

Educating Lawyers for Transnational Challenges: Lithuanian Experience

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Globalization phenomena can be discussed constantly. Economic, social and cultural advantages of the open borders between the states and nations can be idolized as well as disguised with negative consequences of hardly limited movement of capital, goods, services and people. Though, the fact must be accepted that the modern world differs from the world 20 years ago and it will never be the same in 20 coming years. It might be early yet to talk about “globalization of Law” inspired by economic globalization, however, only an ignorant person can deny the explosion of such distinct cross-border element (international worldwide or regional institutions and its issued legal norms, legal remedies for violated rights offered by international institutions, cross-border commercial transactions etc.) in practice of a lawyer even of purely national character. Thus, today professional success of a lawyer depends on knowledge of international law and other jurisdictions, competence in comparative analysis as well as management of international surrounding. At present challenges determine the Law Schools to reconsider the strategy of legal training. Schools must prepare the qualified, “internationally perspicacious”, effective specialist for the society who is capable to compete on labour market. Thereof, we distinctly understand the fact that it will affect the future of the Law schools as well. It is not so important today where legal education is acquired (in Moscow, Vilnius or Madrid). So, the opened borders, increased competition of the Law Schools stipulate high quality of studies and the direction of providing legal education according to the changed approach of practice of lawyer. Responding to the intention of the conference, on behalf of the Faculty of Law of the Vilnius University I do compliment the Association of American Law Schools, the host, for the invitation to participate in this significant conference initiated to induce a debate regarding the role of the Law Schools, preparing tomorrow’s transnational lawyers. The international debate is really beneficial. We do confront the problems of transnational nature. Exchange of experience with the different states, sharing ideas concerning the modification of curricula, adoption of new specific methods and tools is the very first step giving general answers to general questions. I’d like to define the vision of our university concerning the training of future lawyers for transnational challenges, explain how the vision shall be implemented and what problems are being faced.

The structure of the law studies in Lithuania as well as in some other post-socialistic countries was and still is characterized by the following trends:

1. Clearly divided legal profession. It is typical for the continental law system and it determines the fact that a student after the program of professional studies (5-6 years) obtains the lawyer qualification and practices law in the classic positions such as a lawyer, an advocate, a notary, etc. The graduates from the related social sciences had no palliative opportunity to gain legal education thus to practice law what is allowed only for the graduates from our Law Schools where comprehensive knowledge is provided.
2. Emphatic specialization of lawyers. It comes from the times when a student after 3 or 4 years of general compulsory study program traditionally was obliged to choose the specialized branch of law (civil law, criminal law, public administration, labor law, international law, etc.)
3. Domination of the disciplines of national law in the study program. It was stipulated by the reform of the national legal system and initiated after restoration of our independence from the Soviet Union in 1990.

These aspects determine the fact that preparation of lawyers in our Law Schools was over-focused onto local demands. Even when such disciplines as the international public law and the international private law are compulsory in general program we all know that the students are not provided with sufficient knowledge and skills to work in international institutions. The majority of the students do not receive enough knowledge to work with international business agreements. The international law specialization is the only one in seven already mentioned that is related to international relations. Approximately 10 - 15 percent of the students graduate it every year. Facing this gap of legal education all possible means were taken to manage the occurrence. For example, it was started from the invitations of separate foreign professors to lecture in the VU and ended with the inclusion of new disciplines of comparative, regional and international law such as EU Labor law, European environment law, Comparative civil law etc, to the compulsory study program. However, the efforts weren't directed purposefully to legal training for tomorrow's challenges. The modification of study program must be determined as inevitable necessity. Three essential ways were discussed with the aim to develop a law student for tomorrow's transnational practice:

1. Inducing mobility of a student,
2. Preparation of integrated study programs together with other universities or
3. Introduction of new additional possibilities for development of the ongoing program within the framework such as foreign law centers.

I would like to discuss the issue comprehensively.

1. Inducing mobility of student.

A few motivation aspects can be emphasized such as exchange program between the universities with the possibility to conclude the first cycle of studies earlier.

1.1 Exchange program between universities

The most important programs that involve the Vilnius University into exchange of the students as well as professors are that of Socrates and Erasmus supported by the European Union. The essence of these programs is the possibility for a student to study law disciplines in the foreign universities for a semester. The exams passed abroad are accepted in the Vilnius University. Thereby, a student has a chance to extend his legal horizon, to know a basis of one of the foreign legal systems and to improve his foreign language skills. The Faculty of Law of the Vilnius University has contracted over 15 foreign universities, therefore, approximately 10-15 students of the faculty are leaving for temporary studies every year. The program is evaluated positively, though according to the limited financing of the program it can not be single or basic mean to prepare our students for practice of the international character. Concerning the financial issues, only a small part of the students can take advantage of the possibility to study abroad. However, under the international collaboration agreements between universities the students can be directed to Germany, France, Spain or Italy where the lectures are conducted in the corresponding languages. Though, the first foreign language of our students is mainly English. The chance to direct our student to the English-speaking country is really limited. The approach of the Law Schools in Ireland or England towards the students from Lithuania is skeptical enough. So, English-speaking students have possibility to study in one or two universities in the Netherlands and Scandinavia. So, the fact is that exchange programs between universities are quite limited tool.

1.2. Movement encouragement of the graduates from the first cycle

Lithuania has signed the Bologna declaration obliging the European countries to support the bachelor-master type of studies. I do assume that two-cycle study system encourages the mobility of students as well as various professional preparations. It will also allow choosing a foreign university for master studies after the 3,5-4 years of Bachelor studies. It is admitted that there are some Law Schools in Lithuania arranging law studies that way. However, our university follows the German model of Volljurist in preparing lawyers. It means one-cycle study system lasting five years and concluding in Master Degree. This attitude is influenced by financial policy for higher education proceeded by the government when Master studies are financed only for 20-25 percent of the Bachelor students. Frequently the question comes: "What kind of legal practice can precede a Bachelor of Law after 3.5-4 years of studies?" Education of both cycles systems is required for advocates and judges, public prosecutors and

notaries as well as for any serious legal activity. It would be irresponsible to provide labour market with a half-trained lawyer assuming the fact that every bachelor student has a possibility to gain Master degree in Lithuania or foreign country as well. In accordance with the approach, the Faculty of Law of the Vilnius University as well as other European law schools is not subjected to provide with bachelor degree four-year law gradulators. It would not motivate a person to strive for Master Degree. A student can take Master degree in Lithuania and another one (LMM) could be taken abroad as well as the experience in international work.

2. Joint study program of law

Implementation of joint study program with several universities and granting joint degree is the most up-to-date discussion at present. Involving some partners of our university such as foreign Law Schools we could offer the study program of law directed to the preparation of the lawyer capable to perform successfully in two or even three legal systems. We are discussing the possibility to institute a joint Master Study program with the University of Frankfurt, Germany. According to it the students will be provided with main issues of legal system of Germany along with the compulsory law disciplines in Lithuania. The studies would conclude in the diploma of two universities. However, the idea was not implemented due to the absence of legal basis. Though, instead of it we propose the alternative – possibility to perfect knowledge of the students in the foreign Law Centers.

3. Foreign Law Centers

The essence of the idea is to suggest a student the integrated cycle of practice and lectures jointly about legal system of one foreign country lectured in the native language of the corresponding country. Naturally the introductory course of foreign language includes the two-year program of foreign center of law as well as the studies of 9-10 fundamental disciplines of law when the visiting professor from abroad gives the lectures and evaluates knowledge of a student. Video and the net conferences can be held if necessary. The program concludes in certificate and the so-called elective credits evaluated at ordinary student's program are rendered.

The cycle of studies is proceeded in the Centers of Foreign Law. They were established jointly with our partners, the foreign universities. They are not the scientific centers in this case but the centers of studies directed to the cognition of legal system of the concrete foreign country. The Center of German Law, the first one, was established in 2001 together with the Frankfurt/Main University. At the same year the Center of France Law launched its activity jointly with Paris X Nanterre University. The Center of Polish

Law jointly with the Jagiellonian University in Krakow proceeded in 2002. In 2004 the Center of Eastern European Law together with the Saint-Petersburg State University, Russia, has been established and started its activity. Selecting our partners we do consider the intense of business development and political contacts with our country as well as the contacts with indigenous law schools.

The Law Centers are the most efficient tool preparing high-level lawyer capable to practice cross-border law. It is especially important bearing in mind the integration processes in the EU and in the European region as a whole. The employers are satisfied with the preparation quality of the students. Even those studying in the Law Centers are mostly desirable employees. They find jobs in the international companies much easier than others. Certainly the students are content with possibility to gain knowledge and skills that shall benefit for their future profession.

Taking this opportunity, I would like to express the new idea the realization of which is very interesting for us. And it is the establishment of the Center of American Law. There are some circumstances encouraging us to do it. First of all, there are no centers of studies offering the complex concentrated cycle of basic American Law studies. The impact of popularization of the comparative law and cognition of the American Law had a substantial positive contribution. However, the intense activities of the American investors as well as businessmen from Eastern Europe exploring the American market are appearing. So, the demand for qualified professionals is considerable even now. The language issue is important too. By now we cannot offer a student any English-speaking center. As it has been mentioned already this language is the main foreign language in Lithuania.

Practically Lithuania and America are separated by land, the ocean and the legal traditions. Perhaps, these reasons influence the fact that we do not have as much of law school contacts as we would wish to. However, the geographical distance and existing distinctions we should perceive as a reason for pursuing bridges that would connect us. Cooperation in educating of highly qualified lawyers who could work in the future global world is one of them.