courts of first instance, designated as *Juízes de Direito*.
Administrative and tax court judges are governed by the Constitution, the Statute of the Administrative and Tax Courts (*Estatuto dos Tribunais Administrativos e Fiscais*) and on a subsidiary basis by the Statute of Judicial Court Judges. In accordance with the hierarchy of the respective courts, there are three types of administrative and tax court judge:
Judges of the Supreme Administrative Court (*Supremo Tribunal Administrativo*), designated as *Conselheiros*;
Judges of the Central Administrative Courts, designated as *Desembargadores*;
Circuit administrative court and tax court judges, designated as *Juízes de Direito*.
Access to the profession of judge is a three-stage process comprising: a public competition; a theoretical and practical training course undertaken at the Centre for Judicial Studies (*Centro de Estudos Judiciários*); and an apprenticeship. If they successfully complete all three stages, they will be appointed *Juízes de Direito*.
Judges continue their training throughout their career.
The High Council for the Judiciary (*Conselho Superior da Magistratura*) conducts regular inspections at the courts of first instance, and the High Council for the Administrative and Tax Courts (*Conselho Superior dos Tribunais Administrativos e Fiscais*) does the same for judges at these courts. Following each inspection, judges are ranked by merit, using the categories very good, good with distinction, good, sufficient and poor. If a judge is ranked in the 'poor' category, they will be suspended from duty and an inquiry will be launched to assess their suitability for the job.
The High Council for the Judiciary and the High Council for the Administrative and Tax Courts are responsible for appointing, assigning, transferring, promoting and taking disciplinary action in respect of judges of the judicial courts and the administrative and tax courts.
To ensure that judges are independent and impartial, the Constitution lays down that: practising judges may not carry out any other duties, be they public or private, with the exception of unpaid teaching or scientific research in the field of law. judges can only be transferred, suspended, retired or dismissed in the cases provided for by law; judges may not be held accountable for their decisions, other than where the law provides for exceptions.
More information can be found at https://www.csm.org.pt/ and https://www.cstaf.pt/.

Prosecutors in the Public Prosecution Service (*Ministério Público*)

Prosecutors in the public prosecution service are responsible for representing the State, carrying out prosecutions and defending the democratic rule of law and the interests determined by law. Public prosecutors have their own statute and autonomy as provided for by the law.

Access to the profession of public prosecutor is by public competition, consisting of knowledge tests, a CV evaluation and a psychological selection test, all undertaken at the Centre for Judicial Studies (*Centro de Estudos Judiciários*).

Candidates who are admitted are appointed as trainees (*auditores de justiça*). On successfully completing theoretical and practical training at the Centre for Judicial Studies, they are appointed apprentice deputy prosecutors.

The career of a public prosecutor consists of five levels, listed in hierarchical order:

Prosecutor-General (*Procurador-Geral da República*);

Vice-Prosecutor-General (*Vice-Procurador-Geral da República*);

Deputy Prosecutor-General (*Procurador-Geral Adjunto*);

District Prosecutor (*Procurador da República*);

Deputy District Prosecutor (*Procurador da República Adjunto*).

The Prosecutor-General's Office (*Procuradoria-Geral da República*) is the highest body in the Public Prosecution Service and is presided over by the Prosecutor-General. It also comprises the High Council of the Public Prosecution Service (*Conselho Superior do Ministério Público*), the Consultative Council, official legal advisers and support services.

The High Council of the Public Prosecution Service is responsible for appointing, assigning, transferring and promoting public prosecutors and taking disciplinary action against them.

More information can be found at http://www.ministeriopublico.pt/.

Lawyers (*Advogados*)

Lawyers are legal professionals who, once they have registered with the Bar Association, provide legal representation and legal advice, consisting in the interpretation and application of the rules of the law at the request of a third party.

Registration with the Bar Association (*Ordem dos Advogados*) is required to practise as a lawyer in Portugal.

In order to access the profession, it is necessary to:

hold a Portuguese law degree or a university-level law qualification from outside Portugal, if this qualification is deemed to be equivalent to a degree or has been recognised as being of the same level;

complete a traineeship lasting 18 months, comprising two stages of training: the first training stage, lasting six months, and the additional training stage, lasting 12 months;

pass the written and oral Bar exam.

Foreign citizens who have obtained their degree in Portugal may register with the Portuguese Bar Association in the same way as Portuguese citizens, provided that their country of nationality grants identical rights to Portuguese citizens.

Lawyers from other EU Member States wishing to establish themselves permanently, with a view to practising in Portugal under the professional title of their country of origin, must register with the Bar Association. In such cases, they may provide legal representation in court only under the guidance of a lawyer who is registered with the Bar Association. If they want to practise as lawyers with the same rights and obligations as Portuguese lawyers, they must register with the Bar Association and sit a written and oral exam in Portuguese.

The Bar Association is the public association representing professionals who are practising lawyers acting in accordance with the Association's statute. It ensures access to the law, regulates the profession and takes disciplinary action against lawyers and trainee lawyers (the only body that does so), protects the social role, dignity and prestige of the profession and promotes access to knowledge and application of the law.

More information can be found at https://portal.oa.pt/.

Legal Advisers (*Consultores jurídicos*)

In the Portuguese legal system, there is no distinction between lawyers and legal advisers.

Legal agents (*Solicitadores*)

Legal agents are independent professionals who provide their clients with legal advice and legal representation in court, within the limits imposed by their statute and procedural legislation. They may represent the parties in court whenever legal representation by a lawyer (*advogado*) is not mandatory.

Legal agents may also provide citizens and businesses with legal representation outside of court, for instance, before the tax administration, notary offices, registrar offices and public administration bodies.

In order to access the profession, it is necessary to:

hold an officially recognised law degree and not be registered with the Bar Association, or hold an officially recognised degree in legal agent studies. Foreign nationals of another EU Member State must hold the academic and professional qualifications legally required to exercise the profession in their respective State of origin;

complete a traineeship lasting between 12 and 18 months;

obtain appropriate references during the traineeship, provided by the trainer and traineeship centres, and pass a national examination set in accordance with the relevant rules.

Professionals from another EU Member State or the European Economic Area are registered with the College of Legal Agents (*Colégio dos Solicitadores*) in accordance with Law No 9/2009 of 4 March 2009, as amended.

The Order of Legal Agents and Enforcement Agents (*Ordem dos Solicitadores e dos Agentes de Execução, OSAE*) is the public association representing these legal professionals. It is responsible, among other things, for exercising disciplinary powers over its members and giving opinions on draft legislation relating to its competences.

More information is available at http://www.osae.pt/.

Enforcement agents (*Agentes de execução*)

Enforcement agents are professionals to whom powers are granted at national level to carry out civil enforcement activities. They are independent and impartial professionals and do not represent any of the parties, but are responsible for carrying out all the formalities for enforcement, including seizure, service of documents, notices and sales of seized assets. In some cases their duties may be carried out by a court official.

Enforcement agents are appointed by the party seeking enforcement or by the court.

Enforcement agents must hold a degree in legal agent studies or in law and must:

be Portuguese nationals;

not be covered by any of the restrictions laid down in the Statutes of the Order of Legal Agents and Enforcement Agents or the Bar Association;

not have been included on the official public list of debtors in the last ten years;

have successfully completed the enforcement agent traineeship;
sit the exam for legal assistants after having worked for more than three years as an enforcement agent and receive a favourable opinion from the Commission for Legal Assistants (*Comissão para o Acompanhamento dos Auxiliares de Justiça*, CAAJ);
register with the relevant professional association within three years of successfully completing their traineeship;
have the minimum IT structures and resources as laid down by a regulation approved by the general assembly.
The Order of Legal Agents and Enforcement Agents and the Specialised College of Enforcement Agents (*Colégio de Especialidade dos Agentes de Execução*) are the bodies responsible for regulating the profession.
The CAAJ, which is independent from the Order of Legal Agents and Enforcement Agents, is the body responsible for supervising and exercising disciplinary action over enforcement agents.
More information is available at http://www.osae.pt/ and https://caaj.justica.gov.pt/.

Notaries (*Notários*)

Notaries are specialist professionals authorised to perform duties in certain legal contexts. They play a major role in commerce, both nationally and internationally.
Notaries are empowered to:
draw up private contracts and advise the parties, while treating each party fairly; draw up official documents, taking responsibility for the legality of the document and for any advice given; inform the parties of the implications and consequences of the commitments that they plan to enter into (notaries are duty bound to do this);
carry through legal transactions agreed in their presence. The act can be entered directly in the official register or, if one of the parties fails to meet their obligations, it can be enforced without the intervention of a judge;
act as mediators, in an impartial way and in full compliance with the law, to enable the parties to reach a mutually acceptable agreement;
draw up documents for and the terms of inventory proceedings, except for those matters that must not be decided in inventory proceedings, due to the nature or legal or factual complexity of the matter; such matters must be decided by the judge in the district court (*tribunal de comarca*) that has jurisdiction for the notary's office where the proceedings were lodged (Law No 2/2013 of 5 March 2013, which approved the Legal Framework for Inventory Proceedings, granted notaries this power, thereby creating a system of shared powers).
The reform of the profession of notary and the consequent privatisation of the sector mean that notaries have a dual role: they are public officials and also liberal professionals but are no longer civil servants.
As public officials, notaries come under the auspices of the Ministry of Justice, which has regulatory powers, and also has the power to take disciplinary action against notaries. Given the profession's new liberal status, the Order of Notaries has been regulating notaries' activities, in conjunction with the Ministry of Justice, since 2006, ensuring that notaries abide by the code of ethics that they are required to observe and guaranteeing the pursuit of the public interest as is incumbent on notaries; this does not affect the Ministry's power to intervene, which, given the nature of the profession, is conferred upon it by law.
More information is available at http://www.notarios.pt/OrdemNotarios/pt.

Registrars (*Conservadores*)

Registrars are public officials with responsibility for registering and publicising legal acts and facts relating to immovable property, moveable property that must be registered, business activity and events in people's lives. Their role essentially involves carrying out legal checks in respect of the above and the related documents and ensuring that the rights contained in the documents attesting to the facts to be registered are correctly defined and comply with the legally stipulated order of registration; they are also responsible for publicising this information and may decide whether or not to enter the legal act or fact into the register.
Depending on the subject areas of their duties, registrars may be:
Registrars for the civil register (*conservadores do registo civil*), whose duties involve defining and publicising legal facts and acts relating to the lives of natural persons. Their competence includes the registration of acts such as birth, marriage, death, adoption and the declaration and establishment of maternity/paternity; the organisation of proceedings such as those related to divorce and separation by mutual consent; and the issuing of certificates and copies of registered documents.
Registrars for the land register (*conservadores do registo predial*), who publicise the legal status of land and property with a view to ensuring the legal certainty of property transactions.
Registrars for the vehicle register (*conservadores do registo de veículos*), whose duties relate to the publicity of rights to moveable property that must be registered (motor vehicles, ships and aircraft) and who publicise the legal status of motor vehicles and trailers with a view to ensuring the legal certainty of transactions.
Registrars for the commercial register (*conservadores do registo commercial*), who publicise the legal status of sole traders, commercial companies, civil-law companies having a commercial form, individual establishments with limited liability and other entities that must be registered in the commercial register with a view to ensuring the legal certainty of transactions.
Access to the profession requires a law degree from a Portuguese university or equivalent academic qualification. Candidates must also pass aptitude tests and undertake a six-month long university extension course focusing on the legal and registration-related subjects needed by registrars. They then complete a year-long traineeship, followed by a public competition. Candidates are assessed at every stage of this process and may be eliminated if they are unsuccessful at any stage. The final stage is a public competition organised by the Institute of Registries and Notaries (*Instituto dos Registos e do Notariado*).
The Institute of Registries and Notaries is responsible for directing, coordinating, supporting, evaluating and supervising the activity of registry offices.
More information is available at https://irn.justica.gov.pt/.

Court officials (*Oficiais de Justiça*)

Court officials are a category of justice official (*funcionário de justiça*) who provide procedural assistance in the courts or public prosecution services. However, the notion of justice official also covers IT technicians, administrative, technical and support staff and maintenance workers.
Access to the career of a court official starts with the entry-level roles of auxiliary clerk (*escrivão auxiliar*) in the judicial service and auxiliary legal clerk (*técnico de justiça auxiliar*) in the public prosecution services. Access is open to persons who have completed a professional training course and who have been approved via an admission procedure.
Justice officials are governed by a specific Statute (*Estatuto dos Funcionários de Justiça*), as set out in Decree-Law No 343/1999 of 26 August 1999, as amended. They play an important role in international judicial cooperation, particularly in terms of implementing European Directives and Regulations.
The Directorate-General for the Administration of Justice (*Direção-Geral da Administração da Justiça*) is the Ministry of Justice body with responsibility for recruiting, managing and administering justice officials.

The Council of Court Officials (*Conselho dos Oficiais de Justiça*) is the body responsible for assessing the professional merit of court officials and for exercising disciplinary authority over them.
More information can be found at https://dgaj.justica.gov.pt/.

Mediators (Mediadores)

In Article 2(b) of Law 29/2013 of 19 April 2013, a mediator is defined as '(...) an impartial and independent third party, with no power to impose a course of action on the parties receiving mediation, who helps them reach a final agreement on the disputed matter'. This Law also protects the status of mediators working in Portugal and lays down provisions for their inclusion on the lists of each of the public mediation services; this is done via a selection procedure, which is governed by Implementing Order (*Portaria*) No 282/2010 of 25 May 2010.
Mediators' work is very important, as they help the parties reach an agreement and this in turn helps maintain and, in some cases restore, social harmony. In Portugal, there are specialist mediators who deal with family, labour and criminal matters. There are no NGOs working in the area of mediation, but there are private associations that provide mediation services and training for mediators.
There is no nationwide code of ethics for mediators, but the Mediation Law referred to above does include a chapter on the rights and duties of mediators, who must also act in accordance with the principles laid down in the European Code of Conduct for Mediators, which form part of their training.
Mediators' conduct is monitored by a public mediation service which is divided into three parts focusing on civil, labour and criminal matters. Each part of the public mediation service is managed by a public authority, which is identified in the authority's articles of association.
In Portugal, mediators do not receive training from a public body; instead, they are trained by private bodies that are certified by the Directorate-General for Justice Policy (*Direção Geral da Política de Justiça*, DGPJ) in accordance with Implementing Order No 345/2013 of 27 November 2013, with a particular focus on compliance with the quality framework.
The DGPJ, through its Alternative Dispute Resolution Office (GRAL), manages the public mediation services. Although it does not provide information on how to find a mediator, it does keep lists of mediators, and mediators can join these lists by taking part in the selection procedure laid down in the rules approved by Implementing Order No 282/2010 of 25 May 2010.
More information can be found at http://www.dgpj.mj.pt/.

Judicial administrators (*Administradores Judiciais*)

Judicial administrators are responsible for supervising and coordinating the acts that are part of the special recovery process (*processo especial de revitalização*); they also manage or liquidate the insolvency estate in insolvency proceedings, and carry out all the duties conferred upon them by statute or by law. A temporary judicial administrator, insolvency administrator or trustee is appointed depending on the tasks they will carry out during the proceedings.
The judicial administrator's role is set out in Law No 22/2013 of 26 February 2013.
A judicial administrator must:
have a relevant university degree and appropriate professional experience;
complete a six-month traineeship for judicial administrators;
pass the admission test specifically designed to assess the knowledge acquired during the traineeship;
not be in a situation that is incompatible with their professional duties;
be suited to the profession.
The Commission for Legal Assistants (*Comissão para o Acompanhamento dos Auxiliares da Justiça*, CAAJ) is responsible for the admission procedure for judicial administrators and monitors their work.
More information is available at https://caaj.justica.gov.pt/.

Industrial property officer (*Agente Oficial da Propriedade Industrial*)

Industrial property officers are professional specialists in industrial property whom companies and individuals can call on to help them defend their rights and interests in this field.
Industrial property officers are authorised by the National Industrial Property Institute (*Instituto Nacional da Propriedade Industrial*) to carry out industrial property acts on behalf of their clients without having to present their power of attorney.
Access to this activity in Portugal is regulated by Decree-Law No 15/95 of 24 January 1995 (as amended) and Implementing Order No 239/2013 of 25 July 2013.
More information can be found at https://inpi.justica.gov.pt/.

Organisations that provide free legal services (*pro bono*)

The Ministry of Justice, in cooperation with the Bar Association and local authorities, ensures the existence, throughout Portuguese territory, of Offices for Legal Advice (*Gabinetes de Consulta Jurídica*), where citizens may receive free legal advice from legal professionals. A list of these offices, together with relevant contact details, can be found online, including on the website of the Directorate-General of Justice Policy.
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Types of legal professions - Romania

This page provides an overview of the legal professions in Romania.

Legal professions - introduction

The following legal professions are practised in Romania:
prosecutors
judges
lawyers
legal advisers
notaries public
bailiffs
clerks of court
justice assistants
assistant magistrates

Prosecutors

Organisation

The Romanian Public Prosecution Service includes:

prosecutor's offices attached to courts of appeal, tribunals, children's and family tribunals, and district courts;
prosecutor’s offices attached to military courts.
The supreme body is the Prosecutor's Office attached to the High Court of Cassation and Justice, including its specialised divisions (the National Anticorruption Directorate (DNA) and the Directorate for Investigating Organised Crime and Terrorism (DIICOT)).
First level: prosecutor’s offices attached to district courts (176)
Second level: prosecutor’s offices attached to tribunals (42) and to the Children’s and Family Tribunal (1)
Third level: prosecutor’s offices attached to courts of appeal (15).
The Superior Council of Magistrates (CSM) is the central body responsible within the judicial system for regulating the profession of prosecutor. Initial and further professional training for judges and prosecutors is provided by the National Institute of Magistrates (INM), which is a public body with legal personality under the coordination of the CSM.The Public Prosecution Service discharges its tasks through prosecutors working in prosecutor's offices. The latter can be found attached to all the courts, with the exception of professional conduct tribunals.

Criminal proceedings carried out by prosecutor's offices attached to courts of appeal, tribunals, or children's and family tribunals.

The institutional hierarchy of prosecutor's offices is as follows:
The highest body is the Prosecutor's Office attached to the High Court of Cassation and Justice (Prosecutor-General's Office), headed by the Prosecutor-General of Romania. This body coordinates the activities of the prosecutor's offices attached to the 15 courts of appeal.
The prosecutor's offices attached to courts of appeal coordinate the activities of the prosecutor's offices attached to the 43 tribunals (including the special tribunal for children and family matters). Each of them is administered by a head prosecutor.
The prosecutors’ offices attached to tribunals coordinate the activities of the offices attached to the 176 functioning district courts, each of which is headed by a first prosecutor.
The prosecutors’ offices attached to the 176 functioning district courts represent the first (lowest) level of the hierarchy and are headed by first prosecutors.
Two separate specialised structures operate within the Prosecutor’s Office attached to the High Court of Cassation and Justice. They are:
The National Anticorruption Directorate (DNA), responsible for investigating and prosecuting corruption. It is headed by a chief prosecutor.
The Directorate for Investigating Organised Crime and Terrorism (DIICOT), responsible for investigating and prosecuting organised crime and terrorism. It is headed by a chief prosecutor acting under the coordination of the Prosecutor-General of Romania.

Criminal proceedings carried out by prosecutor's offices attached to military courts

Criminal proceedings for criminal offences committed by military personnel are carried out by military prosecutor's offices, which have the legal status of military entities. They are attached to military tribunals, the Bucharest Military Tribunal or the Bucharest Military Court of Appeal.

Functional hierarchy of prosecutors

Prosecutors act in compliance with the principles of legality, impartiality and hierarchical control.
They act in accordance with the law, to observe and protect human dignity, and defend the rights of individuals.
Prosecutors at each prosecutor's office report to the head of that office, who in turn reports to the head of the hierarchically superior prosecutor's office.
The control to be exercised by the Prosecutor-General of the Prosecutor’s Office attached to the High Court of Cassation and Justice, the chief prosecutor of the National Anticorruption Directorate and the head prosecutor of the prosecutor’s office attached to the court of appeal over prosecutors under their authority may be performed either directly or through designated prosecutors.

Role and duties

There are two categories of prosecutor in Romania:
civil prosecutors, responsible for investigating and prosecuting criminal offences committed by civilians;
military prosecutors, responsible for investigating and prosecuting criminal offences committed mainly by military personnel.
The national prosecutor categories are as follows:
Prosecutor-General of Romania (head of the Prosecutor’s Office attached to the High Court of Cassation and Justice);
Chief Prosecutor (head of the DNA and the DIICOT);
head prosecutors (heads of the prosecutors’ offices attached to courts of appeal);
first prosecutors (heads of the prosecutors’ offices attached to tribunals or district courts);
heads of section (heads of internal sections of prosecutor's offices);
heads of department (heads of internal departments of prosecutor's offices);
heads of office (heads of internal offices of prosecutor's offices);
prosecutors.
Whenever deemed necessary, ex officio or at the request of the CSM, the Minister for Justice may exercise control over prosecutors through prosecutors designated by the Prosecutor-General of Romania, the Chief Prosecutor of the DNA, or the Minister him/herself, in order to check the following:
prosecutors’ managerial efficiency;
prosecutors' performance and accomplishment of tasks; and
the quality of prosecutors’ professional relations with citizens and other persons involved in activities carried out by prosecutor's offices.
Neither the range of measures prosecutors can take during criminal proceedings nor the corresponding decisions are checked.
The Minister for Justice can ask the Prosecutor-General of Romania or, where appropriate, the Chief Prosecutor of the DNA, to report on the activities of prosecutor’s offices and can issue instructions on the measures to be taken in order to prevent and combat crime effectively.
The Prosecutor’s Office attached to the High Court of Cassation and Justice submits annual activity reports to the Superior Council of Magistrates and the Minister for Justice, who in turn present their conclusions on the report to the Romanian Parliament.

Judges

Organisation

The Superior Council of Magistrates (CSM) is the central body responsible within the judicial system for regulating the profession of judge. Initial and further professional training for judges and prosecutors is provided by the National Institute of Magistrates (INM), which is a public body with legal personality under the coordination of the CSM.

Role and duties

Judges in Romania specialise in the following case types:
civil and civil-enforcement cases;
criminal and criminal-judgment enforcement cases;
commercial cases (bankruptcy judges);
family and child law cases;

administrative and fiscal/financial cases;
cases related to labour disputes and social insurance;
constitutional-law cases;
military cases.

Organisation of legal professions: lawyers

Lawyers

The central body responsible for the profession of lawyers is the Romanian National Union of Bar Associations (UNBR), which is a legal person of public interest comprising all bar associations in Romania. It ensures qualified exercise of the right of defence, professional competence and discipline, and the protection of the dignity and honour of lawyers who are members of the union. All bar associations in Romania belong to the UNBR.

Legal databases

Information on Romanian lawyers is available on the website of the Romanian National Union of Bar Associations.

Is access to this database free of charge?

Yes.

Legal advisers

Under the law, legal advisers may form county-level associations by sector or area of activity and according to their professional interests, or, where applicable, national associations, subject to the law on associations and foundations. One of the professional associations set up in accordance with that law is the Romanian Order of Legal Advisers (OCJR). It includes all the associations of legal advisers in all counties. Legal advisers may also form other professional associations. The lists of legal advisers by county are available on the individual websites of the OCJR member associations. (the links are available on the OCJR website)

Notaries public

Organisation

In accordance with the law, the Romanian Ministry of Justice has delegated the exercising of notarial services to the National Union of Notaries Public (UNNP).The UNNP is the professional body representing notaries public, responsible for organising the profession, defending its members' interests and the standing of the profession. All notaries are members. They are organised in 15 Chambers of Notaries Public, each attached to a court of appeal.

Role and duties

In Romania, notaries public provide the following legal services:
drawing up the necessary documents for legal and testamentary succession;
concluding contracts (sales contracts, exchange contracts, maintenance contracts, donation contracts, mortgage contracts, pledge contracts, leasing contracts, rental contracts) and other acts (guarantees requested by various institutions from their administrators);
drawing up articles of association for companies, associations and foundations;
authenticating documents;
certifying signatures, signature specimens and seals;
any other services provided for by the law.

Other legal professions

Bailiffs

The Romanian National Union of Bailiffs (UNEJ) is a professional body with legal personality comprising all bailiffs. UNEJ is responsible for preserving the standing and authority of the profession, and its main mission is to represent and defend the professional interests of its members. Bailiffs are organised in 15 chambers, each attached to the relevant court of appeal.

UNEJ's website contains a list of bailiffs.

Clerks of court

The Superior Council of Magistrates (CSM) is the central body responsible within the judicial system for regulating clerks of court.
The National School of Clerks of Court (SNG) is a public body with legal personality, under the coordination of the Superior Council of Magistrates, responsible for providing initial and further professional training for clerks of court.
The Romanian judicial system has several categories of clerks of court:
hearings clerks;
statistics clerks;
research clerks;
IT clerks;
archives clerks;
registry clerks.

You can find more on this profession in this document (354 Kb) ro.

Judicial assistants

These form part of the panel of judges in first cases involving labour and social insurance disputes.
They take part in the deliberations with an advisory vote and sign the judgments, their opinion is recorded in the judgment, and they give reasons for dissenting opinions. When the panel includes judicial assistants, the president may charge one of them with editing the judgment.
Judicial assistants are nominated by the Ministry of Justice and proposed by the Economic and Social Council for a period of 5 years; they must have held a legal position for at least that period and must fulfil all conditions laid down by law.
During their term of office judicial assistants enjoy stability, are subject only to the law, take the oath prescribed by law for judges, and the legal provisions on obligations, bans, incompatibilities, exceptions, disciplinary sanctions and reasons for removal from office applying to judges and prosecutors also apply to them.
The total number of judicial assistant posts and their allocation to the courts, depending on the volume of work, is set by a Ministry of Justice order.
The conditions, selection and proposal procedure by the Economic and Social Council of candidates for nomination as judicial assistants by the Ministry of Justice, as well as the conditions for their delegation, detachment and transfer, are laid down by a government decision.

Assistant magistrates

The High Court of Cassation and Justice contains a team of assistant magistrates who take part in its hearings.
The duties of assistant magistrates include:
making sure that the hearings and archives clerks do everything necessary for the smooth running of the hearings, guiding the work of the hearings clerk;
preparing certain reports during the proceedings (on the admissibility in principle of the appeal and on the application for appeal in cassation);
recording, for each file, the parties' and prosecution's oral pleadings and the measures ordered by the court;

drafting the records, except for those of the hearing;
taking part in the deliberations with an advisory vote;
drafting the judgments in line with the allocation of the panel president, complying with legal deadlines, etc.

For a detailed description of the work of assistant magistrates, please consult this document (126 Kb) ro.

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Types of legal professions - Slovenia

This page provides an overview of the legal professions in Slovenia.

Organisation of legal professions

Legal professions

In the Republic of Slovenia a person who has a university degree in law or who has completed legal studies under the first and second Bologna cycles may pursue numerous professions in the area of justice, including judge, prosecutor, state attorney, attorney and notary.

Prosecutors

Organisation

Pursuant to Article 135 of the Constitution of the Republic of Slovenia, state prosecutors (državni tožilci) **file and present criminal charges** and have **other powers provided by law**. Their powers and organisation are mostly laid down in the State Prosecutor's Office Act (Zakon o državnem tožilstvu) and the Criminal Procedure Act (Zakon o kazenskem postopku).

There are **11 district state prosecutor's offices** (okrožno državno tožilstvo) in Slovenia (Celje, Koper, Kranj, Krško, Ljubljana, Maribor, Murska Sobota, Nova Gorica, Novo Mesto, Ptuj, Slovenj Gradec), a **Specialised State Prosecutor's Office** (Specializirano državno tožilstvo), organised on a country-wide basis, and a Supreme State Prosecutor's Office (Vrhovno državno tožilstvo Republike Slovenije) in Ljubljana.

The Specialised State Prosecutor's Office is responsible for prosecuting criminal activities in the areas of organised traditional and economic crime, terrorism, corruption and other criminal activities requiring detection and prosecution by specially organised and trained state prosecutors. The **Department for the Investigation and Prosecution of Officials with Special Authorisations** (Odelek za preiskovanje in pregon uradnih oseb s posebnimi pooblastili, known as the posebni oddelek or 'special investigation department') operates as an independent organisational unit within the Specialised State Prosecutor's Office. State prosecutors in this **special** investigation department are responsible for the prosecution of criminal offences committed by police officials, officials in internal affairs agencies with police powers, military police officials, officials of the Ministry of Defence's intelligence and security service and officials of the Slovenian Intelligence and Security Agency. They also provide guidance to police officers working for the Department.

The **Supreme State Prosecutor's Office** is the highest ranking prosecutor's office in the country, within which operate:
supreme state prosecutors (vrhovni državni tožilci) and higher state prosecutors (višji državni tožilci),
state prosecutors on temporary or part-time assignment.

Higher state prosecutors represent appeals in appeal proceedings before higher courts (višja sodišča) in Slovenia. In proceedings with extraordinary remedies in the field of criminal law and in the field of civil and administrative affairs, supreme state prosecutors appear before the Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije).

The Supreme State Prosecutor's Office is organised into:
three departments (the criminal law department (kazenski oddelek), the civil and administrative affairs department (civilno-upravni oddelek) and the training and expert supervision department (oddelek za izobraževanje in strokovni nadzor)), and
the Expert Information Centre (Strokovno informacijski center), whose tasks include providing expert assistance in the area of taxation, financial, accounting and other disciplines required for the efficient performance of state prosecutors and ensuring the development, unity and operation of information support for the functioning of state prosecutors' offices.

Role and duties

The main role and duty of state prosecutors is the prosecution of criminal offences. Within this context they are responsible for:
taking all necessary steps for detecting criminal activities and tracking down offenders and for guiding the work of the police in pre-trial proceedings, in which the police are independent of the state prosecutor in organisational terms,
filing investigation requests,
filing and presenting charges in the relevant court, and
lodging appeals against non-final court judgments, and extraordinary remedies against final court decisions (appeals against first instance court decisions in criminal cases are presented by the state prosecutor who brought the charge in the first instance court, whereas extraordinary remedies are filed by supreme state prosecutors).

The applicable criminal legislation allows state prosecutors in certain circumstances to opt for alternative remedies to criminal prosecution for dealing with forms of criminal association. These include, firstly, transfer of the case to a settlement procedure and the conditional suspension of the criminal prosecution if the suspect is willing to behave as instructed by the prosecutor and to perform certain actions indicated by the prosecutor. If the settlement or the conditional suspension of the prosecution is successful, the state prosecutor may dismiss the criminal report, i.e. the case is settled out of court. The state prosecutor may also propose to the court the issue of a punishment order whereby the court sentences the accused party to a specific proposed penalty or measure without a hearing.

In addition, the Supreme State Prosecutor's Office performs **tasks outside the substantive coverage of criminal law**. In one of the three departments of the Supreme State Prosecutor's Office, the civil and administrative affairs department, supreme state prosecutors can **file a request for the protection of legality** (zahteva za varstvo zakonitosti) against appellate court (pritožbeno sodišče) decisions in litigious, non-contentious and other civil court proceedings. The prerequisite for filing this extraordinary judicial remedy is the **protection of the public interest, which can be determined** only by the Supreme State Prosecutor. The parties to the proceedings cannot therefore file requests for the protection of legality.

Judges

Organisation

Professional judges and lay judges

The status of **judge** is governed by Articles 125 to 134 of the Constitution of the Republic of Slovenia and the Judicial Service Act (Zakon o sodniški službi). Judges are officials who are elected by the National Assembly (Državni zbor) on the basis of a proposal from the Judicial Council (Sodni svet). The office of judge is permanent, and the age limit and conditions for election are laid down by law.

In order to be elected as a judge, a person must meet the following general conditions:
he/she is a Slovenian citizen and has an active command of the Slovenian language,
he/she has legal capacity and is in good general health,
he/she is at least 30 years old,
he/she has obtained the professional title of a lawyer with a university degree obtained in Slovenia or the professional title of bachelor of law (UN) and master of law or has obtained an equivalent qualification in law abroad that is attested by a foreign qualification certificate with an attached opinion on the qualification or with a decision recognising the qualification for employment purposes or a certificate of nostrification (odločba o nostrifikaciji),
he/she has passed the State examination in law,
he/she has not been convicted of a criminal offence,
he/she is not the subject of a final indictment or, based on a charge, the subject of proceedings relating to a criminal offence prosecuted ex officio.
After the end of their term in office, judges who decided or ruled on investigatory or court proceedings in which a judgment infringed fundamental human rights and freedoms no longer meet the conditions for election as a judge.
Judges have the status of public officials and are bound by the Constitution and legislation in the performance of their duties. Judicial office is not compatible with office in other state bodies, local self-government bodies and bodies of political parties, and with other offices and activities as provided for by law. There is no formal educational specialisation among judges. The legal field in which a judge mainly works is defined in the internal organisation of the individual court which, in order to resolve individual types of dispute, has various legal departments to which judges are assigned in line with its annual work programme. The Judicial Council of the Republic of Slovenia decides on promotion to a higher judicial position and on promotion in grade. The Judicial Council also makes a proposal to the National Assembly for relieving a judge of his/her judicial office if, in the performance of his/her duties, he/she violates the Constitution or seriously violates the law or deliberately commits a criminal offence through the abuse of his/her judicial office. The promotion rates of judges in judicial office are set out in the organisation of courts in Slovenia. Judges can be: local judges (okrajni sodniki), district judges (okrožni sodniki), higher judges (višji sodniki) or supreme judges (vrhovni sodniki).
Judges are grouped together in the Slovenian Association of Judges, which is a member of the International Association of Judges. Membership of the association is voluntary.
Judicial panels can include both **professional judges** (poklicni sodniki) and **lay judges** (sodniki porotniki). When the law requires judgment by panel, the panel comprises a professional judge as chair of the panel and two lay judges as members of the panel, unless otherwise specified by law. When the law requires judgment by a five-member panel, the panel comprises a professional judge as chair of the panel, another professional judge, and three lay judges as members of the panel, unless otherwise specified by law. Any citizen of the Republic of Slovenia of at least 30 years of age, who has not been convicted by a final judgment of a criminal offence prosecuted ex officio, and who is of appropriate disposition and in general good health for judicial office and has an active knowledge of the Slovenian language. The term of office of lay judges is five years and they may be re-appointed. The presiding judge of a higher court appoints and dismisses the lay judges of the district courts that come under that higher court's jurisdiction.

The Judicial Council of the Republic of Slovenia

The Judicial Council of the Republic of Slovenia (Sodni svet RS) is the central body responsible for the regulation of the profession.
The **Judicial Council** comprises 11 members.
Five members are elected by the National Assembly, at the proposal of the President of the Republic of Slovenia, from a selection of university professors of law, attorneys and lawyers, and six members are elected from a selection put forward by judges working full-time in judicial office. The members of the Council select one of their members as President.
The Judicial Council has the following powers:
The Judicial Council has the following powers under the rules governing the courts and the judicial service:
1. with regard to the selection, appointment and dismissal of judges and court presidents and vice-presidents:
delivering a preliminary opinion as part of the procedure for appointing the president of the Supreme Court,
proposing to the National Assembly candidates for appointment to the post of Supreme Court judge,
appointing and dismissing court presidents and vice-presidents other than the president of the Supreme Court
selecting candidates for vacant judicial posts,
proposing to the National Assembly candidates for election to judicial office,
appointing judges to vacant judicial posts,
delivering a reasoned opinion as part of the procedure to dismiss the president of the Supreme Court,
informing the National Assembly of a final judgment convicting a judge,
proposing to the National Assembly that a judge be dismissed,
issuing declaratory decisions terminating judicial functions or judicial service;
2. with regard to other staff matters relating to judges, when deciding on:
the incompatibility of the judicial function,
promotion to a higher judicial function,
faster promotion in grade, to the position of senior judge (svetnik), or to a higher judicial post,
extraordinary promotion to a higher judicial function,
confirmation that a judge is not fit for judicial service,
a proposal to remedy an infringement by a judge who considers that his/her independence has been affected in any way,
appeals against a decision to transfer or appoint to a judicial position, to a judicial function or to the position of senior judge and against the decision to classify in a grade,
transfer of judges,
the assignment of a judge to the Constitutional Court of the Republic of Slovenia, the Supreme Court, the High Court, the specialised department of a district court, the special service of the Judicial Council, the Judicial Training Centre or, to deal with more challenging technical work, the Ministry,
exemption from judicial service,
the award of judicial scholarships;
3. with regard to disciplinary procedures:
appointing disciplinary bodies,
submitting proposals to launch disciplinary procedures against a judge,
enforcement of a disciplinary penalty against a judge if, under the law governing the judicial service, he/she is subject to a disciplinary penalty of suspension of promotion, reduction of salary or transfer to another court,

deciding on the temporary removal from judicial service of the Supreme Court president,
deciding on an appeal against a decision of the Supreme Court president ordering the temporary removal of a judge from judicial service;
4 other tasks:
adopting criteria for the selection of candidates for judicial posts following an opinion from the minister and criteria for the quality of judges' performance for the assessment of their service,
adopting a code of judicial conduct,
appointing members of the Ethics and Integrity Committee (Komisija za etiko in integriteto),
adopting instructions on the procedure for electing members of staff councils and the holding of elections,
issuing approval of policy on detection and management of the risk and exposure of courts to corruption and monitoring its implementation,
delivering a preliminary opinion on the staff charts of the court units,
delivering a preliminary opinion as part of the procedure for determining the number of judicial posts in each court,
delivering an opinion on the annual report of the Supreme Court on the efficiency and effectiveness of courts and on the proposed financial plan for the courts,
delivering an opinion to the National Assembly and the Ministry on the laws governing the courts and the judicial service,
requesting the launch of the procedure to review the constitutionality and legality of rules if they impinge on the constitutional status or constitutional rights of the judiciary,
making reasoned requests for an overview of operations in specific cases,
delivering an opinion on orders for detention or initiation of criminal proceedings.
The Judicial Council takes decisions by public vote and by a majority vote of all its members, unless otherwise provided for by law or by the rules of procedure.
The Judicial Council **decides** by a two-thirds majority of the votes of all its members in the following cases:
proposals for the election of judges,
appointments and promotion of judges,
appointments and dismissal of court presidents and vice-presidents,
classification in a grade,
appeals against the decision to transfer or appoint to a judicial position, judicial function or the position of senior judge,
appeals against a decision to classify in a grade,
proposals to dismiss judges,
confirmation that a judge is not fit for judicial service,
adoption of criteria for the selection of candidates for judicial posts,
adoption of criteria for the quality of judges' performance,
other tasks, if so provided by law.
The Judicial Council may, by means of its rules of procedure, decide on other matters in which it will act by a two-thirds majority of all its members.

Attorneys

Article 137 of the Constitution of the Republic of Slovenia states that the **attorneyship** (odvetništvo) is an autonomous independent service within the justice system and is governed by law. The Attorneys' Act (Zakon o odvetništvu) states that, in the performance of their duties, attorneys provide legal advice, represent and defend parties before the courts and other state bodies, draw up documents and represent parties in their legal relations. Only an attorney may represent a party before a court against payment; in certain cases an articled clerk may take the attorney's place.

Anyone who meets the following conditions may be an attorney:
he/she is a Slovenian citizen,
he/she has operational capacity,
he/she has obtained the following professional title in the Republic of Slovenia or has obtained an equivalent qualification abroad, as recognised in accordance with the law on the recognition and evaluation of education:
the professional title of a lawyer with a university degree,
the professional titles of bachelor of law (UN) and master of law,
the professional title of master of law on the basis of a second Bologna cycle master's programme,
he/she has passed the State examination in law,
he/she has four years' work experience as a lawyer with a university degree in law, at least one year of which, after passing the state law examination, must be with a lawyer or law firm, a court, state prosecutor's office, state attorney's office or notary in a regular employment relationship concluded through a full-time employment contract.
he/she has an active command of the Slovenian language,
he/she can be trusted to practise as an attorney,
he/she has the necessary equipment and premises to practise as an attorney,
he/she has passed an examination to test knowledge of the law on attorneyship, the official tariff for attorneys' fees and the Code of Conduct for Attorneys at the Bar Association of Slovenia (Odvetniška zbornica Slovenije).
Only an attorney may act as counsel for the defendant **in criminal proceedings**.
In civil cases the party may be represented before a local court by any person that has full operational capacity, whereas only an attorney or another person who has passed a state examination for attorneys may be an authorised representative before a district court, a higher court or the Supreme Court. In proceedings with extraordinary remedies, however, representation by an attorney is obligatory (with the exception of cases where the party or their statutory representative has passed a state law examination).
Representation by an attorney is also obligatory in all proceedings before courts under the Mental Health Act (Zakon o duševnem zdravju).
A foreign attorney who has been granted the right to practise as an attorney in his or her country of origin may do the following in the Republic of Slovenia under the conditions laid down by the Attorneys' Act:
provide specific attorney services that relate to practising as an attorney,
practise as an attorney under the professional title of his or her country of origin,
practise as an attorney under the professional title of 'attorney' (odvetnik).
An attorney's country of origin is the country in which he or she is entitled to practise as an attorney under the professional title obtained under the regulations of that country.

Under this Act, an attorney from another country which is a Member State of the European Union is an attorney who is entitled to practise as an attorney in any of the Member States of the European Union under the professional title obtained under the regulations of that country. An attorney from another country which is a Member State of the European Union is entered in the directory of foreign attorneys who may practise as an attorney in the Republic of Slovenia under the professional title of 'attorney' with all the rights and duties applicable to a practising attorney if that person meets the statutory conditions and passes the examination to test knowledge of the national law of the Republic of Slovenia. More details of the examination and the procedure for taking it are laid down by the Decree on the examination for attorneys from other countries (Uredba o preizkusnem izpitu za odvetnike iz drugih držav).
Attorneys may advertise their services under certain conditions, as the Act sets out permitted forms of advertising. He or she may practise individually or in a law firm. The umbrella organisation for attorneys is the Bar Association of Slovenia (Odvetniška zbornica Slovenije), which has its own rules and statute. The right to practise as a lawyer is acquired by being entered in the directory of lawyers that is kept at the Bar Association of Slovenia. Attorneys who complete a particular level or specialisation of professional education may, under certain conditions, ask the Bar Association of Slovenia to recognise their status of specialised attorney. The payment for attorneys' services is laid down in the official tariff for attorneys' fees, which is adopted by the Bar Association of Slovenia, following approval by the Minister for Justice.

Legal databases

Basic regulations concerning attorneys are available in English from the website of the Bar Association.
The Bar Association operates a search engine (in Slovenian and English) that can be used to **search for attorneys** by:
name,
region,
knowledge of foreign languages and
areas of work.

Notaries

Organisation

The second paragraph of Article 137 of the Constitution of the Republic of Slovenia states that **notaries** (notarji) perform a public service regulated by law.
The Notaries Act (Zakon o notariatu) provides that: as persons enjoying public trust, draw up, under the provisions of that Act, public documents on legal transactions, declarations of will or facts that give rise to rights; take documents, money and securities into safekeeping for delivery to third parties or state bodies; at the behest of the courts, perform the tasks which may be delegated to them in accordance with the law.
To be appointed, a notary must meet the following conditions:
he/she must be a citizen of the Republic of Slovenia, another Member State of the European Union or the European Economic Area or a citizen of the Swiss Confederation or a Member State of the Organisation for Economic Cooperation and Development,
he/she has legal capacity and is in good general health,
he/she must have obtained the professional title of a lawyer with a university degree obtained in Slovenia or the professional title of bachelor of law (UN) and master of law or have obtained an equivalent qualification in law abroad that is attested by a foreign qualification certificate with an attached opinion on the qualification or with a decision recognising the qualification for employment purposes or a certificate of nostrification (odločba o nostrifikaciji),
he/she has passed the State examination in law,
he/she must have five years' work experience as a lawyer with a university degree in law, of which at least one year with a notary and one year with a court, attorney or state attorney,
he/she must be considered trustworthy for the performance of a notary's duties,
he/she has an active command of the Slovenian language,
he/she must have the appropriate equipment and premises required for the performance of a notary's duties,
he/she must be less than 64 years old.
Notwithstanding point 1 of the previous paragraph, citizens of another country that is not a Member State of the European Union or the European Economic Area, the Swiss Confederation or a Member State of the Organisation for Economic Cooperation and Development may also be appointed as notaries subject to legal and actual reciprocity.
A notary's duties are incompatible with those of an attorney or any paid office or function.
A notary is not authorised to perform tasks which are incompatible with the respectability and integrity required for the performance of a notary's duties or which may undermine confidence in the notary's impartiality or in the credibility of the documents he or she draws up.
A notary is appointed to a vacant post by the Minister responsible for justice. Before the appointment of a notary the Minister obtains the opinion of the Slovenian Chamber of Notaries (Notarska zbornica Slovenije) on the candidates put forward. The number of notaries is restricted and is determined on the basis of criteria set by the Ministry of Justice. In the event of any irregularity defined by law, the notary will be dismissed by the Minister for Justice. The Chamber of Notaries is the umbrella organisation for notaries.
Notaries are required by law to become members of the Slovenian Chamber of Notaries.

Role and duties

Notaries perform a public service mainly in **preparing public and private documents**, which is very important for the security of legal transactions.
Public documents generally issued by notaries are **notarial records and notary's minutes**. Whereas a notary can prepare any kind of written contract for the parties, there are certain types of contracts and statutes of public and private limited companies that are only **valid** under Slovenian law **if they are issued as notarial records**. A notary can also record a last will and testament. In addition, copied documents and signatures sometimes need to be **authenticated** by a notary to ensure their validity before a court of law. Documents and securities can be deposited with a notary.

Legal databases

The website of the Chamber of Notaries provides access to a list of all notaries in Slovenia with contact information and a basic search engine.
The three registries operated by the Chamber of Notaries can be accessed from its website:
Registry of Custodian Notaries (register skrbniških notarjev),
Registry of Contracts on the Establishing of Custodian Accounts (register skrbniških pogodb)
Central Registry of Wills (centralni register oporok).

Other legal professions

Judicial Assistant (Sodniški pomočnik) (372 Kb) en

State attorneys

The role of **state attorney** is set out in the new State Attorneys' Act, which entered into force on 20 November 2017 and comprehensively amended the institution of state attorney.

The State Attorney's Office performs professional tasks in the field of the protection of property and other rights and interests of the State through legal representation before courts and administrative bodies in the Republic of Slovenia, before foreign courts and arbitration panels, as well as before international courts and arbitration panels, and conducts legal advice, peaceful settlement of disputes in pre-litigation procedures and other tasks laid down by this or other laws.
The tasks of the State Attorney's Office are performed by the State Attorney-General and Deputy State Attorney-General as officials and by senior state attorneys, state attorneys and candidates for state attorney, who now have the status of civil servants. In order to prevent political appointments, the procedure for the selection of the State Attorney-General and senior state attorneys provides for an opinion by a committee of independent experts entrusted with assessing the suitability of candidates.
The State Attorney-General is appointed by the Government of the Republic of Slovenia on a reasoned proposal from the Minister of Justice after obtaining the opinion of the committee entrusted with assessing the suitability of candidates. The Deputy State Attorney-General is appointed by the Government of the Republic of Slovenia on a proposal from the State Attorney General, with the agreement of the Minister of Justice, and must be appointed from among the senior state attorneys. The term of office of both the State Attorney-General and his/her deputy is 6 years with the possibility of renewal. For the duties of a senior state attorney, state attorney or candidate for state attorney to be performed, an employment relationship must be entered into in which, in addition to the specific conditions laid down in the State Attorneys' Act, the conditions laid down by the law governing the civil service system must be met.
The state attorney is independent in exercising the duties of legal representation.

Related links

Information on legal professions from the website of the State Prosecutor-General of the Republic of Slovenia
Information on legal professions
Information on legal professions from the website of the Slovenian Judiciary
Information on legal professions from the website of the Bar Association of Slovenia
Information on legal professions from the website of the Slovenian Chamber of Notaries
Information on legal professions from the website of the State Attorney's Office

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Types of legal professions - Slovakia

This page provides an overview of the legal professions in Slovakia.

Legal professions - introduction

Prosecutors

Organisation

The Public Prosecution Service of the Slovak Republic is an independent State authority headed by the **Prosecutor-General**. Within the scope of its powers, the Public Prosecution Service protects the rights and the legally protected interests of individuals, legal entities and the State.
The Public Prosecution Service of the Slovak Republic has its own separate budget chapter within the State budget.
The status and role of the Public Prosecution Service and of the Prosecutor-General are governed by the **Constitution of the Slovak Republic** (Article 149) and by **Act No 153/2001 on the Public Prosecution Service**, which also governs the powers of the Prosecutor-General and other prosecutors. The Act also governs the organisation and management of the Public Prosecution Service. The status, rights and responsibilities of prosecutors are set out in **Act No 154 /2001 on Prosecutors and Trainee Prosecutors**.

Hierarchical structure

Given its role as an authority safeguarding the law, the Public Prosecution Service needs to be organised hierarchically. It ensures uniform implementation of laws and other legislation of general application, and of penal policy.
Within the Public Prosecution Service there is a hierarchy of prosecutors, all of whom are subordinate to the Prosecutor-General.

Powers

The powers of the Public Prosecution Service include the following:
the criminal prosecution of individuals suspected of having committed criminal offences and the monitoring of compliance with the law both before criminal prosecution is initiated in accordance with the relevant law and during preliminary proceedings;
ensuring that persons who have been deprived of their liberty or whose liberty has been restricted by decision of a court or any other authorised state body are detained in places and under conditions that are legally compliant;
exercising its powers in court proceedings;
representing the State in court proceedings pursuant to the relevant legislation;
overseeing legal compliance by public administrative authorities to the extent defined by law;
exercising its powers in the field of international cooperation to the extent specified in the relevant legislation, in international treaties promulgated in the manner laid down by law and in legally binding EU acts;
participating in the drafting and implementation of measures designed to prevent breaches of laws and other legislation of general application;
helping to eliminate the causes of and conditions for criminal activities, and to prevent and repress crime;
helping to prepare legislation (involvement in the legislative process);
carrying out other tasks provided for in a specific law or act or in a legally promulgated international treaty.

Duties

The Prosecutor-General and the individual prosecutors carry out all duties falling within the Public Prosecution Service's remit, and use all statutory means available when discharging their duties and obligations. They are required to:
implement (to the best of their knowledge and belief) the Constitution of the Slovak Republic, constitutional and other laws, legally promulgated international treaties and other legislation of general application;
respect and protect human dignity and fundamental human rights and freedoms, and refrain from any form of discrimination;
protect the public interest;
act with initiative, fairness and impartiality, and without undue delay.

Hierarchy

The **organisational system** of the Slovak Republic's Public Prosecution Service is made up of the following **bodies**:

The **Prosecutor-General's Office** is the highest authority and stands at the apex of the prosecution system. The Prosecutor-General's Office comprises:
the **Special Prosecutor's Office**, established in order to detect and prosecute cases of corruption and organised crime;
Regional Prosecutor's Offices (8), which are superior to District Prosecutor's Offices in their region; and
District Prosecutor's Offices (55).
The headquarters of the Prosecutor-General's Office are in Bratislava.
The headquarters and **territorial districts** of the subordinate prosecution offices correspond to the headquarters and districts of the relevant courts. However, headquarters and territorial jurisdiction do not correspond to the country's administrative territorial division.
Prosecutors perform their duties as part of a **service relationship**, which is established when they are appointed. Prosecutors are appointed by the Prosecutor-General to **prosecutorial positions for an indefinite period**. Prosecutors must swear an unconditional oath when taking up their positions.

Qualifications

Prosecutors must be **Slovak nationals** and meet the following **conditions**. They must:
be at least 25 years of age on the date of their appointment;
hold a master's degree in law from a law faculty of a university in the Slovak Republic or a recognised certificate issued by a foreign university and attesting to a master's degree in law; if a prosecutor first obtains a bachelor's degree and then a master's degree, both degrees must be obtained in the field of law;
enjoy full legal capacity and be medically fit to perform the tasks of a prosecutor;
have no criminal record, and be of sound character to carry out their functions properly;
have a perfect command of Slovak;
have permanent residence in the Slovak Republic;
not be a member of any political party or political movement;
have passed the prosecutorial examination;
have successfully passed the selection procedure, unless otherwise provided by law;
consent in writing to being appointed as a prosecutor in a particular prosecution office.
Only a **trainee prosecutor** may register for the **prosecutorial examination**. Vacancies for trainee prosecutors are filled by means of a selective examination.
Judicial expert examinations, bar examinations and notarial examinations also qualify as prosecutorial examinations under the Act.
Promotion to the position of the Chief Prosecutor or a more senior position is possible only on the basis of **a selection procedure and following consultation of the Council of Prosecutors.**
The temporary secondment of a prosecutor to perform tasks in another prosecutor's office is subject to his or her consent. Without such consent, prosecutors may be seconded temporarily to perform tasks in another prosecutor's office for a maximum of 60 working days per calendar year if that is necessary in order to enable the prosecutor's office in question to perform its tasks properly.
Prosecutors may be transferred to another prosecutor's office only if they consent to the transfer, apply to be transferred or are transferred for disciplinary reasons.
The Prosecutor-General may **suspend** a prosecutor who is prosecuted for an intentional criminal offence or a criminal offence committed by negligence in the performance of prosecutorial duties, or who is subject to disciplinary proceedings for an act that could result in his or her removal from prosecutorial duties.
The service relationship of a prosecutor may be **terminated** only for reasons defined by law.

Roles and responsibilities

A prosecutor supervises compliance with the law both before prosecution and during preliminary proceedings. In carrying out their supervisory duties, prosecutors have the power to:
issue binding instructions to members of the police force before criminal proceedings begin and during the investigation and summary investigation of criminal acts, and to impose time limits for handling a case; any instruction must be included in the relevant case file;
request files, documents, materials and reports on the status of a police investigation once a prosecution has begun, in order to establish whether the police launched the prosecution promptly and are acting appropriately;
take part in police operations, carry out individual investigative activities or conduct an entire investigation or a summary investigation, and issue a decision relating to any case; in doing so, the prosecutor must act in accordance with the law; complaints against prosecutors' decisions may be lodged in the same way as against police decisions;
refer a case back to the police with instructions to supplement an investigation or summary investigation, and set a time limit for so doing; the prosecutor notifies both the accused and the injured person that a case has been referred back;
cancel unlawful or unjustified decisions by the police and replace them with his/her own decisions; a prosecutor may decide to discontinue a criminal prosecution or transfer a case elsewhere within 30 days, if the prosecutor replaces a police decision with his or her own decision other than on the basis of a complaint submitted by an entitled party; a complaint may be made against the prosecutor's decision and police resolution; a prosecutor may also issue binding instructions to launch an investigation and summary investigation.
withdraw a case from a police officer and take action in order to transfer it to another police officer(s);
take action to ensure that an investigation or summary investigation into a criminal offence committed by a member of the armed security force is carried out by a police investigator; prior to such action, prosecutors shall seek the opinion of the Head of the Inspection Service Office; in investigations or summary investigations into criminal offences committed by customs officers, prosecutors may proceed in a similar fashion.
Only a **prosecutor** has the power to:
bring charges;
conclude a guilt and punishment agreement with an accused person and submit a proposal to the court for such agreement to be approved;
suspend a criminal prosecution;
discontinue or provisionally discontinue a criminal prosecution;
approve conciliation or a pre-trial settlement and discontinue criminal prosecution;
issue an order to seize an accused person's property and determine which possessions should not be seized, or cancel such seizure;
secure the claim of an injured person, cancel or partially cancel it or exclude an item from it;
issue an order to exhume a dead body;
request consent for the criminal prosecution or the taking into custody of a person in a case requiring the consent of the National Council of the Slovak Republic, the Judicial Council of the Slovak Republic, the Constitutional Court or the European Parliament;
seek a court order taking a defendant into custody or extending a period of custody;
seek an order requesting a defendant's return from abroad;
carry out a preliminary investigation into extradition proceedings, unless provided otherwise by law;

on the basis of a request from a competent foreign authority, seek a court order with the aim of provisionally seizing the property of an individual against whom a criminal prosecution is being conducted abroad, or the part of that property that is located within the territory of the Slovak Republic.
In exercising their **supervisory power with a view to ensuring that places of detention for persons who have been deprived of their liberty** or whose liberty has been restricted are legally compliant, prosecutors must ensure that such persons are detained in such places only on the basis of a court decision or a decision by some other authorised state body, and that laws and other acts of general application are complied with at the places concerned.
In civil proceedings, a prosecutor has the power to:
seek the initiation of civil proceedings in order to:
impose protective rehabilitation on a person aged between 12 and 14 years if he or she has committed a criminal act that is punishable under the Criminal Code by a life sentence;
declare a strike or a lock-out unlawful;
declare invalid the transfer of State property under the Act on proving the origin of funds in the event of privatisation, the Act laying down the conditions for the transfer of State property to other persons or the Act on the administration of State property;
review the legality of any decision made by an administrative authority in cases where an objection lodged by a prosecutor has not been accepted;
repeal an unlawful decision adopted by a municipality if the latter has failed to repeal its decision on the basis of a prosecutor's objection;
intervene in any civil non-contentious proceedings except for divorce proceedings. If divorce proceedings are joined with proceedings determining the spouses' post-divorce relationships with their underage children, prosecutors may intervene in this part of the proceedings.
In civil contentious proceedings, prosecutors may:
file an action in cases where the State claims recovery of unjust enrichment, where determination of ownership is being sought, where the provisions of an act of general application have been infringed, or where provided for in a specific act;
intervene in open proceedings in cases where the State, a legal person established by the State, a State enterprise, a legal person in which the State has an ownership interest, a municipal authority or a higher territorial unit is one of the parties to the proceedings, or in cases concerning liability for damage caused through the exercise of public authority.
When overseeing compliance by public administrative authorities with laws and other legislation of general application, the prosecutor has the right to **review the lawfulness** of:
legislation of general application issued by public administrative authorities;
internal administrative rules issued by public administrative authorities with the aim of ensuring that public administrative tasks are performed;
decisions taken in individual cases in the field of public administration;
actions by public administrative authorities when issuing rules and decisions in the field of public administration.

Judges

Organisation

Court staff

Principal administrator-assistant (382 Kb) sk

Court registrar (295 Kb) sk

Senior judicial officer (460 Kb) sk

Assistant to supreme court judge (291 Kb) sk

Lawyers

Legal databases

For further information, please refer to the Slovak Bar Association's website.

Solicitors / Legal Advisers

Legal databases

For further information, please refer to the website of the Slovak Centre for Legal Aid.

Notaries

Notaries in the Slovak Republic must hold a **degree in law**.
The task of a notary is to execute preventive justice and issue authenticated official acts.
Notaries are overseen by the Ministry of Justice.
Notaries must be members of the Slovak Republic's **Chamber of Notaries**.

Legal databases

The website **of the Chamber of Notaries** provides only intranet support for notaries. Access is **free** but the information that can be searched is limited.
The database provides access to:
public registers
a list of notaries (contact data, language(s) known, opening hours)
legislation
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Types of legal professions - Finland

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

Legal professions – Introduction

The legal professions in Finland include court judges, public prosecutors, public legal aid attorneys, advocates, licensed legal counsels, notaries public and bailiffs.

Prosecutors

Organisation

The National Prosecution Authority employs around 550 people. Some 400 of them are prosecutors. In addition, the Authority employs around 150 people in various support and expert positions.

The National Prosecution Authority consists of the **Office of the Prosecutor General** acting as the central administrative unit, and **five Prosecution Districts**: Southern Finland, Western Finland, Northern Finland, Eastern Finland and Åland. It has 34 sites across Finland.
The National Prosecution Authority is headed by the **Prosecutor General as the highest prosecutor in the country**.
The Office of the Prosecutor General is responsible for the central administration, direction and supervision of the National Prosecution Authority and its operation overall. The Prosecution Districts carry out the actual prosecution work.
The National Prosecution Authority falls within the administrative remit of the Ministry of Justice.

Tasks

The independent National Prosecution Authority is a state authority and part of the judiciary. Its task is to ensure that there is criminal liability, i.e. that an offence is punishable by a penalty within the meaning of the law. Prosecutors take their prosecution decisions independently and are independent judicial bodies.
In criminal proceedings, the public prosecutor has the most substantial role to play among the public authorities, extending in the chain of proceedings from pre-trial investigations to court proceedings. A prosecutor may also impose a fine for minor offences.
The prosecutor's duties focus mainly on **prosecution** and **court proceedings**. In the course of the prosecution, public prosecutors decide which cases they bring to court on the basis of the charges brought. It is the responsibility of the public prosecutor in a trial to prove that the offence that a defendant is accused of has been committed.
The public prosecutor will also ensure that the pre-trial investigation is carried out in sufficient depth. The prosecutor becomes acquainted with more complex criminal cases already at the start of the pre-trial investigation and may also, on the proposal of the head of the investigation, end the pre-trial investigation before the indictment stage.
The role of the prosecutor in the pre-trial investigation is especially important when a police officer is suspected of having committed a crime. In such a case, the prosecutor will also head the pre-trial investigation.

Legal databases

More information is to be found on the National Prosecution Authority website.

Judges

Organisation

In Finland, most court judgements are made by professional judges. In district courts, there are also lay judges. Judges are members of an independent judiciary. They hold office in the Supreme Court, courts of appeal and district courts, the Supreme Administrative Court and administrative courts, the Insurance Court, the Labour Court and the Market Court. Judges are state officials and cannot be removed from office. A judge may not be suspended from office, except by a judgement of a court of law. Additionally, a judge cannot be transferred to another post without his or her consent.
Chapter 12 of the **Act on Public Officials in Central Government** contains separate legal provisions for judges as civil servants. According to the law, the provisions governing leave of absence, admonition, temporary employment and dismissal of other civil servants do not apply to judges. According to the Act on Public Officials in Central Government, judges are obliged to resign from office once they reach the statutory retirement age (for judges this is 68), or upon becoming permanently incapacitated.

Tasks

Judges

A person wishing to qualify as a judge must hold a **higher university degree in law** and have completed **one year's training on the bench** in a court of first instance. The usual route to the profession of judge is by working as a **referendary clerk** (senior secretary) in the court of appeal, followed by an appointment as a judge in a district court or a court of appeal. In the future, candidates will receive special training. The court of appeal announces vacancies and the Judicial Appointments Board assesses the suitability of the applicants. The judges are appointed by the President of the Republic.

Lay judges

The district courts have lay members or 'lay judges', who participate in making decisions in certain cases. In the main, lay judges are used in **criminal cases**, but can also act **in civil matters** and **tenancy** disputes. In a district court, a case will be heard by one permanent judge, acting as the chairperson, and three lay judges. The lay judges are independently empowered and, when necessary, a decision is reached by taking a vote; the majority opinion decides the verdict. If there is a tie in a criminal case, the opinion most advantageous to the defendant will prevail; in a civil case, the chairperson has the casting vote.
The municipal councils appoint lay judges for terms of four years. Every municipality must have at least two lay judges; large municipalities have a far higher number. The lay judges should represent the age, sex, language and occupation structure of the municipality as closely as possible.
A lay judge must be **a Finnish citizen**. People under the age of 25 or older than 63 years cannot be appointed as lay judges. People with official positions in the courts or penal institutions cannot serve as lay judges, nor can people serving as prosecutors, advocates or police officers. A lay judge takes a judge's oath or makes a solemn affirmation before taking his or her seat.
The objective is for each lay judge to participate in a hearing approximately once a month or 12 times a year. The district court pays a hearing fee to lay judges and reimburses them for loss of income.

Public legal aid attorneys

Organisation

Public legal aid attorneys are lawyers or advocates employed by State Legal Aid Offices. They are state officials, appointed to office by the Minister of Justice. Legal aid offices are managed by the Ministry of Justice.
The requirements for eligibility for the office of public legal aid attorney are a Master's degree in law (*oikeustieteen kandidaatti* or *oikeustieteen maisteri*) and adequate experience of advocacy or adjudication. Many public legal aid attorneys also hold the honorary title of *varatuomari* (Master of laws with court training).
Public legal aid attorneys are engaged to appear before courts of law. They are under an obligation to observe the rules of proper professional conduct for advocates in their activities. In this respect, they are subject to the disciplinary powers of the Finnish Bar Association. More than half of the public legal aid attorneys in Finland are members of the Bar Association. Public legal aid attorneys are independent of any other actors in the performance of their commissions.

Advocates

Only members of the Finnish Bar Association are entitled to use the professional titles **'asianajaja'**, (in Swedish) '**advokat**'. Anyone applying for membership of the **Finnish Bar Association** must:
have completed a **Master of Laws degree (LL.M.)**, entitling them to hold a **judicial office**
be known as a person of integrity
have several years of experience in the legal profession and other judicial activities
pass a special examination covering the basic elements of the legal profession and professional ethics

be autonomous and independent of influence by government and all other quarters, with the exception of their client
have various other qualifications, as appropriate.

Responsibilities of advocates and supervision of their practice

In terms of penal or tort liability, the responsibility of an advocate does not differ in principle from the responsibility of other citizens. Every advocate must, however, take out liability insurance to cover damages arising from anything but premeditation or gross negligence. The Bar Association has established a compensation fund to cover damages emanating from an advocate's criminal conduct.

An advocate has, furthermore, a professional responsibility. The board of the Bar Association must ensure that advocates fulfil their duties according to professional ethics. Where they do not, the Bar Association will start disciplinary procedures, which most often begin with a written complaint or warning. The Chancellor of Justice is informed of the decisions taken by the Bar Association, and he or she may file appeals against these decisions with the Helsinki Court of Appeal.

The Finnish Bar Association is an organisation governed by public law, regulated by the Advocates Act of 1958. This organisation was preceded by a registered association with the same name. All members of both organisations are and always have been advocates.

The Bar Association has about 1 850 members, designated as 'advocates' (in Finnish *'asianajaja*, in Swedish *advokat*). The law firms employ approximately 600 associate lawyers. Around 120 advocates are public legal aid attorneys. Legal aid offices also employ more than 100 legal aid attorneys who are not members of the Bar Association.

Lawyers who have been dismissed from the Bar Association following disciplinary measures can still pursue their profession under another professional title. In such a case, however, the lawyer practises without the obligations of an advocate and outside the supervision of the Bar Association.

A citizen of Finland or another state within the European Economic Area, who has reached the age of 25 years, may be accepted as an advocate, if they are known to be honest and in terms of their other characteristics and way of life suitable for the profession of advocate. They must have the academic requirements stipulated in Finland for judicial office, acquired the skills required to practise as an advocate and have work experience in advocacy. Furthermore, they must not be bankrupt and must have full legal capacity.

In accordance with international commitments that have entered into force in Finland, a person who does not have the academic qualifications nor has acquired the work experience required in Finland — but who holds the professional qualifications of an advocate in one of the states of the European Economic Area — may be accepted as an advocate. In such cases applicants must show, in a Bar Association examination, that they have sufficient knowledge of Finnish law and the practice of law in Finland.

Additionally, a person who holds the professional qualifications of an advocate in a Member State of the European Union may be accepted as an advocate without sitting an examination. Acceptance as an advocate who has not taken an examination is subject to the applicant having had an entry for at least three years in the register of advocates kept by the Bar Association, using their original professional title and qualified to practise advocacy in another Member State (EU register). In addition, they must show that they have regularly pursued the profession of advocate in Finland for at least that period.

Legal databases

Further information can be found on the Finnish Bar Association website.

Licensed legal counsel

A licensed legal counsel is a lawyer who has obtained a licence from the Legal Counsel Board to act as a legal counsel. Licensed legal counsels are required to comply with the rules of professional conduct equivalent to those of the Code of Conduct when acting in court as counsel or attorney. In this respect, licensed legal counsels are subject to supervision by the Supervisory Board of the Finnish Bar Association, the Legal Counsel Board and the Chancellor of Justice.

Legal databases

Further information on the list of legal counsels is available on The Finnish Ministry of Justice website.

Notaries public

In Finland, the tasks of notaries public are regulated by law. Notaries public are employed by local register offices and jurisdictional district offices. The requirement for eligibility for the office of notary public is a master's degree in law (oikeustieteen kandidaatti or oikeustieteen maisteri).

Despite many similarities, the duties of notaries public in Finland differ largely from the duties of notaries in the rest of Europe and the United States. In Finland, a notary public is always a state official. However, notaries public are not full-time positions; the majority of officials carrying out the tasks of notaries public are district registrars in local register offices. Because of the doctrine of freedom of contract in civil matters, confirmation by a notary public is not a prerequisite for the validity of contracts in Finland. The only civil law contract requiring notarisation in Finland is one related to conveyance.

Notaries public handle the certification of, inter alia, signatures, copies of certificates and curricula vitae. Notaries public can also certify documents with an apostille, a certificate confirming that the signatory of a given document has the position indicated in the document and that he or she is authorised to issue the document.

Other legal professions

Enforcement authorities

The National Enforcement Authority Finland is an agency under the Ministry of Justice, responsible for the independent performance of statutory enforcement tasks. Enforcement is part of the judicial system and is based on law. Enforcement tasks include the recovery of claims, evictions and security measures. The enforcement authority acts impartially and takes into account the rights of both the creditor and the debtor. The **network of 64 offices** of the National Enforcement Authority **covers the whole of Finland**.

A bailiff, or enforcement officer, is an umbrella term for government officials **carrying out enforcement tasks**. A bailiff has independent powers of enforcement. Under the law, bailiffs are:

Enforcement Inspectors of the Basic Enforcement Unit;
Senior Enforcement Inspectors of the Extensive and Special Enforcement Units
they report to the Senior Enforcement Officers and
the Chief Enforcement Officers
in Åland, the equivalent titles are the Senior Enforcement Inspector and Provincial Senior Enforcement Officer.

Bailiffs under the law also include the Director-General of the National Enforcement Authority Finland and the Deputy Director.

There are also other legal titles at the National Enforcement Authority, such as economic counsellor, specialist, administrative bailiff and senior administrative bailiff.

The majority of enforcement claims are dealt with using electronic recovery tools **at the National Basic Enforcement Unit,** and this does not require face-to-face contact with the debtor.

In their respective territories, the **five regional enforcement units for extensive enforcement** are responsible, for example, for the sale of seized property (distraint) and other more exacting enforcement tasks.

The National Special Enforcement Unit carries out a lot of investigative and time-consuming enforcement tasks, and is involved in inter-agency cooperation and the fight against the shadow economy and economic crime.
The **Central Administration** of the National Enforcement Authority is responsible for the administrative supervision, development and control of the enforcement service. The Central Administration is also responsible for the performance and effectiveness of the Authority as a whole.
The Authority's Central Administration is not involved in individual enforcement tasks; the enforcement units all act independently. Individual enforcement cases always fall within the jurisdiction of the bailiff/enforcement officer in charge of the case, and decisions taken in individual enforcement cases cannot, for example, be revised by Central Administration.
Further information is available at the National Enforcement Authority Finland website.
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Types of legal professions - Sweden

This section provides you with an overview of the legal professions in Sweden

Prosecutors
Judges
Barristers/Advocates
Notaries
Other legal professions

Legal professions - introduction

Prosecutors

Organisation

The public prosecution service consists of the Prosecution Authority (*Åklagarmyndigheten*) and the Economic Crimes Authority (*Ekobrottsmyndigheten*). Both authorities answer directly to the Government (Ministry of Justice). The Prosecution Authority is headed by the Prosecutor-General and the Economic Crimes Authority by a Director-General. The **Prosecutor-General** (*Riksåklagare*) is the highest-ranking prosecutor in the country and is responsible for and heads the prosecution service.
The Prosecutor-General is responsible for legal development, the operations of the Supreme Court, and administrative tasks. **Senior prosecutors** are responsible for particular areas of the prosecution service. Public prosecutors are appointed by the Prosecutor-General, and are organised into prosecution districts staffed by **district prosecutors**. Some district prosecutors are specialists in a particular field. There are 32 district prosecution offices. There are also three international and four nationwide prosecution offices, which handle special types of case. Each district prosecution office is headed by a **Chief Prosecutor**.
All prosecutors within the Prosecution Service are completely independent in their decision-making, which means that a senior prosecutor may not decide what decisions a subordinate prosecutor may make in a case for which the subordinate is responsible. To become a prosecutor you must have Swedish citizenship. Before you can be accepted as a prosecutor you must also have obtained a Swedish law degree and completed a period of practical legal training, working for two years as a clerk at a district court or administrative court. In certain circumstances, legal training in another Scandinavian country can be regarded as equivalent to a law degree. Prosecutors are first taken on as **trainee prosecutors** for nine months, during which the prosecutor has a mentor to guide him or her in the work. After this, the prosecutor undergoes a two-year course of training while working as a prosecutor, before being appointed District Prosecutor.
There are three prosecution **development centres**, situated in Stockholm, Gothenburg and Malmö, which are headed by a Senior Prosecutor. The task of the development centres is to conduct methodology and legal development work within their respective criminal fields, and act as knowledge centres in their areas of responsibility. They also carry out legal follow-up and supervision; an example of this is that all appeals against decisions by prosecutors are handled by the development centres.

Role and duties

A prosecutor has **three main duties**:
to lead investigations into crimes;
to decide whether charges should be brought;
to appear in court.
The prosecutor heads the preliminary investigation for crimes that are not regarded as minor, in which a particular person can reasonably be suspected of the crime. A prosecutor may lead an investigation in other cases too, if there are special grounds for doing so. As leader of the preliminary investigation, the prosecutor is responsible for ensuring that the crime is investigated in an optimal way. For less serious crimes, the investigation is handled entirely by police officers.
When a prosecutor is leading the preliminary investigation, he or she is assisted in the investigation by the police. The prosecutor continually monitors the investigation and makes decisions about the investigative measures and decisions required. When the preliminary investigation is complete, the prosecutor decides whether or not to initiate legal proceedings. (This also applies to the preliminary investigations for which the police are responsible.)
Another important aspect of the prosecutor's work is the preparation of cases and appearance in court. Through the decision to bring charges, and the prosecutor's description of the crime, the prosecutor sets the framework for the criminal proceedings in court. Most prosecutors spend at least one or two days a week in court.
The Prosecutor-General is the only prosecutor allowed to instigate or pursue proceedings in the Supreme Court. He or she may, however, appoint an assistant prosecutor at the Office of the Prosecutor-General, or appoint another public prosecutor to represent the Prosecutor-General in the Supreme Court.

Legal databases

More information on prosecutors is publicly accessible at the Prosecution Authority website.

Judges

Organisation

Permanent judges (*ordinarie domare*) are appointed by the Government on the recommendation of an independent state advisory body, the Judges Proposals Board (*Domarnämnden*). In principle, a judge cannot be dismissed other than in the circumstances set out in the constitutional document known as the Instrument of Government (*regeringsformen*).
To become a judge you must have Swedish citizenship. To be allowed to serve as a judge you must also have a Swedish law degree. In certain circumstances, legal training in another Scandinavian country can be regarded as equivalent to a law degree. Most permanent judges work as district court

or administrative court judges, or as judges at courts of appeal or administrative courts of appeal. The president of a court of appeal or administrative court of appeal is known as the *president*, and the president of a district court or administrative court is known as the *lagman*. Judges of the Supreme Court and Supreme Administrative Court are known as **justices** (*justitieråd*).

Many of those appointed as permanent judges have followed a traditional career path during which they spend two years as a **clerk** at a district court (329 Kb) (sv) or an administrative court (281 Kb) (sv) and then apply to become a reporting clerk (*fiskal*) at a court of appeal or administrative court of appeal. After at least one year at such a court, **a trainee judge** must serve for at least two years as a reporting clerk at a district court or an administrative court. This is followed by at least one year's service as an acting associate judge at a court of appeal or administrative court of appeal. After successfully completing and passing the course, the trainee judge is appointed associate judge of appeal at a court of appeal or administrative court of appeal. Reporting clerks and associate judges are examples of **judges without permanent tenure** who can appear in courts. The courts also employ a number of **drafting lawyers** (280 Kb) (sv) and **rapporteurs** (281 Kb) (sv) .

District courts, courts of appeal, administrative courts and administrative courts of appeal all have a number of **lay judges** (*nämndemän*). The lay judges are appointed for a term of four years by

the municipal council in municipalities within the territorial jurisdiction of the district court;

the county council in counties within the jurisdiction of the administrative court, administrative court of appeal or court of appeal.

During votes in connection with the court's deliberations, each lay judge has one vote.

Legal databases

For more information on judges and lay judges, see the Swedish courts' website. For judges in particular, see the website of the Swedish Judges' Association.

Organisation of the legal profession: Lawyers

Barristers/Advocates

Under Swedish law, only members of the Swedish Bar Association (Sveriges Advokatsamfund) are entitled to use the professional title **advokat** ('barrister' or 'advocate'). To become a **member of the Association**, a person must:

be a resident of Sweden or another country within the EU or EEA, or of Switzerland;

have passed the examinations qualifying the holder to become a judge – in Sweden, the LL.M degree;

have three years' practical experience of qualified legal work, and be practising at the time of application for membership;

have completed the Bar Association's training and passed the examination;

be known to be of good character and suitable in other respects to practise as a barrister.

Special rules apply to applicants from other EU or EEA countries or Switzerland who meet the training requirements to become barristers in their home countries.

Decisions to accept new members are made by the Board of the Bar Association.

The Swedish Bar Association was founded on a private initiative in 1887 and was given official status with the 1948 entry into force of the current Code of Judicial Procedure. The Association now has more than 4 700 members.

The Association is governed by the Code of Judicial Procedure and by the Association's own charter, which is subject to approval by the Government. The Association, which is governed by private law, has the following aims:

to maintain high ethical and professional standards in the legal profession;

to monitor legal developments and ensure that the Association's expertise is brought to bear in that context;

to safeguard the general professional interests of its members and promote cooperation and consensus among them.

The Association also has some public duties. The Code of Judicial Procedure allocates administrative tasks to the Association, enabling it to function as a public authority, primarily in disciplinary matters.

The Association's governance aims to ensure that members of the public seeking legal counsel and advice receive qualified assistance. Under the Code of Judicial Procedure, members have a duty to abide by the code of professional ethics and are subject to the regulatory and supervisory authority of the Bar Association and the Chancellor of Justice. Barristers are under the supervision of the Bar Association's Disciplinary Committee. If the Disciplinary Committee considers that a barrister has breached the Bar's code of conduct, the Committee can impose a disciplinary sanction on the member concerned.

Legal databases

More information is available at the Swedish Bar Association website.

Legal counsel/legal advisers

There is no requirement for the **legal counsel** in court proceedings to be a barrister, but the court must consider the legal counsel to be suitable. In principle, however, only advocates are appointed public defence counsel.

Notaries

Organisation

Besides the **Notary Public** (see below), there are no special notaries in Sweden.

A notary public is appointed by the County Administrative Board (*länsstyrelsen*). A notary public must be legally qualified, know the Swedish language and be otherwise suitable.

Role and duties

Legal databases

There is no publicly available directory and/or website for this profession.

Some of the County Administrative Boards' websites, however, contain more information on notaries public.

The function of the notary public is to assist the public in various matters, such as:

the verification of signatures, copies, translations and other information that concerns the content of documents;

attending court as a witness in certain cases;

supervising lottery draws;

following other inspection or examination, submitting a report on his or her observations;

receiving declarations on circumstances of a legal or economic nature and delivering those declarations to a third party;

confirming that an authority or person is authorised to carry out certain measures;

issuing certificates under the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (apostille).

Legal databases

There is no publicly available directory and/or website for this profession.

Some of the County Administrative Boards' websites, however, contain more information on notaries public.

Other legal professions

The Enforcement Authority (*Kronofogdemyndigheten*) is responsible for the enforcement of debt recovery and other obligations. An **enforcement officer** (*kronofogde*) is employed by the Authority and is responsible for ensuring that recovery takes place lawfully. It is possible to train as an enforcement officer in Sweden. To be accepted for training you must be a Swedish citizen, have obtained a law degree or comparable qualification and be a qualified court clerk (*notarie*). It is also possible to replace the qualification as a court clerk with a specifically determined period of in-service training or a dispensation procedure.

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Types of legal professions - England and Wales

This page provides you with an overview of some of the main legal professions in the England and Wales jurisdiction of the UK. It includes information about judges, prosecutors and different types of lawyers.

The Judiciary

In the England and Wales judicial system, judges of differing judicial status – in both full-time and part-time posts – sit in the various courts and tribunals of England and Wales. You can find information about the judiciary in England and Wales on the Judiciary of England and Wales website.

Full-time judges

Lord Chief Justice – the Lord Chief Justice is the Head of the Judiciary of England and Wales and the President of the Courts of England and Wales. The latter role began on 3 April 2006 when the Lord Chancellor's judicial functions were transferred to the Lord Chief Justice under the Constitutional Reform Act 2005. The Lord Chief Justice is also the Head of Criminal Justice.

Heads of division – four senior judges head up the other jurisdictions: the Master of the Roles (Civil); the President of the Queen's Bench Division; the President of the Family Division, and the Chancellor of the High Court (Chancery). For more information, please see the website of the Judiciary of England and Wales.

Lords Justices of Appeal sit in the Court of Appeal, which deals with both criminal and civil cases.

High Court Judges sit in the High Court, where the most complex civil cases are heard. They also hear the most serious and sensitive criminal cases in the Crown Court (for example, murder).

Circuit Judges normally hear criminal, civil and family cases.

District Judges deal with civil law cases. Most of their work is conducted in chambers (not in open court trials). They also have the power to try any action in a county court, with a sanction below a specified financial limit (which is reviewed from time to time): cases above the limit are generally heard by a circuit judge. District judges dispose of more than 80 percent of all contested civil litigation in England and Wales.

District Judges (magistrates' courts) sit in magistrates' courts and deal with the types of cases dealt with by magistrates (see below). However, they assist particularly in cases dealing with lengthier and more complex matters.

High Court Masters and Registrars are procedural judges who deal with the majority of the civil business in the Chancery and Queen's Bench divisions of the High Court.

Part-time judges

Part-time judges are usually appointed for a period of not less than five years, subject to the relevant upper age limit. The main types of part-time judges are:

Deputy High Court Judges, who sit in one or more of the divisions of the High Court.

Recorders, who have similar jurisdiction to that of circuit judges, although they generally deal with the less complex or serious matters before the court.

Deputy District Judges, who sit in the county courts and at the district registries of the High Court. They deal with the least complex cases that fall within the jurisdiction of district judges.

Deputy District Judges (Magistrates' Courts) deal with work similar to that of their full-time counterparts.

Deputy High Court Masters and Registrars deal with work similar to that of their full-time colleagues in the High Court.

Tribunal judges

Tribunals deal with nearly 800,000 cases a year on a huge variety of issues, such as disputes over tax, pensions or immigration.

Tribunals usually sit as a panel, incorporating a legally qualified tribunal chairperson or judge, supported by lay panel members with specific areas of expertise. There is no jury and a tribunal judge does not have the power to imprison an unsuccessful party. Their main role is to try to bring about a successful resolution of the difficulties and, in some cases, to make a decision on the level of compensation or redress to be awarded to the successful party.

Magistrates

Magistrates, also known as 'justices of the peace' or 'JPs', deal with about 95 percent of criminal cases in England and Wales. More than 30,000 magistrates carry out their duties in local areas and normally sit at least 26 half-days a year. They do not have to be legally qualified and are unpaid.

They normally sit as one on a 'bench' of three, one of whom is trained to act as chairperson, helping guide the bench through its business and speaking for it. A 'bench' is always assisted by a legally qualified clerk to advise on law and procedure.

Magistrates deal with relatively less serious criminal cases. These include minor theft, criminal damage, public disorder and motoring offences. They also hear a range of issues affecting families and children and licensing applications.

Prosecutors

Organisation

The Crown Prosecution Service (CPS) is the independent authority responsible for prosecuting criminal cases that have been investigated by the police in England and Wales. It is superintended by the attorney general, who answers to Parliament for the CPS. England and Wales is divided into 42 prosecution areas, each of which is headed by a chief crown prosecutor. In addition, there are four specialised national divisions: organised crime, special crime, counter-terrorism and the fraud prosecution service. A telephone service, CPS Direct, provides out-of-hours advice and decisions to police officers across England and Wales.

The CPS is led by the Director of Public Prosecutions (DPP), who makes decisions about the most complex and sensitive cases and advises the police on criminal matters. The DPP has overall responsibility for the charges and prosecutions brought by the CPS and reports to the attorney general.

The CPS employs prosecutors and associate prosecutors, as well as caseworkers and administrators. Crown prosecutors are experienced barristers or lawyers, responsible for prosecuting criminal cases on behalf of the Crown. Associate prosecutors review and present a limited range of cases in magistrates' courts.

Role and duties

The staff of the CPS:

Advise the police and review the evidence on cases for possible prosecution

Decide on the charge (in all but minor cases) where the decision is to prosecute

Prepare cases and present them in court.

Crown prosecutors are classed as civil servants and are recruited through open competition. To be eligible for employment, an applicant must be:

A solicitor admitted in England and Wales with a full current practising certificate

A barrister called to the English Bar who has completed a pupilage (apprenticeship)

A citizen of the European Economic Area or the Commonwealth. Lawyers who qualified outside England and Wales are required to take and pass a lawyer transfer test before taking up a post.

Organisation of the legal profession: Lawyers

Barristers (Advocates)

The Bar Council is the governing body for all barristers in England and Wales. It was established to represent the best interests of the profession, to formulate and implement key policy initiatives and to maintain the standards, honour and independence of the Bar. In accordance with the Legal Services Act 2007, it has delegated the task of regulating the profession to the independent and 'ring-fenced' Bar Standards Board. Barristers are individual specialist legal advisers and courtroom advocates. Generally speaking, they are self-employed and work in groups in offices known as 'chambers', where they are known as 'tenants'. Barristers are trained mainly in advocacy; in other words, they are trained to represent their clients in the higher courts. Barristers also spend a lot of their time advising clients and researching cases, as well as researching their field of expertise. Approximately 10 percent of practising barristers are Queen's Counsel (or QCs) who deal with the most important and complex cases.

Solicitors (legal advisers)

A solicitor's job is to provide clients (members of the public, businesses, voluntary bodies, charities, etc.) with skilled legal advice and representation, including representing them in court. Their work varies enormously. Most solicitors work in private practice, which is a partnership of solicitors who offer services to clients. They may have a general practice covering many areas of law or specialise in a particular field. Others work as employed solicitors for central and local government, the Crown Prosecution Service, the magistrates' courts, a commercial or industrial organisation or other bodies. Solicitors can choose the kind of environment that suits them best.

Generally solicitors provide legal advice to clients. If those clients then require to be represented in the higher courts in England and Wales, the solicitor will generally instruct a barrister to conduct the case in court. A barrister is not always required, however, as suitably qualified solicitors have rights of audience (that is, they are entitled to represent clients) in the higher courts.

The Law Society represents solicitors in England and Wales. Its duties range from negotiating with and lobbying the profession's regulators, government and others to offering training and advice. The Law Society exists to help, protect and promote solicitors across England and Wales.

The Solicitors Regulation Authority (SRA) deals with all regulatory and disciplinary matters, and sets, monitors and enforces standards for solicitors across England and Wales. Formerly known as the Law Society Regulation Board, it acts solely in the public interest.

The Office for Legal Complaints is for members of the public wishing to make a complaint about a solicitor. Formerly known as the Legal Complaints Service, this independent and impartial body will work to resolve any issues quickly and efficiently.

Notaries

Notaries form the third and oldest branch of the legal profession in England and Wales. Notaries are admitted to practice and granted their faculty (authority to practise) by The Faculty Office (the Archbishop of Canterbury first did this in 1279) and the regulator is the Court of Faculties. Notaries provide a bridge between the civil law and the common law.

All notaries have a legal training and, although most of them may also be solicitors, qualification as a notary is by way of independent and separate examinations. Notaries must all follow the same initial course in order to qualify for the profession: successful completion of the notarial practice course provided by University College London is required. Once qualified, notaries are able to practice anywhere in England and Wales and all have the same powers. In addition to preparing and issuing notarial acts and instruments, notaries may also advise in relation to the preparation of Wills, succession matters, the administration of estates and carry out the conveyancing of property.

Notarial activities have been recognised worldwide for centuries and this has allowed citizens and business to circulate freely. In this way, notaries facilitate commerce and life for ordinary citizens, allowing them to go about their daily lives and conduct business freely at reasonable cost and without undue delay.

A notary holds an official seal and notarial acts in England and Wales have probative force. Notarial acts are prepared in private and in public form; the latter are also known as 'notarial acts in authentic form'. Notarial acts under the signature and seal of a notary are recognised as evidence of a responsible legal officer in all countries of the world.

Notaries are subject to similar professional rules as solicitors and are required to renew their notarial practising certificates annually and hold professional indemnity and fidelity insurance cover. Renewal is subject to compliance with the rules. A notarial appointment is a personal appointment held by an individual notary. The Notaries Society is the membership organisation that represents approximately 800 notaries public. The Society of Scrivener Notaries represents approximately 30 scrivener notaries who practise mainly in central London, appointed by the Scriveners Company, an ancient guild.

Patent and trade mark attorneys

Patent and trade mark attorneys are specialist advisers in the field of intellectual property. They provide legal advice to clients in this field, particularly in relation to patents, trade marks, designs and copyright. They also represent their clients in the specialist IP courts (some acquiring further rights after gaining an additional litigator's qualification).Most patent and trade mark attorneys work in private practice. Many work in specialist practices, but some also work in partnership with solicitors. Additionally, a sizable part of the profession works in industry. Patent attorney and trade mark attorney litigators can represent their clients in court, in the same way as solicitors, for intellectual property cases, including instructing a barrister to conduct the case. The Chartered Institute of Patent Attorneys (CIPA) represents patent attorneys throughout the UK. Its role includes engaging with the Government over IP legislation, providing education and training for patent attorneys and trainees and engaging with the profession's regulators. CIPA seeks to promote IP law and the IP professions. The Institute of Trade Mark Attorneys (ITMA) represents Trade Mark Attorneys and the profession throughout the United Kingdom. Its duties include negotiating with and lobbying government, its independent regulatory arm (IPReg) and other relevant organisations. It provides relevant education, training and advice for the Trade Mark Attorney profession and it is responsible for promoting the profession and IP. The Intellectual Property Regulation Board (IPReg) deals with all regulatory and disciplinary matters, and sets, monitors and enforces standards for patent and trade mark attorneys across the UK. It acts in the public interest and it maintains statutory Registers of patent attorneys and trade mark attorneys, both individuals and entities

Other legal professions

Apart from those working in the magistrates' courts, the clerks and other staff in most courts in England and Wales are not required to be legally trained. They are civil servants who deal with administrative matters and assist judges. They may not provide legal advice. As civil servants, all court staff are employed by **Her Majesty's Courts and Tribunals Service**.

More information on court staff categories can be found here (456 Kb) en.

The role of clerks is different in magistrates' courts. Lay magistrates are not legally qualified and they rely on advice from legally trained clerks, of which there are two types: **justices' clerks** and **legal advisers** (or **court clerks**).

Justices' clerks are the principal legal advisers to magistrates. They are lawyers (either barristers or solicitors) with at least a five-year relevant qualification. They advise magistrates on law and procedure both in and out of court. They are also responsible for the management and training of legal advisers, the quality of legal services provided and the provision of consistent legal advice throughout their administrative area.

Legal advisers sit in court and advise magistrates on law, legal practice and procedure. They, too, are legally qualified (usually as solicitors or barristers).

High court writs are now enforced by **high court enforcement officers**, who are appointed and assigned to districts by the Lord Chancellor or his or her delegate. They are responsible for enforcing court orders by recovering money owed under a high court judgement or a county court judgement transferred to the High Court. They can seize and sell goods to cover the amount of a debt. They also effect and supervise the possession of property and the return of goods.

County court bailiffs are civil servants employed by Her Majesty's Courts and Tribunals Service to deal with enforcement of judgments and/or orders made and registered in the county courts. They are civil servants who enforce warrants of execution, repossess land with warrants of possession and recover goods under warrants for return of goods. The regulation for bailiffs who execute warrants is set out in sections 85–111 of the County Courts Act 1984. The procedures for execution are set out in the civil procedure rules. In addition, county court bailiffs carry out other duties, including personally serving documents and warrants of committal. The regulations on committal are set out in section 118-122 of the County Courts Act.

Certificated bailiffs are private bailiffs certificated under the distress for rent rules, and are authorised by a circuit judge sitting in the county court. Distress for rent refers to the seizing of a tenant's goods by a landlord to secure payment of rent arrears without the intervention of the court. Under a number of other Acts, certificated bailiffs are also permitted to enforce other specific debts, such as council tax and non-domestic rates.

Related Links

Crown Prosecution Service,
Faculty Office,
Notaries Society,
Judiciary of England and Wales,
The Law Society,
Solicitors Regulation Authority,
Office for Legal Complaints,
Legal Services Commission,
Chartered Institute of Patent Attorneys;
Institute of Trade Mark Attorneys,
Intellectual Property Regulation Board,
Her Majesty's Courts and Tribunals Service.

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Types of legal professions - Northern Ireland

This page gives you an overview of the legal professions in the Northern Ireland jurisdiction of the UK.

Legal professions – introduction

The legal professions in Northern Ireland include:
Judiciary
Prosecutors
Barristers
Solicitors

Organisation of the legal profession: Judges

The Northern Ireland jurisdiction has the following judicial posts:
Lord Chief Justice – head of the judiciary
Lord Justices of Appeal
High Court Judges
Masters of the Supreme Court
County Court Judges
District Judges (county court)
District Judges (magistrates court)
Lay Magistrates
Coroners

Organisation of the legal profession: Prosecutors

Organisation

The Public Prosecution Service for Northern Ireland (PPS) is the principal prosecuting authority in Northern Ireland. In addition to taking decisions as to prosecution in cases investigated by the police in Northern Ireland, it also considers cases investigated by other statutory authorities, such as HM Revenue and Customs.

The PPS is headed by the Director of Public Prosecutions for Northern Ireland. There is also a Deputy Director of Public Prosecutions. The Deputy Director has all the powers of the Director but must exercise them under his or her direction and control. Both posts are public appointments made by the Attorney General for Northern Ireland.

The PPS is designated as a non-ministerial government department. In accordance with the Justice (Northern Ireland) Act 2002, the functions of the Director shall be exercised independently of any other person. The 2002 Act provides for the Director and Attorney General to consult with each other from time to time on any matter for which the Attorney General is accountable to the Northern Ireland Assembly. At present a number of prosecutorial matters are reserved to Parliament at Westminster. Duties in respect of these matters are performed by the Advocate General for Northern Ireland.

Role and duties

The primary role of the PPS is to decide whether or not to prosecute people for committing criminal offences and what the correct charges should be.

The Service also has responsibility for prosecuting cases at court. The prosecutor presents evidence to the court on behalf of the Crown. Prosecutors call and examine Crown witnesses and cross-examine defence witnesses. At the conclusion of a case, they sum up the evidence to the court on behalf of the Crown.

Organisation of the legal profession: Lawyers

Barristers (Advocates)

In Northern Ireland, barristers are divided into senior counsel (known as Queen's Counsel) and junior counsel. The bar is a body of specialist advocates experienced in litigation, to which the public have access through solicitors and, in limited circumstances, by direct professional access.

The Bar of Northern Ireland is an association of over 600 independent barristers based in the Bar Library in Belfast.

Solicitors (legal advisers)

In Northern Ireland, the Law Society is the regulatory authority that governs the education, accounts, discipline and professional conduct of solicitors. Its role is to maintain the independence, ethical standards, professional competence and quality of the services offered to the public. Solicitors may specialise in a particular field or may be general practitioners.

Notaries

In Northern Ireland, all solicitors are commissioners for oaths. This means they can witness official documents (other than those prepared by themselves or their opponents in a case).

In addition, some solicitors are notaries public, which means they can witness documents for use abroad.

Patent and Trade Mark Attorneys

Patent and trade mark attorneys are specialist advisers in the field of intellectual property. They provide legal advice to clients in this field, particularly in relation to patents, trade marks, designs and copyright. They also represent their clients in the specialist IP courts (some acquiring further rights after gaining an additional litigator's qualification).

Most patent and trade mark attorneys work in private practice. Many work in specialist practices, but some also work in partnership with solicitors. Additionally, a sizable part of the profession works in industry.

Patent attorney and trade mark attorney litigators can represent their clients in court, in the same way as solicitors, for intellectual property cases, including instructing a barrister to conduct the case.

The Chartered Institute of Patent Attorneys (CIPA) represents patent attorneys throughout the UK. Its role includes engaging with the Government over IP legislation, providing education and training for patent attorneys and trainees and engaging with the profession's regulators. CIPA seeks to promote IP law and the IP professions.

The Institute of Trade Mark Attorneys (ITMA) represents Trade Mark Attorneys and the profession throughout the United Kingdom. Its duties include negotiating with and lobbying government, its independent regulatory arm (IPReg) and other relevant organisations. It provides relevant education, training and advice for the Trade Mark Attorney profession and it is responsible for promoting the profession and IP.

The Intellectual Property Regulation Board (IPReg) deals with all regulatory and disciplinary matters, and sets, monitors and enforces standards for patent and trade mark attorneys across the UK. It acts in the public interest and it maintains statutory Registers of patent attorneys and trade mark attorneys, both individuals and entities

Other legal professionals

Court Clerks

Court Clerks and other staff in the Northern Ireland courts are non-legally trained civil servants who deal with administrative matters.

Court Clerks ensure that judges have the papers they need to preside over the cases before the court; they record the judge's decision in a case and provide any other administrative support the judges may require. While court staff can give you advice about court procedures, they cannot give legal advice, nor can they recommend what action litigants should take. All court staff are employed as civil servants by the Northern Ireland Courts and Tribunals Service which is an agency within the Department of Justice in Northern Ireland.

Enforcement officers

Enforcement officers are civil servants employed by the Northern Ireland Courts and Tribunals Service. They deal with the enforcement of civil judgments through the Enforcement of Judgments Office. This office enforces the civil judgments of magistrates' and county courts (including small claims courts) as well as those of the High Court. The law that governs enforcement is set out in the Judgments Enforcement (Northern Ireland) Order 1981 and the Judgment Enforcement Rules (Northern Ireland) 1981.

Related Links

Public Prosecution Service
Bar of Northern Ireland
Law Society
Northern Ireland Courts and Tribunals Service

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Types of legal professions - Scotland

This page provides you with an overview of the main legal professions in the Scotland jurisdiction of the UK. It includes information on judges, prosecutors and lawyers.

Judges

In Scotland, there is no separate profession of judges as such. Only **experienced solicitors, solicitor-advocates** and **advocates** can become judges. Judicial posts in the Scotland jurisdiction include:
The Lord President of the Court of Session
The Lord Justice Clerk
Sheriffs Principal who preside over one of Scotland's six sheriffdoms
When sitting in the Court of Session, judges are known as Lords of Council and Session
When sitting in the High Court of Justiciary, judges are known as Lords Commissioners of Justiciary
Sheriffs & Summary Sheriffs
Part-time sheriffs are commonly used to provide cover for permanent sheriffs
Justices of the Peace are lay persons who sit alone or in threes, with a legally qualified clerk or legal assessor in the JP courts.
Other judicial office holders include the chairman of the Scottish Land Court, which deals with cases relating to property held under crofting law or agricultural tenancies, and those presiding in Scotland's many administrative tribunals.
Further information on Scotland's Judiciary can be found on the Judiciary of Scotland website.

Prosecutors

Organisation

In Scotland, the Crown Office and Procurator Fiscal Service is responsible for all prosecutions. The head of the service is the **Lord Advocate**, who is also a Minister of the Scottish Government, and his or her deputy, the Solicitor General.
The Crown Office and Procurator Fiscal Service (COPFS) is solely responsible for the **prosecution** of crime, the **investigation** of sudden or suspicious deaths and **complaints** against the police.
The Scotland Act 1998 (section 48) provides that any decision of the Lord Advocate (in his or her capacity as head of the Systems of Criminal Prosecution and Investigation of Deaths in Scotland) will be taken by him or her, independently of any other person.
Only qualified solicitors or advocates can become prosecutors.

Role and duties

The police (or other specialist reporting agencies, such as HM Revenue and Customs) carry out an initial investigation into a crime and submit a report to the local Procurator Fiscal. The Procurator Fiscal considers this report and decides whether to take action in the public interest. In taking a decision, the Procurator Fiscal will consider whether there is sufficient evidence and, if so, what action is appropriate: that is, to prosecute, to use a direct measure (such as a fiscal fine) or to take no action. In cases to be considered by a jury, the Procurator Fiscal will interview witnesses and gather and review the forensic and other evidence before reporting to senior lawyers known as Crown Counsel, who will decide whether to prosecute.

Organisation of the legal profession: Lawyers

Advocates

Advocates are members of the **Scottish Bar**. They have the right to appear in all Scottish courts, although most of their work involves appearing in the higher courts (the Court of Session and High Court of Justiciary) and giving specialist opinions on legal matters. Senior advocates are known as Queen's Counsel. All advocates are members of the Faculty of Advocates.

Solicitors (Legal Advisers)

Solicitors are the most numerous of the legal professionals. They can give advice on all legal matters and represent clients in court. Solicitors are all members of the Law Society of Scotland, which promotes the interests of the solicitors' profession and of the public in relation to the profession.
There are also solicitor-advocates, who are also members of the **Law Society of Scotland**. Like advocates (see above) they can appear in the Court of Session and High Court of Justiciary.

Notaries

Notaries Public are solicitors who record certain transactions and sign specific legal documents. They are not a separate legal profession in their own right.

Patent and Trade Mark Attorneys

Patent and trade mark attorneys are specialist advisers in the field of intellectual property. They provide legal advice to clients in this field, particularly in relation to the registration and prosecution of patents, trade marks and designs and also on other aspects of IP including copyright protection.

Other legal professions

Sheriff Officers and **Messengers-at-arms** are officers of the court, responsible for serving documents and enforcing court orders in Scotland. Both messengers-at-arms and sheriff officers are employed by private businesses and charge fees that are set out in secondary legislation.
The clerks and other **court staff** in Scotland are not required to be legally trained. They are civil servants who deal with administrative matters and assist judges. They may not provide legal advice. Court staff are employed by the Scottish Courts and Tribunals Service. More information on court staff categories can be found here (4293 Kb) en but please note the change in name from Scottish Court Service to Scottish Courts and Tribunals Service.

Related Links

Crown Office and Procurator Fiscal Service
Faculty of Advocates
Law Society of Scotland
Scottish Association of Law Centres
Chartered Institute of Patent Attorneys
Institute of Trade Mark Attorneys
Intellectual Property Regulation Board

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