

FEATURES OF DOCTOR'S IN LAW PROFESSIONAL TRAINING AT THE UNIVERSITIES OF CANADA

ОСОБЛИВОСТІ ПРОФЕСІЙНОЇ ПІДГОТОВКИ ДОКТОРІВ У ГАЛУЗІ ПРАВА В УНІВЕРСИТЕТАХ КАНАДИ

The article examines the professional training of Doctors in the field of law in the higher education system of Canada. It is stipulated that applicants for doctoral degree programs master the specialty in law schools, which are entitled to design instructional programs and award scientific degrees. It is established that Doctor'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 further research. The results of the study show that there are 18 universities in Canada offering Doctor's degree programs in law in the context of full-time and part-time learning modes. The article defines the essence of the concept of "Doctor in law" and provides the general requirements for admission to be eligible to pursue doctoral degree in law, which may differ depending on the university. The variability of instructional programs implementing Doctor's in law professional training is considered, namely those that lead to obtaining such doctoral degrees: Doctor of Laws (LL.D), Doctor of Juridical Science or Doctor of Legal Science (J.S.D./S.J.D), Doctor of Civil Law (D.C.L.) and Doctor of Philosophy (Ph.D.). Doctoral programs in law are designated to provide advanced academic study and research in a chosen field of law for graduates who have already obtained a LL.M. degree or its equivalent and have demonstrated a high level of academic performance. It is found out that doctoral programs of certain universities provide for a specialization in a specific area of law, while there are a number of universities that award a general doctoral degree without any specialization. The requirements for obtaining a doctorate in law are outlined including completion of coursework, passing area exams, development and defense of a thesis project, writing a dissertation under the supervision of a scientific advisor and its successful defense. Emphasis is placed on the wide range of employment opportunities offered to graduates possessing a Doctor's degree in law at Canadian universities.

Key words: law, doctoral degree, professional training, university, Canada.

У статті подана характеристика професійної підготовки докторів у галузі права в системі вищої освіти Канади. З'ясовано, що здобувачі докторського ступеня опановують спеціальність «Право» у спеціальних професійних закладах – правничих школах,

які мають право самостійно вирішувати питання щодо формування освітньо-професійних програм та присудження наукових ступенів. Зазначається, що освітньо-науковий рівень доктора філософії належить до категорії додаткової юридичної освіти, що зумовлює спрямованість 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 чи подальшою науковою діяльністю. Результати дослідження засвідчили наявність в Канаді 18 університетів, які пропонують програми на здобуття наукового ступеня доктора у галузі права у контексті денної та заочної форм навчання. У статті охарактеризовано сутність поняття «доктор у галузі права» та подано характеристику загальних вимог до вступу на здобуття наукового рівня доктора з права, які можуть різнитися в залежності від університету. Розглянуто варіативність освітньо-наукових програм підготовки докторів у галузі права, а саме такі, що ведуть до отримання освітньо-наукового рівня доктора права, доктора цивільного права, доктора юридичних наук, доктора філософії. З'ясовано, що докторські програми з права передбачають поглиблене академічне навчання та наукове дослідження в обраній юридичній галузі для випускників, які вже отримали ступінь магістра права або його еквівалент та продемонстрували високий рівень академічної успішності. Виявлено, що програми професійної підготовки докторів у галузі права певних університетів передбачають можливість отримати певну спеціалізацію у конкретній галузі права, тоді як існує низка університетів, які присвоюють загальний науковий ступінь доктора у галузі права без певної спеціалізації. Окреслюються вимоги до отримання наукового ступеня доктора у галузі права, а саме виконання курсових робіт, складання комплексних іспитів, розробку та захист проекту дисертаційного дослідження, написання дисертації під керівництвом наукового керівника та її успішний захист. Наголошується на широкому спектрі можливостей для працевлаштування, які відкриваються перед випускниками правничих шкіл Канади, які отримали диплом доктора у галузі права.

Ключові слова: науковий ступінь доктора, право, професійна підготовка, університет, Канада.

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Formulation of the problem. Higher education and science in any highly developed country is the basis of forming its intellectual potential, which, in turn, is directly correlated with the level and quality of citizens' life. Professional legal training of scientific staff is definitely an integral part of the general educational system and the preparation of highly qualified specialists. This is especially crucial when

integrating the domestic educational system into the European educational space. Thus, the adaptation of the national system of training scientific personnel in the field of law acquires an utmost significance and represents a topical scientific and applied objective. An important role in this context is played by the implementation of foreign experience, particularly that of Canada.

The purpose of the article is to analyze the present state of Doctor's in law professional training at Canadian universities, to examine the variety of post-graduate instructional programs in this field and stipulate their peculiarities.

Analysis of recent research and publications.

The analysis of the scientific and pedagogical literature on higher legal education demonstrates that various domestic and foreign researchers have focused their attention on the principal issues in this area. Foreign experience of professional training of future legal specialists is outlined in the works of such scientists as Androshchuk, Bihun, Boon, Vasylenko & Hal-detska, Vorontsova, Harno, Hurak, Maharg, Moline, Mwenda, Proskurniak, Roskopina, Steele & Taylor, et al. In spite of the fact that there is a great variety of scientific works on higher education in the field of law, unfortunately, the features of training doctors in law at Canadian higher education establishments are not highlighted enough.

Presentation of the main material. Doctorate degree program in the field of law is a research-intensive course of study that aims to train leading legal scholars capable of making a significant contribution to the development of the chosen field of law, culminating in the defense of a dissertation. The main task of the doctoral program is to prepare postgraduates to teach law and conduct further scientific research. In addition, doctors of law take an active part in public and state-building activities, work in international organizations, and the practice of law [5].

Having studied doctoral programs at the universities of Canada, it was discovered that there are 18 universities awarding the scientific degree of doctor in the field of law. It is worth noting that in Canada there are several types of academic doctoral degrees: LL.D (Latin – Legum Doctor, Doctor of Laws); J.S.D./S.J.D (Latin – Juridicae Scientiae Doctor / Scientiae Juridicae Doctor or Doctor of Juridical Science or Doctor of Legal Science); D.C.L. (Doctor of Civil Law); and Ph.D. (Doctor of Philosophy). The difference in these postgraduate programs largely reflects the division of the Canadian legal system into two jurisdictions, with faculties following the civil law tradition awarding the LL.D or D.C.L. degrees, while common law universities award Ph.D. or J.S.D. degrees [1].

At present most Canadian universities offer educational and professional programs for the scientific degree of Doctor of Philosophy in the field of law, in particular Osgoode Hall Law School of York University, St. Paul's University, Queens University, the Universities of Alberta, British Columbia, Calgary, Carleton, Northern Ontario, Victoria, Windsor. The academic degree of Doctor of Juridical Science / Doctor of Legal Science (J.S.D./S.J.D) is awarded only at the University of Toronto and Dalhousie University, and the Doctor of Civil Law (D.C.L.) is awarded at McGill University [1].

Universities in Canada award the degree of Doctor of Laws (LL.D) mostly as an honorary degree, but if the degree is awarded by a law school, it is considered academic. In particular, of all the universities in Canada that confer the scientific degree of Doctor of Laws (LL.D), five are French-speaking or bilingual universities – the universities of Sherbrooke, Ottawa, Montreal, Quebec and Laval [1].

The scientific degree of Doctor of Juridical Science or Doctor of Legal Science at Canadian universities involves a certain specialization. In particular, McGill University provides a doctoral degree in Air and Space Law, as well as Comparative Law [3], Saint Paul University – in Canon Law [4], Ottawa university – in International, Environmental Law, Human Rights, Law and Social Justice [6], University of Victoria – in Human Rights and Society [8].

There are a number of universities that award a general academic degree in the field of law without a specific specialization, such as the University of British Columbia, Queen's University, Dalhousie University, York University Osgoode Hall School of Law, the University of Windsor and the University of Toronto [1].

Doctoral programs in law provide advanced academic study and research in a chosen area of law for postgraduates who have already obtained a Master of Laws degree (LL.M) or its equivalent and have demonstrated an advanced level of academic performance (minimum level B+) [7].

A person who wishes to obtain a scientific degree of doctor in the field of law must submit the following documents:

- CV or resume;

- Thesis Proposal, which should outline the intended content of the work, review the existing literature in this field, characterize the methodological and theoretical approaches that will be used in the writing process, as well as justify the originality of the scientific contribution to the chosen field of legal research. It is recommended to submit a table of contents with appropriate headings and subheadings, as well as a bibliography indicating primary and secondary research sources. The thesis proposal is approximately 10-20 pages, not including the list of sources. Clarity of expression is important in this work, as this project should enable the Graduate Studies Committee to properly assess the relevance of the chosen dissertation topic, as well as the availability of supporting resources and opportunities for the doctoral student to perform the work;

- valid Test of English as a Foreign Language (TOEFL) or International English Language Testing System (IELTS) scores for students with a language of instruction other than English.

The ability to conduct independent research and work using the English language is a prerequisite for admission. Foreign applicants who received their

previous education in the institutions with another language of instruction must present the results of the English as a Foreign Language Test in accordance with the requirements of the Graduate Studies Committee with a minimum score of 100. In addition, the applicant may be required to pass a special exam designed to reveal the level of mastery of a foreign language, statistical methods, computer analysis, or other abilities and skills that, in the opinion of the Committee, are essential for successful completion of a doctoral dissertation in the chosen field of law;

- academic certificates (extracts from received diplomas) and proof of awarding of all available degrees;
- three reference letters;
- a list indicating the two preferred supervisors of the dissertation.

The length of study for obtaining a PhD in law in Canada varies depending on the student's prior education and work experience and the nature of the research being performed and is 3 to 4 years full-time, with part-time study allowed only in exceptional personal circumstances. For example, Dalhousie University's Faculty of Graduate Studies requires that a written doctoral dissertation be submitted to the Graduate Studies Committee within six years of enrollment in the doctoral program.

The requirements for obtaining a doctorate in law include coursework, comprehensive exams, development and defense of a dissertation research project, writing a dissertation and its oral defense.

The central requirement of the educational and professional program for obtaining the scientific degree of a doctor in the field of law is writing and successful defense of a doctoral dissertation under the supervision of a scientific advisor. A doctoral dissertation of approximately 250 to 500 pages (depending on university requirements), including footnotes but excluding bibliography and other materials, should reflect the results of original research and analysis and meet the standards of scientific publications.

Students studying for a PhD must meet the following requirements:

- take a directed reading course – a course that, as a rule, involves the development of an individual study plan and regular meetings of the student and teacher(s) once every two weeks. The direction of the course is mostly broad enough, for example, Modern Legal Theory or International Legal Relations, Theories of Equality, etc. At the end of the course, the student should prepare a paper providing a comprehensive and critical assessment of the field of study, which in the future will allow him or her not only to interpret the main problems of the field, but also to compare his or her own ideas with the general vision of the subject of study. The purpose of this work is not so much to check the acquired knowledge, but to form critical conclusions in the field;

- pass an area exam, which requires independent study without regular meetings between the teacher and the applicant. The purpose of such an exam is to check the mastery of a certain set of knowledge, both the theoretical block and the legislative framework, or a combination of both;

- to defend the thesis proposal, which consists in evaluating the relevance of the thesis. This type of activity consists of the preparation of a written project and its oral defense. The defense of the dissertation project usually takes place at the end of the first year of study, but not less than one year before submitting the dissertation for consideration;

- write a term paper and pass other exams set by the Graduate Studies Committee, which mostly involve participation in seminars. In addition, the study of certain legal or other disciplines may be required.

In Canada, obtaining a Bachelor's, Master's and Doctoral degree in law is not a sufficient condition for practicing law, that is, working as a lawyer. In order to be admitted to the Bar Association in one of the provinces or territories of Canada and to obtain a license to practice law, it is necessary to pass a bar exam, which tests practical knowledge, skills and abilities, as well as to pass an articling under the supervision of a licensed and qualified lawyer. Admission to the Association of Lawyers means recognizing a person as competent enough to practice law and having personal, moral and ethical qualities that correspond to the image of a lawyer [2].

Conclusions. Therefore, the system of professional training of doctors in the field of law in Canada is distinguished by prestige, extreme selectiveness, efficiency and a high level of academic performance aimed at training highly-qualified specialists for teaching and conducting further research at higher educational establishments, advanced practice of law, active participation in the state-building process in the domestic and international arena. The prospects for further research include the comparative study of forms and methods being used in the process of training doctors in law at the universities of Canada and Ukraine that contribute to the prosperous professional activity and competitiveness in the labour market.

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