

Event: Late Summer School of Comparative Law

Time: September 24th – 30th 2013, Place: Vilnius, Credits: 3 ECTS

Call for Applications: CV & Motivation letter, Deadline June 3rd

Organisation: European Humanities University, German Studies Center, Vilnius

Partner: Mykolas-Romeris-University, Faculty of Law, European Humanities University, Faculty of Law

Support: German Academic Exchange Service

Legal practice has become more and more internationalized; even regional law firms have to cope with trans-border transactions, especially in medium-size economies like the Baltic countries. The practicing lawyer will be confronted with foreign private law, but he generally is not prepared substantially and methodologically for these challenges by his home universities' curriculum.

- 1) The students will be provided an overview of the present legal systems and their interaction with each other. The presentation takes into account respective historical, cultural and social characteristics and is elucidated by practical examples from legislation and jurisdiction, as far as possible on the basis of the original documents' wordings.
- 2) After this general preparation, the course focuses on comparative approaches to a recently very dynamic and practically extremely relevant issue: Intellectual property law has raised interest – especially in the field of IT Law – not only among legal scholars and practitioners, but also in media and public discussion. IP Law specialists from all Baltic countries and Germany will present their respective perspectives and discuss them with the students against the background of the considerably different regional legal traditions in this field.
- 3) Finally, the students will practice their skills by performing a moot court, i.e. in a hypothetical court session where all functions (judges, lawyers, witnesses, experts etc.) are performed by students. They will be provided all essential information and support to prepare in groups a legal case, which they will then bring to "court" according to due procedural rules.

After course completion, the student shall be able to determine the main characteristics of major foreign legal systems and to correlate them to similar/different legal systems. He should be informed about the general cultural outlines which lead to the present constellation of legal systems and should be able to explain the different systems' approaches to major legal subjects.

Lecturers: *Thomas Hoffmann, PhD, LL.M.*, DAAD-Fachlektor at the University of Tartu, Estonia
Christoph Schewe, PhD, M.E.S., DAAD-Langzeitdozent at the University of Latvia, Riga
Aleksander Vashkevich, PhD, European Humanities University, Vilnius
Oleg Bresky, PhD, European Humanities University, Vilnius

Prerequisites: the course is intended for BA/MA students studying Law, Political Science, European studies or other relevant subjects and coming from EU, Belarus and other East European countries. Participants are expected to have some basic knowledge in legal theory and a certain interest for the given topic.

Course fee: 275 Lt (80 Euro). NB: board, lodging and transport are not included. Romeris University can provide student accommodations and meals (EHU student cafeteria) for low additional cost if needed.

Deadline for application: 3rd of June 2013

Please send your application (containing your **CV** and a short letter explaining your motivation to participate as well as your expectations for the course) to comparativelaw@ehu.lt.

Schedule

Lecturers will provide additional information at <http://rechtintartu.ee/> and <http://schewe.lu.lv/>.

24 Sept: Arrival

Welcome dinner

25 Sept: Session I

Session I focuses on Civil Law systems.

- 09.30 Introduction to Comparative Law (*Thomas*)
10.15 Microcomparison: Offer and Acceptance (*Thomas*)
11.00 Break
11.15 Macrocomparison: The German Law Family (*Thomas*)
12.00 Lunch/Siesta
13.30-15.00 Transformations of legal systems in Eastern European countries during last two decades (*Oleg*)

Afternoon: City tour

26 Sept: Session II

Session II focuses on Intellectual Property Law and provides an introduction to European Law as well.

- 09.30 Macrocomparison: The Anglo-American Law Family (*Thomas*)
10.15 European Intellectual Property Law (*Thomas*)
11.00 Break
11.15 The Influence of the Court of the EU on the Harmonisation of National Laws I (*Christoph*)
12.00 The Influence of the Court of the EU on the Harmonisation of National Laws II (*Christoph*)
12.45 Lunch/Siesta
17.00-20.00 Symposium "The future of copyright law in a globalized world - Estonian, Latvian, Lithuanian and German viewpoints"

27 Sept: Session III

Session III will present the legal culture of further West European legal families and continues European Law, i.e. its recent developments in Contract Law (CESL).

- 09.30 Macrocomparison: The French and the Scandinavian Law Family (*Thomas*)
10.15 Microcomparison: European Contract Law (*Thomas*)
11.00 Break
11.15 Comparative Law as matrix for today's European Law (*Christoph*)
12.00 Comparative Law as matrix for today's European Law (*Christoph*)
12.45 Lunch/Siesta
17.00 Meeting with lawyers of an International law firm in Vilnius.

28 Sept: Session IV

Session IV gives a glance at further important law families, on property law and on Private International Law.

- 09.30 Macrocomparison: The East-European, Asian and religious law families (*Thomas*)
10.15 Microcomparison: Tort Law, Property Law (*Thomas*)

- 11.15 Private International Law (*Thomas*)
 12.00 Lunch/Siesta
 13.30-15.00 Comparison of legal reforms in Eastern and Southern Europe (80th and 90th of XX century) (*Oleg*)

Afternoon: Trip to *Europos Parkas*

29 Sept: Session V

Moot court

In the last session, the students will train their strategic skills by imitating a court procedure. The roles of the claimant, defendant, lawyers, judges as well as witnesses will be assigned to groups of students who will prepare together respective legal actions in a case featuring private, procedural, social and criminal law.

Afternoon: Farewell barbecue in Central Vilnius

30 Sept: Departure

Literature:

- The "**Introduction to Comparative Law**" by *Konrad Zweigert* and *Hein Kötz* (1996, Oxford University Press, 3rd ed., ISBN 3161465482) is - although a little outdated - still the "Gold standard" for Comparative Law; also this lecture is based on this book.
- Significant as well is "**Major Legal Systems in the World Today**" by *René David* and *John Brierley* (London 1985, Stevens, ISBN 0-420-47340-8).
- More multifarious, but less comprehensive is "**The Oxford Handbook of Comparative Law**", recently edited by *Mathias Reimann* and *Reinhard Zimmermann* (2008, Oxford Univ. Press, ISBN 0199535450).
- "**Comparative Contract Law**", written by *Thomas Kadner Graziano* and published in 2009 at Palgrave Macmillan (ISBN 978-0-230-57979-8) comprises different approaches to the practically most important problems of contract law by many of the world's most significant legal systems, including Chinese law and various model laws as well.
- During the last years, further major works have been written by
 - *Roger Cotterrell*: "**Law, Culture and Society**", 2006 at Ashgate, ISBN 0754625117;
 - *Peter De Cruz*: "**Comparative Law in a Changing World**", London 2007, 3rd ed. at Routledge-Cavendish, ISBN 1859419364;
 - *Ugo Mattei/Teemu Ruskola*: "**Schlesinger's Comparative Law**", London 2009, at Foundation, ISBN 1587785919, and finally also by
 - *Patrick Glenn*: "**Legal Traditions of the World**", 2010, 4th ed., OUP, ISBN 0199580804.
- *Werner Menski* is the author of a comprehensive book implying to a large degree Asian Law: "**Comparative Law in a Global Context: the Legal Traditions of Asia and Africa**" was published in 2006 at Cambridge University Press, ISBN 0521675294.
- Asian law is also subject to a recently published work by *John Head*: "**Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and Operational Perspective**", 2011, Carolina Academic Press, ISBN 1594609578, compares European legal system with both dynastic and contemporary Chinese law.