

## INNOVATIONS IN LEGAL EDUCATION IN LATIN AMERICA

### PRÉCIS

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This short document contains some reflections about the recent efforts to innovate -and transform- Legal Education in Latin America. After briefly describing the context in which Latin American legal education currently operates, it presents a list of issues that might be useful to consider when assessing the innovative efforts undertaken by different schools throughout the region.

#### *Latin American Law Schools: Different realities, but common challenges*

Latin American countries can hardly be treated as a homogeneous group. The region is comprised of twenty nations with different social, political, and economic realities, where social stratification, race, economic status, and gender have played singular roles in affecting society and its various institutions. There are also significant differences across national legal systems as well as in their legal cultures. (Gomez, 2007) Today, there are more than one thousand law schools in Latin America, (Perez-Hurtado, 2008)<sup>1</sup> many of which not only have different structures, but also pursue a wide array of objectives, and serve diverse student populations.(Gomez, 2008)

Notwithstanding, as most countries in the region share a historic, political and cultural past, including a common “traditional” model of legal education, it is reasonable to believe that

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<sup>1</sup> As Perez-Hurtado reports, only in Mexico for the year 2006-2007 there were 930 law schools. See, Luis F. Pérez-Hurtado, *La Próxima Generación de Abogados*, 4 (unpublished manuscript) Stanford, CA 2008.

many Latin American law schools have similar needs and face analogous challenges when considering to innovate their curricula and improve their educational models.

### *Innovation in Latin American Law Schools*

In recent years, exciting and forward-looking work has been going on in a number of law faculties, all over Latin America. A small corps of reform-minded legal educators has been trying to adapt legal training to the needs of the modern world. Traditionally, legal education has been formalistic in content; and in form, it has been dominated by lectures, without much interaction between students and faculty. Most of the professors have been practicing lawyers who devote only a fraction of their time and effort to training students. Legal training has, on the one hand, sorely neglected the real world—the modern world of legal practice, especially its global and transnational aspects, and its relationships to modern business; and on the other hand, it has ignored the rich world literature on the law in action, the law as a living system, the economics, politics and sociology of law. (Friedman, Perez-Perdomo & Gomez, 2005)

Recently, there have been a few isolated initiatives to promote an interchange among those Latin American law schools that are known for offering innovative curricula and high-quality legal education.<sup>2</sup> These are the faculties that are experimenting with new methods—problem-solving, seminar formats, different modes of engaging the students, clinical training, and so on—and with new curricula, more in tune with the needs of the modern legal profession, and the new role of the profession in countries that are developing both politically and economically. Notwithstanding these important initiatives, there is still a great need for a more systematic and continuous dialogue between law schools.

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<sup>2</sup> One of these initiatives was the conference “Innovations in Legal Education in Latin America” that took place at Stanford Law School during September 14 and 15, 2006. The meeting was organized by Stanford Law School (California, USA) and the Universidad Metropolitana Law School (Caracas, Venezuela) with the sponsorship of The Hewlett Foundation. The proceedings of the conference are in the process of being edited for a collective volume.

*Promoting a Dialogue on Innovation: A List of the Key Issues*

A constructive idea is to promote –on a permanent basis- a dialogue centered on the assessment and evaluation of what has been accomplished so far, what the different law schools can learn from each other; along with ideas about steps that might be taken in the future—ways to deepen and strengthen the work done so far; and ways to disseminate it to like-minded scholars in other law faculties. A possible “agenda” to be considered should, at least, cover the following four areas:

1) National and local context: This theme refers to the ways in which the different innovative law schools have modified their structures to embrace innovative models of legal education, and also about how different schools have coped with internal resistance for change. A related issue is the influence that large universities have on the organization of the different law schools and their curricula or study plans.

2) Curriculum and teaching methods: This relates to the contents of the curricula adopted by different schools throughout Latin America, and the different institutional and cultural obstacles faced by each when trying to innovate. This aspect also refers to the various initiatives for change with regard to the grading systems adopted across law schools in the region.

3) Students and Faculty: In the case of students, the discussion should revolve around matters like the different criteria for admission to law school, the number of students that are admitted each year, and how many complete their studies and graduate, among others. In the case of professors, the discussion should be centered on the selection process for faculty, the ratio between full-time and part-time faculty, the background of the faculty, in terms of education, previous experience, and legal training; and also, the level of productivity of the faculty in terms of scholarship and publication of their work.

4) Connection with Professional Life: This topic should address the possible approaches that law schools in the region could employ to facilitate law students’ transition into professional life, similar to what U.S. law schools do in the area of “career services”. Another important aspect is

the one referred to the use of clinical education as a strategy to keep the law school experience connected to the larger community, and also as an opportunity for students to attain practical skills.