

EDUCATION SYSTEM: FOREIGN EXPERIENCE

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Abstract

In modern conditions, the system of graduate higher education is an important direction of optimizing the training of a new generation of specialists.

For the effective implementation of degree education, a solution to a whole complex of tasks is necessary.

The predominant importance of knowledge in the modern world, on the one hand, and the growing demands on those who are trained by a higher school, on the other hand, increase its responsibility and importance to society. The experience of organizing higher education abroad can be useful for building professional education in Ukraine.

The peculiarities of the training of specialists determine a flexible response to changes in the structure of the education system and public life. At the same time, the training of specialists in any field is carried out in close cooperation with all sectors of professional education, such as universities, institutes and colleges.

At the current stage of development of the commonwealth, the question of developing a unified strategy in the system of professional training of various categories of specialists has arisen.

The education system, for example, for the legal profession of any country depends on the system it follows, the national policy on higher education and its requirements. There are three separate jurisdictions within the UK – England and Wales, Scotland and Northern Ireland. All three are based upon the common system. The education systems of the three jurisdictions involve two pre-qualification stages - the Academic stage, the Vocational stage, albeit, each has its own distinctive characteristics. The most of the schools have explicit incorporation of skills in the units of the curriculum. The education of lawyers in the USA is generally undertaken through a school program, In Australia most universities offer as an undergraduate-entry course. The professional degree in Canada is the Bachelor of Laws. The Bar Council of India prescribes and supervises standard of education in India. Law in Italy and France is studied in a jurisprudence school which is an entity within a larger university. The law of South America is one of the most unified in the world.

Key words: school, education, profession, system, common system, skills, an undergraduate-entry course, distinctive characteristics, professional degree.

Introduction

In modern conditions, the system of graduate higher education is an important direction of optimizing the training of a new generation of specialists, maximally meeting the educational needs of the individual and society, and differentiating professional training.

For the effective implementation of degree education, a solution to a whole complex of tasks is necessary.

The predominant importance of knowledge in the modern world, on the one hand, and the growing demands on those who are trained by a higher school, on the other hand, increase its responsibility and importance to society. The experience of organizing higher education abroad can be useful for building professional education in Ukraine.

The peculiarities of the training of specialists determine a flexible response to changes in the structure of the education system and public life. At the same time, the training of specialists in any field is carried out in close cooperation with all sectors of professional education, such as universities, institutes and colleges.

This approach fully corresponds to the modern strategy - both pan-European and national - to achieve a high level of training of specialists in all areas. At the current stage of development of the

commonwealth, the question of developing a unified strategy in the system of professional training of various categories of specialists has arisen.

The fundamentals of the study

Legal education system of any country depends upon the legal system it follows, national policies with regard to higher education and requirements of the legal profession. UK is no exception in this regard. Legal education system in UK is based upon the common law system which had been developed through the judicial decisions and customary laws crystallised through the practices and tradition followed over hundreds years. Both in terms of academic quality and professional training, UK legal education system is one of the most developed legal education systems in the contemporary world. There are three separate legal jurisdictions within the UK – England and Wales, Scotland and Northern Ireland. All three are based upon the common law system. The UK was also a member state of the European Union and subject to European law in a number of areas. Therefore, there is a strong European assimilation in UK legal education system. The legal education system of the three jurisdictions differs in respect of both academic and practical aspects. However, the most common aspect is that the legal education systems of the three jurisdictions involve two pre-qualification stages – the Academic stage, the Vocational stage, albeit, each has its own distinctive characteristics. While the academic stage is concerned with the analysis of legal texts, concepts, doctrines and the identification of legal principles, the Vocational stage is more concentrated on skills and competencies that practising lawyers require grounding in substantive law at the academic stage followed by procedural trainings at the vocational stage.

The Academic stage usually consists of undergraduate and post graduate courses, which are offered by the most of the UK universities. The academic stage involves acquiring of a standard law degree (also known as qualifying law degree) as opposed to a ‘non-standard’ one. The Bar Council of England and Wales and the Law Society decide which law degrees are Standard for the purpose of the term and they prepare a list to that effect for the benefit of would-be practitioners.

Postgraduate degrees do not generally fulfill the criteria of a Standard law degree. And not all undergraduate law degrees are Standard for this purpose, the undergraduate degree offered by the University of Derby. In order to be designated as a Standard law degree, according to BC/LS regulations, a law degree ‘must’ have complete curriculum on certain ‘foundation’ or ‘core’ law courses. These include – Law of Obligations (contract & tort), Equity-Trusts, Property law, Public law (administrative and constitutional law), criminal law, Evidence, European law. These core courses must be based on UK law and not on the law of some overseas jurisdictions – as a result, almost all degrees from overseas universities are ‘non-standard’ for the purpose of BC/LS. There are some postgraduate degrees offered by University of Leeds and few other universities, which exempts its holder from concluding the academic stage – which makes it a de jure standard degree.

For instance, two-year LL.M. course offered by the University of Leeds is prominent example of such de jure standard degree.

The undergraduate law degree is the most common form of entry into the legal profession. The undergraduate course commonly leads to a Bachelor of Laws or a Bachelor of Arts, or joint honours degree. In England, LLB course runs for three years, but in Scotland, it is usually a 4-year course. The undergraduate courses intend to give general idea about laws, legal system and legal principles to the students.

The undergraduate course may include following subjects: property (labour, employment, discrimination, environmental) law, equity, trust, consumer (competition, intellectual property, administrative, constitutional) law, law of contract, law of tort, restitution laws, tax laws, legal philosophy, legal theories, medical/health (company, criminal, international, civil, land, family, EU community, public) law, conflict of laws. However, some of these courses must be core subjects for the undergraduate course for a degree in order to be a standard one.

The postgraduate course aims at acquiring a systematic understanding of knowledge in particular area and intends to provide the students a critical reflection of current problems and new insights, and advanced scholarship in the discipline.

Postgraduate courses are more directed to specialisation in a particular field.

The postgraduate course leads to LLM, BCL (Bachelor of Civil Law – a one-year masters programme in law designed for students with common law background – offered by Oxford). MJur (Majister Juris – a one year masters programme in law designed for students with backgrounds other than in common law – offered by University of Oxford), MSt (Master of Studies – a one year postgraduate research programme in law similar to research LLMs-offered by Oxford), MPhil (One or two years) or PhD (called DPhil in Oxford and in a number of other universities) degree.

The LL.M. course may be either taught or research based. The most popular LLM programmes are in the areas of international law, human rights, commercial law, trade law, European community law, environmental law etc.

Mode of study. Both undergraduate and postgraduate courses can be studied in full time or part time basis. However, part-time courses are mainly open to home/EU students only and this option is not available to the international students in most instances.

Distance Learning Programme. Most of the universities offer internal programme. However, some institutions offer distance learning or external programme for both undergraduate, postgraduate course. External programmes are available in University of London, University of Wolverhampton and some other institutions.

In most of the UK institutions, academic session starts with September of the calendar year. However, some institutions also have January session.

Institutions

Legal education is carried out through both universities and colleges. However, unlike Bangladesh and other countries, both universities and colleges maintain fair degree of similarity in terms of duration of course and quality of curriculum.

However, sometimes university and college are used interchangeably and the difference seems to be more semantic than real one in particular when colleges form the unit of university. For example, King's College, Imperial College, University College of London, College of Law are really part of London University.

Legal curriculum is formulated by institutions themselves and with the consultation of relevant professional bodies. Although universities being autonomous institutions are free to determine the syllabus and curriculum of the disciplines including law, the Bar council and Law society exercises considerable influence in formulating legal curriculum in England and Wales.

Over the years, the Bar Council and Law Societies have issued a series of joint statement indicating the necessary contents of syllabus for law courses.

Each academic year may be divided either into terms or semester depending upon the system of a university. Each academic year may have three or four term spanning 10 to 12 weeks. On the other hand, each academic year usually has two semesters. Typically a student would take four full subjects, or 8 half subjects or modules, each year. Students will also be able to select optional modules or courses dependent upon the alternatives offered by the law School. Jurisprudence or legal theory is an option offered by nearly all law schools. In UK, practice of teaching legal system of other European countries is also widespread. French, German, Italian, Spanish, Japanese laws and legal systems are also popular options. A small number of law schools teach Roman law.

The UK legal education system highly emphasises on research components as part of undergraduate course. The universities are increasingly attaching value to the learning research skills at both undergraduate and post graduate levels.

However, research components figure prominently more in postgraduate courses. In postgraduate level, the course may be offered as fully research based or partially research based when the course is taught one.

The alternative law degrees are available for non-law graduates who have first obtained an undergraduate degree in another discipline. It is known as Common Professional Examination (CPE), which is also known as the postgraduate diploma in law (PgDL). Usually it spans one year. However, it is offered by a small number of universities. It provides tuition about the core law subjects prescribed by the professions for entry into the Vocational stage. CPE/PgDL is generally aimed at

students who have their undergraduate degrees in subjects other than law, for an economics, politics or science graduate from a UK university who now wants to be trained as a lawyer. Candidates with overseas degrees are not generally eligible to enroll in CPE even with a Master degree from their home country.

However, overseas candidates are accepted only after they have obtained their postgraduate course in UK or European Universities. CPE/PgDL provides certificates of completion of the Academic Stage to candidates who wants to get enrolled at the Vocational Stage (Bar Vocational Course or the Legal Practice Course) in order to be trained as a Barrister or Solicitor.

Learning of legal skills and clinical legal education programme are recognised as an established feature of the curriculum. Legal skills include drafting, research, interviewing, negotiation, advocacy, legal analysis and communication. Legal skills learning are incorporated in curriculum either explicitly or implicitly. The explicit incorporation is defined as where the legal skills form a definitive part of a unit of curriculum dedicated to skills.

The implicit incorporation refers to the situation where legal skill is delivered to the students as part of an overall educational process. The most of the law schools have explicit incorporation of legal skills in the units of the curriculum.

In many law schools, legal skills are imparted under Clinical legal education programme (CLEP) with a view to providing skills on lawyering process, Alternative Dispute Resolution, the public role of lawyer and professionalism. Clinical legal education programme is increasingly becoming popular in the law schools as a means of delivering practical skills. CLEP have been introduced in some UK law schools with a view to enhancing the students' learning experience and understanding of the substantive law, legal process, ethics and the role of law in society.

The clinical programme requires students to address legal skill (drafting, research, advocacy, interviewing, negotiation), transferable skills (communication, problem solving, team work, organisational, study skills, the use of new technology).

Through clinical legal education programmes, students are exposed to unstructured legal problems arising from real life problems. Clinical legal education is a model where students learn through experience or 'doing' law. Clinical legal education is imparted in two ways: live-client model and simulated. The use of live-client clinical work aims at the exposure of students to learning by doing with real clients. It aims at imparting learning through problem solving in a real client context. Live-client clinics can take a variety of forms, such as in-house advice centres and representation services, outreach clinics (advice & representation), community based consultancy services, legal literacy clinics (Street Law). Simulations based clinical legal education programme refer to learning process through demonstration of cases or parts of cases without real clients and based either on fictitious or real facts, but acted out as if they were real. However, the American import of CLEP has still to go a long way to be recognised as a standard curriculum in the UK law schools.

Still famous institutions like Oxford, Cambridge and most of the old law schools do not recognise CLEP. Because the main problem with such programme is that it involves live-client interactions, against which there are already a number of practice-related laws and regulations in place. There is also the impediment of professional insurance, which is in place to ensure professional liability/responsibility of the legal advice given. Furthermore, in the UK, there are regulations – on who can provide legal advice, on who can accept legal briefs, on who can meet the clients directly, on matters of fees and remuneration, on matters of contingency fees and legal aid bills etc- based on which UK's dichotomous (Barrister/Solicitor) legal profession is built.

These are the reasons why law schools in UK are hesitant to adopt this programme wholeheartedly. There is a strong academic logic behind this- that the aim of the law degrees in UK is not produce practising lawyers only. Their aim is also to produce legal academics, administrators, consultants, policy makers, politicians, activists, campaigners. Therefore, it is not necessary to train everyone in practical legal skills in their undergraduate days since not everyone is going to be a practicing lawyer.

For specific practical legal skills, there is always the Vocational Stage of professional training which is already in place to serve the purpose.

In short, the issue of CLEP is still fighting its ground in UK and the degree of its implementation differs from one law school to another, depending on their respective teaching philosophies and strategies. Professional responsibility for lawyers is highly maintained and regulated in the UK. In the UK, professional responsibility is monitored by the professional bodies like the bar, by the judiciaries. Teaching of legal ethics is one important part of vocational training, but it is taught in some law schools.

Analytical approach through analysis of concepts and case materials is most preferred method of study rather than descriptive system that is prevailing in Bangladesh. A critical approach to legal studies is taken by law schools such as Kent, Westminster and Keele – as opposed to the formal position of the law schools in Bangladesh. In the UK law schools, the students are asked to analyse the provisions of the law, statutes, regulation rather than memorising the provisions of law and explain the case materials in the light of given problem of practical importance.

Teaching of Law in the UK universities is influenced by two main factors – needs of legal profession, the government's higher education policy. Teaching is conducted by lectures, seminar and simulation/role play. Student assessment is carried by exams, course work, oral presentation and continual assessment. Mooting and debates are popular methods of extra-curricular activities in law schools.

Quality Assessment. The quality of legal education in UK is maintained by the general scheme of quality assurance which is also applicable to the other disciplines.

Currently, there are several institutions and systems in the UK for quality assessment of higher education. The central agency is the Quality Assurance Agency, which oversees comparability and transparency of the university education in the whole UK. The new programme was launched in 2001 by the Agency in order to establish clear and accurate information on the level of training, the character and the outcomes of university education.

The Agency sets out benchmarks and standards of awarding degree at the different levels and it has mechanisms to inspect the UK universities. For the quality assurance, the concerned institution is obliged to comply with these benchmarks and standards. Research Assessment Exercise, which is popularly known as RAE, is a common method of evaluating research of the UK universities.

RAE is concerned about evaluation of output of individual departments of the universities in terms of publications of academic staffs, experiments, infrastructure facilities and publications of journals and books. RAE is a four yearly process. For assessment of the quality of teaching, there is a separate system, which is known as TQA (Teaching Quality Assessment). The Institute for Learning and Teaching (ILT) provides training on teaching for prospective teachers. It offers courses for those who are interested to be employed as a teacher of a University. This is not mandatory but is often considered a plus point in the selection process, particularly for those candidates who do not have any prior teaching experience in the UK universities.

In delivering higher education and transmission of knowledge, technological support by internet facilities, intranet, video conferencing, power point presentation is increasingly used in the UK universities. Learning IT skills is now considered as necessary part of legal education.

There are two main categories of legal profession in England and Wales- barrister and solicitor. The law students, who wish to practice law, must select one of the two options for profession and apply for entry and complete the vocational stage.

The vocational stage places a strong emphasis upon the practical skills that lawyers require.

Solicitors

In England and Wales, the Law Society and the professional body representing solicitors requires those who wish to qualify to join a Legal Practice Course. If they successfully pass this, they will have to obtain a Training Contract from a solicitors' firm, which will provide them two further years training, before a successful law student is finally 'admitted as a solicitor' or entered on the Roll of Solicitors.

The Legal Practice Course (LPC) lasts one academic year. The LPC involves the compulsory study of some substantive subjects, accounts, taxation, company law, and professional conduct. The skills of interviewing, drafting, and negotiation are also studied and examined. Upon successfully

completing the LPC a Trainee Solicitor enters a firm and continues on the job training for a further two years. This period includes formal training in advocacy. Thereafter all solicitors are obliged to continue compulsory professional development (CPD), which can be achieved by obtaining credit for attending accredited courses, which update legal knowledge or procedure or otherwise inform the practice of law. In Scotland, diploma in legal practice is offered for students intending to be solicitors and advocates after completion of LLB degree.

Barristers

In England and Wales, the General Council of the Bar has franchised a one year programme and examination called Bar Vocational Course (BVC) for those wishing to become barristers. The Bar Vocational Course (BVC) was introduced in 1989 to emphasize the practicing skills required for court work. The course utilizes practical exercises for the competencies in Drafting, Research, Advocacy, Interviewing and Negotiation (DRAIN). Bar vocational course is offered by eight institutions -BPP Law School, Inns of Court, College of Law, Cardiff, School of Law (City University), Manchester Metropolitan University, University of Northumbria, Nottingham Law School (Nottingham Trent University), Bristol Institute of Legal Practice, and the University of the West England.

Different institutions have evolved their own programmes and assessment methods. However, performance assessment in the skills areas and multiple choice tests for testing detailed knowledge of procedural rules have been adopted by most, if not all, institutions. In addition to practical skills, substantive courses are also taught on criminal law, common law, and taxation, civil and criminal procedure in Bar vocational Course. Upon successfully passing the Bar exams, a student can be called to the Bar by her/his Inn of Court. All those wishing to become barristers have to join one of the four Inns of Court (Gray's Inn, Inner Temple, Middle Temple or Lincoln's Inn), which basically involves paying a membership fee and eating a number of compulsory dinners. Call to the Bar however does not entitle automatically a barrister to practice because a barrister must complete a further 12 months 'pupillage' in a group of barristers' offices or chambers of barristers in order to appear in court.

Role of Professional Bodies

The Bar council is the governing body for the barristers. The law society is the governing body for solicitors. There is separate law society for Scotland called Scottish Law Society. The function of professional bodies includes issuing guidelines for vocational courses about the necessary qualification of the lawyers and formulating legal curriculum of the law schools.

Legal education in Britain has an interesting history, very different from that on the Continent. Until the 18th century, British universities did not offer classes in the common law. Young men who studied law at the universities learned only civil law and were qualified to practice in the church courts or specialised courts based on civil law (such as admiralty), but not in the common law courts. Men who intended to become barristers became members of the Inns of Court and learned the law by attending court and observing lectures and moots at the Inns.

Legal education in the United Kingdom is divided between the common law system of England and Wales and Northern Ireland that of Scotland, which uses a hybrid of common law and civil law. Dundee, Glasgow Law School & Strathclyde, in Scotland, are the only universities in the UK to offer a dual-qualifying degree.

Dundee also offers a choice of either English/Northern Irish or Scots law separate LL.B. degrees. Aberdeen offers a Law with English Law course in which Scots Law and English Law is taught.

Requirements for becoming a lawyer in England and Wales and in Northern Ireland differ slightly depending on whether the individual plans to become a solicitor or barrister. All prospective lawyers must first however possess a qualifying law degree, or have completed a conversion course. A qualifying law degree in England and Wales must contain modules covering the following subject areas:

- Public law (constitutional/administrative).
- European Union law.
- Criminal law.

- Law of obligations (contract, restitution, tort).
- Property law (real property).
- Trusts and equity.

Following graduation, the paths towards qualification as a solicitor or barrister diverge. Prospective solicitors must enroll with the Law Society of England and Wales as a student member and take a one-year course called the Legal Practice Course (LPC), usually followed by two years' apprenticeship, known as a training contract.

Prospective barristers must first apply to join one of the four Inns of Court and then complete the one-year Bar Professional Training Course (BPTC), followed by a year training in a set of barristers' chambers, known as pupillage.

When the kingdoms of England and Scotland merged to form the Kingdom of Great Britain in 1707, the terms of the 1706 Treaty of Union that led to the union guaranteed that Scotland's legal system would continue, separate from that of England and Wales. Scots law is founded upon Roman or civil law, although today it has evolved into a pluralistic system, using both civil and common law. As in England and Wales, lawyers in Scotland are divided into two groups: solicitors and advocates. Solicitors are members of the Law Society of Scotland, and are only entitled to practise in the lower courts of Scotland, while advocates are members of the Faculty of Advocates and are permitted to appear in the superior High Court of Justiciary and Court of Session. Membership of either (but only one) body can be attained either by sitting that body's professional exams, or by obtaining exemption through the award of a qualifying law degree and successful completion of the Diploma in Legal Practice.

The Diploma in Legal Practice trains students on the practical elements of being a lawyer in Scotland, and consists of a broad range of compulsory modules.

After completion of the diploma, students wishing to become solicitors undertake a two-year traineeship with a law firm, before being admitted as full members of the Law Society. To become an advocate, students undertake a period of training of 21 months with a solicitor, before a further nine month unpaid traineeship with an experienced advocate, known as devilling. Scottish solicitors and advocates are entitled to practise elsewhere in the European Union, provided that they satisfy the requirements of the relevant EU directives. However, to practise elsewhere in the United Kingdom, further courses and examinations are required.

Schools of law

The following institutions offer qualifying degrees of Bachelor of Laws (LL.B.).

Those offering the Diploma in Legal Practice are marked with an asterisk (*):

- University of Aberdeen School of Law*.
- Abertay University.
- Dundee Law School at the University of Dundee*.
- Edinburgh Law School at the University of Edinburgh*.
- Edinburgh Napier University.
- University of Glasgow School of Law*.
- Glasgow Caledonian University.
- Robert Gordon University*.
- University of Stirling.
- Strathclyde Law School at the University of Strathclyde*.
- Alternatives to an (initial) law degree.

In England and Wales there are also one year conversion courses known as the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL), for non-law graduates as an alternative to the full-length LL.B. degree course, whilst a number of institutions also offer two-year conversion courses, usually at a lower cost with a more distinguished qualification, such as a master's degree.

Scots law regulations usually require a full LL.B qualification. It is possible to complete an honours degree in any other subject, whether in Scotland or elsewhere, and subsequently undertake a qualifying accelerated two-year LL.B. (which is essentially the first two years of the honours LLB)

at several universities including Aberdeen, Caledonian, Dundee, Edinburgh, Glasgow, Strathclyde and Stirling.

Future solicitors might attend one of the lesser Inns but generally learned their craft through working as a clerk in a solicitor's office. Even when the universities introduced classes in the common law (starting with Blackstone's lectures at Oxford).

It was neither customary nor required that future lawyers attend university.

And those that did, continued to receive the bulk of their education through practical training. It was not until the twentieth century that legal education became based in the universities and they began to concentrate on teaching the common law. Today, most future lawyers in Britain spend three years studying law at a university, though it is possible to qualify if the initial degree is in another subject. After receiving a B.A. or L.L.B. (the title of the degree varies from one university to another), those who intend to become solicitors spend a year studying at a law school (longer if the initial degree is not in law) before taking the qualifying exam, while those planning to become barristers attend the Inns of Court Law School.

After that, both branches of the profession serve an internship of sorts before fully qualifying; depending again on the branch of the profession, they wish to enter.

If I remember correctly, when I was applying to do a post-graduate course at a British University, the undergraduate programmes consisted entirely of courses in the common law, at least in terms of required courses. Oxford had a post-graduate degree available in civil law. There were presumably optional courses in civil law and international law, but it was certainly possible to become a practicing lawyer in Britain, as in the USA, with no exposure to the law of any other jurisdiction.

Today, both Cambridge and Oxford have required courses for first year students in civil law, called A Roman Introduction to Private Law at Oxford and Civil Law I at Cambridge University. At the London School of Economics, on the other hand, the required courses in the first year are all based on the common law.

Although optional courses taken in the second or third years include the law and institutions of the European Union, an introduction to civil law, and various aspects of international law. Both Oxford and Cambridge offer undergraduates the option of the traditional three-year degree or an optional fourth year spent at a European law school studying either the law of a particular European country or the law of the European Union or international law. Similarly, the University of Warwick offers an optional four-year degree in law in which the student can spend a year studying abroad in English at one of a number of European universities that offer English-language programmes or studying at a French or German university in the language of that country, for those with sufficient language skills to do so.

Generally, those doing the four-year degrees spend two years at their home institution, the third at a European school, and the fourth year back in the U.K.

In the USA, unlike Europe and Britain, law is taught as a post-graduate degree. Students generally attend university and receive a B.A. before beginning the three-year programme in law that leads to a Juris Doctor (J.D.) degree. There is no required course of undergraduate studies, although many students who intend to go on to law school specialise in history or political science. While the majority of American law schools are affiliated with universities, there are a number that are independent, or free standing. Having completed the J.D., American students sit for the bar exam in the state in which they choose to practice, and if they pass the exam (the pass rates vary from one state to another), they are admitted with no further education or internship required, although some states (but not all) have mandatory continuing legal education.

In the first year, all of the courses were required: contracts, torts, property, civil procedure, criminal law, and constitutional law. After that, they had choices, but the bulk of them dealt with specialised areas of American law.

Other faculty taught a variety of courses in public and private international law, the law of the European Union, and a history of Greek and Roman law, with a total of something like twenty offerings in the areas of comparative or international law.

The total does not include those domestic courses in which faculty have chosen to add a comparative perspective. In addition, the school has recently added a new required course in the first year entitled The Regulatory State, which is described as follows: "This course introduces students to statutes and agency decisions and the central role they play in modern government. The course covers the nature of statutes and agency regulations, how they are generated, how they are interpreted and applied. It will consider the justifications for modern regulation, the modern administrative state, the incentives that influence the behaviour of the various actors, and the legal rules that help structure the relationships among legislatures, agencies and courts."

While this class deals with domestic law, it is vastly different from the kind of course I had in law school and arguably better prepares students for the study of, among other things, modern European law. Finally, Wayne State University Law School has recently established a Programme for International Legal Studies to combine the courses, lectures, and study abroad programmes under one umbrella.

The school now has a systematic way to deal with student and faculty exchanges, fellowships for study abroad, international internships, and visiting scholars.

Similarly, the University of Michigan Law School has a Centre for International and Comparative Law, a European Legal Studies Programme, has fairly recently added a required course in Transnational Law. New York University Law School (NYU) has been known for some time for the quality of its international programs, including having a number of faculty members with affiliations at both NYU and European law schools. The University of Buffalo Law School has a graduate programme geared toward lawyers who were educated outside the USA, with the goal of providing them with sufficient background in the law of the USA to sit for the New York bar exam after a year at Buffalo. These are just a few examples of the way, in which American law schools are increasing the study of international law and providing opportunities for foreign lawyers. In addition to the increased number of courses in international and comparative law, almost every law school in the USA either sponsors one or more study abroad programmes during the summer or allows students to participate in study abroad programmes run by other schools and receive credits at the home school. There are programmes at many American law schools through which students can spend a year or a semester studying at a foreign law school while still receiving credit for their work at their own institution. The education of lawyers in the USA is generally undertaken through a law school program, although in some states (such as California and Virginia) applicants who have not attended law school may qualify to take the bar exam. Legal education in the USA normally proceeds along the following route:

- Undergraduate education (usually 4 years).
- Law school (usually 3 years).
- Admission to the bar (usually by taking a state's bar exam).
- Legal practice.

In the USA, in most cases, the degree awarded by American law schools is the Doctor of Jurisprudence or Juris Doctor (J.D.), a Doctoral degree, the pursuit of which students undertake only after having completed an undergraduate degree in some other field (usually a bachelor's degree). The law school program is considered to be a professional school program and upon graduation you receive the distinct title of Doctor (although most states strictly regulate the ability of attorneys to style themselves doctor). Research degrees that are awarded include the Master of Laws (LL.M.), Doctor of Juridical Science degrees (J.S.D. or S.J.D.) and Doctor of Comparative Law (D.C.L.), are post-undergraduate and research and academic-based level degrees. In the U.S. the Legum Doctor (LL.D.) is only awarded as an honorary degree.

A number of law students apply for an optional judicial clerkship (less than 10% end up in such position), to be taken after law school and before legal practice.

Clerkships usually last one year with appellate courts, but trial level courts (including federal district court) are increasingly moving towards two-year clerkships.

Once a student has graduated from law school, he or she is expected to pursue admission to the bar in order to practice. Requirements for membership in the bar vary across the USA. In almost every

state, the only way to be admitted to the bar is to pass a (usually multi-day) written examination. Once admitted, most States require attorneys to must meet certain Continuing Legal Education (CLE) requirements.

Academic degrees for non-lawyers are available at the baccalaureate and master's level. A common baccalaureate level degree is a Bachelor of Science in Legal Studies (B.S.). Academic master's degrees in legal studies are available, such as the Master of Studies (M.S.), and the Master of Professional Studies (M.P.S.). Such a degree is not required to enter a J.D. program.

Trinity College Cambridge

As in Britain, legal education in Europe is provided as an undergraduate programme, within the university setting. There are no law schools in Europe in the sense that they exist in the USA, but instead the faculty of law will be situated within a research university. In France, the prospective lawyer studies for three years for a licence (comparable to the British or American B.A. degree), then a further two years for the Master of Law. During the first year of the Master's programme, the student specialises in a particular area of law, such as public law, private law, or international law. Then in the second year the student chooses between a work-oriented programme and a research programme. In Germany, law students spend at least four years at the university, followed by two years of internship. Two factors are working towards making European legal education more similar from one country to another.

First, pursuant to the Bologna Process, there has been an attempt to harmonise university education, including legal education, throughout Europe.

Created at a conference at the University of Bologna in 1999, there have been a series of conferences & agreements aimed at creating common educational standards throughout European universities.

Initially joined by 29 countries, there are now 47 participants. The goal is to create easily understandable and transferable degrees in three-year cycles (bachelor, master, doctorate), the participating countries are currently working at complying with the standards established in Bologna and thereafter.

In addition to the increasing similarity of their programmes, European universities are increasingly hospitable to students from other countries.

Maastricht University, for example, has a standard legal education, taught in Dutch, for students who are presumably preparing to practice law in the Netherlands.

However, it has a European Law School track, taught in English, that emphasises the law of the European Union and international law, rather than merely the law of one country. Although primarily aimed at students from within the European Union, it attracts others, including Americans, either as visiting students or full-time participants.

Utrecht University has two different B.A. programmes taught in English and aimed at international students, one in Utrecht and one in Middleburg.

Finally, the Erasmus Programme, which was established by the European Union in 1987, encourages exchanges for students and faculty members within Europe, by providing some funding and assuring that the work that students do at universities in countries other than their own will be recognised by their home institution.

The Erasmus Mundus Programme is similar to the Erasmus Programme but is aimed at exchanges between students at European universities and those outside the European Union.

Advanced degrees in law

Higher degrees allow for more advanced academic study. These include the Masters of Law (LLM) by coursework or research, and doctoral degrees such as the PhD or SJD. Practitioners may undertake a Masters of Law by coursework to obtain greater specialisation in an area in which they practice. In many common law countries, a higher degree in law is common and expected for legal academics.

In addition, incorporating practical skills is beneficial for practitioners seeking higher degrees to better prepare them in their respective legal area of practice. In contrast, higher degrees in law are uncommon in the USA, even within the academy.

In some countries, including the United Kingdom, Italy, Germany, Canada and some states of Australia, the final stages of vocational legal education required to qualify to practice law are carried out outside the university system. The requirements for qualification as a barrister or as a solicitor are covered in those articles.

Legal education providers in some countries offer courses which lead to a certificate or accreditation in applied legal practice or a particular specialisation.

Continuing legal education (continuing professional development) programs are informal seminars or short courses which provide legal practitioners with an opportunity to update their knowledge and skills throughout their legal career. In some jurisdictions, it is mandatory to undertake a certain amount of continuing legal education each year. Arizona State University Beus Center for Law & Society

Australia

In Australia most universities offer law as an undergraduate-entry course (LLB, 4 years), or combined degree course (e.g., BSc/LLB, BCom/LLB, BA/LLB, BE/LLB, 5–6 years). Some of these offer a three-year postgraduate Juris Doctor (JD) program. Bond University in Queensland runs three full semesters each year, teaching from mid-January to late December. This enables the Bond University Law Faculty to offer the LLB in the usual 8 semesters, but only 22/3 years. They offer a JD in two years.

The University of Technology, Sydney will from 2010 offer a 2-year accelerated JD program. In 2008, the University of Melbourne introduced the Melbourne Model, whereby Law is only available as a graduate degree, with students having to have completed a 3-year bachelor's degree (Arts degree) before being eligible.

Students in combined degree programs would spend the first 3 years completing their first bachelor's degree together with some preliminary law subjects, and then spend the last 2–3 years completing the law degree (JD).

Alternatively, one can finish any bachelor's degree, providing their academic results are high, apply for graduate-entry into a 3-year LLB program.

Canada

The professional law degree in Canada is the Bachelor of Laws (LL.B.) or Juris Doctor (J.D.), for common law jurisdictions, and the Bachelor of Laws, Licentiate of Law or Bachelor of Civil Law for Quebec, a civil law jurisdiction. Admittance to an LL.B. or J.D. program requires at least two years of undergraduate education, although, a completed undergraduate degree is usually required. In practice, the vast majority of those who are admitted have already earned at least an undergraduate (bachelor's) degree. The change in academic nomenclature redesignating the common law degree as a J.D. rather than an LL.B., currently completed or under consideration at a number of Canadian schools, has not affected the level of instruction – because it is the same degree.

Hong Kong

In Hong Kong law can be studied as a four-year undergraduate degree Bachelor of Laws (LLB), a two-year postgraduate degree (Juris Doctor). Or the Common Professional Examination conversion course for non-law graduates. One must then pass the one-year Postgraduate Certificate in Laws (PCLL) currently offered at the University of Hong Kong (HKU), Chinese University of Hong Kong and City University of Hong Kong, before starting vocational training: a year's pupillage for barristers or a two-year training contract for solicitors. The move to a four-year LLB was recent and, in the case of HKU, was aimed at shifting some of the more theoretical aspects of the HKU PCLL into the LLB, leaving more room for practical instruction.

India

The Bar Council of India prescribes and supervises standard of legal education in India. Law degrees in India are granted and conferred in terms of the Advocates Act, 1961, which is a law passed by the Parliament both on the aspect of legal education and regulation of conduct of legal profession. Various regional universities or specialised national law universities offer Law graduate degrees through various law schools. In India law can be studied, as LL.B. (Bachelor of Laws) or B.L. (Bachelor of Law), a three-year graduate degree after completion of Bachelor's degree. Alternatively

after standard 12 one can join an integrated five-year law course which provides option to avail B.A. LL.B. or B.B.A. LLB. or B.Sc. LL.B.

In India applied legal education for specific branches of law is also offered such as, Business law, Human resource and Labour laws, Property laws, Family laws, Human rights & Legal awareness, Taxation law and many more.

Italy & France

Law in Italy and France is studied in a jurisprudence school which is an entity within a larger university. Legal education can be started immediately after obtained a Diploma. Italian and French law schools are affiliated with public universities, and are thus public institutions. As a consequence, law schools are required to admit anyone holding the baccalaureate. However, the failure rate is extremely high (up to 70%) during the first two years of the *licenza in diritto*. There are no vast disparities in the quality of Southern European law schools. Many schools focus on their respective city and region. The law school program is divided following the European standards for university studies (Bologna process):

- first a license of law program (*Licence de droit*): three-year period;
- then a Master of law program (*Master de droit*): two-year period;
- Ph.D. in Law (*Doctorat en droit*): three-year period (often more).

The first year of the master program (M1) is specialized : public law, private law, business law, European and international law, etc. The second year of the master of law program (M2) can be work-oriented or research oriented (the students write a substantial thesis and can apply to doctoral programs (a PhD in Law).

The second year is competitive (entry is based on the student's grades and overall score and on extracurricular activities) and generally more specialized (IP law, contract law, civil liberties). Students must pass a specific examination to enter bar school (CRFPA, *école du barreau*). They must successfully finish the first year of a Master of law (M1 or *maitrise de droit*) to be able to attend. If they succeed, then after 18 months (school, practical aspects, ethics and internship) they then take the CAPA exam and diploma (*Certificat d'Aptitude à la Profession d'Avocat*). Successful students also take the Oath in order to practice law.

Japan

The Japanese Ministry of Justice opened the University of Tokyo Faculty of Law in 1877 (changed to Imperial University in 1886). To matriculate to the University of Tokyo, students had to finish ten to fifteen years of compulsory education; acceptance was therefore available to only a small elite. The law program produced politically-dependable graduates to fill fast-track administrative positions in government, known as high civil servants (*koto bunkan*), and to serve as judges and prosecutors. Private law schools opened around 1880. These lacked the government funding given to the University of Tokyo, so the quality of education there lagged behind. Students only had to pass an examination to matriculate to private law schools, so many of them had not completed middle school. The private law schools produced a large portion of private attorneys because their graduates were often ineligible to apply for government positions. The Imperial University Faculty of Law was given supervisory authority over many private law schools in 1887; by the 1920s, it promulgated a legal curriculum comprising six basic codes: Constitutional Law, Civil Law, Commercial Law, Civil Procedure, Criminal Law, and Criminal Procedure.

The same basic structure survived in Japanese legal education to the end of the twentieth century. Prior to the implementation of the law school system in 2004, the legal education system was driven more by examinations than by formal schooling.

The passage rate for the bar exam was historically around 3%, and nearly all those who sat for the exam took it several times. A number of specialized cram schools trained prospective lawyers for the exam, and these schools remain prevalent today.

After passing the bar exam, prospective barristers were required to train for 16 months at the Legal Research and Training Institute of the Supreme Court of Japan.

The training period has traditionally been devoted to litigation practice & virtually no training is given for other aspects of legal practice, e.g., contract drafting, legal research. During this period,

the most capable trainees are selected out to become career judges; others may become prosecutors or private practitioners.

In 2004, the Japanese Diet passed a law allowing for the creation of graduate level law schools. The 2006 bar examination was first in Japanese history to require a law school degree as a prerequisite. In the past, although there has been no educational requirement, most of those who passed the examination had earned undergraduate degrees from elite Japanese universities such as the University of Tokyo, Kyoto University or Hitotsubashi University. With this new law school system came a new bar exam, with a 40–50% passage rate which is capped by a numerical quota. Applicants are now limited to taking the exam three times in a five-year period.

Despite the much higher bar passage rate with the new exam, due to the quotas, approximately half of Japanese law school graduates will never be admitted to practice.

The new system also reduced the apprenticeship period at the Legal Research and Training Institute to one year. A number of other law-related professions exist in Japan, such as patent agents (*benrishi*), tax accountants (*zeirishi*), scribes, entry to each of which is governed by a separate examination.

Korea

Legal education in Korea is driven by examination. The profession of barristers, is highly regulated, and the pass rate for the bar exam is around 5 %. Prospective attorneys who do pass the exam usually take it two or three times before passing it, and a number of specialized private educational institute exist for prospective lawyers. After passing the bar exam, prospective barristers undergo a two-year training period at the Judicial Research and Training Institute of the Supreme Court of Korea. During this period, the most capable trainees are selected out to become career judges; others may become prosecutors or private practitioners.

In 2007, the Korean government passed a law allowing for the creation of three-year law schools. According to the new law, the old system of selecting lawyers by examination will be phased out by 2013. The U.S.-style law schools will be the sole route to become a lawyer. In February 2008, the Ministry of Education of Korea selected 25 universities to open law schools. The total enrollment for all law schools is capped at 2,000, which is a source of contention between the powerful Korea Bar Association, citizen groups and school administrators. There is an uproar among the schools which failed to get the government's approval and even among the schools that did get the approval, there is dissatisfaction due to an extremely low enrollment number.

Several law schools are permitted to enroll 40 students per year, which is far below the financially sustainable number. Beginning in 2012, passage of the Lawyer Admission Test (which is distinct from the old bar exam) will be required for qualification to practice. A number of other legal professions exist in Korea, such as patent attorneys, tax attorneys entry to each of which is governed by a separate examination.

Malaysia

As a Commonwealth country, the Malaysian legal education system is rooted from the United Kingdom. Legal qualifications offered by the local law faculties require students to have a pre-university qualification such as the Malaysian Higher School Certificate, A-Level, International Baccalaureate, Foundation Course or a Diploma. Generally, the law degree programmes in Malaysia consist of civil law subjects, but there are institutions such as The National University of Malaysia, International Islamic University Malaysia and Universiti Sultan Zainal Abidin that include Sharia or Islamic law courses as requirements for admission and graduation.

Malaysian law graduates from universities in the UK, Australia or New Zealand are allowed to practice law in Malaysia. However, they are required to obtain a Certificate of Legal Practice in Laws of Malaysia.

Philippines

Law degree programs are considered graduate programs in the Philippines. As such, admission to law schools requires the completion of a bachelor's degree, with a sufficient number of credits or units in certain subject areas. Legal education in the Philippines is regulated and supervised by the Legal Education Board, a statutorily created independent Body chaired by a retired member of the

Supreme Court or of the Court of Appeals. Its first chairman is Justice Hilarion Aquino. Sitting as members of the Board are a representative of the law professors, a representative of the law deans and a representative of the Commission on Higher Education.

The membership of a student representative has been subject to continuing debate and resistance on the part of law schools. Graduation from a Philippine law school constitutes the primary eligibility requirement for the Philippine Bar Examinations, administered by the Supreme Court during the month of September every year. In order to be eligible to take the bar examinations, one must complete either of the two professional degrees: The Bachelor of Laws (LL.B.) program or the Juris Doctor (J.D.) program. Advanced degrees are offered by some law schools, but are not requirements for admission to the practice of law in the Philippines.

The degrees Master of Laws (LL.M.), Master of Legal Studies are available in only a handful of Philippine universities and colleges, among these San Beda College Graduate School of Law, the University of Santo Tomas and Ateneo de Manila University. The Doctor of Civil Law degree (DCL) is offered only by the University of Santo Tomas and the Doctor of Juridical Science (JSD) degree is offered by the San Beda College Graduate School of Law. Graduate programs in law are also regulated by the Legal Education Board. Legal education in the Philippines normally proceeds along the following route:

- Undergraduate education (usually 4 years).
- Law school (usually 4 years).
- Admission to the bar (usually by taking a Philippine bar exam).
- Legal practice and mandatory continuing legal education.

Russia & Ukraine

Law degree – jurist (often compared to an LL.M., but in fact equivalent to the degree of Specialist specific to the Soviet educational system) is awarded in Russia and Ukraine after 5 years of study at a university.

Jurist degree may also be awarded in a shorter period of time if a law student has already completed Bachelor or Specialist degree in another field of studies or has previously earned a basic law degree (comparable to Paralegal, an associate degree in U.S.) from a specialized law college. Bachelor jurist degree (equivalent to Bachelor of Laws (LL.B.)) may be earned concurrently with another bachelor's or master's degree in some universities (comparable to a double-major). Note that this fused, one-degree (Specialist) educational scheme has coexisted with the two-degree (bachelor's – master's) scheme since Russia & Ukraine launched their higher education reforms to bring the domestic educational systems in closer compliance with the Bologna accords.

The latest educational reforms created new system where a four-year law program is offered at the universities for earning bachelor's degree, and a five-year law program is offered for master's degree. The degree of Specialist is no longer awarded and is renamed into master's degree.

Serbia

To become a lawyer in Serbia, students must graduate from an accredited faculty of law. First-level studies last four years (eight semesters), after which it is possible to enroll in Master's degree and PhD studies programmes. To become a student of the faculty of law, a candidate must pass the admission test. The practical training for students is organized at courts of law, and local and international moot court competitions. A lawyer must pass the national bar examination to become an attorney, a judge, or a prosecutor. In order to take the bar exam, it is only necessary to complete the 4 year studies programme and have a certain amount of work experience (i.e. as a paralegal), but most attorneys have attained the master's degree in law before passing the bar exam.

South Africa

In South Africa, the LL.B. is the universal legal qualification for admission and enrollment as an Advocate or Attorney. Since 1998, LL.B. programmes may be entered directly at the undergraduate level; at the same time, the LLB. continues to be offered postgraduate and may then be accelerated dependent on the bachelor's degree.

The programme lasts 2-4 years correspondingly (compare Australia, above).

Although not formally required for specialised practice, further training, e.g. in tax, is via postgraduate diplomas or focused, coursework-based LL.M. programmes.

Research degrees are the LL.M. and LL.D., or PhD depending on university.

The Master's dissertation reflects an ability to conduct independent research, whereas the Doctoral thesis will, in addition, constitute an original contribution to the field of law in question. A doctorate is required for positions in legal academia. Historically, the BProc. & BJuris were the legal degrees offered at the undergraduate level.

The four-year BProc qualified one to practice as an attorney, or become a prosecutor or magistrate in the lower courts, but did not allow for admission as an advocate. The three-year B.Juris was the basic requirement for prosecutors and magistrates in the lower courts, but on its own, did not qualify one to practice as an attorney. Both offered admission to the LLB.

For admission as an attorney, one serves articles as a candidate attorney with a practicing attorney for two years, then writes a board exam set by the relevant provincial Law Society. Attorneys may additionally qualify as Notaries and Conveyancers, via the Conveyancing and Notarial Practice Examinations; those with technical or scientific training may further qualify as patent attorneys.

The requirements to enter private practice as advocates (Junior Counsel) are to become members of a Bar Association by undergoing a period of training (pupilage) for one year with a practicing Advocate, and to sit an admission examination.

On the recommendation of the Bar Councils, an advocate of proven experience and skill with at least ten years experience, may be appointed by the President of South Africa as a Senior Counsel (SC; referred to as a silk).

The Act regulating admission to practice law ("The Qualifications of Legal Practitioners Amendment Act of 1997") is being revised.

South American countries

The law of South America is one of the most unified in the world. All countries can be said to follow civil law systems, although recent developments in the law of Brazil suggest a move towards the stare decisis doctrine. Moreover, all countries have recently signed up to the Union of South American Nations agreement, which aims to establish a system of supra-national law along the lines of the European Union.

Sri Lanka

In order to practice law in Sri Lanka, a lawyer must be 'admitted and enrolled as an Attorney-at-Law of the Supreme Court of the Democratic Socialist Republic of Sri Lanka. To be admitted to the bar a law student must complete law exams held by the Sri Lanka Law College and undergo a six-month period of apprenticeship under a senior practicing lawyer. There are two routes taken by students.

Those who have gained a law degree, an LL.B. (which is 3-4 years long in Sri Lankan State Universities of University of Colombo, University of Jaffna, Open University of Sri Lanka and University of Peradeniya) are given direct entry to undertake law exams at the Sri Lanka Law College. Those who don't hold a law degree, could gain entrance to the Sri Lanka Law College via a competitive entrance exam to study law and prepare for the law exams.

Both groups of students must undergo a period of apprenticeship under a senior practicing lawyer who has at least 8 years of practicing experience. To become a judge one must be admitted as an Attorney-at-Law.

Conclusions and recommendations

For the effective implementation of degree education, a solution to a whole complex of tasks is necessary. First of all, it is worth developing a clearly codified and updated list of qualifications of specialists with higher education and a list of specialties that would allow for a clear differentiation of the purpose and content of training specialists in universities in the third millennium in accordance with the requirements of state development. It is also important to speed up the development of sets of state standards for higher education, namely those that establish methodically stratified parameters of requirements for the content, scope and level of education at three levels: the state, society and a specific higher educational institution.

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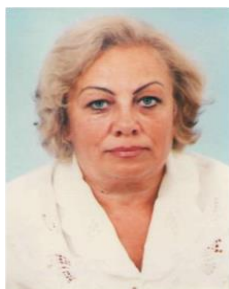
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