

The Essence and Importance of Lawyers' Professional Training and Continuing Professional Development

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Annotation: It is well known that in every country, ensuring citizens' right to qualified legal assistance requires the further development of the institution of the advocacy. A lawyer who lacks sufficient knowledge and experience cannot fully carry out this vital task. Therefore, the professional training and continuing professional development are of critical importance.

In this article, the author explores the qualities a modern lawyer must possess and emphasizes the necessity of professional training and ongoing education in acquiring these qualities. The article also outlines how this issue is regulated within national legislation. During the analysis, the opinions and views of legal scholars are examined, and relevant conclusions and recommendations are presented.

Key words: advocacy, lawyers' professional training, continuing professional development, the importance of professional training and continuing professional development.

The professional training of lawyers is of particular relevance today. This is due to the fact that modern legal practice places high demands on lawyers, and they are expected to demonstrate competence across various fields. In particular, a lawyer must have a thorough understanding of the law, be able to analyze legal norms and apply them in practice, possess computer literacy, work effectively with documents, draft petitions, applications, and complaints, and speak confidently in public.

However, this alone is not sufficient. In practice, a lawyer's success depends not only on professional knowledge and skills but also on personal qualities. For example, the ability to communicate effectively with clients, inspire trust, create a psychologically comfortable environment, manage emotions, resolve conflicts, and efficiently organize the work of interns and assistants is equally important.

Therefore, in order to carry out their professional duties effectively, a modern lawyer must possess a set of psychological qualities that align with the nature of the legal profession.

As of today, there is virtually no doubt that the regulation of the field of paid legal services is necessary. This would remove from the legal market those entities that have no relation to the legal profession and, thereby, increase the guarantees of quality legal assistance. G.M. Reznik rightly noted that "the provision of legal services by any individuals, outside of any professional standards, violates constitutional principles of the rule of law, equality of citizens, and qualified legal assistance"[1]

The establishment of qualification requirements for individuals providing legal services is in line with international practice. International instruments have repeatedly emphasized the need for states to ensure the proper qualification of those who provide legal assistance.

For example, the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, August 27 – September 7, 1990), explicitly state that governments must ensure the proper education and training of lawyers,

their knowledge of professional ideals and ethical duties, as well as of human rights and fundamental freedoms recognized by national and international law[2].

The qualified nature of legal assistance is also highlighted in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN General Assembly Resolution No. 53/144 of December 9, 1998)[3].

The introduction of a monopoly for lawyers on the provision of legal services (even in a limited form) is possible only if two conditions are simultaneously met: the existence of effective guarantees to ensure the quality of lawyers' work and the ability of the legal profession to meet the needs of all those requiring qualified legal assistance[4].

The creation of a dedicated training system and encouragement of legal professional growth specifically for lawyers appears to be a relevant and necessary step. Foreign experience, often cited by proponents of the legal services monopoly for lawyers, demonstrates that when the state grants lawyers exclusive rights, it is also endowed with significant instruments of control — particularly in matters of professional training and the regulation of the process for obtaining lawyer status. This is precisely where the state's guarantee of the quality of legal assistance is manifested.

It involves the development of a system of theoretical training for lawyers (based on specialized educational centers or universities), the establishment of mandatory practical internships, the clear regulation of examination procedures by a supervisory authority, the active involvement of courts in the training process, and the separation of the examination process from the legal profession itself. All of this ensures a high level of lawyer qualification and elevates the prestige of the profession.

For example, N.V. Morozov notes that "citizens of France enjoy the most complete and guaranteed right to judicial protection of their rights and freedoms. This right, it is claimed, is ensured by accessible and highly qualified legal assistance provided to citizens by French lawyers. In turn, the ability to provide such assistance is the result of clear and detailed regulatory frameworks governing the organization and operation of the French legal profession."[5]

According to the results of a study conducted by The Law Society, seven key skills or areas of knowledge necessary for a successful future career in the legal field have been identified and recognized.

In short, these include two main and interrelated directions: the ability to understand and use technology, and a set of "practice-ready" skills, which prepare an individual to engage effectively in legal practice:

Technology;

Practice skills (interpersonal skills such as teamwork and collaboration. Professional skills such as writing and drafting skills, interview skills, presentation skills, advocacy/negotiation skills);

Business skills / basic accounting and finance;

Project management;

Internationalisation and cross-border practice of law;

Interdisciplinary experience (interaction with clients and another profession/occupation);

Resilience, flexibility and ability to adapt to change[4].

Australian Solicitors' Conduct Rules 2015, specifically r 4.1.1 and r 4.1.4, outline fundamental ethical duties for solicitors. Rule 4.1.1 mandates that a solicitor must act in the best interests of their client in

any matter where they represent them. Rule 4.1.4 requires solicitors to avoid any compromise to their integrity and professional independence[5]

Based on legal profession content, Yu. Boiko defines professional readiness of a lawyer as an integrated structural personal entity, which is a prerequisite for the successful work in the field of law and includes the following components: motivational (system of personal attitudes to the occupation); operational (system of regulation of work); emotional-volitional (the system of regulation of the activity of the individual as a subject of work); personal (the system of personal attitudes toward oneself and accepting oneself as a subject of work) [6].

According to the results of scientific sources review, “law students’ professional and psychological readiness for work” is considered as an integrated structural personal formation, which is a prerequisite for the successful implementation of professional duties in the field of jurisprudence and includes the following components: motivational, operational, emotional-volitional, and personal[7].

The professional training of lawyers plays a crucial role in their professional activities, and improving the system of continuing legal education can be an important factor in maintaining a successful career.

According to legal literature, a modern lawyer must regularly improve their qualifications and even obtain a second higher education. This necessity is primarily linked to the need for lawyers to specialize in narrow fields. As a result of changes in the field of legal practice, lawyers have begun studying foreign languages, international law, and the domestic legislation of other countries. In addition, they are required to keep up with the rapid changes in legislation, as many legal and regulatory documents are frequently amended and supplemented[8].

Different countries impose various requirements on lawyers regarding continuing professional development. These differences may relate to the format of the training, the required number of hours, or whether it is mandatory or optional. In the case of the Republic of Uzbekistan, according to the Law “On the Advocacy” of the Republic of Uzbekistan, lawyers are required to continuously improve their knowledge and must undergo professional development at least once every three years in accordance with the procedure established by the Chamber of Advocacy. [9]. However, the exact number of required hours is not clearly defined. In Uzbekistan, such opportunities are provided by the Institute for retraining and advanced training of legal personnel under the Ministry of Justice of the Republic of Uzbekistan. According to the regulations governing the activities of this institute, advanced training courses for lawyers last from 1 to 4 weeks, with a total duration of 72 hours[10].

This form of professional development offers a number of advantages, serving as an effective method of instruction for further developing professional legal awareness and addressing existing shortcomings. It allows lawyers to step away from their daily work activities and enrich their knowledge by attending theoretical and practical lectures delivered by legal scholars. In addition, participation in seminars and practical sessions provides opportunities to exchange experience and receive qualified advice on matters of interest. All of this has a positive impact on the participants’ future professional activities, increases work efficiency, and creates a foundation for continued self-improvement in their professional training.

In conclusion, improving the professional training and continuing education of lawyers not only enhances their theoretical and practical knowledge but also significantly strengthens their professional competencies. Moreover, it serves as an important step toward ensuring citizens' right to qualified legal assistance, as outlined in international norms and principles.

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