Legal Education Assessment
Final Report

GEORGIA
November 2005
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This report is based on a comprehensive assessment conducted from May 23, 2005 to June 17, 2005 by ABA/CEELI Legal Education Consultant, Professor Catherine Dwyer, with the support of ABA/CEELI Senior Legal Advisor Nino Khurtsidze and Staff Attorney Tatiana Pataraia. The team received strong support from members of the ABA/CEELI staff in Tbilisi and Washington, D.C., including Country Director Marilyn Zelin. ABA/CEELI expresses its gratitude to the many advocates, judges, law professors, university deans and rectors, government officials, and representatives of the donor community who met with the team and agreed to be interviewed for this project. In all, more than 100 individuals were interviewed – a large number of whom were from the regions. Lists of the persons interviewed and the documents reviewed are on file at the Washington, DC office of ABA/CEELI.
I. INTRODUCTION

In a country experiencing multiple and speedy changes and diminishing and rationed resources, people are debating how law and lawyers can best serve the nation. There is a common acceptance that lawyers play a crucial role in the development of the rule of law. At the same time, there is a general awareness that legal education as currently existing in Georgia is failing to meet the needs of its young people, of the legal profession and of Georgian society as a whole.

The purpose of this report is to examine the current state of legal education in Georgia, identifying those areas that should be met by legal education, but are not. A recurring and underlying tension affecting legal education surfaced during this assessment study. Will legal education be able to retain the attributes of a theoretical field of study or will it merely become a practical trade school? While this report does not suggest that law schools should be required to deviate from their important functions or to relinquish their or their teachers’ autonomy, the time has arrived when legal educators must consider whether the law curriculum is in proper balance, whether it should be changed, how it should be changed, and how far those changes should go.

The contents and recommendations contained in this report are meant to be helpful in the ongoing analysis and debate already taking place which is intended to assure the Georgian legal profession a continued, respected role in the administration of justice and the delivery of service to society. Broad participation by educators, practitioners, judges, lawmakers and citizens in this challenging process of improving the legal profession will aid in seeking and supporting solutions to the difficult, but ultimately not insoluble problems of legal education reform in Georgia. It is hoped that the analysis and suggestions contained in this report will foster and facilitate these discussions and encourage prompt action.

II. LEGAL EDUCATION REFORM AND THE LAWS OF GEORGIA

One challenge facing legal education reform efforts in Georgia arises neither from a lack of interest nor lack of wide-spread concern for legal education, but rather from the virtual tidal wave of new law-based initiatives related to education (including legal education) that are being implemented at the same time. This multiplicity of reforms risks being self-defeating. The Law on Higher Education and other laws discussed in this Section II generally lack concise instructions, set forth aggressive time schedules for required implementation and, for the most part, were proposed and created without direct grassroots involvement by members of university law faculties.

These laws place those who must implement them in situations of extreme stress while failing to provide the direction, time or resources necessary to support the implementation efforts. As one professor said, “the new law should be implemented over a reasonable period. I am not sure why there is such a rush. We should remember that the education system is generally conservative. Reforms will be in the classroom; the change won’t come from the law alone.”
A. Law on Higher Education

The current reform of legal education must be considered against the backdrop of the newly adopted Law on Higher Education,\(^1\) which sets forth the general framework for higher education reform in Georgia. The Law has provisions affecting the types and levels of higher education,\(^2\) the structure of higher education institutions, licensing and accreditation of institutions,\(^3\) as well as admission to these institutions.\(^4\) This section will address some of the most important aspects of higher education reform that have relevance to legal education.

1. Governance of an Institution.

The Law on Higher Education promotes greater democracy and transparency in governance as a central component in the university reform process. There are multiple levels of governance in a university: Department (also called “a faculty”), the Senate and the Academic Council. Members of a Department are hired while the Dean is elected by the Department (except during an interim period of up to 24 months following the enactment of the Act during which time both the Rector and Deans were appointed from outside to allow the implementation of the Act). Members of the Senate and Academic Council are elected from (by) Professors of the Departments. All three units require student representation and have other democratic safeguards.

2. Licensing and Accreditation.\(^5\)

The Ministry of Education has historically been responsible for licensing educational institutions. In November 2003, the MOE suspended the licensing process and did not resume it until August 2005. During this time, one of the most important steps undertaken by education reformers was to ascertain whether the already licensed institutions of higher education satisfy the minimum quality criteria.

Since licenses are supposed to be permanent and thus are not subject to re-examination, the reformers had to find a way to weed out those schools that did not meet the minimum requirements. Thus, the Ministry of Education began institutional accreditation in fall 2004.\(^6\) Quantitative measures were developed by the Accreditation Council to evaluate the ability of an institution to provide the resources essential for quality educational programs. These measures

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\(^1\) The Law was adopted on December 21, 2004.

\(^2\) The Law envisions a three-tier higher education system, which consists of the following levels: Bachelor’s programs, Master’s programs, and Doctoral programs.

\(^3\) Chapters IX, X, XI, and XII of the Law specifically deal with accreditation and licensing procedures.

\(^4\) One of the most important provisions in this respect is the establishment of the Unified National Examinations for the enrollment in a state accredited program at an accredited higher education institution (See Chapter VIII).

\(^5\) The current law relating to licensing of institutions is part of the Law on Higher Education: Chapter IX, Licensure of Higher Education Institution.

\(^6\) The first wave of institutional accreditation was undertaken based on the Presidential Decree #418 on Approving the Charter and the Personnel of the Accreditation Council of Institutions of Higher Education.
include the number of teachers and their academic degrees, the number of square meters of space, number of textbooks in libraries per student, etc. As a result of the institutional accreditation, the number of institutions of higher education has fallen from 278 to a recent total of 110.

As it currently stands, licensing and institutional accreditation serve the same purpose, as they both represent a minimum approach to qualification. It is for this reason that the Minister of Education together with the State Minister on Economic Reforms is proposing a license-free environment in education. According to these Ministries, institutional accreditation should substitute for licensing. As opposed to licensing, the results of institutional accreditation will be subject to periodic review, as per Article 70 of the Law on Higher Education.

Accreditation of each Department (faculty) within an institution will follow institutional accreditation. The Department accreditation procedure, in general, is covered by Chapter XI “Institutional and Programme Accreditation of Higher Education Institutions” of the Law on Higher Education, which among other things establishes a legal entity of public law the “State Accreditation Service” to independently carry out accreditation activities. Chapter XII "Accreditation of Regulated Education Programmes” of the Law on Higher Education states that there will be future additional accreditation standards and procedures for law programs as defined by the State Accreditation Service and approved by the Ministry of Education and Science.

The program of accreditation has not yet been implemented for any discipline. The law describing this type of accreditation is very general. According to the Ministry of Education, there will be separate evaluation groups for all disciplines containing experts in the evaluated field, and for the professional fields (law and medicine) there will be an “independent agency/group,” which will include not only academics, but practitioners in the related profession. The Law on Higher Education mentions a “legally established professional organization,” as part of this evaluation group. Program accreditation will be a very important factor in improving legal education. If the development of the criteria for program evaluation can be expanded to include qualitative goals and standards, not only is there an opportunity to lower the total number of law faculties, but also to encourage innovation in substantive content and methodology of teaching.

To be most effective, program accreditation should strive to:

1. Develop criteria that relate to actual content and quality of legal education. Having adequate physical space and a specific ratio of students to teachers is not enough to assure that students receive the needed educational substance.

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7 To arrive to these categories the Accreditation Council conducted an initial assessment of all public institutions of higher education.
8 To achieve this, number legislative changes must be enacted, including in the Law of Higher Education.
9 Articles 63(2) and 63(3) of the Law on Higher Education.
10 For legal education, this would be the Georgian Bar Association.
11 See Article 77 of the Law on Higher Education.
2. Include appropriate stakeholders in the accreditation process. Although it is true that legal education reforms won’t have any improvement unless there is a strong outside body monitoring, it is also clear that this independent agency should work with all stakeholders to ensure the successful completion of these reforms. One group of stakeholders that appears to be under-represented in the evaluation of law programs is educators: deans and teachers. In order to encourage the continued development of quality, educators should be involved.

3. Assure transparency in the accreditation scoring process.

3. **Competition for Academic Positions.**

The Law requires that there be an open competition for all academic teaching positions. The standards and processes of the required competition are not clearly defined. The language of the Law appears to leave much of this to be set forth in the institution’s “charter,” but such “charters” will not cover this until after the first (and most broad based) competition is already completed. There is a general perception among all faculty members interviewed for this report that the competition process is inherently unfair and many cynical beliefs were expressed relating to this process. Even members appointed to the TSU Law Faculty’s Competition Committee expressed their dismay in having no idea as to what criteria they are supposed to use in evaluating the teaching applications.

While all interviewees believe that these competitions will not change the existing situations in their law faculties, they appear to think so for different reasons. Some think it will only be a facade used to move those professors of the “old” school who are not in favor of, or do not have the ability to reform, laterally into non-teaching slots. Others think that it won’t change anything because the schools will just re-hire the same teachers they had before.

4. **Reorganization of Degree Programs.**

Influenced by the activities of European universities under the encouragement of the Bologna Declaration on Higher Education, the Law on Higher Education re-structures the various degree programs of universities. As a result of these reforms, for every discipline, there is to be a three- or four-year Bachelor’s Program (most are choosing a four-year program), a two-year Master’s Program, and a minimum three-year Doctorate Program.\(^{12}\) Although general purposes for each level of degree are set forth, the Law does not indicate how the reorganization of the course of study from the current five-year program (which is now equal to a Master’s Degree) to the four-plus-two program is to be accomplished.

\(^{12}\)There is also a Certified Specialist’s Program (a single level higher education program lasting for 3-5 years...5-6 years in case of medical education), which aims at preparing a person for practicing a profession. See Article 47(1) of the Law on Higher Education.
These ambiguities are problematic for all fields of study, including legal education. Further, with no State decision to date as to which degree is to be required for a person to be licensed as a lawyer (see discussion in Section II(C) below), confusion exists as to when, whether, and to what extent practical skills should be included in the two levels of curriculum. If there is to be a separate law on legal education, perhaps this lack of direction on timing and content can be addressed in that law.

5. **Curriculum Development**

According to the Law on Higher Education, the Department Council is to develop the curriculum programs for the degrees offered by its faculty based upon proposals made to it by its respective Dean. Once the curriculum is accepted by the Department Council, the program of study is then submitted for approval by the Academic Council of the institution. According to the Law, only “professors” may be on the Academic Council and only those holding doctoral degrees may be the Department Representative to the Quality Assurance Service. One of the results of this approach to curriculum design and development is particularly noticeable in the area of legal education. By statutory definition, a “professor” must have not only a doctorate degree, but also at least 6 years teaching experience. This means that the persons who will approve curriculum are those “old school, classic” professors, who were professors and educated under the Soviet system. It also means that teachers who have practical experience in law, rather than a purely academic background, are excluded from effectively participating in the creation of new curriculum and programs. It is highly doubtful that the needed modernization of legal education system can be carried out by the most conservative members of law faculties.

6. **National Entrance Examinations**

According to the Law on Higher Education, there will be a new country-wide, state-administered entrance examination. All secondary school graduates will be required to take this examination. Based upon the test results and their choices of universities and faculties, it will be determined who will be permitted to attend the institutions of higher education and which institutions they will attend. The exam will also determine which students will become the recipients of the state scholarship. Whether these examinations can avoid the taint of corruption over a period of time (and not just in the first year) will be key to their usefulness. Maintaining integrity of the selection process and controlling the number of students in universities will be the mission of the State authorities.

The maximum number of first-year students for all universities and faculties in Georgia was determined through the institutional accreditation conducted by the Ministry of Education prior to the first national exam. Although this determines the total number of students for any university, there is no provision for allocating students to various departments. In the past, universities have

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13 According to the Law on Higher Education, internal quality assurance service is to facilitate the enhancement of quality of education at an institution of higher education (Article 2/ccc).
assigned more students to those departments that charge the highest tuition. As a result, the law faculties have too many students, which lowers the quality of education.

B. Proposed Law on Legal Education.

During the Shevardnadze government, some Members of Parliament attempted to introduce a law which dealt solely with the needs and special requirements of legal education. There is discussion now about another attempt to introduce and pass such a bill. The generally presented rationale behind passing a Legal Education Law is that the Law on Higher Education is too general to satisfy the needs of an area of education leading to professional practice.

There are issues special to legal education which could be addressed by this type of law. Among other things, the law could determine which degree, Bachelor’s or Master’s, is needed in order to be fully licensed to practice (see discussion in Section II (C) below). The law must be specific as to who/what agency would oversee the implementation of the law and control the future of legal education. If such a law is passed, it will need to be closely examined to understand and predict how it would interact with the Law on Higher Education, the Professional Qualification Laws, and Licensing and Accreditation Laws.

Until these and other matters are resolved, barriers surrounding the issue of how the legal education curriculum should be reorganized and reformed will remain. If these can be decided, it will help the law faculties to decide what should be taught and when.

C. Laws on Professional Qualifications

The current laws regulating entry into the legal profession refer to a "law degree." The Law on Advocates says that a candidate for licensing must have a “higher education degree”, passed the Bar Examination or Judicial Qualification Examination, and have one year experience. The Law on Common Courts says that a candidate must have a “higher education degree”, 5 years of experience, passed the Judicial Qualification Examination and be at least 30 years of age. With the reorganization of degree programs discussed above, the laws will need to be amended to specify exactly what combination of education and legal experience a candidate needs. Some interviewees were absolutely certain that the current laws already answer this question, although their interpretations were not necessarily the same.

A Law on the High School of Justice, which creates a training program for present and future judges and prosecutors, has been proposed. At this time, it appears that it will be passed in the Fall of 2005. As with the Law on Advocates and Law on Common Courts, the educational requirements for entry into the High School of Justice will need to be clear. Also, the question of whether this training program will lead to a Master’s Degree will need to be answered.
Another issue is whether, in the future, Georgia will institute a “unified bar examination.” A unified bar exam would be a single exam taken by all seeking to enter the legal profession regardless of the career path originally planned upon. Only one exam is taken without regard to how one wants to practice law, whether as an advocate, a judge, a legal advisor, a prosecutor, etc. A unified examination promotes a single, high level of knowledge of all lawyers, but permits the maximum in career flexibility. Having one exam would enable educators to understand what would be tested by the state and plan part of its curriculum to prepare students for the exam.

III. WHAT ARE THE MAJOR PROBLEMS AND CHALLENGES FACING THE REFORMERS OF GEORGIAN LEGAL EDUCATION?

Teachers and Teaching Methods

The belief that law teachers and the manner in which they teach law are one of the primary problems with legal education is universal among the interviewees. There is still too much emphasis on lecturing and not enough emphasis on practical and analytical skill-building. Rather than requiring the students to demonstrate their understanding of the points by explaining them in their own words or applying the law to practical situations, the lecture is often combined with a requirement of memorization. Frequently, the lectures are given to such a large number of students (up to 400 at TSU) that it would be impossible in any country to convey information in other than a lecture format. The so-called “seminar” sections associated with core law courses are supposed to allow the students to have the freedom to hold discussions based upon what was presented in the previous lectures, but according to the students, this is not accomplished.

Underlying this problem is the fact that professors view themselves as part of the profession of academia first and only after, as part of the legal profession. Professors see it as their job to teach the encompassing principles and theories of law, since they believe that it is in, and from, the world of practice that a lawyer learns to apply these principles and theories. Such a view affects not only what they teach, but also how cogently law professors understand the needs and practices of the legal profession. As discussed in Section II A(5) including part-time (adjunct) professors who are concurrently out working in the “real” world in curriculum development can alleviate this problem.

Teaching methodology, or the lack of variety in teaching methodology, is also an obstacle facing legal education reform in Georgia. Professors and legal professionals interviewed for this assessment emphasized that there is a need to teach law students the analysis and application of

\[14\] The United States has a unified law exam within multiple jurisdictions.
the law, rather than asking them what is the right answer to this or that legal or social problem. But before different skills can be taught to students, the teachers must be trained to teach these skills. Most Georgian law professors received their education or training under the Soviet system and they teach in exactly the same manner as they were taught. In the U.S., law professors, for the most part, also do not receive any teaching skills training, but they get the chance to absorb alternative, interactive teaching styles as students. For these reasons, Georgian teachers have not been able to understand or fully accept the value of the alternative methods of Socratic instruction, simulations, case studies, writing assignments, group work, or any alternative evaluation methods (currently using oral testing is still the norm and tests given in writing are the exception).

Collegiality among teachers did not appear to have a high priority. Although some teachers are incorporating some alternative teaching methods and practical elements into their classes, there appears to be very little sharing and learning from each other. This situation is not only less than optimal for new teaching methods being adopted, but it also represents lost opportunities for understanding areas in which the curriculum overlaps, identifying gaps which may exist, or developing new curricula incorporating practical elements. Unfortunately it is legal education which suffers from this lack of collegiality.

Low salaries for law professors create yet another obstacle to legal education reform. The normal teaching load for a professor is two courses per term, which is not unlike the teaching load of American law professors. If professors were teaching at only one institution, then with the foregoing course load they should have sufficient time to prepare their courses in the manner they usually do, and incorporate alternative teaching methodologies and new substantive material. Unfortunately, most of these teachers need to supplement their income of 350 Lari per month, by teaching the same courses at several law faculties. Not only does this make a situation where there is inadequate time to keep up-to-date or to make innovations in presentation, but it makes the professors’ lives less complicated if they maintain the same method of teaching and use the same teaching notes they have used for years in all institutions.

Given the above, it was not surprising to hear that law students feel short-changed by their professors. The students believe that their professors are not interested in them or in the goal of having students learn. Teachers are virtually never available to meet with students outside of class. This is not only because of teaching in multiple schools but also being available to interact with students has not really part of the “tradition.” Part time teachers who have other jobs are also not available. This means that no sense of community is developed within the law schools.

15 This is a newly approved, maximum salary for the most senior professors, which is less than 25% of what an average police employee is now paid.
There is a lack of mentors at the law schools to assist students in their transition into the profession.\textsuperscript{16}

**Lack of Up-to-Date Materials and those which Support Alternative Teaching Methods**

Georgia’s three major regime changes since 1990 have led to a situation wherein the legal system is constantly being reformed. There is no way to know, nor reason to believe, that these waves of reform are lessening. It appears likely that creation of new laws and reforms have not yet peaked. The challenge to legal education from this situation of constant change lies (1) in the lack of materials based upon Georgian law and (2) in the fact that the sheer volume of change prevents a coherent, updated curriculum from being obvious to those responsible for planning the content of legal education.

The changes have been so constant that the government has, by choice, not printed codifications of most of its legislation. Laws are only published chronologically which affects widespread availability and consistency.\textsuperscript{17} There are virtually no commentaries, not only because no one is publishing, but also because it is not yet clear to researchers what the “policies” and “purposes” of the new laws are. Such books, if they are available, are either published upon the direction and payment by a government agency, or self-published at the author’s expense. These books are generally not reviewed by the committee of peers, which means that their quality is not always adequate. Even if they were good commentaries, the one place these kinds of tomes rarely reside is in a law school library.

There is a lack of secondary source materials in Georgian. If there are some materials available, they are frequently from European or American sources and are in languages other than Georgian. There has been very little translation. There are no resources to pay for translation and it is not clear what should receive a priority for translation. If a student does not speak English,\textsuperscript{16} One proviso relating to students’ opinions is that students tend to see, understand and speak only in the present tense. They may not be able to appreciate that there has been progress in teaching in Georgia since independence. This is because they do not really know how it was before. In talking to practicing attorneys educated before independence, just after and more recently, it appears that there has been some progress in the methodology of teaching, at least in Tbilisi. This is not to say that the progress has been adequate, but this does accord with the perception of some of the professors that attempts to change have already begun.

\textsuperscript{17} By statutory requirement, all new laws must be published in the “Legislative Messenger”, which is published as laws are passed and approved by the publishing house “Georgian Legislation.” For the most part, other than this periodic publishing, laws are not otherwise consolidated. The chronological presentation in the Messenger is done without the provision to the public of an index. Unfortunately, these published materials are not generally available to students. The expense of subscribing to the Messenger or a privately developed legislation database Codex is beyond the financial resources of most students, or of most professors. Many of the libraries in law schools either do not have a subscription or, if they do, the copies are not put into the libraries, but into professors’ offices.
German, French, Russian, etc. then these materials are of little practical use beyond looking good on the shelves.

Without any perceptible struggle, libraries have been allowed to become hopelessly and completely out-of-date. The impossibility of staying “current” has acted as a form of “acceptable” excuse for not even making an attempt. The current generation of young lawyers and law students has almost no understanding of the role that a law library can and should play in the practice of law. They cling to the narrow belief that practicing law at its best requires only reading the words of a statute without any outside materials. No current materials and inadequate libraries have allowed law faculties to excuse the lack of publishing by its own teachers. Perhaps even worse, this has permitted law schools to accept the practice by some teachers to continue to require the use and purchase by students of earlier published, and highly out-of-date materials and commentary for their current courses.

**Lack of Physical and Technological Resources**

The lack of physical and technological resources was frequently cited as a significant barrier to attaining ideal legal education, particularly by Rectors, Deans and Professors. In addition to the very real problems created by the lack of these resources, it is possible that the most recent wave of institutional accreditation was another factor raising awareness as to the importance of physical and technological resources. The evaluation processes of the Ministry of Education for institutional accreditation place very high priority on quantitative elements such as physical space, number of books in libraries, computers, etc. This quantitative approach to evaluation is an added encouragement to emphasize recognition of the value of adequate physical and technological resources to quality legal education.

Although it is often stated that the lack of resources is due to the lack of funds, not everyone in Georgia is willing to believe that education institutions cannot afford these items, as they believe that the tuition charged to law students, should be enough to alleviate the problem. Since there is no public reporting requirement, some of the interviewees think that it is the pervasive presence of corruption that prevents these schools from having modern technology. Another opinion is that perhaps funds are not available or allocated correctly because those in charge of managing education institutions lack management and administrative training.18 Further, the basis for determining how much of law tuition monies remain with the law faculty or go to the central university administration is not known nor, it is believed, is the division fair.

18 Most of the Assistant Deans and administrators visited during the assessment were former professors, not people trained in finances and in the efficient use of resources or budgeting.
Many of the university buildings visited appeared grand and slightly run down on the outside, but on viewing the inside, one becomes convinced that there is no evidence of any significant portion of university budgets (except for Batumi State University) being used for upkeep and renovation. The libraries are totally inadequate and most classrooms are not set up to enable multiple styles of teaching. Furnishings tend to be heavy old desks or fixed desk rows so that it is not possible to realign the desks into small seminar styles. There are cracked blackboards, little evidence of chalk, no technological teaching equipment, and in some cases, poor heating and ventilation and peeling paint. Technology needs go beyond basic computers. Law schools do not provide internet access to all of their teachers, let alone their students. There are no overhead projectors, slide projectors, PowerPoint projectors, video machines, copy machines, etc. to enable teaching in an interactive manner. Although it is very likely that there are instances of financial resources not put to their best and intended uses, the current state of physical facilities, the virtual non-existence of technology and the lack of funds spent on human resources would, regardless of past waste, require vast financial investments on a system-wide basis in order to raise Georgian legal education to international standards.

The Students Are not Prepared to Practice Law

Many interviewees (including students) expressed concern that too many students were “studying” law and that there was no accurate filtering going on to assure that students would be able to handle a rigorous course of study. While the new national entrance examination may help this situation, limiting the total number of students will not necessarily limit the percentage of this total number choosing to study law, unless universities so decide.

When discussions would turn to the issue of what skills training was needed in law curricula, almost all would immediately mention writing deficiencies and then usually move to the issue of the adequacy of secondary school education. The level of instruction in secondary schools was described as being very uneven throughout the country. Although students may receive instruction on grammar, there are virtually no research papers written in secondary schools. Furthermore, many professors believe that the secondary schools are doing a poor job of providing to their students basic civic information on the Georgian legal and governmental systems.

Law faculties fail to provide students with practical elements within the courses in the curriculum, as well as the skills globally recognized as needed by practicing lawyers. Since students do not arrive with the necessary writing skills, the law schools have abdicated any obligation to train them in these skills, even if it is done indirectly by requiring them to write papers at a level commensurate with international standards for university students. Moreover, there is no time or effort spent in mentoring students. Role models of practicing attorneys are limited and the skills needed for practice are not currently taught or even generally recognized as
necessary components of an ideal legal education.

Perhaps the greatest failure of legal education as it relates to students is the obvious lack of rigor applied to their performance. No one is failing out. This “no-fail” policy, which is promoted in order to keep law students’ tuitions, is demoralizing teachers who want to instill standards, fails to provide the students with a true measure of their learning, and puts unnecessarily heavy burdens on limited resources and ultimately risks lowering the opinion of the public about lawyers and their knowledge and preparation.

IV. RECOMMENDATIONS

The following are a list of recommendations for technical assistance programs that address the needs identified in the previous sections of this Assessment Report. They include assistance with law faculty accreditation, curriculum design and implementation, teacher training (including alternative teaching methodologies) and preparation and publication of teaching materials. The assistance would be provided by one or more CEELI legal specialists who would be resident in Georgia for several months to one year. Some of the initiatives should begin as pilot programs, with several law faculties involved, in order to develop multiple options and determine, within a relatively short period of time, what works best in the context of Georgian legal education. Study visits to the U.S. or other countries might be conducted to complement the initiatives.

A. Program Level Accreditation of Law Schools

The Georgian law relating to future program accreditation, states that in connection with evaluations of law faculties, an “independent agency” should be involved. This independent agency is to:

• Develop the standards (criteria) by which legal education will be evaluated.

• Decide the process of the accreditation visit and evaluation.

• Define the purposes and policies for such accreditation.

• Determine the follow-on post-accreditation programs that would assist a law faculty in achieving a higher level of quality legal education.

In the United States, the sole national accreditation body for law schools is the American Bar Association (ABA). The ABA has been developing and refining its criteria and processes for law school accreditation (both initial and on-going) over the past 120 years. An ABA/CEELI legal
education specialist could:

(i) Assist the Ministry of Education and other stakeholders to develop the accreditation criteria and process and determine the composition of the independent agency.

(ii) Conduct a training program for members of the independent agency in legal education accreditation processes. This might include a study tour to observe the accreditation process in the U.S.

(ii) Accompany independent agency on initial accreditation visits.

B. Curriculum Design, Implementation, and Monitoring/Evaluation

During the next two to three years, law faculties in Georgia are required to offer 4 year, 2 year and 3 year degrees (bachelors, masters, and doctorate degrees, respectively), influenced by the Bologna Declaration. The new degree requirements and other reforms mandated by the Higher Education Law (and if passed, the Legal Education Law), logically requires a complete redesign of the law curriculum.

Curriculum design should answer the theoretical and practical needs of the legal profession in Georgia and assist the law faculty in better meeting the aspirations of excellence under future program accreditation processes. Competencies Based Curriculum Design\(^9\) takes into consideration not only the substantive knowledge necessary for a law program to enable its graduates to enter the profession and perform in a competent manner, but also examines the skills required of lawyers in their many roles after law school and asks in which of these skills law programs can provide meaningful training.

Curriculum development should be conducted as an inclusive process embracing all of those who must administer a program and all of those who must implement and carry it on. This means that a team must be dedicated to the planning and development process; this team preferably would include members of the administration of a law school, most preferably the Dean and any Assistant Dean involved with academic content, and a representative number of law teachers

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\(^9\)“Competencies Based Curriculum Design” is a system of curriculum creation methodologies used in the United States, not only in legal education, but in other fields, particularly those leading to a practicing profession, such as medicine. This approach addresses the type of issues described herein for law curriculum development. What is particularly apropos in this approach to legal education reform in Georgia is that it requires the legal education curriculum to be designed within the context of meeting the needs of the legal profession as it operates within its own culture, society, and laws.
from each major department of the law faculty. Representatives of the teachers should include both those whose experience is primarily in the classical mode of theoretical teaching and those who teach based upon their practical experience, even if classified as “part time/contract” or “adjunct” faculty.

**Pilot Curriculum Development Process**

Curriculum development projects should be initially undertaken with a few selected schools, which would lead the curriculum reform movement and act as laboratories of change. Having two or three law faculties in the pilot program would provide different insights and solutions, which could then be compared and evaluated at the end of the process. For purposes of the pilot project, all the pilot faculties should be located in Tbilisi. As TSU is the leading law faculty in Georgia, and many other faculties state that they will follow TSU’s model, it should be one of the pilot faculties. Including one private law school is also recommended.

A CEELI legal education specialist with experience in competencies based curriculum design could lead the pilot law faculties through a comprehensive curriculum process which would include:

- Identifying needs to be met by the law school’s curriculum for each degree.
- Proposing curricular approaches to meet these identified needs.
- Identifying the barriers to successful implementation.
- Redesigning the proposed solutions to address the identified barriers.
- Developing an implementation plan (which may have multiple stages).
- Monitoring and evaluation of implemented changes to identify problems.
- Proposing modifications to solve the initial implementation problems prior to the next stage of implementation.

The timeline for this Pilot Curriculum Development Project would be:

(i) Legal education specialist conducts training in curriculum development processes (one week per school).

(ii) Each faculty develops its initial curriculum (2-3 weeks).

(iii) Legal education specialist meets with each faculty to review initial curriculum, identify barriers to implementation, and modify initial curriculum to address barriers (1 week per school).

(iv) Schools implement new curricula (one semester). Ongoing monitoring by CEELI
(v) Legal education specialist evaluates new curriculums and organizes symposia to share results and lessons learned with other schools.

C. Teacher Training Center/Program.

Each interviewee identified the need for improvement in the quality of teachers and the methodology of teaching as one of his/her top three needs for legal education reform in Georgia. There was no clear agreement as to exactly what would constitute the “ideal” teacher, but all agreed that some parts of that answer included teachers who were: current in their field of expertise; willing and able to maintain their level of knowledge within their fields of law; able to communicate this knowledge to students in a manner which encouraged continued learning and interest; included practical aspects of the law; and used alternative teaching methodologies suitable for the particular courses taught.

Many current teachers expressed the desire for training to support the teaching of new and existing curricula, particularly utilizing alternative teaching methodologies, including the incorporation of skills education into the classroom. This highest priority need could be addressed by creation of a Law Teaching Center/Program.

Pilot Teacher Training Program

The teacher training program should begin with a one year pilot program in which a CEELI legal education specialist would work with four groups of law teachers--each group would focus on a particular "core" course (a basic required course, such as Constitutional Law). Each group would consist of four teachers (ideally from different levels (full professor, lecturer, adjunct faculty) and from different schools. For purposes of efficiency, it is recommended that the participating schools be located in Tbilisi.

The pilot training would consist of the following components:

Initial Training Sessions. Each group would have its own two week intensive training session that would concentrate on providing basic skills for teaching a course such as:

- interactive and alternative teaching methodologies
- how to define the goals and objectives for a course
- how to develop a syllabus
- designing segments to incorporate practical and/or skills elements
- preparing course materials
• evaluation methods

In addition to classroom training by the legal education specialist on the foregoing topics, teachers would work collegially in groups to develop their specific courses for the next term using the skills learned during the training.

Post Initial Training Support. Support and follow-up training would be provided on an on-going basis throughout the next academic term during when the trainees are implementing the courses developed as part of the initial training sessions. This would include:

• Weekly group meetings (one day) to share experiences and problems associated with the newly developed courses as well as new course materials and have additional training. Near the end of the semester, the meetings would focus on preparing written examination and other forms of evaluation and on preparing students of the trainee teachers for testing or other evaluation which might be different from the methods that the students had experienced previously.,

• Periodic (2-3) visits by the legal education specialist to classes participants developed during initial training to observe and evaluate teaching issues and any problems presented by the newly developed materials or methodologies. Following each class visit, the legal education specialist would meet each visited participant for one-on-one coaching sessions to discuss identified issues and possible solutions.

Evaluation and Selection of Local Trainers. At the end of the first implementation semester, the legal education specialist would:

• Prepare an evaluation of and hold a private evaluation meeting with each teacher. As part of the final evaluation, students would be asked to complete a course and teacher evaluation.

• Organize a meeting for all participating teachers to discuss lessons learned and best practices.

• Identify a few of the participants in the first cycle as possible peer trainers and invite them to participate as trainers during the subsequent terms. These teachers should be given a training for trainers as well as on-going training,

Establish Teacher Training Center/ Programs

After several semesters of training, a skilled and committed core of teachers will exist who
understand what can be done to develop teaching skills and to raise the level of professionalism. This group of teachers could form a LAW PROFESSORS ASSOCIATION OF GEORGIA for the purpose of encouraging quality in instruction and development of shared materials. The Association could be the vehicle for sustaining the teaching training program. It could be the focal point for creating a “certification” and required initial training for new law teachers. The Association could be the forum for the development of a recommended code of ethics for teachers which would be commonly adopted by all law faculties, providing an effective approach in the campaign against corruption in legal education.

The proposed “certification” might be a way to permit new and more flexible official academic positions which could permit teachers who do not have full classic academic degree training, but who do have significant practice experience and skills necessary to teach some of the new courses.

**Teacher Training in Writing in New Formats**

As previously mentioned the lack of teaching materials presents a significant obstacle to quality legal education. Preparation of course materials will be covered in the initial training described above under the Teacher Training Program, but this could be expanded. Teachers would receive targeted assistance in producing law materials that support alternative teaching methods, encourage analysis of the law by students and incorporate practical applications. Financial support could also be provided for the production of such materials.

This writing program would include the following components:

- CEELI would form working groups of law professors to mutually create new materials.

- CEELI legal education specialist would provide training in how to produce such materials and integrate them with practical information.

- If the materials are intended for classroom use, teacher’s manuals should be developed to ensure the adoption of these materials by more teachers other than those directly involved in the creation of the law materials.

- Create on-line chat rooms to permit questions and discussions by teachers adopting the text materials with the authors. This might also facilitate sharing ideas on curriculum development and on teaching experiences.

- CEELI staff and CEELI legal education specialist would also be available to consult on
the new materials.

(i). There should be overseas training through scholar visits (longer than one month) to permit teachers to attend law classes to observe how materials are used to support teaching and to work with professors at these law schools to enable on-going mentoring both during the visit and by email later.

(ii). A method of permitting these observation visits which could limit the cost would be to permit visits to U.S. law programs conducted in Europe which take place during the summer months or during the academic year. For example, there may be a U.S. law school sponsored summer program in Turkey which could be considered for a grant under this project.

D. Clinical Programs with Training of Clinical Teachers

A well regarded alternative teaching methodology is the law clinic, where students provide assistance to clients under the supervision of a practitioner who is also a member of the law faculty. The role of clinical education in U.S. legal education is to provide law students “hands-on” experience within a controlled, monitored environment. The clinic environment is excellent for teaching skills and for giving students the opportunity to apply the theoretical knowledge they learned in other law classes. The educational content of clinics is much higher than similar experience students may receive through an internship in a law firm or other law related entity.

Providing clinical courses is a requirement for law school accreditation in the U.S. However, taking a clinical course is not a requirement for graduation. Clinical programs are generally offered in the last year of law school. The appropriate place for clinical programs in the Georgian system should depend on what degree is required for becoming a judge, advocate, or a prosecutor. To maximize the value of clinical courses in Georgia at the present time, it is recommended that clinic programs be made part of the Masters’ level curriculum rather than the bachelor degree curriculum as these students are expected to be the ones that will ultimately practice law following graduation.

CEELI has extensive experience establishing clinical legal programs throughout Central and Eastern Europe and Eurasia (Poland, Croatia, Moldova, Ukraine, Azerbaijan, Russia). The clinics focus on a variety of legal issues, including criminal law, domestic violence, human rights, etc.). Every year, CEELI convenes a regional conference of clinical teachers to discuss new developments.

To encourage the development of a law clinic in one of the law faculties in Georgia, CEELI could organize a workshop to foster a discussion among the law faculties and other stakeholders
about the benefits of starting up a law clinic (which ever kind) at their institution, as well as to provide access to expertise and assistance in planning for next steps and follow-up activities. Once the interest is garnered, CEELI would bring a clinical law professor to Georgia to work with a small group of Georgian teachers who are interested in providing clinical education. CEELI would also provide the seed financing for the clinics with the understanding that they will become part of the curriculum and continue after CEELI funding ends.

E. Moot Court Programs

CEELI currently supports the national moot court competitions in Criminal, Civil and Administrative law conducted by GLSA as well as the Constitutional Law competition conducted by the Constitutional Court. These programs have proved to be very popular with 42 teams participating in the GLSA competition in 2005. In addition to funding the competitions, CEELI is providing advocacy skills training to all teams that succeed to the second round of the GLSA competition.

To spread the benefit of the moot court competition to more students and to ensure that the moot court programs are sustainable after funding by CEELI and other donors is no longer available, individual law faculties could include a moot court competition into their curriculums by creating a Research Writing and Advocacy Program (“RWA”). This course would be appropriate for inclusion in the law school curriculum during the second or third year of the bachelor’s program. The RWA program would end with a law school internal moot court competition for all students. Georgian practitioners and judges could be encouraged to participate as judges in the competition, adding a level of realism and professionalism to the experience. The CEELI legal education specialist would work with a small group of Georgian professors to develop the RWA program including a teaching manual for the course. In the future, a CEELI legal specialist could work with the RWA teachers to develop an Advanced Advocacy course and teaching materials.

F. Creation and Development of “Drop-In” Courses

Certain courses, particularly skills based courses are amenable to being created by outside experts rather than teachers currently employed at Georgian law schools. Examples of this type of course would include: legal writing; legal English; moot court; negotiation; arbitration; and simulation based courses (e.g., business planning course).

These “drop-in” courses should be created in the Georgian language (even if trainer will need translator assistance later) and must include:

• Fully developed and described goals and objectives with an accompanying syllabus and schedule,
• Supporting legal and skills materials for students,
• Detailed teaching modules with teachers manuals, and
• Suggested evaluation methods and examples.

Following development of one of these courses, the outside expert, with the active cooperation of the participating law school, should identify and train a core group of teachers within the school to teach the course. This should first be done in only one law school as it would be valuable to first prove the course’s viability, in order to permit modifications to address unforeseen issues. Next, the course should be rolled out to other schools using both the outside expert and the teachers from the first law school as trainers. During the period a drop-in course is first taught at a law school, periodic supportive meetings and further trainings should be conducted, as appropriate, to provide support and to guarantee success of the course’s implementation into that school’s curriculum.

The goal is to ultimately have these kinds of courses fully incorporated into and credited as part of the Georgian law curriculum. Ultimately they will only be taught, further developed and improved by Georgian teachers. An extension of these courses may be to organize competitions in the skills developed in these courses, e.g., a negotiation competition or an “international” arbitration competition.

G. Production of Materials and Support of Libraries

Availability of legal materials and libraries are critical both for the study and practice of law. However, there is a severe shortage of legal materials in Georgia, the libraries at the law faculties are dismal and there is no central law library. This is due to both the shortage of up to date materials and the lack of funds to publish what is available.

As the cost of publishing materials is high, CEELI and/or other donors could sponsor the creation of a set of electronic journals at each major law school. Each school would choose one area of specialization. Each journal could have one part for scholarly publishing by professors or those attaining doctorates, and the other part for student articles (determined by semester competitions) or for articles written by practitioners, judged in each case by a panel of professors. Funding would be provided for necessary electronic equipment, software and their related on-going maintenance and upgrading and for internet access.

To encourage the production of scholarly works and legal commentaries, an organization such as the Georgian Bar Association or the International Comparative Law Association could sponsor competitions for the production of new materials. Quality would be recognized through the awarding of monetary prizes. Competitions of this type would need to be, both in reality and in perception, fair and subject to transparency. Clear and relevant guidelines would need to be
created for the standards to be met to participate in the competitions. The “jury” deciding any competition must be of a stature to garner unquestioned respect. All awards in this competition must be free from charges of corruption or favoritism and therefore blind submissions may be a method of choice. CEELI would provide funds for publishing the winning submissions.

CEELI and/or other donors could provide limited support to individual law libraries, which would then be connected, or support a central law library that could be used by all law students and legal professionals. In this regard, CEELI would provide an expert law librarian to provide training to the Georgian law librarians and advice during the renovation of libraries and development of system.

The lending policy of law libraries should be extremely limited. Students and practitioners should be permitted direct access to the shelves of books and to any and all indexing and/or catalogue systems, but they should not be permitted to remove any books from the library. Limited borrowing privileges may be afforded to full time teachers, with the associated law faculty responsible for the cost of any materials not returned in a timely manner. The foregoing limitations on borrowing books will require that a security system be installed.

H. International Law School Partnership Programs/Study Visits.

Study Visits

Either as part of International Law School Partnership Programs described in Section IV(H) below or as a matter of separate funding, trips should be organized and sponsored to provide individuals involved with curriculum reform the opportunity to observe and discuss alternative approaches to legal education reform and curriculum development.

Like many reforms, it is easier to believe in, and support, changes to legal education (including accreditation, curriculum and teaching methodologies) after having had the opportunity to observe these types of changes in successful operation. There are many options educators in Georgia might choose to implement, but not all may be feasible, sensible or most efficient for Georgia; these visits to law faculties in the U.S. and in Europe could help educate them as to which are the most effective choices.

At first, the persons sent on such trips should be those who are actively involved in guiding and implementing reforms. In the case of accreditation, that would be the independent agency. For curriculum development, the curriculum development working committees at the pilot law faculties. For teacher training, members of the groups in the pilot program. As the symposia and workshops described above enlarge the circle of involved persons, additional key educators will be identified who appear to be highly supportive of curriculum reform and they can be further
encouraged in their efforts through such observation and interaction trips abroad. It will be necessary to identify law schools in both the U.S. and Europe which would be both willing and able to provide these experiences.

Consideration should also be given to attendance at meetings of the Association of American Law Schools (“AALS”) and/or the European Law Faculties Association (“ELFA”). Both AALS and ELFA hold periodic conferences particularly directed at curriculum development and other issues of legal education reform. ELFA has been very involved recently with the implementation of Bologna Declaration objectives as they relate to legal education.

**International Law School Partnership Program**

These types of partnership programs have been funded in countries other than Georgia on a regular basis. The idea behind this approach is that selected American law schools and their faculty would be integrated into a multi-faceted program to advance legal education, not only in Georgia, but hopefully also to the benefit of the U.S. law school. CEELI’s Balkan Law School Linkage Initiative is an excellent example of such programs. While that program includes student exchanges, it is recommended that at this time projects be undertaken on the administration and teacher level as they are likely to have more immediate impact.

An international partnership program could have the following components:

(i) **Short-term exchanges.** U.S. and Georgian teachers would spend one month at the partner law faculty. During one semester, the Georgian teacher would visit a U.S. law faculty where he/she would be paired with one or two faculty members who had the same specialty (criminal, human rights, civil procedure). This would give the Georgian teacher the opportunity to see first hand how various teaching methods are used, and the types of materials that are used. Following this visit, the Georgian faculty member could work on their curriculum and materials for the coming semester. During that period, the Georgian and U.S. teacher should be in contact with the U.S. teacher providing guidance. During the following semester when the Georgian teacher is incorporating the new methods and materials, the U.S. counterpart would come to Georgia to observe classes and teach demonstration classes.

(ii) **Long term exchanges:** Longer visits would permit Georgian teachers (who speak English) to attend full semesters of law courses to fully absorb the totality of teaching and learning under alternative, more interactive methodologies. It is possible that the partnering law school in the U.S. may be able to permit the visiting teacher to enroll in their LL.M for foreign lawyers program (if the school has such a degree program) which would provide a more structured learning experience and result in an additional credential. The teacher would
also be assigned a mentor that would help the teacher prepare the curriculum and materials to be used on their return to Georgia. CEELI could assist interested Georgian teachers in seeking funding from U.S. government programs such as the Fulbright, Humphrey, Muskie, and other stand alone grants.

(iii) Providing technical resources. To the extent that Georgian teachers lack the resources to implement the new teaching methodologies and are trained in using such resources during their exchange, funds for such resources could be provided.

Administrators can also benefit from exchange programs as some of the problems discussed in connection with legal education in Georgia in general included the problems associated with lack of efficiency and transparency in the use of financial resources by law schools in Georgia and the failure, in some instances, to create an environment supportive of change. These are challenges directly relating to the law school administrative staff. This “staff” includes Deans and vice deans, but also includes other administrators, including head librarians, financial officers, admissions officers, etc. Partner programs should provide, either within the partner law schools, or by utilizing the resources of the wider, associated U.S. university, exchanges and training relating to cost effective, efficient law school management.

I. Create “Career Development” Centers within Law Schools.

Career development centers within law schools in Georgia could serve a dual purpose. First, they can act as an information clearinghouse related to further educational choices by graduating students or the assistance in obtaining the first law position. A second, and perhaps more important, aspect that could well be handled by such centers would be providing mini skills training courses to students. These courses would relate to skills associated with getting a job, practice management, etc. A benefit of providing these skills through this type of center is that the center is clearly part of the law school and as such, the content and provision of these skills can be part of the overall plan to reform legal education. These centers would require physical resources, technology resources, personnel resources and training.