

## Pro Bono Practices and Opportunities in the Czech Republic<sup>1</sup>

### I. Introduction

Although the Czech Republic has constitutionally recognized the importance of legal aid since its establishment in 1993, it has historically lacked an entrenched pro bono culture. However, the Czech Republic’s continued integration with its EU neighbors and growing prominence of local and international law firms and NGOs is contributing to increased public awareness of, and greater opportunities for lawyers to engage meaningfully in, pro bono work. Efforts by the Pro Bono Alliance<sup>2</sup> and their legal clearinghouse Pro Bono Centrum have encouraged collaboration between law firms and NGOs in the Czech Republic in recent years and the increasing advocacy work by these groups is contributing to the development of a stronger pro bono tradition.

### II. Overview of Pro Bono Practices

(a)	<b>Professional Regulation</b>	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>Act No. 85/1996 on the Legal Profession (the “<b>Advocacy Act</b>”) governs the provision of legal services in the Czech Republic. The Advocacy Act describes how legal services can be provided, admission criteria for prospective lawyers, form of practice and rights and duties of lawyers.<sup>3</sup></p> <p>The Czech Bar Association (“<b>CBA</b>”) is the central self-governing non-governmental organization responsible for the legal profession in the Czech Republic. The CBA produces professional rules and codes of conduct relating to the provision of legal services and maintains the register of lawyers in the Czech Republic. The CBA is supervised by the Ministry of Justice and membership is mandatory for all lawyers practicing in private practice (excluding in-house counsel and government lawyers).<sup>4</sup></p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>Legal services can only be provided in the Czech Republic by lawyers: (1) qualified to practice in the Czech Republic or (2) qualified in an EU member state.</p> <p><b>Czech Republic qualified lawyers:</b> to be eligible to practice in the Czech Republic as a Czech Republic qualified lawyer, such persons must be registered with the CBA. To be registered, the following criteria must be satisfied: (i) full legal capacity; (ii) no criminal record; (iii) obtained a master’s degree in law; (iv) served at least three</p>

<sup>1</sup> This chapter was drafted with the support of Veronika Dvořáková and Adela Havlová of Havel Partners.

<sup>2</sup> See <http://www.probonoalliance.cz/en/> (last visited on May 1, 2019).

<sup>3</sup> See [https://www.cak.cz/assets/zoa-2017\\_en\\_s-dodatkem\\_final\\_1.pdf](https://www.cak.cz/assets/zoa-2017_en_s-dodatkem_final_1.pdf) (last visited on May 1, 2019).

<sup>4</sup> See <https://www.cak.cz/en/> (last visited on May 1, 2019).

		<p>years as a trainee lawyer; (v) passed the professional bar examination for lawyers; and (vi) taken an oath before the president of the CBA.<sup>5</sup></p> <p>Foreign lawyers are eligible to apply to the CBA for registration upon passing a recognition exam. However, such lawyers are only permitted to provide legal services in the Czech Republic relating to (1) the law of their country of admission; and (2) matters of international law.<sup>6</sup></p> <p><b>EU-qualified lawyers:</b> A lawyer qualified in an EU member state may practice law in the Czech Republic on a long term basis once he/she has been registered with the CBA.<sup>7</sup> EU lawyers must have provided legal services for at least three years prior to practicing law in the Czech Republic, although this requirement may be waived by the CBA under certain circumstances.</p> <p>An EU qualified lawyer does not need to register with the CBA if such lawyer wishes to practice in the Czech Republic temporarily.<sup>8</sup></p>
<p>(b) <b>Pro Bono Practice and Culture</b></p>		
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p> <p>Please name the instruments containing the rules, describe them in a few sentences and, if appropriate, provide a link (if online) or a reference to the relevant authority webpage or other source explaining the rules/limitations. Please keep your answer to a paragraph or two.</p>	<p>Although there are several regulations relating to the provision of legal aid (Charter of Fundamental Rights of the European Union<sup>9</sup>, Civil Procedure Act<sup>10</sup>, Advocacy Act<sup>11</sup> as well as certain provisions of the Criminal Procedure Act, Administrative Procedure Act and Constitutional Court Act), there are no rules that explicitly regulate the provision of pro bono legal services.</p> <p>However, the CBA’s Code of Conduct encourages lawyers to participate, if called to do so, in projects aimed at the protection of human rights and freedoms, without entitlement to remuneration.<sup>12</sup></p>

<sup>5</sup> See [https://e-justice.europa.eu/content\\_legal\\_professions-29-cz-en.do](https://e-justice.europa.eu/content_legal_professions-29-cz-en.do) (last visited on May 1, 2019).

<sup>6</sup> See <https://www.cak.cz/scripts/detail.php?id=6942> (last visited on May 1, 2019).

<sup>7</sup> See <https://www.cak.cz/scripts/detail.php?id=6811> (last visited on May 1, 2019).

<sup>8</sup> See <https://www.cak.cz/scripts/detail.php?id=6830> (last visited on May 1, 2019).

<sup>9</sup> Art 47; Art 37 and 40 of Act 2/1993 on Charter of Fundamental Rights and Freedoms, available at: [https://www.usoud.cz/fileadmin/user\\_upload/ustavni\\_soud\\_www/Pravni\\_uprava/AJ/Listina\\_English\\_version.pdf](https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Listina_English_version.pdf) (last visited on May 1, 2019).

<sup>10</sup> Law No. 99/1963 Coll., Civil Procedure Act §§30, 138, available at <http://www.czechlegislation.com/law-no-99-1963-coll-civil-procedure/> (last visited on May 1, 2019).

<sup>11</sup> Section 18.

<sup>12</sup> Art 18, Resolution No. 1/1997 on Rules of Professional Conduct and Rules of Competition of Lawyers, available at: [https://www.cak.cz/assets/code-of-conduct\\_as-of-march-2018.pdf](https://www.cak.cz/assets/code-of-conduct_as-of-march-2018.pdf) (last visited on May 1, 2019).

		<p>Please see below for a brief description on the various rules that regulate the provision of free legal aid services in a pro bono context:</p> <p>1) <b><i>Advocacy Act</i></b></p> <p>An individual has the right to obtain an attorney through the CBA once the court has rejected an individual’s request for legal aid. The individual must provide evidence that at least two attorneys have previously refused to provide them with legal services.<sup>13</sup> An applicant can submit a petition detailing their personal financial situation, including the value of their assets and personal income, and the income of any dependents. That information is then assessed by the CBA on a case-by-case basis.<sup>14</sup> CBA-appointed lawyers can provide legal services free of charge but normally at a reduced fee which is covered by the CBA. Unlike court appointed attorneys, CBA-appointed lawyers can provide legal aid services during both trial and pre-trial phases.</p> <p>“Legal services” are defined under the Advocacy Act as representation in courts, legal counselling and legal drafting, regularly and for remuneration. Thus, arguably, it is possible for foreign attorneys to participate in pro bono work (see question (a)(2)) without meeting the above requirements, as this is not work for remuneration. While foreign attorneys will not be permitted to appear in court, they can still be involved in support work for NGOs in areas such as legal research and drafting, as well as providing assistance in understanding foreign legal systems for use before the European Court of Human Rights or international tribunals.</p> <p>2) <b><i>Free Legal Aid Act</i></b></p> <p>The legislative framework governing legal aid has been under considerable debate in recent years. In 2015, a draft legal aid act (the “<b>Draft Act</b>”) was presented to the Government with the aim of creating one unified legal regime for the provision of legal aid in court proceedings and proceedings in other governmental and</p>
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<sup>13</sup> See European Commission, Legal Aid – Czech Republic, at question 3, available at [http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_cze\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_cze_en.htm) (last visited on May 1, 2019).

<sup>14</sup> See <https://www.cak.cz/scripts/detail.php?id=8750> (last visited on May 1, 2019).

		administrative bodies <sup>15</sup> , however this was rejected by Cabinet soon after it was proposed. Since then, an amendment of the Advocacy Act was adopted (Act No. 258/2017) to specify the concrete conditions under which an individual has the right to obtain a legal service from an attorney and set a minimum standards of a legal consultation. <sup>16</sup>
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?  If available, please provide a link (if online) or a reference to the relevant source explaining the requirement.	Lawyers in the Czech Republic are not required to work a minimum number of pro bono hours.
	3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?  If so, please provide a link (if online) or a reference to the relevant source explaining the requirement.	Lawyers in the Czech Republic are not required to complete a minimum number of hours of pro bono legal services to become licensed lawyers.
	4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law that present opportunities for pro bono legal services in the Czech Republic include contractual law, civil law and regulatory law matters, particularly relating to data protection and the EU GDPR data privacy regime.
	5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	The main providers of pro bono legal services are NGOs, universities through their pro bono programs or private law firms who provide pro bono legal services as part of their corporate social responsibility policies, such as Havel & Partners, Clifford Chance and DLA Piper. Please see below for a list of pro bono programs offered by NGOs and universities in the Czech Republic.
<b>(c)</b>	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?  If so, please provide a link (if online) or a reference to the licensing authority webpage or other source explaining the requirement, if available.	Lawyers in the Czech Republic are not required to have a license to provide pro bono legal services.

<sup>15</sup> See <http://www.vlada.cz/cz/clenove-vlady/pri-uradu-vlady/jiri-dienstbier/aktualne/vlada-zamitla-dva-poslanecke-navrhy-akonou-126803/> (last visited on May 1, 2019).

<sup>16</sup> Sec 18a, Sec 18b, Sec 18c, Sec 18d on Act No. 85/1996 Coll, on the Legal Profession, available at: [https://www.cak.cz/assets/zoa-2017\\_en\\_s-dodatkem\\_final\\_1.pdf](https://www.cak.cz/assets/zoa-2017_en_s-dodatkem_final_1.pdf) (last visited on May 1, 2019).

	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services? If so, please provide a link (if online) or a reference to the licensing authority webpage or other source explaining the requirement, if available.</p>	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in the Czech Republic, however see question (a)(2). Foreign lawyers are limited to providing pro bono legal services on areas of international law and those governed by the laws of the jurisdictions(s) of their qualification.</p>
	<p>3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project? If available, please provide a link (if online) or a reference to the relevant source explaining the requirement.</p>	<p>Attorneys in the Czech Republic must have professional indemnity legal insurance to practice, which would also cover any pro bono work.<sup>17</sup> However, in-house lawyers who are excluded from CBA membership do not typically have professional indemnity insurance if they are employed as an employee under a labor contract.</p>
	<p>4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients? If so, please name the instruments, describe them in a few sentences and, if appropriate, provide a link (if online) or a reference to the relevant source(s) explaining the limitations.</p>	<p>There are no rules that prohibit advertising of pro bono successes or soliciting new pro bono clients in the Czech Republic.</p>
	<p>5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked? If available, please provide a link (if online) or a reference to the relevant source specifying any such credit.</p>	<p>Lawyers do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked in the Czech Republic.</p>
<p><b>(d) Sources of Pro Bono Opportunities and Key Contacts</b></p>		
	<p>1. Describe any governmental sources of pro bono and/or other legal services in the Czech Republic. If available, please provide a link (if online) or alternative contact details for each such source or resource.</p>	<p><b>Office of the Ombudsman (Public Defender of Rights)</b> The Office of the Ombudsman provides advice and support to people in situations when authorities and other institutions have acted illegally or contrary to the principles of a democratic legal state and good administration, or where such authorities are</p>

<sup>17</sup> See Comparative Analysis of Bar Associations and Law Societies in Selected European Jurisdictions (2017), Multi-Donor Trust Fund for Justice Sector Support in Serbia, World Bank Publication, pp 7, available at: <http://documents.worldbank.org/curated/en/512071511257170449/pdf/121502-WP-ComparativeAnalysisofBarAssociationandLawSocietiesinSelectEuropeanJurisdctionsEN-PUBLIC.pdf> (last visited on May 1, 2019).

	<p>inactive.<sup>18</sup> In the event that the Ombudsman concludes that discrimination has most likely occurred against a particular person, the Pro Bono Alliance secures free legal representation to those victims in court proceedings.<sup>19</sup></p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Czech Republic.</p> <p>If available, please provide a link (if online) or alternative contact details for each such source or resource.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Czech Republic are:</p> <ul style="list-style-type: none"> <li>• <b>Asociace občanských poraden (Association of Civic Counseling):</b> Provides independent and free legal advice in the form of consultations only and does not provide legal representation in court.<sup>20</sup></li> <li>• <b>Česká Advokátní Komora (CBA):</b> Provides free legal advice and consultations. Section 18 of the Advocacy Act stipulates that the CBA appoints attorneys for free legal aid purposes.<sup>21</sup></li> <li>• <b>Český helsinský výbor (Czech Helsinki Committee):</b> Provides legal counselling.<sup>22</sup></li> <li>• <b>Legal Clinic - Faculty of Law, Palackého University in Olomouc:</b> Law students provide free legal aid to disadvantaged clients (excluding criminal and commercial law advice), under the supervision of the Faculty of Law.<sup>23</sup></li> <li>• <b>Liga lidských práv (League of Human Rights):</b> Provides legal services, including representation, in cases involving patient rights, rights of people with mental disabilities, coercive sterilizations, segregation in education and placement of children in institutions, and police violence.<sup>24</sup></li> <li>• <b>Organizace pro pomoc uprchlíkům (Organization for Aid to Refugees):</b> Provides legal advice to refugees mainly on immigration and related legal issues.<sup>25</sup></li> </ul>

<sup>18</sup> See <http://www.ochrance.cz/en/> (last visited on May 1, 2019).

<sup>19</sup> See <http://www.probonoalliance.cz/en/cooperation-with-public-defender/> (last visited on May 1, 2019).

<sup>20</sup> See <http://www.obcanskeporadny.cz/> (Czech only).

<sup>21</sup> See <http://www.cak.cz/en/> (last visited on May 1, 2019).

<sup>22</sup> See <http://www.helcom.cz/cs/en/> (last visited on May 1, 2019).

<sup>23</sup> See <https://www.pf.upol.cz/katedry-a-centra/centra/centrum-pro-klinicke-pravni-vzdelavani> (in Czech only) (last visited on May 1, 2019).

<sup>24</sup> See <http://llp.cz/en/> (last visited on May 1, 2019).

<sup>25</sup> See <https://www.opu.cz/en/co-delame/pravni-poradenstvi/pribehy-klientu/> (last visited on May 1, 2019).

		<ul style="list-style-type: none"> <li>• <b>Právní Akademický Spolek Juristi:</b> Run by a students' organization, Juristi, where law students provide online legal counselling in all major legal areas.<sup>26</sup></li> <li>• <b>Pro Bono Alliance:</b> Promotes better access to legal aid and socially responsible lawyering.<sup>27</sup></li> <li>• <b>Poradna pro občanství, občanská a lidská práva:</b> Provides legal services in person in Prague and 11 other Czech cities or via email to immigrants, senior citizens, ethnic minorities, offenders and victims of discrimination. Specializes in areas of promoting equal opportunities and non-discrimination, respect for family life and human dignity.<sup>28</sup></li> <li>• <b>Sdružení pro integraci a migraci (Association for Integration and Migration):</b> Provides legal and social counselling to foreigners, such as asylum seekers, refugees, labor migrants, undocumented migrants and their families.<sup>29</sup></li> <li>• <b>Transparency International:</b> Provides legal counsel free of charge to citizens who have encountered corrupt practices and are willing to report it, e.g. whistleblowers.<sup>30</sup></li> <li>• <b>Frank Bold:</b> Public interest law firm with non-profit arm providing free legal advice and advocacy on national and EU law.<sup>31</sup></li> </ul>
	<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p> <p>If available, please provide a link (if online) or alternative contact details for each such organization.</p>	<p>Local or foreign attorneys can register with the following public/private organizations in order to be made aware of pro bono opportunities:</p> <ul style="list-style-type: none"> <li>• <b>CBA</b><sup>32</sup></li> <li>• <b>Czech Pro Bono Centrum:</b> pro bono clearinghouse operated by the Pro Bono Alliance.<sup>33</sup> The register is used to assist with provision of pro bono advice to non-profit organizations engaged in socially responsible activities and not individuals.</li> </ul>

<sup>26</sup> See <http://www.juristi.cz/ppp/> (in Czech only) (last visited on May 1, 2019).

<sup>27</sup> See <http://www.probonoalliance.cz/en/access-to-legal-help/law-on-legal-aid-scheme/> (last visited on May 1, 2019).

<sup>28</sup> See <http://www.poradna-prava.cz> (in Czech only) (last visited on May 1, 2019).

<sup>29</sup> See <http://www.migrace.com/en/mission/assistance/pravni-poradenstvi> (last visited on May 1, 2019).

<sup>30</sup> See <https://www.transparency.cz/en/?lang=en> (last visited on May 1, 2019).

<sup>31</sup> See <http://en.frankbold.org/> (last visited on May 1, 2019).

<sup>32</sup> See <https://www.cak.cz/> (last visited on May 1, 2019).

<sup>33</sup> See <http://www.probonocentrum.cz/english> (last visited on May 1, 2019).

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