

Warsaw, 18 July 2006

No....1930/06

**The Honorable
Jarosław Kaczyński
Prime Minister
Al. Ujazdowskie 1/3
00-583 Warsaw**

Dear Mr. Prime Minister,

The situation surrounding the disciplinary responsibility of attorneys, legal advisors and public notaries is not too good. Therefore, the intention to improve the legal mechanisms regarding disciplinary responsibility seems by all means necessary. Amendments should be aimed at meeting their objective to the best of public interest.

The public interest however must also consider the immensely significant role of professional self-governments, as the organizational structures that are traditional and generally accepted in Europe for professions enjoying public confidence, due to the particular status and role they fulfill in state and social life.

In disciplinary cases it is necessary to ensure all possible fair trial guarantees, including a public hearing before a court and public announcement of the verdict. The current regulations stray from these important requirements.

The very limited openness of legal proceedings means that the professional system of justice in disciplinary cases remains, contrary to European standards, outside the control of the public opinion.

According to European standards, the disciplinary agency of first instance does not necessarily have to be a court fulfilling all fair trial conditions. It is sufficient for its rulings to be subject to supervision from a competent court agency, ensuring essential guarantees.

The currently applied proceedings, resulting from cassation to the Supreme Court from the judgment of the disciplinary court of second instance, are not sufficient in this respect. This condition would however be met by a court ruling as a court of appeal in disciplinary cases.

Therefore, disciplinary organs of professional corporations should rule in the first instance and there should be an opportunity to appeal against their verdicts to the common court of appeal.

The function of the professional self-government, which to a great extent determines its raison d'être, consists in establishing and promoting the principles of professional

ethics and ensuring their observance. The most important instrument used to serve this function is the self-government's authority in the area of disciplinary responsibility. Depriving the self-government of this authority, will make this impossible and will put into question the raison d'etre of the self-government.

With kindest regard,

On behalf of the Board

Marek Antoni Nowicki
President of the Board