



AUCA LAW DEPARTMENT

**Departmental Development Plan
for 2010-2011 academic year**

This Department Development Plan has been prepared upon the request of AFP CAM for continuing support by AFP of the American University - Central Asia's International and Business Law Department.

Content of the DDP:

- I. Report for 2009-2010 academic year
- II. Objectives and planned activities for 2010-2011 academic year
- III. Role of International non-resident scholar in the development of the Department
- IV. Local capacity building
- V. Suggested list of returning scholars for 2010-2011 academic year

I. REPORT FOR 2009-2010 ACADEMIC YEAR

Review and improvement of the Curriculum was stated as a goal in initial DDP. The Department carried out activities in implementing these objectives, including conducting a series of departmental meetings and developing certain documents on the following issues:

Improvement of the Legal Clinic Program. Legal Clinic is an important component of the curriculum of the International and Business Law Department. It is the course that allows the Department to teach students to number of important practical lawyering skills and provide at the same time community service activities. In other words, Legal Clinic is an opportunity for students to be engaged in real life cases and opportunity for those who cannot afford to pay lawyers to protect their rights in and outside the courts. Often people turn to Legal Clinic seeking for help to protect their rights against unlawful measures of state authorities. Thus, the Clinic has an impact not only on students, but on the society as well. The Department constantly works to improve the work of the Legal Clinic, to make its activities more effective. In 2008-2009 substantial changes were introduced into Clinic to better monitor the quality of assistance provided by students to people and to enhance students' legal research and writing skills. This year, 2009-2010, the Department tested these changes and is quite satisfied with the results. However, certain problems remained with proper and effective supervision of students' performance in the Clinic. The Department undertook the following activities to improve the work in the Legal Clinic:

1. Hired new Legal Clinic supervisor, former graduate of the AUCA, a person with great practical experience specialized in land law, family law and housing laws. Before the Legal Clinic was not specialized in particular field of law, thus question came from various areas and of various complexities which made the task of supervising more challenging. This year, the decision was taken to specialize in the area of family law, land law and housing law. The primary reason for selecting these areas of law has become the priority of the Clinic to provide help to vulnerable part of society and available human recourses of the Department.

2. Introduced a new policy of co-consulting, where students in pairs work on a case. This policy was introduced in order to improve the quality of assistance provided to clients.

Internship program. Throughout the academic year 2009-2010, International and Business Law Department redesigned its internship program with the goal of enhancing the effectiveness of the program on the whole. There was a need to evaluate the quality of the internship, to better track the hours that students spends at an internship, assess the students' performance on the job and ensure the accountability of interns. In order to achieve these goals, the Department planed to revise its existing rules on internship and developed practical mechanisms that would ensure that students learn and acquire really valuable experience during their internship. In this regard, the Department closely cooperated with its AFP International Scholar, Leah Wortham. Together with her, we redeveloped internship policy, student evaluation criteria and other forms and documentations relating to internship. Among other things, the Department added a human rights focus to the internship program. We assembled a package of international human rights standards related to the administration of justice, or otherwise to things that students might encounter in normal placements. Students will be asked to observe the applications of these standards to what they saw in placements and reflect them in the final reports, and, in the fall, there would be one large class of all returning students with some general discussion of student feedback on their observations.

Peer review. Starting from the academic year 2009, AUCA introduced "peer-review" as one of the reliable mechanisms among the multiple ways of evaluation of teaching quality. However, the administration of peer review handled by the departments themselves according to its own guidance as to the procedure of evaluation. In this connection, the International and Business Law Department developed peer review policy according to which it conducted this evaluation. In this regard, the Department had an assistance of the AFP International Scholar, Leah Wortham that provided a great feedback on departmental policy and questions, which made the peer review more productive. The first peer review process took place starting from October 28 to December 7, 2009. Both full time and a number of part-time IBL Department teachers participated in the peer review. As a result of this activity, the Department provided with report to administration about the results of its work. For a long term, the most important consideration for implementing lasting peer review of teaching was to make sure that the culture of the Law Department is in accord with the values of peer review. Alignment of the criteria and methods of evaluation used in peer review with other processes in the Law Department is one way to strengthen it. Therefore, the Department considers it as inevitable activity of professional teaching development of each teacher.

Entrance exam. According to the new regulations of the AUCA, the format of admissions exams has been changed. Under these new regulations all departments have to follow the uniform entrance procedures. These include the TOEFL, essay on current social, economic and political issues and the interview. The Law Department implemented new regulation by developing set of analytical essay questions and questions for the interview, which were used in the entrance exams in March 2010. The entrance exam was oriented on checking analytical and logical reasoning skills, which are the essential for a lawyer. The Department welcomed these university reforms because the practice has shown that previous exams did not always result in the admission of the right kind of students to study the law. Therefore, Law Department was willing to fulfill the task of re-designing an entrance test that will help to select those who have the attitude to be capable lawyers.

New format of state exams. As was previously reported, the IBL Department decided that all questions during the state exam must have analytical component and should not be in test format (multiple choice questions). However, this academic year, it was determined that the Department should stress not on the format of state exams, but on the content of exam questions; during the Departmental meetings it was decided that the state exam questions must test different lawyering skills (such as writing, reasoning etc.) of the graduates and contain analytical component as well. Therefore, the exam format can remain with a combination of analytical essays and/or multiple

choice questions tests. The essays must present solution of hypotheticals on different law subjects on the students' choice depending on their concentrations. As for the content of questions, the department is working on its development. However, during the Departmental meeting the issue (which is still pending) was raised as to decide whether to choose the essay or multiple choice tests for the state examination. After the development of the exam texts, a peer-review will be conducted in order to refine them. In addition, it has been decided that students writing thesis do not have to take state exams, but only defend their thesis in front of special commission.

II. OBJECTIVES AND PLANNED ACTIVITIES FOR 2009-2010 ACADEMIC YEAR

For the next 2010-2011 academic year, the Department plans to work on the following issues:

Strengthening human rights component of the Legal Clinic Program. For the academic year 2010 – 2011 the Department plans to strengthen human rights component of the Legal Clinic Program by focusing on high impact public interest law cases. High impact public interest law cases are those cases that touch the interests of not one individual, but of a group of people or certain category of people or those that have policy implications. Currently the Clinic has few such cases; the biggest one is on protection of local community's rights over the land against illegal construction of children's playground. As part of this case, it is planned for the next year, under supervision of the Legal Clinic Director to develop an educational manual or booklet about rights over the land adjacent to the apartment building. The group of ten students has been already selected to write the manual, the general structure was already discussed and approved and it is planned to complete and publish the writing of this manual by September/October 2010. Upon completion of writing and publishing of this manual, the Department plans to organize a round – table discussion on the issue of protection of rights over the land adjacent to the apartment building. It is planned to organize this event in September/October of 2010 with participation of all interested parties, including representatives of micro districts, where most of the apartment buildings are located, relevant state authorities, representatives from other legal clinics in the city. The purpose of this round – table discussion (1) is to raise awareness about local community's rights over the land adjacent to their apartment buildings (2) to discuss with all relevant parties the problematic aspects in regulating this issue and (3) to present and distribute the prepared publication to the audience.

Another activity that the Department plans to implement next academic year in order to improve the operation of the Legal Clinic Program is to improve the qualifications of new Legal Clinic supervisors. In particular, with the help of international non-resident scholar, the Department plans: (1) to organize a workshop on effective teaching or supervising in the Legal Clinic and (2) to organize a visit to a Legal Clinic in one of the AFP partner universities, where Legal Clinic is successfully functioning using the possibilities provided by AFP mobility grant.

Organization of a Conference. The Department plans to organize a conference on "Contemporary Issues of Human Rights in International Law" in March 2011. The participants of the conference will be the faculty members, practicing lawyers and the law students. On the conference, AFP Research Fellows and other members of the faculty will present for the discussion their ongoing research papers related to this topic.

Contemporary issues of Human rights protection in the legal system of the Kyrgyz Republic.

Workshop on Research methodology. This academic year, it has been realized that there is a need research, and most of them are doing their PhD dissertations, it appeared that such workshop is inevitable activity for members of the law faculty to successfully develop their research skills. Therefore, the Department plans to work on conducting such workshop with non-resident international scholar Leah Wortham next academic year.

Professional Development Activity. In the framework of professional development of each faculty staff of the Department, it has been decided to conduct each month departmental meetings to peer

review each other research activities, which are in progress in order to provide constructive feedback, assist in research, and in general find solutions to common challenges that faculty members face with in its professional development.

Within this task, following individual research plans of Returning Scholars are planned to be discussed:

- a. Ainura Abdyrakunova will be continuing her research within the framework of her PhD project. Her research topic is “Legal challenges of trade in services through electronic networks”. For the purpose of accelerating progress of her project, she plans to conduct a research visit to the library of CEU or other university in Europe during summer 2010, and will be regularly discussing her progress and challenges of her project with her AFP RS colleagues and supervisor.
- b. Nurzat Myrsalieva will be finishing her research and publish an article on the “Role of local government in ensuring community interests in urban development.” Part of this research will already be presented at the upcoming NYSPACE conference in Warsaw, Poland in May 2010. Nurzat will also publish another research paper on “Implementation of Kyoto Protocol: prospects for developing countries”, that was presented for discussion at the AFP inter-disciplinary meeting in Istanbul in October 2009. She also plans to present the final version of this paper at the academic conference in Singapore on “Asian approached to International Law” which will take place in October 2010. As a Director of Legal Clinic Program, Nurzat will also supervising one more publication on protection of community’s rights over the land, adjacent to the apartment building.
- c. Kamila Mateeva will be continuing her research within the framework of her PhD project. She is going to apply for a PDF in order to continue her research abroad for the PhD project. Kamila also will be finishing her research and publish an article on the “Conflict of interests in execution of Parliament’s control of the Kyrgyz Republic.” She also plans to do research and draft an article on “Treaty relations of the Kyrgyz people: challenges of treaties’ implementation”, which is going to be part of one of the chapters of PhD project.
- d. Gulnara Tentieva will be continuing doing her research and draft of dissertation for a Doctor of Juridical Science. Moreover, she plans to organize set of round tables and conferences within framework of Constitutional Law.
- e. Ruslan Zholdoshbaev as a Ph.D. candidate, he expects to research Criminal Justice System of the Kyrgyz Republic. His study will focus on a comparative analysis of the United States and Kyrgyzstan’s Criminal Justice System. Besides, his research will extend to crime issues, especially white-collar crimes. As a part of his Ph.D. project he is going to publish an article on “White-collar crime: Embezzlement”. In order to improve his professional development and academic qualification, he is going to apply for short-term courses and programs abroad.

Developing ePortfolio System for the Department. This academic year, the university initiated a new project called “ePortfolio System”. AUCA ePortfolio System is a highly personalized, customizable, web-based information management system, which allows faculty members and the Department to demonstrate individual and collaborative growth, achievements, and learning over time. The ePortfolio is a dynamic, developmental space representing the professional "self" on the Web which enables faculty members and the Department to assemble, present, and share information online for documenting academic growth, career evaluation, and course preparation. Three Departments at the university were chosen to participate in this pilot project, including the IBL Department. Thus for the next academic year, the Department plans to fully develop and utilize ePortfolio System.

Senior Thesis/Project.

This academic term, the university came out with “A Senior Thesis/Project” that demonstrates and celebrates the knowledge and skills of the students acquired during their four years of liberal arts education at the AUCA. This senior/thesis project is an individual and creative activity, and visible products that determines and covers each senior student’s work at the AUCA. The project may take different forms, from traditional scholarly research/thesis (here referred to as thesis), to other formats, such as a film, video series, data portfolio, computer program, website etc (here referred to as a project). All theses/projects require a written paper and an oral presentation (defense).

This project is an opportunity for AUCA students to complete an extended, significant intellectual work that will be a culmination of over a year's worth of planning, research, and writing. Consequently, students normally choose to work on a topic that has generated their interest during their undergraduate years at AUCA. The International and Business Law Department has taken a place on further development of the project. It is planned that periodically, the Department will organize a meeting to discuss important research-related topics, demonstrate the progress of student projects and provide the exchange of constructive feedback. We hope that it will serve as an inspiration to present and future students.

III. ROLE OF INTERNATIONAL NON-RESIDENT SCHOLAR IN THE DEVELOPMENT OF THE DEPARTMENT

The Department has decided to continue to work with Professor Leah Wortham from Catholic University of America, the Columbus School of Law as its non-resident International Scholar. Leah Wortham is an expert in clinical education, curriculum development and organizing internship/externship programs. Leah Wortham is well familiar both with American and European systems of legal education.

We plan Leah Wortham to undertake the following activities during the 2009-2010 academic year:

- a) Advise the Department on improvement of Legal Clinic program, in particular, work with Legal Clinic Director and clinical professors on designing a new model of Clinical program (The Department plans to have specialized Clinic rather than general one). It is also planned that Leah will provide feedback and comments on new syllabus, provide with possible teaching materials and conduct workshops/trainings on teaching methods in clinical setting.
- b) Work further with returning scholars on their progress with dissertation works.
- c) Assist with organization and conducting of a workshop on research methodologies for the faculty of the Department.
- d) Provide feedback on Department’s new format of conducting state exams; work with individual faculty members on developing hypothetical situations and questions for state exam, where students are required to demonstrate not only their knowledge of law, but also their analytical and problem solving skills.
- e) Provide feedback and comment to syllabi of the courses, which will be developed and taught by new returning scholar Begayim Esenkulova.
- f) Visit faculty members’ courses and reflect on their teaching methods.
- g) Revise rules and procedures on peer-review, provide comments and participate in this process.

IV. LOCAL CAPACITY BUILDING

1. Ainura Abdyrakunova attended a regional conference on innovative teaching methods on April 30 -May 1 in Yerevan, Armenia.
2. Ainura Abdyrakunova attended CEU Summer University on “teaching law, ethics and human rights” in July 2009.

3. Ainura Abdyrakunova attended a round-table on “Problems of ownership rights to real estate and ways of their solution” organized by Kyrgyz State Law Academy in March, 2010.
4. Nurzat Myrsalieva wrote and published an article in the AUCA newsletter on “Correlation of international and municipal law of the Kyrgyz Republic.
5. Nurzat Myrsalieva has been accepted to participate in the 16th NISPAcee conference, which will take place in Warsaw, Poland in May 2010, where she will present a research paper on “The role of local government in ensuring community interests in urban development.”
6. Nurzat Myrsalieva wrote and present draft of her article on “Implementation of Kyoto Protocol: prospects for developing countries” for discussion and peer-review at the AFP interdisciplinary meeting on Law and Political Science, which was held in Istanbul, Turkey in October 2009.
7. Kamila Mateeva participated in the Round Table on “Law making and Business Climate in the Kyrgyz Republic: lapses of commercial legislation,” organized by American Chamber of Commerce, February 16, 2010, Bishkek
8. Kamila Mateeva participated in the Round Table on “Protection of private property: Seizing in the Kyrgyz Republic,” organized by the Institute of Constitutional Policy, October, 2009, Bishkek.
9. Kamila Mateeva participated in the seminar on “Mediation as a tool for an alternative dispute resolutions,” organized by American Chamber of Commerce, July 2009.
10. Kamila Mateeva is prepared a draft of an article on “Conflict of interests in execution of Parliament’s control of the Kyrgyz Republic,” which she is going to publish in AUCA journal.
11. Gulnara Tentievna published this academic year: Конституционно-правовое регулирование взаимоотношений между президентом и парламентом посредством определения параметров избирательной системы (на примере Кыргызстана) // Государство и право, журнал РАН РФ.
12. Gulnara Tentievna also published: Влияние изменений Конституции в Кыргызстане на правовое регулирование взаимоотношений между президентом и парламентом // Государство и право, журнал РАН РФ.
13. Gulnara Tentievna published: Why Don't Opposition Elites Cooperate with Each Other in the Postcommunist World? Interview Evidence from Kyrgyzstan // Post-Soviet Affairs and or Europe-Asia Studies (Eugene Huskey -co-author).
14. Gulnara Tentievna participated and also organized herself number of conferences and round tables within the framework of Constitutional Law.
15. Ruslan Zholdoshbaev attended CEU Summer University on “teaching law, ethics and human rights” in July 2009, Budapest/Hungary.
16. Ruslan Zholdoshbaev participated in the Round Table on “Interaction of the Law Enforcement Agencies with civil society on issues of delinquency and juvenile crime” organized by the National Police Academy of the Kyrgyz Republic, October 2, 2009.
17. Ruslan Zholdoshbaev participated and gave a speech in the Round Table on “An application of mathematical methods and information technologies in legal action,” organized by the National Police Academy of the Kyrgyz Republic, October 20, 2009.
18. Ruslan Zholdoshbaev attended seminar on “Human Rights during the investigation of crimes” organized by Ministry of Interior Affairs of the Kyrgyz Republic and OSCE organization.
19. Ruslan Zholdoshbaev participated in the Round Table on “Emergency incidents: Localization and special events,” organized by the National Police Academy of the Kyrgyz Republic, March 26, 2010.

20. Ruslan Zholdoshbaev wrote and published two articles in the Bulletin/Journal of the Kyrgyz Police Academy on “Problem-Oriented Policing,” and “Compstat” №10, April/2009.
21. Ruslan Zholdoshbaev attended one week training program for judges on “Juvenile Justice” organized by the Supreme Court of the Kyrgyz Republic and UNESCO, December 2009.

V. SUGGESTED LIST OF RETURNING SCHOLARS FOR 2009-2010 ACADEMIC YEAR

1. Gulnara Iskakova, Ph.D in Jurisprudence, LL.M from Duke University, USA
2. Kamila Mateeva, LL.M from Indiana University School of Law at Indianapolis, USA
3. Nurzat Myrsalieva, LL.M from Indiana University School of Law at Indianapolis, USA
4. Ainura Abyrakunova, LL.M from World Trade Institute, Bern, Switzerland
5. Ruslan Joldoshbaev, MA in Criminal Justice from University of Louisville, Kentucky, USA
6. Begaiym Esengulova, LL.M from Central European University, Hungary
7. Kanykei Kasybekova