INDEPENDENCE OF LEGAL PROFESSIONS AND THE BAR AS A CONDITION OF QUALITY OF LEGAL SERVICES – POLISH EXPERIENCE

Lisbon, 25 October 2019

Joint CCBE-FBE Conference

Self-regulation and Quality in the Legal Profession



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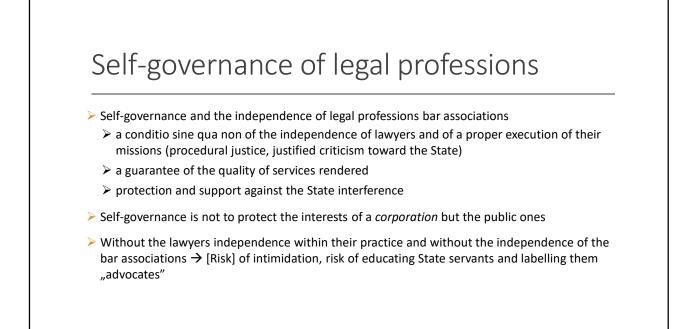
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Self-governance of legal professions in Poland

- Legal professions devoted to provide legal assistance and considered as of public trust:
 - advocates (adwokaci)
 - attorneys-at-law (radcowie prawni)
- Self-governance → provided for in the Polish Constitution (art. 17) By means of statutes – self-governing bodies may be created to:
 - > represent persons practicing professions of public trust
 - supervise the proper practice of such professions within the limits of, and for the purpose of protecting, the public interest



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Independence of the self-governing body, organised on a democratic basis

Code of Ethics

Development of professional capacities

- ➢ Initial training at the Bar school → a competence to organise admission and professional exams shared with the Ministry of Justice since 2005
- ➤ Continued training → commissions and sections focused on specific areas of law

Disciplinary proceedings

- Unlawful or unethical conduct or a conduct contrary to the dignity of the profession or breach of professional duties
- Investigation and I and II instance disciplinary proceedings the competence of Bar Association bodies
- Possibility of a recourse before the Supreme Court Disciplinary Chamber

Ouality of legal professions What does the quality stand for? From which perspective should it be measured? Quality as a result of meeting all requirements to be fulfilled by the lawyers Quality of services Lawyers have the obligation to: Pursue their mission with courage and integrity and in line with the law and ethics Respect and protect the client-attorney legal privilege Observe the principles of dignity, honesty, equity and social justice Act in the best interest of their clients

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Impact on quality of legal services

- Influx of trainee lawyers and qualified lawyers
- Effective mentorship weakened
- Increasing competition on the market
- The offer of legal services does not correspond to the demand
- Mistrust generated by the governing majority in 2005
- > Dean's competence to issue warnings or reminders
- ➢ Political interference into disciplinary proceedings distorts the very essence of such proceedings (→ not a proportionate measure in practice)



Thank you for your attention

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