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Working Together: Developing Cooperation in International Legal Exchange

Carl C. Monk*

I was delighted to be asked to speak about the international conference that the AALS sponsored this past May at La Pietra, Italy. I believe it is one of the most important outreach efforts in which we have engaged in recent years—certainly the most important in the international arena. I would like to tell you a little bit about the impetus for the workshop and then describe briefly the planning process, the type of conference that was held, and what we hope to accomplish now that the conference itself is over. There remains a great deal of activity surrounding the conference and we expect that activity to pick up even more within the next few months.

The idea for the international conference came from two separate sources working independently at about the same time. One was the 1994 self study that the Association did of itself. Since member law schools have to do self-studies every seven years, we thought it was time we did at least one in our 94-year history. So we engaged in a self-study process in 1994. In that process, among other things, we asked law faculty to name the areas in which they would really like to see the AALS doing more to assist them as legal educators. What can we, your learned society, do to assist you? And one of the top items indicated in responses we received from faculty members was more international outreach.

Second, the self-study process was underway at about the same time that John Sexton became the President of the Association. Each AALS President, as you know, serves for one year as part of a three-year term on our Executive Committee. Each President has a presidential initiative and Dean Sexton was very interested in the

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theme of cooperation, and he wanted to use global cooperation as an example of how cooperation can help us all. Based on both of these factors, about three and a half years ago, the Executive Committee approved doing an international conference.

There were a number of issues that had to be addressed right from the start. The first was the size of the meeting. It was decided reasonably early that it had to be a pretty small group given what we wanted to accomplish at this first conference. That led to a decision that this conference would be by invitation only. We also thought this was a good idea because we did not want this group to be overwhelmed by a United States presence. We wanted it to be a truly international group. So we decided that there would be about fifty people invited, no more than about a third of whom would be from the United States. The other invitees would be from countries throughout the world, and it was decided that the expenses of the on-US attendees would be paid by the Association. We were fortunate to obtain some grant funding to support this initiative, and I think that was a critical decision for us because if we had not made that decision, we would not have had the diversity of countries and legal education systems represented that really contributed greatly to the success of the conference.

Given that direct participation in the conference would be by invitation only, we needed to name a Planning Committee. Greg Williams was chair of the AALS at the time, and the final decision was made to allow Greg to appoint a Planning Committee that was to consist of nine people. Five of those were from four different continents other than North America. All continents except Australia were represented on the planning committee. The other four members of the Planning Committee were from the United States. John Sexton chaired the Planning Committee. The members of this committee worked very well together, even though most of the US members had not met most of the people from other continents that were on the committee.

Having decided that it would be a small conference, the Planning Committee and the Executive Committee then began addressing what type of conference we wanted this to be. What was our objective? Our number one objective was and is to facilitate greater cooperation among law faculty and law schools and among associations of law schools that may already exist in different parts of the world, and, ultimately, of course, to improve the understanding of other cultures and other legal systems of students and faculty throughout the world. These goals generated the overall organization of the conference.

Based on our desire that there be a representative of the major legal systems and legal educational systems at the conference, one of the early activities of the Planning Committee was to discuss very thoroughly the types of legal systems that different countries have and the different types of legal education systems. This was not a conference that discussed in any sense international business transactions or human rights. It was focused on the structure of legal education and the impact that structure has on cooperative ventures among schools, faculties, and faculty associations.

All participants were required to write a paper in advance of the conference. We asked the foreign participants to write a paper describing the legal education system and the legal system in their region.¹ We asked specifically that they include their region rather than just their country because, as you can imagine, with only thirty other countries represented, not nearly every country could be represented. It was a condition of attendance at and funding for the conference that the papers were submitted before the conference in time to be published and distributed to the conferees in advance of the conference. This tactic worked very well. The papers were distributed and the conferees were expected to read all of the papers in advance of the conference. Based on the level of the dialogue, I believe that almost all of the participants did read the papers. This was a very active working conference.

We also decided early on that there would be no talking heads at this conference in the traditional sense. The people that we had invited were all leading legal educators from around the world. And we assumed, I think it turned out quite correctly, that each would have something very important to say and contribute to the conference. The plenary sessions were organized around themes and at each plenary session we had panels composed of seven to nine of the participants. Each of the participants was asked to speak for no more than two to four minutes, basically to kick off the discussion among the entire group. And then we did have some smaller group opportunities to follow up. I believe that this structure worked very well.

We also decided early on that all of the proceedings would be done in both English and Spanish. We considered having translations in more languages, but it was very difficult to find other common languages. This decision seemed to work, and all of the conferees were able to work in one or both of those languages.

1. These papers will be reproduced in the Journal of Legal Education and in Spanish in the University of Puerto Rico Law Review.

In designing the plenary session topics, again, the overall theme was how to achieve cooperation within different legal systems and different legal education structures. One way that of course came to mind immediately was faculty exchange and cooperation. Not just a physical exchange of faculty members, but how can faculty members throughout the globe work together better. Another major area of thought was student exchange and cooperation. Again, this would include traditional student exchanges but we also considered whether there are other ways in which we can link students together from around the world. A third theme was how students and faculty are chosen in different countries and regions. As I'm sure most of you know, that varies widely throughout the world. For example, students in most other countries are not graduate students in the sense that we think of graduate students here. How does the selection of students and professors affect our ability to cooperate? Another major issue was how can we enrich the curriculum through international cooperation—should we try to develop a model global curriculum? If we did, what would it look like? Or should we just try to enrich our own curricula through greater international experiences and exchanges?

In the end, the conferees asked the AALS to appoint working groups from among the conference participants. The working groups were designed around three sub-groups, each focusing on one of the following themes: Programs and conferences; Resources; and Information Exchange Clearinghouse. These working groups have just recently presented their reports. All of this, by the way, is happening by list serve, and we are sending materials by hard copy to the few participants who are not online. The coordinating working group is now just beginning to looking at the recommendations of the sub-working groups to decide what the priorities should be—what kinds of programs and conferences should follow? What should we do by way of trying to establish some form of information exchange or clearinghouse? What can we do with existing AALS resources and what kind of initiatives will require outside funding?

We anticipate that within the next two or three months the coordinating working group will have submitted its ideas back to the conferees. At that point, assuming there is some consensus, we will begin engaging in other projects that will involve many more people, including, I hope, many of you in this room who were not able to be involved in the initial conference.

In conclusion, I would just like to say on something on a quasi-personal note: This really was one of the most intellectually moving experiences that I have had in legal education and certainly as Executive Director of the AALS—and I have had the opportunity to do a lot of exciting things as Executive Director. Having had the opportunity to read the materials, to talk to the participants at this conference, to be in the presence of people from legal systems that are one thousand years old and people from countries so new that their courts are still staffed by non-law trained people because their former colonizers would not allow such training—it was humbling and moving, it was intellectually exciting, and I look forward to getting many of you involved as we move forward on what I think was a really important initiative for the AALS.

I thank you for the opportunity to talk about it today.

