

Disciplinary liability of a lawyer

Abstract

This diploma thesis deals with the institution of disciplinary liability of an attorney at law. In the nine chapters, including the introduction and conclusion, the individual key institutes and concepts are being examined and the boundaries of the relevant legal regulations are being outlined. The first chapter of this thesis is concluded with a treatise about the Czech Bar Association and following description of its organizational structure. The second chapter presents the reader the issue of the liability as a whole and its specifics in the relation to the topic of this thesis, i.e., the problem of attorney's liability in the public law context, but for the sake of completeness, the due attention is being paid to the liability in the private law context. The legal-philosophical third chapter about ethics, ethical conduct and its concept in the context of advocacy and the practice of legal services of attorneys aims to give a closer look at the reason of ethical norms in professional environment. Furthermore, given the undeniable influence of compensation on the work of legal professionals, it is the compensation that is the subject to quite extensive criticism in this chapter about ethics. In the fourth chapter on the disciplinary misconduct the reader is introduced to the practical examples of typical disciplinary misconduct with the individual disciplinary measures, that has been imposed. The examples presented are draw from both decision-making practice of disciplinary senates of Czech Bar Association and decision-making practice of relevant courts, even the European Court of Human Rights. The disciplinary procedure in the fifth chapter is by its essence the thorough guide of stages of disciplinary procedure, including the reference to the specifics of filing the disciplinary action by the Minister of Justice and its potential usage as liability reason in the context of liability of the state for potential malicious or the purposeless disciplinary proceeding. The sixth and the seventh chapter in their summary help to illustrate the noticeable differences between disciplinary practice attorney-wise and the legal professions named therein. From the conclusion of these two chapters, an interesting distinction can be drawn between the factual impact of the Czech Bar Association on its members, which may be objectively more severe compared to the other legal professions. The conclusion of this thesis also summarizes, in my opinion, the most important *de lege ferenda* findings that have emerged from the research carried out in the above-mentioned chapters.

Keywords:

Attorney disciplinary liability, disciplinary proceedings.