



European Law Faculties Association NEWSLETTER

March 2015

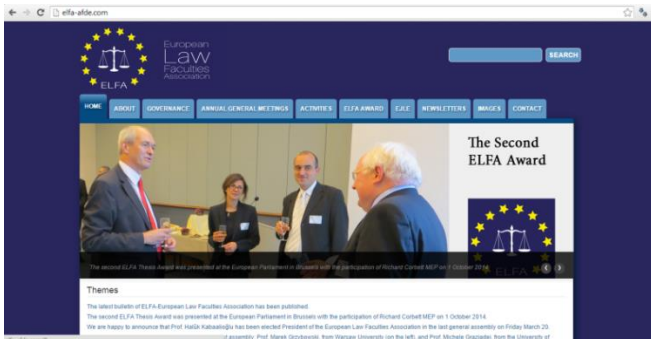
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I. Introduction

In this edition you can find the latest activities of the Board of ELFA before the annual general meeting which will be held in Istanbul on 16-19 April 2015. A newsletter regarding AGM will be published in due course.

II. New ELFA Website



Due to some technical problems, the website of ELFA (www.elfa-afde.eu) was difficult to reach. Therefore, in order to facilitate easier access the website has been moved to a new address “www.elfa-afde.com”. The new website contains updated information about ELFA Istanbul AGM 2015 and the latest activities of ELFA.

III. AALS Meeting Report

Prof. Dr. Haluk Kabaalioglu (President of ELFA) attended the meetings of AALS/Association of American Law Schools held in Washington, D.C. on 1-5 January 2015.

Prof. Dr. Haluk Kabaalioglu spoke in four different sessions of the annual meeting organized by AALS/Association of American Law Schools.



Before the keynote speech of Prof. Robert C. Post (Dean of Yale Law and AALS Luncheon Address Guest) in Ball Room, Prof. Leo Rodriguez (Dean of University of California Hastings College of Law and Former President of AALS) presented Prof. Dr. Haluk Kabaalioglu to the audience and gave him the floor. Prof. Kabaalioglu gave information about the mission of ELFA, its activities and on the ELFA General Assembly Meeting which will be held at Yeditepe University, Istanbul on 16-19 April 2015. Prof. Kabaalioglu invited all audience, speakers and guests to the meeting. Prof. Rodriguez also expressed his intention to attend the meeting on behalf of AALS.



In the next day, various subjects were discussed in parallel sessions in more than twenty meeting halls of the Marriott Wardman Park Hotel. In the sessions Prof. Kabaalioglu attended, he was presented by moderators and Prof. Kabaalioglu invited all panelists and audiences to the ELFA Annual General Assembly Meeting.

IV. Board Meeting, 23 January 2015, Torino



The third Board Meeting was held at University of Torino on 23 January 2015. The Board approved the first draft program of ELFA Istanbul Annual General Meeting 2015.



Representatives of the European Network of Clinic Legal Education (ENCLE) joined the meeting in the second session of Board Meeting held in the afternoon. Prof. Jose Garcia Anon (University of Valencia/Board Member of ENCLE) and Secretary of ENCLE made a presentation on ENCJLE and its activities. Both sides stated their intention of establishing collaboration.



V. ELFA Award 2015

ELFA is pleased to announce the third competition for the ELFA Thesis Award, for the best thesis in the field of European Law (broadly construed to include EU Law, European Human Rights Law and Comparative European Law, as well as any specialized field within those areas (e.g. Common Foreign and Security Policy law, EU trade Law, EU tax law, etc.)).

The Award (€ 3 000 for the First Prize and €1 500 for the proximate accessit) is for a doctorate thesis accepted and approved by a law faculty between 1 February 2014 and 31 August 2015.

The theses may be written in any of the ELFA languages: English, French, German or Spanish, and the entries will be judged by an international jury, whose decision is final.

Entries should be submitted to Professor Laurence Gormley's secretary (Ms. K. Galli) at euosec@rug.nl.

The thesis itself should be submitted in a format which enables it to be anonymised before being sent to the jury, i.e. in Word (.doc or .docx) or Open Document (.odt) format, not, therefore, in pdf format. In addition, candidates should enclose a curriculum vitae as a separate document. Applicants will receive an acknowledgement of receipt of their applications.

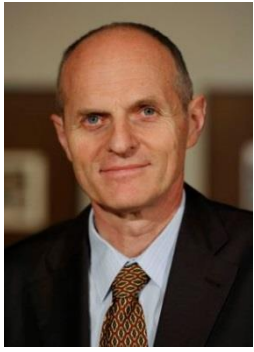
The ELFA Award is compatible with other awards which the thesis may have received. The Award does not involve the transfer of any publishing or intellectual property rights in the thesis.

The first competition for the ELFA Thesis Award was won by Alexandre Saydé, whose thesis, Abuse of Union Law and Regulation of the Internal Market, was defended at the European University Institute in 2012; a commercial edition was published by Hart Publishing (Oxford) in 2014.



The second competition was won by Anzhela Yevgenyeva whose thesis on direct taxation and the internal market was defended at the University of Oxford in 2013. Dr. Saydé is currently a Legal Secretary at the Court of Justice of the European Union, and Dr. Yevgenyeva is a Research Fellow at the Oxford University Centre for Business Taxation, and teaches EU tax law and EU law at Oxford.

VI. Commentary



Prof. Dr. Janez Kranjc
University of Ljubljana,
Former President of ELFA

The European Law Faculties Association was founded in 1995 by more than 80 Faculties of Law from different European Universities. Today the Association has more than 200 members from countries within the EU and beyond.

Why ELFA?

The reason for the foundation of ELFA was to deal with the new issues following the so called Bologna reform of higher education at that time in full swing in Europe. The founders of the Association were convinced that, for a successful reform of legal education, it was crucial to provide a platform for discussion and coordination of the reform endeavors and to allow exchange views and sharing of good practices among its members. They believed that such a possibility would increase the quality of legal education in Europe and upgrade the reform from a mere change to a lasting improvement.

The Association has had to face many challenges and problems. Sometimes it has been difficult to discuss certain topics which seemed identical but were in fact very different because of different traditions, diverse positions of Law Faculties within existing university structures, different systems of financing, different quality standards, etc. It is appropriate to assert that the identification of problems and differences on one hand and the realization that the same notion does not necessarily mean the same substance on the other can be counted among important results of ELFA's activity. This has facilitated competent and substantial discussions of many topics, dealt with especially at ELFA conferences. They have addressed both basic and the most important problems and challenges related to legal education in Europe. The results of these discussions have been important and encouraging. Declarations adopted at annual general assemblies have been used by ELFA to inform national and EU authorities about these conclusions.

Platform

Over the years ELFA has managed to create a general platform addressing the most important topics related to legal education and sometimes also the topics of general legal importance. Representatives of ELFA have regularly taken part at annual meetings of AALS and have invited their American counterparts to annual meetings of ELFA. The exchange of views showed that, despite big differences **in the nature of legal education, there were many dilemmas and problems both systems had in common and had to be examined together in order to find the best solutions.**

The role of ELFA has not diminished by the fact that the reform has been more or less accomplished. It has obviously not solved the problems of legal education. Many of them remain and will have to be dealt within the framework of ELFA.

Nature of Legal Education

There are several topics that can be regarded as central and will influence the future of legal education in Europe. The first one is the nature of legal education. Past discussions have shown the basic dilemma: **should the legal education be broad and basic giving a graduate solid knowledge of general legal subjects or should it be more narrowly focused on the positive law and practical skills.** Since it is more or less impossible to achieve both at the same time it is necessary to seek a proper balance and take a decision about the profile that the future lawyer should obtain. This decision should not depend solely on personal factors, especially on how to preserve present faculty positions, but should take into consideration the interests of students, their employability and the readiness of graduates for future work in the broader European and global environment.

In the past ELFA advocated the idea of a legal education guaranteeing an intellectual edge and profile of graduates and through that of the legal profession. This seems important because the emerging computer programs capable of performing basic legal writings and counselling (e.g., A2J - <http://www.a2jauthor.org/home>) reduces the need for lawyers to perform these tasks and allows them to devote more time to more demanding and creative tasks. Legal education should take into consideration the deep changes in the working environment, especially its automation and expansion of smart technologies in the field of law. The worst possible reaction to these changes would be to resist instead of trying to adapt. Law schools should develop strategies to become part of these processes and prepare graduates for the radically changed working environment in which law will only to a very limited extent belong exclusively to lawyers.

Method of Legal Teaching

Another aspect necessitating a thorough and deepened discussion is the method of legal teaching. It is not only about distant learning and using new technologies, such as Power Point, Internet etc. It is much more about the balance between the academic atmosphere stimulating intellectual and creative potential of students on one hand and, on the other hand, the atomization of the academic community which is to some extent the consequence of the use of new technologies substituting the physical presence and communication with the virtual one. **New technologies can be a remarkable tool to facilitate legal studies and to boost their quality. But they have to be used rationally and purposefully. Most important, they cannot replace the process of thinking and logical reasoning.** New technologies fascinate young people who tend to believe that all the problems can be resolved with a suitable hardware and software.

It is, however, the task of legal studies to demonstrate that the understanding of legal notions and the mastering of legal method are essential qualities of a good lawyer which, while possibly supported and stimulated, can never be substituted by smart technologies and equipment. This balance can be achieved when legal teaching is problem oriented and explains how legal reasoning can be supported by modern informatics technology while it shows at the same time that ideas can only be produced by the proper way of thinking.

The third topic ELFA will have to discuss is the **controversial problem of tuition fees**. The “massification” of universities makes higher education unsustainable. The only solution to the problem seems to be the introduction of tuition fees to cover at least some of the costs. It can be assumed that it would also stimulate students’ motivation. Unfortunately, in the majority of the European countries this is a taboo topic and cannot be discussed. As one of the options it deserves to be examined seriously, at least in principle.

Hand in hand with the problems of finances and of quality goes the dilemma of a free admission to law schools. **At European law faculties there are many candidates who lack both talent and motivation. They normally fail, they represent a financial burden to the law school, they waste their time, and they spend time and energy of their teachers.** Introducing serious admission tests would help potential law students make the right decision and ensure a more responsible way to use society’s resources. Such a system, elaborated at the level of ELFA, could serve as a guideline and would be beneficial to all members of ELFA and to the legal community in Europe.

There are many further topics requiring a broader discussion and evaluation at the level of ELFA. **Let us hope ELFA will retain and strengthen its proactive way of dealing with urgent problems of legal education.** Let us also hope that the present financial crisis will not deter potential candidates from becoming its members or induce the present members to leave the Association.

VII. New Members



Board of Directors of ELFA is very pleased to announce new members and affiliated members:

Members:

1. Valahia University of Targuiste (Romania)
2. Batumi Shoata Rustaveli State University (Georgia)
3. Adam Mickiewicz University in Poznan (Poland)
4. Free University of Tbilisi (Georgia)
5. Nottingham Trent University (UK)
6. People’s Friendship University of Russia (Russia)
7. Queen Marry University (UK)
8. The City Law School, City University of London (UK)
9. Universita degli Studi dell’Insubria (Italy)
10. University of Novi Pazar (Serbia)
11. University of Gothenburg, School of Business, Economics and Law (Sweden)
12. Free International University of Moldova (Moldova)
13. New Vision University (Georgia)
14. Gediz University (Turkey)
15. University of Craiova (Romania)
16. University of Deusto (Spain)
17. Caucasus University (Georgia)
18. University of Oslo (Norway)
19. Vienna University of Economics and Business (Austria)

Affiliated Members:

1. Charles Darwin University (Australia)
2. City University of Hong Kong (Hong Kong)
3. FLDM University (Mexico)
4. Mississippi College School of Law (USA)
5. Royal University for Women (Bahrain)
6. Renmin Univesity of China Law School (China)
7. LUMS-Shaikh Ahmad Hassan School of Law (Pakistan)

VIII. ELFA Istanbul AGM 2015



ELFA ISTANBUL AGM 2015

Congress program will be announced within the third week of March. In addition to the congress program, it is planned to submit detailed information about Istanbul, Yeditepe University and activities during the congress in the next newsletter.

Contact

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Visit new website of ELFA:

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