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## Legal hocus-pocus



The [vow](#) a Constitutional Court justice must take doesn't apply retroactively. A justice might not have "abide[d] by the laws of the Constitution, and decide[d] according to [his or her] best judgment, independently and impartially" in the past, but this isn't in and of itself an obstacle to appointment. Yet appointment does imply a certain moral authority. Pres. Petr Pavel wrote in his [nomination letter to the Senate](#) that he is convinced that Josef Baxa and Daniela Zemanová meet all the professional and moral requirements for judges of the Court. In his [new book](#), Baxa acknowledges on Page 109 that it was not systemically correct for him to act in 1998-2002 as both a judge of Pilsen Regional Court and a deputy justice minister. He says on Page 103 that "legal hocus-pocus" was used to make this possible. Senators must decide whether someone who has resorted in the past to legal trickery to circumvent the separation of powers should be a justice of the highest court, or potentially its chief justice.

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