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**Regulation for Conducting the Special Focus Area Examination**

**for the Law Degree Course ending with the First Examination**

**at the Faculty of Law of the Georg-August University Göttingen**

**(Special Focus Area Examination Regulation - "SchPrO")**

In accordance with Art. 4a Para. 3 Sentence 1 of the Lower Saxony Law on the Training of Lawyers ("NJAG") as amended on 15 January 2004 (Nds. GVBl. [Lower Saxony Law and Ordinance Gazette] 2004, p. 7 et seq.), approved at a sitting of the Faculty council on 12 July 2004 (Official Announcements No. 9/2004 p. 479), and last amended by a resolution of the Faculty council dated 1 July 2009
(Official Announcements No. 37/2009 p. 5723)

**(Version dated: 01/10/2009)**

**Part 1: Fundamental Principles**

**Article 1**

**Subject**

The regulation regulates the preparation and examination in the Special Focus Area of the law degree course ending with the First Examination (Art. 5 Para. 1, 1st half sentence of the German Law on Judges ("DRiG"); Art. 2 of the NJAG).

**Article 2**

**Purposes**

(1) 1The Special Focus Areas serve to supplement students' legal studies, to increase students' knowledge of the related compulsory subjects, as well as to teach interdisciplinary and international aspects of the law (Art. 5a Para. 2 Sentence 4 of the DRiG; Art. 4a Para. 1 Sentence 1 of the NJAG). 2They should combine the teaching of the compulsory academic material and remain practice-orientated.

(2) 1The Special Focus Area Examination serves to determine whether the student has in-depth knowledge in the selected Special Focus Area and the required key qualifications, and is able to apply the law in its relation to practice. 2It is part of the First Legal Examination (Art. 5 Para. 1, 2nd half sentence in conjunction with Art. 5d Para. 2 Sentence 4 of the DRiG).

**Article 3**

**Special Focus Areas**

(1) The Special Focus Areas are:

(a) Historical and Philosophical Bases of the Law (Special Focus 1)

(b) Business and Employment Law (Special Focus 2)

(c) European Private and Procedural Law (Special Focus 3)

(d) Private and Public Media Law (Special Focus 4)

(e) International and European Public Law (Special Focus 5)

(f) Criminal Science (Special Focus 6).

(2) The studies in the Special Focus Area incorporate university classes of at least 16 semester week hours in a single Special Focus Area (Art. 4a Para. 1 Sentence 2 of the NJAG).

(3) The Special Focus Area Examination is in the Special Focus Area chosen by the student.

**Article 4**

**Course subjects**

(1) 1The course in the Special Focus Areas is broken down into a compulsory module and one or more options modules to which the classes are matched. 2A module incorporates university classes of at least 8 semester week hours.

(2) 1The Faculty council sets out the type and scope of the classes belonging to individual Special Focus Areas and modules in a sample study plan that leaves the students sufficient scope for choice. 2It should be publicised to faculty members in a suitable form. 3No entitlement exists in relation to the holding of all the classes named therein.

(3) 1The Special Focus course should be taken up in the winter semester. 2The Faculty ensures that classes in both module groups will be offered in each Special Focus Area both in the winter semester and in the summer semester.

**Part 2: Admission**

**Article 5**

**Admission to the Special Focus Area instruction**

(1) 1Under Article 1 of this Regulation, students who have enrolled in the Law programme at the University of Göttingen, have completed at least the fourth university semester and have passed the intermediate examination are, upon application, admitted to the course in the Special Focus Area. 2Students to whom the Intermediate Examination Regulation does not apply shall, when enrolling for the Special Focus Area course, demonstrate successful participation in the Beginner tutorials in Civil Law, in Criminal Law and in Public Law, or equivalent academic achievement. 3Where there is evidence of a successfully completed training for the higher ranks of the legal services or for the higher non-technical ranks of the civil service, the requirement for completion of the fourth university semester ceases to apply. 4Where there is evidence of a level of achievement in the selected Special Focus Area or the associated area of law equivalent to the fourth university semester, the student may, upon written application, be released from the requirement for the fourth university semester.

(2) 1The application should be addressed to the Examinations Office on the official form, with a declaration as to the selected Special Focus Area. 2The following items should be enclosed with the application:

(a) a current matriculation certificate for the law programme (completion of the state examination or First Examination) at the University of Göttingen;

(b) evidence that the intermediate examination has been passed;

(c) where relevant, a certificate from universities previously attended concerning the commencement and termination of a course as well as breaks in studies and changes of subject;

(d) an assurance that the applicant has not applied for admission to the Special Focus Area Examination at any other Faculty of Law within the area of application of the German Judges Act, or an indication when and where this occurred;

(e) a handwritten CV.

(3) 1Applications for the winter semester must be made by 15 July at the latest and for the summer semester by 15 January of the same year at the latest. 2Registration shall be in writing on the registration form designated for the purpose, and online via the GAIUS computerised examination management system. 3The students have no entitlement to admission to a particular Special Focus Area. 4Their choice is taken into account within the allocation process to be decided on by the Faculty council. 5Following conclusion of the allocation process, places that have not been filled may be filled without compliance with the application deadline in the order in which such applications are received.

(4) 1The Faculty council may, at the suggestion of the student dean, fix the numbers to be accepted for the Special Focus Areas and options modules for each academic year, and pass a resolution on the general allocation process. 2The basis for the calculation should be an annual capacity of 16 places per full professor assigned. 3All of the Faculty's professors will for that reason be assigned to Special Focus Areas by resolution of the Faculty council.

(5) Admission shall be refused if:

(a) the admission requirements imposed under Para. 1 are not met;

(b) the documents under Para. 2 are not complete even after additional time is allowed for their submission;

(c) the university Special Focus Area Examination or the state compulsory subject examination is ultimately not passed;

(d) another round of examinations is in the balance as regards the Special Focus Area Examination.

(6) 1The choice of the Special Focus Area is confirmed by the Faculty Examinations Office through the activation of access to GAIUS (Art. 11). 2To the extent that Special Focus Areas are booked up or cannot be offered, the student will, by a decision of the examination board and following a hearing, be offered a one-off place in a different Special Focus Area.

**Article 6**

**Change of Special Focus Area**

1As a rule, the Special Focus Area is not subject to change. 2The student dean decides on approvals of exceptions; they may only be granted if no examinations have yet been completed.

**Article 7**

**Admission to the Special Focus Area Examination**

1Confirmation of the choice of Special Focus Area is simultaneously also registration for the examination. 2In order to sit individual examinations, a separate - online (Art. 11) – registration is required without there being a further admission approval.

**Part 3: Organisation**

**Article 8**

**Examinations Office**

(1) 1The Faculty Examinations Office is responsible for the organisation and administration of the Special Focus Area Examination. 2In particular, it keeps the examination records, issues reports on the passing of the Special Focus Area Examination as well as certificates on deductions, credits and performance certificates, and draws up the annual report.

(2) The student dean heads the Faculty Examinations Office and, unless provided otherwise, makes all decisions under this Regulation.

(3) The student dean ensures the Special Focus Area Examination is held, and works towards compliance with the provisions of the Lower Saxony Higher Education Institution Act ("NHG"), the Lower Saxony Act on the Training of Lawyers ("NJAG"), the Statutory Order under the Lower Saxony Law on the Training of Lawyers ("NJAVO") and this examination regulation.

(4) 1The student dean prepares the decisions of the examination board and implements them. 2He/she draws up the annual report to the Faculty council.

**Article 9**

**Examination board**

(1) 1A board shall be set up for the Special Focus Examination (“examination board”). 2It has five members: the student dean, two other members under Art. 10 Para. 1 letter a/b, a member of the staff group and a member of the student group. 3The member of the student group shall only be able to act in an advisory capacity on the assessment and crediting of course and examination achievements.

(2) 1With the exception of the student dean, its members as well as their permanent representatives shall be appointed by the relevant group delegations within the Faculty council. 2The period of office is two years, while that of the student member is a year.

(3) 1The examination board is convened and headed by the student dean. 2The representation regulation of the collegiate dean's office shall apply. 3The Examinations Office employees may attend sessions of the examination board in an advisory capacity.

(4) 1The examination board shall make all decisions allotted to it under this Regulation. 2It may propose general regulations concerning the holding of the Special Focus Area Examination, on which the Faculty council passes a resolution.

(5) 1The examination board is quorate if the majority of its members is present, including at least two members of the professors' group. 2It passes its resolutions with the majority of the valid votes cast. 3Where votes are tied, the examination board's chairperson shall have the casting vote.

(6) 1The sessions of the examination board are not open to the public. 2The substantive items of discussion shall be recorded and resolutions rendered using their exact wording. 3Participants are bound by professional confidentiality; where they do not hold public office, they must be bound by a confidentiality undertaking.

**Article 10**

**Examiners**

(1) 1Examiners may be

(a) university professors,

(b) extra-curricular professors,

(c) visiting professors,

(d) honorary professors,

(e) private lecturers,

(f) visiting lecturers,

(g) junior professors and

(h) academic assistants as well as academic councils,

(i) academic colleagues who have been awarded a doctorate and who are qualified judges to the extent they are members or associates of the University of Göttingen. 2The examination board may appoint other examiners with comparable qualifications and specific teaching experience. 3Their period of office ends upon expiry of the third calendar year following their appointment unless, in specific cases, a shorter term is set; a further appointment is permissible.

 (2) 1Examiners are the responsible directors of the class in which the examination is to be sat. 2The chairperson of the examination board may, in justified exceptional cases, appoint another or a second person as examiner.

(3) An examiner may, following retirement from the University of Göttingen or in the case of Para. 1 Sentences 2 and 3 following expiry of his/her term of office, curtail the assessment of examinations taken earlier.

(4) Students may not write study papers under the supervision of next of kin within the meaning of Art. 20 Para. 5 of the Administrative Procedure Act.

(5) 1The examiners may be assisted in preparing corrections by the marking assistants assigned to them who have at least passed the first legal (state) examination.

**Article 11**

**GAIUS System**

(1) The students themselves are responsible for online access to the GAIUS System (**G**öttinger **A**dministration für das **IU**ristische **S**tudium - *Göttingen Law Course Administration System*), which organises the examination dates on computer; the examination board may issue more detailed rules for managing the process.

(2) The students are responsible for regularly checking the accuracy of their online accounts; transcription errors should be notified immediately.

(3) 1The examiners shall cooperate with the computerised compilation of the examination results. 2In addition, they keep their own grading lists for checking and documentation purposes, and shall hold them for at least eight years.

**Part 4: Implementation**

**Article 12**

**Registration and Withdrawal**

(1) 1Only those who have registered on time for the individual examinations and who are still entitled to an examination attempt may take part in them (Article 11). 2The registration and de-registration period for the written examinations (Article 20) ends on the third day (at 10 am) before the set examination date; this applies also where this day falls on a Sunday or statutory holiday. 3Registration for study papers (Article 22) becomes binding upon the release of the topic. 4Examination papers not submitted or delivered late shall be marked as a fail (0 points).

(2) A candidate may only withdraw from a binding registration for substantive reasons.

(3) 1A substantive reason is only present where the candidate is not fit to take an examination or where it is not reasonable for him/her to complete the examination. 2Substantive reasons shall be notified to the Examinations Office without delay and shall be substantiated; lack of fitness to sit an examination shall be proved without delay by means of an official medical report. 3In obvious cases, the presentation of a doctor's report shall be sufficient for withdrawal from the examination.

**Article 13**

**Assessment**

(1) Individual examination papers shall be assessed in accordance with Article 1 of the Regulation on the Grades and Points Scale for the First and Second Legal Examination of 3 December 1981, (BGBl. I (Federal Law Gazette I) Page 1243) as amended from time to time.

(2) Only examination papers in respect of which an examination attempt remained open at the time they were sat may be assessed.

(3) For the final overall grade, Article 2 of the Regulation on the Grades and Points Scale for the First and Second Legal Examination of 3 December 1981 (BGBl. I (Federal Law Gazette I) Page 1243) as amended from time to time shall apply.

(4) 1The individual examination papers (Article 19 Para. 1) shall be assessed by just a single examiner; the total number of papers marked by one person on his/her own may not account for more than 50% of the total examinations mark (Article 4a Para. 3 Sentence 2 of the NJAG). 2For any examinations in excess of this figure, a second examiner may, in isolated cases, be appointed on the candidate's written request. 3Otherwise, the written examination paper is deemed not to have been completed.

(5) 1Where the assessments do not differ from one another by more than three points, the average value shall apply; for intermediate point values, Art. 13 Para. 2 of the NJAG shall apply. 2In case of major deviations, there shall be a casting vote; the other examiner may opt for one of the marks already given or for a point count that falls in between them.

**Article 14**

**Deception**

(1) 1The examiner may exclude candidates from further participation in the part of the examination on grounds of an attempted deception for their own advantage or that of another, in particular for use or transfer of unauthorised sources or aids, or on grounds of behaviour that materially jeopardises the proper supervision of the examination. 2In this case the paper is normally graded as a fail (0 points). 3A report shall be prepared on the same. 4The same shall apply as appropriate where attempts at deception are discovered after the event.

(2) In case of a serious or repeated attempt at deception, the whole Special Focus Area Examination may, following a hearing of those involved before the examination board, be declared to have been failed.

(3) 1Where a serious or repeated attempt at deception comes to light after the overall examination mark has been published, then the Special Focus Area Examination may, within a term of five years from such day, be declared not to have been passed; the examination certificate shall be revoked. 2Article 14 Para. 2 shall apply as appropriate.

(4) The same shall apply where admission to an examination, a deadline extension or the recognition of an impediment have been achieved by means of inaccurate or incomplete information.

**Article 15**

**Impairments**

1Where a candidate suffers a long-term impairment on the basis of a physical disability, then, upon request, the student dean may extend the permitted work times and personal and practical aids. 2Where the physical disability only presents a temporary impairment, then it shall be decided on the basis of an official medical report whether Sentence 1 shall be applied as appropriate, or whether that part of the examination should be attempted at a later date. 3The request shall set out the impairment, and this shall be verified by means of an official medical report containing the medical findings necessary for a judgement to be made.

**Article 16**

**Access to files**

1Those affected may, upon request within a month of notification of the result of the examination, personally access the examination files and prepare handwritten notes of the contents of the files. 2The Faculty Examinations Office shall regulate the details.

**Part 5: Remedies**

**Article 17**

**Relief proceedings**

(1) 1The examination board may, upon request or ex officio, order that one or all candidates should repeat an examination or individual components of the same if the examination proceedings or the task set was deficient in such a way as substantially to breach the equal opportunities requirement. 2The examination should be repeated, as far as possible, immediately after the defect in proceedings becomes known and before the conclusion of the examination proceedings.

(2) 1Defects in the examination proceedings shall be notified by the candidate immediately they become known. 2Following notification of the defect, the candidate shall, within a month, lodge a written request for the repetition of the deficient part of the examination with the Examinations Office, setting out reasons for the same, and this shall be decided by the examination board as soon as possible. 3Following expiry of the month's term from Sentence 2, claims in relation to these procedural defects shall be excluded for that candidate.

**Article 18**

**Protest procedure**

(1) Decisions on the ultimate failure of the Special Focus Area Examination as well as other administrative decisions shall be set out in writing, giving reasons and accompanied by information on the candidate's rights of appeal.

(2) 1An appeal may be brought against such decisions within a month of publication of the decision under Articles 68 et seq. of the Code of Administrative Court Procedure ("VwGO"). 2The basis of the appeal should be adequately specific and substantiated in the complaint.

(3) 1The student dean shall decide upon relief under Art. 72 of the VwGO. 2Whether the protest is not granted relief is a matter for the examination board. 3The student dean shall summon the person lodging the protest in relation to this.

(4) Valuations specific to the examination and expert valuations are subject to reassessment by persons as yet unconnected with the approval of this examination if the examination board deems it defective and the examiner whose (e-)valuation is being objected to fails to redress the complaint in accordance with the request.

**Part 6: Examination achievements**

**Article 19**

**Component parts of the assessment**

(1) 1The Special Focus Area Examination consists of a study paper (Article 22) and four written examinations (Article 20). 2At the same time, the point counts for the written examinations completed are each 17% and for the study paper 32% towards the final grade.

(2) The examination board may issue guidelines for the technical management of the conduct of examination proceedings.

(3) There is no "free" re-sit option (Article 4a Para. 3 Sentence 3 of the NJAG).

**Article 20**

**Written examinations**

(1) 1The written examinations take place as end-of-semester examinations in each class related to a Special Focus Area as an accompaniment to the course. 2A written examination may be produced within a seminar if no study paper is being written in that seminar. 3The students decide for themselves which written examinations they prepare. 4They are themselves responsible for ensuring that (including the study paper) not more than 50% of the overall examination mark is assessed by one examiner on his/her own (Art. 13 Para. 4).

(2) 1Two written papers must come from the compulsory module (compulsory written examinations) and two from the associated options module (options written examinations) for the selected Special Focus Area. 2The student shall firmly specify his/her options module no later than upon the first binding registration for a written examination in one of the options.

(3) A written examination may, as a matter of principle, only be attempted once within an examination cycle; there are no repeat written examinations for written examinations that have been failed or missed.

 (4) 1The written examinations are written in the two first weeks after the end of lectures. 2For classes held as block classes and in cases regulated by Article 20 Para. 1 Sentence 2 of this Regulation, examination dates may be set outside the examination period. 3The student sets the dates in agreement with the examiner; there should be no clashes of dates within the relevant Special Focus Area.

(5) 1Only students who have properly registered may participate in the written examinations (admission check). 2They must identify themselves with an official pass with photograph and student ID card and must lay these out next to them during the written examination.

(6) 1The time given for completion is 2 hours. 2The examiner or an assistant appointed by him/her shall be responsible for supervising during completion of the written examination.

(7) 1The official cover page shall be used for the written examination. 2The candidate's matriculation number should be written on each individual page of the script and at the very end of it. 3Candidates' names may not be disclosed.

**Article 21**

**Aids for written examinations**

(1) 1Those items permitted by the state law examination board for the state compulsory examination shall be permitted as aids. 2Provided they are texts of statutes or source texts, other aids may be permitted by the relevant examiner as long as the edition or internet address is provided. 3Otherwise, admission of aids requires the approval of the student dean. 4The bringing or use of aids other than those expressly permitted is not permissible and represents an attempt to cheat (deception).

(2) 1The aids (in each case only one copy) shall be supplied by the candidate him/herself unless otherwise ordered by the examination board. 2The candidate alone is responsible for ensuring that the statute books are completely up-to-date.

(3) 1Occasional underlining, markings or paragraph references are permitted provided they do not serve to get round the prohibition on annotation and are not constructed systematically. 2Other notes of any kind, and inserts not issued by the relevant publisher for the aid concerned, are not permitted.

**Article 22**

**Study paper**

(1) 1The study paper is a law paper from the topics field of the relevant Special Focus Area, including the compulsory subjects belonging to the same (case or themed paper). 2Anyone who has successfully participated in the preparatory class for this examination (normally a seminar) shall be admitted to take the study paper. 3Successful participation in the preparatory class is conditional upon the written treatment of an academic topic and the oral presentation within the framework of this class having been awarded an overall mark of at least "satisfactory" (a "D" grade) (4 points). 4This class is independent of the Special Focus Area selected, and serves in particular to teach presenting and lecturing techniques.

(2) 1The study paper is normally set as homework within the framework of a seminar with a maximum of 20 examination candidates. 2A table of contents and bibliography shall be enclosed with the study paper; it should not exceed 30 pages. 3It shall be presented and defended within the seminar. 4A total mark shall be made up from the individually reported component marks for the written and oral examinations, in which the written examination accounts for a 75% share and the oral examination for a 25% share.

(3) 1The writing time allowed shall be six weeks from the time the topic is notified. 2The deadline for submission is complied with by handing the paper in at the Faculty Examinations Office, handing it in at a post office or posting it in the Göttingen District Court's box for post subject to a deadline.

(4) 1In the context of participation in simulated court proceedings (a moot court), the written draft may replace the study paper within the written section if the requirements are of equal value. 2The oral presentation in the moot court proceedings shall be assessed by an examiner in accordance with Art. 10 Para. 1. 3The assessment of the oral presentation may be on the basis of the presentation in a moot court final rehearsal; candidates wishing to have the presentation they are to make there assessed as part of the examination shall notify the Faculty Examinations Office in advance. 4The lecturer responsible for assessing the oral examination component shall decide on the equivalence of the written examination component. 5Article 22 Para. 2 Sentence 4 shall apply to the giving of marks.

(5) 1In case of illness, an extension of the preparation time allowed for the written part of the study paper may be granted upon request, permitting up to four additional weeks for the period of incapacity supported by an official medical report. 2In obvious cases, a doctor's report shall be sufficient for withdrawal from completion of the examination.

(6) 1Written work completed abroad may, in accordance with the statutory provisions, be recognised by the examination board as completed examinations within the meaning of Para. 1 Sentences 1 and 2. 2The marks shall be converted using the ECTS system.

(7) The examination board may further specify the formal demands by means of a general guideline.

**Article 23**

**Study paper sources**

1All sources used shall be documented. 2A personally signed assurance shall be enclosed with the paper to the effect that the paper has been prepared independently and without third-party assistance, that all sources used have been disclosed and that no others have been used.

**Article 24**

**Passing of the overall examination**

(1) The Special Focus Area Examination is passed if the written examination section is passed and the overall examination result is at least satisfactory (a "D" grade).

(2) The written examination section is passed if

(a) two of the four written examinations are awarded at least a grade of "satisfactory" (a "D" grade) (4 points) and

(b) the written examination results total at least 14 points.

(3) If the Special Focus Area Examination is not passed, the student dean shall notify the student to that effect.

(4) 1In case of a fail, the Special Focus Area Examination may only be resat once in the selected Special Focus Area. 2At the same time, the students are not bound by the earlier choice of written examination (Article 20); they may apply before the beginning of the re-sit examination for their study paper (Article 22) to be taken into account.

**Article 25**

**Examination result**

(1) A written Special Focus Area Examination report shall be issued about the examination, signed by the student dean.

(2) It sets out

(a) the Special Focus Area, along with the subject specialisation through the options module;

(b) the total examination mark in words and numbers (Article 13 Para. 3);

(c) the individual examinations completed, together with their grades (Article 13 Para. 1);

(d) the day of issue as the date.

**Part 7: Transition and final provisions**

**Article 26**

**Adjustment**

The Faculty council shall, no later than in 5 years' time, decide anew on the Special Focus Areas offered, in line with demand, (Art. 3 Para. 1)

**Article 27**

**Entry into force**

(1) This Regulation shall, subject to Para. 2, take effect on 1 October 2004 following an announcement in the University of Göttingen's Notices Gazette.

(2) The registration procedure shall, with the exception of Art. 5 Para. 3 Sentence 1, already apply to students who wish to take up their Special Focus Area studies in the winter semester of 2004/2005.

**Article 28**

**Transfer provisions**

1Article 22 Para. 1 Sentences 2 to 4 and Para. 4 shall apply initially to students who have applied for entry to the Special Focus Area after 30 June 2010. 2Students who apply for admission to the Special Focus Area Examination between 1 October 2009 and 30 June 2010 may, upon request prior to completion of the first examination, be examined under the law applying from 1 July 2010. 3Where students have applied for admission to the compulsory subject examination under the NJAG as amended from 1 October 2009 (options right under Art. 1 No. 11 of the Act amending the NJAG dated 26 August 2009), the choice of the new examination law shall also apply to the Special Focus Examination; for students who apply for admission to the compulsory subject examination before 1 October 2009, the Special Focus Area Examination Regulation shall apply in the version dated 12 July 2004.