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NORBERT REICH  
LINDA FREIMANE

# Preparing for the European future of law studies in the Baltic countries

**RGSL achievements, problems and perspectives**

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RGSL WORKING PAPERS No. 8

RIGA 2002

Riga Graduate School of Law (RGSL) is a not-for-profit, limited liability company founded by the Governments of Sweden and Latvia, and the Soros Foundation Latvia. The activities of the School are currently regulated by the Agreement on the Foundation of the Riga Graduate School of Law entered into by the two governments and ratified on 20 November 1997 by the Latvian *Saeima* (Parliament). According to the Agreement, *“RGSL shall offer its students academic education based on the rule of law, respect for human rights and principles of political democracy. The academic program shall include international public law and international treaties, international private law, international trade law and international commercial transactions, European Union law and substantive trade law”* (Section 1.5)

This series of papers aims at contributing to that program by documenting studies undertaken by academic staff, students and guest speakers.

### **About the publication:**

The purpose of this working paper is to discuss important strategic issues, which the Riga Graduate School of Law (RGSL) is currently facing and over the next few years. During its initial start-up period RGSL had to focus on developing a curriculum, creating a faculty, and even building its premises to accommodate students from Lithuania, Latvia and Estonia. Now the time has come to open up the institution to broader groups of students and, in doing so, to participate in the accession process of the Baltic countries to the EU. In this paper, which has been consolidated by the acting management, Board and Faculty, you will find a summary of RGSL achievements so far as well as ideas and proposals for further development. The discussion has only begun - the authors will appreciate all comments and suggestions.

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## Executive summary

Riga Graduate School of Law (RGSL) has achieved the aims of the founding documents. Moreover, the institution has become an active and respected member of the legal community in Latvia. RGSL contributes considerably within the fields of education and preparation, both for accession to the EU, and for many of the requirements placed on countries that wish to belong to the world of democratic and open states following the rule of law, good governance and respect for human rights. In many respects, achievements have been remarkably rapid. Over 90 lawyers with an LL.M in International and European law - this is not a small number for countries with less than 7 million inhabitants. Another 40-50 are added to this group each year. The RGSL law library, as well as numerous public conferences, seminars, open lectures and other events, provide a far wider community with relevant and necessary knowledge and understanding of the processes governing our world. Members of all legal professions have the possibility to update and deepen their knowledge by participating in RGSL Continuing Legal Education programmes. These are becoming a substantial part of RGSL activity, generating income of their own. Many active judges in Latvia participate in training programmes at RGSL. And at least seven doctoral students will hopefully receive their PhD degrees within the next four years.

RGSL has identified areas where it can expand, e.g.:

- ❑ participating in the reform of legal education in the Baltic countries;
- ❑ developing tuition based studies;
- ❑ implementing specific doctoral programmes;
- ❑ furthering continuing legal education;
- ❑ improving research, and
- ❑ developing a joint MBA together with the Stockholm School of Economics at Riga (SSE-R), which could result in creating a Baltic Centre for the Study of Economics and Law (BCSEL).

However, a number of issues remain to be addressed. These include:

- ❑ recruiting qualified staff from the Baltic countries;
- ❑ intensifying student enrolment by opening-up RGSL to all EU nationals and to third countries from 2004 on;
- ❑ decreasing costs per student by the introduction of tuition fees;
- ❑ creating a doctoral programme of its own.

*These issues require an early re-negotiation of the 1997 Agreement between Sweden and Latvia to come into effect before enrolment for study year 2004/2005.*

## I Introduction: The 1997 Agreement between Sweden and Latvia and the need for re-negotiation for 2004

According to the Agreement between the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on the Foundation of the Riga Graduate School of Law (RGSL), adopted as Law by the Latvian Saeima on November 20, 1997 and signed into Law by President of State G. Ulmanis on December 5, 1997, *“RGSL shall offer its students an academic education based on the rule of law, respect for human rights and principles of political democracy. The academic program shall include international public law and international treaties, international private law, international trade law and international commercial transactions, European Union law and substantive trade law”* (Section 1.5).

RGSL was thus founded in 1998 by the Latvian and Swedish governments together with the Soros Foundation Latvia as a *“Non-Profit Organisation Limited Liability Company”* and registered under Latvian company law. Its task is to:

- a) operate as an independent and autonomous academic institution of graduate level education;
- b) make studies available to qualified students in the Baltic region, irrespective of nationality;
- c) train future Estonian, Latvian and Lithuanian law teachers and researchers.

RGSL offers a 50-week post-graduate law programme, leading to a Master's in International and European law (LL.M). In practice, this amounts to 15 months of intensive studies beginning with Module I in mid-August and ending with the defence of the LL.M thesis about mid-November the next academic year.

The aim is to provide *law graduates from all three Baltic Countries* with an in-depth understanding of general aspects of international law within the fields of Public International Law and Human Rights as well as European Union and International Commercial Law. Students are prepared for future careers in their respective countries but in an international working environment.

Following the guidelines expressed by the founding documents, RGSL has developed the following mission:

- a) to offer to students from the Baltic States the opportunity to acquire legal thinking and understanding of the general principles which form the basis of all Western democratic systems;
- b) to prepare state and private sector lawyers for the changes now occurring as a result of the development of democratic legal systems, and for participation in the European Union; and
- c) to function as a catalyst for change in the legal systems of the Baltic States.

In line with this mission, the Master's Programme is oriented to the practical application of the guiding principles of Western legal systems. This provides the opportunity for Baltic lawyers to supplement the education acquired at their national University or other institution of higher learning.

Under the Law regulating the bilateral agreement between the governments of Sweden and Latvia, the LL.M programme is conducted in English and is free of tuition fees. Upon enrolment, students from the Baltic Countries must have a command of the state language of the respective Country. *"RGSL shall provide academic education to students irrespective of their sex, social and financial status, racial and national background, political or religious conviction and occupation"* (Sec. 1.6). In practice this implies that study at RGSL is *tuition free*.

Since English is the language of instruction at RGSL, special effort goes into teaching legal writing in the English language. Students are offered lectures and individual tutorials to evaluate their written assignments. Although a variety of techniques are used, the main aim is to ensure that each student is equipped with the language skills required to complete their thesis at master's level in English. Training begins with the Introductory Course in Legal Reasoning and Thinking, where writing activities are integrated intensively with reading, discussion, analysis, research and correct use of terminology. Legal writing, in conjunction with legal research, continues throughout the year and concludes with preparation for thesis writing.

With Latvia's forthcoming accession to the EU from 2004 on, the 1997 agreement has to be renegotiated to allow access to students from *all* EU countries. Limiting participants to residents of Baltic countries as originally envisaged in the 1997 agreement would amount to indirect discrimination with regard to nationality, as defined in the *Gravier*-judgment of the European

Court of Justice (case 293/83, [1985] ECR 593). To our knowledge, there are no transitional arrangements in the coming Accession Treaty with the Baltic States which would allow the current regime to continue beyond 2004.

## II Achievements

### 1. Student enrolment, graduation and activities

#### a) Admission

RGSL admits students from all three Baltic States. There are no quotas or other limitations; students are admitted on individual merits only. The current general criteria are:

- 1) a law degree from any accredited law faculty or law school;
- 2) residence in one of the three Baltic countries;
- 3) good knowledge of the English language.

#### **Admission Procedure**

This is in three phases. All applicants who qualify in terms of education and residence are called for an Institutional TOEFL<sup>1</sup> test. The minimum score required to pass is 550 points. In exceptional cases, depending on a special individual assessment, a lower score may be sufficient.

Next, all students passing the TOEFL test are invited to a written examination. This consists of two parts - a multiple-choice test based on the LSAT test practised by US law schools, and a second part based on problem-oriented legal reasoning. Applicants can choose three out of four questions within the fields of Public International Law, Commercial Law, Human Rights Law and EU Law. Extracts from relevant international conventions are provided. The answers are essay-type and should indicate the applicant's ability to identify legal problems and discuss them with the help of legal provisions.

Finally, all students who pass the examinations are called for personal interviews with the Rector and senior faculty. The aim is to investigate applicants' ability to express themselves orally in English, as well as their motivation to study and readiness to dedicate more than a full year (15 months) to the study process. It is essential that students give up their employment during the study year - otherwise their performance cannot be satisfactory.

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<sup>1</sup> Test Of English as a Foreign Language

The first year of operation, 1999/2000, a smaller “pilot group” of students from Latvia only were eligible for application to the LL.M programme. Studies took place in temporary premises and out of 52 applications 23 students were enrolled.

As of the second year of operation all law graduates from all accredited law schools and universities in Estonia, Latvia and Lithuania were welcome to apply. The number of applicants from all three countries has been growing each year.

Still, the division of students between the three countries has been unsatisfactory, with an overwhelming majority from Latvia. This academic year (2002/2003) 11 (out of a total of 42) are from Lithuania and 4 from Estonia. Much effort has therefore been put into informing law students and graduates in the neighbouring countries of the possibilities RGSL is offering. An open-doors day in November 2001 attracted more than 100 participants, mostly from Estonia and Lithuania. Advertisements and newspaper articles have appeared in major Estonian and Lithuanian newspapers, as well as on the Internet (*Delfi* portal). The aim is, however, to see the numbers grow each year until the division between the three countries is at least 25/50/25. This, we believe, will become feasible, as RGSL becomes better known throughout the region with each year and graduation.

## b) Graduation

At the time of writing, two academic years have graduated after having written and defended their Master’s thesis (for details of thesis evaluation, cf. II 4 d) and received their diploma: *LL.M in International and European Law*; a third one is preparing for graduation.

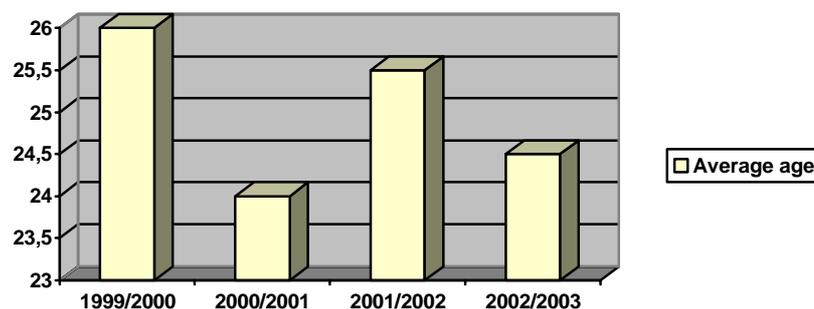
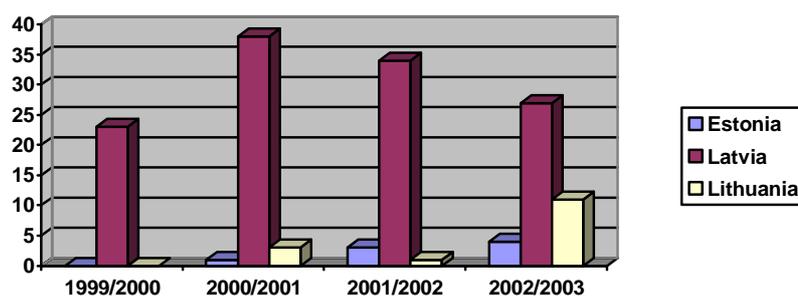
- Academic year 1999/2000: of 26 admissions 23 actually attended, 22 graduated, 1 failed.
- Academic year 2000/2001: of 41 admissions, 37 graduated, including 3 with distinction; 1 declined studies at RGSL, 1 applied for re-admission, 3 are writing their thesis, 1 is not.
- Academic year 2001/2002: of 36 admissions 32 + 3 from the year before submitted Master’s thesis proposals to be completed by September 14, 2002; 27 handed in their thesis; of seven applications for prolongation five were granted and 2 refused, while 1 did not apply for anything. All 32 entrants for the final exams were successful - 10 with “pass”, 19 with “merit” and 3 with “distinction”. Thesis defence takes place in November, graduation on Dec. 6, 2002.

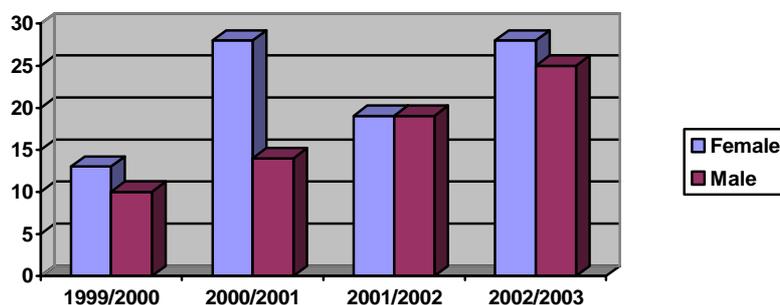
The resulting high success rate is due to strict admission criteria and to intensive tutoring of the Master's thesis. It is however unavoidable that some students simply drop out or do not qualify. The introduction of tuition-based studies (IV 2) is foreseeable as an effective remedy.

### c) Student body

Students are graduates with a bachelor's or professional law degree from various law schools. The majority graduated the Universities of Latvia, Vilnius and Tartu, but there are also those from private law schools such as *Rimpak Livonija*, *Rezeknes Augstskola*, *Turiba* and *Baltijas Krievu Instituts* in Latvia, or *Concordia* Law School in Tallinn.

The division between the genders has been fairly constant, with a small female dominance.





#### d) Student association

The RGS� Student Association, founded in 2000, is a public organization which operates as the student representative body.

The Association was set up to:

- protect the rights and legitimate interests of its members;
- promote academic contacts with foreign educational institutions and their students;
- organize social and cultural activities of its members;
- promote contacts and take measures to increase employment opportunities for RGS� students, and
- initiate and foster traditions at RGS�.

Student representatives participate in our regular Faculty meetings.

Graduates from RGS� form the alumni branch of the Student Association.

## 2. Development of the study programme

### a) Changes in the curriculum

Over the past two years serious work has been put into developing the study programme, the aim being to offer a well balanced, attractive and internationally recognised curriculum. In the process, members of the Academic Council, as well as faculty and student representatives have taken part. Special attention has been paid to suggestions for improvements from student evaluations, obtained after each course. As a result the study programme contents have been modified and the balance between compulsory and optional courses has shifted in favour of the latter.

One of the most difficult tasks in developing the LL.M curriculum is to find the most satisfactory division between the different areas of law and to

meet the needs and wishes of students, faculty and RGSL owners. Much time and effort has therefore been spent on this issue. As a result, the Faculty has presented changes in the curriculum for the academic year 2002/2003 where the division is as follows:

<b>Module 1</b> - Introductory course & Legal Ethics I (3 weeks)		
<b>Module 2</b> - Compulsory (basic) course in:		
Comparative Constitutional Law (2 weeks)	Public International Law (4 weeks)	
EU Institutional Law (4 weeks)	International Commercial Law (4 weeks)	
<b>Module 3</b> - Three parallel blocks running simultaneously, each offering three courses in:		
PUBLIC INTERNATIONAL LAW (3x6 weeks)	EU LAW (3x6 weeks)	INTERNATIONAL COMMERCIAL LAW (3x6 weeks)
Human Rights law	EC Internal market	International Sales, Transport & Insurance, E-commerce
Law and the Public Interest	EC Competition law	Payment Systems, Company & Insolvency Law
International Dispute settlement/Legal theory and practice	Intellectual property law	International Commercial Arbitration and Alternative Dispute Resolution
Students must choose two of three courses within each period by combining two of the three mentioned subject areas according to their individual preferences.		
<b>Module 3</b> is supplemented by 2 mandatory one week courses, namely:		
<u>Legal research and thesis preparation:</u> specialised seminars within different fields related to the thesis writing	<u>Legal Ethics II:</u> course continuation from Module 1	
<b>Module 4</b> - thesis writing (10 weeks)		

This model is a synthesis of experience gathered over the past three years and will hopefully serve well for several years to come, without any need for further substantial changes. The programme guarantees that all students gain at least a minimum knowledge in all three core fields of law taught at RGSL, and allows the possibility to specialise in one of the core fields through in-depth studies on the optional courses as well as the master's thesis.

### **c) Changes in implementation**

No major changes have been introduced in the implementation of the study programme - even from its first year of operation, RGSL has built its teaching philosophy upon a creative and interactive method, largely based on case studies. A special moot courtroom is used for training in court and arbitration procedures and techniques. Students also take an active part in international moot court competitions such as the International Commercial Arbitration Moot Court and the European Law Moot Court Competition<sup>2</sup>. In the current academic year, a team from RGSL should also register for the world's largest moot court competition, the Philip C. Jessup International Law Moot Court Competition, which takes place in Washington DC. Furthermore, participation of RGSL students in the William C. Vits International Arbitration Moot Court Competition is envisaged.

Students are expected to produce a large number of written and oral summaries and analyses, offer opinions and make presentations. Both written and oral performance is evaluated and influences the grades given. The introductory course in Legal Reasoning and Thinking serves as both introduction and guide to further studies, training students to participate in interactive classes and promoting relevant techniques and approaches to learning and research.

Since the LL.M programme is a highly intensive, 50 week programme, there is no compulsory internship element included in the curriculum. RGSL does, however, assist students in finding internship positions during July/August while finalising their thesis. In cooperation with government bodies (ministries, police) and private organisations (law firms, banks) in the Baltic Countries and Scandinavia, RGSL offers 15-20 student internships every summer.

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<sup>2</sup> Following the good results achieved by RGSL student teams, RGSL has been invited to host one of four regional finals for the European Moot Court Competition from 13 to 16 February 2003.

### **3. Implementation of the study programme**

#### **a) Teaching methodology**

The LL.M programme at RGSL is based on modern western ideas of teaching, with strong elements from the "Socratic method" as used in American law schools. Work is done in small groups, with emphasis on *learning*, rather than *teaching*. Students are expected to arrive with basic knowledge of their own legal system, ready to deepen their understanding of wider systems of law and to apply methods of legal analysis.

They are also expected to spend at least 60% of their study time in preparation for classes and seminars, doing research in the library and working in small groups. Reading material, such as cases, articles and legal norms should be read *before* any lecture or seminar.

Course and midterm exams are open-book examinations, allowing students to bring all reading material, textbooks and notes. The purpose of the examinations is to investigate whether they understand the main problem areas and difficulties related to the particular subject, and if they are able to use existing sources and discuss possible solutions to given legal problems. Students are *not* expected to learn specific articles or case numbers by heart - instead they should give examples of their own, independent reasoning.

All Faculty, including visiting teachers and lecturers, are made aware of the teaching methodology and expected to produce their comprehensive study material (compendium) well in advance of each course. The division between lectures and seminars (with more active student participation) is between 30/70 and 40/60 depending on the course curriculum. Within the framework of the RGSL teaching methodology and curriculum, senior faculty enjoys academic freedom in developing their courses in detail.

#### **b) Resource analysis**

All teaching activities take place in the *Peter Wallenberg Building*, which was constructed in 2000/2002 for RGSL needs. Students have access to one large (100-seat) and one medium-sized (59-seat) modern auditoria and three group rooms, all equipped with blackboards, flipcharts, OH projectors and, when necessary, multimedia projectors. A computer laboratory with nine desk-top computers is available seven days a week, along with six stationary computers in the law library. Most students hire a lap-top computer from the school at a nominal fee. These can be attached to the RGSL network from several rooms in

the *Peter Wallenberg Building*. External access to the RGSL intranet portal is also made available. This allows students (and faculty) an additional possibility - to use law library electronic resources from home or elsewhere.

The law library currently holds 6200 textbooks, a collection of 130 legal journals (titles), 40 databases on CD-ROM and authorised access to 10 on-line Internet databases. The full stock is available through our electronic catalogue, <http://www.rgsl.edu.lv>. A Library Council<sup>3</sup> decides purchasing policy and general strategy. New acquisitions are made weekly, and lists of incoming books and journals are circulated to faculty and students.

In line with conditions expressed in the donation letter, the law library is open to the general public.

Textbooks for each course are purchased in as many copies as there are students and lent to them during the study year. Supplementary compendia are prepared and sold to students at nominal (copying) cost. Students are also expected to use the Internet and CD-ROM databases for independent research and use.

### c) Student involvement in research

The introductory phase of the LL.M programme involves a general introduction to legal research through small-group library activity. This is followed by further tutored development of legal research techniques in conjunction with the legal writing module and in liaison with professors responsible for the substantive law courses. This means that students have solid, practice-grounded, experience by the time they begin to prepare their thesis.

As the LL.M programme is fairly compact and highly intensive, little opportunity exists to involve students in further research activities. However, good students interested in pursuing academic careers are invited to work as research assistants *after* graduation. In 2002 three former students are working with professors, conducting research and delivering seminars.

This system fits well with the *tandem teacher concept* - an RGSL trademark from the very first year of activity. In order to ensure transfer of knowledge and sustainability in the Baltic legislative systems, each foreign professor has one or more Baltic assistant teachers. These act as a link between professors and students, participating in course preparation as well as

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<sup>3</sup> Consisting of representatives from the faculty, students and library staff, as well as a law library expert from Uppsala University in Sweden.

in seminars and lectures. Some are lecturers from the Faculties of Law of the Universities in Latvia, Lithuania and Estonia, while others are law professionals from both the private and the public sphere from all three Baltic States, or graduates from RGSL.

#### **d) Interschool and International cooperation**

In attracting law graduates from the universities and law schools of Vilnius, Kaunas, Riga, Tartu and Tallinn, RGSL is dependent on good relations with these institutions. This leads to strong emphasis on close cooperation and friendly relations. In overcoming "newcomer"-directed reservations, RGSL stresses that it does not want to engage in fields where existing schools excel. Its mission is clearly *focussed on and limited to* the subject areas described in its founding charter, and it will not engage in undergraduate education. It will, however, compete in those areas where it has special facilities and know-how to offer, namely Public International and Human Rights Law, European Law, and International Commercial Law, all in English.

In this spirit of friendly co-operation and merit-based competition, the Rector and Prorector have paid several visits to universities in Estonia and Lithuania, where the Rector and other RGSL professors have also been invited to deliver guest lectures. Close cooperation has, for natural reasons, developed with the Law Faculty at the University of Latvia and the existing Eurofaculty. This has found material form in the joint publication of the monthly law journal "*Likums un Tiesibas*", in jointly organized conferences and seminars, participation in the same foreign donor projects and in the fact that many members of the RGSL local faculty also teach at the University, whose Law Faculty professors and students often use the RGSL law library.

Through its professors, and in particular with respect to the doctoral programme (sub 6), RGSL enjoys close ties with the law faculties at Stockholm, Uppsala and Lund universities in Sweden. Co-operation is developing with Norwegian (Oslo), Finnish (Turku) and German (Bremen) university law schools. RGSL has frequent visits from guest professors from these and other universities. Through membership in the European Law Faculties Association (ELFA) RGSL forms part of a Europe-wide network.

RGSL also participates in the *Kr. Barona programma*, a network for all accredited schools of higher education in Latvia. This aims to create a mobility program for higher education and to promote exchange of students and faculty between higher learning institutions in Latvia.

## **e) Cooperation with future employers**

Graduates from RGSL are well prepared for future careers within the public sector (government agencies, ministries, state owned companies) as well as the private sector (law firms, banks, insurance companies etc.) or NGOs. Those who choose not to pursue an academic career through research and doctoral studies after graduation from the LL.M programme will find themselves well placed for the employment market. In addition, many students have already had good positions before beginning their studies at RGSL and have returned to these immediately after graduation.

Nevertheless, RGSL has an interest in collaborating with present and future employers through its ability to evaluate graduate performance and by promoting them within certain work sectors. The 15-20 summer internships that RGSL organizes with law firms, companies and government agencies in the Baltic countries, Sweden and Finland are followed up with evaluations of student performance and of the tasks they were given. In many cases a summer internship turns into full time employment.

A co-operation agreement with the Latvian Ministry of Justice and with other Latvian Law Schools aims to assist the Ministry in its law reform activities and to facilitate recruitment of graduates. This will be of particular importance in the wake of EU membership, when a large number of knowledgeable lawyers will be needed to fill positions within the government as well as in Brussels, Luxembourg and Strasbourg.

Every spring term the RGSL Student Association organizes "days of opportunity" together with students from the Stockholm School of Economics in Riga. Potential employers are invited to the schools to learn about their activities and meet with potential employees.

## **4. Grading and evaluation systems**

### **a) Introducing the ECTS-system**

RGSL has developed its own grading system, compatible with the European Credit Transfer System (ECTS) and which has undergone improvements over the past two years. The underlying philosophy is that student performance should be assessed continuously, rather than on a particular examination day. The aim is to test and evaluate students' ability to understand and make use of the knowledge they gain during their studies. Analytical thinking and reasoning are key concepts. Expressed in ECTS terms, each week of study provides 1.5 points

- in all, 54 points for the overall study programme. Thesis writing provides another 21 ECTS, giving a grand total of 75 points.

The LL.M programme consists of consecutive courses, grouped in three modules, which (with very few exceptions) do not overlap each other. Each provides a number of credit points, depending on its length. Assessment of individual performance depends on written and oral performance, various assignments, and on participation in moot court proceedings. Professors decide the details for assessment within their courses, but conditions and expectations are made clear before the beginning of each course.

To secure admission to modules 2 and 3, a student has to obtain the required number of ECTS points in the mandatory courses of modules 1 and 2, and to pass a written exam. Beginning with module 3, a pure course system of evaluation is being introduced from study year 2002-2003 onwards; there will no longer be a final exam. Those who fail to reach the necessary ECTS credits in one of the courses they have chosen may repeat the course exam; if they fail to do so they will lose one year and have to obtain credits during the next study period.

Initially the grading system only consisted of *pass* and *pass with distinction*. After the first two years' experience, faculty decided to introduce an "interim" grade (*pass with merit*) to better distinguish those results which were significantly better than a pass, while still not a clear pass with distinction. The new grading system was introduced in the academic year 2001/2002.

## **b) Course evaluations and analysis**

After each course students are asked to fill in an anonymous evaluation.

Standardised questions cover the following :

- overall impression of the course;
- professors', assistant teachers' and visiting lecturers' performance;
- contents of lectures;
- study material;
- workload;
- understanding of the subject.

A 1 - 10 grading system is used, allowing also for students' comments. Evaluation summaries are circulated to the Rector, teachers involved, and the

Academic Council. Results and comments are kept in a public folder accessible to students and faculty.

At year end students and professors are asked to fill in evaluations of the whole study programme. Professors are also asked to evaluate work with their assistant teachers and doctoral students.

Evaluation results are used when preparing the curriculum and deciding upon guest lecturers. They can also be brought up at the once- or twice-yearly negotiations between the Rector and professors/assistant teachers.

### c) Thesis evaluation

Writing an LL.M thesis is an important part of the study programme, where students can prove their academic maturity and in-depth understanding of legal problems. Therefore much time and effort is spent on preparing students for this task. Preparation in the form of legal research and thinking, as well as legal English (in writing) is present in the curriculum from the very first module. Focus on the thesis intensifies during module 3, when students attend special seminars and must follow certain deadlines, including submitting their chosen topic, outlines, and other stages. A *Master's Thesis Manual* sets technical and procedural standards.

The summer period is dedicated to the actual writing of the thesis, with a final deadline for submission in mid-September.

Each student has a main tutor - normally one of the RGSL professors - who supervises their thesis. In addition, a language proof-reader is available from the Legal English department, which also advises on thesis areas other than pure content - e.g., structure, cohesion of text.

Next, the thesis is evaluated by the supervisor and an external second-reader. Both submit a written evaluation indicating the grade *pass* (fail), *pass with merit* or *pass with distinction*. The final grade is given after an oral defence of the thesis, evaluated by a panel of three professors, including the supervisor.

- The highest grade (*pass with distinction*) requires an extraordinary achievement, proven significant maturity, strong independent reasoning and excellent knowledge of the subject matter in both the written paper and the oral defence. This grade is awarded only rarely (about 5 % on average so far).
- *Pass with merit* is granted to very good papers with a component of independent legal reasoning and which are well defended orally.

- *Pass* is granted to papers which are well written and argued with an average depth of research or independent legal reasoning.

Due to intensive preparation, few students actually *fail* their thesis. In this case they can repeat thesis writing once in the following academic year.

## 5. Faculty

### a) Professors and Associate Professors

Currently RGSL employs three full time (associate) professors, the remaining vacancy having been filled by August 1, 2002. The Rector also has a 30% teaching obligation. Through a donation from the Söderberg Foundation in Sweden, a part-time professor in Public International and Human Rights Law is also tied to RGSL. Moreover, the school has engaged several associate professors on a part-time basis. Each year RGSL has two or more American professors through the Fulbright programme. More recently, RGSL has been able to benefit from the Fulbright Senior Specialist short-term programme.

In the academic year 2001/2002 and following, the two full time professors employed by the RGSL are:

- Professor Dr. *Anders Fogelklou*, Comparative Public Law and Law in Transition, and
- Associate Professor Dr. *Michael Hellner*, EU Law.
- Since August 2002, the professorship for International Commercial law is taken by Associate Professor Dr. *John Burke*.
- The Söderberg professor in Public International Law and Human Rights is on a ½ basis Professor Dr. *Ineta Ziemele*.

Other (part time) professors or lecturers attached to RGSL are:

- *Jan Ramberg*, International Commercial Law and Arbitration (previously Rector of RGSL)
- *Annina H. Persson*, International Commercial Law;
- *Sue Bentch*, Legal Ethics (previously Fulbright scholar);
- *Katrin Nyman-Metcalf*, EU Law and Public International Law (previously associate professor at RGSL);
- *Peter Gjørtler*, EU Law in the Introductory module and
- *Theis Klauberg*, Intellectual Property Law and German legal terminology.

RGSL also employs a Legal English and Writing department, namely

- *Christopher Goddard*, M. Ed and lecturer in English law and head of department
- *RueAnn Ormand*, assistant in US-American law and legal writing.

## **b) Visiting professors and lecturers - participation in the Fulbright programme**

In the initial years the LL.M programme was particularly dependent on visiting lecturers from various European and American universities. As the Faculty develops and doctoral students and assistant lecturers gain more experience, the numbers of visiting lecturers have decreased. Still, in spite of the fact that RGSL Faculty is now more complete, with a core group of professors and associate professors as well as the doctoral student group, it remains necessary to invite a number of visiting lecturers to complete the curriculum.

RGSL has succeeded in hosting prominent professors from several US-American law schools as long or short terms visitors, i.a. Prof. Charles Marvin from Georgia State Law School, Prof. Amy Fellner from Arizona Law College, Prof. Patricia Shaughnessy, Judicial Training Centre, Washington/DC, and Prof. David Trubek from the University of Wisconsin, also lecturing at Harvard Law School and the European University Institute in Florence. Visits by internationally recognised legal scholars also add to the prestige of RGSL and help in introducing the school to the international academic arena.

For this reason, as well as for budgetary considerations, where possible these visits are combined with public lectures or engagement in the executive (Continuing Legal Education) programme.

## **c) Faculty meetings**

Faculty changes occurring in fall 2001, notably installation of the first full-time resident Rector, established a somewhat new order. Full faculty meetings, with participation of most professors, doctoral students, assistant teachers as well as student and staff representatives, are held at a frequency of 1-2 months.

The Faculty meeting has in a natural way taken over some of the responsibilities and issues which the Academic Council dealt with earlier. It will eventually develop into a Senate as required by Latvian legislation.

## 6. Doctoral students and assistant lecturers

The doctoral programme at RGSL, initiated in 2000/2001, has been developed in close cooperation with Swedish and, recently, Norwegian universities. The aim is to educate new Baltic legal scholars at a comparatively rapid pace and to secure the future academic quality of post-graduate legal education in the Baltic countries. Doctoral students perform their research and work as assistant lecturers at RGSL, but they usually have their tutors in Sweden or Norway and will eventually also defend their thesis at the Swedish (or Norwegian) university of their choice. RGSL faculty members - namely the Rector and Professors Fogelklou and Hellner - are asked to supervise or co-operate in tutoring doctoral studies.

To date, seven doctoral students have been admitted to the Universities of Uppsala, Stockholm, Lund (Raoul Wallenberg Institute) or Oslo, and one more is in the process of preparing his application. Of 32 lawyers who applied to the doctoral programme in November 2000, seven were selected and are now employed full (or part) time at RGSL. Their work is divided between performing own research and taking part in doctoral seminars, on the one hand, and, on the other, teaching and assisting on the LL.M programme on a 25 % basis. The first disputations are planned for 2005. All doctoral students are considered full members of Faculty. They thus participate both in the decision making process and in regular doctoral seminars and courses arranged by RGSL in close co-operation with the host universities.

Most doctoral students are engaged as assistant teachers as part of their study programme. In this task they participate in the development and teaching of courses, not only within their own research fields but also in related areas of law. Given the experience some of them have gained in the last two years, doctoral students are taking a more independent position than previously and are now capable of taking full responsibility for series of seminars and other class activities.

From its first year of operation RGSL tasked itself to train local law graduates to become future lecturers at the school. Six of the doctoral students were initially employed as assistant teachers. Most other assistant teachers, who did not apply or were not admitted to the Doctoral programme, have continued working for RGSL<sup>4</sup>. Last fall a change in contracting terms was

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<sup>4</sup> In one case, concerning the course in Legal Ethics, the assistant teacher Lauris Liepa has taken over full responsibility for the course, keeping Professor Sue Bentch both as advisor and

introduced to better mirror assistants' performance - all are now employed on a course based, hourly fee. In all there are 14 assistant teachers working for RGSJ in academic year 2002/2003. Four are from Lithuania, the remainder from Latvia. The Estonian assistant teacher took a leave of absence on taking over an important political post in her home country.

Even if greater emphasis has been put on doctoral students attached to RGSJ on a firmer and longer-term basis, the "tandem" teacher system still greatly benefits the school and should be continued. A few of the most distinguished graduate students have been invited to return to RGSJ as assistant teachers. Amongst them are potential new doctoral candidates and future researchers.

A number of prominent lecturers visit the LL.M programme every year. Mainly from Swedish universities, but also from other European countries, including Germany, France and the UK. They deliver lectures on various Comparative, EU, Commercial and Constitutional Law topics.

## **7. Research and academic networking at RGSJ**

RGSJ was not originally founded as a research institution. On the other hand, both the former Rector, Prof. Ramberg, as well as the present Rector and faculty, soon became aware that academic teaching is not feasible without a *sound research background*. Therefore the placement of new professors follows established academic standards (requirement of an above average dissertation or equivalent), depending also on their publication records, which are carefully scrutinised before a placement decision is taken. All professors employed by RGSJ hold a doctoral degree.

Professors are encouraged to publish in their fields of research, to participate in international conferences, to invite well known foreign researchers to RGSJ and to initiate third party-financed research programmes. It should, however, be kept in mind that only limited budgetary means are available for genuine research purposes.

RGSJ's commitment to doctoral programmes - which should be promoted in the future (see sub IV 3) - is also a result of the lack of genuine legal research in the Baltic countries during Soviet times, which still casts its shadow into the present. The more the Baltic countries become part of the

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visiting lecturer. This case shows how successfully the transfer of knowledge and skills can happen between the professor and her "tandem" over the course of a few years.

international and European legal community, the more their jurists will have to participate in ongoing academic debate on effective human and citizen's rights protection, setting up a true government of laws, preparing for upcoming EU membership, and creating fair standards in commercial transactions.

As an initial element of research documentation, RGS� has been publishing a series of working papers which serves as a platform for developing medium-term publication instruments. Seven papers, by *Luzius Wildhaber, Jan Ramberg, Norbert Reich, Anders Fogelklou, Perit Bokka, Michael Hellner and Christian Boye Jacobsen* are now available. It is hoped that there will be a continuous flow of papers by academic staff, by guest lecturers, and by graduates. This has led to the following measures:

- Academic staff are encouraged to consider first making available their ideas and research results by publication as working papers (*work-in-progress*). This would not preclude later publication in a reviewed journal.
- Excellent student papers are prepared for publication as working papers. The academic adviser is responsible for encouraging and preparing such papers for publication. Usually even a very good Master's thesis will need considerable shortening and editing. The final decision lies with the Rector and a publications committee.

RGS� already participates, either collectively or through individual professors, in various academic networks in the "Western" world. One of the most important of these is membership of the Leuven-based European Law Faculties Association (ELFA), of which the Rector was president from 2001-2002. RGS� hosted the annual ELFA conference in Riga on February 22 and 23, 2002, when central questions of European legal education under the impact of the Bologna declaration (infra IV 1) were discussed. RGS� will actively participate in the next ELFA conference on "Continuing Legal Education" to be held in Birmingham/UK.

Another important event will be the hosting of the regional European Moot Court finals in Riga from 13 to 16 February 2003.

## 8. Executive programmes (Continuing Legal Education - CLE)

The executive programmes which are being widened into full CLE (CLE - infra IV 4) were not part of the original mandate but have developed out of an urgent need of the region for additional training in International Public Law, EU-Law, and international commercial transactions as well as legal methodology, legal English and - to a lesser extent - legal German. Judges, law enforcement officials, lawyers and legal staff of businesses and associations need:

- a practical introduction to the new legal environment they are facing,
- language and argumentation skills, and
- improved professional education and standing.

In many cases, RGSL was approached by outside institutions. This aspect of RGSL work has become an important branch of its activities, well accepted, respected and remunerated in the legal community - with government clients being granted special rates.

Since 1999 RGSL has been offering CLE programmes for practising lawyers from both the public and private sectors. Courses are designed to help lawyers cope with rapid changes of legislation, to learn new trends and practices in the legal profession and to acquire new skills. Programmes are conducted by RGSL faculty members and guest speakers well known in their field of practice. The programme aims at being both self-supportive and revenue-producing, although this depends on course type offered and potential participants.

As of June 2002, a total of 29 CLE courses (i.e. participation is open for anyone who is interested and pays the course fee) have taken place in Riga, Vilnius or Tallinn. Subjects include, for example, European Union Law, international commercial transactions, intellectual property rights, alternative dispute resolution mechanisms, cross border mergers & acquisitions, legal English, German legal terminology. The course fee may be waived for government officials, judges and RGSL staff and students wishing to take part.

More than 750 lawyers from Latvia, Estonia and Lithuania have participated in these courses and seminars. In addition to practising lawyers and civil servants, many other professionals such as legal translators, company managers, bankers, and insurers have also benefited from the RGSL CLE program. A special career planning workshop sponsored by the CLE program was offered to students of different law schools at the end of 2001 and repeated in November 2002.

A popular 'regular' remains the preparatory course in legal English for the entrance exam to the RGSL Master's programme. As of year 2002, it is offered to potential students not only in Riga, but also in Tallinn and Vilnius.

In addition, RGSL develops tailor-made training programmes (so far, five such courses have been implemented) aimed at meeting the needs of staff of particular organizations or groups. Tailor-made courses are funded either by the organization itself, or by donor foundations. Under the cooperation framework between the Latvian and Swedish Ministries of Justice, RGSL conducted an intensive legal English course for a group of Latvian judges to prepare them for further training in EC law (funding source - the Swedish International Development Agency). At the request of the Latvian National Association of Freight Forwarders, RGSL offered a special seminar on transportation law. The relevant Nordic Association funded the seminar, which was attended by 60 members from Estonian, Latvian and Lithuanian associations. Other organizations such as the Latvian Judicial Training Centre, Court House Agency and Latvian Shipping Company are among the clients of RGSL's tailor-made CLE program.

As part of the same program, RGSL organizes conferences to raise awareness and promote public debate on important legal developments in society and to provide a forum to share expert opinion. In 2001, three conferences were organized (or co-organized) by RGSL: an international conference on the criminal procedure code in relation to the protection of human rights (funded by the U.S. government); an international conference on Latvian constitutional amendments and EU membership (in cooperation with the Latvian Ministry of Justice and the official newspaper "*Latvijas Vestnesis*") and a seminar on judicial independence issues (funded by the Open Society Institute in Budapest).

## 9. Pro-bono work

RGSL undertakes *pro bono* work on an individual basis, balancing costs against indirect “revenue” (i.e. good will). Obviously, RGSL has certain limitations to respect from its bye-laws, the conditions of its donors, and its budget. On the other hand, its aim to develop into an advanced legal training centre depends on a large network of good-will and support.

### a) Judicial Training Centre

The Latvian Judicial Training Centre (JTC) was set up in 1995 as a not-for profit, limited liability company (SIA) with the aim of training active and recently-appointed judges in Latvia. The JTC falls under the responsibility of the Latvian Ministry of Justice, but has its own board of directors and executive director. The Founders were the Latvian Judges’ Association, UNDP, Soros Foundation Latvia and CEELI<sup>5</sup>. In 1999, the Prorector of RGSL was invited to become a member of the JTC Board. In late 2001 the RGSL Board accepted an offer to purchase 102 (of 1000) JTC shares. By becoming a joint owner of the JTC, RGSL hopes to achieve a greater impact on the contents of training programmes for judges, and closer cooperation with the Centre as such. These hopes have already partly materialised, since members of RGSL faculty are now involved in preparing the training programme for the next academic year, putting ever greater emphasis on EU accession and legal matters.

Considering that the JTC occupies at least one classroom every day, including all available technical equipment, these activities have a significant impact on the RGSL budget in terms of human resources and the corresponding absence of other (paying) lessees.

### b) Collaboration with the Latvian government and Parliament

Collaboration with Latvian government institutions and the Parliament (Saeima) has had several aspects over the past three years. Since RGSL falls under the Latvian Ministry of Education and Science, most contact in terms of finance and accreditation has been made with this particular ministry. It is the Ministry that has to represent the interests of RGSL in the annual budget preparations, and only through the Ministry of Education can RGSL approach the Ministry for

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<sup>5</sup> Central and East European Law Institute, sponsored by the US Government.

Finance. It has proved, however, that this arrangement does not always work in the best interests of RGSL, since, by falling under this particular Ministry, RGSL is in competition with all other institutions for which the Ministry has responsibility, i.e. primary and secondary schools, teacher salaries, universities etc.

At the same time two other Ministries, namely those for Justice and for Foreign Affairs, have become close cooperation partners with RGSL in terms of joint arrangements, organising conferences and courses for civil servants, public speeches by statesmen and other well-known figures. Also the JTC (*supra* 9a) is formally the responsibility of the Ministry for Justice, in particular in terms of financing. In the longer perspective it is possible to see some benefit. In particular, the Ministry for Foreign affairs will gain from recruiting lawyers trained in European and International Law, who are used to English as their working language: even today, the Latvian government has problems filling all available vacancies within the EU bureaucracy.

As for the Latvian Saeima, members of the European and legal affairs committees and the legal bureau have benefited from RGSL courses and seminars on topics related to their fields of responsibility.

### **c) Library use by the interested public**

Currently, the RGSL Law Library is the only specialized public law library. Its opening hours are unique for the Latvian library environment, being adjusted to the needs of students and other visitors. All users have access to copying and printing facilities. Services are charged through the use of smart cards.

Library users engaged in research and teaching mostly use the data base collection. Therefore, one of the Library's priorities is to provide readers with different electronic databases available both on the Internet and locally (in CD-ROM format). Readers use Latvian legal databases available through the Internet, benefiting from the fact that RGSL is the only public library in the Baltic countries that offers access to LEXIS-NEXIS, one of the world's largest databases, which gives access to more than 60,000 of the world's full-text databases. The law library also offers another well-known full-text databases - EBSCO and the OCLC database, which includes a wide range of legal databases.

Readers also have access to more than 30 databases on CD-ROM, including the highly popular European Union bases JUSTIS-CELEX, European Court Reports, and Index to Foreign Legal Periodicals, Latvian legal acts in English, German legislation, a number of CD-ROMs on different specialist legal

subjects, and a vast collection of legal journals, partly available also in electronic format.

In recent years the number of readers has increased significantly - 1760 persons have visited the Library more than 10.000 times (400 readers visited the Library for the first time in 2001). Among all users 79% are students from the different universities, 10% - practising lawyers, 7% faculty members from RGSL and other universities, and 4% others (employees of state institutions, economists etc.). About 80% of all library users are students from the various higher education institutions, especially the University of Latvia and the Police Academy. RGSL students represent only 5% of the student body using the Library - most active are students from the University of Latvia - 47% and from the Police Academy - 11%.

#### **d) German-Latvian lawyers association**

On 20 September 2002, RGSL hosted the meeting of the German-Latvian lawyers association, focusing on German reform of contract law and its repercussions on Latvian law in the light of European legal harmonisation.

RGSL, with the special support of the German ambassador, has asked for financing by the German *Stiftung fuer internationale rechtliche Zusammenarbeit* to prepare a German translation of the Latvian Civil Code of 1937/1994, which is to be granted in 2003. This could be used for German courses for lawyers initiated under the CLE program (supra 8).

## 10. Co-operation with donors

RGSL has a growing range of cooperation partners and donors apart from the institutions represented on the RGSL board. Over the past two years the Swedish Ministry of Justice and the Danish Ministry for Foreign Affairs have developed close links with RGSL, pursuing several larger scale projects in 2000/2001 and 2001/2002.

Together with the Danish and Latvian Ministries of Foreign Affairs RGSL developed a tailor-made training programme for Latvian civil servants engaged in membership negotiations with the EU. Started in February 2001, the program was conducted partly at RGSL and partly at the Copenhagen Business School. Fifteen civil servants from 13 line ministries and the Saeima signed agreements with their employers, guaranteeing that they could keep their salaries and positions during the study program, but also obliged them to remain in government service for at least five years after graduation. The programme finished in mid-June 2002, with the successful defence of all 15 master's theses. The Danish ministry has expressed its interest in pursuing its cooperation with RGSL and is planning other, similar, projects in the Baltic region.

Through the Swedish ministry of Justice RGSL is engaged in bilateral training programmes aimed at judges, police and prosecutors. These have consisted of shorter (1-3 day) seminars in Tallinn, Vilnius and Riga, as well as a larger programme for a group of Latvian judges, trained to become the future trainers of their colleagues.

There is a natural, close cooperation between RGSL and the Soros Foundation Latvia (SFL), with whom we share both premises and common interests. Likewise there are good relations with COLPI in Budapest. RGSL is represented on the SFL legal affairs committee, and engaged in several on-going SFL projects. In December 2001 RGSL organized a follow-up conference to the report on EU accession, which was published by COLPI the same fall. Earlier, RGSL hosted the annual training course for law librarians within the Soros network.

To a lesser extent RGSL has also developed ties with the private sector, including several Scandinavian and Baltic law firms, auditing companies and banks. As an illustration, one of Sweden's largest law firms, *Vinge*, signed a three-year cooperation agreement with RGSL, securing a 100,000 SEK grant each year. In September 2001, RGSL organised the annual *Vinge* lawyers' meeting in Riga, attended by more than 200 partners and associates. The

Finnish law firm *Borenius & Kempainen*, which has a particular interest in the field of intellectual property law, has delivered several *pro bono* courses in Riga and contributed greatly to the law library.

## 11. Re-accreditation

As an institution of higher learning, RGSL had received preliminary accreditation as an institution till 2004 and of its LL.M programme till 2003 by the Latvian Ministry of Education upon recommendation of an International Commission. Re-accreditation of the school as an institution and of its LL.M programme should be obtained in 2003 for a normal 6 year period.

The International Commission headed by Prof. Storme (Belgium) visited RGSL on 4/5 November 2002 to make a recommendation on re-accreditation. After discussions with the Rector, Faculty, Students and Staff, visiting a class, and examining master's theses and other academic documents, the Commission recommended re-accreditation of the school for two, and of the programme for six years. A final decision has to be taken by the Latvian Ministry of Education.

RGSL appreciated the work of the Commission and its recommendations but had problems with the differentiation inherent in its report, namely between academic and professional education. The Commission took the view that RGSL is an academic institution and that, despite the quality of faculty, students, teaching methods and research, some elements of a true academic institution were still missing and some resembled more professional teaching; therefore only a two year re-accreditation was recommended. RGSL believes that this distinction is not justified as evaluative of its work. It is *both an academic and a professional institution*; the one cannot be separated from the other. All academic work at RGSL should have professional background and relevance; on the other hand, input from professional training to academic teaching is particularly important in the Baltic region which is undergoing substantial changes in its International and European relations.

### III Problems

#### 1. Recruiting qualified staff from abroad and the Baltic region

One of the difficulties RGSL faced early on lay in finding qualified, permanent professors. Unlike SSE-R, RGSL was built on the idea that a small yet permanent and vigorous staff of academically qualified professors should take the main responsibility for teaching, and that they would also engage in the training of academic staff, these being individuals from the Baltic states who would one day be able to take over the teaching load. Unfortunately, with the exception of Prof. Ziemele who holds the ½ Söderberg chair in Public International law (*supra* II 5), recruitment of professors from the Baltic region has not yet been successful.

RGSL needs still some time to fulfil its mission as stated in the by-laws, namely, to train future Estonian, Latvian and Lithuanian law teachers and researchers. This will only be feasible once the first doctoral candidates have delivered their dissertations under the existing doctoral programmes with Swedish universities and with the Oslo Law School. Since RGSL does not yet have doctoral programmes of its own (suggestions in this regard are made under IV 3), it cannot really monitor the outcome of this process.

On the other hand, RGSL doctoral candidates and other lecturers from the region are already qualifying themselves for academic teaching by the "tandem" practice (*supra* II 6). This will enable them quickly to take over most of the teaching load at RGSL once the doctoral programmes are successfully completed. There is some chance that, from 2005 on, law teachers coming from the Baltic region may be more actively employed, perhaps even as associate professors.

#### 2. Student enrolment

RGSL's existing enrolment capacity is within the band of approximately 50-60 students per academic year. This number was theoretically attained with 2002 admissions, although individual reasons resulted in 42 who actually began studies. It is hoped that in the following years the effective number of enrolments can be substantially increased. This relies on future increase of activity making RGSL more widely known in Estonia and Lithuania, along with

the information that potential students receive from "homecomers". Indeed, this year's admissions procedure shows growing interest in RGSL throughout the region.

As we have seen (supra I) EU law will impose a substantial increase in the number of potential applicants. This process should be paralleled through further, though limited, increase by opening our facilities to applicants from non-Baltic countries, particularly those from the CIS countries (Russia, Ukraine, Kazakhstan etc.). Although some 5-10 such inquiries a year are received, RGSL has felt it necessary to decline them according to its by-laws, which should now change as part of the re-negotiation package.

Accordingly, developments should be seen in the following context:

- The planning phase of RGSL envisaged a potential 100 master's graduates yearly. This was expressed as an expectation in the grant letter of the Open Society Institute, NY of 8 May 1996. A letter from the Open Society Institute of 11 October 2002 and personal discussion with George Soros on 17 October 2002 reconfirmed this concern. RGSL is convinced that it is not too far away from fulfilling this - to some extent overly - ambitious goal: While enrolment is slowly but steadily increasing, there will be some limits if applications are limited to the Baltic region.
- Opening RGSL to students from the EU and third countries, as proposed by a change of the 1997 agreement, will attract more foreign students.
- In counting the numbers of active students, it should be remembered that the effective study time (including tutoring and writing of Master's thesis, assessment and defense) is not 12 but 15 months; therefore, 25 % should be added to the present number of students.
- Doctoral students (7 at the moment) have to be monitored and advised.

On the other hand, it should not be forgotten that the most important reason for an inherent limitation in student enrolment lies in the intensive, small group teaching methods which RGSL employs (supra II 3). A higher student intake could thus involve turning to more traditional teaching methods, e.g., lecturing to bigger audiences, less student participation, more routine written exams and the like - or dramatically increasing the number of faculty.

At the same time, RGSL is at present considering how far *part time studies* can be offered. Under the new curriculum, this is already possible with regard to module 3 (supra II 2): since students have to select 2 courses out of the three offered in one block, they may - as part time students - take only one course for each academic year, take the second one the following year and write their LL.M thesis after having finished their second academic year, provided they have attained the necessary ECTS credits. This model can already be put into effect in the academic year 2002/2003 and be "marketed" more actively in the following academic year 2003/2004. It remains to be seen how attractive this will be to students.

Further suggestions to resolve the above issues appear at IV 2 below.

### 3. Per-capita costs per student

Critics of RGSL have remarked that teaching costs per students on a per-capita basis of the RGSL budget are higher when compared to normal law teaching expenditures in the Baltic region.

However, the following clarifications must be made:

- The usual comparisons between costs for undergraduate and graduate teaching can not be justified; with regard to graduate law teaching, there are hardly any reliable data available due to lack of comprehensive LL.M programmes at Baltic law schools;
- The teaching methods at RGSL are, indeed, "expensive" insofar as they allow a selected number of students an education in small groups with intensive training and assessment, moot court practice and legal writing;
- The budget of RGSL is "loaded" with overhead costs such as library, personnel and building management, which normally are not charged to a law school as such but are "hidden" in the general budget of a university. RGSL is also engaged in a number of pro bono activities, and has taken on a leading role in the development of an open and serious legal tradition in Latvia - all of which takes resources from the budget;
- The employment of foreign professors and lecturers creates more costs than recourse to regional academic staff; overall teaching costs will decrease as more qualified staff from the Baltic region can take over teaching and research responsibilities, e.g., from 2005 on.

To make students participate in the per-capita costs of studies at RGSL, a proposal for introducing *tuition fees* is advanced under IV 2.

## IV Perspectives

### 1. Reform of legal education, especially in the Baltic countries

Legal education is in a state of rapid change all over Europe. This need is particularly felt in the Baltic countries where many law faculties are undergoing substantial reform. RGSL will be - and has been asked to be - part of this reform process, which can be characterised by the following three general trends:

- A clear differentiation of law studies into *undergraduate* and *postgraduate* studies as outlined by the 1999 « Bologna-declaration » of the European Ministers of Education and the follow-up discussion in which ELFA is actively participating for law faculties (a).
- A general concern over «*Internationalisation*» and «*Europeanisation*» of the content of legal education, notwithstanding the still «domestic» approach to law in the various European countries, with their specific languages, legal traditions, and cultural backgrounds (b).
- The development of new teaching techniques by using IT, encouraging professor and student mobility, concern with practical training and learning through moot courts, and active involvement of teachers and students in, e.g., on-going projects (c).

It is in these three fields that RGSL has to find its own place to secure its standing and continuity in the future.

#### a) Positioning RGSL as a post-graduate school of law

The Bologna-model of differentiating higher education was the result of competitive challenges which - coming from US American Universities with their high attractiveness to foreign students - required more transparency, flexibility and quality from European higher learning institutions. Credits and

grades should be easily comparable and transferable. At the same time, student drop-outs should be drastically reduced by guaranteeing them an early qualification certificate. The Bologna-model of education,<sup>6</sup> suggesting a 3/5/8 year division as a general scheme (3 years undergraduate studies, a 2 year master's program followed or paralleled by an legal internship, and three years of optional doctoral studies), is now also being transferred to law studies, particularly to the law faculty of the University of Latvia with the support of a project initiated by the Danish government via *Eurofaculty*.

An intense debate is taking place among Latvian law schools in which RGSL is participating. Instead of the traditional five year programme in law studies, a 4 year undergraduate + 1 year graduate model of law studies seems to be favoured at least by the University of Latvia, the first four years leading to an LL.B and the fifth to an LL.M. If this clear differentiation between undergraduate studies (in which RGSL is not involved) and a master's programme comes into force, RGSL should and could play a permanent and professionally recognised role in the latter. A useful division of studies could be that students interested in (criminal, civil or administrative) Latvian law must obtain a master's degree at the University of Latvia or some other higher law school in Latvia, those in International and European law at RGSL.

A similar division of work is conceivable with other law faculties in the Baltic region. Details will of course have to be worked out in close co-operation with the regional law schools.

## **b) Internationalisation and Europeanisation of law studies**

Such a division of work would well fit into RGSL's foremost mission, namely to prepare Baltic jurists for the requirements of "civil society" and "the rule of law," where deficits are most obvious due to 50 years of Soviet rule. Post-graduate law studies are particularly apt to fulfil this task by enabling and deepening student involvement in human rights questions, by stressing international involvement, particularly in this region, and by empowering regional lawyers to actively participate in the international and regional process of law making and enforcement in human rights issues.

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<sup>6</sup> cf. The paper by Reich, Recent Trends in European Legal Education: The Place of the European Law Faculties Association, in: Dickinson Law Review 2002 forthcoming. The statement by ELFA is available under [http://elfa.bham.ac.uk/ELFA/Bologna\\_Declaration\\_1999/bolognafinal.htm](http://elfa.bham.ac.uk/ELFA/Bologna_Declaration_1999/bolognafinal.htm).

RGSL's second mission is to participate in preparing the Baltic countries for their expected accession to the EU by 2004, to monitor and evaluate this process with its special implications for domestic law, and to point out deficits in the take-over of the *acquis communautaire* and the distortions which may be caused by a mechanical copying of highly complex rules.

RGSL will also be concerned with the professional work of its graduates, assuring them highly qualified careers in international and regional law firms, commerce, business and labour organisations, governments, international and European institutions, NGOs and the like. The successes of RGSL graduates so far have been notable and remain promising.

### **c) Positioning RGSL in modern teaching methods**

The methodology of law teaching is undergoing rapid change, and RGSL is placed well in this arena due to its insistence on small interactive group work, the early participation of students in preparing and presenting papers and training in legal argumentation, including the possibility of participating in moot-court competitions. The different steps of obtaining credits in a Europe-wide recognised ECTS-credit system should allow for a continuous review of student progress. Ongoing course evaluation will permit teachers to benefit from student feedback. New IT technologies could probably be used even more. Another advantage is the exclusive use of the English language in teaching, which allows rapid access to the most important legal data bases, e-training programs, modern contract and company law practice and the like. RGSL will develop into a unique institution in the Baltic region as far as methodology is concerned.

## **2. Opening of RGSL for tuition-financed study programmes**

Under its present by-laws the expansion of RGSL into post-graduate law teaching and training is conditioned by three factors:

- Students must come from the Baltic region.
- Students do not have to pay tuition.
- Studies are based on a highly intensive one year full-time programme where students are required to leave their professional work.

The first two requirements should, in the opinion of RGSL, be changed in the future. This involves re-negotiation of the 1997 agreement, coming into effect for students starting in summer 2004. The third part should not be changed because it is a "quality label" of RGSL itself, unless modified by *part time* studies (supra III 2).

With regard to the opening-up of enrolment for RGSL, the necessary comments have already been made (III 2). This entails introduction of a tuition-based LL.M programme as is already common in the Baltic states. The present amount of tuition demanded from Latvian law students is about 500 LVL per year. Tartu University Law Faculty in Estonia asks for about 2000 USD tuition for participation in its Master's programme. A fee on a substantially higher level is required e. g. from Masters' students at the CEU in Budapest.

The introduction of a tuition fee, the adequate and acceptable amount of which would still have to be defined, would certainly conform to the relatively high per-capita costs of studies per student at RGSL (III 3). As far as students from EU countries are concerned, EU law would prevent a differentiated fixing of tuition based on nationality criteria. Also generally such a differentiation is questionable. Therefore, a uniform threshold has to be found.

If the Agreement between Sweden and Latvia (supra I) is to be renegotiated, the question of tuition will have to be raised and resolved. In any case, the amount of tuition should be determined by the Board and should perhaps be introduced on a step-by-step basis, starting from 2004.

### **3. Development and accreditation of a RGSL doctoral programme**

While doctoral studies are not expressly mentioned in the RGSL Charter or in the Law of 1997, they are none the less not excluded - quite the contrary. As RGSL is an institution of higher legal education, doctoral studies should form an intrinsic part of its academic programme, even though this may not at first enjoy a similar priority to LL.M courses. If RGSL aims to fulfil its mission of training teachers and researchers in all three Baltic states, it must develop and implement doctoral programmes of its own.

In the continental academic tradition, including the Scandinavian countries, teaching at higher learning institutions regularly falls to professors and lecturers who have earned a *doctoral degree*. There may be additional conditions: Some countries, like Germany, Austria and Switzerland, even

require to some extent a „Habilitation“ but this tradition is under scrutiny now in Germany itself and should not be and has not been taken over by the Baltic countries. Other countries require additional research and/or publications. Requirements may differ with regard to a full or an associate professorship.

In any case there is agreement that a *substantial piece of academic work* should be required before a person can take over full academic responsibility as teacher and researcher in their field of study, including legal research. This of course does not exclude practitioners from teaching, but they do it usually only on a part time basis and not with the full academic responsibility of a professor. It is also possible, depending upon legislation and tradition in the respective countries, that distinguished practitioners be nominated honorary professors but this will not oblige them to do regular teaching and to carry full responsibility for it.

In order to meet these requirements, a steady flow of successful doctoral candidates is necessary. This of course does not imply that every *iuris doctor* will go into law teaching, but it means that a faculty or a law school that wants to fill a vacancy can take candidates from a „pool“ of qualified young persons who have demonstrated their academic qualities *i.a.* by a doctoral thesis. The thesis is also important to identify the specialisation of a candidate in an ever more complex and globalised world of legal studies. Even if other requirements such as teaching experience and practical are important, the academic skills gained by writing a thesis cannot be neglected and are determinate for filling the position of a professor of law.

In contrast to this general statement, the „production“ of doctoral candidates in the Baltic States, and particularly in Latvia, is dramatically declining. This development was the subject of a special conference of the Rectors of Latvian institutions of higher education on 9 February 2002. The Minister for Education, Mr. Greiškālns, gave an overview of the deplorable decline in the number and quality of doctoral candidates, particularly in the natural, medical, engineering, and social sciences. This was backed up by statistical material from the Prorector of the Latvian State University, Prof. Muižnieks. In 2001, there were 615 (instead of 1100 as planned) doctoral students, but only 53 finished their doctoral studies and obtained a doctor title - throughout all Latvian institutions of higher education. In many fields, the positions of professors cannot be filled due to a lack of qualified doctoral candidates. The academic body of Latvian institutions of higher education is ageing and will soon leave office. Informal sources suggest the situation is not better with regard to legal studies.

The Latvian government plans to initiate a programme whereby „doctoral centres“ are created which, by 2010, should prepare 4500 doctoral candidates. The share of women candidates has to be increased, and mobility and financing of candidates enhanced. All candidates should have the possibility of spending half a year abroad.

So far, RGSL doctoral programmes have been implemented in close co-operation with Swedish, and to a lesser extent with Norwegian and German, law schools (see II 6). RGSL should be allowed to develop its own accredited doctoral programme as a regular part of its mission. This is explicable for a number of reasons:

The most important argument is obviously the drastic shortage of qualified academic teaching personnel, particularly in Latvia, but probably also in Lithuania and (to a lesser extent) in Estonia.

This argument gathers force if one takes into account the specific subject matter in which RGSL specialises, namely comparative and public international law, EU law, and international commercial transactions, all done in English. These fields of the „future of law in a globalised world“ have so far attracted little attention in the Baltic states; the competitive advantage of this region will *i.a.* depend on highly qualified academic personnel in this area coming from this region and not depending on foreign experts.

- RGSL now has a small but full faculty of qualified professors all having obtained a doctoral degree who are therefore capable of the academic tutoring of doctoral students; missing specialisation should be obtained from other law faculties, in particular the Swedish ones mentioned above.
- RGSL has capacity to assist students with qualified thesis writing to meet internationally recognised standards of academic work.
- In many cases the work done during the Masters' programme and in particular the research for the Master's thesis can easily be continued and deepened by developing a doctoral thesis - a practice well known in many respected law faculties
- Doctoral work done at RGSL will increase its research capacity and prestige, and may eventually be used for having its own series of publications which began with the "working papers series" (II 7).

The Latvian rules on defence of doctoral thesis are prepared by the Academy of Science and approved by the Ministry of Education and Science.

The conditions for being awarded a doctoral degree in Latvia are surprisingly high and contrast the urgent need for more qualified teaching personnel:

- The candidate must submit a thesis - an obvious requirement.
- The thesis must be written in Latvian; other languages are usually not accepted. For RGSL English would be the mandatory language as a guarantee of international dissemination.
- Candidates must also publish five articles in refereed international journals - a requirement hard to fulfil by a „normal candidate“ in the social sciences, including law.

As a preliminary assessment of the Latvian system it is submitted that the existing arrangements seem to discourage rather than encourage doctoral candidates and are in urgent need of change.

The coming RGSL doctoral programme should be put into the re-negotiation package of the 1997 agreement. Doctoral studies should conform to general European standards, e.g., a competition for the position of a doctoral candidate, some possibility of financing through stipends, grants, or credit, successful participation in a methodology course, and thesis submission after 3 years of study in English, French, or German. At least one of the members of the jury should be a professor from outside RGSL.

#### **4. Continuing legal education (CLE)**

CLE is an important part of the services rendered by reputable law schools all over the world. RGSL has started to embark on this development by creating its own „executive programme“ (supra II 8). The next conference of ELFA (European Law Faculties Association) of which RGSL is a member will be entirely devoted to CLE during its meeting in Birmingham on 23/24 February 2002.

In the coming academic year RGSL's CLE programme will focus on:

- judicial training: increase RGSL's involvement by organizing advanced/follow-up courses in legal English, as well as a more basic programme in legal English terminology for judges. RGSL faculty will also be involved in the process of drafting the overall national judicial training programme and in teaching the judges. A follow-up project is presently being planned for the group of judges that were initially trained in EC law within the project of the Latvian and Swedish Ministries of Justice. In addition, RGSL has received a

preliminary request from the Danish government to develop a similar training programme for Lithuanian judges/civil servants in legal English language;

- judicial independence: support broader discussion of its role of and how to ensure the same (by co-organizing a conference together with the Ministry of Justice and UNDP). Judicial capacity issues and ways of raising the educational and qualification levels of the judiciary are also proposed as round-table seminar subjects, in potential co-operation with the Open Society Institute in Budapest and the Association of Judges;
- alternative dispute resolution mechanisms: another initiative by RGSL, also supported by the Soros Foundation in Latvia and the U.S. government through its embassy in Riga, this involves negotiation and mediation, and lobbying for their inclusion in an amended civil procedure code. A second negotiation and mediation skills course is planned for autumn 2002. Latvian arbitrators have suggested to RGSL that a special training programme in arbitration be organized, and in future to help in their efforts to develop proper qualifications, and ethical standards of arbitration in Latvia;
- a multi-module, intensive executive course in EU law: this is being planned for the upcoming semester, with potential continuation in-depth in the future. RGSL is also considering starting an international summer school in EU law as of summer 2003. This would offer a comprehensive study programme for Baltic lawyers and legal professionals and law students from the United States, Canada and possibly Central and Eastern European countries (e.g. Russia, Ukraine etc.);
- legal language courses in English and German will also be continued, their content to build on previous expertise and experience with some new additional elements (e.g. contract drafting), which are crucial for practising lawyers;
- the RGSL international summer school in Human Rights: is organised yearly by the Latvian Human Rights Institute under RGSL/CLE auspices, it is delivered in Russian, thereby open for lawyers from CIS countries.

- training programme for Latvian civil servants, including judges : RGSL will develop, together with the competent Latvian Ministries, a clearly defined and tailor made programme, thereby increasing participants' competence with regard to Latvia's upcoming EU membership. It is expected that these projects after proper submission by the Latvian government can find support under the EU PHARE programme.

CLE programmes aim at self-financing, and eventually at gaining revenue for RGSL. However certain cross-subsidisation effects will have to be taken into account because of the different types of participants.

## 5. Research at RGSL

Although, as mentioned, RGSL was not originally founded as a research institution, on the other hand good teaching requires research. Therefore RGSL should give its teachers and students incentives and perspectives on research within the overall institutional framework. This process is already under way and needs support in the future (supra II 7). The following points need more detailed discussion and planning:

- RGSL should continue to pro-actively organise and participate in conferences. This will require funding from different donor organisations in addition to those which already support it (e.g., SOROS foundation, the Swedish and Danish governments, US-American administrations etc.).
- In the longer perspective, RGSL should have a series of own publications and a law journal to focus on important legal issues. It remains to be seen whether "*Likums un Tiesibas*", supported out of the RGSL budget but not formally linked to it institutionally, can develop into an internationally respected journal by providing English and possibly German special editions.
- Professors are to be encouraged to compete for research money and be helped in writing proposals.
- RGSL has applied for a "Jean Monnet Chair" for Prof. Michael Hellner, to be supported by the EU under its Jean Monnet Project programme and, as a first step, has received a grant for three years to support teaching in EU law.

A more indirect involvement of RGSL in publications can be found in the "Baltic Yearbook of International Law" published under the co-editorship of Prof. Ineta Ziemele who holds the ½ Söderberg chair at RGSL. There is an initiative by young practitioners working in the field of intellectual property law to publish a legal journal "Intellectual Property in Latvia, Estonia and Lithuania". Other initiatives will follow.

## **6. Developing a joint MBA with SSE-R**

RGSL and SSE-R were founded as academic institutions with different purposes: SSE-R for undergraduates, to train them in business administration and thus allow young academics from the Baltic countries to look for careers in a rapidly emerging market economy; RGSL for law graduates from the Baltic countries, to make them familiar with modern developments in European, International and Commercial law with particular regard to societies in transition from former socialism to democracy and government of laws - all these play a particular role. So far, contacts of RGSL with SSE-R to co-operate in teaching, research and management resulted in forming a "task-force" on how an MBA offered by SSE-R on a tuition basis could be supported by an optional law programme offered by RGSL.

It should be kept in mind that, with the coming accession of the Baltic states to the EU these central tasks will become ever more important and must be put on a permanent basis of higher education and research. The Baltic countries must develop a body of highly qualified young economists and lawyers who are willing to manage the transition process, having acquired adequate academic and professional standing to compete with their colleagues in Western European countries, at the same time respecting the basic values of market economy and democracy. A possible critique of "elitism" should not be taken too seriously - every country needs to form its own body of highly qualified cadres to participate in this all encompassing modernisation process.

## **7. Creating a BCSEL - an ambitious project for the future?**

The most important result of these reflections is that, despite the disappointing results so far, SSE-R and RGSL need to be linked by a permanent institutional platform. This means that new and additional types of studies and - so far neglected - research must be developed to meet the challenges of the future. New forms of financing have to be found. The ties to existing higher education institutions in the Baltic countries, especially with the University of Latvia, the Riga Technical University or other interested partner universities, have to be strengthened in order to avoid unnecessary duplication and competition.

The institutional set-up should use existing higher education institutions in the field of economics and law and have them co-operate in a joint venture, the BCSEL, Baltic Institute for the Study of Economics and Law. This would imply the following:

BCSEL as a joint venture of the existing higher education institutions should have as its objective the following:

- create a platform for researchers to develop study projects in fields covered by the member institutions but which may not be pursued due to lack of funding; interdisciplinary studies would have a high priority;
- invite well known foreign researchers for short term visits to participate in teaching and study programs of the member schools and BCSEL itself;
- invite doctoral students with respective degrees in economics or law to continue their work within certain study groups;
- RGSL and SSE-L, possibly also University of Latvia should, in the framework of BCSEL, develop a joint MA in economics and law;
- organise regular conferences and symposia in research and teaching areas;
- establish two named chairs, one for economics and the other for law, to be offered on a rotating basis and preferably to law scholars from the region for a one year in depth research and/or teaching project.

BCSEL will need its own budget for financing. This should consist of in-kind contributions of the member institutions, namely SSE-R and RGSL, and of additional funding. This funding could be provided by:

- EU programs supporting accession of the Baltic countries;
- foundations - like the Open Society Institute - interested in promoting studies and research in the region and beyond;
- sponsors from countries around the Baltic sea with an interest in regional development.