

You might need legal advice when dealing with courts, authorities or the police, when settling a dispute with your employer, when drafting a contract, in case of distraint, or should you perhaps be criminally prosecuted. Simply put – in any situation in which you need to solve a legal problem, and are not sure how to approach it.

In this leaflet, we will explain who and when you can ask for help, and also how you can get help from an attorney-at-law free of charge or for a reduced fee.

Who will help me in my legal matter?



Attorneys-at-law

Attorneys-at-law will provide advice in all legal matters. For example, they will draft a contract for you, lodge an appeal on your behalf against an administrative decision, represent you in court, defend you in criminal proceedings, etc.

An attorney's work is **not for free**.

- If you can afford to pay the attorney's fee, you can find one in your town or choose from [the list of attorneys-at-law](#) published on the website of the Czech Bar Association.
- If you **cannot afford to pay the fee**, you can ask for legal advice that is free of charge or costs less. We will tell you how below.

Please note! The courts, local authorities and the police do not provide legal advice.



Organisations providing counselling to people in unfavourable situations (called "social consultancy providers" or "counselling centres")

These include public counselling centres, family counselling centres, counselling centres for the elderly, counselling centres for people with disabilities, etc. Counselling centres provide help **free of charge**.

The counsellors will discuss your situation with you and tell you what to do or who else you can turn to. Most of the time, they will not do this for you. If they find that the legal problem you have is too complex for them to help, they might refer you to an attorney-at-law.

Each counselling centre works differently, which is why we cannot tell you here how to approach such a centre and what kind of services may be provided.

You can search for a counselling centre on the ombudsman's website in the "Problems and their solution" section or in the register kept by the Ministry of Labour and Social Affairs.

- [Public counselling centres](#)
- [Register of social service providers](#)
- [Organisations dealing with the issues of foreigners and refugees](#)

Please note! If you are involved in a court dispute or wish to file a lawsuit, it is possible that a non-profit organisation or a public counselling centre will recommend that you seek help from an attorney-at-law. If you are accused in a criminal procedure, it is always better to find an attorney.



Other professionals can help you as well – these are, for example, **notaries**, **judicial enforcement officers**, and **tax advisers**. They provide help in areas they specialise in. Their help is mostly **not for free**.

If you are dealing with a dispute at work, you can also turn to **trade unions**. Trade unions usually help their members **free of charge**.

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

Choose your situation here and get more information in the leaflet:



Legal advice from an attorney-at-law

If you need legal advice to determine what you can do next and cannot afford to pay an attorney-at-law, you can ask the Czech Bar Association to **assign an attorney to you for a short consultation**. If you prove that you cannot afford to pay, they will assign an attorney-at-law to you free of charge.

The assigned attorney will spend at least **30 minutes** with you. You can get such a consultation **up to four times a year** provided that none of them exceeds 30 minutes (**maximum of two hours per year**). During the visit, the assigned attorney will explain to you what sort of legal problem you have, and tell you how you can proceed. They will usually not solve your problem on site nor will they draft any documents for you (contract, pleading addressed to a court). The purpose of the consultation is for you to learn what to do next.

What do I have to do to be assigned an attorney-at-law for a short consultation?

1. Fill-in an application [form](#) – the form is available at the [Czech Bar Association's](#) website.
2. Pay the fee of CZK 100 – either via bank transfer or by postal order.
You need not pay the fee if you prove that
 - you are the holder of a ZTP or ZTP/P card (*disabled persons' card*);
 - you receive assistance in material need;
 - you are less than 15 years old;
 - you receive a level III (severe dependency) or IV (complete dependency) care allowance or you take care of a person who receives such an allowance; or
 - you are a foreign national placed in a facility for detention of foreigners or a reception centre.
3. Prove to the Czech Bar Association that your **average monthly income over the last 6 months** prior to filing your application was **less than three times the minimum subsistence level** (your income or the income of all persons you live with and share the costs of living). For example, in 2018, the minimum subsistence level of is CZK 3,410 for one person, CZK 5,860 for two adult persons, and approximately CZK 10,500 for two adults and two children (based on the age of the children), etc.

This condition might be waived in exceptional cases.

More information is available at the [Czech Bar Association's](#) website.

4. If the Czech Bar Association assigns an attorney-at-law to you free of charge, **you must make an appointment with the attorney**. In most cases, you will go and see the attorney in his/her office. Only exceptionally will an attorney-at-law come to visit you in a hospital or prison, for example.



Legal advice for dealing with authorities (and the Constitutional Court)

If you are not sure what to do when dealing with authorities, you can find help with one of the **organisations providing counselling to people in unfavourable situations** (find more information at the beginning of the leaflet).

However, it is possible that you are dealing with an authority in a complex matter and **you therefore need an attorney-at-law** but cannot afford one. For example, when an authority does not grant you disability pension or old-age pension, dismisses your application for care allowance, has removed you from the register of jobseekers, etc. In such cases, you can ask the Czech Bar Association to assign an attorney-at-law to you free of charge.

How should I proceed if I need an attorney free of charge to deal with authorities?

1. Ask the Czech Bar Association to assign an attorney-at-law to you **free of charge**. You need to file an application using the **form** available on the [Czech Bar Association's](#) website. There are separate forms for [individuals](#) (natural persons) and for [legal persons](#).
2. The Czech Bar Association will assign an attorney-at-law paid by the state to you:
 - in particular when you **have no property, no regular income or your income is close to the minimum subsistence level and you have no money left to pay the attorney**. The Bar Association will examine your situation in detail and assess, for example, whether it is really impossible for you to work and earn or get more money (persons with disabilities, pensioners etc.), and whether you can sell or rent something. It also takes into consideration your debts (including maintenance duties) and regular expenses. It will assesses your total income and property and income and property of all other persons who live with you in a common household;
 - unless you want something unreasonable (yours is not a case of “clearly unjustified exercise or defence of rights” – for example, if you ask for something obviously unlawful, you have clearly missed a deadline and the like); and
 - unless you abuse your right – it simply about acting in a fair way.

The Czech Bar Association will inform you in what matter the assigned attorney will represent you. It can also determine under what conditions this will be done.

! 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 then cancel the free legal representation, and you will pay for the attorney's work yourself from then on.

If the Czech Bar Association determines that you provided **inaccurate or untrue information** in your application, it will cancel your legal representation and you will have to pay for all the attorney's services provided **from the very beginning**.

What should I do if I wish to lodge a constitutional complaint?

You can only lodge a complaint with the Constitutional Court **as a last resort** (if you haven't succeeded at authorities and courts of all instances you can reach via an appeal, application for appellate review or cassation complaint), and **only when the authority or court violated your fundamental rights or freedoms** (the Constitutional Court cannot deal with any other errors). Such matters are not simple, which is why the law requires that you be represented by an attorney-at-law before the Constitutional Court. More information is available on the Constitutional Court's website: [Průvodce řízením o ústavní stížnosti](#) (*Guide to proceedings on a constitutional complaint*).

If you wish to lodge a constitutional complaint but cannot afford an attorney, you should proceed in the same way as if you asked the Czech Bar Association to assign you an attorney for dealing with authorities (see above).



Legal aid in court

If you are involved in a court dispute or want to file a lawsuit and need an attorney-at-law but cannot afford one, you can ask the court to assign an attorney to you for free or for a reduced fee.

For example, if you are involved in a dispute with your neighbour or employer, with a seller of poor-quality goods, gas supplier, transport company, your relatives regarding heritage and so on. Or you may be getting a divorce and need to settle children's custody and property affairs in court. You may want to file a lawsuit against authorities that did not issue a construction permit to you, failed to grant you assistance in material need, did not issue a disability card, removed you from the register of jobseekers, did not grant you a disability pension or old-age pension.

What should I do to be assigned an attorney-at-law free of charge or for a reduced fee in court?

1. Ask the court that is hearing your lawsuit, or the one where you wish to file the lawsuit, **to assign you legal counsel free of charge.**

Explain to the court that the matter is complex and you require an attorney for your own protection.

2. The court will send you a **form** to fill in, in which you will specify your financial situation and property: your income, your savings, your debts, the property you own – such as a house, flat, car etc.

Please note! If your situation later improves (e.g. you find a job, inherit money or property), the court will dismiss the free legal counsel and you will pay the fee yourself from then on.

3. The court will assign you legal counsel if:

- it recognises that you cannot defend yourself and do need legal counsel;
- it recognises that you cannot afford to pay legal counsel; and
- there is at least a small chance of you winning the dispute. That means, for example, that you are not asking for something clearly unlawful, that you have not clearly missed a deadline to file a lawsuit (i.e. the matter has not become time-barred), etc.

The court will assign specific legal counsel to you (usually an attorney-at-law). If you have already chosen one and suggested him/her to the court, the court may assign this attorney. If not, it must explain this in its decision.

You will be able to use the services of the attorney **for free or for a reduced fee.**

! If **the court does not assign** legal counsel to you, you can **appeal to a higher court.**

If, based on your appeal, the higher court does not assign you legal counsel either, and at least two attorneys that you have approached have refused to assist you, you can contact the [Czech Bar Association](#). The procedure is the same as if you were applying to be assigned an attorney-at-law to deal with authorities [read [Legal advice for dealing with authorities \(and the Constitutional Court\)](#)]. However, you will also need to prove that at least two attorneys-at-law have refused to help you.

Legal aid in criminal procedure

If you have been accused of a crime and are investigated by the police, public prosecutor, or have been charged in court, you might need legal counsel. Legal counsel is always an attorney-at-law.

The procedure is different when:

- you must have legal counsel (mandatory defence); or
- you need not have legal counsel, but you wish to.

When do I have to get legal counsel (mandatory defence)? Is such legal counsel free of charge?

You must have legal counsel, for example, if you are in custody, in jail, if you are facing at least 5 years of imprisonment, your legal capacity is limited, you are a minor, or if the court or prosecutor deems it necessary. The court will inform you that you need legal counsel and will demand that you choose one yourself. If you do not comply, it will assign you one.

In that case, your legal counsel is for free and paid for by the state.

However, if you are not successful (you are convicted, the court dismisses your application for appellate review or application for retrial), the court will demand that you pay for the legal counsel yourself. But if the court recognises that you cannot afford to pay for the legal counsel, you will not be forced to do so.

How should I proceed if I want legal counsel but cannot afford one?

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

In your application, you have to prove that you cannot afford to pay legal counsel.

2. If the court recognises that you truly cannot afford legal counsel, it will approve your application. The legal counsel will be **free of charge or for reduced fee.**

3. **Choose your legal counsel** or ask the court to assign you one.

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If the **court does not satisfy your request**, you can **appeal to a higher court**. If the higher court does not assign you legal counsel either, and at least two attorneys that you have approached have refused to assist you, you can contact the [Czech Bar Association](#). The procedure is the same as if you were applying to be assigned an attorney-at-law to deal with authorities [read [Legal advice for dealing with authorities \(and the Constitutional Court\)](#)]. However, you will also need to prove that at least two attorneys-at-law have refused to help you.