

## Wissenschaftliche Beiträge

### Legal Education in Spain: The struggle between tradition and modernization

*José María Miranda Boto, Lidia Gil Otero\**

**Abstract:** Der Artikel widmet sich der curricularen Struktur des rechtswissenschaftlichen Studiums in Spanien und der Bedeutung der Lehre. Letztere wird sowohl im Hinblick auf den Aspekt der Veranstaltungsformate und Lehrmethoden, als auch auf den Berufszugang für Hochschullehrende und deren Qualifikation behandelt. Schließlich werden aktuelle Herausforderungen der Juristenausbildung und des didaktischen Designs kritisch diskutiert.

The article deals with the curricular structure of law studies in Spain and the importance of teaching. The authors treat the aspect of course formats and teaching methods as well as the access for university teachers, the necessary qualification, professional training, and their careers. Finally, they discuss current challenges in legal education and didactic design of different legal studies programs at Spanish universities.

#### I. Legal Studies programmes: An overview

##### 1. Access to the University Degree in Law

Since the Middle Ages, University in Spain has been considered a centre for thought, dissemination and training where all knowledge can be found.<sup>1</sup> This knowledge is extremely broad if it relates to legal science. There is an extended prejudice in society that bases the difficulty of legal sciences and University degrees in the students' ability to retain a significant volume of data, precepts and information. In fact, this is the first misconception that most students between 17 and 18 years old have when they decide to devote their following years to the study of Law.

In general terms, students entering Faculties of Law usually have a medium-high academic record and good results in the University access test.<sup>2</sup> Each Spanish Uni-

\* *José María Miranda Boto* Profesor Contratado Doctor Universidad de Santiago de Compostela. *Lidia Gil Otero* Personal Investigador en Formación (FPU) Universidad de Santiago de Compostela.

- 1 From an etymological perspective, *Universitas*, derived from *Universum*, was a term used by Cicero to allude to the totality, i.e. an integral and complete set of the members of a totality (community of teachers and disciples). Vid. *Salvador Moncada, J.*, "La Universidad: un acercamiento histórico-filosófico", *Ideas y valores*, núm. 137, 2008, pp. 131-133.
- 2 In general, the structure of this Access test has varied due to educational reforms, but it always assesses the content studied during the Baccalaureate. Different exams dealing with general and specific subjects are carried out for each University degree (in the case of Law, the specific test refers to subjects such as Business Economics, Mathematics applied to Social Sciences, or Latin). The average grade of the Baccalaureate must be added to the average grade of the access test to obtain the University Entrance Mark.

versity and, in turn, each Faculty of Law has a minimum grade that fluctuates according to the number of places, the students' demand and their own entrance marks. In any case, the minimum grade point average for the Law degree is between 9 and 10.4 out of 14. That indicates that new students have a sufficiently high level. Double degrees, such as those including Law and Economics, Law and Politics or Law and Industrial Relations, usually ask for higher admission grades.

## 2. Legal Studies programmes in Spain: structure, remarkable contents, duration and teaching

The Spanish legal system is currently made up of a plurality of rules. This plurality implies the existence, in their corresponding fields, of specific and concrete difficulties that must be studied with special attention. For this reason, since 1807, university education in Law is divided into specific courses and subjects.<sup>3</sup> Successive divisions have been built from the ground up, studying the fundamental rules from which, historically, current legislative compilations have derived.

The construction of the European Higher Education Area became effective in Spain in 2010 through the Royal Decree 1393/2007. This harmonization strategy involved a restructuring of the Legal Studies programmes. Consequently, the duration of the Law degree was reduced from 5 to 4 years. Within this reference period, the Faculties of Law are free to prepare their own curricula. As Universities enjoy the fundamental right of autonomy (scientific, not economical), the liberty of teaching implies the existence of as many different Legal Studies programmes as Universities.

However, in most cases the first two academic years are dedicated to the basic legal training with subjects such as Theory of Law, Constitutional Law and State Organization, Historical Foundations of Law, Roman Law or Introduction to Civil Law. Subsequently, as a general rule, the classic categories of legal disciplines (Civil Law, Commercial Law, Administrative Law, Criminal Law, Labour Law, etc.) are divided into one-term, four-month subjects.<sup>4</sup> As mentioned earlier, these subjects descend in each discipline from the most general content to a more specific one.

Together with the restructuring of University degrees, the construction of the European Higher Education Area stood out for its significant contributions within the pedagogical methodology. One of its main objectives was the combination of the teaching of specific knowledge with the acquisition of skills and abilities<sup>5</sup> so that

3 Rayón Ballesteros, M.C., "Aproximaciones a la historia de la enseñanza del Derecho en nuestro país", *Anuario Jurídico y Económico Escurialense*, XLIII, 2010, pp. 8-9.

4 Actually, 14 weeks of teaching.

5 These skills will be required by companies in strict selection processes (leadership, stress tolerance, teamwork, openness to experience, etc.). Legal Sciences also make indispensable the capacity of interconnection between the different disciplines through teaching innovation strategies. About this, Gil Otero, L., *Innovación docente y capacidad de interconexión: especial mención al Derecho del Trabajo, Investigación y docencia en Derecho: nuevas perspectivas*, 2019, pp. 133-137.

the student could adapt to a continuous process of renewal.<sup>6</sup> The implementation of this educational model has resulted in the coexistence of expositive and interactive teaching in the largest part of the Spanish Universities.

On the one hand, traditional lectures are teacher-centred and the leading role is played by the teacher, who transmits specific theoretical knowledge to the students. These contents, later, are put into practice through teaching innovation activities in which the main role is played exclusively by the student.<sup>7</sup> Students work with the concepts learned during the lectures to solve the different tests proposed by the teacher. These tests, may even require study hours outside of class (i.e. solutions to case studies, working in groups or individually,<sup>8</sup> oral presentations of jurisprudence commentaries, debates on Literature and Law<sup>9</sup> role play activities or simulated trials<sup>10</sup> online activities,<sup>11</sup> etc.).

As a consequence of this system, the final grade of each subject usually has two components derived from two different evaluation processes. First, the theoretical knowledge of the subject is assessed through final or midterm exams that can be developed as the teacher deems appropriate (written or oral exams, long or short essay questions, multiple-choice exams, etc.). The mark obtained in these tests carries more weight in the final grade, but it is accompanied by the mark obtained in the continuous assessment used in the interactive teaching activities. The objective of the continuous assessment is to evaluate other students' skills that cannot be assessed through an exam, such as active participation, interest, leadership or ability to work in teams.

The choice about the importance of the two processes is generally established in the curriculum, 70/30 and 80/20 being the most usual distributions between final examination and interactive evaluation. There is a nearly sociological trait in this distribution: the youngest teachers usually go for higher percentages in the second part, whereas the oldest rely more in the traditional method of evaluation.

6 *Belloso Martín, N. , La construcción del Espacio Europeo de Educación Superior -EEES- en las universidades españolas: la metodología docente y el proceso de evaluación del aprendizaje del alumno en los estudios jurídicos, Seqüència: estudios jurídicos y políticos*, vol. 30, nº 59, 2009, pp. 12-18.

7 *Miranda Boto, J. M.*, La evaluación continua en las enseñanzas jurídicas: algunas experiencias en la docencia de Derecho del Trabajo, La innovación educativa en el contexto actual de la educación superior, 2010, pp. 501-507.

8 *Maneiro Vázquez, Y.*, "La aplicación del aprendizaje basado en casos en las materias jurídicas", La innovación educativa en el contexto actual de la educación superior, 2010, pp. 897-899.

9 *Miranda Boto, J. M.*, La lectura de clásicos como refuerzo de la enseñanza del Derecho. A propósito de Marianela, de Benito Pérez Galdós. Dereito: Revista Xurídica da Universidade de Santiago de Compostela. Vol. 18, N.2 (2009), pp. 313-324. *Rodríguez Álvarez, A.*, El Derecho Procesal en el arte, el cine, la literatura y la música: una primera lección para neófitos, [http://amsacta.unibo.it/5723/2/Rodríguez\\_ISLL\\_Papers\\_2017.pdf](http://amsacta.unibo.it/5723/2/Rodríguez_ISLL_Papers_2017.pdf).

10 *Maneiro Vázquez, Y.*, Derecho procesal laboral práctico. Casos resueltos y guías de actuación en Salla, Tirant lo Blanch, Valencia, 2018, is a good example of these new methodologies.

11 *Ceinos Suárez, A., Maneiro Vázquez, Y., Miranda Boto, J.M.*, "Las Plataformas virtuales como herramienta de aprendizaje en el campo jurídico-laboral (documentación y autoevaluación)", [https://www.researchgate.net/publication/42366898\\_Las\\_Plataformas\\_virtuales\\_como\\_herramienta\\_de\\_aprendizaje\\_en\\_el\\_campo\\_jurídico-laboral\\_documentación\\_y\\_autoevaluación](https://www.researchgate.net/publication/42366898_Las_Plataformas_virtuales_como_herramienta_de_aprendizaje_en_el_campo_jurídico-laboral_documentación_y_autoevaluación).

During the last academic year, there has been a subtle aim of specialization and implementation of the knowledge acquired through three elements: 1) the student's choice of optional subjects in the specific discipline they prefer; 2) the offer of professional internship programmes; and 3) a compulsory Final Degree Project.

The first contact of many Law students with the "real legal life" occurs during the professional internships offered by the University.<sup>12</sup> These internships can be of two types: curricular, if they are part of the curriculum of the degree as one more subject (compulsory or optional); or extracurricular if they are recognized as free elective credits. The internships can be developed, simultaneously or not with classes, in private companies (usually Law firms) or public institutions through partnership agreements.

In general, internships are limited to a specific number of hours and are not remunerated unless the institution that receives the student considers otherwise. In the case of curricular internships, students have two tutors who will qualify their performance: one from the institution where the internship takes place and another one from the Faculty of Law. The students will hand in an internship portfolio for evaluation to their University tutor, who will assess the work developed during that period.

Ultimately, the Final Degree Project ("Trabajo de Fin de Grado") involves the elaboration by each student of an original academic work dealing with a specific problem of the discipline chosen by the student. In this project, the student must demonstrate the skills of understanding, analysis, decision and problem resolution acquired throughout the degree through tasks such as bibliographic search and review, reading and integration of information, drafting and presentation, and defence before a jury. During this challenge, the student is supported by an academic tutor, lecturer at the Faculty, who will assist them in the preparation of the project.

## **II. Completion of the Law Degree and access to legal professions. In special, the Ph.D. in Law and the training of research personnel.**

The Bologna Plan and the restructuring of the legal degrees have determined the existence of a second cycle of specialization after the degree. Thus, students can acquire a more comprehensive knowledge about basic legal aspects. Therefore, postgraduate programmes and master's degrees are currently being offered, examining current issues and creating specific professional profiles (Master's degree in Legal Advice for companies, in Health Law, in Sports Law, in Mediation and Conflict Management, in Data Protection Law, etc.).

At present, as a result of the restructuring, the Law Degree no longer allows in Spain direct access to the practice of the professions of lawyer and solicitor. Act 34/2006 requires the compulsory completion of an official and enabling master's

12 On them, Moreno Gené, J., *Las prácticas académicas externas de los estudiantes universitarios: aspectos jurídico-laborales y de Seguridad Social*, Tirant lo Blanch, 2017.

degree of 90 to 120 academic credits, and the passing of a State examination, not as tough as the German one. For this reason, the master's degrees for accessing the legal profession are the most demanded studies. Even certain universities offer in the same academic year the possibility of completing the enabling master's degree along with specialization courses as those mentioned above. In any case, the enabling master's degree should offer a practical vision of Law and prepare students for the State compulsory exam. Passing the exam allows students to become members of the Official Bar Association and begin their professional practice.

The last step within the academic specialization is the Ph.D. in Law. In order to access it, it is necessary to have completed the official Law degree and master's degree. Doctoral students are intended to carry out an original research project in a specific area of Law under the supervision of a thesis director. In general, doctoral studies have a duration of 3 to 5 years.

The doctoral student can develop the doctoral studies exclusively or combine them with other work. If the student wants to dedicate himself exclusively to doctoral studies, there are different grants aimed at financing them. These grants can come from public bodies or private organizations such as foundations. Public grants are usually convened by the State and regional public bodies by competitive tendering. In turn, within these grants, there are two major modalities. The first one is aimed at the training of university teachers<sup>13</sup> and allows the student to combine the completion of the doctoral thesis with the acquisition of teaching skills. To do this, the student must complete a certain number of teaching hours and training courses. The second State grant modality is aimed at training only research staff,<sup>14</sup> so that the student would carry out the research and the doctoral thesis by integrating into a subsidized research project.

The access requirements to these grants are usually very demanding, although they are convened annually. The Ph.D. student is valued for his academic record and his curriculum (scientific publications, participation in conferences and seminars, research grants, awards, etc.). The academic career of the director of the doctoral thesis and the research group is also valued.

The most important thing is that doctoral students, through these grants, become training personnel hired by the University to which they are attached. This contract will last simultaneously to doctoral studies, with a maximum of 4 years. Ph.D. candidates will have certain obligations in addition to completing their doctoral thesis, such as collaborating in teaching or academic tasks. They will also enjoy the labour rights recognized by common labour regulation (Royal Legislative Decree 2/2015). In certain cases, these labour rights are improved by the specific applicable law: the Statute of Research Staff in Training (Royal Decree 103/2019).

13 In Spanish, university teacher training translates into "Formación del Profesorado Universitario". Consequently, the acronym FPU is what identifies this type of grant.

14 In the same way, these grants are known by the acronym FPI, which means training of research staff in Spanish (Formación de Personal Investigador).

During the doctoral period, the doctoral student must meet certain training requirements. In general, these requirements are divided into two large groups. In the first place, there are training requirements aimed at the acquisition of useful skills for research: database management, writing of academic texts, importance of research ethics, publication in journals of impact, etc. These training requirements are aimed at all doctoral students, regardless of whether they are not hired by the University.

Secondly, there is a teacher training and innovation programme, exclusively for hired doctoral students and other teaching and research staff of the University. Under different names, these programmes are designed annually by each University. They are intended to establish a training framework that allows the staff of each University to acquire and improve teaching, research and management skills. For this reason, courses focusing on very varied teaching and didactic skills for the implementation with students are offered throughout the school period: learning techniques and teaching innovation, use of teaching platforms for the students' evaluation, detection of gender violence in the classroom, etc.

In general, this course offer responds to demands of the university staff or to the training deficiencies that are detected in evaluation processes. The courses are taught by experts in the discipline. Teachers or trainers can be university lecturers (including those from the university offering the course) and/or professionals in the public or private sector with recognized competence. However, sometimes the University cannot cover all the competences of university teaching. Therefore, universities also offer teachers the possibility of organizing and developing their own training activities that will be recognized later in the training programme.

These courses can be face-to-face or online, and they have a varied duration. Although the registration in the courses is voluntary, they usually have a large participation. This participation is considered as a merit to be valued for the promotion of teachers, especially for doctoral students, personal in training and younger teachers. In addition, regular attendance at the training programme courses allows them to obtain a university teaching diploma. The issuance of this diploma is responsibility of each university, imposing its own requirements. Normally, these requirements are based on passing a certain number of courses assessed by completing a specific number of hours. For example, University of Santiago de Compostela requires a total of 100 hours, so that the hired doctoral student who wants to obtain the diploma after his or her thesis defence, could take 25 hours each year.

Until the moment of the doctoral thesis defence, the doctoral student is subject to external evaluations. The academic commission of the doctoral programme will annually request the student a report or follow-up plan. This plan will include the advances made in the research and the future perspective. This report can also be requested by the organizations that awarded the doctoral student the grant. The approval or not of these reports can determine the continuity of the doctoral student in the doctoral programme and the enjoyment of the contract.

### III. Teaching Law in Spain: General background

Nowadays, Organic Act 6/2001, on Universities, establishes the standard framework for the regulation of University staff. In any case, every one of the 17 Spanish regions has its own regulatory framework, that sometimes could be considered as unconstitutional,<sup>15</sup> but for political reasons, this has never been challenged. Further from this, collective bargaining agreements can also develop the regime of some of the teachers.<sup>16</sup>

As a result of this picture, there is a wide research on the topic by Labour lawyers, but there is also an absolute uncertainty about the labour conditions of the teaching staff. As a rule, teachers in Faculties of Law should teach 240 hours per year. However, this amount can change according to specific internal regulations, research, academic positions, management of research projects, etc.

A first division must be made between teachers under Administrative Law regime, true civil servants, and teachers under Labour Law regime, called in Spanish “personal laboral”. This division is the main consequence of the 2001 Organic Act. It followed the pattern of flight from Administrative Law so typical in Spain and only led to the precariousness of teachers, instead of the so-vaunted excellence in recruitment. Suspicious opinions have suggested that this was not by chance.

Teachers under Labour Law should have been an exception in the development of an academic career. But, due to the economic crisis and several political decisions, they are on the brink of being half of the total of University staff, the precise prohibition established in Organic Act 6/2001.

Before presenting the varied positions of teachers in Spanish Universities, it is necessary to talk about the ANECA.<sup>17</sup> The National Agency for Quality Assessment and Accreditation (ANECA) is an autonomous body, attached to the Ministry of Science, Innovation and Universities, which was created by Act 15/2014 on the rationalization of the public sector and other administrative reform measures, resulting from the conversion of the National Agency for Quality Assessment and Accreditation Foundation into a public body, which aims to contribute to improving the quality of the higher education system through the assessment, certification and accreditation of teaching staff and institutions.

The ANECA manages the State-wide procedures of teachers' evaluation and also of Faculties' evaluation. It is composed by a stable corps of civil servants and several academic commissions, specialists in their own fields. They are renewed

15 *Miranda Boto, J. M.*, “La competencia legislativa autonómica en materia de profesorado universitario contratado”, in *Los nuevos marcos de relaciones laborales en el renovado estado de las autonomías: XXI Congreso Nacional de Derecho del Trabajo y de la Seguridad Social*, Tirant lo Blanch, Valencia, 2011, págs. 585-603.

16 *VV.AA.*, *La negociación colectiva del personal docente e investigador laboral de las universidades públicas*, Tirant lo Blanch, 2010.

17 [www.aneca.es](http://www.aneca.es).

usually every two years. At the image of the ANECA, several regions in Spain have created their own agencies of evaluation.

### **1. Ayudante**

The most junior teaching position, normally attained after being personnel in training, as described above, is the position of “Ayudante”, Assistant. The condition to be hired is being in position of starting Ph.D. studies, and the goal of this contract is to complete the teaching training. Its teaching capacity is reduced to a 25% of an ordinary teacher and may not involve teaching in master’s sessions. This contract lasts between one and five years and is normally avoided by Universities, who tend to look for other positions with more teaching capacity.

### **2. Ayudante Doctor**

The second step in an academic career is the position of “Ayudante Doctor”, Assistant with a Ph.D. In order to be hired, the candidate must have passed an evaluation<sup>18</sup> previously. This evaluation can be either performed by the ANECA, or by one of the regional agencies. The ANECA evaluation takes into consideration the research experience (60/100), academic training (21/100), teaching experience (9/100) and professional CV (3/100) and other merits, such as the grants described earlier (5/100).

Universities open the position and candidates will compete according to a scale prepared by each University for each position, according to some general rules. The post is temporal, from one to five years, and can only be held full-time.

### **3. Profesor Contratado Doctor**

The third step is the “Profesor Contratado Doctor”, Senior Lecturer, the highest-ranking position in the Labour Law hierarchy. It is only open to candidates who have passed a new evaluation by the agencies already mentioned. The ANECA evaluation takes into consideration research experience (60/100), teaching experience (30/100), academic training and professional experience (8/100) and other merits (2/100).

It is an open-ended contract, with the highest capacity for teaching and research. According to the original philosophy of the Organic Act 6/2001 it was meant to be a temporary position before becoming a civil servant, but the economic crisis dramatically altered its nature. Nowadays, it is the most common form of Labour contract in Spanish Universities.

### **4. Profesor Asociado**

Out of the abovementioned hierarchy, the “Profesor Asociado” should not be confused with an Associate Professor (see infra, under Profesor Titular). An Asociado is actually a highly-qualified professional who is hired temporarily, on a part-time

18 <http://www.aneca.es/Programas-de-evaluacion/Evaluacion-de-profesorado/PEP>.

basis, by Universities to teach specific subjects linked to their professional experience. Thus, practising lawyers, judges, civil servants, members of the Labour Inspectorate, etc., join the ranks of the Law Faculties. In reality, Universities use and abuse this contract and there has even been a preliminary ruling by the European Court of Justice, condemning its fraudulent utilization, *Márquez Samohano*.<sup>19</sup> As usual, nothing has happened, and fraud keeps happening in every University.

### 5. Profesor de Universidad Privada

The fifth type of teacher with a work contract included in the Organic Act 6/2001 is the Teacher in Private Universities. This position is obviously out of the academic career exposed in a public University. Candidates must also pass an evaluation, equivalent to that commented beforehand for Profesores Contratados Doctores, in order to join the ranks of the ever-growing number of private Universities in Spain.

### 6. Other contracts

Universities, on the other hand, have created new forms of contracts, of dubious legality, using the public employment legislation to fill vacancies, cover selection procedures, or just to reinforce the teaching staff. Usually, these contracts meet the same requirements asked for the position of Ayudante, as they are their “cheaper” substitute, being able to teach more hours.

### 7. Civil servants

On the other hand, teachers subject to Administrative Law include two main categories, “Profesor Titular de Universidad”, Associate Professor, and “Catedrático de Universidad”, Full Professor. In order to attain these categories, that are hierarchically ordained, it is necessary to pass a two-step procedure.

First of all, there is a process of national “accreditation”.<sup>20</sup> The CV must be submitted to the ANECA, who will examine it in a very tough way (the percentage of successful applications in Law is about 60% for Titulares and even more reduced for Catedráticos).<sup>21</sup> The requirement for getting the Titular position involves having a Ph.D, the condition to become Catedrático is having held the Titular position previously or having eight years of seniority as a Ph.D and passing a special evaluation (no one has ever been successful via this second procedure in the field of Labour Law). The criteria are extremely complex and detailed, because instead of applying percentages, as beforehand, it is used a qualitative evaluation (A-E) that takes into account quantitative items. For example, to obtain an A, excellent, in the Catedrático Law evaluation it is necessary to have published 6 monogra-

19 ECLI:EU:C:2014:146.

20 <http://www.aneca.es/Programas-de-evaluacion/Evaluacion-de-profesorado/ACADEMIA>.

21 [http://www.ccooensino.gal/media/uploads/1575540333\\_reunion\\_ANECA\\_3-dic-2019.pdf](http://www.ccooensino.gal/media/uploads/1575540333_reunion_ANECA_3-dic-2019.pdf).

phies, 20 book chapters and 20 journal articles.<sup>22</sup> The criteria in Law have been strongly criticized, as many current Catedráticos do not fulfil, after many years of tenure, the requirements to become one nowadays.

Once the ANECA evaluation is passed, each University organizes its own selection procedure, that as a rule tends to guarantee the promotion of Profesores Contratados Doctores in Titulares, and of Titulares in Catedráticos, thus giving birth to the extended idea of Spanish University endogamy.

Both, Titulares and Catedráticos have full teaching and researching capacity, the difference being of symbolic rank, as only Catedráticos can be President of a University. In the past, Catedráticos were allmighty, true chiefs of schools, but nowadays the democratization of University has led to a different scenario. Just to have a small glimpse of reality, in the moment of finishing this paper, there are 104 Labour Law Catedráticos in Spain and more than 700 Titulares. This number gives a clear idea of the contemporary extension of the position and the redefinition of their role.

#### **IV. Evaluation and training of Law teachers**

Every University is supposed to train its own teachers. Many of them have their own Institute for Education Sciences, where transversal skills are taught. Furthermore, many Law Faculties organize their own training courses, about specific skills such as Legal English (one of the main deficiencies in Spanish University), Legal databases, etc. As this kind of training is not compulsory, it is up to every teacher to participate. Usually, younger teachers and personnel in training fill the ranks, as these courses are essential for their promotion.

Every five years, all University teachers are supposed to have their teaching skills examined in order to obtain a salary complement, called “quinquenio”. As they are governed by every University and every Faculty, they are not especially tough to obtain and are an easy way to supplement the ordinary salaries.

On the other hand, every six years the scientific production of a University teacher must be examined by an independent national agency, linked to the ANECA. The “sexenio” is much more than a salary complement, as it opens the doors for joining Ph.D. juries, reductions in teaching time or easier promotions, and they build the true hierarchy of academic excellence in University. The system, in any case, is questioned, as it gives evaluators such a power of decision that can lead to arbitrariness or personal vendettas. Further complements can be established by the regional authorities, both encouraging teaching and research. In 2018, a new modality of sexenio was introduced, aiming at a transfer of knowledge to the productive sector. More than 17.000 applications were presented, about 10% by Law teachers. This call has not yet been resolved and its true impact must yet be tested.

22 The full criteria for Law teachers can be found at [http://www.aneca.es/content/download/13782/171461/file/CRITERIOS\\_SOCIALES\\_JURIDICAS.pdf](http://www.aneca.es/content/download/13782/171461/file/CRITERIOS_SOCIALES_JURIDICAS.pdf).

One of the elements that should be considered when assessing teaching is students' evaluations. Every term, all teachers are subject to anonymous evaluations. Nowadays, they are online, and that has led to a decline in the number of answers. These evaluations, in any case, remain secret and are never made public. Every teacher has the right to be certified of his own results, higher scores leading to higher regional salary complements, usually.

There is a certain tradition in many Faculties of Law of choosing a "Padrino" or "Madrina" (Godfather / Godmother) in the last year of the degree. The choice is made directly by the students, and has no official recognition, only sentimental. Several factors have influence in the choice, but quality in teaching and personal commitment to this task is usually recognised. As there are no official awards for best teachers, this distinction is the closest recognition.

Once a permanent position is obtained, no further evaluation is required to continue in that position. The abovementioned complements are just means of economic promotion. This situation leads to a certain stagnation of some academic careers. In the Law field, it is remarkable the change to part-time work schedules, once obtained the permanent position. This is compatible with legal practices or even joining the Magistrates' ranks. Sociologically, there is trend in Spanish University of postponing maternity until a permanent position is obtained.

On the other hand, Faculties are also subject to independent evaluations from the ANECA and regional agencies. Normally, every four years all the degrees taught in a Faculty, both ordinary and master's, are examined. Success rates, teachers' evaluations, personal interviews with the governing team, teachers, students, administration staff, degree holders... during some days all these elements are taken into consideration. A negative evaluation can lead to the end of a degree, but normally this situation never takes place concerning Faculties of Law.

There are no official ratings of the different Faculties of Law. Several newspapers publish their own every year, but they should not be taken seriously. A real mark of prestige is the minimum grade point average established to enter the Faculty, but as this number is highly conditioned by the number of students entering the degree, it should also be considered *cum grano salis*.

## **V. Challenges for the future**

The reform of Legal Studies in Spain has always been a much-disputed issue. However, as decentralization is firmly established, it is hard to conceive in the current scenario a general reform that could shake the panorama. Reforms will be of detail in every University, at regional level at the most.

In any case, several topics can be pointed out as the trending topics. First of all, there is the need of enhancing the practical dimension of the studies, also the teaching practice. This is a point of view strongly defended from outside University. Even if there is a certain truth in this need, preparation for the labour market,

however, should not be the main aim of University, but the training of critical, independent citizens.

The curricula should be reviewed in a more rational way, but they normally depend on the balance of power inside faculties. As University autonomy is consecrated in the Constitution, it is very difficult to see a national harmonisation of curricula, such as existed from 1953 to the end of the 20th century. Mobility of students, in any case, is hindered by this variety.

International mobility, on the other hand, is very popular thanks to the Erasmus programme, both in terms of outgoing and incoming students. The first situation is shocking, due to the really low level of proficiency our students have of foreign languages. The second one can be explained not by the excellent level of Faculties of Law, but by the reputation of the Spanish way of life, that Erasmus students certainly appreciate. In any case, it shows the students some truths about the country and the population that are not easily seen from abroad, so the general balance of the Erasmus programme must be considered very positively in terms of citizenship.

Concerning the status of teachers, the main challenge is the building of a proper academic career. Some kind of security is needed in order to attract talent to the Faculties of Law. There is a certain risk of depopulation in the next 10 years, as many vocations and potential trajectories have been destroyed by the financial crisis. Faculties of Law should focus more on trying to solve the problems to come in the following decade.

Finally, the problem of promotion has not yet been resolved. Statistics show the differences between areas of knowledge, and even inside the Law field there are remarkable distances in the rates of success in evaluation. A more objective, and less personal and subjective procedure is needed, but no Government has been able to find it since 2001.