

Legal Education in Lithuania: Guidelines for Quality Improvement in Accordance With the Bologna Process

Edita Gruodyte, Julija Kirsiene

Vytautas Magnus University
K. Donelaicio st. 58, LT-44248, Kaunas, Lithuania
e-mail: e.gruodyte@tf.vdu.lt j.kirsiene@tf.vdu.lt

crossref <http://dx.doi.org/10.5755/j01.ee.22.4.711>

The university law school experience unites all practicing lawyers. Unfortunately, many new lawyers practicing in Lithuania do not seem to meet the minimum expectations established by Lithuanian society. It makes one wonder whether such new lawyers actually learned the values, knowledge and skills that are indispensable to modern lawyers while they were in the law school. If many new practicing lawyers have not learned such things, one must also question whether their respective university law schools effectively taught them such values, knowledge and skills. In addition to being challenged by expectations established by Lithuanian society, Lithuanian universities must also prepare law school students for the global economy. The Bologna Process¹ specifically challenges Lithuanian universities to meet new international educational standards and goals, including international mobility, competitiveness, transparency, high quality teaching, and employability.

We will analyze the legal authorities that regulate legal education in Lithuania. We will also review the educational guidelines that have been established to insure the highest quality of legal education in Lithuania.

The first part of this article is devoted to analyzing the quality parameters of educational services in the context of Bologna Process. The survey shows that the Bologna Process offers sufficient legal educational standards to assure the quality of legal education in Lithuania. These standards include the framework of comparable and compatible qualifications for higher education systems, European Standards and Guidelines for Quality Assurance and cooperation of agencies for higher education quality assurance in every member state. Although various legal scholars may disagree, the legal educational standards used in the Bologna Process are the most appropriate to use because such standards (a) are more precise, (b) provide a common understanding, and (c) can be used as a "common currency" by allowing study programs to be more transparent at both local and international levels.

In the second part of this article, we analyze the adequacy of learning outcomes as one of the main parameters of ensuring the quality of legal education. This will be done by analyzing the regulation of legal education in Lithuania. The analysis concludes that not enough attention is being devoted to teaching general competencies to law students in Lithuania. For example, competencies in

the areas of leadership, creative problem solving, team work, communication (including communication in foreign languages), professional ethical behaviour and professional responsibility appear to be deficient. It is especially worth noting that neither a legal ethics course nor a lawyer's professional responsibility course are required before becoming a licensed lawyer or judge in Lithuania. In our opinion, ignoring professional ethics and failing to require a professional ethics course in all university law schools allows students to form a false impression that ethics is a secondary matter in a lawyer's education.

Keywords: *legal education, quality assurance of studies, learning outcome, lawyer, Bologna Process, teaching methods.*

Introduction

There is a growing tendency among young people, not only in Lithuania, but also around the world (Krannich, Holbrook, etc., 2008-2009), to choose the legal profession as a career². Law is a deep and broad professional field. Obviously, attending lectures for a few years at a university law school is not enough to convey all of the nuances and subtleties of the law. In fact, legal education is an endless process of studying because the law is not static. A good lawyer strives to constantly supplement his knowledge and perfect his skills in the context of his practice. Attending lectures at a university law school is only the beginning of legal education. It is also an experience which unites all practicing lawyers. That is how the universities that prepare lawyers contribute to creating and maintaining a country's legal culture. Forming and maintaining a legal culture is accomplished by teaching the basic moral values and skills for lawyers practicing in the country, including future judges, civil servants and other officials who carry out state functions. Unfortunately, Lithuanian society does not appear to trust lawyers very highly³. This lack of trust means that lawyers do not

¹ Started from 1999 and its main aim is to create a European Higher Education Area by making academic degree standards and quality assurance standards more comparable and compatible throughout Europe.

² During the 2010 general entrance period, 52.9% (approximately 14,000 applications) of students entering Lithuanian universities rated social sciences as their first priority. Out of the students that rated social sciences as their first priority, 1,776 prioritized legal education. A conclusion can be drawn that approximately fifteen percent (15%) of students determined to study social sciences chose legal education. Accordingly, Lithuanian universities accepted approximately 1,300 students to legal education in 2010.

³ The trust for legal professions in legal institutions in Lithuania 2005–2008.*

appear to meet the expectations of Lithuanian society. It also makes one wonder why university law school graduates do not seem to have the values, knowledge and skills that are indispensable to a modern lawyer.

The Bologna Process was started more than ten years ago. The Bologna Process specifically challenges universities to meet new international educational standards and goals. It is said that “...what the European Union is for economics, the Bologna Process is for academics...” (Birger, 2008). The purpose of the Bologna Process is to create the common European higher education area. Quality assurance has “proven to be at the heart” of the Bologna Process (Berlin, 2003).

It is useful to analyze how the goals of the Bologna Process are achieved in Lithuania, including legal education⁴. Quality assurance is the most important issue to be addressed in higher education if Lithuanian universities want to offer a high quality legal education. Achieving the elements of quality assurance defined in the Bologna Process is critical if such universities want to achieve international mobility, competitiveness, transparency, high quality teaching, and employability. Like everything else, the process of globalization impacts the Lithuanian education system and creates new challenges and opportunities for higher education in Lithuania.

The most difficult spheres for implementing the Bologna Process are medicine and law. These spheres are the most difficult because they have the strongest national particularity and cultural traditions⁵. This is particularly true in Lithuania. Further, “...reforming legal education and the need for accommodating respective state guidelines are issues of intensive and controversial debate in many European countries...”⁶ Unfortunately, there are

almost no open discussions regarding this issue in Lithuania.⁷

We intend to accomplish several goals in this article. First, we will identify and analyze the basic changes achieved in regulation of legal education in Lithuania during the ten years since the Bologna Process started. We will then analyze how far the Bologna Process was able to affect the specific area of legal education. Third, we will analyze various concepts and quality parameters related to educational services in general. Finally, we will identify and analyze the guidelines for quality assurance parameters which should be applied to assure the highest quality of legal education in Lithuania.

1. Understanding Quality Parameters and Their Implementation in Legal Studies

1.1. Development of Higher Education Qualifications in Bologna Process Documents

The Bologna Process was initiated when the Bologna declaration was enacted in 1999. The first hints regarding quality of higher education were reflected in the Bologna declaration⁸, but no structures or parameters for quality assurance were provided in it. “*The Declaration reflects a search for a common European answer to common European problems.*” (An Explanation of Bologna Declaration, 2000). The main goal of the Bologna Process as stated in the declaration was “...to create a European space for higher education in order to enhance the employability and mobility of citizens and to increase the international competitiveness of European higher education.” (An Explanation of Bologna Declaration, 2000). It was evident that the goal could not be reached without the quality assurance studies in higher education, even though such studies were not expressly identified in the declaration. (Presidency Conclusions, 2000)⁹. Although quality assurance is critical to international mobility, employability and competitiveness, it would take additional developments to prepare the necessary structural framework.

After 1999, the Bologna Process continued. Several conferences were held and several communiqués were issued which helped to develop the Bologna Process. The Lisbon strategy stated that (Presidency Conclusions, 2000) the improvement of the quality and efficiency of education and training was one of the aims of the Bologna Process.

	Citizens' Trust in Percentages			
	August 2005	August 2006	October 2007	October 2008
Notaries	51	57	58	58
Advocates	33	43	40	41
Prosecutors	20	19	29	28
Judges	18	14	24	25
Police officers	8	13	26	40
Bailiffs	6	15	15	17

* 2005–2007 – Data from market and public opinion research company “Spinter research”, 2008 – Market and opinion research center “Vilmorus” data.

⁴ Based on the detailed assessment report, there has generally been significant progress in implementing aims of the Bologna declaration because “higher education across the (“EHEA”) countries looks substantially different from ten years ago.” Such instruments as LRC, ECTS, DS, quality assurance, and qualifications frameworks are much more widely applied, degree structures and curricula have been reformed, and most of the necessary legislation and national regulations have been implemented. However, there remains a “...large difference in the speed of implementation between individual countries...” (Westerheijden, Beerkens, etc., 2010). The “...crucial step is to make the structure into reality that is ‘lived and loved’ by teachers and learners...” (Westerheijden, Beerkens, etc., 2010).

⁵ Lithuania, like Germany and most EHEA countries, has the same problems as were correctly identified by J.D.Weber, i.e., that the Bologna Process has not reached some study areas such as law and medicine and the main problems are related to mistrust and doubts in bachelors degrees based on qualifications and career possibilities after a short three-year education. (Weber, 2008).

⁶ In this context, we accept Peter Greisler’s opinion that “*The Bologna Process has become the most important forum for higher education policy*

in Europe.” (Greisler, 2008). Bologna–An Impetus for Reform. A Federal Perspective. p.6. Regarding debates on the issues of reforming legal education, see the following website for more information: http://www.stifterverband.info/veranstaltungen/archiv/2010_03_18_legal_education_in_europe/index.html.

⁷ Although two authors (Roosaare, 2007), (Kirsiene, 2009; Kirsiene, 2010) specifically touched on some aspects of legal education in Lithuania, there are rather wide discussions regarding specific aspects of higher education in general.

⁸ Here, one of the six objectives was desire to promote “*European co-operation in quality assurance with a view to developing comparable criteria and methodologies*”. (Bologna Declaration, 1999).

⁹ It is notable that according to Lanskoranskis, the compatibility of national law acts with Bologna Process and Lisbon strategy requirements is one of the weakest links in Lithuanian education. (Lanskoranskis, 2007).

The European Association for Quality Assurance (ENQA) was created in 2004.¹⁰ The purpose of the ENQA is to promote European cooperation in the field of the higher education quality assurance. With the establishment of the ENQA, Europe created a structure which would help support the development of quality assurance in higher education in accordance with the Bologna Process. Unfortunately, Lithuania has not yet been chosen to take full advantage of this structure.¹¹

"International students' exchange is a rapidly growing phenomenon, therefore studies abroad have become the utmost form of internationalisation of higher education. It has been estimated that the need to acquire international education will increase to 7.2 million international students by the year 2025 or even to 15 million (Juknytė-Petrikienė I., Pukelis K., 2007). Reaction to the trend is reflected in Prague meeting (Prague Communiqué, 2001), where agreements on some new action lines, including lifelong learning and promotion of the attractiveness of the European Higher Education Area to students from Europe and other parts of the world, were provided (Prague Communiqué, 2001).

The year 2005 was the most important year for quality assurance of higher education in Europe, because the European Standards and Guidelines for Quality Assurance in Higher Education were adopted by the ministers and the idea of a European register of quality assurance agencies was adopted. (Bergen Communiqué, 2005)¹².

In 2008, the European Quality Assurance Register for Higher Education (EQAR) was established. EQAR's main tasks are to (a) increase the transparency of quality assurance, and (b) enhance trust and confidence in European higher education. Practically, EQAR implements its goal by listing quality assurance agencies that operate in Europe. Before being listed, an agency must have proven its credibility and reliability. An agency's performance is reviewed against the European Standards and Guidelines for Quality Assurance. It is important to mention that EQAR currently lists only 20 agencies.¹³ No agency from any Baltic State is currently included on the list.¹⁴

Over time, the Bologna Process gradually created enough structures to reach the primary goals of the Bologna Process. ENQA's quality assurance standards and criteria, together with the establishment of the EQAR register, should promote mutual trust and improve

transparency of higher education, recognition of foreign qualifications, and encourage mobility of students and staff. It should also help to assure quality of studies if the presumption is made that the European standards provided are sufficiently detailed and would be implemented by the respective national authorities. Notwithstanding the conclusion above, not everyone is satisfied with or believes in the future and usefulness of the Bologna Process. Several "Bologna sceptics" vigorously disagree with the Bologna Process. Their arguments appear to be strong¹⁵.

We now need to analyze how well the Bologna Process is working, particularly with regard to legal education. We also need to determine whether there is a clear understanding about higher education among various actors, including universities, quality assurance agencies, legal institutions, employers and others. Finally, we need to analyze the arguments posed by the "Bologna skeptics".

1.2. Quality Conception, Parameters and Their Adaptation for Legal Studies

In the initial Bologna declaration and subsequent communications, quality assurance in higher education institutions was accentuated. However, "quality assurance" is a generic term which lends itself to many interpretations (Standards and Guidelines, 2005). *"It is obvious that neither of the main objectives of Bologna--international competitiveness, mobility and employability--is possible to be reached without the reliable system of study quality assurance on an institutional, national and international scale."* (Juknyte-Petrikienė, Pukelis, 2007).

Regardless of the fact that the quality of higher education is widely discussed and emphasized, there is no mutual agreement about quality standards in the sector of higher education (Lanskoronskis, Ramoniene, 2007). There is a variety of approaches to quality assurance and a number of definitions of quality that are being used in the field of learning, education and training. Quality may be understood in any number of ways and on different levels based on one's methodology, scope or objective. Some scientific literature distinguishes three classes of quality models: process--orientated, product--orientated and competency--orientated models. According to Pawlowski, process-orientated models are the best models for educational organizations because they "...can be adapted to the needs of an organization..." (Pawlowski, 2008). Other authors define the quality of studies as the creation of proper conditions to continue individual self-education and qualification suitability that was acquired at a university or college, and characterisation through dimensions, standards and criteria. The authors make an important conclusion that opinion about the quality of studies should be expressed by various community groups

¹⁰ Technically The European Network for Quality Assurance in Higher Education, established in 2000 was transformed into the ENQA. More details could be found on web page www.enqa.eu

¹¹ ENQA now has 47 full member agencies. Among them are special agencies from Latvia and Estonia, but none are from Lithuania. There are four candidate member agencies, including Lithuania's SKVC agency.¹¹ Therefore, it appears that Lithuania is not as committed to the Bologna Process to the same extent as other Baltic states might be committed.

¹² As the result of the Berlin Communiqué (2003), ministers invited member states to develop a framework of comparable and compatible qualifications for higher education systems, including description of learning outcomes, competences and profile, in the following two years.

¹³ Now Bologna has 46 members, but only 16 higher education systems have internal and external quality assurance systems designed in line with the ESG, (Westerheijden, Beerkens, etc., 2010). Lithuania is not one of them.

¹⁴ Seven agencies from Germany dominate the group, but agencies from such countries as Bulgaria, Romania, and Poland also participate. More details could be found on the webpage www.enqa.eu

¹⁵ In opinion of "Bologna skeptics", "The result of Bologna is growing stratification and hierarchy of national institutions, and transnational integration of national education systems leads to national disintegration." (Munch, 2010). According to Maion von Osten, in accordance with Bologna Process, creating hierarchy in a university's degrees (the stratification of earlier degree into first and second cycle studies) contradicts the goals of democratic education and do not conform to existing employment policies as employers usually seek individuals holding master's degree. (Osten, 2010).

(Savickiene, Pukelis, 2003; Pukelis, Pileickiene, 2005; Serafinas, Radzevicius, 2009). Some other scientists¹⁶ base quality of higher education on consumer issues and their needs.¹⁷ The shortcoming of this parameter is the fact that these services, according to the economic literature, are credence goods and consumers are seldom professionals¹⁸ who know what to expect. Further, their needs may be very different from one another. (For example, a student may need to acquire diploma using as little resources as possible, to get as much knowledge as possible, to study one semester abroad, to have a good job, etc.)

Pukelis and Savickiene (Savickiene, Pukelis, 2003), after analyzing the quality of evaluation systems in America and some European Union countries, concluded that quality usually is defined in two levels: (a) an institutional level; and (b) a study program level. On the institutional level, the following criteria should be considered: management, strategy and decision making, personnel qualification, students, the improvement of study programs, teaching quality, survey/research strategy and survey organization, services offered for the society, quality assurance system, the implementation of the mission and achievement of the goals. To describe the study program, Pukelis and Savickiene presented the following criteria: aims and purposes of the study program, contents of the study program and its design, the structure of study program, didactic concept and philosophy, study methods, students' work, including research projects and practical teaching, students' evaluation and examination, number of students (during a selective period, while accepting and during the studies), qualification of the personnel, the suitability of the necessary equipment, the internationalization of study contents, the procedures assuring inner quality, achieved standards, the number of students who passed the exams or who were expelled, average duration of studies, the opinions of studies by students and teachers (Savickiene, Pukelis, 2003). However, these criteria only indicate what should be evaluated, but not how it should be evaluated. In addition, difficulties may arise in practice when evaluating concrete higher institutions and programs, because there is no hints how to compare the enumerated parameters.

Basing their opinions on survey data, Valiukeviciute and Druskyte tried to objectively determine the quality of studies at universities. (Valiukeviciute, Druskyte, et al,

2003). It would be helpful to have a thorough analysis of study material base, evaluation of results of studies from the point of view of graduates and in-company information dispersion (e.g., information about the work of students and teachers; for students and teachers information about administrative work; information for students about international exchange programs). (Valiukeviciute, Druskyte, et al, 2003). One of the weakest links in this opinion is that a customer (i.e., a student) is one of the most important parts in the studying process, even though he is not particularly qualified to evaluate all aspects present in higher education. Further, not all persons that come to university enter it to receive knowledge. Some are only interested in acquiring a diploma. Although the material needs of students are important, it is not the only factor to be considered when establishing the essential goals of an academic program.

Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)¹⁹ should be considered as the most important document when defining quality assurance parameters because rather clear and definite parameters are provided. *"The standards and guidelines are designed to be applicable to all higher education institutions and quality assurance agencies in Europe, irrespective of their structure, function and size, and the national system in which they are located"* (Standards & Guidelines, 2005).

The most important portion of the ESG is the first part because it addresses higher education institutions. Seven separate guidelines covering all basic elements of the educational process are provided. These guidelines could be described as ones requiring more formalities (e.g., to issue formal strategy, policy and procedures, formal mechanisms for the approval and monitoring of study programmes); more clarity and publicity (e.g., strategy and policy should be available to public, there should be established formal and published student assessment criteria, defined criteria for quality assurance of teaching staff); and cyclical (e.g., there should be periodic review of programs and awards, data collection, analysis and usage of relevant information for the effective managements of study programs and related activities, regular updating of information (both quantitative and qualitative). (Standards and Guidelines, 2005). Probably the most interesting issue is the one regarding teaching staff, because it requires not only the quality of staff (which was traditionally based on formal diploma criteria), but also teaching competence. This would require the *"...breaking open the automatic assumption that qualified automatically means competent: teaching in mass higher education systems is a profession of its own, which can (and must) be learned and which does not come automatically from being a qualified researcher"*. (Westerheijden, Beerkens, etc., 2010). *"To teach effectively is to enable students to learn independently."* (Muller, 2008). *"Teaching strategies have to focus on addressing and challenging students as independent, autonomous learners... To foster students'*

¹⁶ Vanagas, 2004; Juknyte-Petrikiene, Pukelis, 2007.

¹⁷ *Despite a variety of conceptions of higher education quality and their imperfections, the key aim of total quality and its management theory and practice is a "quality for consumer" in other words to meet a consumer's needs.* (Vanagas, 2004). *Conception of quality as fitness for consumer needs could be entitled as metaquality conception, which encompasses or is the cornerstone in framing other conceptions of quality in higher education. In other words, all conceptions of quality, including quality as fitness for purpose as well as quality as transformation are grounded on consumer needs and reflect the interests of stakeholders who are concerned with quality of higher education.* (Juknyte-Petrikiene, Pukelis 2007).

¹⁸ In the economic literature, a distinction is made between search goods, experience goods, and credence goods. Educational services could be evaluated as credence goods, the quality of which consumer can hardly learn, so he has to rely on the assurance by the provider of the service or public authorities that its quality is sufficient. On credence goods, see (Darby, Karni, 1973).

¹⁹ *The ESG grew out of the desire to develop comparable criteria and methodologies for quality assurance across the whole EHEA area, while maintaining room for diversity for the signatory countries* (Westerheijden, Beerkens, etc., 2010).

confidence and independence, teaching must engage students in dialogue, involving intensive communication and sincere cooperation between teachers and students with ample and systematic feedback.” (Muller, 2008).

Notwithstanding the practical usefulness of the ESG, one should have in mind the fact that ESG only has recommendation status. Further, the term “guidelines” clearly means that it is not legally binding in nature. Therefore, the guidelines are quite general and leave much space for states and education institutions to decide about specific quality assurance means and methods. We should remember that the application of “...compatible quality assurance systems does not guarantee the delivery of compatible quality of education. This must result from combined meaningful learning outcomes (ECTS) and qualifications frameworks.” (Westerheijden, Beerkens, etc., 2010).

Neither in the scientific literature nor in actual laws or regulations it is possible to find well-defined parameters that allow one to determine whether or not an educational program is of excellent quality. After considering all of the theories and parameters currently available, the most important factor is the learning outcomes of study programs. In the 21st century, learning outcomes are viewed as the fundamental building block of the Bologna educational reforms. Learning outcomes are a practical device that represent a methodical approach to measure an institution’s competitiveness, transparency, recognition and mobility of education. All of the other quality parameters analyzed (such as personnel and material resources) are only means to achieve learning outcomes of study programs. At the same time, the formulation of suitable learning outcomes in study programs and in separate descriptors of study subjects provides information for students, employers and other institutions. Learning outcomes also make it easier to compare study programs between universities. This, at least in part, determines the successful implementation of the most essential processes of Bologna.

With regard to legal education, the key learning outcomes are whether a law school graduate has learned the moral attitudes, skills and abilities that are necessary for a contemporary lawyer. In the next section, we will analyze whether law school graduates receive the moral attitudes, skills and abilities that are necessary for a contemporary lawyer, in other words, the key learning outcomes.

2. Adequate Study Outcomes as a Parameter Ensuring the Quality of Legal Education

As we have said above, it does not appear that legal education programs in Lithuania are currently meeting the needs of contemporary society. Therefore, it is incumbent on legal educators to adapt their legal education programs to meet such needs. Program strengths must be maintained and program weaknesses must be eliminated. When evaluating the adequacy of a legal education program, one must first determine which parameter or parameters should be used. Clearly, a legal education must include the teaching of specific law branches and legal norms. In

addition to the traditional teaching of specific law branches and legal norms, the literature is now filled with opinions expressing the idea that developing the practical skills of a lawyer also needs to be included and emphasized. Developing skills such as negotiating, team work, counseling, interviewing, creative problem solving, mediating, psychology and leadership should be a high priority in a program if it is to be considered a high quality program. (Krannich, Holbrook, etc., 2008-2009). For example, law schools in the U.S.A. traditionally emphasize analysis, argument and legal-thinking (Krannich, Holbrook, etc., 2008-2009).

In anticipation of this article, we performed a survey. We analyzed legal regulations and legal education programs in Lithuania in order to find out what skills are required and emphasized. The required skills are defined by a Constitutional Court decision and a descriptor for legal education prepared by the Ministry of Education and Science of the Republic of Lithuania.

The Constitutional Court of the Republic of Lithuania has also identified elements which need to be included in every legal education program. (The decision of Constitutional Court, 2008). The Constitutional Court issued an important decision on February 20th, 2008 concerning the requirements of legal education for those individuals who want to carry out the duties of a judge (The decision of Constitutional Court, 2008). The Constitutional Court held that the state must ensure that legal education provided in any institution should have equal standards of higher education labeled by different levels and degrees conferred by such institutions. The Constitutional Court also held that certain subjects should be included in the curriculum of every legal education program. Most of the subjects on the list include specific law branches and legal norms, such as theory of law, constitutional law, civil law and other legal subjects. Although the Constitutional Court did mention that the non-legal subjects should be studied, notably social and humanitarian subjects. (The decision of Constitutional Court, 2008). Unfortunately, the Constitutional Court appears to reflect the traditional approach to legal education. The decision in the context of this survey is problematic because the traditional approach to legal education appears to result in the failure to meet Lithuanian society’s expectations. Our society expects more from a lawyer than the mere understanding of specific law branches and legal norms.

The elements of a legal education program must also meet certain statutory requirements. Until recently, the contents of a legal education program in Lithuania were determined under the general statutes regulating higher education and other statutes, e.g., a statute setting forth the qualification requirements for judges, which indirectly referred to educational requirements. (LR Vyriausybės nutarimas, 2002). However, the Ministry of Education and Science of the Republic of Lithuania ratified a comprehensive descriptor for legal education on August 19, 2010. (LR Svetimo ir mokslo ministro isakymas, 2010). The decree issued by the Ministry of Education and Science was based on the decision of the Constitutional Court described above.

The purpose of the issued by the Ministry of Science and Education was to set common standards for legal education programs. In its descriptor, there are named skills and knowledge that have to be acquired during one's legal education. They include: (a) cognitive skills (e.g., the ability to interpret data that is relevant and significant in law, usage of various doctrines of law); (b) practical skills (e.g., to know how to use legal information data bases); and (c) transferable skills (e.g., to improve and update the legal knowledge). Having in mind that the descriptor was long overdue, the schools and universities preparing lawyers waited for the descriptor for ten years. It is satisfying to see that it was at last ratified²⁰. It should be noted that this descriptor is quite liberal and in part corresponds new trends in education regulation set by Bologna Process documents. For example, it gives more precision for common standards of legal education program. In comparison with above analyzed Constitutional Court decision, in terms of learning outcomes, the descriptor pays more attention to general competences (but still not enough). (These general competencies are analyzed below.) Next, the descriptor pays almost no attention to training of moral and ethical values, emotional intelligence, moral attitudes, broad erudition or life-long learning of the future lawyer. In addition, effective regulation of legal education program should ensure not only the content of the program and its constant revision, but also teaching methods and development of teaching skills of educators.

Study outcomes in the world and in Europe are generally divided into three types. The three types are: (a) special competences (e.g., knowledge of different substantive law subjects such as civil, penal law, etc.); general competences (e.g., such as knowledge of foreign languages, team work, communication skills, etc.); and (c) skills of professional behavior and knowledge of the requirements for professional ethics. Specialists draw our attention to the fact that the importance of teaching general competences is growing quickly in legal education programs. (Kenedy, 2010; Pukelis, Savickiene, 2010). It is because special knowledge and skills rapidly become stale and obsolete in contemporary society. (Kenedy, 2010; Pukelis, Savickiene, 2010). In a society which is changing at ever increasing rates, it is becoming more important to teach someone how to learn than what to learn.

Our analysis of Lithuanian statutes and regulations, court decisions and legal education programs in Lithuania shows that the current legal education system needs to be expanded to include educational requirements in general competences, emotional intelligence, moral attitudes, and broader education of the future lawyer²¹. According to the judge of the Supreme Court of the United States, Learned

Hand, which consistently advocated an interdisciplinary approach: "Law is centrally located in the humanities and is not complete unless it draws nourishment from them" (Krannich, Holbrook, etc 2008-2009). It is a well known fact that the legal profession is oriented towards a person. Lawyers have to communicate with people from all walks of life, namely, clients, colleagues, experts, witnesses, judges, officers, etc. That is why it is necessary for every practicing lawyer to have developed versatile communicative and interpersonal skills and abilities.

Krannich and Holbrook note that practicing lawyers in a modern society must have well-developed skills in dealing with conflict and should be able to cope not only with legal aspects, but also with non-legal ones (Krannich, Holbrook, etc 2008-2009). For example, a lawyer needs to have the ability to foresee emotional consequences of legal actions and to regulate the tension between the parties of the dispute and others. The non-legal skills allow a lawyer to analyze a problem from a variety of perspectives and enhance the lawyer's ability to identify a strategy to successfully solve the problem at hand. Non-legal skills also help a lawyer to select a negotiating position or other strategy to address the various individuals and their interests involved in the case. Currently, however, legal education generally encourages future lawyers to dissociate themselves from such non-legal factors and focus only on the narrower legal situation at issue (Daicoff, 2006). This is an acute problem in Lithuania and many other countries as well. (Krannich, Holbrook, etc 2008-2009)

Recent research also shows that leadership abilities are also very important skills for a lawyer. (Richard, Lambreth, 2006). However, just like social, ethical, problem-solving and negotiation skills, leadership abilities are not directly and purposefully taught in legal education programs (Richard, Lambreth, 2006). According to L. Richard and S. R. Lambreth, a leader should possess the following qualities: wide, creative and innovative thinking; positive viewpoint towards novelties and changes; determination of ambitious goals and striving towards them; cooperation with others, their encouragement and evaluation, rather than accumulation of power and demonstrative behavior. The most important features of the leader are assuming responsibility and the ability to cope with difficulties that arise. (Richard, Lambreth, 2006). It just goes to show that the development of such abilities can and should be included into legal education programs, especially the need to develop team work skills.

The legitimacy and reputation of the legal lawyer profession in Lithuania depends, in part, on the morals, ethics and integrity of its members. This reality directly conflicts with the current legal education system. Neither an ethics course nor a professional responsibility course is currently included among the obligatory legal education courses at some universities. Nor is an ethics course or professional responsibility course included in a judge's qualification requirements in Lithuania. (LR Vyriausybės nutarimas, 2002). The Constitutional Court failed to include such a requirement in its decision. Nor was such a requirement included as obligatory in the descriptor for legal education programs. (The decision of Constitutional Court, 2008, LR Svetimo ir mokslo ministro isakymas,

²⁰ Prior to the ratification of the descriptor, legal education requirements became the object of political games. The evidence of such mischief can be clearly seen when comparing the requirements for legal professions, including advocates, bailiffs, notaries, judges and prosecutors. Unfortunately, these games cost a lot of money for quite a number of people, shattered hopes and wasted a lot of precious time.

²¹ According to Carnegie Foundation for the Advancement of Teaching research, each lawyer has to possess excellent social and communicative skills, ethical and moral values (Sullivan, Colby, etc. 2007).

2010). The lack of attention to moral and ethical issues while preparing students gives the students a false impression that ethical behavior is a secondary requirement for a lawyer. Even when an ethics course is offered at a university, it is often limited to the study of legal regulations and the analysis of cases. Therefore, even when an ethics course is offered, it makes one wonder whether such an approach effectively trains ethical values that the student will be able to apply in the future.²²

It is worth noting that teaching methods, as well as evaluation methods, directly influence the development and fostering of the skills and abilities described above. For example, research shows that the system of accumulative mark, periodic and constant student assessment stimulates students' permanent studying. (Sullivan, Colby etc., 2007). According to V. Madison, a professor from Regent's University, if universities would pay more attention to the discoveries in educology, the quality of teaching would greatly improve (Madison, 2007-2008). In a book titled "Best Practices for Legal Education" Stuckey and others reproach teachers who do not strive to adapt to the differences in students, the world and other novel teaching methodologies²³. Therefore, a legal education program must review how it teaches as well as what it teaches if it intends to offer a high quality, effective program.

The methods of teaching law in Lithuania should now be reviewed because cognitive abilities of young people have changed dramatically in recent years. Students entering universities to study law nowadays are often called "Millennials" (i.e., they were born in between 1977 and 1998). The generation before them is referred to as "Generation X" (Thielford, Scheef, 2004). Current legal education programs cannot currently be taught effectively because Millennials do not learn in the tradition way. Legal education programs have not recognized or adapted to this change. Students in Generation X studied from books. Millennials study from books, but rely much more on the Internet and other electronic forms of communication. They cannot imagine life without laptops, iPads, cellphones, iPods, Kindles and other machines which give them immediate access, rapid response, immediate gratification and constant sensory stimuli. That is the reason why their information acceptance abilities have changed. Traditional teaching methods are boring and

ineffective when used in classes filled with Millennials. Also information noise, by which we are presently surrounded, also greatly burdens the reception of information and information realization. Madison's research has shown that even though the information was accepted, memorized and realized, the analysis, systematization and evaluation was not carried out. Therefore, such information will be forgotten in a relatively short time (Madison, 2007-2008). This shows that any information should be first presented in a systematic way and then evaluated critically. If a student does not have an opportunity to compare and analyze law systems, not superficially, but fairly deeply, he will not be able to understand his own nation's legal system thoroughly. That is why we agree with Claudio Grossman, Washington University's Dean of Law School, who says that when offering legal education in a contemporary world, it is not enough to use classical ingredients, such as faculty, students, research centers and the like. The new world paradigm involves all of the environment. Just like countries cannot exist in isolation from the international community, legal education cannot be offered by an isolated faculty. On the contrary, law faculties have to operate in unison with other members of international community such as non-governmental agencies and organizations, international corporations, governmental institutions. They also have to form multidisciplinary networks and react to changes flexibly. (Grossman, 2008). This means that law curricula and teaching methods have to be updated constantly.

Finally, we look at the expectations of students when evaluating a legal education program. Does the program meet the student's expectations? It is evident that a narrow and formalistic approach to legal education does not live up to the expectations of the majority of students studying law. Students come to study law with very different expectations and having certain goals and ideals. Research shows that when a law student is taught mainly legal subjects and only learns how to manipulate the norms of law, the student becomes cynical and nihilistic (Krannich, Holbrook, etc, 2008-2009). Research performed by several universities showed how students' values and perceptions changed during law school. (Krannich, Holbrook, etc, 2008-2009). At the time that they entered a legal education program, the students wanted emotional connections, personal growth and to be useful in society.. By graduation, their values changed in favor of extrinsic rewards such as image, appearance, prestige and privileges. (Krannich, Holbrook, etc, 2008-2009). The research also shows that practicing lawyers suffer depression and dissatisfaction four times more often than the average citizen (Krannich, Holbrook, etc, 2008-2009).

In summary, a high quality legal education program cannot meet Lithuanian society's expectations without effectively addressing several key educational elements. First, the program must address substantive knowledge of specific law branches and legal norms. Second, when setting learning outcomes, more attention must be devoted towards developing general skills and abilities, particularly team work, counseling, interviewing, creative problem-solving, conflict resolution, leadership and developing a

²² The standards of lawyers' ethics and the development of lawyers' code of ethics in Lithuania have not been researched yet, but be analyzed and researched in the future.

²³ German teaching methods, i.e., the methods that are generally used in Lithuania, are an object of fierce criticism and debate. (Grote, 2005). The biggest weakness in German teaching methods is the students' lack of preparation for classes. Consequently, there is an absence of valuable discussions with the teacher. In addition, reading a lecture for a big number of students does not create any possibilities for a professor to communicate directly with students. According to researchers, the priority of most professors is scientific work, as only scientific work shows real value for the institution and ensures his high demand in the academic society (Zimmermann, 1996). It is obvious that globalization influences methods of legal education that are adopted in Germany as well. According to professor Rainer Grote, one of the proofs of such influence is not only the popularity of case analyses (i.e., the Socratic method) in private higher education schools, but also simulating court proceedings (Grote, 2005).

commitment to a lifetime of learning. Third, learning outcomes must include the development of moral and ethical attitudes. Finally, more attention must be paid to developing new teaching methods which will effectively communicate with the students entering legal education programs today. Educators must be ready to grow and adapt to this environment. Today, an educator must have three key skills and qualifications, all of are equally important: (1) as expert of his subject; (2) as researcher (scholar); and (3) as a teacher (didactic).

Conclusions

1. The historic development of the Bologna Process indicates that law is one of the most difficult spheres for implementing education changes. Although reforming legal education is the subject of intensive and controversial debates in European countries, there are almost no open discussions regarding this issue in Lithuania.
2. The Bologna Process offers enough legal structures and guideline to assure the quality of legal education. European standards and criteria together with the establishment of the EQAR register should promote mutual trust and improve transparency of higher education, recognition of foreign qualifications, encourage mobility of students and staff when implemented into law in Lithuania.
3. Neither scientific literature, court decisions, statutes nor regulations specifically define which legal study program is of high quality. Based on quality assurance theories, the most important factor should be the setting of learning outcomes and their implementation into a study process. Contemporary implementation of learning outcomes into a study process must address all three types of learning outcomes. In other words, a

high quality legal education must address learning outcomes related to (a) specific competences (e.g., separate law subjects such as civil, penal law, etc.); (b) general competences (e.g., knowledge of foreign language, team work, communication, etc.); and (c) professional ethics. The importance of general competences is steadily growing as special knowledge and skills become stale or obsolete at an ever increasing rate in contemporary society.

4. The analysis of Lithuanian legal requirements and legal education programs reveals that insufficient attention is devoted to general competences, emotional intelligence, moral attitudes, broad erudition and life-long learning of the future lawyer.
5. Neither a lawyer's ethics course or lawyer's professional responsibility course is currently included among the obligatory subjects required to become a lawyer or judge in Lithuania. The lack of attention to moral and ethical issues while preparing lawyers forms a false assumption that ethics is a secondary requirement for a lawyer. The standards of lawyer's ethics and the development of lawyers' code of ethics in Lithuania have not been researched yet and therefore more research is needed in this area in the future.
6. Not enough attention has been devoted preparing educators to teach effectively in law schools or to adapt teaching methods to effectively communicate with contemporary students. In practice, it is wrongly assumed that a professor merely needs to know the respective subject well. The truth is that an educator at the university level must meet three key qualifications of equal importance: (1) as an expert of his subject; (2) as researcher (scholar); and (3) as a teacher (didactic).

References

- A Framework for Qualifications of the European Higher Education Area. Bologna Working Group on Qualifications Frameworks. Ministry of Science, Technology and Innovation, February 2005.
- Birger, H. (2008). Free Movement of Knowledge. A "State" Perspective. *Educating for a Global World. Reforming German universities toward the European Higher Education Area*. German Rectors' Conference (HRK), Bonn, 7.
- Daicoff, S. (2006). Law as a Healing Profession: The Comprehensive Law Movement, *6 Pepperdine Dispute Resolution Law Journal*, 1, 1-61.
- Darby, M., & Karni, E. (1973). Free Competition and the Optimal Amount of Fraud. *16 Journal of Law and Economics* 67.
- European Association for Quality Assurance in Higher Education. (2005). *Standards and Guidelines for Quality Assurance in the European Higher Education Area*. Helsinki: European Association for Quality Assurance in Higher Education.
- European Ministres Responsible for Higher Education. (1999). *Joint declaration of the European Ministres of Education Convened in Bologna on the 19th of June 1999*. Bologna.
- European Ministres Responsible for Higher Education. *The European Higher Education Area- Achieving Goals*. Communique of the Conference of European Ministres Responsible for Higer Education, Bergen, 19-20 May 2005. From http://www.bologna-bergen2005.no/Docs/00-Main_doc/050520_Bergen_Communique.pdf
- European Ministres Responsible for Higher Education. (2001). *Towards the European Higher Education Area*. Communique of the meeting of European Ministres in charge of Higher Education, Prague, 19 May, 2001.
- European Ministres Responsible for Higher Education. (2003). *Realising the European Higher Education Area: Communique of the Conference of Ministres Responsible for Higher Education, Berlin.*. From http://www.bologna-bergen2005.no/Docs/00-Main_doc/030919Berlin_Communique.PDF

- The Confederation of EU Rectors' Conferences and the Association of European Universities. (2000). *The Bologna Declaration on the European space for higher education: an explanation*. From <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf>
- European Council. (2000). *Presidency Conclusions*, Lisbon. From http://www.europarl.europa.eu/summits/lis1_en.htm
- European Union Commission. Education and Training. Strategic framework for education and training. From http://ec.europa.eu/education/lifelong-learning-policy/doc28_en.htm
- Giziene, V., & Vasiliauskaite, A. (2007) Evaluation Models of Investments to Education: Application Peculiarities. *Inžinerine Ekonomika- Engineering Economics*(3), 22-28.
- Greisler, P. (2008). Bologna –An Impetus for Reform. A Federal Perspective. *Educating for a Global World. Reforming German universities toward the European Higher Education Area*. German Rectors' Conference (HRK), Bonn, 7.
- Grossman, C. (2008). Building the World Community: Challenges to Legal Education and the WCL Experience. *IALS Conference Effective Teaching Techniques about Other Cultures and Legal Systems*, 253-258. From <http://www.ialsnet.org/>
- Grote, R. (2005). Comparative law and teaching law through the case method in the civil law tradition – a german perspective. *University of Detroit Mercy Law Review*, 82(163), 163-180.
- Juknyte-Petrikienė, I., & Lekaviciene, D. (2005). Assessment of Colleges' Activity Quality: the Bologna Process Dimensions. *Inžinerine Ekonomika-Engineering Economics*(2), 50-58.
- Juknyte-Petrikienė, I., & Pukelis, K. (2007). Quality Assessment of Internationalised studies: experience of Socrates /Erasmus programme participants. *The Quality of Higher Education*. 4, 74-101.
- Kennedy, D., Hyland, A., & Ryan, N. (2006). *Introducing Bologna objectives and tools. Learning Outcomes and Competences: A Practical Guide*, in EUA Bologna Handbook, article B.2.3-3, Berlin, Raabe, 2006.
- Kennedy, D.(2010). *Preparing for the Bologna Process and the European higher education area at Vytautas Magnus University*. Materials of international seminar on the 23 June, 2010, in Kaunas.
- Kirsienė, J. (2010) Globalizacijos itaka destymo metodams VDU teisės fakultete. *Teisės apžvalga -Law Review Kaunas: Vytauto Didžiojo universiteto leidykla*, 1(6), 4-15.
- Kirsienė, J. (2009). Teaching techniques of law at VMU : impact of globalization. *Impact of globalization to law: new challenges and new opportunities*. Materials of International Scientific Conference Kaunas: Vytautas Magnus University, Electronic device, 9-14.
- Krannich, J. M., Holbrook, J. R., & McAdams, J. J. (2008-2009). Beyond Thinking Like a Lawyer and the Traditional Legal Paradigm: Toward a Comprehensive View of Legal Education, *86 Denver University Law Review*, 381, 399-400.
- Lanskoronskis, M. (2010). Teisine, socialine ir ekonomine LAM aplinka. *Lietuvos aukštojo mokslo kokybes parametru modeliavimas*. Monografija, ISM Vadybos ir ekonomikos universiteto leidykla, Kaunas.
- Lanskoronskis M., & Ramonienė L. (2007). Alternatyviu aukštojo mokslo kokybes sampratu analize. *Lietuvos aukštojo mokslo kokybes parametru modeliavimas*. Monografija, ISM Vadybos ir ekonomikos universiteto leidykla, Kaunas.
- Lietuvos Respublikos Konstitucinis Teismo nutarimas. (2008). Del Lietuvos Respublikos Vyriausybės 2002 m. spalio 4 d. nutarimu nr. 1568 "del kvalifikaciniu aukštojo teisinio issilavinimo reikalavimu asmenims, norintiems įstatymu nustatyta tvarka eiti teisejo pareigas, patvirtinimo" patvirtintu kvalifikaciniu aukštojo teisinio issilavinimo reikalavimu asmenims, norintiems įstatymu nustatyta tvarka eiti teisejo pareigas, atitikties Lietuvos Respublikos teismu istatymo 51 straipsnio 1 daliai (2002 m. sausio 24 d., 2004 m. geguzės 18 d., 2006 m. birzelio 1 d. redakcijos), Lietuvos Respublikos teismu istatymo pakeitimo istatymo isigaliojimo ir igyvendinimo istatymo 5 straipsnio 1 daliai. *Valstybes Zinios*, 2008, Nr.: 23- 852.
- LR Svetimo ir mokslo ministro 2009 m. sausio 5 d. isakymu Nr. ISAK-16 sudarytos darbo grupes siulymai. From http://www.smm.lt/msr/docs/Rekomend_09_02_09.doc.
- LR Svetimo ir mokslo ministro isakymas. (2010). Del teisės studiju krypties apraso patvirtinimo. *Valstybes Zinios*, Nr 102.
- LR Vyriausybės nutarimas. (2002). Del kvalifikaciniu aukštojo teisinio issilavinimo reikalavimu asmenims, norintiems įstatymu nustatyta tvarka eiti teisejo pareigas patvirtinimo“. *Valstybes Zinios*, Nr. 97- 4288.
- Madison, B. V. (2007-2008). The Elephant in Law school classrooms: overuse of the Socratic method as an obstacle to teaching modern law students. *85 University of Detroit Mercy School of Law's Law Review*, 293, 310-320.
- Muller, W. (2008). A Change in Perspective. Teaching Learning Outcomes and Skills. *Educating for a Global World. Reforming German universities toward the European Higher Education Area*. German Rectors' Conference (HRK), Bonn, 7.
- P.10 Educating for a Global World. Reforming German Universities toward the European Higher Education Area. HRK German Rectors' Conference. Bonn, October, 2008.
- Munch, R. (2010). Bologna, or The capitalization of education. *Kulturos barai*, 9, 9-11.

- Osten, M. (2010). The Bologna Paradox. *Kultūros barai*, 9, 11-13.
- Pawlowski, J. M. (2008). Globalaus mokymosi kokybe- Global Learning Quality. *Aukstojo mokslo kokybe- The Quality of Higher Education* 5, 12-31.
- Pranulis, V. P. (2008). Marketing Studies and Science in Lithuania. *Inzinerine Ekonomika-Engineering Economics*(1), 22-28.
- Pukelis, K., & Pileickiene, N. (2005). The Quality of Higher Education: Paradigm of Study Outcomes. *The Quality of Higher Education*. 2, 96-107.
- Pukelis, K., & Savickiene, I. (2010) Dėstytojų profesinio tobulinimo seminaras: studijų rezultatu nustatymas ir formulavimas studijų programos lygmenyje. Materials os seminar , the 5th of November, 2010, Kaunas.
- Richard, L., & Lambreth, S. R. (2006). Making Lawyers into Leaders. *European Lawyer*. From <http://www.hbrconulting.com/Making-Lawyers-into-Leaders-06-01-2006>
- Roosaare, K. J. (2007) Practical aspects of teaching law in newly independent Central Europe (experiences in Estonia and Lithuania). *European Journal of Legal Education*, 4(2), 121–134.
- Savickiene, I., & Pukelis, K. (2003). Studijų kokybes vertinimas instituciniu lygmeniu: dimensijos, standartai ir kriterijai. *Studiju kokybes uztikrinimo sistemos modeliavimas pasaulines patirties kontekste*. Konferencijos pranesimu medziaga. Kaunas, VDU, 29-37.
- Sedziuviene, N., & Vveinhardt, J. (2009). The Paradigm of Knowledge Management in Higher Educational Institutions. *Inzinerine Ekonomika-Engineering Economics*(5), 79-90.
- Serafinas, D., & Razevicius, J. (2009). Aukstuju mokyklu veiklos tobulinimo pokyciu kontekste izvalgos. *Ekonomika ir vadyba* 1(14), 1091-1099.
- Snieska, V., & Draksaite, A. (2007). The Role of Knowledge Process Outsourcing in Creating National Competitiveness in Global Economy. *Inzinerine Ekonomika-Engineering Economics*(3), 35-41.
- Stuckey, R., others. (2007). Best Practices for Legal Education. A Vision and a Road Map. Clinical Legal Education Association, US. From <http://cleaweb.org/documents/bestpractices/best-practices-full.pdf>
- Sullivan, W. M., Colby, A., Wegner, J. W., Bond, L., & Shulman, L. S. (2007) *Educating Lawyers: Preparation for the Profession of Law*. From http://books.google.lt/books?id=8vvL6xHK4kQC&printsec=frontcover&dq=Sullivan+educating+lawyers&source=bl&ots=HM_HhYZNen&sig=AZ9NT2PairXALoQ_dSEAElpK_aA&hl=lt&ei=DJfGTI74NoqVswaErYT0DQ&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBUQ6AEwAA#v=onepage&q&f=false, p. 187-188.
- Thielford, D., & Scheef, D. (2004), Generation X and the Millennials: What you need to know about mentoring the new generations, *Law practice today*”, *ABS Law practice management*. From <http://www.abanet.org/lpm/lpt/articles/mgt08044.html>
- Valiukeviciute, A., Druskyte, R., & Mikutaviciene, I. (2003). Universitetiniu studiju kokybes vertinimas: akademines bendruomenes poziuris. *Studiju kokybes uztikrinimo sistemos modeliavimas pasaulines patirties kontekste*. Konferencijos pranesimu medziaga. Kaunas, VDU, 39-46.
- Vanagas, P. (2004). *Visuotines kokybes vadyba*. Kaunas: Technologija.
- Weber, J. D. (2008). Implementing Bologna in Germany. A “Success Story” in the Making, but only if More is Achieved. *Educating for a Global World. Reforming German universities toward the European Higher Education Area*. German Rectors’ Conference (HRK), Bonn, 7.
- Westerheijden, D. F., Beerkens, E., Cremonini, L., Huisman, J., Kehm, B., Kovac, A., Lazetic, P., McCoshan, A., Mozuraityte, N., Souto-Otero, M., Weert, E., White, J., & Yagci, Y. (2010). *Bologna Process independent assessment. The first decade of working on the European Higher Education Area. Final report to the European Commission*. Research Report. European Commission.
- Zakarevicius, P., & Zuperkiene, E. (2008). Improving the Development of Managers’ Personal and Professional Skills. *Inzinerine Ekonomika-Engineering Economics* (5), 104-113.
- Ziliukas, P., & Katiliute, E. (2008). Writing and Using Learning Outcomes in Economic Programmes. *Inzinerine Ekonomika-Engineering Economics*(5), 72-77.
- Zimmermann, R. (1996). An Introduction to German Legal Culture, in book *Introduction to German Law*, ed. *Werner F. Ebke & Matthew W. Finkin*, Kluwer Law International, 508.

Edita Gruodytė, Julija Kirsienė

Teisinių rengimo tobulinimas Lietuvoje atsižvelgiant į Bolonijos procesus

Santrauka

Lietuvoje, kaip ir kitose šalyse, vis daugiau jaunuolių renkasi teisinį išsilavinimą. Stojimo į universitetus analizė rodo, kad apie 15 proc. socialinius mokslus pasiryžusių studijuoti jaunuolių renkasi teisės studijas. Akivaizdu, kad per kelerius universitete praleistus metus, kurie skirti teisės žinioms ir įgūdžiams suteikti, neįmanoma perteikti visų teisinių subtilybių ir niuansų. Iš tiesų teisinis lavinimasis yra nesibaigiantis procesas, nes teisė nėra statiška. Geras teisininkas siekia nuolat atnaujinti žinias ir tobulinti praktinius gebėjimus. Taigi galima teigti, kad teisinis išsilavinimas, įgytas universitete, yra tik pradinis teisininko išsilavinimas. Kita vertus, tai yra praktikuojančius teisininkus vienijanti patirtis, todėl teisininkus rengiančios aukštosios mokyklos neabejotinai reikšmingai prisideda prie teisinės valstybės kūrimo veiklos, formuodamos vertybines nuostatas, suteikdamos gebėjimus būsimiems teisėjams, pareigūnams, valstybės tarnautojams ir kitiems valstybės funkcijas atliekantiems asmenims. Dabartinis teisininkų rengimas rodo, kad teisininkai nepateisina visuomenės lūkesčių. Tai verčia susimąstyti, ar teisės studijas baigęs asmenys iš tiesų įgyja tas vertybines nuostatas, tas žinias ir gebėjimus, kurios yra reikalingos šiuolaikiniam teisininkui. Kita vertus, Bolonijos procesas diktuoja naujus iššūkius Lietuvos universitetams: konkurencingumą Europos ir pasaulio erdvėje, tarptautinį mobilumą, aukštus dėstymo, absolventų įsidarbinimo ir kt. standartus. Viena pagrindinių Bolonijos proceso kryptių - skatinti europinį bendradarbiavimą kokybės užtikrinimo srityje skatinimas ir sukurti vieningą Europos aukštojo mokslo erdvę (Bergeno komunikatas, 2005). Tačiau įvairių Europos šalių patirtis rodo, kad teisė ir medicina yra studijų sritys, kuriose sunkiausiai įgyvendinami Bolonijos proceso uždaviniai dėl šių sričių specifiškumo ir nacionalinių tradicijų puoselėjimo. Taigi Europos šalyse itin diskutuojama apie teisės studijų reformą atsižvelgiant į Bolonijos procesus. Tačiau Lietuvos akademinėje teisininkų visuomenėje šis svarbus klausimas praktiškai nėra svarstomas.

Taigi, praėjus daugiau kaip dešimt metų nuo Bolonijos proceso pradžios, straipsnio autorės atliko teisės aktų, reglamentuojančių teisinio išsilavinimo reikalavimus, jų taikymo Lietuvoje, analizę ir įvertino kaitą Bolonijos proceso kontekste. Esminis šio tyrimo tikslas - remiantis Europos ir pasaulio patirtimi, nustatyti teisės studijų programų kokybės parametrų gaires, atsižvelgiant į Bolonijos proceso keliamus kokybės standartus, taip pat studijuojančių asmenų bei visuomenės lūkesčius Lietuvoje.

Pirmojoje straipsnio dalyje analizuojami studijų kokybės parametrai ir jų pritaikomumas teisės studijoms. Tyrimas parodė, kad Bolonijos dokumentuose pateikta pakankamai priemonių studijų kokybei užtikrinti: Europos aukštojo mokslo erdvės kvalifikacijų struktūra, Europos studijų kokybės užtikrinimo standartai ir gairės, Europos šalių narių studijų kokybės užtikrinimo agentūrų bendradarbiavimas ir kt. Kita vertus, nepaisant to, kad įvairūs mokslininkai studijų kokybės sampratą ir parametrus suvokia skirtingai, tačiau, įvertinus straipsnyje pateiktas koncepcijas ir parametrus, svarbiausi, užtikrinant studijų kokybę, yra studijų rezultatai ir jų panaudojimas studijų turiniui projektuoti ir vykdyti, kadangi jie užtikrina studijų palyginamumą ir skaidrumą nacionaliniame ir Europos kontekste. Be to, studijos, kurių turinys pagrįstas studijų rezultatais, yra labiau pritaikytos darbo rinkos ir tolesnių studijų poreikiams patenkinti. 2007 m. Londono komunikate nustatyta, kad iki 2010 metų visos šalys privalo naudoti studijų rezultatus kaip pagrindinius nacionalinėse kvalifikacijų struktūrose, kreditų kaupimo ir perkėlimo sistemose, diplomų priedėliuose ankstesniam mokymuisi pripažinti ir kokybei užtikrinti. Tačiau tai nėra vienintelis būdas studijų kokybei bei integravimuisi į vieningą Europos aukštojo mokslo erdvę, užtikrinti.

Antrojoje straipsnio dalyje analizuojami adekvatūs studijų rezultatai kaip pagrindinis studijų kokybę užtikrinantis veiksnys. Taip pat tiriami, kaip jie tinkamai panaudojami studijų procese. Remiantis teisės norminiais ir taikymo aktais, reglamentuojančiais teisinį išsilavinimą, naudojant mokslinį tyrimą, buvo atlikta analizė. Aiškintasi, kokie gebėjimai svarbiausi teisiniam išsilavinimui Lietuvoje. Teisinio išsilavinimo turinys Lietuvoje, kol dar nebuvo priimtas LR švietimo ir mokslo ministro teisės studijų krypties aprašas, buvo reguliuojamas tik bendrais aukštąjį išsilavinimą reglamentuojančiais teisės aktais ir netiesiogiai su išsilavinimu susijusiais poįstatymiais aktais, pavyzdžiui, kvalifikaciniai reikalavimai teisėjams. Įdomu tai, kad 2008 m. vasario 20 d. LR Konstitucinio teismo nutarime dėl teisinio išsilavinimo reikalavimų asmenims, norintiems įstatymo nustatyta tvarka eiti teisėjo pareigas, nustatyta: valstybė turi pareigą užtikrinti, kad pagal įvairias teisės studijų programas skirtingose aukštosiose mokyklose teikiama aukštojo išsilavinimo lygis, žymimas atitinkamais kvalifikaciniais laipsniais, atitiktų tam tikrus vienodus aukštojo teisinio išsilavinimo standartus. Be to, nutarimo II dalies 8.5 punkte išvardyti dalykai, kurie teismo nutarimu pagal visaverčio aukštojo universitetinio išsilavinimo sampratą privalo būti programoje. Tai daugiausia atskirų teisės šakų ar institutų dalykai: teisės teorija, konstitucinė teisė, civilinė teisė ir t. t. Nors nutarime paminėta, kad paprastai turi būti studijuojami ir tam tikrų (socialinių, humanitarinių) studijų dalykai ne teisės krypties, tačiau analizuojant nutarimą kyla probleminis klausimas, ar iš tiesų visuomenė iš rengiamo teisininko tikisi, kad jis išmąys tik teisinius dalykus. Pastebėtina, kad 2010 m. rugpjūčio 19 d. LR švietimo ir mokslo ministro įsakymu buvo patvirtintas teisės studijų krypties aprašas, kurio paskirtis - padėti aukštosioms mokykloms rengti teisės studijų programas. Šiame apraše, remiantis minėtu Konstitucinio teismo nutarimu, įvardijamos žinios, kurios turi būti įgytos per universitetines teisės studijas. Taip pat turi būti įgyti pažintiniai gebėjimai, pvz., mokėjimas interpretuoti teisei reikšmingus duomenis, naudojant įvairias teisės doktrinas; praktiniai gebėjimai, pvz., mokėjimas naudotis teisinės informacijos duomenų bazėmis; perkeliameji gebėjimai, pvz., gebėjimas tobulėti.

Remiantis šiuolaikine studijų rezultatų įtraukimo į studijų procesą patirtimi, ir pasaulyje, ir Europoje skiriami trijų rūšių studijų rezultatai: specialieji kompetentingumai (teisės studijų programose atveju atskirų teisės dalykų pvz., civilinės, baudžiamosios teisės ir t. t. žinios), bendrieji kompetentingumai (užsienio kalbos mokėjimas, darbas komandoje, bendravimas ir pan.) ir profesinės veiklos etikos reikalavimai. Bendrųjų kompetentingumų reikšmė studijų programose didėja, kadangi specialiosios žinios ir gebėjimai šiuolaikinėje visuomenėje labai greitai sensta. Tačiau Lietuvos teisės aktų ir teisės studijų programų analizė rodo, kad iki šiol nepakankamai dėmesio yra skiriama teisininko darbe itin svarbiems universaliesiems, bendriesiems gebėjimams, vertybinėms nuostatomis plėtoti bendrai būsimojai teisininko erudicijai ir poreikiui ją plėsti lavinti. Taip pat, atlikus tyrimą, nustatyta, kad teisininko etikos arba profesinės teisininko atsakomybės kursas nėra nurodytas kaip privalomas dalykas nei teisėjų kvalifikaciniuose reikalavimuose, nei nagrinėjame Konstitucinio Teismo nutarime. Teisės studijų krypties apraše profesinės etikos dalykas yra paminėtas tik tarp kitų socialinių mokslų žinias teikiančių, neteisinių, dalykų. Autorių nuomone, dėl nepakankamo dėmesio šiai problemai, susidaro klaidingas įspūdis, jog tai antraeilis teisininkui dalykas. Teisininko etikos standartų, teisininkų vertybinių nuostatų ugdymo klausimu, iki šiol Lietuvos mokslininkai beveik nėra diskutavę, todėl reikalinga atlikti šios problemos atskirą tyrimą. Kita vertus, teisės studijas rengiančiose aukštosiose mokyklose nepakankamai dėmesio skiriama teisės mokymo metodams, atradimams edukologijos srityje bei prisitaikymui prie pakitusių šiuolaikinio studento kognityvinių gebėjimų, nes paprastai tariama, jog dėstytoji pakanka tik gerai išmąnyti savo dėstomą dalyką ir atlikti mokslinius tyrimus. Autorių nuomone, gebėjimas kokybiškai išdėstyti dalyką yra būtina kiekvieno universitete dėstančio asmens kompetencija. Taigi dėstytojo lygiavertės kvalifikacijos yra šios: dėstomo dalyko eksperto, mokslininko (tyrėjo) bei dėstytojo.

Raktažodžiai: *teisės studijos, Bolonijos procesas, studijų kokybė, studijų rezultatai, teisės mokymo metodai.*

The article has been reviewed.

Received in January, 2011; accepted in October, 2011.