

## **Relationship between client and attorney-at-law according to mandate contract**

### **Resume**

This thesis examines the legal relationship between a client and an attorney-at-law who conclude a mandate contract. Its aim is to characterize the most important rights and obligations which arise in such a relationship in accordance with valid Czech legislation, judicial decisions and disciplinary practice of the Czech Bar Association. The thesis begins with a description of the special role of attorneys-at-law in the market of legal services among other professions that are involved in provision of these services. Then it focuses on the legal nature of a commercial mandate contract, its comparison with a civil mandate contract according to Czech law, and examines whether such differences in fact have any impact on the rights and obligations in the client and attorney-at-law relationship.

After a short analysis of the possible legal causes of a creation of the legal relationship between a client and an attorney-at-law and I focus on the different rights and obligations which are the content of the relationship. I start with a description of the attorney's-at-law right for remuneration and the limits of this right, where I notice the different legal views towards a success fee.

Then I explain the attorney's-at-law duty to promote client's rights and lawful interests and to use all available legal means to achieve this goal. Since the attorney-at-law is also bound by the client's instructions I try to analyze the possible clash of these instructions with the lawyer's own opinion of what is the best for the client and with other circumstances that may arise. After that I discuss the duty of confidentiality, its extent and exceptions where I point out to a possible need for a change in the regulation to allow more flexibility in provision of the legal services by attorneys-at-law.

The next chapter deals with attorney's-at-law civil and disciplinary liability and where these may arise. Lastly I briefly examine the legal grounds for the end of the legal relationship between a client and an attorney-at-law.