

Regulation and Accreditation Models

By:

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(role of government; role of the bar and judiciary; what constitute legitimate criteria? quality control and enforcement mechanisms)

Background to the current Spanish university system

Spanish universities in general, and ESADE Law School specifically, are currently undergoing a process of major change in terms of the organisation of university education.

Firstly, this new university framework consists of the creation of the European Higher Education Area, the main aim of which is an open space with no obstacles to the movement of students, graduates, lecturers or administrative staff, based on recognition of degrees and other further education qualifications, transparency (a system of qualifications that are comprehensible and comparable, organised into three cycles) and European cooperation on quality assurance.

Apart from that, Law Schools in particular are also facing new laws on access to the professions of lawyer which will mean having to do a Master's in order to be eligible to practice, as well as a final exam to test professional aptitude.

1. The European Higher Education Area, a new organisation of university education (known as the Bologna Process)

The new university system involves highly significant changes, which can be summarised as three fundamental objectives:

European standardisation of degrees

Basically, this consists of the adoption of an easily understandable and comparable system of degrees, through the adoption of a framework based on three cycles: Bachelor's degree, Master's degree and Doctoral degree, which has meant the disappearance of the old degrees (which often took five years), and the implementation of four-year degrees.

It also involves the establishment of an international credit system: the European Credit Transfer System, which not only counts the hours of class time (meaning those taught by the teacher and examination times) but also the work that has to be done by the student (seminars, study time, project completion). The ECTS credit corresponds to between 25 and 30 hours, representing the amount of study done, in order to make standardisation and comparison possible across Europe.

The aim of the new system is to facilitate the movement of students, lecturers and researchers, and administrative and service staff, and to overcome any obstacles in the way of such movement.

New teaching methods and continuous learning

The new system involves the implementation of new teaching methods, at the expense of traditional teacher-centred classes, the main role being taken by continuous assessment and practical teaching.

Continuous assessment consists of daily monitoring of the student's individual work using two tools: all the possibilities offered by the Internet and the new IT technologies, and tutorials or small classes.

Practical teaching consists of the student's active intervention, through exercises, group work, work experience and so on.

As a result of the new methods, the objective results of the learning process fall into three categories:

1. *Knowledge*: theoretical or factual.
2. *Skills*: cognitive (the use of logical, intuitive and creative thinking) and practical (based on manual dexterity and the use of methods, materials, tools and instruments)
3. *Competences*: responsibility and independence.

Financing

One of the goals of the university reforms is a major overhaul of the methods of financing.

Reform of university financing consists of diversifying the financing funds, either by increasing fees or through investment by private companies.

The aim is that it is increasingly the university itself rather than the state that is responsible for its financing.

Conclusions

Looking at how the rules of the game have changed on the Spanish university landscape, I believe that the new university system has positive aspects, such as the movement of students and lecturers and, more importantly, the thought process that the university teaching professionals have become involved in.

The change has meant that a large number of teaching professionals have thought a great deal about the teaching methods used, how they can be adapted to the new generation of students and, finally, what precise teaching objective they are aiming to achieve.

However, negative aspects would include excessive government intervention, with monitoring that is often disproportionate and whose aims have nothing to do with the spirit of university reform.

The new framework specifically involves the evaluation and subsequent accreditation process of degrees, following appropriate monitoring. However, what at first glance looks wholly coherent has, in the Spanish system, become a very inflexible and clumsy system that

has multiplied the universities' organisational work and shows little guarantee of achieving the main objective.

The system also has a considerable underlying economic problem, given that the implementation of new methods and continuous education undeniably means the involvement of more lecturers, new facilities adapted to the new needs and new material resources, all of which means money, money and more money.

2. New regulations concerning access to the professions of lawyer and barrister

Along with the changes brought about by the new university framework described above, Law Schools in particular are facing another major challenge: the new laws ***concerning access to the professions of lawyer and barrister***.

After a long time in the limelight, the object of a number of initiatives that were never legally successful, the legal regulation concerning access to the professions of lawyer and barrister is about to become a reality.

Although the new legal provision is mainly aimed at *future* lawyers and barristers, it is of equal interest to those who are planning their university education to this end.

The new laws concerning access to the professions of lawyer and barrister involve three separate circumstances:

1. The possession of a valid qualification (Law degree)
2. Specialist training; an obligatory training course of 60 ECTS and a period of external practical training for 30 ECTS.
3. Assessment of the specialist training; this means passing an access exam responding to the requirements involved in the exercise of this profession.

This will all mean a significant change in the Master's portfolio at Law Schools, because they will have to adapt to the new needs of the Law graduates, and the need to provide the training course participants with the obligatory external practical training, while simultaneously having to let law practice professionals in as lecturers on the training courses.

To conclude, it should be added that this new law was needed because the fact that no special procedure was required before exercising professionally made our country an exception compared to most of Europe, and meant that there was no filter for exercising as a lawyer, which at times seemed suicidal.

However, having seen how generic the new law is (pending regulatory development) and the behaviour of the affected parties (colleges, universities, ministries, legal training schools), it seems that the objective of guaranteeing the proper training to produce fully qualified individuals, focused on the citizen receiving quality legal defence and technical representation, is going to be costly and difficult.

Time will tell what was right about the new legal regulations concerning access to law practice, but whatever the case it means a positive change and, above all, a step forward in the Spanish system, regardless of the fact that as in all new laws there is room for improvement.