

COMPARING U.S. AND ROMANIAN EDUCATIONAL SYSTEMS LEADING TO A LAW DEGREE

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My discussion in this paper will focus primarily on the American educational system which may lead to a law degree and some comparisons with the Romanian educational system of which my knowledge is limited. My knowledge of the system in the U.S. is fairly extensive since I have known many scholars and practitioners in the legal profession and I have a son who obtained a J.D (Juris Doctorate) degree from Washington and Lee University in Lexington, Virginia.

In the elementary years, our educational systems are similar in that we expect children to enter kindergarten at age 5 and learn the basic foundations of education in elementary schools through grade 8, then to attend secondary (high) schools until age 17 or 18. In the years of high school, the curriculum in most American schools is not as rigorous as in Romanian high schools. Most American students are educated in state supported schools and the curricula contains two years of mathematics up to pre-calculus and trigonometry, whereas Romanian high school students get higher levels of mathematics and computer training. Some U.S. high schools in almost every state have "college preparatory" classes for gifted children which may include language study. Where Romanian students receive a Baccalaureate degree from high school, American students do not, even if they have gone to a privately funded "prep school."

In the 4th year of high school, American students take either the ACT (American College Testing) or the SAT (Scholarship Aptitude Test) to determine if the students are prepared for higher education. Each of our colleges and universities have set limits for which candidates will be allowed to enter the institution and study toward a Bachelor's degree requiring four years of study. This degree could be a BS, such as a Bachelor of Science in an engineering or science field, or a BA such as a Bachelor of Arts in a social science or fine arts. (There are variations such as a BFA for Bachelor of Fine Arts or BEng for Bachelor of Engineering). The main point to be made here, however, is that students may not work toward a degree in law until they have gotten a bachelor's degree in some discipline. (My son received a BA in History before entering Law School). At this point, those who are interested in studying for a law degree must take the LSAT (Law School Aptitude Test) to be able to qualify to enter a law school.

The requirements for entry are established by each individual institution whether it be a state run institution or a private institution. Certain minimum guidelines are set by each state, but each institution can exceed those minimums.

In the Romanian system as I understand it, Romanian students can take an exam that will allow them to enter a program leading to a law degree at the end of high school studies. The degree in law that they pursue can be obtained after 4 years of higher education. American students must first receive the Bachelor's degree, then

attend law school for three years before receiving an LLB (Batchelor of Law) degree or a JD (Doctor of Juris Prudence) degree, either of which is required to allow them to take the Bar Exam in the state where they want to practice law. A variation to this exists in the state of California where a student who desires to become a lawyer can qualify by “reading the law” and passing the state’s Bar Exam. To my knowledge, California is the only state that does not require a candidate for taking the Bar Exam to have a law degree.

I once had a student at RAU who wanted to go to the U.S. and enter a law school in the 3d year. She had taken 2 years of law here in Romania and wanted her work in a Romanian law school to transfer into the U.S. law school (I believe it was at the University of Wisconsin). I told her that I was certain that she could not transfer her credits and would have to get a 4 year degree, take the LSAT and start at the first year of the U.S. law school if she was accepted. She was very dismayed and I was sorry to give her that opinion, but I wanted to give her a realistic answer. I told her that she would need to start over after getting a batchelor’s degree because American law is based on “Common Law” learned by reading cases for application to future cases and controversies. My limited knowledge of Romanian law leads me to believe that the basis for applying the law is “Code Law.”

It is possible for Romanian students to attend American universities at the batchelor level or the graduate level for many disciplines. For the batchelor level, the students would have to take the ACT or SAT to gain admission and if they had already taken some university courses, they would be evaluated by a “Foreign Credentials” board to determine if previous college work could be transferred. At the graduate level, the students would have to take the GRE (Graduate Record Exam) for most disciplines, or the GMAT (Graduate Management Achievement Test) for business and also get previous credits evaluated by the Foreign Credentials board. I do not believe that there is any such procedure available for Law or Medicine.

As a matter of general interest, the U.S. has 4,352 institutions of higher education (Universities, Colleges, Federal Academies, and Junior Colleges). Overall, our schools average costing \$13,000 per student per year. These costs are borne by Federal funding (Department of Education), State and Local Government Funding, and student paid tuition. Private institutions such as Harvard, Yale, Washington & Lee, Ivy League Schools, etc have much higher tuition rates than government supported schools.

Every one of the 50 states except Alaska has one or more law schools. The District of Columbia has several law schools, as do the more populous states. Forty million U.S. citizens are currently in schools at the various levels.