

## PROBLEMS OF NATIONAL PUBLIC AND PRIVATE LAW

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### ORGANIZATIONAL FORMS OF ADVOCACY IN THE CZECH REPUBLIC AND UKRAINE: COMPARATIVE LEGAL ANALYSIS

FORMA DAT ESSE.  
FORMA LEGALIS FORMA ESSENTIALIS.  
(Form gives being. Legal form is essential form<sup>1</sup>)

The article provides a comparative legal analysis of organizational forms of advocacy in the Czech Republic and Ukraine. Mechanisms of these forms established in national legislations are studied. The author conducts the general description of each existing forms of advocacy in these states: an individual activity, an attorney bureau, joint activities (associations, consortium, and companies), lawyer as an employee of another lawyer, and permanent cooperation of lawyers. Similar and different features of these forms in two states are discovered. The amendments which Czech legislation has undergone according to EU were indicated, including implementation of the European lawyers institute with distinguishing on visiting and established lawyers. The article determines necessary steps for Ukraine towards European integration, namely expanding regulation of foreign lawyers and introduction of a special status for European lawyers in its legislation.

**Key words:** Ukraine, the Czech Republic, advocacy, European integration, comparative analysis, organizational forms

**Relevance of research.** In a process of the state building-up, Ukraine has chosen the way of European integration. As a proof of this statement we can see conducting of a series of reforms. In particular, this reform touches the institute of advocacy. The independent institute of advocacy is an evidence of the society maturity cause advocacy is a tool of human rights protection. But the efficiency of the legal profession, of course, depends on the forms of its activity in a country.

Searching for the best national regulation, one should refer to the experience of the countries that have already implemented their European aspirations, have passed the stage of legal reform, and now have established legal regulation of the legal profession and whose legislation is in line with the best European rulemaking models.

**The aim of the article.** For the purpose of comparison, the Czech Republic legislation is proposed to be researched, and more specifically such part of legislation as the organizational forms of advocacy. Belonging to the same legal family, ethnic Slavs development, similar historical factors of the nation building, as well as cooperation and commitment to the realization of human values make Ukraine and the Czech Republic kin, and therefore constitute an interest and the basis for comparative analysis.

**Research results.** The Law of Ukraine "On the Bar and Practice of Law" of July 5, 2012 (hereinafter – "the Law") establishes three organizational forms of advocacy. Instead, the analysis of the Act of the Czech Republic "On the Legal Profession" of March 13, 1996 (hereinafter – "the Act") permits to distinguish five forms of advocacy. Herewith it should be noted somewhat different terminology. Thus, Title Two of Part One of the Act is named "The Form of Practising the Legal Profession" but is meant to

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<sup>1</sup>Ballentine, J.A. (2005). *A Law Dictionary of Words, Terms, Abbreviations, and Phrases which are Peculiar to the Law and of Those which Have a Peculiar Meaning in the Law, Containing Latin Phrases and Maxims, with Their Translations and a Table of the Names of the Reports and Their Abbreviations*. Clark: The Law Book Exchange, Ltd., 181. Google Books. <<https://books.google.com.ua/books?id=biT2u-ncj3UC>> (2016, September, 13).

deal with advocacy<sup>1</sup>.

Self employed lawyer (individual form of advocacy) is enshrined in both states. Art. 13 of the Law prescribes that. An attorney who practices law as an individual practitioner may open bank accounts, have a seal, stamps, letterheads (including warrants) indicating his/her name, surname and patronymic, the reference number and the date of issuance of the certificate of right to practice law<sup>2</sup>. In the Czech Republic the similar organizational form is contained in Section 11 (1) a) of the Act.<sup>3</sup> Most lawyers in the Czech Republic prefer to practice on their own<sup>4</sup>. At the same time, such person essentially acts as an entrepreneur, so being more interested in the performance of his work<sup>5</sup>.

Activity of an attorney bureau in Ukraine is governed by Article 14 of the Law. Attorney bureau is a legal entity founded by one attorney and operating under the articles of association. The name of an attorney bureau must contain the surname of the attorney who founded it<sup>6</sup>. Attorney bureau has its own balance sheet, may open bank accounts, have a seal, stamps and letterheads with its name. Attorney bureau is a party to an agreement on the provision of legal services by itself. The attorney bureau may enter into contracts with other attorneys to involve them in the performance of the agreements on the provision of legal services to which it is a party. The attorney bureau shall ensure observance of the professional rights of attorneys and of the guarantees of the practice of law<sup>7</sup>. In the Czech Republic there is no such an organizational form of the legal profession when a lawyer is regarded as a legal entity.

The attorney company, which is the last form of advocacy in Ukraine, according to Article 15 of the Law, is a legal entity founded through association of at least two attorneys (members) and operating under the articles of association. The attorney company has its own balance, may open bank accounts, have a seal, stamps and letterheads with its name. The respective attorney company shall be named as a party to the agreements on the provision of legal services. The attorney company may enter into contracts with other attorneys to involve them in the performance of agreements on the provision of legal services concluded by the attorney company. On behalf of the attorney company an agreement on the provision of legal services shall be signed by a member of the attorney company authorized by the power of attorney or the articles of association of the attorney company. The attorney association shall ensure the observance of the professional rights of attorneys and of the guarantees of the practice of law.<sup>8</sup>

In the Czech Republic the organizational form when lawyers are acting in advocacy jointly stipulates Section 11 (1) b) of the Act. It is clear that a major reason for the election of the joint business is taxation<sup>9</sup>. Provided that, the Act provides three different forms of joint advocacy: a consortium, a company, and a foreign company<sup>10</sup>.

Activity of a consortium in the Czech republic is governed by Section 14 of the Act<sup>11</sup>. Lawyers may consort for the purposes of joint practising of the legal profession; in such case, they shall regulate their mutual relations through a written Contract under the Civil Code. Members of a Consortium may only be lawyers and they shall be obliged to practise the legal profession under their common name. Lawyers who are members of a Consortium must have a common seat. As of the day of establishment of participation until its cessation, a lawyer who is a member of a Consortium may not, at the same time, practise the legal

<sup>1</sup>Čopjanová, V. (2013). *Aktuální otázky právního postavení advokátního koncipienta v ČR*. Olomouc: Právnická fakulta Univerzita Palackého v Olomouci, 22.

<sup>2</sup> *Закон про адвокатуру та адвокатську діяльність 2012* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon5.rada.gov.ua/laws/show/5076-17>> (2016, September, 13).

<sup>3</sup>*Zákon o advokacii 1996* (Parlament České republiky). *Portál veřejné správy*. <<http://portal.gov.cz/app/zakony/download?idBiblio=44102&nr=85~2F1996~20Sb.&ft=pdf>> (2016, September, 13).

<sup>4</sup>Jelínková, A. (2014). *Regulace v oboru advokacie*. Brno: Ekonomicko-správní fakulta Masarykova univerzita, 49.

<sup>5</sup>Jelínková, A. (2014). *Regulace v oboru advokacie*. Brno: Ekonomicko-správní fakulta Masarykova univerzita, 47.

<sup>6</sup>Фіолевський, Д.П. (2014). *Адвокатура*. Київ: Алерта, 345.

<sup>7</sup>*Закон про адвокатуру та адвокатську діяльність 2012* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon5.rada.gov.ua/laws/show/5076-17>> (2016, September, 13).

<sup>8</sup>*Закон про адвокатуру та адвокатську діяльність 2012* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon5.rada.gov.ua/laws/show/5076-17>> (2016, September, 13).

<sup>9</sup>Kraitzová, I. (2006). *Způsob výkonu advokacie v ČR*. Praha: Katedra podnikového a evropského práva Fakulty mezinárodních vztahů VŠE v Praze, 15

<sup>10</sup>Čopjanová, V. (2013). *Aktuální otázky právního postavení advokátního koncipienta v ČR*. Olomouc: Právnická fakulta Univerzita Palackého v Olomouci, 23.

<sup>11</sup>*Zákon o advokacii 1996* (Parlament České republiky). *Portál veřejné správy*. <<http://portal.gov.cz/app/zakony/download?idBiblio=44102&nr=85~2F1996~20Sb.&ft=pdf>> (2016, September, 13).

profession as a sole lawyer or as a member of Company or as the member of a Foreign Company, or in another Consortium, nor as an employee<sup>1</sup>.

Activity of a company of lawyers is regulated by Section 15 of the Act while thus distinguish national and foreign companies<sup>2</sup>. Lawyers may practise the legal profession as members of an unlimited company, limited partnership company or limited liability company provided that the object of business of such Company is solely the practice of legal profession and that only lawyers establish its membership. Unless the Act provides otherwise, the Company shall be subject to provisions of the Act regulating the legal relationships of business companies and cooperatives<sup>3</sup>.

The lawyer shall be entitled to practise the legal profession in the Company only after he has been recorded as member of the Company in the Commercial Register and after the entry of compliance with payment obligation to the full scope into the Commercial Register; the entitlement of the lawyer to practise the legal profession as a sole lawyer, in a Consortium or in another Company until the recording is effected shall not be prejudiced.

Lawyers who are members of a Company shall practise the legal profession on behalf of the Company and at its expense. Only the Company shall be a party to a legal relationship, created in connection with the provision of legal services by a lawyer who is a Company member, with clients, as well as third persons; those relationships shall be governed by the Act and by special legislation.

The registered (corporate) agent of a limited liability company may be appointed only from among its members. The termination of a lawyer's membership in the Bar and striking of his name off the Register of Lawyers shall terminate his membership in the Company; the lawyer shall be entitled to a settlement (distribution) share under special legislation. Only a lawyer may become an heir to the business share in a Company; the right of a non-lawyer heir to be paid the settlement share under special legislation shall not be prejudiced thereby.

Activity of foreign companies of lawyers is regulated by Sections 35s, 35t, 35u of the Act<sup>4</sup>.

A Foreign Company may provide legal services in the Czech Republic if a) its seat or a structural unit of its business is located in any home country (EU state members); b) members of the Foreign Company are lawyers or other natural persons entitled to provide legal services in any home country under professional title; c) the provision of legal services is the sole purpose of business of the Foreign Company; d) the Foreign Company, or its structural unit has been recorded in the Commercial Register under special legislation; e) legal services are provided solely by lawyers or established European lawyers. Only a lawyer or an established European lawyer who is the member of a Foreign Company may be recorded in the Commercial Register as a representative of the Foreign Company, or as head of its structural unit. A Foreign Company may enter into an employment contract with lawyers, established European lawyers and legal trainees.

Every member of a Foreign Company who is liable for debts of the Foreign Company with all his property (hereinafter referred to as "unlimited liability member") shall be obliged to take out professional indemnity insurance against the liability of the Foreign Company for the detriment caused in relation to their provision of legal services in the Czech Republic; the insurance shall commence on the date of the registration in the Commercial Register of the Foreign Company or its structural unit, and shall correspond with the insurance of an unlimited company member or of a general partner in a limited partnership company under s. 24a (1) (hereinafter referred to as "professional indemnity insurance of members of a Foreign Company").

A Foreign Company with no unlimited liability members must be insured against liability for the detriment caused in relation to its provision of legal services in the Czech Republic as of the date of the registration in the Commercial Register of the Foreign Company, or its structural unit, in the manner applicable to the limited liability company under the Act; a Foreign Company with at least one unlimited liability member among other members must be insured in the manner applicable to a limited partnership company under the Act (hereinafter referred to as "professional indemnity insurance of a Foreign Company").

<sup>1</sup>Schelleová, I., Schelle, K. (2006). *Organizace soudnictví a právní služby*. Brno: Alfa, 125.

<sup>2</sup>*Zákon o advokacii 1996* (Parlament České republiky). *Portál veřejné správy*.

<<http://portal.gov.cz/app/zakony/download?idBiblio=44102&nr=85~2F1996~20Sb.&ft=pdf>> (2016, September, 13).

<sup>3</sup>Svejkovský, J., Vychopeň, M., Krym, L., Pejchal, A. (2012). *Zákon o advokacii: Komentář*. Praha: C.H. Beck, 94.

<sup>4</sup>*Zákon o advokacii 1996* (Parlament České republiky). *Portál veřejné správy*.

<<http://portal.gov.cz/app/zakony/download?idBiblio=44102&nr=85~2F1996~20Sb.&ft=pdf>> (2016, September, 13).

A Foreign Company shall be obliged to submit to the Bar a counterpart or an officially verified copy of its contract of insurance of its members or of the Foreign Company itself, or a document issued by the insurance company or a foreign insurance company or another competent person certifying the existence of insurance, relevant in terms and its scope, of its members or of the Foreign Company itself (hereinafter referred to as “certificate of professional indemnity insurance of Foreign Company”) by the end of the calendar year in which it was recorded in the Foreign Companies Register, and subsequently by the end of each calendar year preceding the calendar year covered by the insurance contract, as well as at any time the Bar may so request.

The Bar shall, without delay, submit to the court an application to remove a Foreign Company, or its structural unit, from the Commercial Register if it finds that the Foreign Company fails to meet the requirements of the Act.

A lawyer practising law as a Company member or a Foreign Company member may not practise the legal profession as a sole lawyer, or as a member of a Consortium or of any other Company or as the member of a Foreign Company, nor may he be employed to practise the legal profession<sup>1</sup>.

As you can see, there are no similar provisions in the Ukrainian legislation and the Law. Moreover, in the Act these provisions are set very detailed. And lack of such provisions in the Law is undoubtedly a gap.

The Ukrainian legislation also does not contain the subsequent form of advocacy, enshrined in Sections 11 (1) c) and 15a of the Act, namely an employed lawyer by another lawyer or a Company or a Foreign Company<sup>2</sup>. Under Section 15a (1) a lawyer may practise the legal profession as an employee of another lawyer or a Company or a Foreign Company (hereinafter referred to as “employed lawyer”). Unless stipulated otherwise by the Act, the employment relationship of employed lawyers shall be governed by the Labour Code. A lawyer may be employed only by one lawyer or one Company or one Foreign Company; the employed lawyer shall not be entitled to practise the legal profession as a sole lawyer, nor may he practise the legal profession jointly with other lawyers. While practising the legal profession, an employed lawyer shall be obliged to use the title “lawyer” along with the title of his employer; other titles or appendices under s. 12 may be used by the employed lawyer only upon agreement with his employer. An employed lawyer shall not be entitled to make a contract of employment in the capacity of employer with another lawyer or legal trainee, or to employ other persons in connection with his own legal practice.

An employed lawyer shall practise the legal profession on behalf of his employer and at the employer’s expense; the employed lawyer, upon consent of his employer, shall be entitled to practise the legal profession on his own behalf and at the expense of his employer a) unless special legislation prohibits in individual cases that the law be practised by the employed lawyer on behalf of his employer, or b) if legal services subsist in the representation of clients in proceedings before courts or other bodies, including defence in criminal proceedings. If an employed lawyer has been appointed by the Bar under the Act or appointed under special legislation to provide legal services, he shall provide such legal services on his own behalf and at the expense of his employer.

Damage, as prescribed in art. 15c, caused to his employer by the employed lawyer when rendering legal services under ss. 15a, 15b or in the direct relation thereto, shall be the damage caused in the course of fulfilment of employment duties; the employed lawyer shall be responsible for such damage to his employer under the Labour Code.

Section 15d regulates the transfer of rights and obligations. Should the lawyer practising the legal profession as a sole lawyer become an employed lawyer, his existing rights and duties regarding clients shall pass to his employer as of the date of the commencement of the employment relationship, unless agreed otherwise between the lawyer and the client by the date of the commencement of the employment relationship or unless the client takes other measures by the date of the commencement of the employment relationship. The lawyer shall inform his clients of his becoming the employed lawyer within 3 days from the date of the conclusion of the employment contract, no later than within 15 days before the date of commencement of the employment relationship. Rights and duties passing under (1) shall not include the liability of the employed lawyer to compensate the detriment under s. 24 (1), or the duty to return things including money paid by the client. Other rights and duties resulting from the original contractual relationship between the lawyer and the client shall not pass to the employer where the employer may,

<sup>1</sup>Schelleová, I., Schelle, K. (2006). *Organizace soudnictví a právní služby*. Brno: Alfa, 126.

<sup>2</sup>Kraitzová, I. (2006). *Způsob výkonu advokacie v ČR*. Praha: Katedra podnikového a evropského práva Fakulty mezinárodních vztahů VŠE v Praze, 47.



compared to the lawyer, take unjust advantage or incur unjust disadvantage as a result of the passing of those rights and duties, or where it appears to be unjust to require that the employer fulfil those duties.

It should be noted that the feasibility of the similar organizational and legal form of lawyer's activity implementation in Ukraine was considered by both policy makers and scholars. Unfortunately, a consensus has not yet been achieved. This form of lawyer's activity remains the subject of a lively discussion. And it emphasizes once more the relevance of this study particularly and comparative legal studies in general. After all, we have the ability to analyze both positive and negative outcomes, to see causes and effects, and when requested to adapt the experience of European countries to Ukrainian reality.

Permanent cooperation between lawyers is considered to be a separate form of advocacy according to Sections 15e and 15f of the Act.

Lawyer practising legal profession as a sole lawyer may permanently provide legal services for another lawyer practising legal profession as a sole lawyer, for a Company or a Foreign Company under a contract on permanent provision of legal services concluded with another lawyer, Company or Foreign Company (hereinafter referred to as "Permanent Cooperation Contract")<sup>1</sup>. The Permanent Cooperation Contract must be in writing and it may not limit the independence of the lawyer while providing legal services under s. 3 (1) and s. 16. A lawyer practising legal profession as a sole lawyer may permanently provide legal services to lawyers in a Consortium, provided that he concludes the Permanent Cooperation Contract at least with any member of the Consortium and other members express their consent thereto in writing. A lawyer providing legal services under the Permanent Cooperation Contract (hereinafter referred to as "Cooperating Lawyer") may cooperate only with one lawyer or one Company or one Foreign Company or one Consortium; provisions of s. 14 (5) shall not be prejudiced thereby. According to Section 15f (1) The Permanent Cooperation Contract must include a) the definition of objects and extent of legal services provided by the Cooperating Lawyer, b) the definition of mutual relations and modes of coordination in providing legal services by the Cooperating Lawyer, c) the definition of administrative and technical background for the provision of legal services by the Cooperating Lawyer, e.g. letting an office to the Cooperating Lawyer, its equipment or his access to the common administrative and technical facilities, d) the agreement on whether the Cooperating Lawyer shall provide legal services under the Permanent Cooperation Contract on his own behalf or on behalf of the lawyer, Company, Foreign Company or Consortium he cooperates with, or, possibly, the method and conditions for using the name of the lawyer, Company, Foreign Company or Consortium while providing legal services upon the Permanent Cooperation Contract, e) the determination of accounting methods regarding the legal services provided by the Cooperating Lawyer under the Permanent Cooperation Contract<sup>2</sup>. The Cooperating Lawyer shall advise his client in advance that he provides legal services under the Permanent Cooperation Contract. Legal services may not be provided under the Permanent Cooperation Contract if the Cooperating Lawyer is appointed under the Act hereunder or designated pursuant to special legislation; the provisions of s. 16 (1) shall not be prejudiced thereby.

It should be noted separately that §12 and §13 of the Chapter II of the Act contain general requirements to the organization of advocacy regardless of the chosen form. So, §12 (1) provides that. In the course of his practising the legal profession, a lawyer shall be obliged to use the title "lawyer"<sup>3</sup> (this rule is also prescribed in the Rules of Professional Conduct of Lawyers of the Czech Republic)<sup>4</sup>. It must be clear from the common name of a Consortium or a Company name, that these are the Consortium or the Company whose objects of activity are to practise legal profession. Details of the use of the title and of the common name of a Consortium and the Company name shall be set by professional rules; the lawyer, Consortium or Company shall be entitled to use appendices relating to provided legal services based on terms set by professional rules.

The Lawyer providing legal services on behalf of a Foreign Company under s. 35s shall use the

<sup>1</sup>Beránková, J (2010). *Povolání advokáta v České republice a zásadní změny v souvislosti s novelou zákona o advokacii*. Brno: Katedra občanského práva Právnická fakulty Masarykovy university, 90.

<sup>2</sup>Beránková, J (2010). *Povolání advokáta v České republice a zásadní změny v souvislosti s novelou zákona o advokacii*. Brno: Katedra občanského práva Právnická fakulty Masarykovy university, 91.

<sup>3</sup>Řehulová, L. (2007). *Současné postavení advokacie a perspektivy jejího vývoje při realizaci právních služeb*. Brno: Katedra občanského práva Právnická fakulty Masarykovy university, 23.

<sup>4</sup>*Pravidla profesionální etiky a pravidla soutěže advokátů České republiky (etický kodex) 1997* (Česká advokátní komora). *Oficiální stránka České advokátní komory*. <[http://www.cak.cz/assets/files/180/BA\\_00\\_Z1.pdf](http://www.cak.cz/assets/files/180/BA_00_Z1.pdf)> (2016, September, 13).

Company name or the name of the Foreign Company or its structural unit pursuant to their records in the Commercial Register. A lawyer must have his official seat in the Czech Republic; such seat must be recorded in the Register of Lawyers. If the lawyer practices law as a sole lawyer or as a member of a Consortium his seat shall be the seat of a businessman under special legislation. The seat of a lawyer practising law as a member of a Company must be identical with the registered office of the Company under special legislation. The seat of a lawyer practising law within his employment (s. 15a (1)) for another lawyer or a Company, shall be the seat or the registered office of his employer under (1) or (3) respectively.

According to the European Union requirements the Act was amended in 2002. It was legally formalized the institute of European lawyers. There are two types of European lawyers: the visiting European lawyer and the established European lawyer<sup>1</sup>. It is clear that the Act organizes their activities. Thus, the visiting European lawyer may not be a member of a Consortium nor may become a Company member (section 35h). An established European lawyer may be a member of a Consortium or a member of a Company, or practise law as an employed lawyer (section 35n (4)).

In Ukraine there is no distinction between European lawyers and lawyers from other countries (non-EU), and it is fully understood because of lack of this necessity today. The law contains provisions on foreign lawyers in Chapter VIII: Practice of law in Ukraine by attorneys of foreign states. Specific features of status of attorney of a foreign state. At that, the s. 59 (6) prescribes that The attorney's professional rights and duties, guarantees of practice of law and organizational forms of practice of law determined by this Law shall extend to the attorney of a foreign state during his/her practice of law in Ukraine.

**Conclusions.** Thus, the Ukrainian legislation stipulates three forms of advocacy while the Czech legislation prescribes five of them. The individual activity is the only form being similar in both Ukraine and Czech Republic. Joint advocacy differs in two countries because the Czech legislation separates more types of such form: a consortium and a company (national and foreign). Also in the Czech Republic there is no such organizational form of the legal profession when a lawyer is regarded as a legal entity (an attorney bureau in Ukraine). And the Ukrainian legislation does not contain such form of advocacy as being an employee of another lawyer, although the advocacy community repeatedly holds discussions on the possibility of introducing a similar form in Ukraine. Permanent cooperation between lawyers in the Czech Republic is also regarded as a separate form of advocacy that is not foreseen in the Ukrainian legislation. Also the Ukrainian legislation does not distinguish European lawyers and equates them just to foreign lawyers.

It is clear that if Ukraine complies with its course towards European integration, national policy makers will have to amend the national legislation. These changes should also include regulation of foreign lawyers' activity, particularly European lawyers, in Ukraine. It should be done not just *proforma*, but taking into account the practices of other countries. That is why comparative legal researches acquire extreme urgency. These research will allow avoiding problems and possible negative consequences of such changes. However, we should remember that *legis figendi et refigendi consuetudo periculosissima est* (the custom of making and repealing the law is a very dangerous one)<sup>2</sup>.

## References

1. Ballentine, J. A. (2005). *A Law Dictionary of Words, Terms, Abbreviations, and Phrases which are Peculiar to the Law and of Those which Have a Peculiar Meaning in the Law, Containing Latin Phrases and Maxims, with Their Translations and a Table of the Names of the Reports and Their Abbreviations*. Clark: The Law Book Exchange, Ltd., 181. *Google Books*. <<https://books.google.com.ua/books?id=biT2u-ncj3UC>> (2016, September, 13). [in English].
2. Beránková, J (2010). *Povolání advokáta v České republice a zásadní změny v souvislosti s novelou zákona o advokacii [The legal profession in the Czech Republic and fundamental changes in the amendment to the Act on the Legal Profession]*. Brno: Katedra občanského práva Právnická fakulty Masarykovy university [Department of Civil Law Faculty of Masaryk University], 90. [in Czech].
3. Branch, T. (1824). *Principia legis et æquitatis: being an alphabetical collection of maxims, principles or rules, definitions, and memorable sayings, in law and equity; interspersed with such law terms, and Latin words and phrases as most frequently occur, in the study and practice of the law*. Richmond: T. W. White, 76. *Google Books*.

<sup>1</sup> Řehulová, L. (2007). *Současné postavení advokacie a perspektivy jejího vývoje při realizaci právních služeb*. Brno: Katedra občanského práva Právnická fakulty Masarykovy university, 20.

<sup>2</sup> Branch, T. (1824). *Principia legis et æquitatis: being an alphabetical collection of maxims, principles or rules, definitions, and memorable sayings, in law and equity; interspersed with such law terms, and Latin words and phrases as most frequently occur, in the study and practice of the law*. Richmond: T. W. White, 76. *Google Books*. <<https://books.google.com.ua/books?id=XX88AAAIAAJ>> (2016, September, 13).

- <<https://books.google.com.ua/books?id=XX88AAAAIAAJ>> (2016, September, 13). [in English].
4. Čopjanová, V. (2013). *Aktuální otázky právního postavení advokátního koncipienta v ČR [Current issues of the legal status of an articulated clerk in the Czech Republic]*. Olomouc: Právnická fakulta Univerzita Palackého v Olomouci [Law Faculty of Palacky University in Olomouc], 22. [in Czech].
  5. Fiolevskiy, D. P. (2014). *Advokatura [Advocacy]*. Kyiv: Alerta [in Ukrainian].
  6. Jelínková, A. (2014). *Regulace v oboru advokacie [Regulation of the industry of advocacy]*. Brno: Ekonomicko-správní fakulta Masarykova univerzita [Economic-legal Faculty of Masaryk University], 49. [in Czech].
  7. Kraitzová, I. (2006). *Způsob výkonu advokacie v ČR [Way of practice as a lawyer in the Czech Republic]*. Praha: Katedra podnikového a evropského práva Fakulty mezinárodních vztahů VŠE v Praze [Department of Business and European Law, Faculty of International Relations in Prague], 15. [in Czech].
  8. *Pravidla profesionální etiky a pravidla soutěže advokátů České republiky (etický kodex) 1997 (Česká advokátní komora) [Rules of professional ethics and competition of attorneys of the Czech Republic (Code of Conduct) 1997 (Czech Bar Association)]*. *Oficiální stránka České advokátní komory [The official website of the Czech Bar Association]*. <[http://www.cak.cz/assets/files/180/BA\\_00\\_Z1.pdf](http://www.cak.cz/assets/files/180/BA_00_Z1.pdf)> (2016, September, 13). [in Czech].
  9. Řehulová, L. (2007). *Současné postavení advokacie a perspektivy jejího vývoje při realizaci právních služeb [Current status of advocacy and perspectives of its development in the implementation of legal services]*. Brno: Katedra občanského práva Právnická fakulty Masarykovy university [Department of Civil Law Faculty of Masaryk University], 23. [in Czech].
  10. Schelleová, I., Schelle, K. (2006). *Organizace soudnictví a právní služby [Organization of the judiciary and legal services]*. Brno: Alfa, 125. [in Czech].
  11. Svejkovský J., Vychopeň M., Krym L., Pejchal A. (2012). *Zákon o advokacii : Komentář [The Law on Advocacy: Commentary]*. Praha: C.H. Beck, 94. [in Czech].
  12. *Zákon o advokacii 1996 (Parlament České republiky)*. Portál veřejné správy [Act on Advocacy 1996 (the Parliament of the Czech Republic). Public Administration Portal]. <<http://portal.gov.cz/app/zakony/download?idBiblio=44102&nr=85~2F1996~20Sb.&ft=pdf>> (2016, September, 13). [in Czech].
  13. *Zakon pro advokaturu ta advokatsku diialnist [Law On Bar and advocacy] 2012 (Verkhovna Rada Ukrainy)*. Ofitsiyni sait Verkhovnoi Rady Ukrainy [Official site of the Verkhovna Rada of Ukraine] <<http://zakon5.rada.gov.ua/laws/show/5076-17>> (2016, September, 13) [in Ukrainian].