

On the letterhead of the Polish Bar Council

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

On the basis of Article 3 point 4 and Article 58 point 12 h) of the Act dated 26 May 1982 - the Bar Law (*uniform text: Journal of Laws from 2002, no. 123, item 1058, amendment no. 126, item 1069*) the following is agreed:

Practicing the profession of an advocate as a freelance public trust occupation requires the utmost care and professionalism founded on and guaranteed by continuous professional development. The need to develop oneself is determined by the social role of the advocate, the scope of advocate legal assistance provided to individuals and corporations, his/her participation in the proceedings before the courts, institutions, governmental and local government authorities as well as the bodies of economic and business organizations.

With a view of the changing legal system and the necessity to continuously harmonize it with the EU requirements – the advocate, confronted with social expectation regarding the provision of legal assistance according to the highest standards, cannot limit himself/herself to the knowledge gained during studies and apprenticeship process but faces the necessity to continuously improve his/her qualifications, both through self-education, as well as the participation in various forms of training, organized by the bar self-government.

Aiming at the reinforcement of the prestige of the advocate profession, in addition to professional self-education as a long-lasting principle of practicing the profession, a principle of mandatory participation in professional development is established.

The provisions of this resolution, setting forth the scope and method of the fulfillment of professional development obligation, shall not limit the advocates in taking steps aimed at gaining specialized knowledge in the individual areas of law on their own.

**CHAPTER I
GENERAL**

§ 1

It shall be the obligation of the advocate to continuously improve professional qualifications by updating and expanding knowledge in the area of law and judicial decisions. The fulfillment of this obligation cannot be limited to self-education but should also include active or passive participation in various forms of professional training, studies, post-graduate studies and training programs at the advocate discretion and of his/her choice, as well as in sessions recommended by the Polish Bar Council and the regional bar councils.

§ 2

Professional development may consist in:

- a) participation in post-graduate studies organized by the law faculties of universities or other higher education schools;
- b) teaching didactic classes addressed to students, doctoral students and post-graduate students;

- c) teaching training sessions in the area of law addressed to judge trainees, advocate trainees, legal advisor trainees, notary trainees or representatives of other legal professions provided under applicable laws;
- d) publication of articles, communications and other papers in the area of law and its application;
- e) participation in training programs, seminars and conferences organized by the bar self-government and other institutions ensuring appropriate level of training and professional development.

§ 3

1. Advocates practicing profession in forms provided under appropriate regulations shall participate in professional development activities organized by the regional bar councils and the Polish Bar Council.
2. Advocates may be discharged from the obligation to participate in professional development activities in justified cases based on the decision of the deans of the regional bar councils.

§ 4

The failure to fulfill the obligation concerning professional development by the advocates shall constitute disciplinary misconduct.

CHAPTER II PROFESSIONAL DEVELOPMENT

§ 5

Mandatory professional development of the advocates shall take the following forms:

- a) training organized by the regional bar council;
- b) training organized by the commissions of the advocate professional development, referred to in Chapter III hereof;
- c) training organized by other institutions recommended by the bar authorities;
- d) as set forth in § 2 hereof.

§ 6

The obligation of professional development in the form of training organized by the regional bar council shall be 10 hours per annum.

§ 7

The regional bar councils shall, in a manner enabling choice, organize training programs on their own or subcontract their delivery in compliance with the provisions of § 8 of not less than 20 hours per annum.

§ 8

Delivery of training programs organized by the regional bar council in the form of courses, conferences, lectures, seminars may be contracted with both the universities as well as other specialized institutions.

§ 9

Notwithstanding the provisions of § 5 a), the obligation of participation in the training program in the area of professional development of 30 hours during the period of 5 years, organized by the commission of the advocate professional development, referred to in Chapter III hereof, is hereby established.

§ 10

1. The Polish Bar Council, upon the request of the Bar Research Center (*OBA*), as part of its term of office, shall adopt recommendations regarding the subject matter of the professional development.
2. The regional bar councils, taking into account the recommendations of the Polish Bar Council, may cover additional issues, not listed in the recommended development program, by the professional development program.

§ 11

The Polish Bar Council and the regional bar councils shall publish information regarding the organized professional development conferences in such a manner so as to notify all advocates and advocate trainees thereof.

§ 12

Professional development of the advocate, effected in the forms provided under § 2 b) – d), shall be accounted towards the training obligation, referred to in § 3 clause 1 hereof, as follows:

- a) delivery of a two-hour lecture in legal subjects shall be treated as equivalent of four hours of training;
- b) announcement of the publication in legal magazine, regarding law or practice of the justice system shall be treated as equivalent of ten hours of training, and the volume of publication cannot be less than 8 pages of standard text;
- c) delivery of one hour class in the area of law promotion shall be treated as equivalent of one hour and a half of training.

§ 13

The advocates shall, until the end of February of each year, submit a report to the relevant regional bar council concerning the fulfillment of the professional development obligation in the previous year. Documents confirming the fulfillment of the professional development obligation shall be enclosed with the report.

CHAPTER III REGIONAL COMMISSIONS OF THE ADVOCATE PROFESSIONAL DEVELOPMENT

§ 14

1. The Polish Bar Council shall entrust the Bar Research Center (*OBA*) with the creation of eleven advocate regional professional development commissions, in consultation with the regional bar councils, at the regional bar councils: in Warsaw, Białystok, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Szczecin, Wrocław and Rzeszów. Such commissions shall be established to the extent possible in cooperation with law faculties of local universities.

2. The regional bar council of relevant jurisdiction for the headquarters of the advocate regional professional development commission shall provide administrative and technical support for the commission's activities.

§ 15

The advocate regional professional development commissions at the regional bar councils shall organize training sessions also in cooperation with the law faculties of local universities and other experts based on separate contracts taking into account the need to supplement the knowledge of law, specialized training, update of general knowledge of law, adaptation to the client requirements and market of legal services, etc.

§ 16

1. In five-year periods, the advocate regional professional development commission shall organize classes in the area of law applied in courts for all advocates of not less than 30 hours, notwithstanding the annual training obligation.
2. The subjects of classes shall be determined by the commission to be composed of at least 5 advocates delegated by relevant regional bar councils.
3. The commission shall consist of not more than 9 persons.
4. The commission shall elect the chairman and secretary from amongst its members.
5. The term of office of the commission shall be three years.

§ 17

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

§ 18

The training organized as part of the advocate regional professional development commission may take place outside of the bar self-government headquarters.

§ 19

1. The tasks of the advocate regional professional development commissions shall also include the issuance of legal opinions for the authorities of the bar self-government and advocates, regarding current issues related with the practice of the advocate profession or the activities and operation of the Bar.
2. Depending on the needs, the regional bar council may supplement the composition of the commission *ad hoc* by experts from outside of the Bar in order to issue the requested expert opinion.
3. Opinions should be issued in the form of expert opinions or legal opinions (memos). The members of the opinion making groups operating within the commissions shall receive remuneration for the issuance and preparation of the expert opinion or memo from the funds of the regional bar councils. Such opinions shall be presented in a manner so as to reach a broad group of advocates and advocate trainees.

CHAPTER IV COSTS OF PROFESSIONAL DEVELOPMENT

§ 20

1. Actions taken by the Bar Authorities regarding professional development of advocates shall be in return for payment, constituting expense for professional activities conducted by the advocates in different forms provided under law.
2. Payment for conferences, courses and seminars shall cover the necessary organizational costs.

§ 21

Costs of the activities of the advocate regional professional development commission and the advocate training costs shall be covered by regional bar councils at which the regional commission or advocates conduct their activities. Financing of the activities in the area of professional development shall come from the following sources:

- a) from the advocate membership fee;
- b) additional fees from advocates participating in sessions;
- c) advertising;
- d) subsidies/grants;
- e) fee payable from other funds of the regional bar council;
- f) from the funds of the regional bar councils in favor of which the regional professional development commission is acting, proportionally to the membership of a given chamber;
- g) from other sources of funding professional training, e.g. subsidies and grants;
- h) from own funds of the advocates which can be tax deductible in the businesses through which they pursue their professional practice.

§ 22

Costs of professional development shall be borne by the advocates and shall be covered by the payment of the advocate membership fee. Also, on voluntary basis the participation in professional training may be additionally financed by the advocates.

§ 23

Advocates as the employers, conducting professional activities in different forms provided under law, may also cover the training costs related with the advocate trainees and other employees.

CHAPTER VI INTERIM AND FINAL PROVISIONS

§ 24

The resolution shall come into force with the lapse of 6 months from the date of its adoption, except for § 13 which shall come into force as at 1 January 2008.

Chairman
of the Polish Bar Council
(*Stanisław Rymar*)
Adv. Stanisław Rymar