

Summary

Subject of this work is ethics of prosecution of legal profession. Title of this work could create impression that this work deal with questions which fall into sociology of law or philosophy of law. Real purpose of this work is to create as much as possible just and comprehensive view of rules which the advocates have to follow in the course of prosecution legal profession. These rules are called Ethic rules because of the title of professional directive of the Czech Bar Association no° 1/1997 of the Collection of professional codes. This professional directive is being short called the Ethics code and this is the most important professional directive for prosecution of legal profession.

The first part of this work consists of the general points ethics of prosecution of legal profession problems. In this part there is a short description of advocate like a person. This short description contains survey of presumptions for prosecution of legal profession. The first part also covers a short description of Czech Bar Association as the association of all advocates and articulated clerks as well as the head authority of the profession autonomy of advocacy. The most important laws and acts which regulate prosecution of legal profession are listed there. The key role plays the act no° 85/1996 of the collection of laws, act of advocacy. In connection with the act of advocacy there is a short description of professional directives of Czech Bar Association. These directives are important for clear and precise implementation of the act of advocacy. The other important acts which are mentioned in this part of the work are the Civil Procedure Act no° 99/1963 Col., the Civil Code no° 40/1964 Col., the Code of criminal procedure no° 141/1961 Col. In connection with the Civil Code and Code of criminal procedure there is a short description of rules of procedure of courts.

The second part of this work consist of a description of rules which regulate prosecution of legal profession and which create basic framework for ethics of prosecution of law. This part is divided into four chapters according to the four groups of rules which regulate prosecution of legal profession. These groups are called: the duties of advocate to public and other advocates, the duties of advocate to client, the duties of advocate to the courts and to the other authorities, the duties of advocate to the economic competition.

The duties of advocate to public and to other advocates chapter is focused on behaviour of advocate and his manifestations, activities of advocate without connection with prosecution of legal profession, advertising and promotion of advocate and his personal manifestation, labeling and business firm of advocate, duties to maintain its registered place of advocate, duties to other advocates, relationships between advocates, conditions of

administrations of legal aid, unauthorized administration of legal aid, relationships and cooperation between advocate and articulated clerk as well as the duties of advocate as a employee.

The duties of advocate to client chapter contains conditions of taking over of legal representation with the inclusion of rights and duties to refuse taking over of legal representation, honorarium of advocate with the inclusion of determining its amount, conditions of affording of legal aid. This chapter contains also the duty of secrecy as one of the most important duty of advocate to his client. This part contains a short view of a historical evolution of this duty, special tracts about exemption from duty of secrecy and exceptions from duty of secrecy.

The duties of advocate to the courts and the other authorities chapter describes special duties of advocate especially within court trial. The problem of dress code of advocate is mentioned there too.

The duties of advocate to the economic competition chapter deal with problem of economic competition of advocates and its regulation. The economic competition of advocates is regulated by the professional directives of Czech Bar Association as well as by the general laws. This chapter contains also the influence of the rules which are made up by the Commercial Code, no° 513/1991 Col.

In the third and last part of this work there are the results of infringement of the duties done by an advocate in the course of his practice of profession. Special attention is attended to disciplinary responsibility as a special responsibility of a member of professional associations (this case the Czech Bar Association). There are briefly mentioned other responsibilities as industrial responsibility, civil responsibility and responsibility in case infringement of criminal law and administrative law.