The Organisation of Lawyers

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There are three possibilities for organizations of attorneys in Croatia:

First, there is an individual law office, individual attorney-at-law. In this case the attorney is treated as an individual person who offers legal services. He or she can employ as many trainees as he or she wants or needs. He or she can also employ other personnel according to need without limits. The only restriction is that he or she cannot employ other attorneys-at-law. He or she can have only one office.

The other two organizational possibilities are joint offices and law firms.

Joint offices and law firms may have more bureaus (administrative offices), under the condition that in each bureau at least one full-time attorney-at-law is employed.

Two or more attorneys may form a joint office. These attorneys must be already enrolled in the list of attorneys with the Croatian Bar Association. This attorneys' office does not have the capacity of a legal person (Law Firm). A Joint Law Office is established as a partnership. In that case, the attorneys settle their mutual rights and obligations in written form. Attorneys who intend to have a joint office have to register the Contract with the Bar Association. The joint office shall be founded by an entry in the corresponding register of the Bar Association. The attorneys in a joint office have joint and several responsibility for an obligation arising from running a joint office. This kind of law office also cannot employ other attorneys or attorneys-at-law.

The legal regulation of this civil partnership is the same as other civil partnerships. They are regulated as lex specialis by the Law on the Legal Profession (ZAKON O ODVJETNISTVU) and the Law on Obligations (ZAKON O OBVEZNIM ODNOSIMA, the official gazette 'NARODNE NOVINE' No. 53/91, 73/91, 3/94). The main characteristic of this is the freedom of the parties to determine their position in this contract.

The third possibility is that two or more attorneys enrolled in the list of attorneys with the Bar Association may establish an attorneys' office with the capacity of a legal person (Law Firm). A Law Firm is established as partnership. Only an attorney may be a member of a Law Firm.

The rights and duties of the Law Firm's members shall be regulated by a written Charter of Foundation. It shall also regulate the rights and duties of the remaining members in the case of death of any of the Law Firm's members, as well as the rights of the heir of a deceased member of the Law Firm.
Legal Assistance in a Law Firm shall only be rendered by attorneys and law trainees. The attorneys who work in a Law Firm do not have to be members. This means that a Law Firm can employ attorneys who are not partners.

The enactment provisions of a Law Firm shall not endanger the attorneys' independence when practising law. An attorney who works in the Law Firm shall have the obligation to offer forms of legal assistance assigned to him or her by the Law Firm unless it is determined differently by the contract made between the Law Firm and the attorney.

In order to establish a Law Firm, the attorneys who found it are obliged to obtain prior agreement from the Bar Association.

The attorneys working in Law Firms shall not be liable pursuant to the general rules on liability for legal assistance offered to their clients. The Law Firm's members shall have joint and several responsibility for the obligation of the Law Firm and the attorneys working therein resulting from the activity of providing legal assistance.

In regard to the obligation of preserving secrets, to the disciplinary rules and the attitude towards the Bar Association and its bodies, the attorneys working in Law Firms shall have the same rights and duties as those who run their own offices.

Where the rules of the Law on the Legal Profession do not regulate the institution of the Law Firm, this institute is regulated by the rules of the Company Law - ZAKON O TRGOVACKIM DRUSTVIMA (the official gazette 'NARODNE NOVINE' No. 111/93 where partnerships are regulated, and by the Law on Obligations.

The Bar Association keeps a separate list of Law Firms.

Rights to Practice Law in Croatia

The right to practise law in the territory of the Republic of Croatia shall be acquired by being enrolled in the list of attorneys and upon taking an oath.

The decision to be entered in the list of attorneys shall be made by a body of the Bar Association specified in its by-laws.

The right to be enrolled in the list of attorneys shall be given to a person fulfilling the following conditions:

1. that the person is of Croatian citizenship;
2. that the person possesses business capacity;
3. that the person's health conditions are such as to allow the performance of law practice activities;
4. that the person has graduated from a Law School in the Republic of Croatia;
5. that upon graduation, the person has completed at least three years of apprenticeship in a law office or has had a law-related job in judicial bodies or has worked for at least five years in other law-related employment;
6. that the person has an active knowledge of the Croatian language;
7. that the person has passed the Bar Examination in the Republic of Croatia;

8. that no investigation and criminal procedure are being conducted against the person as an ex officio prosecution;

9. that the person is not employed;

10. that the person is dignified and worthy of law practice;

11. that the person does not do other work which is incompatible with legal practice.

The attorney's right to practise law shall be terminated if the attorney:

1. loses Croatian citizenship;

2. loses business capacity;

3. becomes permanently incapable of practising law because of his or her health;

4. is given a security measure prohibiting legal practice;

5. loses the right to practice law as the result of a disciplinary measure;

6. renounces his or her legal practice alone;

7. stops practising law for more than six (6) months without a justified reason;

8. obtains other employment, apart from that in a law office;

9. receives a non-suspended prison sentence for a duration of more than six (6) months.

Pursuant to these rules it is obvious that the practice of law in Croatia is reserved only to individuals holding Croatian citizenship who are enrolled in the list of attorneys held by the Croatian Bar Association. It means that foreigners are not legally in a position to practice law in Croatia. Of course, that does not mean that they cannot come to Croatia and present themselves as attorneys from foreign jurisdiction. Also, I do not see any obstacles for them to come to Croatia and give legal advice and services, although they cannot do this permanently. The restriction has no exceptions where representation in courts and other governmental bodies is concerned. Foreigners and even Croatian citizens who are attorneys but are not enrolled in the list of attorneys held by the Croatian Bar Association cannot represent clients as attorneys in front of the court and other governmental bodies. Only in procedures before the Permanent Arbitration Court which take place in Croatia and deal with legal matters with a foreign element may parties be represented by attorneys enrolled in the list of associations of other countries. This means that parties in such arbitral proceedings can be represented by Croatian members of the Bar Association or by foreign attorneys who must be members of a foreign bar association. This is a practical citation from the Law on the Legal Profession. This position is not quite acceptable because arbitration law does not prescribe any special requirements for representing parties in arbitral proceedings. In this situation it seems that arbitration law is lex specialis and should be applied regardless of such rules in the Law on the Legal Profession.

As it is not stated in law, it seems that there are no restrictions for foreigners and foreign attorneys to represent Croatian and foreign clients in ad hoc arbitration proceedings which are held in Croatia, since Croatian arbitration law permits such a thing.