



Updated on: 10 November 2015

## The Judicial Officer in the World

### ESTONIA

Name (singular and plural): **KOHTUTÄITUR/KOHTUTÄITURID**

#### Presentation

##### Generalities

Approx. 47 judicial officer are appointed within approx. 47 offices. They work together with approx. 320 staff.

All are liberal or self-employed professionals.

##### Training

###### Initial and on-going training of judicial officers

To become a judicial officer, the following level is required: three years of law studies or equivalent.

There is an initial training for the future judicial officers.

This training is normally compulsory. Duration: up to six months.

An on-going training is available for the judicial officers.

This training is compulsory.

##### The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer.

The judicial officers are appointed by the ministry of justice.

There is a limited number of judicial officers.

A judicial officer cannot exert his activities within a structure including another or several other judicial officers.

The profession is represented at national level by: KOHTUTÄITURITE JA PANKROTIHALDURITE KODA.

##### Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest, ...).
- Cases and conditions in which the judicial officer must exert his activities personally.
- Obligations relating to the professional activities of the judicial officer.
- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial officer.
- Obligation to hand over the monies of third parties in a specific time.



Updated on: 10 November 2015

- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities.
- Obligation to comply with ethical and/or deontological rules.
- Professional secrecy.
- Obligation to take out professional and civil liability insurance.

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

## Activities

### Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Handing of children according to a court decision.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor.
- Setting up of a provisional judicial security on a business of the debtor.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Forced auction sale of businesses attached by the judicial officer.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.



Updated on: 10 November 2015

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

### **Service of judicial or extrajudicial documents**

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

When serving documents, the judicial officer has access to information to locate and/or search the addressee.

### **Forced public auction sales**

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Internet auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Internet auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.
- Internet auction sale of businesses attached by the judicial officer.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.
- Internet auction sale of immovable goods attached by the judicial officer.

### **Voluntary Public Action Sale**

The judicial officer can carry out the voluntary public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Internet auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Internet auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.
- Internet auction sale of businesses attached by the judicial officer.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.
- Internet auction sale of immovable goods attached by the judicial officer.

### **Debt collection**

The judicial officer cannot exert the activity of debt collecting.

### **Statements of facts**

The judicial officer cannot carry out statements of facts when required by a natural or a legal person and/or on request of a Judge.



Updated on: 10 November 2015

### **Sequestration of goods**

The judicial officer cannot exert the activity of sequestration of goods.

### **Legal advice**

The judicial officer can give legal advice.

### **Bankruptcy proceedings**

The judicial officer cannot exert a professional activity in the field of bankruptcy procedures.

### **Missions entrusted to the judicial officer by a judge**

A judge cannot appoint a judicial officer to carry out a specific mission.

### **Mediation**

The judicial officer cannot exert the activity of mediation.

### **Representation of parties in the court**

The judicial officer cannot represent parties in the court.

### **Drawing up of private deeds and documents**

The judicial officer cannot draw up private deeds and documents for natural and legal persons.

### **Court service**

The judicial officer is not in charge of the court service.

### **Real estate management**

The judicial officer cannot exert the activity of real estate agent.