

POLAND

The Polish Bar Council

The Polish Bar Council has met once again very responsible task to defend and creatively develop Polish Bar position in the Polish rule of law since last Presidents' Conference, February 2009.

Although there was no changes on the political stage, but the scope of current challenges to be solved became especially wide and profound.

Coming soon Presidential ballots in Poland became an occasion to entail a special political and state lawmaker activity also in the matter of Polish Bar law status. The main thesis of law on barrister profession and the schedule of it introduction was finally revealed by the Polish Ministry of Justice. The main idea of followed up schedule and project follows to factual liquidation of self- govern Polish Bar as a organization. 1 year period was projected (2011) for co-operation of the Polish Bar Council self-government powers (The Polish Bar Council) with Legal Advisers self-governments power (The National Council of Legal Advisors) to conduct works on joining both different legal profession in the just one - titled "Advocate". The new advocate profession projected of Ministry initiative should gather all current professional rights of nowadays Polish advocates, in fact. But, additionally presume the right to work on employment contract (subordination to employee). It was planned and constructed despite of:

- all differences between both different profession,
- wider professional rights and qualifications
- of advocates, e.g. in the criminal procedure,
- the aim of the barrister profession et.al. full professional independence,
- special, essential and detailed rules of deontology (ethics rules) eg. strict professional confidence
- hundreds years history, tradition and developments.

Summing up, it was presumed to liquidate both different self-government powers. Simultaneously, ballots were decreed to another new body which is planned by the followed up law and schedule, without acceptance of the each organization members to imposed order and despite of:

- fact of 7 times bigger number of legal advisors,
- defense of citizens rights, constitutional rights (art. 17 Polish Constitution),
- stability of state justice system.

It is important to mention that access to the advocate and legal advisor profession is fully free and open (state committee exam) now. Also professional transfers among the advocates, legal advisors, public notaries, public prosecutors, judges are accessible and fully efficient.

Unfortunately, the mentioned above problem becomes the quite good subject to be politically used, instead of such problems as: administration efficiency and responsibility, unemployment, public debt and social security system.

The Polish Bar Council and bar councils changes the Polish Bar taking into consideration all aspects of ongoing situation in country and abroad, achieving professional goals (takes care on: professional upgrading study, strengthening professional indemnity fund by insurer), co-operate with other lawyers and state and ngo's organizations. Results of co-operation and consultation within the advocate's bodies came into effect as detailed bills, eg. alterations in: regulations on legal trainees (pupilage), functioning of individual advocates' law offices.

Therefore the Polish Bar strongly protested against described above legal actions. It is revealed publicly in special memorandum and a lot of media actions.

The special, active and public reaction also was taken up against the motion of Ombudsman, which was lodged into the highest court in Poland (Constitutional Tribunal). Such motion strictly undermined the sense of compulsory advocates' self-govern organization as a whole, and also professional trainees' training (pupilage) as basic and proper route to profession of advocate.

Being aware of the legal position and the public duties, The Polish Bar Council initiated and successfully conducted whole country actions of:

- non-profit legal help for citizens who can't financially afford it,
- non-profit legal help victims of communist time repressions.

The Polish Bar also took part in workshops for law faculty students and co-operated with students international organizations eg. ELSA and also universities. The Polish Bar Council is a member of legal international organizations: CCBE and UIA and is open for all legal profession activities in the region.

Taking into consideration of followed up situation of the Bar in Poland I recommend this report.