

CIVIL LAW

If one needs to be represented in court, there are **two possibilities of legal aid representation by attorneys:**

A. Legal Aid by state financed by state:

When a person files a lawsuit to court he is informed by the court that he has rights to apply for:

1) Exemption from court fees:

After submitting the application for exemption from court fees, the court would decide if the exemption is justified. When making the decision, the court will take into account the income, maintenance obligations, and all properties and possessions of the applicant. Exemption from 100% of court fees is granted rarely, however exemption from part of court fees is granted fairly often.

2) Granting legal counsel for the procedure:

If the applicant is granted the exemption (partial or full) he can apply for the legal counsel for the procedure, and in most cases is successful. He wouldn't be successful if his claim was arbitrary or obviously unsuccessful.

B. Legal Aid determined by the Czech Bar Association- costs either paid for by the Czech Bar Association or legal services provided by lawyers free of charge:

If a person does not have a right to be granted the legal counsel by the state, he still can make an application to the Czech Bar Association. He can apply for an appointment of a lawyer for reduced fees or free of charge. Together with his application he needs to provide the Czech Bar Association with an income statement and proof that he has attempted (unsuccessfully) to secure the legal services from two different lawyers.

ADMINISTRATIVE LAW

Similar rules to civil law.

CRIMINAL LAW

In criminal proceedings, there are two possibilities for having a defence counsel. Everyone can choose if he wants to be defended in trial and can also choose the defence counsel. In certain proceedings, however, a defence counsel is mandatory (e.g. in cases of felony, or in proceedings before the Regional Court). In cases of mandatory defence, the accused can still choose a counsel. If the accused does not choose a defence counsel, a counsel will be appointed by the court. The mandatory defence counsel is paid by the state (if the accused is found guilty the state will ask for a reimbursement); in all other cases the accused has to pay himself for the lawyer.

In some cases, the same rules as civil and administrative law may apply.

Finally, there is an ongoing discussion on whether to create a special Act on Legal Aid.