



SOMALILAND LAWYERS ASSOCIATION (SOLLA)

NARRATIVE REPORT

Date: 31-12-2021

Introduction

This is a narrative performance activities report for SOLLA CPD trainer lawyer from 1st July to 31th December 2021. As per the partnership agreement between SOLLA and UNDP, the CPD trainer performs a tasks of professional capacity building, organized TNA workshops and develop training module on the basis of the outcome of the TNA and as well as institutional capacity building. For this purpose this report reflects the CPD trainer performance activities report from the above mentioned periods.

July Monthly Performance Report

According to key findings of SOLLA Micro Assessment report done by the Baker Tilly Merali's CPA through the UNDP on 27th May, 2021 there is a gap for organizational capacity, specifically in the areas of organizational policies and administrative manuals. The report was specifically identified the major gaps of organizational Anti-fraud and corruption policy and recommended its improvement.

However, in respond with this organizational capacity gaps identified during the assessment as indicated in the final assessment report and for better improvement of the organization's capacity, the SOLLA CPD trainer lawyer was reviewed some organizational policy manuals for better improvements purposes on July, 2021. One of the main worth mentioned organizational policy that the CPD trainer reviewed was Anti-Fraud and Corruption policy of the organization, hence the assessment report was shown its major weaknesses and further recommends its improvement. The CPD trainer made this policy desirable change in manner consistency with the audit recommendations. This was one of the main considerable achievements made by the SOLLA with the support of the CPD trainer during July.

One other hand, the CPD trainer was reviewed the SOLLA'S case management manuals and forms which includes but not limited to SOLLA's client intake forms such as client initial interview forms. As a result of his review, he made some initiative inputs with

these forms and introduced some additional initiative forms, which the organizations lacked such as client legal counseling and mediation formats and forms, case closed and follow-up management forms and standards. This will improve the existing organizational case management and follow ups standards, procedures and records. It further improves a better case management, case updates and a system of accountable of operating lawyers and paralegals which at the end improves organizational performance and its running project outputs.

August Monthly Performance Report

In this month, SOLLA management team together with CPD trainer lawyer had a meeting to reinforce the implementation of CPD activities as planned under the partnership agreement. One of the main action points of this meeting was to initiate the preparation of the first draft of the CPD capacity needs assessment methodologies and tools by the CPD trainer before the 31st of august 2021. The next action point was the finalization of the produced draft document of the capacity needs assessment tools/methodologies within the first week of September 2021 by the CPD trainer lawyer.

However as per the action point of that meeting, the SOLLA CPD trainer was produced the first draft of the assessment tools and methodologies with some practical scenarios and then shared it with the SOLLA administration and UNDP for feedback and finalization purposes.

This developed capacity needs assessment tools and methodologies were focused on the three full-days assessment workshops that aimed at assessing the problems and professional gaps of the legal practitioners of the three main cities of Somaliland (Hargeisa, Borama and Burao). However, as per the project agreement the main objectives of this capacity needs assessment workshops was to provide training need assessment and continuous professional trainings for lawyers to enhance lawyer competence, strives for excellence in the delivery of legal services and to be accountable to the public for the ongoing professional development and competence of lawyers.

On the other hand, the tools and methodology of the capacity assessment was consist of a variety of formal and non-formal education methods to provide participants with the best learning and practice environment. Under the developed tools of the assessment the key methods used was includes but not limited with the following methodologies;

- Interactive lecture: Presentation delivered by experienced trainer using visual and hearing aids. Lecture was performed to introduce participants to basic concepts and was provided space and time for question and subsequent discussion.
- Simulation and hands-on experience: Simulation aims to involve participants directly into theoretical situation which are based on real life experience. Participants was provided with a unique opportunity to explore a real life situation in simulated but realistic settings, giving them a possibility to directly implement skill and knowledge acquired during the workshop. It was gave the opportunity to enact a scenario, practice skills around that scenario and explore the reaction and feedback to it.
- Debates: Participants was encouraged to take a stand and enter debates, confront each other in a healthy way to forester productive discussion and develop their negotiation/argumentation skills.
- Working Groups and Brainstorming Sessions: Small working Groups allow time for everyone to speak and to feel involved. In addition, it was help participants to brainstorm about many different topics and then to share the outcomes of their working group with the others. Many topics can be discussed more effectively in Small Working Groups.

In this participatory technique, participants was engaged into discussion by letting try out some ideas in the ethical standards of a good lawyer. It will happen as scenario- for example on how to deal with certain professional dilemma or situation. Groups were report or present their findings. Groups was wrote their ideas on a poster that could be put on the wall. Then only one member of each group could present their findings, while other groups then have to add their own ideas without being allowed to repeat what has already been said.

September Monthly Performance Report

During September, the SOLLA CPD trainer finalized the draft tools and methodology of the capacity needs assessment which he was drafted in august after he received feedback and comments from the SOLLA administration team and UNDP. In this stage the TNA tools and methodologies which was necessary for the accomplishment of the planned TNA workshops was successfully completed. After accomplishment of this task, the CPD trainer was then organized and prepared the TNA training workshops by setting-up training schedules, venues and all training necessaries materials. Additionally, the CPD trainer was conducted the process of the selection of the training workshop participants according the prior setting up criteria and procedures for the trainees.

On the other hand, SOLL's CPD trainer was reviewed whistleblower policy which is the one of the other key organizational policy, in accordance with the recommendations provided by the last audit assessment report of this year for the purpose of improving organization's capacity. The CPD trainer was inserted this policy an additional missing sections and information. Hence this organizational policy states that SOLLA's framework on whistle blowing as a channel of last resort to report issues that potentially affect the integrity of the organization and the reputation of SOLLA. And Abuses and irregularities negatively affect the integrity of SOLLA and could have serious consequences for the population that SOLLA serves or society in general. It is important for SOLLA to be aware of any potential or suspected abuses and irregularities in order to address, mitigate and prevent them.

The areas that CPD trainer improves or inserts in order the policy provides clear insight about SOLLA's key principles on whistle- blowing, the investigation process and the different roles and responsibilities within that process includes: the scope of the policy which was not written in a clear manner, when and what to report, another key principles of the policy such as the protection of confidentiality; the prevention of victimization and non-retaliation principle; anonymous reporting; reporting in good faith; and protection of accused persons. In the first existing document of the policy, these above stated key five principles are either missing in the policy document or poorly drafting.

October Monthly Performance Report

Workshop titled *Workshop on lawyers training need assessment* was being implemented by SOLLA CPD trainer on 10th, 20th and 27th of October 2021. It was funded by UNDP. The overall objective of the Workshop was to provide training need assessment and continuous professional trainings for lawyers to enhance lawyer competence, strives for excellence in the delivery of legal services and to be accountable to the public for the ongoing professional development and competence of lawyers. Specifically, this three days workshop aims to support, promote and improve legal professional management in three main cities i.e. Hargeisa, Burao and Borame. This is to be achieved through the reform/introduce of Professional enhancement to reduce the impact of malpractice and professional negligence through increased awareness and relevant capacity building programs.



Photo group of Hargeisa TNA Workshop which was held at imperial hotel on 10 Oct, 2021

Among other things, the workshop envisages the mobilization and organization of legal practitioners through establishment of discussion groups within the target areas. It is considered necessary that there is an urgent need to identify and categorize lawyer’s actual training needs. There is no argument that lawyers, who have been relying more informal mechanisms, require carefully planned training programme catering to their specific needs. Identification training needs is, therefore, crucial to furnish Professional skills and attitudes that contributes professional efficiency in the administration of justice, since the main job of the lawyer is assist the court in dispensing justice.



Photo of Borama’sTNA Workshop which was held at Ray’s hotel on 20 Oct, 2021

It now well recognized that training needs assessment is an ongoing process of gathering date to determine training need of particular group or organization. This training workshop was aimed at assessing the current performance, knowledge,

perception of the legal practitioners about professional standards. It was an effort to search to find solution for the targeted performance levels. To identify current training needs of legal professionals, we resorted to three days conference discussions and scenario-based tests in *Hargeisa*, *Burao* and *Borama* cities. The total participants of these three TNA were 93 (male 78 and female 15) lawyers who were selected from those who are licenced to practice law in the courts.



Photo of Borama's regional President of high court of Appeal, who took part the opening ceremony of Borama TNA workshop on 20 Oct, at Rays Hotel

During these three full-days TNA training workshops discussion arrived at series of constructive findings that could contribute long-term programme to strengthen the integrity and ethics of the legal profession. These findings were includes:

- Lawyer's awareness to specific professional responsibilities and standard is low.
- Co-ordination conferences between the police station officers and lawyers are needed as a part of efforts needed to improve the role of legal counsels in the pre-trial detentions. In addition to that, skills and techniques needed for pre-trial preparations, including interviewing witnesses and parties of the case are one of the needs addressed in the Workshop.
- Although professional malpractice could not be ruled out in the daily practice of the law, citizens are less likely to launch malpractice suits against lawyers.
- That lawyers are unwilling to engage in dialogue about the recourses against the professional negligence or incompetence.
- There are no standards or formats that determine how attorney-client fee agreements and attorney billing works. As a result of this, disputes sometimes arise under legal fee agreements.

- The amount of legal fee is not always stated in attorney-client representation agreements.



Photo of Group presentation during Burao's TNA workshop which was held at Liban Hotel on 27 oct,2021

In the future all of those areas need to be placed under the emphasis. Provision of trainings which are designed to achieve to cover such needs are collectively proposed by the participants.

As a results of the Workshop discussion and information generated through problem-solving, scenario-based Question, there is need to train lawyers in seven main areas which includes training in organizational level such as Developing Professional Attitude, Engaging Profession Board for Legal Profession, and trainings in individual level like;

- Methodologies for the Evaluation of Legal service rates,
- Professional Responsibility standard,
- Advocacy skills,
- Drafting of pleadings,
- Criminal defence practices, particularly criminal defence in pre-trial and investigation stages,
- Fair trial and
- Alternative Dispute Resolutions (ADR) methodologies.



Photo of Group presentation during Burao's TNA workshop which was held at Liban Hotel on 27 Oct, 2021

November Monthly Performance Report

During this month the Solla CPD trainer was conducted two workshops in two main cities of Somaliland (Burao and Hargeisa). Each training workshop was ongoing in three days. These training workshops were a response to the identified training needs of the professional lawyers. Based on the previous assessments, Solla with the support of the UNDP had initiated to present a framework of professional ethical standards designed to guide and to instill the principles of ethical legal practice.



UNDP Country Representative who attended the three days workshop training in Bura on 23,24 &25 Nov,2021

In this context SOLLA CPD trainer was developed a comprehensive training module/manual of professional ethical standards for lawyers with practical scenarios. The content of the training material was designed to bring change in a way that professional services are currently provided. Educational objectives are specified to provide clear information of the knowledge and the aspects of practice, where the professional attitude and insight acquired by the professional could be assessed.



Photo of Solla's Chairman, Mr. Hassan A. Awale during the three-days training workshop of Hargeisa which was held at Imperial Hotel on 27, 28 and 29 of Nov, 2021

According to the target group of the two workshops, the beneficiaries of the training were 52 (15 female and 37 male) licensed, legal professionals whom are selected by the SOLLA to participate three-days training session in each jurisdiction.



SOLLA vice chairman during his opening remarks of the three-day's workshop in Burao (23,24 &25 nov,2021)

However, the broad objectives of the training were developing knowledge, abilities and attitudes that are significant for the professional qualities of legal practitioners. Given that lawyers are considered as the first and foremost problem solver, their legal skills will not serve for the interest of the justice and for the best interest of their clients if they do things with a moral deficit, and barren from their professional responsibility. After the completion of this training session, legal lawyers will get full insight on the important duties that they are, as a legal professionals owed to their clients and to the society in general.



Chairman of Regional High Court of Appeal, Honorable Barkhad during his opening Remarks of Burao three-days workshop on lawyers professional ethical standards on 23,34 &25 of Nov,2021.

On the other hand, the specific objectives of training workshops were after the completion of the training, lawyers were able to;

- Understand their professional obligations to their clients and as well as their would-be clients.
- Balance the loyal-duty owed to the court and the duties owed to their clients.
- Understand fiduciary duties to their clients, and how they could avoid any conflict between their duty to their client and to their own interests.
- Find out how they could balance their duty to disclose certain information in order to maintain "the laws of the society" and their duty to "protect their client's confidentiality".

December Monthly Performance Report

Although participants were already familiar with each other, since they practice law in the same jurisdictions, at the beginning of professional ethics training there was for introduction to take place. First the facilitator of the programme started by introducing the topic of the legal professional responsibility to participants. He particularly emphasized on its importance to the profession's future and integrity as well as to the common purpose of the justice. Then the facilitator asked participants to re-introduce themselves.

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Photo of Borama three-day Workshop program which was held at Ray's hotel on 30 Nov, 01 and 02 Dec, 2021

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Photo group of Buroa three-day Workshop program which was held at Liban hotel on 23, 24 and 25 of Nov, 2021

Recommendations:

- Lawyer's awareness to specific professional responsibilities and standard to enhanced
- Co-ordination conferences between the police station officers and lawyers are needed as a part of efforts needed to improve the role of legal counsels in the pre-trial detentions. In addition to that, skills and techniques needed for pre-trial preparations, including interviewing witnesses and parties of the case are one of the needs farther study and enhanced mechanisms for capacitated the lawyer's prefinalization.
- Although professional malpractice could enhanced by study the ruled out in the daily practice of the law, citizens are less likely to launch malpractice suits against lawyers for father provisional capacity mechanisms development
- To improve lawyers for willing engagement dialogue about the recourses against the professional negligence or incompetence.
- National standards or formats that determine how attorney-client fee agreements and attorney billing works. Because of this, disputes sometimes arise under legal fee agreements.