

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 16

**on the relationship between judges and lawyers
and the concrete means to improve the efficiency and quality of judicial proceedings**

Replies from the Czech Republic

A. Professional ethics, conduct and responsibility of judges and lawyers

1. Does your country have a Code of Ethics or equivalent for judges? (please specify) **No**
2. Does your country have a Code of Ethics or equivalent for lawyers? (please specify) **No**
3. Does your country have any joint codes, rules and/or regulations concerning ethics of judges and lawyers? (please specify) **No**
4. Does your country plan to establish codes, rules and/or regulations concerning professional ethics, conduct and responsibility of both judges and lawyers, or to develop the existing ones? **It's hard to say but I do not know about any such plans.**
5. Does your country have any rules and/or regulations dealing in any manner with the issues of relations between judges and lawyers or is there any intention to establish such instruments in a joint manner for both groups (judges and lawyers)? If yes, please specify **No**
6. In your opinion, what are the main principles which should govern the ethics of:
 - judges ?
 - lawyers?**Moral quality, experience,**

B. Training of judges and lawyers

7. Which are, in your country, the training institutions:
 - for judges ? **Academy of Justice**
 - for lawyers? **BAR**
8. Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:
 - for judges ? **Academical and practical training.**
 - for lawyers? **The same**
9. What is the duration of the initial training:
 - for judges ? **3 years**
 - for lawyers? **3 years**
10. Does the initial training include issues related to the professional ethics, conduct and responsibility of judges and lawyers, their relations with each other, as well as their co-operation with a view of fair and efficient conclusion of judicial proceedings? **Yes**
11. Are there joint training courses for judges and lawyers? **No**

If yes:

- what is their content and duration?
- are they mandatory for judges and lawyers?
- how are these courses funded?

If not, are they planned or discussed? **Unfortunately no.**

C. Efficiency and quality of judicial proceedings

- Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify. **Civil procedure code and Criminal procedure code.**
- If not, how are they planned? **Union of judges is preparing it, but it is lasting more than ten years and I don't believe in a success.**
- How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end? **No communication is organised.**
- Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case? **Yes, there are.**
- If yes, is such agreement compulsory? **No it is only voluntary.**
- Do they negotiate certain phases of the procedure? **Yes, in some minor civil cases and in some not very dangerous criminal cases.**
- Are there any legal instruments (substantive or procedural) which potentially could be used by judges to ignore, to disregard or in any manner to avoid taking into consideration the claims, demands and arguments of lawyers? **Yes, but only when the agreement is unlawful.**
- Are there any legal instruments (substantive or procedural) which potentially could be used by lawyers to delay the consideration of the case, or to affect in any way its fair and efficient resolution? **Lawyers have a lot of legal instruments to delay the proceeding and they use it.**
- To what extent does the successful interaction between judges and lawyers depend on objective factors such as legislation, structures and procedures? Are there any plans to improve them? **The objective factors are not very important.**
- To what extent does such interaction depends on subjective factors such as the patterns of behaviour of individual judges and lawyers, their understanding of their role and responsibility, and/or their wish to work together in order to improve the procedure, etc.? **The most important are these subjective factors as experience, moral factors and tolerance of parties and judges.**
- How would you assess the relationship between judges and lawyers in your country? Are there any plans to take steps to improve the legal culture and to foster co-operation between judges and lawyers? **I don't see any great problems in relations between lawyers and judges and I don't know any way to improve it.**

D. Role of judges and lawyers in responding to the needs of parties

- Please give some examples of co-operation between judges and lawyers in specific categories of cases (e.g. those ending in the peaceful settlement in civil claims). **Attempt for a peaceful settlement is sometimes condition of some civil actions.**
- Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent? **They have the same qualification, but now the changes are not very often. About twenty years ago these changes were massive, because of clearing justice from communist judges.**
- Can lawyers act, in your country, as deputy judges and if so, under what conditions? **No**

E. Judges, lawyers and media

- Have there been any reflections in the mass media as regards the relations between judges and lawyers and their co-operation? **I don't know about any.**

27. To what extent lawyers and judges comment in the media on pending cases and on judgments? **Judges are instructed that these comments are not ethical. Comments of lawyers are without any restriction.**