



# The essence and necessity of lawyers' professional development

Malika Tuychieva

Tashkent State University of Law 2nd-year PhD researcher, Lecturer at the Department of Court, Law Enforcement Agencies and Advocacy, Uzbekistan

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**Abstract:** It is well known that the continuous professional development of lawyers – particularly the enhancement of their knowledge, experience, and competencies in line with modern requirements – holds significant importance on an international scale. Based on this, it is crucial to first clarify the content, essence, and objectives of professional development. This article presents a logically consistent analysis of the reforms being implemented in the field of advocacy and their outcomes. In particular, it highlights the tasks set by the state to improve the system of professional development for lawyers and the significance of these efforts. The article discusses the essence of professional development and its main directions. It also analyzes the views of several scholars regarding the importance of professional development in the professional activities of lawyers. Furthermore, it provides a comparative analysis of the mandatory nature of professional development for lawyers in foreign countries and the requirements established in those countries.

**Keywords:** Advocacy, Lawyer, Continuing legal education, National legislation, The essence of professional development, The necessity of professional development.

**Introduction:** In the Republic of Uzbekistan, ensuring human rights and freedoms is one of the key responsibilities undertaken by the state. In fulfilling this duty, the role of lawyers in the life of the state and society is invaluable. Therefore, it is of great importance to train highly knowledgeable and experienced lawyers who can serve as role models for society, and to improve the system of enhancing their professional qualifications accordingly.

The Basic Principles on the Role of Lawyers, adopted by

the Eighth United Nations Congress, governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.

In countries where there exist groups, communities or regions whose needs for legal services are not met, particularly where such groups have distinct cultures, traditions or languages or have been the victims of past discrimination, Governments, professional associations of lawyers and educational institutions should take special measures to provide opportunities for candidates from these groups to enter the legal profession and should ensure that they receive training appropriate to the needs of their groups. [1].

The Continuing Professional Development helps lawyers achieve and maintain high standards of competency and professionalism. It is an essential part of every lawyer's career. It helps to keep up-to-date with the latest legislative developments, allows lawyers to expand their skills, improve their capabilities and build a successful and satisfying career.

Meaningful and relevant professional development is important for maintaining excellence and contemporary best practice in the provision of legal services to both businesses and the community. The focus for lawyers should be on good learning and development outcomes relevant to their practice needs, rather than on compliance as an aim in itself.

Continuing professional development is the improvement and broadening of relevant knowledge and skills to enable a professional to successfully carry out his professional duties and responsibilities throughout his career. It provides a convenient framework for the profession to meet the changing demands of clients and society to continuously update knowledge and skills, to improve the efficiency and effectiveness of the profession and to enable some practitioners to redefine their careers by learning new professional skills and areas of practice.

The head of our country has also paid special attention to this matter, and in the Decree of the President of the Republic of Uzbekistan on the Strategy "Uzbekistan-2030", the task was set to fundamentally enhance the potential of the advocacy institution and to develop a system for providing qualified legal assistance. For this purpose, it was mandated to introduce a system of professional development for lawyers that meets modern and international standards and is based on the principle of alternativity [2].

According to the current legislation, a lawyer is

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 Advocates [3].

On the Labor Code of the Republic of Uzbekistan, Professional development is understood as improving the level of an employee's professional knowledge, skills, and abilities, characterizing the employee's readiness to perform work in his or her current profession and specialty [4].

Felix F. Stumpf highlights that, in the 1930's, when continuing legal education had its start, the initial concern was to bridge the so-called gap between law school and law practice. It was then, as it still is, acknowledged that law-school graduates lacked the kind of craft-skill supplied in the past by apprenticeship service in a law office. They needed more instruction on completion of formal legal education. Although the programs for lawyers did not generally follow the regular law school curriculum and usually stressed "how-to-do-it" information, the class room technique persisted and the instruction was oral.

When World War II ended, the emphasis changed from post-law-school training for young lawyers to refresher training for returning war veterans, who had to be brought up to date on legal developments between 1941 and 1946. Astonishingly, practicing lawyers who were never in uniform wanted the same kind of brushing up [5].

Christopher Roper divides the meaning of the continuing professional development two things:

First: "all of the learning activities, formal, non-formal and informal, in which a lawyer engages as part of his/her work"; second: "a component of a continuing strategy of a legal professional body to "develop" the profession, usually through learning activities, thus enabling it to survive, maintain its status and develop" [6].

According to Paul A. Wolkin, law long having been regarded as a profession, tradition would require every lawyer to live up to that standard. It is being said, however, that we have failed to fulfill that responsibility. Within the profession many of us lament this failure and seek ways to remedy it. Outside the profession pressures are being applied to hasten remedial action. Mandatory continuing legal education has been the immediate response. But there are alternatives. They include:

Selective monitoring of competence;

Voluntary peer review;

Effective voluntary continuing legal education [7].

According to V. Zaborovskiy, the primary duty of a

lawyer is, first and foremost, to continuously improve their professional qualifications, including ensuring citizens' constitutional right to receive qualified legal assistance. This obligation defines the essential conditions for the quality of legal aid provided by the lawyer and aims to enhance the protection of the rights and freedoms of those who entrust the lawyer with their case. If a lawyer lacks the necessary knowledge and experience to solve the tasks at hand, they will be unable to provide high-quality legal assistance [8]. Therefore, a lawyer must understand legal practice and its specific features. This means that a lawyer should possess a wide range of both procedural and non-procedural methods for delivering professional legal assistance.

The requirement for continuing professional development is considered a mandatory condition for obtaining the status of a lawyer from the perspective of international standards aimed at ensuring qualified legal assistance for the population. Therefore, in addition to the independence of professional associations, international organizations also regard strict qualification requirements and the necessity of continuous professional development as fundamental prerequisites for any successfully functioning justice system [9].

In many European countries, the United States, and Russia, continuing professional development is mandatory in the legal profession, although the number of required hours per year varies from country to country. For example, in Russia, 100 hours over five years or 20 hours per year are required; in Bulgaria – 4 hours per year; in Belgium – 16; in France – 20; in Germany – 10; in Italy – 30; in Norway – 16; and in the United States, the requirement depends on the state – from 8 hours (California) to 15 hours (Texas)[10].

In our point of view, professional development plays a vital role in enabling lawyers, including advocates, to fulfill their duties before the state and society. As outlined in the Decree of the President of the Republic of Uzbekistan on the “Uzbekistan — 2030” Strategy, it is crucial to introduce a system for improving lawyers' qualifications that aligns with modern and international standards and is based on the principle of flexibility. This means that the growing interest of lawyers in enhancing their qualifications is closely linked to reforming this system in accordance with international standards.

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Курманалиева А.А. Вопрос повышения профессиональной квалификации адвокатов в свете конституционного положения о доступе населения к квалифицированной юридической помощи. ОБРАЗОВАНИЕ И ПРАВО № 12 • 2018

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