

Wrocław, 7 October 2024

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**Abstract of the doctoral dissertation entitled 'Provision of legal assistance by advocates and legal advisers as an economic activity'.**

The dissertation was prepared under the scientific direction of Professor Marek Szydło, PhD.

The dissertation consists of 6 chapters. It is preceded by an introduction in which, among other things, the theses of the dissertation, the subject and purpose of the dissertation are presented, and the scientific methods used in the preparation of the dissertation are described.

The main theses of this dissertation are the following:

1. The admission in the Polish legal system of the provision of legal aid by advocates and by legal advisers in the course of their economic activity does not contradict the status of these professions as so-called independent professional and does not exclude the possibility of their qualification as professions of public trust.
2. The existing dualism in the Polish legal system of solutions conditioning the taking up and pursuit of the economic activity of providing legal assistance, which is expressed in the imposition of various legal restrictions on advocates and legal advisers and the lack of such restrictions with regard to other legal aid entrepreneurs, has no legal justification - and, in particular, no important public interest justifies its maintenance.
3. The introduction by the legislator of a number of restrictions on the manner in which advocates and legal advisers exercise their legal assistance business distorts free competition with entrepreneurs engaged in the same activity but who are not advocates or legal advisers.
4. It is pointless to maintain the prohibition on the provision of legal aid by advocates and legal advisers in the form of capital companies.
5. The exercise of certain public duties imposed on advocates and legal advisers as entrepreneurs may unduly prejudice the professional secrecy which constitutes the essence of those professions. There is a need for legislative solutions to address the danger of breaching professional secrecy.
6. The legislator imposes on advocates and legal advisers more and more obligations of a public law nature, which are not directly related to the provision of legal assistance, and which, by their complexity and number, limit the possibility of achieving the purpose of gainful economic activity, while at the same time their non-fulfilment may result in deprivation of the right to practice the profession.
7. The provision of legal aid needs to be rationed, both in terms of access to the professions of advocate and legal adviser and to the economic activity of

providing legal aid, but there is no legal justification for continuing to maintain some of the rationing restrictions.

Chapter I deals with the meaning of the term 'legal aid'. The starting point for the considerations made here is that the concept does not have a legal definition. This chapter describes various aspects of legal aid provision, including those arising under the provisions of the Act of 26 May 1982 - the Law on Advocates and the Act of 6 July 1982 on Legal Advisers, pointing out that in fact, in the Polish legal system, the provision of legal aid has not been reserved exclusively for advocates or legal advisers, but also involves representatives of other professions collectively referred to as legal professions (including tax advisers) - moreover, legal aid may also be provided by persons who are not required to have any professional qualifications. At the same time, as advocates and legal advisers provide legal assistance in the broadest sense, they constitute the point of reference for the considerations carried out in the further parts of this work.

Chapter II primarily covers issues related to the essence of business activity. The chapter outlines what features an activity must fulfil in order to be considered an economic activity. In this respect, the author refers primarily to the provisions of the Act of 6 March 2018 - the Entrepreneurs' Law.

These considerations serve the purpose of assessing whether the provision of legal assistance by advocates and legal advisers - traditionally understood as a disinterested activity - can occur in the course of carrying out economic activity, which - *ex definitione* - has a profit-making purpose (Article 3 of the Act of 6 March 2018 - Entrepreneurs' Law). It is also related to the issue of whether the professions of advocate and legal adviser belong to the group of independent professions.

Chapter III, in turn, covers the subject of rationing access to the professions of advocate and legal adviser. In this chapter, the author presents the requirements to be met in order to be entered on the list of advocates and legal advisers. The author pays particular attention to the substantive guarantee prerequisite, which constitutes a kind of safety valve for the self-governing bodies of the professions when examining applications for entry on these lists. This chapter also presents issues related to the exercise of guardianship by professional self-governments over the proper practice of the professions of advocate and legal adviser (Article 17(1) of the Constitution).

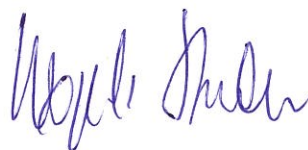
Chapter IV contains considerations concerning the rationing of the economic activity of advocates and legal advisers consisting in the provision of legal aid. It then describes what the principle of freedom of economic activity consists of, arising inter alia from the provisions of the Constitution of the Republic of Poland (including Article 20 and Article 22), which have been discussed with the use of a rich body of jurisprudence of the Constitutional Tribunal and the body of legal literature. The author discusses what the rationing of the business activity of advocates and legal advisers consists in (including access to this activity).

Chapter V contains a description and legal characteristics of organisational and legal forms in which advocates and legal advisers may carry out their economic activity (individually and in cooperation). A particular focus of this discussion is the issue of

prohibition of establishment of capital companies by advocates and legal advisers in order to carry out activities consisting in providing legal assistance. The author has presented arguments that the ban should be lifted. In this respect, the author also refers to the provisions of the Constitution, including the principle of economic freedom, as well as to the provisions of European law on the freedom to provide services.

Chapter VI covers the subject of public law obligations imposed on advocates and legal advisers exercising their economic activity of providing legal assistance. The chapter cites the body of legal literature to establish how the concept of duty is understood in public law and how it is understood in private law. It then goes on to characterise the various duties incumbent on solicitors and barristers, including those under the Entrepreneurs' Law, GDPR, the Act of 1 March 2018 on the prevention of money laundering and terrorist financing, duties relating to the preservation of free and fair competition, as well as collectively the information duties. To an important extent, the considerations relate to the extent to which the performance of these duties may compromise the professional secrets of advocates and legal advisers.

It concludes by summarising the considerations made - in particular by stating that the granting of the status of entrepreneurs to advocates and legal advisers by the legislator has not affected the essence of the provision of legal aid, but raises certain dangers for the protection of professional secrets. At the same time, it is emphasised that it is necessary to eliminate the imbalance between advocates and legal advisers and other legal aid entrepreneurs concerning, inter alia, the type of organisational and legal forms in which advocates and legal advisers may carry out such activities.

A handwritten signature in blue ink, appearing to read 'Wojciech Jankowski', is positioned in the lower right quadrant of the page.

