

A FEW REMARKS ON THE CORRECT INTERPRETATION OF ARTICLE 66(1)(5B) OF THE LAW ON THE BAR

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Abstract. The aim of this article is to solve the research problem of whether obtaining the scientific degree of a doctor of social sciences in the discipline of legal science and completing the attorney's training confirmed by an appropriate certificate constitutes the fulfilment of the statutory requirement specified in Article 66(1)(5b) of the Act of 26 May 1982 – the Law on the Bar. The thesis that the three-year period of training as an attorney a priori fulfils the requirement of acquiring three years of professional experience in the exercise of legal knowledge requiring activities directly related to the provision of legal assistance by an attorney and gives it a much broader dimension, enriched with many skills, which is denied to the person applying for registration without a completed application, is proven. *De lege ferenda* points out that the Bar Council should take legislative measures to fill the structural gap in Article 66(1)(5b) of the Act and, in the meantime, adopt a trainee-friendly interpretation of this provision.

Keywords: Law on the Bar; legal professions; attorney; trainee attorney.

INTRODUCTION

According to Article 66(1)(5b) of the *Law on the Bar Act*,¹ the legal basis for entering into the list of advocates by doctors of social sciences in the legal discipline, without fulfilling the requirement to complete professional training and passing the Bar examination, is, inter alia, that those persons performed legal activities requiring legal knowledge directly related to the provision of legal assistance by an advocate or by an attorney-at-law

¹ Act of 26 May 1982, the Law on the Bar, Journal of Laws of 2023, item 1860 as amended [hereinafter: the Act].

on the basis of a contract of employment or a civil law contract in one of the places specified by the provisions of the examined provision. This requirement must be fulfilled within the period of 5 years prior to the application for registration on the list of advocates, and the activities must be carried out for a total period of at least 3 years.

The legislator *expressis verbis* indicated the conditions by which the authority refusing entry should be guided is Article 68(4) of the Act. According to it, the regional bar council can refuse entry on the list of advocates only if the entry violates the provisions of Article 65(1-3) of the Act. In case law, there is no doubt that Article 68(4) of the Act contains a closed list of conditions for refusing entry on the list of advocates.² Due to the lack of a statutory definition of equivalence of practical experience acquired as part of the performance of activities directly related to the provision of legal assistance and practical experience acquired during the professional training of an advocate, a research problem arises not taken so far in the literature of the subject,³ leading to the question whether obtaining the scientific degree of a doctor of social sciences in the discipline of legal science and completion of the professional training confirmed by the relevant certificate constitutes fulfillment of the statutory requirement described in Article 66(1) (5b) of the Act?

This article puts the thesis that the three-year period of a professional training *a priori* fulfils the condition of acquiring three years of professional experience related to the performance of legal knowledge requiring actions directly related to the provision of legal assistance by the lawyer and makes this much wider, enriched with many skills, which the applicant is deprived of without a completed training.

1. DIFFERENCES IN THE STATUS OF TRAINEE ADVOCATE AND PERSON WITH THREE YEARS OF PRACTICAL EXPERIENCE

First of all, it is necessary to see the differences between the scope of the requirements that the legislator and the bar association impose on the trainee as an advocate and on the person who wants to effectively legitimize three years of practical experience, because the three-year period of acquisition of professional experience outside the application is not

² See sentence of the Supreme Administrative Court of 16 December 2008, ref. no. II GSK 594/08, Lex no. 570438; sentence of the Supreme Administrative Court of 10 July 2019, ref. no. II GSK 1766/17, Lex no. 2714796; sentence of the Supreme Administrative Court of 2 October 2020, ref. no. II GSK 27/18, Lex no. 3069442.

³ See for example Buchalski and Nowak 2015, 54-68; Gawryluk 2012, *passim*; Kruszyński 2015, 123-28; Piesiewicz 2023, 330-33.

entirely equivalent to the completion of the application, however it allows to meet the minimum requirement of practical preparation for the practice of the profession of an advocate. On the other hand, the training period is enriched with a number of additional practical activities, not available to persons aspiring to the profession of advocate outside this path. The training is therefore a period of conducting – in the manner provided for by the training program – a series of tasks, performed under the direction of the patron, with the simultaneous, formalized supervision of the local council of barristers, also taking place through continuous verification of the skills acquired by the trainee advocate.

Perceiving these differences will determine how the situation of a person who has performed an advocate training as well as obtained a doctorate in social sciences in the discipline of legal science should be read. At the outset it should be noted that the period of three years of professional practice meets only the minimum conditions that the legislator provided for the person applying for enrolment outside the training mode. In this regard, it should be repeated after the sentence of the Constitutional Court that the completion of the training imposes on aspirants to the profession of advocate much more duties and involves much more effort and financial expenses than the implementation of the three-year contact indicated in the law with the practical application of law.⁴ As the Constitutional Court further emphasises in the sentence cited above, an aspiring person is required nothing more than to perform a job involving the performance of activities requiring legal knowledge directly related to the provision of legal assistance by an advocate. According to the Constitutional Court, persons without an application are free from other obligations to which trainees are subject, hence both ways of accessing the legal profession are not entirely equivalent in terms of the degree of proper preparation for the profession.

Persons admitted to pass the professional examination without training do not attend classes aimed at deepening their theoretical and practical knowledge. It cannot be noted that the trainee's knowledge is verified several times in the application space, under the strict rule of deletion from the list of trainees. Trainees come to the colloquiums provided for by the application program, which, in addition to the oral (casual) part, provided for the preparation of a procedural document on the basis of court records. The control of the results of learning and the practical skills acquired is also verified during the compulsory curriculum contest and as part of practices held in courts and prosecutors, where applicants, under the supervision of the judge and prosecutor, prepare appropriate procedural decisions and participate in the hearings.

⁴ Sentence of the Constitutional Court of 7 March 2012, ref. no. K 3/10, Lex no. 1124353.

A significant difference in the predisposition of the trainee advocate and the person legitimizing himself only by legal experience is the improvement of professional skills by replacing a lawyer before courts and other bodies or institutions on the basis of the authorization of the patron (or another advocate with the consent of the patron). As stipulated in Article 77(1) of the Act, after six months of a professional training, an advocate trainee may replace an advocate before courts, law enforcement agencies, state, local and other institutions, with the exception of the Supreme Court, the Supreme Administrative Court, the Constitutional Court and the State Court. The advocate trainee may draw up and sign the procedural documents referred to in Article 77(5) of the Act on the basis of written authorization. This is a critical difference, because the person performing activities directly related to the provision of legal assistance, irrespective of the form of cooperation with an advocate, does not have the right to represent before courts and procedural bodies, according to the principles provided by the legislator for trainees of legal professions. Therefore, only the trainee, to the extent provided for in the law, is authorized to acquire typical practical skills related to the exercise of the legal profession in the form of representation of the parties before courts, law enforcement authorities, administrative authorities to sign procedural documents on the basis of the authorization received.

It should therefore be argued by the Provincial Administrative Court in Warsaw that practical experience acquired as part of the performance of activities directly related to the provision of legal assistance should – according to the legislature – replace practical experience acquired during the professional training and makes this to a minimum extent, although sufficient for entry on the list of advocates. Therefore, if you agree with this position established in administrative jurisprudence, an entity that at the same time fulfils the conditions for the training and practical experience acquired during the application period and has a scientific degree of doctorate, should be entered on the list of advocates, as it not only meets the requirements of the minimum normative, but also demonstrates additional skills verified during the training.

It is clear from the case-law of administrative courts that the professional practice necessary for entitlement to the list of advocates can be carried out in various ways, provided that it constitutes an equivalent practice to the practice of the advocate trainee.⁵ This view also follows from the case-law of the Constitutional Court, according to which doctors of legal sciences, in order to meet the conditions of permissibility of the movement of persons between legal professions, must legitimize

⁵ Ibid.

themselves with practical legal experience profiled so that it corresponds to practical skills acquired during professional training.⁶ The requirement of a three-year period of performance requiring legal knowledge activities related to the provision of legal assistance by an advocate, corresponding to the duration of the training provides the opportunity to gain practical legal experience equal to training.⁷ Given that the period of acquisition of professional practice outside the application does not take place under the supervision of the regional bar council, the legislator therefore provided for much higher requirements for documenting the actual performance of these tasks related to legal protection.

Three years of legal experience alone does not entitle to equate it with the professional training received, as the application sets higher requirements for the future adept of the legal profession than the non-application mode of investigation into the profession. Furthermore, obtaining a scientific doctorate is a substitute for legitimizing itself with a high level of knowledge in legal sciences, which is verified against persons without a doctorate in legal sciences by entering the professional examination. As the Constitutional Court further emphasizes in the sentence cited above, theoretical qualifications of doctors of legal sciences for the exercise of the profession of advocate are therefore established by a positive result of the doctoral examination, which verifies not only the ability to conduct independent scientific work, but also the theoretical knowledge of the candidate.⁸

Assuming the rationality of the legislator and the absence of mutual contradiction between the above statutory conditions, and thus somehow reducing these conditions in both configurations to a certain mathematical equation, we must also agree with the Constitutional Court that three years of experience gained outside the application mode is a substitute for a three-year lawyer application, and obtained academic degree is a sufficient form of verification of legal knowledge, which is also carried out on the Bar exam. From what has already been drawn up above, the identity of three-year periods in both configurations of entering the profession of lawyer is undeniably evident. If the legislator wanted to adopt a different normative solution, he would allow more precise requirements for carrying out activities for the employer, not only at the appropriate time, but also in a specified working time, a more formal legal form of cooperation with the employer, providing then also appropriate systems for the conversion of working hours provided during the application, sometimes leading to the extension of the period of carrying out applications if the applicant performed work

⁶ Sentence of the Constitutional Court of 7 March 2012, ref. no. K 3/10, Lex no. 1124353.

⁷ *Ibid.*

⁸ Sentence of the Constitutional Court of 12 February 2013, ref. no. K 6/12, Lex no. 1271750. See also Szydło 2002, 51-62; Jakubowski 2020, 275-90.

for the employer in part-time. However, the legislator did not make such requirements for persons applying for law, but did so for persons choosing the non-training path to the profession of lawyer, which in itself is sufficient argument for the validity of the above assumptions.

2. THREE YEARS OF WORK EXPERIENCE

The aforementioned argument corresponds with the justification of the draft act of 20 February 2009 on amending the Law on Bar, the Law on Legal Counsellors and the Law on Notaries (Parliament Print VI.953), according to which the professional practice necessary to obtain entitlement to entry on the list of advocates can be carried out in different ways, so as to constitute an equivalent practice to the practice of an advocate trainee. The legislator explicitly assumed that the period of three years of professional experience corresponds to a three-year advocate training. The legislator did not make a similar reservation when qualifying for a three-year period of advocate training. None of the legal acts provided for a minimum, required monthly period for the provision of training activities for the trainee as part of the training, leaving this to the will of the trainee and the content of the framework agreement concluded with the trainee.

In this respect, the self-government of the Bar entrusted the assessment of the acquisition of practical experience by the advocate trainee to the patron. The only form of supervision by the regional bar council over this condition of entering the profession in the application mode are both the increased requirements for the performance by the barrister of the patron functions and the specific duties directed to the patron, and concerning the assessment by him of the trainee's engagement. In accordance with the *Regulations*,⁹ the Patron shall notify the regional bar council of interruptions in the performance of his or her duties, consent to the performance of duties by the applicant on behalf of another advocate, and is also obliged to immediately notify the regional bar council and the manager of the training about the failure of the trainee to perform his or her duties, as well as about the circumstances causing interruptions in the performance of his or her duties. The Patron cares for the proper course of the training and cares for the trainee's preparation for the profession, and in particular for the adoption by him of the principles of legal ethics, the ability to use

⁹ Resolution No. 55/2011 of the Supreme Bar Council of 19 November 2011 with the amendments introduced by Resolution No. 21/2014 of the Supreme Bar Council of 22 November 2014, Resolution No. 51/2015 of the Supreme Bar Council of 13 November 2015, Resolution No. 5/2017 of the Supreme Bar Council of 21 January 2017 and Resolution No. 89/2020 of the Supreme Bar Council of 6 June 2020. Regulations.

legal literature, jurisprudence, discusses with the applicant how to appear before the court and other authorities, and is also interested in his intellectual development. An extremely important circumstance is the fact that the Patron submits a detailed opinion on the applicant and on the course of his application before the end of each training year in writing to the Regional Bar Council. The Dean of the Regional Bar Council may also request the patron to supplement the above opinion. The Patron has the possibility of issuing a negative assessment on suitability for the profession during the first two years of application, thereby leading to the deletion of the applicant from the list of advocate trainees in accordance with Article 79(2) of the Act. This is therefore a sufficient resource of funds that remain at the disposal of the Regional Bar Council, disciplining the applicant to properly and properly fulfil his duties in the law firm, as well as they are sufficient guarantee for the self-government of the Bar that, within the application, the applicant performed work in a dimension that allows in the future to properly exercise the profession of an advocate.

The administrative case law indicates that the subject of the examination of the existence of conditions for entry on the list of advocates is not, among other things, the duration (longitude) of the application, but its conduct.¹⁰ In this sense, the administrative court explains the *ratio legis* of processing applications and the meaning of the period that was provided for this obligation. From the foregoing it clearly follows that when examining the conditions described in Article 66(5) of the Act, the regional bar council is obliged to determine whether it was completed within the period of 5 years prior to the submission of the application for registration.

3. THE LEGAL RELATIONSHIP BETWEEN THE ADVOCATE TRAINEE AND THE PATRON

It should also be clarified the critical normative nature of the applicant-patron relationship for the purposes of this paper. *De lege lata*, without developing in detail the issues concerning labour law, requires at least to recall case law, according to which the absence of a written contract does not mean that the employee without a contract has different rights than the rest of the employees.¹¹ The very fact that the employer allowed him to work, and he provided it, means that there was a contract of employment between the parties. A declaration of will may be expressed and made in writing, as required by the provisions of the Labour Code, or implied, resulting from

¹⁰ Sentence of the Provincial Administrative Court in Warsaw of 20 September 2006, ref. no. VI SA/Wa 1203/06, Lex no. 921789.

¹¹ Sentence of the Supreme Court of 4 November 2009, ref. no. I PK 105/09, Lex no. 558562.

the behaviour of the parties. Such an implicit contract of employment usually exists when the employer allows the employee to perform work.¹² Despite the fact that the employment agreement is not concluded in writing – the person begins to perform the work, and the employer accepts and accepts this work and also in this case the employment relationship is established. The employment relationship can also be established *per facta concludentia*, since the legislator has not reserved for this contract a form under the principle of invalidity. It should also be noted that the normative structure of the applicant-patron relationship results directly from para. 10(1) of the Regulations according to which the applicant takes the application under the direction of the patron appointed by the dean of the regional bar council, while para. 5(1)(c) of the Regulations obliges the applicant in particular to improve professional skills under the direction of the patron.

In this context, attention should also be paid to the voice of the lawyer community, which rightly claims that Polish law prohibits the use of civil law contracts where the employment contract should be applied. I do not see the possibility of applying civil law contracts when employing applicants. By definition, the advocate trainee's activities are non-independent ones and he/she works under the direction and guidance of the advocate who employs him/her. By the time the trainees were employed by the bars, they were given employment contracts. Therefore, the employment contract should be the rule [Nogal 2016, *passim*]. It should also be pointed out that, in accordance with Resolution No. 31/2018 of the Polish Bar Council of 25 February 2018, the model of the advocate application, based on the patron-applicant relationship, should provide the applicant with a stable economic basis and social security in the scope of the work provided by the applicants for patrons. The Polish Bar Council calls on the Dean of the Regional Bar Councils to introduce solutions to ensure remuneration for applicants when appointing patron. The General Bar Council reminds barristers who cooperate with or employ barrister trainees that they are entitled to remuneration for their activities on behalf of advocates.

This leads to the conclusion that if the employer entrusts duties to the advocate trainee, under the same conditions as under the employment contract, the contract connecting the applicant with the patron can be considered as an employment contract regardless of the name of the contract concluded by the parties [Samol 2006, 101]. Even if it is assumed that the relationship between the trainee and the patron is not a working relationship, the contract between the patron and the applicant must be qualified as a special type of contract to which the provisions on assignment apply respectively

¹² Judgment of the Chamber of Labour and Social Security of 31 August 1977, ref. no. I PRN 112/77, Lex Polonica no. 318096.

[Szpunar 1976, 405-407]. In addition, the mutual performance of services by the employer and the trainee indicates that this is a mutual agreement, the peculiarity of which is that both parties undertake in such a way that the provision of one of them is to be equivalent to the provision of the other [Samol 2006, 101]. It is therefore clear from the present analysis that, irrespective of the interpretation adopted, the activities performed by the trainee fulfil the conditions of Article 66(1)(5)(b) of the Act, since the trainee carries out legal knowledge requiring actions directly related to the provision of legal assistance by an advocate on the basis of a contract of employment or a civil law contract in a law firm.

4. CONSEQUENCES OF THE ABSENCE OF AN OFF-THE-JOB ADVOCATE TRAINING

Undoubtedly, the training of an advocate is a basic form of professional preparation for taking up and exercising the profession of an advocate. As part of the advocate training, trainees undergo not only theoretical training, but – which is its specificity – improve practical skills, covered by the scope of the activities of the advocate. In particular, they undertake – so far under the supervision of their patron – professional activities typical for the exercise of the profession of advocate: they provide legal advice, prepare legal opinions, write procedural letters, and even – to the extent specified by law – undertake actions within the scope of procedural representation before courts and other bodies. For this reason, there was never a so-called non-working advocate training.¹³ In view of the above, it is not possible to convert (reduce) the time of the advocate's training to the period of the activities referred to in Article 66.1(5)(b) of the Act. It should be noted that Article 66(4) of the Act refers only to the calculation of the actual time of performing legal knowledge requiring actions directly related to the provision of legal assistance by an advocate and is addressed to persons who do not receive an advocate application. In other words, it is possible to make a proportional calculation of the time of performance in/in activities as a substitute for the absence of an advocate training, and does not allow the conversion of activities performed in the framework of the advocate training as a substitute for a lack of professional experience of three years. If the possibility of such a two-way conversion of these activities in both systems of investigation into the profession of an advocate were permissible, the legislator would have explicitly provided for such a circumstance.

¹³ Sentence of the Provincial Administrative Court in Warsaw of 20 September 2006, ref. no. VI SA/Wa 1203/06, Lex no. 921789.

It is enough to mention that this would then be a solution that completely equalizes the duties of the trainee to the person only providing work for the advocate outside the application mode, which has been consistently excluded in the previously cited administrative case law and sentences of the Constitutional Court. Only on the margins would it be appropriate to raise the rationality of maintaining trainings in the legal system as a form of professional investigation, with the simultaneous burden of numerous duties, only among which should be mentioned, for example, the obligation to train including the verification of acquired knowledge, the financial obligation, the submission to the ethical strictness provided for persons exercising the profession of advocate and the provision of exclusive powers of representation before law enforcement authorities, judicial and administrative authorities, which are not owned by persons who do not apply but employed in Law Firms. The opposite conclusion allowing for a proportionate conversion of the period of completion of the advocate's training into the activities referred to in Article 66(1)(5)(b) is unacceptable. This follows from the basic legal assumption that in constructing provisions which establish the conditions for obtaining entry on the list of advocates without the requirement of completion of the application, the requirements which are imposed on persons who obtain the right to enter on the list of lawyers after completion of the lawyer's application, i.e. having adequate knowledge and skills in the field of law and being legitimized by appropriate practice, have been adopted as a reference point. This position was also reflected in the draft law of 20 February 2009 on amending the law – Law on Bar, Law on Legal Counsels and the law (Law on Notaries Journal of Laws 2009, item 37, position 286). If the legislator allowed such a possibility of calculation, he would have expressed it *expressis verbis* by a statutory provision, on the model of the already mentioned Article 66(5) of the Act, which refers to the possibility of proportionate conversion of the time of completion of the off time court, and prosecutor's training into the account of the barrister's training. It should be emphasized that there is no doubt in administrative jurisprudence and doctrine that analogy cannot be applied to the detriment of the individual [Walasik 2013, 242-44].¹⁴

In view of the quality of the activities belonging to the scope of the exercise of the profession of advocate and the proper professional preparation of advocate applicants for the future exercise of the professional training, it remains desirable to cover the entire course of the application of lawyer with the care of the local authorities of regional bar council aimed at the proper exercise of the profession. An element of this care is a significant influence on the rules of professional training. The training period

¹⁴ See also Sentence of the Supreme Administrative Court of 11 April 2017, ref. no. II OSK 2088/15, Lex no. 2360161.

is therefore subject to accounting for the proof of legal experience consisting of performing legal knowledge requiring activities directly related to the provision of legal assistance by an advocate. However, as the Supreme Administrative Court correctly pointed out, the provisions of Article 66(1) (5)(b) should be understood broadly and should not be treated as a closed, enumerative catalogue.¹⁵

Furthermore, the Constitutional Court, *expressis verbis* indicates that the shaping of the process of obtaining a scientific degree allows to divide the legislator's assumption that doctors of legal sciences are persons who, despite not receiving applications, have the appropriate preparation, to exercise a free profession.¹⁶ At the same time, the Constitutional Court, assessing the constitutionality of similar regulations included, indicated that the requirement of three years of performing activities requiring legal knowledge related to the provision of legal assistance by an advocate, corresponding to the duration of the application, ensures the possibility of acquiring practical legal experience equal to application.¹⁷ This position has also been confirmed recently, where it was stated that the practice of the profession of advocate requires not only theoretical knowledge, but also experience, therefore, in order to meet the conditions laid down by the legislator for admission to the list of lawyers, applicants must legitimize themselves with practical legal experience profiled so that it corresponds to practical skills acquired during the training as an advocate.¹⁸ In other words, it was stated that the practical experience acquired as part of the performance of activities directly related to the provision of legal assistance should – according to the legislature – replace the practical experience acquired during the training as an advocate.

CONCLUSION

The above analyses allow us to conclude that the requirement of acquiring three years of legal experience is fulfilled a priori by the very fact of completion of professional trainee, which is a period of acquiring practical skills in a much more extensive way, formalized and at every stage verified by the regional bar council. Obtaining an academic degree is a substitute for confirming legal knowledge on the advocate's exam, while experience

¹⁵ Sentence of the Supreme Administrative Court of 8 April 2014, ref. no. II GSK 60/13, Lex no. 1575501.

¹⁶ Sentence of the Constitutional Court of 8 November 2006, ref. no. K 30/06, Lex no. 231207.

¹⁷ Sentence of the Constitutional Court of 7 March 2012, ref. no. K 3/10, Lex no. 1124353.

¹⁸ Sentence of the Constitutional Court of 7 June 2022, ref. no. SK 68/19, Lex no. 3350627.

is acquired through the work provided under the direction of an advocate during the advocate's training.

It should be recalled that the function of the constitutional principle of proper legislation is not only to ensure the correctness of the law governing relations between public authorities and citizens, but in general of the law which is necessary to achieve the goals of the regulation in question. Above all doubt, the need to guarantee legal certainty and security to citizens is highlighted, and this principle prohibits the adoption of legislation which leaves too much freedom for the state authorities and allows freedom of decision. This type of legislative defect may constitute a prerequisite for the declaration of unconstitutionality of the provision it affects [Garlicki and Zubik 2016]. Moreover, according to the case law of the administrative courts, any ambiguities and omissions cannot be interpreted to the detriment of the party.¹⁹ It is clear from the foregoing that in case of doubt, the authority (in this case the regional bar council) should adopt the interpretation of the provisions that would be most favourable to the party, provided that the public interest is not against it. This results from the assumption that in the rule of law, the legal provisions will be clear, unambiguous and understandable. However, if this is not the case, the ambiguities and doubts regarding the content of the legal provision cannot be interpreted to the detriment of the party.²⁰

In the light of the foregoing, it cannot be overlooked that, according to Article 1(1) of the Act, a Bar is called not only to provide legal assistance but also, and, probably above all, to cooperate in the protection of civil rights and freedoms and in the formulation and application of the law. Traditionally, the profession of advocate is classified as a public trust profession. With regard to the exercise of public trust legal professions, the fundamental values include full and integral respect for the law, including in particular – respect for constitutional values and procedural directives. What is important is that the scope of proper exercise of the profession of public trust concerns not only the individual action of persons performing these professions, but also cumulatively, i.e. the activities of a collective corporation of professions of public trust. This applies to the individual acts and activities of these bodies. It would be difficult to accept the view that the high requirements imposed on individual members of these corporations do not apply to corporate activities. In view of the above, the requirements imposed on the activities of persons exercising public trust professions should also

¹⁹ Sentence of the Provincial Administrative Court in Warsaw of 24 May 2005, ref. no. VII SA/Wa 1093/04, Lex no. 168038.

²⁰ Sentence of the Supreme Administrative Court of 6 May 1999, ref. no. IV SA 27/97, Lex no. 48158; sentence of the Supreme Administrative Court of Białystok of 6 March 1996, ref. no. SA/Bk 95/95, Lex no. 26613.

apply to the activities attributed by law to advocates' corporations.²¹ Therefore, the advocates' bodies should take legislative action aimed at normatively filling the structural gap of Article 66(1)(5b) of the Act, and until then adopt an interpretation that is friendly to trainees.

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²¹ Sentence of the Constitutional Court of 18 February 2004, ref. no. P 21/02, Lex no. 84273.