



WORKSHOP ON LAWYERS TRAINING NEED ASSESSMENT (TNA)



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

Workshop titled *Workshop on lawyers training need assessment* was being implemented by SOLLA. 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 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.

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 TNA Workshop which was held at Ray's hotel on 20 Oct, 2021

It is now well recognized that training needs assessment is an ongoing process of gathering data 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 for solutions for the targeted performance levels. To identify current training needs of legal professionals, we resorted to three days of conference discussions and scenario-based tests in *Hargeisa*, *Burao* and *Borame* cities. The total participants of these three TNA were 93 (male 78 and female 15) lawyers who were selected from those who are licensed to practice law in the courts.



Photo of Borama regional President of high court of Appeal, who took part the opening ceremony of Borama TNA on 20 Oct, at rays hotel

Context

In these 3-days interactive, scenario-based training workshops about the ethical approaches of the legal profession, SOLLA found out that most of the participants lack necessary knowledge on how to meet the ethical standard required from a professionally responsible attorney. In this Training Needs Assessment, SOLLA determines existing professional gaps and identifies future training outlines required to fill the gap. Through this workshop, participants were actively engaged in addressing realistic problems as an effort to identify the gap between the present status and desired status.



Photo of Borama's regional deputy of General Attorney, Mr Abdi Haybe who took part in opening ceremony of Borama TNA on 20 Oct, 2021 at Rays Hotel.

For this workshop, it was envisaged to undertake Training Needs Assessment of the lawyers;

- identify and review if there are previous training on professional performance and ethical standards to review
- identify whether there are on-going training initiatives by different organization and individual related to Professional Performance Standards;
- Design TNA framework and methodologies for local practitioners;
- Analyse the misconception which would prevent the newly law graduate to practice law in the Somaliland courts;
- Formulate training strategies based on assessment of training needs of the operating lawyers;
- Identify and analyse factors that may facilitate or prevent the provision and implementation of effective training to target groups.

Methodology and Data Collection

Group Discussion Workshops; Three group meeting (1 in each city) with active legal professionals was arranged. A total of more than 30 lawyers have been actively participated in group discussions at each city. It was held on Hargeisa in 10TH October in Imperial Hotel, Borame on 20th October in Rays Hotel and in Burao on 27th October in Liban Hotel.



Photo of group presentations during the Borama TNA Workshop which was held at Ray's hotel on 20 Oct, 2021

Participants were engaged in to the discussion to address structural challenges that significantly affect the professional services. Instructional scenario-based questions about various professional topics including standard of duty, conflict of interest, confidentiality, legal fees, and marketing legal service which are presented by facilitator are followed by break-out groups, where each small group can work together to apply their experience to identified problem. When the results of these small groups were then reported to the reconvened larger group, the group synergy result to more comprehensive way of thinking about the problem. In these realistic scenario-based tests, most of participators came short of offering the appropriate response. As a result of these problem-solving tests, existing knowledge gaps in the areas of professional responsibility were identified.



Photos of Group presentation during Hargeisa TNA Workshop at Imperial hotel on 10 oct,2021

Results;

The workshop discussion arrived at series of constructive findings that could contribute long-term programme to strengthen the integrity and ethics of the legal profession. For theme that runs through the findings is that lawyers perceive the discussion of professional responsibility through a lens that emphasises the economic dimension of the service.



Photos of Solla's General Secretary, Advocate Hussein Fadal during Hargeisa TNA Workshop at imperial hotel on 10 oct, 2021

Within these broad findings, the discussion further discovered the following;

- 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 TNA 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.



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

Training topics need

The 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.



Photos of Buroa TNA which was held at Liban hotel on 27, Oct, 2021

On the side of the community, there is an urgent need to sensitize the community to their constitutional rights and liberties to improve their legal knowledge and to educate the community to the legal procedures that both civil and criminal cases undergoes to improve the community's access to national justice system by strengthening the rule of law. This will also improve the community's access to lawyer's legal services.

Training time and duration

In the Workshop training assessment, it was addressed the need to determine the optimal length of the training session of each outlined conception. Breaking the subjects of the training in to several small sessions that could last in three months was recommended. At least Two-day sessions in the afternoon sessions could be appropriate. Providing incentives for the beneficiaries if it is planned to take place in the morning, could also work, since session are expected to disturb or clash their individual working time schedules.

Regardless the length of the training workshops, participants had suggested that it should not be one-and-done experience. Providing training sessions to the legal professionals should be on-going process that is allocated with specific time, in order to be in compatible with the required skills

Discussions;

All participants of the three sessions that took place had expressed the significance on-job training sessions. They addressed existing gaps and the necessary areas of knowledge and skills that ought to be focused in the future proposals. In all sessions, participants have voiced that it is first time that assessment of the needs of legal professional are taken in ton consideration.



Photo of Solla's Chairman during the Group discussion of Burao TNA which was held at Liban Hotel on 27 oct,2021

All training and assistance programs intended for the capacity building of the judiciary and rules of law will not be efficient unless legal professionals of defence attorneys are equipped with the necessary knowledge, skills, and attitude.



Solla CPD trainer, Mr. Khaddar Mohamed while he explaining the methodology of the Assessment of participants in Burao.

Furthermore, all participants addressed the need to be improved the institutional capacity of the association. Institutionally, it should be empowered to conduct all assessment activities and to be equipped with all necessary capabilities that the organization can improve the knowledge, skills and attitudes of its members.



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



Photo Group of Borama TNA which was held at Rays Hotel on 20 Oct, 2021



Photo Group of Burao TNA which was held at Liban Hotel on 27 Oct, 2021

Program Recommendations

- Lawyer's awareness to specific professional responsibilities and standard to enhanced
- For lawyers continuous professional development for human right cease building procedures development mechanisms in criminal procedures
- As the research is to about to be publicized, the expected findings and recommendation towards the issues listed and the validation of the research will be put in place to be validated
- 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.