

Programme Resolution No.1
of the IX National Assembly of the Bar

Warsaw 23-25 November 2007
(extract)

point 6.12. National Assembly of the Bar obliges the Polish Bar Council to execute the resolution about compulsory barristers' in-service training (professional advancement).

**RESOLUTION No. 39/2006
of the Polish Bar Council
dated 25 March 2006**

On the grounds of Art. 3 pt. 4 and Art 58 pt. 12 letter „h” of the act of 26 May 1982 „The Bar Law” (*uniform text Journal of Laws 2002 no.123 item 1058, amendment no.126 item 1069*) the Polish Bar Council resolves as follows:

Performance of the advocate's profession as a freelance profession of public confidence requires the utmost diligence and professionalism, which rests on and is guaranteed by continuous professional improvement. The need for professional perfection is determined by the social role of an advocate, the scope of legal assistance provided by an advocate to individuals as well as legal persons, his role in proceedings before courts, official institutions, state and local administration authorities, as well as commercial organization bodies.

In view of the transformations of the legal system and the continuous need to adapt to European Union requirements, an advocate, confronted with the social expectations of providing the highest standard of legal assistance, cannot rely on the knowledge obtained during his legal studies and traineeship, but is faced with the need to raise his qualifications both by means of his own independent studies as well as by participating in various forms of organized training offered by the advocates' self-government.

In our attempts to consolidate the prestige of the advocate's profession, apart from advocating self-education as a permanent element of performing the profession, the Polish Bar Council introduces a policy of obligatory participation in various forms of professional advancement.

The provisions of this resolution, which defines the scope and methods of fulfilling the obligation of professional training, do not in any way restrict advocates in their own independent actions to obtain specialized knowledge in various areas of law.

**CHAPTER I
GENERAL PROVISIONS**

§ 1

It is a duty of an advocate to continue to advance his professional qualifications by updating and expanding his knowledge of law and jurisprudence. Fulfillment of this duty cannot be limited to self-education, but must include active or passive participation in various

forms of professional training such as post-graduate studies, courses and seminars, at the discretion and choice of the advocate, as well as in courses organized by the Polish Bar Council and district bar associations.

§ 2

Professional advancement may consist in the following:

- a) participating in post-graduate studies held by the law faculties of universities and other higher education institutions,
- b) teaching classes for students, doctoral candidates and participants of post-graduate courses,
- c) teaching at law courses for trainee judges, advocates, legal advisors, notaries and representatives of other legal professions stipulated by relevant provisions of law,
- d) publishing articles, announcements, studies and other works on law and its application,
- e) participating in training sessions, seminars and conferences organized by the advocates' self government and other institutions which guarantee the appropriate level of training and professional advancement.

§ 3

1. Advocates who perform their profession in forms stipulated by the relevant provisions of law are obliged to participate in various forms of professional advancement organized by district bar associations and the Polish Bar Council.
2. Advocates may be exempted from the duty to participate in professional advancement in justified cases and on the basis of a decision of the dean of the district bar association.

§ 4

Failure to fulfill the duty of professional advancement by advocates shall constitute a disciplinary offence.

CHAPTER II PROFESSIONAL ADVANCEMENT

§ 5

Obligatory professional training of advocates shall take place in the following forms:

- a) training organized by the district bar association;
- b) training organized by commissions for professional advancement of advocates, as mentioned in Chapter III of the present Resolution;
- c) training organized by other institutions recommended by the governing bodies of the Bar;
- d) forms defined in § 2 of the present Resolution.

§ 6

The duty of professional advancement in the form of training organized by the district bar association shall be 10 hours per year.

§ 7

District bar associations shall be obliged to organize training, giving adequate room for choice, using their own resources, or to commission such training pursuant to the provisions of § 8, in the amount of at least 20 hours per year.

§ 8

Organization of training in the form of courses, conferences, lectures and seminars may be commissioned by the district bar associations to universities as well as other specialized institutions.

§ 9

Notwithstanding the provisions of § 5 letter a), it shall be obligatory to participate in professional training of 30 hours at one time within a period of 5 years, organized by the advocates' commission for professional advancement referred to in Charter III of the present Resolution.

§ 10

1. At the request of the Bar Research Center, during its term of office the Polish Bar Council shall adopt recommendations regarding the subjects of professional advancement.
2. Acknowledging the recommendations of the Polish Bar Council the district bar associations may include in their programs of professional advancement other areas, not indicated in the recommended professional advancement program.

§ 11

The Polish Bar Council and district bar associations shall distribute information about professional training conferences in order ensure that all advocates and trainee advocates are notified.

§ 12

Professional training of an advocate realized in the forms described in § 2 letters b-d shall be recognized as fulfillment of the duty of professional advancement as defined in §3 sec.1 hereof, according to the following rules:

- a) giving a two hour lecture on legal subjects shall be treated as equivalent to four hours of training;
- b) publication of an article in a legal magazine regarding legal science or the practice of the judicial system shall be treated as equivalent to ten hours of training, provided the publication is not smaller than 8 standard pages of text;
- c) teaching a one hour class on popularization of the law shall be treated as equivalent to one and a half hour of training.

§ 13

By the end of February each year advocates shall be obliged to submit to the relevant district bar association a report regarding their fulfillment of the duty of professional advancement during the previous year. Documents confirming the performance of that obligation shall be appended to the report.

CHAPTER III. REGIONAL COMMISSIONS FOR PROFESSIONAL ADVANCEMENT OF ADVOCATES

§ 14

1. The Polish Bar Council shall entrust the Bar Research Center with the task of creating, in consultation with the district bar associations, eleven regional commissions for professional advancement of advocates to work with the district bar associations in the following cities: Warsaw, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Szczecin, Wrocław and Rzeszów. These commissions shall be created, whenever possible, in cooperation the law faculties of local universities.
2. The district bar association appropriate for the seat of the regional commission for professional advancement of advocates shall provide administrative and technical assistance to the commission.

§ 15

The regional commissions for professional advancement of advocates of the district bar associations shall organize training sessions in cooperation with the law faculties of local universities and other specialists on the basis of separate agreements which shall take into account the need to supplement legal knowledge, provide specialized training, update general legal knowledge, adjust to client requirements, answer to the demands of the legal services market etc.

§ 16

1. Notwithstanding the requirement to participate in annual training, during each five year period the regional commission for professional advancement of advocates shall organize a course on court law for all advocates, lasting at least 30 hours.
2. The subject of the course shall be determined by the commission composed of at least 5 advocates delegated by the appropriate district bar association.
3. The commission cannot be composed of more than 9 members.
4. The commission shall elect a chairman and secretary from among its members.
5. The term of office of a commission shall be three years.

§ 17

The participation of advocates in a training session shall be confirmed by a certificate.

§ 18

A training session organized by the regional commission for professional advancement of advocates may be held outside the seat of the local advocates' self-government body.

§ 19

1. The tasks of the regional commissions for professional advancement of advocates shall include providing legal opinions to advocates' self-government bodies and individual advocates concerning current issues related to performance of the advocate's profession or operation of the Bar.
2. If required, the district bar association may supplement the composition of the commission on an *ad hoc* basis by specialists from outside the Bar, in order to draw up an expert opinion.
3. Opinions shall be rendered in the form of expert opinions or legal opinions. For drafting and providing an expert opinion or a legal opinion the members of the opinion-making team in the commission shall be remunerated from the funds of the district bar association. Such opinions shall be presented in such a manner as to reach a wide circle of advocates and trainee advocates.

CHAPTER IV. COSTS OF PROFESSIONAL ADVANCEMENT

§ 20

1. The activities undertaken by the bodies of the Bar related to the professional advancement of advocates shall be paid for, and shall constitute a cost of professional practice for advocates, in various forms allowed by the provisions of law.
2. The fees paid for conferences, courses and seminars ought to cover the necessary organizational costs.

§ 21

The operating costs of the regional commission for professional advancement of advocates and the costs of professional training for advocates shall be covered by the district bar associations to which the given commission or advocates belong. Financing for professional training activities shall be obtained from the following sources:

- a) advocates' membership fees,
- b) additional fees paid by advocates attending the course,
- c) advertizing,
- d) endowments,
- e) remuneration paid from other funds of the district bar association,
- f) from the funds of the district bar association to which the regional commission for professional advancement of advocates belongs, in proportion to the number of members of the given chamber,
- g) other sources of financing of professional training, including endowments and subsidies,
- h) from the advocates' own means which may constitute a cost of revenues in the form of professional activity practiced by advocates.

§ 22

The costs of professional advancement are covered by advocates and consist, without limitation, in payment of the advocates' membership fee. On a voluntary basis additional financing by advocates of various forms of participation in professional training is also envisaged.

§ 23

Advocates as employers who practice their profession in various forms allowed by the provisions of law may also incur the costs of training trainee advocates and other employees.

CHAPTER VI FINAL AND INTERIM PROVISIONS

§ 24

The Resolution shall come into force upon the elapse of 6 months from the date of its adoption, with the exception of § 13 which shall come into force on 1 January 2008.

Chairman
Of the Polish Bar Council
(*Stanisław Rymar*)
Advocate Stanisław Rymar