

OTHER JUDICIAL PERSONS AND THEIR INVOLVEMENT IN THE ACTIVITIES OF THE COURT IN CIVIL PROCEEDINGS

ABSTRACT

According to the § 3 Act No. 6/2002 sb. about the courts, judges, lay judges, the state administration of judges and about the changes of other acts in addition of judges, trainee judges, judge assistants, senior officers of justice, court secretaries and judicial executors are also involved in the decision-making and other court activities. The legislation about these other judicial persons is however inconsistent and could be found in several acts. The aim of this diploma thesis is to describe this fragmented legislation and to define the involvement of the other persons in the civil process.

This diploma thesis is divided into three parts. The first part deals with the persons the law considered as the possible judge candidates. This includes a senior officer of justice, a judge assistant and a trainee judge. The second part deals with a court secretary and a judicial executor that are not considered as the possible judge candidates. The interpretation of each judicial person has the identical division which sequentially deals with the legislation regarding individual judicial persons, their legal status, responsibility, presumption of performance, activity in a civil process and their individual acts. The third part is rather practical and it deals with involvement of individual judicial persons in typical civil court proceedings from the receipt of the petition for the opening up, to the enforcement of the decision. This part of the thesis is based on the division of powers applicable to the District Court in Liberec.

After the exploration of the legislation of each judicial person I came to the conclusion that the senior officers of justice, the judge assistant and the trainee judge have got basically the same range of jurisdiction. The judicial executor asserts his jurisdictions the most in the execution proceedings. The range of jurisdiction provided by the law is only an option which each judicial person can practise. Nevertheless, it always depends on the presiding judge, what he entrusts each judicial person with.