



# Lawyers training systems in the EU

Poland

Information provided by: **National Chamber of Legal Advisers (Krajowa Izba Radców Prawnych)**

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## DESCRIPTION OF THE NATIONAL TRAINING SYSTEM FOR LAWYERS in Poland

### 1. Access to the Profession

Higher education / university education	YES
A law degree is compulsory	YES - Candidates must be holders of Master's Degree at least
Steps to becoming a fully-fledged lawyer:	<ul style="list-style-type: none"> <li>• Entrance Examination (organized by the State (Ministry of Justice). Local Bars only host the exam and do not provide questions but assess the answers according to the correct replies provided by the Ministry.</li> <li>• Completion of an induction period</li> <li>• State exam at the end of the induction period</li> <li>• Registration with the Bar</li> </ul> <p>There are two categories of lawyers in Poland: <b>Advocates and Legal Advisers</b>.</p> <p>Until recently legal advisers could not defend clients in criminal cases but this limitation will no longer apply.</p> <p><b>From 15.07.2015</b> there will be no difference as to the scope of competences. Both Advocates and Legal Advisers will have equal rights of audience before all courts and for all kinds of cases. This also includes the Supreme Court, the Supreme Administrative Court and the Constitutional Tribunal.</p>

	<p>The only difference which currently exists and which will exist after 15.07.2015 is that legal adviser can exercise the profession:</p> <ul style="list-style-type: none"> <li>a) as individual practitioner, or</li> <li>b) as a partner in a civil partnership or commercial partnership in which the partners are: legal advisers, advocates, tax advisers, patent attorney or a foreign lawyer or</li> <li>c) on the basis on the employment contract,</li> </ul> <p>whereas the advocate can exercise the profession:</p> <ul style="list-style-type: none"> <li>a) as individual practitioner, or</li> <li>b) as a partner in a civil partnership or commercial partnership in which the partners are: legal advisers, advocates, tax advisers, patent attorney or a foreign lawyer.</li> </ul> <p>The advocate cannot practice under an employment contract.</p> <p>In order to become a lawyer in Poland (<b>Advocate</b> or <b>Legal adviser</b>) an individual must:</p> <ol style="list-style-type: none"> <li>1) complete higher legal studies in the Republic of Poland and obtain a master's degree or complete higher legal education abroad, if such education is recognized in the Republic of Poland,</li> <li>2) fully enjoy his/her public rights,</li> <li>3) have full legal capacity to act,</li> <li>4) be a person of an irreproachable character whose previous behavior constitutes a warranty of correct exercise of the profession</li> <li>5) complete initial training in the Republic of Poland and pass the legal adviser or advocate examination.</li> </ol>
Alternative routes to the profession:	<p><b>YES</b></p> <p>Transfer routes from other professions apply to Phd holders, professors from law, paralegals (see below induction period section for details)</p>

2. Training during induction period		
Is there an induction period?	YES	<p>Legal basis:</p> <ul style="list-style-type: none"> <li>• art. 32 of the <a href="#">Act on Legal Advisers (Ustawa o Radcach Prawnych)</a></li> <li>• <a href="#">Act on the Advocacy (Ustawa Prawo o adwokaturze)</a></li> </ul>
Compulsory	YES, but not for all categories of candidates	<p><b>Set length: 3 years</b></p> <p>Law graduates that are exempted from initial training and from passing the final exam in order to access profession of advocate or legal adviser:</p> <ul style="list-style-type: none"> <li>- Persons having a degree of habilitated PhD and professors of law,</li> <li>- Persons who have been exercising a profession of a judge, public prosecutor or notary,</li> <li>- Persons who (i) have passed the final exam which entitles them to exercise the profession of a judge or (ii) persons who have a PhD degree and have worked for at least 3 years over 5 preceding years on a lower position in the administration of justice or in a law firm as a paralegal.</li> </ul> <p>Law graduates exempted from the initial training requirement but are still required to pass the final exam (the Bar exam):</p> <ul style="list-style-type: none"> <li>- Persons who have been for at least 5 years: <ul style="list-style-type: none"> <li>a) employed on the lower positions in the administration of justice during last 8 years preceding the Bar exam,</li> <li>b) during last 10 years preceding the Bar exam Employed in law firms on the basis of an employment contract or civil contract – on positions which require legal knowledge and which are directly connected with the performance of legal assistance to clients,</li> </ul> </li> </ul>

		<p>c) during last 10 years preceding the Bar exam Employed in bodies of public administration – on positions which require legal knowledge and which are directly connected with the performance of legal assistance to these bodies,</p> <p>Persons who successfully passed the final exam to the profession of a judge, public prosecutor or notary.</p>
Types of structures responsible for organising induction training	Bar (Bars of Legal Advisers and Bars of Advocates both organize training)	
Form of induction training	Apprenticeship supervised by the both Bars	
Entrance exam / check before induction period	YES	<ul style="list-style-type: none"> <li>• Check/verification of diploma</li> <li>• Entrance exam</li> </ul>
Set curriculum during induction period	YES	<p><b>Main topics covered:</b></p> <p>Deontology rules, civil law, civil procedure, criminal law, criminal procedure, administrative law, administrative procedure, labor law, EU law, tax law, social security law, family law, company law, insolvency law, IP law</p>
Specificities regarding EU law and linguistic training:	YES	<p><b>EU law training</b> is a part of the training or the induction period for advocates and legal advisers but there is no official curriculum. Usually lawyers are trained in procedural law and law of EU institutions, rarely substantive law</p> <p>There are <b>no linguistic training obligations</b> for advocates and legal advisers</p>
Induction period divided into different stages	YES	<p>Different periods for covering various fields of law:</p> <p>Different periods - from 3 weeks up to 6 months - are dedicated to each branch of law covered by the apprenticeship.</p> <p>The theoretical classes are focused on these topics in a specific period of apprenticeship (e.g. 1<sup>st</sup> year: civil law, civil procedure and labor law).</p>

Post-induction period assessment / exam	YES	<ul style="list-style-type: none"> <li>• Through written exams</li> <li>• Through reports from tutors covering the apprenticeship activities (the tutor gives his/her detailed opinion on the progress of the apprentice in different professional skills during the given year)</li> </ul>
<b>3. Continuous training system</b>		
Differentiation between continuous training / specialisation training	NO	
Obligations regarding continuous training	YES	<p>Compulsory training obligations as stated in the internal regulations of the <a href="#">National Chamber of Legal Advisers</a> and of the <a href="#">Supreme Bar Council</a></p> <p>The professional Bar association is made up of 24 barristers' chambers. The national self-governing body of the Bar (for Advocates - Barristers) is the Supreme Bar Council.</p> <p>Each organization manages the continuous training for its members. Therefore both Bars are responsible for the continuous training of Advocates and Legal Advisers.</p> <p>The National Chamber is competent for <b>Legal Advisers</b> whilst the Supreme Bar Council is competent for <b>Advocates</b>.</p> <p><b>Legal basis:</b></p> <ul style="list-style-type: none"> <li>- Art. 41 of the Act on Legal Advisers</li> <li>- Art. 23 of the Code of Professional Conduct of Legal Advisers</li> <li>- Resolution No 30/B/VII/2008 dated 6th June 2008 of the National Council of Legal Advisers</li> <li>- Art. 3 section 4 of the Act on Advocacy</li> <li>- § 8 of the Code of Professional Conduct of Advocates</li> <li>- Resolution 57/2011 dated 19 November 2011 of the National Council of Advocates</li> <li>- <a href="#">Declaration of 25 march 2006 on continuous training</a></li> </ul>
Obligations regarding specialization training	NO	Specialization is not mentioned either by the state law or internal regulations

Obligations regarding learning foreign languages	No obligation	
Obligations regarding EU law content in relation to continuous / specialization training?	No obligation	
<b>4. Accreditation systems and training providers</b>		
Possibility for accreditation	N/A	
Number of training providers offering continuous training activities	More than 50	
Type of training providers developing accredited continuous training activities	<ul style="list-style-type: none"> <li>• Bar</li> <li>• Non-accredited private commercial training providers</li> <li>• Non-accredited private or public not-for-profit training providers (including universities)</li> </ul>	
<b>Activities and methods</b>		
Type of training activities accepted under the obligations of continuous or specialization training	<ul style="list-style-type: none"> <li>• Attending face to face training sessions</li> <li>• Completing e-learning modules</li> <li>• Attending training conferences</li> <li>• Participating in training activities as trainer or teacher</li> <li>• Writing/publishing</li> </ul>	Participation in training activities in another Member State: <b>Yes</b> , Continuous training obligations can be fulfilled through Participation in training activities in another Member State
<b>5. Supervision of training activities</b>		
Organizations involved in supervising continuous training activities	YES	Bar Local Bars competent for the legal advisers and local Bars competent for the advocates (Barristers)
Supervision process	Supervision concerns: <ul style="list-style-type: none"> <li>• the curriculum of the training</li> <li>• the entity organising the training</li> </ul>	

- whether the activity is addressed fully or mainly to lawyers and develop professional skills of a lawyer

### ***6. National reform of training system***

There has been a recent national system reform in 2011-2012 in order to adapt the training requirements to current needs

Currently the apprentices undergo more practical and less theoretical training.

Training has also become more interactive (discussions, case studies, moot trials). More interest is placed on EU law, tax law, new technologies and marketing of legal services.

**Source:** Pilot Project - European Judicial Training: "*Lot 2 – Study on the state of play of lawyers training in EU law*", carried out by the Council of Bars and Law Societies of Europe (CCBE) and the European Institute of Public Administration (EIPA)