

The Procedure For Internship Of Trainee Advocates: A Theoretical And Practical Analysis

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Abstract: This article provides a comprehensive analysis of the procedure for the internship of trainee advocates, considering both theoretical and practical aspects. It examines the legal status of trainee advocates within the national legislation, as well as their role and significance in the professional training of specialists entering the advocacy profession.

Furthermore, the article thoroughly addresses pressing issues related to enhancing the effectiveness of professional preparation during the internship process, including the organization of the internship, working conditions of trainees, and evaluation criteria. The experience of foreign countries, particularly European nations and those within the Commonwealth of Independent States (CIS), is studied from a comparative legal perspective to identify advanced features of their internship institutions. Based on this experience, scientifically grounded recommendations have been developed to improve the national legal system.

Keywords: Internship, advocacy institutions, internship in state organizations, internship institute, judicial and legal reforms, purpose of internship, scientific and theoretical foundations of the internship institute, model document.

Introduction: The procedure for the internship of trainee advocates is an integral component of the development of the advocacy institution within the modern legal system. In the context of ongoing judicial and legal reforms in our country, the training of qualified and professionally prepared advocates has become a matter of particular urgency. From this perspective, the established internship process for trainee advocates serves not only to integrate their theoretical knowledge with practical experience but also to foster legal thinking and professional responsibility.

The effective functioning of the internship institute depends, on the one hand, on clearly defining the legal status of the trainee advocate, and on the other hand, on the completeness of the stages, procedures, and control mechanisms of the internship process. Indeed, during this process, trainee advocates have the opportunity to adhere to professional ethics and acquire practical skills. At the same time, certain challenges have been observed in the practical application of the norms established in the existing

normative-legal documents.

Global experience demonstrates that although the legal regulation of trainee advocates' activities varies across countries, their common goal remains the same. Specifically, it is aimed at preparing qualified specialists equipped with the knowledge and skills necessary for future practice as independent advocates. The practices of European countries and CIS member states reveal the existence of various models of the internship institute. Utilizing this experience in improving national legislation undoubtedly contributes to enhancing the effectiveness of the internship institute.

In this regard, a thorough theoretical and practical analysis of the internship procedure for trainee advocates, a comparative study with foreign experience, and the identification of existing challenges constitute the primary objectives of this research.

Currently, in the Republic of Uzbekistan, the internship process for trainee advocates, its duration, as well as the rights and responsibilities of the entities involved in this process, are mainly regulated by subordinate legislation. Foreign experience shows that in many

developed countries, the procedure for the internship of trainee advocates, its duration, the rights and obligations of the participants, and the criteria for evaluating outcomes are regulated by specific laws or separate normative-legal acts.

This article provides a comparative legal analysis of national and foreign approaches to the procedure for the internship of trainee advocates. Based on this, the normative-legal documents currently in force in the Republic of Uzbekistan are studied from a scientific and theoretical perspective, with a detailed discussion on the necessity of their improvement.

To conduct an in-depth study of the internship procedure for trainee advocates, a range of scientific and methodological approaches were employed. Specifically, comparative legal analysis, historical-legal and systemic approaches, as well as methods of analyzing normative-legal documents, were utilized and examined. The application of these methods made it possible to reveal the scientific and theoretical foundations of the internship institute, identify existing gaps and practical problems, and develop scientifically grounded recommendations for their resolution. During the research, both national experience and the legislation and practices of foreign countries were also analyzed.

A candidate aspiring to obtain the status of an advocate is required not only to possess deep theoretical training but also to have thoroughly mastered the practical skills necessary for professional activity. In the Republic of Uzbekistan, the internship process and practical activities of trainee advocates are firmly established in the relevant normative-legal sources. In particular, the Law of the Republic of Uzbekistan "On Advocacy" [1] and the Regulation "On the Organization of the Activities of Trainee Advocates and Assistants," approved by the Minister of Justice of the Republic of Uzbekistan [2], define the legal basis of this institute.

One of the primary normative-legal sources regulating the internship process of trainee advocates is the Regulation "On the Organization of the Activities of Trainee Advocates and Assistants," approved by the Order No. 10-mh of the Minister of Justice of the Republic of Uzbekistan dated June 3, 2024. The second chapter of this document, entitled "Organization of the Internship," comprehensively regulates the legal foundations of trainee activity, its stages and participating entities, the duration of the internship, as well as the legal framework governing the relationship between the internship supervisor and the trainee.

Although the legal foundations and regulatory mechanisms of the internship institute have been gradually improved as a result of reforms in our

legislation, the previously applied procedure significantly differed from the current system. In particular, the Regulation "On the Procedure for Organizing the Activities of Trainee Advocates," registered under number 1928 by the Ministry of Justice of the Republic of Uzbekistan on March 27, 2009 [3], served as the primary legal source governing the internship process. This Regulation was repealed by Order No. 10-mh of the Minister of Justice of the Republic of Uzbekistan dated June 3, 2024.

In this regard, if we examine certain provisions stipulated in the previously effective Regulation, Article 19 of the "Regulation on the Procedure for Organizing the Activities of Trainee Advocates" required the trainee to maintain a special diary during the internship, in which tasks assigned by the internship supervisor and information on their completion had to be regularly recorded. This diary was to be reviewed weekly by the internship supervisor and signed accordingly.

Furthermore, Article 21 of the same Regulation established the obligation for the trainee to prepare at least two reports during the internship period, which were to be dedicated to urgent issues of substantive and procedural law. These scientific works were expected to be written taking into account the trainee's future specialization and defended before the head of the advocacy institution.

During the process of defending the first report, the trainee was expected to acquire a range of important professional skills. In particular, a thorough knowledge of the rules of professional ethics for advocates was required, as well as the ability to interact meaningfully and tactfully with the court and other participants in the proceedings. Upon defending the second report, the trainee needed to master advocacy techniques in court, develop a well-founded legal position, structure their speech logically, and possess the ability to express it fluently.

The structure of these scientific-methodological works was required to be well-organized, and their content meticulously prepared. However, the process of preparing such documents in practice gave rise to a number of challenges. Primarily, since the reports were expected to be prepared progressively throughout the internship, the issue of insufficient time became a pressing concern. As a result, on one hand, the trainee was burdened with an excessive workload, and on the other hand, was compelled to spend valuable time – necessary for mastering the practical aspects of the advocacy profession – on document preparation. This situation somewhat contradicted the main objective of the internship, which is to enhance the trainee's

readiness for professional activity.

Based on the above considerations, it can be concluded that the previously applied procedure did not fully justify itself in practice. In particular, according to specialists directly engaged in advocacy, legal scholars, and experienced advocates, the implementation of this Regulation proved to be complicated in practice, hindered the achievement of efficiency in professional training, and in some cases caused significant problems.

The repeal of this procedure aligns with the previously expressed opinions within the scientific community. In particular, A.R.Matmurotov, in his scholarly research, demonstrated that this procedure does not fully meet modern requirements and needs. According to the scholar [4], requiring trainees to write reports does not yield practical benefits; instead, it is advisable to introduce a methodological approach focused on analyzing real cases encountered in judicial and investigative practice, as well as on finding well-founded and thorough legal answers to logical questions.

To conduct a deeper study of this issue, it is appropriate to refer to foreign experience, particularly the practice in France. French legislation sets high qualification requirements for entering the legal profession. Specifically, a person wishing to obtain the status of a advocate must possess a master's degree in law, along with thorough theoretical knowledge and necessary practical skills. Additionally, the candidate is required to complete an 18-month specialized training program at regional professional centers responsible for preparing advocates. Successfully passing the final examinations at the end of this stage is one of the primary conditions for admission to legal practice. Furthermore, before being accepted to this center, the candidate must also pass a competitive (entrance) examination [5].

In France, the process of training advocates consists of three stages, organized based on a sequential and comprehensive approach. During the first stage, candidates study the fundamental theoretical subjects related to legal practice in depth. The second stage focuses on reinforcing their knowledge and developing professional skills through individualized teaching methods. Finally, the third stage involves practical training directly under the supervision of a practicing advocate, where candidates develop their professional competencies by participating in real legal proceedings [6].

Unlike many other countries, the Republic of Italy [7] places particular emphasis on "professional internship" during the process of practicing law. One distinctive

feature of internships in this country is that, with the permission of the Bar Council, the internship can be conducted simultaneously in two types of institutions – either at a private law firm or in government bodies.

It is noteworthy that it is of significant practical importance for a trainee advocate to complete the internship not only within legal advocacy structures but also at private law firms and government agencies. Such experience allows trainees not only to acquire knowledge and skills related to legal practice but also to gain a close understanding of the functioning of state bodies. This contributes to a broader approach in the future advocate's application of law and to a better understanding of the interrelation of various institutions.

Although this approach is widely applied in the experience of foreign countries, particularly Italy, it is not currently reflected in our national legislation. Therefore, it is advisable to introduce regulations into the legislation that envisage the trainee advocate undergoing internship not only in legal advocacy institutions but also in government bodies. Thus, conducting internships in private law firms and government agencies represents an effective practice that should be incorporated into our national legislation.

Referring to the experience of the CIS countries, in the Republic of Armenia [8], the process of obtaining the advocate status is organized through mandatory education at a specialized advocacy school that combines both theoretical and practical training. Upon successful completion of this educational stage, the candidate takes a unified examination, and if the results are positive, they are granted a license authorizing them to practice law. This procedure, on the one hand, contributes to enhancing the professional qualifications of advocates, and on the other hand, ensures their readiness to enter practical legal work.

Additionally, in the Republic of Ukraine [9], in order to enhance the effectiveness of the practical training of trainee advocates, the internship process is conducted according to a strictly planned procedure. According to Clause 5.12 of the "Regulation on Trainee Advocates", the internship supervisor is required to provide the trainee with an individual work plan based on a special internship program approved by the Council of the Ukrainian Bar Association. This plan is developed with the consent of the trainee and may be modified or supplemented if necessary. Importantly, such changes can only be made with the trainee's consent, which helps organize the educational process in a more interactive and responsible manner. Furthermore, any

changes made to the plan must be reported to the regional bar council.

Thus, foreign experience demonstrates that the integration of theoretical and practical training, as well as the strict planning of the internship process, are crucial factors in enhancing the professional preparation of advocates.

It is important to emphasize that the above-mentioned views put forward by A.R. Matmurotov deserve special attention due to their theoretical grounding and practical significance. In particular, the current requirement for an advocate trainee to prepare and defend two reports does not create sufficient conditions for the formation of comprehensive theoretical knowledge and practical skills necessary for effective legal practice. On the contrary, this approach significantly limits the primary goal expected from the internship system – the development of the future advocate's ability to think independently, analyze, and find practical solutions to real legal issues during legal proceedings.

From this perspective, abandoning the system of preparing reports marks a new qualitative stage in the professional development of advocate trainees. This reform serves to reorganize the internship institution based on effective, practice-oriented mechanisms and contributes to strengthening the legal literacy and enhancing the professional training level of future advocates. As a result, the advocate internship can transform into an effective system that not only consolidates theoretical knowledge but also provides opportunities for its direct application in legal practice.

Therefore, the above proposals – particularly conducting analyses based on real cases encountered in judicial and investigative practice, as well as introducing a methodological approach aimed at finding well-reasoned and substantiated legal answers to logical questions – should be regarded as important and positive reforms in the process of improving the advocacy institution.

It is important to emphasize that the current "Regulation on the Organization of Activities of Advocate Trainees and Assistants" does not sufficiently regulate a number of issues related to the content and form of the internship process. In particular, key aspects such as the types of activities that a trainee should perform during the internship, the criteria for evaluating their practical training, and the procedure for drawing final conclusions are not clearly defined from a legal standpoint. This situation undermines the effectiveness of the internship institution in practice and creates normative-legal ambiguities.

It is worth noting that the proposal put forward by legal

scholar A.R. Matmurotov in a number of scientific works remains relevant today. In particular, he suggests a new methodological approach to enhance the effectiveness of the internship process. Specifically, it is proposed that the internship supervisor assigns five logical questions on pressing issues of substantive and procedural law, as well as two problematic cases (cases) for each week, to which the trainee must prepare well-reasoned written answers. Additionally, the trainee should draft samples of official documents based on these cases and defend them before the governing body of the advocacy structure prior to the completion of the internship. We partially support this view.

In our opinion, during the internship process, it is sufficient for the trainee to prepare legally substantiated document samples and defend them before the governing body of the advocacy structure based on the substantive and procedural law cases assigned by the internship supervisor. Answering five logical questions may lead to excessive time consumption.

This proposal serves to integrate theoretical knowledge with practical skills and strengthen the professional competence of trainees. Therefore, this previously suggested initiative is regarded as an advanced approach for its time, and we consider it appropriate to introduce it into the current regulations.

After the implementation of these proposals, it is logically correct and necessary that a report (evaluation) on the trainee be prepared by the internship supervisor at the conclusion of the internship.

Practical experience shows that in advocacy organizations, the internship process usually concludes precisely with the preparation of such a report. The report should provide a detailed account of the trainee's level of professional preparedness, theoretical knowledge and practical skills acquired during the internship, activity in fulfilling assigned tasks, as well as adherence to disciplinary standards. Additionally, the report must explicitly state whether the trainee is recommended to take the qualification exam.

For reference, according to the current regulations, the report provided to the trainee is signed by the head of the advocacy organization or the head of the regional department and is certified with the official seal of the respective institution.

In our opinion, based on the results of the internship, the advocacy organization and the internship supervisor should take into account the extent to which the trainee has fulfilled their individual plan, as well as

the results of defending written answers prepared on the current substantive and procedural law issues, logical questions, and problematic cases (case, casuistry) presented weekly by the supervisor before the governing body of the advocacy organization.

On the basis of these criteria, the trainee's level of professional training should be evaluated, and the authority to decide on recommending the trainee for the qualification exam should be granted to the head of the advocacy organization or the internship supervisor.

Another issue that requires resolution is the validity period of the report issued to the trainee, which is not clearly defined in the current legislation. Specifically, it remains unclear for how long a trainee who has received the report can use this document to apply to the qualification commission and take the qualification exam. This also remains one of the unresolved key issues.

Analyzing the above-mentioned normative-legal acts and foreign experiences, as well as the Regulation on the Organization of Activities of Trainee Advocates and Assistants adopted in the Republic of Uzbekistan, it can be concluded that although the procedure for conducting advocacy internships is regulated to some extent in national legislation, a number of legal gaps and systemic shortcomings still remain in practice.

Relying on the opinions of the aforementioned scholars and the advanced experience of foreign countries, the following conclusions can be drawn:

Firstly, it is advisable to introduce into the Law "On Advocacy" a provision that envisages trainee advocates undergoing internships not only in advocacy organizations but also in state institutions. This positive experience exists in the legislation of Italy.

Secondly, it is appropriate to strengthen in the Regulation "On the Organization of Activities of Trainee Advocates and Assistants" a norm directly requiring that during the internship process, the trainee prepares legally substantiated document samples based on relevant cases (keys) in substantive and procedural law under the supervision of the internship supervisor and defends them before the governing body of the advocacy organization.

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