

# The Connection between Information Technology and Law Education

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*Abstract:* Related to reality, law cannot make abstraction of the practical needs to create and enforce the legal norms. Starting from the study of singular cases, the legal theory is verified by means of the strategies of economic-social development. The quantitative methods in the legal scientific research and in the legal practice are used nowadays for theoretic argumentation, based on the experience acquired as a result of the study of casuistry.

*Keywords:* information technology, law education, informatics, law, e-learning, modern methods, computerizing

## 1. Introduction

The information and communication technology – ICT is used in the educational area first of all as an instrument for increasing productivity: data collection, storage, handling, electronic mail, Internet access, word processing, etc. For the legal field, the effort to stay in touch with the legislation in force is one of the main reasons for using computer science.

On the other side, the relation between the so-called “triad” – teaching, learning, assessment, and computer science is undisputable. Therefore, the central elements of the educative process – teaching, learning, and assessment imply some skills for teachers and students which should allow the successful use of technology in the educative process.

A particular aspect appears for the field of law: the legal data archives, used both by teachers and students, with the following components: legal dictionary, library of normative acts, archives of cases (jurisprudence), collections of legal doctrine, etc. These one make up a database at inner level, and also at European level.

### 1.1 NEW FORMS OF DISTANCE LEARNING. E-LEARNING

Teaching and discussing the themes may be done in virtual, sophisticated media, which facilitate all

communication forms – synchronous and asynchronous – including the videoconference.

Learning and assessment adapt to this evolution where the electronic computer has a main role.

Here is the presentation of a work which pleads for the new “e-learning” concept, as the most modern form of teaching, learning and assessment. “E-learning is a reality already present in all the forms and at all the levels of education: the high schools in Romania use the integrated platform for computer-assisted teaching - AEL, in universities there are used more and more means offered by the information and communication technology, the distance learning is implemented on e-learning platforms. The present learning patterns offer a greater autonomy, encourage the active learning and offer students an important role in creating materials, in communication and in taking part in the teaching-learning process. The book gives us a large view over the concrete ways of using the information tools in order to prepare and teach the lesson in a modern way and in order to learn individually as efficiently as possible. The reader shall find out how he/she can locate the necessary information, how to organize and assembly it with the help of the adequate tools, and then to publish it on web or to use it in class”. [3] An e-learning system (for distance or virtual education) consists of a planned teaching-learning experience, organized by an institution which supplies immediately materials in a sequential and logic

order in order to be acquired by students in their own way, without obliging to co-presentation or synchronicity. The mediation is done by various means, from material on disk or CD (eventually by mail), to technologies of sending the contents via Internet.

The task of education and teaching based on the new information technologies is not to prove that it has immediate results in a competition with other types of educational systems, but to substitute a part of the actual structures with a new, probable superior spectrum of performances, meeting the inherent changes which occur in culture and civilization.

## 1.2 LIFELONG LEARNING

The European Union, through the European Commission, has acknowledged the need of some supportive efforts to provide to the society, as a whole, and to the European citizens, an adequate luggage of knowledge, skills and attitudes necessary in the new society, which the conventional educational and training systems are not ready to answer to these needs. The typical forms of education – flexible, open and innovating, have the potential to offer contributions and solutions for the increase in the efficiency of investments in education and research in the new social and economic environment.[7] They may bring education closer to the individual, helping him/her to be permanently prepared for life and society. Education, training, human resources and employment are interconnected and more and more related to the reforms of the national educational systems, from the perspective of the permanent education. The concern of the European politics for the future education is materialized in the eEurope Action Plan 2005– an information society for everyone.[8] This one acknowledges that the introduction of ICT should be accompanied by the reorganization of the educational structures. It is vital the development of technological innovations which should serve education in multiple contexts, observing the social, cultural, linguistic differences. The citizens need new skills in order to adapt to the new lifestyles in the context of changes. The followed development directions are the permanent education and the electronic education. They have been initiated at the European Council of Lisbon in 2000, with the purpose to create the most dynamic and competitive economy based on knowledge, to ensure a sustained economic growth, better jobs and increased social cohesion.

The conferences and forums on the themes of virtual education have identified the following aspects which should be solved:

- a) At university level– improving the communication structure in the campus, entering the distance learning in the university chart, improving the study programs for distance learning, ensuring the training of teachers who should teach the distance courses and preparing the adequate teaching materials.
- b) At faculty level– harmonizing the classic education with the distance one, developing the educational materials and the web sites, improving the assessment methods, promoting research.

## 1.3 E-LEARNING PROGRAMS AND THEIR PROTECTION

In the field of computer science, therefore in the e-learning field, there have become visible two means of protection which were possible as such – on the one side, appeal to the protection in fact, based on keeping the secret (enforcing the common law in case of disclosure), or to the contractual protection, and on the other side, appeal to acknowledging a temporary private law. According to the law drawn up by WIPO, the term of *software* or *logiciel* (program) contains both a program allowing the execution of an operation by the computer, and the related documentation. The forms of legal protection of the program are the following: protection by patent, protection within the author's right, organization of a specific protection. The Convention of Munich excludes protection of programs by patenting. It is also claimed that the author's right is conceived to protect the form of idea expression and not the ideas. The programs would no be directly perceptible to the human beings, therefore they cannot be thus protected. Finally, the French law of 1 July 1992 mentions expressly the programs as being protected for a period of 25 years within the author's rights.[2]

At European level, the Council of European Communities has adopted the Directive on the legal protection of computer programs, for the author's lifetime and for 50 years after his/her death.

The WIPO-1978 law stipulates that the protection term is 20 years and it is acknowledged for the original programs, which are the result of the creator's personal intellectual activity.

## 2. The condition of the Romanian legal system

In the course of time, the Romanian law school has gained a special status, due to its prestigious universities, in which the rigour of the law, the excellence of the teaching staff, the level of the students' academic training, but also the huge role played by the specialists in legal sciences in the Romanian society, are reference points of an education system meaning to be a model within the present-day Romanian university education. [1]

All the more, the legal education cannot be separated from the natural relation with the computer science. A close analysis from the point of view of the structure of an educational cycle emphasizes the following administrative stages in which the computer and the information systems are acutely necessary:

- a. The admission to the faculties of law;
- b. The study of the legal disciplines – 4 years;
- c. The completion of the Bachelor's degree studies:
  - Continuing the studies for the Master's or Doctor's degree
  - The young practicing jurists.
- d. maintenance of the relation faculty-graduate in order to assess their situation as graduates who work in the system

### *The Computer and the Selection of candidates*

In this stage, we are talking about the strategy of faculties to attract high school graduates by means of the information offered by internet.[3] The data makes reference to the offer of faculties and to the conditions of acceding to the legal education. For the institution, the computer-science resources are absolutely necessary in order to enroll the candidates and to classify them according to the results obtained, therefore in order to be accepted.

### *The Graduate Studies*

Until 1990, the professorate was mainly made up of teachers dedicated exclusively to teaching, with few exceptions. Liberalization meant, on the one hand, a chance given to all the teachers wishing to follow a

university career based on competencies, without any political engagement, on the other hand, the emergence of a new category of jurists, sharing their time between the chair and the bar, the prosecutor's office, or the courtroom. Many of them have learned how to teach "on-the-job", following the model they had as students; others have attended more or less efficient training programmes meant for getting closer to other university education systems in Europe (Tempus programmes). Does this represent a real progress, or shall we prefer the classical teacher, using conventional teaching methods? It seems that such teachers are also meant to be a model for the students, the model of the liberal profession of lawyer, or of the successful prosecutor. It is already a point won over the student.

A great part of them have no knowledge of computer science, as until 1990 it was not stipulated such a subject in the syllabuses, and on the other side, computer science is not studied in the law schools either after the so-called liberalization of education.

The law teacher is confronted, in our days, with a problem that other teachers do not have: the extraordinary flexibility of the legislation, which makes him/her to be permanently concerned with the way he/she prepares his/her course. Disciplines such as the Financial-Fiscal Law, the Banking Law, the Social Welfare Law, the Business Law, etc. require a continuous learning and adjustment to the requirements on the labour market. Therefore, he uses, in an empirical way, to the IT law programs.

The attendances of the trainers from the law field to the common conferences organized under the title "Computer Science and Law" are rare. The collaborations with the specialized European institutes, like these- Centre de Recherches Informatique et Droit, CLA - Computer Law Association, EULISP - EUropean Legal Informatics Study Programme, UKCLE- UK Centre for Legal Education, IT Law Institute, Institute for legal Informatics- Hannover, BILETA etc., are also rare.[6]

Another handicap for the law teachers in many faculties is the fact that they do not have their own offices, computers, legislation programmes, so that each of them tries to work out such problems the best he/she can, that is by working mostly at home. Therefore, no consultations are given, the teachers talk with the students while walking, in a hurry,

there are no places in which a small archive can be kept, etc. This is the case of the more recently set-up faculties, generally attached to the already existing technical ones, which have not always managed to meet all the requirements in this respect, yet, the investments being still on the waiting list.

Finally, the annual assessment of teachers from the point of view of the research activity is made on a computerized basis, by attaining a compulsory score which mirrors in a public way their involvement in the activities complementary to the didactic ones.

### *The Students*

As in other faculties, the students are extremely heterogeneous – capable and conscientious, mediocre and not interested (maybe capable). Those attending the courses and seminars, drawing up papers, standing out in almost all disciplines and getting maximum scores at the evaluations belong to the first category. They can be relied upon for a small research, an opinion, a discussion on curricular issues or of administrative nature.

Those attracted to school, but who do not excel, fall into the “mediocre” category. They cover the curriculum, but do not go beyond it, they will not involve themselves in the didactic matters, will not ask questions, will not participate in discussions, but you notice them.

The last category comprises the “invisible” students, those showing up only at the examinations, most often justifying themselves by saying that they work, to be understood that they could never manage to get to the courses or seminars. After all, attendance is not that important, if the student does well at the exam. But then, should they be allowed to remain at the day courses, which imply a certain attendance, or should they be directed towards the distance education system? In the end, everything is summarized in an article of the Education Law, providing that “attending courses is not mandatory”. There would be no problems in this case, either, if there were a stress laid on the student’s individual learning.

The shortage of legal books in the public libraries and even in the faculty library, the large number of students, as well as the lack of a constant concern with keeping abreast of the legal doctrine and practice, owing to the lack of funds, prevent the teachers from imposing the students that type of training (this is not the case of the state faculties, of

established reputation and tradition, from Bucharest, Cluj and Iași).

For these students, the teachers should place on the internet the teaching material and the requirements of the seminars, but at that moment we would talk about a distance learning, that the law schools in Romania have not really developed yet.

An aspect that could get the Romanian law student more involved is the introduction, beginning with the academic year 2005-2006, of the evaluation (marks) as criterion of selection, at the end of the academic year, between the students occupying a budgeted place (free of charge) and the fee-paying students. Until this year, a student could occupy a budgeted place from the admission to the final exam, even if his/her marks were very low. The main support remains, for this operation again, the computer.

### *The Curriculum*

The studied disciplines do not seem to be very well adjusted to the labour market requirements; many times, it is the teacher that imposes a certain course and not vice versa. Moreover, Romanian curricula are no match for the curricula of the EU countries and do not completely meet the integration requirements. Exceptions are, for example, disciplines such as: International Humanitarian Law, Community Fiscal Law, International Criminal Law etc., introduced at the University of Bucharest, in the 4<sup>th</sup> year, as optional disciplines. In this context, a reduced importance is attached even to the foreign language teaching; the introduction of foreign language courses is a difficult process (none has been introduced in our faculty).

So much the less there are introduced classes of legal computer science, especially that the infrastructure is deficient, and the number of students is large.

Consequently, even the exchanges in the law area (for example the Leonardo Da Vinci Programs) in and from Romania are not attractive.

## **3 The computerizing**

There is no ample dissertation in the specialty literature in Romania regarding the connection between law and informatics, between state and computer systems and, so much the less, between

informatics and law education. We can talk even practitioners and informatics, on one side, and between the trainers in the law field (professors), on other side.[5]

Starting from the view that “any reserve, any preconception concerning the use of quantitative methods in law should be constantly removed”, we observe that the legal education cannot be placed outside the technical conditions offered by the information systems.

### 3. Conclusion

The computer-science revolution has made that the information and the knowledge– as supreme powers, to be disseminated at any place, at any time, in any language and in any field. The computer-science revolution means that the human beings have access, interpret and use information for themselves. Even more, the continuous education and training have received “green wave” on the way of knowledge. It is talked about the computer network as about a real “development map”, which extends the horizon of humanity and gives it the possibility to create a development potential that the previous generations did not have. People shall be able to do everything they wish. For this, Romania needs a coherent, continuous and elaborated strategy for the sphere of legal education; otherwise, we should be excluded from the ascending road of knowledge.

Electronic information resources will play an increasing role in legal education in terms of both teaching and research. Therefore law students, legal academics and practitioners must, as a matter of urgency obtain the necessary ICT skills to navigate, retrieve and utilise these resources. An Online legal resource centre will therefore offer law students and legal scholars an opportunity to harness developments in ICT to revitalize legal education and practice. It is imperative that they embrace this technology if they have to remain competitive in the new global order.

Skills associated with new technology are of such importance that proficiency in this field must now be viewed as an integral element in the education and skills development for all law students. In addition, proficiency should also be viewed as transferable "life skills" which enable law students

about the existence of a dichotomy between law opportunity to participate more effectively in the legal education system. Proficiency in ICT equips law students with the skills in a technology they will encounter in their future careers and for life.

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