

Building a New Curriculum for PUC-Rio Law School

By:

Daniela Trejos Vargas*¹

Pontifical Catholic University of Rio de Janeiro College of Law, Brazil

In March 2008, the first-year Law Students at PUC-Rio inaugurated the new curriculum of the Law School. This paper will address the methodology used to prepare the new curriculum for legal studies at PUC-Rio, a project that involved students, former students and faculty members.

1. Criteria for determination of the curriculum

In Brazil, undergraduate University studies have to observe a national curricular guideline (Diretrizes Curriculares) that are established by the Ministry of Education that must be observed by the Law Schools. Such curricular guideline does not establish how the contents will be distributed along the five-year program for studies of Law, nor does it determine the number of courses or credit-hours attributed to each topic. However, at the end of the program, the student must have covered all those contents.

The Brazilian Bar Association (OAB - Ordem dos Advogados do Brasil) does not have a say in the accreditation of Law Schools in Brazil, this being the sole attribution of the Ministry of Education. However, the OAB is in charge of the Bar Exam, which is now a unified, national examination. Although the national curricular guideline is the official guideline for legal studies in Brazil, Law Schools cannot ignore the importance of empowering its students for a career in Law, either as private lawyers or as public lawyers – and for this to happen, students must pass the Bar Examination. Evidently, students expect that the areas of Law and the topics comprise the Bar examination have been covered in their legal studies at the University.

At the same time that the existence of a national curricular guideline apparently simplifies the design of a Law curriculum, it presents a challenge: how to abide by the curricular guidelines and, at the same time, have a curriculum that is innovative and appealing to students, while remaining faithful to the traditions of a 60-year-old Law School like that of PUC-Rio.

2. The dilemmas of a curriculum change.

The previous Law School curriculum was over twenty years old, with some minor changes over the years, only to be able to comply with changes imposed by the Brazilian national curricular guidelines.

The decision to change the curriculum and to what extent to change it brought many dilemmas. One could simply renovate, retrofit the curriculum, maintaining its structure but altering the syllabus of certain core courses, changing the order certain courses were offered, increasing or reducing class hours, and offering a wider range of new elective courses and seminars, or build an entirely new curriculum, with a new structure and the necessary new courses, both core courses and elective courses.

* Professor of Private International Law at PUC-Rio, and at the time of the curricular reform (2005-2008) was the Coordinator of Undergraduate Studies of PUC-Rio Law School, and member of the Curriculum Committee.

Another issue was to define the parameters and the methodology to be used in the definition and organization of a new curriculum. PUC-Rio opted for a collective construction of the new curriculum, with ample consultation to students and participation of the faculty as a whole, without distinction between full-time and part-time professors, not only selected members of a Curriculum Committee. It was important for all the faculty members to be committed with this curriculum change, which would obviously impose changes in the professors' courses and teaching loads, especially during the transition period when both curriculums are active.

3. The methodology used for designing the new curriculum.

The work towards the creation of the new PUC-Rio curriculum started with the analysis of some recordings of discussions with a graduating class. The professor in charge of this experiment asked the students to make an assessment of their legal education up to that point. The overall appraisal of their academic experience was positive, but students almost unanimously confessed that in the final year of Law School they showed little interest for courses that were not in their main area of interest. Also, they would have enjoyed taking more elective courses and would like to have had a certain specialization through elective courses.

After hearing the students, faculty members, both full-time and part-time (adjunct) professors, were invited to a one-day conference to discuss the convenience of a change in the curriculum. Some views expressed by students were shared by faculty members. Professors that taught fifth-year courses expressed concern over the lack of motivation of students for certain courses they thought were "unimportant" for their professional careers², as well as for areas of Law the students were not going to take up professionally³. A concern among professors was the fact that students were starting internships in a very early stage of their legal studies.

Since a new curriculum was a common desire of students and faculty at PUC-Rio, it was necessary to determine the guidelines to be followed by the Curriculum Committee. The guidelines that resulted from the meetings with students and professors were that:

- (i) the new curriculum should have a greater number of elective courses, in Law and in other areas;
- (ii) students should be allowed to choose an area of preference in the final part of their studies;
- (iii) the curriculum should take into account that students take up internships in the final years of their Law studies, in order to permit a transition towards a professional career;
- (iv) a legal education should result in ethical, highly qualified professionals that would be able to pursue legal careers in an increasingly globalized and interdisciplinary society.

The Curriculum Committee was initially made up of three full-time professors, two adjunct professors (one a judge, the other a litigation lawyer), and a representative of the student body. After six months, the Committee was expanded, to include the Academic coordinator and the two deputy coordinators. Periodic meetings with the Dean were made in order to keep him informed of the progress of the project.

² Such as Philosophy of Law.

³ This was frequently said by students with respect to the courses in Tax Law and in Criminal Procedure.

The Committee's first task was to do a critical appraisal of the old curriculum, in order to detect its virtues and its defects, and see what degree of flexibility would be possible within the limitations imposed by the national curriculum guidelines. The second task was to do a comparative research of law curriculums, not only in Brazil but also abroad, in order to verify the common contents of law curriculums and see how other Law Schools have been addressing the legal education for a globalized world.

The initial work undertaken was an analysis of the official syllabus of all the existing required courses. To our surprise, we identified a 40% overlap in contents, which meant that some topics were being taught at least twice, while other equally important topics were not being addressed either in core or elective courses. This result, in itself, was already a good reason to undertake a curricular reform. We also identified that the courses, because they were all mandatory for all students, were all being taught in the same level. Complementary studies in a specific area could only be done by elective courses and seminars, which were not always offered in a regular basis.

The second step was to look at the curriculum of other Law Schools, both in Brazil and abroad. The decision of what Law Schools to include in the curriculum comparison took into account that PUC-Rio is a top-ranked private, catholic Law School in a large metropolitan city. Within Brazil, we chose top-ranked public schools and also some private schools that aim at the same type of students that commonly choose to go to PUC-Rio. When we looked at foreign curriculums, we focused on European schools⁴ and took a close look on the suggestions of the Bologna reform. American Law Schools were not deemed suitable for a curriculum comparison, since Law is a graduate course in the United States, while in Brazil, like in Europe, it is taught in the undergraduate level. On the other hand, the American curriculums, condensed in three years, and with a smaller number of mandatory courses, served as an example that not all contents and not all issues need to be addressed in a Law degree in an undergraduate level.

The comparative analysis showed that the curriculums, both in Brazil and in the selected foreign countries, were for the most part very classic and, for this reason, very similar in structure and in contents, with mandatory courses over the five-year period. The European schools that had already reformed the curriculum to comply with the Bologna directives provided for specialization. Very few schools in Brazil provided for some specialization for students within the undergraduate law curriculum⁵.

The Committee worked for a full year to prepare a first draft that was submitted in a second plenary meeting to the faculty members for discussion. In total, three plenary meetings were held before the final version was presented to the faculty members for approval. This collective construction and also democratic approval of the curriculum was considered of utmost importance, since the implementation of the new curriculum would bring forth important changes in the courses and in the teaching loads of many professors, especially amongst the adjuncts. Some courses would disappear, other courses would have to be built from scratch. In 2007, the final version of the curriculum was approved in a plenary meeting of the Law School faculty, before being sent for approval by the Academic bodies of PUC-Rio.

⁴ One school that shares common points with PUC-Rio is the University of Louvain in Belgium, administered, as is PUC-Rio, by the Jesuits.

⁵ Exceptions were USP-Largo de São Francisco, which provided for a sixth year of specialization, and FGV Schools of Law in Rio and São Paulo.

4. The structure of the new PUC-Rio Law curriculum.

In its structure, the 2008 PUC-Rio Law curriculum is clearly inspired by Bologna, having been divided into two cycles of learning: a first cycle with the core courses, and a second cycle with courses organized in four different areas of interest

The first cycle, with a higher course load than the former curriculum⁶, would require full dedication of students to their studies, in order to address all the fundamentals of Law in six semesters⁷. The national curriculum guidelines and the syllabus for the Bar examinations served as basis to identify the core contents of the first cycle of studies. If compared to the former curriculum, some courses that were traditionally taught in the fifth year – like Tax Law, Private International Law and Philosophy of Law – were now to be taught in the third year. At the end of this first cycle, having acquired the basic contents of all areas of Law, students would have to choose an area of preference (called “emphasis”) and focus on this area or areas⁸.

The second cycle comprises the final four semesters, during which would be able to focus on their preferential area or areas and take higher-level courses. The second cycle was divided in four areas, designated as follows: Criminal, Litigation, Corporate, and State and Society. This latter area, which deals with Public Law issues, took the same name of the graduate program in Law at PUC-Rio, offered at the masters and doctoral levels.

The PUC-Rio curriculum did not separate the areas of specialization in Public and Private careers. There was consensus that students could not predict with certainty their future professional choices and opportunities, even when they already had a clear definition of the areas of law they liked the most. While it is true that PUC-Rio Law School graduates have always shown a preference for careers as lawyers in private practice, the options after graduation have changed significantly in the past two decades. Public careers, which in Brazil have become very well-paid, have been increasingly attracting PUC-Rio students as a career goal, and specific studies for the public entrance examinations often begin before graduation. In order to motivate students and meet expectations, the curriculum should be able to cater to a vast array of interests and career perspectives. For this reason, a career definition should not be required from a third-year Law student.

Some courses in the second cycle are common to more than one area. Also, in order to foster a wider array of study, students are required to complete at least 8 credits in courses from another area, in addition to 14 credits in elective courses.

Students are also required by the national curriculum guidelines to complete four semesters of supervised legal training before graduation. Part of this professional training can be done through internships in private law firms and also in the offices of public law officers, such as district attorneys, prosecutors and public defenders. The course load in this second cycle is smaller than in the first cycle, in order to allow students to conciliate classes and the professional training⁹, and decreases from 24 credit/class hours in the seventh and eighth semesters to 20 and 18 credits in the two final semesters.

⁶ The first four semesters, 30 class hours per week, reduced to 28 and 24 credits in the fifth and sixth semesters, respectively. Students would take, in average, seven courses per semester, and would have three classes a day.

⁷ PUC-Rio has both day and night classes, and the students that follow the evening curriculum will finish the first cycle in seven semesters.

⁸ The curriculum permits students to pursue more than one area of specialization.

5. A few words in conclusion.

The implementation of the new PUC-Rio Law curriculum started in 2008, and the first entering class will be graduating in December 2012. The entering class has just initiated the first of the four semesters of the second cycle, where specialization should occur. Students were requested to inform their area of option, and the distribution was quite uniform amongst the four areas, with a slighter smaller group choosing the Criminal area. Although some students have complained of the high academic load of the first cycle, seen as very intense and demanding, they are very satisfied with the opportunity to focus on an area of preference.

The greater challenge in the implementation of the new curriculum, and especially in the “emphasis” area of the second cycle, has been the adaptation of faculty members to the new structure of the curriculum. Although the courses of the first cycle already existed in the former curriculum, professors are faced with the need to adapt courses they have taught for years to a new syllabus and sometimes also to a new reduced or increased number of class hours to cover the syllabus. The curriculum will only be successful if we can, through this new curriculum, achieve a better teaching-learning result for professors and for students.