Reform of legal education in Belarus and the United Kingdom

Yarik Kryvoi, Raman Maroz

Analytical paper 11 | 19 March 2018

Photo: Ostrogorski Centre, flickr.com

Minsk 2018
Acknowledgements

The authors of this paper express their gratitude to all conference speakers for the exchange of ideas and professional experience: Siarhei Balashenka (Belarusian State University), Siarhei Kaspiarovich (Ministry of Education of Belarus), Siarhei Khodzin (Belarusian State University), Kanstantsin Dzehtsiarou (Liverpool University), Alena Hryharovich (Brest State University), Aliaksandr Khraputski (Sysoyeu, Bondar & Khraputski), Iryna Esmantovich (Homiel State University), Daria Lando (Belarusian State University), Andrei Kozik (International Law and Arbitration Association), and Vadzim Samaryn (Belarusian State University).

The authors would also like to thank the organizers and moderators of the panels who contributed to the high quality of the conference: Victoria Shylko (Belarusian State University), Viktar Kamiankou (Belarusian State University), and Vadzim Smok (Ostrogorski Centre).

Personal thanks go to the British Embassy in Belarus and the Faculty of Law at the Belarusian State University for their support and participation in organizing the conference.
Summary

• Reforms in legal education are taking place in almost all countries. Each system has its own reasons for improving the quality of legal education, though the employment of young lawyers after graduation proves a common problem.

• The Concept for the Development of Legal Education in the Republic of Belarus through to 2025, adopted by the Ministry of Education in 2017, partly addresses the problems faced by the contemporary Belarusian legal community. These problems include a lack of practice-oriented courses for students and the need to improve the professional training of teachers.

• The main problems facing the modern Belarusian legal education appear to include the excessive teaching load of academics, the lack of practical skills development, bureaucratic mechanisms for attracting foreign funding, insufficient funding for training teachers abroad, weak foreign language skills, and the lack of new education and academic technologies, including access to online databases and virtual learning environments.

• Belarus ranks 52nd in the Human Development Index of 188 countries in the UN Development Program, which is one of the highest positions among the countries of eastern Europe. This indicates that Belarus is competitive in the field of education generally. In order to put in place legal education reforms, a wide range of professionals should be involved, as well as more active cooperation with non-governmental educational institutions and universities abroad. This will allow the sharing of best practices in the area of legal education.
Reform of legal education in Belarus and the United Kingdom

Introduction

This paper is primarily based on suggestions made during a conference held on 28 December 2017 in Minsk. The Ostrogorski Centre and the Faculty of Law of the Belarusian State University organized the conference with the support of the British Embassy.

Dedicated to the issues of legal education and its reforms in Belarus and the United Kingdom, the conference allowed academics, practitioners and administrators to discuss best practices and trends in the field of legal education. The main topics concerned the organization of the education process and improvement of professional skills of students, as well as opportunities for international cooperation in legal education.

The government still plays a more significant role in regulation of the economy in Belarus compared to most other European countries. That is why further development of the legal system in Belarus and training of legal professionals should be at the top of the agenda.

1. Legal education in the United Kingdom

The key difference between the British and Belarusian education systems lies in the former’s combination of vocational training together with an academic component.1

In the United Kingdom, an undergraduate degree, usually lasting three years, is the first stage of a legal education, on completion of which a graduate receives a Bachelor’s degree (BA or LLB).2 The difference between BA and LLB is that students with a BA will need to attend an additional legal training course before starting to practise law.3 A significant amount of binding legal courses, such as public law, European Union law, and contract law, may not be included in a BA.4 Legal training courses usually comprise one year of full-time study and are available for all undergraduate students.5

---

5 Ibid.
The duration and intensity of professional academic training depends on whether the student plans to become a barrister (a lawyer entitled to appear in court) or a solicitor (a lawyer entitled to give legal advice).

To qualify as a barrister a student must complete a special training course. The course last one academic year after which students must pass an exam and take a mandatory paid one-year pupillage under the supervision of an experienced barrister. To qualify as a solicitor, the applicant must also complete the corresponding annual practical course after which he or she will take a two-year training under the supervision of a qualified solicitor.

The United Kingdom has a developed system of postgraduate academic education. Its aim is to deepen knowledge in a particular area of law. After completing such programmes students usually receive the degree of Master of Laws (LLM). Those who want to build a career in academia enter doctoral studies after three or four years of study.

---

Case study

Ranking of law faculties

Various methods evaluate the quality of legal education in the United Kingdom, including rankings of law schools. The higher the position of the university in such rankings, the greater its prestige. In the United Kingdom three major periodicals publish ratings: *The Guardian, The Times & The Sundays Times* and *the Complete University Guide*. Each of these sources uses its own criteria for its rankings. According to the most recent rankings, the best law schools are the University of Cambridge and Oxford, as well as large educational institutions in London.
Table 1. Criteria for the university rankings in the UK

<table>
<thead>
<tr>
<th>The Guardian</th>
<th>The Times &amp; The Sunday Times</th>
<th>Complete University Guide</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) university admission requirements</td>
<td>(1) university admission requirements</td>
<td>(1) university admission requirements</td>
</tr>
<tr>
<td>(2) students’ satisfaction with courses, general quality of education and faculty members</td>
<td>(2) students’ satisfaction with courses, general quality of education and faculty members</td>
<td>(2) students’ satisfaction with courses, general quality of education and faculty members</td>
</tr>
<tr>
<td>(3) number of students per one professor</td>
<td>(3) number of students per one professor</td>
<td>(3) number of students per one professor</td>
</tr>
<tr>
<td>(4) amount of money spent on each student</td>
<td>(4) amount of money spent received by students</td>
<td>(4) number of diplomas received by students</td>
</tr>
<tr>
<td>(5) academic achievement</td>
<td>(5) number of degrees</td>
<td>(5) number of degrees</td>
</tr>
<tr>
<td>(6) number of students who were employed within six months after graduation\textsuperscript{13}</td>
<td>(6) students’ career</td>
<td>(6) students’ career</td>
</tr>
<tr>
<td></td>
<td>(7) research quality</td>
<td>(7) research quality</td>
</tr>
<tr>
<td></td>
<td>(8) amount of money spent on each student\textsuperscript{14}</td>
<td>(8) research intensity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(9) amount of money spent on each student</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(10) number of academic services per student\textsuperscript{16}</td>
</tr>
</tbody>
</table>

2. Reform of legal education in Belarus

The Belarusian legal community, consisting of both experts and academics, offers a number of proposals for improving the quality of legal education.\textsuperscript{16} The main problems include the national legal education system’s lack of competitiveness, inadequate educational provision by highly professional teachers, the lack of educational programs aimed at training professionals in the new technologies field, weak focus on the development of practical skills in the learning process, and insufficient funding for legal science.\textsuperscript{17}

To solve these problems, in 2017 the Ministry of Education adopted its Concept for the Reform of Legal Education in the Republic of Belarus through to 2025. The Concept establishes ambitious goals for overhauling legal education, building cooperation with foreign institutions, and refocusing on the market law.\textsuperscript{18}

In 2006 an earlier iteration of the document, the Concept for the Development of Legal Education 2006 – 2010 had been adopted.\textsuperscript{19} The main goal of the


\textsuperscript{15} ‘The Complete University Guide’, Complete University Guide \url{https://www.thecompleteuniversityguide.co.uk/league-tables/methodology} [accessed 1 January 2018].


\textsuperscript{17} Concept of the development of legal education in the Republic of Belarus through to 2025 [2017].

\textsuperscript{18} Ibid.

\textsuperscript{19} “Concept of development of legal education in 2006 – 2010 is adopted” \url{https://neg.by/novosti/otkryti/}
development and approval of the Concept at that time was the creation of a research-based legal training system and its effective use in all areas of public life and for resolution of existing problems.

Some of the most pressing problems highlighted in the 2006 Concept included poor training of legal professionals, the lack of highly qualified educational staff, and insufficient scientific and educational publications.\(^20\) Given that the current Concept pays attention to the same problems, it can be assumed that the previous measures have not attained their goals.

The implementation of the new Concept has only just begun in 2018 and it is too early to draw conclusions. However, many legal professionals are sceptical about the Concept because of the declarative nature of some of its provisions. It must be noted that the Concept ignored many important issues, such as the creation of an English language library for lawyers, encouraging Belarusian teachers to write publications in English, improving the quality of foreign language training in law faculties, encouraging students to participate in international competitions (e.g. moot courts) and creating career centres at universities.

It should be mentioned that Belarus is not the only country in its region seeking to reform legal education. Ukrainians widely discuss the issue as well.\(^21\) In addition to a project of legal education reform\(^22\), a fully-fledged internet platform has been established to examine and discuss contemporary problems of legal education in Ukraine, and the labour market experience of the United States and Germany.\(^23\)


\(^{23}\) Preparation of the project “Concept of legal education reform in the United Kingdom” [https://www.dropbox.com/s/l5iycjb234axi0/AABHVW3DxcOdDKT_GseHrzPf?dl=0> [accessed 1 January 2018].
3. Organization of the educational process

The process of legal education offered in Belarus differs significantly from that in the United Kingdom. Belarusian educational institutions should carefully consider certain aspects of the British experience. The first distinction is the number of compulsory lecture hours and research activities for academics. British academics teach significantly fewer hours than their Belarusian counterparts.

British legal academics devote a significant part of their work to specialized research. Regular scientific activities help to resolve specific theoretical and practical problems, in addition to significantly increasing the level of their competence, which positively impacts teaching in legal disciplines.

To enable teachers to spend more time on research, it is necessary to reduce the number of compulsory teaching hours. Students should work more with educational materials independently and lectures should be used to discuss any questions directly or to discuss the legal issues of the discipline.

Teaching students to work independently should become an important goal of the educational process. In addition, Belarusian universities should create appropriate conditions for the organization of legal research – for example more active participation in international academic exchange programmes for teachers and to promote publishing in English.

A second distinction is the duration of legal education. At the moment, it takes two years to obtain a Bachelor of Laws degree in England. In Belarus obtaining the first law degree takes four years. Three years seems to be a more appropriate period because this allows coverage of a significant number of subjects while reducing the burden on universities. It is essential that Belarusian universities reduce teaching subjects not relevant for a legal career, for example compulsory physical education.

A third distinction relates to teaching methods. Belarusian educational institutions should actively apply innovative teaching methods, including online platforms to upload educational materials (e.g., Moodle) to simulate criminal and civil proceedings (including international competitions), and to perform practical tasks in small groups.

A fourth distinction relates to assessing students’ knowledge. The UK practice of predominantly written assessment has its drawbacks, however it can significantly improve the objectivity of final grades. In Belarus, as in other countries, plagiarism remains a serious issue. One possible means to reduce plagiarism would be the adoption of stricter sanctions, acquiring the appropriate software and eliminate “referat” (a form of literature review) as a method of assessment.

---


A fifth distinction relates to payment for the work of academics. Academics should be better remunerated so that they do not have to spend most of their time in practice or otherwise earning money. At the same time, it is necessary to engage more legal practitioners in education. Exposed to active contact with practising lawyers, students will shed their romantic preconceptions of the legal profession and acquaint themselves with the realities of their future profession.

The dean of the Brest State University provided a positive example of such practices at the conference on legal education reform. According to Alena Hryharovich, practising lawyers lecture at Brest State University, develop educational programmes, supervise students writing course papers, and discuss cases from their own legal experience.

University legal clinics allow students to practise the role of legal adviser, consult citizens, draw up legal documents, and analyse legal agreements. It is important to establish contact with professional associations of lawyers, human rights organizations and law enforcement offices.

**Case study**

**Libraries and digital resources**

British universities have well-equipped libraries providing students with modern legal literature. Even if they do not have a certain book available, these can be requested easily through the inter-university loan system. Students increasingly use electronic databases instead of printed books. Electronic databases comprise the most influential legal journals with hundreds of relevant articles in any field. Access to HeinOnline, LexisNexis, Westlaw, Bloomberg Law and similar platforms has become an integral part of a full-fledged modern legal education.

4. **International cooperation in the field of legal education**

The main problems regarding increasing the international mobility of Belarusian teachers include the lack of organizational and material support, the lack of support for academic exchanges at the university level and the difficulty of obtaining visas. Despite the fact that the adoption of the Concept for the
Development of Legal Education in the Republic of Belarus through to 2025 aims to promote mobility of Belarusian academics, it is difficult to speak of any positive developments here.

Daria Lando, associate professor at the Department of Civil Law at the law faculty of the Belarusian State University spoke about increasing the mobility of academics. Belarusian academics need to know legal English or other foreign languages to participate in international academic exchange programmes. Belarusian universities do not organize additional courses in academic writing and professional foreign language courses, so academics are left to do so on their own. Another obstacle for the successful internationalization of Belarusian education constitutes the lack of literature in foreign languages and limited database access to foreign academic journals.

Moreover, not all Belarusian universities consider the participation of their academics in these programmes as a criterion for their professional growth. Almost no funding is available for study trips abroad; academics rely on either foreign partners or their personal funds. Belarusian universities usually do not reimburse expenses for paid online courses offered by foreign universities.

Vadzim Samaryn, associate professor at the law faculty of the Belarusian State University, mentioned that the implementation of international educational projects funded by major donors has its own problems in Belarus. Difficulties usually occur when registering international financial assistance from foreign partners with the Ministry of Economy of Belarus. For example, financial aid for a joint educational project is registered as «international technical assistance.» The Belarusian legislation in the field of registration of international assistance demands serious improvement.

Another example is the registration of financial support for scientific conferences.
The legislation provides for registration within ten days, but in practice registration can take up to two months. This situation complicates international cooperation between Belarusian and foreign higher educational institutions. The period for registration of international financial assistance should be significantly reduced so that the Belarusian side has no further problems with the conversion of foreign exchange and financial regulations of universities.

Andrei Kozik, chair of the International Law and Arbitration Association, suggested that NGOs could play a bigger role in the internationalization of legal education in Belarus - for example by supporting the participation of Belarusian students in international legal competitions (so-called moot courts) and student applications admission to universities abroad. Successful performances in international legal competitions, including the Philip C. Jessup International Law Moot Court Competition, show that Belarusian students can compete with students from the best universities in the world. However, insufficient language training at law faculties and lack of knowledge of professional vocabulary prevent students and teachers from achieving higher results.

5. Legal education and professional skills

Legal graduates in the UK face stronger competition than their Belarusian counterparts. Not all Belarusian students are thinking about what they will do after graduation; they live from one exam session to another. Many students do not understand that legal practice requires strong commitment and often involves long hours.

The choice of specialization can contribute to a successful legal career. According to a partner of a prominent Belarusian law firm and a part-time lecturer at the Belarusian State University, Aliaksandr Khraputski, instead of generalist lawyers the market needs lawyers with a narrower profile able to engage in comparative analysis. Belarusian universities should pay more attention to teaching professional ethics, as well as directing students to work not only in government but also in other areas such as in legal practice.

Aliaksandr Khraputski believes that to increase competitiveness students must know not only their native language, but also at least English. The preference today is given to those who are specialized in specific areas (for example IT law) and spend a lot of time learning on their own (for example mastering a foreign language).

The dean of the law faculty at the Homiel State University argued that one of the biggest problems in training for practice is the small number of hours of students’ independent work that the institution include in the curriculum. However, according to the dean, Homiel State University has developed several tools to compensate for this deficiency.

Among other interaction problems between students and organizers of legal practice is the reluctance of legal practitioners to give public lectures. In addition,
sometimes students themselves notice the discrepancy between theory and practice, such as in the courts, which results in many questions for university teachers.

Another conference participant drew attention to the fact that graduates of Belarusian universities face serious difficulties finding employment. These difficulties include both economic factors and practical ones, such as the lack of an advanced electronic platform with vacancies.

Employment problems also exist in other countries. To improve their chances of good employment in the United Kingdom and the United States, students must graduate from a prestigious school with high grades and participate in extracurricular activities such as editing student magazines or speaking in professional competitions.30 Specially-established careers centres help students find jobs.31 Careers centres are in regular contact with state institutions, business and NGOs.

The primary activity of the centres is to provide information for students. Careers centres inform students about salaries in various areas of legal practice, as well as train students in the preparation of resumes and cover letters, and coach them for interviews. Additionally, careers centres organize lectures or private classes on different topics. Lectures are delivered either by staff members from the careers centres or by guest speakers from the corporate or public sector. At such events, issues like career start and internships are discussed.

Thirdly, such centres organize job fairs independently and in cooperation with other universities. These fairs give students a better understanding of their future career opportunities and promote employment.

Finally, careers centres hold meetings with alumni to discuss what is really going to happen with students after graduation. Already during the first year students have a chance to learn about their job prospects and start working in the right direction.

31 About LSE Careers <https://info.lse.ac.uk/current-students/careers/about> [accessed 1 January 2018].
Different tools help students engage in legal research, including:
• Academic writing courses
• Conference and moot court budgets
• Conference organization support
• Good library and interlibrary loans systems
• Academic exchange and student mobility agreements with different universities
• Awards for best publications
• Language centres
• Research or teacher assistant positions
• Student participation in the university research evaluation.

6. Recommendations

The adoption of the Concept for the Development of Legal Education through to 2025 and discussion of the Concept with the academic community marks an important step forward. In addition, to improve the quality of legal education in Belarus, we should also consider international best practices, including the United Kingdom’s experience. Today we make the following recommendations to Belarusian universities.

• Increase the volume of independent work for students and provide academics with time for research

Law schools could reduce the number of compulsory teaching hours to increase time for research activities. Belarusian students need to learn to work independently with study materials to develop analytical and critical thinking skills. Courses that are not related to law should be excluded from the curriculum. This would enable Belarusian students to save one year of study and enter the labour market earlier. More emphasis should be put on written work as a means of assessing the knowledge level of the students.

• Improve participation of Belarusian institutions in international academic mobility

Educational institutions need to create satisfactory conditions for the exchange of best practices between academics from Belarusian law departments and their foreign counterparts if they are to attract international scholars to work in Belarus. Furthermore, it is important to search for funding for additional legal training of teachers abroad and work on simplifying the rules for receiving grants from foreign and international organizations. It is necessary to organize foreign language courses and support publications from Belarusian academics in internationally recognized journals.

Case study

The Day of International Organizations

During the “Day of International Organizations”, held by the London School of Economics in November 2017, representatives of major international organizations including the United Nations Secretariat, United Nations Development Programme, United Nations Population Fund, the International Monetary Fund, the World Bank and the European Union, organized presentations about career opportunities. To attend the event, students from the London School of Economics had to register several weeks in advance. Students of other universities in the United Kingdom were eligible to participate on special terms. After the presentations ended, students and representatives from the international organizations could communicate directly in a private atmosphere, and students could get useful first-hand information. The day provided a unique opportunity for students to understand better what it is like to work for international organizations.

Case study

The Day of International Organizations

During the “Day of International Organizations”, held by the London School of Economics in November 2017, representatives of major international organizations including the United Nations Secretariat, United Nations Development Programme, United Nations Population Fund, the International Monetary Fund, the World Bank and the European Union, organized presentations about career opportunities. To attend the event, students from the London School of Economics had to register several weeks in advance. Students of other universities in the United Kingdom were eligible to participate on special terms. After the presentations ended, students and representatives from the international organizations could communicate directly in a private atmosphere, and students could get useful first-hand information. The day provided a unique opportunity for students to understand better what it is like to work for international organizations.
Belarusian legal education should expand their libraries and, as a first step, increase access to international online databases. Some internationally-known databases may be persuaded to provide access at a reduced price or for free.

Improved university reputations cannot function properly without the participation of students in international legal competitions and conferences, so Belarusian institutions should encourage students to take part in them.

The problem with the employment of students can be partially resolved through the creation of university careers centres, the role of which would be to establish contacts with potential employers and prepare students for successful employment.

As the Concept for the Development of Legal education in the Republic of Belarus through to 2025 shows, the legal education system struggles to produce graduates with all the necessary skills and knowledge for the marketplace. It is therefore necessary to focus on the development of students' scientific activity through the introduction of courses on academic writing and advising students and academics on publishing in international scholarly journals.
About the authors

Yarik Kryvoi is the founder of the Ostrogorski Centre, Professor of Law at the University of West London and a fellow of the Higher Education Academy. A Harvard Law School graduate, he has been working for international law firms and taught law in the United Kingdom, Russia, Belarus, Sri Lanka, Japan and the United States for over ten years. He is originally from Minsk. His web site is www.kryvoi.net. His main areas of expertise are education, international public law, commercial dispute resolution and the business climate.

Raman Maroz is a researcher in the field of comparative law at the London School of Economics. He studied political science and European studies at Montesquieu Bordeaux IV University and received his LL.M from the Belarusian State University and the University of Notre Dame. Raman is also working as World Bank consultant and, since 2017, carrying out research on comparative law at the London School of Economics and Political Science.
The Ostrogorski Centre is a private, non-profit organization dedicated to analysis and policy advocacy concerning the problems Belarus faces in its transition to a market economy and the rule of law. Its work is nonpartisan and dedicated to achieving practical results.

Its analysts in Minsk, Kyiv, London and Berlin understand the challenges of transition in the region because they have lived through it. Educated at the world’s leading universities, the centre’s experts have the cultural understanding and technical skills required to deliver Western-style analysis.

The Ostrogorski Centre strives to enhance understanding of the transition processes in Belarus and learn from the experience of other countries. The centre aims to promote reforms and thinking which help make the economy more competitive, governance more efficient, while integrating Belarusian scholars and analysts in pan-European and global networks.

The web site of the Ostrogorski Centre is www.ostrogorski.org.
The paper is available at: