

FEATURES OF FUTURE LAWYERS' PRACTICAL TRAINING AT THE UNIVERSITIES OF CANADA

ОСОБЛИВОСТІ ПРАКТИЧНОЇ ПІДГОТОВКИ МАЙБУТНІХ ЮРИСТІВ В УНІВЕРСИТЕТАХ КАНАДИ

The article presents a theoretical study of future lawyers' professional practical training at leading Canadian universities. It has been found out that the students of higher educational establishments in Canada master the specialty "Law" in law schools that operate at state universities and offer professional legal education. The analysis of educational programs in the field of law at Canadian universities has proved the practical orientation of the professional training of lawyers in the country under research. The article emphasizes the variety of forms and methods of organizing the educational process, which are used to provide students with practical skills necessary for a further career in the field of law. Being a mandatory component of the educational program, practical training is aimed at students mastering modern methods, forms, means of future professional activity, its organization, formation of professional skills and abilities. It has been noted that the opportunity to acquire practical skills is implemented through practical training courses for students of all years. In particular, one of the most common and successful forms of a practically oriented educational process in the field of law in Canada is a legal clinic, where students acquire professional skills by providing free legal assistance and legal education to the public. It has been revealed that an integral component of the professional training of law students in Canada is the organization of moot courts and participation in national and international moot court competitions. The opportunity to gain practical experience in various areas of law is provided by the participation of students in the National Student Pro Bono Program, within the framework of which they provide legal services to low-income citizens and non-profit organizations. Peculiarities of students' participation in the publication of periodical legal journals have been considered. The opportunities for future lawyers to practice and train in the chosen field of law in order to gain access to further legal practice in Canada have been characterized.

Key words: law, law school, practical training, legal clinic, moot court program, internship, university, Canada.

У статті представлено теоретичне дослідження професійної практичної підготовки майбутніх юристів в провідних університетах Канади. З'ясовано, що здобувачі вищої

освіти опановують спеціальність «Право» у правничих школах, які функціонують при державних університетах та пропонують отримання професійної юридичної освіти. Аналіз навчальних програм у сфері права в університетах Канади засвідчив практичну спрямованість професійної підготовки юристів в досліджуваній країні. У статті наголошується на варіативності форм і методів організації навчального процесу, які використовуються для забезпечення студентів практичними вміннями та навичками, необхідними для подальшої кар'єри у галузі права. Будучи обов'язковим компонентом освітньої програми, практична підготовка спрямована на оволодіння студентами сучасними методами, формами, засобами майбутньої професійної діяльності, її організації, формування професійних умінь і навичок. Зазначається, що можливість здобути навички практичної діяльності реалізується через практичні навчальні курси для студентів всіх років навчання. Зокрема, однією з найпоширеніших і найуспішніших форм практично спрямованого навчального процесу в галузі права в Канаді є юридична клініка, де студенти набувають навички професійної діяльності шляхом надання безкоштовної юридичної допомоги та здійснення правової освіти населення. Виявлено, що невід'ємною складовою професійної підготовки студентів-правників в Канаді є організація навчальних судових засідань та участь у національних і міжнародних конкурсах судових процесів. Можливість здобувати практичний досвід у різних галузях права забезпечується участю студентів у Національній студентській волонтерській програмі Pro Bono, в рамках якої вони надають юридичні послуги для малозабезпечених громадян та неприбуткових організацій. Розглянуто особливості участі студентів у роботі над виданням періодичних юридичних журналів. Охарактеризовано можливості майбутніх правників проходити практику і стажування в обраній галузі права з метою отримання доступу до здійснення подальшої юридичної практики в Канаді.

Ключові слова: право, правничі школи, практична підготовка, юридична клініка, навчальні судові засідання, стажування, університет Канада.

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Formulation of the problem. Nowadays the problem of professional training of specialists in the field of law remains relevant in Ukraine, which is manifested in the disproportion between theoretical and practical bases in favor of the former, at a time when practical skills are increasingly valued in the labor market and the adaptation of a legal graduate to the practical work is getting harder. One of the ways to resolve these contradictions is to use foreign experience in this field, in particular, Canadian experience.

Analysis of recent research and publications.

The analysis of the scientific and pedagogical literature on higher legal education has proved that the key issues in this field attract the attention of many domestic and foreign scholars. Foreign experience of future legal specialists' professional training is outlined in the works of such scientists as Androshchuk, Arthurs, Bihun, Bilenchuk & Slyvka, Boon, Bowker & Christian, Bryden, Ferguson, Grenon & Perret, Harno, Holloway, Hurak, Kukovska, Macfarlane & Manwaring, Maharg, Mwenda,

Proskurniak, Roskopina, Smith, Hale & Gold, Steele & Taylor, Vasylenko & Haldetska, Vorontsova, et al. Despite the large number of scientific publications on higher legal education, unfortunately, the issues of students' training to further practical activity in the field of law at Canadian higher education institutions are not sufficiently covered.

The aim of the article is to analyze the current state of future lawyers' practical training at the universities of Canada, to outline the variety of its organizational forms and to specify their peculiar features.

Presentation of the main material. Professional training of specialists in the field of law at Canadian universities is realized through the system of law schools – special institutions that operate at public universities and offer professional education in common law, civil law or both systems of law. Educational programs of law schools provide students with opportunities to form and develop the necessary knowledge, abilities and skills for future professional activity and are based on the principle of connecting theory with practice due to the fact that modern jurisprudence needs specialists able to implement the acquired theoretical knowledge in legal practice. It is here that the role of the university in creating an effective mechanism for the organization of practical training of law students, who thus get their first experience of legal activity, becomes important.

Having analyzed educational programs in the field of law at Canadian universities, it can be stated that the professional training of lawyers in this country is characterized by a practical focus. In addition to acquiring and deepening theoretical legal knowledge while attending traditional lectures and seminars, law schools in Canada offer students various types of practical classes using the case method, Socratic and problem-based methods, which help in the formation of students' professional qualities, increase the level of legal thinking, contribute to the transformation of theoretical knowledge into practical ones, develop logical thinking and communication skills, involve students in the joint solution of professional tasks and activate the educational process in general [3].

Practical training is a mandatory component of the educational program for obtaining a degree in the field of law and is aimed at students' mastery of modern methods, forms, means of future professional activity, its organization, formation of professional skills and abilities, as well as future lawyers' preparation to professional activity [2, p. 173]. The opportunity to acquire practical skills, gain access to justice and directly experience being a representative of the legal profession is implemented through a number of practical training courses for students in the second and third years of study.

One of the most successful forms of a practically oriented educational process in the field of law in Canada is a legal clinic – a structural unit of law

schools, where students acquire practical training by providing free legal assistance and carrying out legal education of the population. V. Bigun gives the following definition of this term: "A legal clinic is a special institution that provides legal assistance to usually low-income persons and conducts research work; at the same time, it is a form of future lawyers' training in professional knowledge and skills, carried out under the guidance of a legal mentor in such an institution. The legal clinic performs a number of functions: educational – a combination of theory and practice, development of various professional qualities of future specialists; social – consists in satisfying society's problems in legal information and service; research – its essence being in conducting experiments; and the final, charitable – providing free legal services" [1, p. 69–70].

Participation in the work of legal clinics creates an excellent educational environment by providing students with the opportunity to apply the acquired knowledge in real life situations and to communicate with practitioners of judicial and law enforcement agencies during the educational process, which will contribute to their future employment and further career. Working under the guidance of clinic lawyers, students develop a new vision of social reality regarding work in the field of law and in legal institutions, study ethical issues and acquire important professional skills, such as providing legal advice, record keeping, drafting legal documents, interviewing and negotiation techniques, analysis of testimony or representation of clients' interests in court and conducting events on legal education of the population.

The University of Toronto Faculty of Law, for example, offers students the opportunity to immerse themselves in the theory and practice of a particular area of law as part of their Bachelor of Laws degree program in one of four legal clinics, such as: Downtown Legal Services (a leading public interest clinic for low income clients housing six clinics in different areas of the law, i.e. Criminal, Family, Refugee and Immigration, Housing, University Affairs, Employment), David Asper Center for Constitutional Rights (devoted to advocacy, research and education in the area of Canadian Constitutional rights), International Human Rights Program (focuses on advocacy, knowledge-exchange and capacity-building initiatives in the areas of international human rights obligations), Investor Protection Clinic (provides free legal services and public legal education to members of vulnerable communities who are at risk of suffering harm relating to their investments). Students at this law school can enroll in a part-time 3-credit, half-time (6 credits) and intensive (12 credits) law clinic [10]. The University of Calgary Law School offers 1-year (3 credits) courses in family law, criminal justice, tax law, public interest, intellectual property, and private enterprise law clinics [9].

An integral component of future lawyers' professional training in Canada is the participation of law students of all years of study in moot court programs, which is equivalent to the study of an academic discipline. A moot court is a simulated trial that involves intensive mastery of oral and written defense skills, client counseling, and dispute resolution. In particular, first-year students participate in moot court proceedings as a component of the academic discipline "Legal analysis and defense" allowing them to develop and present legal arguments in the context of an appellate case, perform legal analysis and improve writing skills.

Second- and third-year law students in Canada regularly participate in national and international mooting competitions for which they receive 3 to 5 credits, including the Donald Bauman National Competition, the Gale Cup Competition in Criminal and Administrative Law, the International Philip Jessup Competition in Public International Law, Bora Laskin Competition in Administrative and Constitutional Law, Harold Fox Competition in Intellectual Property Law, Bertha Wilson Competition in Equality Issues, McKanley/Sopinka Cup in Jurisprudence, etc. The advantages of such processes are the opportunity for students to see the connection between theory and practice, to stimulate future lawyers to a more in-depth study of legal rules and creative application of acquired knowledge, skills and abilities, as well as an opportunity to cooperate in a team with other students and meet with law students from other universities during such competitions at the national and international levels.

An important role in the process of professional training of specialists in the field of law is played by participation in Pro Bono Students Canada (from Latin *pro bono publico*, literally – for the public good) – a volunteer organization in Canada that is actively supported by the bar association, the judicial system and higher educational institutions. Founded at the University of Toronto in 1996, today it operates successfully in 22 law schools across Canada, recruiting more than 1,500 lawyers each year to provide free professional legal services to indigent citizens and non-profit organizations. This organization performs three functions: training of future lawyers by providing practical educational experience for students; increasing access to justice for low-income citizens and non-profit organizations; and encouraging a pro bono culture in the legal profession [6]. Through this program, student volunteers, working under the guidance of a volunteer lawyer, have the opportunity to improve their legal skills in various areas of law by gaining practical experience in a variety of legal settings, including law clinics, non-profit organizations, law firms, courts, tribunals and other legal and public institutions. Students in this program do not provide legal representation or

consultation, but only prepare reports, develop and conduct legal education seminars, assist attorneys with client intake, and help clients with document preparation.

Law students at the universities of Canada are also actively involved in the process of creating legal periodicals published by most Canadian law schools. It provides them with practical experience in legal analysis and writing, skills in working with scholarly submissions as well as planning and publishing journals that are dedicated to the study of current legal issues, problems and philosophies through the presentation of articles, research notes, commentaries and reviews. First-year students are invited to serve as junior editorial board members on a voluntary basis to fact-check and annotate manuscripts, while second- and third-year students can apply for senior editorial board and editor positions on a competitive basis, working directly with authors and improving academic writing skills, gaining a solid understanding of research and citation standards. Participation in the publication of the law school journal is important not only for successful studies, but also for a future career in the field of law.

Internship is another mandatory element of the practical training of specialists in the field of law at Canadian universities giving students the opportunity to obtain additional credits and practical experience in selected areas of law and various institutions both in Canada and abroad international organizations, governmental and non-governmental organizations, private enterprises, corporations, law firms, charitable institutions, etc. In particular, the McGill University Law School offers senior students a unique annual clerkship program at the Court of Appeal of the Province of Quebec, the Supreme Court of Canada, the Federal Court of Canada and the country's provincial courts [5]. The University of Western Ontario offers a wide range of international programs for student internships in different countries, such as: Australia, Argentina, Brazil, Great Britain, Georgia, China, Costa Rica, the Netherlands, Germany, Peru, the USA, Chile, Switzerland, etc. [11].

The results of the research have shown that obtaining a degree in the field of law does not give the right to practice law in Canada. On graduating from the law school, it is necessary to undergo a mandatory articling placement in the province in which the graduate wishes to work. This practice lasts 9-12 months depending on the province (in the province of Quebec—6 months) and takes place under the supervision of a qualified licensed lawyer with at least 5 years of work experience, regardless of his or her place of work, in particular in large, medium or small law firms, prosecutor's office, city or provincial administration, courts or non-governmental organizations, etc. For example,

the Law Society of Ontario, guided by the National Profile of Competencies Required for Legal Practice, defines 5 levels of professional skills that students are required to demonstrate during the articling period. The articling principal must prepare a report for the Law Society of the province, evaluating the student's performance in accordance with the completed tasks within the competence requirements, namely: 1) establishing relations with the client (task: conduct an interview with the client); 2) case management: organization (task: to draw up an expert legal opinion); 3) case management: defense (task: to represent the client's interests in court or through alternative dispute resolution methods); 4) ethics and professionalism (task: to demonstrate professional behavior); 5) articling organization (task: to use the work organization systems of the legal institution where the articling takes place) [4].

Conclusions. Therefore, practical training of legal specialists at Canadian universities is an integral part of their professional development, designed to consolidate the theoretical knowledge acquired during lectures and practical classes, to form fundamental professional skills and abilities, and to familiarize with the peculiarities of future professional activity. The practical component of future lawyers' professional training acts as a connecting link between their theoretical training and independent work in legal institutions of Canada.

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