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## Draft bills on free legal aid in Poland (2008–2009)

### Introduction

The adoption of the Act on free legal aid, free legal counseling, and legal education was preceded by a long legislative process<sup>1</sup>. It consisted primarily of drafts developed mainly in the Ministry of Justice, dating back to 2004. All drafts of this Act were a consequence of Poland's accession to the Council of Europe and were related to aligning Polish legislation with the guidelines of the Council of Europe, as well as taking into account good advisory practices implemented in other EU countries<sup>2</sup>. The first bill drafts were modelled

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<sup>1</sup> Act of 5 August 2015 on free legal aid, free civic counseling and legal education (consolidated text Journal of Laws of 2026, item 44) and Act of 15 June 2018 amending the Act on free legal aid, free civic counseling and legal education and certain other acts (Journal of Laws of 2018, item 1467).

<sup>2</sup> However, it should be noted that there is no uniform pattern regarding the functioning of legal aid in European Union countries. Each time, it's about such an approach on the part of the state authorities to guarantee high quality of legal services provided to the poorest people. Most often, the costs of these services are borne by the Ministries of Justice, which transfer lump sums to the providers of legal services. In the case of the Netherlands, partial participation in costs by the beneficiaries of such an aid was provided for, although most systems adopted a model of covering the costs entirely by the state. In Germany, financing is provided at the state level and assistance tasks are carried out by regional support centers. The Swedish solution is the possibility of obtaining legal aid after an initial consultation with a lawyer. In Belgium, free legal aid is guaranteed not only on the basis of the Act in question but also results from Constitution. Moreover, Croatia has adopted a solution to extend legal aid not only to its own citizens. Other solutions adopted elsewhere could also be useful at the stage of designing the Polish aid act. For example, financial resources securing operations may also come from the budgets of legal self-governments and all non-prohibited sources (France). In the Netherlands, legal aid points operate in approximately 30 towns and are located in such a way as to provide eligible persons with relatively easy access, taking into account transport possibilities. Each point must provide access to at least six lawyers. In turn, the Swedish law provides for exclusions in terms of access to free legal aid despite the fulfilment of formal conditions for its granting. This applies to specific legal actions expressly indicated in the Act and actions involving the preparation of procedural documents. Those

on solutions adopted elsewhere, while the years 2008–2009 were a period for creating the concept of improving earlier provisions concerning access to legal aid, particularly emphasizing the provision of legal information as a form of legal assistance<sup>3</sup>. Each time the creators of these legislative drafts. It was about the full implementation of the idea of state support for people in difficult situations, most often financial. Creating the foundations of the ‘law of the poor’ simultaneously entails the necessity for state authorities to assume the obligation of incurring budgetary expenditures for those in need of legal, civic, and educational assistance. Free access to legal aid, broadly understood, also means enabling citizens to exercise their right to actively participate not only in judicial or administrative matters but also in protecting the personal and property interests of those who are financially disadvantaged and require professional assistance from a qualified lawyer<sup>4</sup>.

In particular, projects from 2008 and 2009 reflect the activity and responsibility of the state (in this case, the Ministry of Justice) toward providing necessary assistance to people in difficult situations. This is also evident from the perspective of including others in the support system. This is also evident from the perspective of including other public law entities in the assistance system beyond the ministry. These include County Family Assistance Centers, Municipal Social Welfare Centers, and district offices<sup>5</sup>.

At the same time, examining the legislative process from the point of view of successive drafts of the same law (developed within relatively short time spans) provides a basis for asserting that the activity of state authorities in preparing a comprehensive law on legal aid is nothing other than the practical implementation of the idea of a democratic state governed by the rule of law.

At the same time, it’s necessary to highlight the research problem and consider the impact these bills had on the final form of the Act. It seems that the impact was limited, and the 2008–2009 bills were part of many legislative initiatives.

The aim of study is also to demonstrate that the analysed projects were less beneficial for aid recipients, among other things due to the requirement to submit a declaration of assets.

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who use the assistance of a court – appointed criminal defense lawyer are excluded from the group of persons applying for legal aid. See: J. Nikolajew, *Realizacja prawa do bezpłatnej pomocy prawnej na przykładzie rozwiązań przyjętych w niektórych państwach europejskich*, „Przegląd Prawno-Ekonomiczny” 2025, No. 2, pp. 57–58.

<sup>3</sup> See: J. Mazurek, *Model poradnictwa prawnego i obywatelskiego*, „Edukacja Prawnicza” 2014, No. 6, p. 9.

<sup>4</sup> See more: A. Płoszka, *Publicznoprawny status osoby skrajnie ubogiej*, Warsaw 2019.

<sup>5</sup> See: O. Hałub-Kowalczyk, *Sformalizowany model dostępu do nieodpłatnej pomocy prawnej na etapie przedsądowym w Polsce*, Wrocław 2019, p. 32.

This study uses the dogmatic-legal method in the analysis of the proposed regulations, the historical-legal method to a limited extent (in relations to projects prepared earlier) and, to a limited extent, the comparative method.

In addition, the functional method was used in the sense that 2008–2009 projects influenced the final shape of the 2015 Act, also in the version amended in 2018.

## **Previous draft bills**

In 2004, one draft bill was prepared, and in 2005, two draft bills regarding free legal aid were developed. All of them can be described as government drafts, as they originated from the Ministry of Justice and were generally tentatively called ‘the law for the poor’. The drafts were characterized by the introduction of the concept of basic legal aid, which was understood as providing legal advice, preparing legal opinions, drafting legal acts or court documents, and providing *ex officio* legal assistance by a professional lawyer. The drafts also proposed granting such aid exclusively to individuals residing in the Republic of Poland, with partial payment by the beneficiary of such aid, and the possibility of choosing either a lawyer or legal counsel. An option to revoke the aid was also envisaged, with financial consequences related to the reimbursement of costs for unlawfully provided legal aid<sup>6</sup>.

In the January 2005 draft, the concept of basic legal aid was clarified, meaning assistance that includes information on the current legal situation, on rights and obligations, and on how to resolve a case, as well as the preparation of draft legal acts. The creation of legal aid office structures at both the central and regional levels, as well as a body coordinating the functioning of the national system of free legal aid, was also planned. On this occasion, the public costs of providing support from the state were estimated, and it was decided that it would be necessary to issue an appealable decision granting or refusing free legal aid.

Other legislative proposals were included in the 2005 draft law, which allowed for obtaining legal assistance at both the judicial and pre-judicial stages, and also expanded the income criterion to include circumstances related to orphanhood, homelessness, unemployment, refugee or asylum status, release from prison, or being affected by an unforeseen event or alcoholism or drug addiction. Structurally, the necessity of providing legal assistance based

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<sup>6</sup> See more: W. Florczak, *System poradnictwa prawnego i obywatelskiego: rozważania ekonomicznej i próba operacjonalizacji*, Warsaw 2012.

on previous solutions was reiterated, with the specification of requirements for individuals within the assistance structures, expecting them to meet specific formal conditions<sup>7</sup>.

### **Project from 2008**

During the work carried out at the Ministry of Justice, a draft law on free legal aid and legal information emerged – dated September 13, 2008, but already in a revised version from October 13, 2008<sup>8</sup>. This draft law covered the principles, conditions, and procedures for granting and providing legal aid to individuals, legal information, and free legal aid funded by the State Treasury. It included scopes of assistance known from previous drafts, namely partial legal aid and extended legal aid. The former covered providing legal advice in connection with a specific case and assistance in drafting documents concerning legal matters, including complaints to the European Court of Human Rights. The right to obtain legal information was not limited by any criteria. This was therefore the broadest possible designation of the circle of beneficiaries of this form of aid.

At the same time, it's necessary to emphasize the constitutional value of the right to free legal aid, broadly understood, and to note that the Constitutional Tribunal also pointed out that “the issue of legal aid poor people has a constitutional rank resulting from international human rights standards binding on Poland. This doesn't only apply to criminal cases, but to all cases heard by courts”<sup>9</sup>. Article 76 of the Constitution indirectly guarantees access to free legal aid, and Article 72 prohibits discrimination on the basis of property status<sup>10</sup>. Other principles can be derived from from the Constitution, apart from the prohibition of discrimination, and can be assumed that the right to legal aid is also based on the principle of the right to fair trial, the right to defense, and the principle of social justice. Based on the principle of social justice and equality, it's assumed that anyone who reports a need for legal aid is a person in need, without the need to verify whether they are actually impoverished. Due to the fact that anyone can consider themselves

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<sup>7</sup> See: J. Nikolajew, *Legislative concepts regarding free legal aid. Draft Acts of 17 November 2004, 31 January 2005 and 21 February 2005*, „Studies in Logic, Grammar and Rethoric” 2025, No. 70(83), pp. 1016–117.

<sup>8</sup> Projekt ustawy o nieodpłatnej pomocy prawnej i informacji prawnej, [https://www.inpris.pl/fileadmin/user\\_upload/documents/pomoc\\_prawna/Pomoc\\_prawna\\_projekt\\_ustawy\\_z\\_13\\_X\\_2008\\_z\\_Rada\\_Pomocy\\_Prawnej.pdf](https://www.inpris.pl/fileadmin/user_upload/documents/pomoc_prawna/Pomoc_prawna_projekt_ustawy_z_13_X_2008_z_Rada_Pomocy_Prawnej.pdf) (accessed: 3.03.2026).

<sup>9</sup> The Judgment of the Constitutional Tribunal of 29 August 2006, SK 23/05, OTK-A 2006, No. 8, item 94.

<sup>10</sup> See: O. Halub, *Konstytucyjne gwarancje prawa do nieodpłatnej pomocy prawnej na etapie przed sądowym*, „Forum Prawnicze” 2016, No. 4, p. 72.

poor, the realization of the rights of those most in need is limited, and wealthy people can block the poor accessing free legal aid<sup>11</sup>.

On the other hand, free legal aid (i.e., both partial and extended legal aid) could be granted provided that the means test criterion was met. As the first of the drafts regarding legal aid and the conditions for obtaining it, he directly indicated cases for granting legal aid as exclusions from the scope of the law<sup>12</sup>. The percentage of income for partial legal aid was set by the draft at a level below 200% of the income specified in the Social Assistance Act<sup>13</sup>. For extended legal aid, this criterion was to be no less than 150% of the income specified as above. An additional requirement conditioning the granting of aid in both forms was that the applicant did not possess assets sufficient to cover the costs of legal aid.

It is worth noting that tasks in the field of legal aid – considered, under the draft discussed, as tasks commissioned in the area of government administration – have been entrusted to County Family Assistance Centers (or Social Welfare Centers). In view of the objections raised regarding previously presented drafts concerning the high costs of organizing legal aid, the discussed draft abandoned the creation from scratch of an organizational structure dedicated solely to the objectives of the law. Hence, it was placed within the competencies of the county governor, among other things, to issue confirmations of granting legal aid, decisions on refusing legal aid or its withdrawal, and organizing the provision of legal information<sup>14</sup>. The organization of the entire legal aid and information system was connected with the need to establish the Legal Aid Council – a body with consultative and advisory powers for the Prime Minister<sup>15</sup>. The application for legal aid under the draft law was to be submitted to the District Family Assistance Center competent for the applicant's place of residence (or, if applicable, place of stay) (mandatory official application form). All data included in the application were subject to criminal liability for making a false statement<sup>16</sup>. It is worth emphasizing

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<sup>11</sup> See: D. Daniluk, *Zmiany regulacji prawnych dotyczących nieodpłatnej pomocy prawnej i nieodpłatnego poradnictwa obywatelskiego w związku z pandemią wirusa SARS-CoV-2*, „Przełom Legislacyjny” 2022, No. 2, pp. 143–144.

<sup>12</sup> Other matters that were not covered by legal aid within the meaning of the project were matters arising from conducting business activities related to the activities of social organizations (in particular foundations, associations) as well as tax, customs and foreign exchange matters. The catalogue of these matters was specified in Article 4, paragraph 2 of commented draft.

<sup>13</sup> Article 6, paragraph 1 of the draft Act includes a reference to the criteria resulting from Article 8, paragraph 1, points 1 and 2 of the Act of 12 March 2004 on social assistance (consolidated text Journal of Laws of 2025, item 1214, 1302).

<sup>14</sup> Article 9, paragraph 2 of the draft in question.

<sup>15</sup> Articles 10–14 of the draft were devoted to detailed conditions of operation of the Legal Aid Council. The Council was to be appointed for a period of 4 years by Prime Minister.

<sup>16</sup> In particular, the application should include (in accordance with Article 15 paragraph 5 of the draft): name, surname, date and place of birth, names of parents, marital status, list of

that the granting of legal aid was formalized in the form of a written confirmation, which specified the type and scope of the assistance provided. It should also indicate the amount up to which the District Family Assistance Center was to reimburse the costs of the legal aid provided. An applicant had the right to appeal to the Voivodeship Administrative Court against a decision refusing to grant legal aid or a decision to withdraw such aid, with the appeal being considered under a simplified procedure.

Entities providing legal assistance under the discussed law included advocates, legal advisors, as well as other entities authorized to provide legal assistance according to applicable regulations, registered on lists maintained separately by the District Family Assistance Centers<sup>17</sup>. Each of these entities, upon providing legal assistance covered by the law, was to receive remuneration as well as reimbursement of documented expenses<sup>18</sup>. Depending on the type of legal assistance provided, the remuneration was paid either after the service was performed (partial legal assistance) or after the final conclusion of the proceedings (extended legal assistance)<sup>19</sup>.

## Projects from 2009

In January 2009, the Ministry of Justice presented the assumptions for a draft law on free legal aid and legal information for individuals<sup>20</sup>, indicating

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persons supported by the person submitting the application, indication of the place of residence or stay of person submitting the application, address for correspondence, scope of the requested legal assistance with justification, detailed information on the personal, property and income situation as well as the family, history of the person applying for legal aid and persons with whom he or she runs a common household, a declaration of the veracity of the data and information contained in the application, a declaration of having read, the information on criminal liability for submitting a false declaration, the signature of the person applying for legal aid or the person authorized to represent them. In accordance with paragraph 6, the application should be accompanied by attachments in the form of a certificate of income subject to personal income tax under general rules for each family member, issued by the competent tax office, containing information on the amount of income certificates or declarations documenting the amount of other income.

<sup>17</sup> The influence of legal self-governments on the current shape of the Act was not significant, although these bodies should have the ability to control the quality of services provided, e.g. by attorneys or legal advisors. See: M. Masiór, P. Chmielnicki, *Wpływ samorządów prawniczych na regulacje dostępu do pomocy prawnej w latach 2014–2020*, „Przegląd Prawa Konstytucyjnego” 2022, No. 2, p. 218.

<sup>18</sup> An attorney, legal advisor or other entity referred to in Article 21 of the draft, applying for remuneration, was to submit an application to the District Family Support Center, indicating the number of granting legal aid to the person to whom the assistance was provided, the type and scope of the activity undertaken, the amount of the requested remuneration and the circumstances of incurring the expenses. The application for remuneration should also include a declaration by the advocate or legal counsel or the entity referred to in Article 22 that remuneration has not been paid either in full or in part (Article 28, paragraph 4 of the draft act question).

<sup>19</sup> See: W. Klaus, *Standardy usług prawnych a poradnictwo prawne*, Warsaw 2012, p. 29.

<sup>20</sup> Pomoc prawna – założenia Ministerstwa Sprawiedliwości z 21 stycznia 2009 r., <https://>

the main goal, which was to create a new institutional system ensuring the realization of the right of low-income citizens to access legal services at the pre-trial stage. According to these assumptions, the organizational structure providing legal aid and legal information for the poorest was based on County Family Assistance Centers or Municipal Social Welfare Centers, which were to operate as points of basic legal information<sup>21</sup>. The placement of these points was intended to ensure the easiest possible access for potential beneficiaries to legal assistance. On the service provider side, there were to be advocates, legal counsels, tax advisors, and other persons authorized to provide advisory services. Importantly, under the project, it was assumed that free legal aid would be provided, consisting of representation before a court, a state administrative body, or a local government body within the framework of the established legal aid system. The draft assumptions therefore expanded systemic legal aid to also include the stage of court proceedings, unlike the solutions proposed so far. In this project, basic and extended legal aid were distinguished. Basic legal aid was limited to providing legal advice, while extended legal aid included representation before a court or an administrative body<sup>22</sup>.

Legal information is defined as providing an individual with information about the content of applicable law, about rights and obligations arising from existing legal regulations, about the institutions authorized to handle a matter, and about the procedures to be followed. Regarding the criteria for granting assistance, it should be noted that access to legal information was not restricted in any way. As for the conditions for granting legal aid, two criteria were decisive: income and assets. The income criterion was provided for basic legal aid, with a simultaneous reference to specific provisions regarding social assistance and the lack of assets sufficient to cover the costs of legal aid. Extended legal aid was granted to individuals earning a portion of the income specified in the law, qualifying them for basic legal aid<sup>23</sup>. Proceedings regarding the granting of legal aid were initiated upon request. In addition to a declaration of the truthfulness of the information provided in the application (under the penalty of criminal liability for making a false

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[www.inpris.pl/fileadmin/user\\_upload/documents/pomoc\\_prawna/Pomoc\\_prawna\\_zalozenia\\_MS\\_21\\_stycznia\\_2009.pdf](http://www.inpris.pl/fileadmin/user_upload/documents/pomoc_prawna/Pomoc_prawna_zalozenia_MS_21_stycznia_2009.pdf) (accessed: 1.03.2026).

<sup>21</sup> The amendment to Act extended free citizen advice to free mediation. See: D. Daniluk, *Świadczenie nieodpłatnego poradnictwa obywatelskiego przez radcę prawnego lub adwokata a obowiązek zachowania tajemnicy zawodowej i unikania konfliktu interesów*, „Radca Prawny” 2022, No. 1(30), p. 30.

<sup>22</sup> Representation was provided by professional representatives in the scope of the rights and interests of natural persons applying for assistance as well as persons they may represent as legal representatives (draft assumptions of 21 October 2009 for the draft act on free legal aid and legal information for natural persons, p. 2).

<sup>23</sup> See: A. Bartnik, K. Kowalska, *Nieodpłatna pomoc prawna*, Warsaw 2019, p. 48.

statement), the application had to be accompanied by a certificate of income subject to personal income tax<sup>24</sup>. For the granting of basic legal aid, a written confirmation issued by the District Family Assistance Center was provided. It is worth emphasizing that submitting an application for legal aid did not affect the progress of ongoing court or administrative proceedings (a notice of this content was to be attached to every first document in a court case or before an administrative authority). The proposed assumptions envisaged that the expenses for financing the new system of free legal aid, including financing access to legal information and providing basic and extended legal assistance, were to be covered from the funds transferred to county authorities for delegated tasks<sup>25</sup>. Due to the inclusion of a new category of services under the law, it was not possible to determine the financial effects of the introduced assumptions. However, an increase in the number of employees at County Family Support Centers was anticipated, resulting from the increased responsibilities in these units (providing basic legal information and assessing applications for legal assistance). Provincial Administrative Courts were also expected to face an increase in the number of cases examined due to the adoption of the statutory provisions allowing appeals against refusal decisions.

On the other hand, financing extended legal aid under the proposed assumptions was intended to result solely in a reallocation of funds allocated to cover the costs of professional legal representation. The novelty in the proposed solutions was the granting of a professional attorney before a public administration body. The bill's drafters were unable to estimate the costs of implementing this form of legal aid<sup>26</sup>.

Another version of the assumptions for the draft law prepared by the Ministry of Justice appeared in May 2009. The substantive scope of the law basically did not change; legal aid under the proposed law was to include the provision of legal information as well as basic and extended legal assistance. Non-governmental organizations were also included in the developing legal aid system – this solution was to be assessed positively<sup>27</sup>. In addition, the

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<sup>24</sup> The adoption of a declaration model rather than a property certificate can be seen as a sign of the state's trust in its citizens and the de-formalization of the procedure for granting free assistance from public authorities. See: A. Jakubiak-Mirończuk, *Nieodpłatne poradnictwo w świetle ustawy o nieodpłatnej pomocy prawnej, nieodpłatnym poradnictwie obywatelskim oraz edukacji prawnej*, „Prawo i Więź” 2021, No. 3(37), p. 44.

<sup>25</sup> The Act adopted a solution that „the organization of the system is a commissioned task within the scope of public administration, financed from the state budget in the part at the disposal of voivodes by granting targeted subsidies to poviats (article 19, paragraph 1).

<sup>26</sup> See also: J. Nikolajew, *Prace legislacyjne nad tworzeniem i reformą przepisów o dostępie do nieodpłatnej pomocy prawnej prowadzone w latach 2011–2017*, „Studia Prawnoustrojowe” 2025, No. 69, pp. 497–498.

<sup>27</sup> See also: G. Wiaderek, *Miejsce organizacji pozarządowych w systemie poradnictwa prawnego*, Warsaw 2017, pp. 2–3.

Legal Aid Council obtained broad powers in monitoring the legal aid system in terms of service standards and also acquired research-related competencies<sup>28</sup>. The criterion for assessing the operation of the system was to be the effectiveness of the adopted solutions, continuously improved according to the conclusions arising from observations of the system's functioning<sup>29</sup>.

## Conclusion

The legislative work related to the adoption of the Act on Free Legal Aid was carried out with “great momentum” until 2015. Even after the provisions of this act came into force, it was soon amended. This kind of activity “before” and “after” the entry into force of the act may indicate that the long-awaited statutory solution regarding legal aid requires significant involvement from various entities, and even so, in practice, its provisions need to be continuously verified by those applying the law and by individuals benefiting from such systemic support for the poor<sup>30</sup>.

In the case of projects from 2008–2009, it should be emphasized that most of the solutions proposed there were included in the final version, that is, in the 2015 Act, which may indicate the thoroughness of the authors of these legislative drafts. The projects from 2008 and 2009, in fact, envisaged the implementation of the concepts of partial and extended legal aid, the adoption of a financial (income) criterion when granting free legal aid, and the right to appeal a refusal decision to the administrative court. At the same time, the mentioned projects took into account the need for supportive activation by the county authorities, as well as the use of assistance from non-governmental organizations, and the provision of this form of aid within the tasks commissioned in the field of government administration entrusted to social welfare or family assistance centers. A drawback of these projects was deficiencies related to estimating the scale of budget expenditures for the implementation of legal aid tasks. However, this does not change the fact that the draft laws from 2008 and 2009 fit well into the final outcome, which was concluded with the enactment of the said law in 2015. Accordingly, the aid

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<sup>28</sup> It is also worth taking into account the comments of controlling and consultative nature of such bodies as the Commissioner for Human Rights or the Ombudsman for Children. See: B. Przywora, A. Wróbel, *Analiza prawnoporównawcza sposobów finansowania oraz metod weryfikacji jakości systemu pomocy prawnej i poradnictwa obywatelskiego na tle wybranych państw europejskich*, Warsaw 2022, p. 75.

<sup>29</sup> Założenia Ministerstwa Sprawiedliwości, maj 2009 r., wersja skierowana na Komitetu Stałego Rady Ministrów, [https://www.inpris.pl/fileadmin/user\\_upload/documents/pomoc\\_prawna/Za%C5%82ozenia\\_MS\\_MAJ\\_2009\\_-\\_wersja\\_skierowana\\_na\\_KSRM-1.pdf](https://www.inpris.pl/fileadmin/user_upload/documents/pomoc_prawna/Za%C5%82ozenia_MS_MAJ_2009_-_wersja_skierowana_na_KSRM-1.pdf) (accessed: 2.03.2026).

<sup>30</sup> See: A. Kalwas, *Prawnik ma być dla każdego*, „Rzeczpospolita” 2014, No. 110, p. 6.

law in the statutory form of 2015 and 2018 can be successfully used as a reference in the regulations of other countries currently developing structures for free legal aid, for example, in post-war Ukraine<sup>31</sup>.

It should be emphasized that not all legislative proposals included in the draft acts from 2008–2009 were included in the versions of the Act from 2015 and 2018. The implementation of assistance tasks by District or Municipal Assistance Family Centers and requirement to submit income certificates for future beneficiaries of free assistance were abandoned in favor of statements such as: “I am unable to bear the costs of paid legal assistance”. Criminal liability for submitting false declarations about the financial status of aid beneficiaries was abolished.

The final version of the Act included the draft solutions that concerned the tasks of the Legal Aid Council and circle of entities authorized to provide legal assistance, including attorneys and legal advisers, as well the activities of non-governmental organizations (Article 11d of the Act).

Therefore, it should be stated that the objectives of this publication have been achieved by demonstrating the limited impact of the draft laws in question on the shape of the currently applicable law, as assumed at the beginning.

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<sup>31</sup> See: J. Nikolajew, *Nieodpłatne poradnictwo prawne w Ukrainie. Zarys problematyki*, „Studia Prawnoustrojowe” 2025, No. 67, p. 290.

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## Summary

### Draft bills on free legal aid in Poland (2008–2009)

**Keywords:** free legal aid 2008–2009, legislative projects, Ministry of Justice.

Between 2008 and 2009, the Ministry of Justice developed draft laws on free legal aid. The legislative work from this period was part of several earlier projects that culminated in the enactment of the Act on Free Legal Aid, Free Civic Counselling, and Legal Education in 2015. A characteristic feature of the draft laws from 2008–2009 was that they defined two levels of legal aid (partial assistance and extended assistance) and identified the County Family Assistance Centres and Municipal Social Welfare Centres as the points for providing basic legal aid. The possibility of granting eligible entities a professional representative before public administration authorities, and including non-governmental organisations and district governors in the aid system, was also proposed.

The aim of the article is to present the progress of legislative work from 2008 to 2009 (including the involvement of the Ministry of Justice) in preparing a draft law supporting the needs of the poorest individuals in terms of their access to professional legal assistance.

## Streszczenie

### Projekty ustaw dotyczących nieodpłatnej pomocy prawnej w Polsce (2008–2009)

**Słowa kluczowe:** nieodpłatna pomoc prawna 2008–2009, projekty legislacyjne, Ministerstwo Sprawiedliwości.

Między 2008 a 2009 r. w Ministerstwie Sprawiedliwości opracowano projekty ustawy o nieodpłatnej pomocy prawnej. Prace legislacyjne z tego okresu wpisały się do katalogu kilku wcześniejszych projektów, zakończonych uchwaleniem w 2015 r. ustawy o nieodpłatnej pomocy prawnej, nieodpłatnym poradnictwie obywatelskim oraz edukacji prawnej. Cechą charakterystyczną projektów ustaw pochodzących z lat 2008–2009 było to, że określono w nich dwa zakresy pomocy prawnej (pomoc częściową i pomoc rozszerzoną) oraz wskazano na powiatowe centra pomocy rodzinie oraz na miejskie ośrodki pomocy społecznej jako punkty świadczenia podstawowej pomocy prawnej. Zaproponowano także możliwość przyznania uprawnionym podmiotom profesjonalnego pełnomocnika przed organem administracji publicznej oraz włączenie do systemu pomocowego organizacji pozarządowych oraz starostów.

Celem artykułu jest przedstawienie postępu prac legislacyjnych z lat 2008–2009 (zaangażowania w tym zakresie Ministerstwa Sprawiedliwości) w przygotowanie projektu ustawy wspierającej potrzeby osób najuboższych w przedmiocie ich dostępu do profesjonalnej pomocy prawnej.