

RESPONSE TO IALS CALL FOR PAPERS 2008

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Effective Teaching Techniques

The faculty involved in the Frederick K Cox International Law Center at Case Western Reserve University have a variety of experiences teaching cross-cultural issues in the context of the programs we offer to J.D. and to foreign LL.M. students. This paper is an overview of only some of these techniques because it focuses on my own experiences and, to some extent, those of my colleague, and Center Director, Michael Scharf with whom I discussed this request for proposals. While my work has focused on international and comparative commercial and intellectual property law, Professor Scharf is an expert in the field of international criminal law and process. Thus, some of our individual experiences are specific to the subject areas we teach.

International Visiting Professors

One program that I have instituted at our law school that I am particularly proud of is our Case Abroad at Home program now offered to upper level J.D. students and some foreign LL.M. students (depending on their availability) in the last week of the summer break in August. This program consists of three to four intensive one credit mini-courses taught by visiting faculty from universities in other countries. The subject matter of the courses varies from year to year, but the overall intention in terms of subject matter is to augment gaps in our existing curriculum and to provide advanced and comparative versions of issues we teach in the existing curriculum. In past years, we have hosted visitors from universities in Canada (University of British Columbia, University of Toronto, McGill University, and Dalhousie University), France (University of Nancy), Australia (University of Melbourne, Monash University), the United Kingdom (Essex University, University of Ireland). We have also hosted judges from the International Criminal Tribunal for Rwanda and from the Dutch Criminal Court. This program covers both public international law issues and private international law issues. More details are available on our Cox Center website at: http://www.law.case.edu/centers/cox/content.asp?content_id=27

The benefits of this program in terms of cross cultural teaching include the ability for our American J.D. students to not only learn about legal systems in other countries, and on the international level, but to learn about those issues from people working first-hand within those systems. This removes some of the translation problems of trying to have Americans teach all of the comparative material. It also greatly augments comparative material taught in our standard classes. A collateral benefit of this approach is that having the international visitors in the faculty for a week or more in August gives the students a chance to network with the international

visitors outside of formal classes. These opportunities allow students to learn more about the relevant cultures and legal systems and to create and maintain contacts in countries in which they may be interested in working in the future. We try to keep the contacts between visitors and students relatively informal outside the class sessions and, to this end, host lunches and an international law students' pizza and pool party to facilitate interactions between our students and the international visitors.

International Business Transactions with Foreign LL.M. Students

I have also had some interesting experiences teaching the International Business Transactions course to a combined J.D./LL.M. class at our school. This has been challenging because the LL.M. class is comprised of foreign LL.M. students often from many different jurisdictions with different types of legal backgrounds and different levels of competence in the English language. Another specific issue with this course has been that the J.D. students have a particular interest in examining international business transactions from the perspective of an American lawyer looking to trade outside the country, while the LL.M. students regard the subject from an outsiders' perspective looking in. Initially, I tried to accommodate these different interests and perspectives through a variety of simulations where LL.M. students would represent lawyers negotiating deals from the perspective of outsiders seeking to do business within the United States, while the J.D. students portrayed American lawyers seeking to transact outside the country. This was quite successful but only involved a small number of students and could be quite time intensive.

In later years, I moved to a class format that involved workshopping international business transactions problems in small break-out groups, where each group was comprised of some J.D. and some LL.M. students to ensure that each group was exposed to at least some cross-cultural perspectives. I worked individually with each group to draw out the legal issues and the cultural issues during the break-out sessions, and then we moved to a larger class discussion comparing and contrasting the issues that arose in the smaller break-out groups. Because I spoke to each small group during the workshopping phase of the class, I was able to pull together strands of different legal and cultural issues that came out of each individual small group.

This was quite effective in practice and better involved all students in the problems. The additional advantage is that some of the LL.M. students who were uncomfortable speaking up in class because of concerns about their English ability were much less embarrassed about talking in smaller break-out groups to me and to other students. Thus, it was a format in which it was possible to get more issues on to the table particularly from students from different cultural backgrounds who were somewhat reticent to participate in a larger class setting. Assessment for the course in this format was based on each individual student's attempt to write detailed answers to some of the problem sets – having had the benefit of the larger discussion first – as well as a component of the assessment being devoted to class participation in the break-out sessions. This was more time intensive for me in terms of grading, but definitely helped students to develop their writing about cross-cultural issues while getting regular feedback from the professor on both their oral and written skills.

Over the past few years, I have handed over the International Business Transactions course to a new colleague, Professor Jon Groetzinger, who has had much experience in international commercial transactions during the course of his career. I have observed his approach to teaching the mixed class of J.D. and LL.M. students and his approach is very effective because of his unique experiences as an international business practitioner. He is able to draw out comments from LL.M. students from many different countries based on his own experiences negotiating deals in those countries. Thus, he creates a class atmosphere in which the LL.M. students are more comfortable participating because the professor can help them express themselves, and the J.D. students obtain the benefits of the cross-cultural perspectives in the larger group setting.

In-Class Simulations – Public International Law, International Organizations

My colleague, and Cox Center Director, Professor Michael Scharf teaches the International Law and International Organizations courses at our law school. He regularly utilizes simulations to involve students in dealing with cross-cultural and international law issues. In his first year international law elective, he conducts a simulated negotiation and arbitration exercise of the Brcko dispute with students role playing Bosnian Serb and Bosnian Muslim negotiators and lawyers. Professor Scharf is able to draw on his own first-hand experiences from his international consulting work and his prior State Department career to guide the students in these exercises.

In the International Organizations course, Professor Scharf conducts a simulated negotiation between Israelis and Palestinians about the future of the Security Wall, as well as doing a simulated Security Council Emergency session about a crisis between Venezuela and Guyana about the Esequibo territory. He also conducts a simulated international conference to define terrorism, with students assigned to role play countries from various regions around the world. Again, he draws on his own professional experiences and those of his close colleagues in instructing and guiding the students.

Conclusions

From this brief survey of some of our in-class approaches to cross-cultural teaching issues, I think it is evident that my colleagues and I all value genuine, first-hand, real-world experiences of both faculty and students to help illuminate discussions about cultural and legal differences between different countries. We make the most valuable use we can of our own professional experiences and those of our students who have international experiences. Additionally, we bring international professors to our classrooms on a regular basis to expose our students to cross-cultural perspectives first-hand. While we do many other things in the Cox Center to foster and facilitate cross-cultural education (including study abroad programs, regular international law symposia, and placements of our students in international organizations), the ability to serve as an international gateway and to bring international and cross-cultural issues to our students at home in their own regular classrooms has been a tremendous benefit to our programs overall.

