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

Mónica Pinto¹ and Alejandro Gomez²

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LEGAL EDUCATION IN ARGENTINA—THE UNIVERSITY OF BUENOS AIRES (UBA) LAW SCHOOL

The University of Buenos Aires was established in 1821,³ but legal teaching started in 1814 in the Academy on Jurisprudence, which became the Law School in 1874.

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3. See University of Buenos Aires, About UBA, <http://www.uba.ar/ingles/about/briefhistory.php> (last visited Aug. 26, 2010).

Argentina's legal education system is mainly public—nearly thirty institutions—even though there are more than fifty private institutions awarding law degrees. The University of Buenos Aires (UBA) is a major Argentinean law school in part because of its large student population and in part because of the leverage it exercises in law practice in the country because of its graduates. In fact, UBA Law School graduates include fifteen presidents of the country and five current members of the Supreme Court of Justice.

Not unlike 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 since 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 of government, whose capacities include the adoption of the budget, the approval of the curriculum, the appointment of faculty members, the awarding of university degrees. A Board is composed of faculty, alumni, students and, in some cases, staff.⁴ Each demographic elects its own representatives in free and fair periodical elections, which occur every two years for students and alumni and every four years for faculty members, through a universal vote of the members of each constituency. For example, the UBA Law School has a sixteen-member board composed of eight faculty members, four alumni and four students.⁵ Once on the board, those representatives appoint the faculty members who will be Dean and Deputy Dean.⁶ In recent years, each constituency has expressed public support for candidates whose names subsequently appear on the ballot.

Deans and Boards share some capacities and exercise others in order to manage the different schools. Deans keep discipline and management control and the right to submit proposals on other subjects to the Board. Deans are crucial in proposing an educational policy, so then the Board should be functional in passing it for the given policy to become feasible. In this context, for instance, Deans propose educational programs for postgraduate studies including the corresponding director,

4. See Monica Pinto, *Developments in Latin American Legal Education*, 21 PENN ST. INT'L L. REV. 61, 65 (2002). See also Universidad de Buenos Aires Facultad de Derecho, School of Law of the University of Buenos Aires, http://www.derecho.uba.ar/institucional/The_School_of_Law_of_the_University_of_Buenos_Aires.pdf (last visited Aug. 26, 2010).

5. Universidad de Buenos Aires Facultad de Derecho, School of Law of the University of Buenos Aires, http://www.derecho.uba.ar/institucional/The_School_of_Law_of_the_University_of_Buenos_Aires.pdf (last visited Aug. 26, 2010).

6. See Monica Pinto, *Developments in Latin American Legal Education*, 21 PENN ST. INT'L L. REV. 61, 65 (2002).

faculty members and courses, and propose changes in the law curriculum for undergraduate studies. Boards have to consider these proposals and pass them. The composition of the Board—faculty members teaching different classes, alumni and students—and the fact that they are elected through the vote of their constituency allow plural views on the same matter.

Most UBA Law School faculty members are part time because salaries are not high enough to be the main income for an entire family. At present, the Law School has almost 1,000 faculty members and 400 assistants in order to provide instruction to 25,000 students.

In order to provide opportunities for all those students, courses are offered from 7:00 a.m. to 11:00 p.m. twice a week. Almost 750 courses are offered for each of the two cycles. In 1985, after restoration of democracy in the country, public universities reassumed their government and reviewed their curricula. The Law School adopted a new curriculum organized in two cycles. In the first cycle, the Common Professional Cycle, the main contents of almost all traditional branches of law are taught in fourteen mandatory courses.⁷ In the second cycle, the Professional Oriented Cycle, five courses—International Law, Corporations, Family Law, Tax Law and Conflict of Laws—are mandatory. Students have the right to elect an area of expertise—for instance, Family Law, Administrative Law, International Law—and so, they may take elective courses in such area. In the Professional Oriented Cycle, students must earn at least sixty-four credits. Twenty of these credits must be in the student's chosen area of expertise, as well as four credits in Integration courses, four credits in Constitutional Law, four credits in Social Sciences, four credits in Jurisprudence, six credits in Litigation or Law Clinic, and eight free credits. These two cycles plus the introductory period cause law school to last almost five academic years.

Students are also required to pass exams on a foreign language. This language requirement aims to ensure that students are better capable to understand judicial decisions and legal authorities written in a foreign language. At present, only English is taught as a foreign language in three different levels at UBA Law School; however, students can also pass exams on the Portuguese and French languages.

7. See Monica Pinto, *Developments in Latin American Legal Education*, 21 PENN ST. INT'L L. REV. 61, 65 (2002).

THE GOALS AND OBJECTIVES OF THE UBA LAW SCHOOL IN ITS PRIMARY ROLE OF EDUCATING STUDENTS

UBA prepares its law graduates for different activities, including the three branches of government, non-governmental organizations (NGOs), intergovernmental organizations, and private corporations. We are well aware that the Law School must produce technically competent and ethically minded graduates who can pursue successful careers in a variety of occupations, so we structure the curriculum in order to produce such graduates. Our society, as many others in Latin America and other parts of the world, is unequal in income and in access to rights, and we should empower and motivate our graduates to engage pressing issues of social justice,⁸ legal reform, and the struggle against poverty.

Our graduates should be prepared to face a world whose legal order is undergoing significant change. To prepare them for this reality, we provide them with both a sound grasp of general legal principles and the nuances of particular branches of law. Practical knowledge and training are enforced through a course on practical litigation, fellowships in law firms and government agencies, and clinics established together with specialized NGOs. Moot courts and other pedagogical resources are also promoted. Student Exchange Programs are in place with partner law schools abroad,⁹ and the grades obtained in such programs are included on transcripts at the home institution.¹⁰

THE GOALS AND OBJECTIVES OF THE UBA LAW SCHOOL BEYOND EDUCATING STUDENTS: RESEARCH, CAPACITY BUILDING, COMMUNITY SERVICE

Public institutions are financed by taxpayers and are free for undergraduate studies, though not for LL.M. and Masters courses.¹¹ Law schools have a duty to provide services to the community through clinical programs, the rendering of advice to governmental and non-governmental organizations, expert media commentary that educates the general public, and other channels. Accordingly, national law schools have a department specifically for community services. Our main task is to provide as much free legal assistance as possible to those members of

8. E.g., access to fundamental rights.

9. See Monica Pinto, *Developments in Latin American Legal Education*, 21 PENN ST. INT'L L. REV. 61, 66 (2002).

10. Columbia Law School, University of Texas at Austin, Boston University, Tulane University in the United States; Université Panthéon-Assas Paris 2 in France; Université catholique de Louvain in Belgium, among others.

11. See Monica Pinto, *Developments in Latin American Legal Education*, 21 PENN ST. INT'L L. REV. 61, 68 (2002).

the community who cannot afford to pay for legal assistance. At the same time, by providing free legal assistance under the supervision of a law professor, our students are receiving a benefit by gaining practical experience. We offer almost 150 different forms of legal assistance, with general and specialized approaches, in association with other institutions.¹² Last year, 12,300 people sought advice from Legal Services; 46% of them solved their legal problems without any litigation, and the other 64% were transferred to a clinic or litigation course where a law student and a law professor sponsored their claims in justice.¹³

The main tasks of a public university law school include teaching, research, and community service. Research, then, is an important activity of the law school. Accordingly, law schools have a duty to conduct research that advances legal knowledge. However, we do not have enough financed research programs. This is a sensitive issue because while public universities do have research programs associated with “hard” sciences, law is not considered to be a hard science. That means that our research proposals are often met with skepticism. We hope to improve this situation in the near future by enlarging the number of partner institutions with other law schools, law firms and local institutions.

STRATEGIES AND TECHNIQUES TO REALIZE OUR AMBITIONS

The main challenge at UBA Law School is how to achieve the proposed goals for such a populous student body. At the same time, the mere fact that we enroll 25,000 students should not inevitably lead to the sacrifice of some standards. An assessment of the quality of our work reveals that some of our graduates accumulate the grades and credentials to put them on par with students at the best law schools in the world.¹⁴ Our top students have enough time to invest in their studies so as to enroll in courses offered at any time of day and during any day of the week, provided the best professors are teaching those courses. The great majority of these students belong to the upper-middle and high classes of our society, and their families support them financially during law school. These students, who are being supported by their families, apply to the student-exchange program because they can pass the exams and have the means to cover their living expenses while abroad.

12. These other institutions are mainly human-rights NGOs.

13. Statistics of Legal Services (on file with author).

14. Grades received by our students in the semester abroad program; admission of our students to LL M and Master courses in the most qualified law schools in the world, for example.

The largest segment of our student population, even though not at the top of their class, graduates with grades and credentials ahead of those of their peers at other institutions in the country. The great majority of these students work a six- to eight-hour-a-day job and can only enroll in courses offered during their free time. Unfortunately, courses offered during their free time might not be in the students' preferred areas of expertise. During the morning, afternoon and evening, the variety of offered classes is great. But during "rush hours," that is early in the morning and after 4 pm, courses are populated, and some applicants do not find their places in a given course and must decide whether to enroll in another course or wait to take the desired course until later. These students tend to belong to the impoverished middle and lower classes of our society. They do not have the means to buy extra books and they do not have extra time to add to regular library hours because they work and have limited time during the day to allot to their studies. And, of course, there is no way for them to apply to the student-exchange program because they cannot afford a semester abroad. A few of them receive fellowships that help defray transportation and book expenses, but the cost of a legal education is still great.

The strategy to improve the situation of the largest portion of students is complex. It involves offering more courses taught by faculty who are aware of the situations of such students, who pay special attention to the dynamics of the students' situations, and who gradually impose more exigency in student performance. The Law School should coordinate 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.

The smallest part of the student population takes a long time to graduate. They take the same course more than once, and they tend to fail their exams more than once. A set of requirements that must be satisfied in order to keep regular status within the law school prescribes that each student pass at least two courses, or obtain eight credits, every two academic years; not receive a failing grade in more than a third of the curriculum, including the Common Basic Program and complete the law program (including the Common Basic Course) within ten academic years.

Faculty should be motivated and feel supported by the institution in their continuous training, in their participation in academic events, and with regards to their publications. Perhaps most importantly, faculty should, at their meetings, emulate the execution of faculty meetings of private universities in other parts of the world, such as the United States.

LEADERSHIP ISSUES WITHIN THE UBA LAW SCHOOL

The Dean's role within the law school is crucial for the proposed goals to be met. In our country, a Dean is expected to be a high-ranking personality in his or her given field of knowledge because he or she chairs the School Board and is the representative of the Board at the Superior Board of the University, where all thirteen 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, someone who measures the expectations and demands of all concerned actors in the school scenario, and someone who solves them in an inclusive way. The Dean exercises leadership and has a say in all matters within the scope of the school. Deans are in office for a term or two,¹⁵ and they have to invest such a term with a view to improve the school situation.

LEADERSHIP ISSUES IN CONNECTING WITH OUR EXTERNAL COMMUNITIES

The Dean is one of the visiting cards of a school, meaning that the Dean is the first impression of the school. His or her leadership may influence other institutions and people to join the law school's efforts to develop and diversify. A well-known and trusted personality is crucial for a Dean who wishes to establish new plans and initiatives. International Cooperation programs should be part of the policy of the Dean; their dimensions, the partners and the scope of the programs are matters that the Dean should deal with and advise the Board about. Deans also cultivate relationships with other public and private law schools—with the first group, we share more or less the same concerns and interests; with the latter, we share the formation of law graduates in the same context—in the country. A general concerted policy in certain matters—the policy goals that elected authorities want to pursue in a given period—is crucial to efficient action.

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 mixture of these different types of lessons. On one hand, some lessons are taught as if by big European public law schools. On the other hand, small groups are organized in workshops and seminars the way they are in small private American law schools. We followed both models in both cycles of studies, and the mixture has proved to be successful.

15. A term lasts four years.

UBA was fortunate to have the chance to participate in all the processes that led to the creation of the International Association of Law Schools and to become a member institution. UBA also had the chance to participate very frequently in American Association of Law Schools annual meetings. Importantly, these gatherings have helped us to have accurate information about the way they are working and have allowed us to share our experiences with other colleagues, thereby improving the legal-education experience.