

CHALLENGES TO LEGAL EDUCATION IN A CHANGING LANDSCAPE: THE CASE OF THAILAND

**ASSISTANT PROFESSOR TITHIPHAN CHUERBOONCHAI &
DR. PAREENA SRIVANIT**

Faculty of Law, Chulalongkorn University

Introduction

Legal education in Thailand started in 1897. The first law school was established by Prince Rapee - the Father of Modern Thai Law, having Prince Rapee himself as the main instructor. The aims of law studies were then to prepare and produce personnel to serve in the newly-established modern Thai courts. Later, His Royal Majesty King Rama VI raised the status of the law school established by Prince Rapee as a royal school and attached it to the Ministry of Justice. It was not until 1933 that the study of law attained university-level status. Replacing the law school under the Ministry of Justice, the "Faculty of Law and Political Science" was inaugurated at Chulalongkorn University in 1933, but shortly thereafter, transferred to Thammasart University as the first Faculty of Thammasart University.

It has been seventy years since the inception of legal studies in the university. At present, there are approximately forty law schools in Thailand, four-hundred full-time law teachers, having produced no less than nine-thousands lawyers a year to enter into both law and non-law careers. However, the impact of globalization in the regional and international arena has forced many countries, including Thailand, to constantly review and adjust the system of its legal education. In addition, the political reform in Thailand during the late twentieth century also drove certain changes to Thai legal education. This paper will briefly explore the development of legal education in Thailand. Then, it will proceed to explore the factors that drive the changes in Thai legal education. Finally, focus will be made to changes to cope with the challenges faced by the legal educator to foster the legal professional in Thailand.

Development of Legal Education in Thailand

As mentioned above, the legal education in Thailand started in 1897. At that time, the purpose of introducing legal education in Thailand was mainly to prepare personnel to the bench. Once completed and appointed as judges, the judges would in turn teach the new batch of law students. This was how the legal education in Thailand started and patterned.

As the purpose of legal education at that first age was to train judges and the society and the way of life at that time was not complex, the areas of law taught thus were confined to the Civil and Commercial Law, the Criminal Law,

the Civil Procedure Law and the Criminal Procedure Law¹. No doubt, judges played the most important role in teaching law as they had the most expertise from their function in deciding the cases. This pattern of legal education, i.e. judge-teach-law, and the emphasis on the “four corner laws” continued even after the legal education was introduced into the university in 1933. This pattern still exists even today though in certain public university the pattern has changes.

The current legal education in Thailand starts as the first degree study. Students who finish their high school and are interested in legal education will enroll themselves in the faculty of law of either the public university or the private university. The program takes the students four years to earn their LL.B. degree. Thereafter, the students who want to further their study may elect to enroll the LL.M. program in Thailand (which variedly takes another 1 to 4 years) or abroad. Few may decide to go for the LL.D. program (which is currently offered in Thailand by Chulalongkorn University, Thammasart University and Ramkhamhaeng University).

As to their professional training, the LL.B. graduates may attend and take the Bar exam at the Institute of Legal Education of the Thai Bar Association. Without successfully passing the Bar exam, the law graduate will not be qualified for an examination to be a judge or a public prosecutor. Apart from taking the Bar exam, if the LL.B. graduate wants to be a practicing lawyer in court, s/he has to pass an exam for lawyer license and be registered at the Law Society of Thailand.

At present, there are more than forty universities and colleges offering legal education to students around the country. Out of this number, there are four public universities and eight public institution that formally establish the Faculty of Law. Among the four public universities, Chulalongkorn University (re-established in 1958) and Thammasart University (established in 1934) are closed universities, whereas Ramkhamhaeng University (established in 1971) and Sukhothai-thammathirat University (established in 1980) are open universities. Due to the limited number of students to be admitted each year at Chulalongkorn and Thammasart Universities, students who finish their high school and want to enroll in Chulalongkorn University and Thammasart University have to compete among themselves to enter. Apart from the four public universities that have formally established law faculties, a few universities provide legal education at the department level within relevant faculties. The other 8 public institutions are oriented in providing higher education to the local people in region mainly outside Bangkok. There are approximately thirty private universities and colleges that offer law course to the public. Almost half of them are scattered around the country.

All together, more than thirty thousand students a year enroll in universities and colleges, public or private, to study law, with the majority of the students enrolling in Ramkhamhaeng University and Sukhothai-Thammathirat University, the two open universities. The table below shows the number of universities and total students enrolling the law courses in 2002.

¹ As these four areas of law are codified, the Thais often name them as “four corner laws”.

The Number of Law Students in Public Universities

No.	University	LL.B. Program	LL.M. Program	Ph.D. Program	Total
1.	Chulalongkorn	859	446	-	1,305
2.	Thammasart	3,814	458	2	4,274
3.	Ramkhamhaeng	75,629	970	26	76,625
4.	Sukhothai-Thammathirat	49,787	-	-	49,787
					131,991

Source: Commission on Higher Education, Ministry of Education

The Number of Law Students in Private Universities and Colleges

LL.B. Program	LL.M. Program	Total
12,578	363	12,941

Source: Commission on Higher Education, Ministry of Education

**The Number of Law Graduates
at the Institute of Legal Education, Thai Bar Association**

Academic Year	Student Registration	Taking the 1 st Semester Examination ²	Taking the 2 nd Semester Examination	Pass
2002	23,312	16,561	14,100	687
2001	19,213	14,260	11,482	858
2000	15,374	10,758	9,436	844
1999	13,285	8,928	7,675	438
1998	11,830	7,537	6,872	839
Total	83,014	58,044	49,565	3,666

Source: Institute of Legal Education, Thai Bar Association

² The Institute of Legal Education, Thai Bar Association organizes the Bar Exam into two parts, i.e. Part I on the Substantive Law and Part II on the Procedural Law. Students may choose to take either one or two parts of the exam. However, students have to successfully pass all two parts in order to be qualified as a Barrister-at-Law.

**The Number of Law Graduates Attending the Professional Training Course
at the Law Society of Thailand**

Year	Academic Year	Register	Passing Coursework	Passing Training Course	Passing
21	2003	2,988	2,047	To Be Trained in Law Firms	-
20	2002	1,236	1,236	To Be Trained in Law Firms	-
19	2001	3,739	2,271	1,632	1,632
18	2001	5,066	3,447	2,717	2,717
17	2000	2,709	1,757	1,498	1,498
16	2000	2,615	1,782	1,473	1,473
15	1999	3,270	2,488	2,140	2,140
Total		22,241	15,028	9,460	9,460

Source: Professional Training Office, the Law Society of Thailand

Factors Driving Changes in Legal Education in Thailand

Legal education in Thailand has lasted more than seventy years now. So long as law is the rule to govern the society, legal education plays the major part in developing personnel to serve the legal profession of various fields. In Thailand, few incidences during the past few years affected the legal education. These incidences pose threats and, at the same time, provide opportunity to the development of legal education in Thailand. These incidences are:

1. The Political Reform in Thailand

Commencing from 1992, Thailand has gone through significant political reform. The present Constitution was promulgated in 1997. Several Acts on the public and the administrative laws were enacted around that period. Accordingly, new arena on legal education is needed as most law schools before that time rarely provided courses on public law.

2. Phenomenon of Globalization

Following the establishment of the World Trade Organization, cross-border trade and investment have been increased substantially. As cross-border trade and investment increase, need for ancillary services necessary to facilitate the cross-border trade and investment increases. Legal services are also in need. A number of foreign law firms have been established and foreign lawyers are practicing law in Thailand by some means notwithstanding they are prohibited by law to do so. The entrance of the foreign law firms is partly due to the insufficiencies of qualified local law firms to provide professional services on international business issues. In addition, legal service is one of the profession that is subject to the free trade requirement though gradually.

3. The Incoming of Foreign Universities to Thailand

In the past twenty years, foreign universities, especially those in the United States, Europe, and Australia, have begun to come into the region and offer academic cooperation to many Asian universities. A lot of academic cooperation with those foreign countries has been established, which deepens academic studies and broadens opportunities for law students and law graduates. At the same time, they have begun to look for the 'new' market. Their abundance of human and financial resources equips them to be able to attract Asian students. Together with the attitude of many Thai (and perhaps other Asian) students that being educated the education is more preferable, Thai law graduates were drawn to studies abroad which usually takes much less time to complete the Master degree in Thailand. It was not until after the economic crisis that Thai students began to return to further their studies in Thailand. This nevertheless has forced local law schools to adjust its curriculum and programs to be able to compete with those foreign law schools.

4. Lack of Qualified Full-time Law Teachers

As mentioned above, there are approximately four-hundred full-time law teachers. Out of these four-hundred, approximately 220 law teachers are in the four public law schools. This means that the remaining approximately 200 full-time law teachers are with the 8 public institutes and 29 private universities and colleges, which is an approximately average of 5 full-time law teachers in each school. Without sufficient full-time law teachers, it is difficult to provide good legal education to students. What these institutes and private universities and colleges do is to invite 'outside law teachers' to teach in the law schools. These 'outside law teachers' can be either from the public universities or from other law professionals such as judges, public prosecutors, local attorneys, etc.

There are several reasons that have led to the situation of lacking qualified full-time law teachers. One of them is the willingness of qualified graduates to enter into the teaching career. At present, there are a lot of alternatives that the law graduates can choose. Those alternatives provide the graduates not only the higher remuneration but also better social recognition. Take an example, a judge or a public prosecutor, once appointed, will obtain almost four times higher salaries than a law teacher. And again, when the time (ten years) has passed, though the judge and the public prosecutor still obtain four times higher salaries than the law teacher, the real term of money is much widened. At present, for a graduate who becomes a law teacher in a public university, s/he will receive approximately 10,000 baht of salaries without any fringe benefit other than normal social security benefit. A judge, once appointed (which may take 4 to 5 years after graduation), will obtain approximately 40,000 baht a month. Ten years later, the law teacher may obtain approximately 20,000 baht a month but the judge will obtain approximately 80,000 baht a month. As to private practice, the law graduates with good records and having a chance to further their study abroad, can usually obtain much higher salaries in the private practice than being law teachers. Their salaries may even be much higher than those of the judges and public prosecutors when the time goes by. Mostly and naturally, many of qualified law graduates choose to go for the higher pay professions and left only few qualified graduates in the academia. Attempts have been made to the government to realize

the seriousness of the problem. No effort on the part of the government to correct this unfairness is yet adopted.

Second, on the part of the private universities, it is cheaper for them to invite outside lecturers than to recruit a full-time law lecturer. Thus, rarely an effort to recruit full time lecturer occurs. Most of the outside lecturers so invited were those full-time lecturers in the public universities. However, when the number of law schools, in particular, those in the up-country increases, the number of full-time lecturers is not sufficient to serve them all. In addition, cost of inviting full-time lecturers from the public universities in Bangkok to teach in the up-country law schools become more expensive. Accordingly, those up-country law schools choose to invite judges, public prosecutors and attorneys in that locality to teach in their law schools. Most of these invitees are not trained to teach. Thus, there is a question of standard though these private universities are supervised by the Ministry of Education.

5. Trends of Students to Study Law

In the past, legal education was the least choice that high school students want to choose. However, since the political reforms resulted in law reform in Thailand during the past decade and the attractiveness of the remuneration of the legal professions became known to the public, students (some may be convinced by their parents) have started choosing the study of law as their first choice for the entrance examination. Most of the successful students who get the chance to study law are usually those perform excellently in their high schools. Thus, it could be said that the inputs for the legal education are very good. It depends on how the law schools process these inputs to become a high quality lawyer in the future

Actions to Cope with the Changing Landscape

As seen above, recent developments that affect the legal education in Thailand are numerous. Law schools are inevitably forced to adjust themselves and develop their strategies to cope with these developments. With the threats and opportunities elaborated above, following actions are needed to cope with such changes.

1. New Branches of Legal Education and Training for Specialization

As mentioned above, law in Thailand has been significantly changed during the past ten years. Public law which used to be the branch of legal study that the students are least interested. Today, this branch of study becomes more and more interesting for the students as there are substantial needs of personnel in this field. Thus, a law school is inevitably required to offer the study of this new branch of law. In fact, with other driving factors mentioned above, law schools are required not only to offer the public law courses, other branches of laws need to be developed as well.

Moreover, the present market no longer needs law graduates with general knowledge. Specialization is formed in many legal professions, whether private or public practices. In order to timely serve such a market need, law schools may have to review their curriculum. As a result, in 1999, Chulalongkorn Law Faculty has revised and inaugurated its new LL.B. program. Four specialized areas are offered to their students, i.e. the Business Law, the Public Law, the International Law, and the Civil and Criminal Law. The students are due to choose their specialty once they reach the sixth semester. Further, its LL.M. program also offers four specialized areas as well, i.e. the Private and the Business Law, the Public Law, the International Law, and the Criminal and Criminology. This new development is hoped not only to equip students with the deeper legal knowledge and practicality but also to produce better legal scholars.

2. International Program

As globalization touches Thailand, fluency in foreign language, in particular in English, is highly required. As English and other foreign languages are not our mother tongue, the students have to study more to make themselves more fluent in English and other foreign languages. Thus, legal education in Thailand should provide courses in English or other foreign language to improve skills of the students. This may be done by introducing law courses that are taught in English or offered a full program law degree taught in English. This has also been done by Chulalongkorn Law Faculty. The Law Faculty of Chulalongkorn University has offered the first LL.M. in Business Law (international program) in Thailand where all courses are taught in English. In addition, certain courses of LL.B. are also taught in English.

3. Need of Multidisciplinary Program

As we conceived, one of the factors that caused economic crisis in Thailand in 1997 was the ignorant of the business sector in legal matters. Some executives of the public companies acted themselves as if they were the sole owners of the companies. A number of transactions were not transparent and caused conflict of interests. In addition, the law cannot stand alone on its own. The law has to interact with other disciplines in particular business, economic and political science. Accordingly, there is a need to provide a multidisciplinary program to the public. Again, Chulalongkorn Law Faculty plays the leading role on this area. The Faculty of Law, Chulalongkorn University has offered a Master of Arts in Economic Law program to those who have graduated from other disciplines including law. These students will study in a multidisciplinary manner. Lecturers are not only law lecturers but also lecturers from other disciplines. Most of the courses are taught by the lecturers of different disciplines. This program is more pragmatic than theoretic.

4. Increases Number of Qualified Full-Time Law Teachers

This task may be one of the first and most challenging priorities to take in order to improve the legal education and legal profession in Thailand. Undeniably, qualified law graduates are difficult to be produced without qualified

law teachers. Incentives and better opportunities need to be offered to draw law graduates, especially those with good academic record, back to the academia.

Moreover, even if the lack of qualified full-time law teachers is corrected, there is a need to continuously improve the quality of those law teachers, whether academic knowledge or teaching skills. Law teachers should be provided more opportunities to learn new developments in their specializations, in the domestic or international arena. New technology should also be offered to law teachers to assist them in better managing their courses and teaching.

5. Improvement of Student's Legal Skills and Legal Ethics

As stated above, from the beginning of legal education, the pattern of law studies is to learn the laws and its application. The best way for students to obtain 'good' scores and grades is to memorize the laws and correctly apply them. However, very little attention is paid to train students to be able to legally think with 'legal mind'. The research, writing, and oral skills, which are most important skills for any legal professions, are not sufficiently trained in law schools and now need to be included in the curriculum. One possibility is to establish a research and writing workshop for law students since they first freshly enter the law schools. When students reach certain level of legal knowledge, clinical education may be provided for them. Through clinical education, not only will students obtain their practical skills but perhaps the social concerns can be implicitly realized by students as well.

6. Regional Academic Cooperation

Despite being the biggest continent in the World, Asia is not the lead in legal education or any area of laws, including Asian Laws. This does not mean that Asian legal scholars are not qualified nor that Asian law schools lack of good resources. However, what has been overlooked in the past is the academic cooperation among Asian universities. To move forward, it is necessary that Asian universities make collective efforts in building body of Asian legal knowledge, strengthening partnerships and establishing academic cooperation in all level, i.e. students, law faculties, and even joint-programs. Fortunately, with the initiation of the Faculty of Law, National University, the Asian Law Institute has been established. Numerous program in legal education in Asia will be gradually introduced during the coming years.

Attachment 1: LL.B. Program

General Studies

Social Science
Humanity
Science and Mathematics
Foreign Language
Foundation English I /French For Legal Science I
Foundation English II /French For Legal Science II
Legal Logics/Legal History
Law and Society
Accounting for Lawyers/ Economics for Lawyers
EAP I /French For Legal Science III
EAP II /French For Legal Science IV

Compulsory Courses

Sources of Obligations I
Property Law
Persons and Family Law
Fundamental Legal Principles
Effect of Obligations
Succession Law
Loan and Security Transactions
Specific Contracts I
Specific Contracts II
Sources of Obligations II
Law on Business Organizations
Negotiable Instruments
Taxation
Criminal Law: General Principles
Criminal Law: Specific Offences
Judiciary Process and Thai Court System
Civil Procedure
Criminal Procedure
Evidence
General Principles of Public Law
Constitutional Law and Political Institutions
Administrative Law
Legal Philosophy
Labour Law
Public International Law
Private International Law

Field of Specialty**Civil and Criminal Law**

Civil and Criminal Law in English
 Seminar on Civil Law
 Insurance Law
 Seminar on Criminal Law
 Business Crime
 Juvenile Offences
 Civil Procedure: Execution of Judgements or Orders
 Bankruptcy Law
 Seminar on Civil Procedure
 Seminar on Criminal Procedure
 Introduction to Comparative Law

Business Law

Accounting for Lawyers
 Business Law in English
 Intellectual Property Law
 Anti-trust Law
 Seminar on Business Law
 Securities Regulations
 Contract Negotiation and Drafting
 Banking Law
 Consumer Protection Law
 International Trade Law
 International Contract
 International Business Transaction Law

International Law

International Law on Sea
 International Criminal Law
 International Law in English
 International Environmental Law
 International Organization Law
 European Union Law
 Seminar on International Law
 International Humanitarian Law
 Human Rights Law
 International Economic Law I
 International Economic Law II
 International Law and Development

Public Law

Public Law in Foreign Language
 Organic Law I
 Administrative Court and Administrative Procedure
 Public Finance Law
 Administrative Procedure Law
 State Contracts

Seminar on Law and Social Problems
Environmental Law
Introduction to Public Economic Law
Seminar on Legal Drafting and Legislative Process
Seminar on Administrative Law
Seminar on Constitutional Law

Elective Courses

Law on Derivatives
Law on Structuring and Financing Foreign Direct Investment
Criminology
Litigation and Moot Court
Forensic Medicine
Non-Judiciary Dispute Settlement
Criminal Investigation and Inquiry
Law and Land Management
Seminar on Taxation
Customs Law
Law and Marketing
Mineral Resource and Petroleum Law
Consumption Law
Seminar on Law and Computer
Law on Public Service and State Enterprise
Seminar on Labour Law and Social Security
Industrial Law
Law on Personal Management in Public Sector
Law on Public Information Access and Rights of Privacy
Organic Law II
Maritime Law
International Commercial Arbitration
International Taxation
International Law on Natural Resource Management
International Law on Air and Space

Attachment 2: LL.M. (Thai) Program Course List

Compulsory courses

English Comprehension For Legal Research
 English For Lawyer
 Theory And Principle Of Civil Law
 Legal Philosophy
 Comparative Law And Major Legal Systems Of The World
 Research Methodology In Law
 Thesis (9 Credits)

Field of Specialty

Public Law

Public Law Theory
 Advanced Constitutions And Political Institutions I
 Advanced Electoral And Parliamentary Law
 French Administrative Law
 English And American Administrative Law
 Public Economic Law
 Comparative Legal Control Of Administration
 Advanced Public Finance Law
 Advanced Taxation Law
 Law On Administrative Structure And Personnel
 Law On Major Public Services
 Advanced Labour Law
 Western Philosophical Thought On Society, the State And Law
 German Administrative Law
 Government Contract
 Advanced Constitutions And Political Institutions Ii
 Advanced Problems In Public Rights And Liberties
 Law On Information And Liberties
 Advanced Antitrust Law
 Advanced Consumer Protection Law
 Law On Land Use Control
 Comparative Adjudicative Systems
 Seminar On Constitutional Law And Political Institutions

Business Law

Theory Of The Relationship Between Law And Business
 Law On Business Organization
 Law On Corporate Finance
 Law On Business Planning
 Law And Accounting
 Economic Analysis Of Law
 Law On Marketing
 Comparative Commercial Law
 Law On Direct Investment
 Law On Investment In Natural Resources

Law On Intellectual Property
Advanced Insurance Law
Law Tax Planning
Law On International Financing To Developing Countries
Comparative Investment Laws
Law Of International Trade In Services
International Commercial Arbitration
Law Of International Business Transactions
Principles Of Negotiation And Business Contract Drafting
Principles

International Law

Methodology Of International Law
International Law Of The Sea
Law On Regional Organizations
International Law And Contemporary Political Problems
Advanced International Organizations Law
Law Of International Commercial Transactions
International Economic Law
International Contracts
International Tax Law
Conflict Of Laws Rules
Law On International Carriage
Space Law
International Humanitarian Law

Criminal Law and Criminology

Advanced Criminal Law
Criminal Policy
Criminal Justice Administration I
Criminal Justice Administration II
Comparative Criminal Law
Advanced Criminology
Advanced Criminal Procedure
Comparative Criminal Procedure
Business Crime
International Criminal Law
Comparative Evidence Law

Elective courses

Comparative Family Law
Roman Law
Chinese Legal System
Japanese Legal System
Legal Systems In Asean
American Legal System
French Legal System

Soviet Legal System
Modern Thai Legal History
Theory On International Institutions
Air Law
Seminar On Current International Legal Problems Affecting The Pacific Rim
European Union Law
Law Of Treaty
Seminar On Public Law And Jurisprudence
Seminar On Private And Business Law
Law, Government, Social And Economic Development
Seminar In Law And Environmental Problems
Environmental Law
International Economic Law I
International Economic Law III
Seminar On International Law
Seminar On Criminal Law And Justice Administration
Seminar On Legal Problems In Science And Technology
Seminar On Legal Education
Seminar On Tort Liability
Advanced Civil Procedure Law
Advanced Securities Regulations
Law On Agriculture
Seminar On Bankruptcy Law
Anti Money Laundering Law

Attachment 2: LL.M.(Business Law) International Program

Advanced Legal English

Compulsory Courses

Legal Writing and Drafting
Individual Study (LL.M. Paper)

Elective Courses

Alternative Dispute Resolution
ASEAN Trade and Investment Law
Comparative Commercial Law
Comparative Competition Law
International Contracts
International Economic and Institutional Law
International Environmental Law
International Intellectual Property Law
International Taxation
Law Relating to Business Organization and Management
Negotiation Workshop
Securities Regulation
Trade and Investment Law Linkages

Attachment 3: Master of Arts (Economic Law):**Compulsory Courses**

Law and Legal Process
Economic Analysis of Law
Relationship Between Law and Business
Contract Negotiation and Drafting
Law Relating to Business Organization and Management
Tax and Business
Laws Relating to International Business
Settlement of Disputes in Business
Criminal Law and Economic Crimes
International Economic Regulations
Individual Study on Economic Law and Business Law

Elective Courses

Law of International Commercial Transactions
Principles of Business Management
Tax and International Business
Business Tax Planning
Laws Relating to Business Finance
Law on Marketing Planning
Law Relating to Industry and Labour
Law Relating to Commercial Credits
Law on Securities
Law on Derivatives and Derivative Market
Law on Business Planning
Important Business Contracts
Law and Contract for Real Estate Development
Intellectual Property
Natural Resources, Environment and Law