



## **PARTICIPATION OF THE ATTORNEY IN THE PROCESS OF EVIDENCE IN THE CIVIL COURT**

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### **Abstract:**

The article reveals the role of a lawyer for solving the tasks of preparing civil cases for trial, provided for by the law, reflects the participation of a lawyer in the process of proving, the specifics of the lawyer's assistance to the court in solving each problem, taking into account the current civil procedural legislation of the Republic of Uzbekistan. The norms of the Law of the Republic of Uzbekistan "On the Bar" and the provisions of the Civil Procedure Code and other regulatory legal acts of the Republic of Uzbekistan are analyzed.

**Keywords:** civil cases, preparation for trial, tasks, decision, assistance of a representative lawyer.

It is known that the protection of a citizen, the protection of his rights, freedoms and legitimate interests, both in the broad and narrow senses, should be a priority for the activities of any state. The proclamation in the Constitution of the Republic of Uzbekistan of the right to protection and receiving qualified legal assistance as one of the foundations of a democratic society predetermines the need for the practical implementation of this right.

That is why the goal of state policy aimed at protecting the rights of freedoms and interests of society and a citizen should be to build such institutions of power and civil society that would adequately cope with the tasks assigned to them in this area.

The bar is a unique institution, since it is it that is called upon to assist in the protection of the rights and freedoms of citizens. The bar is independent and is often opposed to the state mechanism of law enforcement, it also ensures the proper protection of the rights and interests of society in resolving legal conflicts in it.

A representative lawyer, carrying out his activities in civil proceedings, implements certain functions, solves problems and helps to achieve the goals established by civil procedural legislation and the Law of the Republic of Uzbekistan "On the Bar". The goals and objectives set for a lawyer can be realized using a wide range of methods and means of advocacy that are not available to representatives who do not have lawyer status. Poor-quality legal assistance, untimely and ineffective, may serve as grounds for holding a lawyer liable in accordance with the Law on the Bar.





Focusing on Art. 3 of the Law on the Bar, it can be stated that a lawyer is a person who has received the status of a lawyer and the right to exercise the functions of a lawyer. Based on this, we can say that a lawyer must be professional, competent and prepared for public speaking.

It is important to analyze some theoretical and practical aspects of the work of a lawyer at the stages of initiation and preparation of a civil case.

The acceptance of an order to conduct a case is closely related to the concept of a legal position in a case, since this is the result of a positive assessment of the client's material and legal position. The degree of effectiveness of a legal position in a case can be made dependent on certain qualities that it must meet: 1) conciseness; 2) compliance with the law, evidence and common sense; 3) persuasiveness.

When developing a position on the case, the lawyer conducts an analysis of the case, the position on which has factual and legal aspects. The first component of the position implies a clear and precise presentation of events and facts of reality. The second component is related to legal requirements that must be correctly substantiated in order to achieve a positive outcome for the principal.

From the moment of acceptance of the order for judicial representation, the duties of a lawyer include maintaining a dossier - (lawyer proceedings in a civil case), which reflects all materials of legal significance.

When preparing for the case, attention should be paid to the need for the lawyer to determine the subject of proof and the range of evidence to be collected for submission to the court. Lawyers can request certificates, characteristics and other documents necessary in connection with the provision of legal assistance (the rules that a lawyer must remember in this case are contained in Article 69 of the Code of Civil Procedure of the Republic of Uzbekistan). When preparing for representation in court, a lawyer must analyze many points, in particular, the possibility of resolving the issue of deferring or installment payment of court costs or reducing their size.

As is known, the realization of the right to apply to the court takes place, incl. by filing a claim, and in cases of non-claim proceedings - by filing an application. In this regard, it should be emphasized that at this stage the correct preparation of the relevant documents is important. Undoubtedly, the drafting of procedural documents is one of the main professional skills of a lawyer, like every lawyer. The possession of such a skill in its general sense implies a set of in-depth industry knowledge in the legal specialty, the ability to think logically and competently evaluate a specific disputable situation, its factual and legal aspects, and, in addition, mastery of the rules of writing. In general, judicial proof is the activity of establishing the circumstances of a case through forensic evidence. Judicial evidence is usually considered as information





about facts obtained in the manner prescribed by law, on the basis of which the court establishes the presence or absence of circumstances substantiating the claims and objections of the parties, as well as other circumstances that are important for the correct consideration and resolution of the case. As you know, this information can be obtained from the explanations of the parties and third parties, the testimony of witnesses, written and material evidence, audio and video recordings, expert opinions. Evidence obtained in violation of the law has no legal force and cannot be used as the basis for a court decision.

At the stage of preparing the case for trial, the lawyer discusses the possibility of resolving the dispute through a settlement agreement, the conclusion of which is the result of mutual concessions by the parties.

The lawyer must first discuss with his client all issues related to his explanations in court, and explain to him that his statements will become valid only after they are confirmed by other evidence.

An important issue is the process of proof in the case, where the lawyer takes an active part in the study of material and written evidence, conducting their inspection on the spot, studying expert opinions and explanations of a specialist. It is the lawyer, as a professional lawyer who provides qualified legal assistance, who can skillfully and effectively use the rights granted to him by the power of attorney and the law. The lawyer must be correct when participating in the interrogation of witnesses, specialists and experts.

The logical conclusion of the representative activity of a lawyer is judicial debate, to which the court proceeds after the examination of evidence is completed. Judicial debates consist of speeches by the persons participating in the case and their representatives. Judicial action is not only a civil procedural action, but also a creative product, a means of education, persuasion. After all, the oratory of a lawyer should give pleasure to listeners and captivate the audience.

Summarizing all the evidence examined in court, the lawyer substantiates his legal position.

Thus, it can be concluded that the features of the activities of a representative lawyer in civil proceedings are due to its two-sided status - organizational, legal and procedural. The public law role of a lawyer in civil proceedings and the priority right to provide professional legal assistance in civil cases are recognized as special. The activity of a lawyer in civil proceedings is of fundamental and guarantee significance, which is manifested in the fact that it is the lawyer who effectively participates in the implementation of the goals and objectives of civil proceedings formulated by the legislator.





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