

Legal Aspects of the Remuneration of Lawyers

Summary

The purpose of my thesis is to analyse the legal regulation regarding remuneration of lawyers as it is in force in the Czech Republic and to increase public awareness of the subject and by so doing contribute my quota to the general discussion of this problem. I have chosen this topic because I consider it as one of the most important issues concerning the legal relationship between lawyers and their clients and this problem is almost not discussed amongst legal professionals.

The thesis is composed of seven numerated chapters, each of them dealing with different aspects of this problem, plus Introductory and Closing Chapter. The Introductory Chapter proposes the main aims of the thesis and offers explanation of the topic chosen. Conclusions are drawn in the Closing Chapter.

Chapter One defines the basic terminology used in the thesis. The chapter is subdivided into two parts. Part One explains the terms “advocacy” and “lawyer”, Part Two deals with terms “legal service”, “legal aid” and “provision of legal services”.

Chapter Two describes briefly the history of advocacy with regard to history of remuneration.

Chapter Three is the main part and deals with the subject matter of this thesis – remuneration. The whole chapter is provided with an outline of relevant Czech case law. This chapter consists of five parts. Part One focuses on the relevant Czech legislation. Part Two investigates the possible ways of how to determine the fees and is subdivided into two subparts; the first looks at a contract on provision of legal services, and the second one addresses the issue of refusal to provide legal services. Part Three describes the different kinds of fees such as hourly rate, lump sum fee, contingent fee, question of adequacy etc. Part Four is about other additional costs associated with provision of legal services, especially cash expenses of lawyer, travel expenses and

compensation of lost time. The last part of this chapter analyses tax aspects of the provision of legal services.

Chapter Four concentrates on problems resulting from reimbursements of costs after the judicial proceeding. Part One concerns the lump sum of costs regarding legal representation and Part Two mentions other kinds of costs relating to judicial proceeding.

Chapter Five focuses on the question of legal aid, firstly as a matter of pro bono and secondly as a statutory legal aid covered by public funding.

Chapter Six deals with restrictions of other profit-making activities of lawyer as these are laid down by statute or professional ethic.

Chapter Seven is a comparison of the Czech legal provisions and those according to German law and English law. The purpose of this brief excursion is to mention some specialities of foreign law with regard to possible influence on the Czech law in the future.

Seznam klíčových slov (List of Key Words):

odměňování (remuneration)

odměna (fee)

advokát (lawyer, solicitor, barrister)