



NORWEGIAN
HELSINKI COMMITTEE



Partner Group
Precedent

SCHOOL OF PRECEDENTS

ABOUT THE «SCHOOL OF PRECEDENTS»

«School of Precedents» project is aimed at counteracting corruption, development of good governance and establishment of a fair trial by activating legal community.

The purpose of the «School of Precedents» is to develop a good governance and to establish a fair trial through the dissemination and promotion of the new style of legal representation, based on the legal and uncompromising defend of the client's interests or the public interest.

In order to achieve the goal, stated above, a training on various case categories have been organized for law graduates, including promotion of the public interest, changing the vicious practice in the government system. Mentors - experienced lawyers and attorneys supervised case management. Precedents set mutually by participants and mentors, have been distributed as analytical and informational materials.

Implementation of the project «School of Precedents» (V set) has been made possible thanks to the financial support from the Norwegian-Helsinki Committee.

METHODOLOGY OF THE «SCHOOL OF PRECEDENTS»

Following methods have been used to implement the Project:

a) Educational process.

The “School of Precedents” is based on solving real, legal problems of clients. Following approach has been used at the School – at the beginning, law graduates (hereinafter – participants) immersed in a practical problem, and subsequently theoretical classes generalized gained experience. Through this approach, participants learned information about existing mechanisms for protection more efficiently.

Mentors – experienced lawyers and attorneys have played an important role in the educational process. They guided participants, consulted them on emerging theoretical and practical questions. At the periodic working meetings, participants presented to group practical problems, encountered during promoting their precedents. They also received instruction from mentors and other participants; thus, enriching with experience of other participants, and in turn, sharing their experience with them.

1) Participant gradually drawn into a consistent process of work on a particular case. In the first stage, he/she practiced in the art of listening to the stories of clients and wording the legal problem in the context of its solution. Participants figured out details on their own, worked on formulation of the legal problem and ways to solve it.

2) In the second stage participants practiced in development of legal texts. Depending on the nature of the legal problem, identified by participant and chosen plan of action to resolve it, he/she determined competent state authority and developed an appeal to a Court or the other State body.

3) In the third stage participant directly came into contact with authorities, registered the claim, have been at the meetings with officials in interests of clients, spoke in Courts, and in general, mastered judicial procedures.

4) In the fourth stage participants, who have already faced some critical, conflict situations due to defense of client’s interests, turned out to be prepared for a detailed analysis of ethical issues, emerged during their practice.

5) In the final phase of the project, a specialized training on the problem of professional burnout, including the issue of emotional involvement in client’s problems, was conducted. Professional psychologists conducted training.

In each of the abovementioned stages, the specialized training was conducted after participants received the experience described in each step. This approach had been chosen for a better comprehensibility of practical experience and more constructive dialogue between all members of the «School of Precedents».

Besides specialized trainings, trainings on additional topics were conducted, such as:

1. «Legal guarantees of access to information»;
2. «Administrative legal proceedings»;
3. «To the court with popcorn! Or transparency and openness of legal proceedings»;
4. «Civil accusation»;
5. «About the detention in an administrative order»;
6. «Development of legal expertise on law drafts».

b) Usage and shaping the public opinion.

Precedents, set by participants and their mentors have been described and distributed in social networks and media in the form of informational and analytical publications.

MENTORS AND PARTICIPANTS OF THE «SCHOOL OF PRECEDENTS»

Following expert-mentors and coordinator contributed to the implementation of the project «School of Precedents»:

**Toktakunov Nurbek Akbarovich,
Kazanbaeva Zarema Ravilevna,
Koylubaeva Asel Kantemirovna,
Yakupbaeva Fatima Abdybohodirovna.**

As a result of a competitive selection process, ten person (law graduates, beginning lawyers) were recruited to participate in the «School of Precedents». The participants are as follow:

**Abdikaarov Beksultan Abdisalievich
Aydaakeeva Nakinay Seytkazievna
Kenzhebekova Jibek Kenzhebekovna
Marazhabbay kyzy Asel
Muratbekova Gulnaz Muratbekovna
Ormushev Arstanbek Sagynalievich
Rakieva Rahima Kubatbekovna
Temiralieva Aisuluu Apilmazhunovna
Chotygulov Chyngyz Bolotbekovich
Eraliev Edil Dzhanbolotovich**

Due to the objective reasons, not all the participants were able to participate in the «School of Precedents» until its completion. Seven people attended for the whole duration of the project.

NURBEK TOKTAKUNOV

mentor of the «School of
Precedents» Project

Director, Public Union «Partner Group Precedent»

Nurbek Toktakunov is an author of idea of the «School of Precedents» project.

When establishing it, aimed at activating the legal community through involving people who are not involved in corruption phenomena. He is confident that existence of corrupt relations allows low-skilled lawyers successfully to carry out law practice that consequently discredit legal profession and destroys the legal field. Thus, it is obvious that there is a need for existing training courses for the law graduates.

The need for existence of a special site aimed at delivering practical, and most importantly, legal experience to law graduates, caused by the established practice of impossibility for them to get a job without work experience. They are experiencing certain difficulties in employment, while there is an acute shortage of practicing, and most importantly, competent lawyers in society.



ZAREMA KAZANBAEVA

mentor of the «School of Precedents»
Project

Private practice lawyer, Ph.D., Associate Professor
at the Department of Civil Law and Procedure, Law
Institute of KNU named after J. Balasagyn.



Zarema Kazanbaeva is a theorist and a practitioner in one person. According to Zarema, her activities within the framework of the project «School of Precedents,» were a small fraction invested in the treasury of skills and abilities of law graduates (who participated in the project), who receive a diploma from the university, and did not become a lawyer on paper but they become already lawyers to the bone. In fact, when obtaining a higher education diploma, Law Faculty graduate should already know exactly what he wants from life, what a place to take on it, what kind of work (meaning specialization) attracts him more and most importantly, he should have an idea of where, and who does he wants to work. Students' participation in the «School of Precedents» allows them to give answers for all the questions posed above.

Because of using such opportunities as the «School of Precedents» project, they already stand on the full basis to the cohort of those practitioners who are proven to be direct engines of progress in their field and movers of national legislation process transformation as well.

ASEL KOYLUBAEVA

mentor of the «School of Precedents»
Project

Attorney, Legal Programs Coordinator, Public Fund
«Voice of Freedom»

Asel Koylubaeva – lawyer with a considerable experience in the field of human rights defence at the national and international levels. Asel’s activities in the «School of Precedents» marked in consulting project participants and experts themselves on legal issues. Having a unique experience in the field of human rights defense, she was able to make a positive influence on the development of independent legal practices by participants of the «School of Precedents». Asel sees the «School of Precedents» as a kind of a «source of manpower», a feature which is to create environment for increasing and improving its legal capacity, through a constructive exchange between beginning and experienced lawyers.

The result of the «School of Precedents» is to produce competent, and most importantly, demanded lawyers.



FATIMA YAKUPBAEVA

coordinator of the «School of
Precedents» Project

Senior Lawyer, Public Union «Partner Group
Precedent»



Fatima Yakupbaeva thanks to her leadership skills coordinated already the fifth set of the «School of Precedents». Fatima, as every lawyer of the Partner Group «Precedent» has gained successful experience in disputing in a Court of acts and omissions of public authorities and their officials to protect public interest. She thinks, that the «School of Precedents» is a platform where every aspiring lawyer, being truly eager to master features of judicial procedures, tactics of managing cases in courts and knowledge of client psychology, will be able to obtain such knowledge. This achieved not by giving a detailed explanation of all the nuances of legal skills by experienced lawyers, but obtaining this knowledge through their own trials and errors, through realizing their responsibility for their own decisions. The feature of making such decisions is in the existence of a unique opportunity for each participant of the «School of Precedents» in receiving, when necessary, an impartial and expert advice from an experienced lawyer.

BEKSULTAN

ABDIKAAROV

participant of the «School of Precedents» Project

22 years old, 4th year student of the Law Faculty of Kyrgyz National University named after J. Balasagyn

Beksultan's expectations of participation in the «School of Precedents»

When applying to the "School of Precedents" I had expected to learn a lot. Particularly, what is the mechanism of implementation the theoretical knowledge in practice. Often, it have not been easy in the sense of «thinking out is one thing, but feeling is very different». Eventually, I understood that the beginning lawyer is like a baby, who takes his first steps and the time for which he learns to speak depends only on his initiatives.

For Beksultan «School of Precedents» - is...

For me personally, as a person who had no experience in something like that, «School of Precedents» has become a place for new acquaintances. Thanks to my schoolmates for their support, together we supported one another as if a big family and we got a great start for the process to continue. Thanks to the Partner Group «Precedent», to our mentors and participants, I realized that everybody had started once just as we did. People say «the most difficult is to start» and thanks to «School of Precedents» it has been my start too.



NAKINAY AYDAKEEVA

participant of the «School of Precedents» Project

27 years old, master degree student at the State Law Academy under the Government of the Kyrgyz Republic



Nakinay's expectations of participation in the «School of Precedents»

My expectations had not been very high, i.e. participating in School, I have gained a lot of experience and knowledge, which could not even imagine. In particular, I could not imagine that I will be able to speak in Court, to defend my rights and represent the interests of citizens. Thanks to the «School of Precedents», I have overcome this fear, and this would be important for me in the future. Certainly, «School of Precedents» has given me a strong practice, where I felt like a real lawyer. I have noted for myself, that studying only theory is not enough. It has been here where I had an opportunity to fulfill myself as a lawyer using the knowledge acquired.

For Nakinay «School of Precedents» - is...

The very first and most real experience, where I experienced the actual practice of a lawyer, where I was able to represent the interests of citizens, and to learn what subtleties and facets are in meeting with clients.

I am grateful to all the team of Partner Group «Precedent» for the given opportunity, especially to Fatima – a brilliant lawyer, Nurbek Akbarovich and Zarema.

JIBEK KENZHEBEKOVA

participant of the «School of
Precedents» Project

22 years old, 5th year student of the State Law
Academy under the Government of the Kyrgyz
Republic

Jibek's expectations of participation in the «School of Precedents»

My expectations have been met to a greater extent, than I thought. I have acquired small but valuable and necessary experience for me, learned a lot of new and useful information, have made many conclusions about the legislation of my country, learned to consult clients and to find ways to solve their problems; develop legal texts, participate and represent clients in Courts, etc.

For Jibek «School of Precedents» - is...

An excellent school, that gives great opportunities to prepare for the independent legal practice. It is a friendly team of highly intelligent, interesting, cheerful and smart people who are connected with the desire to gain experience in the field of jurisprudence and to share their knowledge with one another.



ASEL MARAZHABBAY

KYZY

participant of the «School of Precedents» Project

21 years old, 4th year student of the Law Faculty of Kyrgyz National University named after J. Balasagyn



Asel's expectations of participation in the «School of Precedents»

From my side I thought that there would be a clear guidance from mentors within the project about how to act in a particular situation in dealing with cases. However, it turned out that a mentor only recommends, and sometimes very strongly recommends what to do and how to act. Thus, puts you in a position free of his opinion, at which the decision depends on you. In other words, what would be your next steps you know only yourself. The biggest professional acquisition for me has been the realization that the «feeling» of the client's case through passing through myself the emotional state of mind is not a tool of getting a complete case insight and solving its problems. The lawyer should abstract in order to understand the problem and solve it.

For Asel «School of Precedents» - is...

A platform, where, despite your inexperience, you make decisions yourself and manage cases independently. Effectiveness depends only on your initiative.

GULNAZ

MURATBEKOVA

participant of the «School of
Precedents» Project

22 years old, 4th year student of the State Law
Academy under the Government of the Kyrgyz
Republic

Gulnaz's expectations of participation in the «School of Precedents»

My expectations of participation in the «School of Precedents» had been to learn the theory in practice, receive the possibility of observing activities of our mentors and a coordinator, as well as the possibility of a direct participation in Court hearings as a practicing lawyer. I am sure my expectations have been fully met, because I have learned a lot of interesting, useful, and above all, practical information.

By this, I mean gaining skills to communicate with clients and learning the limits for their defense, the proper development of legal texts, gaining knowledge about professional and personal requirements to a lawyer, even including how a lawyer should dress. In general, in addition to the above, I have raised my legal capacity in procedural legislation and practical implementation of the right to access to information.

For Gulnaz «School of Precedents» - is...

A place where you can learn a lot, share experiences, discuss problems and find their solutions, where it is interesting and pleasant to be.



AISULUU TEMIRALIEVA

participant of the «School of Precedents» Project

21 years old, 4th year student of the State Law Academy under the Government of the Kyrgyz Republic



Aisuluu's expectations of participation in the «School of Precedents»

While practicing in the «School of Precedents» I wanted to consolidate my theoretical knowledge and to apply it directly in practice, learn to write legal documents, consult people on legal issues, participate in the trials and just to get acquainted with the work of a lawyer.

When participating in the project «School of Precedents» I have gained useful skills in the legal field, particularly from trainings. I have received the skills of proper legal writing and could implement in practice the acquired knowledge (developed Lawsuits, petitions, supervisory appeal and a statement). I have participated in the Court hearings as a representative, as well as conducted interviews with clients - learned to counsel them on legal issues. All this, thanks to the trainings and consultations of mentors of the «School of Precedents».

For Aisuluu «School of Precedents» - is...

A school that provides an opportunity to fulfill the self as a professional lawyer.

EDIL ERALIEV

participant of the «School of
Precedents» Project

23 years old, graduate of the State Law Academy
under the Government of the Kyrgyz Republic

Edil's expectations of participation in the «School of Precedents»

I had expected to obtain a lot from the «School of Precedents» and I can say with confidence that the most of my expectations have come true that I am very pleased to. I have learned a lot of useful and necessary information that I am going to use in the future in the legal field. Now, I rate my legal capacity quite high in comparison with knowledge I possessed prior to «School of Precedents». Now I feel myself more legally skilled than before participating in this project and grateful to the «School of Precedents» for that.

For Edil «School of Precedents» - is...

A flagship that gave me support, knowledge and invaluable experience.



RESULTS AND ACHIEVEMENTS OF THE «SCHOOL OF PRECEDENTS»

7

LAWYERS TRAINED FOR INDEPENDENT LEGAL PRACTICE

MORE THAN

1000

LEGAL CONSULTATIONS DELIVERED

20

PRECEDENTS STARTED IN DEFENSE OF PRIVATE AND PUBLIC INTERESTS

11

ARTICLES OF ANALYTICAL AND INFORMATIONAL NATURE ABOUT MANAGING PRECEDENTS BY PARTICIPANTS OF «SCHOOL OF PRECEDENTS» PUBLISHED

1

1

EDUCATIONAL AND SPECIALIZED TRAININGS FOR PARTICIPANTS OF «SCHOOLS OF PRECEDENTS» ORGANIZED

**PARTICIPANTS OF THE «SCHOOL OF
PRECEDENTS» CARRIED OUT JUDICIAL
PROTECTION ON THE FOLLOWING BRANCHES
OF LAW:**

CRIMINAL CASES

ADMINISTRATIVE CASES

CIVIL CASES (SPECIFIC TYPES OF CONTRACTS)

LABOUR DISPUTES

FAMILY LEGAL RELATIONSHIP

HEREDITARY LEGAL RELATIONSHIP

LAND LEGAL RELATIONSHIP

№	TITLE OF INITIATED PRECEDENTS	Participant
1	«Bringing to administrative responsibility for illegal construction»	Abdikaarov Beksultan
2	«Restoring the period for the right to adopt inheritance».	Abdikaarov Beksultan
3	«Illegitimacy of pasture lands' transformation in the territory of suburban village».	Aydakeeva Nakinay
4	«Requesting the information from the jurisdiction of local governments».	Aydakeeva Nakinay
5	«Jogorku Kenesh's (Kyrgyzstan's Parliament) violation of deadlines for consideration of application (recommendations)».	Aydakeeva Nakinay
6	«Invalidation of transactions that deprive property rights of a pensioner subjected to fraud».	Kenzhebekova Jibek
7	«Return of property to the pensioner».	Kenzhebekova Jibek
8	«Family wilds: collecting the alimony as a fixed amount. Division of common acquired property».	Kenzhebekova Jibek
9	«Disputing the inactivity of a judicial executor».	Kenzhebekova Jibek
10	«Exaction of the sum of money by the loan certificate».	Kenzhebekova Jibek
11	«Relative wanted to leave a widow with six children without a property».	Marazhabbay kzy Asel
12	«Provision of an improper legal assistance».	Marazhabbay kzy Asel
13	«Civil monitoring of the process of medicines procurement».	Marazhabbay kzy Asel
14	«Recognition of property rights on the basis of acquisitive prescription».	Marazhabbay kzy Asel
15	«Disputing the legality of ownership between relatives».	Muratbekova Gulnaz
16	«Defense of labor rights of teachers»	Muratbekova Gulnaz
17	«A half-million claim of a businessman to a lonely pensioner».	Temiraliyeva Aisuluu
18	«Recognition of inactivity of the Ministry of Justice of the Kyrgyz Republic to be illegal»	Temiraliyeva Aisuluu
19	«A large scale fraud in respect of more than 10 pensioners»	Eraliev Edil
20	«Disputing the determination of the share of a minor child at the time of privatization of real estate».	Eraliev Edil

PROJECT ACHIEVEMENTS

1. Raising the legal capacity of current students, master students and graduates of law schools, participated in the project.

As mentors noted, at the beginning of the project «School of Precedents» they observed the pattern of emotional involvement of participants with regard to case management. It is thought to be related to the appearance of the first opportunity for practical experience and desire to prove the ability to provide legal assistance only with a positive result of a case. During the project, some positive changes in handling case management by young lawyers have been noted, for example, changes in the tactics of case management and professional level of questions asked. Procedural legal documents drafted by participants were presented for editing to mentors and had almost insignificant comments that did not affect the content of these documents. Comments were only to a form or a style of procedural documents drafted.

In general, there was a steady growth of professional skills in drafting documentation, development of procedural judicial standards. In addition, there was a confident assessment of the situation to promote cases, case vision and its prospects in the legal development.

2. Results of initiated judicial precedents.

Of 20 court precedents initiated, eight precedents have reached positive result of management and completion. The rest of the precedents are in the process of initiating or have an intermediate character of consideration in Courts.

3. Development of legal expertise on law drafts that are under consideration in the legislative body.

By the end of completing the programme of the «School of Precedents», each participant independently developed a legal expertise to draft law, which is currently under consideration in Jogorku Kenesh (Parliament) of the Kyrgyz Republic. Developed expertises were sent to the address of Jogorku Kenesh of the Kyrgyz Republic.

№	Legal expertise on Law draft	Participant
1	«On Amendments to the Criminal Code of the Kyrgyz Republic» (initiative on amending the article «Involvement in prostitution»)	Abdikaarov Beksultan
2	«On amendments and additions the Law of the Kyrgyz Republic «On Public Service»	Aydakeeva Nakinay
3	On Amendments to the Criminal Code of the Kyrgyz Republic (initiative to introduce the article «Looting»)	Kenzhebekova Jibek
4	On Amendments to the Civil Code of the Kyrgyz Republic (initiative to introduce changes to the rules on the names of legal entities)	Marazhabbay kyzy Asel
5	On Amendments to the Civil Code of the Kyrgyz Republic (initiative to change the norm on demolition of unauthorized construction)	Muratbekova Gulnaz
6	On Amendments to the Law of the Kyrgyz Republic «On universal military duty of citizens of the Kyrgyz Republic, on military and alternative service»	Eraliev Edil