

Juan Enrique Vargas
Dean of Law
Diego Portales University
Chile

In Chile, the teaching of law and the role of law schools are under fire these days. Recent bar admission figures released by the judiciary have sparked heated debate about a legal market glut and the quality of new graduates.

Clearly, such a debate involves entirely separate issues. If world indicators are anything to go by, Chile is far from labouring under an oversupply of lawyers. Chile has 13.3 practitioners per 100,000 population, far fewer than Argentina (35.3), Brazil (28.1), Canada (22.4), or even New York State (20.4), to name a few countries with contrasting conditions. Just how many lawyers is the right number is not a question that legal research has answered. What we do know is that countries with a degree of development matching ours do have many more legal practitioners. Furthermore, claims of rampant unemployment among new graduates are plain off the mark. The legal profession and justice system have grown remarkably in recent years, providing the public with unprecedented access to legal services and creating many new job opportunities for lawyers. All of this is possible precisely because Chile has more lawyers. Fully 92 percent of graduates are practicing law two years after leaving school, a figure that grows to 96 percent by year four. Law is the sixth best-paid profession, with income averaging US\$18,500 in year one and US\$36,500 in year five. Clearly, Chilean legal practitioners are in no risk of facing impecuniousness.

That said, not all law graduates are created equal. Well-regarded, reputable law schools coexist with others of more questionable standing. Needless to say, the difference does not lie in the private or public status of a particular institution. Since clients are in no position to evaluate a lawyer's proficiency but stand to suffer the consequences if counsel is less than competent, the question of training quality is most certainly one that has to be carefully looked at. The way Chilean universities provide such assurances is through certification by the National Accreditation Commission, which evaluates consistency between goods promised and goods delivered. For law schools, however, accreditation remains optional and only nine of 42, including ours, are certified. To move forward in this regard, the logical policy course would be making accreditation mandatory or at least providing compelling reason for schools to submit to the process. Alternatively, and based on standard practice elsewhere, some are suggesting that law graduates pass a test, similar to those required of medical school graduates. The issue with this idea is that it might tend to standardize legal education, discouraging innovation at a time of mounting unhappiness with conventional legal training. Chances are that such a test would end up rewarding less than thoughtful students who excel at committing legal codes and textbook definitions to memory.

Contextual considerations aside, our Faculty is fully cognizant of its role in a field undergoing a sea change. Vastly expanded demand for legal services in recent years, and the transformations this development has brought about, are plain to see. However slowly,

consolidation of a rule-of-law democracy has brought forth a slew of transformations, notably criminal justice system reform and its system of adversarial oral hearings. The reform, spearheaded by this Faculty, subsequently led to other changes in specific areas. This, in turn, translated into new institutions and strong justice system growth. Demand for lawyers is up because of the resulting new positions and because the justice system is more receptive to issues, cases, and claimants that did not formerly enjoy access to the formal dispute settlement system. The exponential rise in litigiousness attests to this: new case filings have increased by a third within the past two years alone.

Yet, judicial reform is not the sole cause of the new scenario. The market itself has expanded significantly. Most importantly, public policy has turned what used to be -at best- mere concessions from the authorities into enforceable, justiciable rights. This is the case in such areas as social security, health, and soon in education.

Such an all-embracing process of change requires our Faculty to cast a critical eye on its teaching values. As early as 2000, our concern for quality prompted radical changes in our curriculum and teaching goals. We evolved from dispensing knowledge through lectures to a new emphasis on acquisition of the skills and abilities required by the legal profession. We moved from a set annual programme to a more flexible, semester-based curriculum allowing students to select at least part of their course load based on their own interests. The pursuit of higher quality standards also translated into a sustained emphasis on research and an associated increase in full-time faculty.

While these transformations have successfully helped the Faculty adapt to a changing profession, they are not enough. As a result, today we are taking on the challenge of moving substantially forward in additional areas.

This Faculty has left a deep mark on Chilean judicial policymaking and implementation. We have spearheaded innovations that have led to substantial changes in legal institutions -in the field of criminal justice, as noted, but also in youth, labour, and family law. To keep moving forward, we are working to co-ordinate and systematise the full range of our efforts. Our recently established **Centre for the Modernisation of Justice** is expected to play a key role in monitoring and evaluating judicial reforms underway, implementing new changes, and tackling pending challenges, such as civil and judicial governance reform.

Our **Human Rights Centre**, a well-known voice for awareness and fulfilment of fundamental rights throughout Chile and the region, is also undergoing change. For example, efforts are underway to further leverage the impact of the rights compliance review contained in the Centre's annual Chile Human Rights Report.

We also remain committed to improving linkages with the larger society around us. We are building up our **Environmental Law and Policy Programme** and are working on a new **Constitutional Issues Programme** with a particular focus on constitutional justice. We strive to be responsive to the needs of the legal profession and to focus our work on areas known to be

of special practitioner interest. Future efforts by the **Fueyo Foundation**, an institution fostering development of Chilean private law, will be pointing in that direction. Plans for this year include a **Litigation Programme** designed to transfer the criminal justice strategies and techniques adapted at this Faculty -which later became *the* way to teach the subject at law schools throughout the country- to other areas of the justice system, including those awaiting reform. We are confident that these efforts will help transform traditional approaches to procedural law in areas as sensitive as civil and commercial law.

Yet, these considerable efforts could be meaningless unless they strongly impact our teaching scholarship. As such, we are working on two-way linkages. In addition to actively involving students in research and outreach, we ensure that our researchers and their deliverables play a key role in defining both graduate and undergraduate offerings.

This year, Faculty members will be partaking in a thorough stocktaking process ultimately designed to enrich our curriculum. For a start, next year we are launching a Master of Laws Programme designed to offer our best graduates a chance to acquire further expertise in relevant areas of the law by just adding another semester to their course of studies.

Such are the leading challenges currently facing our Faculty.