

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE CZECH BAR ASSOCIATION**

No. 1/1997 of the Official Journal of the Bar

dated 31st October 1996,

**which determines the Rules of Professional Conduct and the Rules of Competition of
Lawyers of the Czech Republic (Code of Conduct),**

as amended by the Resolution of the Assembly No. 3/1999 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 2/2003 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 8/2004 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 6/2005 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 9/2006 of the Official Journal of the Bar, Resolution of the Board of Directors of the Czech Bar Association No. 12/2006 of the Official Journal of the Bar, Resolution of the Czech Bar Association No. 1/2008 of the Official Journal of the Bar, Resolution of the Czech Bar Association No. 2/2010 of the Official Journal of the Bar and the Resolution of the Czech Bar Association No. 1/2013 of the Official Journal of the Bar in the wording of editorial notice on correction of misprints, as announced in the issue No. 3/2003 of the Official Journal of the Bar

The Board of Directors of the Czech Bar Association has decided under § 17 and § 44 (4) b) of Act No. 85/1996 Coll. on the Legal Profession (hereinafter referred to as the “Act”) as follows:

PART ONE

**POWERS OF THE RULES OF THE PROFESSIONAL CODE OF CONDUCT AND
RULES OF COMPETITION OF LAWYERS OF THE CZECH REPUBLIC**

Article 1

Personal Powers

(1) All lawyers admitted to the Bar by being entered in the Register of Lawyers (hereinafter referred to as “Lawyers”) kept by the Czech Bar Association (hereinafter referred to as the “Bar”) are bound by the rules of the Professional Code of Conduct and Rules of Competition (hereinafter referred to as the “Rules”); visiting European lawyers (§ 35f of the Act) and settled European lawyers (§ 35l of the Act) when providing legal services on the territory of the Czech Republic¹⁾ are also bound by the Rules.

(2) Those provisions of the Rules which may concern them apply proportionately to legal trainees entered in the Register of Legal Trainees kept by the Bar.

(3) The Rules also proportionately apply to business companies practising the legal profession under § 15 (1) of the Act (hereinafter referred to as the “Company”), and foreign legal entities practising the legal profession under § 35na of the Act (hereinafter referred to as the “Foreign Company”)*.

¹⁾ Article 4 (4) of the Council Directive No. 77/249/ECC dated 22nd March 1977 on facilitating the effective practice of free movement of lawyers' services.

Article 6 (1) of the Directive of the European Parliament and Council No. 98/5/EC dated 16th February 1998, on facilitating the continuous practice of the legal profession in a different member country than in which the lawyer gained his qualification.

* **Editorial note:** *Now § 35s to 35u of the Act on the Legal Profession.*

Article 2

Material Competence

(1) The legal code which regulates the legal relationships of the lawyer with regard to his client or a third party in connection with the practice of the legal profession is indecisive for the competence of these Rules.

(2) These Rules apply in subsidiary manner to the Code of Conduct of Lawyers of the European Union for the international activities of the lawyer within the European Union and the European Economic Area.

Article 3

Conflicting Provisions

(1) If the lawyer provides legal services on the territory of a different country in which he has the entitlement to do so, he observes the rules of conduct in force in that country.

(2) If the lawyer competes on foreign legal service markets, he observes the competition rules in force on the territory on which his conduct has the intended effects of competition.

PART TWO

RULES OF THE PROFESSIONAL CODE OF CONDUCT

Section One

General Rules

Article 4

Dignity and Stature of the Profession

(1) The lawyer is generally obligated by his honest, honourable and decent conduct to contribute to the dignity and stature of the legal profession.

(2) The lawyer is obligated to honour the commitments he accepts. He may only accept a commitment or guarantee for a foreign commitment if he is certain of fulfilling it.

(3) The lawyer's behaviour in connection with the practice of the legal profession is material, sober and not intentionally false.

(4) Any procurement of the affairs of another person by the lawyer systematically and in return for payment is considered the practice of the legal profession for the purpose of these Rules.

Article 5
Other Business

(1) The lawyer's active participation in business which is not the practice of the legal profession, but that of activities described as the provision of legal services, may not be contrary to these Rules; this does not affect the duty of the lawyer under Article 3 for the practice of the legal profession on the territory of a different country.

(2) The lawyer cooperates with a businessman who is not a lawyer and whose activities also involve the procurement or arrangement of other person's affairs only on the basis of an order granted directly by his client.

Section Two
Duties of the Lawyer to his Client

Article 6
Basic Rules

(1) The justified interests of the client take priority over the lawyer's own interests and his regard to other lawyers.

(2) In cases to which the lawyer is assigned by the court or appointed by the Bar, the lawyer proceeds with the same conscientiousness and care as in cases of other clients.

(3) The lawyer is not authorised to verify the truthfulness or completeness of factual information provided by his client without the client's consent.

(4) The lawyer may not use information he obtained from his client or has acquired about the client in connection with the provision of the legal services to the detriment of the client or for his own benefit or the benefit of third parties.

(5) The lawyer may unilaterally set off receivables ensuing from the lawyer's remuneration for representing a party to the proceedings before a court or another authority only against a client's receivable from payment of the awarded compensation of costs of proceedings.

Article 7
Acceptance of Services

(1) Should the lawyer provide legal services in a contractual matter to only one of the contractual parties, he is authorised to provide legal services to this party even during any dispute arising from this contract, provided that the contractual parties already knew, when preparing the contract, that the lawyer is providing legal services only to one of them and have the opportunity to procure their own qualified legal representative.

(2) The lawyer may provide a legal service to more than one person whose interests are not contrary in the same case only with the consent of all these persons except when assigned by a court or appointed by the Bar to do so.

(3) The lawyer shall refuse to provide a legal service in the same case to more than one person also if there is a clear threat that a conflict of interest shall arise during the settlement of the case.

Article 8

Refusal of Legal Services and Withdrawal from a Contract

(1) In cases when the lawyer is obligated or authorised to refuse to provide legal services and intends to do so, he shall always take the appropriate measures to avert serious harm that directly threatens the applicant for the legal service.

(2) The lawyer shall refuse to provide a legal service even in case that by providing the legal service he would threaten the interests of the person to whom he is already providing legal services for instance even as a consequence of the lawyer already being overburdened with work.

(3) In cases in which he lacks experience or special knowledge, the lawyer shall refuse to provide legal services except if the applicant, even after being provided with an explanation, agrees that the legal service is provided; in such a case the lawyer normally proceeds to cooperate with another lawyer or another expert. This does not apply to cases to which the lawyer was assigned by a court or appointed by the Bar.

(4) The lawyer shall also refuse to provide legal services when his state of health or mental condition prevents him from their due provision.

(5) If lawyers practice the legal profession in a consortium, a company or a foreign company, none of them shall knowingly accept the representation of the client if any of the lawyers would have to refuse to provide a legal service to such a client if he were to practice the legal profession independently.

(6) The lawyer shall also refuse to provide legal services in the case that he would have to commit himself to pay, even partially, client's costs without entitlement to their reimbursement.

Article 9

Duties during the Provision of Legal Services

(1) The lawyer is obligated to duly inform his client of the progress in the settlement of his case, and provide him with a prompt explanation and background documents necessary for considering further orders.

(2) The lawyer is obligated to guard money and other valuables that the lawyer accepts for a specified purpose with due managerial care; he may not use them for any other purpose than as specified. He is obligated to deliver any increments of valuables to the depositor unless agreed otherwise. The lawyer's duties during the lawyer's custody of his client's money, securities or other assets as laid down by a professional regulation are not hereby affected.^{1a)}

(3) Should the scope of the lawyer's possible liability for damage increase substantially during the provision of a legal service, he is obligated to appropriately extend the scope of his insurance for liability for damage, or withdraw from the contract with the client concerned.

(4) The lawyer is obligated when ending the provision of a legal service to deliver forthwith, at his client's or the client representative's request, all documents essential to the case that the client entrusted to him or which arose from the discussion of the case; the fulfilment of this duty may not be subject to payment of the required fee or expenses.

^{1a)} Resolution of the Board of Directors of the Czech Bar Association No. 7/2004 of the Official Journal of the Bar, on the lawyer's custody of the client's money, securities and other assets.

Article 9a

Lawyer's Custody of the Client's Money, Securities and Other Assets

During the lawyer's custody of his client's money, securities or other assets, the lawyer is obligated to proceed in accordance with the relevant legal and professional regulations.²⁾

²⁾ § 56a of the Legal Profession Act.

Act No. 61/1996 Coll. on some measures against the legalisation of proceeds of crime and the change and amendments of associated laws, as amended.

(Editorial note: *Now the Act on some measures against legalisation of proceeds of crime and financing terrorism, No. 253/2008 Coll., as amended)*

Resolution of the Board of Directors of the Czech Bar Association No. 6/2004 of the Official Journal of the Bar which determines the procedure of lawyers and Supervisory Council of the Czech Bar Association during performance of the duties stipulated by legislation on measures against the legalisation of proceeds of crime.

(Editorial note: *Now the Resolution of the Board of Directors of the Czech Bar Association No. 2/2008 of the Official Journal of the Bar which determines the details of lawyers' obligations and procedure of the Supervisory Council of the Czech Bar Association in relation to the Act on some measures against legalisation of proceeds of crime and financing terrorism)*

Resolution of the Board of Directors of the Czech Bar Association No. 7/2004 of the Official Journal of the Bar on the Lawyer's Custody the Client's Money, Securities or Other Assets.

Article 10

Lawyer's Fee

(1) When negotiating a contractual fee, the lawyer is obligated to provide his client true information about the expected scope of his practises and at the client's request a full explanation of the amount of the fee outside the contract for the case concerned.

(2) The contractual fee must be adequate. It may not be in clear disproportion to the value and complexity of the case.

(3) When examining the adequacy of a contractual fee, consideration shall also be taken of the situation of the bargaining skills and possibilities of the lawyer and client, the scope of the client's information about the situation on the legal service market, the special knowledge, experience, reputation and skills of the lawyer, the nature and duration of the relations

between the lawyer and client during the provision of legal services, the client's time demands on the settlement of the case, the difficulty and novelty of factual and legal problems connected with the case and the probability that as a consequence of the lawyer accepting the client's case means that the lawyer must refuse to accept other cases.

(4) The lawyer keeps appropriate entries on his practices for the client and shall provide the client, at the client's request, with a complete explanation of their contents.

(5) The lawyer is authorised to negotiate a contractual fee determined by a share of the value of the case or result of the case if the level of such a negotiated fee is adequate under the provision of paragraphs 2 and 3. However a contractual fee determined by a share of the result of the case may not be normally considered appropriate if this share is higher than 25%.

(6) The lawyer may not conclude a contract with the client by which the client would undertake to perform to the lawyer under terms and conditions disadvantageous to him except if the client was to have had an adequate opportunity to be advised about the contract with another independent lawyer and the contract was concluded in writing. The lawyer also may not conclude a contract with the client which would enable the client to acquire unjust property benefit; in particular the difference between the lawyer's fee and the fee for representation determined by a court within its decision on compensation of costs of proceedings is considered unjust property benefit.

(7) When examining the adequacy of the advance payment, consideration is also taken of the expected cash expenses aside the sober estimate of the total fee.

(8) The lawyer always strives to find the most financially effective settlement of a dispute. Depending on the circumstances of the case, he shall recommend an attempt for an out-of-court settlement or settlement in arbitral proceedings to the client.

(9) The lawyer is obligated to inform the client of his possible entitlement to free legal aid in accordance with a special law.⁵⁾

⁵⁾ § 30, § 138 (3) of the Civil Procedure Code, § 33 (2), § 151 of the Criminal Procedure Code.

Section Three **Duties to the Legal Profession**

Article 11 **Colleague's Duties**

(1) The lawyer may not slander another lawyer and may not initiate a legal dispute against him without a serious reason. If the person associated with the legal service provided is represented by a lawyer, the lawyer may not deal with the person directly without the prior consent of the lawyer representing this person or refuse to deal with this lawyer.

(2) The lawyer may not accept provision of legal services to a client who is already being provided with legal services by another lawyer without the consent of the already authorised lawyer; should there be no such consent, he may not accept provision of legal services until the duly terminated relationship with the already authorised lawyer.

(3) The lawyer may not participate in the activities of persons who provide legal services and are not authorised to do so, nor support such activities. In especially serious cases he shall report the person performing such activities to the Bar.

Article 12

Duties during Joint Practice of the Legal Profession and Continuous Cooperation of Lawyers

(1) Contracts concluded between lawyers on joint practice of the legal profession in a consortium or contracts on the establishment of a company may not contain any provisions which would limit the lawyer's duties arising from legal or professional regulations and from the oath taken, or which would be contrary to the independence of the lawyer when providing legal services.

(2) Lawyers providing legal services jointly within a consortium or a company inform each other appropriately about legal services they provide to the extent necessary to exclude conflict of interests.

(3) The lawyer providing legal services within a consortium or a company may not use special information to the detriment of another member of the consortium or member of a company, or for his own benefit or benefit of third parties, which he obtained in connection with such provided legal services. This duty persists even after the end of the lawyer's membership in the consortium or company.

(4) The preceding provision shall be applied even to agreements between lawyers on joint provision of legal services in one or more cases under § 14 (6) of the Act (hereinafter referred to as "Continuous Cooperation between Lawyers").

Article 13

Substitution during Provision of Legal Services

(1) Unless stated otherwise, the substitute is entitled to an out-of-contract fee in the amount under the lawyer's tariff. The substituent is responsible for its payment.

(2) Should the requested lawyer refuse to accept substitution, he shall inform the substituent forthwith; however, even in such a case he is obligated to take measures which cannot be delayed and are necessary to avert any negative consequences for the substituent or his client.

(3) The request for performing the substitution and report of its performance must comply with the care of a due expert and the circumstances of the case.

Article 14

General Duties to the Legal Profession

(1) Should the lawyer accept the representation of a client in a dispute against another lawyer, he is obligated to inform the Bar of this fact and the result of the dispute forthwith.

(2) The lawyer is obligated to duly and promptly instruct all persons who contribute to his activities connected with the provision of legal services about the extent of their legal

duties to observe their confidentiality even in connection with the witness duties of such persons.

Article 15
Duties to Legal Trainees

(1) The lawyer is obligated to enable the legal trainee employed by him effective legal practice, to instruct and supervise him carefully so he may gain the knowledge and experience required for sitting the Bar examination and practicing the legal profession, and so that he may learn and observe the rules of professional conduct.

(2) Should the legal trainee be employed by a company or foreign company, the company shall appoint a lawyer to perform the duties stipulated under paragraph 1 and notify the Bar forthwith.

(3) The legal trainee may be employed by only one lawyer. The lawyer shall inform the Bar about conclusion of the employment relationship with the legal trainee without undue delay, however no later than one week of conclusion of the employment relationship; he will do the same in the case of termination of the employment relationship of the legal trainee in the course of his legal traineeship, or if obstacles to the work exceeding 60 successive working days appear on the legal trainee's side during duration of the employment relationship.

(4) The lawyer may give his consent to the legal trainee to practice other gainful activities under special legislation^{5a)} only in exceptional cases provided that there are serious reasons for this and it shall not disrupt the due practice of legal traineeship.

(5) The lawyer is obligated to issue the legal trainee with confirmation on the duration of his legal traineeship.

(6) In the confirmation the lawyer is obligated to also assess the practice of legal traineeship with regard to achieving its purpose under paragraph 1. Likewise, he shall also consider whether the legal traineeship was not negatively affected by the simultaneous practice of other activities practised by the legal trainee or whether the legal trainee did not devote sufficiently to the practice of his legal traineeship.

(7) The lawyer is obligated to provide the legal trainee with an adequate salary, but may not take such measures under which the legal trainee would actually become his partner for the practice of the legal profession or would make the lawyer financially dependent on the legal trainee.

(8) The legal trainee shall not use special information he obtained in connection with his employment at the lawyer's office to the detriment of the lawyer for whom he works or for his own benefit or the benefit of third parties. This duty persists even after the legal trainee's employment at the lawyer's office ends.

^{5a)} § 304 of the Labour Code.

Article 15a

Duties during the Practice of the Legal Profession as an Employed Lawyer

(1) The lawyer who employs another lawyer under § 15a (1) of the Act (hereinafter referred to as the “Employed Lawyer”) is obligated to create appropriate working conditions for him for the due practice of the legal profession. The lawyer shall inform the Bar about conclusion of the employment relationship with a lawyer or termination of such employment relationship without undue delay, however no later than one week of conclusion or termination of the employment relationship.

(2) Should the Employed Lawyer make a declaration on the authenticity of the signature under § 25a of the Act, he does so on his own behalf and at the expense of the employer.

(3) When providing legal services, the lawyer is obligated to refuse to fulfil any instruction given by the employer that is contrary to the legal or professional regulation or the instructions of the client.

(4) The provision of Article 15 (8) applies to the Employed Lawyer likewise.

Article 16

Duties during the Management of a Law Office

(1) The lawyer is obligated to practise the legal profession above all at his registered office. Should he establish a branch of his office in the same or different municipality or regularly provide legal services to the public at a time determined in advance outside his registered office, he is obligated to inform the Bar of this forthwith.

(2) The lawyer manages his office in a manner so that it does not degrade the dignity of the legal profession. He entrusts the practice of office procedures only to people appropriately qualified, responsible and with a clean criminal record, and systematically supervises their activities. The provisions of Article 15 (4) and (7) on legal trainees applies likewise to these persons.

(3) The lawyer must normally be personally present in his registered office or in another place stated in paragraph 1 during the regular time which he shall specify; he shall ensure possibility to leave a message in the event that serious reasons would prevent his personal presence.

(4) The lawyer shall keep records on his practices and the practices of his office to the scope and in a manner arising from legislation and from special requirements laid down for the due practice of the legal profession.

Section Four

Other Duties of the Lawyer

Article 17

Duties of Lawyers during Proceedings before Law Courts and Other Bodies

(1) The lawyer is obligated to maintain the proper respect and courtesy towards courts of law, arbitration bodies, public administration bodies and other bodies which make decisions in legal matters, as well as towards persons who fulfil their tasks.

(2) The lawyer may not present data during proceedings, or suggest evidence which he knows to be false or deceptive, not even at the client’s instruction to do so.

(3) The lawyer is obligated during proceedings to act honestly, respect the legal rights of the other participants of proceedings and behave towards them and other persons participating in the proceedings in such a manner not to degrade their dignity or the dignity of the legal profession. In such cases he may not deal with persons who fulfil the tasks of courts or other bodies and submit documents to them in the absence or without the knowledge of the lawyer of the other party or such a party that is not represented by a lawyer, except if procedural regulations allow such a procedure.

(4) If special rules of conduct are laid down or are usual for behaviour before a court of law or other body such as the manner of addressing, official dress, giving the floor, allocating a place and so on, the lawyer is obligated to observe these rules.

Article 17a

During a house search or other search conducted under the Criminal Procedure Code, during a tax inspection conducted under the Tax Administration Act and subsequent inspection conducted under the Customs Act if such a search or inspection is conducted in the premises in which the lawyer practises the legal profession or where documents or other information media may be found that contain facts to which the lawyer's duty of confidentiality apply under the law (hereinafter referred to as the "Document"), the lawyer is obligated to draw the attention of the body authorised to conduct the search or inspection (hereinafter referred to as the "Authorised Body") to its legal duty of confidentiality and the limited editing duty associated thereto. The lawyer may allow the authorised body to become acquainted with the contents of the documents which it believes are subject to the lawyer's duty of confidentiality, only with the consent of a representative of the Bar present at the search or inspection. Should the Bar's representative not give his consent to allow the Authorised Body to become acquainted with the contents of the Document, the next procedure is regulated by the relevant legal and professional regulations^{5b)}.

^{5b)} § 85b of the Criminal Procedure Code.

§ 16 (9) to (11) of the Tax Administration Act

(Editorial note: *Now § 255 of the Tax Administration Code, No. 280/2009 Coll., as amended.*

§ 127 (15) to (17) of the Customs Act.

§ 200j to 200m of the Civil Procedure Code.

Resolution of the Board of Directors of the Czech Bar Association No. 6/2006 of the Official Journal of the Bar which determines the procedure for appointing a representative of the Czech Bar Association during performance of inspections and audits.

Article 18

Publicly Beneficial Activity

(1) Should the lawyer be called upon to do so, he is obligated to participate, to the appropriate extent, in projects focused on enforcement or protection of human rights and freedoms, without being entitled to a fee except if serious reasons prevent him from doing so.

(2) Under the same conditions the lawyer is obligated, as called upon by the Bar, to participate in projects aimed at implementing the principles of a democratic and legal state or improving the legal system of the Czech Republic.

Article 18a

Return of Certificate and Professional Identity Card in the case of Suspension of the Practice of the Legal Profession

(1) The lawyer or the established European lawyer whose practice of the legal profession was suspended is obliged to return the Certificate of entry into the Register of Lawyers (§ 5d (1) of the Act) or the Certificate of entry into the Register of European lawyers (§ 35m (3) of the Act) without undue delay.

(2) The Bar shall return to the lawyer or the established European lawyer the Certificate returned to the Bar according to paragraph 1 without undue delay after expiry of the suspension of the practice of the legal profession.

(3) Paragraphs 2 and 3 shall similarly apply to the return of the Lawyer's Professional Identification Card or the established European Lawyer's Professional Identity Card in the case of suspension of the practice of the legal profession and return of the Identification Card of the legal trainee in the case of suspension of the practice of the legal profession.

**SECTION THREE
RULES OF COMPETITION OF LAWYERS**

**Section One
Basic Rules**

**Article 19
General Provisions**

(1) In the interest of clients and competitors, the lawyer shall proceed in an honest manner when competing with other lawyers. He shall not use data that are knowingly false, deceptive or degrading another lawyer for competition purposes. For the purpose of this provision, deceptive data is every data which may give rise to unjustified expectations about the results that the lawyer is able to achieve, or doubt that the result shall be achieved by means in accordance with laws and professional regulations.

(2) The lawyer may use the identification of "lawyer" even outside the practice of the legal profession.

(3) During the competition the lawyer proceeds in accordance with legislation regulating competition^{5c)}.

^{5c)} For example § 41 et seq. of the Commercial Code, Act No. 143/2001 Coll., on Protection of Economic Competition and Amendments of Some Acts (the Act on Protection of Economic Competition), as amended.

Section Two

Designation and Name of the Lawyer, Designation and Name of the European Lawyer, Common Name of the Consortium and Company's Name

Article 20

Depending on the manner in which the legal profession is practised (§ 11 (1) of the Act), the lawyer practising the legal profession independently is obligated to provide legal services under his designation if he is not entered in the Commercial Register (hereinafter referred to as the “Lawyer’s Designation”) or under his commercial name if he is entered in the Commercial Register (hereinafter referred to as the “Lawyer’s Name”); members of a consortium provide legal services under the consortium’s common name (hereinafter referred to as the “Consortium’s Common Name”) and a company provides legal services under its commercial name (hereinafter referred to as the “Company’s Name”).

Article 21

Designation and the Lawyer’s Name

(1) The Lawyer’s Designation not only contains his name and surname, but also an appendage expressing that the subject matter of his business is the practice of the legal profession, e.g. “male lawyer”, “female lawyer” or “law office”^{5d)}.

(2) The Lawyer’s Name is the name under which the lawyer is entered in the Commercial Register; besides his name and surname, the Lawyer’s Name also contains an appendage expressing that the subject matter of his business is the practice of the legal profession, e.g. “male lawyer”, “female lawyer” or “law office”^{5e)}.

(3) The Lawyer’s Designation or Lawyer’s Name may contain his scientific degree and academic or pedagogical titles.

^{5d)} § 12 of the Legal Profession Act.
§ 8 (2) of the Commercial Code.

^{5e)} § 12 of the Legal Profession Act.
§ 9 (1) of the Commercial Code.

Article 22

Designation and Name of the European Lawyer

(1) The visiting European lawyer is obligated to use his professional designation and other data stated in § 35g of the Act when providing legal services on the territory of the Czech Republic.

(2) The established European lawyer who provides legal services independently is obligated to use only his name and surname and appendage containing his professional designation^{5f)} and other data stated in § 35n (2) of the Act (hereinafter referred to as the “Established European Lawyer’s Designation”).

(3) The name of the established European lawyer is the name under which the established European Lawyer is entered in the Commercial Register; in addition to the name and surname of the established European lawyer this name only contains the professional designation or other data stated in paragraph 2 (hereinafter referred to as the “Established European Lawyer’s Name”).

(4) The established European lawyer who is entered in the Register of Lawyers under § 5b of the Act is, as the lawyer, further entitled to use in the appendage to his designation or name under paragraphs 2 and 3 the professional designation^{5f)} under § 35n (2) of the Act.

(5) The provision of Article 21 (3) applies to the established European lawyer likewise.

^{5d)} Notification of the Ministry of Justice No. 253/2004 Coll. notifying the Professional Designations under § 2 (1) b) of the Legal Profession Act.

(Editorial note: *Now the Notification of the Ministry of Justice No. 121/2007 Coll., notifying the Professional Designations under § 2 (1) b) of the Legal Profession Act.*

Article 23

Common Name of the Consortium and Company's Name

(1) The Consortium's Common Name contains only

- a) the surname or name and surname (hereinafter referred to as the "Surname") of at least one of the present or former members of the consortium, possibly with a postscript "and partners" or "and members" and
- b) the appendage expressing that this concerns a consortium whose purpose is the practice of the legal profession, e.g. "consortium of lawyers", "lawyers", "law office".

(2) The company's name is its name under which it is entered in the Commercial Register; besides the appendage describing the company's legal form, the Company's Name also consists of only

- a) the surname of at least one of the present or former members and
- b) the appendage expressing that this concerns a company whose subject matter is the practice of the legal profession, e.g. "Lawyers", "Law Office", "Company of Lawyers"^{5g)}.

(3) The provision of Article 21 (3) applies likewise to the use of the lawyer's surname which is part of the Consortium's Common name or Company's Name.

^{5g)} § 9 (2) and § 10 (1) of the Commercial Code.

Article 24

Foreign Law Office

If one of the members of the consortium or one of the members of the company is in another country the member of a foreign consortium or member of a foreign legal entity whose subject matter of activity is only the provision of legal services (hereinafter referred to as "Foreign Law Office"), the consortia in their common name or the company in its name authorised to use the name of the Foreign Law Office instead of or besides the surname of the members of the consortium under Article 23 (1) a) or the surname of the members of the company under Article 23 (2) a) provided that the terms and conditions stipulated by the legislation of the Czech Republic and the legislation of the country in which the Foreign Law Office has its seat are fulfilled, as well as are other terms and conditions laid down by this Resolution (Article 23 (1) b) and Article 23 (2) b)).

Article 24a
Additional Data

Provided it is not contrary to the legal or other professional regulation, it is possible when using the Lawyer's Designation or Lawyer's Name, the Designation or Name of the Established European Lawyer, the Consortium's Common Name or the Company's Name to use data

- a) on preferred legal fields in which the lawyer, consortium or company are engaged,
- b) on continuous cooperation with other home and foreign lawyers, consortia, companies or foreign law offices (Article 12 (4)),
- c) on cooperation with experts, interpreters, tax consultants, patent representatives or auditors
- d) on the registered office and branches of the lawyer, consortium or company,
- e) on employed lawyers (§ 15a of the Act) or other employees of the lawyer or company, including their scientific degrees, academic and pedagogical titles, or data on the preferred legal fields in which the employed lawyers are engaged,
- f) on further activities if these are related to the provision of legal services, e.g. that the lawyer is an expert, interpreter or arbitrator^{5h)},
- g) on the authorisation to provide legal services on the territory of another country,
- h) which are part of the appendage under § 35n (3) of the Act,
- i) on the provision of legal services in foreign languages.

^{5h)} Act No. 36/1967 Coll., on Experts and Interpreters as amended by Act No. 322/2006 Coll. Act No. 216/1994 Coll., on Arbitration Proceedings and the Exercise of Awards, as amended by Act No. 245/2006 Coll.

Article 24b
Principles for the Use of Languages

(1) Unless the Act or this Resolution states otherwise, the Lawyer's Designation or Lawyer's Name, Consortium's Common Name or Company's Name must be stated in Czech.

(2) The professional designation of the Established European Lawyer is stated in the language according to § 35n (2) of the Act.

Article 24c
Joint Principles

(1) When providing legal services or in connection therewith the lawyer or established European lawyer solely uses his Designation or Name under this Resolution in all his documents; this also applies to the Consortium's Common Name or Company's Name.

(2) The Lawyer's Designation or Established European Lawyer's Designation, Lawyer's Name or the Established European Lawyer's Name, Consortium's Common Name or Company's Name must be stated separately and may not be associated with other forms of designation, common names of other consortia or other commercial names, not even when these apply to the activities which the lawyer, consortium or company are authorised to practice; this does not affect the provision of Article 24a.

(3) Deceitful or misleading data may not be stated in the Lawyer's Designation or Name, in the Established European Lawyer's Designation or Name, in the Consortium's Common Name or in the Company's Name, or in connection therewith, especially if this concerns the

manner of provision of legal services or stating the names and surnames of persons other than those who provide legal services under the Lawyer's Designation or Name, the Established European Lawyer's Designation or Name, the Consortium's Common Name or the Company's Name.

(4) The use of data other than those stated in Articles 21 to 23, especially imaginary data, in the Lawyer's Designation or Name, the Established European Lawyer's Designation or Name, the Consortium's Common Name or the Company's Name is inadmissible; the provision of Article 24 shall not be hereby affected.

(5) The use of the surname of the former member of the consortium in the Consortium's Common Name or surname of the former member in the Company's Name may not be contrary to the legislation⁵ⁱ⁾.

⁵ⁱ⁾ For example § 11 (5) of the Commercial Code.

Section Three **Information on the Business of the Lawyer**

Article 25 **Publicity**

The lawyer has the right to inform the public of the provided services subject to this information be accurate, not deceitful and respecting the duty of confidentiality and other fundamental values of the legal profession.

Article 26 **Advertising**

The lawyer's personal publicity in the media such as the press, radio, television, electronic commercial communication or other media is permitted provided that the terms and conditions stipulated in Article 25 are fulfilled.

Article 26a

The lawyer keeps records about his activities under Articles 25 and 26 provided their nature so permits. The Resolution of the Bar on keeping documentation by a lawyer shall appropriately apply to the keeping of records and access to them.⁶⁾

⁶⁾ Article 1 et seq. of the Resolution of the Board of Directors of the Czech Bar Association No. 9/1999 of the Official Journal of the Bar which determines some details of the lawyer's documentation kept during the provision of legal services.

Article 27 **Professional Publications**

If the lawyer is the author or co-author of a literary or scientific work from the field of law the designation "Lawyer" may be appended to his name, surname and titles together with the municipality of his business and commercial name under which he practises his business.

Article 28
Information Provided by Other Persons

The Lawyer may not give anybody his consent to provide information about his business beyond the scope of these Rules.

Section Four
Information on the Registered Office

Article 29
Information Signs

(1) The lawyer must install his designation or name on a sign of an appropriate size on the house in which the lawyer's registered office is located.

(2) Likewise the lawyer may mark the place where his office has its branch or where he provides his legal services on a regular basis.

(3) The lawyer may install other similar signs on the house and its surrounding area to facilitate the orientation.

(4) The provisions of paragraphs 1 to 3 apply likewise to the Established European Lawyer's Designation or Name, Consortium's Common Name and Company's Name.

Section Five
Recruitment of Clients

Article 30
Free Choice of the Lawyer

When recruiting clients, the lawyer is obligated to refrain from any conduct which would make it difficult or impossible for people requiring provision of legal services to freely choose a lawyer.

Article 31
Offer of Legal Services

(1) The lawyer may not offer provision of legal services to a person who does not require these legal services from him unless this concerns a person the lawyer comes into contact with privately or during the practice of the legal profession. In exceptional cases he may do so provided it is obvious that immediate provision of legal services is vital in the interests of such a person.

(2) The lawyer must refrain from any form of persuasion when offering his legal services, especially when it is apparent from the circumstances or behaviour of the person that he or she is not interested in the service offered.

Article 32
Use of Other Persons

(1) The lawyer may not provide or accept payment or other benefit for recommending or mediating legal services.

(2) The lawyer may not use other people, not even his own clients, to recruit other clients. Such inadmissible use of other people is also considered to be a situation when the lawyer submits his means of information or grants them power of attorney specifying that they should use these to acquire clients for the lawyer.

PART FOUR
CLOSING PROVISIONS

Article 33
Repealed

Article 34
Force and Effect of the Rules

These Rules are in force as of the date of their adoption by the Board of Directors of the Bar. They shall come into effect on the 30th day after being published in the Official Journal of the Bar, except for Articles 5 and 20 to 24, which shall come into effect 6 months after publication in the Official Journal of the Bar.

JUDr. Luboš Tichý, in his own hand
President of the Czech Bar Association

* * *

Selected provisions of amendments:

Resolution of the Board of Directors of the Czech Bar Association No. 12/2006 of the Official Journal of the Bar

Article II

Transitory Provisions

Lawyers, established European lawyers, consortia and companies are obligated to harmonise their designation or name with these provisions within one year at the latest of the effective date of this resolution; until that time commercial documents¹⁾ may also be used which do not possess the requisites laid down by this resolution.

Resolution of the Czech Bar Association Board of Directors No. 2/2010 of the Official Journal of the Bar

Article II

Repealing Provisions

The Resolution of the Czech Bar Association Board of Directors No. 10/1999 of the Official Journal of the Bar on proving the authorization to practice the legal profession, on the Lawyer's Card, Lawyer's Professional Identity Card and the Legal Trainee's Card, in the wording of subsequent professional regulations, is hereby repealed.

Effect:

The Resolution of the Board of Directors of the Czech Bar Association No. 1/1997 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct), was declared in the issue 1/1997 of the Official Journal of the Bar distributed on 31st January 1997; it came into effect on the thirtieth day after being declared, i.e. on 2nd March 1997, with the exception of the provisions of Articles 5 and 20 to 24, which came into effect 6 months after the declaration, i.e. on 31st July 1997.

Changes:

1. Assembly Resolution No. 3/1999 of the Official Journal of the Bar, which approves the Code of Organisation of the Czech Bar Association, was declared in chapter 4/1999 of the Official Journal of the Bar distributed on 11th November 1999; came into effect on the thirtieth day after its declaration, i.e. on 11th December 1999.

¹⁾ § 13a (1) of the Commercial Code.

2. Resolution of the Board of Directors of the Czech Bar Association No. 2/2003 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic, was declared in chapter 2/2003 of the Official Journal of the Bar, distributed on 29th August 2003; came into effect on the thirtieth day after its declaration, i.e. on 28th September 2003.
3. Resolution of the Board of Directors of the Czech Bar Association No. 8/2004 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 3/2004 of the Official Journal of the Bar, distributed on 30th July 2004; came into effect on 1st September 2004.
4. Resolution of the Board of Directors of the Czech Bar Association No. 6/2005 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 3/2005 of the Official Journal of the Bar, distributed on 30th November 2005; came into effect on the thirtieth day after its declaration, i.e. on 30th December 2005.
5. Resolution of the Board of Directors of the Czech Bar Association No. 9/2006 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 4/2006 of the Official Journal of the Bar, distributed on 30th November 2006; came into effect on the thirtieth day after its declaration, i.e. in December 2006.
6. Resolution of the Board of Directors of the Czech Bar Association No. 12/2006 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 4/2006 of the Official Journal of the Bar, distributed on 30th November 2006; came into effect on the thirtieth day after its declaration, i.e. on 30th December 2006.
7. Resolution of the Board of Directors of the Czech Bar Association No. 1/2008 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 1/2008 of the Official Journal of the Bar, distributed on 15th July 2008; came into effect on the thirtieth day after its declaration, i.e. on 14th July 2008.
8. Resolution of the Board of Directors of the Czech Bar Association No. 2/2010 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, and repeals the

Resolution of the Board of Directors of the Czech Bar Association No. 10/1999 of the Official Journal of the Bar on proving the authorization to practice the legal profession and on the Lawyer's Card, Lawyer's Professional Identification Card and the Legal Trainee's Professional Identification Card, as amended by professional regulations, was declared in chapter 2/2010 of the Official Journal of the Bar, distributed on 12th August 2010; came into effect on the thirtieth day after its declaration, i.e. on 11th September 2010, except for provisions of article I, point 3 and article II which came into effect on the effective date of the Decree stipulating details of Lawyer's Professional Identity Card, established European Lawyer's Professional Identity Card and Legal Trainee's Professional Identity Card, i.e. on 1 January 2011.

9. *Resolution of the Board of Directors of the Czech Bar Association No. 1/2013 of the Official Journal of the Bar, which amends the Resolution of the Board of Directors of the Czech Bar Association No. 1/1999 of the Official Journal of the Bar, which lays down the Rules of Professional Conduct and the Rules of Competition of Lawyers of the Czech Republic (Code of Conduct) as amended, was declared in chapter 2/2013 of the Official Journal of the Bar, distributed on 1st August 2013; came into effect on the thirtieth day after its declaration, i.e. on 30th August 2013.*