THE SIGNIFICANCE OF PRACTICAL TRAINING IN LEGAL EDUCATION AND ITS CONTRIBUTION TO EMPLOYMENTIN TURKEY *

Makale Adı: Türkiye'de Hukuk Öğreniminde Pratik Eğitim ve Bu Eğitimin İstihdama Katkısının Değeri

Yücel Oğurlu, Seda Bağdatlı Kalkan*****

ABSTRACT

Law, as a major stabilizer in the fields of politics, socio-economic and culture, satisfies the sense of justice in the society while aiming to reach the idea of "justice" and plays a significant role for the benefit of the society. The legal system in Turkey, which is based on the legal system of the continental Europe and exists in the form of statute lawand the legal education concerns, has gone through a rapid renovation process in the last century. Today, while under the influence of EU legal system, still going through its renovation originated in the West, it has been paving the way for the legal education to be transformed into a standard and traceable structure as it is the case with the other fields within the "Bologna Process". In one sense, this process enables an "internal control" which is open to an "external control", attaches importance particularly to the fact that theories are in parallel to practice and so to employment.

The students at law schools in Turkey are not allowed a vocational specialization in any legal areas prior to their under graduation. In the period following their under graduation, they are qualified as lawyers and notaries upon completion of their internship or as judges or prosecutors provided that they succeed in exams. Regarding the issue of employment in the postgraduate period, the study will analyze the ratio of the theoretical and practice courses that students of law were taking during their studies and the ratio of their contribution to the legal profession by using the methods of survey research and statistical analysis.

One of the most common problems that law students face is to harmonizing their

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expectations for the future and what they learn and practice during their studies[1].

The students at law schools in Turkey are not allowed a vocational specialization in any legal areas prior to their under graduation. In the period following their under graduation, they are qualified as lawyers and notaries upon completion of their internship or as judges or prosecutors provided that they succeed in exams. However, there has always been criticism concerning the legal education itself. The legal experts who cannot pursue the social and legal changes, adapt themselves to the new laws, and so go beyond the level of a technician in the field have drawn strong criticism.[2]

The general criticism concerning the significance of practical legal education in Turkey is as follows[3]:

- The professors cannot transfer the theoretical knowledge they teach into practice,

- The testing system does not serve the purpose of assessing the application of the theoretical knowledge and putting it into practice,

- Theory and practice are treated and separately and cannot be integrated,

- Law students are educated to become 'technicians' rather than 'legal experts'.

As a matter of fact, in all of the criticismoutlined above is argued that the legal education in Turkey fails to integrate the theory into practice. This study uses scientific methods to measure the effectiveness of arguments. Regarding the issue of employment in the postgraduate period, the study analyses the ratio of the theoretical and practice courses that students of law were taking during their studies and the ratio of their contribution to the legal profession by using the methods of survey research

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1 Larry E. RIBSTEIN, `Practicing Theory: Legal Education for the Twenty-First Century`, Iowa Law Review, Vol. 96, 2011, p. 1672.

2 KARAYALÇIN, Yasar, (2001), Hukukta *Öğretim-Kaynaklar-Metot,* Ankara, Banka ve Ticaret Hukuku Araştırma Enstitüsü Yay., p.38.

3 It has been also criticized that the legal education in Turkey has been carried out as mass education due to the big numbers of students, a teacher-centered approach has been adopted in which student are in a passive role, the system is based on memorization, the current legal education cannot contribute to the student's training in the legal profession and their reasoning skills, the curriculum is over-loaded and the lack of variety in terms of selective courses, and the period of education is short. KARAYALÇIN, Yaşar, Hukukta *Öğretim-Kaynaklar-Metot-Problem Çözme,* Genisletilmiş 5. Baskı, Ankara 2001, p.38; ÇELIKEL, Aysel, "Hukuk Eğitimi ve Öğretimi Konusunda Düşünceler", Yeni Türkiye, Yargı Reformu Özel Sayısı, Ankara, 1996, p.10, p.903; Hukuk *Öğretimi* Sempozyumu, (Editör: Adnan Güriz), AÜHF. Yayınları no: 497, Ankara 1993; ÖZTÜRK, Hakan, "Hukukçularin Eğitimi", Türkiye Adalet Akademisi Dergisi (TAAD), Nisan 2010, Sayi: 1, p.167-192.

and statistical analysis. The survey was carried out in seven law schools in bothstate and private universities. The questions were answered by the law studentsand the academicstaff as well as professional lawyers, judges and prosecutors in the profession. The role of the unions in the profession in the postgraduate period was also examined and it was attempted to establish a relationship between the profession and the legal education.

Key Words: Law schools, Faculty of Law, Practical Training, Employment of Lawyers, "clinical education model", vocational training, internship, judge, prosecutor, lawyer, academic staff on law,

ÖZET

Hukuk, bir yandan siyaset, sosyal, ekonomik ve kültür alanlarında sosyal yapının önemli bir dengeleyicisi olarak "adalet" idealine ulaşmayı hedeflerken diğer yandan toplumun adalet duygusunu tatmin etme ve kamu yararını sağlama yönünde önemli bir görevi üstlenir. Zamana bağlı olarak değişen hukuk sistemi, hukuk öğreniminin de değişimini zorunlu kılar. Genel olarak Kıta Avrupasi hukuk sistemine dayalı olan Türkiye'deki hukuk sistemi de bu gerçeğin bir parçasıdır ve son yüzyılda hızlı bir yenileme sürecine girmiş ve hukuk eğitimi de buna bağlı olarak farklı bir yönde şekillenmiştir. Son zamanlarda ise, özellikle AB hukuk sisteminin etkisi altında yenilenmesini halen sürdürürken "Bologna Süreci" standartları aracılığıyla hukuk öğreniminin izlenebilir ve denetlenebilir bir yapıya dönüştürülmesinin minimum ölçüde de olsa izlenebilir ve denetlenebilir bir yapıya kavuşması sağlanmıştır. Bir anlamda bu süreç, hukuk eğitiminde de "dış denetim"e açık bir "iç denetim" yoluyla, öğrenilen teoriyi uygulama ve böylece istihdama katkısı yönüyle farklılık sağlamaya başlamıstır. Türkiye'de hukuk fakültelerinde öğrencilerin mezuniyetlerinden önce herhangi bir hukuk sahasında önceden bir mesleki uzmanlık kazanma şansları bulunmamaktadır. Mezunlar mezuniyetlerini müteakiben, sınavlarda başarılı olmaları şartıyla ve stajlarının hemen bitiminde avukat, noter, hakim ya da savcı vasfını kazanırlar.

Bu çalışmada, hukuk öğrencilerinin lisans eğitimleri sırasında aldıkları teorik ve pratik derslerin hukuk mesleğine katkılarını ve araçların etkinliğini ölçmek amacıyla bilimsel yöntemler kullanılarak ölçülmeye çalışılmıştır. Anket, yedi farklı devlet ve özel üniversitesindeki hukuk fakültelerinde yürütülmüştür. Sorular, öğrenci, genç akademisyen ve meslekte profesyonel avukatlar, hakimler ve savcılar tarafından cevaplanmıştır.

Anahtar Kelimeler: Hukuk fakültesi, hukuk mesleği, pratik dersler, hukukçuların istihdamı, `klinik öğrenim usulü`, mesleki eğitim, staj, hakim, savcı, avukat, hukukçu akademisyen

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DATA ANALYSIS AND FINDINGS

This research is conducted in state and foundational universities in Istanbul among students of Faculties of Law as well as lawyers, judges and prosecutors to represent professionals. The survey that was applied on 382 randomly selected test subjects had completely answered its task. In this section, the findings of this survey will be presented and results will be discussed.

Table 1: Gender

Gender	Frequency	Percent
Female	160	42.2
Male	219	57.8
Total	379	100.0
N/A	3	
Total	**382**	

Table 1 indicates that 160 of the 382 of totalparticipants in the survey are female, and 219 of them are male. 3 participants didn't respond to this question.

Table 2: Type of the University

Type of University	Frequency	Percent
State	219	58,2
Private	157	41,8
Total	376	100,0
N/A	6	
Total	**382**	

Table 2 indicates that 219 of the 382 of total participants in the survey studied or are studying at state universities, and 157 of them studied or are studying at private universities. 6 participants didn't respond to this question.

Table 3: Educational Status

Educational Status	Frequency	Percent
3rd year	34	9,1
4th year	205	55,0
Graduate	64	17,2
Postgraduate	70	18,8
Total	373	100,0
N/A	9	
Total	**382**	

Based on Table 3, it is shown that 34 of the 382 of total participants in the survey are in their third year, 205 of them are in their fourth year, 64 of them are graduates and 70 of them have earned their master's degrees. 9 participants did not respond to this question.

Table 4: Employment Status

Employment Status	Frequency	Percent
Judge	25	14,1
Prosecutor	7	4,0
Lawyer	72	40,7
Research Assistant	59	33,3
Other	14	7,9
Total	177	100,0
Not Graduate	205	
Total	**382**	

Table 4 indicates that 25 of the 382 of total participants in the survey work as judges, 7 of them are prosecutors, 72 of them are lawyers, 59 of them are research assistants and 14 of them work in different fields. (It differs from Table 3 because of the fact that some of the graduates defined themselves as law students of the final, fourth year of study.

An opinion scale consisted of 25 questions was used in the study in order to measure the perception of professional competence for all 382 participants. A score of professional competence perception for each participant in the survey

was created by adding up scores ascribed to each option on the scale. Kolmogorov-Smirnov Z test was applied to the perception of professional competence scores. As a result of the findings by using this test, parametric tests can be used when it is observed that data is normally distributed. However, nonparametric tests are used when data is not normally distributed.

The Kolmogorov-Smirnov Z test tries to test that the sample distribution (the distribution of the perception of professional competence scores for 382 participants) is equal to the normal distribution. The hypotheses for this test are:

H_0= the sample distribution is equal to the normal distribution.

H_1= the sample distribution is not equal to the normal distribution.

Table 5: Test for Normality forthe Scale on Perception of Professional Competence (The Kolmogorov-Smirnov Z test)

	Scale
Number of Participants	347
Mean	68,1
Standard Deviation	16,2
Kolmogorov-Smirnov Z	1,377
Significance	0,045

Since the p-value which is the calculated probability of obtaining Z statistics for the scale using the Kolmogorov-Smirnov Z test is greater than 0.01, we fail to reject the null hypothesis (H_0). It is concluded that the sample distribution is normal with a level of significance at 0.01. Within this frame, it is seen fit to conduct nonparametric tests for the comparison of means for the perception of professional competence scores.

Gender-based Analysis

Independent sample z test was used to determine if the scores of the female and male participants collected from the scale differ. The hypotheses for this test are:

H_0= themean of scale scores for the female (μ_1) and the male (μ_2) are equal ($\mu_1=\mu_2$)

H_1= the mean of scale scores of the female (μ_1) and the male (μ_2) are not equal ($\mu_1\neq\mu_2$)

Before the independent sample z test was applied, it was tested to see if the variables tested in the groups for are equal or not and it was hypothesized that the variables tested in the groups for are equal (F=0,537 p=0,464).

Table 6: Descriptive Statistics for the Gender-based Scale Scores

	Gender	N	Mean	Standard Deviation
Scale	Female	146	685,205	17,2
	Male	199	676,985	15,5

Table 6 indicates that the point of scale scores for female participants is 68,5 and the point of scale scores for male participants is 67,7.

Table 7: Test Results

Levene's Test for Equality of Variances							
						95% Confidence Interval	
	F	**Significance**	**Z**	**df**	**Significance (two- tailed)**	**Lower**	**Upper**
Equal Varations Assumed	0,537	0,464	0,465	343	0,462	-2,66	4,30
Equal Varations Not Assumed			0,457	293	0,648	-2,72	4,36

Based on Table 7, it is shown that Z value is 0,465 and the *probability value p is*0.642 (p>0.05), so, the null hypothesis is not rejected ensuring us of the conclusion that "there is no difference between the mean of scale scores for the female and male participants".

Analysis Based on the Type of University

Independent sample z test was used to determine if the scores of the participants collected from the scale differ depending on the type of universities they are studying or studied at. The hypotheses for the z test are:

H_0= the mean of scale scores for the participants who are studying/studied at state universities (μ_1) and those who are studying/studied at private universities (μ_2) are equal ($\mu_1=\mu_2$).

H_1= the mean of scale scores for the participants who are studying/studied at state universities (μ_1) and those who are studying/studied at private universities (μ_2) are not equal ($\mu_1\neq\mu_2$).

Before the independent sample z test was applied, it was tested to see if the variables tested in the groups for are equal or not and the hypothesis that the variables tested in the groups for are equal is rejected (F=4,891 p=0,028).

Table 8: Descriptive Statisticsfor the Scale Scores Based on the Type of University

University Type	N	Mean	Standard Deviation
State	199	64,2	14,3
Private	143	73,7	17,2

Based on Table 8, it is shown that the mean of scale scores for the participants who are studying/studied at state universities is 64,2 and the mean of scale scores for the participants who are studying/studied at private universities is 73,7.

Table 9: Test Results

Levene's Test for Equality of Variances							
						95% Confidence Interval	
	F	Significance	Z	df	Significance (two- tailed)	Lower	Upper
Equal Varations Assumed	4,891	0,028	-5,565	340	0,000	-12,85	-6,14
Equal Varations Not Assumed			-5,397	270	0,000	-12,96	-6,03

Based on Table 9, it is shown that Z value is -5.397and the *probability value p is*0.00 (p<0.05), so, the null hypothesis is rejected, ensuring us of the conclusion that "the scores for the participants based on the type of the university

they are studying/studied at differ". As Table 8 indicates too, it is concluded that the mean of scale scores for the participants who are studying/studied at private universities are higher than the ones who are studying/studied at state universities.

Analysis Based on the Educational Status

*Analysis*of Variance *(ANOVA)* was used to see if there is any difference between the scores of the participants collected from the scale based on their educational status.*Analysis*of Variance is used to determine whether there are any differences between the means of three or more independent groups. The hypotheses for the *analysis* of variance are:

H_0= the mean of scale scores for the 4 groups are equal ($\mu_1 = \mu_2 = \mu_3$).

H_1= There is at least 1 group for which themean of scale scores is different from themeans of scale scoresforthe other 4 groups.

Table 10: Descriptive Statistics for the Scale Scores Based on Educational Status

	N	Mean	Standard Deviation
3rd year	30	723,3	13,3
4th year	186	705,8	16,8
Graduate	58	642,2	14,5
Postgraduate	65	624,6	15,5
Total	**339**	**680,9**	**16,3**

Table 11: Testing for Homogeneity of Variance

Levene Test	df1	df2	Significance
1,676	3	335	0,172

Before proceeding to the analysis of variance, the homogeneity *of variance which is one of the assumptions in the analysis of variants was tested using Levene's test* (Table 11). The F value is 1,676 and the probability value p is 0,172, so, the hypothesis that the variables are equal is not rejected with a level of significance at 0.05 which ensures us of the conclusion that the analysis of variance can be used.

Table 12: Results of the *Analysis of Variance*

	Sum of Squares	df	Mean Square	F	Significance
Within Group	4620,0	3	1540,0	6,06	0,001
Between Groups	85136,2	335	254,1		
Total	**89756,2**	**338**			

Based on Table 12, the probability value p is 0, 01 ($p<0.05$) and so the null hypothesis is rejected which ensures us of the conclusion that the means of scale scores forthe participants based on their educational status are different from each other. In order to determine which groups caused the difference between themeans of scale scores, the Tukey's test was used. Table 13 illustrates the table of multiple comparisons using the Tukey's test.

Table 13: Results of the Multiple Comparison Test

					95% Significance Interval	
Educatinal Status	**Educatinal Status**	**Mean Difference**	**Standard Deviation**	**Significance**	**Lower**	**Upper**
3rd year	4th year	1,75269	3,13649	0,944	-6,3457	9,8510
	Graduate	8,10920	3,58510	0,109	-1,1474	17,3658
	Postgraduate	9,87179*	3,51868	0,027	0,7867	18,9569
4th year	3rd year	-1,75269	3,13649	0,944	-9,8510	6,3457
	Graduate	6,35651*	2,39750	0,042	0,1662	12,5468
	Postgraduate	8,11911*	2,29699	0,003	2,1884	14,0499
Graduate	3rd year	-8,1092	3,5851	0,109	-17,3658	1,1474
	4rd year	-6,35651*	2,3975	0,042	-12,5468	-0,1662
	Postgraduate	1,7626	2,8795	0,928	-5,6722	9,1974
Postgraduate	3rd year	-9,87179*	3,51868	0,027	-18,9569	-0,7867
	4rd year	-8,11911*	2,29699	0,003	-14,0499	-2,1884
	Graduate	-1,7626	2,87950	0,928	-9,1974	5,6722

Based on Table 13, it is concluded that there are differences between the bolded and asteriskedgroups. Themean of scale scores forthe 3rd year students and the postgraduates differ. When the significance intervals for the two groups are examined, it is monitored that the lower and upper limits are positive, so, it is concluded that the mean of scale scores for the 3rd year studentsare higher than the mean of scale scores forthe postgraduates. Similarly, it is illustrated that the mean of scale scores forthe students of the 4th year are higher than the means of scale scores forthe graduates and postgraduates.

Analysis Based on the Employment Status

*Analysis*of Variance *(ANOVA)*was used to see if there are any differences between the scores of the participants collected from the scale based on their employment status.The hypotheses for the *analysis*of variance are:

H_0= themean of scale scores forthe 5 groups are equal ($\mu_1 = \mu_2 = \mu_3 = \mu_4 = \mu_5$).

H_1= there is at least 1 group for which themean of scale scores is different from the means of scale scores for the 5 other groups.

Table 14: Descriptive Statistics for the Scale Scores Based on Employment Status

	N	Mean	Standard Deviation
Judge	23	72,3	18,3
Prosecutor	7	73,7	20,2
Lawyer	64	64,5	14,2
Research Assistant	55	63,3	14,6
Other	11	65,2	10,4
Total	**160**	**65,7**	**15,3**

Table 15: Testing for Homogeneity of Variance

Levene's Test	df1	df2	Significance
1,946	4	155	0,106

Before proceeding to the analysis of variance, the homogeneity *of variance which is one of the assumptions in the analysis of variants was tested using*

Levene's test(Table 15). The F value is 1,946 and the probability value p is 0,106, so, the hypothesis that the variables are equal is not rejected with a level of significance at 0.05 which ensures us of the conclusion that the analysis of variance can be used.

Table 16: Results of the Analysis of Variance

	Sum of Squares	df	Mean Square	F	Significance
Between Groups	1868,5	4	467,1	2,06	0,089
Within Group	35143,9	155	226,7		
Total	37012,4	159			

Based on Table 16, the probability value p is 0,089 (p>0.05) and so the null hypothesis is not rejected which ensures us of the conclusion that the means of scale scores for the participants based on their employment status are not different from each other.

Table 17: The Frequency Results of the Survey (%)

Questions	Strongly disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
The education in law schools in Turkey is one of the most prestigious ones.	4,7	8,1	3,7	47,1	36,4
The courses provided at law schools are at an adequate level to meet the modern-day professional needs.	7,3	37,8	11	40,4	3,4
Law schools provide their students with the minimum level of knowledge they are supposed to acquire.	6,3	32,1	13,4	43,2	5
Law schools provide practice courses at a sufficient level.	19,9	44	9,7	24,9	1,6
Law school students graduate with a level of knowledge to meet the minimum needs of their profession.	12,9	38	12,9	32,7	3,4
Law schools possess sufficient academic staffs	9,4	35,6	16	34,8	4,2
Law schools possess the necessary physical conditions, libraries and research facilities.	14,5	30,9	35,6	35,6	6,9
Theory and practice are integrated into the courses provided by law schools.	8,1	35,7	16,5	36,5	6,9
The courses at law schools are provided to the students within the frame of comparative law.	14,3	41,5	16,7	25,1	2,4
The academic staffs in law schools have successfully provided the students with knowledge and experience they will need in practice.	6,60	42,60	16,30	30,30	4,20
The students at law schools effectively benefit from the experience of the academic staff.	11,3	38,3	15,7	29,4	5,2
The law school education has been strengthening the student's tie to the other areas in life.	11,6	19,2	8,4	43,4	17,4

Table 17 - Continued

Academic calendars of the law schools are sufficient for the students to reach a satisfactory level in every course.	17,6	39,9	14,9	22,9	4,8
The testing system at law schools is sufficient to assess and evaluate the student's level of knowledge.	20,5	42,1	10,3	23,4	3,7
Law schools provide the necessary counseling and guidance services.	27,4	40,4	16,6	12,7	2,9
Law schools offer sufficient vocational counseling to their students to choose the best career in law for themselves.	15,6	40,2	15,6	25,7	2,9
Law schools have been functioning to teach theory and practice integrated in the legal education they provide and putting them into effect.	19,6	39,9	18,5	19,8	2,1
Law schools and the judicial bodies are in collaboration to teach law integrated with theory and practice and put it into effect.	27,6	42,8	15,2	12,9	1,6
Law schools and the executive bodies are in collaboration to teach law integrated with theory and practice and put it into effect.	23,4	44,4	16,8	12,6	2,9
Law schools and professional chambers are in collaboration to teach law integrated with theory and practice and put it into effect.	25,7	40,2	18,5	12,4	2,9
Law schools and nongovernmental organizations are in collaboration to teach law integrated with theory and practice and put it into effect.	24,6	41,4	17,4	14,5	2,4
Law school graduates are employed in the most suitable law careers for themselves.	12,6	36,3	21,8	23,4	5,8
After under graduation, law school students do not face any problems of competency with the level of knowledge they possess.	14	44,1	15,6	20,8	5,5
After under graduation, law school students are offered adequate employment opportunities.	9,4	19,7	13,1	45,1	12,6
Law school graduates hold a place of respect and status they deserve in every section of the society thanks to their careers in law.	13,4	28,3	11,8	34,9	11,5

CONCLUSION

Based on the research findings, it was concluded that law schools in Turkey fail to integrate practice into the legal education sufficiently and they cannot meet the needs of the profession.

For the purpose of reducing the current problems of the system, it is suggested for a legal education system to be established in form that is similar to the "clinical education model" implemented in the USA and the principles and all the other learning done in the theoretical courses should be put into practice under the supervision of a professor within the frame of "on-the-job training". It is essential that practical skills are crucial for the students in their future careers such as writing writs of summons, bills of indictment, court decisions, and pleas of defense; conducting a case; dialectics of procedure; learning the ethical values; and observing the institutions forming the judicial system[4]should be well suitedin the legal education before law students finish their studies.

The law classes in France are known to have between 20 and 40 students and the students deal with solving legal cases, writing essays, decision analysis and debates along with the weekly assignments they are given for which they carry out thorough research on significant issues. The students have to take oral and written exams which are as important as the final exam done at the end of the year and besides they attend three or four study groups a week[5].

The fact that people in the legal profession in Turkey are taught only theoretical skills at undergraduate programs and during their vocational training is referred to as the most critical mistake made in the system and the necessity to implement a more responsive education model instead is stated.

Today, people in the legal profession, following an overall education in the field, are required to be specialized through hands-on training, equipped

[4] HACIOĞLU, B. Caner, (2001), "Adalet Reformu Içinde Hukukçuların Yetistirilmesinde Klinik Eğitim Zorunluluğu ve Klinik Eğitim Anlayısı", Atatürk ÜHF. Dergisi, C.5, Sayı 1–4, p.93.

[5] DREIFUSS, Frederique, Fransız Hukuk *Öğretimi,* Hukuk Öğretimi ve Hukukçunun Eğitimi, TBB. Yay., 2004, ,p.145.

with a methodological approach and become highly educated. The law schools in Turkey, as well as providing a career education through teaching theoretical skills, should aim at contributing to the education process through raising students with developed personalities who are capable of taking the initiative when necessary and educate them as competent and highly skilled lawyers[6].

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