

**Questionnaire for the preparation of the CCJE Opinion No. 16  
on the relationship between judges and lawyers and the concrete means to improve the efficiency and  
quality of judicial proceedings**

**A. Professional ethics, conduct and responsibility of judges and lawyers**

1. Does your country have a Code of Ethics or equivalent for judges? (please specify)

*The first code of professional ethics of judges in Moldova was approved by the Judicial Conference of February 4, 2000. Code of Ethics for judges in Moldova, which is currently in force, was approved by the Superior Council of Judges no. 366/15 of 29 November 2007;*

2. Does your country have a Code of Ethics or equivalent for lawyers? (please specify)

*Code of Ethics of the Association of lawyers of Moldova (adopted by the Congress of Lawyers of December 20, 2002, with amendments adopted on 23 March 2007 by the Congress of Lawyers)*

3. Does your country have any joint codes, rules and/or regulations concerning ethics of judges and lawyers? (please specify)

No.

4. Does your country plan to establish codes, rules and/or regulations concerning professional ethics, conduct and responsibility of both judges and lawyers, or to develop the existing ones?

No.

5. Does your country have any rules and/or regulations dealing in any manner with the issues of relations between judges and lawyers or is there any intention to establish such instruments in a joint manner for both groups (judges and lawyers)? If yes, please specify

No.

6. In your opinion, what are the main principles which should govern the ethics of:

- judges ?

*independence;  
impartiality;  
officiality*

- lawyers?

*Independence  
Trust and integrity  
Professional secrecy*

**B. Training of judges and lawyers**

7. Which are, in your country, the training institutions:

- for judges ?

*In Moldova activates from 2007 National Institute of Justice*

- for lawyers?

*Law Centre of Advocates;  
Union of Lawyers*

8. Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:

- for judges ?

*Initial training*

*Continuous training*

- for lawyers?

*Initial training*

*Continuous training*

9. What is the duration of the initial training:

- for judges ?

*18 months*

- for lawyers?

*90 hours*

10. Does the initial training include issues related to the professional ethics, conduct and responsibility of judges and lawyers, their relations with each other, as well as their co-operation with a view of fair and efficient conclusion of judicial proceedings?

*The initial training include issues related to the professional ethics, conduct and responsibility of judges and lawyers etc.*

11. Are there joint training courses for judges and lawyers?

*Occasionally, not always, are joint seminars at the National Institute of Justice – lawyers, judges*

If yes:

- what is their content and duration?

*The topics are diverse, but are all dedicated enforcement substantive and procedural issues in criminal and civil matters*

- are they mandatory for judges and lawyers?

*No.*

- how are these courses funded?

*Funding is from the state and the programs of various international organizations*

If not, are they planned or discussed?

<b>C. Efficiency and quality of judicial proceedings</b>
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12. Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify.

*Only rules of criminal and civil procedure codes*

13. If not, how are they planned?

14. How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end?

*No.*

15. Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case?

*No.*

16. If yes, is such agreement compulsory?

17. Do they negotiate certain phases of the procedure?

No.

18. Are there any legal instruments (substantive or procedural) which potentially could be used by judges to ignore, to disregard or in any manner to avoid taking into consideration the claims, demands and arguments of lawyers?

*There are only general rules of criminal procedure and civil lawyer being a part of this process*

19. Are there any legal instruments (substantive or procedural) which potentially could be used by lawyers to delay the consideration of the case, or to affect in any way its fair and efficient resolution?

No.

20. To what extent does the successful interaction between judges and lawyers depend on objective factors such as legislation, structures and procedures? Are there any plans to improve them?

No.

21. To what extent does such interaction depends on subjective factors such as the patterns of behaviour of individual judges and lawyers, their understanding of their role and responsibility, and/or their wish to work together in order to improve the procedure, etc.?

22. How would you assess the relationship between judges and lawyers in your country? Are there any plans to take steps to improve the legal culture and to foster co-operation between judges and lawyers?

*Lawyers, as required by law trial are treated equally with other parties in a lawsuit (whether criminal or civil)*

#### **D. Role of judges and lawyers in responding to the needs of parties**

23. Please give some examples of co-operation between judges and lawyers in specific categories of cases (e.g. those ending in the peaceful settlement in civil claims).

*Reconciliation between the parties in criminal cases is between the defense (accused, defendant and lawyer) and the prosecution (prosecutor) and in the civil lawsuit between the parties participating in the process, without any involvement of the court, judges at the end these transactions. The court or judge is neutral in this process, only controlling compliance to the agreements of peace and if it finds that they have not violated any provisions*

24. Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent ?

*Lawyers can be judges under general rules: if participation in the contest for the position of judge. Lawyers become judges resignation only on the request without undergoing examination and testing without participating in the contest of appointment of counsel.*

25. Can lawyers act, in your country, as deputy judges and if so, under what conditions ?

No

#### **E. Judges, lawyers and media**

26. Have there been any reflections in the mass media as regards the relations between judges and lawyers and their co-operation?

No.

27. To what extent lawyers and judges comment in the media on pending cases and on judgments?

*Judges do not make comments in the media concerning certain specific cases and decisions.  
Lawyers rarely make comments in the media concerning certain specific cases and decisions.*