



## ***Continuous Legal Education System of the Georgian Bar Association: achievements and challenges***

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### **Programmatic Cooperation Framework for Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus**

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# General Comments

- ❖ The obligation for lawyers to undertake continuous professional development is present in most European countries and is almost always regulated by the relevant legislation.
- ❖ France imposes the requirement of minimum 20 qualified hours (credits) per year, Finland 18, Belgium 14, Georgia 12, Bulgaria 4 mandatory hours etc.
- ❖ Credits are calculated each year, each 2 or each 3 years, allowing the lawyer concerned to better adapt his professional schedule to the existing requirements.



❖ Most countries where mandatory hours for training of practising lawyers are imposed, have a ‘credits-based’ or ‘points-based’ system which defines the number of qualifying hours of continuous professional training that a practising lawyer must undertake each year. In some countries this qualifying ‘hour’ is counted as one ‘credit’ and equals 60 minutes, whilst in others it is 45 minutes.



- ❖ The continuous training undertaken by lawyers is evaluated on a regular basis. Different countries have different systems of validating fulfilment of lawyers' continuing training obligations; some opt towards central filing of credits, some prefer a system of random checks by the Bar/Law Society, and some countries are in favour of registration at a recognised training institution.
- ❖ A self-certification system whereby lawyers control their own continuous professional training activities and declare them to the Bar Council is the most common system. In any case self-certification is subject to audit by the Bar Councils and the reference period is generally one calendar year. The usual consequence of a failure to comply with the required hours is a disciplinary procedure for breach of the Code of Conduct.



# Georgian System of Continues Legal Education

As per the article 15<sup>1</sup> of the Charter of the Georgian Bar Association (GBA), the GBA Executive Council establishes the Continuous Legal Education (CLE) System for all practicing lawyers in Georgia.

## **Purpose and Goal of the Continuous Legal Education System**

Continuous Legal Education implies the existence of educational and qualification requirements for lawyers. The goal of the Continuous Legal Education is to enhance professional skills and knowledge of lawyers.

## **Accessibility of the Continuous Legal Education System**

Mandatory educational activities organized by the Training Center of the Georgian Bar Association in the framework of the Continuous Legal Education are mainly free of charge for lawyers. However, this does not exclude provision of different paid educational activities.



# Registration for Educational Activities

If after registration for an educational activity the lawyer is unable to attend it, s/he shall notify the GBA Training Center thereof at least 7 (seven) days in advance.

In case of failure to comply with the notification obligation and in case of unexcused non-attendance of an educational activity twice in a row, the lawyer shall pay fees for the participation in paid educational activities planned in the current year.

The fees for the paid educational activities shall be determined by the organizer of the educational activity, whereas the fees for the paid educational activities organized by the GBA Training Center shall be determined by the Executive Council.

Non-attendance of an educational activity shall be deemed excused if the failure to appear for an educational activity is caused by the lawyer's illness, decease of a close relative or any other objective exceptional circumstance beyond the lawyer's control, which makes it impossible for him/her to attend the educational activity and/or to notify the GBA Training Center thereof. Illness shall be confirmed by a document signed by the head of the medical institution directly referring to the impossibility to attend the educational activity.

Repeated registration for free of charge educational activities within the reporting period (during January 1<sup>st</sup> through December 20<sup>th</sup> of the current year) shall be admissible twice only.



## Number of mandatory credits/hours of the Continuous Legal Education and their distribution

Upon recommendation of the Educational Council, the Executive Council shall determine the number of mandatory credit-hours by the end of the current year and develop a list of mandatory educational activities for the following year. The duration of one credit-hour shall be determined as one astronomic hour of the educational activity.

Additionally accumulated credit-hours may be transferred to the following year's reporting period. The number of transferred credit-hours shall be determined by the Executive Council as per the recommendation of the Educational Council of Bar.

Credit-hours may only be accumulated though the participation in the activities accredited by the Executive Council.



## Specialization of the Continuous Legal Education

Educational activities planned in the framework of the CLE for lawyers, shall not be divided by specialization, therefore the lawyers are granted freedom in the choice of their area of interest and in the determination of the activities for the attendance of which they will accumulate credit-hours, other than the mandatory activities.

## The System for Accumulating Credit-Hours

At the end of each current year, counting of the mandatory credit-hours shall be performed by the Training Center of the Georgian Bar Association. Counting of the credit-hours shall occur in the course of the year by the organizer of the educational activity, based on the participant registration form. The result shall be processed electronically and entered into the personal data base within the unified list of the members of the Georgian Bar Association.

**Novelty:** in 2013 GBA educational board received a recommendation and executive board received a decision to give a chance to lawyers to shift 5 credit hours for next year in case lawyer gathered more than mandatory minimum within current calendar year.

Benefits of this novelty:

- A. for GBA: less events to organize for next year;
- B. for Lawyer: less obligation to fulfil for next year;



# Sanctions for the Violation of CLE Requirements

The Executive Board shall determine administrative sanctions in case a lawyer fails to comply with the requirements of the Continuous Legal Education.

If through the data of the Georgian Bar Association's Training Center it has been identified that the lawyer failed to accumulate the mandatory credit hours before the end of the reporting period (December 20<sup>th</sup> of the current year), on behalf of the Executive Council the Training Center shall send a "warning" to the lawyers lacking mandatory credit-hours and provides them with a three month period upon receipt of the notification to comply with the Continuous Legal Education Requirements.

During this period, the Training Center of the Georgian Bar Association, or any other educational institution shall provide educational activities which are to be paid by the lawyers lacking mandatory credit-hours. The fees for the paid educational activities shall be determined by the organizer of the activity. After three months, the Training Center shall submit to the Executive Council the final list of lawyers lacking mandatory credit hours and the Executive Council shall discuss the issue of suspension of the membership of the lawyers lacking mandatory credit-hours.

Readmission shall only occur, if the lawyer will participate in the paid educational activity within the determined timeframe by the Executive Council and pay an additional fee to be determined in the amount of the half of the membership dues.



## The System Continuous Legal Education Benefits

The Continuous Legal Education requirements shall equally apply to all practicing lawyers, however as a result of implementation of different activities or actions, certain benefits for the accumulation of credit-hours shall be foreseen and shall apply to the following categories of lawyers:

Lawyers, who:

- Have been granted the status of a professor and/or are providing educational activities (through conducting training to the members of the Georgian Bar Association);
- Have published a legal article with the authorship in a referred journal (the Executive Council shall individually review the issue and decide on the number of credit-hours to be granted);
- Have translated into the Georgian language works/documents of legal nature (the Executive Council shall individually review the issue and decide on the number of credit-hours to be granted);
- Have published a book with legal content with their authorship (the Executive Council shall individually review the issue and decide on the number of credit-hours to be granted);

In the course of the current year, have participated in international conferences and present evidence for the participation in such events (the Executive Council shall individually review the issue and decide on the number of credit-hours to be granted);

- Have been granted the doctoral degree in the course of the current year;
- Those, who have participated in the preparatory courses for the bar examination organized by the Training Center of the Georgian Bar Association during the first year of membership shall be released from the duty to accumulate mandatory credit-hours;

Other cases shall be reviewed by the Executive Council upon application by lawyers.

The issue of benefits shall be reviewed by the Executive Council individually and then decided on the number of the credit-hours to be granted.



# Accreditation System

The Executive Council shall apply a mixed accreditation system implying both accreditation activities, as well as institutional accreditation of organizations and educational institutions.

The Executive Council shall convene at least once a month to review applications for the accreditation of educational activities and shall decide on the granting or denial of accreditation.

Any organization that has not preliminarily been granted accreditation of an educational activity and wishes to do so, in order for this activity to be part of the Continuous Legal Education, must file an application with the Executive Council seeking accreditation at least 30 days before the launch of the activity. The Executive Council shall make a decision within 30 days upon receipt of the application.



# Accreditation Forms

## Accreditation of Educational Activities

In consideration of the recommendations by the Educational Council, the Executive Council shall grant accreditation to a specific educational activity developed by an organization, educational institution or company (including law firms) in the framework of the Continuous Legal Education System and complied with the educational standards established by the Executive Council. Accreditation may only be granted to the educational activities planned in advance.

## Institutional Accreditation

Institutional accreditation implies simplified accreditation of educational activities by an accredited organization. In order to obtain institutional accreditation, at least 5 planned educational activities must be accredited beforehand.

In consideration of the recommendations of the Educational Council, the Executive Council shall review the application on institutional accreditation if the organization/educational institution has the capacity to organize educational activities for at least 200 lawyers during the current year in compliance with the established educational standards.

Novelty : change above.

Institutional accreditation shall be granted for a term of three years. In order to obtain further institutional accreditation, the application on the institutional accreditation shall be resubmitted. Termination of the institutional accreditation shall not cause termination of the accreditation of those educational activities that have already taken place.



## Required Documents for Accreditation

An application filed with the Educational Council on the accreditation of an educational activity or institutional accreditation shall comply with the following requirements:

The following shall be determined for the educational activity:

The topic covering issues related to the professional activities of lawyers;

Goal of the activity;

Training programme;

Agenda;

Number of participants;

Method for tracking participant attendance;

List of training materials’

Deadlines;

Venue;

CVs of the speakers/trainers and evidence proving their training experience.

The application shall be addressed to the Educational Council of the Georgian Bar Association. The Educational Council shall maintain the right to request additional information upon its discretion.



## Mandatory Requirements after the Granting of Accreditation

The organizer of the accredited educational activity (inter alia, when an institutional accreditation has been granted) shall:

Provide detailed information on the activity to the Training Center of the Georgian Bar Association;

Provide a list of participants (including information on participant attendance) after each conducted activity;

Provide a comprehensive annual report on the educational activities conducted by the end of each year;

Provide evaluation forms of the activity (questionnaires completed by the participants of the activity). The findings of the evaluation shall be considered by the Educational Council in the development of a recommendation on the future accreditation of the organizers' further educational activities;

Only in case of institutional accreditation, the organization/educational institution shall have the duty to organize educational activities for at least 50 lawyers during the course of one year.

For the purposes of the evaluation of the educational activity, the Educational Council shall maintain the right to request admission of a representative of the GBA Training Center to the educational activity by the organizer to conduct monitoring.



THANK YOU  
FOR YOUR ATTENTION!

