

Teaching Legal Ethics: Hungarian Standards and Practices

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ABSTRACT:

This paper, which is the concluding part of a series of three papers reviewing American, British and Hungarian approaches to legal ethics education, is focussing on teaching legal ethics in Hungary: it examines the related accreditation standards and its place in the curriculum both at the academic and the vocational stage. Compared with U.S. and UK solutions recommendations are made to adapt American and British good practices into Hungarian legal ethics education.

1. Introduction

As detailed at the beginning of the first paper of the author on legal ethics teaching, living in the first decades of the 21st century equals to living in an era of scandals: regardless of the geographical location one can hear about new cases and developing stories in relationship with dubious manoeuvres in the political, economic, or social fields – and all of these are linked with law. Behaving ethically is the result of a right way of being socialised and higher education plays a very important role in preparing the future generation of lawyers for being responsible professionals.

The author of this paper conducts research on legal ethics education and attempts to raise awareness of the importance of legal ethics by dissemination of the relevant international good practices in legal education. Due to their influence in the global market of legal services and higher education the U.S. and the British practices are planned to be overviewed to have an understanding of the key policies, drivers and key actors in legal ethics education of the respective countries. The objective of the research is to review the essence of legal ethics education in the U.S. and in the United Kingdom (UK) and to compare and contrast them with Hungarian practices. This paper, third of a series of three papers reviewing American, British and Hungarian approaches to legal ethics education, is focussing on teaching legal ethics in Hungary: it examines the related accreditation standards and its place in the curriculum. It seeks for answers to the following questions:

- “Are law schools compelled to teach legal ethics?” – Are there standards, guidelines, or other rules or expectations by which law schools of higher education institutions need to consider including legal ethics into the curriculum?

- “What to teach about legal ethics?” – What are the Hungarian practices with regard to the place of legal ethics in the curriculum, and what are the key topics covered?
- “How to teach legal ethics?” – What are the Hungarian practices with regard to the delivery of legal ethics issues?

The three main parts of this article contain the findings of the author in relationship with these questions. Mostly publicly available sources were studied: policy papers, accreditation standards and guidelines, curricula and other documents uploaded by Hungarian government agencies, professional bodies and renowned higher education institutions.

2. Accreditation Standards and Expectations

Higher education in Hungary is regulated in detail by the relevant Act of Parliament (hereinafter referred as the “Higher Education /HE/ Law”) in effect and the various related administrative orders issued by the government. Among others, the HE Law defines the administrative organs and public bodies responsible for setting standards for various academic programmes and auditing their delivery by higher education institutions. In the past two decades three versions of the HE Law were passed by the Parliament and each of them vested the government (i.e. the Ministry of Education) with the power to set standards for academic programmes and an independent professional body, the Accreditation Committee to opine and audit the delivery of such programmes by the Hungarian higher education institutions:

- Section 72 c) of the Act No. 80 of 1993 on Higher Education referred to the power of the government to set programme-level criteria and subsection 2 of Section 81 authorized the National Accreditation Committee to form opinion on the quality of academic programmes delivered by higher education institutions (Act No. 80 of 1993 on Higher Education¹);
- Subsection 1 of Section 32 of the 2005 version named the Minister of Education in charge of issuing the academic programme outcome expectations and in subsection 1 of Section 109 the Hungarian Higher Education Accreditation Committee as independent body of experts tasked with evaluation of quality of academic programmes and scholarship (Act No. 139 of 2005 on Higher Education²); and
- the HE Law of 2011 in effect from September 2, 2012 similarly refers to the government as responsible for defining the structure of academic programmes in subsection 2 of Section 3, and to the Hungarian Accreditation Committee as

¹ Act No. 80 of 1993 on Higher Education (accessed in Hungarian in the freely available legal online database “Complex” – referred sections are translated by the author of this paper)

<http://www.complex.hu/external.php?url=3>

Accessed on January 4, 2013

² Act No. 139 of 2005 on Higher Education (accessed in Hungarian in the freely available legal online database “Complex” – referred sections are translated by the author of this paper)

http://www.complex.hu/kzldat/t0500139.htm/t0500139_8.htm

Accessed on January 4, 2013

evaluator of academic quality in subsection 1 of Section 70 (Act No. 204 of 2011 on National Higher Education³).

According to the above entitlement by the HE Law the academic standards related to undergraduate and postgraduate programme content and learning outcomes are regulated by a decree issued and amended several times by the Minister of Education. The Decree No. 15 of 2006 is the rule concerned: it contains generic and programme-specific expectations on programme content and competences of graduates in separate appendices. It is important to note that there is no undergraduate legal education in Hungary: the academic law programme is a so-called “undivided” five year long one, meaning that students right after finishing their secondary education studies may enrol to such programme (admission criteria to a law programme traditionally include high scores in major high school subjects, especially in History and Grammar) and provided that they successfully finish a Masters-equivalent academic degree can be obtained. Hence the generic postgraduate level outcomes of Appendix 1 of the decree and the programme-specific outcomes of Appendix 3 are expected from law graduates.

The gist of the generic competences expected from Masters graduates are listed in part 2 of Appendix 1 of the decree currently in effect as follows:

Appendix 1: Generic Attributes and Competences

(...)

2. Attributes Related To Masters Graduates

One can obtain a Masters degree if:

a) the student prove during the programme that ...

- s/he is able to systemic understanding and critical analysis of information, new problems and phenomena of the field;*
- s/he knows the relevant research or scientific methods and techniques ;*
- s/he is able to understand the depths of the discipline or field and to apply this knowledge;*
- s/he is able to evaluate and criticize scientific research and methods and to propose alternative solutions;*

b) with regard to the knowledge gained the student is able to ...

- deal with new and complex concepts creatively by criticizing them and communicating his/her findings;*
- solve relevant problems;*
- plan and execute complex tasks at a high level in professional manner;*
- understand and learn about the field independently;*

³ Act No. 204 of 2011 on National Higher Education (accessed in Hungarian in the freely available legal online database “Complex” – referred sections are translated by the author of this paper)
http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1100204.TV#lbi1param
Accessed on January 4, 2013

c) with regard to professional attitudes s/he ...

- has team working, managerial, decision-making and learning skills;
- is able to conduct critical self-evaluation;
- is **able to set values and to behave by following them consistently.**⁴

The programme-specific requirements in relationship with the content and learning outcomes of law programmes are described in Part 5.3 of Appendix 3 of the decree currently in effect:

Appendix 3: Content and Outcomes of Masters Programmes

(...)

5. Area: Law and Public Administration

(...)

3. Law (Undivided, Single Programme)

Name of Masters programme: Law

Data in degree certificate:

- level: Magister / Master (MA)
- profession: Jurist

The degree attests doctoral title: dr. jur.

Area: law and public administration

Length of programme: 10 semesters

No of credits required: 300

- Min/max credits related to introductory topics: 80-110;
- Min/max credits related to programme-specific topics: 115-130;
- Min/max credits related to specialist topics: 30-50;
- Dissertation credits: 30;
- Min. credits related to free options: 15.

⁴ Part 2 of Appendix 1 of Decree No. 15 of 2006 on undergraduate and postgraduate programme content and learning outcomes (accessed in Hungarian in the freely available legal online database "Complex" – referred sections are translated by the author of this paper)

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0600015.OM&celpara=#lbj823param

Accessed on January 4, 2013

*Programme aims and outcomes: Educating lawyers who understand legal and political sciences (including the main branches and institutions, and methods of lawmaking and application of law) and the fundamentals of other social sciences related to legal profession, have up-to-date specialist knowledge and **culture**, and thus able to conduct legal activities in positions requiring professional training and passing special examination, and to continue studies at Doctoral level.*

a) Graduates of this Masters programme understand:

- theories and practice related to the profession,
- relevant laws and regulations,
- concepts of national, European and international law,
- problem-solving methods and research techniques,
- global social, political and legal processes.

b) Graduates of this Masters programme are able to ...:

- understand and apply of theories of legal and political sciences,
- recognize and interpretation of the ever-changing laws and regulations independently,
- participate in professional training,
- deal with new problems and phenomena in legal and political sciences,
- understand and solve problems,
- interpret conflicts and to mediate among parties in conflict,
- learn independently,
- cooperate with experts in social sciences and economy;

c) Necessary personal attributes and competences:

- diligence and creativity in interpretation of laws and regulations,
- ability to recognize and solve social and legal problems,
- information management,
- independent learning skills,
- intellect and literacy,
- ability to mediate among parties in conflict,
- sensitivity to environmental changes,
- devotion for quality work,
- demand for continuous professional training;
- **responsible conduct** and decision-making,
- working in and managing teams,
- devotion for equal opportunities.

Required topics to be covered in the curriculum:

a) Introductory topics: 80-110 credits

- general social sciences, professional language proficiency: 25-40 credits
- special social sciences, specific professional foreign language (Latin), theory of law and state (**jurisprudence**, legal sociology), history of law (Hungarian and world legal history, Roman Law): 55-70 credits

b) Programme-specific topics (Civil Law, Constitutional Law, Administrative Law, Criminal Law, International and European Law): 115-130 credits

*c) Specialist topics (institutions, **methods of the profession**, application of law, comparative law, lawmaking): 30-50 credits*

Internship: 6-12 weeks practical training (placement) at a judicial, public administration or other organ applying law defined by the curriculum of the higher education institution to enhance law applying skills

Foreign language proficiency: state recognized language certificate at intermediate (B2) level or equivalent in any language in which academic sources related to the field are available.⁵

Based on the above sections of the aforementioned decree the following conclusions can be drawn:

- The content and structure of academic programmes (not just in the field of law but also in other disciplines) is regulated by a binding administrative order: the branch of the government responsible for the area (i.e. the Ministry of Education) is entitled by the HE Law to issue/amend a decree on the programme learning outcomes and topics expected to be covered in the curriculum.
- Compared to U.S. and UK practices this approach is much stricter and provides the higher education institutions with less flexibility in curriculum design. Institutional autonomy in this regard means that the institutions may live with the opportunity related to the credit ranges when designing course particulars. (N.B. During curriculum design institutions must also consider the rules of the European Credit Transfer System when allocating credits to respective courses.)
- The relevant parts of the decree applicable to legal education put emphasis on the academic content but also include many elements related to professional practice. (N.B. This approach is “traditional” in the region and the approach to other disciplines is the same as in legal education.) There are various outcomes and content elements (highlighted by bold by the author of this paper) which require institutions to cover ethical issues (mainly the relationship between law and ethics) in the curriculum.

3. The Place of Legal Ethics in the Curriculum

According to the conclusions of the previous section Hungarian higher education institutions need to comply with the detailed regulation on academic programme content and outcomes. This section intends to explore this compliance by reviewing relevant findings of the accrediting body and the institutional practices in curriculum design in relationship with legal education.

⁵ Part 5.3 of Appendix 3 of Decree No. 15 of 2006 on undergraduate and postgraduate programme content and learning outcomes (accessed in Hungarian in the freely available legal online database “Complex” – referred sections are translated by the author of this paper)

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0600015.OM&celpara=#lbi823param

Accessed on January 4, 2013

a) Law School Curriculum: Compliance with Standards

As mentioned above the HE Law stipulates that an independent of experts, the Accreditation Committee is responsible for evaluating the quality of academic programmes. On the English pages of its website the Hungarian Accreditation Committee (HAC) describes its auditing task as accrediting body as follows:

“The HAC conducts ex ante and ex post evaluation of both programs and institutions.

Ex ante evaluation of programs comprises giving opinion on the national-level educational and outcome requirements (which are framework requirements for all degree programs in Hungary and appear in a ministerial decree), and new programs to be launched at institutions.

Ex post evaluation is conducted in five-year cycles. There are separate procedures for institutional and program evaluation. The latter is conducted for entire disciplines, with all programs taught in Hungary in that discipline undergoing a single procedure with external evaluators from a common pool.”⁶

Concerning law programmes delivered by Hungarian higher education institutions an “ex post evaluation” was conducted by HAC in 2005. (Such evaluations would evidently be due in every five years in every discipline but as the author is informed legislative changes concerning HAC finances resulted the decision to postpone the ones which would be due recently.) This “ex post evaluation” required all Hungarian higher education institutions offering law programmes to prepare detailed self-evaluations covering issues such as profile of teaching and administrative staff, infrastructure, research activities, student numbers and performance (admission, retention rate, final examination results), curriculum (including specialist and PhD programmes), graduate achievement and opinion of employers, and support services. A Visiting Committee, composed of senior academics from selected institutions, and representatives of the profession and the national student union, was appointed by HAC to review all self-evaluation reports, visit all higher education institutions offering law programmes and prepare a report on its findings. The report of the Visiting Committee conducting the audit of law programmes in 2005 was published in Hungarian by HAC in 2006. Key findings of the report, selected and translated from Hungarian into English by the author of this paper, were the following:

- There were a total of eight Hungarian higher education institutions offering law programmes and visited by HAC Visiting Committee. These institutions were the law schools (usually called as “Faculty of Law and Political” or “State Sciences”) of the following universities:

⁶ About HAC, 2012

http://www.mab.hu/joomla/index.php?option=com_content&view=article&id=224&Itemid=733&lang=en

Accessed on January 5, 2013

- 1/ the “Loránd Eötvös” University, Budapest (its predecessor was the first law school of Hungary, offering law programme in the middle of the 18th century);
- 2/ the “Péter Pázmány” Catholic University, Budapest;
- 3/ the “Gáspár Károli” University of the Reformed Church, Budapest;
- 4/ the University of Debrecen;
- 5/ the University of Miskolc;
- 6/ the University of Pécs;
- 7/ the University of Szeged; and
- 8/ the “István Széchenyi” University, Győr.

(All of the last seven institutions were established in the 20th century.) Total number of enrolled students on law programmes delivered by these institutions in 2005 was about 18,000⁷.

- Number of teaching staff was above 800, out of which approximately 500 staff were full-timer. 40% of the full-timers had a PhD. The report noted that the so-called “multiple employment” (i.e. the same professor worked for more than one university, sometimes even had a position also at a law firm) was a common problem in making the calculations⁸. As for the involvement of practitioners into the delivery the report noted that practising lawyers were usually members of final examination committees, seminar leaders, occasionally leaders of elective courses – delivered mainly in Year 2 and later. The Visiting Committee recommended appointing more practitioners as seminar leaders to provide students with exposure to real-life examples and practical approach. However, the Committee also found that there were no mechanisms at many of the institutions which would require meeting certain professional and pedagogic criteria from practitioners when hiring them as part-time/adjunct faculty members. On the other hand, invitation of practitioners to become members in University Council as representatives of future employers at one of the universities was praised and commended by the Committee⁹.
- With regard to the curriculum the Visiting Committee found that “unreasonably high number of mandatory or elective courses” was offered at most of the institutions, leading to “no internal cohesion” within the programmes and confusion within the student body. Concerning assessment the report noted the dominance of course work assessed by essays, and the fact that in case of

⁷ HAC Report on Audit of Law Programmes, 2006 (accessed in Hungarian – referred sections are translated by the author of this paper)
http://www.mab.hu/joomla/index.php?option=com_content&view=article&id=202&Itemid=608&lang=hu
(p. 35) Accessed on January 4, 2013

⁸ HAC Report on Audit of Law Programmes, 2006 (accessed in Hungarian – referred sections are translated by the author of this paper)
http://www.mab.hu/joomla/index.php?option=com_content&view=article&id=202&Itemid=608&lang=hu
(p. 36) Accessed on January 4, 2013

⁹ HAC Report on Audit of Law Programmes, 2006 (accessed in Hungarian – referred sections are translated by the author of this paper)
http://www.mab.hu/joomla/index.php?option=com_content&view=article&id=202&Itemid=608&lang=hu
(p. 37) Accessed on January 4, 2013

important and capstone courses examinations were only verbal (viva voce) ones. The final examinations were also verbal, before a committee of three¹⁰.

- The chair of the Visiting Committee requested statistical information from the Ministry of Justice in relationship with the special examinations¹¹. According to the data received in 2004 1,176 lawyers passed the examination successfully, 2/3 of which were working at courts, public attorney offices or law firms, and 1/3 as civil servants¹².

The key findings of the above report illustrate that the Hungarian higher education institutions offering law programmes did their best in general to meet the expectations related to required curriculum content and other standards, following the locally traditional approaches to delivery. Since the same eight institutions offer law programme in the 2012-2013 academic year it is worth exploring their current practices in covering ethical issues in the curriculum.

b) Legal Ethics in the Curriculum of Hungarian Law Schools

According to the standard curriculum of the full-time dr. jur. programme of the law school of the “Loránd Eötvös” University, Budapest, available on the website of the institution and amended last time in December 2011, students have the following relevant compulsory courses during their studies:

- “Theory of Law” single (lecture; assessed by examination) and “Philosophy” double module (lecture and seminar; assessed by coursework and examination) in Year 1;
- “Legal Ethics” (lecture; assessed by examination) single module in Year 3; and
- “Jurisprudence” double module (lecture and seminar; assessed by coursework and examination) in Year 4.¹³

¹⁰ HAC Report on Audit of Law Programmes, 2006 (accessed in Hungarian – referred sections are translated by the author of this paper)
http://www.mab.hu/joomla/index.php?option=com_content&view=article&id=202&Itemid=608&lang=hu
(p. 38) Accessed on January 4, 2013

¹¹ Comment from the author: the special examination is required to be passed for being entitled to work in all legal positions (such as “solicitor” in UK terminology, or judge, prosecutor/public attorney and specific civil servant positions) and can be taken only after min. 3 years working experience in the field of law after graduation. This examination can be regarded as equivalent to the “Bar exam” in the U.S. or in the UK. Details of the special examination are presented in section 3.c of this paper.

¹² HAC Report on Audit of Law Programmes, 2006 (accessed in Hungarian – referred sections are translated by the author of this paper)
http://www.mab.hu/joomla/index.php?option=com_content&view=article&id=202&Itemid=608&lang=hu
(p. 41) Accessed on January 4, 2013

¹³ Standard curriculum of the dr.jur. programme of the law school of the “Loránd Eötvös” University, Budapest, 2011 (accessed in Hungarian – referred sections are translated by the author of this paper)
<http://www.ajk.elte.hu/kepzesek>
http://www.ajk.elte.hu/file/Jogasz_oszt_MA_nap_UJ.pdf
Accessed on January 6, 2013

According to the standard curriculum of the full-time dr. jur. programme of the law school of the “Péter Pázmány” Catholic University, Budapest, available on the website of the institution, students have the following relevant courses during their studies:

- Compulsory “Canon Law” double module (lecture; assessed by examination); and within social sciences electives (lecture; assessed by coursework) the following relevant single modules are offered in Year 1: “Fundamentals of Ethics”, “Christian and Legal Ethics”, “Environmental Ethics”.
- Compulsory “Social Ethics” single (lecture; assessed by examination) and “Legal Theory” (lecture; assessed by examination) double modules; and within social sciences electives (lecture; assessed by coursework) the following relevant single modules are offered in Year 2: “Bioethics” and “Problems in Legal Ethics”.
- Within legal sciences electives (lecture; assessed by coursework) the following relevant single module is offered in Year 4: “Natural Law”.¹⁴

According to the standard curriculum of the full-time dr. jur. programme of the law school of law school of the “Gáspár Károli” University of the Reformed Church, Budapest, available on the website of the institution and in effect from 2010, students have the following relevant compulsory courses during their studies:

- “Introduction to Legal and Political Sciences” single (lecture; assessed by examination) and “History of Philosophy” double (seminar; assessed by examination) modules in Year 1;
- “Jurisprudence” double (lecture and seminar; assessed by coursework and examination) module in Year 2.¹⁵

According to the standard curriculum of the full-time dr. jur. programme of the law school of the University of Debrecen, available on the website of the institution and in effect from 2011, students have the following relevant courses during their studies:

- “Introduction to Legal and Political Sciences” single (lecture; assessed by examination) and “Philosophy” double (lecture; assessed by examination) compulsory modules in Year 1;
- “Jurisprudence” double (lecture and seminar; assessed by examination) compulsory module in Year 2;

¹⁴ Standard curriculum of the dr.jur. programme of the law school of the “Péter Pázmány” Catholic University, Budapest, n.d. (accessed in Hungarian – referred sections are translated by the author of this paper)

<https://jak.ppke.hu/oktatas/szakjaink>

https://jak.ppke.hu/uploads/articles/12158/file/01mintatant_jogasz.pdf

Accessed on January 6, 2013

¹⁵ Standard curriculum of the dr.jur. programme of the law school of the “Gáspár Károli” University of the Reformed Church, Budapest, 2010 (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://www.kre.hu/ajk/index.php/mintatantervek>

Accessed on January 6, 2013

- Within electives the following relevant single (lecture; assessed by coursework) modules are offered: “Introduction to Legal Profession”, “Hungarian Jurisprudence”, “Applied Jurisprudence”.¹⁶

According to the standard curriculum of the full-time dr. jur. programme of law school of the University of Miskolc, , available on the website of the institution and in effect from 2012, students have the following relevant compulsory courses during their studies:

- “Philosophy” and “Introduction to Legal and Political Sciences” single (lecture; assessed by examination) modules in Year 1;
- “Ethics” single (lecture; assessed by coursework) and “Jurisprudence” double (lecture and seminar; assessed by coursework and examination) modules in Year 2.¹⁷

According to the standard curriculum of the full-time dr. jur. programme of the law school of the University of Pécs, available on the website of the institution and in effect from 2007, students have the following relevant compulsory courses during their studies:

- “Philosophy and Legal Ethics” (lecture; assessed by examination) and “Legal Theory” (lecture; assessed by coursework) single modules in Year 1;
- “Jurisprudence” (lecture; assessed by examination) double module in Year 4.¹⁸

According to the standard curriculum of the full-time dr. jur. programme of law school of the University of Szeged, available on the website of the institution and in effect from 2005, students have the following relevant compulsory courses during their studies:

- “Legal Theory” and “Basics of Philosophy” single (lecture; assessed by examination) modules in Year 1;

¹⁶ Standard curriculum of the dr.jur. programme of the law school of the University of Debrecen, 2011 (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://www.law.klte.hu/>

http://jog.unideb.hu/documents/dokumentumtar/fuggelek_mintatanterv_kkk2011-10.pdf

Accessed on January 6, 2013

¹⁷ Standard curriculum of the dr.jur. programme of the law school of the University of Miskolc, 2012 (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://jogikar.uni-miskolc.hu/jogasz>

http://jogikar.uni-miskolc.hu/projectSetup/files/kepzesek/jogasz/jogasz_nap_2012.pdf

Accessed on January 6, 2013

¹⁸ Standard curriculum of the dr.jur. programme of the law school of the University of Pécs, 2012 (accessed in Hungarian – referred sections are translated by the author of this paper)

http://tr.ajk.pte.hu/tt_1213_1/menu/32/25.html

http://tr.ajk.pte.hu/tt_1213_1/files/tiny_mce/File/mintatantervek/uj_nappali_mintatanterv.pdf

Accessed on January 6, 2013

- “Jurisprudence” double (lecture and seminar; assessed by coursework and examination) module in Year 2.¹⁹

According to the standard curriculum of the full-time dr. jur. programme of the law school of the “István Széchenyi” University, Győr, available on the website of the institution and in effect from 2011, students have the following relevant compulsory courses during their studies:

- “Philosophy” double (lecture and seminar; assessed by coursework and examination) and “Legal Theory” single (lecture; assessed by examination) modules in Year 1;
- “Ethics” single (lecture; assessed by coursework) module in Year 2;
- “Jurisprudence” single (lecture; assessed by examination) module in Year 4.²⁰

As a summary of the review of curricula of Hungarian law schools the following might be stated:

- In order to meet the expectation to cover ethical issues in the curriculum stipulated in the decree analyzed in the previous section, each of the eight Hungarian higher education institutions currently offering full-time dr. jur. academic programme has at least two relevant compulsory courses in Year 1 (usually a Legal Theory and a Philosophy course), and a further compulsory course usually on Jurisprudence, mainly in Year 2. (N.B. Due to the decree Roman Law and Legal History compulsory courses are also included in the curriculum at each law school in Year 1, both of which having ethical elements, as well.)
- Some of the law schools also offer specific relevant electives related to ethical issues. (N.B. The institutional websites often provide information only about the compulsory courses and refer to password-protected Intranet pages regarding further details about courses.)
- In accordance with the regulations and standards, and also with the regional traditions in curriculum design and delivery, ethical issues are covered by theoretical introductory courses at the beginning of the programmes, delivered via lectures and assessed mostly by examination (verbal or “viva voce” ones administered by one faculty member).

As a next and final step of the review of legal ethics education in Hungary the process of becoming qualified lawyers is to be examined, and the codes of conduct of the relevant Hungarian professional associations.

¹⁹ Standard curriculum of the dr.jur. programme of the law school of the University of Szeged, 2012 (accessed in Hungarian – referred sections are translated by the author of this paper)
<http://www.juris.u-szeged.hu/jogasz-mesterkepzesi/nappali-tagozat-kepzesi?objectParentFolderId=11625>
 Accessed on January 6, 2013

²⁰ Standard curriculum of the dr.jur. programme of the law school of the “István Széchenyi” University, Győr, 2011 (accessed in Hungarian – referred sections are translated by the author of this paper)
<http://neptun.sze.hu/downloadmanager/details/id/252/m/1332>
 Accessed on January 6, 2013

c) Becoming Lawyer in Hungary

The traditional way of becoming lawyer in Hungary starts with the above analyzed academic studies. Graduates of the dr. jur. programmes may apply for legal positions in various fields of law and public administration at any relevant private or public employer. However, this is the beginning of the route leading to become a qualified lawyer in Hungary. The details of the required working experience and the special professional examination are regulated by the law, similarly to the content and expected outcomes of academic programmes. Based on a governmental decree issued in 1990 the Minister of Justice is entitled to regulate the route leading to become a qualified lawyer in Hungary. The Decree No. 5 of 1991 of the Minister of Justice on the legal special examination is the regulation concerned, which was amended several times since its first issue. Its main rules in effect are as follows:

- The Decree states that the legal special examination is a “unified” examination, meaning that passing it qualifies for being able to work in any legal position in any legal area. Any law graduates with a relevant working experience may apply for taking the examination. The examination is organized by the Ministry of Justice and administered by committee composed of qualified lawyers with min. 10 years of relevant working experience, appointed by the Minister of Justice for five years. (Section 1)
- The conditions of applying for taking the examination include the dr. jur. degree and min. 3 years of working experience gathered in full-time legal positions, verified by the employer(s). Lawyers are entitled to participate in relevant preparatory training organized by the employer or by other organizations. The employer or the relevant professional association may require participation in such training. (Sections 2 and 3)
- The application for taking the examination needs to be arranged in written form either by letter or via the special online portal of Ministry of Justice. The applicant should provide the Ministry with personal data and details of dr. jur. degree and working experience. The applicant should also indicate which part of the examination s/he would like to start with. (Section 4)
- The examination has three parts:
 - 1/ Civil Law (the Civil Code, Family Law, regulations related to the economy, Civil Procedure);
 - 2/ Criminal Law (the Criminal Code, Criminal Procedure, enforcement of Criminal Law);
 - 3/ Public Law (Labour Law and Social Insurance, Constitutional Law, Administrative Law, Law of the European Union).The applicant takes a written examination from the part s/he has indicated as first. After the written examination s/he should take verbal (“viva voce”) examination in all the three parts, starting with the one indicated as first. The order of the remaining examination is also chosen by the applicant. The applicant has 5 years to complete the full examination. Failing to complete the full examination

- during this period of time the partial marks become invalid and the whole process needs to be re-started. (Section 5)
- The written examination is 4 hours long during which the applicant should prepare a request, make a decision or form legal opinion on a question belonging to an area of the chosen part. The text of the relevant laws and regulation may be used but no other materials are allowed. (Section 7)
 - The written examination is assessed by the competent member of the committee assigned for the verbal examination in the chosen first part. In case of failing the written element a re-sit opportunity is provided. A pass mark for the written element is a pre-requisite of the verbal one. (Section 8)
 - The committee has 3 members; its chair is appointed by the Minister of Justice. Each verbal examination has a relevant committee. The verbal exams and the announcement of the result are open for the public, but the committee assesses the performance of the applicant in a closed meeting. The meeting immediately follows the exam, and the announcement of the result follows the meeting promptly. (Section 9)
 - The Decree also regulates the various administrative fees to be paid by the applicant, and the fees of the committee members. (Section 12-14)²¹

On its webpage available only in Hungarian the Ministry of Justice enlists and regularly updates the sections of laws and decrees, and the relevant decisions of the Constitutional Court and other courts required for passing a part of the examination. Applicants are warned that they need to know the essential content of all these rules and decisions (i.e. they need to memorize them as no use of any material is allowed during verbal examinations), and need to ensure that they are aware of the latest amendments: the warning contains that rules in effect on the day of the examination will be asked. The enlisted rules and decisions do not include any issues related to professional ethics.²²

Section 2 of the Decree refers to the right of employers and professional associations to make participation in preparatory training compulsory for relevant employees. The two most important domestic associations, the Hungarian Bar Association and the Office of the Judiciary requires lawyers working at law firms and courts to participate in such preparatory trainings, and also organizes vocational trainings for qualified employees, according to their Hungarian websites. Information provided by these associations about preparatory and the vocational trainings shows that these are focussing on the

²¹ Decree No. 5 of 1991 of the Minister of Justice on the legal special examination (accessed in Hungarian in the freely available legal online database "Complex" – referred sections are translated by the author of this paper)

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99100005.IM&celpara=#xcelparam

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²² Government portal on affairs belonging to the Ministry of Justice / Information about legal special examination, n.d. (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://igazsagugyiinformaciok.kormany.hu/tetelek-es-az-elsajaitando-joganyag>

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newest laws and decisions, sometimes on specific techniques (such as practical training for judges on conducting hearings). Whilst both associations have their own Code of Ethics, no reference was found on the relevant pages of their websites for training in professional conduct and ethical issues^{23 24}.

d) Codes of Professional Conduct

The two biggest and most important Hungarian professional law associations, the Bar Association and the Association of Judges both have a Code of Ethics. The texts of the codes are available in Hungarian on their websites.

Based on the entitlement in the Act of Parliament No. 11 of 1998 on attorneys the Hungarian Bar Association issued a regulation on ethical rules and expectations related to attorneys in 1999, and amended it in 2008. The preamble of the regulation in effect states that the Association adopts the core principles common to the whole European legal profession issued by the Council of Bars and Law Societies of Europe (CCBE). These core principles are the following:

(a) the independence of the lawyer, and the freedom of the lawyer to pursue the client's case;

(b) the right and duty of the lawyer to keep clients' matters confidential and to respect professional secrecy;

(c) avoidance of conflicts of interest, whether between different clients or between the client and the lawyer;

(d) the dignity and honour of the legal profession, and the integrity and good repute of the individual lawyer;

(e) loyalty to the client;

(f) fair treatment of clients in relation to fees;

²³ Hungarian Bar Association / Professional trainings, n.d. (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://www.magyarugyvedikamara.hu/tart/index/75/1>

Accessed on January 12, 2013

²⁴ Hungarian Bar Association / Professional trainings, n.d. (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://www.magyarugyvedikamara.hu/tart/index/75/1>

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- (g) the lawyer's professional competence;*
- (h) respect towards professional colleagues;*
- (i) respect for the rule of law and the fair administration of justice; and*
- (j) the self-regulation of the legal profession.²⁵*

The regulation of the Hungarian Bar Association has the following sections:

- The tasks of the attorney (guiding principles: legality, mediation, freedom and independence, impartiality, factuality, respect)
- Confidentiality
- Conflict of interest
- Relations with the client
- Preparation of documents
- Obligations of the defender in criminal cases
- Fees
- The law firm
- Publicity, advertising
- Relations with courts, authorities and other attorneys
- Relations with the Bar Association
- Ethical issues (continuing professional development, behaviour, publicly made statement, communication and cooperation)²⁶

The Code of Ethics for Judges was adopted by the National Assembly of the Hungarian Association of Judges in 2005. The National Council of Judiciary proposed the Code publication as professional guidelines in the same year. The Code has a preamble and three chapters:

- The preamble refers to the key guiding principles of judicial conduct: independence, impartiality, efficient and professional. It also refers to the requirements laid down in the Constitution, social responsibility and expectations of the society.
- The first chapter is about professional conduct: expected behaviour when applying law and administering the various cases assigned, cooperation with

²⁵ CCBE Code of Conduct, 2008

http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/EN_Code_of_conductp1_1306748215.pdf

(p. 6) Accessed on January 12, 2013

²⁶ Hungarian Bar Association / Regulation on ethical rules and expectations related to attorneys, 2008 (accessed in Hungarian – referred sections are translated by the author of this paper)

http://www.magyarugyvedikamara.hu/upload/pdf/5_2008_muk.pdf

Accessed on January 12, 2013

- litigants, attorneys, authorities and other judges, and continuous professional development.
- The second chapter contains issues related to privacy and public behaviour: conflicts of interest and refraining from political activity.
 - The last part details the procedural rules of the National Council of Judicial Ethics.²⁷

4. Conclusion

Hungarian higher education institutions offering law programmes need to comply with detailed regulations on the content and expected outcomes of academic programmes, which prescribe them, among others, to cover ethical issues in the curriculum (mainly the relationship between law and ethics). The full-time Hungarian law programmes, known as “doctor juris” programmes, are traditionally “undivided” 5-year long ones (i.e. they are “2-in-1”, meaning that students may enrol after finishing secondary education and in case of successful completion of the 10-semester long programme they earn a Masters-equivalent degree; there is no undergraduate law programme in Hungary). Ethical issues at most Hungarian law schools are dealt with from theoretical aspects in “Legal Theory”, “Jurisprudence” and “Philosophy” courses offered usually in the first two years of the curriculum. These courses are mostly delivered via lectures and assessed by examination. (N.B. Examinations are traditionally verbal or “viva voce” assessment methods in Hungary.)

Graduates may enter to “junior” legal positions at any public or private organization active in the field of law, should that be a law firm, court, office of the prosecutor (public attorney) or legal department of companies or public administration authorities. In order to become a qualified lawyer in Hungary one should have a min. 3 years of relevant full-time working experience in any field of law and should pass the single legal special examination, organized by the Ministry of Justice. The latter is composed of a written element in a chosen field and three complex and demanding verbal examinations in Civil Law, Criminal Law and Public Law, taken before a committee of three experienced lawyers assigned by the Ministry. The examinations require memorization of essential content of numerous laws and related court decisions from the candidates, but none of them is related to ethical issues and professional conduct. Interestingly, while both the Bar Association and Association of Judges have a professional code of conduct, it seems that none of them organizes vocational trainings in these issues.

The author of this paper believes that such training with appropriate assessment would be essential to ensure that the future generations of lawyers will become ethical, professionally responsible practitioners. While the theoretical academic foundations are

²⁷ Hungarian Association of Judges / Code of Ethics for Judges, 2005 (accessed in Hungarian – referred sections are translated by the author of this paper)

<http://www.mabie.hu/orszagos-biroi-etikai-tanacs/etikai-kodex>

Accessed on January 12, 2013

provided by the law schools in depth similarly to the UK practice, there is a great space for improvement with regard to training in professional conduct. In addition to the numerous modules focussing on knowledge of substantial and procedural rules a compulsory, practice-oriented course discussing various real-life matters of the legal profession, including ethical implications, would be desirable to be delivered in the ninth semester of the “doctor juris” programmes, prior to the compulsory internship. The U.S. practice might worth exploration for adaption in this regard, as it would prepare the students for the challenges of the profession.

As for the vocational trainings and especially the scheme of the special examination, the current Hungarian practice might also benefit from the introduction of a training element with appropriate assessment, focussing on moral dilemmas of the legal profession. The UK solution could be inspiring in the development of such courses, involving the professional associations into both the design and the delivery.

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