

## **Selected aspects of attorney's duty of confidentiality**

### **Abstract**

One of the attorney's most important duties is the commitment to maintain the confidentiality of information he or she has learned while providing legal services. However, it is not a lawyer's privilege but a commitment to protect the rights and legitimate interests of his or her clients. The duty of confidentiality may be waived exclusively by the client or his legal successor of the client. Restrictions or breaches of this obligation should occur exceptionally, only in defined cases. In recent years, the effort of the legislators and other entities to disclose this duty of confidentiality can be noticed in the Czech Republic.

The overall purpose of this thesis is to analyse the legal regulation of attorney's confidentiality in the Czech Republic. This thesis focuses mainly on the regulation contained in the Czech Law of Advocacy, in the relevant provisions of the Czech Criminal Procedure Code and in the professional regulations of the Czech Bar Association.

The first two chapters of this thesis are rather of general nature. A significant part is devoted to explanation of the notion of confidentiality, its meaning and its material and personal scope. The third chapter discusses legal exceptions when breaching of attorney's confidentiality is possible. The fourth chapter focuses on how the duty of confidentiality is manifested in criminal proceedings. Subsequently, the author deals with the consequences of violation of the duty of confidentiality and gives some examples of disciplinary decisions of the Czech Bar Association. Chapter Six deals primarily with the protection of attorney's confidentiality during inspections in attorney's office and during eavesdropping of attorney's telecommunication. The seventh part is devoted to a brief excursion into the French legal regulation of duty of confidentiality.

In conclusion, the author formulates a few of her own considerations, she tries to predict how the law regulation of this institute could be followed in the upcoming years. Furthermore, she proposes possible solutions to several practical problems and takes under consideration whether the Czech regulation could be in some ways inspired by the French one.