

Activities of a Lawyer in Receiving a Principal and Preparing for Participation in Court as a Representative

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Abstract:

This article examines the relationship between a lawyer and a client in trust and examines the rules of professional ethics that a lawyer must observe in this regard. It also explains what a lawyer should pay attention to during a conversation with a client who trusts him, and what actions he should take to participate in the trial.

Keywords: lawyer, trustee, professional ethics, interview, preparation for the process.

Introduction

Article 55 of the Constitution of the Republic of Uzbekistan states that “Everyone shall be guaranteed judicial protection for his or her rights and freedoms and shall have the right to appeal to court any unlawful decisions, acts, or omissions of state bodies and other organizations, their officials. Everyone shall be guaranteed the right to have his or her case examined by a competent, independent, and impartial court within the time limits established by law in order to have his or her rights and freedoms restored” [1]. This constitutional principle is stated in Article 3 of the Civil Procedure Code of the Republic of Uzbekistan as follows: “Any interested person shall have the right, in accordance with the procedure established by the legislation on civil proceedings, to apply to the civil court (or court) for protection of the violated or contested right or legally protected interest” [2].

Citizens are sure that they have the right to apply for legal protection in case their rights are violated or someone fails to fulfill their obligations. However sometimes citizens do not know how to formalize it procedurally, how to apply correctly: statement of claim, petition or in the form of a complaint (protest). Which court to apply for civil cases, what is the subject of the court's activity, what circumstances should be the basis for the specified claim, what evidence is allowed in the civil case court, etc. and others. Only a lawyer can help them in this.

The pre-trial activity of a lawyer requires caution, listening to a citizen who has applied for legal assistance, being able to direct his demands to the legal field, and complying with the provisions of the law. The Chamber of Advocates of the Republic of Uzbekistan approved the "Professional Ethics Rules of a Lawyer". These rules define the duties of a lawyer in the performance of professional functions, such as strict adherence to the law and honesty in relations with the person giving confidence.



A lawyer must be polite, courteous, conscientious, principled and conduct professional work, and must keep the lawyer's secret. A lawyer cannot do the following:

- ✓ self-promotion or disparaging the honor, dignity, and business reputation of other lawyers;
- ✓ to promise a successful outcome of the work to the principal;
- ✓ taking a legal position that is not agreed with the principal;
- ✓ acting contrary to the legal interests of the person who applied for legal assistance.

The information of a person who turns to a lawyer for legal assistance is usually subjective. A lawyer should be not only a highly qualified lawyer, but also a psychologist to some extent. An interview with a principal is the first information material that a lawyer has, and the main thing in this case is to direct the interview in a legal direction, that is, to find out that the principal's rights or interests protected by law have been violated and the possibility of legal protection in civil proceedings. Determining the factual circumstances that indicate [3, p. 17].

When citizens apply for legal assistance at a lawyer's office, they can start the conversation with an autobiography (who they are, their parents, children, grandchildren, with whom they worked or are working, etc.). Therefore, the lawyer should structure the conversation in such a way that everything that does not and cannot be related to the request of the principal from the point of view of substantive law should be eliminated, but this should be done very politely. Because some citizens say that the lawyer does not want to listen to him fully, he does not give him the opportunity to express everything that he has gathered so that he considers a very bad person - a neighbor, an official, a husband, a wife, etc. as a lawbreaker. In such cases, it is necessary to draw the attention of the principal to the fact that this is one-sided information and that the person with whom the dispute has arisen is a citizen similar to him. If the person giving the trust came to the lawyer with any documents, the lawyer must get acquainted with them and during the acquaintance inform the person giving the trust about their relevance to his legal problem, it is allowed to present them to the court as written evidence. In cases where certain documents are missing or absent during the interview, it is the lawyer's right and duty to determine their existence from the person giving confidence and to indicate the need to present the missing documents. If the principal cannot provide the necessary documents, the lawyer should explain him that he has the following rights in accordance with Article 6 of the Law of the Republic of Uzbekistan "On Advocacy":

- to request and receive certificates, specifications and other documents necessary in connection with the provision of legal assistance from state and other bodies, as well as enterprises, institutions and organizations that are required to submit to the attorney the documents or their certified copies requested by him/her in the manner prescribed by law;
- to request and receive written expert opinions, certificates and expert advice on issues necessary for the provision of legal assistance with the consent of the principal (client);
- to interrogation of persons familiar with business information and obtaining written explanations with their consent [4].



However, in some cases, another law may limit this right. For example, citizens turn to a lawyer for disputes related to notarial actions and ask the lawyer to apply to the notary. Then, in accordance with Article 6 of the Law of the Republic of Uzbekistan "On Notary", it is necessary to explain the following rule to the person giving the trust:

“The notary, other officials who perform notarial acts, as well as persons who became aware of the performed notarial acts in connection with the performance of their official duties, are prohibited from disclosing the information that has become known to them, including after the termination of the employment contract” [5].

In addition, he can apply to the court with a request to obtain evidence based on Articles 85 and 91 of the Civil Procedure Code of the Republic of Uzbekistan. Therefore, in this case, the lawyer can get the information he could not get from the notary using the method mentioned above. There are several types of proceedings in the Civil Procedure Code. In the conversation with the principal, you should first determine the issue of relevance of the case, and secondly, the issue of jurisdiction of the civil case. Because the citizen applying to you does not know in which court his problem can be solved. To give an example, citizens often turn to a lawyer asking to recover the damage caused to them in court due to the destruction of buildings and structures belonging to them by the governorship. According to Article 990 of the Civil Code, damage caused to a citizen or a legal entity because of illegal decisions of state bodies, citizens' self-government bodies, regardless of the fault of their officials, must be compensated based on the court's decision. Damage caused to a citizen or a legal entity because of illegal actions (inaction) of officials of state bodies, citizens' self-government bodies must be compensated based on the court's decision. [6] But first, it is necessary to prove the illegality of that decision or action in the administrative court, and then we can apply to the civil courts for the recovery of damages.

A conversation with a person who believes that his rights and interests protected by law have been violated and wants to apply for protection through the court does not mean that his rights and interests protected by law are actually violated and protected. It should be explained to the person who turns to the lawyer that this is one-sided information and that in any civil case there is an opposing party.

Of course, if the principal applied as a defendant, it is necessary to specify the subject of the claim, the circumstances that are the basis for these claims, the evidence supporting the claim, then a copy of the claim (petition, claim it is easier for a lawyer if there is a complaint about a case without a lawyer. Because from the content of the claim, you can determine its subject, basis, and then protect the rights and legal interests of the defendant.

In cases where a lawyer is asked for legal assistance as a claimant (applicant), it is necessary to correctly define the legal facts when defining the subject of the claim, i.e. the norms of material law govern the emergence, change and termination of material legal relations. It is necessary to pay attention to the fact that it causes certain legal consequences.

The lawyer must inform the citizen as a plaintiff that the defendant has the right to file a counterclaim in accordance with the norms of civil procedural law.



In conclusion, the right choice and formation of the position is very important for a positive result of the work.

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