



*Universidad de Buenos Aires*  
*Facultad de Derecho*

## **School of Law of the University of Buenos Aires**

### **The School of Law Today**

The current<sup>1</sup> Statute of the *Universidad de Buenos Aires* (University of Buenos Aires-UBA) provides that "a Council of Directors and a Dean shall be in charge of the administration of each of the Colleges". Accordingly, the UBA School of Law is chaired by the Dean and the Deputy Dean, and by a Council of Directors comprised of representatives of the three university groups: eight representatives elected by faculty, four by graduates and four by students.

The members representing faculty remain in office for a term of four years, whereas advisers representing graduates and students hold their position for two years.

Institutionally, the administration of the Law School is organized in four divisions: Academic, Research, Finance and General Administration, and University Extension.

### **I. ACADEMIC AREA**

The administrative structure of the Academic Division includes the areas of Student Affair Administration, Teacher Training Department, Graduate School, Library Administration, and the Academic Database Administration Center. In addition, the Academic Division comprises several Academic Departments, including, the Publishing Department, the Certified Translators School and the Certified Document Examiners School. There follows a description of the activities of the main areas of the division.

#### **Undergraduate studies**

The undergraduate courses currently offered at the College are:

- **Law**
- **Certified Translation**
- **Certified Document Examination**
- **Teacher Training in Law Sciences for secondary and higher education**

Law students currently constitute the majority, nearly 97% of the total student population.

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<sup>1</sup> The University Assembly passed the current Statute on Octubre 8, 1958, and included modifications on July 22 and November 11, 1960. It was published in the Boletín Oficial [Official Bulletin] issues of October 13, 1958, and July 28 and December 6, 1960. The Minutes were signed by Rector, Risieri Frondizi, and Aristides J. B. Romero and Julio B. Simón acting as General Secretaries.

In November, 2004, the Higher Council of the University of Buenos Aires passed a curricular amendment to the Law Degree Syllabus.

Within this comprehensive plan, curricular amendments have also been passed concerning the Degree in Certified Translation and Certified Document Examination.

This constitutes the culmination of a process started at the beginning of the current School administration, designed to update the teaching curriculum in the different fields of undergraduate studies. In line with the reasoning underlying it, the purpose of this reform is to train professionals of the highest quality and to tend to the needs of society.

### **Graduate studies**

Graduate education at the doctorate level –the highest academic degree awarded by the UBA-, largely motivated by the need to raise graduate education to the level of doctoral knowledge, has been in existence for a long time at the Law School. With its program oriented towards training in depth, which goes beyond the scope of the undergraduate disciplines and even the limits of the individual specialties, the doctorate level is fundamentally important for the personal development of students and for the evolution of the university as an institution.

In addition, the Graduate School offers Master's and Specialization Degrees, Updating Programs as well as Independent and Intensive Courses. All programs involve varied time and credit requirements and they all aim at professionalization in different fields of studies.

### **Teacher Training at the Law School**

The Department of Teacher Training is an open arena created to allow reflection, development and construction in reference to education quality, and particularly, to the teaching of Law.

The Department's functions include advising the different departments as well as professors in general on pedagogical issues; training of professors in the institutional framework of the Teacher Training Department; providing professors with training and updated teaching methods; and organizing special events and related activities.

Currently the Teacher Training program comprises four subjects: Pedagogy at University level, General Didactics, Specialized Didactics and Teaching Practice.

### **University and Disability Program**

The University and Disability Program was created by Resolution (D) 5110/04 within the framework of the Department of Teacher Training, and its chief objective is to promote research, training and technical consulting to provide equal opportunities for students with different abilities who attend the School.

Moreover, it seeks to encourage joint activities with other institutions and public or private agencies interested in the matter and to promote free debate focused on socio-cultural diversity.

The program provides teacher training for the integration, teaching and evaluation of students with physical disabilities, designed to provide equal opportunities. Thus, professors are advised on special teaching strategies and alternative evaluation methods. The Program, called "University and Disability", was declared of parliamentary interest by the Committee on Disability of the House of Deputies of the National Congress.

### **Teacher Selection**

Pursuant to the UBA statute, all professors must be appointed as result of competitive selections in accordance with the rules and regulations established by the Higher Counsel of the University. In addition, the Panel of Judges must be approved by the Higher Counsel at the request of the Colleges.

The Competitive Selection Office is in charge of the administrative procedures for all appointments to the Faculty of the Law School.

## **Library**

The Law School Library was created in 1882.<sup>2</sup> On October 1, 1885, the contract for the building works was authorized, in accordance to the plans and technical specifications of Engineer Benoit. The extension and gradual increase of the budget gave it the impetus to become one of the libraries most recognized by specialists due to its volume and the importance of its Law and History works. The activities of the Library Administration cover five sectors: Technical Services; User Services; On-line Services; Newspaper Archives; and Administration.

## **Department of Publications**

The Department of Publications promotes the widespread of doctoral theses, research reports and texts required for different School courses. It also coordinates and edits the prestigious and traditional magazines *Lecciones y Ensayos* (Lessons and Essays) and *Revista Jurídica de Buenos Aires* (Buenos Aires Law Review). In addition, a great number of works on Law and Social Sciences of academic interest are published periodically.

## **II. RESEARCH DIVISION**

At the School of Law research occupies a top priority. Today, the main objective is to increase the number of teacher-researchers within the academic unit. To this end, the Research Division provides information on administrative aspects of research and news related to calls for open competitive selection of projects, grants, categorizations and incentives.

Among its more important functions, the Research Division deals with all aspects related to scientific planning of the UBACyT<sup>3</sup>, as to subsidies (notification and publicity of research projects, assistance to teacher-researchers, project reception and follow-up, administrative assistance to the Consulting Technical Committees which provide orientation on evaluation tasks of different activities of the Department of Science and Technology of the UBA) as well as to grants (notification, comprehensive counseling to applicants, publicity and follow-up of grantees' projects). This Division also carries out activities connected with the scientific programming CONICET<sup>4</sup>-FNCYT<sup>5</sup>. Incentive Programs and teacher categorization updates are also developed in this area.

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<sup>2</sup> The *Revista de los Tribunales* (Courthouse Magazine), in the July 31, 1882 issue pointed out that "The tangible need for a Library starts to concern the Dean and his deputy Secretary Dr. Navarro Viola", and that "the Ministry of Public Instruction has granted all the works with two copies from the National Library".

On July 6, 1882, Dr. Basabilbaso stated: "The Dean requested authorization for the necessary funds to spend on the library and books." Soon afterwards a sum of two hundred pesos "*fuertes*" for the promotion of the Library was granted.

<sup>3</sup> Subsidies granted by the University Department of Science and Technology for researchers.

<sup>4</sup> National Council of Scientific and Technological Research.

<sup>5</sup> Fund for scientific and technological research.

The Center for Interdisciplinary Studies of Industrial and Economic Law (*Centro de Estudios Interdisciplinarios de Derecho Industrial y Economía - CEIDIE*) works within the scope of the Research Division. It was created in 1986, and constitutes an ambit intended for reflection and the research of issues concerning legal regulation of copyrights, trademarks and invention patents, and all aspects related to International Trade. The Center is comprised by a team of professionals and senior and associate researchers.

### **Institute of Legal and Social Research "Ambrosio L. Gioja"**

The Institute of Legal and Social Research "Ambrosio Lucas Gioja" was created in March 1984, in order to generate a venue where to channel all the research activities carried out in the sphere of the School.

The Institute is headed by a Director and a Deputy Director, both appointed, among the permanent members, by the University's Higher Council at the proposal of the School's Executive Council<sup>6</sup>, as well as a Council comprised of four members, who hold their position for two years and may be reelected. This Council proposes the designation of the permanent and associate Institute members to the School's Executive Council; it coordinates research tasks, approves research and these plans of permanent and associate members who are not CONICET researchers or grantees, and establishes compliance deadlines for the plans submitted.

### **Institutional Relations and International Cooperation**

The Research Division is also in charge of all activities connected with institutional relations and international cooperation; it handles the planning, coordinating, controlling and advising the higher level on all matters related to international cooperation and institutional affairs, international competitions, national and international agreements, international grants and scholarships, horizontal cooperation and subsidies.

Among its more important tasks are to be noted the organization and selection of School teams for different university competitions, the negotiations and handling of international agreements and all aspects involved in international grants and scholarships. Furthermore, this Division constitutes the focal point of the activities of Argentina's Horizontal Cooperation Fund (Fondo Argentino de Cooperación Horizontal) carried out in relation to the Law School.

Within the framework of institutional relations, the Research Division deals with the organization of seminars and national and international courses, protocol matters, planning of events and ceremonies in School premises. In cooperation with the Subsidies Committee, it also handles the administrative reception of teachers' applications for subsidies destined to finance trips and/or stays at academic events, both in the country and abroad.

### **The Law School and the European Union**

The international reach of the School has also become a reality through the recent completion and maintenance of different research networks with the European Union, which enable the Law School's teachers and researchers to establish contacts with experts from abroad. The advantage of these networks lies in the possibility of obtaining external financing for projects approached by a group of interrelated universities. The approval of the Theme Network of Spain's Agency for International Cooperation on Social Dialogue, which links us to Latin-American universities

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<sup>6</sup> The Institute of Legal and Social Research "Ambrosio L. Gioja" was successively chaired by Dr. Juan Carlos Agulla, Dr. Elvira Gargaglione de Yaryura Tobias, Dr. Germán Bidart Campos and Dr. Carlos María Cárcova, who has occupied the position since 2002. Dr. Tulio Ortiz is the Institute's current Deputy Director.

(University of the Republic of Uruguay, University Pontificia Católica of Peru) and in Spain (University of Castilla La Mancha, University of Cadiz, University Pompeu Fabra of Barcelona), has been a significant turning point. Financing from Spain's Agency for International Cooperation has made teacher exchange possible, thus opening doors to new presentations in which the School may actively participate. The School's experience – as participant and as coordinating institution- in ALFA Programs projects developed at the heart of the European Union, is significant and increasing. Moreover, and related to external financing, it should be noted the School's recent approval of the "Jean Monnet" Module on Community Law, endorsed by the European Community. The Module is gradually implemented through the completion of courses included in the CPO (Oriented Professional Stage), joint seminars and academic activities.

### **International Agreements**

In addition to the Framework Agreements between the University of Buenos Aires and other Education Establishments overseas, the School of Law has made arrangements specific to the area of Law Sciences in order to encourage student, graduate and teacher exchange through international agreements.

As regards undergraduate studies, the School has entered into noteworthy agreements with the **Universities of Boston, Columbia, Texas and Tulane (USA), Paris II (Panteón-Assas) and Catholic of Lovaina (Belgium)**, which enable students to take courses abroad during one semester. Likewise, and as consideration, the Law School receives foreign students who come to study at the UBA for a four-month period.

### **III. UNIVERSITY EXTENSION**

University Extension constitutes the accomplishment of the communication between the University and the community at large, as well as an opening to encourage general areas of cultural growth. In view of that, the Extension Division and Student Welfare seeks to generate mechanisms to allow the School to insert itself in the community and to establish relations with society, as well as with different public and private activities, with the clear objective of contributing to find answers to the problems and the needs of the community, providing the specialized knowledge acquired in its sphere.

In order to address the needs of the community directly, the Extension Division coordinates and oversees Gratuitous Legal Consulting and Sponsorship services, where legal assistance is rendered to approximately 10,000 people per semester.

Together with other School Departments, the Extension Division cooperates in the technical preparation (oratory, persuasion and legal English) of the teams representing the UBA at international competitions, and it develops the evaluation systems and reports used in the examination of applicants to scholarships and exchange with foreign universities.

### **Scholarship Programs - Technical Assistance and Internships**

By way of the annual Scholarship Program, the School of Law awards scholarships and economic assistance to low-income students who show good academic performance.

The Technical Assistance and Internship Programs allow School divisions and departments and external organizations (both public and private) to hire students for a certain term to attain specific training in different professional fields.

## **Sports Administration**

The School of Law has a Sports Center, where different sport disciplines are taught, practiced and perfected, and where players are selected to join the teams representing the School.

The Sports Center has an infrastructure which allows students, graduates, teachers and college administrative staff to carry out physical activities. There is a heated swimming pool, a main gymnasium apt for the practice of sports like basketball, soccer 5, handball and volleyball, a boxing gymnasium, a martial arts gymnasium (offering karate, taek-won-do, aikido and yoga classes), and a weight-lifting gym equipped with complement machines to work out different muscle groups.

A current and synchronic look at the School reveals today a dynamic institution, committed to permanent upgrading and to the pursuit of solutions and answers –often amid adverse circumstances- to the challenges and concerns of new generations of university students.

## **IV. FINANCE and GENERAL ADMINISTRATION DIVISION**

The Finance and General Administration Division is charged with the planning and implementation of the resources of the National Treasury allocated to the University as well as those generated by the School through its different areas, which in recent years have proved to be of vital importance to sustain the School's educational model. In addition, this Division allocates the necessary funds for each sector to comply with the goals set, thus determining an internal distribution of resources among the different management areas. It also deals with all matters related to personnel administration promoting their training and growth.

Among other main functions, this Division also ensures the School has the infrastructure and equipment necessary and ample for teaching, research and extension activities that lead to the achievement of the education project.

## **V. PROJECTS AND PROSPECTS**

The School of Law of the University of Buenos Aires, an institution experiencing constant change, not only prides itself on its milestones and present, but it strives to maintain its prestige by updating and upgrading its objectives and programs.

### **A. The UBA Law School's Academic Portal**

In November, 2004, the "UBA Law School's Academic Portal" was set in motion.

The Internet as a teaching tool constitutes one of the most modern education and training strategies, and nowadays it is used by all kinds of organizations. Educational establishments are very much a part of this process.

To this end, optimizing the use of new technologies in view of the wide possibilities they offer, the Law School pursues two major goals: first, to bring students and teachers closer together, as well as to provide information about the Law degree course at the University of Buenos Aires to the community at large; and, second, to facilitate academic exchange between students and teachers, in order to provide complementary alternatives to on-site classes.

### **B. Creation of the "Law School Fiduciary Fund"**

In order to advance academic excellence, in November 2004 an agreement was signed, by virtue of which the Law School is appointed beneficiary of a trust administered by the Bar Association of

Civil Notaries of the City of Buenos Aires. Thus, an alternative path has been opened intended to obtain new financial resources.

The trust constitutes a technical means which facilitates donations from those who wish to contribute to the excellence of education in Law Sciences. Technical and financial cooperation comprises hiring of technical and professional services; acquisition, leasing, gratuitous loan or usufruct of machinery, equipment, computer programs, books, furniture and work elements in general; awarding incentives to teachers and students by means of pecuniary stimuli, scholarships or grants to attend courses, conferences or scientific symposiums, among other possibilities.

### **C. Permanent Council of Deans**

It was created in 1992 by the Schools of Law of National Universities in response to the need to generate a permanent realm of cooperation and assistance concerning matters of common interest. This ambit enables the accord on measures which, abiding by the individual realities of each education establishment, tend to standardize answers to shared issues. Among other matters, the analysis focuses on essential aspects of teaching Law in Argentina, curricular design, inter-institution articulation and elimination of distorting asymmetries (e.g., the ones arising from the diversity of criteria in the validation of foreign degrees, as well as transfers and equivalences among national institutions).

### **D. Association of Universities of the Montevideo Group<sup>7</sup>**

Shortly after the establishment of MERCOSUR, a horizontal net of Public Universities was created for the purpose of contributing to the strengthening of a critical mass of high level human resources, promoting scientific and technological research, continuous training and consolidation of the management structures of the member universities. Further, the goal is to favor regional integration.

In that context, the Schools of Law of the Montevideo Group have been holding meetings with the aim of coordinating different actions, among them, the promotion of student and teacher exchange, the discussion of aspects related to the teaching of Law in the sphere of MERCOSUR and the analysis of the problems that free movement of services imposes on professions. Hence, the idea arises for the creation of the MERCOSUR School of Law.

### **E. Project "MERCOSUR School of Law"**

Dean Alterini, President of the Bar Association of Buenos Aires at that time, presented the "MERCOSUR School of Law" Project at the IV Law Conference of MERCOSUR held in Punta del Este (Uruguay) in November/December 2001, and organized by the Council of Bar Associations of MERCOSUR, COADEM (*Consejo de Colegios y Órdenes de Abogados del MERCOSUR*) – integrated by the Argentinian Federation of Bar Associations, the Order of Attorneys of Brazil, the

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<sup>7</sup> Association of Universities of the "*Grupo Montevideo*" (AUGM) consists of the following universities:

Argentina: Universidad de Buenos Aires - UBA), Universidad Nacional de Entre Ríos (UNER), Universidad Nacional del Litoral (UNL), Universidad Nacional de La Plata (UNLP), Universidad Nacional de Rosario (UNR), Universidad Nacional de Córdoba, Universidad Nacional de Tucumán (UNT).

Brazil: Universidade Federal do Rio Grande do Sul (UFRGS), Universidade Federal do Santa Maria (UFSM), Universidade Federal do Santa Catarina (UFSC), Universidade Federal do São Carlos (UFSCAR), Universidade Federal do Paraná (UFPR), Universidade Estadual do Campinas (UNICAMP), Universidade Federal de Minas Gerais (UFMG).

Chile: Universidad de Santiago de Chile (USACH).

Paraguay: Universidad Nacional de Asunción (UNA).

Uruguay: Universidad de la República.

Bar Association of Paraguay, the National Bar Association of Bolivia and the Bar Association of Chile. The Project was expressly endorsed by the Conference of the Permanent Council of Deans of National Universities Law Schools and by the Council of Deans of the Association of Universities of the Montevideo Group.

The idea of the MERCOSUR School of Law, developed in the Public Universities of the region, falls in line with the free movement of professionals resulting from the Treaty of Asunción, as it will enable attorneys from any Member State to practice in other countries, for which purpose the project includes the implementation of fourth-level subject curricula — in particular Integration Law and Comparative Law Studies— essential to allow free professional practice throughout the territory of the Common Market.

## **F. Argentine Law Digest**

In view of the high academic level of its faculty as well as the expertise of professional teams highly specialized in legislative code projects, the UBA School of Law undertook before the Executive Branch and the community in general the commitment of developing the Argentine Law Digest. The project aims to ascertain the Law currently in force and it constitutes the most significant legal challenge embarked upon since the national organization as well as a development of fundamental importance in the process of strengthening the democratic system and in the consolidation of legal certainty in Argentina. On May 19, 2005, after many years, the final works were delivered to the National Ministry of Justice and Human Rights.

## **VI. THE SCHOOL FACED WITH THE GREAT NATIONAL PROBLEMS**

The School of Law carries out and promotes activities related to the actual situation in Argentina as well as to main issues concerning Argentinian society. This task is the rightful duty of the public University, by virtue of legal imperative, as it is so prescribed in the UBA statute, as well as an ethical duty, as inevitable consideration that the public University is bound to return to society; especially under the current particularly serious economic circumstances, where considerable sectors of the population are below the poverty line and yet contribute to the financing of public education by means of consumer taxes.

### **A. Argentina's foreign debt**

In July 2002, Dean Alterini summoned over thirty Law professors from different National Universities to a meeting in order to discuss important legal aspects of the foreign debt. Together they issued the "Declaration of Buenos Aires", which formally undertook the commitment to thoroughly analyze the legal profiles of Argentina's foreign debt as regards:

1. Consistency of the practices used in calculating and negotiating the foreign debt with the framework of general principles of the Law, Human Rights and the Law of Nations;
2. Specifically, the possible contradiction of those practices with the principles of common good and those which condemn usury and unjust enrichment, abuse of Law, and excessive subsequent burden; as well as with those which underscore good faith in the formation, interpretation and



execution of contracts, necessary equivalence of consideration, objective purpose of contracts, unconscionability, equity, *favor debilis*, lack of subject matter, exemption of competence and legal remedy for insolvency.

## **B. Reformulation of the Social Contract**

In 2004, the School set in motion the development of the "Mariano Moreno Project for the Formulation of a New Social Contract", thus called in tribute of one of the founding fathers, a lawyer who translated and wrote the preface to Rousseau's Social Contract and illustrated in this fashion the political thinking of the *May Revolution*.

Starting from the premise that the paradigm of Argentina's social contract has been broken –as the rules of the game and the role allocation typical of the current system no longer fulfill their functions, and the institutions which at some time operated efficiently no longer do-, the Project tackles the necessity of formulating a new social contract. It contains an open proposal, designed to detect chief social demands, find common denominators and propose solutions and courses of action. It is considered of utmost importance to urgently address compelling demands of society on matters such as public safety, political and judicial reform.