

The effective methods of legal teaching in Georgia

Ketevan Meskhishvili

Caucasus School of Law

The methods of legal teaching is different and individual in every country. It greatly depends on the legal order and legal traditions of the state, also on the level of the legal preparation of the society and the system of education. Between this conditions it is worth to mention the legal family the state belongs to. The differences between the effective methods of legal teaching is apparent especially in continental Europe and common law states due to in such states functioning legal order.

In the states of continental Europe exists the written, codified legislation. A judge is independent in his activity and is subject only to the constitution and law. The citizens can't be released from the subject responsibility, because of lack of knowledge (ignorance) of legislation. It means, that not only lawyers, but also citizens are obliged of getting closely acquainted with legislation. Because of this reason, in the states of continental Europe the level of teaching of the legislation is higher than in common law states.

In states of common law there is attached the especially importance to the teaching and analyzing of the court practices.

Regarding the existing teaching methodologies in Georgia:

The legal education in Georgia on the level of undergraduation is very low. The pupils are delivered only the general information on the legislation of Georgia. For enrollment in the universities the university entrants are not required of the general legal education. Proceeding from this reason, the legal education at the Georgian Universities begins from zero. This circumstance greatly determines the teaching methodologies at the higher schools of Georgia.

Teaching methodology impacts also the three level system of education - Bachelor, LL.M and PH.D.

On the level of Bachelor`s teaching, at the first and second year the students are giving the general legal education. At the first level of education the preference is given to the theoretical lecturers, mainly to the Doctors of Law. The students study their legal materials from text – books and presentations prepared from their lecturers. Under guiding of the lecturers there are taking place discussions and debates between students on the given legal materials. During the 3 and 4 teaching years the students study the legal subjects basically. They consider the legal materials in details. They get acquainted with the court practice. On the mentioned level of teaching there are used the following methodologies of the legal education: - the individual reading of law, it means, that every student reads the law independently, then takes place the debates between the students on the subject how rightfull they have understood the substance of the law; - the expertise of the law in hierarchy, it means verification of legislation in accordance with primary legislation; - the composition of drafts of laws, it means, that the lecturers nominate the

topics, students choose one of them, then get familiar with the practice of other countries in the chosen field and write the bill.

The teaching methodology in LLM differs from the Bachelor's teaching methodology. On the second level of teaching the great importance is attached to the legal practice. Because of this reason the lecturers in LLM mainly are the practicing lawyers. The LLM students work on the materials taken from the different instances of the courts. The students decide the cases in written form and then they try to prove the rightfulness of their decisions orally. Sometimes the debates turn into the moot courts. The arrangement of moot courts at the lectures is already the tested teaching technology in Georgia. The students' job is not only the solving of cases, but also composition of them. On the same level of teaching there is used the comparative methodology of legal research. The LLM students get familiar with the experiences of the foreign countries. They read also the foreign literatures and the decisions of international courts and then they debate and argue them at the lectures. At the same level of teaching there is encouraged the scientific – research. The LLM students have the opportunity to gain the credits via participation at the scientific conferences, preparation and publishing of the scientific articles.

On the ground of all the above mentioned one can conclude the effective methods of legal teaching are quite different in Bachelor's and LLM:

1. Bachelor

1.1 The teaching of the legal materials from text-books;

- 1.2 The arrangement of debates on the materials taught;
- 1.3 The individual reading of laws;
- 1.4 The compositions of the bills;
- 1.5 Getting familiar with the foreign literature and practice;
- 1.6 The preparation of the legal materials and the presentation of them;

2. *LLM*

- 2.1 The research of the court materials;
- 2.2 The generalization and analyzing of the court practices;
- 2.3 Taking decisions on the ground of the materials of the finished cases of the courts.
- 2.4 The preparation of treaties, administrative acts and other legal documentations and the practicing of their petition;
- 2.5 The comparison of the legal practice and the acting legislation;
- 2.6 The preparation of the referats on the elected legal themes and there presentation;
- 2.7 Writing of the scientific articles and their presentation;
- 2.8 The arrangement of the moot-courts and the participation in them.