

Summary „The power of attorney in civil law proceedings”

Power of attorney as a special kind of representation is one of the most commonly used legal institution nowadays. Under Article 86 of the Code of Civil Procedure *expressis verbis* is provided the possibility to proceed before the courts in person or through an attorney.

In principle, the choice of an attorney is left within the discretion of the party. An exception to this rule was set out in the procedural provisions as an imposed on the party obligation to be assisted by a legal counsel. The obligation shall apply before the Supreme Court, in intellectual property cases and in the group litigation (class action).

Representation in civil proceedings has also been a matter of concern in doctrine of procedural law. However, representation was the subject to different rules of interpretation and general principles applying during the previous regime. Last monographs launched a study on this subject comes from 1970s and 1980s last century.

In dissertation was described the history of the legal representation in court proceedings and power of attorney as a legal institution. The importance of nature of legislative procedures and regulations of power of attorney adopted in the first Polish Code of Civil Procedure was emphasised.

The main focus shall be primarily issues concerning the structure of power of attorney, granting and termination of the power of attorney, objective and subjective scope of the institution. Moreover, statutory regulation of scope of the power of proxy was analyzed, in particular permissible limitations of the scope. In order to clarify certain contentious issues were presented opinions formulated in German, Austrian and Swiss literature in foreign regulation of power of attorney.

In doctoral dissertation was described the nature of the power of attorney. It was assumed that granting the power of attorney is a procedural act. The act of granting the power of attorney applies with legal effects under civil law proceedings regardless of whether power of attorney was granted in the course of the proceedings or prior to initiation of the proceeding before the court. Moreover, granting the power of attorney might be qualified as an unilateral legal action. It means that the acceptance of the principal's statements from the proxy is not required to grant the power of attorney effectively.

In the thesis are characterized entities who shall act as an attorney in civil proceedings. The study carefully analyzed the subjective scope of the institution. The content of the power of attorney granted by the principal in general determines a scope of the power of proxy. If the party did not specify in detail all attorney's authorisation in the document of the power of attorney, the scope of the power of proxy is determined by Article 91 of the Code of Civil Procedure.

The deliberations are dedicated issue of the termination of power of attorney. There are different ways to make the power of attorney to represent the client ceased. One of them is cancellation made by the principal or the proxy, but also termination of the power of attorney because of different events beyond the control of the principal and proxy.