

Abstract

Professional Ethics of Attorneys in the Czech Republic with a Focus on the Promotion of Attorneys

In this Master's degree thesis, the author deals with the professional ethics of attorneys with a focus on possibilities of their personal promotion. This area of legal practice is somewhat neglected, despite the fact that attorneys, like other entrepreneurs, depend on sufficient number of clients in order to sustain their business activities. However, in the context of acquiring clients or offering their services, attorneys are forced to observe specific professional and ethical rules that to a certain extent limit their options compared to an ordinary entrepreneurs.

This thesis is divided into three major parts. In the first one, the author briefly discuss ethics in general and his aim is to introduce to a reader this philosophical concept together with selected directions of normative ethics offering solutions of what is right. The author concurrently reflects on the fact whether ethical rules exist universally across societies and cultures or not, using selected knowledge from psychology.

The second part focuses on interpretation of professional ethics both in general and in specific areas of professional ethics of attorneys. This section also contains in brief the basic information about legal regulations of attorneys in the Czech Republic. At the end of this part the author addresses the question of whether the rules of professional ethics bind attorneys also outside the scope of their professional activities, i.e. in their private lives. In this regard the author refers both to current legislations and to relevant disciplinary and judicial case-law, and according to his opinion attorneys are indeed bound by professional and ethical rules also outside their legal practice.

The third section deals with personal promotion of attorneys. The author starts with explanation of basic information and relevant concepts in the field of marketing, and then moves on to various promotion possibilities in law practice. The third section of this thesis consists of the theoretical part, in which the author deals with the above mentioned and relevant legal regulations of how may attorneys promote themselves, as well as of the practical part. There the author focuses on available disciplinary decisions of the ČAK, which through their interpretation of the relevant legal norms to a large extent complete boundaries within which attorneys may move while exercising their personal promotion. The author analyzes these decisions in more detail and illustrates on them frequent mistakes made by attorneys in their promotional activities. At the end of this section the author mentions legislation of promotion of attorneys within the European Union, Slovakia and Germany. When comparing the relevant passages of the CCBE Code with the ČAK Code of Ethics, it is possible to observe great similarities between these two legal regulations. In the case of

Slovakia and Germany, the author highlights in particular the fact that both of these states regulate the issue of promotion of attorneys at least partially already in legal regulations, while in the Czech Republic this area is regulated primarily by statutory regulation.