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#### Note from the Field

Access to Justice Amid War in Ukraine Gateway

# TRANSFORMATION OF BAR IN WARTIME IN UKRAINE: ON THE WAY TO SUSTAINABLE DEVELOPMENT OF JUSTICE (ON THE EXAMPLE OF THE ODESA REGION)<sup>1</sup>

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**Summary:** 1. Introduction. – 2. Activity of Attorneys` Self-Governing Bodies of Ukraine in Wartime. – 3. Social Protection of Attorneys of Ukraine. – 4. Advocacy and Free Legal Aid. – 5. Volunteer Movement in Odesa Bar. – 6. Conclusions.

**Keywords:** Bar, advocacy, attorney, war, martial law, Bar in wartime, functions of the Bar.

## ABSTRACT

**Background:** Russia's war against Ukraine, launched on 24 February 2022, had determined new conditions for the existence of Ukrainian society, the state, and all fields of activity. The Bar was no exception. As an institution of civil society that protects human rights and interests, the Bar is an integral element of fair justice, the right which is inviolable even in wartime. However, the war made its corrections and created new rules, determining the specificity of the attorneys' activity, their behaviour, and the activity of the attorneys' selfgoverning bodies in wartime.

The article presents the analysis of the peculiarities of functioning of the Bar of Ukraine in wartime on the example of the Odesa region. Its choice is due to the history and ancient traditions of Odesa Bar, whose representatives have already experienced periods of military aggression, and the available information about the results of its activity in wartime in the modern period. In wartime, it is impossible to obtain and systematize such data regarding the whole territory of Ukraine because part of the state is under occupation, and active hostilities are taking place on the other part.

The author's analysis was based on the decisions of the Odesa Regional Bar Council, the results of the activity of the Odesa Regional Qualification and Disciplinary Commission of the Bar, the results of their interaction with the Odesa Regional Military Administration, Odesa City Council, volunteer formations, volunteer organizations and foreign colleagues.

**Methods:** The authors used a chronological method, synthesis and a method of information analysis. Actual statistical and empirical data are used for proper argumentation of the conclusions.

**Results and Conclusions:** A conclusion was made about the internal consolidation, as well as the external ability of the Bar to act together with civil society institutions and public authorities in countering the armed aggression against Ukraine.

## **1 INTRODUCTION**

The unique role of the Bar in public life, its specific features, such as independence, freedom in practising law, corporate spirit and high ethical requirements for attorneys, determine the persistent interest of researchers in legal science in the issues of development of this critical human rights institution. The mission and contribution of the Bar to the achievement of the public good, which humanity has observed throughout the centuries, consists of protection of human rights and freedoms and the provision of legal aid on a professional basis. At the same time, ideas about the Bar are changing under the influence of political transformations, development of legal relations, updating of the legislation that regulates them, technical progress, globalization, and transformation of social needs.

Russia's war against Ukraine, launched on 24 February 2022, led to new conditions for the existence of Ukrainian society, the state, and all fields of activity. The Bar was no exception.



As an institution of civil society that protects human rights and interests, the Bar is an integral element of fair justice. A person's right to a fair trial is inviolable even under martial law<sup>4</sup>. Continuity of functioning of the judicial protection system requires the courts and the Bar to transform to ensure a stable basis and effectiveness of its activity. At the same time, the war made its corrections and created new rules, determining the specificity of the activity of attorneys, their behaviour, as well as the activity of the attorneys' self-governing bodies in wartime.

Studies of the organization and activity of the Bar institute in wartime are not so common, although such studies certainly exist<sup>5</sup>. This may be explained by the characteristics of such a phenomenon as war, which dictates its rules, requirements, and consequences, as well as prevails over the established order of life in society.

In wartime, during hostilities or when territories are under occupation, the militarization of civil society, when the human rights field suffers especially, the state of affairs in the Bar reflects the level of problems in this field.

Our article aims to demonstrate the peculiarities of functioning of the Bar of Ukraine in the conditions of the legal regime of martial law on the example of the Bar of Odesa region. This region's choice is not accidental but is due to several reasons.

(a) Odesa Bar has its long and glorious history: the first reliable data date back to 1795 and relates to the activity of the magistrate's court in Odesa. Lists of attorneys who worked at Odesa Commercial Court, established in 1808, have also been preserved<sup>6</sup>.

If we draw historical parallels, our predecessors, Odesa attorneys, knew what it was like to work under martial law. Combat operations on the territory of the city and region took place during the First World War (events of 1918-1919), the Civil War and the Red Terror (1919-1921), as well as during the Second World War (defence, occupation and liberation of Odesa in the period of 1941-1944). The state of war led to some restrictions, including the impossibility of practising law and the population's access to legal aid, as well as to a significant reduction in the number of attorneys in the region. The Organizational Bureau of Odesa Region Panel of Attorneys, a unique management structure that operated exclusively in the period from April 1944 to 26 January 1950<sup>7</sup>, had to work hard to restore the state of human rights protection activity in the Odesa region, replenish Odesa Bar with new personnel and ensure the quality of the provided legal aid.

Today, in the 21<sup>st</sup> century, Odesa Bar is again experiencing the hardships of war and working under martial law.

(b) The war resulted in a limitation of the tools capable of ensuring data completeness for all Ukraine regions. Currently, it is possible to offer only separate data on the activity of the Bar, both temporally (from 24 February 2022 till present) and territorially (in Odesa or other separate regions of Ukraine). Thus, it is currently possible to analyze only partial

<sup>4</sup> O Uhrynovska, A Vitskar, 'Administration of Justice during Military Aggression against Ukraine: The "Judicial Front" 2022 3 (15) Access to Justice in Eastern Europe 1-10.

<sup>5</sup> For example: Lawyers in Wartime: Conference, symposium (*Calenda*, 2 December 2014) <<u>https://calenda.org/309742></u> accessed 30 May 2022; C Chenu, 'Le Barreau De Paris Pendant La Guerre' (1916) 33 (4), Revue Des Deux Mondes (1829-1971) 782-805 <<u>http://www.jstor.org/stable/44818537</u>) accessed 30 May 2022; F Biddle, 'The Lawyer in Wartime' (1943) 19 (6) North Dakota Law Review 146-148 <a href="https://commons.und.edu/ndlr/vol19/iss6/2>">http://www.jstor.org/stable/44818537</a> accessed 30 May 2022; F Biddle, 'The Lawyer in Wartime' (1943) 19 (6) North Dakota Law Review 146-148 <a href="https://commons.und.edu/ndlr/vol19/iss6/2>">http://www.jstor.org/stable/44818537</a> accessed 30 May 2022; F Biddle, 'The Lawyer in Wartime' (1943) 19 (6) North Dakota Law Review 146-148 <a href="https://commons.und.edu/ndlr/vol19/iss6/2>">https://commons.und.edu/ndlr/vol19/iss6/2></a> accessed 30 May 2022; BJ Hibbitts, 'Martial Lawyers: Lawyering and War-Waging in American History' (2014) 13 (2), 10 Seattle Journal for Social Justice <a href="https://digitalcommons.law.seattleu.edu/sjsj/vol13/iss2/10">https://digitalcommons.law.seattleu.edu/sjsj/vol13/iss2/10</a>> accessed 30 May 2022.

<sup>6</sup> Y Bronz, N Rudnytska et al, Bar of Odesa and Odesa region: historical essays: monograph (ed N Bakayanova, Odesa 2020) 16-18.

<sup>7</sup> ibid, 226-246.

information, which, however, will allow us to draw certain conclusions for the future. Obtaining such information became possible in the Odesa region thanks to the Bar Council of Odesa Region.

The study of this information is essential because it is reliable and covers the situation in Odesa Bar, which generally reflects the peculiarities of functioning of the Bar in wartime in Ukraine. This information and conclusions based on it may be used in further scientific research to identify trends and predict the direction of the development of Bar in the postwar period.

The basis of our research was the chronological method, the method of analysis and synthesis of information. For proper argumentation of the conclusions, we also used statistical and empirical data based on the authors' observations and experience, as well as their long-term monitoring of the problems of functioning of the Bar in Ukraine.

We hope our article will be interesting and valuable to everyone interested in the Bar's development and sustainable functioning of the justice system.

#### 2 ACTIVITY OF ATTORNEYS` SELF-GOVERNING BODIES OF UKRAINE IN WARTIME

On 24 February 2022, on the day of the introduction of martial law in Ukraine, an extraordinary meeting of the Odesa Region Bar Council was held, at which the members of the Council determined priority steps and made important decisions:

- on the specificity of arrangement of the Council's work in the conditions of martial law, including in remote mode;
- on the establishment of permanent coordination of activity with the Bar Council of Ukraine (hereinafter referred to as the 'BCU');
- on the establishment of the Coordinating Centre for helping attorneys<sup>8</sup>.

The Chairman of the Bar Council of Odesa Region, by his Order as of 24 February 2022,<sup>9</sup> determined the rotation schedule of the members of the Council for prompt response to any urgent problems of the attorneys.

From 24 February 2022 to 24 May 2022, 6 meetings of the Bar Council of Odesa Region were held: three scheduled and three unscheduled<sup>10</sup>. During the scheduled meetings, decisions were made to forward 22 people for passing internships and issue the Licenses to Practice Law to 75 people<sup>11</sup>. It should be noted that at the time of martial law, the Bar Council of Ukraine delegated part of its powers to the regional councils: in particular, as regards the production of Licenses to Practice Law and Attorneys' ID cards, following the established requirements, taking into account technical capabilities<sup>12</sup>.

<sup>8</sup> Information provided by the Odesa Region Bar Council is used hereinafter in the text.

<sup>9</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>10</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>11</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>12</sup> The Bar Council of Ukraine, Decision No 31 'On Peculiarities of Issue by the Region Bar Councils of the Attorneys ID cards of Ukraine in Martial Law' (2022) (16 March 2022) <a href="https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-16-r-shennya-rau-31\_62443af4cde30.pdf">https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-16-r-shennya-rau-31\_62443af4cde30.pdf</a>> accessed 30 May 2022.



Unscheduled meetings of the Bar Council of Odesa Region were held to settle the establishment of the Attorneys' Volunteer Centre, making decisions on the allocation of the funds for the needs of the Armed Forces of Ukraine and volunteer formations participating in protection and defence of Ukraine<sup>13</sup>.

As to the arrangement of the Qualification and Disciplinary Commission of Odesa Region Bar Association (Commission), the Head of the Commission, by his Order as of 28 February 2022, suspended the activity of the Commission<sup>14</sup>. However, in order to enable those who expressed their intention to become an attorney and pass the qualification exams on the eve of the war, the Commission resumed its activity at the end of March 2022<sup>15</sup>.

According to the results of the meeting of the Qualification Chamber, 17 certificates of passed qualification exams were issued<sup>16</sup>.

The first meeting of the Commission's Disciplinary Chamber under martial law was held on 17 May 2022: 36 disciplinary proceedings were considered, and a decision was made to commence five disciplinary cases. By its Decision, the Bar Council of Ukraine (BCU) made amendments to clause 6.3.1. of the Regulations of the Qualification and Disciplinary Commission of the Bar, which allowed all members of the Disciplinary Chamber to participate in meetings remotely – via video conference<sup>17</sup>.

In the context of the issue of disciplinary liability of attorneys, it is worth recalling that at an extraordinary meeting of the BCU, which took place on the first day of the war, 24 February 2022, it was recommended to the disciplinary bodies of the Bar not to bring attorneys to disciplinary liability during martial law<sup>18</sup>. At the same time, the specified decision is recommendatory and, in light of observance of the principle of legality, cannot override the requirements of the Law of Ukraine 'On the Bar and Advocacy' regulating the issue of disciplinary liability of an attorney.

As of the end of May 2022, according to the data of the Odesa Region Bar Council, there are 4,346 attorneys registered in the Odesa Region (out of a total of 63,950 attorneys in Ukraine), of which 3,370 are practising law, 976 have suspended the License to Practice Law.

It is necessary to pay attention to the fact that data on the attorneys are not available to the general public: by the Decision of the BCU, to prevent threats to the lives of attorneys and in order to protect personal data about attorneys during the period of declared martial law, the personal data of attorneys placed in the Unified Register of Attorneys of Ukraine was closed for public access<sup>19</sup>.

<sup>13</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>14</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>15</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>16</sup> Official information was provided by the Odesa Region Bar Council at the request of the co-author of the article. There are currently no published data.

<sup>17</sup> The Bar Council of Ukraine, Decision No 34 'On Amendments and Additions to the Regulations of the Higher Qualification and Disciplinary Commission of the Bar, the Regulations of the Qualification and Disciplinary Commission of the Bar of the Region and Regulations on the Procedure for Accepting and Reviewing Complaints Regarding the Attorney's Improper Behavior that may Result in His Disciplinary Responsibility' (2022) (25 March 2022) <https://unba.org.ua/assets/uploads/legislation/ rishennya/2022-03-25-r-shennya-rau-34\_625694d14f74f.pdf> accessed 30 May 2022.

<sup>18</sup> The Ukrainian National Bar Association, Bar Council of Ukraine called on attorneys for mutual support and created a single information center <a href="https://unba.org.ua/news/7309-rau-zaklikala-advokativ-do-vzaemnoi-pidtrimki-ta-stvorila-edinij-informacijnij-centr.html">https://unba.org.ua/news/7309-rau-zaklikala-advokativ-dovzaemnoi-pidtrimki-ta-stvorila-edinij-informacijnij-centr.html</a>> accessed 30 May 2022.

<sup>19</sup> Bar Council of Ukraine, Decision No 22 'On Closing Public Access to Personal Data of Attorneys in the Unified Register of Attorneys of Ukraine' (2022) (2 March 2022) <a href="https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-02-r-shennya-rau-22\_62443775bdf77.pdf">https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-02-r-shennya-rau-22\_62443775bdf77.pdf</a>> accessed 30 May 2022.

Currently, it is difficult to obtain reliable data on the number of attorneys of the Odesa region who joined the ranks of the Armed Forces of Ukraine and territorial defence. In Odesa, only five applications were submitted by attorneys to suspend legal practice in connection with mobilization, but this in no way reflects the accurate picture of mobilization of attorneys in the region.

In accordance with the Decision of the BCU in March, during the period of martial law, failure to submit data to the Unified Register of Attorneys of Ukraine on suspension of legal practice in connection with military or alternative (non-military) service by attorneys shall not be considered a disciplinary offence<sup>20</sup>. Thus, systematization of the information in this part, both at the regional level and throughout Ukraine, may be possible only after the war's end.

#### **3 SOCIAL PROTECTION OF ATTORNEYS OF UKRAINE**

Among the wartime challenges faced by the legal community of Ukraine, the following ones may be specified: death of attorneys; severe injuries received by attorneys as a result of military actions; loss of housing and property by attorneys; forced evacuation of attorneys from the occupied territories and territories where hostilities are taking place; problematic economic situation, and in certain areas –absence of any income.

The **Ukrainian National Bar Association**<sup>21</sup> (hereinafter referred to as the 'UNBA') has the necessary financial and organizational resources to assist attorneys and their family members. Continuing the traditions of legal philanthropy, the All-Ukrainian charitable organization 'Charity Foundation for Attorneys' Support' was established by the Decision of the BCU to provide material support to attorneys and their family members who find themselves in difficult life circumstances<sup>22</sup>. In martial law conditions in Ukraine, the Foundation's activity is of particular importance. Any attorney registered with the Unified Register of Attorneys of Ukraine may receive charitable assistance.

In addition, during the martial law, a new body was created within the structure of the National Association of Attorneys of Ukraine – the Board of Trustees- to distribute charitable assistance to attorneys<sup>23</sup>. According to the Report 'International Charitable Assistance for UNBA during martial law'<sup>24</sup>, from March to May 2022, the UNBA received financial assistance from colleagues from different countries, including Germany. As of May 2022, the Board of Trustees approved more than 330 applications from attorneys affected by the war, only 5 of which came from the attorneys of the Odesa region. Compared with other regions

Bar Council of Ukraine, Decision No 24 'On the Peculiarities of Military or Alternative (Non-Military) Service by Attorneys during Martial Law' (2022) (3 March 2022). <a href="https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-24-r-shennya-rau-24\_6244383f5d80a.pdf">https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-24-r-shennya-rau-24\_6244383f5d80a.pdf</a>> accessed 30 May 2022.

<sup>21</sup> **The Ukrainian National Bar Association** (hereinafter – the UNBA) was established pursuant to the Law of Ukraine 'On the Bar and Practice of Law' and is the all-Ukrainian non-governmental non-commercial and non-profit professional organization that unites all of the advocates of Ukraine with the aim of ensuring the implementation of the objectives of legal profession. It was established on the basis of professional membership.

<sup>22</sup> Bar Council of Ukraine, Decision No 6 'On Establishment of the All-Ukrainian Charitable Organization' Charity Foundation for Attorneys Support' (2014) (28 February 2014) <a href="https://unba.org.ua/assets/uploads/legislations/rishennya/2014.02.28">https://unba.org.ua/assets/uploads/legislations/rishennya/2014.02.28</a>- rishennya-6.pdf> accessed 30 May 2022.

<sup>23</sup> The Board of Trustees was created to distribute charitable assistance to attorneys during martial law (headline from the screen) <a href="https://unba.org.ua/news/7324-dlya-rozpodilennya-blagodijnoidopomogi-advokatam-pid-chas-voennogo-stanu-stvorena-opikuns-ka-rada.html">https://unba.org.ua/news/7324-dlya-rozpodilennya-blagodijnoidopomogi-advokatam-pid-chas-voennogo-stanu-stvorena-opikuns-ka-rada.html</a>> accessed 30 May 2022.

<sup>24</sup> National Association of Lawyers of Ukraine, Report 'International Charitable Assistance for UNBA during martial law' (2022) <https://unba.org.ua/news/7433-naau-oprilyudnila-zvit-pro-mizhnarodnublagodijnu-pidtrimku-v-period-voennogo-stanu.html> accessed 30 May 2022.



(Kyiv city – 32 applications, Kyiv region – 55, Donetsk region – 143, Kharkiv region – 43)<sup>25</sup>, this number of applications looks insignificant, but the events in the Odesa region during the spring of 2022 were significantly less destructive.

Interaction of Ukrainian attorneys with foreign colleagues to support attorneys is carried out in various directions:

- employment,
- internship,
- provision of accommodation for attorneys,
- facilitating admission to practice in foreign jurisdictions.

At the regional level, based on the results of online communication between the Odesa Region Bar Council and Polish attorneys (Lodz), assistance was provided in placing five families of Odesa attorneys who are being evacuated to the Republic of Poland.

The system of assistance to attorneys by the attorneys' self-governing bodies in Ukraine is essential in the conditions of martial law when the level of the professional workload of attorneys has significantly decreased. Many attorneys were also forced to leave the regions where they lived and practised law, due to danger to life or active hostilities in these regions.

## 4 ADVOCACY AND FREE LEGAL AID

According to the Council of Judges of Ukraine, during the war in Ukraine, about 11,500 court judgements were entered into the Unified State Register of Court Judgements every day. In pre-war times, this figure was about 30,000 court judgements per day<sup>26</sup>. Despite such understandable dynamics, a person's constitutional right to judicial protection cannot be limited. No shortened or accelerated procedures for the administration of justice are permitted. Attorneys protect the rights of clients in courts in accordance with the law.

In connection with martial law, new categories of cases appeared in the courts with no previous case law, which is currently being developed. Those include as follows:

- cases on speeding up adoption, determining the child's place of residence under the circumstances of martial law;
- compensation for the damages caused as a result of military actions;
- establishment of legal facts, such as a fact of death or birth under the circumstances of martial law and hostilities;
- labour disputes in the context of changes to legislation caused by martial law;
- cases of crimes provided for in Art. 111 (treason), Art. 113 (sabotage), Art. 114 (espionage), and Art. 438 (violation of laws and customs of war) of the Criminal Code of Ukraine (hereinafter referred to as the CrimPC), and others.

In order to provide methodical and informational support to attorneys, to comply with their professional duty to raise their professional level, webinars on current issues of legal practice are held permanently. At the same time, by Decision of the BCU No. 30 as of 16 March 2022,

<sup>25</sup> National Association of Attorneys of Ukraine, Report 'International Charitable Assistance for UNBA during martial law' (2022) <a href="https://unba.org.ua/news/7433-naau-oprilyudnila-zvit-pro-mizhnarodnublagodijnu-pidtrimku-v-period-voennogo-stanu.html">https://unba.org.ua/news/7433-naau-oprilyudnila-zvit-pro-mizhnarodnublagodijnu-pidtrimku-v-period-voennogo-stanu.html</a>> accessed 30 May 2022.

<sup>26</sup> Ucraina, presidente Consiglio dei Giudici: 'Italia favorisca contatti con Rete europea dei consigli di giustizia' 2022 (Adnkronos, 05 April 2022) <a href="https://www.adnkronos.com/ucrainapresidente-consiglio-dei-giudici-italia-favorisca-contatti-con-rete-europea-dei-consigli-digiustizia\_3FmHIW2KzxkkuMjTFICVyV> accessed 30 May 2022.</a>

attorneys during martial law shall be exempted from the requirement to obtain the required annual number of points for professional development<sup>27</sup>.

The martial law made adjustments to advocacy in providing free legal aid, regulated by the Law of Ukraine on Free Legal Aid<sup>28</sup>. Thus, the number of attorneys providing free legal aid has decreased (primarily due to evacuation and mobilization of attorneys); legal aid is provided online, by phone, in instant messengers, and by e-mail. At the same time, attorneys continue to provide protection against criminal charges and represent persons in courts on behalf of the centres to provide free legal aid.

According to the Coordination Centre for free legal aid, as of May 2022, 126 attorneys provide free legal aid in the Odesa region, of which 62 are working in the region and 64 practice law in the city of Odesa<sup>29</sup>.

In martial law conditions, public access to the Unified State Register of Court Judgments, the 'Status of Case Consideration', and 'List of Pending Cases' services is limited. The primary means of communication between attorneys and the court are phone calls, e-mail, a mailbox in the electronic document exchange system on the official web portal of the judiciary of Ukraine, and even Facebook Messenger.

The need to increase the efficiency of providing legal aid in wartime also simplified the attorney's authorization procedure. According to Decision of the BCU No. 45 as of 29 April 2022<sup>30</sup>, during martial law, the attorney's office or attorney's association shall be allowed to issue a warrant without sealing it with a seal of a legal entity and without the signature of the head of an attorney's association or attorney's office. Legal relations between an attorney and attorney's association, attorney's office shall be regulated by the internal documents of such legal entities.

As in other regions of Ukraine, there is a curfew in the Odesa region. In order to remove obstacles to the provision of legal aid, first of all, when defending in criminal proceedings, at the request of the Council to Odesa Regional Military Administration, 318 permits for free movement during the curfew were issued to attorneys for the period of martial law: in March – to 108 attorneys, in April – to 101 attorneys, in May – to 117 attorneys.

#### 5 VOLUNTEER MOVEMENT IN ODESA BAR

A separate field of activity of the attorneys' self-governing bodies of the Odesa region is volunteering and assisting internally displaced persons and refugees who are not attorneys. A volunteer movement was formed at the Bar Council of the Odesa Region, which united the region's attorneys.

The Decision of the Bar Council of the Odesa Region established the Attorneys' Volunteer Centre on 1 March 2022. Working almost 24 hours a day, the Centre actively interacts with

<sup>27</sup> Bar Council of Ukraine, Decision No 30 'On Suspension of Clauses 19, 20 of the Procedure for Improving the Qualifications of Attorneys of Ukraine during Martial Law in Ukraine' 2022 (16 March 2022) <a href="https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-16-r-shennya-rau-30\_62443a81789d9.pdf">https://unba.org.ua/assets/uploads/legislation/rishennya/2022-03-16-r-shennya-rau-30\_62443a81789d9.pdf</a>> accessed 30 May 2022.

<sup>28</sup> Law of Ukraine of 2 June 2011 'On Free Legal Aid' <a href="https://zakon.rada.gov.ua/laws/card/3460-17">https://zakon.rada.gov.ua/laws/card/3460-17</a>> accessed 30 May 2022.

<sup>29</sup> Attorney's duty schedule for May 2022: Odesa region <a href="https://www.legalaid.gov.ua/wp-content/uploads/2022/05/grafik-dlya-pilotu-odesa-traven-2022-1.xlsx">https://www.legalaid.gov.ua/wp-content/uploads/2022/05/grafik-dlya-pilotu-odesa-traven-2022-1.xlsx</a>> accessed 30 May 2022.

<sup>30</sup> Bar Council of Ukraine, Decision No 45 'On Amendments to the Regulation on the Warrant for Provision of Legal Aid' 2022 (29 April 2022) <a href="https://unba.org.ua/assets/uploads/legislation/rishennya/2022-04-29-r-shennya-rau-45\_627a445521cd1.pdf">https://unba.org.ua/assets/uploads/legislation/ rishennya/2022-04-29-r-shennya-rau-45\_627a445521cd1.pdf</a>> accessed 30 May 2022.



Odesa Region Military Administration and its Coordination Humanitarian Headquarters, Odesa City Council, Odesa Region Territorial Centre for Enlistment and Social Support, a military hospital, volunteers' formations, and volunteer organizations. Aid amounting for several million hryvnias was provided to families with many children, single parents, persons with disabilities, internally displaced persons, families, families of military personnel. Food, baby food, children's hygiene items and children's clothes were distributed, as well as medicines and medical goods for hospitals and surgery centres. Uniforms, helmets, body armour, knee pads, tactical gloves, large platoon medical aid kits with mobile stretchers for evacuation of wounded fighters, as well as individual first-aid kits, formed by attorneys with their own hands, were sent to the Armed Forces of Ukraine. In addition, delivering drinking water to the city of Mykolaiv for civilian residents in volumes of 4.4 to 8.8 tons of clean water per day is carried out almost daily, despite shelling and lack of fuel.

Analyzing volunteering activity of the Bar, it is worth noting that the provision of financial assistance and practical support by attorneys not only to attorneys but also to the Armed Forces of Ukraine, refugees, and displaced persons, regardless of whether they are attorneys, assistants or trainee attorneys, goes beyond the boundaries of the areas of activity of the professional association of attorneys, defined by the Article of Association of the UNBA. Such activity somewhat goes beyond the understanding of advocacy exclusively as an element of the justice system, which is of interest for further research of the functions of the Bar. It is believed that the volunteering activity of the attorneys' self-governing bodies, attorneys, attorneys' bureaus and attorneys' associations reveals the nature of the Bar as an institution of civil society.

#### 6 CONCLUSIONS

The Bar of Ukraine in wartime showed internal consolidation, as well as external ability to act side by side with civil society institutions and public authorities to achieve the joint task of countering the armed aggression against Ukraine. At the same time, protection of human rights and freedoms remains the primary task of the Bar, and the principles of its organization and activity must be observed as a condition for the proper implementation of the Bar's activity, ensuring independence, autonomy and professionalism of this unique human rights institution.

Despite the threats and challenges faced by Ukrainian attorneys due to the war, they exert all their strength and involve all possible resources (physical, intellectual, financial, communication) to ensure sustainable functioning of justice in the state, prevent violations of human rights to a fair trial and adequate legal aid. The Bar in Ukraine is developing its potential and opening new horizons for legal practice.

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