



Legal Education Reform in Ukraine – MY FM Inspiration

- Ilhom Aliyev, Yousif Folathi Alkhoori, Manoj Kumar, Mike Ramirez, Frederick Tarantino



Agenda

- Constitution
- Policy Unknowns
- Process
- Fishbone Diagram
- Entry Points
- Ideas
- Strategic Way-Ahead
- Lessons Learned and Final Thoughts

- Appendix



Constitution

- Team will adopt PDIA values while approaching problems and working together as a team.
- Team will operate at the speed of trust. Team will collaborate and communicate openly, assume the best intentions, and view disagreement and debate with a positive lens.
- The team will be flexible and accommodating to one another.
- The team will make sure that each member is given the chance to express their opinion, and that each person is carefully heard.
- Team members will accept feedback or critique on work done from other team members without hard feelings. The team works on the basis of “All for one and one for all.”
- Members will respect one another and attend meetings on time, otherwise communicate reasons for not attending or being late. Team members will also give each other the benefit of the doubt.
- Members will communicate any difficulties, hurdles, or expected delays early on so action can be taken to resolve the situation.
- Team will not discriminate based on race, color, national origin, religion, sex, gender identity, disability, age, medical condition, ancestry, marital status, citizenship, sexual orientation, or status.



Policy Unknowns Exercise

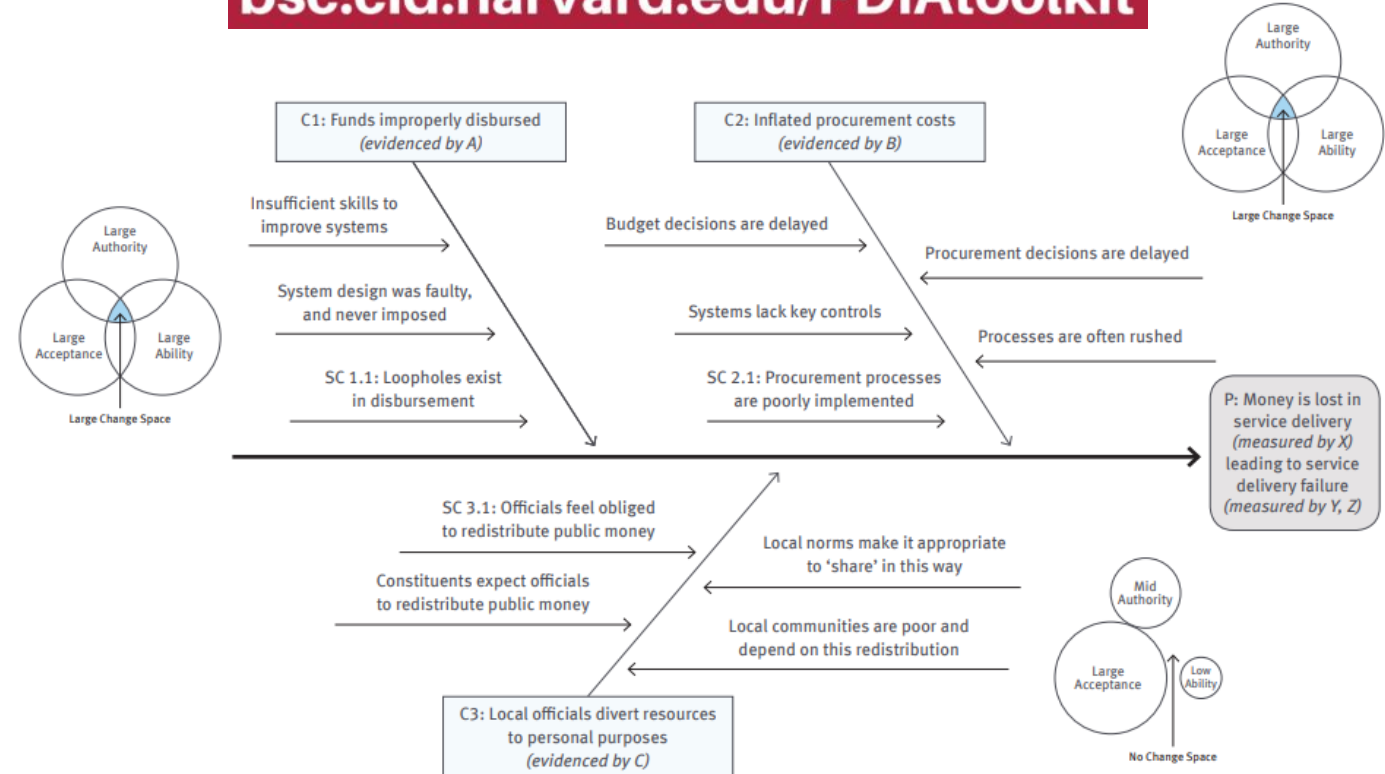
Policy description: <i>Quality of Legal Education in Ukraine</i>		
	Type of policy unknown	Level of concern (0-4)
1	How unknown is the problem your policy is addressing (do you know all views of the problem, how accepted the problem is with stakeholders, what is causing it, etc.)?	3
2	How unknown are the product(s)/other deliverables you think will help address the problem (do you really know what kinds of laws, infrastructure, regulations, etc. will solve the problem)?	4
3	How unknown is the impact you aspire to achieve (and can commit it) in the policy (can you really make promises to deliver and solve the problem, in specific timeframes)?	3
4	How unknown are existing implementation processes you will face in the context and do you know how to navigate these processes to make your policy succeed (like budget processes to access needed financial resources, and human resource processes to mobilize people, and decision-making processes to ensure timely decisions are taken)?	4
5	How unknown are the new implementation processes you will need to implement the policy (do you know if you will need changes to budget, procurement, HR and other processes and do you know that you can actually effect these needed changes)?	3
6	How unknown is the political support for your policy (do you know what support you need and do you know if this support exists and will be sustained)?	3
7	How unknown is the 'supportiveness' of the overall political context (is it stable, for instance, and will that stability hold for the duration of your policy engagement)?	3
8	How unknown is the bureaucratic support for your policy (do you know what support you need from those who will ensure funds flow, people are hired, etc. and do you know if this support exists and will be sustained)?	3
9	How unknown is the contextual 'fit' with your policy (do you know the geography, customs, culture etc. of the place you are working in and do you know that these contextual factors are conducive to your policy and will be maintained)?	3
10	How unknown are the practical capabilities needed for success (do you know what information access, capacities, etc. exist and that these are sufficient for your policy or can be developed with certainty when needed)?	3
Overall Score out of 40		32



Process

- Tools
- Weekly:
 - Reflection
 - Feedback
 - Meeting with Authorizer
 - Engagements with stakeholder

PDIA toolkit
 A DIY Approach to Solving Complex Problems
bsc.cid.harvard.edu/PDIAtoolkit



Local Solutions for Local Problems



Pushing Problem Driven Positive Deviance



Try, Learn, Iterate, Adapt



Scale through Diffusion



Stakeholders We Engaged With

- Anton Geraschchenko, Deputy Minister of Interior of Ukraine
- Andriy Melescheych, Law Professor at the National University “Kyiv-Mohyla Academy”
- Ivan Shemelynets, DEJURE Foundation
- Serhiy Kvit, Head of National Agency for Higher Education Quality Assurance
- Yuriy Rashkevych, National Qualifications Agency
- Svitlana Khyliuk, Academic Director, UCU School of Law
- Andy Hunder, American Chamber of Commerce, President
- Maksym Sheverdin, Legal Education Committee Coordinator of the Association of Lawyers in Ukraine
- Yuriy Pukavskyi, Deputy Head of Student’s League
- Nataliya Petrova, USAID & New Justice Program
- Calvin Chong, Deputy Director in Singapore Ministry of Education



University & Program

Student

Teacher

Testing

Government

Commercial & Organizational

External Factors

Poor quality of legal education in Ukraine is perpetuating corruption

University licensing, diploma-mills vs classical institutions - Fred

Many students want "legal" degrees; high demand - Yousif

Old curriculum; less focus on practical knowledge - Manoj

Existing tests are unsatisfactory indicators - Mike

Funding for non-attorney education is greater than classical attorney education - Fred

Unclear about BAR Association authorities - Fred

Soviet legacy of corruption - Ilhom

VS

Legal program accreditation (non-attorney programs) - Fred

Teaching methods are not well developed - Ilhom, OSCE

No political will in Ministry of Education to strengthen entrance & graduating exams - Ilhom

Lack of capacity with ministry of education - Manoj

Weak regulatory mechanisms to approve legal ed departments - Manoj

Not enough careers - Fred

Attorney program accreditation (attorney program) - Fred

Low availability & poor quality internships - Manoj, Fred

Professors are not top quality - Ilhom

No political will of universities to strengthen entrance & graduating exams - Ilhom

Poor values & corruption - Manoj

Accreditation not focused on quality of legal institutions - Manoj

No entry qualification standards - Yousif

Values are not taught or internalized - Fred

No funding to invest in enhancing teacher skills - Manoj

No national legal ed standard - USAID

No national legal ed standard - USAID

Easy entry requirements into non-classical law programs - Yousif

Too many part-time law degree programs - Ilhom

Lack of uniform teaching methods - Ilhom

Lack of cooperation between entities - Yousif

Students are cheating on tests? - Fred

Unable to apply theory to practice - Fred

Lack of over-arching standards - Manoj

Lack of will due to frequent government changes - Yousif

Lack of engagement by employers - Manoj

Qualification is not done by third party - Yousif

Does not select students based off merit - Yousif

Low salaries for professors - Ilhom

No attorney BAR exam - Manoj

No monitoring of legal funds used by legal education institutions - Manoj

Historically set up with little requirements; no incentive to change - Mike, Fred

Students think it is ok to take bribes? - Fred

Not the same rigor found in classical institutions - Fred & OSCE

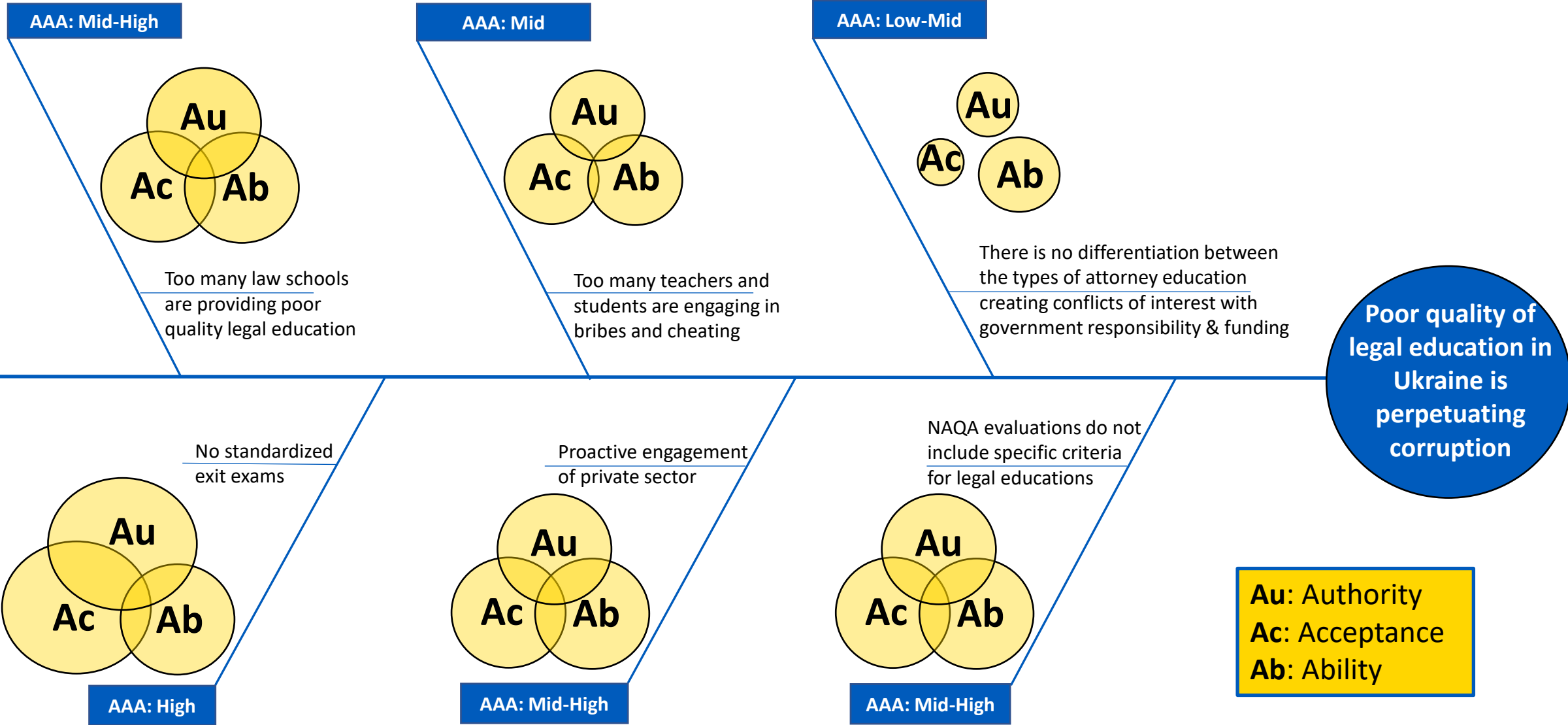
Insufficient corruption prevention in educational system - Ilhom, Manoj

Schools just want the money (survival); quality of legal education is secondary - Manoj, Mike, Fred

What track does this apply to (attorney or non-attorney) - Fred



Fishbone Diagram

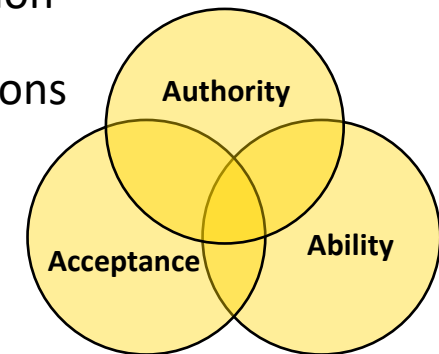




Entry Points

Priority Stakeholders and areas of engagement

- National Agency for Higher Education Quality Assurance (NAQA) - accreditation
- Private Legal Associations – opportunity for practical experience and market-based solutions
 - AmCham
 - Legal Education Committee of the Association of Lawyers
- Minister of Education – Exit exam and a common entrance exam
- Minister of Internal Affairs – Exit exam, fairness in allocation of fund to law schools
- Donors (USAID and others) - support and facilitate pilot activities
- Law Schools – develop a culture of quality
- Students – demand for quality education





Ideas

Involvement of
AmCham and
Business Associations

Independent
Ranking and Market
Based Theory

Specific Accreditation
Criteria

Thank You Notes

Blog Posts

Ukrainian Deputy
Minister of Interior
and Singapore Model

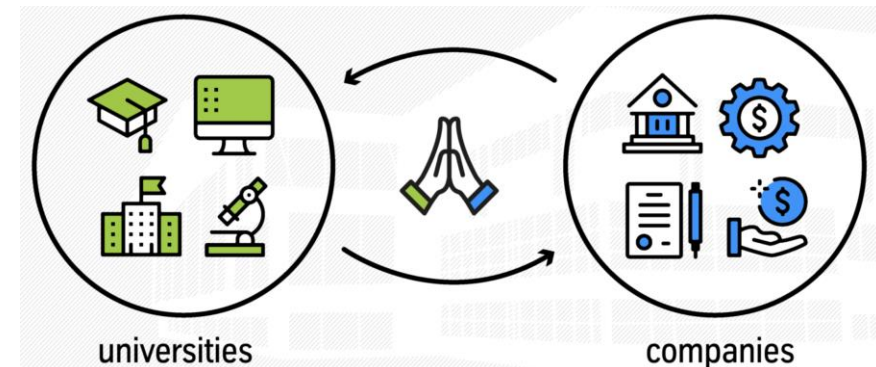
Standardized Exit
Exam

Autonomy of
Educational Institutions



Strategic Way-Ahead

- AmCham engagement
- Singapore reform concept paper
- Private sector engagement with NAQA
- Legal education reform awareness campaign
- International donors – law enforcement
- Exit exam





Lessons learned drove our final thoughts

Lessons Learned

Strategy: Execute AAA early - that would have led to a stronger strategic interview-order

Inputs: Include more law enforcement in engagements

Structure: Create a team structure would have helped for dividing and concurring

Final Thoughts

Global teams bring stronger ideas and creative solutions

We wish that we had more time to grow together as a team

Having an authorizer to take us through the journey made the experience unforgettable





BACKUP SLIDES / APPENDIX



Appendix – Documents Read

In addition to the 20+ readings provided to us on CANVAS, our team examined:

- Report of the Committee for the Professional Training of Lawyers. (2018). Retrieved on 26 February 2021 from <https://www.supremecourt.gov.sg/docs/default-source/default-document-library/report-of-the-committee-for-the-professional-training-of-lawyers.pdf>
- European Commission editors. (2021). Open Practices, Transparency and Integrity for Modern Academia. Retrieved on 14 February from <https://ec.europa.eu/programmes/erasmus-plus/projects/eplu-project-details/#project/618940-EPP-1-2020-1-UA-EPPKA2-CBHE-JP>
- Kvit, Serhiy. (2019). New Accreditation System. NAQA.gov. Retrieved on 14 February from <https://naqa.gov.ua/2019/08/new-accreditation-system/>
- International Bar Association. (2016). Improving the Legal Services in Ukraine. Retrieved on 7 Feb 2012 from <https://www.ibanet.org/Document/Default.aspx?DocumentUid=e6ace632-a372-458c-8656-f37065f0db97>
- Hnatyuk, V. (2019). Legal education in Ukraine calls for reform, goals contested. Retrieved from <https://www.kyivpost.com/ukraine-politics/legal-education-in-ukraine-calls-for-reform-goals-contested.html?cn-reloaded=1>
- Ukraine International Trade in Legal Services: https://www.ibanet.org/PPID/Constituent/Bar_Issues_Commission/ITILS_Ukraine.aspx#:~:text=In%20order%20to%20become%20an,in%20the%20Ukrainian%20Advocates%20register
- PDIA Toolkit: <https://bsc.cid.harvard.edu/PDIAtoolkit>
- World Bank: <https://www.worldbank.org/en/news/opinion/2018/09/12/why-ukraines-education-system-is-not-sustainable>
- Committee to Review the Regulatory Framework of the Singapore Legal Services: <https://www.mlaw.gov.sg/files/Final-Report-of-the-Committee-to-Review-the-Reg-Framework-of-the-Spore-Legal-Sector.pdf>
- Report on Supply of Lawyers. (2013). <https://www.mlaw.gov.sg/files/news/press-releases/2013/05/4th%20Committee%20Report.pdf>
- Stavytskyy, Andriy. (2018). Challenges for Higher Education: The Case of Ukraine.
- Singapore Institute of Legal Education: <https://www.sile.edu.sg>
- Kvit, Serhiy. Higher Education in Ukraine in the Time of Independence: Between Brownian Motion and Revolutionary Reform
- NJ Early Report on Design Development and Implementation of USQE. (2019).
- Regassa, Tsegaye. (2010). University of Melbourne. Between Closure and Opening: Exit Exam in Law Schools.
- Draft Concept of Legal Education Development in Ukraine. http://kno.rada.gov.ua/news/main_news/75465.html
- Andrews, Matt. Pritchett, Lant. Woolcock, Michael. (2016). CID Working Paper No. 313.
- Excerpt from a Report on the Legal Profession Practice Analysis Regarding Knowledge, Abilities, Skills and Professional Values Law School Graduates Should Possess to Meet Modern Job Market Demands: <https://drive.google.com/file/d/1X35BL7oXd-XXdZcSXmXadIN3zfYiaG8J/view?usp=sharing>
- OECD Reviews of Integrity in Education in Ukraine. (2017). <https://www.oecd.org/publications/oecd-reviews-of-integrity-in-education-ukraine-9789264270664-en.htm>
- Franko, Ivan. (2014). Reports on External, Independent, On-Site Assessments of Legal Education Quality at Leading Ukrainian Law Schools. <https://drive.google.com/file/d/14o9sD4P25XiGDl6xoYMIbJziY85EQPVH/view?usp=sharing>
- UNIAN.net. (20 March 2020). Ukraine’s Education Ministry ready to reschedule independent testing, entrance exams over quarantine. Retrieved in 21 February 2021 from <https://www.unian.info/society/10932911-ukraine-s-education-ministry-ready-to-reschedule-independent-testing-entrance-exams-over-quarantine.html>
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- Tulup, Marharyta. (2020). “Education is the last thing on the government’s mind,” says former Ukrainian minister.” Open Democracy. Retrieved on 21 February 2021 from <https://www.opendemocracy.net/en/odr/interview-ukraine-hanna-novosad-education-shkarlet/>
- Tsegaye Regassa, “Between Closure and Opening: Exit Exam in Law Schools”, University of Melbourne, June 2010. (https://www.researchgate.net/publication/303459599_Between_Closure_and_Opening_Exit_Exam_in_Law_Schools)
- Andriy Stavytskyy, “Challenges for Higher Education: The Case of Ukraine, Andriy Stavytskyy”, 27 September 2018.