

# CHALLENGES IN PROVIDING QUALITATIVE LEGAL EDUCATION IN THE CONTEXT OF COVID-19: EXPERIENCE OF RĪGA STRADINS UNIVERSITY

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***Abstract.** The spreading of COVID-19 since March 2020 has had a profound and irreversible impact on all spheres of life around the world. The long-term impact of the pandemic with unpredictable consequences will also be observed in the field of education. The aim of the article is to analyse the potential impact of COVID-19 on the providing of qualitative legal education. Full-fledged assurance of the qualitative education is linked to common conditions for acquiring of knowledge, skills and competences. There are certain specifics in obtaining legal education, especially higher education. It is related to a combination of circumstances that are relevant to the specific knowledge, skills and competences to be acquired by lawyers and legal assistants. In 2020 a new standard for the legal profession was approved, which not only defines new qualitative requirements for the relevant profession, but also determines the need to make adjustments in the relevant study programs. The process of implementing and performing qualitative legal education in the current circumstances is being transformed in line with the international and national regulatory frameworks in the context of management of COVID-19. As research methods descriptive, analytical and synthetic methods are used by the authors.*

***Keywords:** COVID-19, legal education, professional standard, distance learning.*

## **Introduction**

On March 11, 2020 the World Health Organization (WHO) identified the outbreak of coronavirus as a pandemic (Coronavirus confirmed as pandemic by World Health Organization, 2020). The pandemic is, in fact, a serious infectious disease in which its constant spread to several countries of the world can be detected at the same time. The latest pandemic occurred in 2009 with swine flu, which according to experts' views resulted in hundreds of thousands of deaths (Coronavirus, 2020). The COVID-19 pandemic has irreversibly and severely affected all spheres of our life. Its consequences, which have not been identified yet and are only deepening, have had a negative impact on the economy, the social sphere and also on education worldwide. The spread of the virus has changed the

usual rhythm of life, stable habits, interaction and communication processes. Italian physicist and novelist Paolo Giordano acknowledges that „Now a time of anomaly is, and we must learn to live in it and recognize this anomaly... It is in our own interest to learn from them (viruses)” (Dzordano, 2020). In terms of the strength and scale of the impact of the coronavirus pandemic, this can probably be compared to a world war or a global environmental disaster. According to Henry Kissinger (Kissinger, 2020), one of the most prominent US security experts, the reality is that the post-coronavirus world will never be what it was. The political and economic consequences of coronavirus will be felt for future generations. In July 2020 the book “COVID-19: The Great Reset” written by Klaus Schwab, founder and executive chairman of World Economic Forum, and Thierry Malleret, founder of the Monthly Barometer, was published in the USA (Schwab & Malleret, 2020). The authors acknowledged that the book is a guide for anyone who wants to understand how the COVID-19 disrupted social and economic systems, and what changes will be needed to create a more inclusive, resilient and sustainable world going forward. The aim of the book is to shake up people's opinions and show the deficiencies that were manifest in the global system before the COVID broke out. The authors emphasize that a pandemic has a force for radical and lasting change. COVID-19 is interpreted as a “unique window of opportunity” (Schwab & Malleret, 2020). Humanity is shaping the future without going back to the past through this window. The COVID-19 assessment and the prognostic model for preventing its negative effects also have a legal and legally educational aspect. Firstly, the emergence and rapid spread of COVID-19 was caused by human negligence, non-compliance with social and legal norms. This requires a legal assessment. Secondly, the legal framework and ensuring liability for breaches of the relevant rules are important in limiting the pandemic and mitigating its negative effects. Legal knowledge and expertise are required in the development of regulation and identification of violations of the legal framework. Thirdly, a new digital education system, including the acquisition of legal knowledge, plays a key role in the current period of pandemic crisis, as well as the development of a sustainable and stable society for the future.

### **Impact of COVID-19 on Education**

The spread of the pandemic has led to changes in the usual rhythm of life, including the study process. In order to limit the spread of COVID-19, on March 12, 2020, the Cabinet of Ministers issued Order No. 103 (Ministru kabineta rīkojums Nr. 103, 2020.), which declared the emergency situation in the country until June 9, 2020. Point 4.3.1 of the Order provided for the termination of the full-time learning process in all educational institutions, the educational process of any kind in on-site form outside educational institutions and for the provision

of distance/remote learning (with certain exceptions). Thus, switching from audiences to the virtual world was a challenge for both teachers and students. Significant changes and tension were experienced by all participants of the study process. Distance learning cannot be a solution to the crisis caused by COVID-19 or a comprehensive compensatory resource for its negative effects. However, it can be recognized that distance learning, including in the field of legal education, is an additional new tool in the training of lawyers and in the process of their further professional development. The crisis situation in the implementation of distance learning in preparing lawyers and legal assistants introduces serious adjustments. Firstly, the distance learning process is not based on the planned and prudent development and implementation of distance learning tools, but on an unplanned serious epidemiological situation. Secondly, educational institutions were generally neither technologically nor methodologically prepared for the rapid introduction of distance learning. Undoubtedly, there were some pleasant exceptions. Thirdly, the introduction of distance learning was regulated and implemented by mandatory standards, despite the various possibilities of educational institutions to comply with the regulations established.

The spreading of COVID-19, to some extent, may be related to the conditions described by Nassim Taleb in his bestseller “Black Swan” (Taleb, 2007). For a long time, the world was believed that swans were only white, until ornithologists also discovered black swans. Social life is formed by so-called “sign of unpredictability”. Unpredictability, like the spread of black swans, is relative. For a long time, the world was teeming with ideas about a possible pandemic. It was necessary to develop a possible model of the functioning of society in the context of a possible pandemic, including unavoidable changes in the world and regional educational area. The unpredictable possibility required the development of new educational algorithms. Distance learning and online learning processes had to develop earlier. Not all regions and not all have access to the traditional academic education system with mostly organized onsite audience classes. The question of ensuring access to higher education, including legal education for all stakeholders, remains important.

This is the most directly linked to the development of the global digital education system. On January 17, 2018 the European Commission published a communication to the European Parliament on the Digital Education Action Plan (Digitalas izglitibas plans, 2018). This includes three priorities set out in the Action Plan: (a) Better use of digital technologies for teaching and learning; (b) Development of appropriate digital capabilities and skills for digital transformation; (c) Improving education by improving data analysis and foresight. The Action Plan provides analysis and evidence in support of these priorities and related actions.

On October 6, 2020, the Saeima adopted Law on the Management of the Spread of COVID-19 Infection where Chapter V also applies to the field of education (Covid-19 infekcijas izplatības parvaldības likums, 2020). Due to the emergency situation declared in the country to limit the spread of the infection the study process takes place remotely at Rīga Stradins University (RSU). In this situation, a number of other tools related to remote provision of the study process are available in addition to the RSU e-study system tools which allow performing various activities (Attalīnātu studiju organizācija, 2020):

- Adding of study materials.
- A forum for sending and discussing information.
- Submission of students' independent studies with or without plagiarism check, when the submission and correction of studies and works is ensured, the originality of the content is determined and the submitted studies and works are sent back to students.
- Interactive video lecture with recording and discussion forum.
- Virtual seminar with discussion in audio or video format among all participants.
- Development of electronic tests.
- Electronic surveys.
- Electronic voting and others.

It must be concluded that in the context of the crisis caused by COVID-19 Latvian higher education institutions have shown the ability to quickly refocus and provide studies remotely through e-solutions. It should be accepted that remote lectures have shown that this can also be one of the forms of study that higher education institutions must be able to accept and use in the offering of studies. It is quite rightly stated that competition has begun among higher education establishments worldwide.

### **COVID-19 and Challenges in Providing Legal Education**

In 2020, a new Legal Profession Standard entered into force, which has been approved by the Tripartite Cooperation Sub-Council for Vocational Education and Employment (Jurista profesijas standarts, 2020). The new Standard has clearly defined the duties and tasks of a lawyer. Among the activities mentioned, which are important with a practical orientation, we will also note the following: he/she provides legal advice and legal assistance (provides legal consultations and performs representation or defence of a legal entity), performs legal activities in civil proceedings, administrative proceedings, administrative violations proceedings, Constitutional Court proceedings and criminal proceedings.

Providing legal assistance it is necessary for a lawyer: to find out and understand the client's needs; to get acquainted with the factual circumstances of the case and analyze them; to provide legal advice; to develop procedural documents within the framework of the provision of legal assistance; to represent the client and implement the client's defence. In the framework of the study program "Law", including distance learning, students need to establish and develop skills about how to understand the client's needs, how to provide qualitative legal assistance and how to represent the client in various institutions and defend him/her? In the learning process, particularly in practice, it is important to provide guidance even on how to listen to and understand the client's needs, how to assess them, and how to work more constructive and efficient with the client. The new Legal Profession Standard also includes the rights of a notary, which were not included in the previous professional standard. The RSU Faculty of Law has paid attention to the mentioned study course before (Kudeikina, Palkova, 2020).

The use of distance learning forms in the study process can have a significant impact on studies in the professional master's study program "Law", in the framework of which the first unified qualification examination for lawyers will be provided for in 2021. As Janis Grasis has rightly acknowledged, this is not only a new challenge in the implementation of legal education in Latvia, including uncertainties in the preparation and conduct of the examination (Grasis, 2020), but also preparation for the examination in the form of distance learning without knowing the range of issues can be objectively difficult both for students and teachers.

Researchers at the Santa Clara University School of Law have conducted an extensive study on legal education in COVID-19 situation in the context of health, safety and equality priorities (Sandoval, Cain, Diamond, Hammond, Love, Smith, Nabipour, 2020). It is to be acknowledged that researchers have carried out a complex interdisciplinary study on health care, legal education and public safety. It is important that in the conditions of a pandemic within the study courses implemented in law schools awareness needs to be promoted and a security culture should be developed. The security segment has a broad and extensive content, which includes epidemiological, public, informational, technological and other types of security.

The identification of the security situation in terms of legal education starts with the fact that lawyers, including future lawyers, judges, prosecutors, etc., have to accurately assess the degree of increased risk of the traditional academic education model. The previously implemented educational model (online classes) needs to be extended to the current risk potential posed by COVID-19. The evaluation indicator of the comparative analysis results in the appropriate regulatory framework, which provides for restrictive measures of the learning

process. Appropriate measures may be set at national, regional level, as well as in individual educational institutions and their faculties. It is recognized that the legal education system can be extended to the critical infrastructure sector. Legal education and its implementing institutions and authorities constitute a sufficiently stable and fundamental system of values, which is covered by laws, other legal acts and case-law.

An appropriate educational segment develops complex knowledge, skills and abilities, how this value system functions and how it can be used in the societal development or in overcoming the crisis. In this context it is fundamentally important to assess whether the limitations of the learning process of the legal education system, i.e. organizing classes remotely provides full-fledged opportunities for students to acquire the necessary knowledge, skills and competencies in the field of law. Implementing the study form of distance learning social and communication skills of the students are evaluated and developed. This is particularly the case for dealing with legal goats by communicating with clients in the legal assistance process. At the same time students' technical competences and digital skills need to be developed (Catalano, 2018), providing additional support if students have insufficient digital skills.

On April 3, 2019, the European Commission adopted a Communication to the European Parliament, the European Council "Further strengthening the Rule of Law in the Union. State of play and possible next steps" (Tiesiskuma stiprināsana Eiropas Savienībā, 2019). The EU Scoreboard is set out as part of the EU's tools to strengthen the rule of law, contributing to judicial reform and the promotion of standards in the field of justice (Further strengthening the Rule of Law, 2019). Strict compliance with standards in the field of justice is fully linked to the development of legal education and respect for the rule of law, which includes awareness of the independence of the judiciary. The report of 2019 determines the economic and social priorities of the EU and its Member States for the coming year. It is pointed in the study to an important link between the rule of law and efficient judicial systems, on the one hand, and a business-friendly environment and economic growth, on the other hand (Annual Growth Survey, 2018). A successful interaction among the legal system, the social and business environment is possible on the basis of an equal understanding of the standards of the rule of law. The new standards of the rule of law are also included in the renewed professional standard and in the legal education system.

The study on challenges of e-learning of English language during the COVID-19 pandemic at the Taibah University, Saudi Arabia, showed that majority of the students are dissatisfied with continuing their education online (Mahyoob, 2020).

Dissatisfaction was linked to the fact that students acknowledged that they were not able to achieve the expected progress in the language learning process.

Subjective assessment is undoubtedly the basis of language learning effectiveness. It can be assumed that students have set higher results in learning English. Undoubtedly, foreign language learning is a specific field, which is related to individual linguistic abilities, as well as language learning methodology, digital tools used, teachers' skills to use new information and communication technologies.

In May 2020, the State Audit Office published a report on the provision of distance learning in emergency situation (*Attalinata macību procesa nodrosinasana arkartejas situācijas laikā*, 2020). In the audit process the State Audit Office focused not on the distance learning process, the quality of the education process, but on the accuracy of the preparation of the report of the Ministry of Education and Science for 2020, providing educational institutions with the necessary goods and services. The Ministry relied on the Cabinet Order from March 14, 2020 on non-application of the norms of the Public Procurement Law for the prevention of the COVID-19 crisis, the procurement process being based on prompt action and conclusion of immediate contracts (*Ministru kabineta rīkojums Nr. 105*, 2020). In assessing the procurement process for ensuring a distance learning process during the emergency situation, the auditors could follow the decision-making process. The Ministry has ensured the purchase of the necessary goods and services to overcome the COVID-19 crisis and prevent its consequences, however, the audit does not provide sufficient assurance whether the actions of the Ministry with state budget funds and resources to ensure distance learning have been economical and effective in all cases (*Attalinata macību procesa nodrosinasana arkartejas situācijas laikā*, 2020).

### **Experience of the Faculty of Law in Organising a Distance Learning Process**

Digital information technologies are particularly important in the context of COVID-19. The connection to the Internet environment in terms of the implementation of qualitative legal education provides new opportunities for different legal databases (such as Interpol; Europol; European Judicial Training Network; Eiropas tiesiskuma portāls; Eiropas tiesību akadēmija; likumi.lv, at.gov.lv, ic.iem.gov.lv, etc.). It is important to ensure the availability of appropriate databases for students and to introduce them with the information contained therein. Information on the relevant databases is included in the lists of sources in the descriptions of study courses within bachelor's, master's and professional master's study programs of the Faculty of Law of the RSU ([www.rsu.lv/juridiska-fakultate](http://www.rsu.lv/juridiska-fakultate)).

In the conditions of distance learning, students are expected to develop research projects by means of interactive learning forms. In view of the

development of a single legal space in the world and in Europe in the context of globalisation students develop research projects on fifty entities of judicial cooperation or cooperation problems in the framework of the study course “Problems of International Judicial Cooperation” (IJC) (Starptautiskas tiesiskas sadarbības problēmas).

Research projects are designed to contribute to and to promote the development of analytical skills. It is necessary to include the following elements in the research development:

- Identifying and exposing the nature and topicality of problem of the subject.
- Discovering and analyzing operational concepts.
- Describing the problem to be analysed using quantitative and qualitative indicators.
- Raising hypotheses (or formulating research issues), substantiating them, exposing personal options of problem solving.
- Revealing the effectiveness of cooperation by analysing the strengths and weaknesses of the IJC.
- Displaying alternative approaches to solving the problem.
- Drawing conclusions.

Projects developed on the Zoom platform are publicly defended. Students actively participate in discussions and evaluate the papers and presentations developed by colleagues. Presentations and projects developed are available on the e-learning platform. Digital technologies, which are used remotely in the study courses implemented by the RSU Faculty of Law, are linked to an interactive analysis of problem situations. An appropriate approach in the EU is recognized as positive and supported (Atjaunota ES augstakās izglītības programma SWD, 2017).

On the one hand, the form of distance learning in law science in the context of COVID-19 provided opportunities to acquire appropriate study courses for students living in remote regions of Riga and who did not always have the opportunity to participate in on-site classes. It should also be noted that young people with special needs were also studying at the Faculty of Law, whose participation was provided by assistants. The number of these young people has been increasing in recent years. The distance learning extended the opportunities for these young people to participate actively in the study process.

However, the use of digital technologies in the learning process, including in the context of the implementation of legal education, also reveals some problems. Though Latvia has one of the highest Internet usage rates (CSP aptauja: Internets Latvijā pieejams gandrīz 90% mājsaimniecībās, 2020), quality of the Internet connection is not sufficient everywhere. Digital technology equipment



available to students (computers, video cameras, software, etc.) is not always sufficiently modern. In some cases the digital skills of students should be also developed.

### **Visions of Development Perspectives of High-Quality Legal Education**

One can assume that society will still feel the pandemic and its social, economic, political and legal consequences for a long time. It is recognized that society will transform itself by developing new perceptions, assessments, orientations and social norms. COVID-19 in general has taught to live and learn in a different format. The benefits of tough lessons should be used and developed in the future.

By promoting the provision of high-quality legal education in the current COVID-19 crisis as a post-crisis environment in terms of the development of forms of digital training, it would be desirable to address the following challenges in the perspective:

- Assessment of the positive elements (achievements) and shortcomings of the study programmes and study courses to be implemented during the pandemic in hybrid and remote format, including by conducting electronic surveys in the digital environment (Latvijas Digitālas transformācijas pamatnostādnes 2021-2027.gadam)
- Identifying the potential for the future use of digital technologies, taking into account the rapid development of appropriate tools and equipment and their compatibility with high-quality legal education resources.
- Education and training of academic staff, promoting acquisition of stable and high-quality digital skills and competences.
- Providing classes for students in the development of digital skills and competencies in the introductory courses of law study programmes, taking into account the technological and informative resources and opportunities of university and faculty.
- Interregional and international cooperation could be a perspective in the acquisition of law study programmes and study courses (internationalization of study programs), for example, taking into account that Rīga Stradins University is the leading Latvian educational institution in the field of health care, the university could offer specific study courses – Medical Law, Pharmaceutical Law, Patients' Rights (in Latvian and English) ([www.rsu.lv](http://www.rsu.lv)).
- Building on intensive development of education and training, including in legal sciences, in accordance with the requirements of the digital age, it would be desirable to develop and implement appropriate study

courses in law study programmes, for example, Legal Programming, Robotics Law, Digital Proceedings, Human Rights in the Digital Environment, Electronic (Digital) Financial Rights.

- The global digital environment, including the single legal environment, requires interdisciplinary cooperation (law and information technology sciences, humanities, etc.). In this context modules for interdisciplinary study courses could be developed. The perspective could be the cooperation of law faculties with computer science faculties.
- Informative and educational resources of foreign educational institutions and law enforcement institutions (lectures, presentations, research materials, etc.) should be more extensively used by educational institutions and establishments implementing law study programmes.
- One of the important segments in ensuring high-quality legal education both in the conditions of a pandemic and in a stable period of societal development is the successive professional development of legal specialists. An important aspect is linked to the further training in the circumstances of an emergency situation, including mastering the new legal framework. It is important for professional development to take into account specific legal professions and possible relevant specializations to be implemented within them.
- Research using digital technologies is important in providing high-quality legal education in pandemic, as well as in the post-crisis period. This includes a sufficiently wide range of possible activities: organisation of ensuring study process in law in the context of COVID-19; challenges of the legal framework for pandemic management and its implementation; the creation of interdisciplinary and transnational research teams, including global legal issues, such as issues relating to the legal regulation of artificial intelligence; acquisition and use of specific digital skills and competences in research work; preparation of scientific publications using open publications and databases, making publicly available electronic legal journals. The RSU Faculty of Law has been publishing the electronic legal journal “Socrates” since 2015, which is indexed in the databases of the European Reference Index for the Humanities and Social Sciences (ErihPlus) and the Index Copernicus ICI Journals Master List (Elektroniskais zurnals Socrates).
- Students are of great importance in the implementation of high-quality legal education in the current COVID-19 crisis and in the post-crisis conditions. Students’ ratings and assessments, opinions, participation in various projects (for example, organization and implementation of

fictional legal trials, participation in remote legal advice within legal clinics, etc.) not only strengthen the motivation to acquire qualitative knowledge in the field of law, but also promote more effective implementation of the study process.

### **Conclusions**

Since the beginning of 2020 the COVID-19 pandemic has significantly affected all areas of our lives. Its effects are deepening and have had a negative impact on the economy, the social sphere and also education worldwide.

In March 2020 the Cabinet adopted a decision to terminate the full-time study and learning process in all educational institutions, to carry out all types of full-time educational processes outside educational institutions and establishments and to ensure the distance learning. The traditional study and learning process was transformed into distance learning.

In the context of the announcement of an emergency situation and the transformation of the study process amendments to the Education Law were adopted, the concept of distance learning was defined (Grozijumi Izglitibas likuma, 2020). It is defined as the part of the educational process in which learners learn independently and individually without being physically in the same class or room with a teacher, by using information and communication technologies. The form of distance learning presents new challenges with the promotion of students' motivation, the study process and the achievement of the study results set. At the same time a hybrid learning environment has developed, where distance online learning forms are supplemented with students' independent work, including solving legal cases (Macibu vide, 2020).

During the implementation of the distance learning the students' social and communication skills and technical competences and digital skills are evaluated and developed, additional support is provided if the students have insufficient skills in the digital environment. In terms of providing legal education the new Legal Profession Standard is important, which determines certain changes in the study process and the study courses to be implemented. The development of the digital education system requires the implementation of law study courses that are relevant to this field (Jurista profesijas standarts, 2020).

The Faculty of Law of the Rīga Stradins University provides high-quality and full-scale distance acquisition of study programs and study courses. The faculty is developing digital tools to ensure a qualitative educational process in the conditions of the COVID-19 pandemic.

COVID-19 makes it necessary to assess the current legal education system, identifying opportunities for its further development. One of the key lines is the

digitisation of legal education, acquisition and use of specific digital skills and competencies in academic and research work.

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