

STANISŁAW LIPIEC

POLISH LAWYERS IN FACE OF GLOBALISATION
SOCIO-LEGAL OVERVIEW

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socio-legal overview

Stanisław Lipiec

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Projekt okładki:
Wydawnictwo Rys

Recenzja:
dr Krzysztof Durczak

Korekta:
Francis Smith and the team (Proofreading Service United Kingdom)

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Wydanie:



Wydawnictwo Rys
ul. Kolejowa 41
62-070 Dąbrówka
tel. 600 44 55 80

e-mail: tomasz.paluszyński@wydawnictworys.com
www.wydawnictworys.com

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1. Introduction

Approximately half a million lawyers currently work in the legal services market in Poland. Every day, they face new challenges introduced by globalisation, migrations, financial liquidity, global crises, legal internationalisation, and European integration. Continuous pressure forces lawyers to adapt to novelty, provide modern services, customize their competencies, make their services more complete and complementary, more professional, cross-border, cheaper, and better. The multitude and variety of incentives affecting contemporary lawyers are almost unlimited (Sitek 2016, pp. 176–178, Analiza 2020, Prognozy 2021, Uczelnie 2021 2021, Lipiec 2022a, p. 25).

Today in Poland, we observe clear division between lawyers providing market services, advocates and legal advisers (*radcowie prawni*), and lawyers working in the judiciary structure, mostly judges and prosecutors. The new legal and para-legal professions such as restructuring advisers, tax advisers or bailiffs are still relatively uncommon and invisible. All these types of legal professions are strongly conventional and are regulated by law. We can call them licensed lawyers (Gardocka and Sobczak 2010, Bereza 2017, Czepukojć 2019, Lipiec 2022a, pp. 15–21). Currently, other Polish lawyers or para-lawyers are also appearing, somehow working alongside the social and legal structures constituting lawyers. These are unlicensed lawyers (Zwara 2006, pp. 105–109, Sołtys 2017, pp. 99–102, Doradca prawny 2022). Apart from all of them, there exist young people who aspire to become lawyers (trainees) or lawyers, amateurs, who deal with legal issues incidentally.

Despite the political changes of 1989, the development of Polish capitalism, and Poland's accession to the European Union, the practice of lawyers in Poland has not changed significantly since the 1980s. Clearly, their working methods, social position, expectations, gender structure, earnings, entitlements, and other social characteristics have not changed for a long time. Despite the strong pressures of the market, population and public authority, as well as the impact of globalization, it still seems that legal professions are unchanged and are not very susceptible to external stimuli. Even the voices heard in legal circles calling

for reforms are timid and do not actually lead to changes (Skuczyński 2013, pp. 181–198, Suchodolska 2016, Krzyżanowska 2019a).

Advocates and legal advisers comprise 80% of all licensed legal professionals providing legal services in Poland. Therefore, they are particularly important among all legal professionals. They shape the legal services market, set new trends or contribute to the perpetuation of tradition, and are the face of Polish lawyers (Ceny usług 2020, Rojek-Socha 2021). The changes in globalisation and the role of these lawyers in Poland raise some questions that merit to be answered.

1. Are advocates and legal advisers really influenced by globalization factors, client demands, or pressure from public authorities?
2. How are these lawyers shaped by Poland's integration with the European Union?
3. Are economic globalisation, population migration, and legal globalisation influencing changes among Polish lawyers?

Basically, changes and external pressures do not result in significant changes for advocates and legal advisers on the Polish legal services market. They have remained persistent for many generations. The legislation of the European Union does not affect the provision of legal services, including cross-border services. Migrations and capital flows are so insignificant in Poland that it does not require lawyers to adapt to new needs. Anachronistic and defective legislation designed to shape the legal position of lawyers hinders their adaptation to new challenges and limits their opportunities. Finally, problems with legal education prevent jurists from effectively integrating into the full legal marketplace of the 21st century. The answer to such research hypotheses must produce most remarkable results.

Another theoretical problem occurred during the research work. The question is **why external international pressure (especially from the European Union) and European law, as well as the potential business benefits of Polish lawyers being opened to migration and international competition, do not result in significant social changes in the Polish legal profession.** Based on Nicklas Luhmann's experience, a certain explanation emerges here (Luhmann and Schorr 2015, pp. 37–60). The alienation of Polish lawyers and the entire Polish professional lawyer system from globalisation changes, mainly European, is a function of the defence and separation of the Polish closed lawyer

system from other external lawyer systems. As a result of the limitation of the globalisation-driven changes, the Polish lawyer system is still different and independent of others. Consequently, modification of its boundaries, border shift, or the absorption of the system by, for instance, the large European Union lawyer system becomes difficult. The Polish system retains its boundaries and internal coherence. Consequently, it is still a self-contained autopoietic system.

The social and political presence of advocates and legal advisers is clearly marked in the current Polish public space. However, a broader sociological overview is absent. Neither has more attention been paid to the contemporary challenges affecting lawyers. The most important is a thorough characterisation of advocates and legal advisers according to their relevant professional and social attributes (exploratory purpose). The primary focus is also on explanation of the globalisation processes on Polish advocates and legal advisers and their professional services, particularly: migration and international law (mainly European Union). Especially important here is to explain how the jurists' social profile is changing under the influence of external events (explicative purpose). Furthermore, it is essential to reflect on the trends of change and the factors that determine change. Analysis of external factors affecting Polish lawyers will probably lead to the discovery of a model of an ideal Polish lawyer of the 21st century (exploratory and implementation goal).

2. Methodology

Lawyers are the professional group that enforces the law in practice. They are “immersed” in the law, and their task is to apply it. Simultaneously, they operate in a self-contained socio-legal system autonomous and separate from others. Lawyers, legal norms, legal regulations, and the judiciary, as a self-contained and independent system, however, constantly interact with other social systems. In this way, the independent autopoietic application law system continuously integrates with other systems. Lawyers, meanwhile, are the ideal link between the legal system and the outside world. Lawyers are an ideal example of Eugen Ehrlich’s relationship between *living law* and Roscoe Pound’s *law in action* and continuous interaction between systems. They exemplify the autopoietic system and the application in Niklas Luhmann’s terms. Specifically, they are a combination of *law in action* and the autopoieticity of the system. Therefore, they are a link from the idea of independence, even separation, of the legal system from other social subsystems. This idea formed the theoretical background (Głażewski 2009, pp. 39–55, Hertogh 2009).

Lawyers remain outside the main interest of legal sociologists, legal anthropologists, and legal researchers. Perhaps, the examination of this professional group is particularly difficult due to its cross-disciplinary and multidisciplinary nature, the necessity to maintain professional secrecy, and the action-orientated nature of lawyers. Researchers studying various aspects of lawyers’ work are very rare in Poland and not very common in Europe. Polish studies on lawyers are divided into

1. economic-marketing mainly on legal services, whose prominent representatives are Marek Gnusowski, Ryszard Sowiński and Krzysztof Durczak (Gnusowski 2017a, Sowiński 2021, Durczak *et al.* 2022);
2. juridical-structural, led by Bogusław Sołtys, Arkadiusz Bereza and Zenon Klatka (Klatka 2004, Bereza 2017, Sołtys 2017);
3. legal-international mainly in the context of EU law, whose important representatives are Małgorzata Kożuch, Michał Masior and Jędrzej Klatka (Klatka 2005, Kożuch 2016, Chodorowska *et al.* 2018);
4. and interdisciplinary, whose representatives are Patrycja Rojek-Socha, Karolina Kocemba, Elżbieta Łojko and Stanisław Lipiec (Łojko 2005, Kocemba 2018, Rojek-Socha 2019a, Lipiec 2022b).

The “lawyer’s subject” is much more widely pursued from the point of view of global research trends. Here, the sociological approach, the analysis of law in action through the activity of lawyers, is of particular interest. The works of Richard Abel (Abel 1985), Hillary Sommerliand (Sommerlad *et al.* 2015a), Andrew Boon (Boon 2017), Yves Dezelay (Dezelay and Garth 2011), Sjoerd Claessens (Claessens 2008), Bruno Nascimbene (Nascimbene and Bergamini 2009), and Ole Hammerslev (Drolshammer and Pfeifer 2001) deserve special appreciation.

The study used a broad methodology and mixed methods guidelines. The purpose of this methodological perspective was to undertake a broad triangulation of quantitative and qualitative methods, since no single quantitative or qualitative method produced the desired data and research results. However, quantitative data analyses were the basis of mixed methods (Teddlie and Tashakkori 2008, pp. 137–315). The research was guided by the research questions and research hypotheses established at the pre-conceptualisation stage. However, in the field research, new hypotheses were excluded. Newly emerging hypotheses were continuously tested and falsified to uncover new layers. From this perspective, the qualitative part of the study may partly be similar to research adopting grounded theory (Charmaz 2014).

The study is based on quantitative data collected from professional self-governments (bar associations) (KIRP 2021, NRA 2021), the Polish Ministry of Justice (ISWS 2021), the Central Statistical Office of Poland (GUS) (GUS 2014) and the statistics of the European Union (Eurostat 2021) and the Council of Europe (CEPEJ 2021). These databases are an inexhaustible source of information on Polish lawyers and their structures. These are quantitative data that are essentially collected by particular bar associations in Poland and then expanded and analysed by national and international public authorities. Unfortunately, professional associations in Poland are reluctant to provide access to register data or provide them only in a limited form. Despite collecting data on many characteristics of their members (as part of the process of collecting registration cards) (Karta ewidencyjna 2021), only basic data are made available. Therefore, detailed data about the social characteristics of lawyers were obtained in a different way.

In addition to the analysis of the quantitative data found, own field research was conducted. A quantitative and qualitative study

based on a survey questionnaire was fundamental. The questionnaires were sent to a representative number of Polish advocates and legal advisers, either by letter or by email. Respondents were constantly and strongly encouraged to complete and return the questionnaires. Participants were selected in two stages (stratified sampling), first by drawing lots from regional bar associations and then by drawing lots from individual advocates and legal advisers who participated in the survey. 148 such lawyers were selected, of whom 88 eventually returned the questionnaire (a high return rate of 60%). The maximum error here was 6%, with a confidence level of 85%. The majority of topics raised in the survey concerned the jurists' social characteristics, particularly their attitudes to the globalisation phenomena and the legal services internationalisation (Macik 2014, pp. 125–139, Siuda 2016, pp. 28–81). The basic parameters of the survey questionnaire are presented in the table:

Sampling	Stratified sampling
Population	Polish advocates and legal advisers (without trainees, non-active and foreign lawyers)
Population size	59 817 people
Selection	1 st stage – random bar associations of advocates and legal advisers (of 41 bars, 16 were selected)
	2 nd stage – random selection from among all bar association members
Sample	148 people
Questionnaire technique	Online or postal survey; Invitations to participate sent by email, post, and telephone.
Return rate	59,6%
Maximum error	6%
Confidence level	85%

Figure 1. Questionnaire survey basic parameters

The first two methods provided a wealth of interesting information. However, some scopes appeared to be undervalued, inaccurate, or concealed by respondents or statistics. Likewise, the assumed low confidence level and maximum error meant that consideration had to be given to clarifying and deepening the survey. This was achieved by conducting a qualitative study among the first lawyers of the regional bar councils (senior lawyers). 46 semi-structured in-depth interviews (SSI) were conducted with bar seniors or members of the councils of bar associations (okręgowa izba radców prawnych, district bar association of legal advisers, OIRP; okręgowa rada adwokacka, district bar council of advocates, ORA). During the interviews, the information obtained through previous research methods was deepened and verified. The extensive scheme for grouping and coding the survey results has produced unique and valuable data. Coding was directed at relevance, with no non-relevant messages. Open coding was used first, followed by selective coding. Primary research problems were pre-conceptualised, but an *in vivo* technique was also used in the coding process. The data from the interviews are only ancillary and complement the quantitative data only where necessary. Qualitative analyses were performed using Atlas.ti software. The new information has enabled one to gain a true insight into the state of the legal profession across Poland (Przybyłowska 1978, pp. 62–64, Nicpoń and Marzęcki 2010, pp. 246–251, Qu and Dumay 2011, pp. 238–261).

In addition to own research and analysis of statistical data, a research was conducted using the desk research model, and an analysis of the content of legal acts based on the principles of functional legal analysis method (Frankfort-Nachmias and Nachmias 2001, Babbie 2008, pp. 342–360, Kędzierski 2018, pp. 34–46). Detailed characteristics of the study methodology are available in the main report (Lipiec 2020, 2022c).

3. Polish lawyers

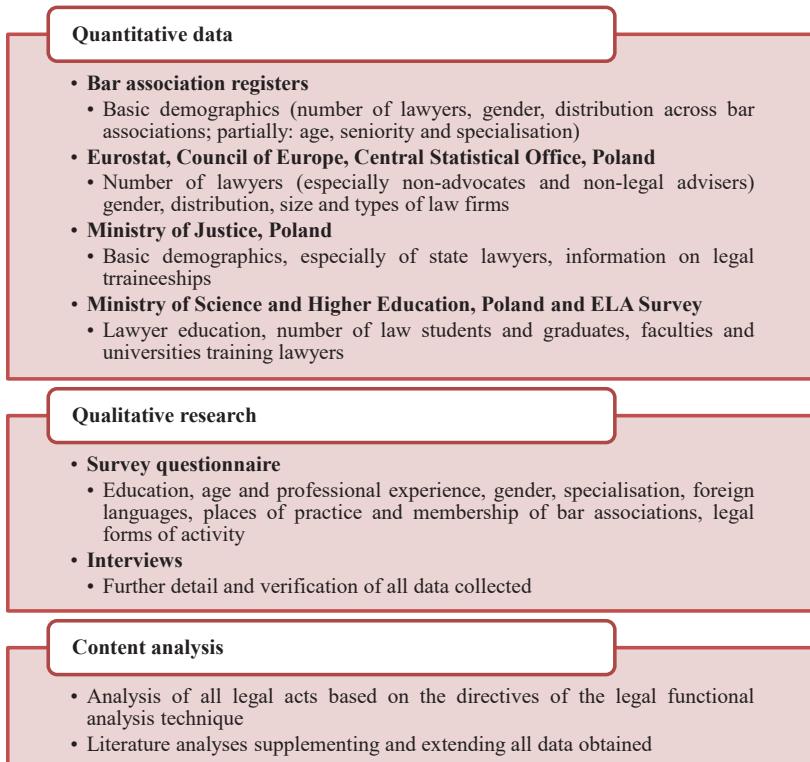


Figure 2. Examples of data collected from the specified sources

Polish lawyers are a professional group composed of many sub-groups. Subdivisions into professional subgroups occur in a number of ways. However, the most distinct one is the division into legal professions distinguished by law (legal-structural). The statutory divisions are often artificial and do not follow social divisions. Advocates and legal advisers are, under Polish law, different professional groups of lawyers, when in reality they are the same professional subgroup of lawyers providing legal services on the free market. The situation is

similar for judges, referendaries, and court assessors, who are also the same professional subgroup of lawyers engaged by the State in the enforcement of justice. The divisions of the Polish legal profession overall may be made based on various social, economic, and cultural characteristics. The most relevant distinctions for lawyers are based on the legal and structural perspective, but for the sociologist and cultural expert, the divisions by relevant social and cultural characteristics are the most significant.

The following pages of this report characterise Polish lawyers as accurately as possible. We demonstrate the different forms of distinctions and divisions of lawyers according to various legal, social, economic, and cultural characteristics. We first demonstrate that lawyers are not a homogeneous professional group in terms of their placement in the institutional and legal system. We select from the general community of jurists those most numerous and most active in the service market – advocates and legal advisers. Thereafter, we slowly show the distinction of jurists due to their social and cultural attributes from the point of view of various relevant sociological characteristics. Finally, we attempt to answer the question of whether the Polish legal profession is changing due to internal and external social and cultural transformations. The buckle binding these profiles and considerations is the question of whether globalisation processes affect Polish lawyers and in what way. The conclusion is dedicated to such a discussion.

3.1. Professional subgroups

Approximately 500,000 people in Poland work as lawyers (All statistical data based on: CEPEJ 2021, Uczelnie 2021 2021, Find a notary 2022, Komornicy 2022a, Doradcy podatkowi 2022, Syndycy 2022, Rzecznicy Patentowi 2022). More than half of them are unlicensed lawyers, not recognised by Polish law and Polish authorities, or practitioners involved in legal matters as a side activity, for example clerks, accountants, detectives (Sołtys 2017, pp. 114–129, 2021, pp. 128–140).

More than 50,000 lawyers work in the public administration and justice system and do not provide market-based legal services, e.g. judges,

court assessors, assistant judges, and prosecutors. Among all licensed lawyers providing services on a market basis, advocates (*adwokat*) and legal advisers (*radca prawny*, in Poland also called in English attorney at law) and licensed permanent foreign lawyers (*prawnik zagraniczny*) are prominent. **The number of such lawyers exceeded 90,000 in February 2022, including 70,000 active advocates and legal advisers and non-practising temporary lawyers and trainees.**

Meanwhile, less than 10,000 people worked in other legal professions recognised under the relevant act and required to have a licence. This means that notaries, restructuring advisers, tax advisers (with reservation of their legal-financial status), bailiffs (with reservation of their market-public status) (Mrozek 2018, pp. 17–34), patent agents and permanent mediators (registered on court lists) constitute less than 10% of all market lawyers in Poland. Advocates and legal advisers are the face of Polish legal professionals. Therefore, their work should be emphasised.

Profession name	Main legal basis	Responsibilities
Legal free market licensed professions		
Advocate (<i>Adwokat</i>)	ustawa <i>Prawo o adwokaturze (Adwokatura 1982)</i>	The advocate provides all legal services on the liberal market. He primarily provides legal advice, negotiates, prepares documents, and represents clients in courts, tribunals, and public authorities. He is a mandatory member of the Bar Association (<i>ORA</i>) (NRA 2021). Subject to specific ethical rules and disciplinary responsibility. Should not remain in employment. Highly independent, provides services as a specific entrepreneur (Skapska <i>et al.</i> 1989, Michta 2012).

Profession name	Main legal basis	Responsibilities
Legal adviser <i>(radca prawny)</i> ¹	ustawa o radcach prawnych (<i>Radcowie prawni</i> 1982)	Unlike a lawyer. Mandatorily affiliated with the Bar Association (<i>OIRP</i>) (KIRP 2021). May remain in employment but then not allowed to be a criminal defence lawyer. This professional differentiation from advocates is a relic of communist times when a legal adviser was involved exclusively in business cases. Today, legal advisers are equivalent to advocates (Bereza 2010, 2017).
Foreign lawyer <i>(Prawnik zagraniczny)</i>	ustawa o świadczeniu przez prawników zagranicznych pomocy prawnej w Rzeczypospolitej Polskiej (<i>Prawnicy zagraniczni</i> 2002)	Lawyers licenced overseas, but with permanent or temporary activities in Poland. As a rule, they have the same rights and obligations in Poland as Polish advocates and legal advisers. When conducting permanent activities in Poland, they are required to be registered on specific lists conducted separately by the two bar associations (<i>ORA</i> and <i>OIRP</i>) (Klatka 2017, Tabaszewski 2017, Lipiec 2022b)

¹ Called *attorney at law* by the bar associations to distinguish from unlicensed lawyers.

Profession name	Main legal basis	Responsibilities
Legal professions at the intersection of the free market and the state		
Notary (notariusz)	ustawa <i>Prawo o notariacie (Notariusze 1991)</i>	Lawyer active between the public and private sectors. However, as a legal entrepreneur acting independently, he is simultaneously a judiciary associate. His main duty is to ensure the legality of private transactions between natural and legal persons. Thus, he acts as a guardian of legality in significant transactions on the market. His most important technical function is the preparation of notarial deeds, but he also undertakes other duties; he auxiliary provides legal advice. He is compulsorily affiliated with the notarial self-government (<i>izba notarialna</i>) (KRN 2022). He is subject to rigorous disciplinary liability (Oleszko 2016, pp. 170–520, 681–820).
Bailiff (komornik sądowy)	ustawa <i>o komornikach sądowych (Komornicy 2022b)</i>	Lawyer active between the public and private sectors. However, as a legal entrepreneur acting independently, he is simultaneously a judiciary associate. Supervised by the president of the district court where he operates. His main task is to execute court-established debts, but he also undertakes other activities such as correspondence service, inventory preparation, and provisional security. He is affiliated to the bailiffs' chambers (<i>izba komornicza</i>) (KRK 2022). He is subject to rigorous disciplinary liability (Gołaczyński et al. 2019, pp. 15–81).

Profession name	Main legal basis	Responsibilities
State lawyers		
Judge (sędzia)	ustawa <i>Prawo o ustroju sądów powszechnych</i> (<i>Sądy powszechnie</i> 2001), ustanowiona ustawą <i>Prawo o ustroju sądów administracyjnych</i> and other (<i>Sądy administracyjne</i> 2002).	Lawyer, public official with strong distinctiveness, autonomy and independence. He works within the structure of general, administrative, and other courts. Strongly separate from the executive and public agencies with a fundamental constitutional legal basis. Exercises justice on behalf of the Republic of Poland (issues judgments and decisions) and performs other organisational and managerial functions within the judiciary. He enjoys significant privileges and benefits that strengthen his independence. He is subject to rigorous disciplinary liability (Haÿduk-Hawrylak <i>et al.</i> 2018, pp. 77–89, 157–349, 383–449).
Court referendary (referendarz sądowy), assistant judge (asystent sędziego), court assessor (asesor sądowy), permanent mediator (mediator stał)	ustawa <i>Prawo o ustroju sądów powszechnych</i> and ustanowiona ustawą <i>Prawo o ustroju sądów administracyjnych</i> and other.	Lawyers working in courts supporting the judge's mandate. They undertake organisational and supportive activities of the justice system. They have special rights and duties that distinguish them from other ordinary court employees. However, they are a narrow and unnoticed professional group (Sztorc 2016, Haÿduk-Hawrylak <i>et al.</i> 2018, pp. 349–383, 449–548).

Profession name	Main legal basis	Responsibilities
Prosecutor <i>(prokurator)</i>	ustawa <i>Prawo o prokuraturze</i> <i>(Prokuratorzy 2016)</i>	Lawyer, public official, and state employee. Responsible for the legality of legal transactions. His main task is to conduct and supervise preliminary criminal proceedings; he also draughts and supports indictments in court. Facultatively, may participate in any other legal proceedings on behalf of the Judiciary. He is subject to rigorous disciplinary liability. He has several personal benefits and rights, such as formal immunity. Works in a highly hierarchical and centrally directed institution – the prosecution office. Other lawyers supporting prosecutors (assistants and assessors) also work in prosecutors' offices (Kiełtyka <i>et al.</i> 2017, pp. 376–611).

Profession name	Main legal basis	Responsibilities
Para-legal Professions		
Restructuring advisers (doradca restrukturyzacyjny)	ustawa o licencji doradcę restrukturyzacyjnego (Syndycy 2007)	Specialist involved in restructuring and insolvency, mainly of business entities. It is a para-legal profession, as it does not have to be practised by a lawyer (also by an experienced entrepreneur). The adviser profession can only be exercised by licenced persons granted by the Minister of Justice. His main task is to act as a receiver or court supervisor in bankruptcy and restructuring proceedings; he/she also provides legal advice and legal assistance to business entities. He is a completely independent freelance entrepreneur. He is not subject to rigorous disciplinary liability and does not have to be a member of a professional association. However, as a receiver, he operates between the state and liberty, is an auxiliary of the judiciary, and is subject to rigorous liability and supervision by the court (Wichrowski 2021, pp. 141–158)

Profession name	Main legal basis	Responsibilities
Tax adviser (<i>doradca podatkowy</i>)	ustawa o doradztwie podatkowym (<i>Doradcy podatkowi</i> 1996)	Specialist in economics, management, accounting, business law on the official list of tax advisers. A para-legal profession, as it is practised by lawyers, as well as economists and accountants. Its main duties include: providing legal, economic, tax and accounting advice; audit activities; also representation of clients within their area of practice before state and judicial authorities. A fully independent entrepreneur, but compulsorily affiliated with the tax advisers' self-government (<i>Krajowa Izba Doradców Podatkowych</i>) (KIDP 2022). Subject to rigorous disciplinary responsibility (Sobieska 2012, pp. 17–265).
Patent agent (<i>rzecznik patentowy</i>)	ustawa o rzecznikach patentowych (<i>Rzecznicy patentowi</i> 2001)	A lawyer or engineer involved in industrial property matters. A para-legal profession, as it may also be practised by specialists in engineering fields. Qualification is gained by being registered on the patent agent list. Provides consulting and assistance services mainly to business clients. Represents clients before industrial property courts and patent offices. Independent entrepreneur or employee. Member of a professional self-governing association (<i>Polska Izba Rzeczników Patentowych</i>) (PIRP 2022). Subject to rigorous disciplinary liability (Tkaczyk 2012).

Profession name	Main legal basis	Responsibilities
Trainee (<i>aplikant</i>)	Traineeships are regulated by the laws that establish the principal profession.	In every legal or para-legal profession (excluding employees of courts and prosecutor offices), a professional traineeship (<i>aplikacja</i>) is required. Without training, a person may not become a licensed lawyer (with some exceptions). Trainees have some of the rights, benefits, and obligations of full-time representatives of a profession. The rules and forms of professional traineeships and the status of trainees are defined by specific acts.
Non-licenced lawyers, also known as legal advisers and law graduates (<i>prawnik nielicencjonowany, doradca prawny, magister prawa</i>)		
No legal regulation but look at the Constitutional Tribunal ruling: (<i>Wyrok TK – prawnicy nielicencjonowani</i> 2003)		Legal services in Poland may be provided by any person, regardless of education, age, membership in any professional group, or professional self-government. The provision of services is then the free-market basis activity, similarly to the provision of any other service. It is not obligatory to provide legal services only within the above-mentioned legal and para-legal professions, and the provision of legal services by persons who do not practice those professions is not punished by law. People who do not practise the listed professions may be called lawyers. However, they are lawyers not recognized by public authorities (unlicensed by the authorities). At the same time, some activities, functions, benefits, and privileges are reserved only for those who are licenced. Theoretically, there is an attempt to standardize the provision of legal services by unlicensed persons, but changes are introducing slowly (Sołtys 2017, pp. 99–102, 129–199).

Figure 3. Main legal and para-legal professions in Poland

Legal profession	population
advocates	28 640
- active	20 718
- non-active	4 674
trainees	5 122
legal advisers	50 234
- active	39 099
- non-active	11 135
trainees	7 379
foreign lawyers	253
- lawyer's list	154
- legal adviser's list	89
notaries	3 648
bailiffs	2 110
judges	25 500
prosecutors	14 800
restructuring advisers	1 656
tax advisers	8 849
patent agents	909

Figure 4. Number of lawyers by profession, February 2022 (public statistics data)

Advocates, legal advisers, foreign lawyers, and trainee lawyers are licensed legal professionals recognised in Poland and throughout Europe. The Polish Law on Advocates (*Adwokatura* 1982), the Law on Legal Advisers (*Radcowie prawni* 1982) and the Law on Foreign Lawyers regulate their status (*Prawnicy zagraniczni* 2002), rights, and duties. The European Union legislation further clarifies its status and creates appropriate mechanisms for cross-border and international work (Claessens *et al.* 2012). Both groups of lawyers are required to be members of regional professional bar associations. **The vast majority of regulations were created in the 1980s and have not been subject to major changes until today** (Kwiatkowska-Fałęcka 2017, pp. 29–79).

We have observed for many years that the number of advocates and legal advisers has been changing rapidly. The legal community emphasises that the reason for this is the facilitation of admission to the profession, the increase in the number of law schools, the increase in demand for legal services, and the decline in the quality of services. Indeed, the number of jurists has increased fivefold over the last 20 years (Pietryga 2020, pp. 17–19). This is particularly the case for legal advisers, as a result of easier entry into the profession of legal adviser than advocate, the abolition of certain restrictions on criminal litigation, the demand for legal adviser services in business and public institutions, and the potential openness of legal adviser bar associations to new members. The number of licensed lawyers is also increasing in other European countries, as is clearly demonstrated in Italy, Spain, or Ukraine (CCBE statistics 2020, Lawyers number 2022). However, the increasing new lawyer supply generates competition, regulatory inflation (overregulation) of legal services, price and quality erosion, and social tensions between members of professional associations. As the status of lawyers has not been reformed and young people expect more from the profession, price pressures and social tensions do not lead to visible abandonment of the profession and job changes (Analiza ograniczeń 2004, pp. 31–45, Ceny usług 2020, Sitek 2016, pp. 175–177, Gnusowski 2017b, pp. 51–55, Masior 2017, pp. 69–70, Nizioł 2018, pp. 173–177, Rojek-Socha 2019b, Sowiński 2021).

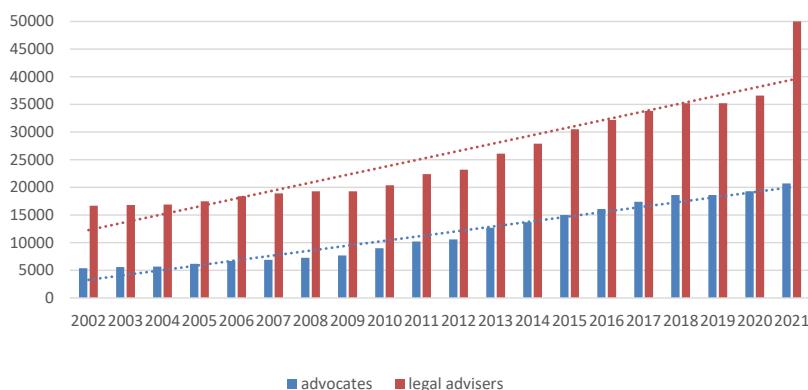


Figure 5. Volume of Polish advocates and legal advisers through the years (bar associations' data)

The increase in the number of licensed lawyers in Poland is not caused by non-domestic factors such as the influence of the European Union, the foreign business inflow, or migrations. This is most clearly illustrated by the lack of a significant number of foreign lawyers in Poland. Their number is constantly very small and does not increase. Moreover, many of them are dead souls who do not work in Poland or who left their jobs a long time ago. The increasing number of lawyers is not correlated with international factors.

3.2. Legal Education

Only graduates of uniform master's degree programs in law are entitled to practice as legal advisers or advocates (Zięba 2011, pp. 110–111). Other specialised legal disciplines are offered at Polish and foreign universities (international law, EU law, environmental law, business law, etc.), but their graduation does not entitle them to practice law as a licensed lawyer, e.g. as an advocate. Thirty-nine Polish higher education institutions promoted 6,635 master's degree holders in law in 2020. **The number of graduates is growing year by year, as is the number of universities educating in this faculty (in 2019 it was thirty-six universities). However, almost 60% of all law graduates graduated from 10 public universities** (Uczelnie 2021 2021, ELA 2022).



Figure 6 Size of law graduates in 2020 of the top 10 Polish law schools (public statistics data)

The Ministry of Justice reports that only approximately 40% of law graduates apply for legal traineeship examinations (aplikacja) (Analiza 2020). Some of them abandon legal careers, others continue their professional careers as researchers, some work as unlicensed lawyers, while others take their traineeship exams later or omit the traineeship in a legally specified procedure. However, the number of people entering for the traineeship exams has been declining steadily for the last 10 years (by 5% to 10% year-on-year). The reason is that graduates choose non-trainee paths to obtain professional licenses, most often based on professional experience (Bała 2013, pp. 13–27, Boszkowska 2019, Lewandowska 2019, Ziemińska and Jany 2020, pp. 16–21, ELA 2022).

Based on the qualitative data, we may conclude that the majority of active jurists graduated from Jagiellonian University of Krakow (43%) or Warsaw University (13%). The remaining lawyers studied at 7 other Polish public universities. Only a marginal number of licensed lawyers studied law at other universities in the country and abroad, which is difficult to observe during the survey. The qualitative data coincide with the statistical data. Apparently, graduates of other universities, even after admission, were unable to complete legal traineeships, successfully pass the final professional examination, and start legal practice (*Analiza* 2019, Analiza 2020, ELA 2022).

However, it is remarkable that the majority of all students, trainees, and active lawyers, as students, were associated with the universities of Krakow (Uniwersytet Jagielloński), Warsaw (Uniwersytet Warszawski), Katowice (Uniwersytet Śląski), Lublin (Uniwersytet Marii Curie-Skłodowskiej) and Toruń (Uniwersytet Mikołaja Kopernika). The common opinion is that these universities offer the best legal education, the widest variety of courses and the support of the best professors. They enjoy the highest prestige and esteem. Graduates from these universities are usually enrolled in legal training programs. An exciting student life, tradition, high universities position and law faculties in rankings, a wide range of extra-curricular activities, international law courses and foreign law schools also contribute to the popularity of these law faculties. Furthermore, the broader career prospects in these regions of the country are potentially more interesting than elsewhere (*Jakość kształcenia* 2013, Ranking Wydziałów Prawa 2021 2021, ELA 2022,

Staniec 2015, pp. 59–69, Zajac and Izdebski 2017, Ziemińska and Jany 2020, pp. 10–12, Mirowska-Łoskot and Szewioła 2021).

Jagiellonian University has the highest reputation among lawyers. People living in Gdańsk, Szczecin or Warsaw specifically move to Krakow to complete their law studies there. Only 42% of all Cracow Academia graduates come from Kraków or Małopolska. The others came from other parts of Poland. Clearly, the attractiveness of Kraków and the Cracovian law faculty is very high. This university must enjoy special prestige. However, in the case of the University of Warsaw, only 12% of graduates come from outside of the Mazowieckie Voivodeship, and these are mainly from the Podlaskie, Warmińsko-Mazurskie and Pomorskie Voivodeships. The impact range of the remaining law schools covers their own voivodship or the nearby regions (Wroczyńska 2013, pp. 252–269, Mazur 2017, pp. 208–222, Zajac and Izdebski 2017, ELA 2022).

Unfortunately, the fact that Polish advocates and legal advisers are not educated at foreign universities is disappointing. **A marginal number of Poles undertake studies in other countries.** The number is so small that it is difficult to detect it in the course of the study (UAM-Viadrina 2017, Lipiec 2022d, pp. 149–155). However, it appears that some universities put more emphasis on diversification of the subjects and forms of teaching offered. Specifically, Jagiellonian University graduates undertake various lawyers' specialisations (all identified), where advocates and legal advisers – graduates of other universities rather do not specialise (general practice). Furthermore, 35% of licensed lawyers who graduated from Kraków universities declared that during their studies they had the opportunity to participate in internships and placements abroad. For the University of Warsaw, it is 17%, for the University of Silesia, it is 11%, and in other cases it is less than 5%. Only former Jagiellonian University students were also able to participate in expert foreign law training (foreign law schools). Twenty-three percent of them indicate that they participated or could have participated in them. Graduates from other universities are not interested in such information, even if such courses were offered objectively. It probably proves their low quality, no promotion or the encouragement, or necessity to attend them (Sasin 2014, pp. 77–84, Stępień and Gaca 2018, pp. 19–22, Ziemińska and Jany 2020, pp. 20–25). Negative opinions

on education at other universities also appear among active lawyers, for example advocates from Wrocław and Katowice mention:

Universities and colleges prepare young lawyers very badly. Law school graduates come to us, and when we have exams, we cry during the colloquia: in the first year from criminal law and in the second year from civil law. We feel sorry for them because they know almost nothing. There are people who are very good, but the vast majority are very weak. If we wanted to take it seriously, as I talk to my colleagues, we should fail half of them. On the other hand, we cannot do this either, because if we do, there will be an outcry across Poland that we cannot teach. In reality, they are very poorly educated. They learn to solve tests that have been circulating at university for years, and you can be an idiot to pass such a test. Such people happen to us.

In law school, basically all the time there is theory, theory, theory. We are not taught to think. I always praised oral exams because during an oral exam even if I forget a definition but someone can see that I understand it and that I am thinking, then there was no problem. Nowadays, on the other hand, examinations very rarely consist of such a conversation about whether we understand a particular issue. It is sinful to teach people by heart and require them to know things by heart. The educational system for advocates, notaries, prosecutors, and judges in Poland was designed so that we have only five years of studies, and this is just general preparation, building general legal knowledge, such basics. Today such an approach makes no sense!

Only a few Polish universities educate legal professionals at a satisfactory level. Only graduates of Jagiellonian University acquire broad competences for the work as a professional lawyer. Otherwise, the acquired is, more or less, insufficient. Universities seem to be unaware that they provide education in ignorance of the needs of the domestic market needs and international trends. The absence of specialisation, the lack of international and foreign law courses, and the problems with teaching foreign languages are proof of the universities' failure to adapt to contemporary global trends in legal education. Apparently, students and graduates notice this problem because they really want to study at

Jagiellonian University. Even trainees, graduates of other universities than Kraków, Warsaw, and Silesia, do not become professional lawyers as if they doubted their abilities. The situation of legal education is very poor and contradictory to global trends, which only exacerbates the problems of Polish lawyers and the judiciary (Biernat 2007, pp. 40–81, Giaro 2014, p. 2, Braun 2018, pp. 168–175, Biedroń 2019, pp. 128–129, Jabłońska-Bonca 2020, pp. 197–259, Ziemińska and Jany 2020)

3.3. Age and seniority

The common perception is that a Polish lawyer is a mature, often older man. However, the actual situation is different. The study shows that most Polish jurists are younger than 40 years old (65%). **Basically, the Polish Bar is young.** The age distribution is consistent with the age distribution for the entire Polish population (Borek 2019, pp. 21–22). At the same time, young lawyers declare that they are already quite experienced legal specialists. More than 80% of them indicate that their service is at least 4 years and, for half of them, at least 10 years. **This indicates that young people start their legal career early.** Many of them already work during their university studies or undertake legal internships and traineeships. Lawyers are proud of their experience and consider it an important asset.

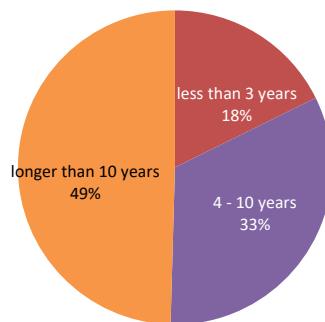


Figure 7. Seniority of advocates and legal advisers (survey data)

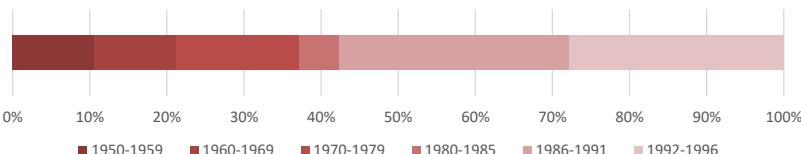


Figure 8 Age of advocates and legal advisers (survey data)

It is wonderful that young people are currently the most significant group among Polish jurists. Generally, they are more dynamic, open to the world, more educated, and adapted to the present environment. The youth dominance is also important from the perspective of globalisation trends acceptance and working abroad. Older lawyers, educated in the People's Republic of Poland or in the pre-Internet era, have problems with the use of information technologies, using international law procedures, and engagement to international cases. The larger representation of young people suggests that modern trends will find a positive reception faster. Dominating the Polish bar by young people is also a realization of a common trend in Europe of rapid professional rejuvenation. Certainly, this trend is generated by fast and widespread legal education, an increase in the number of lawyers-women, and natural processes of professional extinction of seniors (Kocemba 2018, pp. 257–260, Kośka 2018, Buczkiewicz 2020, EYBA 2022). However, it is apparent that older lawyers constrain the young in their endeavours and often have very negative opinions about their commitment, passion, and competence such as lawyers from Bydgoszcz and Bielsko-Biala:

The situation of young lawyers... simply an abyss of sloth. They behave as if they were old people. There is nothing in them that pushes them, nothing youthful. They do not get involved much; they are really individuals who would like to do something. I don't know what they are expecting. In addition, there is a tendency to see more and more women. Women have already dominated because men are looking for work elsewhere. Because it is not a job that gives the dream results.

The situation at present is such that lawyers graduate and see no prospects for themselves. This is the problem. And this does not only concern those who graduate. But if our trainees, young lawyers after their exams, say that they do not see any prospects for themselves in a law firm, it is very sad, something is wrong.

Significantly, the board structures of the professional bar associations are still predominated by lawyers over 50 years old. 85% of the district councils of legal advisers and advocates are just senior lawyers. This number is already decreasing in Warsaw and the largest regional capital cities (Wroclaw, Krakow, and Katowice).

3.4. *Profession and sex*

Traditionally, the profession of advocate or legal adviser is associated with men. They are considered to be outward looking, aggressive, and offensive. This traditional role of the male lawyer is clearly visible in Poland. Until the beginning of the twentieth century, the lawyer community was heavily masculinised (Patryk 2019, Rochowicz 2018, Szadkowska 2013).

Today, the situation is changing dynamically. More and more young women are graduating from law schools and entering the legal profession. The changes in the gender structure of Polish lawyers are deepening. **Currently, 40% of licensed jurists are women. In non-voivodship (non-regional capitals), smaller towns, already 60% of lawyers are women.** Female lawyers also make up 68% of lawyers employed in public institutions. Men still predominate in large cities (the regional capitals), managing their own law firms. However, when it comes to specialisation, there is a slight tendency for women to specialise in criminal law (sic!) and family law.

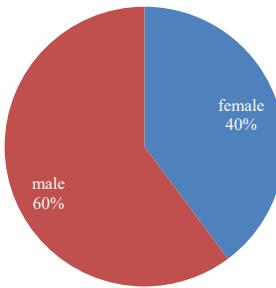


Figure 9 Sex of advocates and legal advisers (survey data)

In contrast, the youngest female lawyers do not prevail among male attorneys. This is a situation against European trends and popular opinion. This state of affairs also contradicts the picture of the number of female university graduates. It is difficult to find a reason for this. However, it is possible that young women graduate shape their life priorities differently, away from pursuing an intensive career. However, among lawyers, we find a large number of women lawyers over the age of 45 years. Women in preretirement age even outweigh men! It is possible that mature women, who have already raised children and enjoyed a married life, return to their former career and want to pursue their own passions and expectations. Only in their mature age are they not distracted by family matters, so they develop their suspended or suppressed lawyer's career (*Wyrok NSA I OSK 513/16 2016*, Rojek-Socha 2019a).

The fact that gender parity in the legal professions is being balanced is very much to be welcomed. Finally, women are actually being admitted to the profession on a full scale. Reasons for this include full access to legal education for women and general feminist trends in contemporary Polish society. It appears that women are more resourceful and feistier than men. They do not seem to work only in back offices of bigger law firms as in-house lawyers, in public institutions, and they do not specialise only in family law. Traditionally, female roles are not confirmed. Yes, male lawyers sometimes draw attention to such phenomena, but these are masculine and isolated voices. Meanwhile, today, manifestations of gender-based discrimination are becoming

increasingly rare. Women lawyers work on the same basis as men. **Only the bodies of professional associations (the boards), where men still constitute 75%, are places of certain gender discrimination** (Stypułkowska 1994, Urbanska 2009, pp. 230–237, Antkowiak 2010, pp. 107–113, Borowska 2012, Pokojska 2018, Krzyżanowska 2019b, Rojek-Socha 2019a).

Contemporary globalisation phenomena do not directly affect changes in gender parity in Poland. There is no correlation between the particular gender and specific political or legal phenomena. It seems that global feminist movements have resulted in a progressive opening of this profession. A growing number of female lawyers is also noticeable in Spain or France. **However, among foreign lawyers in Poland, there are still few women (27%)** (Wheeler *et al.* 2017, pp. 22–28, 47–76, García Goldar 2020, pp. 192–201) the number of female judges at the highest levels of the judiciary is very low, despite the approval of two Strategic Plans for Equality in the Judicial Career (2013 and 2020). Probably, this is caused by women's greater attachment to stability and care for the home rather than distant and risky escapades abroad.

3.5. Legal specialisation

The needs of the legal services market are becoming more sophisticated and broader each year. Regulatory inflation, the complexity of procedures, and pathologies are increasing (Hotel and Rychlewska 2015, pp. 44–52). Today, a single legal professional faces increasing difficulty to deal with all types of client, all types of case at all places and at all times. The legal community argues that lawyers today need to specialise in specific branches and areas of law, and even more narrowly in a particular case type or client group. The training of lawyers should be specialised. The question is whether one lawyer is able to deal, for example, with criminal matters and also with commercial cases, with business and individual clients, to provide services at home and abroad. **Hence, the need for narrower or broader specialisations appears to be urgent.** More and more law practitioners raise the necessity to specialise and identify new fields of work, but there are also some voices

denying the need of specialisation (Garicano and Hubbard 2009, pp. 1–2, Leliwa 2014, pp. 151–152, Sołtys 2015, Gradowska-Kania 2019, Rojek-Socha 2020). Two legal advisers from Opole and Olsztyń emphasize:

Today's law increasingly requires specialisation. There are many new and interesting areas for specialisation. In everyday practice, however, we often do not need to specialise. Here, in a smaller town, specialisation is actually unnecessary. Maybe in Warsaw or Katowice, but here we do not have time to specialise. However, I believe that specialisation is a necessity, and sooner or later we will have to choose our professional paths.

All lawyers consider themselves specialists in all fields of law. To my knowledge, there are few people here who declare to specialise in any particular field.

Arguments supporting professional specialisation are mainly raised by younger lawyers in bigger cities, where a non-specialisation means less competitiveness and difficulties to find a client. **Currently, a non-specialised lawyer is rare in Warsaw. However, in other bigger regional capital cities, particularly Wrocław, Poznań, Kraków, and Gdańsk, most lawyers specialise.** Usually, lawyers indicate their first specialisation and another additional specialisation. Whereas in Warsaw, the main specialisation is usually narrow, such as mergers and acquisitions of capital companies, alimony cases, criminal business cases, the second complementary specialisation is broader, such as company law and family law, criminal law. Other regional cities have a broader first specialization, e.g., civil law, criminal law. The second specialization is another broad area of law (criminal law, civil law, business law) or simply does not exist (general practice, all cases).

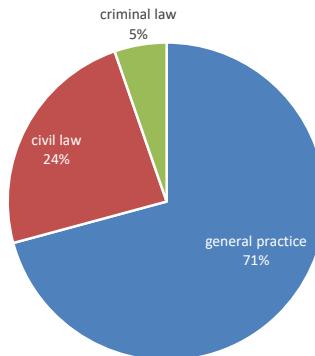


Figure 10 Main specialisation of advocates and legal advisers (survey data)

The situation is completely different outside Warsaw in voivodship capital cities or in smaller voivodship cities (Opole, Olsztyn, Białystok, Rzeszow). There, the lawyers accept almost all cases. There is actually an event. In smaller towns, jurists are omnibuses. There, specialisation is something very rare because it does not benefit lawyers. Frequently, it is considered an extravagance by local legal circles. **The bar associations indicate that 70% of its members declare the nonexistence of any specialisation (general practice).** The Bydgoszcz perceive the situation in this way:

The Specificity of the legal market in Bydgoszcz ... This is a small city, there are no large cases here. We cannot specialise in anything here. We have to accept all cases that a client brings to us. So we cannot afford such a luxury. The Bydgoszcz market does not allow for it. There is simply a demand for such cases in big cities. Here, there is none. The big cities have law firms that can specialise in these areas. Apparently, a law firm specialising in such matters has enough cases that it does not have to deal with other matters. Here, though, there are simply no such cases. Unless someone handles a large company and is so busy and engrossed in it that he or she has no time for other things.

Polish lawyers are not really looking for new fields for their practice and specialisation. They follow the direction expected by the local market.

Therefore, they do not choose innovative, specific fields of specialisation, such as maritime law, the new technology law, intellectual property law, international economic law or human rights law. They stay with the traditional specialization in criminal law or civil law or just deal with everything. More specifically, different scopes are so rare that they are difficult to capture throughout the country. More often, other specialisation areas appear as an additional area of expertise, but these situations are also rare.

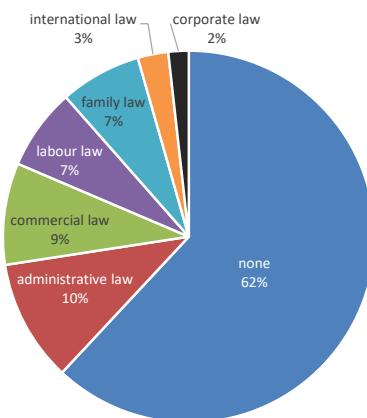


Figure 11 Additional, side specialisation of lawyers (survey data)

Characteristically, among the lawyer's specialisations, topics related to international affairs, the European Union and human rights, and cross-border cooperation appear extremely rarely. Only advocates indicate that 231 members (0.8% of all) of their associates declare such a specialisation. The absence of a distinct such specialisation indicates that globalisation trends and needs among Polish lawyers are extremely rare. The market does not need specialists on such topics. Therefore, jurists do not seek them. Specialists in such disciplines are marginal to Polish lawyers, and if they do appear, then only in Warsaw and in a few major cities (Kryszkiewicz 2009, pp. 1–2). Unfortunately, Polish lawyers still have a very limited ability to integrate with other countries and respond to needs outside of their home country. No specialisation of Polish jurists, no response to globalisation trends

and foreign events, is an action against European and global trends as well as many declarations of experts and legal circles (Moorhead 2010, Giezek 2014, Gnusowski 2017a, pp. 130–138).

3.6. Working Languages

The ability to speak foreign languages is fundamental in the modern world, especially for professional services in the free market. The lack of their knowledge complicates lawyers' work, even if they do not consider working with foreigners or going abroad. Globalisation is now so extensive that even local jurists have to refer to international case law, European Union acts, or use international law procedures. Clients from abroad are also becoming more frequent. Insufficient knowledge of foreign languages effectively prevents the provision of legal assistance to foreigners and full participation in current legal processes (Borowska 2013, Kloc 2020, Dec 2021, Lipiec 2022d, Jakie języki obce 2022).

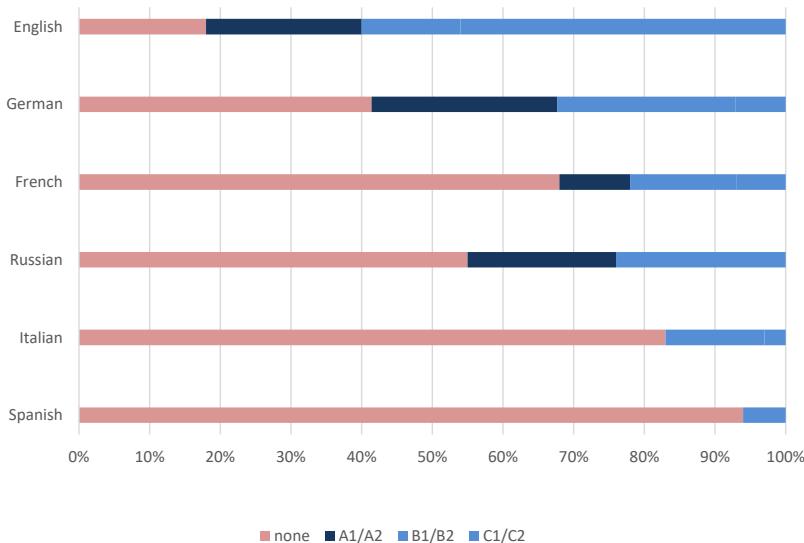


Figure 12 Language skills of advocates and legal advisers according to CEFR (survey data)

Polish advocates and legal advisers speak foreign languages. Only 12% of them indicate that they do not know any foreign language actively or that their knowledge has already faded. This situation mainly concerns jurists of retirement age. **English is widely known among Polish legal professionals.** Only 18% of them mention that they cannot use this language. **Meanwhile, almost 50% of jurists report that they are fully proficient in English to enable them to work abroad or fully cooperate with English-speaking clients (B2 or higher level according to CEFR)** (CEFR 2022). Jurists recognise that they have generally learnt the language at school and during their university education and that knowledge of the language is essential for modern legal practice. They also suggested that even in local practice, knowledge of English is useful for understanding the decisions of international tribunals or working with the increasing number of foreigners (*Bilans kompetencji* 2015).

The situation is different for other languages. More than ¾ of all lawyers (78% exactly) emphasise that they do not know a language other than English and Polish, or their level of proficiency prevents them from working with foreign clients or learning content in other languages. Although many jurists indicate that they have learnt a second foreign language in addition to English or Russian (for those over 50), their proficiency has been or is being eroded. Regarding German, French, Italian, and Spanish, less than 10% of lawyers would be able to communicate with clients who speak these languages or actively use these languages on a professional basis. Some lawyers report being able to socially converse in other languages on an auxiliary basis, but they would never engage fully in cooperation with fellow Italian, Spanish, or French lawyers or clients. Lawyers who declare language proficiency in languages other than English also declare specialisation or willingness to specialise in a particular ethnic group or country, or practice in international matters. The level of foreign language proficiency among Polish lawyers is best illustrated by the testimonies of two legal advisers from Opole and Szczecin:

The main barrier to working with foreigners is the active knowledge of a foreign language. At the moment, we are not talking about a normal language but the legal language. The German

legal language is very complicated because of its construction. Unfortunately, few colleagues actually speak German as a, and almost nobody uses German legal language. It is a great challenge for us even here in the Opole region.

You can write anything about your knowledge of languages in your personal file without consequences. Practical knowledge? I speak a bit of Spanish, quite good Russian from the times when it was obligatory, some German, and a bit of English. As far as I know, young lawyers are a different generation, so English is really dominant, but it is not always enough to work as a lawyer. If someone writes that they speak German, that is a big surprise. However, German is treated even here a bit neglected. But if someone writes that they know German, they almost certainly know it well, also on a professional level. Other languages... I have never seen this declared. I am a bit different because I liked languages in high school.

The most interesting situation concerns the knowledge of English and Russian in the context of age and seniority. For historical reasons (growing up in communism), lawyers over 50 years of age speak Russian as their first language. Younger legal professionals, meanwhile, declare English as their first language. However, it is clear that the knowledge of Russian is fading fast. In addition, more experienced lawyers indicate that they do not need to speak eastern languages because they rarely have the opportunity to work with foreigners from the East. Thus, knowledge of Russian is largely passive, whereas that of English is active.

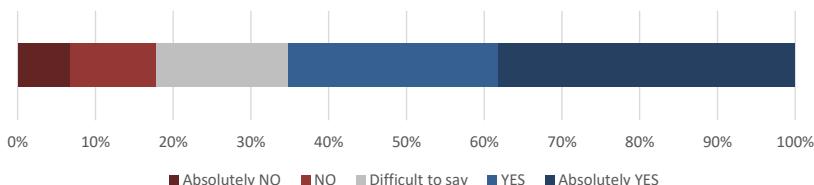


Figure 13 Difficulties in language skills of lawyers as a barrier to international work (survey data)

The language declarations of the jurists surveyed also provide an opportunity to assess the level of language education at universities. Regarding English, law graduates from Jagiellonian University declare a good knowledge of this language (58% fluent, 23% communicative level). The graduates of the University of Gdańsk, the University of Rzeszów and the University of Wrocław also declare a good command of English, but their number varies between 15% and 22% (the rest have basic knowledge or no knowledge at all). Knowledge of English among jurists, graduates of other universities, is at a lower level (Macioł *et al.* 2012, pp. 7–16, Braun 2018, pp. 169–171, Czuba 2018, Ziemińska and Jany 2020, pp. 19–21)pp. 7\\uc0\\u8211{}16, Braun 2018, pp. 169\\uc0\\u8211{}171, Czuba 2018, Ziemi\\uc0\\u324{}ska and Jany 2020, pp. 19\\uc0\\u8211{}21. The great majority of active lawyers (77%) emphasise that language difficulties limit their opportunities in day-to-day work in an international environment.

Language skills among Polish advocates and legal advisers indicate that most of them are ready to cooperate with foreign clients or international legal institutions. However, knowledge of English is not sufficient. The lack of good command of Russian, especially among younger lawyers, actually excludes them from the working possibility with people from the former USSR. Poor knowledge of French and Italian also hinders their ability to work with those countries or with the less educated people of southern Europe (Kosarzycka 2018). The complete lack of knowledge of other world languages, e.g. Mandarin, Arabic, Swahili, is worrying. Evidently, knowledge of foreign languages provides certain prerequisites for international work, but these are weak and rather regional foundations. Polish jurists certainly do not feel the broad influences of globalisation and are not able to handle global cases. However, they have the ground to work effectively in Europe. Regrettably, some Polish universities do not adequately train lawyers in foreign languages, and this may lead to a long-term decrease or disengagement in language skills. Undoubtedly, Polish advocates and legal advisers are attracted to the knowledge of foreign languages, which may bear fruit in the future.

3.7. Law practice locations

Most Polish advocates and legal advisers have their professional premises in large regional capital cities. This is a typical phenomenon due to the demand for legal services, larger population centres, seats of courts, offices, other judiciary institutions, and businesses. Furthermore, large cities are the places where jurists are trained and where they expect to find their dream jobs. According to general opinion, big cities are more promising than district towns or smaller towns. The dream city for lawyers, however, is Warsaw, which because of its capital's character concentrates the largest business, banking institutions and also offers potentially higher salaries than in smaller cities and the countryside (Top 100 2018, Kancelarie prawnicze 2021, Walencik 2019, Gajos-Kaniewska 2020a, 2020b).

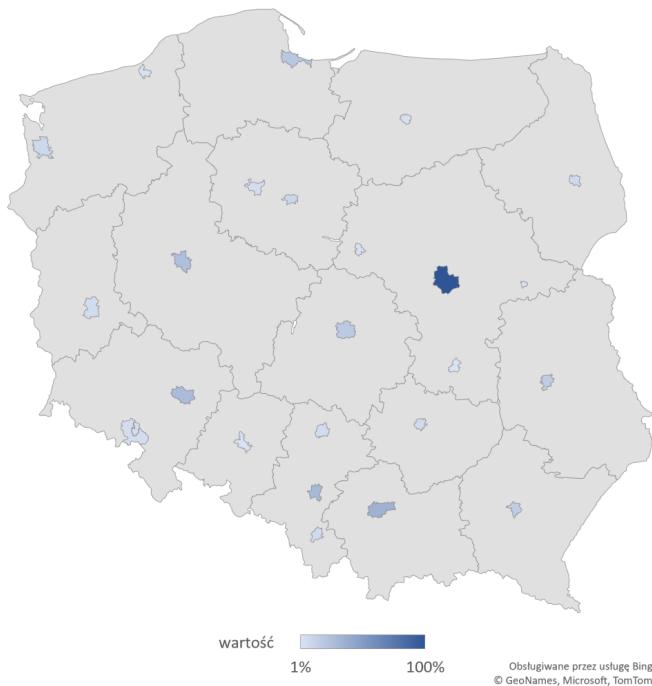


Figure 14 Number of bar associations' members by city of headquarters – Warsaw 100% (bar associations' data)

Lawyer groups can be divided into several groups according to their size. However, the best allocation units are regional bar associations. **The largest number of lawyers is located in bar associations with headquarter in Warsaw (5,777 advocates and 13,926 legal advisers),** three to four times smaller bars have their headquarters in Krakow (1,808 advocates and 4,368 legal advisers), Katowice, Wroclaw and Poznan, five times smaller than Warsaw are located in Gdansk (1,105 advocates and 2,867 legal advisers), Lodz, Rzeszow, and Lublin; bars with headquarters in Szczecin (520 advocates and 1,164 legal advisers), Bialystok, Kielce, Zielona Gora, Czestochowa, Walbrzych, Bielsko-Biala, and Torun are ten times smaller than the capital one. The smallest bars are those in Bydgoszcz (301 advocates and 1,205 legal advisers), Olsztyn, Plock (235 advocates), Opole, Koszalin (200 advocates), Siedlce (197 advocates) and Radom (161 advocates, the smallest bar association). They are at least a dozen times smaller than the Warsaw bar.

The dominance of Warsaw lawyers is still very clear. All matters and interests constantly intersect in the capital city, so the number of jurists must be important here. Even non-Warsaw lawyers highly value and respect the Warsaw legal services market. Sometimes they even notice as an advocate from Warsaw:

In the capital, as in all capitals, there is a large part of business, official matters, decision-making processes, the Supreme Court, the Supreme Administrative Court. However, not only do the capital bring together the forums competent to decide the most important cases, but here are often the most interesting events that end up in court. White-collar crime cases involve the interface between business, politics, and state authorities. Therefore, necessarily, a lot of interesting things happen here. Sometimes there are also cases that naturally find their way here because of the jurisdictional solutions. The market here is different because of the population, also because of the nature of business, because of the procedures, because of the presence here of the Constitutional Tribunal and the Supreme Court, all the cases from the country flow here. This myth of the Warsaw lawyer is often undeserved. All over Poland there are excellent and poor advocates.

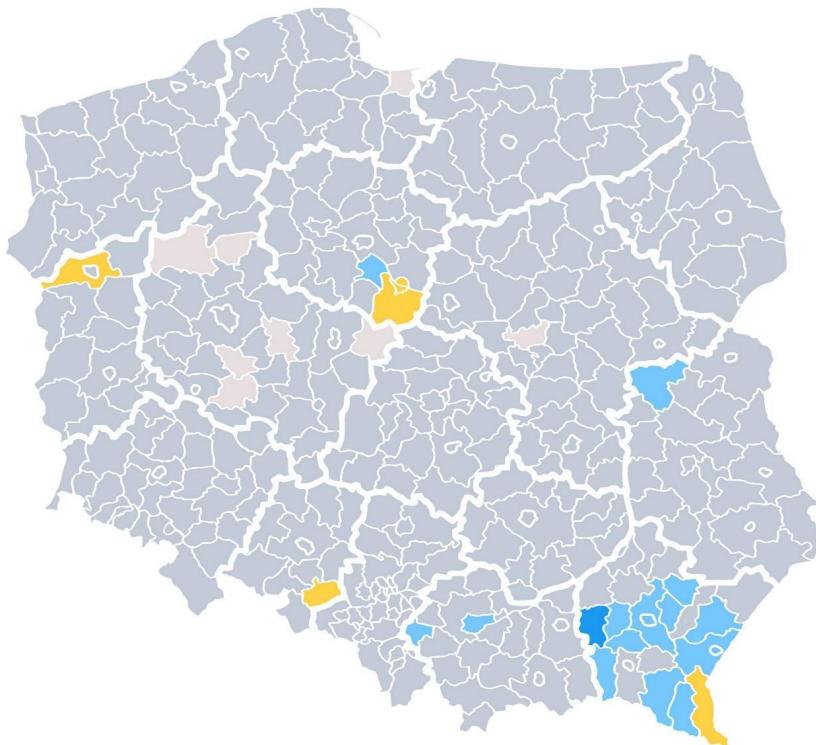


Figure 15 The number of lawyers and market needs (blue colour - surplus of lawyers, yellow colour - shortage of lawyers), December 2021, source: <https://barometrzawodow.pl>

However, contrary to appearances, provincial towns are not short of jurists. Many people, having completed their legal education, return to their family home and open law firms there. Additionally, many young lawyers tired of competition in large cities return to the provinces where competition is less fierce than in Warsaw or other regional capital cities. Therefore, the number of lawyers is increasing in smaller towns. Most of them praised their practice outside of Warsaw and other regional cities as more peaceful and financially profitable. Currently, it is easier to earn a good income and gain legal prestige in smaller towns than in Warsaw and regional cities (Nierówna konkurencja 2014,

Gnusowski 2017a, pp. 38–61). Even more experienced lawyers notice this phenomenon. One of them from Poznan suggests the following:

There are some people who intend to run a normal law firm somewhere in Poznan or the countryside. Anyway, nowadays those who work in the countryside often do much better than those in big cities, because there is less competition.

However, it is apparent that only five years ago, large cities did indeed concentrate lawyers. **Today, smaller towns and cities are much more tempting.** Although five years ago significant deficits were observed in the number of provincial jurists, today the distribution of the number of jurists in all regions of Poland is fairly uniform. However, there are non-voivodship districts where increasing competition is also noted in smaller towns. Therefore, legal practice in small towns is no longer calm, and lawyers are catching up with urban competition (Prognozy 2021).

The number of lawyers per one hundred thousand inhabitants, despite the concentration of lawyers in Warsaw and the voivodship capital cities, does not indicate that such localities have the easiest access to legal services. The largest supply of lawyers is in bar associations based in Katowice, Rzeszow, and Warsaw, and the smallest in Radom, Bydgoszcz, Szczecin, and Olsztyn. For the first three bars, the number of lawyers per 1,000 inhabitants is at least five times higher than in the second group. **Competition among lawyers is also very high in the Podkarpacie and Silesia regions, whereas in the Szczecin areas it is low.** This is caused by students returning from regional cities looking for their careers in smaller towns. However, competition on the provincial markets has increased significantly. Already in smaller towns, the lawyer's job does not appear to be as necessary, peaceful, and worthwhile as in large metropolises.

The reasons for such a distribution of lawyers in the country cannot be found in international events, the globalisation impact, the European Union activities. Such a professional displacement is caused by the large global number of jurists who, nevertheless, want to work in the profession. The multitude of universities training lawyers also in smaller towns means that even in the Podkarpacie region many people

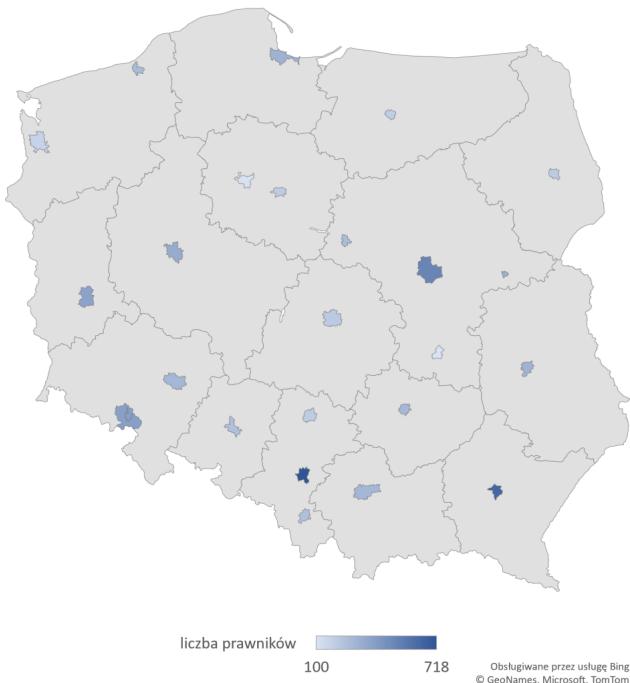


Figure 16 Number of lawyers per 100,000 inhabitants by seat of bar associations, February 2022 (bar associations data)

become lawyers every year (Walencik 2018, Uczelnie 2021 2021, ELA 2022). Furthermore, increased competition in large cities, especially in Warsaw, forces people to provide inadequate quality services to the countryside. However, even there, the lawyer saturation is virtually full. Today, there are signs that law graduates are not continuing their legal careers, also because of the huge competition in Poland. The trend of lawyers migration from big cities to provinces is being halted in favour of the young outflow from the legal profession to other professions. This trend will continue.

3.8. *Organisational framework*

Lawyers can provide their services in different organisational and legal forms. From the client's point of view, the legal form does not matter much, but from the perspective of lawyers, professional societies, and law enforcement, it has a fundamental significance. The law also regulates the organisational form in which advocates and legal advisers may provide their services. However, lawyers, as well as other people, may provide legal services in any form more or less strictly indicated by law, but then they may not act as advocates, legal advisers or other licensed lawyers. They are in such a situation simply ordinary service providers not specified by the law.

Individuals practising as advocates and legal advisers may provide their services within an employment relationship (employment with an institution, a company), under a civil law contract (nonemployment), in an individual business activity (solo law practice), in a nonequity company (law partnerships) and as a member of an advocacy cooperative (*zespół adwokacki*, nowadays extremely rare, only advocates). Minor differences between legal advisers and advocates are now a marginal issue (All about the organisational and legal forms of legal activity in Poland: Sołtys 2017).

Most Polish lawyers practise as sole practitioners. However, it is interesting that even in large regional capitals, including Warsaw, individual law firms predominate. **Meanwhile, it occurs more and more often that lawyers create a kind of office community (coworking)**, bringing together several or more than a dozen solo practitioners, but sharing one office and its costs without formation of partnerships (Cydzik 2017, Office for lawyers 2019, Coworking 2019, Coworking for lawyers 2020). Similarly, it is surprising to learn that more and more legal specialists form partnerships, also together with representatives of other legal professions and paralegal professions.

Contrary to popular belief, partnerships are not only formed in large municipalities either. They also appear in small lawyers' localisations such as Olsztyn, Opole, or Rzeszów (Lewandowski 2016, Detektywi 2018, Kralka 2019). Generally, only Warsaw is the seat of large legal consulting firms. They appear very rarely in other regional

capitals. They are usually comprehensive service providers where the activity of lawyers is ancillary. Sometimes they take the form of capital companies, but lawyers work there as ordinary employees and not as advocates or legal advisers. They are also often structured as law partnerships. Precisely, these entities appear most frequently in the widespread rankings of law firms (Kancelarie prawnicze 2021).

Work in an employment relationship or in non-employment (civil law contract) forms concerns mainly **legal advisers working in public institutions and enterprises, who traditionally prefer to be employed**. In addition, more frequent specialisation in business and administrative matters results in a greater willingness to work in enterprises and administrative bodies. **Generally, advocates prefer to work in individual law firms (77% of advocates practice in this form)**. This results from the traditional model of advocates' work, more frequent specialisation in criminal cases, which do not require teamwork, and certain formal difficulties encountered when starting employment by this professional subgroup.

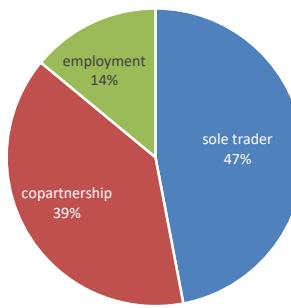


Figure 17 Legal and organisational forms of the law business (survey data)

Nothing suggests that lawyers specialising in other fields prefer any particular form of practice. It does appear that particular genders or age groups prefer any particular form of practice. **However, the fact is that advocacy cooperatives no longer practically operate as relics of communist times. Lawyers also do not declare a strong need to form**

partnerships with foreign lawyers, foreign companies, or capital companies. Instead, advocate-legal adviser partnerships are being established with other legal professionals (mainly tax advisers).

The number of law firms in Poland is large. This results in a certain organisational weakness of the Polish bar. As a consequence, lawyers have difficulties in managing large business cases of international dimension. Unfortunately, a single lawyer or a lawyer working in small companies is not able to effectively conduct difficult international cases with political elements. This results in less integration with the world and a weaker perception of globalisation trends (Lipiec 2022d, pp. 194–196). However, the significant share of individual law firms in the Polish legal services market is not unique. The situation is similar in Italy, Spain, and Greece and has similar effects. The number of large business cases is higher in countries with large law firms, including capital companies. Generally, large corporate clients are more likely to use the assistance of large law firms in the United Kingdom, the Netherlands, or Germany (there are equally many large and individual law firms) (Nascimbene and Bergamini 2009, pp. 61–235, Clark 2019, *Legal Services in Europe* 2020). Probably in a few years, more Polish lawyers will be eager to establish partnerships and expand their operations. Even today more partnerships are established, even in smaller towns, than a few years ago. With the development of organisational capacity, lawyers will be able to respond more quickly, effectively, and better to the new modern challenges.

4. Conclusions

Approximately 500,000 people worked as lawyers at the beginning of the second decade of the 21st century. The number of lawyers is very large and has been growing steadily over the years. Jurists are an important group of professionals who have a particular impact on social, political, and cultural development. Their importance is continually growing. That is particularly the case for lawyers providing their services in market conditions, mainly advocates and legal advisers, the number of whom exceeds 80 000. However, it is regrettable that at least half of legal professionals are not licensed lawyers, considered by the law and society to be professionals. The existence of such a large group of unlicensed lawyers may result in an increase in the informal economy, a decrease in the quality of services, and internal tensions within the lawyer's community.

The increasing percentage of women among lawyers is a significant phenomenon. The number of women among advocates and legal advisers has already exceeded 60%. This is a new trend that has been growing for about 10 years, but is very beneficial and desirable. More women lawyers make their work more multifaceted, flexible, and more sensitive to the needs of other social groups. However, it is a great shame that women are still rarely allowed to be members of executive bodies of bar associations.

Today, the image of an experienced senior attorney has virtually disappeared. Today, the Polish bar belongs to young and prolific, and increasingly often to women. Young people weigh heavily among advocates and legal advisers, particularly in Warsaw and the large regional cities. This is a desirable phenomenon because many junior lawyers are well adjusted to contemporary market realities, open to new opportunities, familiar with the challenges of the world today, and energetic. Moreover, we welcome the fact that even the youngest jurists, including legal trainees, are professionally experienced from the very beginning. Obviously, this fact proves that young people gain professional experience independently already during their legal studies or immediately after their graduation. They are therefore very self-

aware lawyers who do not believe in the quality of formal education. This phenomenon is very positive, as it results in a high level of even younger legal professionals.

Sadly, legal education is not at a high level in Poland. Higher education institutions seem to have problems adapting their educational profile to current challenges. This is clearly visible in the context of providing international legal services, openness to the world, and development of soft skills. Law studies currently do not provide even a basic set of competences for the active and professional provision of legal services. Therefore, young people are looking for opportunities to expand their experience and knowledge on their own. Apparently, especially in the field of language education, they intensively educate themselves, resulting in fairly good knowledge of foreign languages. However, knowledge of these languages is rather passive and limited to English. This is not a desirable situation, as it limits jurists in their opportunities to work in the wider transnational legal services market. Unfortunately, problems with language education are generated by faulty university training. Among Polish universities, only Jagiellonian University, Warsaw University and University of Silesia are able to offer a basic and satisfactory set of competences for a professional young jurist. The other national universities educate lawyers in an insufficient manner (Hazard 1968, Sommerlad *et al.* 2015b, Jamin and Caenegem 2016, Sherr *et al.* 2018).

Polish lawyers are very reluctant to establish larger law firms. Although the situation has changed slowly over the last few years, Poland still lacks large professional companies. This is caused by legal restrictions on the formation of capital companies by lawyers, but primarily results from a lack of demand for larger legal teams. Poland is still dealing with cases of low importance and value; therefore, the establishment of large companies becomes unnecessary. Larger lawyers' entities generally exist only in Warsaw; they appear very rarely in other regional cities. Actually, only Warsaw offers full opportunities for lawyers to specialise. The presence of central authorities and international business stimulates the activity of lawyers and expands the possibilities and necessity of lawyers' unification and specialisation. Elsewhere in the country, lawyers basically deal with everything. Although competition in the countryside is still lower than in the regional cities. However, this

trend is changing dynamically. Attorneys in a provincial area still deal with everything because there is no demand to specialise and handle larger cases as a team. However, the picture of the legal province, especially in the largest regional cities, slowly begins to resemble Warsaw, full of highly specialised lawyers and larger law firms.

Polish lawyers, particularly advocates and legal advisers, appear to be relatively untroubled by globalisation trends, transnational events, migration, the impact of the EU and the financial market globalisation. Already at the educational stage, they are not introduced to non-national issues. They are not taught foreign languages, they rarely attend foreign law schools, they do not acquire soft skills, they do not study international law, and most importantly, they do not study abroad and do not participate in foreign exchanges. This is against European trends in education. As a consequence, more legal professionals are becoming deaf to global and transnational events. Lawyers simply do not know that they can engage in non-local matters, they do not know where to get information about the world or how to actively participate in legal globalisation. Therefore, the problem here is already at the root.

However, certainly the growth of the legal profession is a widespread phenomenon across Europe. It is the result of easier access to education, market demand, and migration. The global impact on Polish jurists is unconscious here. A similar situation concerns women who, because of the existence of feminist movements and gender equality policies, are finally becoming fully fledged lawyers. This is also a very visible phenomenon throughout Europe.

Fundamentally, on a European scale, lawyers specialise in narrow legal fields and establish larger law firms. Only in this way are they able to face greater challenges. Such phenomena are practically non-existent in Poland, except perhaps in the Polish capital. This is a worrying situation because it goes against progressive trends. Instead, it will result in a reduced role for Poles within larger cases engaging lawyers across the continent or globally. Unfortunately, a Polish individual lawyer or partner in a small law partnership will not be able to compete with colleagues from large law firms in the Netherlands, Germany, or the United States. The situation is similar with specialisation. Specialisation is necessary in times of overregulation of many areas overregulation. Without specialisation, a Polish lawyer will not be competent to deal

with narrow fields of cognition and law. Warsaw and further European specialist lawyers will then command the legal services market (Nascimbene and Bergamini 2009).

Undoubtedly, the legal acts shaping the legal position of advocates, legal advisers, and foreign lawyers do not facilitate the lawyers' work in a global environment. They are largely tailored to the dying days of communist Poland and Poland's domestic politics in the 1990s. These laws do not respond to the contemporary demands of a globalising legal state and global legal services. The existence of the old-fashioned institution of bar associations, the prohibition on incorporation of limited liability companies, marketing restrictions, fossilised professional self-government structures, the inability to form legal entities in partnership with other professions such as accountants, detectives, and engineers, the separation of domestic and foreign lawyers, and de facto segregation of licensed and non-licensed practitioners effectively constrains lawyers to open up to the world and adapt to global trends (Bodnar *et al.* 2007).

The legal professions are highly territorial. Territoriality shall be understood as the establishment of legal, political, social, and cultural boundaries that distinguish the one country's system of lawyers from the other country's system of lawyers. Until recently, when globalisation processes were only tentative and Poland and Polish lawyers did not exist in international structures (mainly the European Union), the system of Polish lawyers was a self-contained system with all attributes of an autopoietic system (Luhmann and Schorr 2015, pp. 37–60). However, as a result of transnational changes, many formal boundaries with general consent collapsed (e.g., the effects of the EU internal market, EU law, migration, global competition). The national closed system of lawyers faced a dilemma:

1. change or displace the boundaries of that system;
2. be assimilated into another lawyer system, e.g. an analogous German system;
3. create a new system through merger with other autopoietic systems e.g. by creating a universal system for the provision of legal services in the EU;
4. fight for its independence by strenuously maintaining its former borders.

The last option was generally excluded because Polish international legal obligations prohibit maintaining barriers to lawyers from other countries or placing restrictions on clients from other countries. Moreover, increasingly fluid capital flows and migrations require lawyers to open for business benefits. Nevertheless, at the same time, the last option is the only right one from the perspective of preserving the closed system in its homogeneous form. The failure of Polish jurists to use the third option would lead to changes, sometimes even to the liquidation of the Polish independent lawyer system.

The creation of a new closed (perhaps semi-open) European system is a goal of the European Union. The Union aims to unify the provision of legal services in Europe and to replace national systems with one pan-European system. In addition, from a market point of view, it would even be appropriate for capital-strong German lawyers to absorb the Polish bar, thus creating a new Polish-German legal service provision system. Shifting the boundaries, or significant changes, in the Polish lawyer system is the softest option, which causes the Polish lawyer system to adapt to inevitable changes and obligations, while at the same time allowing the boundaries of the system to be maintained.

In the lawyer society, all the options for the new boundaries of the Polish bar are experienced. However, none of the options is unequivocally acceptable. Therefore, Polish lawyers have developed a number of their own mechanisms for establishing or maintaining the boundaries of their own independence but at the same time to some extent flattening the pressures of the outside world and other systems. In this way, the Polish autopoietic lawyer system protects itself from changing its boundaries or being absorbed. The major new form of delimitation from other lawyer systems (other countries, the EU and the world) is to limit the international and intercultural competences of the members of the system, which would facilitate the opening of Polish lawyers to other lawyer systems. Hence, deficiencies in education and language skills prevent the transition to other countries' lawyer systems or the creation of a new European system. Additionally, the weakness in establishing large law firms, the lack of specialisation, the fragmentation into professional subgroups and territorial dispersion, or the reduction of the women's role are conducive to the establishment of new cultural and social boundaries affirming Polish lawyers in their independence

from lawyers of other countries or European and global jurists. The new barriers sufficiently insulate the Polish lawyer system from aggressive external systems extending their boundaries, particularly global competition in the legal services market, law globalisation or the unification of the legal profession.

The boundaries of the Polish lawyer system are invisible. The closed system creates them for itself to defend itself against other systems. It creates them in place of disappearing political and legal barriers (as a result of EU actions) and some social barriers, such as those related to cross-border competition and migration. In consequence, the Polish lawyers, the outside world, and other systems remain distinguished from them, to some degree conflicted with them. As a result of such self-policing, the Polish system of lawyers is still different and internally homogeneous despite many efforts to change or expand its boundaries.

Numerous areas can be quite clearly improved to make Polish lawyers more responsive to the contemporary needs of clients and the global legal market.

1. Improving the quality of lawyers' general education, especially in the context of soft skills formation, e.g., argumentation, rhetoric, letter and speech construction;
2. Strengthening the international experience of young lawyers mainly through language training, not only English, organisation of foreign law schools, participation in international exchanges and traineeships;
3. Normalization of the situation of unlicensed lawyers and the creation of an acceptable legal and professional space for their legitimate work as lawyers;
4. The creation of a state policy for all lawyers, especially for the internationalisation of their services, support for internationalisation and cooperation with European Union institutions;
5. Training, exchanges, workshops, with state support, for lawyers and representatives of professional bar associations to study the work of foreign lawyers, to learn to work abroad, and to share experiences;

In the long-term perspective, attention to these areas should result in an increase of the internationalisation of Polish jurists, an enlargement of the volume of cases with a wider scope, and a progressive integration of Polish legal professionals worldwide. These actions are not sudden

and decisive, but are more aimed at building and networking. However, for independent professionals, these are the only right types of activity that can be effective. Administrative actions probably do not have the desired effect. Changes among lawyers must start now. Otherwise, legal globalisation will completely overwhelm Poles. Consequently, Poles will become the pariahs of Europe and will not be able to participate actively and profitably in international legal circulation.

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Abstract

Polish Lawyers in Face of Globalisation; socio-legal overview

Stanisław Lipiec, M. A.

European University of Law and Administration of Warsaw, Poland

staszeklipiec@gmail.com

ORCID 0000-0002-1014-1208

+48 730 738 167

Poland, 42-202 Częstochowa, Jasnogórska 11/2

Globalisation processes are now increasingly visible also in the provision of legal services in Poland. They significantly influence the lives and professional practice of Polish advocates and legal advisers. The realities of the lawyers' professional practice are changing considerably year by year. Consequently, individual lawyers, as well as the entire professional group, are evolving.

Developments in the number of Polish advocates and legal advisers, their distribution, gender parity, age and professional experience, specialisation and business legal form, professional qualifications and language skills are largely a result of globalisation and internationalisation of legal services. These processes are occurring quite rapidly and are already evident. Modern lawyers are already beginning to differ from the legal practitioners of 20-30 years ago.

The socio-legal study is based on the statistical data analysis of Polish and European public, academic and professional registers, as well as on own empirical research performed among Polish advocates and legal advisers. The research was based on a representative survey questionnaire method and the method of qualitative interviews.

The study results demonstrate a profound transformation of the legal professions, the existence of new development trends and the development of new types of legal services and working methods of Polish advocates and legal advisers.

Keywords: sociology of law, anthropology of law, socio-legal studies, legal professions, lawyers, advocates, legal advisers, Polish law, globalization

Stanisław Lipiec – lawyer, historian, political scientist; expert of the European Commission and governmental and non-governmental institutions. Specialist in sociology and anthropology of law, international law and European Union law. He conducts research on the reality of the judiciary, operation of lawyers and provision of legal services as well as the impact of international law on the functioning of Europeans. Simultaneously acts as a permanent mediator and as a tax and legal counsel.



Stanisław Lipiec – prawnik, historyk, politolog; ekspert Komisji Europejskiej oraz instytucji rządowych i pozarządowych. Specjalista z zakresu socjologii i antropologii prawa, prawa międzynarodowego i prawa Unii Europejskiej. Prowadzi badania nad rzeczywistością wymiaru sprawiedliwości, funkcjonowaniem prawników i świadczeniem usług prawniczych oraz wpływem prawa międzynarodowego na funkcjonowanie Europejczyków. Równolegle sprawuje funkcje mediatora stałego i doradcy podatkowego i prawnego.

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