

# **Legal Education in Georgia: Current State and Need for Reform**

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Legal Studies in Georgia date back to the IV century. In IX-XII centuries Ikalto and Gelati Academies were actively involved in legal and political studies. At the same time Georgia doesn't have rich traditions in the area of university level legal studies, as European countries do. Legal education on university level was offered with establishment of first Georgian university in 1918.

University level legal education plays crucial role in preparing and training future generations of practicing lawyers and researchers. Considering this law schools should aim at developing students' legal thinking and skills for tackling independently real-world problems.

After joining the Bologna Process Georgia undertook an obligation to adapt the higher education system to Bologna requirements and standards. The qualitative reform of higher legal education has been launched recently at the TSU Law Faculty. Integration of legal education into European Higher Education Area is aim, the Law Faculty looks forward to. It is very lengthy process and can't be accomplished just in one day. Introduction of three cycle degree system is not enough in this effort. It is just legal frame for further substantive developments. The main obstacle in this direction is lack of legislative framework and of unified state standards for higher legal education. The situation is complicated due to lack of program accreditation standards. Though first steps have been made: the Center for Educational Quality Enhancement of Georgia (then National Center of Accreditation of Georgia) has prepared draft on field standards for regulated professions. Presumably the draft will form basis for draft law on higher legal education.

At this stage the academic programs of the TSU Law Faculty integrate theoretical and practical approaches to legal education. The significant novelty is introduction of case-based learning in 2005. At the same time we believe that theory-based learning is equally important component of legal education. Therefore, we strive to develop in our students the skills of legal thinking through legal categories and metaphors, which will assist them in resolving actual legal problems.

Nowadays, the bachelor's program of the Law Faculty consists of two major stages that cover eight semesters. First five semesters intend to study basic and mandatory legal courses, and the rest VI, VII and VIII semesters consists of elective and specialized modules. Besides the basic legal disciplines, students have possibility to take foreign language and non legal courses that aim to broaden the level of general university education. Although, students may take non legal courses as elective courses, but the statistics shows that they usually take legal courses rather than non legal courses.

It should be noted that the bachelor's program of the TSU Law Faculty is structured in a way that provides students with opportunity to participate in international mobility programs, travel abroad to study in partner universities, for instance for one or two semesters, obtain credits there and within the 8 semesters without taking additional semesters acquire bachelor's diploma. The structure of bachelor's program of the TSU Law Faculty corresponds to Bologna requirements on students' mobility and transfers.

The implementation of the Bachelor program showed us that case based learning method tends to be successful for the law school students. Practice demonstrated that repetition courses, offered within

final semester, are very beneficial; in that case student has a possibility to refresh the knowledge acquired in previous years and prepare for master's examinations. Accordingly, we made decision to devote the final semester to the mandatory repetition courses. Repetition courses are focused on case study and enable students to use his/her conceptual knowledge, when solving hypothetical cases.

During the V, VI and VII semesters, student may choose a specialized subject module that enables to deepen knowledge in specific legal fields. It is worth mentioning that the main idea of the draft on field standards for regulated professions focuses on the specialized law courses rather than general modules and when we are talking about that, we should take into consideration the state policy on this issue.

The main idea of the draft on field standards for regulated professions is to define the master of laws degree as mandatory precondition for becoming judge, prosecutor or attorney. On this backbone a brief overview of master's program is provided below.

The master's program is oriented towards two goals: to develop students' practical, as well as research skills. I would like to focus on one component of the master's program that directly gets into closer contact with the practical activity. Within master's program, it is mandatory to complete legal clinic. Legal clinic is an academic program, through which student develops practical legal skills. Nowadays, we cooperate with different governmental and non-governmental organizations, where our master students within the one semester period complete practical training. The majority of our students complete their practical trainings in courts, where they have direct instructor (clinical professor) and acquire skills that future judge should possess. Upon completing the clinical program successfully, student gets the appropriate credit that becomes the prerequisite together with the master thesis to complete the master's program and obtain master's degree. Accordingly, the current master's program comes into compliance with the demand that contemporary legal study should be based on practical training.

I would agree with the opinion that in order to hold the position of a judge or prosecutor, it is necessary to go through the master's program in Law and obtain the academic degree of master of laws. In spite of the fact that, nowadays, as it was mentioned above, there is no law on higher legal education, in order to obtain the position of judge, Supreme Council of Justice of Georgia requires the master's diploma. But this request is directed from the Supreme Council of Justice and not derived from the law. That is why, from the perspective of Georgian reality, it is necessary to foresee one important detail: in order to obtain the position regulated in Georgia, such as the position of judge or prosecutor, and receive further corresponding legal education, together with the university studies there is also the Supreme School of Justice. There are some exams to be passed in order to be enrolled in the School, and one of preconditions for admittance is to have successfully completed the full course of master's studies at the institute of higher education. Study session at the School lasts one and a half year and it consists of two stages: 1 – gaining theoretical knowledge (learning and passing subjects envisaged by the program) and 2 – realization of direct judicial practice. Only in case of successful completion of these two components, person is free to undertake abovementioned positions. Shortly, to some extent, duplication of legal education is evident, since the master's program in law of our University and studies in the Supreme School of Justice serve the same purposes. That's why we share the idea that master program(s) existing at the law schools should contribute to deepening knowledge in the narrow direction of basic legal education, obtained during bachelor's studies, also to developing academic skills. Therefore, more attention should be paid to the narrow subject areas and specializations within the master's program. It is equally important to pay attention

on developing practical and research skills. Considering the fact that master program aims at preparing students for the next and the highest scientific level – for the doctoral studies, special attention should be given to in-depth study of theoretical subjects (narrow-specialization) with particular emphasis on problematic issues and also to the development of skills and methods of scholarly research.

Considering all these it is vitally important to conduct reforms in the field of program-accreditation. Substantial result of program-accreditation would be that only competitive higher education institutions with sufficient human and material resources would remain on Georgian legal education market. Successful program accreditation and field standards would give the state possibility to reach the generalization and unification of the legal education in the country.

It is very important to share international experience in this field. Especially it is necessary to deem in mind the experience of such countries and universities which preserve great traditions. From this point of view European experience is vitally important for us. After the collapse of the Soviet Union Caucasus countries inherited harsh heritage. This concerns the legal education as well. Legal education somewhat was excluded from the outside world and therefore was behind the modern developing trends. It should be noted that the reform of the legal education in Georgia was outrun by the reforms which were held in the sphere of judiciary, prosecution and advocacy. However, existing reality made it clear that for the regulated professions it is very important to start abovementioned reforms particularly from the university level. It is not possible for state to have highly qualified judges or prosecutors only with preparing or training them in specialized schools. The main essence of the reform should be that university legal education is quality-oriented for training judges, prosecutors, attorneys, etc. Therefore, this entirety should be considered together and their separate review is unacceptable.