

## **CHAPTER 5**

### **LEGAL TRAINING**

#### **I. JURISTS AND LAW EDUCATION INSTITUTIONS**

From a historical point of view, various generations of Vietnamese jurists are trained from different sources which may be classified as follows:

- *Jurists who were trained in the pre-1945 period.* During the colonial time, the French rulers established law school in Vietnam in 1931 with three-year training courses. Jurists were educated in French colleges such as Ecole de Droit et d' Administration and Ecole de Hautes Etudes Indochinoises or were granted certificat d'Etudes Juridiques Indochinoises. Since 1941, the Law College started its 4-year LL.B. courses. However, after the victory of the 1945 August Revolution, the French Law College was closed. Generally speaking, there remains only a small number of jurists who graduated from these French-sponsored law education institutions and most of them are of old age.
- *Jurists who were trained under the Sai Gon regime (or pre-1975 period).* In 1947, the French colonialists opened a Law College to educate LL.Bs in French. Between 1960-1975, law universities and faculties of law held 3-4 year LL.B. courses in Sai Gon, Hue and Can Tho. A majority of graduates of these institutions have been re-trained under the new regime while a small number of law students have pursued new LL.B. training courses.
- *Jurists who were trained in the former Soviet Unions and eastern socialist countries.* Jurists who received legal training under these schemes

accounted for the largest number and played an important role in the legal life of the country. Many of these jurists are holding key positions in the State apparatus especially in law enforcement bodies. At the same time, this category of jurists also represents a majority among doctors of law, masters of law and professors of law who are in the age of between 40-60.

- *Jurists who were trained in Vietnam after 1975.* This category of jurists makes up a considerable percentage of the total LL.Bs in Vietnam and contributes significantly to the drafting and implementing laws in the country. Part of these jurists have subsequently received postgraduate training courses in Vietnam and abroad.
- *Jurists who have been trained in other countries since 1990.* Over the past decade, a small number of jurists were trained in the Russian Federation, the United States, Canada, Australia, Japan, France and so on. Currently, various ongoing legal research projects are sponsored by foreign governments and organisations, including training of legal professionals. However, only a limited number of jurists have been trained at graduate and postgraduate levels while most of the beneficiaries received foreign language (English and French) training only. At present, most of students who choose to study abroad have to rely on their own financial resources while only a small number of them could be eligible to scholarships. Since 2000, the Government of Vietnam decided to dedicate part of the State budget to cover the sending of students to foreign countries to take graduate and post graduate courses. This new policy has been implemented since October 2000.
- In sum, legal training at tertiary level in Vietnam has been started for over 20 years. Currently, there are some institutions which provide legal training at tertiary level including Hanoi Law University, Ho Chi Minh City Law University, Faculty of Law of Hanoi National University, Hue University, and newly founded private universities which constitute part of the national education system. These institution offer LL.B. training courses in forms of regular training, in-service training, remote education, and upgraded training (which is available only to graduates of in-service training courses who take supplemental courses to receive degrees of regular training). Additionally, within the national education system,

LL.B. courses are also available in some other universities which are under the management of the Ministry of Police such as the University of Security and the University of Police.

#### **Hanoi Law University (established in 1979)**

This university is currently run and supervised by the Ministry of Justice with a total number of 14,000 students. Each year, the university has an enrollment of about 1,000 new students and 1,000 graduates.

#### **Ho Chi Minh Law University (established in 1996)**

This university is currently run and supervised by the Ministry of Education and Training with a total number of 12,000 students. Each year, the university has an enrollment of about 1,000 new students and 1,000 graduates.

#### **Faculty of Law of the Hanoi National University (established in 1978)**

There are 6,000 students studying in the Faculty. Each year, about 120 new students are admitted and over 100 students graduate.

#### **Other law education institutions**

In recent years, apart from the above-mentioned LL.B. training institutions, some other universities also offer LL.B. courses such as the Faculty of Law of Hue University, universities affiliated to the Ministry of Police (i.e. University of Security and University of Police), and private universities including Phuong Dong University, Dong Do University, Van Lang University, Open Universities in Hanoi and Ho Chi Minh City. About 2,000 LL.Bs have graduated from these institutions.

## **II. TRAINING OF JUDICIAL PROFESSIONALS**

There is a fact that over a long period of time, judges, lawyers, and procurators have almost been provided with legal training but not professional skill training. However, because of the practical demands, these personnel have to act as judges, lawyers and notaries. Some of them have graduated from legal training courses of intermediate level only. Exceptionally, there were a few cases where judicial professionals were not provided with any kind of legal training. This is a problem

which should be properly addressed with a view to standardising judges, lawyers, notaries and other juridical professionals. In 1992, the National Assembly of the Socialist Republic of Vietnam adopted the Law on the Organisation of Courts and in 1993, the Ordinance on Judges and Jurors was enacted by the Standing Committee of the National Assembly which specify criteria of judges and jurors. This is a significant step forward in the perception of the role, functions and professional standards of these important juridical professionals.

**Lawyers** are practicing law based mainly on the legal knowledge obtained in universities and their own experience without reliance on training of professional skills. There is a hot debate on whether legal profession should be recognised as an independent occupation or is only a type of social activities. The final answer to such a discussion could only be found in the new ordinance on lawyers which are still being drafted. However, there is a wide recognition of the need to provide barristers with not only law university education but also professional training.

**Procurators** as public prosecutors before court trials of all levels, play an important role in the activities of law enforcement bodies in Vietnam. At present, procurators are mainly trained in the Procuracy College which is supervised by the Supreme Procuracy.

On 10 February 1998, the Prime Minister issued Decision No. 34/1998/QĐ-TTg on the establishment of the *School for Training of Juridical Professionals*. Under this Decision, this school is located in Hanoi and is under the management of the Ministry of Justice and responsible for training of judges and other juridical professionals in forms of regular and in-service trainings.

Within the structure of the Supreme Court, the Court Professional Training College is set up to provide re-training and intensive training courses to present judges.

Thus before their appointments as judges, jurists are required to take a judge training course. After their appointments, judges will receive on a periodic basis re-training and intensive training at the Court Professional Training College of the Supreme Court. In future, juridical professionals such as lawyers and notaries will, prior to their appointments, be required to take a professional skill training course in the School for Training of Juridical Professionals and receive periodic retraining in that school.

**The training of procurators** in Vietnam has various features and characteristics compared with that in many other countries. Procurators are currently

provided with professional training and intensive training at the Procuracy College under the Supreme Procuracy.

**Juridical experts** - This is a special type of juridical professionals with technical and medical expertise. These professional are needed to receive both technical and legal trainings. At present, these professionals are trained by the Ministry of Police and medical colleges together with legal training courses.

In sum, the present situation of legal training in Vietnam is faced with serious challenges which require bold solutions to meet the demands of the course of *Doimoi* (Renovation). *Firstly*, a considerable number of LL.Bs are redundant and unemployed. In the meantime, there is a severe shortage of jurists in different organisations and agencies. Courts, particularly those at district level, are in urgent need for additional judges. In other words, Vietnam is facing with both shortage and redundancy of legal specialists due to inconsistency between LL.B. training and personnel plans. Many LL.B. are working in positions unrelated to their legal expertise while a considerable number of judges and courts' staff have not yet graduated from law universities. In the time to come, the State needs to take appropriate actions to address this problem. *Secondly*, law students are found not accessible to intensive training since their curricula are widely dispersed and there are gaps in knowledge. On the other hand, due to heavy formalism of end-of-the-course field trips, newly graduated LL.Bs find it hard to pass recruitment exams. *Thirdly*, the level of foreign languages, especially English, of LL.Bs is still limited and almost incapable of meeting demands for international and regional integration. Computer skills are also in the same situation. Generally speaking, language and informatics training are not paid with proper attention in law education institutions.

The above-mentioned weaknesses and shortcomings in LL.B. training in Vietnam require rapid improvements to meet the growing demands.