

conducted with educators. Regarding the second condition – the focus of educational efforts of preschools and families to ensure the patriotic upbringing of senior preschool children, a set of exercises and games for senior preschool children was developed. During the implementation of the third condition – a change in the forms and methods of interaction between teachers and parents, aimed at the formation of patriotic upbringing of senior preschool children, various forms of work with parents were developed.

**Key words:** conditions, patriotic education, children of senior preschool age, parent-educational interaction.

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## COMPETENCY-BASED APPROACH TO FUTURE LAWYERS' PROFESSIONAL TRAINING AT CANADIAN UNIVERSITIES

The article substantiates the need to implement a competency-based approach to future lawyers' training in higher education institutions. Based on the analysis of scientific works of domestic and foreign scientists, the variability in the interpretation of such concepts as «competence» and «competence approach» is highlighted and their essence is specified. The definition of «competence» is given, which is considered to be an integrated student's characteristic being manifested in the ability to productively perform professional activities in a particular field, using the acquired knowledge, skills, attitudes, values and experience. It is noted that the competency-based approach is aimed at achieving results, in particular, the formation of a set of competencies that must be mastered by future legal specialists in the educational process, and practical experience in their application for successful self-realization in the professional sphere. The structure of competencies in accordance with the National Requirements developed by the Federation of Law Societies of Canada is analyzed. It is clarified that this document establishes mandatory competencies in key areas of material knowledge, legal skills, professionalism and ethics to obtain a common law degree and to practise law in Canada. It is emphasized that the National Requirements for Law School Graduates are based on trends in developing common approaches to regulating the development of jurisprudence in the interests of Canadian society as a whole, not in each province or territory. Meanwhile, law schools are given the freedom to determine the most effective way to meet these requirements to provide legal education of high quality. It is concluded that the competence approach to the training of future lawyers involves the acquisition of sound legal knowledge, the formation of professional skills, abilities and values that will be successfully implemented in practice.

**Key words:** competence approach, competence, National requirements, future lawyers, professional training, higher education, university, Canada.

Modern society requires the system of higher education to provide professional training of future specialists in the field of law not only with fundamental knowledge and skills, but also with the ability to be creative in solving extraordinary problems and competitive in the labor market, possessing the capacity to make responsible decisions, to cooperate, to manifest initiative, mobility, independence, dynamism, constructiveness, adaptability.

In this context, one of the main tasks of modern higher education is the introduction of a competency-based approach to law students' professional training. The main focus is on the competencies contributing to legal specialists' adaptation to the changing conditions of the modern labor market and the rapid development of science and technology. Today, a competency-based approach is becoming an integral part of the system of higher legal education.

A considerable number of scientists, such as V. Baidenko, N. Bibik, O. Dubasenyuk, E. Zeyer, I. Zymnya, I. Yermakov, O. Kovtun, N. Kuzmina, V. Lozova, V. Luhovyi, A. Markova, O. Ovcharuk, V. Petruk, O. Pometun, S. Rakov, J. Raven, M. Rozov, O. Savchenko, S. Sysoeva, Y. Tatur, Y. Tikhomirov, A. Khutorsky, V. Yagupov conducted research of theoretical and methodological bases of a competency-based approach. A. Aleksyuk, V. Bondar, N. Demyanenko, A. Kapska, S. Kozak, M. Lazarev, O. Marmoza, V. Oliynyk,

O. Romanovsky, V. Sydorenko, T. Sorochan paid significant attention to the introduction of this approach in the professional training of specialists. A competency-based approach in future lawyers' professional training has been the subject of research by such scholars as T. Anisimova, A. Brazhnikova, O. Fedorenko, L. Shevchenko, F. Boyle, D. Kapps, F. Plauden, K. Sanford, G. Yavorska, O. Kalita, O. Bovdyr, O. Kotykova, N. Kozhemyako, I. Bryzgalova and others. The analysis of the scientific sources enables us to state that the problem of a competency-based approach to future legal specialists' professional training has not yet received a proper theoretical verification and practical approbation.

The purpose of the article is to substantiate the use of a competency-based approach to future legal specialists' professional training at Canadian universities.

The results of analyzing scientific and pedagogical literature testified to the wide application of a competency-based approach to research in education at the beginning of the 21st century due to political, economic, social,

cultural development of society in the context of growing globalization and competitiveness of the international educational space [13]. This approach focuses on the learning outcome being manifested in the formation of students' competencies and the ability to effectively solve various professional problems, since the main task of higher education is to prepare people for effective activity and life in modern knowledge society [12]. Khymynets characterizes this approach as «the focus of the educational process on the formation and development of key and subject competencies of the individual» [9, p. 46]. It can be concluded that the emphasis is shifted from the level of students' knowledge to their ability to apply information to solving practical problems, thus, enhancing its practical orientation.

Yaroshenko considers a competency-based approach as «one of the directions in education modernization and one that presupposes university graduates' high preparedness to succeed in various fields due to the formation of a system of key competencies, and corresponds to the general concept of educational standard accepted in the majority of the developed countries being directly related to the transition in the construction of the education content and quality control systems to a system of key competencies» [10, p. 7].

We agree with Zimnyaya's opinion, who believes that a competency-based approach determines the purpose-oriented and practical orientation of education, its pragmatic and professional aspect [3]. A competency-based approach provides effective and high-quality professional training by focusing on the practical component of the educational process. This approach involves students' acquisition of experience in solving life and professional problems, performing key functions, social roles, implementation of competencies.

The system of higher education uses a wide range of the latest approaches to specialists' training in the field of law. A prominent place in the process of future lawyers' professional training is occupied by a competency-based approach, which provides for the students' preparation to work in various professional and real life situations. In the context of our study, a competency-based approach is focused on achieving results, in particular, the formation of a set of competencies (knowledge, skills, values and attitudes) that future lawyers should acquire in the process of training and practical experience of their application to successfully realize themselves in professional spheres. Pometun and Ovcharuk consider a competency-based approach from the standpoint of «the focus of the educational process on the formation and development of individual's key (basic) and subject competencies, resulting in the formation of general human competency, which is a set of key competencies, integrated personality characteristics» [5, p. 76].

In the scientific and pedagogical literature the term «competency», however, does not have a single interpretation among researchers. There are different approaches to the definition of «competency». Namely: «integral virtue of the individual, which characterizes his desire and ability (willingness) to realize his potential (knowledge, skills, experience, personal qualities, etc.) for successful activities in a particular field» [8, p. 6]; «a set of personality traits, characterized by the mastered knowledge, formulated skills, acquired practical experience and value orientations (values of self and family, work, nature and culture, society and state)» [7, p. 10]; «the ability of an individual to act» [1, p. 9]; «the ability to solve professional problems of a certain class requiring real knowledge, skills, and experience» [4, p. 14]; «specific ability of the individual to productive activity in a particular subject area, which includes narrowly specialized knowledge, skills and abilities, experience of their use in real life, a responsible attitude to the performance of professional functions» [2, p. 54]; «specially structured (organized) sets of knowledge, skills, abilities and attitudes that are acquired in the learning process» [6, p. 18].

Therefore, we can conclude that competence is an integrated characteristic of the graduate manifested in the ability to perform professional activities in a particular field effectively by applying the acquired knowledge, skills, attitudes, values and experience.

It is worth stating that Canada has never had a national standard of educational requirements for obtaining a law degree. The last standard was de facto a set of requirements of Upper Canadian law society, approved in 1957 and revised in 1969, which were never revised for the next 40 years and were never formally approved by other law societies. Thus, in order to develop national standards for admission to the legal profession in 2011, the Federation of Law Societies in Canada has developed mandatory common law competencies that all graduates, starting from 2015, must possess to be admitted to bar admission programs. Canada's common law programs must meet National Requirements defining the competencies, skills, and abilities that students must develop, and requirements to the academic programs and resources established by law schools.

National Requirements are mainly applied to students' acquisition of competencies in the main areas of material knowledge, legal skills, professionalism and ethics. The establishment of requirements in all three categories reflects their equal importance in the training of future lawyers who are competent to serve society. The requirements of the Law Society of Upper Canada considered only substantive law that reflected the priorities of all regulators and law schools at the time. In the last decades of the 20th century, both law schools and law societies began to pay attention to the formation and development of relevant skills and training of students, because every situation and every issue requires a lawyer to have a wide range of abilities, knowledge, and skills. The professional development of a lawyer never stops, so he must develop and adapt in a constantly changing legal field. To perform this role, a lawyer must understand the basic concepts of the legal system and be able to apply them to solve a specific problem or issue. It is clear that law school graduates are not capable to fully provide competent professional services to clients in all matters, but it is obvious that they must acquire the fundamental competencies needed to practice law.

The Federation of Law Societies of Canada has defined the following national competency requirements: skills requirements, ethics and professionalism and substantive legal knowledge.

Skills requirements presuppose that a graduate must demonstrate the competencies in the field of problem solving (the ability to find out facts related to the case; identify legal, practical and policy issues and conduct the necessary research; analyze research results; apply the law in accordance with the actual context; identify and evaluate the appropriateness of alternatives for resolving issues or disputes); legal research (the ability to determine legal issues; choose sources and methods, conduct legal research pursuant to Canadian law; use techniques of legal reasoning and argument to analyze legal issues; identify, interpret and apply research results; effectively report research results); oral and written legal communication (the ability to communicate clearly in English or French; determine the purpose of communication; use correct grammar, spelling and language corresponding to the target audience; effectively formulate and present a well reasoned and accurate legal argument, analysis or advice) [14].

In the field of ethics and professionalism, graduates must demonstrate awareness and understanding of the ethical aspects of legal practice in Canada and the ability to identify and resolve ethical dilemmas in a legal context that includes the following: 1) knowledge of relevant laws, regulations, rules of professional conduct and common or case law and general principles of ethics and professionalism applicable to legal practice in Canada (this involves the awareness of the circumstances that lead to ethical problems; the fiduciary nature of the lawyer's relationship with the client; conflict of interest; the administration of justice; duties related to confidentiality, privileges and disclosure of information in the relationship between the lawyer and the client; the importance of professionalism, including civility and integrity in dealing with clients, other lawyers, judges and members of the public; the importance and value of serving and promoting the public interest in the administration of justice); the nature and scope of the lawyer's responsibilities to clients, judges, other professionals in the field of law, law societies and the public; the range of legal responses to unethical behavior and professional incompetence; various models concerning the role of lawyers, the legal profession and the legal system, including their role in ensuring access to justice; 2) skills to identify and make informed and reasoned decisions about ethical problems in practice; to identify and engage in critical thinking in solving ethical issues in legal practice [14].

Since ethics and professionalism are at the heart of the legal profession, it is crucial for students to start appreciating them at the beginning of their legal education. In view of this, a requirement was approved for applicants for the position of a lawyer to take a separate training course in Ethics and Professionalism with a corresponding entry in the diploma. However, the content of the course, the number of credit hours, teaching methods and assessment remain with the law schools, thus giving them the flexibility to exercise these powers in a manner best suited to their learning objectives, while meeting the requirements of the Federation of Law Societies of Canada [14].

In the context of substantive legal knowledge the graduate must undergo a comprehensive training program to gain the understanding of the complexity of the law and the interrelationship between different areas of legal knowledge. In the course of this academic program, the graduate must demonstrate a general understanding of the basic legal concepts that can be applied in legal practice in Canada, including such areas as: the foundations of law including the principles of common law and equity, the process of drafting and analyzing the statutes; the administration of justice in Canada; public law, i.e. the principles of Canadian public law, including the constitutional law of Canada, Canadian criminal law and the principles of Canadian administrative law; the principles of private law, involving contracts, torts and property rights; legal and fiduciary concepts in commercial relations [14].

There have been numerous concerns about this requirement of the Federation, as a number of deans and lecturers at law schools consider it to be an attempt to restrict the right to choose the content of the academic programs and thus undermine the quality of law school education, which traditionally benefits from law societies' minimalist approach to imposing any requirements to academic programs in the field of law. According to them, «modern law schools provide both liberal legal education and professional education. Law is an intellectual discipline and legal practice requires thorough academic study as well as the development of practical skills» [11].

Thus, law societies have demonstrated the ability to work together, to adjust their own relevant and meaningful approaches and mechanisms needed to achieve national goals. National requirements for law school graduates are based on trends to encourage and develop common approaches to regulating the development of jurisprudence in the interests of Canadian society as a whole, rather than in each individual province or territory. Meanwhile, law schools are given the freedom to determine the most effective way to meet national requirements, taking into account the requirements for high quality legal education.

On the basis of National Requirements, in 2013 all Canadian law societies approved the National Competency Profile, which identifies the knowledge, skills, and abilities required to practice law in Canada. To this end, a national survey of «new» lawyers was conducted, i.e. those who had the opportunity to practice law for the last 5 years (2007–2012). The provisions of this document are successfully implemented in academic programs in the field of law at Canadian universities and define a set of competencies that must be acquired by law students, and their formation is presented in the learning outcomes.

Therefore, we can conclude that in terms of competency approach legal education is determined by the ability of the specialist to solve problems of varying complexity based on the existing knowledge and experience, and professional competence of university graduates is defined as a set of basic professional knowledge, skills and abilities, previous practical creative experience and positive attitude to it, which determines their readiness to successful professional activity. Prospects for further research will lie in determining the ways and methods of forming general and professional competencies considered to be vital for conducting legal practice.



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**Столярчук Л. Б. Компетентнісний підхід до професійної підготовки майбутніх юристів в університетах Канади**

У статті обґрунтовано необхідність реалізації компетентнісного підходу до професійної підготовки майбутніх юристів у закладах вищої освіти. На основі аналізу наукових праць вітчизняних і зарубіжних учених висвітлено варіативність у трактуванні понять «компетентність» і «компетентнісний підхід» та уточнено їх сутність. Подано власне визначення поняття «компетентність», яке розглядається як інтегрована характеристика здобувача вищої освіти, що проявляється у здатності продуктивно здійснювати професійну діяльність в певній сфері, послуговуючись освоєними знаннями, вміннями, навичками, ставленнями, цінностями і досвідом. Зазначено, що компетентнісний підхід спрямований на досягнення результатів, зокрема на формування комплексу компетентностей, якими повинні оволодіти майбутні фахівці у галузі права у ході навчального процесу, та практичного досвіду їх застосування для успішної самореалізації в професійній сфері. Проаналізовано структуру компетентностей у відповідності до Національних вимог, розроблених Федерацією юридичних товариств Канади. Уточнено, що цей документ встановлює обов'язкові компетентності в ключових галузях матеріального знання, правових умінь і навичок, професіоналізму та етики для здобуття освітнього рівня із загального права та здійснення юридичної практики в Канаді. Наголошено, що Національні вимоги до випускників правничих шкіл ґрунтуються на тенденціях вироблення загальних підходів до регулювання розвитку юриспруденції в інтересах канадського суспільства в цілому, а не в кожній окремій провінції чи території. Водночас правничим школам надана свобода у визначенні найбільш ефективного способу задоволення цих вимог для надання високої якості юридичної освіти. Зроблено висновок, що компетентнісний підхід до професійної підготовки майбутніх юристів передбачає отримання ґрунтовних правових знань, формування професійних умінь, навичок і цінностей, що успішно реалізовуватимуться на практиці.

**Ключові слова:** компетентнісний підхід, компетентність, Національні вимоги, майбутні юристи, професійна підготовка, вища освіта, університет, Канада.