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The Beginnings of the Process of Separating the Attorney-at-Law Profession in the First Decade of the Polish People's Republic

Początki procesu wyodrębniania się zawodu radcy prawnego w pierwszej dekadzie Polski Ludowej

ABSTRACT

The roots of the attorney-at-law profession are seen in the 16th-century professions of syndicates and instigators. The attorney-at-law posts appeared in Poland in the 19th century. These posts were occupied mainly by advocates. Attorney-at-law, as a new legal profession, began to separate from the advocacy after World War II, during the period of the Polish People's Republic. It was facilitated by the introduced model of a centrally controlled socialized economy. The process of separating the attorney-at-law profession was long. The full legal separation took place in the 1980s. However, the phenomenon of the professional distinctiveness and identity of attorneys-at-law emerged in the 1950s. The article focuses on the beginnings of the process of separating the attorney-at-law profession and indicates the key factors that led to this.

Keywords: attorney-at-law; advocacy; Polish People's Republic; socialized economy

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INTRODUCTION

The forerunners of the attorney-at-law profession are the Old Polish syndics. The beginnings of their activity date back to the 16th century. It was a group of highly educated lawyers. They dealt professionally with legal advice and legal representation. They acted for the interests of wealthy landowners, the authorities of large crown cities and merchant confraternities. They provided legal services – in today's terminology – to natural persons, legal entities, as well as authorities and state institutions.[1] During this period, legal representation of the State's property interests was also institutionalized. Offices of the Crown and Lithuanian instigators and of the earthly instigators have been established.[2]

We come across the concept of attorney-at-law posts in the 19th century, during the period of partitions of Polish territories by Russian, Austrian and Prussian invaders. It was not a separate profession at that time, but the name of the post in an office, a state institution or the name of the form of legal services provided to entrepreneurs by advocates.

Under the law established by the authorities of the invading states, specialized bodies dealing with legal services for the interests of the Treasury were also established. In these bodies, lawyers were hired on counsel posts.[3] These bodies were the General Counsel, which functioned in the Kingdom of Poland (the so-called Congress Kingdom – Russian annexation) in the years 1816–1915,[4] and the

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[1] W. Zarzycki, *Syndycy staropolscy – prekursorzy radców prawnych w dawnej Polsce*, [in:] *XX lat samorządu radców prawnych 1982–2002. Księga jubileuszowa*, ed. J. Żuławski, Warszawa 2002, pp. 120–128.

[2] B. Sitek, *Historia ochrony prawnych interesów Skarbu Państwa w Polsce*, "Journal of Modern Science" 2015, vol. 26(3), p. 169; A. Bereza, *Rys historyczny profesjonalnego świadczenia pomocy prawnej w Polsce*, [in:] *Zawód radcy prawnego. Historia zawodu i zasady jego wykonywania*, ed. A. Bereza, Warszawa 2011, p. 17; W. Graliński, *Tradycja i postęp w instytucji Prokuratorii Generalnej RP*, "Teka Komisji Prawniczej" 2008, vol. 1, pp. 54–55; T. Stręk, *Krótki zarys historyczny modelu i regulacji prawnej obsługi prawnej*, "Radca Prawny" 1995, no. 5, p. 49; R. Tokarczyk, *Etyka prawnicza*, Warszawa 2009, p. 191; P. Łabieniec, *Podmiotowość, odpowiedzialność, historyczność profesji i profesjonalisty na przykładzie zawodu radcy prawnego*, "Archiwum Filozofii Prawa i Filozofii Społecznej" 2018, vol. 1, pp. 34–35.

[3] B. Sitek, *op. cit.*, pp. 170–171; W. Graliński, *op. cit.*, pp. 55–58; P. Dąbek, *Prokuratoria Generalna dawniej i dziś*, "Zeszyty Naukowe Uniwersytetu Ekonomicznego w Krakowie" 2009, no. 809, pp. 105–106; M. Kallas, M. Krzymkowski, *Historia ustroju i prawa w Polsce 1772/1795–1918. Wybór źródeł*, Warszawa 2006, pp. 129–130; A. Korobowicz, W. Witkowski, *Historia ustroju i prawa polskiego (1772–1918)*, Kraków 2002, p. 144.

[4] M. Wąsowicz, *Prokuratoria Generalna Królestwa Polskiego w latach 1816–1866/1867*, 1978 (unpublished doctoral dissertation); idem, *Prokuratoria Generalna Królestwa Polskiego w latach 1816–1866/1867*, "Czasopismo Prawno-Historyczne" 1979, vol. 31(2), pp. 118–120; K. Buczyński, P. Sosnowski, *Prokuratoria Generalna – 200 lat tradycji ochrony dobra publicznego*, Warszawa 2016, pp. 13–66.

Treasury Counsel, which functioned in Galicia, under Austrian rule, between 1850 and 1919, when the General Counsel of the Republic of Poland was established.[5]

The General Counsel of the Congress Kingdom was exceptionally Polish in character. It was called "the last Mohican of Polishness at the offices".[6] Besides the advocacy, it was a bridgehead for the development of Polish law during the period of annexation.[7] The positive role it played during the partition period was the basis for the decision of the authorities of independent Poland to establish the General Counsel of the Republic of Poland in 1919.[8] Throughout the interwar period, the General Counsel was involved in legal representation of State Treasury interests. Most of the counsellors were advocates.[9] The regulations made it easier to combine professions. Counsellors were able to take an advocacy exam and apply for access to the Bar without an application.[10]

A common phenomenon in the interwar period was also the creation of attorney-at-law posts in state offices and institutions. The obligation to engage permanent attorneys-at-law was provided in the legal acts that regulated their organization and activity.[11] However, they only mentioned the obligation to ensure legal services. The rules of its implementation were not regulated. These matters were left to competence of the management of particular institutions. Regulations required the creation

[5] K. Buczyński, P. Sosnowski, *op. cit.*, pp. 113–154.

[6] J.J. Litauer, *Z powodu stulecia Prokuratorii Generalnej Królestwa Polskiego. Nieurzeczywistniony projekt jej zniesienia (1831)*, "Kwartalnik Prawa Cywilnego i Handlowego" 1916, vol. 4, p. 657.

[7] B. Sałaciński, *Prokuratoria Generalna RP (1919–1939)*, "Gazeta Sądowa Warszawska" 1939, no. 10, p. 134.

[8] Decree of 7 February 1919 on the establishment of the General Counsel of the Republic of Poland (Journal of Laws 1919, no. 14, item 181).

[9] J. Górski, *Wspomnienia z minionych lat*, Poznań 2002, p. 100.

[10] Article 13 of the Act of 13 July 1919 on the establishment of the General Counsel of the Republic of Poland (Journal of Laws 1919, no. 65, item 390).

[11] Since 1925, attorneys-at-law have been employed in the Presidium of the Council of Ministers and in ministries. See Regulation of the Council of Ministers of 26 June 1924 on the establishment of the table of positions in state authorities and offices (Journal of Laws 1924, no. 64, item 631); Regulation of the Council of Ministers of 3 June 1925 on amendments and supplements to the Regulation of the Council of Ministers of 26 June 1924 on the establishment of the table of positions in state authorities and offices (Journal of Laws 1925, no. 67, item 470); Regulation of the Council of Ministers of 17 March 1926 on amendments and supplements to the Regulation of the Council of Ministers of 26 June 1924 on the establishment of the table of positions in state authorities and offices (Journal of Laws 1926, no. 31, item 189); Regulation of the Council of Ministers of 6 December 1928 on amendments and supplements to the Regulation of the Council of Ministers of 26 June 1924 on the establishment of the table of positions in state authorities and offices (Journal of Laws 1926, no. 103, item 917). Moreover, the Patent Office of the Republic of Poland was obliged to employing attorneys-at-law in accordance with Article 150 of the Act of 5 February 1924 on the protection of inventions, designs and trade marks (Journal of Laws 1924, no. 31, item 306).

of legal sections,[12] hiring of trained lawyers for the posts of attorneys-at-law[13] or at least persons having "sufficient knowledge on the law"[14] for adviser's posts.

Territorial and labour self-government units, which didn't use the services of the General Counsel, also created attorneys-at-law posts. Many state enterprises employed their own attorneys-at-law or commissioned a legal service to advocates.[15] Moreover, under the provisions of Article 25 (4) of the Regulation of the President of the Republic of Poland of 17 March 1927 on the separation of state, industrial, commercial and mining enterprises from the state administration and on their commercialization,[16] commercialized state industry, trade and mining enterprises had to have legal representation.

The low level of industrialization and average economic development and a small number of enterprises,[17] combined with the lack of sufficiently educated legal staff outside the Bar, meant that in the interwar period there was no separation of the attorney-at-law profession. The attorney-at-law posts were mainly occupied by advocates. The authorities allowed to this in Article 11 of the Decree of 24 December 1918 on the provisional statute of the Polish State Bar.[18] The Bar had

[12] Article 9 of the Regulation of the Council of Ministers of 19 May 1919 on the organization of State Property Management Boards (Journal of Laws 1919, no. 41, item 301).

[13] According to § 7 of the Executive regulation of the President of the Land Main Office and the Minister of Justice of 27 May 1921 on the use of the Temporary regulation of the Council of Ministers of 1 September 1919 regulating the transfer of ownership of land properties in the areas of certain voivodeships (Journal of Laws 1921, no. 52, item 325), attorneys-at-law sat in the colleges of district delegations of the Land Main Office. Pursuant to the provisions of the Act of 6 July 1920 on the organization of land offices (Journal of Laws 1920, no. 70, item 461), the Land Main Commission consisted of a judge of the Court of Appeal and an advocate; the district commissions consisted of judges and the land district offices consisted of "professional lawyers".

[14] This phrase was used in the Decree of 25 January 1919 on the organization of forest protection offices (Journal of Laws 1919, no. 8, item 117). The counsellors of this office were not supposed to be strictly attorneys-at-law, but specialists with higher forestry education, with "sufficient knowledge of law". Later on, the obligation to hire attorneys-at-law also rested on the state forest administration. See Regulation of the Council of Ministers of 20 January 1934 on the establishment of a table of posts in the state forest administration (Journal of Laws 1934, no. 8, item 66).

[15] J. Górski, *op. cit.*, p. 97.

[16] Journal of Laws 1927, no. 25, item 195.

[17] Poland did not enter the path of extensive economic development in the years 1918–1939, except some regions (Upper Silesia and the so-called Central Industrial District) and some cities (Lodz, Gdynia). This was mainly caused by the looting policy of the invaders, post-war destructions and the world crisis. Economic growth and industrialization began after 1935, but this process was interrupted by the outbreak of World War II. See J. Kaliński, C. Noniewicz, *Historia gospodarcza Polski w XIX i XX wieku*, Białystok 2015, pp. 85–144; Z. Landau, W. Roszkowski, *Polityka gospodarcza II RP i PRL*, Warszawa 1995, pp. 19–25, 56–87, 195–219; Z. Landau, J. Tomaszewski, *Zarys historii gospodarczej Polski 1918–1939*, Warszawa 1999, pp. 32–61, 184–211, 250–324; eidem, *Gospodarka Polski międzywojennej*, vol. 3: *Wielki kryzys 1930–1935*, Warszawa 1982, pp. 30–99.

[18] Journal of Laws 1918, no. 22, item 75. This principle was also repeated in subsequent regulations concerning the advocacy of the interwar period. See Article 29 of the Regulation of the President

a highly educated staff and a monopoly on attorneys-at-law posts. The monopoly was also supported by certain laws. In accordance with Article 26 of the Regulation of the President of the Republic of 22 March 1928 on labour courts,[19] only an advocate, who was a permanent attorney-at-law of the association or employer, could be a side's representative before the labour court.[20]

CENTRALIZATION OF THE ECONOMY AND DECENTRALIZATION OF THE LEGAL SERVICE OF THE STATE TREASURY

The conditions for separating and transforming attorney-at-law posts into a new profession, within the family of legal professions, appeared after World War II. In the second half of the 1940s, Poland entered the path of deep political changes based on the Marxist-Leninist ideology and standards of the Stalinist Soviet Union. However, the Soviet solutions were adopted gradually, as there was still a struggle for power in Poland. In addition to this, it was also important to rebuild state structures, economic potential, sort out civic affairs and property relations. The problems of restoring and protecting state assets, which should dominate in the model of a centrally controlled economy have become urgent.[21] Therefore, the new authorities initially decided to adopt the system of legal services for the State Treasury from the interwar period. The General Counsel of the Republic of Poland was reactivated and resumed its activity on 4 December 1944.[22] General Counsel functioned on the basis of pre-war regulations, which provided for his substantive independence. This was an unprecedented situation.

The General Counsel has been reactivated despite its origin. The authorities needed an efficiently functioning, professional body of legal representation of the State Treasury. The post-war reality gave rise to numerous, difficult and extremely important issues. The General Counsel dealt mainly with representation in cases of

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of the Republic of Poland of 7 October 1932 – Law on the advocacy system (Journal of Laws 1932, no. 86, item 733) and Article 84 in conjunction with Articles 82 and 83 of the Act of 4 May 1938 – Law on the advocacy system (Journal of Laws 1938, no. 33, item 289).

[19] Journal of Laws 1928, no. 37, item 350.

[20] This principle was also maintained in the Regulation of the President of the Republic of Poland of 24 October 1934 – Law on labour courts (Journal of Laws 1934, no. 95, item 854).

[21] M. Bałtowski, *Gospodarka socjalistyczna w Polsce. Geneza – rozwój – upadek*, Warszawa 2009, pp. 121–167; A. Jezierski, B. Petz, *Historia gospodarcza Polski Ludowej 1944–1985*, Warszawa 1988, pp. 33–71, 84–99, 148–177; J. Kaliński, *Historia gospodarcza Polski Ludowej*, Białystok 2005, pp. 9–27.

[22] Archive of Modern Records in Warsaw (hereinafter: AAN), 579 Bureau of the Presidium of the National Council, sign. 151, card 15, Letter of the Head of the Ministry of National Economy and Finance of the Polish National Liberation Committee of 4 December 1944.

restoring immovable and movable property lost as a result of the war,[23] acquisition of property confiscated from convicted persons by military courts, regulation of the legal status of abandoned property and property remaining in connection with the implementation of repatriation agreements.[24] The General Counsel also participated in legislative processes, e.g. in unification of civil law. Thus, it played an important role in the first post-war years. This institution found itself in a new reality. This body actively participated in the agricultural reform, the nationalisation of industry, supported the implementation of the new state system and the model of centrally controlled economy.[25] Paradoxically, the new political solutions were to become the cause of its liquidation.

The introduced model of centrally controlled economy was characterized by the replacement of free market mechanisms with an economic planning policy[26] of the authorities and a system of prescriptive and distributive economic management.[27] The government has taken control of the banks and through them over monetary and credit policy,[28] as well as of the most important economic sectors, large and medium-sized enterprises.[29] The authorities also created new state-owned companies. Gradually, control was taken over the areas of services and trade.[30] The municipal property was placed at the disposal of national councils, subordinate to central authorities.

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[23] Article 21 (2) of the Decree of 8 March 1946 on abandoned and post-German property (Journal of Laws 1946, no. 13, item 87).

[24] AAN, 679 General Counsel of the Republic of Poland, sign. 2, cards 1–3, 7–11, 42–44, 56–104, Notes of 16 May 1945 and 6 November 1947 on the General Counsel of the Republic of Poland and two untitled notes of 1949 on the history and activities of this institution, as well as the Paper of the President of the General Counsel presented on 20 September 1950 at the meeting of the College of the Ministry of Finance. See M. Tkaczuk, *Sprawy majątków opuszczonych i porzuconych (poniemieckich) w praktyce prawnej Prokuratorii Generalnej Rzeczypospolitej Polskiej w latach 1945–1949 jako przykład zaangażowania państwa w regulację sfery wolności*, [in:] *Prawne aspekty wolności. Zbiór studiów*, eds. E. Cała-Wacinkiewicz, D. Wacinkiewicz, Toruń 2008, pp. 273–286; idem, *Sprawy repatriacyjno-ewakuacyjne w praktyce prawnej Prokuratorii Generalnej w pierwszych latach po II wojnie światowej*, "In Gremio" 2008, no. 9–10, p. 34.

[25] AAN, 679 General Counsel of the Republic of Poland, sign. 2, cards 57, 71–74, Two notes from December 1949 on the history and activities of the General Counsel.

[26] C. Bobrowski, *Planowanie gospodarcze*, Warszawa 1981, passim.

[27] L. Bar (ed.), *Instytucje prawne w gospodarce narodowej*, Wrocław 1981, pp. 13–18.

[28] Decree of 15 January 1945 on the National Bank of Poland (Journal of Laws 1945, no. 4, item 14); Decree of 25 October 1948 on the principles and procedure of liquidation of certain banking enterprises (Journals of Laws 1948, no. 52, item 410); Decree of 25 October 1948 on the principles and procedure of liquidation of certain long-term credit institutions (Journal of Laws 1948, no. 52, item 411); Decree of 25 October 1948 on banking reform (Journal of Laws 1948, no. 52, item 412).

[29] This was done on the basis of the Act of 3 January 1946 on the acquisition of basic branches of the national economy by the State (Journal of Laws 1946, no. 3, item 17).

[30] A.L. Sowa, *Wielka historia Polski*, vol. 10: *Od drugiej do trzeciej Rzeczypospolitej (1945–2001)*, Kraków 2001, pp. 59–60; P. Fiedorczyk, *Komisja Specjalna do Walki z Nadużyciami i Szkodnictwem Gospodarczym 1945–1954. Studium historycznoprawne*, Białystok 2002, pp. 122–128,

At the end of the first stage of implementation of the new economic model (in 1949[31]), the sector of the socialized economy generated 66% of national income.[32] By the end of 1948, about 6,000 enterprises had become State property. In state-owned enterprises were employed from 84% to 89% of all industry workers in the years 1946–1949.[33] The process of nationalization of the economy was continued in the first half of the 1950s, during the implementation of the second economic plan, known as the six-year plan.[34] The plan was geared towards the industrialization, it provided for the liquidation of the remains of private property in the cities and the collectivization of agriculture.[35]

The introduction of a centrally controlled economy did not make this model harmonious. It was flawed in many aspects, mainly due to the fact that political and ideological principles were placed above rational and economic management.[36] The system also had many flaws in the legal-organizational field. The party and state bureaucratic machinery grew to a colossal size. In the government, economic ministries were split up. The branch ministries with narrow specialization were established. The development of the central economic administration reached its apogee in the years 1951–1956, there were 24 ministries of this character.[37] The prescriptive and distributive system also required the issuing of numerous normative acts in the economic field (laws and decrees). However, the economy was essentially regulated from the government level. There was a multitude of regulations, often with an undefined hierarchy, issued without an endorsement in a higher-level act, often unpublished and not available (regulations and resolutions, circular letters, instructions, guidelines, decisions, recommendations, instructions, statements, general and individual orders).[38]

262–268; J. Kaliński, *Gospodarka w PRL*, Warszawa 2012, pp. 85–87; T. Kowalik, *Spory o ustrój społeczno-gospodarczy w Polsce – lata 1944–1948*, Warszawa 2006, pp. 74–78.

[31] End of realization of the first, three-year economic plan adopted by the Act of 2 July 1947 on the Economic Reconstruction Plan (Journal of Laws 1947, no. 53, item 285).

[32] J. Kaliński, *Gospodarka…*, p. 21.

[33] *Ibidem*, p. 14.

[34] Act of 20 July 1950 on the six-year plan of economic development and building foundations of socialism for the years 1950–1955 (Journal of Laws 1950, no. 37, item 344). See A.L. Sowa, *op. cit.*, pp. 113–120.

[35] M. Bałtowski, *op. cit.*, pp. 175–184; J. Kaliński, *Historia gospodarcza…*, pp. 45–56.

[36] B. Gliński, *Zarządzanie w gospodarce socjalistycznej*, Warszawa 1985, pp. 59–61.

[37] The ministries of: Finance; Urban and District Development; Industrial Construction; Building Materials Industry; Internal Trade; Foreign Trade; Small Industry and Craft; Post Offices and Telegraphs; Shipping; Railways; Road Transport and Aviation; Forestry; Wood and Paper Industry; Mining; Chemical Industry; Energy; Metallurgy; Machinery Industry; Automobile Industry; Agriculture; Agricultural and Food Industry; State Farms; Meat and Dairy Industry; Purchase.

[38] L. Bar (ed.), *op. cit.*, pp. 18–36, 79–84; K. Korzan, *Arbitraż i postępowanie arbitrażowe*, Warszawa 1980, pp. 21–27.

The separation of many ministries for particular areas of the economy and the lack of sufficient coordination of actions at the party-governmental level resulted in many inconsistent or explicitly contradictory directives coming from the authorities. These problems were indicated by the management of the Polish Lawyers Association. We read in the theses to the paper for the Fourth National Congress of the Association in 1955:

> Employees of local economic administrations and employees of enterprises often complain that an excessive number of normative acts are issued and that these provisions are not clear and coordinated. (…) In the course of ongoing normative action, often a number of acts are issued which essence deals with the same issues and regulate them in a similar but differently worded manner. Many lower-order acts are subject to frequent amendments, which (…) make them difficult to access and incomprehensible. There are also cases in which, while the basic normative act itself ceases to be valid in most of its provisions, a large number of provisions issued on the basis of it remain in force.[39]

Normative and decision-making chaos was growing.[40] There were managerial and legal problems. Particular interests were often put above the purposes of development and activity for the common good. In this context, numerous conflicts arose between the units of the socialized economy.[41] This led to an increase in the role of attorneys-at-law employed in state enterprises. On the other hand, it caused the

[39] *Rola prawnika w gospodarce uspołecznionej (Tezy do referatu na IV Krajowy Zjazd Delegatów Zrzeszenia Prawników Polskich)*, "Przegląd Ustawodawstwa Gospodarczego" 1955, no. 12, pp. 433–435.

[40] J. Mayzel, *Rola prawnika w gospodarce uspołecznionej (z materiałów IV Zjazdu Delegatów Zrzeszenia Prawników Polskich)*, "Przegląd Ustawodawstwa Gospodarczego" 1956, no. 2, pp. 41–46.

[41] The term "units of the socialized economy" was not uniformly defined by law. The circle of units included was narrowed or expanded depending on the needs. According to Article 2 (1) of the Decree of 5 August 1949 on state economic arbitration (Journal of Laws 1949, no. 46, item 340), units of the socialized economy were: state enterprises, banks and other institutions; enterprises under state administration; state-cooperative enterprises; central offices of state-cooperative and cooperatives; enterprises and other institutions of local government associations; companies under civil and commercial law in which the State Treasury, state or local government enterprises and institutions or persons governed by public law held 50% of the share capital. The State Treasury was also included in the units of the socialized economy according to Article 33 § 1 of the Act of 23 April 1964 – Civil Code (Journal of Laws 1964, no. 16, item 93). Therefore, in a broader sense, the bodies of state authorities and state offices, in particular those that participated in the processes of national economy management, also belonged to the units of the socialized economy. On the other hand, Article 1 (1) of the Act of 1 July 1958 on monetary settlements between units of the socialized economy (Journal of Laws 1958, no. 44, item 215) included to units of the socialized economy all cooperative, political, labour and social organizations. Due to the lack of unified legal definition of the concept of units of the socialized economy, there was a doctrinal problem of defining it (see K. Korzan, *op. cit.*, pp. 108–116). It should be concluded that, as a rule, the state, self-government and cooperative institutions and entities managing the national economy, participating in management processes or carrying out economic activity and participating in the implementation of government plans were treated as units of the socialized economy.

centralized system of legal services for the Treasury to become inefficient. Therefore, the authorities started to move towards copying Soviet solutions in this area.

The process of decentralization of legal services of the Treasury was initiated by the Decree of 3 January 1947 on the establishment of state enterprises.[42] It established the principle of management's responsibility for the company's operations. Under Article 12 of the Decree, the separated enterprises had to organize legal services individually. The legal representation was to be provided by authorized employees, mainly lawyers, engaged in the companies on attorney-at-law posts.

The competence of the General Counsel for the benefit of attorney-at-law was further reduced in August 1949. State economic arbitration was established for the settlement of conflicts between the units of the socialized economy. General Counsel was excluded from the representation of the units of the socialized economy in proceedings before arbitration commissions.[43]

The management of the General Counsel had realized, that all these changes were heading in one direction, towards the liquidation of this institution and the introduction of a model of decentralized legal service of the units of the socialized economy, which had to be provided through attorneys-at-law of particular units.

Paradoxically, the centralized model of legal services became problematic for the authorities in a centrally controlled economy. Branches of the General Counsel kept too much independence from party and government decisions, as well as from the management of enterprises and their boards, which were primarily responsible for executing political directives.[44] Therefore, the model of decentralized legal service, performed by attorneys-at-law of state bodies, administration and enterprises directly subordinated to their management, was more convenient. Moreover, it was important that centralizing the legal service of the units of the socialized economy in the hands of the General Counsel would force the authorities to increase the posts and resources allocated to the functioning of this institution. Decentralization shifted the burden of financing legal representation directly to enterprises. However, it was an apparent saving, as they were still state-owned. The fact that it was an institution with capitalist origins, devoid of the "spirit of the new system", was also not without significance for the fate of the General Counsel in the Polish People's Republic. The argument that this institution did not function in the Soviet Union was repeated many times.[45]

[42] Journal of Laws 1947, no. 8, item 42.

[43] Article 25 of the Decree of 5 August 1949 on state economic arbitration.

[44] AAN, 195 Ministry of Industry and Trade, sign. 4405 [no card numbering in files], Note of the Director of the Legal Office of the Ministry of Industry and Trade Zbigniew Rzepka to Deputy Minister E. Szyr of 21 August 1948 on the representation of state enterprises by the General Counsel.

[45] This argument was raised, among others, in the opinions of the Legal Office of the Ministry of Industry and Trade. See *ibidem*.

The final fate of this institution was sealed by the 1950 reform of the local governments. Revolutionary changes were introduced by Article 32 of the Act of 20 March 1950 on local bodies of the unified state authority.[46] Local self-government unions have been liquidated, and their current assets have become State property by law. In this way:

> Every entitlement of a local self-government union has become an entitlement of the State and every obligation of that union has become an obligation of the State. Therefore – almost immediately after the entry into force of the Act – local self-government unions of various levels – already acting as the presidencies of the relevant national councils, have begun to turn to the General Counsel offices throughout the country with a demand to take over the representation in pending cases, or with a demand to initiate proceedings, especially in cases where they had to be rushed under the threat of preclusion or lapse. The General Counsel is literally in a position of no return. (…) He couldn't (…) take on his shoulders substitution in these processes, because – as superficial calculations have shown – it was 40,000 – 60,000 processes.[47]

The number of cases conducted by the General Counsel has doubled.

Therefore, by Decree of 29 March 1951 legal representation bodies were appointed in place of the General Counsel of the Republic of Poland.[48] The system has not been completely decentralized. In fact, the Main Office of the General Counsel has been preserved and has been operated under the changed name of the Office for Legal Representation (OLR). Under the reform, regional offices and delegations of the General Counsel were closed down. Their tasks were taken over by the legal departments and offices established at the presidencies of voivodeships and poviat national councils.

The fact that the General Counsel was liquidated and replaced by the OLR may suggest that the authorities were not convinced that the solutions adopted in the Soviet Union were right. There were attempts to preserve the central, professional body of legal representation, with a simultaneous restriction of its substantive freedom and subordination to the rigours of management in a socialized economy. The new system did not last long. After only three years of the functioning of the OLR, the authorities completely abandoned the system of centralized legal services, closing the process of changes initiated in 1947. By the Decree of 2 June 1954 on the judicial representation of state authorities, offices, institutions and enterprises,[49] the legal representation bodies were abolished. The system of legal services for State interests has been decentralized. From now on, the authorities, offices and

[46] Journal of Laws 1950, no. 14, item 130.

[47] AAN, 679 General Counsel of the Republic of Poland, sign. 2, cards 95–96, Paper of the President of the General Counsel…

[48] See Decree of 29 March 1951 on legal representation bodies (Journal of Laws 1951, no. 20, item 159).

[49] Journal of Laws 1954, no. 25, item 93.

the units of the socialized economy were to act independently before the court and organize legal services on their own. This was not a major problem, because since the beginning of the post-war reconstruction of the State, attorney-at-law posts existed in administration and economy. The only problem was the lack of legal regulation concerning the rules of legal services provided by attorneys-at-law.

THE CHANGE IN THE UNDERSTANDING OF THE ROLE OF ATTORNEYS-AT-LAW AND THE FIRST REGULATIONS ON ATTORNEYS-AT-LAW FROM 1948–1954

In the first post-war years, the authorities did not pay attention at attorneys-at-law. The reactivated General Counsel handled the legal representation of the state's property interests. The activity of attorneys-at-law was limited to legal advice in the broadest sense. Attorneys-at-law in state enterprises were initially "treated as a necessary evil". "Attorney-at-law was, in some ways, a legal pariah".[50]

> There was sometimes a tendency to demand from attorney-at-law to do what the company cares about – whether by legal means or not. There were also attempts to use attorneys-at-law for activities that undoubtedly had nothing to do with their functions, or again to completely ignore them as "obstacles" to work.[51]

In the prescriptive and distributive system of the economy, the following phenomena had become common:

- reducing attorneys-at-law to the role of "a completely stripped of independence executor of party instructions, instructions transformed into laws, decrees, resolutions, regulations and guidelines of state bodies";[52]
- frequent disregard for the opinions of attorneys when their participation in the settlement of the case was necessary;
- subservience of attorney, who was substantively and personnel dependent on the company's director;[53]
- seeking "the opinion of an attorney-at-law not before the decision is taken but after it, with the expectation that the legal opinion will make the legal

[50] Cited memories of the lawyers Andrzej Sikora and Julian Latos. See J. Barańska-Głowacka, *Z kart historii samorządu radców prawnych*, Warszawa 2012, pp. 10–11; T. Szurski, *Z narady radców prawnych resortu handlu zagranicznego*, "Przegląd Ustawodawstwa Gospodarczego" 1957, no. 7, p. 265.

[51] T. Jackowski, *O zasadach pracy radców prawnych*, "Przegląd Ustawodawstwa Gospodarczego" 1952, no. 9, p. 326.

[52] J. Żuławski (ed.), *op. cit*., p. 110.

[53] E. Sarnowski, *O obowiązku prawników umacniania praworządności w zakładach pracy*, "Przegląd Ustawodawstwa Gospodarczego" 1956, no. 6, p. 243.

provisions so urgent that even a decision that does not comply with those provisions will bear the stamp of legality".[54]

The role and importance of attorneys-at-law began to grow with the above-mentioned changes introduced by the decrees on the establishment of state enterprises from 1947 and on state economic arbitration from 1949, when the legal service of the State's property interests, represented by the authorities, offices, institutions and state enterprises and cooperative organizations, rested mainly on the shoulders of their attorneys-at-law. Authorities have begun to recognize the benefits of a good corporate legal services organization. The Legal Office of the Ministry of Industry and Trade pointed to the advantages of the concept of placing legal representation in the hands of attorneys-at-law, who

> were able to communicate with the management and employees of the company at any time and in the simplest and quickest way, without a bureaucratic procedure, and are familiar with the company's agendas and with the details of its internal organization, so that they have knowledge of the factual material needed to defend it in the courts in each case.[55]

The Ministry was also aware of the dangers of poor organization of the legal office, in particular warned against

> detaching attorney-at-law from acting before the courts and limiting them to office work, which led in a straight line to a decrease in their efficiency and quality, also in the field of non-contentious cases, because in the practical legal profession the basis is the process in all its phases and forms.[56]

The authorities began to expect that

> high professional and moral demands were placed on the staff of legal offices. (…) The staff of legal offices, particularly the defending personnel, must be characterized by their concern for the interests of the State and the company, their initiative in defence, their knowledge, experience and sense of responsibility for the matters entrusted to them. By the nature of their functions, the Legal Offices are part of the headquarters. Lowering the level of these functions would have to be regarded as an organizational error, creation a centre of advice and representation at an insufficiently high level should be considered as unnecessary ballast.[57]

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[54] AAN, 285 Ministry of Justice, sign. 3560, card 156, Letter of the Head of the Human Resources and Training Department of the Presidium of the Voivodeship National Council in Poznań of 21 February 1958.

[55] AAN, 195 Ministry of Industry and Trade, sign. 4405 [no card numbering in files], Note from the Director of the Legal Office of the Ministry of Industry and Trade Z. Rzepka for Deputy Minister E. Szyr of 29 December 1948.

[56] AAN, 195 Ministry of Industry and Trade, sign. 4405 [no card numbering in files], Remarks of the Legal Office of the Ministry of Industry and Trade on the request of the Central Board of the Coal Industry of 1 April 1949 to entrust legal representation of subordinate companies to the General Counsel.

[57] AAN, 195 Ministry of Industry and Trade, sign. 4405 [no card numbering in files], Note of 1 February 1949 on the organization of court representation of steel companies.

Changes in the perception of the role of the attorney-at-law profession may also be seen in the first legal regulations, issued in the sections of particular ministries, unifying the system of legal services, e.g. Order No. 69 of the Minister of Industry and Trade of 31 December 1948 which bound a wide range of the units of the socialized economy and was used even after the liquidation of this ministry; Instruction on attorneys-at-law, issued by the Minister of Construction on 15 December 1949; Instruction on the principles of work of attorneys-at-law, introduced by Circular No. 2 of the Minister of Industrial Construction of 15 January 1952.[58]

These instructions were used as a model for the organization of legal services in units subordinate to other ministries. They regulated, among other things, the requirements to be met by a candidate for attorney-at-law post and the tasks of attorneys. They introduced three categories of persons qualified to hold the post of attorney-at-law in the ministry or subordinate units: advocates, listed and licensed to practice; persons who have passed the judge's or advocate's examination, not at list of advocates; persons who have completed legal studies and showed sufficient knowledge of the current law acquired during at least three years of work on a post having a legal character in the general authorities or in the units of the socialized economy.

The employment of qualified lawyers from the first two groups was implemented by the Order of the Minister of Industry and Trade of 1948.[59] The third group was introduced by Instruction issued by the Minister of Industrial Construction in 1952.[60] This was not an innovation, but recognition of the practice of hiring for attorney-at-law posts people not related to the advocacy, but with legal education and relevant experience.

Among the duties of attorneys-at-law in the departments of economic ministries were:

[58] AAN, 558 Ministry of Industrial Construction, sign. 58 [no card numbering in files]. See more T. Jackowski, *op. cit.*, pp. 326–329.

[59] In the Instruction of the Ministry of Industry and Trade of 1948, the right to practice as an attorney-at-law was granted only to persons with an advocate's qualification. This was influenced by the demands made then. The Legal Office of the Central Board of the Metallurgical Industry, in a memorial addressed to the Ministry of Industry and Trade, postulated hiring on a contract of employment persons prepared in terms of their merits to perform the tasks of legal advice and legal representation, the best practicing advocates, without separating them from the Bar corporation, which was supposed to act as a supervisor of the ethical conduct of attorney-at-law – advocate. See AAN, 195 Ministry of Industry and Trade, sign. 4405 [no card numbering in files], Draft memorandum on the situation and role of attorney-at-law in the company.

[60] The draft instruction of the Ministry of Construction of 1949 provided for the employment of lawyers, without legal qualifications, with five years' experience on a legal post. However, there is no text of the instruction signed by the Minister (unpublished) in the documents, which makes it impossible to determine whether this provision was not removed from the final version. See AAN, 561 Ministry of Construction, sign. 5, cards 20–26, Draft instructions on counsellors.

- representing the unit before common courts, within the limits of the power of attorney received, in cases which were not reserved for the jurisdiction of the legal representation bodies which were still in operation at that time, as well as before special courts and other judiciary bodies, including arbitration commissions, and before authorities and offices;
- supervision over court and arbitration cases which were not conducted directly by the attorney;
- giving legal opinions, participating in the drafting or giving opinions on orders, circulars and instructions (mainly concerning central board attorneys), regulations and other internal legal standards of the unit;
- participation in giving opinions on draft legal acts sent to the unit for this purpose;
- drafting proposals to signal to the superior authorities the existence of conflicting, unclear or difficult to apply provisions;
- conducting actions of law popularization and taking care of its respect in the unit;
- informing about changes in binding regulations or about new regulations concerning the unit's activity;
- preparing or giving an opinion in legal terms on unusual contracts and letters relating to commitments undertaken by enterprises, in particular on matters concerning reception and granted contracts for works, supplies and services;
- participation in the development of standard contracts;
- taking part, at the request of the company's management, in conferences and negotiations conducted by the units of the socialized economy.

The scope of basic tasks of attorneys-at-law employed at the governmental level was interesting. It was mentioned in the monthly "Przegląd Ustawodawstwa Gospodarczego" ("Review of Economic Legislation"), an influential journal with close ties to the State Economic Arbitration. Legal services for ministries and their subordinate central boards included mainly:

> (…) informing the management of the unit (…) about new regulations being issued; cooperating in developing the interpretation of the law; developing or cooperating in the preparation of draft legal acts; providing legal advice on difficult issues; indicating the servant role of law in relation to the tasks of ministry; highlighting which of the applicable regulations may constitute a convenient instrument for the realization of the departmental plan; drawing attention to the need to amend and supplement existing legislation.[61]

The authorities expected from attorneys-at-law "legal creativity", the ability to freely navigate through the maze of regulations and interpret them according to

[61] [L.B.], *O potrzebie organizowania resortowych narad radców prawnych*, "Przegląd Ustawodawstwa Gospodarczego" 1952, no. 1, p. 30.

the current needs and planned tasks of the department. They spoke of the "servant role of the law" and the need to treat it instrumentally, to put it bluntly – to bend it.

Undoubtedly the greatest role in the development towards the separation of the attorney-at-law profession within the family of legal professions was played by the Act of 1954 on the decentralization of legal services (liquidation of the OLR). However, there was still no unified regulation of its principles. Resolution No. 294, issued at that time, dealt only with the subject of the organization of legal services for local authorities.[62] Presidencies of voivodeship national councils have been imposed to create posts of attorneys-at-law and their deputies. Moreover, the regulations provided for the creation of separate posts of attorneys-at-law for court representation.

In the Instruction No. 36, the Head of the Office of the Council of Ministers[63] defined the scope of activities of attorneys-at-law of the presidium of voivodeship national councils, which included:

1) in terms of legal services:
   - giving legal and editorial opinions on draft resolutions and regulations (guidelines, instructions) of the Presidium of the Voivodeship National Council and on draft resolutions submitted to the Council's deliberations,
   - giving legal opinions on draft normative acts sent to the Presidium of the Voivodeship National Council for consultation,
   - upon issuing opinions on draft resolutions and regulations, checking if professional organizational units (financial department, voivodeship economic planning commission) have expressed opinion on compliance of these projects with financial and investment discipline,
   - giving opinions on specific matters at the request of the President, his deputy, the Secretary, the members or heads of departments of the Presidium of Voivodeship National Council,
   - informing the Presidium about the tasks that result for the local authorities from the legal regulations announced in the Journal of Laws and Polish Monitor,
   - conducting a set of regulations (guidelines, instructions, circulars), issued by the Presidium of the Voivodeship National Council and organizational units of the Presidium (departments, management boards, branches, offices);
2) relating to the editing of the Official Journal:

[62] Resolution No. 294 of the Council of Ministers of 2 June 1954 on court representation and legal services for local state authorities (Polish Monitor 1954, no. A-55, item 752).

[63] Instruction No. 36 of the Head of the Office of the Council of Ministers of 8 December 1954 on the scope of activities of an attorney-at-law of the Presidium of the Voivodeship National Council (Polish Monitor 1954, no. 119, item 1685).

- collecting material for publication,
- presenting to the Editorial Committee proposals on the advisability of publishing particular acts in the Official Journal,
- editorial development of the material to be published,
- decision on publishing private persons' announcements in the Official Journal or placing them on the notice board in the local of the Presidium of the Voivodeship National Council,
- correction of texts sent by printing houses.

INFLOW OF LAWYERS OUTSIDE THE ADVOCACY TO ATTORNEY-AT-LAW POSTS

Inflow of lawyers unrelated to the advocacy was extremely important for the phenomenon of the attorney-at-law profession separation. In the 1940s and 1950s, as in the interwar period, advocates were still most common as attorneys-at-law. However, the Bar began to lose its monopoly on attorney-at-law posts. The authorities were not opposed to this initially. The 1950 Advocacy System Act invariably made it possible to combine the profession of advocate with the function of attorney-at-law in the units of the socialized economy. In some cases, when advocate took the post of attorneys-at-law in the state authorities, was an exception. He had to resign then from the practice as an advocate.[64] However, in the mid-1950s, the authorities began to consider the possibility of a complete separation of attorney-at-law from the advocacy. In addition, there was a large group of people in the Bar, who resigned from the practice as an advocate, devoting to providing legal services of the units of the socialized economy as an attorney-at-law. Therefore, in 1949, there were first voices in the advocacy mentioning about new specialization of attorney-at-law – advocate.[65] According to the data collected by the Administrative Department of the Central Committee of the Polish United Workers' Party, at the end of 1954, about 700 advocates were devoted solely to serving as attorneys-at-law in state institutions and in the units of the socialized economy.[66]

The dominance of advocates on attorney-at-law in the mid-1950s was no longer so pronounced. Attorneys-at-law posts were more often taken over by the lawyers not associated with the advocacy. An important factor in overcoming the dominance

[64] Article 62 (3) and Article 63 (2) of the Act of 27 June 1950 on the advocacy system (Journal of Laws No. 30, item 275).

[65] AAN, 195 Ministry of Industry and Trade, sign. 4405 [no card numbering in files], Letter from the Head of the Legal Department of the Central Board of the Steel Industry of 28 April 1949.

[66] AAN, 285 Ministry of Justice, sign. 244, card 32, Information of the Administrative Department of the Central Committee of the Polish United Workers' Party on the situation at the advocacy from May 1955.

of advocates on the attorney-at-law positions was the authorities' desire to exchange pre-war staff with lawyers trained under the standards accepted in the new system. The inflow of young legal staff, prepared ideologically and politically, was supported by special law schools.[67] The authorities paved the way for them to become judge, prosecutor, notary and to enter the advocacy by the Decree of 22 January 1946 on exceptional admission to these professions,[68] without the relevant apprenticeship or even the requirement to complete higher legal studies. Priority was given to changes in the prosecution and courts. In turn, attorneys-at-law served as a departure place for unwanted pre-war judges and prosecutors, so-called "old staff".[69] From a legal service perspective, this had a positive impact on its quality. Well-educated lawyers, with many years of court practice experience, became attorneys-at-law.

Over time, the number of lawyers not associated with the bar, prosecution or judiciary has also steadily increased among attorneys. Young lawyers were employed, who received their education after World War II (not always university education) and gained professional experience working in companies on legal secretary or other legal-administrative posts.

Breakthrough of the dominance of advocates on attorney posts was confirmed by a survey conducted by the Ministry of Justice at the turn of the years 1957/1958.[70] Nearly half of attorney posts were held by lawyers unrelated to the advocacy. The questionnaire answers were given by 13 ministries, 14 voivodeship national councils, the Central Association of Labour Cooperatives and the Association of Food Cooperatives "Społem". They covered about 6,600 units employing attorneys-at-law – offices, institutions and state enterprises subordinate to ministries and national councils. According to the questionnaires submitted, advocates occupied 3,807 posts, while attorneys not included in the advocacy occupied 3,281 posts, i.e. approx. 46%.

It should be explained that different data from the survey conducted by the Ministry of Justice were presented in a publication by the Research Centre of Attorneys-at-Law.[71] The authors of the report state that 1,276 out of 2,704 attorneys-at-law employed in the ministries and subordinate units were not registered in the Bar. Concerning the presidencies of voivodeship national councils, it was 160 out of 327 employees. These figures are not wrong. A significant difference stems from the fact that the authors of the report present official information provided by

[67] A. Lityński, *O prawie i sądach początków Polski Ludowej*, Białystok 1999, pp. 139–145.

[68] Journal of Laws 1946, no. 4, item 33.

[69] J. Szarycz, *Sędziowie i sądy w Polsce w latach 1918–1988*, Warszawa 1988, pp. 116–117. It should be noted that some of the judges – in 1953 there were 105 of them – according to J. Szarycz (*ibidem*, p. 122), due to their low salaries at that time, additionally undertook work as attorneys-at-law.

[70] AAN, 285 Ministry of Justice, sign. 3560, cards 48–178, 192, 226, Documentation of the survey carried out.

[71] *Zarys historii powstania samorządu radców prawnych*, "Radca Prawny" 1993, no. 3, p. 8.

the Ministry of Justice.[72] However, they did not include questionnaires sent by the Central Association of Labour Cooperatives and the Union of Food Cooperatives "Społem" and a survey of the Ministry of Internal Trade, sent to the Ministry of Justice a few months after the official information was released.

It should also be noted that the data collected by the Ministry of Justice were seriously reduced. In the mid-1950s, as K. Mamrot wrote, there were about 20,000 state enterprises, institutions and various types of cooperatives that required legal services. The author also informs that approx. 3,000 advocates were involved in the legal service of the units of the socialized economy,[73] while their number was estimated at approx. 5,000. However, this was data not supported by reliable research. Therefore, on a full scale, the share of lawyers not registered as advocates on the attorney-at-law could be much higher. Detailed data from the full survey of the Ministry of Justice are presented in Table 1.

CONCLUSIONS

In the mid-1950s, we can talk about the phenomenon of genuine establishment of the attorney-at-law professional group. We were dealing with:

1) attorneys-at-law legal specialization, resulting from:
   - the obligation for attorneys to have specific qualifications in knowledge of business and administrative law,
   - providing legal services exclusively to legal persons (Treasury, authorities and administration bodies, enterprises, cooperatives, social organizations), but also to entities without legal personality (e.g. offices);
2) a large number of lawyers acting solely as attorneys-at-law;
3) shaping of the phenomenon of the professional identity of lawyers performing attorney-at-law activities, connected with:
   - the separation of attorney-at-law posts from the Bar,
   - developing in the advocacy a speciality of attorney-at-law,[74] performed by so-called attorneys-at-law – advocates,
   - the possibility of integration of attorneys-at-law community within the Association of Polish Lawyers (APL).[75]

[72] AAN, 285 Ministry of Justice, sign. 720, cards 43–47, and sign. 2482, cards 162–166, Survey results for attorneys-at-law.

[73] K. Mamrot, *Adwokat czy radca prawny?*, "Przegląd Ustawodawstwa Gospodarczego" 1955, no. 8, p. 293.

[74] This fact was underlined by the Resolution of 20 July 1951 of the Supreme Advocacy Council. See *ibidem*, p. 292.

[75] It was an organization that brought together lawyers of all professions. In the years 1944–1950, it was called the Association of Democratic Lawyers. The Association played an important role in the

Table 1. Data on employment of attorneys-at-law in the sectors of ministries and in voivodeship and cities national councils, collected as part of a survey conducted by the Ministry of Justice at the turn of the years 1957/1958

Ministry of	Number of subordinate institutions, enterprises and offices employing attorneys-at-law		Number of attorneys-at-law – advocates employed			Number of attorneys-at-law employed – non-advocates			Number of attorneys-at-law – non-advocates		Monthly salary (PLN)		
	advocates	non-advocates	full--time job	half--time part job	less than half--time job	full--time job	half--time part job	less than half--time job	with a university degree in law	no law studies	full-time job	half-time part job	less than half--time job
Construction and Building Materials Industry	306	247	13	171	123	57	109	78	244	0	1,800–3,000	550–1,800	300–1,250
Finance	22	40	19	36	2	51	18	4	73	0	1,400–2,268	700–1,208	519
Communal Economy	193	159	2	107	84	16	80	63	134	25	1,050–2,400	600–1,500	640
Foreign Trade	19 units employed counsellors from the group of advocates, 2 employed only non-advocates and 8 employed counsellors from both groups		1	40	9	6	5	2	13	0	1,900	1,450	1,200
Internal Trade	557	471	27	343	187	20	294	157	439	32	920–2,100	529–1,587	300–1,104
Communication	221 units employed attorneys-at-law, including 16 central management boards and 205 companies		9	94	46	146	62	49	256	1	1,400–2,500	529–1,078	300–1,000
Culture and Art	77 – the total number of subordinate units is given		2	33	29	7	11	9	20	7	1,900–2,300	1,097–1,108	626–854
Education	11	6	0	11	0	0	1	5	6	0	n/a	1,058	540–700
Posts and Telegraphs	78	8	0	69	9	1	1	6	8	0	1,800	1,058	529

Ministry of	Number of subordinate institutions, enterprises and offices employing attorneys-at-law		Number of attorneys-at-law – advocates employed			Number of attorneys-at-law employed – non-advocates			Number of attorneys-at-law – non-advocates		Monthly salary (PLN)		
	advocates	non-advocates	full-time job	half-time part job	less than half-time job	full-time job	half-time part job	less than half-time job	with a university degree in law	no law studies	full-time job	half-time part job	less than half-time job
Light Industry	264	133	3	155	106	5	71	57	128	5	1,895	840–1,300	580
Food Industry and Purchasing	279	287	4	142	133	13	120	154	287	0	1,400–2,200	840–1,250	300–900
Higher Education	32 units employed attorneys-at-law, including 27 universities, 2 companies, 2 printing houses and 1 housing estate		no separation of advocates and non-advocates; they were employed: 1 on full-time, 28 on half-time, and 4 less than half-time						lack of data	lack of data	1,900	950 and 1080	500–900
Shipping and Water Management	57 units employed attorneys-at-law		1	27	4	18	16	5	39	0	2,700–3,200	1,350–1,600	max 700
Summary	1,729 – units employed advocates, 1,353 – non-advocates, 395 – not separated, total – 3,477		81	1,228	732	340	788	589	1,647	70	920–3,200	529–1,800	300–1,250
			Not separated: 1 – full-time, 28 – half-time, 4 – less than half-time Total: 2,041 posts occupied by advocates, 1,717 by non-advocates, 33 not separated; full-time 422; half-time 2,44; less than half-time 1,325										
Central Boards													
Central Association of Labour Cooperatives	1,398	1,100	4	456	938	9	248	843	1,095	5	1,100–2,400	800–1,100	400–800

Ministry of	Number of subordinate institutions, enterprises and offices employing attorneys-at-law		Number of attorneys-at-law – advocates employed			Number of attorneys-at-law employed – non-advocates			Number of attorneys-at-law – non-advocates		Monthly salary (PLN)		
	advocates	non-advocates	full-time job	half-time part job	less than half-time job	full-time job	half-time part job	less than half-time job	with a university degree in law	no law studies	full-time job	half-time part job	less than half-time job
Union of Food Cooperatives "Społem"	180	270	0	150	51	0	250	52	302	0	n/a	1,058	900–1,600
Summary	1,578	1,370	4	606	989	9	498	895	1,397	5	1,100–2,400	800–1,100	400–1,600
			Total: 1,600 posts occupied by advocates, 1,404 posts by non-advocates, 15 full-time jobs, 1,105 half-time, and 1,884 less than half-time										
Presidium of national councils													
in Kielce	the data refer to the Presidium and 3 departments		0	0	0	3	0	0	3	0	1,555	n/a	n/a
in Koszalin	0	10 (only Presidium)	0	0	0	7	3	0	10	0	1,400	700	n/a
in Krakow	the data refer to the Presidium		0	2	0	6	3	0	9	0	1,558	700	n/a
in Lublin	76 enterprises, offices and institutions		2	49	3	3	15	2	20	0	1,650–1,700	1,000–1,200	600–650
City of Lodz	55	29	5	44	19	6	14	13	33	0	1,633	820	613
in Lodz	0	3 divisions and board	0	0	0	1	0	0	1	0	1,400	n/a	n/a
in Olsztyn	the data refer to the Presidium		1	1	0	7	4	0	11	0	1,800–2,500	1,050	n/a
in Opole	6 (Presidium and 5 voivodeship boards)		0	1	0	4	3	0	7	0	1,400	1,050–1,075	n/a

Ministry of	Number of subordinate institutions, enterprises and offices employing attorneys-at-law		Number of attorneys-at-law – advocates employed			Number of attorneys-at-law employed – non-advocates			Number of attorneys-at-law – non-advocates		Monthly salary (PLN)		
	advocates	non-advocates	full--time job	half--time part job	less than half--time job	full--time job	half--time part job	less than half--time job	with a university degree in law	no law studies	full-time job	half-time part job	less than half--time job
City of Poznan	data refer only to the Presidium		1	0	0	2	0	0	2	0	1,231	n/a	n/a
in Poznan	1 organizational unit of the Presidium		0	0	0	0	1	0	1	0	n/a	1,000	n/a
in Rzeszów	25	44	2	18	5	5	17	22	36	8	1,400	1,100–1,500	750–1,330
City of Wroclaw	the data refer to the counsellors of the Presidium and subordinate boards		1	1	0	3	2	0	5	0	1,400	700	n/a
in Wroclaw	32 organizational units		2	9	0	4	8	0	12	0	1,418	755	n/a
in Zielona Gora	the data refer to the Voivodeship National Council and subordinate boards		1	0	0	4	0	0	4	0	lack of data	n/a	n/a
Summary	80	92	15	125	27	55	70	37	154	8	1,400–2,500	700–1,500	600–1,330
	most units have not featured		Total: 167 posts occupied by advocates,162 by non-advocates, 70 full-time, 195 half-time, and 64 less than half-time										
Overall summary	data from about **6,600** units		Total: 3,807 posts occupied by advocates, 3,281 by non-advocates, 33 unseparated, 505 full-time jobs, 3,343 half-time, and 3,273 less than half-time						**3,198**	**83**	**920–3,200**	**529–1,800**	**300–1,600**

Source: own elaboration on the basis of data from questionnaires submitted to the Ministry of Justice (AAN, 285 Ministry of Justice, sign. 3560, cards 94–168, 192, 226).

The factors that determined the development of the professional group of attorneys-at-law within the legal professions were:

- the transition to a centrally controlled economy;
- the creation of an extensive state bureaucratic, administrative and economic apparatus;
- transfer of conflicts arising between units of the socialized economy to jurisdiction of the state economic arbitration and the monopoly of attorneys-at-law to appear before arbitration commissions;
- liquidation of the General Counsel and the legal representation bodies and decentralization of the state legal service;
- taking over the attorney-at-law posts by the lawyers unrelated to the advocacy, engaged solely and professionally in the legal service of the units of the socialized economy.[76]

However, to fully separate legal professional still needed a uniform regulation concerning its status, the basic rules of performing legal services and about professional organization. *De facto* the separation of the professional group of attorneys-at-law naturally led to the initiation of discussions on the legal separation of the profession in the second half of the 1950s. As a result, on 13 December 1961 was issued Resolution No. 533 of the Council of Ministers on legal services for state enterprises, associations and state banks,[77] which unified the rules of practicing legal profession. However, attorneys-at-law remained under the administrative supervision of the state economic arbitration. The full separation of the profession of attorneys-at-law, within the family of legal professions, took place as late as in 1982, when the State was thoroughly reformed, after the so-called "First Solidarity" period. At that time, the Attorneys-at-Law Act[78] was issued, which initiated the organization of professional self-government.

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legal community. It was one of two organizations, next to the advocacy, where attorneys-at-law could speak with a common voice, raising problems of the milieu. In the 1950s, within the APL, mainly at the level of particular districts, there was an integration of lawyers practising as an attorneys-at-law. There were organized permanent attorneys-at-law boards (Szczecin APL District), ad-hoc conferences devoted to problems of this profession, or special training courses for attorneys-at-law (Warsaw Branch of APL). The sections of economic legislation, functioning at the Main and District Boards of the APL, handled problems of legal services of the units of the socialized economy and attorneys-at-law issues. See *Studium dla radców prawnych*, "Przegląd Ustawodawstwa Gospodarczego" 1952, no. 10, pp. 382–383; *Przed IV Krajowym Zjazdem Zrzeszenia Prawników Polskich*, "Przegląd Ustawodawstwa Gospodarczego" 1955, no. 11, p. 419.

[76] Z. Młyńczyk, *Radca prawny – zawód odrębny?*, "Przegląd Ustawodawstwa Gospodarczego" 1956, no. 7, pp. 270–271.

[77] Polish Monitor 1961, no. 96, item 406.

[78] Act of 6 July 1982 on attorneys-at-law (Journal of Laws 1982, no. 19, item 145).

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ABSTRAKT

Korzeni zawodu radcy prawnego upatruje się w szesnastowiecznych zawodach syndyków i instygatorów. Stanowiska radców prawnych pojawiły się w Polsce w XIX w. Zajmowali je głównie adwokaci. Radca prawny jako nowy zawód prawniczy zaczął się wyodrębniać od adwokatury po II wojnie światowej, w okresie Polskiej Rzeczypospolitej Ludowej. Sprzyjał temu wprowadzony model centralnie sterowanej gospodarki uspołecznionej. Proces wyodrębniania się zawodu radcy prawnego był długi. Formalnoprawnie pełne wyodrębnienie nastąpiło dopiero w latach 80. XX w. Jednak faktycznie zjawisko odrębności i tożsamości zawodowej prawników pracujących na radcostwach prawnych narodziło się w latach 50. Artykuł traktuje o początkach procesu wyodrębniania się grupy zawodowej radców prawnych i wskazuje na kluczowe czynniki, które do tego doprowadziły.

Słowa kluczowe: radca prawny; adwokatura; Polska Rzeczpospolita Ludowa; gospodarka uspołeczniona