



R. Podświadek i Wspólnicy
LAW OFFICES

RP&W

R. Podświadek i Wspólnicy
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RP&W

We offer legal assistance on casual or permanent basis.

LAW OFFICES

RP&W Law Offices since 2001. Our main area of activity is business law, in its broad sense. Our Clients contemplate their success first of all in economic terms. Having this in mind, we try to solve their problems in a way to maximize profits or minimize losses.

Our simple organizational structure provides for easy communication as well as flexibility and efficiency of our operations.

Since the very beginning, we focused on the services related to international trading. Most of our Clients are the Polish entities having business relations abroad, foreigners or entities with foreign capital share. They include both large global enterprises and small family-business companies.

Services for foreign Clients are rendered in German and English languages.

SERVICES

We specialize in the following areas:

Commercial Law and Companies Law

We advise our Clients since the start of selection of most advantageous forms to conduct business activity. In co-operation with our tax advisors we seek optimal solutions regarding the organization and tax system considering the Client's intended purposes.

We try to minimize risk imminent to our Clients such as e.g.: product liability, responsibility resulting from non-fulfilment or undue performance of contractual obligations, responsibility of corporate authorities, execution of documents for financial settlement of tax liabilities.

Typical issues are:

- formation, merger, division, transformation, liquidation of companies
- transfer/ acquisition of shares
- transfer/ acquisition of enterprise
- inheriting of enterprise /company
- manager's agreements and non-competition contracts
- management buy-out
- execution of resolutions and taking minutes of shareholders' meetings
- undertaking of actions against resolutions
- consortiums
- protection of members of the companies' management boards against civil liability
- limited partnerships with legal persons' share.

Building and investment law; Real estate

We specialize in the management of investment disputes. We offer lawyers' services in the field of real estate trading, development and management. We advise in the preparation and performance of investment and building processes.

We make analyses on legal status of real estate, prepare relevant draft agreements and document necessary for real estate trading. We offer our assistance in recovery of property lost after II World War.

Typical issues are:

- contractual disputes on the execution of construction work
- real estate due diligence
- permit for property acquisition by foreigners
- purchase/sale of real estate
- fiduciary acquisition of real estate, including agricultural one
- design, construction work, supervision, investment substitution, developer's agreements
- FIDIC contracts
- claims legal management
- public procurement tenders for construction work
- lease of commercial real estates

Labour law

Labour law implies monies, both for an employer and employee. This is one of crucial issues we are engaged in every day. In the scope of labour law, we serve the entities in business sectors of commerce, transport, production and services.

We provide them with innovative solutions in the field of working time and compensation systems which allow for substantial cost-cut in business enterprises. Our goal is to avoid disputes but should they arise, we will consequently defend our reasons in front of labour inspection or court.

Typical issues are:

- contracts for employment, managerial contracts, non-competition contracts
- termination of contracts for employment
- work and compensation regulations
- working hours and remunerations systems
- drivers' time-sheet
- plant fund of social benefits (ZFSS)
- trade unions and employees council
- working permits for foreigners
- group lay-off

Litigation

Some maintain that one should avoid court proceedings to the most possible extent. Our lawyers would not like to come into collision but we deem action at law indispensable in our dealings. Contracts or other legal acts are produced by our Lawyers' Office with regard to any future court litigations.

Many disputes we defended were fancied out by our lawyers in order to improve financial standing of our Clients' companies where it seemed they were not entitled to any claims. In individually agreed cases, we substitute our Clients in front of courts and organize financing of the proceedings.

Typical issues are:

- representation in proceedings conducted by common courts of all instances
- representation in front of Supreme Court
- representation in front of administrative courts, including Chief Administrative Court
- representation in front of arbitration courts
- arrangements concerning financing of court proceedings

Contractual law

Lawyers' Office prepares drafts and carries out negotiations on any and all agreements in conduct of civil law transactions and it makes legal opinions to that extent.

Typical issues are:

- international sale
- agency contracts
- contracts of sale on commission
- general terms and conditions of agreements

Debt collection

Debt collection requires definite actions. Many debt collection companies send a number of useless reminders to respective debtors which is a loss of time. We try to cease flow of time limitation, secure claim and obtain enforcement title. In many cases, it is related to pursue of foreign persons' liabilities owed to the debtors in Poland.

Typical issues are:

- confirmation on the enforcement of foreign judicial decisions in Poland
- European Enforcement Order
- enforcement title and fieri facias (enforcement) clause in accordance with Code of Civil Proceedings (KPC)
- applications to court enforcement officer on initiating of enforcement proceedings
- monitoring of enforcement proceedings

Bankruptcy law

Initiation of bankruptcy proceedings which were prepared in undue manner may adversely affect both the debtor and creditor, depending who will lodge an application. While advising our Clients, we make efforts to minimize risk related to the late notification of bankruptcy or we try to increase chance of creditors for recovery of their assets from the entity under bankruptcy.

Typical issues are:

- negotiations with creditors to prevent bankruptcy or adverse effects of delayed bankruptcy.
- taking control over the debtor endangered by bankruptcy with an aim to increase chance for creditor's satisfaction
- negotiations with the trustees in order to acquire property under bankruptcy, in particular taking over of affiliated companies
- motions to declare debtor's bankruptcy
- filing of bankruptcy claims

Tax law

To provide complete services in the field of financial law, we co-operate with leading tax advisors, auditors and chartered accountants.

Inheritance law

Securing the future of family is one of crucial problems we try to solve in order to support our Clients to that extent.

Typical issues are:

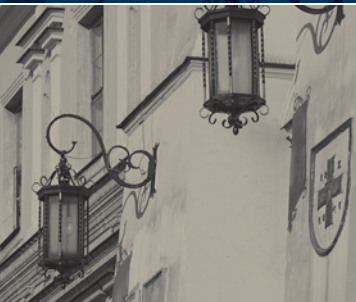
- last will documents and their execution
- foundations and companies as forms of property disposal in case of death
- inheriting of shares in capital share companies and partnerships
- proceedings on confirmation of acquisition of the inheritance and distribution of an estate.

Administrative law

Legal assistance connected with investment processes and consultancy in the field of labour law is impossible without knowledge of administrative law. Therefore, we represent our Clients in front of state administration and self-government authorities as well as in front of administrative courts.

Typical issues are:

- representation in the proceedings for Land Development Conditions and obtaining of building permits
- administrative proceedings in the field of reprivatization claims
- representation in course of inspection procedures carried out by State Labour Inspection (PIP) or State Trade Inspection (PIH)



Partners /Founders

Roman Podświadek

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Education: Maria Curie Skłodowska University in Lublin, Post –Diploma Study for Legal Counsellors at A. Mickiewicz University in Poznań

Languages: Polish, German, Russian

Publications: Co-author of Great Law Encyclopaedia, I ed. – 2001, II ed. (revised) - 2005

Other: Prior to the Law Offices establishment - Director of Old Monuments Preservation Enterprise (PKZ) in Zamość, PKZ most significant undertakings at that time: revalidation of the Old Town in Zamość, preservation and construction work in Riga, Potsdam, Moscow and Petersburg; Minister of Labour and Wages award for a publication: „Termination changing Employment Relationship”; Co-initiator of the first Polish – German Partnership Agreement of Zamość – Schwäbisch Hall; Judge of Arbitration Court at The Polish- German Chamber of Industry and Commerce

Michał R. Podświadek

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Education: A. Mickiewicz University in Poznań, “Viadrina” European University, Frankfurt, Oder (LL.B., LL.M.)

Languages: Polish, German, English

Publications: „European Law in Questions and Answers”, translated by: M. R. Podświadek/A. Kwecko, Warsaw 2000, Original entitled: „Examinatorium Europarecht”, Ch. Zacker/S. Wernicke, Köln, Berlin, München, 2000; „European Law”, translated by: M. Władziński/M. R. Podświadek, Warsaw 2002, Original entitled: R. Streinz, „Europarecht”, Heidelberg, 2001; „Limited Liability Company as a General Partner in a Limited Partnership” PPH 10/2001; “ The Limited Partnership in Organization”, PPH 09/2004

Anita Kwecko

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Education: University of Wrocław, A. Mickiewicz University in Poznań, “Viadrina” European University, Frankfurt, Oder (LL.B., LL.M.)

Languages: Polish, German

Publications: „European Law in Questions and Answers”; translated by: M. R. Podświadek/A. Kwecko, Warsaw 2000; Original entitled: „Examinatorium Europarecht”, Ch. Zacker/S. Wernicke, Köln, Berlin, München, 2000; „Recognition of Foreign Judgements in Polish and German Law and According to the Lugano Convention”, Warsaw, 2002

Other: Sworn translator of German language; Member of Association : The European Forum of Women Business Owners based in Warsaw

Co-operation

With an aim to improve the solutions of issues of cross-border impact, we maintain on-going relations with several renowned law offices abroad.

Our Law Office is also a member of The Polish – German Chamber of Industry and Commerce in Warsaw.

