

Compulsory Training of Advocates and Public Defenders in Comparison with European Recommendations

School of Advocates of the RA (hereinafter: School of Advocates) with a status of foundation is a non-profit organization whose founder is the Chamber of Advocates of the Republic of Armenia represented by the Board of the Chamber of Advocates.

School of Advocates organizes and holds professional education for its attendees, professional trainings for advocates, the attendees' qualification examination, as well as implements other activities envisaged by the Charter of School of Advocates.

The training programmes of the School of Advocates equally applicable for advocates and public defenders are being developed in compliance with International recommendations, in particular the final report of EU-CoE EJREPC¹ and Consultative Council of European Judges (CCJE), Opinion no. (2013) 16 on the relations between judges and lawyers². One of the CCJE's recommendations is that practical trainings should be organized in advocates' bureaus for the purpose of obtaining first-hand knowledge. A high level of professional competence is one of the core principles of the legal profession as enshrined in the CCBE Charter of Core Principles, the Council of Europe Recommendation on the freedom of exercise of the profession of lawyer (Rec(2000)21), the European Parliament resolution on the legal professions and the general interest in the functioning of legal systems and the United Nations Basic Principles on the Role of Lawyers. Lawyers cannot effectively advise or represent a client unless they have had the training necessary to enable a professional to keep pace with continuous changes in law and practice and in the regulated technological, social and economic environments. In this respect, Article 45.12 of the Law on Advocacy of Armenia set out that Advocates must pass training courses in a manner and workload determined by the Board of the Chamber of Advocates which should not be less than forty-eight hours in two years period. Thus, it should be noted that during 2014-2015 a number of mandatory continuing trainings for advocates and public defenders were held in the School of Advocates of RA.

The EU-CoE EJREPC's report also requires that the trainee undertakes each stage of practical training under the supervision of a mentor appointed by Council of the Advocates' Union. Respectively, the School of Advocates of RA undertakes the obligation to supervise the trainings of advocates and public defenders. According to the same report, the traineeship mentor shall be

¹http://www.coe.int/t/dghl/cooperation/capacitybuilding/Source/judic_reform/Eastern%20Partnership_Report%20on%20Training%20of%20Judges_English_Final%20version_15%2005%202012.pdf, page 183

² <https://wcd.coe.int/ViewDoc.jsp?id=2200701&Site=COE>

appointed from the advocates having high level of theoretical and practical knowledge. It is worth mentioning that the educational projects of the School of Advocates is established by its board, the members of which are highly educated advocates.

According to the CoE standards, the traineeship is an obligatory module which should last not less than 22 weeks. The mandatory trainings for the advocates of RA are being held for 6 month period, consequently, are in compliance with the requirements of CoE.

As mentioned, the training programs for advocates and public defenders are conducted also in line with Consultative Council of European Judges (CCJE), Opinion no. (2013) 16 on the relations between judges and lawyers. The latter encourages the identification of common ethical principles, such as the duty of independence, the duty to sustain the rule of law at all times, cooperation to ensure a fair and swift conduct of the proceedings and permanent professional training. In order to comply with this requirement the trainings entitled "Deontology and professional status" were held by the School of Advocates.

In this regard, the CCJE requires that the professional associations and independent governing bodies should be responsible for this process. As mentioned above, the School of Advocates of RA has a status of foundation and is a non-profit organization. Moreover, it organizes and supervises the training programs, therefore is responsible for their implementation. The joint trainings were organized also in partnership with CoE Office in Yerevan, OSCE Office in Yerevan and American Bar Association representation in Armenia.

Lastly, the CCJE also recommends developing arrangements for the friendly settlement of disputes and considers the respective roles of advocates in the framework of friendly settlements by conciliation or mediation. In this regard the Chamber of Advocates in cooperation with Justice Academy has organised trainings entitled "The representation in Arbitration, in International Arbitration: Commercial Arbitration: Mediation".