

**The Independence of the Bars
and their Relationship with the Public Authorities**

Some Arguments for “Interdependence”

I. Introduction

advocatus

without improper interference.

III. Independence of Judiciary v. Independence of Legal Profession

independent *impartial.* *cannot*
functional *substantive* *organizational* *collective*
vis-à-vis *internal* *vis-à-vis*

independence: the contemporary debate *see* *eds.) Judicial*
ed. *see*
25-26 *Working together to build the Europe on the Rule of Law,* *CIJL Bulletin*
cf. *see*
cit. *See also*
Yearbook: Constitutional Guarantees for the Independence of the Judiciary, *CIJL*

depend

The role and responsibilities of the lawyer in a society in transition,
see e.g.

see

vice versa

“independence of the Bar”

V. Public and Private Law Model of the Bar Associations and its Relation to the Concept of Independence

Bar without public prerogatives	Bar with public prerogatives
— — — —	— — — — —
<i>No need for public control.</i>	<i>Public control may be required.</i>

VI. Legality and Legitimacy – the Democratic Structure or the Privilege of the Learned Ones?

not

are

by an independent and impartial judicial body

may not

IX. Some Cases in Which Mutual Cooperation Between Bar(s) and Public Authorities Might be Necessary

sovereignty

independence

*checks and balances.*²¹

interdependency.

mutual dependency

a. Admission to the Bar

b. Disciplinary Proceedings

c. Setting Up Professional Standards

all professional standards

alia

inter

See Zakon o odvjetništvu

d. Providing Tariffs and Schedules of Fees

e. Education and Training

See

se

per

f. Arbitration in Professional Disputes and Strategic Issues

in causa sua:

Nemo iudex

X. Conclusions

Latin America

society in transition,

The civil law tradition: an introduction to the legal systems of Western Europe and

The role and responsibilities of the lawyer in a

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inter alia