

LEGAL EDUCATION AND TRAINING IN POLAND

I. THE SYSTEM OF PROFESSIONAL TRAINING FOR LEGAL ADVISORS

- The goal of legal advisers' post-graduate legal training (internship) is preparing law graduates both theoretically and practically for practising as legal advisers.
- The training is organized by the Councils of the 19 Regional Chambers of Legal Advisers. It lasts three and a half years. The program is set out in the regulations adopted by the National Council of Legal Advisers and includes:
 - theoretical training once a week during 10 months of the training year, with lectures covering civil, criminal, administrative, constitutional, tax, and commercial law, international private law and European Union law, the civil, criminal and administrative procedure, the principles of ethics of legal advisers;
 - practical training at least one day a week during 10 months of the training year, in courts, prosecutor's offices, public and financial administration bodies, and law offices of notaries and legal advisers or barristers (also abroad).

The professional training of each candidate is supervised by a patron appointed by the Council of the Regional Chambers of Legal Advisers. The patron must be a legal adviser with at least three years' professional experience; he or she cannot supervise more than three trainees.

- To become a trainee graduates need to pass the entrance exam giving access to internship. The examination board consists of three representatives of the Minister of Justice, two representatives of the National Council of Legal Advisers, one academic (faculty of law) and one public prosecutor. The chairperson of the board is chosen by the Minister from among his representatives. The examination test consists of 250 multiple choice questions, 190 of which should be answered correctly in order to pass the test (only one of

three possible answers is correct). The questions cover various areas of law, including constitutional, criminal, civil, commercial, labour and insurance, administrative, family and European law.

- The training finishes with the bar examination, both oral and written; the composition of the examination board follows the same rules as in case of the entrance examination. The written part consists of four legal problems to be solved, such as preparing a statement of claim in a court action on the basis of court records or writing an administrative decision. The total number of points is 120, and the minimum which has to be obtained is 80. In the oral part, the candidate answers a randomly chosen set of 19 questions, with the maximum of 76 points to obtain. In order to pass the examination successfully, one has to get a total of 130 points for both parts of the examination. The bar exam verifies candidates' knowledge of various areas of law (specified in the Law on legal advisers) as well as their skills and competencies necessary for proper practice of the profession of legal adviser.
- As far as continuing education is concerned, legal advisers in Poland do not have a statutory obligation to participate in training sessions. The lectures are organized by the Councils of the Regional Chambers of Legal Advisers one to four times a month and last 4-5 hours. Away-from-home training sessions are also organized on a regular basis by Regional Chambers and the National Council of Legal Advisers. They aim at developing and updating lawyers' knowledge, dealing mainly with recent changes in procedural and substantive law. In 2006, the National Council of Legal Advisers requested the Minister of Justice to use his right of legislative initiative in order to include obligatory continuing education in the Law on legal advisers. This obligation will also be introduced in the revised principles of ethics of legal advisers to be adopted during the General Assembly in November 2007.

II. THREATS FOR QUALITY OF LEGAL EDUCATION

- Education in universities and law faculties is not uniform enough; law societies have no influence on university educational programs. Graduates of the faculties and universities are not ready for actual practicing any legal profession (university gives them neither appropriate professional skills and qualifications nor knowledge of rules for carrying professional activities).
- Implementation of laws that are to lead to allow practicing legal adviser and barrister professions by graduates of law faculties who neither have appropriate professional experience nor have undergone legal internship supervised by a law society.

The opportunity to practice the aforementioned professions actually is to be open to the full extent, i.e. including representation of clients before all courts by, *inter alia*, persons who have not passed an examination revising their knowledge and do not have skills necessary to practice profession of barrister or legal adviser (it is planned to establish profession of so-called “legal consultant” – *doradca prawny*, that is to be practiced by law faculty graduates who have not passed any professional examination and whose professional knowledge and skills have not been verified).

- There is so-called “inter-professional flow”, i.e. opportunity to become a member of one profession of lawyers e.g. to become a judge if the person is a member of another profession e.g. legal adviser. However, there is no uniform legal internship program or uniform professional exam even though professions of barristers and legal advisers are identical in practice;
- Lack of uniform and coherent both university education system and post-graduation trainings for such professions as judge, prosecutor, legal adviser, barrister, notary).

- The self governing bodies of legal advisers and barristers carry internship trainings for several thousands people, which is a consequence of changes of legal acts regarding lawyers and lower requirements to be met in order to become a trainee. Theoretical and practical education for such number of people makes impossible to prepare them to proper performance of the profession, to assure the patronage of barrister or legal adviser to provide the interns with proper traineeship in the court. Moreover the way the professional examination is conducted does not allow proper verification of knowledge and skills acquired by interns.

III. NECESSARY DEVELOPMENTS IN LEGAL EDUCATION AND TRAINING

Law societies take all possible activities in order to work out and perform proper program of internship education (which is not easy considering number of changes of legal acts regarding lawyers); moreover the law societies conduct also trainings for practicing lawyers (Continuing Legal Education). In particular it concerns trainings on the European Community Law. However Continuing Legal Education for those who practice the regulated professions without resolving the problems referred to in point II above shall not guaranty proper quality of legal education.

Thus, the following seems to be necessary:

- unification (at least in the basic scope) of education in law faculties all over the country, including appropriate consultations with law societies;
- extension of the scope of education in law faculties by basic professional skills and knowledge about rules of practicing legal profession and of deontology principles;
- unification (in the major scope) of internship education which is conducted by self governing bodies of various legal professions and pursuit of uniform professional examination;
- conditioning the admission to the law society/the bar by undergoing proper training (covering, in particular, practical part of practicing the profession and deontology principles) and by passing proper professional examination;

- statutory limitation of legal services rendered by persons not being the member of the law society/the bar.

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