

RESUMÉ
THE PERFORMANCE OF A LEGAL PROFESSION (THE BAR) IN THE CZECH
REPUBLIC AND IN BELARUS

The aim of this thesis is to characterize the practice of law in the Czech Republic and Belarus. This theme was chosen because of the comparison of advocacy in both countries and also because of the limited number of literature sources about law practices and advocacy organization in Belarus, to at least briefly cover the operation of this Institute from the very beginning.

Czech Republic and Belarus are democratic countries. Czech Republic is a parliamentary form of government. According to the Constitution of the Republic of Belarus (1994) it is a presidential republic, with strong centralization of legislative, executive and judicial power in the hands of the president, as evidenced by presidential decrees, which significantly affects the advocacy activities and organization in Belarus.

A common feature of both countries is the nature of the mission of advocacy - providing skilled and professional legal assistance in accordance with the law; serving the principles of legality and justice.

This thesis is systematically divided into individual chapters.

The first chapter defines the key terms related to the Advocacy Institute and the right to legal assistance in general.

The second chapter is devoted to the performance characteristics of advocacy in the Czech Republic, both to its historical development and legislation in force currently. The principal legislation governing the status and activities of advocacy in the Czech Republic is Act No. 85/1996 Coll., on the Legal Profession, which provides prerequisites for law practices, rights and obligations of lawyers, contains the legislation of the Czech Bar Association and its organizational structure. Only a person registered in the list of lawyers, who fulfilled all conditions required by law, can become an attorney in Czech Republic.

The third chapter is devoted to the description of the advocacy institute in the Republic of

Belarus. The basic law regulation is also the Legal Profession Act of the Republic of Belarus (1993), which like the Law on Legal Profession in the Czech Republic regulates the status and activities of advocacy, prerequisites for its practice, accountability of lawyers and organization of this Institute. However, unlike the practice of advocacy in the Czech Republic, in Belarus these practices are subject to obtaining an attorney license, issued by the Ministry of Justice of the Republic of Belarus for at least 5 years but for no longer than 10 years. Another difference of Belarusian advocacy practice regulations from Czech regulations is the condition of Belorussian citizenship, which is widely criticized since it makes it impossible for foreign to obtain a license. In the Czech Republic however, this issue is resolved by defining the conditions for law practice by a foreign or European lawyer.

The final chapter presents a brief description of assessment of the concept of the newly proposed Act on Advocacy and law practice in Belarus, which should eliminate the shortcomings of the existing legislation (e.g. it will abolish the need of licensing, alter the question of lawyer's responsibility for damage as well as organizational forms of law practice and other activities) and unify the regulations for granting legal assistance in Belarus in the future.