

Abstract

Reimbursement of the legal representation in civil proceedings with special focus on petty legal disputes

This thesis concerns with a development and current legislation and case law of the higher courts in cases of granting compensation for legal representation in court proceedings. After a brief historical excursion is described current legislation of the negotiation and providing a fee for legal services of attorney.

Given the fact that's attorney's remuneration is granted as a part of the costs of proceedings, this thesis describes general rules for granting mentioned costs with a special focus on reimbursement of representation, in particular is discussed in terms of the effectiveness of legal representation. In the following, the largest part of the thesis issues recent development of costs of proceedings in "petty disputes" including a judicature of Supreme Court and Constitutional Court in a variety of situations. Described section of thesis briefly but comprehensively presents attitudes and intellectual trends of courts and legislators in concerned area. The thesis subjected the current legislation and case law to a criticism, and found out that in some cases is judicature and legislation in contrast of basic law principles and equity principle.

The other two sections of thesis are mainly comparative - the first one compares statue of attorney-at-law with other possible attorneys of participant in civil proceedings, the second one briefly describes a legislation of attorney's fees and it's granting in civil proceedings of geographical neighbours of Czech Republic - Slovakian republic and Federal republic of Germany.

Key words: reimbursement of legal representation; petty disputes