

Ministry of Education and Science of Ukraine

V.N. Karazin Kharkiv National University

Department of State Law Disciplines

"APPROVED" by

Dean of the Faculty of Law



Vitalii SEROHIN

« *Серошин* » 2024

ACADEMIC COURSE WORKING PROGRAM

General ethical requirements of the legal profession

level of higher education master's (second)

field of knowledge 29 International relations

specialty 293 International law

specialization in public law

type of discipline is compulsory

faculty of law

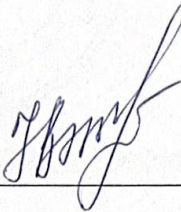
2024/2025 academic year

The program is recommended for approval by the Academic Council of the Faculty of Law
“28” August 2024 year, protocol No.1

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The program was approved at the meeting of the Department of State Law Disciplines
“26” August 2024 year, protocol No.12

Head of the Department of State Law Disciplines


_____ (Nataliia HRYSHYNA)


The program has been approved with the guarantor of the educational (professional scientific)
program (head of the project group) 293 Master of International Law

Guarantor of the educational program of the second (master`s) level of higher education
“International Law” Doctor of legal Science, Professor _____ Oleksandr
HAVRYLENKO

The program was approved by the Scientific and Methodological Commission of the Faculty Of
Law

«28» August 2024, protocol number 1

Head of Scientific and Methodological Commission of the Faculty Of Law


_____ (Hanna ZUBENKO)

INTRODUCTION

The programme of the discipline "Professional Ethics of a Lawyer" is drawn up in accordance with the educational and professional training programme for the educational qualification level "Master"

Speciality 293 International law

1. Description of the discipline

1.1. The purpose of teaching the discipline

The purpose of teaching the discipline "_General ethical requirements of the legal profession" is to form a holistic view of the existing ethical principles of legal activity in various professional areas. This discipline is aimed at acquiring knowledge of the basic moral values inherent in legal activity in general and specific aspects of professional ethics of individual legal professions, as well as practical skills in solving ethical problems arising in the course of professional activity.

1.2. Main objectives of the discipline

The main objectives of the discipline are:

- formation of students' stable ideas about the ethical principles of professional legal activity;
- development of skills in assessing professional behaviour in terms of their compliance with moral principles;
- developing the ability to assess situations requiring legal qualifications from the point of view of morality and to take into account the ethical component in decision-making;
- formation of own ethical beliefs.

The main objectives of the discipline are the formation of the following general and special (professional, subject) competences: ability to abstract analysis and synthesis (GC1); ability to search, process and analyse information from various sources (GC3); ability to adapt and act in a new situation (GC4); ability to make informed decisions (GC7); ability to apply an interdisciplinary approach to the assessment of legal phenomena and law enforcement activities

(SC9); ability to critically evaluate the effectiveness of representation and protection of the rights, freedoms and interests of the client (SC11); ability to develop and promote ethical standards of legal practice, standards of professional independence and responsibility of a lawyer (SC12).

1.3. Number of credits - 4

1.4. Total number of hours – 120

| 1.5. Characteristics of the academic discipline | |
|---|-------------------------|
| Compulsory/selective | |
| Full-time mode of study | Part-time mode of study |
| Year of study | |
| 1st | 1st |
| Semester | |
| 1st | 1st |
| Lectures | |
| 16 hours | 8 hours |
| Practicals, seminar classes | |
| 16 hours | 4 hours |
| Independent work | |
| 88 hours | 108 hours |
| Individual task | |
| 1 | 1 |
| Control work | |
| 1 | 1 |

1.6. Planned learning outcomes

According to the requirements of the educational and professional program, students must achieve the following learning outcomes:

- to be able to establish and maintain an effective professional dialogue with representatives of legal science, legal practitioners and the public on various legal issues (PLO-3);

- initiate the creation of innovative complex projects in the legal field, have leadership qualities and the ability to be fully autonomous in their implementation (PLO-4);

- take full responsibility for the results of strategic decisions in professional legal activities (PLO-6);

- to be capable of self-improvement, comprehensive self-development, continuous professional development in the field of law throughout life (PLO-7);

- be aware of the social significance of the future profession, have the skills to resolve disputes and other legally significant situations; be able to analyze the norms of national legislation and properly document the results; be able to process and interpret conflict of laws; have advanced professional erudition at the level of the highest professional legal qualification (PLO-14).

2. Thematic plan of the discipline

Section 1. BASICS OF THE GENERAL THEORY OF ETHICS

Topic 1: ETHICS AS A SCIENCE OF MORALITY. MAIN CATEGORIES OF ETHICS

Subject and tasks of ethics as a science of morality. Morality as a social regulator, its relationship with other regulatory systems. Social functions of morality.

Moral consciousness. Individual and public morality. Moral motives, norms, principles, values.

Criteria of morality. Categories of good and evil, their relationship and interdependence. Moral and ethical ideal. Moral assessment of human behaviour and its criteria.

Moral choice and responsibility of the individual. The concept of free will. Freedom as a moral value, its relationship with necessity. Paradoxes of freedom, its types. Freedom as a cognised necessity. Duty and moral necessity.

Categories of conscience, conscience, shame, honour, dignity, justice and their content.

The moral meaning of life.

Topic 2. LEGAL ETHICS.

Legal ethics as a component of ethical science. Professional morality as a subject of legal ethics. Legal ethics and law. Moral, political, psychological, intellectual culture of the lawyer and their relationship with legal ethics.

Content and objectives of professional ethics. Types of legal ethics. Structure and norms of legal ethics. Sources of legal ethics.

Moral requirements for the behaviour of lawyers. Professional responsibility and its content. Principles of professional responsibility. Types and forms of professional responsibility

Section 2. Types of professional ethics

Topic 3. PROFESSIONAL ETHICS OF JUDGES

Ethics of judicial proceedings. Code of Judicial Ethics. General moral requirements for a judge and his/her relations with other participants in the judicial process. Ethics of judicial rhetoric. Ethics of judicial decision. Ethics of extrajudicial behaviour of judges.

Ethics of court staff.

Topic 4. PROFESSIONAL ETHICS OF ADVOCATES

Ethical principles of the Practice of Law. Rules and principles of advocate's ethics.

Ethics of the advocate in civil and administrative proceedings. Ethics of a lawyer in pre-trial investigation. Ethics of the advocate in the judicial process. Ethics of a lawyer in communication with a client. Attorney-client privilege as a component of attorney-client ethics.

Corporate ethics of a lawyer. Responsibility for violation of attorney's ethics.

Topic 5. PROFESSIONAL ETHICS OF PROSECUTORS

Ethical principles of prosecutorial activity. Code of Professional Ethics and Conduct for Prosecutors. Prosecutorial ethics in supervisory activities. Prosecutorial ethics in pre-trial investigation. Prosecutorial ethics in court proceedings.

Corporate ethics of prosecutors. Ethics of off-duty conduct of prosecutors. Liability for violation of prosecutorial ethics.

Topic 6. PROFESSIONAL ETHICS OF POLICE OFFICERS

Ethical principles in the activities of the National Police. Rules of ethical behaviour of police officers. Ethics of off-duty behaviour of the National Police officers.

Topic 7. PROFESSIONAL ETHICS OF NOTARIES

Ethical principles of notaries' activities. Rules of professional ethics of notaries of Ukraine. Ethical requirements for notarial acts. Corporate ethics of notaries. Responsibility of notaries for ethical violations.

Topic 8: OCUPATIONAL DEFORMITY

The concept of professional deformation. Deformation of moral and professional consciousness of representatives of legal professions. Types of professional deformation. The impact of professional deformation when changing the legal profession.

3. Structure of the discipline

| Sections and topics | Hours | | | | | | | | | | | |
|--|-----------|-----------|---|-----|-----|-----|-----------|-----------|----|---------|-----|-----|
| | Full-time | | | | | | Part-time | | | | | |
| | All | including | | | | | All | including | | | | |
| | | L | S | Lab | Ind | Med | | L | S | La b | Ind | Med |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Section 1. BASICS OF THE GENERAL THEORY OF ETHICS | | | | | | | | | | | | |

| | | | | | | | | | | | | |
|--|------------|-----------|-----------|--|--|-----------|------------|----------|----------|--|--|------------|
| Topic 1: Ethics as a science of morality main categories of ethics | 26 | 2 | 2 | | | 22 | 26 | 2 | 2 | | | 22 |
| Topic 2. Legal ethics | 12 | 2 | 2 | | | 8 | 12 | 2 | | | | 10 |
| Total | 38 | 4 | 4 | | | 30 | 38 | 4 | 2 | | | 32 |
| Section 2. Types of professional ethics | | | | | | | | | | | | |
| Topic 3: Professional ethics of judges. | 14 | 2 | 2 | | | 10 | 14 | 2 | | | | 12 |
| Topic 4: Professional ethics of advocates. | 14 | 2 | 2 | | | 10 | 14 | 2 | | | | 12 |
| Topic 5: Professional ethics of prosecutors. | 14 | 2 | 2 | | | 10 | 14 | | | | | 14 |
| Topic 6: Professional ethics of police officers. | 14 | 2 | 2 | | | 10 | 14 | | 1 | | | 13 |
| Topic 7: Professional ethics of notary. | 14 | 2 | 2 | | | 10 | 14 | | 1 | | | 13 |
| Topic 8: Occupational deformity | 12 | 2 | 2 | | | 8 | 12 | | | | | 12 |
| Total | 82 | 12 | 12 | | | 58 | 82 | 4 | 2 | | | 76 |
| Total hours | 120 | 16 | 16 | | | 88 | 120 | 8 | 4 | | | 108 |

4. Topics of seminar classes

| № | Name of Topic | Number of hours |
|----|---|-----------------|
| 1. | Ethics as a science of morality main categories of ethics | 2/2 |
| 2. | Legal ethics | 2 |
| 3. | Professional ethics of judges. | 2 |
| 4. | Professional ethics of advocates. | 2 |
| 5. | Professional ethics of prosecutors. | 2 |
| 6. | Professional ethics of police officers. | 2/1 |
| 7. | Professional ethics of notary. | 2/1 |
| 8. | Occupational deformity | 2 |
| | Number of hours | 16/4 |

A variety of teaching methods are used in practical and seminar classes.

Reproductive method. The students' activities are algorithmic, i.e. they are performed according to instructions, prescriptions, rules in similar situations to the one shown in the sample. Students' activities are organized on the basis of repeated reproduction of the acquired knowledge. For this purpose, various exercises, practical tasks, programmed control, and various forms of self-control are used. It is used in conjunction with the information-receptive method (which precedes the reproductive method). Together, they contribute to the formation of knowledge, skills and abilities of students, form the basic mental operations (analysis, synthesis, generalization, transfer, classification).

The partially searching or heuristic method consists in organizing an active search for a solution to the cognitive tasks set in the course of study (or formulated independently). The search for a solution takes place under the guidance of a teacher or on the basis of heuristic programs and instructions. The thinking process becomes productive. The thinking process is guided and controlled step by step by the teacher or by the students themselves through the use of programs (including computer programs) and textbooks. The method allows you to activate thinking, to arouse interest in learning at seminars and colloquia.

Research method. This method involves analyzing the material, setting problems and tasks, and giving students brief oral or written instructions. Students independently study literature, sources, conduct observations and measurements, and perform other search activities. Tasks performed using the research method should contain all the elements of an independent research process (setting a task, justification, assumptions, searching for appropriate sources of necessary information, and solving the task). This method most fully demonstrates initiative, independence, and creative search in research activities. Academic work directly develops into scientific research.

Elements of discussion (disputes, clashes of positions, deliberate exacerbation and even exaggeration of contradictions in the content material under discussion) can be used in almost any organizational form of learning, including lectures. Discussion methods are a means not only of teaching, but also of education.

One of the most effective active learning methods is **the business game**. The method reveals the personal potential of the student: each participant can diagnose his or her own capabilities, as well as in joint activities with other participants. Positive factors in the use of

business games are the activation of students' thinking, increasing the independence of the future specialist, bringing learning closer to professional activity, preparing students for professional practice; high motivation, emotional intensity of the learning process.

5. Independent work

| № | Types and content of independent work | Number of hours |
|----------|---|------------------------|
| 1. | Ethics as a science of morality main categories of ethics | 22/22 |
| 2. | Legal ethics | 8/10 |
| 3. | Professional ethics of judges. | 10/12 |
| 4. | Professional ethics of advocates. | 10/12 |
| 5. | Professional ethics of prosecutors. | 10/14 |
| 6. | Professional ethics of police officers. | 10/13 |
| 7. | Professional ethics of notary. | 10/13 |
| 8. | Occupational deformity | 8/12 |
| | Total | 88/108 |

The independent work of students is the main means of learning the educational material in their free time. Independent work includes: studying of educational material, performance of individual tasks, research work. The study time allocated for independent work of a full-time student is regulated by the curriculum and the working curriculum. The content of independent work on the discipline is determined by the program of the discipline, methodological materials, tasks and instructions of the academic staff.

The independent work of students is provided by the system of educational and methodological support provided by the program of the discipline: textbooks, teaching and methodological manuals, lecture notes, collections of tasks, sets of individual semester assignments, workshops, methodological recommendations for the organization of independent work and the implementation of individual tasks, electronic and other teaching materials, distance learning courses. Methodological materials for independent work of students should provide for the possibility of self-control on the part of the student. Relevant scientific and professional monographic and periodical literature is recommended for independent work.

Independent work on the study of educational material can take place in the Central Scientific Library of the University, classrooms, etc.

Control of the mastery of the discipline's educational material assigned to independent work is mandatory.

6. Individual task

The control work in the discipline "International Tax Law" is provided in the form of test tasks or detailed answers to questions. For part-time students, the test may be in the form of an essay.

Topics of abstracts:

1. Competence as an indicator of a lawyer's professional skill.
2. Qualification certification of a lawyer.
3. Place and social appointment of a lawyer.
4. Professional deformation of the lawyer and legal nihilism.
5. Professional duty, its structure.
6. The concept of "method, structure of legal deontology".
7. Place and social purpose of a lawyer in society.
8. Personnel policy of the state in the legal sphere.
9. Psychological structure of a lawyer.
10. Conflicts in legal practice.
11. Professional and legal culture of a lawyer.
12. Legal forms of state activity.
13. Competence as an indicator of a lawyer's professional skill.
14. Qualification certification of a lawyer.
15. Disciplinary responsibility of legal work.
16. Legal activity as a type of social activity.
17. Content and types of legal activity.

7. Teaching methods

The training is conducted using methods of maximum student activation during classes by organizing business games, performing creative tasks, preparing presentations, abstracts, reports and messages.

Students' self-study and group assignments are stimulated in order to acquire teamwork skills and find solutions to problems on their own.

8. Methods of control

The following methods of knowledge control are used in teaching students:

- conducting current knowledge control;
- checking the performance of individual tasks by students: homework and independent work (in class and using the Google Classroom platform);
- module control of students' knowledge.

Control methods are methods of diagnostic activities that allow for feedback in the learning process in order to obtain data on learning progress and the effectiveness of the learning process.

Control measures determine the compliance of the level of knowledge, skills and abilities acquired by students with the requirements of regulatory documents on higher education.

Self-control is intended for self-assessment by higher education students of the quality of learning of the educational material of the discipline (section, topic). To this end, the textbooks for each topic (section), as well as the methodological developments for seminars, provide questions for self-control.

The departmental control is carried out to assess the level of students' training in the discipline at different stages of its study and is carried out in the form of entrance, current, milestone and semester control.

The following types of control of learning outcomes are used in the educational process: entrance, current during the semester, tests provided for in the curriculum, acceptance of individual tasks, term papers, final semester, deferred control.

The entrance control is conducted before the study of a new course in order to determine the level of students' training in the disciplines that support this course. The entrance control is carried out at the first lesson on tasks that correspond to the programs of previous study. The results of the control are analyzed at departmental (interdepartmental) meetings and meetings of methodological commissions together with academic staff who teach the supporting discipline. Based on the results of the incoming control, measures are developed to provide individual assistance to students and adjust the educational process.

Current control is carried out at all types of classroom classes during the semester. Current control can be conducted in the form of an oral survey or written control during practical, seminar classes, lectures, in the form of a colloquium, student presentations during the discussion of issues in seminars, in the form of computer testing, etc. Specific forms of current control and criteria for assessing the level of knowledge are determined by the program of the discipline. The results of the assessment of students' work must be communicated to students in a timely manner. The form of current control is the rector's control works. The results of the assessment of rector's tests can be counted as the results of the control work provided for in the curriculum.

The final semester control in the discipline is a mandatory form of assessment of student learning outcomes. It is conducted within the time limits established by the schedule of the educational process and in the amount of educational material determined by the program of the discipline. Semester control is conducted in the form of a test.

Semester test is a form of final control, which consists in assessing the students' mastery of lecture material, as well as their performance in practical classes.

The maximum number of points a student can receive in a semester test is 40.

The grade of the final control is set according to the national scale as the sum of the points gained by the higher education student during the semester when performing the control measures provided for by the program of the discipline and the points gained in the semester test.

The maximum amount of points that a student can gain in the study of a discipline is 100.

9. Scoring scheme

The total number of points is 100.

The number of points for an exam / test is 40.

The number of points during the semester is 60:

Number of points for answers in seminars $\sum 40 = 40$:

Calculation formula

$$\sum 40 = \frac{\sum 1}{\sum 2} \times 8 \text{ (eight)}$$

Note:

$\sum 40$ is the sum of the maximum number of points

$\sum \Sigma 1$ - the sum of points received by the student for answers in seminars.

$\sum 2$ - number of seminars during the semester.

8 - coefficient

Control work - 10 points.

| Current control | | | | | | Individual task | Control work provided for in the curriculum | Total | Exam /Final test | Sum |
|-----------------|----|----|----|----|----|-----------------|---|-------|------------------|-----|
| T1 | T2 | T3 | T4 | T5 | TN | | | | | |
| $\sum 40$ | | | | | | 10 | 10 | 60 | 40 | 100 |

T1, T2 ... TN – topics.

Answer in the seminar class - 1-5 points.

Scoring scheme for part-time students

| Current control, independent work, individual tasks | | | | | |
|---|--|--------------|----|------|-----|
| Individual task (abstract) | Defense of an individual task (abstract) | Control work | | Exam | Sum |
| 30 | 10 | 20 | 60 | 40 | 100 |

Assessment criteria for oral answers.

The current control is carried out, in particular, in the form of a survey and verification of the results of presentations at seminars and practical classes on a five-point grading scale.

5 points are awarded under the following conditions:

- the student works actively throughout the practical class;
- gives a complete, correct, consistent, coherent, well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and references to current legislation;
- everything presented should demonstrate a deep understanding and orientation in the phenomena and processes under study;
- correct and comprehensive answers to additional questions from the teacher.

4 points are assigned under the following conditions:

- the student works actively during the practical lesson;
- gives a correct, complete summary of the textbook content and material presented by the teacher, but answers additional control questions posed by the teacher to determine the depth of understanding and ability to navigate the phenomena and processes with only some help from the teacher or colleagues;
- insufficiently comprehensive answers to additional questions posed by the teacher.

3 points are assigned under the following conditions:

- the student behaves passively in class, responds only when called upon by the teacher;

- generally demonstrates knowledge of the main educational material under consideration, but makes mistakes during the answer and realizes them only after the instructor's instructions;

- answers to questions not immediately, but only after some memory strain, and the answers are unclear;

- is unable to draw correlations with other problems of the discipline being studied without the teacher's help;

2 points are assigned under the following conditions:

- makes significant mistakes or skips the material altogether and partially corrects these mistakes only after the instruction of the teacher;

- the student shows ignorance of a significant part of the educational material, presents it illogically and uncertainly, there are pauses and interruptions in the answer, cannot explain the problem, although he/she understands it;

- does not present the material in a coherent and consistent manner.

1 point is given under the following conditions:

- the student makes gross mistakes in the presentation of the material and does not correct these mistakes even when pointed out by the teacher;

- demonstrates a lack of understanding of the material and, as a result, a complete lack of skills in analyzing phenomena and in the subsequent performance of practical tasks.

Assessment criteria for control and examination/credit papers.

Control and examination (credit) papers are performed in writing. A control paper consists of 10 test tasks, and an examination/scoring paper consists of 40 test tasks. Each test task has four answer options, only one of which is correct; one point is awarded for each correct answer.

Rating scale

| The sum of points for all types of educational activities during the semester | Score on the national scale | |
|---|------------------------------|-----------------------------|
| | On a four-level rating scale | On a two-level rating scale |
| 90-100 | excellent | credited |
| 70-89 | good | credited |
| 50-69 | satisfactory | credited |
| 1-49 | unsatisfactory | unaccredited |

10. Recommended Books

Basic literature

1. Lozovoy V. O., Petryshyn O. V. Professional ethics of a lawyer. X.: Pravo, 2004. 176 p.
2. Ethics: education. manual / [V. O. Lozovoy and others]; under the editorship V. O. Lozovoy; National law Acad. of Ukraine named after Yaroslav the Wise. - K.: Yurinkom Inter, 2007. - 223 p.
3. Professional ethics of a lawyer: educational and methodical guide (in diagrams) / by science. ed. Prof. V. S. Blihora. Lviv: PP "Aral", 2018. 108 p.

Supporting literature

1. Ethics of a lawyer: a collection of abstracts of reports and messages of participants of the round table (November 21, 2019) / edited by T. B. Vilchik, Ya. O. Kovaleva. Kharkiv: National law University named after Yaroslav the Wise, 2019. 307 p.
2. V. M. Sushchenko European and international standards of the legal profession in the context of the functioning of the legal system of Ukraine / V. M. Sushchenko // Scientific notes of NaUKMA. – 2016. – P. 22 – 25.
3. Slyvka S. S. Legal deontology: legal ethics. Professional culture: textbook / S. S. Slyvka; Lviv state University of Internal Affairs. - [kind. 3rd, revision. and additional]. - K.: Atika, 2006. - 295 p.
4. Umanets O.V. Etiquette in the space of communication and professional activity of a lawyer: [study. manual]. / O. V. Umanets, M. V. Tsenko. - Kh.: Kolegium, 2011. - 147 p.
5. Chuprynskyi B. O. Philosophical and legal aspects of the formation of professional culture future lawyers: a monograph / B. O. Chuprynskyi; Volyn national University named after Lesya Ukrainka. – Lutsk: V. V. Zakharchuk, 2012. – 140 p.

Links to information resources on the Internet, video lectures, other methodical software

1. www.rada.gov.ua
2. www.nbu.gov.ua
3. www.idpnan.gov.ua