

10 November 2023

Statement of the Weimar Triangle of Lawyers on Attempts to Influence the Independence of Lawyers and Bar Associations in Poland

The German Bar Association, the Paris Bar Association, and the Warsaw Bar Association of Advocates jointly express their profound concerns over various attempts and announcements of the still ruling majority in Poland to influence and reduce the independence of lawyers and bar associations in Poland. Although the results of recent parliamentary elections give hope for reinstatement of the Rule of Law in Poland, as legal professionals committed to upholding the Rule of Law and defending the independence of lawyers, we feel compelled to remind its importance and raise our collective voice against such attempts.

The independence of lawyers and bar associations is an immanent element of a democratic society as well as a prerequisite of independent judiciary. While the lawmakers and government may undertake steps to improve the legal environment of legal professions, it is essential that such changes may not affect internal guarantees of independence and interfere into structure of the bars. Any forced and externally invented enhancements of independence of lawyers may lead to counterproductive effects.

In 2022, a group of MPs led by a member of ruling majority filed to the Polish Constitutional Tribunal for constitutional review of the lawyers' compulsory membership to the bar association based solely on their professional or private address (case no. K 6/22). Approving this application and its allegations would result in dismantling the entire structure of independent bar associations and necessity of adopting new rules on legal professions organisation. The applicants claimed that their intention was to make the legal professions framework more flexible and liberal. This proceedings before the Constitutional Tribunal should discontinue at the moment of termination of the current Parliament term which should take place by 14 November.

This September, the ruling party "Law and Justice" in its party manifesto (published before parliamentary elections of 15 October) announced fusion of two legal professions in Poland and dissolution of these professions' self-government structures. Subsequently, this has been confirmed by Sebastian Kaleta, Deputy Minister of Justice as proposal providing the society broader and easier access to professional legal assistance. After recent parliamentary elections it seems that the currently ruling majority will not be able to appoint the government and carry out this political declaration.

Despite the official justification of these initiatives, the enduring crisis of the Rule of Law in Poland provoked by the current government and its ruling majority allowed us to identify the ultimate risk of these steps which might have resulted in elimination of independence of lawyers and bar associations in Poland. We firmly believe that the independence of lawyers and bar associations is not a privilege of legal professionals but constitutes a guarantee of efficient and fearless legal assistance in democratic society.

Therefore, in light of possible fiasco of these attempts, we call on Polish politicians, legal community, civil society, and relevant stakeholders to safeguard the independence of lawyers and bar associations in Poland and remember its importance for independent judiciary and reinstatement of the Rule of Law in Poland.

Mikołaj Pietrzak



Dean of the Warsaw Bar
Association of Advocates

Edith Kindermann



President of the German Bar
Association

Julie Couturier



Dean of the Paris Bar
Association