

Updated information from the Czech Bar Association to the CCBE Access to Justice COVID Task Force

November 2020

Situation at Courts, backlog of cases, virtual hearings

Currently, due to the serious pandemic situation, the Ministry of Justice issued a new recommendation stating that already ordered court proceedings and the new court proceedings shall be ordered only if those are strictly necessary, in particular in view of the running of limitation periods or other reasons requiring an immediate court decision or they may be held without jeopardizing the measures necessary to protect the health of judges, lay judges, court staff and other persons, in particular taking into account the need for the personal presence of participants and other persons at the hearing and the organizational, material and personnel conditions of each court.

Videoconferencing in ordinary courts procedures (civil, criminal), at least partly, is possible, however it has not been formally regulated so far in the full scope. It is expected that amendments or recodification of respective laws, also detailed regulation of videoconferencing, will be elaborated soon. There is a certain progression in videoconferencing in other areas covering e.g. the probation and mediation service or skype communication between the defence lawyer and his/her client detained in a prison.

No additional backlog of cases in courts was officially reported by the Ministry of Justice.

The role of Czech Bar Association in the post-Covid reopening

As far as the involvement of the Czech Bar Association is concerned, the CBA continues to be active since the beginning of the pandemic situation and informs lawyers and trainee lawyers about the steps taken during the pandemic. On its website, under the section “Measures Covid 19”, it publishes regular and updated information on the provision of legal services and the current legal situation. Similarly as during the spring, lawyers and trainee lawyers have access to the email helpline help@cak.cz, to which they can address their questions concerning the application of currently adopted measures or legal regulations in relation to the practice of the Legal Profession, the activities of lawyers and the functioning of the Bar. The Board of Directors of the Czech Bar Association approved the Principles for the Provision of Loans and Social Contributions from the its Social Fund to lawyers and trainee lawyers for reasons related to the state of emergency declared by a resolution of the Government of the Czech Republic.

The project “Skype defence” which we have already reported on, has been implemented in 14 prisons. For the time being, the video calls are arranged through the Skype platform which has until now been used for calls between prisoners and their family members and require only a computer equipped with a camera, microphone and loudspeakers.

CBA has submitted number of statements related to extraordinary measures adopted by the Czech Government and to some ongoing legislative proceedings. CBA, for example, commented on the governmental proposal for the draft Act amending the Act on the Protection of Public Health; on the government proposal of the Act on Protection of Tenants; on the

proposal of the so called „Lex Covid-19“ drafted by the Ministry of Justice with the aim to help persons involved in court proceedings, victims and victims of crime, debtors in execution and insolvency, or legal persons or on the proposal for the Act on Extraordinary Measures of COVID-19 in 2020 and Amendments to Certain Related Acts drafted by the Ministry of Health.

The Union of Family Lawyers under the auspices of the Czech Bar Association launched in spring an e-mail box koroporadna@uracr.cz (CoronaCounseling) within which it answered questions from all areas of law and other related fields. The answers, prepared by a team of lawyers, psychologists, doctors, therapists and other experts, were continuously published on a special website of the Union of Family Lawyers. Experts responded 24 hours a day, for free and online. CoronaCounseling answered by email and by phone during the declared state of emergency more than 6000 inquiries. This email box has been currently re-launched.

Training and supervision of trainee lawyers

Currently, the Czech Bar Association is converting the compulsory training of trainee lawyers and lifelong voluntary training of lawyers into an online distance learning to the maximum extent possible. The priority for the Czech Bar Association is to ensure that the compulsory training is fully accessible for all trainee lawyers. First online webinar was launched on 29 April.

After the declared state of emergency in October, bar exams had to be postponed, nevertheless, the CBA is now analysing the possibilities to enable a limited number of trainee lawyers to sit for bar exams online.