

R E V I E W

By Professor Dr Simeon Vladimirov Tasev

Civil and Family Law Professor

Member of the Academic Jury in the competition for the position of **Associate Professor** in Civil and Family Law at the Burgas Free University (Professional classification 3.6 Law, higher education area 3. Social, economic and law studies), announced in the State Gazette, Issue 55 dated 15th July 2022

By Order No. LS – 180 dated 09.09.2022 of the Rector of the Burgas Free University, I was appointed to be a member of the Academic Jury in the competition for the position of Associate Professor in Civil and Family Law at the BFU. There was one candidate participating in the competition – Anna Svobodenova Cholakova – a Doctor of Civil and Family Law. Acting as a member of the Academic Jury and a reviewer in the same, I think the procedure took place in complete compliance with the requirements of the Academic Faculty Development in Republic of Bulgaria Act, the Regulations for applying the AFDRBA, and the Regulations for the academic faculty development in BFU. The documents presented by the candidate were prepared according to the requirements, diligently and conscientiously.

1. Candidate details.

Anna Svobodenova Cholakova (maiden name: Kalaydzhieva) was born on 15.02.1972 in the city of Sofia. In 1990 she graduated with highest honours (Gold medal) from 133rd Secondary School “Al. S. Pushkin”, Russian Language Profile, in Sofia, and in May 1995 she graduated from the Law Faculty of the Sofia University “Sv. Kliment Ohridski”, with a specialty in Law. In the period between November 1998 and February 2002, the candidate specialised “Introduction to English Law and EU Law” at the Institute for

Continuing Education, University of Cambridge, Great Britain. On 1st June 2015 she defended a dissertation on the topic of “Child Recognition in Bulgarian Law” at the Law-History Faculty of the Southwest University “Neofit Rilski”, Blagoevgrad and was awarded the academic degree of “Doctor in Civil and Family Law”.

After graduating from university, Anna Cholakova applied for a position in the Burgas Regional Court (between June 1995 and July 1996). In August of the same year, she started working as a legal adviser in the District Administration of Burgas District where she worked until February 2000. Between September 1995 and June 1997, she was a freelance Assistant Professor in Insurance Law at the Law Sciences Centre at the Burgas Free University.

On 06.11.2001, after successfully winning a competition, Anna Cholakova was appointed as an Assistant Professor in Civil and Family Law in the LSC at BFU, where she has been working until present. Initially, she was leading the seminars in Civil Law (general part) and Material Law and since the academic year 2005/2006, she was also assigned the seminars in family and inheritance law, as well as the “law clinic”. In BFU, the candidate has gradually worked up through the positions of Assistant Professor, Senior and Chief Assistant Professor. Since the academic year 2010/2011 Chief Assistant Professor Anna Cholakova was assigned for the first time the lectures in FIL and since the academic year 2014/2015 she gives lectures in Civil Law (general part) and Material Law as well. Between 2016 and 2020 she was giving part of the lectures in Environmental Law and in the academic year 2019/2010, Chief Assistant Professor Anna Cholakova, together with the seminars in the above stated law disciplines, also taught the full lecture course in Material Law and Family and Inheritance Law.

The candidate knows fluently Russian and English, has good computer skills and a number of personality qualities, suitable for her position: an

analytic mind, good communication and organisational skills, responsibility, accuracy, etc.

2. Meeting the quantitative and qualitative requirements of the advertised academic position.

2.1. Quantitative requirements. As evident from the publications list and after an enquiry regarding the minimal national requirements according to AFDRBA, Chief Assistant Professor Anna Cholakova has entered the competition with **two monographies: “Hereditary Transmission”** – research work and **“Child Recognition in Bulgarian Law”** – published on the grounds of the defended dissertation, **5 articles, published in prestigious scientific issues and 4 papers, presented at prestigious academic forums** (published). All academic works were created after the dissertation defence and are on subjects, different to the topic of the monographic research, presented as research work, except for the article “Hereditary transmission in Roman private law – genesis and development.” The same contains Chapter 1 from the monography, due to which it will not be accepted for review.

The enquiry regarding the minimal national requirements according to AFDRBA makes it evident that there are enough **citations** of the candidate’s work in prestigious academic issues to meet the minimum requirements.

The duration of teaching experience of Chief Assistant Professor Anna Cholakova is longer than the legal requirements for the Associate Professor academic position. The minimal regulated period between acquiring the academic degree “Doctor” and the attainment of an academic rank is also observed.

The **projects** participation enquiry also shows that Anna Cholakova has been an academic advisor to students from the Law Sciences Centre under the “Student Practices” Project of the Ministry of Education and Science throughout all stages of the project.

Apart from that, she has developed complete **e-learning classes** for the academic disciplines she teaches, in the e-learning platform of BFU – Moodle. Due to their wide accessibility by students, it can be accepted that the same are **e-learning aids** with theoretical and practical parts – they contain lectures and seminar workshops materials (cases, cases decision samples, test questions, etc.).

The **teaching workload shows** that the candidate, as a professor in BFU, has been provided with the regulated required work load.

2.2. Qualitative requirements. With regards to the **scientific-research activity** of the candidate, it can be said that the works of Chief Assistant Professor Anna Cholakova accepted for review are of high academic quality and show wide-spread and profound knowledge of different areas of the law, and most significantly in the civil, family and inheritance law, where her main professional interests lie. It is evident that the candidate can comfortably use various academic methods: comparative and historical method, teleological interpretation of the legislative regulations, she knows the doctrine and the court practice. The author chooses her sources well, quotes skillfully and correctly. Her speech is not too lengthy, without redundant casuistry, she does not repeat already known juncture just to create additional volume, does not retell the normative regulations but instead lays out the legal issues analytically and presents her arguments with insight. The candidate’s excellent analytical skills and her wide-spread legal knowledge are evident from the fact that the “Hereditary transmission” monography is based on just one regulation of the Inheritance Act – Article 57. The expose is well structured, which helps the reader to understand it better and also speaks of the good didactic skills of the candidate – which are necessary for the Associate Professor position. In her academic publications, the candidate presents her point of view unequivocally but at the same time with a scientific tolerance and openness for discussion.

In the years after acquiring the academic degree of Doctor in Law, as well as before that, Anna Cholakova takes part in prestigious academic forums. Apart from the international conferences in BFU, she also presents her papers at prestigious international forums in the Sofia and Plovdiv Universities.

Apart from her various academic activity, the candidate also has over 20 years of **teaching experience**. Throughout her teaching carrier Chief Assistant Professor Dr Anna Cholakova has strived to develop the **practical education** of the law students in BFU. During the seminars she led, she had decided to direct the education towards acquiring **practical knowledge and skills** through case studies, document preparation, etc., which makes her classes interesting and useful. Since the beginning of her academic carrier, the candidate is responsible for the compulsory **court practice** after the 6th semester in the Burgas Regional and District Courts. This also helps improve the relationship between the academic community and the court system. The candidate is one of the active leaders of the **law clinic** at BFU during its existence, and one of the most sought-after academic advisors in the “**Student practices**” Project of Ministry of Education and Science. Dr A. Cholakova is one of the leaders of the **civil and commercial law workshop** at the LSC at BFU and always welcomes students by organizing regular additional consultations and assists in their professional realization after graduating from university.

As a demanding **examiner**, who always checks her students’ knowledge pedantically, but conscientiously, Assistant Professor Cholakova has won the trust of the leaders of the academic disciplines, which she teaches and in which she has helped organize exams. She is accurate in her grading and tolerant in her relationships, which wins her authority before the students and respect before her colleagues, through high academic and moral standards.

Chief Assistant Professor Dr Anna Cholakova is sympathetic **to the student academic creativity competition in BFU** and every year she is the academic leader of students from the LSC, who participate in the competition and perform very well.

One of Anna Cholakova’s biggest achievements as a law professor is her active participation in the preparation and organisation of the **National Interuniversity Competition in Solving Private-Law Cases**, whose host has

been LSC at BFU for the past 13 years. This contributes to both her esteem among colleagues and students from the participating faculties, and the esteem and popularity of LSC and of BFU.

In June 2019, Dr Cholakova participated in the “**Erasmus+**” project first as a guest **lecturer** in the Pedagogy University in Krakow, Poland, where she gave lectures in family and inheritance law, and in the summer semester of 2020/2021 – as a professor of foreign students, visiting under the Erasmus programme in BFU, to whom Assistant Professor Cholakova gave lectures in family and inheritance law, material law, and civil law (general part) in English.

The clear impression Dr Anna Cholakova is giving since she has been working at BFU is that she is not working towards developing in any other areas outside her academic career, which clearly speaks of her realised and categorical choice of professional calling. She loves her work, which she is indisputably qualified for and this can be seen clearly, both in her academic publishing and in the annual feedback from her students regarding the quality of education.

Chief Assistant Professor Dr Anna Cholakova participates actively in the academic life of LSC and of BFU, she helps with the organization and the holding of various forums and events, which ring through not only the law community. She is demanding, forthcoming and tolerant, she commands authority, both among colleagues and students.

3. Academic contributions of the candidate.

The academic works, presented for participation in the competition contain a number of original academic contributions in the area of civil and family law. The research work “**Hereditary transmission**”, S.: Sibi, 2022, with a volume of 186 pages, out of print, is the first and only complete monographic research of the legal institute in question in our doctrine, which is of both theoretical and practical significance and it enriches our legal literature. The research is well structured and contains an introduction, four chapters and a conclusion, which includes the main inferences and suggestions for perfecting the legislation. A list of the cited literature is included.

We would point out the following as some examples of the more specific distinguished academic contributions of the research work:

- The research builds a *full academic concept* of the hereditary transmission, which is a solid base for better solutions of a number of unsettled legal hypotheses;
- The work offers for the first time in our doctrine a *systemisation of the factual contents* of the institute by looking into each of its elements; this analysis is of significant importance when clarifying the legal consequences of the hereditary transmission – p. 94 – p. 114;
- A novelty in the doctrine, with a considerable practical significance is the *comparison* between the hereditary transmission and the summons of the heirs from the next inheritance tier - p. 120 – p. 121;
- A significant contribution, which has a wider theoretical significance for civil law, is the justification of the thesis, that the regulations of Article 10a of the Inheritance Act contains irrefutable presumption, and not refutable one – page 98’
- The research deducted and analysed the specific legal consequences of the hereditary transmission, which has an important practical and theoretical significance; it poses a fundamental question – regarding the volume of the received rights when inheriting due to transmission – page 154
- A contributing moment is the point of view and argumentation of the author regarding the legal nature of the right to a reserved part of the inheritance – Article 29 IA; contrary to common assumption, that this right is inheritable, the author defends and backs the thesis that its non-inheritability as a subjective right, established with regard to the person of the title holder, which despite its material nature, is non-inheritable – page 169 – page 172;

- The suggestions for supplementing the Persons and Family Act in connection to the hereditary transmission in case of an absence without notice of the transmitter are original – page 101.

These are only part of the contributions, which we could distinguish in the research work, which prove its theoretical value and practical usefulness.

4. Other publications, presented for the competition.

Apart from the presented monographic research, the candidate participates in the competition for Associate Professor with another **5 articles and 4 papers**, described according to standard in the documents, presented to the jury (a list of publications and the publications themselves, an enquiry to check whether they meet the minimal national requirements, as determined by AFDRBA, an enquiry for the contributions and summaries of the research works). Reviewing the presented works shows that the publications, apart from one, are on separate legal issues, without overlapping entirely or in part with the research work and the rest of the papers. It is evident from the enquiry about the research contributions of the candidate and the publications themselves, attached to the paperwork, that every article, apart from its large volume, contains a number of academic contributions.

5. Critical notes and recommendations.

Regarding the monography “Hereditary transmission”, we could recommend the candidate to make a comparative research of the institute, not only in foreign legislations, but also in other legal doctrines, the same way she has approached regarding the Russian and Macedonian ones. This will give the research a bigger academic value.

As a recommendation, I would also point out that the article “Legal characteristics of the inheritance right”, which is an original academic writing, would benefit even more if the author gives more arguments, based on the legal doctrine of the law theory.

I also think that the author has creative potential and rich experience as a seminar leader to prepare and publish handbooks or collection of case studies,

which would help the practical education, not only of the law students in BFU, but also the students in other law faculties.

The given recommendations do not depreciate the candidate's qualities for the Associate Professor position, they only aim to encourage her to develop and widen her academic-research activity even further.

6. Conclusion.

The monographic work on the topic of "Hereditary transmission", presented by Anna Cholakova for her participating in the competition for the position of Associate Professor in Civil and Family Law in BFU, is an analytical work, which contains a number of original academic contributions, which has practical usefulness, not written in a high academic language. The other presented and reviewed works also comply with the regulation requirements. The longstanding, highly valued teaching experience of the candidate gives me reason to believe that the same meets the formal and instructive requirements of AFDRBA, the Regulation for its application and the Regulations of BFU.

Having in mind the above stated, I propose to the academic jury to make a decision, through which to propose to the academic board of BFU that they choose Chief Assistant Professor Dr Anna Svobodenova Cholakova for the position of an Associate Professor in Civil and Family Law, professional classification 3.6 Law, higher education area 3. Social, economic and law studies.

17.10.2022

Sofia

Reviewer:

/Professor Dr Simeon Tasev/