Welcome to Our Newsletter

Dear Committee Members,

Happy New Year!

We are delighted to share our first newsletter of 2017 with you, thanks to the talents of Communications/Newsletter Chair Christopher R. Kelley. As you’ll see, the Committee is off to a busy start. In addition to the two great programs that we will present at the ABA International Section Spring Meeting in Washington, D.C. in April, we have submitted proposals for the Section’s Forum on Africa, and will soon submit proposals for the Section Fall Meeting in Miami. In addition, we have recommended the granting of a privacy specialist certification request, and submitted an article detailing the Committee’s 2016 work, including a list of first-year law school courses that focus on international and comparative law, in the forthcoming issue of The International Lawyer.

We are excited to have you involved in the Committee’s work, and encourage you to attend and participate in our programs, to share your ideas for future projects, and to send your news to be included in future editions of this newsletter.

We wish you a happy, healthy, productive, and successful 2017!

Best wishes,

Diane Penneys Edelman
William P. Johnson
Robert E. Lutz
Committee Co-Chairs
Teaching Abroad: A Freelancer’s Perspective Written on Returning from the Belarusian State University Law Faculty, Minsk, Belarus

Christopher R. Kelley
University of Arkansas School of Law

I was the first American law professor to teach at the Belarusian State University Law Faculty in Minsk, Belarus. I don’t think another American law professor or American lawyer has followed me. But one will. And more will follow. Maybe you.

This article tells three parts of that story: how I started teaching at the BSU Law Faculty, how you might teach there, and what I have learned about teaching abroad as a freelancer that might help you. But the second part of the story–how you might teach there–is more about how you might start teaching abroad somewhere. You may wish to teach elsewhere, perhaps in Asia or Africa. This is why I also write about what I have learned about freelance international teaching–you might teach where you want to teach on your own.

Because this article’s focus is more on how you might start teaching abroad than on how I started teaching at the BSU Law Faculty, I will start there. I started teaching at the BSU Law Faculty after I had been teaching abroad elsewhere for several years. Therefore, leading with how you might start teaching abroad is consistent with all I write here.

You can start teaching abroad in various ways. For example, you might start as a Fulbrighter or through another exchange program. Or you might be sponsored by your law firm or law school through one of its international outreach projects, perhaps a pro bono seminar or a summer or inter-session study abroad program. Or you might start teaching abroad as a freelancer.

By “freelancer,” I mean someone who teaches...
independently; that is, outside of an exchange program, a sponsored project, or a similar arrangement. Put simply, a freelancer does it all, from finding the place to teach to bearing the expense.

I have taught as a freelancer for more than a decade. Each of my fourteen times teaching in Minsk were mostly self-arranged and entirely self-funded. I say “mostly self-arranged” because no teaching at a law school or law firm is entirely self-arranged—someone has to invite you. This means a freelancer must work with others. And this means building and maintaining relationships. Indeed, apart from your will to teach abroad, your teaching skills, and your financial wherewithal to travel and teach as a freelancer, nothing is more important than building and maintaining relationships.

Yet you should not be intimidated by the importance of relationships. You already know how to build and maintain them. You are doing this by participating in ABA Section of International Law activities and as a part of your law practice or law school teaching. All you probably need to do is to adjust your relationship development skills to the culture where you want to teach, which might mean deciding whether you want to drink vodka, perhaps too much vodka.

A good place to start looking for international teaching activities is by participating in ABA SIL activities. It works. For instance, I started teaching in Minsk after a Minsk attorney overheard me at an ABA SIL conference in Moscow telling another conference participant about my experience teaching legal writing in English to law students in Kyiv. Overhearing this, he invited me to teach legal writing at his law firm. I accepted. Less than three months later, I taught at his law firm, my first time teaching in Minsk.

But don’t wait to be overheard. Ask. Ask someone who teaches abroad, ask an international colleague or student, or ask the person sitting next to you on an international flight. Don’t laugh at the latter. I asked a Moldovan neurosurgeon I met in the Bucharest airport if he wanted me to teach negotiation to the physicians at the Moldovan Institute for Neurology and Neurosurgery that he directs. He said yes. I first taught at the
BSU Law Faculty with the help of my Belarusian LL.M. student and research assistant. I taught at law firms in Kyiv and Chisinau after meeting attorneys in those firms at ABA SIL conferences and volunteering to teach at their respective firms. And when you are not asking in person, you can ask through social media. I taught at another Kyiv law firm after the firm’s managing attorney found me through LinkedIn. If, as I do, I exaggerate when I say, “Wherever there is another person, there is a teaching opportunity,” I exaggerate to encourage you to ask.

Of course, when you ask you must offer to teach something that someone wants to learn. But the list of these subjects is potentially endless. I usually teach legal writing in English or negotiation because the audience for these subjects is vast. And I have learned how to teach these subjects “accordion-style”; that is, I can “size” the course to fit the time available, just as an accordion expands and contracts. I have taken risks, too. After a Russian ship loaded with oil ran aground in the Kerch Strait, I was asked to lecture on maritime pollution liability, something I knew nothing about until I read all I could read on my flights from Arkansas to Ukraine. I learned enough to present the students with a factual and policy framework and then let them offer and debate liability rules. At a Ukrainian law firm, I once taught public speaking, another subject I had never taught. But these instances are rare. Learning from trial and error, I now have pre-built, field-tested, ready-for-travel courses, on my computer’s hard drive.

I learned to expand or contract my courses for a reason. Wherever you teach, you will likely confront an established teaching schedule. If you are a law professor, imagine your dean’s response to an outsider’s offer to teach, say, for four hours on a typical class day. Why four hours? If you are freelancing, you arrived at your own expense, perhaps paying for a thirty-hour, round-trip flight. Therefore, you might be tempted to want to teach at least half as long as it took you to get to your destination. This might even lead you to ask to teach for a day or more. Now, not only is the dean’s quandary amplified, the students are likely to be vexed. Unless you are a rock star on the side, all of your credentials, from Order of the Coif to amazing student evaluations, might not help you draw a crowd.

Alternatively, you could offer to teach a summer or an inter-session course to avoid trampling on the academic year class schedule. But neither exists in the part of the world where I teach—mostly Ukraine, Moldova, Belarus, and
sometimes Lithuania, Kazakhstan, and Russia. Teaching for a week or more is likely to be the product of a long-term relationship with the university. You are not likely to start there unless the university has summer or inter-session courses.

So how you do you deal with traveling for longer than you teach? First, resist the temptation to want to match your teaching hours with your travel time. More broadly, resist the temptation to analyze costs and benefits by monetary or other objective measures. If you are a freelancer, your teaching is pro bono. Only by setting your benefits as priceless will a cost-benefit analysis result in your favor.

Second, remember that you are first building relationships and later maintaining them. Teaching for the first time for, say, one hour is a step toward later teaching later for, say, four hours and so on. Likewise, after you have progressed to teaching for larger blocks of time, you might need to return occasionally to teach for smaller blocks of time to maintain the relationship. Teaching frequently helps build you relationships with the university’s administration and its faculty; it can also help build support for your teaching among the students.

I teach internationally at least once a month during the academic year. I schedule my full-time teaching at Arkansas for Wednesday through Friday. Outside of the exam period, I fly across the Atlantic on the weekend; teach on Monday, usually for three or four hours but sometimes all day; and fly back to Arkansas on Tuesday. During the exam period, I teach for up to one week, typically for three or four hours a day. Even then, I usually am in the air longer than I am in the classroom. During the past decade or so, I have flown over 2.1 million miles on Delta Airlines and other SkyTeam Alliance carriers, mostly to teach abroad. A financial advisor would recoil in horror at the sight my annual cash flow—money comes in and goes out in almost equal measure.

Before turning to how I started accumulating those miles and hemorrhaging cash, I add another reality—sometimes you can encounter teaching situations that do not work for you. The reason for this might be as amorphous as a
“poor fit” or as clear and specific as a university administration that leaves you
guessing about what happens next. If you encounter this, do not despair.
Instead, persevere until you find a place that works for you. If you fail to find
one in a city with an international airport, look to smaller communities where
guest teachers are rare and therefore especially appreciated.

Now to those miles, the cash I have given to Delta Airlines,
and how I started teaching at the BSU Law Faculty. I will
start at the beginning.

I started teaching abroad in 2005 as a Fulbright Scholar in
Kharkiv, Ukraine. In 2011, I again taught as a Fulbrighter,
this time in Chisinau, Moldova. In between these Fulbright
grants, I turned to freelance teaching.

I continue to freelance, with three exceptions. At the Kyiv
Taras Shevchenko National University Law Faculty, my freelance teaching
evolved into a nonresident professorship for which I am compensated.
Therefore, I teach at this University most often, both in person and by distance.
And I was paid by Zhetyсу State University in Talдыkorgan, Kazakhstan, and
Vytautas Magnus University in Kaunas, Lithuania, to teach twice at each.

Starting as Fulbrighter helped. For instance,
my Fulbright grant’s length gave me room to
recover from my mistakes. These ranged from
poor subject choices to not developing teaching
methods that adequately accommodated
differences in English language skills quickly
enough to gain and retain the entire class’s
attention. Text-heavy PowerPoint slides helped
students who read English better than they
understand spoken English, but lectures never
worked as well for me as interactive teaching
methods. I was slow to learn this.

As I learned from my mistakes, I also learned to live with ambiguity and the
unexpected. This mostly requires being flexible. A short story will illustrate
what I mean by the unexpected, though in the extreme. By the time I started
teaching in Chisinau as a Fulbrighter, I had more than five years of teaching in
Ukraine and elsewhere to draw upon. Having learned to start building relationships early, I started teaching in Chisinau even before the Fulbright Program accepted my application to be a Fulbright Scholar there. At my request, the U.S. Embassy in Moldova introduced me to a Moldovan Fulbright Scholar. Through her, I started teaching at Moldova State University’s law school by distance using Skype. However, a few sessions into one of these distance courses, Chisinau’s equipment failed, and we abandoned the course, a legal writing in English course.

When I received my Fulbright grant to teach in Chisinau, I entered a classroom on one of my first days there to finish that abandoned distance course. After the students had entered the room, their demeanor told me something was amiss. I asked what the problem was. The class’s leader answered—he and his classmates did not want to finish that course. I asked him what the class wanted. He said environmental law.

Without saying anything, I turned to my computer, scrolled through its directory, and opened a slide show about the Clean Water Act. I knew something about the Clean Water Act because I had taught it at Arkansas; hence, the slides. As for environmental law generally, I was cold. But, at that moment, I knew that I had to survive the first class. I did. And for the rest of the semester, I built a course around the Clean Water Act and all else I could tie to it. This worked.

I could not have turned from one course to another course so quickly had I not learned to be flexible from my teaching in Kharkiv and elsewhere. Nor would I have substituted one course for another within seconds without knowing that my host university would be happy if my students were happy. Universities everywhere favor keeping their students happy, however imperfectly they work toward this goal.

But the most important lesson I learned in Kharkiv was that I really liked teaching in Ukraine and, by extension, in other former Soviet republics. Teaching in countries in transition appeals to me. In 2005, Ukraine had just experienced its Orange Revolution, arguably a prelude to the Revolution of Dignity that began in late
2013 and led to the deaths of more than 100 on Kyiv’s Maidan before Ukraine’s then-president fled to Russia in late February, 2014. I was in Kyiv on the second day of those killings on the Maidan. I had expected to teach that morning but had arrived the day before to find the city’s metro and its universities closed. I will never forget what I heard and saw that morning, standing a few blocks above the Maidan trying to see what was happening as ambulances carried the dead and wounded away from the Maidan. Amidst the unceasing scream of sirens, I resolved to redouble my teaching in Ukraine. But the seed for this had been planted in Kharkiv nearly a decade earlier.

A few months after I completed my Fulbright in Kharkiv, I returned with an LCD projector for my host university. I had promised to give the university the projector I had used to teach there, but it had been stolen from my apartment along with my other valuables. So I returned with a substitute.

While there, I promised another university to return again, this time with another law professor if his university could convince the U.S. Embassy in Ukraine to pay her way. It did, and she came to Kharkiv.

With her was a Ukrainian from the Embassy. I told her I wanted to teach in Kyiv during the upcoming December exam period at Arkansas. She agreed to help and arranged for me to teach at several Kyiv law schools. That December, riding from university to university in one of the Embassy’s Chevrolet Suburbans, I taught for a week as she watched. And that was the start of my freelance teaching. Well, not quite—the Embassy gave me a $500 honorarium.

I continued to return to Kharkiv and Kyiv. I brought a colleague to Kharkiv. I joined a Kharkiv-based law firm as a consultant. I later arranged for the U.S. Embassy to bring my dean to Kyiv and Kharkiv. And along the way, I talked with law professors I met about teaching at their respective universities. I learned, as I have told you, that relationships matter.

I also joined the ABA Section of International Law. I became active in its Russia/Eurasia Committee, soon becoming a vice chair and then a co-chair, a position I held for three terms.

By now, I was teaching legal writing in
English in person and by distance at the Kyiv Taras Shevchenko National University Law Faculty, having been introduced to Shevchenko through the U.S. Embassy. Only later did I become a nonresident professor there. But, as I have mentioned, when my conversation with a Ukraine-based attorney about my teaching at Shevchenko was overheard by a Minsk attorney at an ABA SIL conference in Moscow, I gained my first opportunity to teach in Minsk.

I later taught at two other Minsk law firms and led a CLE-type seminar on negotiation sponsored by a Belarusian law periodical and book publisher. I also taught twice at the Belarusian State University’s international relations faculty. But I did not begin teaching at the BSU Law Faculty until one of my LL.M. students, a PhD graduate of the BSU Law Faculty, introduced me to the Law Faculty’s Dean and two professors.

I first taught at the BSU Law Faculty during Arkansas’s spring break in 2012. When I learned that I was the first American law professor to teach there, I asked the Dean if I could bring Arkansas students with me the following year. He said yes. So I created a two-credit course at Arkansas called Transnational Negotiation. All of the credit hours were taught at Arkansas, but the course included a spring break “field trip” to Minsk where the Arkansas students negotiated with BSU law students four to five hours a day for four days. The BSU Law Faculty arranged for cultural excursions each afternoon, and the students arranged their night life. I learned second-hand that the Minsk night clubs don’t heat up until the wee hours.

The next year, I taught Transnational Negotiation in the fall, and my students traveled to Kyiv during our fall break to negotiate with students at Kyiv Taras Schevchenko National University. I have stopped offering a Transnational Negotiation course, but I have continued to teach at BSU’s Law Faculty every spring break. And I will do so in March 2017.

Teaching in Minsk requires a business visa, even if one is not paid to teach. With the BSU Law Faculty’s help, I now have a one-year, multiple-entry visa so I can teach at BSU more often. Through connections I made while I was teaching at the European Humanities University, a Belarusian university “in exile” in Vilnius, Lithuania, I also have taught at BSU’s business school on each of my recent trips to Minsk. I most recently taught at the BSU Law Faculty and BSU’s business school in early December 2016.
Unfortunately, on my December 2016 trip I was unable to participate in a series of Wednesday evening classes for adult English learners as I have done for three years during my spring break trips. These classes are fun. My role simple—I talk with the learners about anything they want to talk about. This has included being asked what I think of Alexander Lukashenko, Belarus’s President, sometimes called “Europe’s last dictator.” I politely declined to answer, explaining that I depend on a visa to be in Belarus. Everyone, or almost everyone, smiled, perhaps with the resignation that comes with having the same president for twenty years.

Minsk is among the most hospitable places I have visited. Only once has a passport control officer not smiled when I handed her my passport. If you have crossed many passport-controlled borders, you know how rare it is for the passport control officer to greet you with a smile. Avoiding the usual greeting is one reason why I use Global Entry to re-enter the U.S.

I know little Russian, only enough to get myself into (further) trouble. I can ask for directions in Russian, however. Yet all but once when I have asked for directions in Russian in Minsk, the person I asked answered in Russian, then looked at me more closely, and repeated the answer in English. And once when I was running in Minsk in shorts during a pre-dawn snowstorm because I had not packed warm running gear, I was summoned by two police officers as I ran past the nearly adjoining U.S. and Russian embassies. That conversation was complicated and thus incomprehensible for both sides. Yet we were all smiling when we gave up trying to understand one another, and the officers waved me off to continue my run. I don’t know how to say “crazy American” in Russian, but they did.

I teach in English everywhere I teach. I have used interpreters, but this makes teaching excruciatingly slow. Besides, interpreters occasionally add their own “spin” to what you are saying, leaving you
wondering what you said.

I am often asked why I teach in Ukraine, Moldova, Belarus and in other former Soviet Republics at my own expense so often. Recently, I have been answering that question by telling about teaching at the BSU Law Faculty two years ago. I was teaching negotiation. These sessions are lengthy because the students negotiate hypothetical disputes. I teach in English, as you just read. Yet, for four days of lengthy sessions, a student who did not speak, read, or understand English came to every session. I let her and other students negotiate in Belarusian or Russian and occasionally paused to let other students explain in Russian what I had said to the student who did not know English. I was so impressed by her persistence I decided that if her participation in every class session encouraged her to learn English, that is why I do what I do.

When I taught at the BSU Law Faculty in December 2016, most of my students had taken one or more of my previous courses, including negotiation. I was fortunate to have on hand negotiation exercises that I had not previously used in Minsk. And I was especially fortunate that the student who had not known English two years earlier was in the classroom.

When we finished the final negotiation on the last day of class, I sat down with the students. We talked about the ways in which my teaching style differed from the teaching styles used by their “regular” professors. And then one of the students asked why I do what I do. I turned toward the student who did not know English two years earlier, and said she is why I do what I do. I said this because it was true and because, during the class, I realized that she understood what I was saying and was able to read the negotiation exercises, which, like my words, were in English. Fifteen or so minutes later, she presented the class’s gift to me, describing the gift in perfect English.

**Bringing Torts Home to America**

Richard J. Peltz-Steele  
UMass Law School

International coursework is an unattainable ideal for many of us teaching in U.S. law schools, for reason of our schools' priorities or limited resources. Still, incorporating into my 1L Torts class a study of the New Zealand accident
compensation system affords students a comparative perspective on U.S. tort law. Reference to New Zealand throughout the first year sharpens student perceptions of what works and what doesn’t in American civil justice.

Students who expect to start law school with a study of the civil lawsuit are surprised to find a first reading assignment detailing a foreign legal regime some 9,000 miles distant. The N.Z. accident compensation system dates to "the Woodhouse Report" of 1967, a royal inquiry initially charged only to consider worker compensation reform; and to the report’s legislative manifestation in the Accident Compensation Act of 1972, which changed the face of personal injury law by superseding a swath of common law tort claims in favor of a single-payer administrative system.


A wide range of primary-source material is available online from the Accident Compensation Corporation, http://www.acc.co.nz/. Informative appeals decisions can be browsed online by date with the appellate courts, http://www.justice.govt.nz/tribunals/accident-compensation/. It’s not essential that students work with a fully up-to-date text to get a sense of the fine tuning that has gone on in the system. Suffice to say that amendments are often reactive to N.Z. political tides. And like in U.S. tort reform, medical "misadventure" is an exemplary dynamic area in which the appropriate role of fault is hotly contested.

In class, I start not with the intricacies of administrative procedure-lest eyes glaze over-but with pieces of an excellent documentary from Australian
Broadcasting linking New Zealand’s extreme sports culture and touristic economy with the arguable shortcomings of social compensation in lieu of tort. Adrenalin Nation (2012) can be streamed from http://www.abc.net.au/foreign/content/2012/s3621762.htm.

Backed by the reading, students can quickly apprehend that deterrence is a key function of the American tort system that must be emulated through regulatory enforcement or revived through experience rating in New Zealand. This point builds a foundation for discussion later in the course about the respective roles of corrective and distributive justice.

Further discussion leads to revelation and comparative analysis of other tort-system functions, such as making plaintiffs whole. The all-or-nothing sweepstakes of American tort litigation can be compared with the discounted, special-damages-limited, but more certain recovery of an N.Z. claimant.

Social compensation offers a continuing reference point for the study of U.S. tort law, from the fault-light fringes of common law intent, to the interplay of causation and damages in negligence, to strict product liability (still common law in New Zealand), to U.S. worker compensation. I wind up the year in a fitting if unanticipated place: our very own American social compensation system, the 9/11 Fund.

The vast majority of my students will never set foot in New Zealand. Nevertheless, I hope that seeing the United States from the other side of the world has made them better lawyers. Whatever they conclude about U.S. law or our system of civil justice, they understand that our present norms represent just one way of doing business in a world of possibility.

**Contributor Profile**

**About Richard J. Peltz-Steele**

Richard J. Peltz is a member of the Law Faculty at the
University of Massachusetts Dartmouth, where he teaches Torts and Freedom of Information Law. He also has taught Constitutional Law, First Amendment Law, Media Law, and International Mass Communications. Peltz has published research articles in First Amendment, constitutional law, copyright, tort, and media law. He is co-author of two editions of the treatise, The Arkansas Freedom of Information Act, and of the casebook, Tort and Injury Law. He received the Freedom of Information Award of the Arkansas Press Association in 2006 and has been recognized by Faculty Excellence Awards in service, research, and teaching. Peltz previously practiced commercial law with Venable, a firm in Baltimore and Washington. Peltz received his law degree from Duke University and a B.A. in journalism and Spanish from Washington & Lee University. Peltz does public service work for the League of United Latin American Citizens and in international hostelling.

Committee Member News

Bill Johnson, Committee Co-Chair, Appointed SLU Law School Dean

Bill Johnson, a Committee Co-Chair, has been appointed to be the Saint Louis University Law School Dean. Bill was a professor at the law school and director of the school’s Center for International and Comparative Law. He also served as director of the SLU Summer Law Program at the University’s Madrid campus in Spain.

He joined the SLU LAW faculty in 2012 after holding an appointment on the law faculty at the University of North Dakota. He has also been a visiting professor at prestigious law schools in Germany, Lithuania and Hungary. He graduated cum laude from the University of Michigan Law School.

Announcements

Registration for the 2017 ABA SIL Meeting, April 25-29, in Washington, D.C., is now open. Mark your calendar and plan to attend.

Here’s information about our two back-to-back
programs on Thursday, April 27, which are co-sponsored by the Foreign Legal Consultant, International Litigation, International Pro Bono, Law Student, LLM, and New Lawyer Outreach, Transnational Practice Management, US Lawyers Abroad, and Young Lawyers International Network Committees:

*New Leaders, New Laws ... and New Perspectives on Creating "Practice Ready" International Lawyers*

These two programs are targeted to attorneys—both new and in transition—and will focus on legal practice and professional competence in the global legal marketplace. Both Parts I and II will include written CLE materials. Both parts will relate to the practice of law, and will include reference to training international lawyers in problem solving, legal analysis and reasoning, legal research and writing, drafting documents, factual investigation, communication, and other skills needed by today's and tomorrow's international lawyers.

Part II will focus on the forces affecting US law schools as they attempt to prepare students for practice in an increasingly internationally-connected practice environment. Both parts will include presentations by practitioners and academics geared toward training and guiding lawyers toward developing competence in the skills vitally important to representing clients with international interests, both domestically and abroad.

*Part I: Hit the Globe Running: New Approaches to Educating Law Students and New Lawyers*

Thursday, April 27, 9-10:30 a.m.

There is no more common theme in legal education today than "practice readiness." In these years since the economy and trends in legal education and law practice have become more lean and focused on training lawyers who can "hit the ground running" and "be ready for practice on day one," law schools are scrambling to get their students' feet in the doors of firms and organizations, both locally and globally.

How can we, as international lawyers and those who teach and train international lawyers, optimize the legal education of those who seek to enter global practice as soon and as effectively as possible?
This panel of practicing international lawyers and academics will engage in a dialogue about what skills international lawyers must have, and will brainstorm and share ideas about how to best impart those skills.

Program Co-Chairs: Diane Penneys Edelman, Villanova University Charles Widger School of Law, Villanova, PA, edelman@law.villanova.edu; Robert E. Lutz, Southwestern Law School, Los Angeles, CA, rlutz@swlaw.edu.

Moderator: To be determined

Speakers: Gretchen C. Bellamy, Walmart Stores, Inc., Bentonville, AR, gretchen.bellamy@walmartlegal.com (invited); Diane Penneys Edelman, Villanova University Charles Widger School of Law, Villanova, PA edelman@law.villanova.edu; Melanie Frank, The Global Trade Group PLLC, Washington, D.C., mfrank@theglobaltradegroup.com; Jayanth K. Krishnan, Indiana University Maurer School of Law, Bloomington, IN, jkrishna@indiana.edu; Robert E. Lutz, Southwestern Law School, Los Angeles, CA, rlutz@swlaw.edu; Steven M. Schneebaum, Steven M. Schneebaum P.C., Washington, D.C., sms@smslawdc.com.

Part II: Educating in the Context of Challenge and Change: Market, Regulatory and Global Influences on U.S. Law Schools

Thursday, April 27, 11a.m.-12:30 p.m.

Program Co-Chairs: William P. Johnson, St. Louis University School of Law, St. Louis, MO, wjohns19@slu.edu; Carole Silver, Northwestern Pritzker School of Law, Chicago, IL, c-silver@law.northwestern.edu.

Moderator: Carole Silver, Northwestern Pritzker School of Law, Chicago, IL, c-silver@law.northwestern.edu.

Speakers: Stephen Denyer, The Law Society, London, United Kingdom, stephen.denyer@lawsociety.org.uk; Khary D. Hornsby, University of Minnesota Law School, Minneapolis, MN, hornsby@umn.edu; Hon. Gregory E. Mize, Judicial Fellow, National Center for State Courts, Williamsburg, VA, gmize@ncsc.org; Darrell G. Mottley, Banner & Witcoff, Ltd., Past President, The District of Columbia Bar; Chair of District of Columbia Bar Global Legal Practice Task Force, dmottley@bannerwitcoff.com; Wendy Perdue, University of
Richmond School of Law, Richmond, VA, wperdue@richmond.edu.

U.S. legal education is subject to competing influences from domestic and global forces, including those related to the market for applicants to law school and for graduates with regard to prospective employers, and regulatory requirements imposed at the individual student/graduate level and on law schools as organizations. These forces are reshaping the traditional model of U.S. legal education, which was focused exclusively on domestic students who pursued the J.D. degree.

Today, the primacy of the J.D. degree is contested by the proliferation of non-J.D. and non-degree programs aimed at attracting student populations that both will compensate for declining J.D. enrollment that has been framing legal education in the U.S. since 2008; at the same time, the law student population is undergoing transformation, too, with international students occupying an increasing proportion of J.D. and non-J.D. degree programs. Separately, law schools have lost ground in their over the content of J.D. degree programs to new initiatives emanating from state Bar regulators, the ABA’s Section on Legal Education and Admission to the Bar, and market forces affecting both applicants and prospective employers. These changes are especially challenging for international students (whether J.D., LL.M. or other) because of immigration regulations, as well as factors that exert varying influence within the international student population.

This panel will consider the ways in which law schools do and should educate students to participate in an increasingly interconnected world, whether the students identify as domestic or international, and regardless of the degree program they pursue. It will consider how law schools best serve their various student populations in these changing times, including the influence of new programs, regulations and market forces.

Also plan to attend the 2017 Europe Forum in Barcelona on June 11-13.
Selected Recent Publications

Books


Article


Editor’s Note: Please alert me to new publications about international legal education, especially yours. Better yet, volunteer to regularly write a “selected articles” feature for this Newsletter. Do this well, and you can produce our sports section as well. Do this poorly, and we will ask you to solicit coupons from detergent manufacturers and classified ads for backyard sales.

Special Tribute: The Fulbright Program Celebrates its 70th Anniversary

In 2016, the Fulbright Program celebrated its 70th anniversary. The Fulbright Program was established in 1946 through legislation introduced by Senator J. William Fulbright of Arkansas. The proposal called for the use of proceeds from the sale of surplus war property from World War II to fund the "promotion of international goodwill through the exchange of students in the fields of education, culture and science." On August 1, 1946, President Harry Truman signed the legislation into law (PL 79-584), creating the Fulbright Program. The first Fulbright Program grantees travelled overseas in 1948.

The Fulbright Program is sponsored by the U.S. Department of State’s Bureau of Educational and Cultural Affairs. The primary source of funding for the Fulbright Program is an annual appropriation by the U.S. Congress to the Department of State.
Participating governments, host institutions, corporations, and foundations in foreign countries and in the United States also provide direct and indirect support. More than 370,000 "Fulbrighters" have participated in the Program since its inception. Today, the Fulbright Program awards approximately 8,000 grants annually.

Currently, the Fulbright Program operates in over 160 countries worldwide, but it has operated in more than 180 throughout its lifespan. Program alumni include 33 current or former heads of state or government, 54 Nobel Laureates, 82 Pulitzer Prize winners, 29 MacArthur Foundation Fellows, 16 Presidential Medal of Freedom recipients, and thousands of leaders across the private, public and nonprofit sectors.

Throughout 2016, the U.S. Department of State and program partners in the United States and around the world are highlighting the achievements, innovations, and impact of the U.S. government's flagship educational exchange program. On April 21, a commemorative tree planting ceremony took place on the U.S. Capitol Grounds, and on July 6, the U.S. Senate passed a resolution recognizing the 70th anniversary of the Fulbright Program. (Source: https://eca.state.gov/files/bureau/fulbright/index.html)

**Photo Contest: Identify the Place Shown in this Photo:**
Hint:

Send your entry to Christopher Kelley, ckelley.christopher@gmail.com. The winner, selected at random from among all of the correct entries, will be profiled in the next issue of this Newsletter. Your profile will be flattering if you also include the time of day when the photo was taken.

Contribute to Your Newsletter

We want you in our Newsletter. Whether you are a law student, a practicing attorney, a law professor, or some subcategory of these, perhaps a retired law professor, we want you to write something for us.

Please tell us about your experiences with international legal education. For example, tell us about:

• your teaching or studying abroad—the good, the bad, and the ugly;
• your vision of an ideal curriculum for preparing lawyers for practicing law in a global legal environment—with or without budget constraints and a dean who sees the world as you do;
• your thoughts on the merits and demerits of U.S. LL.M. and AJD programs for international law students—if your praise or criticism might pander or sting too close to home, use a fictional law school you are familiar with when you begin a sentence with, “For example, at _____”;
• your experience as an international law student or guest lecturer in the U.S.—perhaps including your theories about why Americans spend so much time talking to the cashier when they checkout at a Walmart (is “checkout” a proper verb?);
• your thoughts on why U.S. student interest in international law often fades after the first year—perhaps telling us how we can transition student interest in the traditional first-year courses into those courses’ international law counterparts;
• your experiences with distance education technology—perhaps explaining why Skype drops the call just when you are getting to the good part; or
• anything else that might interest the Committee’s membership.

Gosh, we will even publish your best recipe so long as the resulting dish is certain to be tasty to two people native to two countries, is legal to prepare and consume in those countries, and produces or replenishes brain cells. That’s close enough to international legal education for us. Or, put more properly, we are an eclectic audience.

Send something. When we have enough, say, two articles, we will send you another Newsletter. If you do not send something, the next issue will contain only cute cat photos. Please spare us from this. Christopher Kelley, ckelley.christopher@gmail.com.

Committee Officers

Committee Co-Chairs: Diane Penneys Edelman, William P. Johnson, Robert E. Lutz
Committee Business Plan: Diane Penneys Edelman
Communications/Newsletter: Christopher Kelley
Diversity: Chang Wang and Stephen Zollman
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