

## **THE CASE FOR CO-OPERATION – ETHICAL, PROFESSIONAL AND PRACTICAL**

### **ROGER BURRIDGE - UNIVERSITY OF WARWICK SCHOOL OF LAW**

This is the first Newsletter of the International Association of Law Schools. If you work in a law school, whether or not this Newsletter becomes a regular event in the international calendar of law teachers, largely depends upon you. The IALS has been established as an organisation to bring law schools around the world closer together pedagogically, professionally and in practice. Its purpose, objectives and organisation are explained inside. If the IALS is to succeed it needs to be able to capture a prevailing worldwide mood amongst law teachers to persuade them of the timeliness and potential of a bid for an international communion of law schools. We hope that we can do so.

A global network of law schools can enhance the quality of law programmes worldwide, as well as promote legal education as an instrument of development. The IALS will also be an invaluable addition to efforts to build a firmer basis for global justice and constitutional governance. Opportunities for increased dialogue between legal cultures and the exploration of local legal perspectives in an international forum are much needed at present. Legal education can be more than a training school for the legal profession, important though such a function is. It provides in all its various forms and differing local conditions the basis for fashioning, scrutinising, reforming and promoting the principles and processes of social, economic and political progress. It ensures the expert wherewithal to service the agencies of commerce and the organs of state that mediate global influences and local needs.

There is an urgent need for law schools to understand each other's

approaches to the global challenges. Comparative jurisprudence is valuable but is insufficient to illuminate our understanding of the differences in legal education or to facilitate exchanges of mechanisms and practices for improving legal services and lawyer expertise. The recent volume of the Journal of Legal Education reflects the scholarly contribution that the IALS is already making but much more should be possible.

A functioning network that can disseminate information efficiently and serves as a broker for local or regional needs is worthwhile in its own right. The constitution of the IALS is based upon a belief that certain functions can be carried out more effectively by our organizations representing many law schools throughout the world than by bilateral agreements between law schools. Other roles for the IALS are described by its founding President, Carl Monk, in this Newsletter. The eventual programme for the future activities of the IALS however will be resolved by those who join its ranks at the outset.

There has already been an encouraging number of law schools seeking founding membership of the IALS with 83 members joining so far, although a wider representation is sought. The organisation's impact and effectiveness will be all the greater if it can establish a healthy global network from the outset.

The editors of this Newsletter earnestly hope that you will recognise the opportunity to arrange for your law school to join the International Association of Law Schools if it has not already done so. There can be few valid reasons for not participating.

## **THE GENESIS OF THE IALS**

**CARL MONK, EXECUTIVE VICE-PRESIDENT AND EXECUTIVE DIRECTOR**



*Session of the Inaugural Board Meeting, Istanbul 2005*

The International Association of Law Schools was incorporated in October 2005, after more than five years of planning. The process began at the 2000 "Conference of International Legal Educators", sponsored by the Association of American Law Schools, which was held at New York University's Villa La Pietra in Florence, Italy. Fifty leading legal educators from 35 different countries on all continents were invited. The focus of the Conference was the structure of legal education in different countries and legal systems, and how these different structures might affect and inform our ability to cooperate on projects of mutual interest.

Topics focused on cooperation between different systems of law and legal education, as well as specific topics such as faculty and student exchanges and cooperation; curriculum enrichment to reflect transnational development; a "global curriculum"; and common educational outcomes. Discussions were candid and thoughtful, and there was a strong consensus that there was much to be done to help our students and faculty understand different cultures and legal systems.

A second conference, entitled "Educating Lawyers for Transnational Challenges", in Hawaii in 2004 was attended by 130 legal educators from 47 countries representing all major legal systems attended this Conference. The conference had two major purposes:

- 1) to discuss the role of the curriculum in law schools in preparing their graduates for transnational challenges, in the context of international or domestic practice;
- 2) to consider the formation of a new association of international law schools, whose purposes would include:
  - promoting a better understanding of the world's varied and changing legal systems and cultures as a contribution to justice and a peaceful world and
  - contributing to the better preparation of lawyers who engage in transnational or global legal practice.

The Hawaii Conference unanimously voted to form an international association and to appoint a planning group to draft the foundational documents for such an association. The planning group consisted of 19 people from 17 different countries from all types of legal system. Sixteen members of the group met in Istanbul at the University of Bahcesehir in May 2005, and adopted the Charter for the International Association of Law Schools (IALS) (see back page). Articles of Incorporation were filed in the District of Columbia, United States, in October 2005. The Istanbul group formed an initial Governing Board of 16 legal educators from Argentina, Australia, Belgium, Brazil, Canada, China, Ghana, India, Italy, Japan, Kuwait, Malaysia, South Africa, the United Kingdom, and the United States. The Charter limits Board membership to one person per country unless a second person is currently serving a term as an officer. The Charter also limits the voting power of law schools in any one country so that, no matter how many law schools might join from a particular country, those law schools would not be able to dominate the work or agenda of the IALS.

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Inaugural Board Meeting, Istanbul, 2005

The mission of the Association includes fostering "mutual understanding of and respect for the world's varied and changing legal systems and cultures as a contribution to justice and a peaceful world." It is anticipated that this mission will be advanced by

- developing recommended curricula and resources for educating students about diverse legal systems and cultures,
- regular publication of a newsletter and journal containing items of interest to legal educators throughout the world,
- facilitating student and faculty exchanges among IALS members,
- promoting the exchange of ideas through amongst deans or heads of IALS member schools,
- convening conferences that will bring together leading scholars and teachers to discuss and adopt curriculum recommendations,
- providing opportunities to participate in a "Partner Law School" program for cooperative programs between law schools in different legal systems.

Schools that join IALS will have access to important resources that will be much less available to non-member schools. For example, member schools will be permitted to post job vacancies for visiting or permanent positions on the IALS website; similarly, member schools will be able to post interest in specific faculty and/or student exchange programs and participate in IALS-sponsored listserv discussions. For invitational conferences convened by IALS, leading faculty of IALS member schools will generally have priority over faculty at non-member schools and be able to benefit from any funding assistance programs.

A membership campaign for Law Schools around the world is now underway and we already have 25 member schools from outside the US, including law schools from Argentina, Australia, Bulgaria, Canada, Germany, Korea, Kuwait, Lithuania, and The Netherlands.

Over 50 US law schools have joined IALS including many leading private and state law schools.

*If you have questions about IALS please contact Carl Monk, who is serving as IALS President until the first meeting of the General Assembly, which it is hoped will take place sometime in late 2007 or early 2008. He can be reached at : cmonk@ialsnet.org.*

## THE IMPORTANCE OF THE IALS - A LATIN AMERICAN PERSPECTIVE

**MONICA PINTO,  
UNIVERSITY OF BUENOS AIRES,  
ARGENTINA**

As legal educators we have a primary responsibility to educate men and women, future law graduates, so that they are able to develop their abilities in the world where we live, as it currently is and as it will evolve.

We are actors in this phenomenon known as globalization, in the common space where countries and jurisdictions are increasingly inter-connected; where information and money flow more quickly than ever; where goods and services travel across national boundaries. This globalization has touched communications, human rights, investments, intellectual property and trade in general, oil and gas exploitation, nuclear energy regulation, solar energy and hydroelectricity.

However, globalization also means that poverty – the lack of social citizenship – has become a major challenge; that diseases are also globalized; that ethnic problems have experienced a revival; and that religion has become the target of political struggles. The forces of globalization require our graduates to be trained to face diversity, sensitive to local particularities and able to bear both the global perspective and their own goals in mind. They must be trained to learn from the structure and experiences of other legal systems, and ready to implement cross-fertilizations of jurisprudence and practice in general. This demands institutions capable of building bridges and offering legal research and education with up-to-date content and approaches.

From a Latin American perspective, the IALS provides a unique opportunity for our law schools to be active in this co-operative effort. Our region, strongly influenced by North America and by our legacy of European legal traditions, rules and skills, is a peculiar melting pot that evidences both similarities and disparities with other developing countries.

We can share the reality of countries where indigenous peoples constitute the majority of the population, but remain as vulnerable as a minority group. In a continent in which "machismo" is historical fact, we can share the experience of woman leaders as the Mothers and Grandmothers of the May Square, the Widow co-ordination organization.

We can vouch for the importance not only of civil and political human rights but also economic, social and cultural rights. Because of the serious human rights violations in our recent past, we have learned transitional justice mechanisms; we have ratified international human rights treaties and accepted the competence of treaty-bodies and tribunals. Because of tragedies we have experienced, we have learned to shape our families differently. Because of our poverty, we have experience of social cleansing amounting to the mass murder of street children, women, and beggars.

But we can also share the positive legacy, now complemented by private law schools, of an early political commitment to free and public education as a major tool for social and economic progress. Finally, thanks to our natural resources, we have learned varying legal models for exploitation, and thanks to our economic needs, we have a virtually exhaustive knowledge of international financing, international investment and, of course, international settlement of disputes.

These are only some of the benefits that will accrue, on both sides, from Latin American law schools joining IALS. Surely, there are many others, some of which should be the focus for future discussion in our new association.

### IALS BOARD MEMBERS:

**IALS President:** Carl C. Monk

#### Governing Board -

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## PERSPECTIVES ON THE GENESIS OF THE INTERNATIONAL ASSOCIATION OF LAW SCHOOLS NOOR AZIAH MOHD AWAL, UNIVERSITI KEBANGSAAN, MALAYSIA

I hope in this article to convey my perspective, as a legal educator based in the Asian region, on the discussions which surrounded the formation of the IALS. I was very fortunate to have attended the conference in Hawaii at which a unanimous vote by delegates endorsed the setting up of the IALS, and was a member of the working group tasked with planning the IALS Charter.

A legacy of colonial experiences breeds skepticism about an association of this international nature, such as whether the association would be monopolized by law schools from the USA, the UK and Europe or dominated by the big law schools. Malaysians are very sensitive to such issues, since we have a different social, cultural and religious background to that of the developed nations and prominent law schools in the West. Given this background, I have to take great care explaining the genuine objectives of the association to law schools in my region. However, partly to allay these fears it has been agreed that each country will not have more than 10% of the vote; this will ensure that no one single country will be able to dominate.

To my mind, many law schools in the Asian region would benefit from IALS, as its missions are very clear. For example, its first mission is to foster mutual understanding and respect for world's varied and changing legal systems and cultures as a contribution to justice and peaceful world. This in itself has answered some of the doubts raised by law schools in this region. Law schools will be accepted as they are. One of the discussions at the Hawaii conference related to comparative study at undergraduate and postgraduate level. Most law schools in this region have long taught comparative law, thanks to our multi-cultural background. We are quite familiar with Islamic law and the common law system as well as the civil law system and could therefore make a greater contribution in this area.

Islamic finance law, which is a fast developing area of law, has been our core business. I therefore feel that most law schools will be able to participate at an equal level in this association.

Our only handicap, compared to the many law schools in the USA and UK, would be the number of students and amount of funding that we receive. Most public universities in Malaysia receive a grant from the government and from this each faculty will be allocated a grant based on the number of students, number of programmes and our research capacity. Occasionally national income levels or state of the economy will prompt budget cuts. There are also private law schools run by private companies, and their income is solely based on students' fees and programmes offered. The staff of private law schools are often hampered by a heavy workload and have less time to research and write. Some do not even have the opportunity to attend local and foreign conferences.

The IALS will therefore be a suitable forum for law schools and in particular for law teachers to meet and exchange views and build cooperation in the form of staff and student exchanges, visiting scholars' programmes and external examiners. The law journal will be an international forum for writing from all over the world. As IALS will also organize international conferences, it will provide Asian scholars with an opportunity to present papers internationally and look at law in a global perspective.

It must be noted that cooperation between universities within the Asian region has not been a great success, hampered by a lack of financial support, and by the longstanding view, held in many parts of the Asian region, that forming or joining an association was 'anti-government'. It is true to a certain extent that many associations were 'leftist',

but that has become less popular in recent years. In Malaysia and Indonesia, associating with the 'West' can be seen as working with 'non-Muslims' and therefore as a bad thing. The IALS could therefore represent a new beginning to universities in the Asian region. In Malaysia in particular, we have just initiated the Association of Law Teachers - I am one of the pro-tem committee members who instigated its formation - with the aim of working together for the advancement of legal education in this country.

Apart from benefiting from IALS programmes, universities in this region will be able to offer a reasonably cheap but comfortable atmosphere for conferences, exchange programmes and cultural exchange. We have the same first class facilities, at reasonable prices which include the cost of publications, transport and food. Our climates are consistent and easy to handle - facts which have made us favourites with tourists.

Last but not least, the issue of fees will be crucial. It is hoped that fees will be reduced for universities from this region in order to reflect the disparities in currency value. I certainly hope that finance will not become a reason for not joining. Prosperous universities in the US and UK should be able to assist their less affluent colleagues, but such steps must be taken slowly and carefully. Different universities react differently to suggestions of 'adoption' but it certainly is an opportunity that should not be dismissed out of hand. The IALS will provide a better ground of understanding between countries and universities. It is not easy to get legal experts together, but the Hawaii conference was well attended, which bodes well for the Association's future. I certainly hope that many universities in this region will join the IALS so that we can also plan for a regional activity.



La Pietra

## MEMBER APPLICATION

Name of Law School, Organization, or individual \_\_\_\_\_

University Affiliation (if any) \_\_\_\_\_

Primary Contact Name (for schools and organizations) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Country \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Website (for schools and organizations) \_\_\_\_\_

Please Complete \_\_\_\_\_ submits this application for membership in the International Association of Law Schools (IALS).

By submitting this application \_\_\_\_\_ acknowledges that (it, he or she) is the legal educator or type of institution described in section 3 of the Charter and pledges commitment to the mission and goals of the IALS and agrees to pay annual dues in the amount determined by the Charter and Governing Board of the IALS.

Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**RETURN TO:** International Association of Law Schools, 1201 Connecticut Avenue, NW, Suite 800, Washington, DC, 20036-2717, Fax: 202.296.8869  
Details of membership requirements are set out in the IALS charter, available from the IALS website at [www.ialsnet.org](http://www.ialsnet.org).



### THE MISSION OF THE IALS:

- (a) To foster mutual understanding of and respect for the world's varied and changing legal systems and cultures as a contribution to justice and a peaceful world;
- (b) To enhance and strengthen the role of law in the development of societies through legal education;
- (c) To serve as an open and independent forum for discussion of diverse ideas about legal education;
- (d) To contribute to the development and improvement of law schools and conditions of legal education throughout the world;
- (e) To contribute to the better preparation of lawyers as they increasingly engage in transnational or global legal practice, and when they pursue careers other than private practice, including governmental, non-governmental, academic, and corporate careers;
- (f) To share experience and practices regarding legal education;

### THE ACTIVITIES OF THE IALS:

In furtherance of this mission and as events suggest and resources permit, the following activities may be undertaken:

- (a) Helping to educate students about diverse legal systems and cultures;
- (b) Preparing graduates for transnational practice by encouraging international scholarly exchange and faculty and student exchange;

- (c) Serving as a clearinghouse for exchange of information about perspectives on law and legal education, law schools, curriculum issues, and pedagogy;
- (d) Stimulating intercultural and interdisciplinary research regarding law and legal education, law schools, curriculum and pedagogy;
- (e) Working with relevant entities to develop guidelines to adapt legal education to the needs of changing societies, including suggested best practices regarding international, transnational, and comparative curricula and teaching methods;
- (f) Publishing a scholarly journal on global legal education, a newsletter, and other appropriate materials;
- (g) Organizing international meetings on topics of general interest to legal educators;
- (h) Providing opportunities for law teachers in the same field to meet to develop curriculum and pedagogy recommendations for that field;
- (i) Assisting less financially endowed law schools to augment their teaching and learning resources;
- (j) Seeking grant funding to advance the mission and activities of the association;
- (k) Maintaining a website to facilitate distribution of materials and exchange of information;
- (l) Other activities that may be deemed appropriate by the General Assembly or the Governing Board.

## Forthcoming Events

Society of Legal Scholars Annual Conference, 4-8 September 2006, Keele, UK (see <http://www.legalscholars.ac.uk/conference/index.cfm>)

AALS Annual Meeting - January 2-6 2007, Washington, D.C., USA (see [http://www.aals.org/events\\_annualmeeting.php](http://www.aals.org/events_annualmeeting.php))

UKCLE Annual Conference - 4-7 January 2007, University of Warwick, Coventry, UK (see <http://www.ukcle.ac.uk>)

The International Association of Law Schools (IALS) is a non-profit organization founded in 2005.

Registered address: 1201 Connecticut Avenue, NW, Suite 800, Washington, DC, 20036-2717 Phone: 202.296.8851 Fax: 202.296.8869

The IALS has a dedicated website at [www.ialsnet.org](http://www.ialsnet.org), which will act as a resource for IALS members offering articles, copies of current and past newsletters, and recent Association news. The IALS Charter and details of application for membership are also available for download. As the Association and its activities develop, new features and content will be added to the website so do check back frequently for recent updates!

The Newsletter is published twice yearly at the UKCLE at the University of Warwick, Coventry, UK for the International Association of Law Schools.

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