Digitalization of Higher Legal Education in Russia in the Age of Covid-19

D. M. Osina^(✉), G. P. Tolstopyatenko, and A. A. Malinovsky

Moscow State Institute of International Relations (MGIMO University),
Moscow, Russia

osina.dina@yandex.ru, decanatmp@inno.mgimo.ru,
dr.malinovsky@yandex.ru

Abstract. The study covers topical issues of digitalization of higher legal education in Russia. Even though the process of digital transformation of higher education (including law schools) was launched before the Covid-19 pandemic, it was the coronavirus that acted as a catalyst for digitalization of almost all spheres of public life. Universities were faced with the need to create a comfortable and high-quality digital information and educational environment as soon as possible, and many enterprises (including their legal departments) decided to switch for remote work due to the self-isolation regime, which triggered further digitalization of the legal profession. In turn, digitalization of the legal profession can affect the labor market, and, therefore, higher education, as universities must consider the needs of future employers. The authors applied both general methods and methodological techniques (analysis, synthesis, deduction, induction, etc.) and special legal methods (formal legal and comparative legal). While analyzing, the authors conclude that the potential digitalization of legal education is widespread, since it is not only about the use of digital technologies in education, but changing the content of legal education due to digital transformation of the legal profession.

Keywords: Covid-19 · Higher education · Legal education · Digital transformation · Distance education · Legal tech

1 Introduction

Currently, we are actively struggling with the spread of the new coronavirus infection Covid-19 all around the world. Since neither a vaccine nor a specific treatment for the coronavirus has been invented, the most effective measure is social distancing, and even complete self-isolation. In this regard, the governments of many states, including Russia, are taking unprecedented measures, such as the suspension of thousands of enterprises alongside with the transition of millions of workers around the world to remote work. Aware of all the risks of the spread of the infection, both the Ministry of Education of the Russian Federation and the Ministry of Science and Higher Education of the Russian Federation decided almost simultaneously to transfer schools and universities to distance learning [12, 13]. E.g., by the Order of the Ministry of Science and

Higher Education for universities (including law schools and faculties) the training should be provided exclusively in the electronic format.

Thus, all Russian universities were urgently required to improve or even create a digital environment to ensure a continuous and high-quality educational process. Even though the course for digitalization of the social sphere (including education) was set long before the coronavirus pandemic [3, 14], the issue of digitalization of Russian education has never been so acute.

Now two trends in digitalization of higher legal education can be outlined: 1) a more obvious one covers the change in the form of education in the Covid-19 era (a greater emphasis is made on distance learning by the use of digital technologies and computer software) and 2) a less noticeable one, but getting more weight in the future – a change in content, since digitalization affects all spheres of public life, including the legal profession, since the needs of the labor market are gradually changing, and hence the requirements for graduates of law schools and faculties will inevitably undergo transformation.

In the age of digitalization accelerated by Covid-19 outbreak, law schools and faculties faced some problems, both of formal (like retaining the familiar form of oral exams) and of substantive nature (changing shape of the legal profession itself and the role of lawyers in particular, including the steps universities should undertake so that graduate lawyers could remain in demand on the labor market). It makes perfect sense that such questions arise as they have already touched the legal community around the world: for example, in the USA there were difficulties with the format of the traditional exam to obtain a lawyer's licence (Bar Exam) [1].

The team of authors attempts to consider the possible digitalization vectors of higher legal education in Russia, considering the general trends towards digitalization of the economy and all spheres of public life (including digitalization of the legal profession and the popularization of legal tech). The authors consider digitalization of legal education in the following key areas: digitalization of the educational process; digitalization of student-university/student-teacher relations; the impact of digitalization of the legal profession on the labor market and, therefore, on legal education. It is important to study both the ways and processes of digitalization and the consequences of digitalization for higher legal education in Russia.

2 Methodology

For the purposes of analysis, the authors have raised the following main questions (related to Russian law schools and faculties):

- What are the features of digitalization of the educational process and what are the significant differences between distance learning and the learning process offline?
- How will digitalization of the legal profession affect the labor market and digitalization of legal education?

The purpose of this study is a comprehensive review of the process and the possible consequences of digitalization of higher legal education in Russia, including digitalization of the legal profession; assessment of the prospects of distance legal education,

considering digitalization of all spheres of public life. The results of this study can potentially be used while further studying digitalization of higher legal education in Russia.

The study is based on extensive normative, scientific, analytical and statistical material regarding digitalization of higher legal education as well as all spheres of public life and their impact on the legal profession. Research methods include both general methods and methodological techniques (analysis, synthesis, deduction, induction, abstraction, etc.), as well as special legal methods (formal legal and comparative legal). In the process of preparing the study, a significant amount of material was obtained from different legal research services, such as ConsultantPlus, Garant, Westlaw Academics.

3 Results

Despite the existing trend towards digitalization of practically all spheres of society, including education, in Russia, the coronavirus pandemic acted as a catalyst for digitalization and exposed all the problems in this area. Regarding digitalization of higher legal education and considering the questions posed in the study, the following was established.

3.1 The Features of Digitalization of the Educational Process and the Differences Between Distance Learning and the Learning Process in the Offline

When using digital educational platforms and appropriate technical equipment and software, most academic disciplines can be taught just the same way as in the offline. For example, according to the results of monitoring classes in digital remote format at MGIMO-University, it turned out that more than 99% of the classes were held in accordance with the timetable [8]. In fact, digitalization in this case is carried out through the use of digital technologies in education: the form of presentation of the material changes, but not the content itself (or such changes are not significant). Currently, Russian universities can choose necessary tools and software on their own and most often they use one of the following software products: Webinar, ZOOM, Microsoft Teams, Google Hangouts, Skype, Discord etc. At the same time, the issue of personal data security and confidentiality is especially relevant: for example, a lawsuit has already been filed against the ZOOM developer company in the USA based on an alleged disclosure of users' personal data, including recordings of teleconferences with their participation [2]. Despite the experience of leading universities, the overall situation in Russia shows that the digital infrastructure for science and education is still only at the initial stage of its formation [15].

The features of digital education are also reflected within the relationship between a teacher and students. Firstly, in the context of the digital organization of the educational process, it is getting even more difficult to objectively control the involvement of students within the educational process in class, and therefore the importance of such general cultural competence as the ability to self-organization and self-education

inevitably increases [11]. Secondly, the student's perception of the teacher is formed not through personal communication, but through communication within the digital environment. For this reason, the role of the so-called "Personal brand" of the teacher is getting very important, which, in turn, requires a lot of effort from the teacher. A personal brand can be created by using a personal website/an account in a social network, or even by participation in major scientific events, etc. A "brand-teacher" is recognizable and popular. He is trusted by students, the target audience understands his/her "depth" as a specialist, expert [7].

3.2 The Impact of Digitalization of the Legal Profession on the Labor Market and on Digitalization of Legal Education

Nowadays (partially because of the Covid-19 pandemic and the respective need to switch to a remote mode of work), legal technologies (Legal Tech) are actively developing, and it significantly changes the qualitative approach of lawyers to work [6]. In this context, Legal Tech refers to platforms, IT services, and software that first made law firms and lawyers more efficient in performing their activities [22]. Lawyers tend to use more smart contracts instead of regular ones. Smart contracts, being in fact a computer program, are contracts that self-execute once the parties meet agreed-upon conditions [9]. The development of blockchain technology has also affected the legal profession, by both influencing smart contracts based on distributed ledger technology [23] and the development of cryptocurrencies. As of today, the legal status of smart contracts and cryptocurrencies is not legally defined in Russia, but we believe that this is just a matter of time: at present, several bills on digital financial assets are known [18].

Students of the International Law Faculty of MGIMO-University are taught the following legal tech competencies within the framework of the practical course "Legal Technique": 1) be able to work with the State Automated System of the Russian Federation "Justice" (SAS Justice); 2) have the skill to compile legal documents in electronic form and to carry out professional activities through "My Arbiter" tool and other electronic applications and/or official websites of government bodies; 3) be able to use electronic databases providing information about unfair counterparties; 4) be able to work with domestic and foreign legal research services like ConsultantPlus, Garant, Westlaw Academics; 5) know the basics of using Russian and foreign lawbots.

4 Discussion

Some experts believe that the essence of the legal profession has irrevocably changed: most of the work can be automated and performed by robots [17], clients want more services for less money, and legal services cease to be a unique product. In this case, there is only one way out: to learn to provide more services at lower costs, which means that it is necessary to attract new technologies to the profession [20, 21]. In this regard, expert opinions are being actively expressed on the need to adjust the curriculum at law schools in terms of introducing such subjects as, for example, coding for lawyers [4]. Nevertheless, the Russian state educational standards consider digitalization of the legal profession only in its most general form: for example, the already

mentioned educational standard for undergraduate studies states that a Bachelor of Laws must be well-aware of the basic methods and means of obtaining, storing, processing information and must be able to work with information in global computer networks. In recent years, the labor market has already begun to require graduates to consider digitalization [10]: it is now important for successful employment to be able to work professionally with legal research services, fill out and file documents in electronic form (for example, with tax authorities and courts), hold client webinars and business conference calls with clients, etc. Thus, it has been established that digitalization of the legal profession directly affects the labor market. For universities, in turn, one of the key performance indicators is the employment of graduates [5]. For this reason, the issue of the timely development of new skills among future lawyers is extremely important. Given the transition to remote work for lawyers and remote training for students, one can assume an increase in the growth rates of digitalization: it is believed that up to one third of office workers can permanently remain on a remote mode of work after the end of the pandemic [16], and digital transformation before the pandemic was considered as a measure to reduce transaction costs by large companies [19]. According to the authors, under such conditions, the need for digitalization of legal education, especially by adjusting the curriculum, will increase.

5 Conclusion

To sum up, there is an increasing trend in digitalization of higher legal education, which has begun before the Covid-19 pandemic. The pandemic is a mere catalyst for the digital transformation process. Now, for the absence of any alternatives to offline learning, law schools are forced to adapt to new conditions as quickly as possible and create/improve a digital educational environment. However, potential digitalization of legal education is much larger, since it is not only about the use of digital technologies in education, but changing the very content of legal education, considering digital transformation of the legal profession. These changes are not on the surface, but new trends in labor market conditions will gradually bring changes into the educational process.

References

1. Angelos, C., Berman, S., Bilek, M.L., Chomsky, C.L., Curcio, A.A., Griggs, M., Howarth, J.W., Kaufman, E.R., Merritt, D.J., Salkin, P., Wegner, J.W.: The bar exam and the COVID-19 pandemic: the need for immediate action. Ohio State Public Law Working Paper, 537 (2020). <https://ssrn.com/abstract=3559060>. Accessed 20 Apr 2020
2. Blumberg: Zoom sued for fraud over privacy, security flaws (2020). <https://www.bloomberg.com/news/articles/2020-04-08/zoom-sued-for-securities-fraud-over-privacy-security-flaws>. Accessed 20 Apr 2020
3. Decree of the President of Russia No. 204 dated 05.05/2018 “On National Goals and Strategic Objectives of the Development of the Russian Federation for the Period Until 2024”. <http://kremlin.ru/acts/bank/43027>. Accessed 20 Apr 2020

4. Fenwick, M., Kaal, W.A., Vermeulen, E.P.M.: Legal education in a digital age. In: Corrales Compagnucci, M., Forgó, N., Kono, T., Teramoto, S., Vermeulen, E. (eds.) *Legal Tech and the New Sharing Economy. Perspectives in Law, Business and Innovation*, pp. 1–31. Springer, Singapore (2020)
5. Gadzhiev, G.M., Ramazanov, S.A., Maithanova, K.D.: Employment of graduates as an indicator of the effectiveness of the educational environment. *News of the Dagestan State Pedagogical University. Psychol. Pedagogical Sci.* **1**(30), 51–56 (2015)
6. Law Technology Today: AI trends driving the legal industry (2018). <https://www.lawtechnologytoday.org/2018/03/ai-trends/>. Accessed 20 Apr 2020
7. Mantulenko, V.V., Yashina, E.Z., Ashmarina, S.I.: Personal brand of university teachers in the digital age. In: Ashmarina, S., Vochozka, M., Mantulenko, V. (eds.) *Digital Age: Chances, Challenges and Future. Lecture Notes in Networks and Systems*, vol. 84, pp. 62–70. Springer, Cham (2020)
8. MGIMO: Distance learning continues: statistics of classes (2020). <https://mgimo.ru/about/news/main/distant-11-04/>. Accessed 20 Apr 2020
9. Morgan, N.T.: Blockchain challenges traditional contract law: Just how smart are smart contracts? *Wyoming Law Rev.* **19**(1), 87–117 (2019)
10. Online Edition of the Clerk: TOP 10 key lawyer skills (2020). <https://www.klerk.ru/law/articles/466818/>. Accessed 20 Apr 2020
11. Order of the Ministry of Education and Science of Russia No. 1511 dated 01.12.2016 (as amended on 11.01.2018) “On the Approval of the Federal State Educational Standard of Higher Education in Training 40.03.01 Jurisprudence (undergraduate level)”. <http://base.garant.ru/71579274/>. Accessed 20 Apr 2020
12. Order of the Ministry of Education of the Russian Federation No. 104 dated March 17, 2020 “On the Organization of Educational Activities in Organizations Implementing Educational Programs for Primary, Basic, General and Secondary General Education, Educational Programs for Secondary Vocational Education, Corresponding Additional Professional Education, and Additional General Educational Programs, in the Context of the Spread of the New Coronavirus Infection in the Territory of the Russian Federation”. <https://www.garant.ru/products/ipo/prime/doc/73679183/>. Accessed 20 Apr 2020
13. Order of the Ministry of Science and Higher Education of the Russian Federation No. 397 dated March 14, 2020 “On the Organization of Educational Activities in Organizations Implementing Educational Programs of Higher Education and Relevant Additional Professional Programs, in the Event of the Prevention of the Spread of the New Coronavirus Infection in the Territory of the Russian Federation”. <https://www.garant.ru/products/ipo/prime/doc/73645128/>. Accessed 20 Apr 2020
14. Passport of the national project “National Program “Digital Economy of the Russian Federation” (approved by the Presidium of the Presidential Council for Strategic Development and National Projects, Minutes dated 04.06.2019 N 7). <https://legalacts.ru/doc/pasport-natsionalnogo-proekta-natsionalnaja-programma-tsifrovaja-ekonomika-rossiiskoi-federatsii/>. Accessed 20 Apr 2020
15. Pogorelova, E.V., Efimova, T.B.: Digital transformation of education, science and innovations. In: Ashmarina, S., Vochozka, M., Mantulenko, V. (eds.) *Digital Age: Chances, Challenges and Future. Lecture Notes in Networks and Systems*, vol. 84, pp. 54–61. Springer, Cham (2020)
16. RBC: The viral revolution: How the pandemic will change our world (2020). <https://www.rbc.ru/opinions/society/27/03/2020/5e7cd7799a79471ed230b774>. Accessed 20 Apr 2020
17. Remus, D., Levy, F.S.: Can robots be lawyers? *Computers, Lawyers, and the Practice of Law* (2016). <https://ssrn.com/abstract=2701092>. Accessed 20 Apr 2020

18. Sidorenko, E.L., Khisamova, Z.I.: Legal regulation of the digital assets market: advantages and possible risks of an alternative bill. *Bank. Serv.* **11**, 20–23 (2018)
19. Sidorenko, E.L., Khisamova, Z.I.: The readiness of the economy for digitalization: basic methodological approaches. In: Ashmarina, S., Vochozka, M., Mantulenko, V. (eds.) *Digital Age: Chances, Challenges and Future. Lecture Notes in Networks and Systems*, vol. 84, pp. 308–316. Springer, Cham (2020)
20. Susskind, R.: *The End of Lawyers? Rethinking of Nature of Legal Services* (Revised Edition). Oxford University Press, Oxford (2010)
21. Susskind, R., Susskind, D.: *The Future of the Professions: How Technology will Transform the Work of Human Experts*. Oxford University Press, Oxford (2016)
22. Vermeulen, E.P.M.: The future of law, lawyers and law professors...And the exponential growth of disruptive technology. *Medium: Chatbots Life* (2017). <https://chatbotslife.com/the-future-of-law-lawyers-and-law-professors-and-the-exponential-growth-of-disruptive-technology-b5c979608c9c>. Accessed 20 Apr 2020
23. Werbach, K., Cornell, N.: Contracts ex machina. *Duke Law J.* **67**(2), 313–382 (2017)