

A MODEL FOR INTERNATIONAL COLLABORATION IN INTERSESSION LEGAL EDUCATION

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Although there are nearly two hundred summer study abroad programs sponsored by law schools in the United States, few, if any, offer a true international learning experience. The typical American program rents space at a foreign university, hires one or two local law professors to offer courses (usually with a comparative or international focus), and then staffs the rest of the short course curriculum with its own faculty. Usually a few students of the “host” university are recruited to enroll in courses (to give them more of an international flavor), but the vast majority of students are American law students taking classes with other Americans. Students typically take two classes that meet daily for four weeks.

While the American law student enrolled in such a summer program may have an enjoyable summer in a locale that he or she has never before visited, the student does not have the more valuable experience of actually attending a law school in a different country or of studying law with students from another country. A growing number of American law schools do offer semester-long study abroad opportunities but they are normally limited to a small number of students.

By way of contrast to the typical American study law abroad program, I call your attention to the Program in International and Comparative Law operated by the University of Queensland in Brisbane, Australia and Milwaukee, Wisconsin’s Marquette University from 1997 to 2005. The Marquette-UQ program offered American and

Australian law students the opportunity to enroll in actual courses offered by the host university and to attend class with law students from the other country.

The program featured a four-week long term offered each July during which students were permitted to enroll in two, two-credit courses. In alternate years, the sessions were held in Brisbane and Milwaukee. The one month term coincided with the Marquette University Law School's second summer session and the T. C. Bierne School of Law's intercession.

All courses offered by the program had an international or comparative focus. Public and Private International Law, International Human Rights, and Comparative Constitutional Law were regularly offered, but the curriculum also included a wide array of comparative courses, including courses devoted to torts and compensation systems, real estate transactions, sports law, banking law, insurance, alternative dispute resolution, and indigenous people's law. The latter courses were usually developed by Marquette and Queensland faculty who normally taught such subjects only in the context of their own national system. The program had the happy side-effect of greatly increasing the number of faculty at each school engaged in comparative legal studies.

Sessions at both sites featured courses taught by Marquette and UQ faculty so that students who took classes only at their own universities had the opportunity to enroll in courses taught by U.S. and Australian professors. Over the course of the eight years significant numbers of faculty from both schools had the opportunity to teach at the home campus of the partner school and become acquainted with many of their colleagues at the other law school. There were also a limited number of faculty visits to the other institution during the regular academic year.

Each summer, between 20 and 100 Marquette or UQ students made the trip across the Pacific to the other campus. Classes were also open to students from other law schools, leading a number of students from other United States law schools to enroll both in Milwaukee and in Brisbane. Housing in both places was arranged by the host institution. At Marquette students tended to live on campus while in Brisbane they lived in apartments or hotels within easy commuting distance of the law school.

The classes at either site could also be taken by students of other nationalities who were candidates for the LLM degree at the University of Queensland, a fact that further contributed to the diversity of the program and enriched the experiences of the participants. My course in Comparative Constitutional Law in the summer of 2002, for example, included two students from Germany and one each from Korea and Colombia. Given the fairly insular nature of the study of constitutional law in the United States and Australia such students greatly enhanced the educational experience of all of those enrolled in the course.

The Australian students were mostly undergraduates who were candidates for the bachelor of laws degree, although a few of the Australians were J.D. candidates who had already received a degree in a field other than law. Neither the different ages of the students nor their different educational backgrounds made a significant difference in the operation of the program. The same examinations were administered to all students in each class regardless of nationality or prior coursework. Grading was done on the same basis, and if it was necessary to make adjustments in grading to conform to the grading system of the student's home university, such changes were made after the grades were awarded.

The similarities between the United States and Australian legal and educational systems obviously made the program easier to administer than would have been the case had the partner schools been from more dissimilar countries. Furthermore, a common language and very similar culture made the transition from an Australian law class to an American one quite smooth. The fact that the month of July fell between the two regular semesters at both schools (even though they were on opposite sides of the equator) also greatly aided the operation of the program. However, the benefits of a program like the one operated by Marquette and the University of Queensland are so great that it would be worth the effort for two cooperating schools to coordinate their regular academic schedules to insure that there would be a common period between the regular terms. Now that English appears to have emerged as a universal language of legal instruction, institutional partners would not necessarily have to come from countries sharing a common spoken language.

If the Marquette-University of Queensland program was so successful, why did it cease to operate after 2005? Unfortunately, a combination of events, no one of which would have led to the termination of the program, led to its demise. Some of the factors were political and economic. After 9/11 tightened immigration standards in both countries made the process of organizing each year's session more difficult. While the added red-tape may have dissuaded some students from participating in the program, these obstacles were largely overcome. The great distance between Brisbane and Milwaukee was also a factor, particularly as the value of the dollar declined after 2000. (The factor, of course, benefited the Australian students while disadvantaging their

American counterparts.) Added costs took the program from the black to the red, but that change could well have been reversed.

More significant were changes in the personnel at both institutions. For different reasons, the primary originators of the program, Professors Kinsler (Marquette) and Moens (U. Queensland) both left their original institutions to take positions at other law schools. Also, the deans of both law schools departed after 2002. Dean Howard Eisenberg of Marquette passed away unexpectedly at age 55, and Dean Tony Tarr of the University of Queensland moved to the United States where he became the dean of the law school at the University of Indiana-Indianapolis. Unfortunately for the program, both of their successors had new and different priorities, and neither shared the enthusiasm for the program that had characterized their predecessors. Although it now seems unlikely that the program will be revived any time in the near future, such discussions have been ongoing since 2005.

Even though it no longer operates, the Marquette-University of Queensland program provides a viable model for collaborative legal education. By using a month long academic term to provide law students with a genuine educational experience in a law school in a different country, students can be exposed to the study of law in a different country without having to commit a full academic term to the project. It is a model that should be emulated.