

# The Way of Teaching about Foreign Legal Systems at the Faculty of Law and Administration of University of Gdansk in Poland

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When thinking about methods of teaching of the foreign legal systems we must always consider what should be taught, what methods of teaching are appropriate, what materials can be used and how courses can be examined.

Our Faculty of Law and Administration offers studies in the two following subjects: Law and Administration. We have also extra-mural studies and doctoral studies in Law as well as post-graduate studies in: Labor Law and the European Union - preparation of candidates for officials in European institutions. Legal studies lead to a Master's degree and are uniform and universal - they prepare candidates for all legal professions in Poland. The institution of specialisation is rejected in the university education of lawyers. When undertaking studies in Administration, apart from the problems strictly connected with the activities of public administration, students study all the fundamental disciplines of legal knowledge.

Both students and graduates of the Faculty can participate in the 2-year School of English and European Law, run in conjunction with Cambridge University, United Kingdom (lectures are in English). The course comprises eight modules which can be studied over a maximum period of three years, normally in two consecutive years. Successful students are awarded a diploma in an Introduction to English and European Union Law.

Course Syllabus includes:

- English Legal System and English Constitutional law
- Introduction to Criminal Law

- Contract Law and Practice
- An Introduction to the law and institutions of the European Union.
- Tort and Proprietary rights
- The substantive law of the European Communities (free movement of goods and people and competition law)
- The law of Business Associations
- International Trade Law

Following the completion of each module in the first year, students will complete a written assignment (either in essay, problem question or drafting form) which will be assessed by tutors. In the second year of the course, each module will be followed by an open book, timed assignment in class or home written assignment. Continuing assessment of students takes place in the compulsory seminars and tutorials/ fixed class weekends.

The course comprises a flexible learning system incorporating :

- Comprehensive workbooks and use of textbooks or readers for each module as appropriate
- Seminar and tutorial visits by tutors/video virtual contacts
- Individual private study by student
- Modules taught consecutively
- Individual registration on blackboard interactive system, enabling contact with tutors and other students in between tutor visits

Students are expected to independently prepare for monthly/fixed meetings with the aid of the workbooks and textbooks when the seminar and tutorial questions are discussed with visiting tutors.

To meet the growing demand for knowledge of American law, the Faculty of Law and Administration has entered into close co-operation with Chicago-Kent College of Law, USA. As a result, an American Law Course has been established. Despite the fact that this course takes place at the Faculty of Law and Administration at the University of Gdańsk, it is formally organised by Chicago-Kent College of Law and it is very popular.

The program of the American Law Course includes:

- Constitutional Law. This course provides an introduction to the fundamental law of the United States as set forth in the Constitution and developed primarily by the United States Supreme Court. It addresses Supreme Court review, separation of

powers, federalism, and the protection of individual rights under the Bill of Rights such as the Freedoms of Speech and Religion and the Right to Privacy. These topics are explored in the context of the historical and theoretical foundations of American constitutionalism, including the role of the US Supreme Court.

- **Contract Law.** This course presents a study of issues of contract formation, interpretation, breach, defenses, and remedies. Among other topics contract doctrines such as "consideration" and "offer and acceptance". The focus is on topics essential to preparation to deal with issues of global commerce.
- **International Business Transactions.** The course will examine the law and practice of business transactions in an international context. The topics covered will include basic crossborder business transactions, such as purchase and sale contracts, licensing and technology transfer agreements, joint venture agreements, foreign investments, international trade, international monetary law, and dispute resolution via arbitration and litigation in foreign courts. There are also review of some international organizations and treaties that specifically affect international business, such as the EU, the WTO, the World Bank and IMF, and the Vienna Convention on International Sales of Goods.
- **Corporate Governance.** This course provides an overview of the mechanics and theoretical principles of corporate governance - the system through which the various parties in a corporation interact with each other and promote their respective interests. The course outlines the responsibilities, rights and roles of parties including: employees, management, board of directors (supervisory board), shareholders, other stakeholders, regulatory authorities and the media. Three models of corporate governance from advanced industrial economies, the Anglo-US, Japanese and German models, are presented and compared/contrasted with the corporate governance model in Poland. Throughout the course, students analyze and discuss case-studies presenting corporate governance issues at real companies in order to understand corporate governance in practice.
- **Competition Law.** That course is to present Antitrust law in US in comparison with EU competition law frame provisions. Both legal and economic aspects in dealing with monopolies, horizontal and vertical restraints on trade, mergers and sector regulation are to be discussed.

- E-commerce Law. The course covers legal issues arising in the context of the Internet. Topics include: copyright, patents, contracting, privacy and security. The course provides the essentials necessary to understand commerce over the Internet.
- Criminal Law. A study of the general principles of criminal liability, including the justification of punishment, general concepts of act and fault, principles of justification and excuse, the significance of resulting harm, and accountability for acts of others. Certain specific crimes, such as murder and manslaughter, are also examined.
- Oral Advocacy. This course provides an introduction to the adversarial proceeding in the United States, it presents the American Jury Trial as a means of learning legal advocacy. The goal of this course is to develop student's professional skills in oral advocacy, and therefore it is designed to acquaint students with basics of public speaking and presentation skills. In addition, the course will include an introduction to various aspects of court procedure (jury selection, opening statements and closing arguments, examination of witnesses in court and rules of evidence). At the end of the course students will prepare and will be required to participate in a civil or criminal trial conducted in a courtroom setting based on hypothetical cases, where students deliver oral arguments and examinations of witnesses.
- Legal Writing (for Business). The course introduces to legal analysis, research and drafting of memos, articles of incorporation, partnership agreements, client letters, and other legal documents needed in a corporate lawyer' daily practice.

Students can also study at the School of German Law, where the lectures are given by professors from the Law Faculty of the University of Cologne, Germany (lectures in German).

The Faculty co-operates with many foreign universities, including several in Germany, England, Sweden, Italy and the USA, and such institutions as the European Human Rights Commission, the Human Rights Institute in Turku, the Norwegian Human Rights Institute, the Max Planck Institute in Munich and Hamburg, the Criminal Studies Institute in Cologne and the International Penal Law Institute in Freiburg. That cooperation also helps to teach about foreign legal systems thanks to academic and students exchange programs.

During Law or Administration studies in Poland all students have lectures in main kinds of the Polish law (for example: civil law, criminal law, constitutional law and

administrative law) but also there are lectures about international and foreign law or the European Union law. The purpose of the lecture is to give students important information about concrete legal system and its rules. During a lecture professor talks about some topic and the students can ask questions. Usually professor talks about something new for students, so they make notes and more of the time just listen to the lecture. When they don't understand something ask questions during the lecture or sometimes after it.

At the end of each semester most of the lectures ends with an examination. That examination can be oral or written, it depends on the lecturer's decision. Every student must pass such examination to continue his studies. If he or she fails than has two more chances to do it, but after third unsuccessful examination must repeat that year of the studies.

Beside lectures students divided in small groups (usually from 10 to 20 persons) need to participate in obligatory classes in particular subject called "exercises", where they can check their understanding of the subject of a lecture and train some legal cases with an academic teacher. Also during such exercises students get marks from the teacher (the mark/grade system have 6 marks, which are: 5 (the best), 4+, 4, 3+, 3, 2 (the worst grade)). All exercises must be successfully completed. If not, than they can't pass for the next semester of the studies. The exercises planning content, teaching style, questioning and tactics of questioning, listening, responding – all of these are choosed by a teacher. Students and teachers use legal codes, manuals, and sometimes also audio-visual materials.