

# Legal Assistance



Funded through ELA Translation Facility for Information



ombudsman  
Public Defender of Rights



ombudsman for children  
Defender of Children's Rights

You may need legal assistance in the courts, with the authorities, with the police, when resolving a dispute with your employer, when drawing up a contract, when you are facing distraintment or when you are being prosecuted. Legal assistance is required anytime you need to solve a legal problem and you do not know what to do.

In this leaflet, we will explain whose advice you can seek and when, as well as how you can obtain the assistance of a lawyer free of charge or for a reduced fee.

## Who can help me with my legal matter?



### Lawyers

Lawyers can advise you on any legal matters. For example, they can write a contract for you, appeal against a decision of the authority on your behalf, represent you in court, defend you in criminal proceedings, etc.

Lawyers **are paid for their work**.

- If you can afford to pay a lawyer, you can choose one in your area or from the [list of lawyers](#) on the Czech Bar Association website.
- If you cannot afford to pay a lawyer, you can apply for legal assistance free of charge or for a reduced fee. In this leaflet, we will also advise you on who to ask, what to ask them for, and how to ask.



### Organisations providing counselling to people in disadvantaged situations ('social counselling providers' or 'counselling centres' for short)

These include civic counselling centres, family counselling centres, counselling centres for the elderly, counselling centres for disabled people, etc. Counselling centres provide assistance free of charge.

They will discuss your situation and advise you on what to do next or where else to go. They will generally not take the necessary action on your behalf. If they find that you have a more complex legal problem that they are not able to handle, they may advise you to talk to a lawyer.

Each counselling centre works differently, so this leaflet cannot tell you how to contact them or exactly what they can do for you.

You can find a counselling centre on the Ombudsman's website [www.ochrance.cz](http://www.ochrance.cz) under [I am not sure how to deal with a difficult life situation](#) (leaflets from the [Civic Counselling Centre](#) or [Foreign and refugee organisations](#)) or in the register of the Ministry of Labour and Social Affairs ([Register of Social Service Providers](#)).

**Please note** If you are litigating or wish to litigate, a non-profit organisation or a citizens' counselling centre may recommend that you contact a lawyer. If you are charged in a criminal case, always consult a lawyer.



Other experts, such as **public notaries**, **bailiffs** or **tax advisors**, can also help you. They provide assistance in the legal matters they specialise in. They **are usually paid** for their assistance. In work-related disputes, **trade unions** can also help you. Trade unions assist their members **mostly free of charge**.



**Please note** The courts, authorities and police cannot advise you on legal matters.

## I need legal assistance, but I cannot afford it. What can I do?

Here you can choose your situation and look it up in the leaflet:

I just need to consult a lawyer, I am not litigating ↓ read below <b>Legal consultation with a lawyer</b> 	I need help with the authorities ↓ read below <b>Legal assistance with the authorities (and the Constitutional Court)</b> 	I am litigating or wish to litigate with an authority ↓ read below <b>Legal assistance in court</b> 	I am litigating or wish to litigate with someone else, such as my employer, neighbour, etc. ↓ read below <b>Legal assistance in court</b> 	I am accused in criminal proceedings ↓ read below <b>Legal assistance in criminal proceedings</b> 
---	---	---	---	---

### Legal consultation with a lawyer

If you need a legal consultation to find out what you can do next and you cannot afford to pay a lawyer, you can ask the Czech Bar Association **to appoint a lawyer for a brief consultation**. If you prove that you do not have money, they will appoint a lawyer for you **free of charge**.

A court-appointed lawyer will spend at least **30 minutes with you**. You can receive advice **up to four times a year**, as long as none of the meetings exceeds 30 minutes (**only two hours total per year**). During such a visit, the lawyer will explain to you what the legal problem is and how you can resolve it. They will usually not resolve your problem on the spot and will not write any documents (contract, court filing) for you. Their advice is to help you understand what to do next.

### What do I have to do to get a lawyer for a short consultation?

- 1 Submit an application using the [form](#) - you can find it on the [Czech Bar Association](#) website.
- 2 Pay a fee of CZK 100 – by bank transfer or by postal order.  
You do not have to pay the fee if you prove that
  - you are a disabled or severely disabled person;
  - you are receiving emergency benefits;
  - you are under 15 years of age;
  - you are receiving level III (severe dependency) and IV (total dependency) care allowance or attend to someone who is receiving such care allowance;
  - you are a foreign national placed in a detention centre or reception centre.
- 3 Prove to the Czech Bar Association that your **average monthly income for the last 6 calendar months** prior to making your application is **less than three times the subsistence minimum** (income of yours or of all people you live with and jointly pay living expenses). For example, the subsistence minimum for one person is CZK 4 860 as of January 2023 and CZK 8 510 for two adults. For a family with children, it depends on the number and age of the children (for two adults and two children around CZK 14 480). You can use the calculator on the Ministry of Labour and Social Affairs website to make a calculation ([www.mpsv.cz](http://www.mpsv.cz): Responsibilities of the Ministry of Labour and Social Affairs → Income and standard of living → Living and subsistence minimum → [Calculator...](#)).

In exceptional cases, this condition may be waived.

**Detailed information** can be found on the [Czech Bar Association](#) website.

- 4** If the Czech Bar Association appoints a lawyer for free, **you must consult with the appointed lawyer**. You will usually have to go to the lawyer's office, but in exceptional cases the lawyer may visit you, for example, in a hospital or prison.

## Legal assistance with the authorities (and the Constitutional Court)

If you do not know how to deal with the authorities, you can get assistance from one of the **organisations providing assistance to people in social hardship** (details at the beginning of this leaflet).

However, it may be that you are dealing with a complicated matter with an authority, **need a lawyer** and cannot afford to pay one. For example, the authority does not grant you a disability or old-age pension, refuses your claim for a care allowance, removes you from the register of job applicants, etc. You can then ask the Czech Bar Association to appoint a lawyer for you free of charge.

### What should I do if I need a lawyer to negotiate with an authority free of charge?

- 1** Ask the Czech Bar Association to appoint a lawyer **free of charge**.

Submit an application **using the form** available on the [Czech Bar Association](#) website. You will find a separate [form for individuals](#) (natural persons) and for [legal entities](#).

- 2** The Czech Bar Association will appoint a lawyer for you, to be paid for by the State

- particularly if you are **destitute**, you **do not receive a regular income, or you receive an income bordering on the subsistence minimum and no money is left for a lawyer**. The Association will examine your situation in great detail, assessing, for example, whether you are actually unable to work and earn or otherwise receive more money (disabled people, pensioners, etc.), whether you can sell or rent something, etc. It will also take into account your debts (including maintenance payments) and current expenses. It will assess your total income and property, as well as the income and property of any other person living with you in the same household;
- whether you are asking for something that does not make sense (whether it is a case of an 'obviously unreasonable assertion or obstruction of rights', for example, if you are asking for something obviously unlawful, or you have obviously missed a deadline, etc.); and
- whether you are abusing your rights - it is basically a question of fairness.

The Czech Bar Association will inform you in writing about what matters the lawyer will represent you in. It can determine under which conditions.



If your financial **situation improves**, for example, if you find a job or inherit property, **you must inform the Czech Bar Association as soon as possible**. The Czech Bar Association will cancel your free legal representation and you will pay your lawyer yourself in future.

If the Czech Bar Association finds that you have provided **inaccurate or false information** in your application, your free legal representation will be cancelled and **you will have to pay all of the lawyer's fees**.

## What should I do if I need a lawyer to file a constitutional complaint?

You can lodge a complaint with the Constitutional Court **only if your attempts to seek redress elsewhere have failed** (with the authorities or before the courts at any level that you can access by means of an appeal, an extraordinary appeal or a complaint in cassation) and **only if the authority or court has violated your fundamental rights or freedoms** (other errors cannot be dealt with by the Constitutional Court).

These cases are not simple, so the law requires you to have a lawyer before the Constitutional Court.

Detailed information can be found on the website of the Constitutional Court [Guide on Proceedings on Constitutional Complaints](#).

If you wish to file a constitutional complaint and you cannot afford to pay a lawyer, you should proceed in the same way as if you were asking the Czech Bar Association to appoint a lawyer for a hearing before an authority (see above on this page).

## Legal assistance in court

If you are litigating or wish to litigate and need a lawyer but do not have the money, you can ask the court for a lawyer free of charge or for a reduced fee.

For example, you are litigating with a neighbour, an employer, a seller of poor-quality goods, a gas supplier, a transport company, relatives over an inheritance, etc., or you are getting divorced and litigating over children or property. Or you would like to sue authorities which have not issued you a building permit, have not granted you emergency benefits, have not issued a disabled person's pass, have removed you from the register of job applicants, or have not granted you a disability or old-age pension.

## What can I do to get a lawyer in court free of charge or for a reduced fee?

### 1 Ask the court where you are litigating or wish to litigate **for a lawyer free of charge**.

Explain to the court that your case is complex in legal terms and that you need a lawyer to protect you.

### 2 The court will send you a **form** to fill in, where you will detail your financial and property situation: what your income is, how much money you have, what debts you have, what assets you own - e.g. a house, flat, car, etc.

**Please note** If your situation improves later (for example, you get a job or inherit money or property), the court will cancel the lawyer's free service and you will then pay for the lawyer yourself.

### 3 A court will appoint a legal representative for you if

- it recognises that you will not be able to defend yourself in court and you need a lawyer;
- it recognises that you cannot afford to pay for a lawyer; and
- you have at least a small chance of winning your case. This means, for example, that you are not requesting something obviously illegal or that you have not obviously missed the deadline to file a complaint (the case is time-barred), etc.

The court will appoint a specific legal representative for you (usually a lawyer). If you have chosen a representative and suggested it to the court, the court may appoint that representative for you. If the court does not, it must explain why in the decision.

You will get a lawyer **for free or for a reduced fee**.



If the **court** does not **appoint a legal representative for you**, you may **appeal to a higher-level court**.

If, after your appeal, even the higher-level court does not appoint a lawyer for you and at least two lawyers you have contacted refuse to help you, you can contact the [Czech Bar Association](#). You can do this in the same way as if you were applying for the appointment of a lawyer to deal with the authorities [read [Legal assistance with the authorities \(and the Constitutional Court\)](#)]. In addition, you must prove that at least two lawyers have refused to assist you.

## Legal assistance in criminal proceedings

If you are charged with a criminal offence and are being investigated by the Police of the Czech Republic, a prosecutor, or you have been charged in court, you may need a defence lawyer. The defender will always be a lawyer.

A different procedure shall be followed in cases where:

- you must have a defence lawyer (mandatory defence) and
- you wish to have a defence lawyer, but this is not mandatory.

### When do I need to have a defence lawyer (mandatory defence)? Is such a defence lawyer free of charge?

You must have a defence lawyer, for example, if you are in custody or in prison, if you are at risk of imprisonment for at least 5 years, if you do not have full legal capacity, if you are a minor, if the court or public prosecutor considers it necessary, etc. In such cases, the court will inform you that you need a defence lawyer and invite you to choose a defence lawyer yourself. If you do not choose one, the court will appoint one for you.

In that case, you will have a defence lawyer for free; the state will pay the fees.

However, if you are unsuccessful (the court convicts you or does not grant an appeal or retrial), the court will order you to pay for the defence lawyer yourself. But if the court finds that you cannot afford to pay for a defence lawyer, you will not have to pay.

## What should I do if I want a defence lawyer but cannot afford to pay?

- 1** Ask the court (or a prosecutor if you have not been accused yet) **for a free defence lawyer or for a reduced fee**.

In your application, you must prove that you have no money for a defence lawyer.

- 2** If the court finds that you cannot afford to pay a defence lawyer, it will grant your request. A defence lawyer will be appointed for you **free of charge or for a reduced fee**.

- 3** Choose your own defence lawyer or ask the court to appoint one for you.

**!** If the court does not grant your request, you may **file a complaint, which will have a suspensive effect**. If a higher-level court has not granted your request and at least two lawyers you have contacted have refused to help you, you can contact the [Czech Bar Association](#). You can do this in the same way as if you were applying for the appointment of a lawyer to deal with the authorities [read [Legal assistance with the authorities \(and the Constitutional Court\)](#)]. In addition, you must prove that at least two lawyers have refused to assist you.