

PECULARITIES OF MASTER'S IN LAW PROFESSIONAL TRAINING AT CANADIAN UNIVERSITIES

ОСОБЛИВОСТІ ПРОФЕСІЙНОЇ ПІДГОТОВКИ МАГІСТРІВ У ГАЛУЗІ ПРАВА В УНІВЕРСИТЕТАХ КАНАДИ

The article is devoted to the professional training of Masters in the field of law in the higher education system of Canada. It is established that applicants for higher legal education master the specialty in law schools, which are entitled to design instructional programs and award academic and scientific degrees. It is indicated that Master's degree belongs to the category of additional legal education, which determines the focus of these programs on students who want to gain specialized knowledge in a particular field of law considering their career prospects, as well as those planning to engage in teaching and research or to receive PhD in law. The results of the study show that there are 20 universities in Canada offering Master's degree programs in law in the context of full-time, part-time and distance learning modes. The article defines the essence of the concept of "Master in law" and provides the general requirements for admission to be eligible to pursue Master's degree, which may differ significantly depending on the university. The variability of instructional programs implementing Master's in law professional training is considered, namely those that lead to obtaining such degrees as Master of Laws (LL.M) and Master of Studies in Law (MSL). It was found out that all Master's degree programs in the field of law provide an opportunity for students to choose between research-oriented and academically-oriented options, which differ in the ratio of coursework and research. The analysis of Master's degree programs witnesses the fact that their content is characterized by the availability of exclusively professionally-focused disciplines aimed at deepening the system of knowledge, skills and abilities that form the professional competence of future legal specialists. Emphasis is placed on the wide range of employment opportunities offered to graduates possessing a Master's degree in law at Canadian universities.

Key words: law, Master's degree, professional training, university, Canada.

У статті подана характеристика професійної підготовки магістрів у галузі права в системі вищої освіти Канади. З'ясовано, що здобувачі вищої освіти опановують спеціальність «Право» у спеціальних професій-

них закладах – правничих школах, які мають право самостійно вирішувати питання щодо формування освітньо-професійних програм та присудження освітніх та наукових ступенів. Зазначається, що освітній рівень магістра належить до категорії додаткової юридичної освіти, що зумовлює спрямованість магістерських програм на студентів, які бажають одержати спеціалізовані знання в конкретній галузі права з перспективою кар'єрного росту, а також осіб, що планують займатися науково-педагогічною діяльністю чи здобути науковий ступінь доктора філософії у галузі права. Результати дослідження засвідчили наявність в Канаді 20 університетів, які пропонують програми на здобуття освітнього рівня магістра у галузі права у контексті денної, заочної та дистанційної форм навчання. У статті охарактеризовано сутність поняття «магістр у галузі права» та подано характеристику загальних вимог до вступу на здобуття освітнього рівня магістра з права, які можуть значно відрізнятися залежно від університету. Розглянуто варіативність освітньо-професійних програм підготовки магістрів у галузі права. Зокрема, розглянуто такі програми, що ведуть до отримання освітнього рівня магістра права чи магістра правознавства. Виявлено, що всі програми професійної підготовки магістрів у галузі права передбачають можливість для студентів вибрати між науково орієнтованою та академічно орієнтованою опцією, які відрізняються співвідношенням курсових робіт та наукових досліджень. З'ясовано, що змістове наповнення освітньо-професійних програм підготовки магістрів у галузі права вирізняється наявністю виключно дисциплін фахового спрямування, які спрямовані на поглиблення системи знань, умінь та навичок, які формують професійну компетентність майбутніх фахівців правової сфери. Наголошується на широкому спектрі можливостей для працевлаштування, що відкриваються перед випускниками правничих шкіл Канади, які отримали диплом магістра у галузі права.

Ключові слова: магістр, право, професійна підготовка, університет, Канада.

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Formulation of the problem. In the context of forming a democratic state governed by the rule of law, developing the civil society and intensifying the international cooperation in Ukraine not only the role and social significance of jurisprudence is increasing, but also the demand for highly qualified specialists in the field of law. The professional activity of a modern lawyer involves the application of fundamental and specialized legal knowledge, professional skills and abilities enabling to solve legal problems effectively in order to protect the citizens' rights and interests and ensure law and order in diverse social spheres. The need to form a high level of lawyers' professional com-

petence necessitates qualitative changes in the structure, content, methods and forms of legal education, especially on Master's degree level being characterized by advanced study and research as well as excellent employment opportunities. Considering the high quality of legal training at Canadian universities and the need to reform Ukraine's legal education system, studying Canada's experience in the future lawyers' professional training is particularly relevant nowadays.

The purpose of the article is to analyze the current state of Master's in law professional training in Canada, to outline the variety of graduate instructional programs in this area and specify their peculiarities.

Analysis of recent research and publications.

The analysis of the scientific and pedagogical literature on higher legal education shows that a large number of domestic and foreign scholars have addressed key issues in this field. Foreign experience of professional training of future legal specialists is outlined in the works of such scientists as Androshchuk, Bihun, Boon, Vasylenko & Haldetska, Vorontsova, Harno, Hurak, Maharg, Moline, Mwenda, Proskurniak, Roskopina, Steele & Taylor, et al. Despite the large number of scientific publications on higher legal education, unfortunately, the issues of training masters in the field of law at Canadian higher education institutions are not sufficiently covered.

Presentation of the main material. The professional training of masters in the field of law in Canada is implemented through a system of law schools functioning at public universities and providing higher legal education. The establishment of the law school was facilitated by the need for systematic training of future lawyers, in particular, for the bar exam, and hence the practice of law [4].

Legal training in Canadian law schools is regulated at the national and provincial levels, however, there are no common standards of legal education in this country, so higher education establishments are free to develop instructional programs and award degrees.

Master's degree in law is an internationally recognized postgraduate degree in this domain. It is considered to be additional legal education, so these academic programs are aimed primarily at students and legal professionals who want to deepen their own expertise of law and gain specialized knowledge in a particular legal area. Master's degree in law is mostly obtained for employment in international companies or with career prospects, as well as by those intending to further engage in scientific and pedagogical activities or obtain the degree of Doctor of Philosophy (PhD) in law. Many law firms prefer applicants with a Master's degree since it indicates that a lawyer has an in-depth specialized legal education and the appropriate qualifications to work in circumstances requiring sound judgment, personal responsibility and initiative, in complex and unpredictable professional environments.

The results of the study show that there are 20 universities in Canada that offer Master's degree programs in law, of which 19 award Master of Laws degree (LL.M.); the University of Western Ontario awards Master of Studies in Law (MSL); the University of Ottawa except Master of Laws (LL.M) confers Master of Arts in Criminology (MA in Criminology); the University of Toronto grants Master of Studies in Law (MSL) in addition to Master of Laws (LL.M.).

A Master's degree programs in law at Canadian universities build on knowledge and competencies acquired during related undergraduate study and

require more specialized knowledge and intellectual autonomy. Students are expected to demonstrate some originality in the application of knowledge, and the ability to understand how the boundaries of knowledge are advanced through research. They are supposed to be able to deal with complex issues both systematically and creatively, and they will form independent capacity in addressing issues and problems [1].

In Canada, Master's academic programs are generally applicable only to law school graduates with an appropriate specialization and the degrees such as Bachelor of Laws (LL.B.), Bachelor of Civil Law (BCL), or Doctor of Jurisprudence (J.D.). Some universities also allow students possessing relevant degrees in related areas or having significant experience in a particular field of law to enroll in a Master of Laws (LL.M) graduate program.

The general admission requirements to obtain Master of Laws degree are as follows:

- Bachelor's degree in common or civil law (or their equivalent) with high academic performance issued by a recognized university in Canada;

- CV / resume;

- 2–3 letters of reference;

- Appropriate level of the English language proficiency. Students for whom English was not their main language of instruction must submit the results of the International Test of English as a Foreign Language (TOEFL). The exam must be passed within the last 24 months before submitting the application for enrollment. The minimum result requirement is to receive 100 points (out of 120 maximum) including 24 points (out of 30) for each part of the test, provided the online version and 600 points when compiling a printed version of the test. For those who have taken the International Test of English as a Foreign Language, the Test of Written English (TWE) is mandatory. The International English Language Testing System (IELTS) test is allowed considering the fact that it determines the English language skills required for effective interaction in the academic environment of a higher education institution. The minimum overall score of this test must be 7.5 points with at least 7 points for each component;

- Personal statement (1 page long, where the desire to obtain a Master's degree in law is substantiated);

- Applicants who aim to pursue a research-oriented academic program must additionally submit a 1-page research project (Thesis Proposal) indicating the desired topic of the work and justification for their choice.

The length of studying to obtain Master's degree in law vary typically from two to six semesters in duration, depending on the area of specialization and the speed at which individuals make progress through requirements. The full-time Master's academic program lasts mostly one year and involves in-depth

study of law and research in a narrow specialization, such as intellectual property protection, constitutional law, international law, etc. [5, p. 109]. Part-time academic programs are available for professionals seeking Master's degree in law from 9 universities, namely: Dalhousie University, McGill University, Queen's University, York University, the University of Western Ontario, the University of Quebec, the University of Ottawa, the University of Calgary, and Montreal Business Schools (HEC Montreal). However, the duration of studying varies greatly starting from 9 months (Queen's University) to 48 months (University of Quebec). Some Canadian law schools, such as Osgood Hall, the University of Ottawa and Dalhousie University, offer distance learning academic programs to receive Master's degree in the field of law.

The academic degree of the Master of Laws (LL.M) can be of a general character (General LL.M), which gives students the opportunity to choose from a wide range of courses and research topics in any field of law. Such options are provided by the universities of British Columbia, Victoria, Dalhousie, Queen's, McGill, and the law schools of Windsor, Sherbrooke, York, Quebec, Laval, Montreal, and Saskatchewan.

Students can also choose a specialized field of law for advanced study and research in the context of Master's degree programs. Most universities offer only a limited number of such programs. In particular, the universities of Windsor, Laval, Manitoba, Montreal, Saskatchewan, and Sherbrooke offer only one Master's program, while Calgary, Western Ontario, and Queen's law schools have two, and the largest variety of Master's degree programs is available at Osgood Hall Law School at York University [2].

Graduate programs leading to Master's degree in the field of law cover such areas as: bankruptcy law, banking law, commercial law, criminal law, dispute resolution, media law, environmental law, financial services law, human rights law, information technology law, insurance law, intellectual property law, international law, law and economics, litigation, maritime law, military law, patent law, real property law, social security law, telecommunications law, etc. [2].

Some law schools provide the opportunity for students aiming to achieve Master's degree in law to freely develop their own curriculum based on elective courses and seminars, including commercial and corporate law, international law, constitutional law, and human rights law.

Master of Studies in Law (MSL) is a graduate program designed for scientists who have already completed their Bachelor's degree, are employed and engaged in research in a field related to law, but wish to master law in order to cover their own academic discipline or profession from a legal perspective. Thus, it is possible to emphasize the interdisciplinary nature of this academic program. The duration of training to obtain Master of Studies in Law is 12 months full-time

and 24 months part-time. During their studies, students seeking to obtain Master of Studies in Law are supposed to submit and defend a research work of an interdisciplinary character.

Students can elect one of two types of Master's academic programs – a research-oriented Master's program based on writing a scientific paper (thesis-based option) or an academically-oriented Master's degree, which is based on mastering a number of courses (course-based option). Both options of Master's programs enable to receive the same educational level of a Master in law, but they differ in the ratio of coursework and research.

A research-oriented master's degree program is a one- or two-year specialized research-intensive program that requires students to write a paper that makes a significant contribution to the development of a particular area of research. It is targeted at students who intend to conduct research work at an advanced level with the possibility of further study to obtain a PhD. This type of master's program aims to stimulate advanced research in law and is best suited for students wishing to pursue a scientific career. This academic program offers the study of key theoretical structures and methodological approaches to legal research and analysis. Students can conduct research in a range of legal subject areas, from commercial law and taxation to labor, criminal, international, private, constitutional, and intellectual property law. The main objective of these programs is a scientific paper, the volume of which should be 80-150 double-spaced printed pages (excluding abstracts, notes, bibliographies and appendices) and reflect a high level of scientific awareness. In addition, students are required to take at least two additional elective courses offered by a specific program. The focus of the program is on developing the research, analytical, methodological, interpretive, and expository skills necessary for doctoral studies or for leadership in society.

The academically-oriented master's program is more general in nature and does not require a significant amount of research work. This type of master's program is more suitable for those who seek to improve their skills and gain deeper knowledge in a particular field of practice. The emphasis of the course-based program is to challenge students to demonstrate the necessary research, analytical, interpretive, methodological, and expository skills in course exercises. Students in this program are required to choose at least 5 courses from a large number of elective courses offered. Electives may include short-term internships designed to improve students' professional skills. Students are also supposed to write a Major Research Project that reflects their professional or academic interests, focusing on legal or political issues that seek urgent action. The volume of the master's project is usually 50–70 pages (exclud-

ing summaries, notes, bibliographies and appendices) and consists in the analysis and generalization of existing literature (including citations) [3].

According to the Canadian Degree Qualifications Framework, Master's degree in the field of law is awarded to students who have demonstrated a systematic understanding of knowledge, a critical awareness of current problems and new insights, much of which is at the forefront of their or area of professional practice [1].

Masters in the field of law are expected to demonstrate a conceptual understanding and methodological competence that enables the graduate to have a working comprehension of how established techniques of research and inquiry are used to create and interpret knowledge in the discipline and have a capacity to evaluate critically current research and advanced research and scholarship in the area of professional competence. In addition, graduates form the capacity to address complex issues and judgments based on established principles and techniques and to apply an existing body of knowledge in the research and critical analysis of a new question or of a specific problem or issue in a new setting. Furthermore, the ability to communicate ideas, issues, and conclusions clearly and effectively to specialist and non-specialist audiences is of vital importance [1].

Master's degree in the field of law provide a wide range of employment opportunities such as the chance to pursue further graduate legal education through a doctoral program, enter directly into university teaching positions, or resume practice with private firms,

government agencies and non-governmental organizations. Other work opportunities include careers as judges, diplomats, politicians, legal counsellor, mediator and many more.

Conclusions. Thus, the professional training of masters in the field of law at Canadian universities is aimed at deepening theoretical knowledge, improving practical professional skills, as well as conducting research in a specific field of law, therefore, enhancing prospects for further career growth, opportunities for scientific and pedagogical activity, obtaining a PhD degree in law. Prospects for further research are a comparative analysis of the professional training of masters in law at the universities of Canada and Ukraine and providing practical recommendations for the use of progressive aspects of the Canadian experience in the university education of Ukraine.

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