



SOMALILAND LAWYERS ASSOCIATION (SOLLA)

SOLLA MONTHLY REPORT- AUGUST 2021

10-09-2021

1. Organizational Background

The Somaliland Lawyers association (SOLLA) was founded in June 2004. The association is non-political, non-profit human right and legal profession association, which unites over 95% of the Somaliland legal practitioners including legal practitioners, academic law professors, Legal advisors to Law Makers, and MDAs as well corporate legal service providers.

The association as a local network legal professionals is responsible to improve the capacity and the value of legal practitioners and their performance in service delivery, provide protection of lawyers rights subject to the constitution, monitor their service delivery as their legal duties and build their capacity with propensity of increasing synergies on access to justice, fair and independent judiciary, respect of human rights, promotion of legal education, and realization of increased civic and democracy space in the country through observance of the laws enshrined in the constitution of the Republic of Somaliland.

SOLLA was implementing partner Rule of Law programmes since 2009 with support of UNDP, currently SOLLA with support of UNDP implementing the Somaliland Joint Rule of Law programme that focused mainly on supporting the Government of Somaliland to improve its rule of law services in Hargiesa and selective population centers. Combining mobile courts, legal aid, law scholarships, and prisons and courts inspections that programme expanded legal profession, enlarged access to the formal legal system and strengthened public confidence in it, mainly in the urban areas. This programme seeks to extend the focus on the 'difficult to reach' rural areas as well as to promote access to justice and enhance the rights of specific, vulnerable and disadvantaged groups.

Additionally SOLLA with the support of UNDP implemented 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.

Activities accomplished in August 2021

In this month SOLLA management team together with CPD have 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 the finalization of the CPD capacity needs assessment methodology and tools before the end of August. This assignment was led by our CPD, Mr Khadar. As per the action point the SOLLA CPD was completed and finalized the CPD capacity needs assessment methodology and tools and some scenarios as per attached here as annexes 1 and 2.

On the other hand, SOLLA leadership has a meeting with more than 130 lawyers based in Burco, Hargeisa and Borama to pave the way for the CPD capacity needs assessments, which we hopefully carried out in the month of September in Borama, Hargeisa and Buroa. Our CPD trainer will accomplish this task as per the partnership agreement.

In this month SOLLA management had a meeting with the UNDP Joint Rule of Law Programme team at its Hargeisa headquarter office to introduce the new SOLLA CPD trainer officer and to discuss the way forward to increase the implementation of project performance. During this meeting the SOLLA team was addressed the delays of project funds to the UNDP joint rule of law programme team and they were agreed to solve this issue soon, hence there are some technical issues on their side which need to be solved soon.

Additionally, SOLLA team had a meeting with different justice administration institutions which includes prosecution, police authorities, courts and law firms who are mainly operating in Maroodijeeh, Awdal and Togdheer regions. The main objectives of these meetings were to enhance the referral pathways of legal aid cases specifically SGBV cases that need to be given an especial attention. According to the outcome of this meeting the parties were unanimously agreed to establish a good working relationship between all of them to improve the access of information among them and the referral pathways of legal aid cases to SOLLA.

Lastly but not least, SOLLA has received 15 legal aid cases in this month. All of them were assigned to SOLLA lawyers to represent them before the court of law. These cases are now ongoing at the court of law and 7 of our lawyers have handled them.

Challenges

1. One of the main challenges that SOLLA project was faced is delays of project funds which has a negative impact to project performance if not would be resolved soon.
2. Due to the poor socio-economic of Somaliland community, the extremely vulnerable members of the community can't afford to pay the required court fees and this may hinder their equal access to justice.

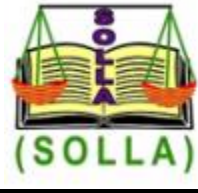
Recommendation

1. Speed up the processes for approval and timely release of scheduled payments by the UNDP.
2. To allocate some budget for legal aid cases who can't afford to pay the court fees of their civil or family cases, hence SOLLA has no a fund to cover the fees of their cases.

Prepared by : SOLLA CPD trainer, Khadar Mohamed Ahmed

PROJECT REPORT ANNEXES

ANNEX 1: METHODOLOGY AND TOOLS FOR CAPACITY NEED ASSESMENT



SOMALILAND LAWYERS ASSOCIATION (SOLLA)

METHODOLOGY AND TOOLS FOR CAPACITY NEED ASSESMENT

**Prepared by : SOLLA CPD trainer with extensive lawyering, Khadar Mohamed
Ahmed**

15 -08-2021

2. Organizational Background

The Somaliland Lawyers association (SOLLA) was founded in June 2004. The association is non-political, non-profit human right and legal profession association, which unites over 95% of the Somaliland legal practitioners including legal practitioners, academic law professors, Legal advisors to Law Makers, and MDAs as well corporate legal service providers.

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However, the overall objective of this organized workshop is 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

3. Introduction

This full-day interactive workshop starts with providing lawyers with the tools to understand where they stand and the first they may be creating. From there, we look at equipping lawyers with practical skills on how to identify the common problems they share in the engagements with other institutions including law-enforcing agencies and the courts.

In their interactions and dialogue they will address significance of the Board on Professional Responsibility and Codes of Professional ethical standard to improve the image of the legal service by the protecting the public, the courts and the legal profession from attorney who do not meet their ethical responsibilities.

The workshop of capacity need assessment examines the changing nature of the legal profession in Somaliland Context. We will do this by engaging with leading legal practitioners and junior lawyers who will present and discuss their work on cutting edge issues that are effecting their profession and legal careers. Among the topic that seminar will address are how the absence of a formal professional code of conduct could affect the public trust towards the service of the legal professionals.

4. Activity plan

The workshop will be one working day (8 working hours). It will consist of a variety of formal and non-formal education methods to provide participants with the best learning and practice environment. Methods used will be;

- **Interactive lecture:** Presentation delivered by experienced trainers using visual and hearing aids. Lecture will be performed to introduce participants to basic concepts and will provide 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 will be 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 will give the opportunity to enact a scenario, practice skills around that scenario and explore the reaction and feedback to it.
- **Debates:** Participants will be encouraged to take a stand and enter debates, confront each other in a healthy way to foster 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 will 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 will be 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 will report will report or present their finding findings. Groups will write 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.

5. Proposed agenda; expected outcomes

Following these sessions' participants will be able to;

			Objective
1	Attorney-client relations		Participants will be able to; <ul style="list-style-type: none"> • Articulate their own beliefs and attitudes toward of the role of legal professionals in their clients, legal system and legal profession. • Determine key elements and values of lawyers in practicing law. • Explain the importance of performance-oriented training and its connection with the deliverance of justice
		Confidentiality	
		Conflict of interest	At the end of the session participants will be able to; <ul style="list-style-type: none"> • List down situations that could invoke conflict interest. • Find out mechanism to deal with situation that could raise the question of conflict of interest.

			<ul style="list-style-type: none"> • Analyse case scenario in groups to formulate ways, and possible options and solutions as they are provided with opportunity to explore a real life situation. • To learn the consequences if lawyer tend to hide their conflicting interesting from their prospective clients.
		<p>Standard of duty and Standard of Care.</p>	<p>Participants will be able;</p> <ul style="list-style-type: none"> • To discuss and list down the minimum skills and legal knowledge required from the average legal professional. • List down the minimum duties required from the average professional to take care of his clients • List down the substantive including Somaliland Lawyer’s Act, and procedural provisionthat could govern the duties and the proper conduct of professional lawyers. • Determine certain activities required from the lawyer before trial; certain skills and activities required from the lawyers in trial preparation will be instructed to make them well-prepared before the trial as an effort to improve the skills required by; as standard of duties, or standards of care by an average legal professional . <ul style="list-style-type: none"> ○ Trial note book.

			<ul style="list-style-type: none"> ○ Interviewing clients ○ Analysing the case factually and legally, and briefly offering the prospective clients with two or three option strategic options, and the risks of each alternatives. ○ Interviewing witnesses, and weighting their testimony, and collecting exhibits to analyse their evidentiary values. ○ Building strategy, preparing trial note-book to log down every journal. ○ ● Discuss whether they represented Malpractice litigation against fellow lawyers. And if not the reasons whys? ● Address whether existing legal provisions are enough to prevent professional misconduct and take care of the interest of clients. ● Discuss certain malpractice scenarios, and their attitude towards.
		<p>Fees;</p> <ul style="list-style-type: none"> ● Flat-rate ● Hourly-based fee ● Contingent fee (which is 	<ul style="list-style-type: none"> ● Discuss and identify the ways and factors that mostly Somaliland lawyers use to determine their legal fees. ● To identify different factors used by legal professionals to determine the fees?

		not legal in certain jurisdictions)	<ul style="list-style-type: none"> • To identify whether there statutory law or customs that determine the minimum standard or maximum standards of legal fees? • To learn factors that needs to be considered to determine reasonable fee • Learn different type of fees charged by the legal professionals and the type of transactions that each type of fees is preferable.
2	Lawyer as a court officer		
3	Marketing Legal Service	How lawyers will make known their legal service?	<p>Participants will be able to ;</p> <ul style="list-style-type: none"> • Identify the standards and methods that lawyers could make known their legal service. • To find out the best ways they could present true, honest, fair, dignified and objective information about their profession. • Listing down the content of the information that lawyers may share to make their availability and skills known. • Analyse certain cases to differentiate between the advertisement and objective mechanism of making your service available • Identify other unethical methods that lawyers employ to make money. <ul style="list-style-type: none"> ○ Barratry, and

			<ul style="list-style-type: none">○ ambulance chasing
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ANNEX 02:

Some Scenarios of Capacity Need Assessment

Scenario 1: former client

G asked L to represent him in matter X, Matter X lies between G and H.

Before that L agreed with represents H in matter Y. And this Y issue is still going on. As the matter that L represents H is different from the matter between him and G, **is there a conflict of interest if L represents G in matter X?**

Scenario 2: Concurrent interests

1. A and B are forming joint venture, they ask one lawyer to represent each of them. The lawyer is likely to be limited to recommend or advocate each of them for all possible alternatives available to each client. The lawyer should not

represent more than one of them since it is probable that their interests are not completely aligned. Although they may not be directly adverse. There is a significant risk that lawyer to carry the appropriate representation and fully pursue the course of action for each client to be curtailed in the future.

Here the question is; **what do you do? Do you represent both of them? Do you have an alternative representation option? What else can you do?**

Scenario 3: Minimum Standard of duty/care required from an average skilled advocate

Waxa uu X, uu qareen u ahaa dacwoodaha galay shil gaadhi, oo dhaawac jilibka ah iyo burbur feedhaha ah kasoo gaadhay markii isaga oo ka tallaabaya meel isgoys ah uu dacweysanuhu oo xawaare sare ku socda gaadhiga ku dhuftay. X waxa uu dacwadda ku saleeyay Qodob 15aad ee Xeerka Nabadgalyada jidadka oo ka hadlaya ahilalka ka dhaca Isgoysyada ay ishaaraduhu hagaan. Walaw aanu isgoyska uu shilka uu ka dhacay aanu lahayn ishaarooyin, balse uu lahaa daliimooyinkq ama xariiqyada cad-cad ee dadweynuhu ee loogu talagalay in ay lugtu kaga tallowdo jidka. Waxaanay Ka hadlaya qodobka 25-aad, oo ku waajibinaya in wadaha gaadiidku ka joogsado marka uu qofka ka horgalo xariiqyada tallowga, ama uu dulsocdo.

Hadaba Maxkamada oo qodobka 15aad waxay ku xukuntay labada dhinac in ay taxadar la'aan ka timid keentay shilka. Dacwoodaha waxa waajib ku ahayd in uu la socdo ishaaradahq aanu jidka isk galin. Halka dacwoodaha gaadhigana ay ku waajib ahayd in aanu si taxadar la'aan ah u galin oo xawaare ah u soo galin haddik uu xataa cagaarku u baxayay, maadaamo oo ay goolad ahayd meeshu. Waxa loo qaybiyay magdhawgii \$16,0000 ku qiimeysnaa ee kharashkii dawooyinka, daryeelka caafimaad iyo dakhli maalmeedka u heli ku jiray loo qeybiyay laba qeyboid. Qeyb inuu isku qabo dacwooduhu, halka ay \$ 80000 lagu dacweysanihii.

Rafcaan ayuu qaatay dacwooduhu, isaga oo qareen kale, Y. Qabsaday. Waxaana markii uu ku rafcaanqaatay in dacwaddani si qalad ah u dhacday oo xaqiiqda dhacdadu iyo qodobku isbaal arsanyihiin, marka loo noqdo muuqaallada kamarada meherada kusoo jeedda ku xidhan iyo maragfurka maragyada golbjoogga ahaa oo sheegaya in aanu isgoysku ishaara lahayn, Dacwoodahana la duqeeyay isagoo dulsocda xariiqyada.

Waxay maxkamaddii Rafcaanku waxay laashay xukunkii maxkamada hore, amartayna in dib looga soo garnaqo dhegeysiga dacwadda ku xukuntay, waxaanay maxkamadi ku xukuntay magdhawgii dacwoodaha oo dhameys tiran \$160000 iyo kharashkii Qareenka dacwadda kaga baxay oo feega qareenka Y, ku jiro oo dhan \$5000. Kuma jiro kharashka dacwadda Feega Qareenkii hore oo dhamaa \$ 2000.

Ma ku dacweyn karaa Dacwooduhu Qareenkii hore feegaasi uu kaga qaatay, isaga oo qodob qaldan dacwadda ku saleeyay oon waafaqsanayn xaqiiqadii maragyada ay fureen?

Prepared by: SOLLA CPD

Khadar Mohamed Ahmed