



**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 Slovakia**

**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)  
**Yes – issued by the Association of Slovak Judges; some basic principles are stipulated in the Act on Judges No 385/2000 Coll.**
2. Does your country have a Code of Ethics or equivalent for lawyers? (please specify)  
**Code of Ethics for Barristers (it is specified in the Barristers' Code of Conduct) issued by the Slovak Chamber of Barristers.**
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?  
**No.**
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  
**Yes – in the Code of Ethics for Judges.**
6. In your opinion, what are the main principles which should govern the ethics of:

**judges - should be guided in their activities by principles of professional conduct, drawn up by the judges themselves, separate from the judges' disciplinary system, there should be established within the judiciary commission or committee composed exclusively from judges to advise judges confronted with a problem related to professional ethics or compatibility of non judicial activities with their status.**

**lawyers – similar as to the judges**

**B. Training of judges and lawyers**

7. Which are, in your country, the training institutions:
  - for judges ? **Judicial Academy of the Slovak Republic**
  - for lawyers? **Slovak Chamber of Barristers**
8. Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:
  - for judges ? **Substantive and procedural law, specific procedural situations during hearing the case; training curricula is managed by the Judicial Academy of the Slovak Republic.**
  - for lawyers? **N/A**
9. What is the duration of the initial training:
  - for judges ? **It is a continuous training.**

- for lawyers? **N/A**

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?

**Yes, they are discussed mainly within the members of the Slovak Association of Judges (furthermore "SAJ"). The principles of judges' ethics, in general, is important part of the SAJ agenda for 2013.**

<b>C. Efficiency and quality of judicial proceedings</b>
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12. Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify.

**Civil Proceedings Code, Criminal Proceedings Code**

13. If not, how are they planned?

14. How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end?

**Communication is possible during hearing the case.**

15. Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case?

**Yes.**

16. If yes, is such agreement compulsory?

**No, it is not compulsory, it depends from the parties' will in each individual case. According to the Civil procedural Code, in each phases of hearing the case judge should try to come to the peaceful settlement between the parties if it is appropriate.**

17. Do they negotiate certain phases of the procedure?

**Yes, it happens usually at the very beginning of the hearing.**

18. 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 – Civil proceedings Code and Criminal Proceedings Code – but Judge has to give reasons why he/she didn't accept the lawyer's (party's attorney) claims, arguments etc.**

19. 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?

**Yes.**

20. 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?

**N/A**

21. 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.?

**N/A**

22. 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?

**The relationship between judges and lawyers is sufficient, but see also the answer in paragraph 11.**

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

23. 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).

**According to the Civil Procedural Code, in each phases of hearing the case judge should try to come to the peaceful settlement between the parties if it is appropriate. According to the Criminal Procedural Code proceeding judge can in certain specific circumstances approve an agreement between prosecutor and accused about guilt and punishment.**

24. Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent ?

**It is possible – via selection process that is open to all lawyers.**

25. Can lawyers act, in your country, as deputy judges and if so, under what conditions ?

**No.**

**E. Judges, lawyers and media**

26. Have there been any reflections in the mass media as regards the relations between judges and lawyers and their co-operation?

**Yes.**

27. To what extent lawyers and judges comment in the media on pending cases and on judgments?

**Judge is forbidden to comment any pending case in the media (Art 30 par. 11 of the Act on Judges cited above);**

**lawyers comment in the media on pending cases and criticise judgments very often.**