

*Expected but not taught?
Teaching management at law
schools in Hungary and the U.S.*

by

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1/ Rationale – Personal interest & expertise

- **Hungarian lawyer:** educated, qualified and practised
 - Holder of Hungarian Juris Doctor and LL.M. in EU law degrees
 - Passed the Hungarian ‘Bar exam’
 - Worked as tax lawyer for Hungarian Tax Administration
- **Business school experience:** teaching and managing
 - Teaching business law to UG/PG business students + managing modules / departments / programmes / institutional quality in Hungary and in the United Arab Emirates
 - Familiar with UK & US business accreditations
- **Research experience:** comparative professional education
 - PhD student at Nottingham Trent University and member of CLE
 - Research area: legal ethics education in the US, E&W and Hungary

1/ Rationale – Relevance and importance of the topic

- Relationship with the conference sub-theme *‘The impact of legal education on individuals, professions, employing organisations, legal practice and society’*: **helping law graduates to learn management and develop managerial skills would support lawyers in being successful** regardless whether they work in private practice or not
- According to Hammond (2009), *“business and law are inextricably bound in such ways that teaching either separately without the other is inadequate”*
→ importance of understanding **context** of transactions when teaching the topic in law school

1/ Rationale – ‘what’ & ‘how’

- Definition of ‘**management**’:
 - planning, leading, organizing and controlling of resources to achieve organizational goals effectively and efficiently
 - leader vs manager discourse
- ‘**Management education**’:
 - business knowledge + managerial skills
 - ‘hard’ vs ‘soft’ skills: analytical vs intra/interpersonal skills (Elmuti 2004)
- A work in progress about management education in law schools:
 - **What is expected and what is taught in US & Hungarian legal education?**
 - **Documentary research:** accreditation standards, academic & professional literature, publicly available information (Hungarian law schools)
 - No academic literature on teaching management in Hungarian law schools

(I did look at the UK, too...)

- **QAA Subject Benchmark Statement – Law (2019)**

- “Law is, however, shaped by and in turn impacts on, among other things, the ethical, social, political, environmental, and economic norms of that (or those) jurisdiction(s) and these may also be reflected in the curriculum.”

- “Law students are employable not only in the law but also in a variety of highly skilled and analytical roles in, for example, business, finance, education, public policy, public service and social services in the UK and internationally.” (p.4)

- “self-management” is listed in the expected skills (p.5)

- **LETR Report (2013):** a key recommendation is to ...

- “strengthen requirements for education and training in (...) the development of management skills”

2/ Hungary: accreditation standards & institutional practices

The accreditation standards:

- Decree 18/2016 issued by the Ministry of Human Capacities on program learning outcomes
- **Undivided Masters in Law programme**, 5-year long with 9 taught + 1 internship semesters
- Credits: total 300 credits, out of which **70-80% are theory-related**; dissertation is 30 credits and electives are min. 15 credits

2/ Hungary: accreditation standards & institutional practices

The accreditation standards (cont.):

- ***Programme learning outcomes***

Section 7.1.1.a): *Knowledge* – ***“knows the basic characteristics of an organization, organizational culture and work within an organization”***

Section 7.1.1.b): *Capabilities*

- ***“perceives the changes of the (legal, institutional, economic, political and social) environment and relates to them adaptively”***

- ***“capable of leading a team of professionals”***

Section 7.1.1.d): *Autonomy and Responsibility* – ***“accepts the frameworks of professional cooperation, his roles and functions, and responsibility arising from cooperation”***

2/ Hungary: accreditation standards & institutional practices

The accreditation standards (cont.):

Areas covered by the programme: Section 8.1.1.

- Social sciences: 70-110 credits, out of which 50-70 credits are related to legal theory and legal history, and 25-40 credits are related to general knowledge related to social sciences (such as legal ethics, legal IT, legal foreign language).
- Specific legal areas, such private law (civil law, commercial law, labour law), state science, public law (constitutional law, public administration law, financial law), criminal law, international and EU law, international private law, environmental law, procedural laws, comparative law: 115-150 credits.
- Electives (legal institutions and their operations, legal rhetoric and legal practice, analysis of the **economic**, social, political, cultural environment of legal institutions and their interlinkages, application of the law and legislation): 35-50 credits.

2/ Hungary: accreditation standards & institutional practices

Related courses at Hungarian law schools (AY 2019-2020):

- ELTE: “Economics” only
- PPKE: “Economics” and “Finance and Economic Policy” only; elective “Management”
- KRE: “Economics” only
- Gyor: “Economics” only
- Debrecen: “Economics” only
- Miskolc: “Economics” only
- Pecs: “Economics” only
- Szeged: “Fundamentals of Social Sciences” only

2/ Hungary: expected, but not taught

Issues identified for further research:

- **Lack of information** – no details, no reports, no academic / professional literature (the meaning of “outcome” is unclear)
- **Theory-centred legal education vs skills development** – general problem: the major characteristic of the dr. jur. programme is incompatible with the long list (“wish list”) of practical programme outcomes
- **Specific outcomes vs required ‘courses’** – the relevant knowledge (about organizations) and skills (teamwork, leadership) do not fit with the courses
- **Institutional practice vs accreditation standards** – covering the listed ‘courses’ only, no information about how the long list of outcomes are covered

3/ U.S.: law school accreditation standard 302 and its interpretation

- ABA 2019-2020: Standard 302. LEARNING OUTCOMES:

*A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (...) (d) **Other professional skills needed for competent and ethical participation as a member of the legal profession.***

- Interpretation 302-1:

*For the purposes of Standard 302(d), **other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.***

- ABA Guidance: the decision on developing these other professional skills is up to the institution, it **depends on the law school's mission**

3/ U.S.: Review of academic literature on teaching management at American law schools

- **Critique:**

- “law schools do not provide enough basics of management” (Baker 1990, p.377),
 - “law schools must do a better job of preparing lawyers to work collaboratively” (Cassidy 2012, p.1518),
 - there is a limited course offering of law schools with various names and some key skills were “only tangentially covered” by the MacCrate Report (Curtis 2008)
- The **importance** of the topic: assuring high-quality client service (Baker 1990), helps professional identity formation (Alexander 2010), exposing students to some of the critical business issues they will confront in the practice of law → the American Bar Association (ABA) has a large section on its website devoted to law management issues (Cassidy 2012), preparing graduates for forthcoming career challenges: extremely competitive market with disruptive technology (Granat & Kimbros 2012), need for leadership development and emotional intelligence (Madison 2018)

3/ U.S.: Review of academic literature on teaching management at American law schools (cont.)

- **What should be covered?**

How to market, staff, finance, and organize practice? (Baker 1990); Business development and long-range strategic planning, information systems technology for lawyers (Cassidy 2012); time & communication skills (Curtis 2008); creating and operating a sustainable law firm, entrepreneurial skills, project management, outsourcing (Granat & Kimbros 2012); continuous improvement (Henderson 2010)

- **How to cover all these topics?**

Both in separate courses (focusing on business and management knowledge) and also by integrating it into other law courses (mainly skills, such as teamwork, communication) (Cassidy 2012, Curtis 2008, Gerst and Hess 2008, Granat and Kimbros 2012, Hammond 2009, Henderson 2010, Hess 2002, Madison 2018, Rosenberg 2003, Weinstein et al. 2013)

3/ U.S.: “it depends”

- The topic is regarded by ABA as **important**
- The accreditation standards are vague + interpretations are ‘**recommending**’ the topic to be included in the law school curriculum + as per the guidance it is up to the law school
- If it depends on the **mission** of the law school, the mission statements and their links with the curriculum is a potential research area
- There is an **academic discourse** about the topic, researchers advocating for better and wider coverage of the topic

4/ Summary of recent management education literature: the possible objectives and how could these be achieved

- **There is a variety of approaches to management development and an ongoing discourse** about their impact (Okumus and Wong 2004, Paglis 2012)
- Challenges of management education: **curriculum based on the development of hard skills with little emphasis on soft skills**; lack of holistic/humanistic approaches; absence of active teaching and learning methods (Sobral & Furtado 2019); need to develop capability **to adapt and to think creatively** (Carneiro 2004)
- Recommendations: leadership development with **holistic approach**, incl. cognitive understanding of concepts + skill-building + reflective component (Hartman, Scott and Miguel 2015, Holten, Bøllingtoft & Wilms 2015); **cooperation between business and non-business students** (Brand, Wakkee and van der Veen 2007)

5/ Conclusion & recommendations

- Teaching management is **important** for a successful career
- “Management” is **complex, interdisciplinary topic** → needs using a variety of pedagogic tools and methods
- **Further research** is needed
- Hungary:
 - **Recommendation #1: clarification of standards**
 - **Recommendation #2: starting a discourse on the topic**

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