The LEFIS Continuing Education

Offer Courseware Tuning Template

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1. Introduction

The importance of information and communications technologies for society has increased more and more during the last decade. Any government, firm, public or private organisation around the world are searching to gain sound legal knowledge in order to successfully accompany the evolution of their country towards a global and networked information society.

Besides the necessary adjustments applied to university curricular teaching in the last years and the introduction of numerous postgraduate masters throughout Europe, a lifelong learning approach to be delivered in every European country not only to citizens but also addressed to specific professional categories (such as lawyers, judges and public servants) becomes essential to accelerate this evolution process and to cope with the accomplishment of a global and networked information society, as those categories are particularly involved in such a process.

While in the UK concept of Lifelong Learning has generally been endorsed by the law community and its application is almost mandatory for the members of the various Societies[1] as they require each qualified professional to undertake a certain number of life long learning units per annum, in other European countries the concept is interpreted and applied in a more flexible way: so only in a few countries this type of courses may be mandatory. Courses are generally organized on demand by the users or in a more systematic way by Universities, research centers or by specialized private firms.

The Uk Law Society system (www.cpd.lawsociety.org.uk) requires in principle 16 hours per year spent on a variety of life long learning tasks which may include actual onsite courses, distance learning courses, supervised mentoring, research, writing of books, articles, dissertations. Attendance at a conference may be specially accredited. Thus a course or conference organiser in IT Law may apply for accreditation by the Law Society. In this case all those who attend the course will acquire the appropriate number of hours. The very flexibility of the system means that there is a flexibility of market provision for both seekers and providers subject to quality control exercised by the Law Society.

In the area of information technology law, the main providers have been the Society of Computers and Law which organise a series of courses. However academic conference and course organisers have also obtained accreditation where the conference for example on e-commerce my be of relevance to legal practitioners. The larger law firms in the City of London

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[1] Generally speaking the Law Society is responsible for the training of solicitors, the Bar is responsible for barristers, the judiciary for the judges and magistrates and the law schools for academics. The Law Society and Bar, the judiciary and the magistracy have their programmes for continuing education. In University education, newly qualified lecturers are now encouraged to obtain a teaching certificate and even after this certificate, they are regularly encouraged to

and elsewhere with hundreds of partners make their own comprehensive training provision for their newly qualified and continuing lawyers. This increasingly includes training in IT applications and IT Law.

The continuing professional development program for barristers http://www.legaleducation.org.uk/CPD/cpdfaqs.php) is in many respects similar to that for solicitors. The judiciary and the magistracy have their own extensive programmes which involve a wide variety of training tasks including IT training.

1.2. Lifelong Learning Examples at European Level

The present offer of lifelong learning in European countries appears to be still restricted to a few number of countries and several different examples.

The subject area of available courses is limited to the applications of ICT law and data protection law to the practice of legal professions and to the activities of public servants, without the application of a secure and in-depth methodology able to obtain sound expected results also with the aim of accelerating the evolution towards the information society.

On the other hand it can be sustained that lifelong learning can cover the gap between traditional university education and the needs of a really implemented Information Society for all those people who have already completed their studies and are in the labour market and this especially in those countries where university curricula and superior education have been subdued to small or irrelevant changes in favour of new progress.

In order to achieve a Knowledge Society it becomes crucial for every European country to invest on people and on their update education. The knowledge of computers and their interrelations with the law need to be addressed everywhere and at all levels. Both in countries with an early phase of computerization and in countries with a more advanced stage of computerization these computer and law oriented studies may become important tools for accelerating and improving any social transformation.

Several concrete LEFIS examples are presented here

1.2.1 Lifelong learning in Academic Institutions: The first Warwick Example

Academic Institutions have established their own specialist organisations for promoting life long learning for legal practitioners and others involved with legal work. For example, the Warwick Legal Practice and Proceedings Training Unit (LPPTU) is a well established program - run on a

undertake further educational development courses as part of their academic appraisal.

commercial basis - which has been involved in life long legal training of a variety of groups such as judges, surveyors and health and safety inspectors. It can be followed by academics nationally and internationally either on a full year course basis or on a modular basis.

1.2.2 Academic Continuing Professional Development, the second Warwick Example

Historically, nobody required training in university education. The rationale for this has been that the key element in university learning is the research expertise of the academic. The student in becoming part of the learning community is there to gain from this research expertise rather than any specific teaching. However, this principle has been gradually abandoned and greater emphasis is now being placed on ensuring training in teaching skills for all new members of academic staff.

At Warwick this is achieved through the new MA, Diploma and Certificate Program in Post-Compulsory Education. All new members of academic staff are required to take the Certificate element of the course which is equivalent to 60 cats or 30 ects.

In addition, the Centre runs a program of Continuing Professional Development offering a variety of courses on educational skills and techniques (from e-learning to voice skills) for staff members.

1.2.3. Law School LLM in Legal Education, the third Warwick Example

Warwick Law School has recently initiated a world first unique LLM masters program in Legal Education which is intended to utilise its strength as the location of the UK Centre for Legal Education and its new Professorship in Legal Education. The program is intended for those in their early phase of legal education who would like to specialise in the subject. However, in addition it is intended to provide specific sessions on specialist learning topics for those who are not interested in the Masters but are mainly interested in professional development.

The programme intends to incorporate e-learning as part of the core course as well as through special project work which will involve the Teaching and Learning Environment (TLE2) currently being developed in a joint project between the UKCLE and the University of Strathclyde.

1.2.4. The Belgian Experience

Another example of continuing education promoted at University level is JuriTIC, organized by the Interdisciplinary Research Centre on Computers and Law (CRID) of the University of Namur.

The program aims at providing an especially practical view on legal issues raised by ICTs to the legal profession (mainly barristers, lawyers working in public administrations or private

undertakings, regulators,...and in general practitioners in law). It consists of several monothematic modules independent from each other held by university researchers (CRID) and by practitioners transferring their working experience through presentations and the illustration of practical cases. Sometimes several modules constitute a logical entity (e.g. 3 modules on telecommunications regulation or the CLEC modules).

Sessions take place during day-time and are of two types: restricted seminars with attendance limited to 25 participants or modules with an unrestricted number of participants.They last half a day (3 hours teaching) or all day long (6-7 hours).

Topics addressed by individual modules stem from current CRID research projects, from follow up of regulatory developments (like reviews of EU regulatory framework and the adoption of new EU legislation) and from discussions with practitioners, on which basis, the JuriTIC programme is updated in practice on yearly basis at each new academic year by the CRID's board of directors . In recent years topics addressed were: the protection of personal data in the banking sector,http://www.juritic.be/pages/ - 01 analysis of the Law of May 22, 2005 adapting the law on copy-rights and neighbouring rights to the Information Society,. protection of medical data in clinical trials of medicines designed for use by human beings,. the regulation of new Information and Communication Technologies: tendencies and perspectives, five years of application of the laws on electronic signature, e-Government and privacy, E-learning: tools applications, methodologies, copy-right issues,competion law, electronic communications and dispute resolution.,

2. Lifelong Learning According to the Tuning Model

From the experiences and examples considered it is useful to extract the typical LEFIS offer in relation to continuing education.

Within this respect some typical courses are to be identified and described:

- Continuing education courses for the legal professions

- Continuing education courses for prosecutors criminal judges

- Continuing education courses for ICT expert witness

- Continuing education courses for academics

- Continuing education courses for public servants

2.1. Continuing education courses for the legal professions

The Belgian experience presented supra 1.2.4 is the best example of education course on ICT and Law for the legal professions: lawyers, in the continental tradition. The UK tradition is

adequate example but limited to the common law tradition and uses. The examples are coincident with the experiences in the same area of another LEFIS members

2.2. Continuing education courses for prosecutors and criminal judges

The training programme is addressed to the countrywide representation of prosecutors and judges who are conducting preparatory or court proceedings in ICT-related criminal cases and are willing to improve their professional capabilities and qualifications. The programme has been initiated by the Faculty of Law and Administration of the Nicolas Copernicus University in Toruń (Poland) and is organized in co-operation with the Training Center for the Staff of Common Courts and Public Prosecutor's Offices of the Ministry of Justice. The structure of the programme is composed of four basic modules:

- criminological and substantive criminal law aspects of ICT-related crime;

- criminal procedure aspects in the field of offences connected to ICT;

- international and European co-operation in criminal matters;

- forensic aspects of electronic evidence collection, analysis and management.

Since its inception in 2005, in three days training programme about 250 prosecutors and judges have participated.

2.3. Continuing education courses for ICT expert witness

Expert witnesses play essential role in computer-related litigations both in civil and criminal cases. They are needed because the complex technical issues are beyond the knowledge and understanding of the average judge and attorney. Furthermore, and sometimes not in full compliance with the principle "jura novit curia", they are also expected to provide opinions in other matters as well. Clear example are cases concerning intellectual property protection where evaluation of licence infringements are at stake and form a part of an expert witness opinion. Additional training in legal aspects of technical expertise provided in ICT –related cases is therefore necessary and may enhance professional knowledge and skills of an expert witness. In some countries this sort of training is of relevance to the authorities who are in charge to appoint applicants for expert witnesses. Such a situation exists, for instance, in Poland where the decision who can be included to the register of expert witnesses is made by the chairman of a district court after an examination of professional qualifications of candidates based on relevant documents like certifications, diplomas, etc. In this connection, educational programme for the ICT expert witnesses is being prepared at the Law Faculty of Nicolas Copernicus University in Poland. Its primary goal is to provide up-to-date legal knowledge for professionals in computer sciences (prospective and actual expert witnesses) in order to enable

them perform their tasks and duties in a competent and lawful way.

2.4. Continuing Education Courses for Academics

The LLM in Legal Education held at Warwick University by the United Kingdom Centre for Legal Education (UKCLE) is the first postgraduate Masters' course in Europe to be wholly devoted to the study and application of legal education (see supra 1.2.3).

Under the leadership of Professor Paliwala, it pioneered the use of information technology in law teaching

The LLM programme may be taken full time over 12 months or part time over 2 years. Candidates who wish to complete the course over a longer period than 2 years may wish to consider registering for the **Postgraduate Certificate in Legal Education**

Prior learning, such as a University Teaching Certificate, may attract credits towards the LLM, subject to the rules of the University of Warwick's APEL system.

The course is flexible and capable of meeting the needs of aspiring, new or experienced law teachers from the academic or vocational sectors, from the UK, Europe or the developing world. Each student's aspirations and needs will be examined and incorporated into a personal modular development programme.

2.5. Continuing education courses for public servants

Public servants are priviledged targets of this kind of courseware as they more than other professional categories need to understand the impact of new concepts such as knowledge society, e-government, e-democracy, etc on the society organization and to apply most recent technological advances to their governmental approaches. Courses are mainly organized by University or research centers on the base of specific requirements of the Public Administrations. The good LEFIS example is the experience in Italy of the Istituto di Teoria e Tecniche dell'Informazione Giuridica (ITTIG), Firenze.

3. Learning Outcomes and Competences

Continuing education courses cannot be considered as regular university courses as their major feature is their short duration, so also their learning outcomes cannot be so successful as those deriving from longer and regular courses. Nevertheless special attention should be paid to the domain areas taught in the law faculties and in the masters in order to enhance their role of updating law professionals in most modern and advanced topics and to accelerate the evolution process of their activities towards the goals of the Information Society.

Although their brief duration, they should allow users to improve or enlarge their competences in ICT law and in digital culture as the following:

- Acquire a well-founded legal knowledge on information society phenomena and legal informatics;

- Acquire specific skills and knowledge on ICT law;

- Acquire specific skills for applying ICT to routinary work;

- Acquire better capabilities and search methodologies for retrieving legal information in international, national and local databanks;

- Acquire basic training in electronic crime.

4. Workload and ECTS

Lifelong education courseware are generally organized into short thematic modules of two-three days of full immersion activities integrated with practical training sessions when oriented specifically to pragmatic activities. They can also be organized into two- cycle programs, that is distinguishing into basic and advanced programs, especially when courses have a mandatory nature.The duration should be comprised between 1-3 days. Interactivity methods and discussions should be prevalent.

The issues of computers and law, that is the implications of ICT on legal principles and the implications of legal principles and regulations on ICT should be considered as major themes to be deepened, such as Electronic signature, citizens data protection, consumer protection, intellectual property, ICT law, e-Government, substantive criminal aspects of ICT-related crime, data privacy, forensic aspects of electronic evidence collection, etc.

So their users do not get any real ECTS, but only some *certificate of attendance*, which sometimes can be utilized not only to demonstrate that they have been updated in some specific topics of interest for their activity *(additional qualifications)* but can also be utilized to deserve some career and financial improvements.

Only in those cases where courses are of mandatory nature to enter some professional societies, then ECTS become some type of *official accreditation.*

5. Learning, Teaching and Assessment

The methodology to be applied should be consistent with the aims to be obtained and to favour the wider dissemination of the contents of lifelong learning courseware.

The teaching and learning methods of this kind of courseware should be not only based on traditional lectures held by experts (mainly practitioners) on specific fields or case law readings,

seminar readings and project work with written and oral presentations, but also on online training sessions using e-learning tools specifically built ad hoc. Exercises of interactive kind should also be utilized to improve the practical sessions of the courses and the personal training, but it should also be pointed out that there should be direct contacts between teachers and learners through exchanges of e-mails or good and prompt feedbacks.

The contents of these courses should be submitted to continuous assessment not only by the teachers involved in the course, but also by experts and practitioners who can transfer their update experience.

In those cases where some official accreditation is to be obtained, some final evaluation tests are also applicable.

6. Quality Evaluation and Enhancement

If lifelong learning may be considered essential for attaining certain development results in a short time great attention must be given to their contents and widespread dissemination.

Their contents cannot be left to a too spontaneous approach, but must be studied with attention and assimilated to the contents implemented in university curricula or masters. This means that the subjects considered in new or updated university curricula should also be taught in intensive and short lifelong education courses. If at university level data protection, e-Commerce, digital rights management, e-Government, telecommunications, computer crime, data protection, etc. are domain areas of attention, these same subjects should be considered of attention also in continuing education.

The presence of an international network such as LEFIS, connecting institutes, centres and single experts collaborating between each other and all working within the same disciplines could favour the obtaining of good results, as all together can make research, study and ascertain which are the most appropriate subject areas necessary for reaching these goals and how they can be upgraded on the base of social progress and with which methods they are to be transmitted to people, especially professionals. It should also be utilized to design modules on specific domains to be implemented in every European country, starting with those nations connected with the LEFIS members.

However, a multidisciplinary approach should also be adopted. Besides a *basic knowledge* which may be considered founded on the *law*, aiming at providing a better and more adequate training of practitioners in law, other disciplines such as computer science, economics and social science should be regarded as necessary supplementary approaches aiming at broadening their overview of problems connected with the evolution of society and the prospects of the Information society as lawyers need to understand how legal principles and culture evolve and therefore how to take into account the environment in which law is created

and applied. Therefore some hints on specific matters such as e-democracy and freedom of information, e-government and rule of law, e-business and e-contracting, intellectual property, telecommunications and mass media, privacy data protection and data security, computer crime and security, freedom of information should be included in a typical lifelong learning course, as the reference to social sciences is necessary also to update legal regulations.

Lifelong learning should become a requisite of the citizen of the Information Society, so courses should be addressed not only to professionals, but to citizens as well, especially to younger people.