

Ключові слова: реформування судової влади, судова система, органи суддівського врядування, запобігання та протидія корупції.

Ключевые слова: реформирование судебной власти, судебная система, органы судейского управления, предотвращение и противодействие коррупции.

Key words: reform of the judiciary, judicial system, judicial government, prevention and counteraction of corruption.

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PASSING THE QUALIFYING EXAM IN UKRAINE AND MOLDOVA: COMPARATIVE LEGAL ANALYSIS

Passing the qualifying exam is a prerequisite for obtaining the status of an advocate in Ukraine. The procedure for passing the exam and the method of its assessment are provided in the Procedure for admission to the qualifying exam, the procedure for passing the qualifying exam and the method of assessing the results of the qualifying exam for the right to practice law in Ukraine, the Qualifying Exam Program approved by the Council of advocates of Ukraine on September 21, 2019 №113.

The qualifying examination is a certification of a person who has expressed a desire to practice law by testing a person's knowledge in the field of law, history of advocacy, legal ethics and determining the level of his practical skills and ability to apply the law.

According to the Program, the qualifying exam is written in the state language and consists of two parts: a written exam and an oral exam, which are taken separately. The first one is a written exam, which consists of preparing the specified in the chosen exam ticket three tasks in different areas of law (in the form of procedural documents) and a written opinion on the legal position and tactics of protection or other legal assistance on the case. When passing the written examination, the person taking the examination has the right to use the official texts of normative legal acts on printed media. The use of other sources of information is not allowed.

Evaluation of each of the four written assignments is carried out by two members of the Qualification Chamber, and the chairman of the CDCA, if the latter participates in its meeting, on a scale from 0 to 30 points. The average score on the results of the written exam, calculated as the arithmetic mean of the total number of points, and may not exceed 120 and be less than 80 points. A person who receives 80 points or more (maximum 120 points) as a result of passing the written exam is considered to have successfully passed the written exam.

Persons who have successfully passed the written exam are allowed to take the oral one. To pass the oral exam, the person taking the qualifying exam must answer 15 questions (out of 352 provided by the Exam

Preparation Program) specified in the selected exam ticket. During the oral examination, the person taking the examination must demonstrate knowledge of the law and case law.

A person who, based on the results of the written and oral examinations, received a score of 125 or more, is considered to have successfully passed the qualifying examination.

Qualification exam is widely used as a prerequisite for obtaining the status of an advocate not only in Ukraine, but in other post-Soviet countries.

In Moldova, for example, the qualifying exam consists of three stages: testing; paperwork; oral exam. All candidates, who have been admitted to the qualifying examination, must go to the Licensing Commission on the specified day. Candidates are allowed to enter the examination hall on the basis of lists approved by the Commission and candidates' identity cards. After the identity check, each candidate keeps his / her identity card on the table until the end of the exam. The list marks the presence of each of the candidates. It is forbidden to leave the hall during the whole period of the exam. Members of the Commission, the Secretary of the Commission, the Chairman of the Bar Association, members of the Board of the Bar Association, and other persons authorized to be present by the Bar Association have the right to access the examination hall during the entire examination period.

Violation of discipline by a candidate is grounds for removal of a person from the competition.

The list of topics, questions, practical tasks for the qualifying examination is compiled and selected by the members of the Commission and published at each stage on the official web-page of the Bar Association.

During the first stage, the candidate takes a test that includes 400 of the 1,000 questions published on the official website of the Bar Association. The test is the same for all candidates present at the exam. Three academic hours are provided to complete the test. The Chairman of the Commission is obliged to announce the time of the end of the examination work and to warn the candidates 15 minutes before the end of the term.

Upon completion of the work or after the expiration of the term provided for the test, the candidate is obliged to submit the work to the Secretary of the Commission for its registration. A candidate is considered to have passed the tests if he / she has given the correct answer to at least 375 questions.

After that, the candidate is admitted to the second stage, which is held no later than 15 days after passing the test and consists in writing a written paper.

The purpose of the written work is to determine the level of knowledge to be applied in all areas of law and includes 450 practical issues selected by the Commission. At this stage, the candidate have to do 3 practical tasks, which he chooses by drawing lots. Each of the three questions is graded on a ten-point scale (1 to 10). Based on the assessments of each member of the Commission, who checked the work on each issue, the average score scored by each of the candidates is calculated, which must be at least 8 points.

The final stage is the passing of the oral exam, which takes place no later than 15 days from the date of passing the written exam. The subject of the

exam is three practical tasks on the case law of the courts, selected by the candidate as a result of the draw.

Each candidate is given 60 minutes to prepare an answer. The candidate's oral answer is subject to audio (video) recording. Each of the three practical tasks is evaluated on a ten-point scale (from 1 to 10). A candidate is considered to have passed an oral examination if his or her grade point average is at least 8.

The final decision of the Advocacy Licensing Commission is submitted within 10 days from the date of adoption to the Ministry of Justice for the issuance of a license. A candidate who has not passed the qualifying examination may be re-admitted to the examination not earlier than after six months.

Summarizing the above, it can be noticed that the qualifying exam is a prerequisite for obtaining the status of an advocate in both countries, but the procedure for passing such an exam has its differences.

Ключові слова: адвокатура, набуття статусу адвоката, кваліфікаційний іспит, порівняльно-правові дослідження

Ключевые слова: адвокатура, приобретение статуса адвоката, квалификационный экзамен, сравнительно-правовые исследования

Key words: advocacy, acquisition of the status of an advocate, qualifying exam, comparative legal research

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ЮРИДИЧНА ВІДПОВІДАЛЬНІСТЬ АДВОКАТА В СФЕРІ ОРГАНІЗАЦІЙНО-ПРАВОВОЇ ДІЯЛЬНОСТІ НА ДОСУДОВОМУ РОЗСЛІДУВАННІ

Реформування інституту адвокатури України в сучасних умовах має на меті її вдосконалення та забезпечення ефективного виконання завдань, поставлених перед адвокатурою в сфері реалізації захисту, представництва та надання інших видів правової допомоги. Перебудова системи державного регулювання забезпечення дотримання прав, свобод та інтересів громадян, суспільства, держави буде ефективною в тому випадку, коли діяльність адвокатури реалізуватиметься як система якісних послуг, що ґрунтується на законних підставах і дозволяє надавати різні види правової допомоги, з одного боку, а з іншого – коли в цілому буде створюватися основа для забезпечення ефективного правового регулювання організаційно-правової діяльності адвокатів, зокрема на досудовому розслідуванні, за рахунок високого рівня правової культури та соціальної відповідальності на мікро-, мезо- та макрорівнях. Подібні перетворення передбачають суттєві зміни