



UDC 347.965

[https://doi.org/10.52058/3041-1254-2024-5\(5\)-34-47](https://doi.org/10.52058/3041-1254-2024-5(5)-34-47)

Vorobel Ulyana Bohdanivna PhD in Law, Senior Lecturer, Department of Civil Law Disciplines, Law Institute, Lviv State University of Internal Affairs, St. Horodotska, 26, Lviv, <https://orcid.org/0000-0003-0480-5394>

ENHANCING A LAWYER'S PROFESSIONAL LEVEL: A MANDATORY STANDARD OF THE LEGAL PROFESSION

Abstract. The article is dedicated to the study of contentious issues in the legal regulation of continuing education for lawyers in Ukraine.

It concludes that one of the key duties of a lawyer is to improve their professional level, which is primarily aimed at ensuring the realization of an individual's constitutional right to receive professional legal assistance. This duty is intended to guarantee the high quality of legal assistance provided by a lawyer, thereby enhancing the protection of their clients' rights and freedoms. Therefore, by its legal nature, the improvement of a lawyer's professional level is one of the mandatory standards of the legal profession.

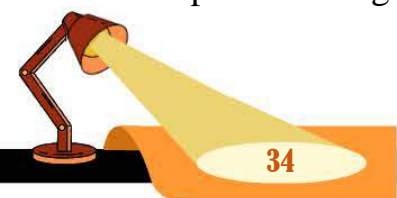
A systematic and consistent analysis of the provisions of the Procedure for Continuing Education of Lawyers of Ukraine, approved by the decision of the Bar Council of Ukraine on July 3, 2021, No. 63, has been carried out. It has been noted that despite the modernization and digitalization of the procedure for improving a lawyer's professional level, many contentious issues remain.

The list of continuing education measures for lawyers provided for in paragraph 14 of the Procedure for Continuing Education of Lawyers of Ukraine has been studied and its indicative and non-exhaustive nature established. The assertion has been substantiated that the provisions of paragraph 22 of the Procedure for Continuing Education of Lawyers of Ukraine, according to which at least 50% of continuing education credits must be obtained by lawyers during events organized by continuing education operators in Ukraine, are aimed at monopolizing the position of these operators and discriminating against the interests and needs of the lawyers themselves. Therefore, it is proposed to revoke this provision.

It is suggested to allow lawyers to influence the list of topics and events proposed by their bar councils during the reporting period.

Keywords: lawyer, legal status, professional duty, professional level, professional development, legal profession.

Воробель Уляна Богданівна доктор філософії в галузі права, старший викладач, кафедра цивільно-правових дисциплін, Інститут права, Львівський державний університет внутрішніх справ, вул. Городоцька, 26, м. Львів, <https://orcid.org/0000-0003-0480-5394>





ПІДВИЩЕННЯ ПРОФЕСІЙНОГО РІВНЯ АДВОКАТА: ОБОВ'ЯЗКОВИЙ СТАНДАРТ АДВОКАТСЬКОЇ ПРОФЕСІЇ

Анотація. Стаття присвячена дослідженню дискусійних питань правового регулювання підвищення кваліфікації адвокатів в Україні.

Зроблено висновок про те, що один з ключових обов'язків адвоката полягає в підвищенні свого професійного рівня, що в першу чергу спрямоване на забезпечення реалізації конституційного права особи на отримання професійної правничої допомоги. Цей обов'язок має на меті гарантувати високу якість правничої допомоги, яку надає адвокат, і таким чином підвищити рівень захисту прав і свобод його клієнта. У зв'язку з цим, за своєю правовою природою підвищення професійного рівня адвоката становить один з обов'язкових стандартів адвокатської професії.

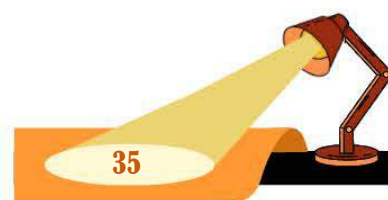
Здійснено системний та послідовний аналіз положень Порядку підвищення кваліфікації адвокатів України, затвердженого рішенням Ради адвокатів України від 03 липня 2021 року № 63, та констатовано, що попри новелізацію та цифровізацію процедури підвищення професійного рівня адвоката і надалі залишається чимало дискусійних питань.

Досліджено перелік заходів підвищення кваліфікації адвокатів, передбачених п. 14 Порядку підвищення кваліфікації адвокатів України, та встановлено його орієнтовний та невичерпний характер. Обґрунтовано твердження про те, що положення пункту 22 Порядку підвищення кваліфікації адвокатів України, згідно із яким не менше 50% залікових балів з підвищення кваліфікації повинні бути отримані адвокатом під час заходів, організованих операторами підвищення кваліфікації адвокатів в Україні, спрямоване на монополізацію становища цих операторів та дискримінацію інтересів та потреб самих адвокатів. У зв'язку з цим, запропоновано його скасувати.

Запропоновано надати можливість адвокатам впливати на перелік тих тем та заходів, які пропонуються їхніми радами адвокатів протягом звітного періоду.

Ключові слова: адвокат, правовий статус, професійний обов'язок, професійний рівень, підвищення кваліфікації, адвокатура.

Formulation of the problem. The state, pursuant to Article 59 of the Constitution of Ukraine, guarantees everyone the right to professional legal assistance [1]. And it is precisely the legal profession, according to Article 2 of the Law of Ukraine "On Advocacy and Legal Practice", that is the institution ensuring the implementation of defense, representation, and the provision of other types of legal assistance on a professional basis [2]. To ensure the proper level of legal assistance, the legal profession has introduced a standard that requires the continuous and ongoing improvement of lawyers' qualifications.





V. Zaborovskyy points out that a key duty of a lawyer is to improve their qualifications, primarily to ensure the proper implementation of an individual's constitutional right to receive professional legal assistance. This obligation is directed towards ensuring the proper quality of legal assistance provided by a lawyer, and therefore, towards enhancing the degree of protection of the rights and freedoms of their clients [3, p. 553]. This is because the provision of such assistance is impossible without the lawyer having the necessary set of knowledge and experience to solve the tasks assigned to them. It also requires understanding the specifics of the tactics and methods of practicing law. Furthermore, the lawyer must possess a wide range of both procedural and non-procedural methods of providing professional assistance [4, p. 448].

S. Kuzmenko believes that improving qualifications allows lawyers to meet the challenges of modern society, ensuring the highest level of legal service for clients. Continuous professional education is not only a means of enhancing legal skills but also an essential component of maintaining ethical standards and a high reputation in the legal profession [5, p. 17].

N. Bakayanova views the improvement of lawyers' qualifications as a form of control by bar self-governing bodies over lawyers, which aligns with the legislation on the legal profession and the principles of organization and activity of the legal profession [6, p. 330].

D. Kukhniuk and V. Petrakovskiy view professional development not only as additional training in a narrow sense. Rather, they see it in a broader sense: as the deepening, expansion, and updating of professional knowledge, skills, and abilities within one's qualification (specialization). It also involves expanding one's qualification profile by acquiring new qualifications (specializations) and mastering other (related) knowledge [7, p. 16-17].

The scientific literature interprets the professional development of a lawyer as a professional duty of a lawyer in Ukraine in the following three aspects:

1) Continuous (constant, quality) deepening, development (improvement of existing) and updating (in accordance with modern requirements, real events, and existing (possible) circumstances, situations) of professional knowledge of lawyers, their practical skills, and acquired abilities;

2) If necessary, acquiring a new (or additional) specialization (specialty) or certain (appropriate) qualifications by lawyers in a specific (particular) field of law or area of legal practice, based on their previously obtained education, including their practical experience;

3) Constant provision of Ukrainian lawyers with sufficient and appropriate information about changes in current legislation is crucial. This includes clear explanations about the application of these changes in practice. Additionally, relevant explanations and specific answers about methods and ways of obtaining legal information about the content of foreign law norms are necessary [8]. This is





particularly important when representing the client's interests or providing legal assistance in court [9, p. 121-122].

Therefore, the continuous and ongoing improvement of lawyers' qualifications plays an important role in the functioning of the professional legal community and represents one of the main prerequisites for the successful operation of the entire justice system as a whole. To maintain professional competence (through continuous legal education) is one of the fundamental principles in the organization of the legal profession. In essence, it mandates significant attention by the acts defining international and regional standards of the legal profession. These standards are of great importance for the formation of high-quality national standards for the organization and activity of the legal profession [4, p. 448].

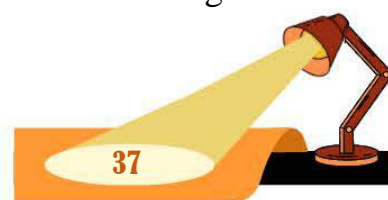
Analysis of recent research and publications. Many scholars have paid attention to the study of the legal nature and features of the legal regulation of improving a lawyer's professional level. Among them, the scientific works of such researchers as S. Antonyuk, N. Bakayanova, V. Fazykosh, Ye. Fursa, S. Fursa Ye. Khizhniak, O. Semerak, R. Skrynkovsky, V. Zaborovskyy and O. Zayats can be highlighted. However, the study of the issue of improving lawyers' qualifications as a manifestation of one of the mandatory standards of the legal profession still arouses great interest.

The purpose of the article is to explore the contentious issues of the legal regulation of improving a lawyer's qualifications through the lens of its implementation as one of the mandatory standards of the legal profession.

Presentation of the main research material. According to paragraph 4, part 1, article 21 of the Law of Ukraine "On Advocacy and Legal Practice", a lawyer is obliged to improve their professional level during the course of their legal practice [2]. In compliance with this article of the Law, on July 3, 2021, the Order on the Improvement of Qualifications of Lawyers of Ukraine, which defines the requirements for enhancing lawyers' professional levels, was approved by the decision of the Council of Lawyers of Ukraine.

According to paragraph 2 of the Order on the Improvement of Qualifications of Lawyers of Ukraine, improving qualifications means enhancing a lawyer's professional level, which is an important professional duty. Compliance with this duty ensures the continuous deepening, expansion, and updating of lawyers' professional knowledge, skills, and abilities. At the lawyer's request, it includes acquiring new specializations or qualifications in a specific field of law or activity based on previously obtained education and practical experience. It also ensures that lawyers have sufficient information about changes in current legislation and the practice of its interpretation and application.

It should be noted that according to paragraph 16 of the Order on the Improvement of Qualifications of Lawyers of Ukraine, all lawyers whose information is entered into the Unified Register of Lawyers of Ukraine are obliged





to continuously improve their professional level (professional qualifications). However, it is also specified that this obligation does not apply to lawyers whose right to practice law has been suspended. In the case of resuming legal practice that has been suspended for a year or more, the lawyer is required to undergo special qualification improvement courses. These courses follow the program and procedure developed by the Higher School of Advocacy of the Ukrainian National Bar Association. The Expert Council on Accreditation approves the program and Certification (hereinafter referred to as the Expert Council). The lawyer must complete these courses within three months from the moment of reinstatement of the right to practice law.

The Higher School of Advocacy of the Ukrainian National Bar Association carries out the organization and implementation of the process of improving lawyers' qualifications in Ukraine. Regional bar councils and external operators of lawyers' qualification improvement assist in accomplishing this. The Order on the Improvement of Qualifications of Lawyers of Ukraine accredits these operators [10].

Given the hostilities in Ukraine, it has become impossible to conduct accredited professional development events in some regions of Ukraine. As a result, the Ukrainian National Bar Association made a decision. By its decision No. 30 dated March 16, 2022, the Association suspended the provisions of paragraphs 19 and 20. This suspension applies to the Procedure for the Professional Development of Lawyers of Ukraine during the period of martial law in Ukraine [11]. This suspension does not cancel the obligation to improve professional skills as stipulated by the Law of Ukraine "On the Bar and Legal Practice", but allows lawyers to enhance their professional level to a lesser extent than required by the Procedure for the Professional Development of Lawyers of Ukraine.

Accordingly, the failure of a lawyer to meet the requirements of paragraphs 19 and 20 of the Procedure for the Professional Development of Lawyers for the year 2022 is not a disciplinary offense. This includes improving their professional level to a lesser extent than established by these paragraphs of the Procedure for the Professional Development of Lawyers of Ukraine. Therefore, it cannot serve as a basis for holding the lawyer disciplinarily liable.

The Higher School of Advocacy of the Ukrainian National Bar Association continued to provide professional development activities for advocates in 2022. According to its information, electronic certificates of professional development in full compliance with points 19 and 20 of the Procedure for the Professional Development of Advocates of Ukraine were received by 47.7% of advocates, which is almost half, in 2022 [12].

However, the study and understanding of a whole body of new legislation adopted during martial law is extremely important in terms of the effectiveness of an advocate's defensive activities and is necessary for the quality provision of professional legal assistance by advocates, especially regarding wartime legislation.



This necessitated the reinstatement of the requirements for the annual volume of professional development for advocates.

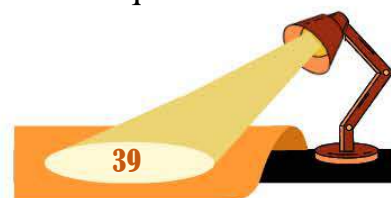
In this regard, Decision No. 185 of the Council of Advocates of Ukraine made dated December 27, 2022, amendments to Decision No. 30 dated March 16, 2022, which established the period of suspension of subparagraphs 19 and 20 of the Procedure for the Professional Development of Advocates of Ukraine as "until December 31, 2022" [13]. Thus, from January 1, 2023, the requirements of subparagraphs 19 and 20 of the Procedure for the Professional Development of Advocates are in full effect [12].

In this context, the comment from the Council of Advocates of Ukraine is interesting. It notes that subparagraph 4.3.7 of the Regulation on the Organization and Procedure for Internship to Obtain a Certificate for the Right to Practice Law requires the submission of information about the professional development (qualification improvement) of the person applying to be included in the register of internship supervisors. Applicants must provide this information according to the requirements established by the Council of Advocates of Ukraine, specifically covering at least the 3 years preceding their application to the regional council of advocates for inclusion in the Register of Internship Supervisors. These requirements, established by the Council of Advocates of Ukraine, as well as other provisions of the Procedure for Professional Development of Advocates, were in effect without suspension.

In view of the above, the Council of Advocates of Ukraine indicates that contracts for internship supervision with individuals who have passed the qualification exams and obtained certificates of passing the qualification exam should be concluded with those internship supervisors who have fully met their professional development requirements for 2022. These requirements for the scope of professional development also apply to lecturers/speakers from among the advocates who are engaged by the operator to conduct professional development activities for advocates, as provided by the Accreditation and Certification Procedure [12].

The Procedure for the Professional Development of Advocates of Ukraine stipulates that one credit point for professional development is equivalent to 1 (one) hour of training, except in cases provided for by this Procedure. Advocates with less than 3 years of experience must complete the "Young Advocate" Modular Program, which the Higher School of Advocacy of the Ukrainian National Bar Association develops and implements.

Advocates who have obtained their status are required to enhance their professional level to 48 hours within the first three years of their advocacy practice, with at least 16 hours each year. If the certificate for the right to practice law is obtained in the second half of the respective year, the advocate is allowed to earn fewer points in the first year of obtaining the certificate, if the total number of points over 3 years amounts to no less than 48 hours. All other advocates are required to





engage in professional development for at least 10 hours per year (10 credit points). Additionally, each year, an advocate must earn at least 2 credit points for training on the Rules of Advocate Ethics [10].

In the scientific literature, there is a proposal to increase the number of credit points for legal ethics to 3 (three) per evaluation period (year), as violations of legal ethics rules are one of the common grounds for disciplinary action against lawyers. According to Ye. Khizhniak, the consideration of the content of legal ethics norms and principles, as well as complex ethical situations during the professional development of lawyers, will help avoid mistakes in the relationships of lawyers with clients, colleagues, judges, prosecutors, investigators, and other individuals with whom lawyers interact while fulfilling client assignments [14, p. 51].

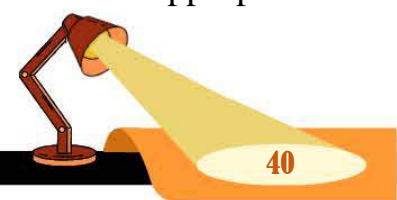
It should be noted that for lawyers included in the Register of Lawyers providing free secondary legal aid (hereinafter referred to as FSLA), and/or those who have signed a contract for the provision of FSLA on a permanent basis or an agreement for the provision of FSLA on a temporary basis. The Procedure for the Professional Development of Lawyers of Ukraine provides an additional obligation to obtain no less than 2 credit points for training on the issue of free legal aid per year.

According to Clause 14 of the Procedure for Professional Development of Lawyers in Ukraine, the following activities are included in the measures for lawyers' professional development:

1) Studying or teaching professional development programs for lawyers at higher education institutions of the III and IV levels of accreditation provided they are accredited operators of lawyers' professional development. The number of credit points within the accreditation limits.

2) Participation in international, national, and regional scientific, scientific-practical, and scientific-methodological conferences, seminars, round tables, training sessions, programs, etc., organized and conducted by operators of lawyers' professional development in Ukraine and abroad. The number of credit points within the accreditation limits.

3) Participation in any accredited professional development activities for lawyers (including online format) organized by operators of lawyers' professional development after passing testing (if available) on the online platform of the professional development administrator at the Ukrainian National Bar Association Higher School of Advocacy. The number of credit points within the accreditation limits. If the educational product is a video recording that does not have a clear course structure and does not provide for the evaluation of the material through testing, the number of credit points for such professional development is equal to 1 point regardless of the number of hours of such a video recording. This restriction does not apply to video materials included in the structure of online courses with appropriate knowledge verification.





V. Zaborovskyy rightly points out that lawyers earn credit points only for participating in events (such as conferences, seminars, round tables, etc.) organized by accredited professional development operators and for teaching or studying in higher education institutions under accredited professional programs. At the same time, several foreign countries, including European ones, adopt a broader interpretation of types of professional development. For instance, French legislators participate in training activities, including lawyer-training courses conducted by regional training centers. They also engage in activities organized by universities and other educational institutions. Additionally, lawyers themselves organize various activities. Teaching or attending colloquiums and conferences on any legal topic directly related to the lawyer's professional activity is also included (Article 85 of the Decree of the French Republic "On the Organization of the Legal Profession") [3, p. 554].

4) Delivering a presentation, report, or scientific communication as a certified lecturer at international, national, and regional scientific-practical and scientific-methodological conferences, seminars, round tables, master classes, training sessions, etc. Within the framework of an accredited event, they apply a double number of points.

A positive aspect of such measures, according to V. Zaborovskyy, is the significant emphasis on the quality of their organization, particularly through the establishment of substantial professional, personal, and ethical requirements for "certified lecturers". The requirement for the practical orientation of both the lecturers' presentations and the continuing education programs for lawyers in general (upon their accreditation) is also important, specifically aimed at acquiring practical knowledge and skills by the lawyers participating in such events [3, p. 554-555].

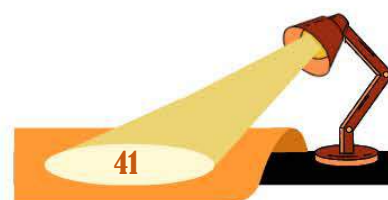
5) The Academic Council of the Higher School of Advocacy of the Ukrainian National Bar Association reviews scientific or scientific-practical articles, awarding one credit point for every 5000 characters.

6) Publication of monographs, textbooks, manuals (including co-authorship), with one publication equaling 12 credit points;

7) Obtaining a PhD in Law while practicing as a lawyer equals 30 credit points.

8) Obtaining a Doctor of Sciences in Law (or a Doctor of Law if the degree is obtained abroad) while practicing as a lawyer equals 45 credit points.

The points awarded to a lawyer for obtaining a Doctor of Sciences in Law (or a Doctor of Law if the degree is obtained abroad), as well as a PhD in Law, are carried over and accounted for in the next reporting period. Points for a scientific degree are awarded upon the lawyer's application only after the publication of the corresponding order on the website of the Ministry of Education and Science of Ukraine. In all other cases, points earned beyond the required annual norm are not carried over to subsequent periods.





9) Work in the bodies of attorney self-government (including elected positions without formal employment relationships according to the Law of Ukraine "On Advocacy and Attorney Activity") earns 5 credit points per year. Work as part of the Higher Qualification and Disciplinary Commission of the Bar and disciplinary chambers of qualification and disciplinary commissions in the regions earns an additional 2 points per year, specifically focusing on issues of the Rules of Attorney Ethics. Participation in the commission for evaluating the quality, completeness, and timeliness of the provision of free legal aid by attorneys earns 5 credit points per year.

10) Participation in the work of Ukrainian National Bar Association committees (chairman and deputy chairman of the Ukrainian National Bar Association committee - 10 points per year; member of the committee council - 5 points per year). Participation of an attorney in the work of the Ukrainian National Bar Association committee on attorney ethics (chairman, deputies, and committee council members) - an additional 2 points per year on issues of the Rules of Attorney Ethics;

11) Participation of an attorney in the work of committees for the protection of attorneys' rights of the regional bar councils upon submission by the Chairman of the regional bar council (chairman and deputy chairman of the committee - 10 points per year; committee member - 5 points per year). The number of committee members in the submission by the Chairman of the regional bar council cannot exceed 15 people (except for the Kyiv City Bar Council and the Kyiv Region Bar Council, where the number of committee members is limited to those who actively participate in its work).

12) Successful completion of online testing with subsequent accrual of credit points. Tests are developed by the Higher School of Advocacy of the Ukrainian National Bar Association according to branches of law. The Higher School of Advocacy of the Ukrainian National Bar Association with the involvement of the Higher Qualification and Disciplinary Commission of the Bar. Develop tests on the Rules of Attorney Ethics. The maximum number of such points cannot exceed 2 credit points per year.

13) Successful completion of online testing on the topic "Normative Regulation of Status and Issues of Activity of Attorney Self-Government Bodies". The topic will include (but not be limited to) the following questions: structure, powers of attorney self-government bodies, normative acts regulating their activities. The maximum number of such points cannot exceed 2 credit points per year.

14) Attorneys included in the Unified Register of Attorneys of Ukraine must submit information for inclusion in the Register of Attorneys Providing Free Secondary Legal Aid. They must also sign a contract for providing Free Secondary Legal Aid on a permanent basis or agreements for providing Free Secondary Legal





Aid on a temporary basis. These attorneys must obtain at least 2 credit points per year for training on free legal aid issues. Completing Council of Europe courses on the HELP training platform, upon receiving a certificate, fulfills the requirements of the Procedure for the Professional Development of Attorneys of Ukraine for obtaining points for training on free legal aid issues.

15) Other activities defined by the Expert Council of the Ukrainian National Bar Association [10].

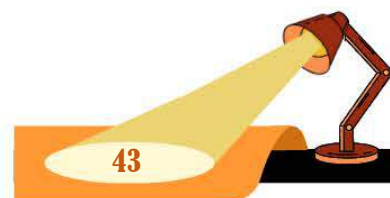
An analysis of the content of paragraph 14 of the Procedure for Continuing Legal Education of Lawyers in Ukraine indicates a sample, non-exhaustive list of possible types of such education, considering that the Expert Council of the Ukrainian National Bar Association [3, p. 555] may also recognize other activities of a lawyer as continuing education.

The necessity for a rather substantial list of types (activities) of continuing legal education for lawyers is driven not only by the multifaceted nature of their potential professional activities and the considerable number of Ukrainian lawyers, but also directly by the need to consider the lawyers' needs, especially their interest in acquiring practical skills. This ensures, on one hand, freedom in the choice of such activities, and on the other, the effectiveness and continuity of the process of enhancing a lawyer's professional level [3, p. 555-556].

However, despite such an extensive list of types of continuing legal education for lawyers, it should be noted that, according to paragraph 22 of the Procedure for Continuing Legal Education of Lawyers in Ukraine, a lawyer must obtain at least 50% of the credits for continuing education during events organized by accredited continuing legal education providers in Ukraine. In our opinion, this provision is aimed at monopolizing the position of continuing education providers for lawyers in Ukraine and discriminates against the interests and needs of the lawyers themselves. Therefore, it should be revoked.

The reporting year for the qualification enhancement of lawyers is the calendar year, from January 1st to December 31st each year. The National Academy of Advocacy of Ukraine keeps a personal record card of lawyer's credit points. If the lawyer does not accumulate the required number of points in their credit card for qualification enhancement, the National Academy of Advocacy must inform the regional bar council and the respective qualification-disciplinary commission of the bar about the violation of this procedure. If someone files a complaint against such a lawyer with the qualification-disciplinary commission of the bar at the lawyer's workplace address indicated in the Unified Register of Lawyers of Ukraine regarding other violations, the commission must consider this information when considering the disciplinary case [10].

Among the positive aspects of organizing the procedure for enhancing the qualifications of lawyers, we should note the significant simplification in terms of access to information directly related to relevant qualification enhancement





activities. This includes the creation of the internet platform of the Accreditation Center of the National Academy of Advocacy of Ukraine (<http://cpd.hsa.org.ua/>), which provides information on current and permanent accredited training events for lawyers. In the "Lawyer's Cabinet" section, information is available on accrued credit points, participation in scheduled events, and compliance with qualification enhancement requirements for the respective reporting period.

Furthermore, the procedure allows for lawyer registration for participation in these events and the automatic crediting of points for such participation. This automated credit point system relieves lawyers (as well as regional bar councils) from the obligation of maintaining paper records and complicates the ability to manipulate credit point accruals [15, p. 103].

Despite the modernization and digitalization of the procedure for enhancing a lawyer's professional level, there remain many contentious issues. In particular, scientific literature suggests that, despite the extensive list of possible ways for a lawyer to improve their professional level, this list should be expanded. It should include the following: events (round tables, conferences, etc.) organized by higher educational institutions based on approved programs. Additionally, training of lawyers in other specialties to broaden their specialization should be included. Appearances in various media on legal issues should also be considered. Finally, other scientific activities of lawyer-lecturers, such as participation in scientific advisory or expert councils, should be added [3, p. 555].

Considering that continuing education is a professional duty that applies to all lawyers in Ukraine, who are also required to pay fees specifically to ensure the implementation of self-governance in the legal profession. One of the main responsibilities of this self-governance is to maintain a high professional level among lawyers. V. Zaborovsky believes that participation in relevant events (programs) developed by the Higher School of Advocacy of the Ukrainian National Bar Association should be free of charge [15, p. 104].

Additionally, in our opinion, lawyers themselves should influence the list of topics and events proposed by their bar councils during the reporting period.

Additionally, as S. Fursa and Ye. Fursa rightly point out, leading Ukrainian and foreign scholars and practicing lawyers, who are experts in a particular field of knowledge, should be invited at the choice of the lawyers. Lectures should provide answers to the questions that concern lawyers. It is entirely possible and appropriate to conduct a scientific and practical analysis of certain high-profile cases, where an experienced scholar agrees to provide their perspective on a significant case, share their experience in providing conclusions in such cases, and so on [16, p. 55].

Conclusions. One of the key duties of a lawyer is to improve their professional level, which is primarily aimed at ensuring the realization of an individual's constitutional right to receive professional legal assistance. This duty is intended to guarantee the high quality of legal assistance provided by a lawyer,



thereby enhancing the protection of their clients' rights and freedoms. Therefore, by its nature, the improvement of a lawyer's professional level is one of the mandatory standards of the legal profession.

Despite the expanded list of types of continuing education for lawyers outlined in paragraph 14 of the Procedure for Continuing Education of Lawyers of Ukraine, it should be noted that the provision in paragraph 22 of this Procedure, which states that at least 50% of continuing education credits must be obtained by lawyers through events organized by continuing education operators in Ukraine, is aimed at monopolizing the position of these operators and discriminates against the interests and needs of the lawyers themselves. Therefore, it should be revoked.

It is also advisable to establish a mechanism that allows lawyers to influence the list of topics and events proposed by their bar councils during the reporting period

References:

1. Konstytutsiia Ukrainy : Zakon Ukrainy vid 28 chervnia 1996 № 254k/96-VR [Constitution of Ukraine: Law of Ukraine from June 28, 1996 No. 254k/96-VR]. Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> [in Ukrainian].

2. Pro advokaturu ta advokatsku diialnist : Zakon Ukrainy vid 05 lypnia 2012 № 5076-VI [On the Bar and Legal Practice: Law of Ukraine dated July 5, 2012, No. 5076-VI]. Retrieved from <https://zakon.rada.gov.ua/rada/show/5076-17#n3> [in Ukrainian].

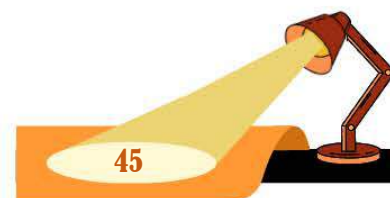
3. Zaborovskyy, V. V. (2023). Vybir ukrainskym advokatom vydiv pidvyshchennia svoiei kvalifikatsii cherez pryzmu realizatsii konstytutsiinoho prava na osvitu [Ukrainian lawyer's choice of types to improve his qualifications through the prism of the implementation of the constitutional right to education]. *Analitichno-porivnialne pravoznavstvo – Analytical and Comparative Jurisprudence*, No. 5, 552–557. Retrieved from <http://journal-app.uzhnu.edu.ua/article/view/290801> [in Ukrainian].

4. Zaborovskyy, V. V., Fazykosh, V. H. & Semerak, O. S. (2022). Pidvyshchennia kvalifikatsii advokata yak odyin iz yoho profesiinykh oboviazkiv: zahalni polozhennia [Professional Development of a Lawyer as One of His Professional Duties: General Provisions]. *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu. Serii: Pravo – Uzhhorod National University Herald. Series: Law*, Issue 70, 444–449. <https://doi.org/10.24144/2307-3322.2022.70.71> [in Ukrainian].

5. Kuzmenko, S. Ye. (2024). Vitalne slovo dyrektora Vyshchoi shkoly advokatury pry Natsionalnoi asotsiatsii advokativ Ukrainy, koordynatora prohramy Rady Yevropy HELP [Welcome Address from the Director of the Higher School of Advocacy at the National Association of Advocates of Ukraine, coordinator of the Council of Europe's HELP program]. *Advokatura Ukrainy: suchasnyi stan ta perspektyvy rozvytku : materialy V Mizhnar. nauk.-prakt. konf. (14 hrudnia 2023 r.) – Advocacy of Ukraine: Current State and Development Prospects: Materials of the 5th International Scientific and Practical Conference (December 14, 2023) / redkol. : T. V. Vilchuk ta in. Kharkiv : NIuU imeni Yaroslava Mudroho, 16–17* [in Ukrainian].

6. Bakaianova, N. M. (2012). Pidvyshchennia kvalifikatsii advokata u svitli realizatsii pryntsyviv orhanizatsii ta diialnosti advokatury [Enhancing the qualifications of a lawyer in light of the implementation of the principles of organization and activity of the legal profession]. *Pravo i suspilstvo – Law and Society*, No. 2, 328–331 [in Ukrainian].

7. Kukhniuk, D. V., Petrakovskyy, V. V. (2012). Pidvyshchennia kvalifikatsii advokativ Ukrainy: problemy normatyvnoho zabezpechennia [Professional Development of Lawyers of Ukraine: Issues of Regulatory Support]. *Advokat–Lawyer*, No. 8 (143), 12–17 [in Ukrainian].





8. Antoniuk, S., Zaiats, O., Skrynkovskyi, R. & Makukhina, I. (2019). Problems of Obtaining by the Lawyer the Legal Information on the Content of Foreign Law Norms While Representing the Client's Interests in Civil Proceedings in Ukraine. *Path of Science*, 5 (10), 5001–5010. doi: <http://dx.doi.org/10.22178/pos.51-5> [in English].

9. Zaiats, O. S., Skrynkovskyi, R. M., Antoniuk, S. A. (2019). Pidvyshchennia kvalifikatsii advokativ Ukrainy v svitli realizatsii pryntsyviv orhanizatsii ta diialnosti advokatury [Professional Development of Lawyers in Ukraine in the Light of the Implementation of the Principles of Organization and Activity of the Bar]. *Problèmes et perspectives d'introduction de la recherche scientifique innovante – Problems and Prospects for the Introduction of Innovative Scientific Research*, Issue 6, 121–125, Retrieved from space.lvduvs.edu.ua/bitstream/1234567890/2755/1/74-271-PB_removed.pdf. [in Ukrainian].

10. Poriadok pidvyshchennia kvalifikatsii advokativ Ukrainy (nova redaktsiia) : Rishennia Rady advokativ Ukrainy vid 03 lypnia 2021 № 63 [Procedure for the Professional Development of Lawyers of Ukraine (New Edition): Decision of the Bar Council of Ukraine dated July 3, 2021, No. 63]. Retrieved from <https://zakon.rada.gov.ua/rada/show/vr063871-21#Text> [in Ukrainian].

11. Pro pryzupynennia dii punktiv 19, 20 Poriadku pidvyshchennia kvalifikatsii advokativ Ukrainy na period dii voiennoho stanu v Ukraini : Rishennia Rady advokativ Ukrainy vid 16 bereznia 2022 № 30 [On the Suspension of Clauses 19 and 20 of the Procedure for Professional Development of Lawyers in Ukraine During the Period of Martial Law in Ukraine: Decision of the Bar Council of Ukraine dated March 16, 2022, No. 30]. Retrieved from https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-16-r-shennya-rau-30_62443a81789d9.pdf [in Ukrainian].

12. Pro vykonannia oboviazku pidvyshchennia kvalifikatsii advokatamy za 2022 rik : Rishennia Rady advokativ Ukrainy vid 11-12 serpnia 2023 № 88 [On the Fulfillment of the Professional Development Obligation by Lawyers for 2022: Decision of the Bar Council of Ukraine dated August 11-12, 2023, No. 88]. Retrieved from https://unba.org.ua/assets/uploads/legislation/rishennya/2023-08-12-r-shennya-rau-88_64ef9483e57e6.pdf [in Ukrainian].

13. Shchodo deiakykh pytan vykonannia advokatamy vymoh Poriadku pidvyshchennia kvalifikatsii advokativ Ukrainy : Rishennia Rady advokativ Ukrainy vid 27 hrudnia 2022 № 185 [Regarding certain issues of lawyers fulfilling the requirements of the Procedure for Enhancing the Qualifications of Lawyers of Ukraine: Decision of the Council of Lawyers of Ukraine dated December 27, 2022, No. 185]. Retrieved from https://unba.org.ua/assets/uploads/legislation/rishennya/2022-12-27-r-shennya-rau-185_63d12a240779f.pdf [in Ukrainian].

14. Khyzhniak, Ye. S. (2019). Advokatska etyka yak skladova profesiinoi pidhotovky advokativ [Legal ethics as a component of professional training for lawyers]. *Visnyk Odeskoi advokatury. Spetsialnyi vypusk. Advokatska etyka – Bulletin of the Odesa Bar. Special Issue. Legal Ethics*, 51–52 [in Ukrainian].

15. Zaborovskyi, V. V. (2023). Vykorystannia IT tekhnolohii v protsesi pidvyshchennia kvalifikatsii advokata [The use of IT technologies in the process of improving the qualifications of a lawyer]. *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu. Serii: Pravo – Uzhhorod National University Herald. Series: Law*, Issue 75. Part 3, 104-105 [in Ukrainian].

16. Fursa, S. Ya., Fursa, Ye. I. (2020). Pidvyshchennia kvalifikatsii advokativ v konteksti navchalnoho protsesu u vyshchykh navchalnykh zakladakh osvity [Enhancing the qualifications of lawyers in the context of the educational process in higher education institutions]. *Advokatura Ukrainy: suchasnyi stan ta perspektyvy rozvytku : materialy II Mizhnar. nauk.-prakt. konf. – Advocacy of Ukraine: Current State and Development Prospects: Materials of the 2nd International Scientific and Practical Conference (Kharkiv, December 17, 2020)* (m. Kharkiv, 17 hrud. 2020 r.) [redkol.: T. B. Vilchuk (holova) ta in.]. Kharkiv : Pravo, 51–57 [in Ukrainian].





Література:

1. Конституція України : Закон України від 28 червня 1996 № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (дата звернення: 17.07.2024).
2. Про адвокатуру та адвокатську діяльність : Закон України від 05 липня 2012 № 5076-VI. URL: <https://zakon.rada.gov.ua/rada/show/5076-17#n3> (дата звернення: 17.07.2024).
3. Заборовський В. В. Вибір українським адвокатом видів підвищення своєї кваліфікації через призму реалізації конституційного права на освіту. *Аналітично-порівняльне правознавство*. 2023. № 5. С. 552–557. URL: <http://journal-app.uzhnu.edu.ua/article/view/290801> (дата звернення: 17.07.2024).
4. Заборовський В. В., Фазикош В. Г., Семерак О. С. Підвищення кваліфікації адвоката як один із його професійних обов'язків: загальні положення. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2022. Вип. 70. С. 444–449. <https://doi.org/10.24144/2307-3322.2022.70.71>.
5. Кузьменко С. Є. – директор Вищої школи адвокатури при Національній асоціації адвокатів України, координатор програми Ради Європи HELP. *Адвокатура України: сучасний стан та перспективи розвитку* : матеріали V Міжнар. наук.-практ. конф. (14 грудня 2023 р.) / редкол. : Т. В. Вільчик та ін. Харків : НЮУ імені Ярослава Мудрого, 2024. С. 16–17. URL: <https://nauka.nlu.edu.ua/nauka/vnd/zbirnyku-naukovyh-konferenczij/>.
6. Бакаянова Н. М. Підвищення кваліфікації адвоката у світлі реалізації принципів організації та діяльності адвокатури. *Право і суспільство*. 2012. № 2. С. 328–331.
7. Кухнюк Д. В., Петраковський В. В. Підвищення кваліфікації адвокатів України: проблеми нормативного забезпечення. *Адвокат*. 2012. № 8 (143). С. 12–17.
8. Antoniuk, S., Zaiats, O., Skrynkovskyy, R., Makukhina, I. (2019). Problems of Obtaining by the Lawyer the Legal Information on the Content of Foreign Law Norms While Representing the Client's Interests in Civil Proceedings in Ukraine. *Path of Science*, 5 (10), 5001–5010. doi: <http://dx.doi.org/10.22178/pos.51-5>.
9. Заяць О. С., Скриньковський Р. М., Антонюк С. А. Підвищення кваліфікації адвокатів України в світлі реалізації принципів організації та діяльності адвокатури. *Problèmes et perspectives d'introduction de la recherche scientifique innovante*. 2019. V. 6. P. 121–125. URL: dspace.lvduvs.edu.ua/bitstream/1234567890/2755/1/74-271-PB_removed.pdf.
10. Порядок підвищення кваліфікації адвокатів України (нова редакція) : Рішення Ради адвокатів України від 03 липня 2021 № 63. URL: <https://zakon.rada.gov.ua/rada/show/vr063871-21#Text> (дата звернення: 17.07.2024).
11. Про призупинення дії пунктів 19, 20 Порядку підвищення кваліфікації адвокатів України на період дії воєнного стану в Україні : Рішення Ради адвокатів України від 16 березня 2022 № 30. URL: https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-16-r-shennya-rau-30_62443a81789d9.pdf (дата звернення: 17.07.2024).
12. Про виконання обов'язку підвищення кваліфікації адвокатами за 2022 рік : Рішення Ради адвокатів України від 11-12 серпня 2023 № 88. URL: https://unba.org.ua/assets/uploads/legislation/rishennya/2023-08-12-r-shennya-rau-88_64ef9483e57e6.pdf (дата звернення: 17.07.2024).
13. Щодо деяких питань виконання адвокатами вимог Порядку підвищення кваліфікації адвокатів України : Рішення Ради адвокатів України від 27 грудня 2022 № 185. URL: https://unba.org.ua/assets/uploads/legislation/rishennya/2022-12-27-r-shennya-rau-185_63d12a240779f.pdf (дата звернення: 17.07.2024).
14. Хижняк Є. С. Адвокатська етика як складова професійної підготовки адвокатів. *Вісник Одеської адвокатури. Спеціальний випуск. Адвокатська етика*. 2019. С. 51–52.
15. Заборовський В. В. Використання ІТ технологій в процесі підвищення кваліфікації адвоката. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2023. Вип. 75. Ч. 3. С. 104–105. <https://doi.org/10.24144/2307-3322.2022.75.3.17>
16. Фурса С. Я., Фурса Є. І. Підвищення кваліфікації адвокатів в контексті навчального процесу у вищих навчальних закладах освіти. *Адвокатура України: сучасний стан та перспективи розвитку* : матеріали II Міжнар. наук.-практ. конф. (м. Харків, 17 груд. 2020 р.) / [редкол.: Т. Б. Вільчик (голова) та ін.]. Харків : Право, 2020. С. 51–57.

