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**Articles**

Studia Iuridica Lublinensia vol. XXVIII, 4, 2019
DOI: 10.17951/sil.2019.28.4.65-87

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# The Prestige of Legal Professions among Students of Law and the Intention to Practice These Professions

## *Prestiż zawodów prawniczych wśród studentów prawa a zamiar ich wykonywania*

SUMMARY

The study presents the results of a qualitative survey carried out among students who study law at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin, which refers to the results of a quantitative survey conducted in 2017. The qualitative research was carried out on a representative sample chosen in a deliberate-and-random manner. The research technique consisted of recording the results of direct interviews based on a standardised questionnaire. Substantive questions were aimed at identifying the reasons for the previously identified discrepancies between the prestige of legal professions as perceived by law students and their intention to pursue these professions. Definitely, the profession of judge enjoys the greatest prestige, but the future legal practitioners mostly do not indicate this profession as the one they intend to practise. Preferred are the professions related to the provision of legal assistance services, i.e. of advocate (*adwokat*) or attorney-at-law (*radca prawny*). The profession of judge is endowed with high prestige, while at the same time it is the most demanding legal profession. The difficulty of this profession consists especially in the manner of entry into the profession, the high responsibility and the stress related to the exercise of the function of judge. They have also pointed that judge's salary is not proportionate to the workload and responsibility imposed on judges. On the other hand, the professions of advocate and attorney-at-law are the most popular ones because of the huge opportunities they offer. This

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includes the accessibility to these professions and the wide range of powers and autonomy of those who pursue them. They are associated with different forms in which legal assistance services may be provided, in the case of attorneys-at-law also under an employment contract.

**Keywords:** student; legal professions; quantitative study; prestige; judge; attorney-at-law; advocate

## INTRODUCTION

The study presents selected results of a survey carried out in April and May of 2017 among students of law at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin. The idea behind the research project was originated by students who are members of the following student organisations: MCSU Student Lawyers' Research Club, Student's Research Club of Legal Professions, and the Law Sociology Research Club. The questionnaire comprised questions on various aspects of establishing professional preferences of law students. Apart from questions concerning the basic sociological-records data on the respondents (e.g. age, sex, residence), the questionnaire also included questions concerning interest in particular areas of law, intention to perform a specific profession, legal traditions within one's family, prestige attributed to particular legal professions and aspects concerning income expectations. A report containing the overall results and conclusions based on them was prepared from the research[1]. Based on the analysis of answers, it was found that there was a significant discrepancy between the declared prestige of particular legal professions and the intention to perform them by the law students. Due to the character of the very questionnaires and the nature of quantitative research, the monograph provides a statistical analysis of the results. To understand the relationship between the individual answers, the authors of the report decided to carry out an additional qualitative survey.

## PRESENTATION OF QUANTITATIVE SURVEY RESULTS

In a survey conducted among law students of the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin in the summer semester of 2017, a question was asked: Which of the legal professions you consider to be the most prestigious one? (Table 1, Figure 1)[2].

[1] M. Kępa, S. Pilipiec, *Preferencje zawodowe studentów prawa. Raport z badania*, Lublin 2018.

[2] When analysing the answers to the above question, which was not indicated as a multiple choice question, it should be noted that some people mentioned more than one profession, and that 29 people out of 958 respondents in the study did not answer that question.

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Table 1. Numerical and percentage results concerning the prestige of legal professions (general results)

| Profession | Number | Percentage |
|---|---|---|
| Advocate | 92 | 9.2 |
| Attorney-at-law | 16 | 1.6 |
| Judge | 721 | 72.0 |
| Notary | 32 | 3.2 |
| Prosecutor | 85 | 8.5 |
| Research staff member | 3 | 0.3 |
| Tax advisor | 3 | 0.3 |
| Ministry of Foreign Affairs staff member | 2 | 0.2 |
| Legislator | 1 | 0.1 |
| Court enforcement officer | 11 | 1.1 |
| Ambassador | 1 | 0.1 |
| UN Secretary | 1 | 0.1 |
| Patent attorney | 2 | 0.2 |
| No response | 29 | 2.9 |
| Other | 2 | 0.2 |
| Total | 1,001 | 100.0 |

Source: M. Kępa, S. Pilipiec, *Preferencje zawodowe studentów prawa. Raport z badania*, Lublin 2018, pp. 47–48.

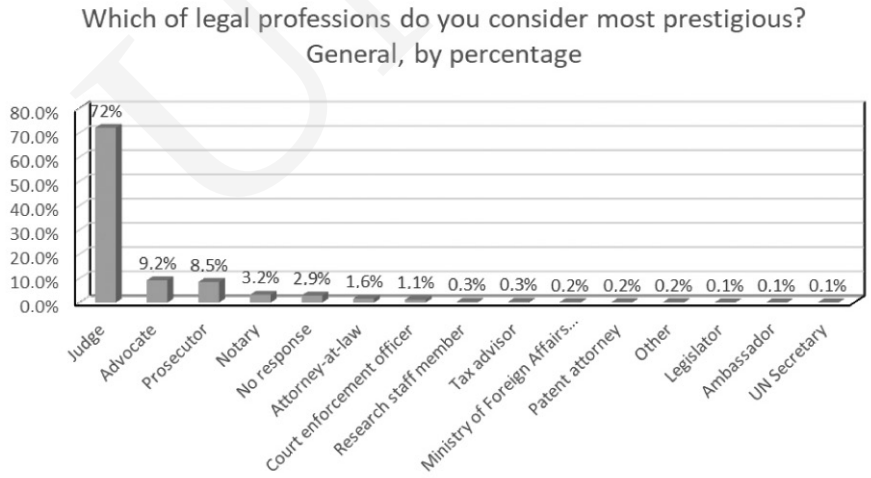


Figure 1.

Source: Authors' own study.

The questionnaire also included a question about vocational plans of the students which read as follows: Which of the listed professions would you like to practise? This question was marked as a multiple choice question (Table 2, Figure 2).

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Table 2. Numerical and percentage results of the intention to practise a particular legal profession (general)

| Profession | Number | Percentage |
|---|---|---|
| Advocate | 396 | 13.4 |
| Attorney-at-law | 420 | 14.2 |
| Judge | 300 | 10.1 |
| Notary | 237 | 8.0 |
| Prosecutor | 386 | 13.0 |
| Research staff member | 122 | 4.1 |
| Tax advisor | 87 | 2.9 |
| Ministry of Foreign Affairs staff member | 125 | 4.2 |
| Legislator | 36 | 1.2 |
| Civil officer | 70 | 2.4 |
| Court enforcement officer | 107 | 3.6 |
| Law enforcement agency staff member | 150 | 5.1 |
| Local government staff member | 60 | 2.0 |
| Patent attorney | 51 | 1.7 |
| Court referendary | 46 | 1.6 |
| I am going to work in other sector than legal | 92 | 3.1 |
| I am going to establish my own business | 150 | 5.1 |
| Uniformed services member | 126 | 4.3 |
| Other | 2 | 0.1 |
| Total | 2,963 | 100.0 |

Source: M. Kępa, S. Pilipiec, *Preferencje zawodowe studentów prawa. Raport z badania*, Lublin 2018, pp. 40–41.

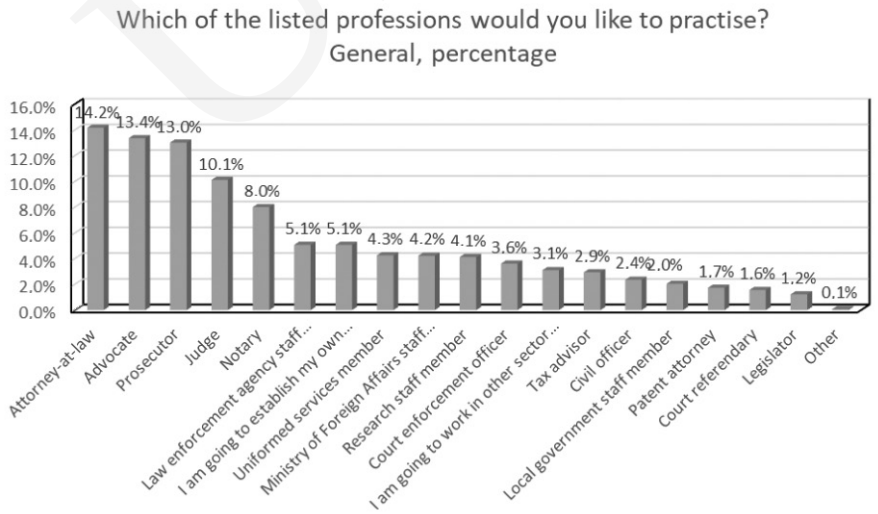


Figure 2.

Source: Authors' own study.

The research results presented above clearly show that there is no link between the preference for performing a particular legal profession and the factor of prestige enjoyed by this profession. Although the profession of judge enjoys the greatest

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prestige, most of the future legal practitioners do not indicate the profession of judge as the one they intend to practise. The preferred professions are advocate, attorney-at-law, and prosecutor.

When comparing with other surveys conducted in Poland, it should be noted that similar findings result from studies conducted on a sample of students (first--year, third-year, and fifth-year of study) at the Faculty of Law and Administration of the University of Warsaw in 1997. At that time, 53% of the surveyed students of the first-year of study and 55% of students of the third-year and fifth-year of study pointed to the profession of judge as the profession which enjoyed the greatest recognition among the public. The profession of judge, which according to the respondents enjoyed such high social prestige, was declared as an intended profession by only 9% of first-year students and 12% of third-year students, and the attractiveness of this profession increased to 18% only among fifth-year students. Thus, a growing trend in this respect was noticeable, but the result was still not close to the level of prestige attributed to the profession of judge. Once the results were averaged, about 13% of the law students of the University of Warsaw surveyed in 1997 wanted to practice the profession of judge. On the other hand, 27% of first--year students, 22% of third-year students, and 22% of fifth-year students wanted to practise the profession of advocate, which results in an average of about 24%. The profession of attorney-at-law (*radca prawny*) maintained a stable, high level of 26% in the students of all the years of study under the survey[3]. It was indicated in the summary of these studies that the respect attached by the students to particular legal professions is quite loosely related to their professional aspirations.

The above results indicate that the lack of correlation between the prestige of legal professions and the students' intention to practise these is a continuing trend in various university centers which educate law students, where research in this field has been conducted. At the same time, it should be noted that it is impossible to determine the reasons for the discrepancies between the prestige of particular legal professions and law students' career plans based on the aforementioned quantitative studies conducted at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin in 2017. This was the justification for continuing the analysis of the relationship between the prestige of particular legal professions and the intention of law students to perform them. To determine the factors that influence the significant diversity of results, in the opinion of the authors, it is reasonable to conduct further qualitative research using the interview method.

[3] M. Dziurnikowska, *Adwokat i inne zawody prawnicze w opinii studentów prawa (wyniki ankiety „Studenci prawa o swojej przyszłości zawodowej")*, „Palestra" 1997, nr 5–6, p. 32. For more details, see *Studenci prawa o studiach i perspektywach zawodowych*, red. E. Łojko, Warszawa 2011.

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## CHARACTERISTICS AND METHODOLOGY OF QUALITATIVE RESEARCH

The above factors inspired the authors to continue their research on the professional preferences of law students, but in using a modified formula. On 28 June 2018, during the summer examination session, a qualitative study was conducted in the form of interview method to determine the reasons for the differences found.

The purpose of the interview was to learn about the opinions of students of law and administration of the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin as regards the reasons why the profession of judge was indicated as the most prestigious in surveys, while at the same time other legal professions were declared the most preferred, in particular the professions of attorney-at-law and advocate. It was examined in detail why the high prestige of the profession of judge does not translate into the intention to practice it. An analysis of the obtained statements will enable the achievement of the scientific goal in the form of conclusions.

An additional aim of the study was to activate the students of the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin. This concerned both the group in which the interviews were conducted and the persons who supported the implementation of the study. Concerning the first of these categories, the interviews and analysis of the results highlighted the fact that the feedback from students constitutes an important element of university education. The students' involvement in the event enabled its efficient organisation and obtaining material for analysis and drawing conclusions based on that material. In the event of the second group of students, active participation in the implementation of the project increased their social competences by establishing contacts with other members of the student community and employees of the faculty, as well as cooperative skills within the group.

When planning and organising quantitative research, the choice of method, and consequently the research technique, should be taken into account. Only by the correct selection of methods and the use of appropriate techniques, it is possible to examine a specific event or several events (facts), forming a certain logical sequence of these events (process) or to examine a specific phenomenon, i.e. to describe, explain (understand) and possibly predict the direction of change, but also to propose specific remedial solutions. The research used the traditional method of interview, which, as a qualitative method, should reflect the actual state of affairs of the phenomenon under the study, i.e. students' knowledge of individual legal professions. The method of scientific research chosen for the subject of research, research goal and research problems should provide such information that will allow exhaustive and reliable answers to problem-related questions and verify the research hypotheses assumed. The chosen research method in the form of an interview determines the selection of

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an appropriate research technique understood as an indication of a specific research tool. As part of qualitative research, one should seek the answer to the question: How is it? and also explain: Why is it so? It should also be stated the purpose of the results of the research. The normative reality carries a multitude of forms of practising legal professions, which can be perceived as either attractive, prestigious or not, and as those that the respondents want to practice or not. Therefore, the professional preferences of law students have been subjected to scientific research in order to describe, explain and justify, and consequently solve the problems covered by the study.

Due to the difficulty with conducting qualitative studies in all students of law who study at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin, the authors had decided to carry out the research on a respective sample. The selection of a representative sample was, therefore, an important part of the study[4]. Such sample is characterised, with considerable accuracy, by the characteristics of the whole population from which it was collected and also gives results that are similar to the results of the whole population, which allows the conclusions of the test sample to the entire to be extended to the whole community of respondents[5].

A representative sample is constructed according to certain characteristics. Most often feature is representativeness due to socio-demographic characteristics. In the research, the sampling unit, i.e. the single object from the population being examined, was a student of law at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin, while the basis for sampling was the complete list of students studying at that faculty. In current theories of sampling, there are several ways of selecting a representative sample[6]. For the sake of research, the authors have adopted a method that can be described as a deliberate-and-random sample. This is a combination of the advantages of several ways of selecting the respondents. It consists in the fact that a deliberate sample was used in the first place, because the respondents for the study were selected in an expert way, by dividing the population of the students to be surveyed into individual years of study according to the official list. Then individuals that had the same probability of finding themselves in the sample were randomly selected[7]. In the qualitative studies being analysed, the variable of being a student at a specific year of study was adopted, and the same number of students were selected from each years of study (10 persons). It should be noted that amounts of students at individual years of study is similar, comparable. The students were informed about the research by notices posted at the faculty, messages

[4] It can be noticed in the literature on the subject that the concept of representative sample is vague. On the different meanings of this term, see S. Nowak, *Metodologia badań społecznych*, Warszawa 2007, pp. 298–303.

[5] A. Pieniążek, M. Stefaniuk, *Socjologia prawa. Zarys wykładu*, Warszawa 2014, p. 123.

[6] Ch. Frankfort-Nachmias, D. Nachmias, *Metody badawcze w naukach społecznych*, Poznań 2001, pp. 194–195.

[7] *Ibidem*, pp. 198–199.

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disseminated by students' research clubs and through the exchange of information between the students themselves (so-called word-of-mouth marketing). Knowing the term and place of research, the students were given the opportunity to participate in the research. No one was discriminated, and the selection of people for the study was completely random and voluntary, taking into account the above assumptions and according to the first-come and first-served basis.

The research technique consisted of precise recording of the results of direct interviews based on a standardised questionnaire. The questionnaire form consisted of seven questions, some of which were the so-called "respondent's particulars" and concerned the basic data of the surveyed students, such as sex and year of study. The substantive questions were of an open nature. The purpose of such a procedure was to avoid suggesting the respondents any possible answers and to enable them to speak freely and honestly.

The interviewers included the authors of the study and those members of the boards of student's research clubs[8] who had been the originators of the quantitative survey of 2017. The direct interview method was used. The interviewers briefly presented the aim of the research and assured about the anonymity of the answers. During the interview, the respondents were presented with charts showing the results of the survey from quantitative study demonstrating the prestige of legal professions and the intention among students of the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin to pursue these professions.

The research carried out was intended to verify the assumed research hypotheses recognised as a presumed dependence of the phenomenon under consideration from other phenomena[9]. The hypothesis to be proved or disproved by qualitative research was based on the statement[10], stemming also from the authors' own experience, that the profession of judge is the most demanding of all legal professions. This includes both the career part leading to this profession and the actual practice. Preparing oneself for the role of a judge and administering justice requires considerable work and effort. At the same time, it means high responsibility, the burden of deciding on the situation of others, be it their personal life or property

[8] The boards of the respective students' research clubs were represented as follows: Student's Research Club of Legal Professions by Filip Wolski (Treasurer), Law Sociology Research Club by Patryk Patoleta (Chairman) and Krzysztof Niewęgłowski (Deputy Chairman).

[9] Likewise J. Wódz, *Socjologia dla prawników i politologów*, Warszawa 2000, pp. 155–156.

[10] M. Kępa underwent in 1997–1999 a judicial training and passed a judge's exam, and in the period of 2000–2001 she underwent a supplementary attorney-at-law's training and passed an attorney-at-law's exam; she currently is registered with the list of attorneys-at-law with OIRP in Lublin. S. Pilipiec underwent in 1995–1997 a judicial training and passed a judge's exam; he currently is registered with the list of attorneys-at-law with OIRP in Lublin.

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matters. At the same time, the judge's role is subject to certain restrictions and additional obligations[11].

Another hypothesis was that the professions of advocate and attorney-at-law are the most popular because of the great opportunities that are associated with the status of these liberal professions. Certainly, these opportunities comprise two factors. First, their potential availability. The paths leading to the profession of professions of advocate and attorney-at-law are identical. It is necessary, as a rule, to complete the advocate training or attorney-at-law's training and pass the government professional examination, and the right to practise is obtained after an oath and registration with the appropriate list. The recruitment for both types of professional training is open to every graduate of law studies, there are no admission limits, and the trainees are trained in 19 district bar councils of attorneys-at-law and 25 district bar councils of advocates. In the second place, the authors assume that an important factor affecting their popularity is the wide range of competence and forms in which these professions can be performed. Both the attorney-at-law and advocate are lawyers who provide legal advice and consultancy, prepare legal opinions, develop draft legal acts and act as a representative before courts and authorities, and may be defence counsels in criminal matters. For both these professions, there is a wide range of forms in which they may be pursued. An important difference in this respect is the possibility of practising the profession of attorney-at-law in the context of an employment contract.

## NOTIONS OF PROFESSION AND LEGAL PROFESSION

The notion of "profession" is an ambiguous category, as it may include, in particular, a learned profession or a profession that is actually practised. At least for two basic reasons, this analysis uses the term in the meaning of an actually performed profession. In the first place, it is difficult to conclude that there is a learned profession of lawyer, as we may only mention legal education in general. In addition, as regards legal professions in a strict sense, which is addressed in more detail in the further part hereof, it is necessary, as a rule, to be a member of the professional self-government (bar council) or to be appointed by the President of the Republic of Poland or the Prosecutor General. This determines the link between the affiliation with a given profession with practising it or at least a potential possibility of practising it.

[11] Article 178 (3) of the Polish Constitution states that a judge shall not belong to a political party, a trade union or perform public activities incompatible with the principles of independence of the courts and judges, while the Act of 27 July 2001 – Law on the System of Common Courts (Journal of Laws No. 98, item 1070 as amended) prevents, as a rule, the admissibility of undertaking extra jobs by judges (Article 86) and imposes the obligation of submitting property declarations (Article 87).

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In general, a profession is defined as a set of specific works or activities formed as part of the social division of work. An important element of this category is to take action to obtain a specific income (profit, earnings), which is the basis for the maintenance and existence of a given person. In addition, the professional activities constituting the practice of a profession are to be undertaken on a continuous, permanent and systematic basis and, by their nature, are not merely occasional or transitional[12].

For the purpose of the study, the term "legal profession" has been defined broadly and in a conventional manner at the same time. It has covered professions that could potentially be carried out by law graduates and at the same time are connected with the acquired university education. This is a derivative of the approach adopted in previous quantitative studies, to the results of which the qualitative analysis refers. This resulted in a considerable diversity in responses, and among the possible categories there was also indicated the intention to work outside the legal sector and the open category of "other". This assumption resulted in an extensive catalogue of professions/occupations, which can be performed by law graduates.

At the same time, a detailed discussion has addressed the professions, which are considered to be classic legal professions, i.e. those for the practice of which it is necessary, as a rule, to undergo the professional training and pass the professional exam. The highest result in the previous surveys on the intention to pursue legal professions had the professions of: attorney-at-law (14.2%), advocate (13.4%), prosecutor (13%), judge (10.1%) and notary (8%), which suggests that a total of 58.7% of the law students who studied at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin surveyed in 2017 planned to pursue legal professions.

An important concept is the term of "professions of public trust" indicated in the Article 17 (1) of the Constitution of the Republic of Poland[13]. The professions of public trust, although being a constitutional institution, are not legally defined. Based on an analysis of the normative acts governing these professions, the scholarly opinion and case-law, including in particular rulings of the Constitutional Tribunal, the basic criteria and specific common features characteristic of this term may be indicated[14].

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[12] As referred to by M. Szydło, [in:] *Konstytucja RP*, t. 1: *Komentarz art. 1–86*, red. M. Safjan, L. Bosek, Warszawa 2016, p. 434 (more on the notion of profession, see the literature referred to therein).

[13] Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78. item 483 as amended).

[14] Cf. judgement of the Constitutional Tribunal of 18 February 2004 (P 21/02, OTK 2004, No. 2, item 9) and judgement of the Constitutional Tribunal of 2 July 2007 (K 41/05, OTK-A of 2007, No. 7, item 72) issued in a trial initiated by the Polish National Bar Council of Attorneys-at-Law. For more on the subject of professions of public trust, see *Zawody zaufania publicznego a interes publiczny – korporacyjna reglamentacja versus wolność wykonywania zawodu*, oprac. S. Legat, M. Lipińska, Warszawa 2002; P. Sarnecki, *Pojęcie zawodu zaufania publicznego (art. 17 Konstytucji na przykładzie adwokatury)*, [in:] *Konstytucja, wybory, parlament. Studia ofiarowane Zdzisławowi Jaroszowi*, red. L. Garlicki, Warszawa 2000, p. 155 ff.

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At the same time, due to the subject of the study, further detailed comments will only address the category of legal professions belonging to this group. It is being pointed out, in this respect, the requirement of having a specific education, supplemented, as a rule, with the respective legal professional training and in the professional examination passed before a relevant government body and, in some cases, the appointment by, for example, the Minister of Justice. People who pursue a profession of public trust carry out activities related to the protection of individual/entity's interests or goods of material importance to that individual or entity, such as life, health, freedom, dignity, but also property assets. This is usually related to the need to obtain information about one's personal affairs, sometimes referred to as intimate information. Such information is sensitive and of a category of such nature which, without a reasonable need, must not be disclosed to third parties. This implies the existence of a specific link between the person who pursues a profession of public trust and the other party to that particular relationship characterised by profound confidence[15].

Another important feature is the existence of ethical rules that are common and specific for a given profession, applicable to the relevant professionals, and which specifically govern the practice of the profession concerned. These formalised deontological rules are higher than the average ethical requirements for representatives of professions of public trust in general. These requirements are not imposed externally, but developed by the professional community itself, based on the tradition and practice of their exercise and, at the same time, usually formalised[16] in normative acts by professional self-government bodies. Membership of these professions entails disciplinary responsibility, which stems from a sense of mission and belief in the need to achieve higher goals related to the safeguarding of the systemic foundations of the functioning of the state. This is due to the requirement of impeccability and good reputation both in terms of the professional activity and beyond[17]. A feature of this group of professions should be consistency of the career path once chosen, which excludes from this catalogue any occupations related to the performance of only *ad hoc* activities, potentially unstable, related to the exercise of functions for a specific term of office[18].

All these factors are of particular importance to the social functioning of legal professions of public trust. Where the above-mentioned conditions are met, a given

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[15] M. Szydło, *op. cit.*, p. 434 ff.

[16] J. Hauser, D. Długosz, *Tezy w sprawie zawodów zaufania publicznego*, [in:] *Zawody zaufania publicznego…*, p. 119 ff.

[17] For more detail, cf. G. Ławnikowicz, S. Pilipiec, *Nieskazitelność charakteru i nieposzlakowana opinia w prawie prawniczych samorządów zawodowych*, „Annales UMCS sectio G (Ius)" 2016, nr 2, DOI: http://dx.doi.org/10.17951/g.2016.63.2.233, pp. 233–260.

[18] Cf. A. Kalwas, *Samorządność zawodowa to świadome i aktywne współtworzenie demarkacji*, [in:] *Rola samorządów – zawodów zaufania publicznego – w tworzeniu demokratycznego państwa prawa*, Warszawa 2004, p. 49; L. Grzonka, J. Kostrubiec, *Zawód zaufania publicznego. Przyczynek do dyskusji*, „Studia Iuridica Lublinensia" 2007, t. 9, p. 29.

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profession may be recognised as a profession of public trust. This entitles the legislature to establish the professional self-government to carry out the tasks relating to the representation of the members, and at the same time the supervision that a profession of particular importance for the protection of the rights and freedom of citizens, the whole society and the functioning of the State is duly practised. This is rooted in the conditions expressly set out in the Polish Constitution, which constitute the framework or limits which cannot be exceeded, i.e. the public interest and its protection. This is also linked to specific consistency of a particular profession, which is expressed, *inter alia*, in the organisation of its internal structures. One also must point to the location of the provision concerning professional self-government for professions of public trust; it is placed in Chapter I of the Constitution of the Republic of Poland, which indicates the paramount, even fundamental, importance of this regulation cited for the constitutional rules of the State.

Membership in the above professional bodies is compulsory for persons performing professions of public trust. The authors hereof find this a correct solution. This is so since only in such a case it is possible to exercise the constitutional and statutory obligations imposed on them, including the exercise of safeguarding the due practice of the profession of public trust within the limits of the public interest and its protection[19]. It should be concluded that the characteristics attributed to legal professions and the tasks being implemented by professional self-government organisations are the source of their high social prestige.

## NOTION OF PRESTIGE OF A PROFESSION

One of the most important issues undertaken currently in sociology of law is the issues of authority of law (the prestige and respect towards law) and the issues of legal culture, legal awareness and attitudes towards law related to the concept of the authority of law. The above issues also include the issue of prestige of a particular profession, including above all legal professions (judge, prosecutor, advocate, attorney-at-law, notary). The prestige of a given profession can be the effect of high skills and the projection of the social usefulness of a given profession in the process of applying the law, because it is the effectiveness of action that does matter in law, often without reference to its moral effects. Sociology of law defines, first of all, the prestige of law which then entails the authority or prestige of a given legal profession.

[19] As stated by the Constitutional Tribunal in the grounds for judgement of 22 May 2001 (K 37/00, OTK 2001, No. 4, item 86; Journal of Laws 2001, No. 54, item 573) and of 18 February 2004 (P 21/02, OTK-A 2004, No. 2, item 9; Journal of Laws 2004, No. 34, item 303) with a positive commentary by A. Bałaban (*Glosa do wyroku TK z dnia 8 lutego 2004 r.*, „Przegląd Sejmowy" 2004, nr 4, pp. 131–134). See also P. Sarnecki, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, red. L. Garlicki, M. Zubik, t. 1, Warszawa 2016, p. 481 ff.

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The high prestige of law is translated into the prestige or authority of the legal profession. To briefly define it, authority is a person, idea or institution that enjoys general recognition and universal respect[20]. If the authority is a person, it means that he or she is the one who guarantees, who is worthy of recognition and whom we trust[21]. The notion of authority (in Latin *auctoritas* 'dignity, significance') of a given profession refers to its social appreciation. However, authority is a broader concept. The authority of a particular legal profession as a certain social institution may be based on prestige (social appreciation) or on respect (fear) towards actions of the institution.

The higher a person is located in the hierarchy of social roles, the greater the privileges of power over others, access to consumption and services, and the reception of usually conventionalised signs of respect. Therefore, prestige will refer to the social status of a person pursuing a given profession. The issue of trust in a given profession cannot be ignored either. The basis of the prestige of professions includes income, education, skills, and power. The most important researcher's task in examining the prestige of professions is to determine the relationship between the significance of the occupational category assessed by the respondents on the scale of prestige and the social situation of members of a given occupational category. Prestige can be the result of high professional skills or a projection of the social utility of the profession. The prestige of a particular profession means social recognition and respect for those who practise the profession. In the case of a particular legal profession, it can be achieved through the effectiveness of a person's activities in the field of legal protection in a broad sense. The recognition for a person results from the identification between the basic values of social groups and the effectiveness of action of a legal professional. The addressees are generally convinced that public authorities represented by the judiciary, as well as bodies and institutions of legal protection are a generally accepted regime. The acceptance of sovereignty is transferred to a person – namely a representative of power. The obedience is not about a specific person but a specific legal profession performing a social function[22]. The prestige so understood manifests itself in two ways. Firstly, by obedience to the instructions given by a representative of the judiciary, namely a judge, i.e. in the specific behaviour of the addressees in accordance with legal orders or prohibitions. Secondly, the views and opinions of the general public that make up the image and attractiveness of a given legal profession. The social

[20] K. Olechnicki, P. Załęcki, *Słownik socjologiczny*, Toruń 2002, p. 25. Cf. J. Goćkowski, *Autorytet*, [in:] *Encyklopedia socjologii*, t. 1, Warszawa 1998, p. 48 ff.

[21] A. Rynio, *Autorytet osób znaczących w kształtowaniu osobowości dojrzałej*, „Ethos" 1997, nr 37, p. 129.

[22] S. Pilipiec, *Autorytet prawa obowiązującego*, [in:] *System prawny a porządek prawny*, red. O. Bogucki, S. Czepita, Szczecin 2008, p. 277.

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prestige of a legal profession is reflected in a positive attitude towards, on the one hand, a representative of that profession who performs tasks of public authority (judge, prosecutor) and, on the other hand, a representative of legal professional self-governments involved in the provision of broadly understood legal assistance in the process of applying the law (advocate, attorney-at-law, notary, etc.).

When analysing the prestige of legal professions, the scholarly opinion indicates that the prestige of these professions has always been considerable[23]. It should be pointed out that respondents, also in nationwide surveys of all professions, highly evaluate the profession of judge, and the judge has won surveys of prestige of legal professions both currently and in earlier years[24]. The prestige of the profession of judge undoubtedly stems from the charisma intrinsic to the social role of judge in relation due to judicial review exercised by the judge in the process of applying the law. Owing to his social function, expertise, conflict resolution skills, and social competence, the judge is close to the central values of Polish legal culture, that is democracy, the rule of law and human rights.

In sociology, prestige is also understood as a subjective criterion of stratification, based on education, profession pursued, lifestyle or income[25]. By analysing the prestige of a particular legal profession through the prism of sociological and legal research, it should be noted that it implies social recognition and respect for the social role of this profession, which can be achieved in two ways. Firstly, by conformance of the formal social status with the values and assessments of the social groups to which the profession is addressed, namely to the students of law. Recognition for a particular legal profession arises from the identification between the basic values of law students and the status of a given profession. The social high prestige of the law is reflected in the positive assessment of a particular legal profession. However, this assessment does not translate into the attitude of law students to wish to pursue a particular legal profession, as pointed out in the earlier part hereof.

## RESULTS OF THE QUALITATIVE STUDY

The form of the survey was subordinated to the purpose of the study indicated in the introductory part hereof. The substantive questions in the interview were of an open nature and were intended to enable the respondents to express themselves free-

[23] M. Dziurnikowska, *op. cit.*, pp. 29–30. About the prestige of legal professions in more detail, see A. Pieniążek, M. Stefaniuk, *op. cit.*, p. 274 ff.

[24] Cf. A. Podgórecki, *Prestiż prawa*, Warszawa 1966, p. 134; M. Dziurnikowska, *op. cit.*, p. 32; Komunikat z badań CBOS, *Prestiż zawodów*, BS/164/2013, oprac. A. Cybulska, Warszawa 2013, pp. 3–6; E. Łojko, *Role i zadania prawników w zmieniającym się społeczeństwie. Raport z badań*, Warszawa 2005, pp. 136–137.

[25] I. Reszke, *Prestiż społeczny a płeć. Kryteria prestiżu zawodów i osób*, Wrocław 1984, pp. 22–27.

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ly in accordance with their knowledge and assessment. In most cases, the answers were of a complex nature. The respondents pointed to many factors determining the prestige of the profession of judge or the reasons why the law students intend to pursue professions related to legal assistance in the future, as an attorney-at-law or advocate. This resulted in a different number of answers to particular interview questions, despite the constant number of respondents (50). At the same time, due to the freedom of expression and the fact that the statements were formulated with respondents' own words, not only by choosing from among the answers proposed, it became necessary to analyse them and establish a common factor. The same, similar or closely related statements, although expressed in a slightly different way, were grouped by the authors, on the basis of their analysis, into categories having a common denominator. This made it possible to see the regularities in the statements of the respondents and to draw general conclusions from them.

The first substantive question was: Why do you think that law students in surveys point to the profession of judge as to the most prestigious? (Table 3, Figure 3).

Table 3. Answers of the respondents to the question: Why do you think that law students in surveys point to the profession of judge as to the most prestigious?

| Answers | Number of answers | Percentage |
|---|---|---|
| Difficulty of the profession | 19 | 19.4 |
| Social prestige | 18 | 18.4 |
| Power | 15 | 15.3 |
| Responsibility | 11 | 11.2 |
| Privileges | 10 | 10.2 |
| Salary | 9 | 9.2 |
| Education, knowledge | 9 | 9.2 |
| Independence | 7 | 7.1 |
| Total | 98 | 100.0 |

Source: Authors' own study.

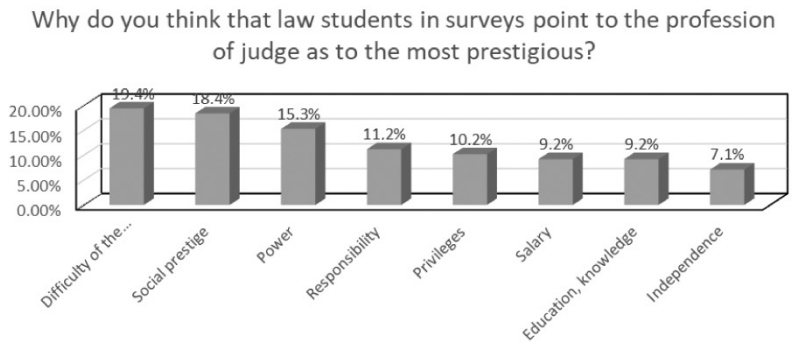


Figure 3.

Source: Authors' own study.

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The respondents pointed to many elements as arguments for the high prestige of the profession of judge among law students, which is also justified by the fact that prestige itself is a complex phenomenon based on many factors. The first most often mentioned element was the difficulty of the profession of judge, which was mentioned by 19 respondents (19.4% of all answers). The respondents also pointed to respect, esteem, recognition, inspiring the trust, due regard, appreciation or high social trust (18 answers, 18.4%), which make up the general category of social prestige.

An important factor which builds the prestige of the profession of judge according to law students is also power (15 answers, 15.3%). In this case, power seems to be understood not only in terms of the classical theory of separation of powers put forward by Montesquieu, but also in terms of the scope of powers exercised by the judge. Respondents, in this respect, gave both the position within the political system, but also the hearing, adjudication or deciding about the lives of others. Among the answers, there were also, on the one hand, threads concerning the responsibility related to exercising the office of judge (11 answers, 11.2%) and, on the other hand, the elements defined conventionally by the authors as privileges (10 answers, 10.2%). The latter category included immunity, security, stability and secure employment.

Further, there were such arguments as salary and education, knowledge (9 answers each, 9.2%) and independence (7 answers, 7.1%), which, according to the respondents, consists of independence and impeccable character.

The second question was: Why do you think the professions of attorney-at-law and advocate are the most preferred by law students? (Table 4, Figure 4).

Table 4. Answers of the respondents to the question: Why do you think the professions of attorney-at-law and advocate are the most preferred by law students?

| Answers | Number of answers | Percentage |
|---|---|---|
| Great opportunities | 37 | 41.1 |
| Accessibility of the profession | 25 | 27.8 |
| High salary | 18 | 20.0 |
| Helping others | 5 | 5.6 |
| Lower responsibility compared to the judge | 5 | 5.6 |
| Total | 90 | 100.0 |

Source: Authors' own study.

When analysing students' responses, it should be noted that, first of all, the respondents pointed out that the professions of attorney-at-law and advocate offer great opportunities (37 answers, 41.1%). These opportunities relate to the freedom to pursue the professions of attorney-at-law and advocate (the respondents pointed out that these are liberal professions), with a broad range of matters that can be handled. They have concluded that the people performing these professions are

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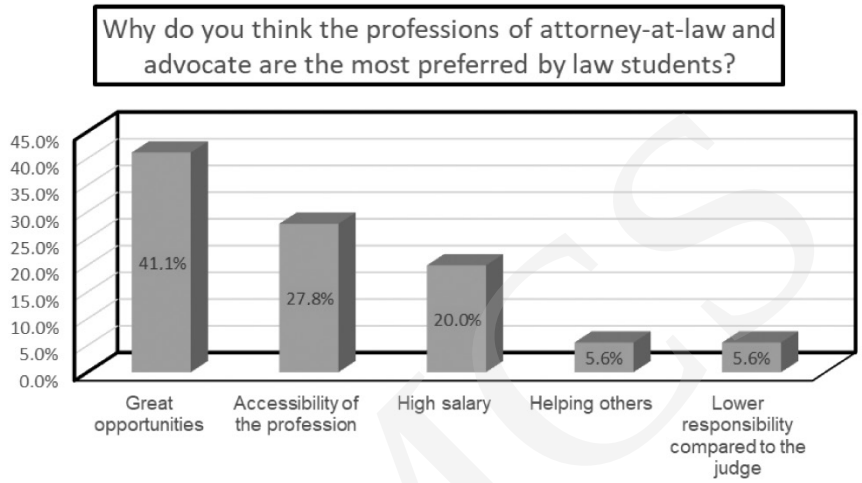


Figure 4.

Source: Authors' own study.

not bound by the instructions of others and pursue their professional activities on their own behalf. Moreover, in the case of attorney-at-law, the preferences were influenced by the option of practising the profession under an employment contract. In addition, they referred to the professions of attorney-at-law and advocate as the most demanded professions in every company or corporation. In the second place, the students indicated the accessibility of the profession (25 answers, 27.8%). In the opinion of the respondents, it is due to the fact that in the teaching process of preparing to practise the profession it is easiest to undergo attorney-at-law or advocate training, so the professions of attorney-at-law and advocate are the easiest to obtain. The third element mentioned by the students (18 responses, 20.0%) is high income, without specifying what precise amount they considered high and what is the reference point to the term "high salaries". The liberal professions, according to the respondents, relate to the highest earnings. In this respect, the results of quantitative surveys can be used, according to which the financial expectations of students are rational, but at the same time they grow with the growth of professional experience[26]. The next to last and last was the categories of "helping others", mentioned by 5 people (5.6%), which was understood by the respondents as the contact with the client and defending people, and of "less responsibility" compared to that of the judge. This latter category was also indicated by 5 people (5.6%). An interesting fact is that the idea of how the practice of the profession of advocate looks like is based on films which usually present the professions of advocate or attorney-at-law as the most profitable legal professions.

[26] M. Kępa, S. Pilipiec, *op. cit.*, p. 77 ff.

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The third and the last substantive question closing the survey was: Why, in your opinion, the high prestige of the profession of judge does not translate into the intention to pursue it? (Table 5, Figure 5).

Table 5. Answers of the respondents to the question: Why, in your opinion, the high prestige of the profession of judge does not translate into the intention to pursue it?

| Answers | Number of answers | Percentage |
|---|---|---|
| Low accessibility | 29 | 33.7 |
| High responsibility | 22 | 25.6 |
| Hard work | 17 | 19.8 |
| Inadequate salary | 11 | 12.8 |
| Situation of the judiciary | 7 | 8.1 |
| Total | 86 | 100.0 |

Source: Authors' own study.

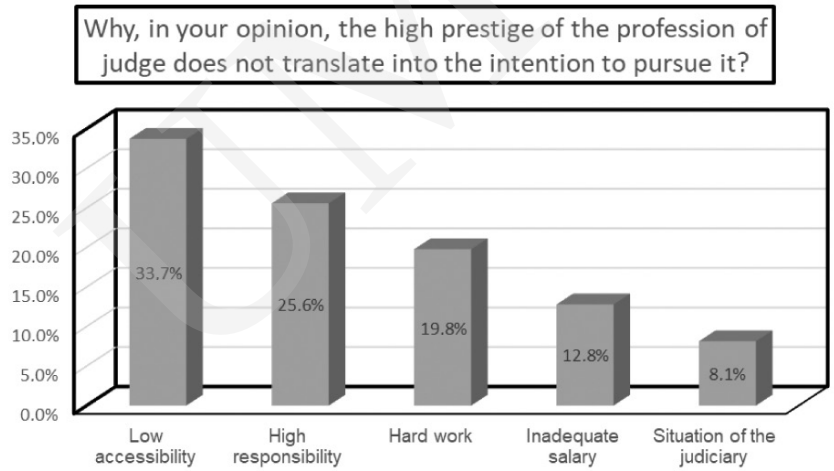


Figure 5.

Source: Authors' own study.

When analysing the answers to the above question, it should be noted that the surveyed students first pointed to the low accessibility (29 answers, 33.7%). They argued that the profession of judge is a profession with limited accessibility, they pointed to the closed community of judges of which they have heard for years. They emphasized that the profession of judge means a hard, difficult and long career path. It's difficult to be admitted for a judicial training and pass a judge exam. They also pointed the long duration of the training, which is a false picture, because if the duration of other legal professional training is taken as a reference point, all legal professional trainings – both the state-run (judge, prosecutor) and local government-run (attorney-at-law, advocate, notary) – last 3 years. The training itself has the opinion

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of a heavier and much more demanding than local-government professional trainings. Law graduates are looking for an easier path, for more practical professional training. In the second place, the students indicated high responsibility (22 replies, 25.6%). In their opinion, the judge assumes a huge responsibility by issuing the rulings. The students are afraid that they will not be able to cope with this job. The students are also afraid of the hardships associated with practising this profession, which is primarily burdened with the great responsibility of the judge for the lives of others. In third place, the students placed hard work (17 answers, 19.8%). In their opinion, the work of judge is difficult and associated with a large "psychological commitment". In the penultimate place, the students indicated inadequate salaries (11 answers, 12.8%). The respondents argued that the judge is not able to obtain other sources of income, his or her workload does not translate into remuneration, and that it is an unprofitable profession with mediocre earnings. The last place is taken by the cumulative category – the situation of the judiciary, which was indicated by 7 respondents (8.1%). They emphasized the uncertainty and instability of the profession of judge in the context of the political situation, also they complained about the limit of admissions set by the Ministry of Justice at a low level in relation to the whole country. The students argued that practising the profession of judge is unstable due to the current political situation and that the unpredictable political situation raises concerns as to the choice of profession of judge.

## CONCLUSION

To sum up, and referring to the results of the quantitative study, the most noticeable is the intention of the vast majority of respondents to perform the legal professions in the strict sense, i.e. attorney-at-law, advocate, judge, notary[27]. As regards the research hypotheses formulated at the outset, both of them were confirmed, according to the authors, in the results of the qualitative study. The hypothesis that the profession of judge is the most demanding legal profession has been reflected in the majority of student responses. The respondents pointed in this regard both to the threads concerning the difficult career path of the profession of judge (judicial training, examination, professional promotions) and the burden of the judge's office. At the same time, it is apparent from the statements that, although the judge obtains a relatively high level of income in the scale of jobs in general, this level is, in the opinion of the respondents, lower than for other legal professions. An important issue raised in this regard is the inadequacy, disproportionate amount of remuneration of the judge to the responsibility assumed, the effort and workload undertaken.

[27] *Ibidem*, pp. 40–41.

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The second hypothesis that the professions of advocate and attorney-at-law are the most popular legal professions because they offer great opportunities, has also found confirmation in the statements of the respondents. In the first place, in the opinion of the students, the accessibility of liberal professions related to the provision of legal assistance is higher than in the case of the profession of judge. Moreover, in their opinion, those opportunities relate to the mere freedom to pursue the professions of advocate and attorney-at-law. The students appreciate the opportunities offered by liberal legal professions involving the provision of legal assistance. These opportunities are understood as both a wide range of powers and the autonomy of those who perform those professions. At the same time, there are related different forms in which legal assistance can be provided – an individual law firm, partnership or civil law contracts. As regards attorneys-at-law, also the option of employment contract was being mentioned, which, in the view of the respondents, would give more stability, certainty of employment. There is also a category of answers related to higher motives – the willingness to help others or defend people. To sum up, it should be pointed out that the students appreciate the opportunities offered by the professions of advocate and attorney-at-law.

Regardless of the conclusions referring to the hypotheses proposed at the outset hereof, further conclusions can be drawn on the basis of the research carried out. First of all, without questioning the high, fully deserved prestige of the position of judge, the authors are of the opinion that the liberal legal professions undeservedly have such low prestige. To perform these professions, just like in the case of a judge, it is necessary to have a degree in law, complete judicial training and pass a state examination. Having obtained the qualifications, there is a need for further continuous training and upgrading of qualifications, as well as meeting high ethical requirements and assuming disciplinary responsibility. These professions are related to carrying out the mission and complying with a specific ethos. It seems that it is the lack of sufficient knowledge and experience of students that causes them to choose the category of "lesser responsibility" in relation to the liberal legal professions. The professions of attorney-at-law and advocate are extremely responsible, they protect property and non-property interests of people and other entities. People who perform these professions of public trust are also subject to legal and disciplinary liability before the bodies of professional self-government which supervise them according to Article 17 (1) of the Constitution of the Republic of Poland. In view of the above, the authors have noticed the need to increase the scope of information provided to students as regards the knowledge of particular legal professions, the ability to distinguish between their rights and possibilities to practice the profession and social competences related to the social role of particular professions.

Another conclusion that can be drawn from the analysis of the research results is the observation that the information developing students' legal awareness should be provided to students in such a way that the choice of the career could conscious

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and based on rational grounds. It is obvious that nowadays it is the media who shape reality and influence the formation of attitudes (knowledge, assessment, readiness for a specific behaviour) in society, including the respondents. The media message also addresses prestige of professions and has an impact on the formation of students' preferences when choosing an occupation. The media often shape a false image of legal professions, focus on negative or incidental events. This also affects the evaluation of the entire justice system[28]. The answers suggest that the idea of how the practice of the profession of advocate looks like is based on films which usually present the professions of advocate or attorney-at-law as the most profitable legal professions so most students want to practice as advocates or attorneys-at-law.

Summarizing the conducted research, the authors note that students who bestow prestige upon a particular legal profession and choose to practise another profession are guided by different reasons. The choice of the profession of judge as the most prestigious one is justified by the difficulty of its performance, the social prestige and the power associated with its exercise. At the same time, in the opinion of the respondents, the professions of attorney-at-law and advocate are the most preferred. These professions offer great opportunities, are accessible and are characterised by high earnings. On the other hand, despite the high prestige of the profession of judge, the respondents do not want to practice this profession due to difficult access to judicial service, high responsibility and hard work.

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## STRESZCZENIE

W opracowaniu przedstawiono, nawiązując do wyników badań ilościowych z 2017 r., wyniki badania jakościowego przeprowadzonego wśród studentów kierunku prawo studiujących na Wydziale Prawa i Administracji Uniwersytetu Marii Curie-Skłodowskiej w Lublinie. Badanie jakościowe zostało przeprowadzone w czerwcu 2018 r. na próbie reprezentatywnej dobranej w sposób celowo-losowy. Technika badawcza polegała na notowaniu wyników bezpośrednich rozmów na podstawie zestandaryzowanego kwestionariusza. Pytania merytoryczne miały na celu ustalenie przyczyn stwierdzonych uprzednio rozbieżności pomiędzy prestiżem zawodów prawniczych wśród studentów prawa a zamiarem ich wykonywania. Największym prestiżem zdecydowanie cieszy się zawód sędziego; jednocześnie przyszli adepci prawa w większości nie wskazują tego zawodu jako tego, który zamierzają wykonywać. Preferowane są zawody związane ze świadczeniem pomocy prawnej, tj. adwokata i radcy prawnego. Zawód sędziego wiąże się z wysokim prestiżem, a zarazem to najbardziej wymagający zawód prawniczy. Na jego trudność składają się w szczególności: droga dojścia do zawodu, duża odpowiedzialność i obciążenie związane ze sprawowaniem urzędu sędziego. Wskazano także na niewspółmierność uposażenia sędziego do nakładu pracy i ponoszonej odpowiedzialności. Natomiast zawody adwokata i radcy prawnego są najbardziej popularne z uwagi na duże możliwości, jakie się

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z nimi wiążą, w tym dostępność do tych zawodów oraz szeroki zakres uprawnień i samodzielność osób je wykonujących. Związane są z nimi zróżnicowane formy, w jakich może być świadczona pomoc prawna, w przypadku radców prawnych również w ramach stosunku pracy.

**Słowa kluczowe:** student; zawody prawnicze; badania jakościowe; prestiż; sędzia; radca prawny; adwokat

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