

## Resume

This work focuses on the rights and obligations between the lawyer and his client in their mutual legal relationship. It pays attention especially to a legal analysis of these mutual rights and obligations *de lege lata* under the laws and professional rules, being in force in September 2009, and also adds some considerations *de lege ferenda*.

Rights and obligations of the lawyer in relation to the client constitute *ipso iure* a substantial part of the contents of their mutual legal relationship. The relationship between the lawyer and the client is a bilateral relationship in which one of the parties is highly erudite in law and the other generally acts as a layman. This relationship is not of a solely economic nature, as it may sometimes be misunderstood, but it is interwoven with a number of other, especially personal, social and - last but not least - ethical ties. Legal institutions of the lawyer / client relationship have already been known since the days of the ancient Rome and have undergone a quite long and important development. The current dynamics of the legal science and, essentially of the entire society (in particular the recent breaching of the principle of a professional secrecy of the lawyer and thus his independence, obligation issues in conflicts of interest cases, and - last but not least - the role of self-administration chambers) raises the various dangers that threaten the relationship between the lawyer and the client and their mutual rights and obligations. The work is also enlarged on these current problems in the light of the rights and obligations in the lawyer / client relationship.

A legal relationship between the lawyer and the client, whose content *intra legem* defines in particular the

contractual rights and obligations of the lawyer, is a primary purpose of creation, existence and development of the independent legal profession that is also linked to its privileged role in the justice system, being the provision of legal aid. This role of advocacy is also indispensable and exclusive in its essence, especially in relation to the obligation of lawyers to absorb the entire legal order.

Consequently a sense of the content of this work is not only confined to an ad hoc periphrastic analysis of individual rights and obligations of the lawyer in his legal relationship with the client as defined by Lawyer Regulation, but it also aims at adding *aliquid novi* and highlighting the most relevant background and current problems of the mutual rights and obligations with respect even to the relevant court jurisprudence, disciplinary practices of the Czech Bar Association and various other consequences as emerging in the legal and law practice. For this reason, the work does not lengthy addresses detailing the rights and obligations of the lawyer towards the client in a different judicial proceedings, which are regulated by the relevant procedural rules, (although it is also briefly mentioned due to the subject introduction) but it attempts to cover as deep as possible its basic theme - rights and obligations of the lawyer in the legal relationship to his client, which are generally applied at all times, in all circumstances and within and outside all judicial proceedings. Because of the interpretative function, the author focuses in his work first on the right to legal aid as *condicio sine qua non*, its constitutional and international legal base as well as the role of a lawyer throughout the judicial system and on the adjustment of his legal status before analyzing these rights and obligations.