LAW REFORM IN TRANSITION ECONOMIES SEMINAR E526A
Winter 2009

Syllabus

1. Contact Details

Professor Anita Ramasastry (arama@u.washington.edu)
Tel: (206) 616 8441
Room: Gates Hall 417
Office Hours: Tuesday 3pm-5pm or by appointment

Secretarial contact for this course (course materials and website): Ruth Beardsley Room: Gates Hall 325 (giaconi@u.washington.edu)

Veronica Taylor (vtaylor@u.washington.edu)
Tel: (206) 543-5643
Room: Gates Hall 428
Office Hours: Wednesday 10am-12pm or by appointment

You should plan to have one consultation with either of the instructors about your essay topic and research/assessment for the course.

2. Outline

Course Description: This course focuses on the delivery of legal and regulatory reform through ‘development’ projects that are funded by foreign lenders or donors, often delivered in the form of ‘technical legal assistance.’ We trace the growth of this form of law making over the last decade and identify trends and clusters of activity. For example, in the 1990s many ‘foreign aid' projects focused on institutional reforms such as constitutions, courts and property rights in the post-Soviet Eastern European states. Today we see a profusion of players delivering law reform across borders, to both post-conflict states and to states that are transitioning to market-based economies. Using interdisciplinary perspectives and case studies, this seminar probes the assumptions, methods and outcomes of commercial law reform in transition economies. The course also highlights and critiques the role of international lawyers in this important, emerging area of practice.

3. Teaching and Learning
This is a collaboratively designed and taught course that draws on the expertise and research work of Professors Ramasastry and Taylor (UW Law School) and other colleagues including Professor Susan Whiting (UW Political Science) and Professor Per Bergling (Umea University, Sweden).

- Where possible the instructors will invite participation from outside speakers with relevant expertise.
- We will assume that you have read and thought about the readings assigned for each class before we start our discussions.
- We will discuss techniques and approaches for the writing exercise for this course.

4. Objectives

This course is designed to:

(1) introduce students to a system of legal governance and law reform that sits outside traditional categories of international and comparative law;

(2) demonstrate the interaction of economics, politics and law within transition economies;

(3) provide a systematic introduction to legal systems not examined elsewhere in the law school curriculum;

(4) provide students with advanced theoretical frameworks from law, politics and economics that will enable them to produce publishable legal writing;

(5) extend students' learning experiences to include empirical analysis in law, interdisciplinary and collaborative research, in-country fieldwork and applied legal policy-making;

(6) model the professional, ethical and cultural challenges for lawyers engaged in this new area of practice.

By the end of this course you should:

- be familiar with key texts in English that explain themes in law and development, rule of law, state-building and transition since 1990;
- know how to find primary and secondary sources on both theories and applications of law and development and rule of law worldwide;
- be able to find and use relevant material from civil law, common law, international donor and multilateral organization sources;
- understand contemporary debates within law, economics and the social sciences about the linkage between legal reform, political change and economic growth;
- be ready to formulate and discuss your own view about the utility of different approaches to law reform in transition economies;
- be able to formulate a line of enquiry and execute a piece of sustained, researched writing about contemporary rule of law, state-building and transition.
5. TEXTS AND COURSE READINGS

Courses in this field are relatively new; there is no single teaching text yet published. The reading guide for this course includes two kinds of readings:

1. Readings to be discussed in class (required readings for the course);

2. Additional reference readings, listed in the course reading guide so that you can use these as starting points for your own research.

3. There are no prescribed texts for this course. We offer you a range of readings that illustrate what we think are some of the main issues in the field.

   Where possible the required readings are available online from the course website. Handouts, PowerPoints and any additional material for the course will also be posted to the course website. Please check it weekly. Where online delivery is not possible, printed materials will be issued.

6. Class Schedule

   The class schedule will be distributed in the first class and posted to the course website.

   The topics in the reading guide are arranged in what we think of as a logical sequence. However, this is not a field of knowledge that is arranged (or that can be understood) in a linear fashion. Topics can be discussed out of sequence and the professor(s) and students may need to circle back to particular topics and themes from time to time. The sequential numbering given in the reading guide is for ease of identification; it is not intended as rigid ordering or as a hierarchy of importance.

7. Assessment

   1. Research paper, book review essay, annotated bibliography or translation with commentary counts for 80% of the grade for this course.

      - Papers – regardless of the format chosen – will be expected to be of publishable or near-publishable quality.
      - You are encouraged to explore a range of formats including: design and reporting on empirical research; legal translation and commentary; conventional legal journal article; technical report and policy recommendations.
      - Your essay will be 4,000-5,000 words in length, printed and double-spaced. Word count does not include the footnotes, which should only contain citations, not extensive comments.
      - Footnoting may be done in either Bluebook (legal) style or in any recognized social science (e.g., Chicago Manual) style, but it must be consistent.
      - You should plan to meet with one of your instructors to discuss your essay at least once before submitting it.
Essays are due: Monday 23 March. (Submit in writing to Academic Services, Level 3, Gates Hall by 4 pm.)

and

2. Class participation accounts for 20% of the grade for this course. Your participation may take the form of:

- preparing a class as the class expert for questions and comments (including questions for a guest speaker);
- presenting a new reading or some of your research in draft form;
- introducing a newspaper article covering an event or topic relevant to the course
- or a combination of the above.

You will choose your form of class participation and have it scheduled in Week 1 of the course.

Grades for the essay in this course

Your essay for this course should be a research essay at graduate level, ideally of publishable quality. Students in this course generally achieve high grades if they are interactive in class, read the course materials carefully and do additional research for the essay.

Below are the criteria that we use to evaluate your essay. Note in particular the highlighted criteria. These are elements of a research essay that students typically overlook, but that are critically important for a research essay.

For this essay you are not writing a legal memorandum or a Note for Law Review or Pac Rim. This means that you are not arguing simply one side of a proposition. A well-balanced research essay requires you to inform the reader by exploring multiple angles of the topic or problem and considering evidence that contradicts your own view or preferred stance, as well as evidence that supports it.

Research Essay Assessment Criteria

1. Research Skills:
   - quantity, quality, depth of research
   - appropriate number of sources and authorities used
   - use of primary as well as secondary sources
   - alternative views noted
   - comparative research where appropriate

2. Content:
   - well-defined topic and/or hypothesis
   - all aspects of the topic/hypothesis covered in discussion
• each point clearly related to the argument being developed in the essay

3. Synthesis/Innovation:

• imaginative topic chosen
• originality of ideas
• innovation in application of existing theory/ies
• own ideas formulated
• interdisciplinary perspective where appropriate
• suggestions for change where appropriate

4. Style/Structure:

• clarity and conciseness of expression
• direct and assertive
• consistent theme
• interesting
• use of correct terminology
• grammar, syntax, spelling correct
• good use of section headings, paragraphs
• Bibliography, Notes correctly set out
• well presented

5. Arguments and Analysis

• arguments logical and well organized
• clear exposition of the problem: issues and sub-issues clearly defined
• *sources analyzed, not just quoted - critique of sources relied on*
• *arguments proceed from cognitive to normative (nuanced description of the problem/issue before critique and recommendations for change)*
• well reasoned conclusions - no loose ends
• no plagiarism – all sources are quoted or referenced

6. General Comments

8. Feedback

Evaluation forms will be distributed in class at the end of the semester. If you have suggestions or comments, please feel free to discuss these with us before then.

Anita Ramasastry and Veronica Taylor
January 2009
LAW REFORM IN TRANSITION ECONOMIES SEMINAR E526A Winter 2009

Calendar

You may be prompted to enter your UWNetID and password.

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<thead>
<tr>
<th>Week</th>
<th>Class Date</th>
<th>Topic</th>
<th>Instructor</th>
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<tbody>
<tr>
<td>1</td>
<td>Jan. 5</td>
<td>Introduction to the Issues</td>
<td>AR and VT</td>
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<td>Jan. 7</td>
<td>Introduction to the Issues</td>
<td>AR and VT</td>
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<td>• Organisation for Economic Co-operation and Development: PowerPoint or PDF</td>
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<td>2</td>
<td>Jan. 12</td>
<td>Economic Theories Underpinning Law and Development</td>
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<td>Jan. 19</td>
<td>MLK Day, no class</td>
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<td>Jan. 21</td>
<td>Law &amp; Development Intellectual History</td>
<td>VT</td>
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<td>Jan. 19</td>
<td>Law &amp; Development Intellectual History</td>
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<td>Jan. 21</td>
<td>Law &amp; Development Intellectual History</td>
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<td>Jan. 26</td>
<td>Legal Framework for Development</td>
<td>AB</td>
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<td>Jan. 28</td>
<td>Governance and the Rule of Law</td>
<td>VT</td>
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<td>5</td>
<td>Feb. 2</td>
<td>State Building and Post-Conflict Settings: Afghanistan Case Study</td>
<td>Guest Speaker: Geralyn Busnard</td>
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<td>Feb. 4</td>
<td>State Building and Post-Conflict Settings: Afghanistan Case Study</td>
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<td>Lecture presentation in PowerPoint or PDF</td>
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<td>6</td>
<td>Feb. 9</td>
<td>Women and Development</td>
<td>AB</td>
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<td>Feb. 11</td>
<td>Use of Transplants</td>
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<td>Feb. 16</td>
<td>Presidents Day, no class</td>
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<td>Feb. 18</td>
<td>Student class presentations</td>
<td>AR</td>
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<td>8</td>
<td>Feb. 23</td>
<td>Economics and Law: Doing Business</td>
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<td>BizCLIR Indicators 2008</td>
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<td>Feb. 25</td>
<td>Standard-Setting and Transnational Networks</td>
<td>AR</td>
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<td>9</td>
<td>March 2</td>
<td>Student class presentations</td>
<td>AR and VT</td>
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<td>Employing Workers Survey instrument:</td>
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<td>Regulation of labor – Methodology for Employing Workers rankings:</td>
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<td><a href="http://www.doingbusiness.org/documents/labor_June04.pdf">http://www.doingbusiness.org/documents/labor_June04.pdf</a></td>
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<td>March 4</td>
<td>China as counter-example to conventional wisdom?</td>
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<td>10</td>
<td>March 9</td>
<td>Rule of Law Industry</td>
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<td>March 11</td>
<td>Rule of Law Industry</td>
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AR = Anita Ramasastry; VT = Veronica Taylor; AB = Anna Bosch
Readings

You may be prompted to enter your UWNetID and password.

Reading Outline for
Law Reform in Transition Economies

Week One: Introduction to the Issues

Organisation for Economic Co-operation and Development: PowerPoint or PDF


Steven Radelet, A Primer on Foreign Aid, Working Paper No. 92 (Center for Global Development 2006).

Week Two (1): Economic Theories Underpinning Law and Development

Joseph Stiglitz, the Post Washington Consensus Consensus: PowerPoint or PDF.


Weeks Two (2) and Three: Law & Development Intellectual History


Week Four (1): Legal Framework for Development


Paris Declaration on Aid Effectiveness, March 2, 2005; also available at http://www.oecd.org/document/18/0,3343,en_2649_15577209_35401554_1_1_1_1,00.html.

Week Four (2): Governance and the Rule of Law

Legal Framework for Development (Anna Bosch): PowerPoint or PDF


**Week Five: State Building and Post-Conflict Settings: Afghanistan Case Study**


**Week SIX (1): Women and Development**


**Week Six (2): Use of Transplants**


Asian Development Bank, Technical Assistance to the Islamic Rep of Pakistan for Strengthening Secured Transactions:


**Week Seven: (Student Class Presentations)**


Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silane, Andrei Shleifer, *The Lex Mundi Project (Draft March 2002).*


BizCLIR Indicators 2008

Employing Workers Survey instrument:

Regulation of labor – Methodology for Employing Workers rankings:
http://www.doingbusiness.org/documents/labor_June04.pdf

**Week Eight (2): Standard-Setting and Transnational Networks**


**Week Nine: China as counter-example to “conventional wisdom”?**


**Week Ten: Rule of Law Industry**


*Paris Declaration on Aid Effectiveness, March 2, 2005*: also available at [http://www.oecd.org/document/18/0,3343,en_2649_15577209_35401554_1_1_1_1,00.html](http://www.oecd.org/document/18/0,3343,en_2649_15577209_35401554_1_1_1_1,00.html).

**Monitoring and Evaluation**


**Additional Reading if time permits: Class Debate**