

# Best Lawyers® in the Czech Republic

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Best Lawyers®

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# Methodology

This list is excerpted from the 2009 edition of *The Best Lawyers in Czech Republic*, which lists attorneys who have been chosen through an exhaustive survey in which Czech Republic's top lawyers confidentially evaluate their professional peers. The 2009 edition of *The Best Lawyers in Czech Republic* is based on more than 3,432 evaluations of lawyers by other lawyers.

The method used to compile *Best Lawyers* remains unchanged since the first edition was compiled in the United States more than 25 years ago. Lawyers are chosen for inclusion based solely on the vote of their peers. Listings cannot be bought, and no purchase is required to be included. In this regard, *Best Lawyers* remains the gold standard of reliability and integrity in lawyer ratings.

When lawyers from a new country are added to the *Best Lawyers* database, the selection process is divided into two parts: nomination and polling. We begin the nomination process by asking lawyers listed in *The Best Lawyers in America* to nominate lawyers in the country whose work they know and respect. We then contact those nominees and ask for additional nominations in their country and in their specialty. We also solicit nominations from the chairmen and marketing officers of law firms in the country.

We then conduct a rigorous survey of the lawyers in that country using what we call a "cascading poll" – that is, a poll that adds additional nominees and solicits votes on them as it progresses. In the first round of voting, the ballot lists only the names of lawyers who have been identified through the initial nomination process.

Lawyers in our survey are asked to rate the likelihood that they would refer a client to a nominated attorney within their own legal specialty if the lawyer being interviewed could not handle the matter because of time constraints or a client conflict. The evaluating lawyers are asked to use a scale of 5 to 1, with 5 being "highly likely to refer" and 1 being "not likely to refer at all." The lawyers are allowed to give pluses or minuses in order to make their votes more precise, and to submit comments about a particular nominee.

All voters are asked to submit additional nominations. These new names become the basis for a second round of voting. The voting pool for the second round includes all new nominees who have been nominated from outside their firm and those lawyers previously nominated from within their own firm who received consistently high marks on the first ballot.

Because ballots always request additional nominees, each round of voting creates a new list of nominees and a new voting pool. The number of rounds required to reach a general consensus (i.e., an agreement that the list contains the appropriate names) depends on the size of the legal community involved. In general, polling ends when no new high-scoring names emerge from additional ballots. At that point, we evaluate all of the votes that have been entered, giving particular weight to votes from those lawyers who have themselves received the highest votes, to determine which names should be included in the *Best Lawyers* listings for that country.

In general, lawyers were asked to vote only on nominees in their own specialty in their own jurisdiction. Lawyers in closely related specialties were asked to vote across specialties, as were lawyers in smaller jurisdictions. Where specialties are national or international in nature, lawyers were asked to vote nationally as well as locally. Voting lawyers were also given an opportunity to offer more detailed comments on nominees.

Voting lawyers were provided this general guideline for determining if a nominee should be listed among "the best": "If you had a close friend or relative who needed a real estate lawyer (for example), and you could not handle the case yourself, to whom would you refer them?" All votes and comments were solicited with a guarantee of confidentiality – a critical factor in the viability and validity of *Best Lawyers*® surveys. To ensure the rigor of the selection process, lawyers were urged to use only their highest standards when voting, and to evaluate each nominee based only on his or her individual merits. The additional comments were used to make more accurate comparisons between voting patterns and weight votes accordingly. *Best Lawyers* uses various methodological tools to identify

and correct for anomalies in both the nomination and voting process.

Once all of the evaluations have been compiled, the grades are averaged. Eccentric votes – far better or far worse than the others – are excluded from this calculation. The numerical average required for inclusion varies according to the average for all the nominees within the specialty and the geographic area. In close cases, the editors make final decisions based both on comments that are made about a nominee during the polling process and on the grades of the voting lawyers (votes can be given more or less weight depending on the voter's own grades and on how closely that voter predicts the outcome for the other nominees in the specialty).

One of the most important factors in the *Best Lawyers* methodology is that we ensure that only the leading lawyers in a country are asked to evaluate their peers and that a high percentage of the lawyers we contact participate in the polls. This replicates the process that a knowledgeable and well-connected client would use in selecting a lawyer – asking the top lawyers in a field about the other top lawyers in the field – only we do it far more comprehensively than even the most knowledgeable and best-connected clients are typically able to do.

The *Best Lawyers* methodology is quite different from the methodology used by some other directories that base their listings mostly on evaluations from lawyers. Some of these other directories can accurately claim that they send ballots to every lawyer in a jurisdiction, but they typically have a very small percentage of participation (usually two percent or less) and do not know how skilled or how knowledgeable the participating lawyers are themselves. This can lead to pools of lawyers, more notable for their willingness to participate in surveys than for their prominence in the profession, voting each other onto a list.

Ultimately, of course, a lawyer's inclusion is based on the subjective judgments of his or her fellow attorneys. While it is true that the lists may at times disproportionately reward visibility or popularity, the breadth of the survey, the candor of the respondents, and the sophistication of the polling methodology largely correct for any biases. •

# A comprehensive guide to the country's best lawyers

Anyone living and working in the Czech Republic knows how difficult it can be to interpret the circuitous complexities of Czech law. It is all too common to query two representatives from various state offices and get conflicting information about legal requirements and regulations. And with new amendments coming into law and ongoing changes enforced by the European Union, what might have been true last year doesn't necessarily stand true for today. From taxes to visas, real estate to business incorporation, top-notch legal advice and guidance becomes a simple requirement for doing business; knowing who to talk to can be half the battle.

You need someone who is specialized in their field, who stays up-to-date on current interpretation of and changes to the law, and who can best advise you as you choose a course of action for any serious matter.

The best lawyer is one who can listen to and understand you and provide you with the best guidance and advice possible.

Czech Republic's Best Lawyers® helps eliminate the complication of locating a high-quality advocate to protect you, your business and your assets. A Best Lawyers® lawyer is trusted in their field, conducts his or her practice ethically and has earned the respect of his or her peers. The exceptional attorneys for the Czech Republic listed in this guide were specifically chosen through the rigorous vetting of Best Lawyers® methodology and then nominated by and voted on by their peers. Lawyers can not buy their way into this guide. They must earn a spot through exemplary legal work that attracts the notice of their colleagues. To remain on the list, they must remain at the top of their game, year after year.

The leading referral list in the legal profession, Best Lawyers®, and the Prague Monitor have teamed up to provide this invaluable resource for readers, whatever your legal need may be.

Lawyers in this guide are arranged by their legal specialty—from Antitrust Law to Telecommunications—to make it easy to find the professional advice you need. Whether you're buying property or selling one, starting a company, acquiring assets, patenting new technology, litigating a contract, or getting married—there is a talented and highly competent attorney listed in here who can help.

Keep this comprehensive guide on hand for when you need a first-rate advocate to assist you. The lawyers listed in Czech Republic's Best Lawyers are eager to help. •



frana@sak.cz | www.sak.cz



Member of the ALLIANCE OF BUSINESS LAWYERS

Pavel Fráňa has been awarded "Best Lawyer of the Year 2009" for his outstanding work in the fields of Litigation, Arbitration and Mediation Law. Since 1996, after Pavel Fráňa became an Attorney at Law, he has been focused in particular on commercial litigation. He is also very experienced in commercial, financial and securities law. During his studies he became interested in Arbitration Proceedings and since 2004 Pavel Fráňa has become an active arbitrator of the Arbitration Court at the Economic and Agricultural Chamber of the Czech Republic.

Pavel Fráňa is a partner of Law Office Hartmann, Jelínek, Fráňa a partneři, which was founded in 1990 as a professional association of attorneys-at-law. Shortly after its foundation, the Law Office gained a significant standing within the Czech legal fraternity. Today, it is regarded as one of the leading law offices in the Czech Republic. The Law Office provides its clients with the full range of legal services at a high professional level. Legal services are offered predominantly in the territory of the Czech Republic, in the EU Member States and, if needed, also elsewhere abroad. In this respect it should be noted that the Law Office is an active member of the supranational association ABL (Alliance of Business Lawyers) and its individual attorneys are engaged with other international law organizations and firms. The Law Office has its principal places of business in Prague and Hradec Králové.

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Weil, Gotshal & Manges

Daniel Čekal  
Wilson & Partners

## ARBITRATION AND MEDIATION

Martin Hrodek  
Baker & McKenzie

František Honsa  
Brzobohatý Brož & Honsa  
Klimentská 1207/10, Prague, 110 00  
fhonsa@bbh.cz  
phone: +420 234 091 355

Pavel Fráňa  
Hartmann, Jelínek, Fráňa a partneři  
Sokolovská 49, Prague, 186 00  
frana@sak.cz  
phone: +420 225 000 400

Vít Horáček  
Glatzová & Co.

Pavel Dejl  
Kocián Šolc Balaščík

Alexandr Mareš  
Mareš Partners advokátní kancelář

Alena Bányaiová  
Salans  
Platněřská 4, Prague, 110 00  
abanyaiova@salans.com  
phone: +420 236 082 111

Olga Humlová  
Salans  
Platněřská 4, Prague, 110 00  
ohumlova@salans.com  
phone: +420 236 082 111

Luděk Vrána  
Vrána & Pelikán

Karolína Horáková  
Weil, Gotshal & Manges

Milan Polák  
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## BANKING AND FINANCE

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Robert Němec  
Procházka Randl Kubr

Vladimira Papírník  
Squire, Sanders & Dempsey  
Václavské náměstí 57/813, Prague, 110 00  
vpapirnik@ssd.com  
phone: +420 221 662 111

David Plch  
White & Case

Květoslav Krejčí  
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## CAPITAL MARKETS

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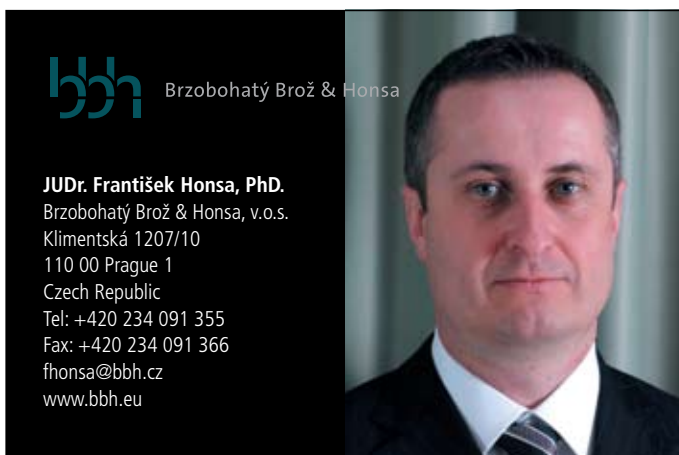
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Baker & McKenzie



**JUDr. František Honsa, PhD.**  
Brzobohatý Brož & Honsa, v.o.s.  
Klimentská 1207/10  
110 00 Prague 1  
Czech Republic  
Tel: +420 234 091 355  
Fax: +420 234 091 366  
fhonsa@bbh.cz  
www.bbh.eu

Frantisek Honsa is Managing Partner at BBH and is responsible for the litigation and arbitration department. Mr. Honsa's main focus is in commercial and banking law, both in civil disputes held in court proceedings or in domestic and international arbitration that have proven to be significant for the interpretation of Czech laws and regulations. Frantisek is responsible for BBH's criminal law legal services department. His professional experience includes the criminal pleading of white collar defendants being prosecuted for financial offences. Mr. Honsa was educated at Charles University Prague and completed the International Business Transactions course at The George Washington University, Washington D.C. Frantisek is the author of the publication *Shareholders' Liability* (1997). He speaks Czech, English and Russian.

# A Quick Look at Czech Law

The Charles University College of Law established the basis of the current Czech legal profession in 1348, but the most recent era began 650 years later with the fall of communism. Following 1989, much international attention centered on restitution litigation, including Jewish property confiscated during World War II and properties confiscated under communism.

EU accession in 2002 brought more changes, including a focus on minimizing corruption, with mixed results. Improved technology and integrated databases have done much to improve the fight against

fraud and streamline the justice system. Attorney Pavel Fráňa says that criminal records, insolvency, trial documents, payment orders and more can now be managed through a wide network of online portals. "If this trend continues," says Fráňa, "we could talk about the Czech judiciary as one of the most modern in the world."

In 2009, the financial crisis has kept the Czech law industry busy with international contracts and agreements. Some larger firms have even expanded further east to Bratislava, Bucharest, and Moscow. Attorney Petr Přecechtěl explains that Czech

law firms can "provide services to clients in these countries at the expected level of quality and a reasonable level of cost."

In these times of change and uncertainty, it is more important than ever to have a strong legal system to support the legal complexities of multi-national business and cross-border transactions. The Czech Republic's long legal tradition will be strengthened further in the coming years with the continued integration of new measures and technologies to raise levels of service and professionalism in the industry. •

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Glatzová & Co.

Jiří Balaščík  
Kocián Šolc Balaščík

Martin Šolc  
Kocián Šolc Balaščík

Alena Bányaiová  
Salans  
Platnéřská 4, Prague, 110 00  
abanyaiova@salans.com  
phone: +420 236 082 111

Petr Kotáb  
Salans  
Platnéřská 4, Prague, 110 00  
pkotab@salans.com  
phone: +420 236 082 111

Martin Kříž  
Procházka Randl Kubr

Karel Dřevínek  
Weil, Gotshal & Manges

Vladimíra Papírník  
Squire, Sanders & Dempsey  
Václavské náměstí 57/813, Prague, 110 00  
vpapirnik@ssd.com  
phone: +420 221 662 111

Damian Beaven  
White & Case

Ivo Bárta  
White & Case

Jan Matejček  
White & Case

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White & Case

Michal Smrek  
White & Case

## CRIMINAL DEFENSE

Tomáš Sokol  
Brož & Sokol & Novák

»

**SQUIRE SANDERS** LEGAL COUNSEL WORLDWIDE

**Vladimíra N. Papírník**  
Squire, Sanders & Dempsey, v.o.s.  
advokátní kancelář  
Václavské náměstí 57/813  
110 00 Prague 1  
Czech Republic  
T: +420.221.662.111  
vpapirnik@ssd.com



Squire, Sanders & Dempsey has been representing Czech and multinational clients in corporate, real estate, finance and regulatory matters throughout Central and Eastern Europe for nearly 20 years.

Vladimíra Papírník is the managing partner of the firm's Prague office. She focuses her international business practice on banking, project finance and corporate law. Her corporate practice covers mergers and acquisitions as well as corporate governance issues.

Best Lawyers® in Czech Republic 2009: Mergers & Acquisitions, Corporate and Banking & Finance.

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Vladimír Petrus  
Clifford Chance

Karel Dřevínek  
Weil, Gotshal & Manges

Ivo Bárta  
White & Case

**INTELLECTUAL  
PROPERTY**

Karel Čermák, Jr.  
Čermák Hořejš Matějka a spol.  
Národní 32, Prague 1, 110 00  
info@apk.cz  
phone: +420 296 167 111

Vít Horáček  
Glatzová & Co.

**LABOR AND EMPLOYMENT**

Karin Konstantinová  
Baker & McKenzie

Dominik Brůha  
Dominik Brůha Advokát

Marie Janšová  
Glatzová & Co.

Martin Bělina  
Kříž & Bělina Law Firm

Ladislava Jasanská  
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Jaroslav Škubal  
Procházka Randl Kubr

Tereza Erényi  
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Nataša Randlová  
Randl Partners - attorney at law

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White & Case

**LITIGATION**

Martin Hrodek  
Baker & McKenzie

Emil Holub  
Clifford Chance

Vít Horáček  
Glatzová & Co.

Pavel Fráňa  
Hartmann, Jelínek, Fráňa  
Sokolovská 49, Prague, 186 00  
frana@sak.cz  
phone: +420 225 000 400

Růžena Trojánková  
Kinstellar

Pavel Dejl  
Kocián Šolc Balaštík

Alexandr Mareš  
Mareš Partners advokátní kancelář

Olga Humlová  
Salans  
Platněřská 4, Prague, 110 00  
ohumlova@salans.com  
phone: +420 236 082 111

Karolína Horáková  
Weil, Gotshal & Manges

Milan Polák  
Weinhold Legal vos

**MEDIA**

Vít Horáček  
Glatzová & Co.

Tomas Schollaert  
Pierstone

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Karel Muzikář  
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**MERGERS  
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Jan Myška  
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Baker & McKenzie

David Kolářček  
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Vladimír Petrus  
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CMS Cameron McKenna

Šárka Robinson  
CMS Cameron McKenna

Vladimíra Glatzová  
Glatzová & Co.

Jiří Balaštík  
Kocián Šolc Balaštík

Martin Šolc  
Kocián Šolc Balaštík

»



**Čermák Hořejš  
Matějka a spol.**  
law and patent office

**ČERMÁK HOŘEJŠ MATĚJKA A SPOL.**  
Národní 32,  
110 00 - Prague 1  
Czech Republic  
Tel: +420 296 167 111  
Fax: +420 224 946 724  
info@apk.cz  
www.cermakhorejsmatejka.cz

Čermák Hořejš Matějka a spol. is one of the largest, most prestigious and most renowned law and patent firms in the Czech Republic. The firm offers complex legal services to both businesses and individuals, specialising in particular in industrial and intellectual property law, including highly complex IP litigation, as well as in general commercial law.

Čermák Hořejš Matějka a spol. provides the highest quality service not only in the Czech Republic, but also in Slovakia and at the European level (EPO and OHIM). The firm employs a highly qualified team of lawyers, patent attorneys, outside consultants and with a wide range of contacts in many countries the firm effectively manages large portfolios of industrial property rights worldwide.

Čermák Hořejš Matějka a spol. has successfully defended the interests of its clients in almost all technical disciplines including chemistry, biotechnology, engineering, electro-engineering, electronics and software. The firm's services are in high demand among prominent local and international clients, which is reflected in our ranking among the prestigious European Legal 500, the guide to legal firms, which is respected for its independence and objectivity.



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### Salans Europe LLP, organizační složka

Platněfská 4  
Praha 1, 110 00  
Czech Republic  
Tel.: +420 236 082 111 | Fax: +420 236 082 999  
[prague@salans.com](mailto:prague@salans.com)  
[www.salans.com](http://www.salans.com)

Marek Procházka  
Procházka Randl Kubr

Martin Aschenbrenner  
Procházka Randl Kubr

Vladimira Papirnik  
Squire, Sanders & Dempsey  
Václavské náměstí 57/813, Prague, 110 00  
vpapirnik@ssd.com  
phone: +420 221 662 111

Karel Dřevínek  
Weil, Gotshal & Manges

Jan Matejcek  
White & Case

Michal Dlouhý  
White & Case

Michal Smrek  
White & Case

#### REAL ESTATE

Emil Holub  
Clifford Chance

Hilary McDowell  
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Kinstellar

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Konečná & Šafář

Daniel J Rosicky  
Procházka Randl Kubr

Evan Z. Lazar  
Salans  
Platněřská 4, Prague, 110 00  
elazar@salans.com  
phone: +420 236 082 111

Jiří Stržínek  
Salans  
Platněřská 4, Prague, 110 00  
jstrzinek@salans.com  
phone: +420 236 082 111

Michal Hink  
Salans  
Platněřská 4, Prague, 110 00  
mhink@salans.com  
phone: +420 236 082 111

Olga Humlová  
Salans  
Platněřská 4, Prague, 110 00  
ohumlova@salans.com  
phone: +420 236 082 111

#### TAX

Pavel Fekar  
Baker & McKenzie

Marek Moudrý  
Procházka Randl Kubr

Richard Švejda  
Procházka Randl Kubr

Petr Kotáb  
Salans  
Platněřská 4, Prague, 110 00  
pkotab@salans.com  
phone: +420 236 082 111

Aleš Cechel  
White & Case

#### TECHNOLOGY

Vít Horáček  
Glatzová & Co.

Jiří Balašík  
Kocián Šolc Balašík

Tomas Schollaert  
Pierstone

Petr Slach  
Squire, Sanders & Dempsey  
Václavské náměstí 57/813, Prague, 110 00  
pslach@ssd.com  
phone: +420 221 662 111

Karel Muzikář  
Weil, Gotshal & Manges

Václav Jerman  
White & Case

#### TELECOMMUNICATIONS

Jiří Balašík  
Kocián Šolc Balašík

Petr Slach  
Squire, Sanders & Dempsey  
Václavské náměstí 57/813, Prague, 110 00  
pslach@ssd.com  
phone: +420 221 662 111

Karel Muzikář  
Weil, Gotshal & Manges



#### CONTACT INFO:

These lists are excerpted from The Best Lawyers in Czech Republic® 2009, which includes listings for more than 75 lawyers in 16 specialties. The Best Lawyers in Czech Republic® is published by Woodward/White, Inc., Aiken, South Carolina. For information call 803-648-0300; write 129 First Avenue, SW, Aiken, SC, 29801, USA; email info@bestlawyers.com; or visit www.bestlawyers.com. Online subscriptions to Best Lawyers® databases are available at www.bestlawyers.com.

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