GLOBAL LEGAL SKILLS AS A UNIVERSAL LANGUAGE OF LAWYERS

COMPETENȚELE JURIDICE GLOBALE CA LIMBAJ UNIVERSAL AL JURIȘTILOR

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Summary. *The profession of the lawyer seems to be national limited, due to the fact that future lawyers are trained through acquisition of knowledge on national legislation understanding and interpretation. However, empirical findings prove that lawyers need to be internationally adapted, legal concepts and standards, and value constants being the foundations of solid legal training. Thus, the purpose of the paper is to shape pillars and directions for reviewing current methodologies of teaching-learning-evaluating process in law schools, so as to enhance global legal skills, as a universal language for today's lawyers. Globally adapted and resilient lawyers are able to contribute, both professionally and empathetically, to ensuring well-being and security of individuals.*

Keywords*: adaptability, global legal skills, professional well-being, resilient lawyers, social well-being.*

Rezumat. *Profesia de jurist pare să fie limitată la nivel național, datorită faptului că viitorii juriști sunt pregătiți prin dobândirea de cunoștințe despre înțelegerea și interpretarea legislației naționale. Cu toate acestea, constatările empirice demonstrează că juriștii trebuie să fie adaptați la nivel internațional, conceptele, standardele juridice și constantele valorice fiind bazele unei pregătiri juridice solide. Astfel, scopul lucrării este de a modela piloni și direcții de revizuire a metodologiilor actuale de predare-învățare-evaluare la facultățile de drept, astfel încât să consolideze competențele juridice globale, ca limbaj universal pentru juriștii de astăzi. Juriștii rezilienți, adaptați la nivel global sunt capabili să contribuie, atât profesional, cât și empatic, la asigurarea bunăstării și securității persoanelor.*

Cuvinte-cheie*: adaptabilitate, competențe juridice globale, bunăstare profesională, juriști reziliențși, bunăsstare socială.*

INTRODUCTION

Subtleties of our reality. How attractive is to be a lawyer? What opportunities does this occupational profile open for professionals? What challenges do legal professionals face? This is a question which arises very often during the teaching-learning-evaluating process in law schools, both to teachers and learners. Legal professionals are prepared to have solid knowledge of law, developed skills for interpreting the law, enhanced ca-

pabilities for solving legal problems. This is what the law faculties are able to provide to young people dreaming to become lawyers. At the same time, we live in a reality with much more subtleties. At a very early stage of learning or practicing law certain limitations come to the fore. In particular, this is about national-limited professionalism or national-bordered lawyering.

Purpose and objectives of the paper. Thus, the purpose of the paper is to shape pillars and directions for reviewing current methodologies of teaching-learning-evaluation in law schools, so as to enhance global legal skills. The paper is focused on the achievement of the following objectives: to identify the challenges faced by lawyers in the globalization context; to synthesize the current methodologies of teaching and learning legal disciplines in law schools; to conceptualize a rethought methodology and skills formation environment for training (future) lawyers.

Research methodology. The findings and conclusions of this paper are a result of years of practical activity in the legal, pedagogical, and research fields. It represents a more qualitative approach, valued through analysis, synthesis, appreciation, validation, reasoning, and prediction. Attending the 16th Edition of the Global Legal Skills Conference, with the support of the National Center for Stat Courts, as one of the representatives of the Law Faculty of the Moldova State University, has opened new perspectives for rethinking the lawyers' education and training, so as to make them globally adapted.

Lawyers: social expectations and labels. The educational system has passed through a variety of changes and improvements during the last few years, in order to align the learning skills and learning results to the job market requirements. Employers are seeking graduates with a high level of theoretical and practical background, ready to immerse themselves into a specific area problem solving process. Young lawyers are supposed to have good knowledge and understanding of national and international law, to interpret and apply the legal norms properly, to draft perfect legal acts, to bring arguments for legal solutions, to assist clients in solving legal issues, to prevent major professional risks, to be resilient in any stressful circumstances, to communicate in a diplomatic and persuasive manner, to act diligently, to have an ethical behaviour. Moreover, it has become almost axiomatic that lawyers need to prove a certain degree of technology skills [1] [2] linguistic skills [3] [4], communication skills, as well as to have some basic knowledge of psychology, 'a favorable emotional intelligence (EQ) […] [and] some level of character quotient (CQ)' [5].

At a first glance, it seems that we are profiling a lawyer with superpowers. But this is also something in terms of current global subtleties: professional borders are now much more volatile than a couple of years before; we need to revise certain traditional performance benchmarks in legal education and find ways to build together a methodological framework for training lawyers able to feel professionally comfortable in a global community.

How are (future) lawyers trained? Law faculties and legal institutes are the focal training centres for (future) lawyers. The higher educational system is based on the

formation of skills and learning outputs, that are included in teaching plans and in the syllabi of various courses.

Approaching law students' training at the Law Faculty of the State University of Moldova, they begin with some basic introductory courses and follow with courses of narrower specialization, focused on a concrete legal area. Students also have a great range of optional courses which are designed to contribute to their multidisciplinary formation. Master's programs provide opportunities to immerse in peculiarities of certain legal specializations. There is a very similar situation at other Law faculties.

In terms of practicalities, students have multiple forms of assignments, mid-term and final exams, individual work, semester projects. They have opportunities to work individually and in groups, to attend national and international events, to benefit from academic mobilities, to publish scientific papers, to create and be part of students' communities and associations, to participate in extracurricular activities focused on enhancing certain legal skills.

The list of assets which the law faculties can offer is impressive. Nevertheless, the graduation of the university, with a wonderful diploma in the pocket, can be the most challenging and stressful step of the (future) lawyer in real life. Social expectations and labels assigned to them put additional pressure on their preparedness for decision-making.

Challenges faced by lawyers in the context of globalization. Beyond the efforts made by law schools and the advantages of current legal education, lawyers continue to face multiple difficulties.

Interpreting and applying law in concrete cases. The legal field is immense and university courses are planned so as to provide basic information for future lawyers, in terms of legal norms, standards, good practices and doctrine. The practical activity proves that knowledge acquisition is not the only goal to be achieved. It is crucial to be able to perceive the core data in the overall information space and to apply it to a specific, individual case. Even if someone could state that practice weighs more than theory, we would insist on the significance of both. Using ChatGPT and Large Language Model (LLM) for solving legal issues cannot be advocated as a truthful method of reasoning, due to 'the issue of *hallucinations*' [6]. 'GPT-4, like prior models, may still hallucinate sources, incorrectly interpret facts or fail to follow ethical requirements' [7, p.13]. Consequently, '[c]oncerns about privacy, data security, and intellectual property are among the moral and legal issues that the use of AI in education brings up' (Javaid M. et al., 2023) [8].

Drafting legal acts. Many lawyers have troubles with drafting legal acts. It is more straightforward when those acts are standardized. But even in these cases lawyers need to be aware that certain cases could need a personalized approach. In many other situations lawyers have to be creative and prove writing and reasoning skills. The judges themselves or Barr associations are those who can create sort of templates and use them in drafting legal acts.

Communicating properly with different categories of people. Delivering information could be much more difficult than it seems. Verbal, nonverbal and paraverbal, formal and informal, objective and persuasive, professional and common communication – these are concepts, whose applied value is incomparably more accentuated than the theoretical relevance. The message itself and the way of delivering it is very different depending on the context, the addressee, the communication format, the time and place, the purpose etc. Possessing good knowledge of law and interpreting it accordingly are not sufficient prerequisites of a good professional communication.

Being resilient and psychologically fulfilled. There is a 'prevailing focal preponderance on poor well-being' of lawyers than on 'well-being's positive facets' in doctrinal studies [9]. Discussing about murders and violations, debts and penalties, divorces and domestic violence can seem to be more technical in the process of learning. But these topics can generate stress and fear while happening in real life, with real people who are in front of the lawyer and are waiting him or her to make decisions or give recommendations able to change their situations. In such circumstances, lawyers are forced to find inner strength to resist external threats and overcome them.

Practicing law in an international environment. Higher education at law is very much nationally oriented. And this kind of approach is justified, lawyers being expected to interpret and apply law for solving local issues. In such conditions, many of them feel disarmed even thinking about practicing law in an international environment.

Contextualizing and thinking out of frame. For obvious reasons, university curricula and learning materials are logically structured, to contribute to the organized assimilation of information by the learners. However, litigation and making decisions need to be contextualized. As Prof. Schultz writes, 'context is everything', and training lawyers means also 'building bridges' 'to transfer skills from one context to another' [10, p.24]. Individual and social issues brought behind a judge, for instance, are not build in accordance with books and lawyers have to perceive and solve issues treating them individually. Very often law schools shape rigid mindsets and thinking out of frame could at least create discomfort.

The global community changes views and invites to dialogue, to knowledge sharing, to open mindedness and lawyering is not an exception. Thus, accepting the existence of such a concept like *global legal skills* has become a need and the overall legal community should contribute to fostering, enhancing, and developing the internationalization of law schools and of legal skills.

Rethinking legal higher education. Attending the XVIth edition Global Legal Skills Conference has opened new prospects for developing skills through higher education. Participants from over 20 countries have had presentations emphasizing the significance of such topics like: legal education and legal skills during wartime; proactive mentoring for expanding student horizons globally; generative AI and cross-cultural negotiations skills; experience on providing legal writing and reasoning courses; developing professional identity across culture; the role of language in comparative law etc. [11] The

exposure to this global energy, has been a turning point to realize the stringent need to rethink legal higher education, so as to dilute the borders of national lawyering and to build bridges with the international community, through the development of global legal skills. Accepting and putting into practice what some authors call 'design thinking pedagogy' may contribute to training of 'multidisciplinary problem solvers' and 'influential changemakers [12].

Putting emphasis both on knowledge acquisition and skills development. Working in an international environment or interacting with people all over the world does not mean that lawyers may neglect acquiring knowledge on national legislation. At the same time, this process of learning should be accompanied by interpretation, analysis, evaluation, appreciation, and argumentation exercises. Case-law interpretation, very specific for Common-law family, should be practiced in continental law systems as well. National, foreign, and international jurisprudence can profile fundamental principles for legal reasoning and for lawyers' adaptation to the global scene.

Development of soft skills. When it comes to 'self-awareness', 'self-management', 'self-development', 'social proficiency skills', 'leadership skills', 'professionalism and ethics', these are assigned to soft skills, which are closely connected to the lawyers' well-being [13, p.5-8]. They can be learnt and mastered only in tandem with hard skills and with other soft skills.

Adaptation of comfort zones. The process of development of soft skills and trying to think out of frame could affect the comfort zones. But internationalization requires more flexibility and openness, meaning that even lawyers, these very rigid and serious actors in public life, should make effort and get out their comfort zone or to expand their comfort zone. It could seem paradoxical, but soft skills are a kind of prerequisites for valuing hard skills in a qualitative manner. Law schools should encourage students to treat law in a humane way and to perceive emotional intelligence, empathy, mediation, collaboration as friends in preventing and solving conflicts. Defending causes and protecting rights does not equate with permanent fight. It is also about renouncing to nonsense ambitions, fostering values, strengthening relations, promoting humanism. In this sense, there are researchers who advocate the necessity of 'rethinking professionalism', by recognizing 'interpersonal therapeutic skills' as 'an extra milestone' to the lawyers' job [14, p.17].

Providing internationalization through outreach activities and creating conditions for exposure to real legal issues. Involving students in extracurricular activities represent a genuine form of expanding their comfort zone, through adaptability to unexpected situations and the need to make decisions independently. These activities are usually guided and supervised by teachers and/or legal practitioners (for instance: legal clinics, experiential learning, externships, international competitions, moot court competitions etc.). However, placing students in the shoes of real lawyers, in an international environment, helps them to become aware of the skills they need and the ways they can strengthen them, which can be a form of encouraging the classical learning process. Similarly, these

can contribute to ensuring ‘increased cultural awareness and mindfulness’, ‘global collaboration’, ‘transformative learning’, ‘cross-cultural communication’ [15], and to training of ‘culturally savvy’ lawyers [16].

CONCLUSIONS

The analysed topic is not new for the current doctrine, but there are still lots of inquiries about the ways of improvement of methodologies of formation and strengthening of legal skills. In the end, considering the efforts made by Law faculties at the national level and the successes achieved by them in terms of international partnerships, academic mobilities, we can conclude that current methodologies of teaching-learning-evaluating legal disciplines can be adapted to the global requirements. Activities designed for acquiring knowledge, through learning and understanding definitions and concepts, cannot be neglected. The process of adaptation to the global environment proves that legal concepts and standards, and value constants are the foundations of solid legal training. These activities just need to be supplemented with skills formation tasks.

The creation of cultural and civilizational borders represents an essential obstacle in the formation of legal professionals capable of demonstrating competence at a global level. International lawyering can be fostered through building wider communication bridges.

Rethinking the national legal education may be quite painful for both teachers and learners. Both groups need to be aware of the emergent fundamental changes to the legal area all over the world. The internationalized environment, the degree of development of IT tools and technologies, the cross-border and cross-cultural communication impose the need to revise the configuration of higher education, so as to train international lawyers, able to communicate in a universal language – the language of global legal skills.

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