

# **Didactic Problems of Teaching Law for International Audiences of Management Students**

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# Contents of Presentation

1. What legal programmes and courses are available at the WSB University
2. Why we teach law to management students
3. How we organise legal courses for International students
4. Didactic Problems of Teaching Law for International Audiences of Management Students

# What we do at WSB University

## FULL TIME AND PART TIME PROGRAMMES

- **Master in Law** - regular five-year legal studies, focus on Polish law;
- **Law in Business** - Bachelor programme in Polish language, curriculum combining courses in the field of law and economics;
- **Law in Business** - Bachelor programme in English language (in preparation);
- **Courses in Law within other Bachelor and Master Programmes:**
  - Polish Civil Law
  - Polish Commercial/ Company Law
  - Practical Aspects of Law
  - Legal Aspects of Conducting Business Activity
  - etc.

# Law in Business

Bachelor programme in **Polish language**.

Curriculum combining courses in the field of **law and economics**.

**(I)**

## **LEGAL COURSES**

Constitutional Law  
Public Law on Economic Activity  
Civil Law  
Company Law  
Administrative Law  
Labour Law  
Procedural Law  
Bankruptcy and Restructuring Law

**(II)**

## **MANAGEMENT AND FINANCE COURSES**

(a non-exhaustive list)

Economics  
Fundamentals of Management  
Corporate Governance  
Corporate Finance  
Business Plan  
Business Accounting  
Public Relations  
Business Ethics

# Law in Business

(IN PREPARATION)

- Bachelor programme **in English** language,
- aimed at **international audiences**;
- curriculum combining courses in the field of **law and economics**,
- strong emphasis on elaborating **language aptitude** (English + other chosen language).

(I)

## LEGAL COURSES

(II)

## MANAGEMENT AND FINANCE COURSES

(a non-exhaustive list)

Constitutional Law

Legal Aspects of Conducting Business Activity

Civil Law

Company Law

Administrative Law

Labour Law

Procedural Law

Bankruptcy and Restructuring Law

Fundamentals of Management

**Cross-Cultural Communication**

Corporate Culture

Corporate Finance

Business Plan

Business Accounting

Public Relations

**Business Ethics**

(III) **COURSES DEVOTED TO ELABORATING/ SUPPORTING LANGUAGE SKILLS**

(e.g. Specialist Press Reading Course, English drafting, etc.)

# Why to Teach Law to Management Students?

1. Majority of Wroclaw School of Banking (WSB) students study finance and/ or management in hope to pursue a career as managers / heads of unit.
2. Responding to the market needs:
  - managerial posts do require some knowledge of law (skills to spot possible legal problem or risk are essential in the job);
  - focus on compliance (companies, notably multinationals, more and more often seek employees capable of finding creative solutions in order to comply with existing legal constraints).

# Legal Courses for International Students

Foreign students typically follow Bachelor and Master Programmes where course instruction is exclusively in English language:

- Bachelor level - Bachelor of Business Administration
- Master level - Master of Business Administration, International Management, International Finance.

## **Most frequently offered courses in law:**

- (Polish) Civil Law
- (Polish) Commercial/ Company Law
- Practical Aspects of Law
- Legal Aspects of Conducting Business Activity
- etc.

## How we organise Legal Courses for International Students

- Polish law as the basic point of reference, but not an ultimate goal of teaching;
- Introduction to and acquisition of basic legal concepts and instruments;
- Emphasis on developing problem-solving skills (analysis and discussion of case studies);
- (**Where possible**) comparing different solutions adopted under particular legal systems.



# Comparing different solutions adopted under particular legal systems

## Objectives:

- to make students aware about possible differences under particular legal systems in arranging legal relationships between contracting parties, including their contractual liability;
- to discuss how the interests of particular parties may be safeguarded according to the changing legal environment.

# Construction Work Agreement

under Polish Civil Law Code (PCLC)

[Agreement with the subcontractor]

Art. 647<sup>1</sup>

§ 1. The investor shall be jointly and severally liable with the general contractor for the payment of remuneration due to the subcontractor for construction works performed by him, the detailed object of which has been reported to the investor by the contractor or subcontractor before proceeding with these works, unless within thirty days from the date of reporting on this fact to the investor, the investor submits objection to the subcontractor and the general contractor against the works to be performed by the subcontractor.

§ 2. The notification referred to in § 1 is not required if the investor and the general contractor specified in the contract, concluded in writing under pain of nullity, a detailed subject of construction works performed by the designated subcontractor.

# (Real Estate) Sale Agreement

Under Polish law, by a sale agreement, the seller commits to transfer to the Buyer the ownership of an object and to hand it over to the buyer, while the buyer commits to collect the object in question and pay the agreed price to the seller (cf. Art. 535 PCLC).

This applies also to the notary deed under which the ownership of a real estate is transferred from the seller to the buyer. This is a different solution than that adopted under e.g. German law (*Kaufvertrag* and subsequent *Übereignung/ Auflassung*)

Conclusions concerning Polish legal solution:

Lowered security for the buyer of a real estate: until the notification of the new ownership to the official register, creditors of the seller could seize the property even after due payment by the buyer.

# Didactic Problems of Teaching Law for International Audiences of Management Students

Problem solving by students applying legal provisions  
*linguistically accessible* to them:

Students may (are encouraged) to decide to refer to law provisions applicable in their country of origin (or any other legal system which is of relevance to them) in order to solve an assigned problem.

Difficulty/ Drawback - limited possibility for the course instructor to verify the findings of an individual student; feedback usually limited to the solution arrived at on the basis of Polish law.

# Didactic Problems of Teaching Law for International Audiences of Management Students

Using English as vehicular language to explain legal concepts which are characteristic for other legal systems than Common law:

Examples:

Polish *użytkowanie wieczyste* (a kind of *Erbpacht/ Erbbaurecht*) - *perpetual usufruct?/ public ground lease?*

Polish *ślužebność* (*Dienstbarkeit*) - *easement ?/ servitude ?*

Polish *zasady współżycia społecznego* - *[?] principles of community life*

*Within the limits set by the law and the principles of community life, the owner may, with the exclusion of other persons, use and object in accordance with the social and economic purpose of his right, and may, in particular, collect the profits and other revenues from the said object. Within the same limits, s/he may dispose of this object.*

German *Sozialbindung des Eigentums* (Art. 14 para 2 of the German Basic Law (Grundgesetz, GG)) - *property entails obligation and its use shall also serve the public good.*

# What consequences of modifying traditional legal studies curricula ?

## Strengths:

- Focus on elaborating legal reasoning skills rather than memorising legal provisions which are in constant flux
- Responding to market needs: the Lawyer of the *Future* (?) ... Legal Consultant to the Management?

## Weaknesses:

No comprehensive education as lawyers

## Opportunities:

- Raising awareness amongst students about **common legal culture** and **particular systemic differences** amongst (European) legal regimes
- Better preparing students for the high volatility of the legal environment in which business activity is to be conducted

## Threats:

Limitation of compliance to finding loopholes in or even circumvention of law rather than its respect and proper implementation.

**THANK YOU FOR YOUR ATTENTION**

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