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## Legal Issues in the Practice of Law

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**Abstract:** The article analyzes the role and place of the Bar in the system of law enforcement and human rights bodies in society.

**Keywords:** civil society institute, advocacy, law enforcement and human rights activities.

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The legal profession, as the most important institution of the legal system of Uzbekistan, cannot be left out of the ongoing reforms in our country.

The social goal of improving the legal profession and the legal profession is to ensure constitutional law and order. Therefore, any reform of the legal profession should give priority to this goal. Unfortunately, in the past, the social function of lawyers initially reduced to the expansion of compulsory free assistance to the population. There is a need to increase the role and status of the legal profession in the courts and courts of first instance, to expand the participation of the legal profession in the legislative activity, and to improve the provision of legal assistance to citizens and legal entities.

Obviously, only if the judge allowed seeking the right (read - justice) in the text of the normative document or legislation, the legal profession can take a worthy place in the legal system, the behavior of the person and, at the same time, the judge considers his opinion in equal resistance. In parallel with the competitiveness of the judicial process, it is necessary to introduce new sources of law in the form of judicial activity and court decisions and interpretations, without which the role and importance of advocacy may be weakened.

The independence of the legal profession is the basis of advocacy. Not grant a lawyer the status of an equal participant in criminal or civil proceedings without taking the profession out of state control. It will happen eventually, but I would like it to happen as soon as possible. After all, the interests of our citizens are at stake. In the current situation, the bar team will have to decide what to keep and what to change from the legal profession used in the regulations.

Over the past decade, there has been a strong alienation between the governing bodies of the Chamber of Advocates of Uzbekistan (hereinafter referred to as the Chamber) and ordinary lawyers. The authorities have forgotten that they are accountable to ordinary lawyers and that they are in the service of lawyers, not vice versa.

For many years, the Chamber has been shaping its own document flow, in the course of which the original goals of the Bar have faded into the background. Ordinary lawyers, on the other hand, have not been creative in gradually addressing the pressing issues of the legal profession.

These shortcomings reflected in the President's resolution "On measures to radically increase the efficiency of the Bar and expand the independence of lawyers" and "the role of the Bar as a protector of the Bar". Was reduced to the level of, his interaction with lawyers was limited to the collection of statistics and was characterized by excessive bureaucracy and "serious

administrative influence, which undermines the independence and autonomy of the legal profession”.

Today, the current charter of the Chamber and the rules of internal regulations that led to the activities of its Board, in many respects contrary to the interests of the Bar Association, require reconsideration.

Advocacy has external (with government agencies, etc.) and internal (between lawyers’ self-government bodies, advocacy structures, and lawyers). Fortunately, international norms and standards long been established in foreign relations. Therefore, the task of involving and adapting these norms and standards to national legislation and judicial practice not been addressed in this relationship group.

“In-store” relationships play an important role because without proper regulation, there will be no strong advocacy capable of actively influencing external relations reform. This article focuses on intrashop relationships and their impact on a lawyer's public-legal role.

In most countries, the relationship between lawyers and their self-governing bodies and advocacy structures, although some universal standards have been established, do not have the status of international recommendations for direct application to national legislation. However, the modern normative-legal rules of the bar based on a group of principles.

Principles of activity of the Bar Institute:

- strong procedural status of a lawyer;
- a single society of lawyers and a single code of ethics and standards of conduct for all categories of lawyers;
- non-governmental status of the bar (although in some countries there are public lawyers as well as private lawyers);
- Monopoly of advocacy in court and legal services;
- transparent mechanisms for the appointment of public defense lawyers;
- collective protection of professional interests and individual lawyers;
- participation of the bar in the legislative activity of the state.

Principles of Self-Government of the Bar Association:

- democracy (elections, transparency, etc.);
- independence, i.e. self-government, autonomy and self-financing;
- reporting to lawyers;
- availability of direct voting facilities by lawyers;
- individual participation of lawyers in governing bodies;
- unlimited right to withdraw one's vote;
- mechanism for recalling an election body member;
- Mechanism of dissolution of the representative body.

Principles of practice of the Bar:

- Entrepreneurial nature of lawyers;
- use of commercial organizational and legal forms;

- Qualified use of public representatives and advice;
- Classification of lawyers by employment categories (individual entrepreneurs and employees);

Principles of the legal profession:

- legal entity - an individually appointed lawyer;
- specialization of lawyers;
- public access to information about the lawyer's qualifications and qualifications;
- personal professional liability insurance;
- Full and part-time responsibilities of collaborating attorneys;
- Advanced training system based on the assessment of intellectual activity without special courses.

We hope that in the future the reform of the legal profession and the activities of the governing bodies of the Chamber of Advocates of Uzbekistan will be based on the above principles.

Principles of Advocacy Management

The system of advocacy bodies, based on the principles of representative democracy, should provide for:

Principles of Representation:

- 1) a lawyer has the inalienable right to participate (elect and be elected) in the highest representative bodies of state power directly or through a representative;
- 2) the decision of the lawyer to transfer the participation of the highest representative bodies of state power to another person can be only voluntary and extraterritorial;
- 3) in all cases of representation there must be a clear expression of the will of the lawyer (preferably in writing);
- 4) representation is formalized by the extraordinary election of the mandate or delegates.

Principles of competent control

- 5) all statutory bodies of the Chamber shall be independent of each other, which shall be ensured by:
  - Inconsistency between the terms of office of the executive authorities (election period - 2-4 years) and the bodies of professional control and supervision of financial and economic activities (election period - 1-2 years);
  - Prohibition of consolidation of membership in these bodies;
  - Prohibition of re-election to the executive branch;
  - Subordination of professional control and supervision of financial and economic activities directly to the supreme representative body, independent of the executive;
- 6) meetings of the executive body may not be closed (any lawyer has the right to vote at such meetings, but not with the right to a hearing).
- 7) lawyers and members of the executive body may participate in the meetings of the bodies of professional control and supervision of financial and economic activities, if there is a proposal submitted by the collective decision;

8) members of the bodies controlling the entry into the profession (qualification commission) cannot combine their positions in the bodies controlling the withdrawal from the profession (disciplinary commission);

9) decisions of the republican bodies, taking into account the division of their powers, are binding on the territorial bodies, in particular: decisions of the executive bodies of the republic are binding on the territorial executive bodies, but not binding on the territorial bodies; professional supervision and control over financial and economic activities (except for general decisions).

10) the agenda of the meeting of the executive body must be announced in advance on the website of the chamber;

11) all decisions of all governing bodies of the Chamber shall be published on the website of the Chamber, with the entry into force of the decisions within the time limits allowed to appeal.

Specialization and licenses of lawyers:

In order to avoid problems with the replacement of licenses, existing lawyers should retain their existing licenses and equate them with new licenses. These are Category A licenses that cover all legal specialties at the same time. The new licensing procedure is only valid for new candidates. These are Category B licenses for certain specialties defined by law (now defined by law). This approach eliminates the nervousness among practicing lawyers and eliminates the conditions for abuse.

Recognize that lawyers have both licensed and unlicensed specialties. Applicants will be licensed to specialize in passing qualifying exams, obtaining a license, and undergoing professional development. The highest body of lawyers' self-government determines the areas of licensed specialization of lawyers. Each licensed specialty corresponds to a category "B" license. An unlicensed specialist has the right to use any lawyer.

It is mandatory for a lawyer to choose at least one licensed specialty. The lawyer independently determines the licensed specialty. New entrants are eligible for a license in each of their chosen specialties after passing the relevant qualifying examination. If an exam is taken in only one area of specialization, the lawyer will receive one licensed specialty, respectively.

A specialty that is incompatible with a licensed specialty is considered unlicensed. Areas of specialization without a license are not limited and can be any at the discretion of the lawyer. An attorney can independently determine and change his / her specialty without a license.

Determining a lawyer's specialization is a declarative procedure that does not lead to restrictions on the practice of advocacy outside the declared legal profession, nor does it imply an obligation to comply with licensing procedures.

Regardless of the chosen specialty, lawyers are obliged to provide legal assistance to clients outside the specialization in cases specified by law and decisions of lawyers' self-government bodies.

In other countries where state regulation of specialization exists, it duplicates the specialization of the courts, but is not based on a sectoral division of law. It is logical to assume that the judicial profession can be regulated by the state or the professional community and is based on relevant qualifications, and sometimes the special knowledge of lawyers.

The specialization of industry, given its diversity and constant change, is in no way related to

the interests of the state and can therefore be nothing more than declarative. In terms of industry specialization, only the lawyer decides what and where to do it, at least until the court determines the specialization.

We understand that specialization is primarily about allowing a particular lawyer to be represented by the state in certain courts and in the relevant pre-trial instances. Second, it is a state declaration addressed to the director that the lawyer meets the required qualifications. Third, it is a way to limit the liability and improve the skills of lawyers.

Not all of this means that a lawyer cannot advise outside of the chosen specialty if he or she has the appropriate permit (license) (unless the receiving director is aware of the risks). Therefore, if the number of courts or regulatory specialties is determined in relation to the courts, the network specialization of lawyers cannot be limited to anything and everyone can independently determine the area of legal practice (other than the judiciary) they see his interest. If this freedom is not taken into account, then the conditions for the emergence of highly qualified specialists in some areas and sub-sectors of law will not be provided.

#### Reform of the system of professional development

The bar should independently manage the bar training system because it is responsible for it.

Tests, exams, and tests should be abolished because the purpose of the training is not to create routine systems to check for unscrupulous lawyers.

In our view, professional development should not be limited to the academic form alone. It is necessary to introduce a cumulative system of advanced training with a set of points at the expense of intellectual activity for three years. Points can be awarded for publications, presentations, audience participation, and teaching activities. Scores should depend on the form of participation.

Such courses should be made public to encourage lawyers to participate in qualifying courses as speakers. With this option, the chamber has the opportunity to organize self-sufficiency courses.

#### Hired attorneys

It is necessary to liberalize the organization of labor relations of lawyers in firms. We are talking about the transition to partners (creating work for other colleagues), individual lawyers, and hired lawyers (who do not advise and are not directly accountable to directors). Such flexibility makes advocacy structures more stable.

It should become the rule that all subjects of consulting, including lawyers, carry out their activities in different organizational and legal forms, as well as based on the same principles of the labor hierarchy.

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