

## Розділ 2. Педагогічна наука



**Столярчук Л. Б.,**

викладач кафедри іноземних мов Національного університету "Львівська політехніка"



**Яшин Н. Ю.,**

викладач кафедри іноземних мов Національного університету "Львівська політехніка"

### CHARACTERISTICS OF PROFESSIONAL AND PERSONAL QUALITIES OF A LEGAL SPECIALIST

*The article considers the personality and professional life of a legal specialist. The analysis of the scientific and pedagogical literature on the problem is conducted. The aspects of a range of legal professions are analysed. Professional and personal qualities of a legal professional are determined. The lawyer's role in the society is discussed. Examples of his/her intolerant behaviour are examined. Objectives and skills necessary for the effective legal practice are outlined.*

**Key words:** lawyer, personality, judge, prosecutor, investigator, legal adviser, barrister, notary.

**Formulation of the problem.** The importance and prestige of the legal profession has always been high enough, but it is becoming especially popular nowadays when we are facing dramatic events in our country and the corresponding significant changes in people's lives. A lawyer is assigned a weighty role in modern society consisting in strengthening the ideals of justice and equality. Legal practitioners tend to occupy leading positions among specialists whose moral aspects of professional activity are extremely essential. They are obliged to respect the law as well as to assert and protect the interests of citizens. Legal professionals are set high moral requirements due to exceptional people's trust explained by the fact that they frequently decide their fate.

Nowadays Ukraine needs a new generation of lawyers able to work in new dynamic social, economic and political realities. A lawyer, as a specialist characterized by high social activity, must possess appropriate professional ethics, strength of moral convictions, legal and psychological culture. V. Zelenetskyi notes that "only a professionally competent lawyer on both theoretical and practical levels can effectively perform the professional duties" [4, p. 48]. It is necessary to provide law enforcing bodies and agencies with the competent staff not only having excellent knowledge in the field of law, but also endowed with such professional and personal qualities that meet moral standards and universal values since highly-qualified lawyer's activity greatly depends on his / her personal characteristics.

---

**Analysis of recent research and publications.** The issue of ethical lawyer's conduct is highlighted both in the academic literature on legal deontology and in specialized scientific works of such researchers as H. Hrebenkov, V. Lozovyi, S. Slyvka, D. Fiolevskyi, O. Khomenko, V. Tkachenko, S. Pogrebniak D. Lukianov, I. Bryzhalov, S. Husarev, A. Tykhomyrov. Psychological and pedagogical aspects of lawyers' professional activity are discussed in the works of A. Bandurka, S. Bocharova, O. Zemlianska, V. Vasyliiev, V. Ryzhykova, V. Zelenetskyi. Professionally significant qualities and individual personal characteristics are considered by O. Kotykova, O. Kobets, V. Medvedev, V. Sushchenko. V. Kikot, A. Stoliarenko, etc. However, professionographic analysis of legal specialists, its psychological aspects are still not sufficiently developed and require further research.

**The purpose of the article** is to identify professional and personal characteristics of a lawyer crucial for the effective legal practice According to the purpose, the key objectives of the study are determined: to analyze professional aspects of certain legal specialists; to define the basic skills of a lawyer required for productive daily work; to distinguish professional and personal qualities of a legal professional.

**Presentation of the main material.** A lawyer is a specialist "possessing legal knowledge, however, not only general information on law and the state, but also professional, that is basic and specialized knowledge" [2, p. 22].

Law faculty graduates can hold positions as judges, prosecutors, investigators, legal counsels, barristers, notaries, etc. Let us consider the characteristic features of each of these professions in order to find out what professionally significant qualities should be formed in the process of psychological and pedagogical training of future lawyers at universities in Ukraine.

In accordance with the constitutional principles of separation of powers, the judiciary in Ukraine is exercised by independent and impartial courts. A judge is a representative of the state power, who is entitled to "exercise justice based on the Constitution and laws of Ukraine, being guided by the rule of law" [3]. A judge "provides everyone with the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine and international treaties" [3]. This presupposes a high level of professionalism and personal responsibility for passing a fair and thoroughly weighted decision in every legal case. A judge should deliver a judgement without being subjected to any external pressure from privies and representatives of power-holding structures. For sentencing the defendant he / she must carefully hear both parties and their delegates, take into account the views of all participants of a lawsuit, objectively evaluate and correlate the information provided. His / her responsibilities also include the task of organizing the conduct of those present in court as well as ensuring the observance of legal procedure, etc.

The prosecution bodies supervise the observance of the law in Ukraine, including the comprehensive consolidation of supremacy of the law, strengthening the rule of the law and protection of public relations from illegal encroachments. A major objective for prosecutors is to exercise control and supervision functions. The circle of high supervisory bodies includes the Cabinet of Ministers of Ukraine, ministries, state committees, local government administrations, public associations and individual officials. In addition, the prosecutor's supervision covers the activities of bodies fighting crime, carrying out punishment, keeping detainees in custody and the demesne of military departments, units and subunits of the Armed Forces of Ukraine, the bodies of Security Service of Ukraine and other military formations. We should also take into consideration that aspect of a prosecutor's activity when a prosecutor acts as a participant of a trial for the reason that under current law one of the main functions of the prosecutor's office is to maintain public prosecution and participate in court trials. A characteristic aspect of this part of his / her job is that in case of the prosecution support, the prosecutor is directly involved in studying the research evidence and submits his / her views to the court on applying criminal law and defining penalties. Consequently, by his / her actions the prosecutor promotes the adoption of an objective decision on the case without encroaching the independence of the court.

---

---

The investigator's activity is an integral part of the legal proceedings through which social justice is exercised. The main task of this specialist is to investigate and solve crimes for their further consideration in courts. The society binds the investigation officers with the ability to prevent criminal acts, search the culprits and bring them to responsibility, protect victims of offenses, ensure legality, safety and security of citizens. Besides, this profession requires a developed intelligence and logic in order to ensure a detailed study of factual circumstances to avoid false accusations. Speaking of investigator's activity, it is important to mention the inquiry as a form of investigation because communication with different groups of citizens is one of the main ways to obtain information. Investigators should be able to find contact with perpetrators, to control the psychological state of people, to guide the conversation in the necessary direction, to carry out legal education of offenders. The nature of the investigators' work also presupposes the necessity to seek cooperation with various agencies, officials and organizations.

The institution of advocacy acts as a reliable legal guaranty of human rights protection and giving legal aid that requires possessing specialized legal knowledge and skills. Barristers provide a wide range of legal services to all segments of the population, especially in cases when you cannot do without a qualified lawyer's intervention. Barrister's activity deals with compensations for damages, return of lost property, division or inheritance of marital property, privatization of housing, failure to fulfill contractual obligations by the enterprise management, providing legal assistance to companies, organizations, institutions in matters of legal support of their activities. Barristers also fulfill their responsibilities in protecting and representing the interests of people in the process of inquiry and preliminary investigation, they are usually involved in the conduct of litigation, etc. In criminal and civil proceedings they often face sharp conflicts and contrarities. So, barrister's participation in a civil trial in Ukraine involves representing and protecting subjective property, moral rights and personal non-property interests of citizens and juridical persons protected by the law along with assisting the court in thorough, complete and objective clarification of the actual circumstances of the case, rights and obligations of the parties.

Notary activity is an integral part of the chain of legal actions and procedures carried out systematically in all areas of legal practice. The main tasks of its implementation rely on the notarial system, which is defined as a system of bodies and officials entrusted with the duty to certify the law and the facts of legal significance and do other notarial acts according to law with the aim of granting them legal authenticity. Notary activity manifests itself in situations where there is a need to apply to the body or institution, to enter contractual legal relationships with another person and confirm them officially, to certify officially the authenticity of facts or documents. Moreover, in the course of their functional responsibilities notaries are designed to strengthen the regime of legality in the country, enhance the level of law and order, protect property relations, create conditions for the full exercise of the rights and lawful interests of citizens and prevent the facts of offences. Notaries mostly handle legal documents, the activity involving absolute attention, accuracy, record keeping, proper mode of storage, preparation procedure, approval, following all the necessary stages.

The main function of legal advisers is ensuring various forms and methods of work of the organizational structure that uses his / her legal services. Legal advisers provide aid for enterprises, institutions, organizations, public associations, private companies, interstate associations, etc. In the broadest sense, legal advisers give advice on law matters. However, the actual organization of legal activity involves the use of other forms of work: participation in the formulating, concluding and monitoring the implementation of economic agreements and contracts with other enterprises, institutions and organizations; checking financial stability of customers, clients and partners; prevention of crime in the production and organization of preventive measures; representing and protecting the interests of the organization in other bodies and institutions; organizing and ensuring proper implementation of legislative acts, other regulatory acts and documents; presenting proposals to the management concerning legal issues of industrial, economic and social activity of the enterprise; coordinating and direct involvement in formulating orders and other acts of the

---

company; verification of draft orders and acts submitted for signature to the head of the company for compliance with the legislation; monitoring acts adopted by heads of structural units for correspondence with statutes; legal representation of the enterprise interests in courts and other bodies during consideration of legal issues and disputes; participation in the formulation and concluding collective agreements, providing legal assistance to employees in need of social defense; ensuring the accurate application of labour, housing, pension and other legislation affecting the rights and legitimate workers' interests.

Thus, the activity of a legal specialist is complex and versatile. Each legal profession is characterized by a high level of responsibility and an excessive level of emotional tension. O. Bandurka, S. Bocharova and O. Zemlianska state that "the young man who selects the legal profession should assess not only its social prestige but also its high responsibility towards serving justice" [1, p. 37]. Professional responsibility of a lawyer denotes "the ability of any representative of the legal profession to report back to himself and another person, society and state for the results of his professional activity and on the basis of such statements receive positive or negative assessment of his professional activity" [5, p. 6].

The specificity of lawyers' professional activity appears to be the fact that in their work they face particular moral situations which are usually not found in other professions, so ethical and moral aspects are very essential in their daily practice. Interpersonal communication constitutes a significant percentage of lawyer's work. It includes talks with offenders, interrogations, negotiations, speeches in court, counseling. Legal activities presuppose interaction with various groups of people as they constantly have to come into contact with different officials, heads of government bodies, representatives of companies and institutions. Therefore, the role of communication in professional activities of a lawyer is so great that it often plays a leading role in it. In order to perform all these functions effectively, lawyers must possess a number of personal moral qualities to become true professionals in their field.

Today we can observe such unethical types of behaviour in the legal field as rudeness, sharpness, impulsiveness, incorrectness, tactlessness, aggression, arrogance on the part of the investigator, prosecutor, judge, barrister in relation to certain categories of people. Prosecutors and barristers sometimes tend to lose their temper during the debate in court while the judge's sentence frequently depends on the bias against some people. Notaries and lawyers often show a lack of respect and tolerance in dealing with clients. Most lawyers are trying to impose their personal points of view and their will on other participants in the dialogue, ignoring the opinion of interlocutors. There are cases when lawyers put in the forefront their personal philosophical and moral beliefs, the desire to realize and demonstrate their authority. In the legal field we can often encounter cynicism, dishonesty, ambition for power, negligence, cruelty, opportunism, etc.

Lawyers require a high level of ethics, since ignoring values and morals could lead to violations of law, abuse of power and position, permissiveness and injustice. To a large extent the disclosure of the committed criminal acts and ascertaining the truth in criminal and civil cases, imposing just punishment for criminals greatly depends on the culture of their behaviour. According to W. Bradley Wendel, "the task of legal education, and specifically of legal ethics education, might include training lawyers to be better at making moral judgments" [6, c. 1071-1072].

In this regard, the lawyer should protect the citizens' rights and freedoms; identify and understand the main causes of the client's situation that have resulted in the need for remedial activities; be able to communicate at the appropriate level and build relationships with people of different social strata; be able to negotiate, establish productive personal and business contact with the client; plan the tactics of interpersonal interaction; take into account age, ethnic, social, religious and other characteristics of the client when interacting with him / her; be able to work in teams and collaborate with other professionals; clearly define the strategy and tactics of the required behaviour to ensure a positive solution to the legal problem; know the methodology of work with juvenile offenders and children left without parents; control their actions in difficult situations; objectively assess all the facts to make a fair judgment; show respect for colleagues and all

---

members of the legal process; exclude discrimination on racial, national, property or other characteristics; adhere to the principles of the lawyer's ethics; own the culture of behaviour and speech; respect the honour and dignity of every person; be able to prevent conflicts, eliminate misunderstandings, get out of the conflict situations; monitor the compliance with laws and ethical norms of society; rule out of their behaviour rudeness, arrogance, contempt; express the essence of his / her position with tolerance, adequately defend and justify his / her point of view; keep secret all the information concerning the client, except where disclosure is permitted or required by rules of professional conduct or the law; show concern for troubles and misfortunes of others, including the ones who committed crimes because of difficult life situations; abstain from any personal feelings of animosity since reasonableness, self-control, calm tone and mutual courtesy beneficially influence the course of the discussion; display self-critical attitude to oneself, one's own position and reasoning, the ability to recognize mistakes and find opportunities for ceasing disputes; listen to the interlocutor, no matter what the importance of his / her problem is, analyze and take into account the people's arguments; understand the feelings and anxieties of others; give oneself wholly to the fight for the man and his rights; establish psychological contact with people; be able to put oneself in the other person's place; find common ground with different people; establish and maintain trusting relations; be able to convince people and influence them in dealing with various kinds of working problems; possess the ability to conduct concurrent cases.

In order to perform all the duties of everyday work efficiently representatives of the legal profession should possess such professional and personal qualities as fairness, humanity, impartiality, self-criticism, correctness, respect for others, courtesy, tact, sensitivity, ethics, goodwill, readiness to help, culture of behaviour, exactingness, honesty, consideration, tolerance, attentiveness, restraint, power of observation, purposefulness, persistence, shrewdness, creative thinking, organizational skills, sense of justice, integrity, diligence, discipline, responsibility, sociability, conscientiousness, flexibility, accuracy, punctuality, logical thinking, communication skills, agility, decency, conscience, dignity, empathy, compassion, self-control, determination, leadership, loyalty, adherence to principles.

**Conclusions.** Legal activity requires the ability to interact and collaborate with others, to create a microclimate of spirituality around itself. Lawyers need to possess a broad outlook and a high level of civic consciousness, to be considerate towards the needs of employees, clients and colleagues. The main factor of success in the lawyer's professional activity is the system of professional and personal qualities crucial for him / her as a professional. This system includes a set of personality characteristics, professional knowledge and skills that ensure success in achieving the goals, objectives and particular stages of professional legal activity. Applying them in their daily work and communication with people is a manifestation of the lawyer's moral culture. Having professional and personal qualities of an investigator, judge, prosecutor, barrister or notary characterizes their spiritual and moral image and determines the level of their professionalism. Every lawyer should maintain high standards of professional conduct and should encourage other lawyers to do likewise. A lawyer's motto should be: "If you work with people – be a human yourself". It is worth remembering that the manifestation of respect for the opinions of others is the key to respect for your own beliefs. The formation and development of these qualities is a prerequisite for professional development of a legal specialist. Insufficient development of these qualities prevents a lawyer from proper implementation of the functional responsibilities and generating errors in his / her work. Therefore, calls for ethics have become central to legal education. Nurturing ethical qualities of students is a way to humanize the society, thus, proclaiming the course for humanization in the sphere of higher education constitutes a vital necessity for Ukraine nowadays.

The prospects for further scientific studies towards the personality development of future lawyers is believed to be the research of educating moral qualities of law students in the process of studying in higher educational establishments.

### References

1. Бандурка А. М. Юридическая психология : учебник / Бандурка А. М., Бочарова С. П., Землянская Е. В. – Харьков : Изд во Нац. ун-та внутр.дел, 2001. – 640 с.
2. Бризгалов І. В. Юридична деонтологія : короткий курс лекцій / І. В. Бризгалов. – К. : МАУП, 2000. – 48 с.
3. Закон України про судоустрій та статус суддів [Електронний ресурс]. – Режим доступу : <http://zakon3.rada.gov.ua/laws/show/1402-19/page>. – Назва з екрана.
4. Зеленецкий В. С. Компетентность специалиста (о теоретической компетентности практиков и практической компетентности теоретиков) / В. С. Зеленецкий // Весы Фемиды. – 2000. – № 4 (16). – С. 48–57.
5. Сущенко В. М. Професійна відповідальність юриста : деонтологічні та правові проблеми / В. М. Сущенко // Наукові записки НаУКМА. Юридичні науки. – К. : Видавничий дім "КМ Академія", 2002. – Т. 20. – С. 4–7.
6. Wendel W. Bradley Moral Judgement and Professional Legitimation / W. Bradley Wendel // Saint Louis University Law Journal. – Vol. 51. – 2007. – pp. 1071–1090.

### **Столярчук Л. Б., Яшин Н. Ю. Характеристика професійно-особистісних якостей фахівців юридичного профілю**

Стаття присвячена вивченню особистості та професійної діяльності фахівців юридичної сфери. Здійснено аналіз науково-педагогічної літератури відповідно до теми дослідження. Проаналізовано аспекти діяльності окремих юридичних професій. Виокремлено професійно-особистісні якості фахівця юридичного профілю. Охарактеризовано роль юриста в суспільстві. Розглянуто приклади неетичної поведінки представників юридичної професії. Визначено завдання та вміння юриста, необхідні для ефективної юридичної практики.

**Ключові слова:** юрист, особистість, суддя, прокурор, слідчий, юрисконсульт, адвокат, нотаріус.

### **Столярчук Л. Б., Яшин Н. Ю. Характеристика профессионально-личностных качеств специалистов юридического профиля**

Статья посвящена изучению личности и профессиональной деятельности специалистов юридической сферы. Осуществлен анализ научно-педагогической литературы в соответствии с темой исследования. Проанализированы аспекты деятельности отдельных юридических профессий. Выделены профессионально-личностные качества специалиста юридического профиля. Охарактеризована роль юриста в обществе. Рассмотрены примеры неэтичного поведения представителей юридической профессии. Определены задания и умения юриста, необходимые для эффективной юридической практики.

**Ключевые слова:** юрист, личность, судья, прокурор, следователь, юрисконсульт, адвокат, нотариус.