

6-1-2003

Preparing for the European Future of Law Studies in the Baltic Countries

Norbert Reich

Linda Freimane

Follow this and additional works at: <http://elibrary.law.psu.edu/psilr>

Recommended Citation

Reich, Norbert and Freimane, Linda (2003) "Preparing for the European Future of Law Studies in the Baltic Countries," *Penn State International Law Review*: Vol. 22: No. 1, Article 9.

Available at: <http://elibrary.law.psu.edu/psilr/vol22/iss1/9>

This Article is brought to you for free and open access by Penn State Law eLibrary. It has been accepted for inclusion in Penn State International Law Review by an authorized administrator of Penn State Law eLibrary. For more information, please contact ram6023@psu.edu.

Preparing for the European Future of Law Studies in the Baltic Countries

Norbert Reich* and Linda Freimane**

I. Introduction: The 1997 Agreement Between Sweden and Latvia and the Need for Renegotiation 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 Dec. 5, 1997, (the 1997 Agreement):

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.¹

Thus, RGSL was 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

* Prof. Dr. Dr. h.c. Rector, Riga Graduate School of Law (RGSL). Dr. iur., Johann-Wolfgang-von-Goethe University Frankfurt/Main. 1966; Dr. iur. h.c., University of Helsinki, 2000.

** LL.M. Prorektor, RGSL. Degree in Journalism, Stockholm Univ. (1989); LL.M, Stockholm Univ. and Aix-en-Provence, France (1993); moved to Latvia in 1997 to work with European integration matters; employed by the Swedish Institute in 1998 to set up Riga Graduate School of Law (RGSL); prorektor of RGSL since 2000.

1. 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 Dec. 5, 1997, § 1.5 [hereinafter 1997 Agreement].

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

RGSL offers a 50-week post-graduate law program, 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 defense 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 LL.M Program 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 program 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."² In practice, this implies that study at RGSL is *tuition free*.

2. The 1997 Agreement, *supra* note 1, § 1.6.

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 his 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 the 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.³ 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.⁴ There are no

3. Case 293/83, *Gravier v. City of Liège*, 1985 E.C.R. 593, [1985] 3 C.M.L.R. 1 (1985); extended by Case 24/86 *Blaizot v. Université de Liège* 1988 ECR 379, [1988] 1 C.M.L.R. 57 (1989), which, however, is not applicable to maintenance grants, Case 187/86 *Brown v. Secretary of State for Scotland*, 1988 E.C.R. 3205, [1988] 3 C.M.L.R. 403 (1988). Today the discussion centers on the concept of EU-citizenship; for an overview see Norbert Reich & Solvita Harbacevia, *The Stony Road to Brussels*, 5 EUROPARATSLIG TIDSKRIFT 411-434 (2002).

4. See Riga Graduate School of Law Website, *Admission Procedure*, available at <http://www.rgsl.edu.lv> (last updated Apr. 4, 2003) [hereinafter RGSL Website]. The admission procedure is divided into three phases. All applicants who qualify in terms of education and residence are called for an Institutional Test of English as a Foreign Language (TOEFL) test. The minimum score required to pass is 550 points (maximum possible score on the TOEFL is 667). In exceptional cases, depending on a special individual assessment, a lower score may be sufficient.

Next, all students meeting the TOEFL criteria are invited to a written examination. This consists of two parts - a multiple-choice test based on the LSAT test practiced 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

quotas or other limitations; students are admitted on individual merits only. The current general criteria are:

- a. A law degree from any accredited law faculty or law school.
- b. Residence in one of the three Baltic countries.
- c. Good knowledge of the English language.

The first year of operation, 1999/2000, only a smaller "pilot group" of students from Latvia were eligible for application to the LL.M program. Studies took place in temporary premises, and out of fifty-two applications, twenty-three students were enrolled.

As of the second year of operation, 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. In the academic year 2002/2003, eleven (out of a total of forty-two) are from Lithuania and four from Estonia.⁵ Much effort has therefore been put into informing law students and graduates in the neighboring countries of the possibilities RGSL is offering. An "open-doors day" in November attracts a number of participants, mostly from Estonia and Lithuania. Advertisements and newspaper articles have appeared in major Estonian, Latvian 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.

c. Student Body

Students are graduates with a bachelor's or professional law degree from various law schools. The majority graduated from the Universities of Latvia, Vilnius and Tartu, but there are also those from private law

conventions are provided. The answers are essay-type and should indicate the applicant's ability to identify legal problems and discuss them, in English, 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 the 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.

5. The admissions procedure for the coming academic year has now been completed. RGSL has received 100 applications, out of which 15 come from Lithuania, 6 from Estonia, 76 from Latvia and the remaining few from Latvians resident abroad (US and Germany). 60 students were accepted for the academic year 2003/2004.

schools such as *Rimpak Livonija*, *Rēzeknes Augstskola*, *Turība* and *Baltijas Krievu Institūts* in Latvia, or *Concordia* law school in Tallinn.

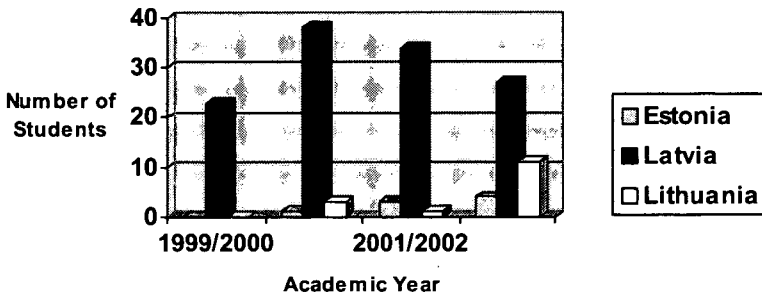
The division between the genders has been fairly constant, with a small female dominance.⁶

b. Graduation

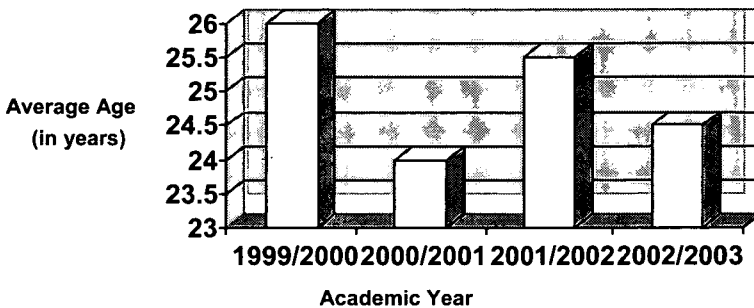
At the time of writing, three academic years have graduated after having written and defended their Master's thesis⁷ and received their diploma: *LL.M. in International and European Law*.⁸

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 studies⁹ is foreseeable as an effective remedy.

Students' Countries of Origin



Average Age of Students



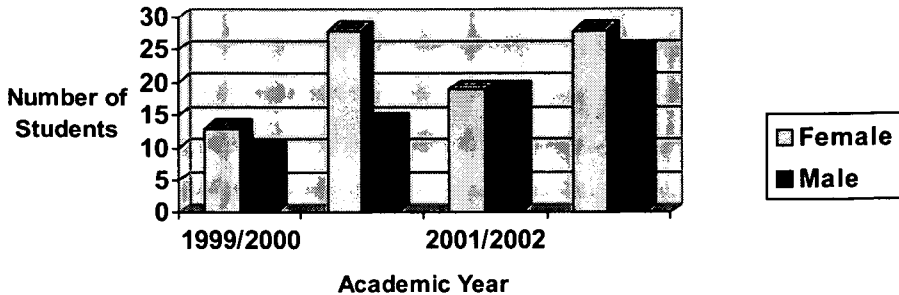
6. Documentation on file of RGSL.

7. See details of thesis evaluation *infra* text Part II 4(c).

8. 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, 30 graduated, 1 student graduated with distinction and 17 with merit. The results of the Academic year 2002/2003 with 40 admissions are not yet known.

9. See discussion *infra* Part IV 2.

Number of Male and Female Students



d. Student Association

The RGSL 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 RGSL students, and
- initiate and foster traditions at RGSL.

Student representatives participate in the regular faculty meetings. Graduates from RGSL form the alumni branch of the Student Association.

2. *Development of the Study Program*

a. Changes in the Curriculum

Over the past three years, serious work has been put into developing the study program, the aim being to offer a well balanced, attractive and internationally recognized curriculum. In the process, members of the Academic Council, as well as all 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 program contents have been modified and the balance between compulsory and optional courses has shifted in favor 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

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 presented changes in the curriculum for the academic year 2002/2003, which have been further elaborated in the 2003/2004 curriculum. The new curriculum is planned as follows:

<i>Module 1 – Introductory course & Legal Ethics I (3 weeks)</i>		
<i>Module 2 – Compulsory (basic) course in:</i>		
Comparative Constitutional Law (2 weeks)		Public International Law (4 weeks)
EU Institutional Law (4 weeks)		International Business Transactions Law (4 weeks)
<i>Module 3 – Three parallel blocks running simultaneously, each offering three courses in:</i>		
PUBLIC AND INTERNATIONAL LAW (3x6 weeks)	EU LAW (3x6 weeks)	INTERNATIONAL COMMERCIAL LAW (3x6 weeks)
Human Rights Law	EC Internal Market	Company Law in the Multinational Context
Law and the Public Interest	EC Competition Law	Financial Services Law
International Dispute Settlement/Legal Theory and Practice	Intellectual Property Law	Select Problems in Transnational Law and Commerce
<i>Students must choose two of three courses within each period by combining two of the three mentioned subject areas according to their individual preferences.</i>		
Module 3 is supplemented by two mandatory one week courses, namely:		
<u>Legal Research and Thesis Preparation</u> : specialized seminars within different fields related to the thesis writing		<u>Legal Ethics II</u> : course continuation from Module 1
<i>Module 4 – thesis writing (10 weeks)</i>		

This model is a synthesis of experience gathered over the past four years and will hopefully serve well for several years to come, without any need for further substantial changes. The program 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 specialize in one of the core fields through in-depth studies in the optional courses as well as the master's thesis.

b. Changes in Implementation

No major changes have been introduced in the implementation of the study program – 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.¹⁰ Efforts have been made to qualify for the world's largest moot court competition, the Philip C. Jessup International Law Moot Court Competition, which takes place in Washington DC. In 2003, a team from RGSL was fairly successful in the William C. Vits International Arbitration Moot Court Competition, in Vienna.

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 program is a highly intensive, fifty-week study program, there is no compulsory internship element included in the curriculum. RGSL does, however, assist students in finding internship positions during July/August while finalizing their thesis. In cooperation with government bodies (ministries, police) and private organizations (law firms, banks) in the Baltic countries and Scandinavia, RGSL offers ten to fifteen student internships every summer.

3. *Implementation of the Study Program*

a. Teaching Methodology

The LL.M program at RGSL is based on modern ideas of teaching, with strong emphasis on 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.

Students are also expected to spend at least 60% of their study time in preparation for classes and seminars doing research in the library and

10. Following the good results achieved by RGSL student teams, RGSL was invited to host one of four regional finals for the European Moot Court Competition from 13 to 16 February 2003.

working in small groups. Reading material, such as cases, articles and legal norms should be read *before* any class activity.

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 students understand the main problem areas and difficulties related to the particular subject, and whether 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 from 2000 to 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, overhead projectors, and, when necessary, multimedia projectors. A computer laboratory with nine desktop computers is available seven days a week, along with six stationary computers in the law library. Most students lease a lap-top computer from the school at a nominal fee. These can be attached to the RGSL network from several rooms in the *P. 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 5400 textbooks, a collection of 130 legal journals (titles), forty databases on CD-ROM and authorized access to ten online Internet databases. The full stock is available through our electronic catalogue.¹¹ A library council¹² decides purchasing policy and general strategy. New acquisitions are made weekly, and lists of incoming books and journals are circulated to faculty and students.

The library was initially set up by the George Soros Foundation

11. RGSL Website, *supra* note 4.

12. Consisting of representatives from the faculty, students and library staff, as well as a law library expert from Uppsala University in Sweden.

Latvia and donated to RGSL in 1999. In line with conditions expressed in the donation letter, the law library is open daily to the general public. On average, the library has 30 visitors per day, seven days a week.

Until recently, textbooks for each course were purchased in as many copies as there are students and lent to them during the study year. In 2003, the faculty decided to introduce a more flexible reading system, giving students the opportunity to choose textbooks from proposed reading lists or purchase their own textbooks. 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 program 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 program 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 worked with professors, conducting research and delivering seminars.

This system fits well with the *tandem teacher concept* whereby each foreign professor has one or more Baltic assistant teachers in order to ensure transfer of knowledge and sustainability in the Baltic legislative systems. The assistant teachers act as a link between professors and students, participating in course preparation as well as 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 *focused on and lim-*

ited 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 cooperation 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 & Tiesības* (with a yearly edition in English), 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.

Through its professors, and, in particular, with respect to the doctoral program,¹³ RGSL enjoys close ties with the law faculties at Stockholm, Uppsala and Lund universities in Sweden. Cooperation 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 the country.

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 Non-Government Organizations (NGOs). Those who choose not to pursue an academic career through research and doctoral studies after graduation 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. A recent survey among the alumni shows that the division between the private and public sectors is fairly even, with a small majority working within the private sphere.¹⁴

13. See discussion *infra* Part II 6.

14. Out of 91 graduates: 28 work in law firms; 24 in other private companies; 6 in banks; 2 within EU administration; 11 work in central government; 11 work in other parts

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.

A cooperation agreement with the Latvian Ministry of Justice and with several 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 inform students 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). The underlying philosophy is that student performance should be assessed continually, 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, fifty-four points for the overall study program. Thesis writing provides another twenty-one ECTS points, giving a grand total of seventy-five points.

The LL.M program 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 is no final exam. Those who fail to reach the

of the public sector (state agencies etc.); 1 is a judge; 5 pursue academic studies and 3 are self-employed.

necessary ECTS credits in one of the courses they have chosen may repeat the course exam; if they fail to do so they will have to return and obtain credits during the next study period.

Initially, the grading system consisted only 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. Standardized 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

Evaluations are based on a 1 through 10 grading scale, 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 program. 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 program, 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 proofreader 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*, *pass with merit* or *pass with distinction*. The final grade is given after an oral defense 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 defense. 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. Students failing to pass their thesis can repeat thesis writing once in the following academic year.

5. Faculty

a. Professors and Associate Professors

Currently, RGSL employs four associate professors on a full and part time basis. 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 affiliated with RGSL. Moreover, the school has engaged several associate professors on a “permanent visitor” basis. Each year, RGSL hosts two or more American professors through the Fulbright program. More recently, RGSL has been able to benefit from the Fulbright Senior Specialist short-term program.

In the academic year 2002/2003 and following, the professors employed by the RGSL are Professor Dr. Anders Fogelklou, Comparative Public Law and Law in Transition;¹⁵ Associate Professor Dr. Michael

15. Recent publications in English include: Anders Fogelklou, *Constitutionalism and*

Hellner, EU Law;¹⁶ Associate Professor Dr. John Burke, International Commercial law;¹⁷ Associate Professor Dr. Katrin Metcalf, Public law and EU law; Professor Dr. h.c. Norbert Reich, EU Law (as far as compatible with his obligations as Rector).¹⁸

The Söderberg chair in Public International Law and Human Rights is held on a ½ basis by Professor Dr. Ineta Ziemele.¹⁹

Other (permanent visiting) 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)
- Peter Gjortler, EU Law in the Introductory module
- Theis Klauberg, Intellectual Property Law and German legal terminology

RGSL also employs a lecturer on Legal English and Writing, Christopher Goddard, M. Ed and lecturer in English law and department head.

b. Visiting Professors and Lecturers – Participation in the Fulbright Program

In the initial years, the LL.M program 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 number of visiting lecturers is decreasing. 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 American law schools as long or short term Fulbright visitors: Prof. Charles Marvin from Georgia State Law School; Prof. Sue Bentch, St. Mary University, San Antonio, Texas; Prof. Amy Fellner from the

the Presidency in the Russian Federation, 18 INT'L SOC. 181 (2003); Anders Fogelklou, *Legal Transition and Legal Thinking in Eastern and Central Europe*, in FESTSKRIFT TILL AKE FRANBERG 97-120 (A. Fogelklou och Torben Spaak ed., 2003).

16. Michael Hellner, *Private International Enforcement of Competition Law*, in 4 Y.B. OF PRIVATE INT'L L. 257 (2002). He has reduced his teaching obligation for the Academic year 2003/2004.

17. John Burke, *Reinventing Contract*, 10 MURDOCH U. ELECTRONIC L.J. 2 (2003), at <http://www.murdoch.edu.au/elaw/issues/v10n2/burke102.htm>.

18. Norbert Reich & Solvita Harbacevica, *Citizenship and Family on Trial*, 40 COMMON MKT L. REV 615-638 (2003); Norbert Reich, Christopher Goddard & Ksenija Vasiljeva, *UNDERSTANDING EU LAW*, (Intersentia Publications, forthcoming 2003).

19. Editor of and contributor to the *BALTIC YEARBOOK OF INTERNATIONAL LAW*, first volume published in 2002 by Kluwer .

School of Justice at Arizona State University; Prof. Patricia Shaughnessy, Judicial Training Centre, Washington, DC; Prof. David Trubek from the University of Wisconsin, also lecturing at Harvard Law School; and Prof. Marc Janis, University of Connecticut, International Dispute Settlement. Visits by internationally recognized 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 Continuing Legal Education program.

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.

6. *Doctoral students and Assistant Lecturers*

The doctoral program 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, Metcalf, Burke and Ziemele - are asked to supervise or cooperate in tutoring doctoral studies.

To date, six doctoral students have been admitted to the Universities of Uppsala, Stockholm, Lund (Raoul Wallenberg-Institute) or Oslo. Of thirty-two lawyers who applied to the doctoral program in November 2000, seven were selected and are now employed full (or part) time at RGSL. Their work is divided between performing their own research and taking part in doctoral seminars on the one hand, and, on the other, teaching and assisting in the LL.M program 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 mak-

ing process and in regular doctoral seminars and courses arranged by RGSL in close cooperation with the host universities.

Most doctoral students are engaged as assistant teachers as part of their study program. 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 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. All doctoral students were initially employed as assistant teachers. Most other assistant teachers, who did not apply or were not admitted to the Doctoral program, have continued working for RGSL.²⁰ Last fall, a change in contracting terms was introduced to better mirror assistants' performance – all are now employed on a course based, hourly fee. In all, there are eight assistant teachers working for RGSL in academic year 2002/2003. Four are from Lithuania, the remainder from Latvia.

Even if greater emphasis has been put on doctoral students attached to RGSL 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 RGSL as assistant teachers. Amongst them are potential new doctoral candidates and future researchers.

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

7. *Research and Academic Networking at RGSL*

RGSL 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 scrutinized before a placement

20. In one case, concerning the course in Legal Ethics, the assistant teacher, Lauris Liepa, Sworn Advocate in Riga, has taken over full responsibility for the course, keeping Professor Sue Bentch both as advisor and 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.

decision is made. All professors employed by RGSL 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 RGSL, and to initiate third-party financed research programs. It should, however, be kept in mind that only limited budgetary means are available for genuine research purposes.

RGSL's commitment to doctoral programs²¹ – which should be promoted in the future – is also a result of the lack of genuine legal research in the Baltic countries in the past, during Soviet times, which still casts its shadow in the present. The more the Baltic countries become part of the 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, RGSL has published a series of working papers which serve as a platform for developing medium-term publication instruments. Eleven papers, by Luzius Wildhaber,²² Jan Ramberg,²³ Norbert Reich,²⁴ Anders Fogelklou,²⁵ Perit Bokka,²⁶ Michael Hellner,²⁷ Christian Boye Jacobsen,²⁸ David M. Trubek,²⁹ Francis Svilans,³⁰ Anda Bimbere,³¹ and Ninon Colneric³² are

21. See discussion *infra* Part IV 3.

22. LUZIUS WILDHABER, PROTECTION AGAINST DISCRIMINATION UNDER THE EUROPEAN CONVENTION OF HUMAN RIGHTS – A SECOND-CLASS GUARANTEE? (Riga Graduate School of Law, Working Paper, 2001).

23. JAN RAMBERG, METHODOLOGY OF THE UNIFICATION OF COMMERCIAL LAW IN THE 2000'S (Riga Graduate School of Law, Working Paper, 2001).

24. NORBERT REICH, UNION CITIZENSHIP – YESTERDAY, TODAY AND TOMORROW (Riga Graduate School of Law, Working Paper, 2001).

25. ANDERS FOGELKLOU, EAST EUROPEAN LEGAL THINKING (Riga Graduate School of Law, Working Paper, 2002).

26. PERIT BOKKA, FLEXIBLE INTEGRATION IN THE EUROPEAN UNION: EFFECTS ON ENLARGEMENT (Riga Graduate School of Law, Working Paper, 2002).

27. MICHAEL HELLNER, THE COUNTRY-OF-ORIGIN PRINCIPLE IN THE E-COMMERCE DIRECTIVE: A CONFLICT WITH CONFLICT OF LAWS? (Riga Graduate School of Law, Working Paper, 2002); MICHAEL HELLNER, THE LIMITS TO JUDICIAL COOPERATION IN CIVIL MATTERS: TAKING LEGALITY SERIOUSLY (Riga Graduate School of Law, Working Paper, 2003).

28. CHRISTIAN BOYE JACOBSEN, IMPLEMENTING THE ACQUIS COMMUNAUTAIRE: THE FIGHT OVER 80.000 PAGES (Riga Graduate School of Law, Working Paper, 2002).

29. DAVID M. TRUBEK, THE EUROPEAN EMPLOYMENT STRATEGY AND THE FUTURE OF EU GOVERNANCE: AN OPPORTUNITY FOR THE BALTICS AND A CHALLENGE FOR LAWYERS (Riga Graduate School of Law, Working Paper, 2003).

30. FRANCIS SVILANS, RATIFICATION OF MIXED AGREEMENTS – THE QUEST FOR A COORDINATED PROCEDURE (Riga Graduate School of Law, Working Paper, 2003).

31. ANDA BIMBERE, INTERNATIONAL TERRORISM: PROBLEMS AND SOLUTIONS WITH REGARD TO PROSECUTION OF SUSPECTED TERRORISTS (Riga Graduate School of Law,

now available. It is hoped that there will be a continuous flow of papers by academic staff, by guest lecturers, and by graduates.

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.

RGSL 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 in the Leuven-based European Law Faculties Association (ELFA), of which the Rector was president from 2001 to 2002. RGSL hosted the annual ELFA conference in Riga on Feb. 22 and 23, 2002, when central questions of European legal education under the impact of the Bologna declaration³³ were discussed. RGSL has actively participated in the last ELFA conference on "Continuing Legal Education" held in Birmingham, UK, in February 2003. A "European Journal of Legal Education" was founded there under the general editorship of Prof. Lombay Birmingham with the Rector of RGSL, Prof. Reich, being a member of the editorial committee.

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

8. *Executive Programs (Continuing Legal Education – "CLE")*

The executive programs, which are being widened into full CLE,³⁴ were very unspecified in 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

Working Paper, 2003).

32. NINON COLNERIC, PROTECTION OF FUNDAMENTAL RIGHTS THROUGH THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES (Riga Graduate School of Law, Working Paper, 2003) (translations in Estonian, Latvian, Lithuanian, and Russian).

33. See discussion *infra* Part VI 1.

34. See CLE discussion *infra* Part IV 4.

- 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 programs for practicing 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. Programs are conducted by RGSL faculty members and guest speakers well known in their field of practice. The program aims at being both self-supportive and revenue-producing, although this depends on course type offered and potential participants.

Regular 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 and acquisitions, legal English, and 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 practicing lawyers and civil servants, many other professionals such as legal translators, company managers, bankers, and insurers have also benefited from the RGSL CLE program.

This summer, RGSL hosted its first summer school for legal practitioners wishing to learn more about EU competition law.

A popular “regular” remains the preparatory course in legal English for the entrance exam to the RGSL Master’s program. 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 programs 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 (funded by the Swedish International Development Agency). At the request of the Latvian Supreme Court, RGSL is giving a half-year program in EU law for all Supreme Court judges. This course is funded by the Danish government under its support for new Member countries program (the FEU program).

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.

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 bylaws, 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, the United Nations Development Programme (UNDP), Soros Foundation Latvia and Central and East European Law Institute (CEELI). 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 programs for judges, and closer cooperation with the Centre as such. These hopes have already partly materialized, since members of RGSL faculty are now involved in preparing the training program for the next academic year, putting ever greater emphasis on EU accession and legal matters.

b. Collaboration with the Latvian Government and Parliament

Collaboration with Latvian governmental 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 Finance. It has proved, however, that this arrangement does not always work in the best interests of RGSL, because, 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, organizing conferences and courses for civil servants, public speeches by statesmen and other well-known figures.³⁵ Also, the JTC³⁶ 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 familiar with English as their working language. According to the Ministry for Foreign Affairs, the Latvian government already 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 and have recently showed great interest in continuing training activities at RGSL.

c. Library Use by the Interested Public

Currently, the RGSL Law Library is the only specialized public law library in Latvia. 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 database 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 database – EBSCO, and, as of the end of this year, will introduce 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,

35. In March 2003 all three shareholders formed a joint task force in order to develop a long-term sustainable strategy for RGSL. From the Latvian side, representatives from four ministries, i.e. Education, Justice, Foreign Affairs and Finance take part in the task force, which proves an increased interest from the Latvian government to strengthen its position and to engage in the future developments of RGSL.

36. See discussion *supra* Part II 9 a.

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.

d. German-Latvian Lawyers Association

On September 20, 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 harmonization.

RGSL, with the special support of the German ambassador, has asked for financing by the German *Stiftung für 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.³⁷

10. Cooperation 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, 2001/2002, and 2002/2003.

Together with the Danish and Latvian Ministries of Foreign Affairs, RGSL developed a tailor-made training program 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 thirteen 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 obligating them to remain in government service for at least five years after graduation. The program finished in mid-June, 2002, with the successful defense of all fifteen master's theses.

Most recently, the Danish government has contracted RGSL to deliver a training of trainers program to the Lithuanian central government. This program was launched in March, 2003, and will end by August of this year.

Through the Swedish ministry of Justice, RGSL is engaged in bilateral training programs 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 program for a group of Latvian judges, trained to become the future trainers of their colleagues.

37. See discussion *supra* Part II 8.

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 the Constitutional and Legal Policy Institute (COLPI) (recently renamed *Open Society Institute – justice initiative programme*) in Budapest. RGSL is represented on the SFL legal affairs committee, and engaged in several ongoing 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 conference for 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.³⁸ In September, 2001, RGSL organized the annual Vinge lawyers' meeting in Riga, attended by more than 200 partners and associates. The Finnish law firm Borenius and Kempinen, 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 has accredited its LL.M. program for a full (6 year) period, until 2007. Due to the forthcoming changes in the RGSL charter and bi-lateral agreement, the school as an institution is accredited for a preliminary period until the end of 2004.

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 the neighboring Stockholm School of Economics at Riga (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. 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

38. As of the date of publication, 100,000 Swedish Kronors equaled approximately 13,000 United States Dollars.

chair in Public International law,³⁹ recruitment of professors from the Baltic region has not yet been successful.

RGSL still needs some time to fulfill 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 programs with Swedish universities and with the Oslo Law School. Since RGSL does not yet have doctoral programs of its own,⁴⁰ 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.⁴¹ In cooperating with a professor from abroad, they will be able quickly to take over most of the teaching load at RGSL once the doctoral programs are successfully completed. There is some chance that, from 2005 on, law teachers coming from the Baltic region may be more actively employed as associate professors. It needs to be reconsidered whether a doctoral degree is really necessary for advanced law teaching – a requirement which does not exist in common law countries.

2. *Student Enrolment*

RGSL’s existing enrollment capacity is within the band of approximately 60-70 students per academic year. This number was theoretically attained with 2002 admissions, although individual reasons resulted in forty-two who actually began studies. For the academic year 2003/2004, the number of applications has increased to one hundred, and after the entrance exam, sixty were finally accepted and effectively started their studies at RGSL. Most of the students still come from Latvia, but the number of applications from Lithuania has substantially increased and comes close to one fifth; Estonian graduates seem to be less interested in coming to Riga due to a smaller population in general and a more elaborated structure of graduate law studies most notably at the prestigious Tartu University Law School.

As discussed in Part 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.).

It should not be forgotten that the most important reason for an in-

39. See discussion *supra* Part II 5.

40. See suggestions *infra* Part IV 3.

41. See discussion *supra* Part II 6.

herent limitation in student enrollment lies in the intensive, small group teaching methods which RGSL employs.⁴² 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 3.⁴³ Since students have to select two 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 has already been put into effect in the academic year 2002/2003 and will 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 Part 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 cannot be justified; with regard to graduate law teaching, there are hardly any reliable data available due to lack of comprehensive LL.M. programs at Baltic law schools;
- Most law schools that offer LL.M. programs can use their facilities (library, IT, etc.) and professors from undergraduate teaching which is not the case with RGSL which is, according to its by-laws, specialized in post-graduate law teaching;
- 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 English legal writing;
- The budget of RGSL is “loaded” with overhead costs

42. See discussion *supra* Part II 3.

43. See chart *supra* Part II 2.

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 Part 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 characterized 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 general concern over “Internationalization” and “Europeanization” 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.
- 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., ongoing projects.

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 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 dropouts should be drastically reduced by guaranteeing them an early qualification certificate. The Bologna-model of education,⁴⁴ suggesting a 3/5/8 year division as a general scheme (three years undergraduate studies, a two-year master's program followed or paralleled by a legal internship, and three years of optional doctoral studies), is now also being transferred to law studies, but meets opposition from many law faculties in the region.

An intense debate is taking place among Latvian law schools in which RGSL is participating. Instead of the traditional five-year program in law studies, a four-year undergraduate plus one-year graduate model of law studies would be optimal from the point of view of RGSL, 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 program comes into force, RGSL should and could play a permanent and professionally recognized role in the latter. A useful division of studies could be that students interested in criminal, civil or administrative Latvian, Lithuanian or Estonian law must obtain a master's degree at their "home university" where teaching is done in their native language, those in International Public or Commercial Law as well as in European law at RGSL where teaching goes on in English.

b. Internationalization and Europeanization of Law Studies

Such a division of work would fit well 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 fifty years of Soviet rule. Post-graduate law studies are particularly apt to fulfill 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 lawmaking and enforcement in human rights issues.

44. Norbert Reich, *Recent Trends in European Legal Education: the Place of the European Law Faculties Association*, 21 PENN ST. INT'L. L. REV. 21 (2002); Statement by ELFA available at http://elfa.bham.ac.uk/ELFA/Bologna_Declaration_1999/bolognafinal.htm (last accessed May 30, 2003).

RGSL's second mission is to participate in preparing the Baltic countries for their expected accession to the EU by May¹, 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 labor organizations, 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 recognized 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.

There has been some debate on introducing clinical legal studies and practice at RGSL. There is no doubt that, under the specific conditions of a "law in the book" training in the Baltic and in many other countries which were placed under Soviet rule until 1991, a more clinical approach to law is urgently needed. The time frame of advanced studies at RGSL is, however, so small that it is hard to see how clinical work could become part of the curriculum at RGSL. This would not preclude experiments of introducing clinical studies after graduation for an interested group of students, if financing can be found.

2. *Opening of RGSL for Tuition-Financed Study Programs*

Under its present bylaws, 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 program 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.⁴⁵

With regard to the opening up of enrollment for RGSL, the necessary comments have already been made in Part III(2). This entails introduction of a tuition-based LL.M. program as is already common in the Baltic States. The present amount of tuition demanded from Latvian law students is about 500 LVL per year.⁴⁶ Tartu University Law Faculty in Estonia asks about \$2000 tuition for participation in its Master’s program.

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.⁴⁷ In any case, EU law would prevent a differentiated fixing of tuition based on (EU-) nationality criteria. Therefore, a uniform threshold has to be found. It may eventually have to be paralleled by a stipend, grant or loan scheme.

3. *Specialization in the LL.M. Program*

At the time of writing, RGSL delivers its graduates only one degree, namely the “*Master [LL.M.] of International and European Law.*” Students are encouraged to study the whole width of public and international law, European law, and international commercial law, but have a possibility of a (limited) specialization in module 3 by taking two out of the three offered subject matters. This newly introduced reform, which was practiced first in the academic year 2002/2003, has led to a nearly even distribution of the students in the three fields which are offered for an in-depth study at RGSL.

This model, however, deviates from the practice of most European law schools who offer much more specialized programs, for instance in intellectual property, competition, environmental, international trade law, law and economics, and the like. Since RGSL is not attached to a law

45. See discussion *supra* Part III 2.

46. As of the date of publication, 500 Latvian Lats equaled approximately 900 United States Dollars.

47. See discussion *supra* Part III 3.

school for undergraduate students, and since the needs for advanced legal education have been more concerned with a general program, such specialization is not feasible, even if students from other regions can be attracted.

On the other hand, there are clear needs for intensified training and expertise in the three main subject matters at RGSL. It would therefore be advisable to develop separate programs for the three subject matters mentioned above and at the same time intensify and deepen studies thereof. Such a modification would only concern the “module three” part of the study program, where students already must choose their future specialization. Instead of being forced to take two subject matters (out of the three offered), they would have to decide on merely one subject to which more time and workload could be allocated. As a result, and after thesis writing and defending, the graduates would still receive an “LL.M. of International and European Law,” but their specialization could be documented separately.

4. *Development and Accreditation of a RGSL Doctoral Program*

While doctoral studies are not expressly mentioned in the RGSL Charter or in the Law of 1997, they are nonetheless not excluded – quite the contrary. As RGSL is an institution of higher legal education, doctoral studies should form an intrinsic part of its academic program, even though this may not at first enjoy a similar priority to LL.M. courses. If RGSL aims to fulfill its mission of training teachers and researchers in all three Baltic States, it must develop and implement doctoral programs of its own. This complies with the continental European and Scandinavian tradition of law teaching and legal research, without being shared by common law countries. RGSL must respect the academic environment and traditions in which it is working. In this academic tradition, 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 his/her 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 may be nominated as 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 *juris doctor* will go into law teaching, but it means that a faculty or law school that wants to fill a vacancy can take candidates from a “pool” of qualified young persons who have demonstrated their academic qualities *inter alia*, by a doctoral thesis. The thesis is also important to identify the specialization of a candidate in an ever more complex and globalized world of legal studies. Even if other requirements such as teaching and practical experience 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. 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.

So far, RGSL doctoral programs have been implemented in close cooperation with Swedish, and to a lesser extent with Norwegian and German law schools.⁴⁸ RGSL should be allowed to develop its own accredited doctoral program as a regular part of its mission.

This argument gathers force if one takes into account the specific subject matter in which RGSL specializes, namely public and international law, EU law, and law of international commercial transactions, all done in English. These fields of the “future of law in a globalized world” have so far attracted little attention in the Baltic States; the competitive advantage of this region will, *inter alia*, 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 specialization 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

48. See discussion *supra* Part II 6.

meet internationally recognized standards of academic work.

In many cases, the work done during the Masters' program 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.”⁴⁹

The Latvian rules on defense of a doctoral thesis were 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 (with a summary maybe in English or German); 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 and present a paper on his/her research at two international conferences – a requirement hard to fulfill 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 program should be based on the principle of academic autonomy of RGSL. 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 three years of study in English, French, or German. At least one of the members of the jury should be a professor from outside RGSL.

5. *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 program.”⁵⁰ Riga is a member of

49. See discussion *supra* Part II 7.

50. See discussion *supra* Part II 8.

the European Law Faculties Association. The ELFA conference in Birmingham on February 23-24, 2002, was devoted entirely to CLE.

In the years 2003/2004, RGSL's CLE program will focus on:

- Training of Latvian Supreme Court judges in EU-Law: The program started in March, 2003, and was supported by the Danish FEU project. One half of the Supreme Court judges and their assistants each will participate in an intensive English/Latvian training session spanning four months, including a visit by the Judge at the European Court of Justice, Prof. Dr. Ninon Colneric in Riga on May 30, 2003—a similar program is being prepared for the members of the Legal Committee of the Latvian Saeima (Parliament);

- Judicial training: Increase RGSL's involvement by organizing advanced/follow-up courses in legal English, as well as a more basic program in legal English terminology for judges. RGSL faculty will also be involved in the process of drafting the overall national judicial training program 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 request from the Danish government to develop a similar training program for Lithuanian judges/civil servants in legal English language which is, at present, being implemented;

- Judicial independence: Support broader discussion of its role 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 cooperation 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 was held in autumn 2002. It will be continued in 2004. Latvian arbitrators have suggested to RGSL that a special training program in arbitration be organized 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 has organized an international summer school in EU law as of Summer, 2003. This will offer a comprehensive study program 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 building on previous expertise and experience with some new additional elements (e.g. contract drafting), which are crucial for practicing lawyers;

- Training program for Latvian civil servants, including judges: RGSL will develop, together with the competent Latvian Ministries, a clearly defined and tailor made program, 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 program.

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

6. *Research at RGSL*

Although RGSL was not originally founded as a research institution, good teaching requires research. Therefore, RGSL will 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.⁵¹ The following points need more detailed discussion and planning:

- RGSL should continue to pro-actively organize and participate in conferences. This will require funding from different donor organizations in addition to those which already support it (e.g., SOROS Foundation, the Swedish and Danish governments, American administrations, etc.). In Summer, 2004, RGSL will host the biannual meeting of the International Academy of Commercial and Consumer Law, supported by the Swedish Wallenberg-foundation.
- In the longer perspective, RGSL should have a series of its own publications and a law journal to focus on important legal issues. It is hoped that "*Likums un Tiesības*," until now supported out of the RGSL budget but not formally linked to it institutionally, will develop into an internationally respected journal by regularly providing English special editions which was first done with a special issue with contributions from the year 2002.
- Professors are to be encouraged to compete for re-

51. See discussion *supra* Part II 7.

- search money and be helped in writing proposals.
- RGSL has received a grant for three years to support teaching in EU law under the EU Jean Monnet Project program.

7. *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 Public and International Law, European, and International 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 cooperate 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 program 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 modernization process.

V. *Establishing a Permanent Center of Excellence for Advanced Legal Studies in the Baltic Region*

Five years of academic work in and by RGSL have proven the necessity for its existence. The mission for which it was founded is far from fulfilled. The rule of law is still fragile in the region and needs improvement, particularly with the coming EU accession. Graduate law studies in the English language are an exception and will remain necessary the more the Baltic and surrounding countries want to become integrated in a globalized economy and in new structures of governance. Civil society is only in its beginning; its basis in stable legal relationships, in overcoming the cynical formalism of Soviet juridical understanding still found in everyday life, must be secured. Reform of legal

education has only begun; modern methodology relying on a critical discussion of legal concepts, principles and cases, must find its way into practical teaching. Legal research is still very weak and cannot compete in budgets, networks, and output with generally accepted European or American standards.

RGSL therefore needs to remain a catalyst for these important transition processes in the future. Paradoxically, EU membership will make its funding not easier, but more difficult. The Baltic countries and particularly Latvia, are deemed to be “normal” EC Member States needing special support only in the framework of EU structural funds, but not in the field of higher education where it would be particularly necessary due to the general low-income situation in the region. The existing donors and benefactors may want to withdraw funding from RGSL; tuition payment will only allow funding of about one-third to one-half of the running costs of RGSL. New sources of income will have to be found. RGSL is making every effort in that direction in order to secure its stable existence also in the future. Excellence in law studies and research for the region will be the trademark under which such a future can be guaranteed.

