

**Legal Ethics in Poland.  
Foundations. Professions.  
Principles. Responsibility**

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# Introduction

Knowledge of and compliance with the principles of legal ethics should constitute the professionalism of each person who practices any of the legal professions. It is also important that these people have the opportunity to become acquainted with and compare the ethical obligations incumbent on their colleagues in other countries. To this end, this monograph has been prepared. The intention of the authors was to introduce the English-speaking reader to the rules of legal ethics in Poland. Even if details in this respect and the historical outline of development will be presented in the later part of the book, it is worth pointing out here that, in recent decades, legal ethics has become one of the most dynamically developing legal disciplines in the Polish legal system. The ethical principles of professional associations, codified to a varying extent, were the subject of interest of representatives of legal professions, and young adepts had to learn about them as part of their training. However, legal ethics itself was not significantly developed as a scientific discipline at that point in time. A perceptible change took place only at the turn of the 21st century. Currently, legal ethics as an academic subject is routinely taught at most law faculties in Poland. Moreover, it is becoming an obligatory subject in the core study plan of legal studies. Additionally, in legal apprenticeship at the bar, classes on legal ethics – apart from the matter of civil, criminal and administrative law – have become one of the principal subjects. It is hard to deny that legal ethics is extremely important for the proper fulfillment of professional duties by those practicing law. It can even be argued that contemporary lawyers should not be considered professionals if they do not have knowledge in this respect.

In order to explain the reader the fundamentals of legal ethics in Poland, the authors divided the book into four parts. Part one points out main issues related to ethics and legal ethics in general, as well as to ethics and legal ethics in Poland. The authors also explain the relations between morality and ethics. At the same time, three fundamental divisions of ethics, descriptive, normative, and meta-ethics are discussed. These remarks are followed by a presentation of issues related to the codification of legal ethics. The first part also signals voices skeptical of legal ethics, even accusing it of being an ideology that serves solely to pursue the interests of the lawyers themselves.

Part two provides an exhaustive review of issues related to the ethics of selected legal professions. Ethics of judges, advocates, attorneys-at-law, prosecutors, notaries, and judicial enforcement officers are examined as fundamental. The authors, describing particular legal associations, primarily intended to present detailed principles which the members of a given legal group follow in their professional activities and beyond them. To fully illustrate the ethics of a given profession, each study begins with a brief historical outline, followed by a presentation of the legal status resulting from legal norms binding in

Poland. Only after these preliminary remarks ethics of judges, advocates, attorneys-at-law, prosecutors, notaries, and judicial enforcement officers are described in detail.

Part three is devoted to general principles of legal ethics in Poland. The discussion starts with the principle of autonomy of courts and independence of judges, followed by the principles of diligence and reliability in a lawyer's work, the principles of moderation and tact, the principle of integrity of the profession, the principles of professional solidarity, and professional collegiality. Professional virtues such as dignity, honour, honesty, disinterestedness, and courage are also indicated. For the record, it should be added that the authors pay great attention to the principles mentioned in the titles of particular chapters, but other principles are also referred to. For example, the part on the principle of the autonomy of courts and independence of judges contains some remarks on the impartiality and efficiency in the work of judges.

The last part of the monograph is devoted to the disciplinary liability for violations of the principles of legal ethics. It seems natural that the final part of the discussion on the performance of professional activities by lawyers has to include an examination of their disciplinary responsibility. Although disciplinary liability alone is not a uniform institution in the Polish law system, the author of this part of the monograph attempted to indicate the characteristics of groups of people subject to it. Therefore, this section begins with general remarks, then presents conditions for responsibility and responsibility measures, and finally discusses disciplinary proceedings. Thus, the author pointed out and described the basic concepts of the discussed problems, which are both necessary for reconstructing and understanding the disciplinary liability.

Gdańsk, 2020

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