

Abstract

The relation between the attorney at law and the client based on the mandate contract

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The purpose of this thesis was to describe the relation established between the attorney at law and his client under the mandate contract regulated by the Commercial Code. However certain rights and obligation arise also from the Advocacy act and from professional regulations and these rules are special, so they have priority over the mandate contract.

There are also other circumstances under which the relation between the attorney at law and his client may occur, i.e. the attorney at law may be appointed by the decision of a court or assigned by the Czech bar association. In this thesis I concentrate mostly on the mandate contract, rights and obligations arising from it but I also mention some rules relating to the other ways of creating the legal relation between the attorney at law and the client.

The relation, which comes into being, has very specific nature and although it may seem at first glance as purely economic it is also characterized by number of social, ethical and personal ties.

This thesis is composed of four chapters. Chapter one is introductory and explains some crucial notions such as attorney at law, european attorney at law, client and the legal frame within which the attorney at law can provide his services.

Chapter two concentrates on the constitution of the legal relation between the attorney at law and his client and is divided into two parts. The first one describes the legal relation between the attorney and his client on the basis of the court decision and the second explains the same relation in the respect of decision of the Czech bar association.

Chapter three examines the content of the legal relation between the attorney at law and the client. It especially provides an outline of important rights and obligations the

attorney at law has. Such rights and obligations may include the obligation to protect rights and interests of the client, the obligation to reticence, obligation to inform the client and to keep the client's adequate documentation, the obligation to insure against the liability for damage and many others. I also address the issue of important principles which the attorney at law shall follow. These are e.g. the principle of independence, integrity and conscientiousness and right to demand (contractual or non-contractual) fees.

The fourth and final chapter introduces the reader to the conditions of termination of the legal relation between the attorney at law and his client. This chapter consists of two parts. Part one deals with the termination of the relation from the perspective of the attorney at law and the second part from the perspective of the client.

In the conclusion I suggest that a special form of a contract should be defined in order to organize rights and obligation in one contract instead of using provisions from legal statutes.