



PROJECT PROFILE

Attorneys Professional Development Initiative

USAID programs focus on improving the critical role that attorneys play in the Bulgarian justice system



Photo: USAID

Marc Lassman, ABA/CEELI Country Director; Anton Stankov, Minister of Justice; Trayan Markovski, Chairman of the Supreme Bar Council; Violeta Kostadinova (standing), Staff Attorney, and Debra McFarland, USAID Mission Director (2000-2005), prepare for the launch of the Legal Profession Reform Index 2004.

PROJECT HIGHLIGHTS TO DATE:

- Passage of a new Bulgarian Attorneys Act;
- National bar exam established and administered several times;
- Adoption of new Attorneys Code of Ethics;
- Passage of legislation requiring mandatory continuing legal education for all lawyers;
- Provision of more than 650 attorney training days in national and regionally based continuing education programs;
- Technical assistance for the creation of a new Attorneys Training Center;
- Passage of a Mediation Act and three implementing documents governing ethical, educational and procedural standards for mediators;
- Training of mediators to create local mediation capacity;
- Establishment of court-referred mediation programs in five cities throughout Bulgaria with related mediation centers;
- Financial and technical support for legal clinical education at four law faculties, which have trained more than 130 students and provided free legal assistance to more than 1300 indigent clients;
- Twelve Model Local Bar Councils

DEVELOPMENT CHALLENGES

Effective democratic processes, market reforms, and respect for human rights depend upon many things, in particular, the existence of a competent and effective system of justice. In this regard, reform of the attorneys' professional organizations constitutes a critical – but often overlooked – component of the legal system. The number of law schools and law students has proliferated ten-fold in the past 15 years and the quality of legal education and attorney preparation has suffered accordingly. In fact, the principal problems facing the bar relate to this recent and large influx of inadequately prepared new attorneys and the resulting need to improve professional standards, especially since practical training has never been a priority of the country's legal educational system. The deficiencies in preparation, the lack of a supervised apprenticeship program, a sporadic and uneven system of ongoing professional training, the weakness of the Bulgarian economy and the resulting competition for clients have all converged to lower both professional standards and public confidence in the justice system as a whole. As a result, attorneys who lack the practical professional skills to properly serve their clients' interests may resort to other tactics, including improper influence, to achieve results.

USAID INVOLVEMENT

Independent lawyers as a group are a cornerstone of democracy and rule of law systems for several reasons: first, lawyers assist citizens in defending fundamental rights and freedoms vis-à-vis the state; second, lawyers play a critical role in the functioning of a market-oriented economy based on the right of private property and freedom to contract; and third, in a broader context, active bar associations are part of the patchwork of organizations that constitute civil society. USAID technical support in the development of the professionalism of the legal profession is provided through the Attorneys Professional Development Initiative (APDI), which is implemented by ABA/CEELI under a cooperative agreement. First launched in 2000, the program has evolved over the years to provide support for continuing legal education for attorneys; legal clinics and practical skills training for law students; support for local bar associations; introduction of alternative dispute resolution (mediation) in several courts; and assessments of the legal and judicial reform efforts in the country. APDI cooperates closely with other USAID ROL programs such as the Commercial Law Reform Project and the Judicial Strengthening Initiative.

GOAL

The main goal of the initiative is to increase the standards of practice and professionalism within the legal profession.

PROJECT DESCRIPTION

The APDI underscores the recognition that any initiatives attempting to reform the judiciary can not be directed solely at judges and prosecutors, but must include attorneys who constitute an essential element of any effectively functioning legal system. The conduct of attorneys intimately affects the judicial

established;

- Presentation of the 2002 and 2004 Judicial Reform Index, with an update planned in 2006;
- Presentation of the 2004 Legal Profession Reform Index, with an update planned in 2006.

SUCCESS STORY In 2004, the Bulgarian National Assembly approved the new Attorneys Act. This legislation required for the first time the successful passage of a bar exam prior to the admission to the practice of law, which was a significant step towards improving the quality of the legal profession in Bulgaria. Building on that success, in 2005, the Supreme Bar Council proceeded to pass an Attorney's Ethics Code, a mandatory requirement for continuing legal education for all attorneys, and created a national Attorneys Training Center (ATC). Currently, local bar councils and the ATC are preparing to offer a variety of relevant courses for new attorneys and continuing education courses for practicing attorneys on substantive areas of the law, including in the important areas of professional ethics, the new penal procedure, alternative dispute resolution and EU law.

PROJECT QUICK FACTS

Title: Attorneys Professional Development Initiative

Implementer: ABA CEELI, USA

Duration: May 2000 – September 2006

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system's ability to provide fair, impartial and swift justice. Additionally, the public perception of the competence and integrity of attorneys greatly influences the trust and esteem in which a justice system is held by its constituency. The initiatives of the APDI are designed to strengthen the professional development of attorneys by introducing and implementing new standards and procedures for admissions to the bar and discipline for unethical practices; providing sustainable continuing legal education; promoting methods for alternative dispute resolution; and remedying the lack of practical training within Bulgarian legal educational system.

Bar Association development. USAID provides assistance to Bar Associations, specifically the Supreme Bar Council (SBC) and twelve Model Local Bar Councils (MLBC), to enable them to enhance the professionalism and integrity of their members, represent attorney interests, advocate for judicial reform, improve bench-bar relations and ensure attorneys become an effective partner in court proceedings.

- **Continuing legal education (CLE) for advocates.** USAID works with the national and local bar councils to institutionalize CLE and to develop and implement strategic and financial plans for an ongoing CLE program. Efforts are aimed towards the development of CLE training capacity on a local level by providing training to a core group of attorneys and on the national level with financial and technical support to the newly created Attorneys Training Center (ATC). With the advent of required continuing legal education, the Bar Colleges and the ATC are collaborating to provide their members relevant training in essential areas like professional ethics, the new penal procedure code, alternative dispute resolution and EU law.
- **Legal clinics and skills training for law students.** USAID helps law schools in the country to incorporate interactive, practice-based teaching techniques into their curricula through legal clinics that include simulation classes and work with live indigent clients. APDI promotes amendments to appropriate regulations incorporating practical skills training into the core law curriculum and plans to publish a clinical text book which will help ensure the sustainability and continuity of instruction in the clinics.
- **Alternative dispute resolution (ADR).** The ADR component includes support in the implementation of the Mediation Act, as well as the newly enacted professional educational and procedural standards for mediators, ethics code and registry for mediators; training in mediation skills to attorneys; development of domestic mediation training capacity; the introduction of court-referred mediation programs in five cities, with corresponding mediation centers; and the promotion and facilitation of the use of mediation throughout Bulgaria through public education.

Special assessment initiatives. The Judicial Reform Index (JRI) is an assessment that was first implemented in 2002, and then updated in 2004. It measures judicial reform progress and provides direction for future judicial and constitutional reform initiatives. Additionally, it fosters debate in Bulgarian society on judicial reform and serves as a comparative index for judicial reform progress in Eastern Europe and Eurasia. Like the JRI, the Legal Profession Reform Index (LPRI) is an assessment that was first implemented in 2004. It measures reform within the legal profession as compared to European and international standards. In 2006, the JRI and LPRI will both be implemented once again.