

5-1-2006

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Recommended Citation

Aleinikoff, Alexander T. (2006) "Law in a Global Context: Georgetown's Innovative First Year Program," *Penn State International Law Review*: Vol. 24: No. 4, Article 15.
Available at: <http://elibrary.law.psu.edu/psilr/vol24/iss4/15>

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Law in a Global Context: Georgetown's Innovative First Year Program

Dean T. Alexander Aleinikoff*

I have been intrigued by the panel so far because we all seem to share the same goal. My guess is that is true for the audience as well. Yet we see that there are many different ways to go about things. I agree with Frank that the particular situation of a law school is likely to affect the choices that are made for incorporating transnational materials into the curriculum.

We have a strategic planning process at Georgetown based on a five year cycle. The plan adopted last year by the faculty called for increasing transnational law offerings in the first year curriculum. The use of the word "transnational" was a contested term. Members of the international law faculty considered the term a throw back to an earlier time. In my view, "transnational law" covers more ground than the term "international law"; it embraces comparative law as well as choice of law issues when a transaction affects more than one legal system.

We asked our Curriculum Committee to look at a range of options for bringing transnational law into the first year. We considered having a transnational elective. We also considered having a mandatory transnational course. We were also aware of Mathias' course and looked at the materials he has prepared. In the end, we ended up with our own distinct approach. I am not suggesting that it is the best or only model; but it seemed to work best for Georgetown.

We call it "Week One: Law in a Global Context." It is an intensive program for integrating transnational perspectives in the first year curriculum that took place in the first week of the second semester of the first year. During that week, our first year sections worked with a single—but complicated—transnational legal problem that related to one of the courses they had taken during their first semester of law school. The materials for the week came to about 150 pages for each problem.

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As first proposed, the new materials would have been taught by the professors teaching the first year sections. I subsequently decided that the new transnational program would be the responsibility of the faculty as a whole. (Once we decided this, we cut a week out of the upper level courses to permit non-first year faculty to participate.)

A group of faculty met over the summer to begin work on the new materials. Eventually they created three problems. Because we have five first year sections, some sections were given the same problem. The faculty who prepared the problems served as the core faculty during Week One, doing most of the teaching. But, to stress this again, the program was a faculty-wide initiative, and ultimately some 30 to 40 faculty members participated during the week—teaching small sections, judging moot courts and the like. Many members of the faculty had to overcome their initial hesitation about being unfamiliar with the subject-matter of the problems. So we asked non-core faculty to handle only an hour or two of class time. Our goal was to get enough buy-in from a large portion of the faculty so that they might participate in future years and perhaps take leading roles in developing new problems. To sweeten the deal, I told the core faculty that they would get an hour of teaching credit and could bank the hours.

I have distributed materials to you that describe the three problems we created. As I have mentioned, we linked the problems to first year courses. For example, for a section of students who took constitutional law in the first semester we developed a problem dealing with extradition to the United States from two European countries. Because the persons sought by the U.S. authorities were charged with capital crimes, the problem raised obvious questions under the European Convention on Human Rights. A second problem involved a contract between a French company and a U.S. company for the building of barges to be used for the construction of a dam in Cambodia. Events rendered fulfillment of the obligations of the contract difficult, and the students were asked to think about which law applied—French or American. The third problem sounded in tort, involving a French winemaker's defamation claim against a California website that alleged the winemaker was laundering money for the Russian mob.

Each problem included an experiential element. So, for example, the students in the extradition case were asked to craft an argument before the European Court of Human Rights. The students considering the contract problem were asked to draft choice-of-law language for a contract. The tort case was made subject to international arbitration.

What were the benefits? First, the Week One effort was collaborative. Large-scale curricular reform, as all know, is very difficult because while every law professor believes he or she has the

ideal curriculum, no two law professors agree. Week One operated at the “mezza-level,” with groups of faculty working together on a problem. Thus the effort was neither “one-off,” with the creation of a single transnational law course by a single professor; nor was it “top down” reform, with a committee mandating a one-size-fits-all approach.

The second major benefit was that materials were problem-based. Many in the academy have talked for years about supplementing the case method with a problem-based approach. At the “mezza-level” of Week One, we have developed materials on the business school model that I think can open the door to general curricular reform.

Third, as mentioned, we included an experiential component in each of the problems.

Fourth, we enlisted the assistance of about 60 upper-level students who served as “Global Teaching Fellows” during the week. They met with the first year students to discuss the materials and to prepare them for the experiential elements of the problems. This yielded an additional kind of learning experience for both the first year students and the Teaching Fellows.

Finally, there was an unexpected benefit from Week One because of the shortening of the upper-level courses by one week. This has opened up the possibility of specialized one week courses – in negotiations, trial practice, and courses taught by foreign visitors – for second and third year students.

