

A comment on Argentina's University of Buenos Aires Law School (Facultad de Derecho de la Universidad de Buenos Aires)

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The University of Buenos Aires was established in 1821 but legal teaching started in 1814 in the Academy on Jurisprudence that became the Law School in 1874.

Argentina's legal education system is mainly public – nearly thirty institutions - even though there are more than fifty private institutions awarding at least a first law degree. The University of Buenos Aires, UBA, is – perhaps – the major Argentinian Law School as per its student population and because of the leverage it exercises in law practice in the country.

As other national law schools, UBA is a public institution but autonomous from the government. This status has received constitutional support with the new Constitution in force from August 24, 1994. Undergraduate university education is free.

Autonomy means that national universities have their own elected authorities. In fact, the great majority of our national universities have a Board as the main organ, which is composed by representatives of the different clusters, namely faculty, alumni and students and, in some cases, staff. Each cluster elects its own representatives in free and fair periodical elections through universal vote. Once in the board, those representatives – UBA has a board of 16 members: 8 faculty, 4 alumni and 4 students – appoint the Dean and the Deputy Dean. Deans and Boards share some capacities and exercise others in order to manage the different schools.

If Deans are crucial in the proposal of a policy, the Board should be functional in passing it for the given policy to become feasible.

The great majority of the faculty of UBA Law School is part time because salaries are not high enough in order to be the main income of a family. At present, the Law School has almost 1000 faculty members, 400 assistants, 25.000 students.

In order to provide opportunities for all those students, courses are offered from 7am to 11.30pm, twice a week. Almost 750 courses are offered for each of the two cycles. A first cycle where the main contents of almost all traditional branches of law is taught in different 14 courses, that are mandatory, and a second one with five mandatory courses – International Law, Corporations, Family Law, Tax Law and Conflict of Laws – plus others where each student can choose an orientation and build-up an own menu of 64 credits according to some guidelines, namely, 20 in the chosen orientation, 4 in Integration courses, 4 in Constitutional Law, 4 in Social Sciences, 4 in Jurisprudence, 6 in Litigation or Law Clinic and 8 free credits. This two cycles plus the introductory period last almost 5 academic years.

Students are required to pass exams on three different levels of foreign languages for them to be able to understand judicial decisions and legal authorities at least in one foreign language. At present, English as a foreign language is taught and evaluated at UBA Law School.

EDUCATING OUR STUDENTS FOR WHAT? The Goals and Objectives of Law Schools in Their Primary Role of Educating Students

UBA provides law graduates for different activities, the three branches of government but also for NGOs, intergovernmental organizations, private corporations. We are well aware that we have to produce technically competent and ethical graduates that should find their place in different occupations. Our society, as many others in Latin America and other parts of the world, is unequal and we should promote the engagement of our graduates with social justice, law reform, the struggle against poverty.

When leaving the law school, our graduates should be prepared to face a world whose legal order would be at least different in a 50% to that in force while they were studying with us. This leads us to enforce a strong basic education where general principles and the tool box are known and to initiate students in the particularities of different branches of law. Practical knowledge and training are enforced through a practical litigation course, fellowships in law firms, government agencies and through clinics established together with specialized NGOs. Moot courts and other pedagogical resources are promoted. Student Exchange Programs are in force with a bunch of partner law schools in different parts of the world and the grades obtained in such programs are included in the transcripts at the home institution.

WHY ARE WE HERE? The Goals and Objectives of Law Schools Beyond Educating Students: Research, Capacity Building, Community Service

Public institutions are financed by the tax payer and are free for undergraduate studies. Law Schools are under the duty of providing services to the community, through clinical programs, advice to government and non-government organizations, expert media commentary that educates the general public, and others. Accordingly, national law schools do have a department for community services. Our main task is to provide as much free legal assistance to those members of the community that are not in a position to afford it as necessary. At the same time, this legal assistance is a testing field for our students that are learning and helping someone under the guidance of a law professor. We offer almost 150 different possibilities of legal assistance, with general and specialized approaches and in association with other institutions, mainly human rights NGOs. Last year, 12.300 persons sought advice from the Legal Services, 46% of them solved their legal problems without any litigation and the other 64% was transferred to a clinic or litigation course where a law student and a law professor sponsored their claims in justice.

The main tasks of a public university school include teaching, research and community services. Research is, then, an important activity of the law school. Accordingly, law schools are under the duty to conduct the *research* that advances legal knowledge. However we do not have as many financed research programs as necessary. This is a sensitive issue because public universities do have research programs and structures that have been built-up on the grounds of “hard” sciences and law is not even considered to be a science. That means that we have some difficulty in trying to obtain satisfaction to our research proposals. We are working hard on that and hope to improve in the near future.

HOW DO WE ACTUALLY ACHIEVE OUR GOALS AND OBJECTIVES? Strategies and Techniques to Realise our Ambitions

The main challenge at UBA Law School is how to achieve the proposed goals in such a huge context. At the same time, the mere fact of being huge should not lead us, inevitably, to the sacrifice of some standards. An assesment of the quality of our work reveals that there is a portion of our population that graduates with grades and standards shared with the best law schools in the world. These students have enough time to invest in their studies so as to enrol in courses offered at any time in the day and at any day in the week provided that the best professor is teaching there. The great majority of these students belong to the upper middle and high classes of our society and their families afford their years at the university. They apply to the student exchange program because they can pass the exams and have the money for their living expenses while abroad.

The largest part of the student population graduates with grades and standards that are higher than those offered in other institutions in the country but even though do not reach the highest level, as shown before. The great majority of these students do have some job in which they have to invest between 6 and 8 hours per day and can only enrol in courses offered in their free time which do not necessarily match their preferred orientation. It should be noted that during the morning, early and late afternoon and in the evening the choice is great however during “rush hours” courses are populated and some applicants do not find their places in a given course and have to decide whether to move to another one or to postpone the course. These students belong to the empoverished middle classes and the lower classes of our society. They are fully on board in the system for they are actually studying at the university but the do not have the possibility of an extra book, extra time to add to regular library hours and, of course, there is no way for them to apply to the student exchange program because they cannot afford a semester abroad. A small part of them benefit from fellowships that help them with their transportation and book expenses.

The smallest part of the student population takes long to graduate. They insist in course after course and they fail in their exams more than once. A set of requirements in order to keep the regular status prescribes that each student should pass at least two courses or obtain eight credits every two academic years; should not be graded “fail” in more than the 33% of the curriculum including the introductory course and should complete the law *curriculum*, including the introductory course) in ten academic years.

The strategy to improve the situation of the largest portion of students is complex, an increased offer of courses taught by faculty aware of the situation of such students and who pays special attention to the characteristics of the situation and gradually imposes more exigency in the performance at the same time they give other by products to the students, such as supervised preparation of classes, fellowships. The Law School should enforce a fundraising campaign in order to obtain private funding – managed by a trust – for student exchange programs and other alternatives implemented with a view to improving the situation..

Faculty should be motivated and feel supported by the institution in their continuous training, in the participation in academic events, in their publications and, perhaps the more important, to get used to faculty meetings in the way some private universities do in different parts of the world.

WHAT IS THE ROLE OF THE DEAN INTERNALLY? Leadership Issues Within our Law Schools

The Dean's role is crucial for the proposed goals to be met. In our country, a Dean is expected to be a high ranking personality in the given field of knowledge because he or she – a desired “she” for the time being – is the head of the Board and the representative of such a Board at the Superior Board of the University where all the 13 schools of the institution are represented and where the main policies of the University are framed. At the same time, the Dean is expected to be a good manager, someone to whom access is not difficult, who measures the expectations and demands of all concerned actors in the school scenario and solves them in an inclusive way. The Dean exercises leadership and has a say in all and every matters within the scope of the school. Deans are in office for a term or two, that is four to eight years, and their administration should be known because of the added value to the existing situation.

WHAT IS THE ROLE OF THE DEAN EXTERNALLY? Leadership Issues in Connecting with our External Communities

The Dean is one of the visiting cards of a school. His or Her leadership may decide other institutions and people to join the Law school's efforts for development, diversification. A well known personality, trusted, is crucial for the establishment of new plans and programs. International Cooperation programs should be part of the policy of the Dean, their dimensions, the partners, the scope of the programs. Deans also promote relationship with other public and private law schools in the country. A general consented policy in certain matters is all the more important in order to act efficiently.

WHAT HAVE WE LEARNED FROM EACH OTHER? WHAT CAN WE LEARN FROM EACH OTHER? The Elusive Quest for Universals in a World of Difference

We are well aware of the importance of lessons learned by law schools all over the world. In fact, our curriculum shows a good mix of the way in which lessons are taught in big European public law schools and the small groups organized in workshops and seminars in the way small private American law schools do. We followed both models in both cycles of studies and the mix proved to be successful.

UBA had the chance of participating in all the process that led to the creation of IALS and to become a member institution and also to participate very frequently in AALS annual meetings. The gatherings and the products are important means for improving our methods and approaches and also for us to share our experiences with other colleagues.