



**2nd Annual
Asia-Pacific Law Deans' Forum**

**Law School Leadership in the 21st Century:
Meeting the Global Challenge**

*May 13th and 14th, 2013
University of Economics and Law
Vietnam National University
Ho Chi Minh City, Vietnam*

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Agenda



Agenda

2013 Asia-Pacific Regional Deans' Forum

Law School Leadership in the 21st Century:
Meeting the Global Challenge

University of Economics and Law
Vietnam National University
Ho Chi Minh City, Vietnam
May 13th and 14th, 2013

Sunday 12th May

Arrivals Please arrive at Tan Son Nhat airport between 8:00 – 10:30 am. The host staff will welcome and accompany attendees to the hotel through a shuttle bus. If arriving later, the host staff will welcome attendees up until 21:00 and lead them to a taxi cab, which will cost approximately \$15 to the hotel.

Continental Hotel
132-134 Dong Khoi Street, Ben Nghe Ward, District 1, Ho Chi Minh City

18:45 Meet at Continental Hotel Lobby to leave for Dinner
19:00 Welcome Dinner hosted by University of Economics and Law
Vietnam National University (UEL - VNU) – Victory Hotel
Remarks by: Prof. Nguyen Ngoc Dien, Vice Rector, UEL - VNU

Monday 13th May

06:30 – 08:30 Breakfast – Continental Hotel
08:30 – 09:00 Bus travel to University
09:00 – 09:30 Meeting with Vice-President of Vietnam National University –
Ho Chi Minh City
09:30 - 09:45 Campus Tour
All sessions will be held at Room 103
09:45 – 10:00 **Welcome** - Prof. Nguyen Tien Dung, Rector, UEL - VNU
10:00 – 10:45 **Session 1: Who are we? Who do we teach? For What?**
Moderator: Prof. Francis SL Wang, Kenneth Wang School of Law
10:45 – 11:00 Break
11:00 – 11:45 **Session 2: Small Group Discussions**

11:45 – 13:15	Lunch
13:15 – 13:45	Session 3: Current Legal Education Issues in Asia-Pacific Moderator – Prof. Simon Chesterman, National University of Singapore
14:00 – 15:00	Session 4: Small Group Discussions
15:00 – 15:15	Break
15:15 – 15:45	Session 5: The American Experience Moderator – Prof. Barbara Holden-Smith, Cornell University Law School
15:45 – 16:45	Session 6: Small Group Discussions
16:45	Bus travel back to the hotel
18:15	Assemble in front of the hotel for dinner
18:30	Dinner hosted by UEL - VNU – Victory Hotel Remarks by: Prof. Nguyen Tien Dung, Rector, UEL – VNU

Tuesday 14th May

06:30 – 09:00	Breakfast – Continental Hotel
09:00 – 09:30	Bus travel to the University <i>All sessions will be held at Room 103</i>
09:30 – 10:30	Session 7: Outline of Outcomes and Inputs for Legal Education
10:30 – 10:45	Break
10:45 – 11:30	Session 8: Small Group Discussions
11:30 – 13:00	Lunch
13:00 – 14:30	Session 9: Standards Project - Specific Issues to be considered
14:30 – 14:45	Break
14:45 – 16:00	Session 10: Standards Project - Phases - Organization
16:00	Bus travel back to the hotel
18:15	Assemble in front of the hotel for dinner
18:30	Dinner hosted by The Wang Family Foundation – Continental Hotel

Wednesday 15th May

06:30 – 08:00	Breakfast – Continental Hotel
08:00 – 12:00	Cultural guided tour of Saigon (Ho Chi Minh City) – arranged through Continental Hotel
Departures	UEL- VNU will also provide transportation back to airport at 9am. Otherwise, hotel staff will help attendees take a taxi cab.



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Small Group Sessions

Small Group Sessions

2013 Asia-Pacific Regional Deans' Forum

Law School Leadership in the 21st Century:
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Session 2

Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Simon Rice	Xiaobing Xu	Stephen Yandle	Muhammad Hawin	Sihabudin	Muchamad Ali Safa'at
Taslina Monsoor	N.K. Chakrabarti	Sanjeevy Shantakumar	Johan Sabaruddin	Simon Chesterman	Aua-aree Engchanil
Francis Wang	Eric Enlow	Nguyen Ngoc Dien	Bradford Morse	Veeravagu Thamilaran	Jassim Al Shamsi
Dolly Jabbal	Paripurna Sugarda	Le Vu Nam	Duong Anh Son	Baldomero Estenzo	Barbara Holden-Smith
Aishah Bidin	Wasis Susetio	Nguyen Thi Hong Nhung	Nguyen Ngoc Son	Khemthong Tonsakulrungruang	Nguyen Tien Dung

Session 4

Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Muchamad Ali Safa'at	Taslina Monsoor	Johan Sabaruddin	Simon Chesterman	Jassim Al Shamsi	Sanjeevy Shantakumar
Baldomero Estenzo	Muhammad Hawin	Xiaobing Xu	Bradford Morse	Francis Wang	Sihabudin
Stephen Yandle	Barbara Holden-Smith	Veeravagu Thamilaran	Dolly Jabbal	Paripurna Sugarda	Wasis Susetio
Duong Anh Son	Le Vu Nam	Aua-aree Engchanil	N.K. Chakrabarti	Khemthong Tonsakulrungruang	Aishah Bidin
Nguyen Ngoc Son	Nguyen Thi Hong Nhung	Nguyen Ngoc Dien	Simon Rice	Eric Enlow	Nguyen Tien Dung

Session 6

Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Barbara Holden-Smith	Nguyen Ngoc Dien	Dolly Jabbal	Sanjeevy Shanthakumar	Jassim Al Shamsi	Paripurna Sugarda
Khemthong Tonsakulrungruang	Aua-aree Engchanil	Wasis Susetio	Muchamad Ali Safa'at	Eric Enlow	Taslima Monsoor
Xiaobing Xu	Sihabudin	Simon Chesterman	Johan Sabaruddin	Nguyen Thi Hong Nhung	N.K. Chakrabarti
Muhammad Hawin	Simon Rice	Duong Anh Son	Francis Wang	Le Vu Nam	Baldomero Estenzo
Aishah Bidin	Stephen Yandle	Nguyen Ngoc Son	Nguyen Tien Dung	Bradford Morse	Veeravagu Thamilmaran

Session 8

Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Francis Wang	Baldomero Estenzo	Nguyen Tien Dung	Wasis Susetio	Le Vu Nam	Nguyen Ngoc Son
Stephen Yandle	Khemthong Tonsakulrungruang	Dolly Jabbal	Xiaobing Xu	N.K. Chakrabarti	Duong Anh Son
Barbara Holden-Smith	Sanjeevy Shantakumar	Taslima Monsoor	Muhammad Hawin	Nguyen Thi Hong Nhung	Aishah Bidin
Nguyen Ngoc Dien	Paripurna Sugarda	Johan Sabaruddin	Simon Rice	Muchamad Ali Safa'at	Bradford Morse
Simon Chesterman	Eric Enlow	Jassim Al Shamsi	Aua-aree Engchanil	Sihabudin	Veeravagu Thamilmaran



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Participants

Participant Biographies



Jassim Al Shamsi

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Prof. Jassim Ali Salem Al Shamsi, Professor of Civil Law, Dean of Faculty of Law, Member of the IALS Board, Lawyer and Arbitrator. Prof. Al Shamsi joined the Faculty of Shaira and Law as Assistant professor on 1990, Associate on 1996, then Professor on 2001. He was appointed as Assistant Dean for Research Affairs on 1992 to 1996, then the Chair of Department of Transactions on 1996, Vice Dean on 200, and Dean from 2005 till present. Prof. Al Shamsi also was appointed as the Editor in Chief for the Journal of Sharia and Law on 2004/2005. He wrote several law books. He is a member of several legal committees in the Faculty of Law, UAE University and the UAE legal community. Prof. Al Shamsi provides legal and academic consultations to organizations inside and outside the UAE. He also wrote several researches in the field of Islamic Finance and Islamic Banking, furthermore he participated in many conferences and seminars on the same field of specialty. He is a member of Accounting and Auditing Organisation for Islamic Financial Institutions and is also a member of auditing committees in several Islamic banks.



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Muchamad Ali Safa'at, S.H. M.H. is the Vice Dean for Academic Affair of Faculty of Law, Brawijaya University, Malang, East Java - Indonesia. He was born on August 15th, 1976. He finished undergraduated degree in Faculty of Law Brawijaya University (1998). He received his PHd degree (2009) as well as Master degree (2004) from University of Indonesia. Before elected as Vice Dean, Mr. Safa'at was expert staff in the Constitutional Court of the Republic Indonesia (2006 – 2009), and Director of Centre for Human Rights and Democracy, Faculty of Law Brawijaya University (2010 – 2011). His subjects are constitutional law and human rights. He teach Constitutional Law, Human Rights Law, Local Governance Law, Legal Philosophy, and Constitutional Court Procedures Law for undergraduated program. In Post Graduated Program, he teach Constitutional Law, Legal Theory, Legal Logic, and Legal Research Methodology. His recent publications are Hans Kelsen's Theory of Law (2012), Political Party Dissolution (2011), and Constitutional Court Procedures Law (2010).



Aishah Bidin

Dean

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Dr. Aishah is a Professor of Corporate and Insolvency Law and Dean of the Faculty of Law, Universiti Kebangsaan Malaysia (UKM) and also the Legal Advisor of UKM Holdings, the Corporate Arm of University Kebangsaan Malaysia. Dr Aishah obtained her LLB (Hons) from University of Malaya; Masters in Laws from the University of Kent and her Ph.D in Laws from University of London. An academic staff of the law faculty of UKM since 1984, Dr Aishah was also involved in the Law and Accounting teaching program at the Law Faculty of the University of Kent. Her areas of specialization include Company and Corporate Finance Law, Securities Regulation, Bankruptcy and Insolvency law. She has been lecturing on company and partnership law since 1989, and currently her areas of interest and teaching also include Corporate Regulation and Nuclear Law. Currently Dr. Aishah is a Board member of the Companies Commission of Malaysia, and a Board Member of the Legal Aid National Foundation of Malaysia (Yayasan Bantuan Guaman Malaysia). She is also a Member of the Advisory Board of Intellectual Property of Universiti Kebangsaan Malaysia (2010 – now) and a Member of the Advisory Board, Malaysian Legal and Tax Information Centre (2010-now).



Nirmal K. Chakrabarti

Director

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After graduating from the University of Calcutta, Dr. Chakrabarti did his LL.B, M.A. (Political Science) and LL.M. (Tort and Crime) from the University of Calcutta and got his Ph.D. from the University of Burdwan on Probation System in the Administration of Criminal Justice in West Bengal. At present Dr. Chakrabarti is working as Principal Investigator in the UGC-UPE Major Research Project on "Use of Forensic Science in the Administration of Justice in India: A Futuristic Study". Dr. Chakarabarti has recently been invited as an expert in the World Justice Project sponsored by the American Bar Association in collaboration with 36 other global organizations towards developing a Rule of Law Index 2009 comprising 35 countries. In 2001 The Indian Society of Criminology conferred Fellowship to Dr. Chakrabarti for his contribution in the field of criminology. He has participated more than 60 International and National Seminar and Conferences. Dr. Chakrabarti has been elected as President of Indian Society of Victimology since January 2011.



Simon Chesterman
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Professor Simon Chesterman is Dean of the National University of Singapore Faculty of Law. He is also Editor of the Asian Journal of International Law and Secretary-General of the Asian Society of International Law. Educated in Melbourne, Beijing, Amsterdam, and Oxford, Professor Chesterman's teaching experience includes periods at the Universities of Melbourne, Oxford, Southampton, Columbia, and Sciences Po. From 2006-2011, he was Global Professor and Director of the New York University School of Law Singapore Programme.

Prior to joining NYU, he was a Senior Associate at the International Peace Academy and Director of UN Relations at the International Crisis Group in New York. He has previously worked for the UN Office for the Coordination of Humanitarian Affairs in Yugoslavia and interned at the International Criminal Tribunal for Rwanda. Professor Chesterman is the author or editor of twelve books, including *One Nation Under Surveillance* (OUP, 2011); *Law and Practice of the United Nations* (with Thomas M. Franck and David M. Malone, OUP, 2008); *You, The People* (OUP, 2004); and *Just War or Just Peace?* (OUP, 2001). He is a recognized authority on international law, whose work has opened up new areas of research on conceptions of public authority - including the rules and institutions of global governance, state-building and post-conflict reconstruction, and the changing role of intelligence agencies.



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Professor Nguyen Ngoc Dien has been appointed Vice Rector of the University of Economics and Law, member of the Viet Nam National University in Ho Chi Minh city. He had been Dean of the Law Faculty of Can Tho University from 1998 to 2008. He obtained his PhD of Law from the University of Paris II in 1997 and has been visiting professor of this University since then. He has also been invited to give lectures at the Universities of Toulouse 1, Grenoble 2 and Brest in France,

Keio in Tokyo (Japan) and Bremen in Germany. He is member of Henri Capitant Association of Lawyers. His papers in English: *Adaptation of the Montesquieu doctrine in the state organization in Vietnam*, *European Law Series*, 79, 2005; *'Current challenges for Viet Nam in developing the legal and regulatory system in e-commerce*, *Studies in Trade and Investment, in Harmonized Development of Legal and Regulatory Systems for E-commerce'* in *ESCAP Trade and Investment Division* (ed.), *Asia and the Pacific: Current Challenges and Capacity Building Needs*, (Studies in Trade and Investment No. 54), United Nations, New York, 2004; *'Introduction and reception of foreign laws: Legal technical assistance projects in Viet Nam'* in *Waseda University Institute of Comparative Law* (ed.), *Japanese Law in an International Context: Law in its Origin and Law in its Global Context* (Waseda University Comparative Law Study Series 33), 2006; *The codification of civil law in Viet Nam: a legacy of the French colonization* in *Waseda University comparative Law Study Series* 45, 2009.



Nguyen Tien Dung
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Professor Nguyen Tien Dung has been appointed Rector of the University of Economics and Law, member of the Viet Nam National University in Ho Chi Minh City. He obtained his PhD of Economics in Russia in 1994. He has taken participation in a myriad of scientific research projects such as Special socioeconomic characteristics in the rural area of Binh Duong Province and solutions to implementing industrialization; Real situation, orientation and solution to improving sustainable development policy for the Southern key economic zone ; Cooperation economics in Ho Chi Minh City after cooperative law was adopted- Real situation and development solutions; Economic ideas of Vietnam in the Ancient-Middle ages; Economic ideas of Vietnam in the modern time; Scientific reasoning foundation of employment and employment solving for employees in the changing economy in Vietnam nowadays; Scientific grounds of sustainable economic development in Binh Duong Province in the process of industrialization and modernization; Fairness and effectiveness in public expenses for postgraduate education in Vietnam nowadays.



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Ms. Aua-aree Engchanil earned her LL.B. from Thammasat University in Thailand before receiving her LL.M. and Ph.D. in Public Finances from University of Paul Cézanne (Aix-Marseille III), France. Her academic interests include public finance, rights and equality, and public health law. At Chulalongkorn University, she teaches courses in public law, for example Election Law, Seminar on Constitutional Law, and Public Finances. In addition to teaching, she appears on media delivering talks regarding various legal issues. Recently, Ms. Engchanil has been appointed a legal consultant of Tobacco Control Bureau, Ministry of Public Health. Currently, she is also the Deputy-Director of LL.B. Graduate Program.



Eric Enlow
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Dean Enlow graduated from Yale University, B.A., and Washington University School of Law, J.D., Order of the Coif. During law school, Professor Enlow served on the editorial boards of the Harvard Journal of Law and Public Policy and the Washington University Law Quarterly. Dean Enlow then clerked for the Hon. Richard S. Arnold, United States Eighth Circuit Court of Appeals. He subsequently joined the firm of Blackwell Sanders Peper Martin, LLP practicing intellectual-property, international, and appellate law. His published cases include Boise Cascade Corp. v. Director of Revenue, 70 S.W.3d 438 (Mo. 2002) and Eddie Bauer, Inc. v.

Director of Revenue, 70 S.W.3d 434 (Mo. 2002). And his publications include *The Corporate Conception of the State and the Origins of Limited Constitutional Government*, 6 *Washington University Journal of Law and Public Policy* 1 (2001). Dean Enlow teaches Christianity and Law, International Intellectual Property, Patents, Private International Law, and Torts.



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University of Cebu (UC) College of Law Dean Baldomero C. Estenzo of Cebu City, Philippines, assumed his position in 2007 and served as Assistant Dean when the law school opened in 2002. Dean Estenzo's teaching areas include Civil Law and Mercantile Law. He is concurrently the Executive Vice Chancellor of the University of Cebu. A CPA-lawyer, Dean Estenzo brought his extensive experience in corporate practice and leadership in academic, professional and civic undertakings in steering one of the younger law schools in the country to be a catalyst for societal transformation. Under his stewardship, the values of competence, integrity, dedication, and collaboration with stakeholders are instilled among the students and faculty members, who are experts in their fields of specialization.



Muhammad Hawin
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Mr. Hawin took the Master of Laws (LL.M) Program in International Business Law from 1995 to 1996 in the American University Law School, Washington D.C. In January 2000, Mr. Hawin began his Ph.D program in the University of Queensland Law School and finished the program in March 2004. His Ph.D dissertation was entitled "Parallel Importation in Selected East Asian Countries: a Suggested Solution for Indonesia." He teaches Intellectual Property Law and International Trade Law at UGM Faculty of Law. His current research interest is tobacco control from the perspective of Agreements under the World Trade Organization (WTO) especially Agreement on Trade-Related Aspects of Intellectual Property Rights. Besides teaching, he is now (from December 2012) the Vice Dean for Academic, Students and Cooperation Affairs in UGM Faculty of Law.



Barbara Holden-Smith
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Barbara Holden-Smith, recognized for her groundbreaking work in Supreme Court history and practice, currently teaches conflicts, federal courts, civil procedure, advanced civil procedure, and African Americans and the Supreme Court. After her graduation from the University of Chicago Law School, she spent a year in an Illinois law firm and then entered a clerkship with the Hon. Ann C. Williams of the U.S. District Court for the Northern District of Illinois. Professor Holden-Smith then joined the Washington, D.C. law firm of Arnold & Porter, where she worked for three years in litigation, antitrust, and food and drug law, before she joined the Cornell Law School Faculty in 1990. Her scholarship has addressed the legal response to lynching and the fugitive-slave cases. Her scholarly interests include global access to justice, and legal and political responses to historical injustices.



Dolly Jabbal
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Presently designated as & Associate Professor of Law, also working as Registrar (I/C) since 24 June 2010. Teaching subjects are Law of Banking, Contract and Indian Constitution. Taught as a Part-time Member of Faculty of University Law College with effect from 24th October 2002. Subjects are Banking, Interpretation of Statute and Family Law in 3 years and 5 years [BA; LLB]



Taslima Monsoor
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Prof. Dr. Taslima Monsoor is the Former Chairman and Professor of the Department of Law and Former Dean of the Faculty of Law of Dhaka University. She did her LL.B (Hons.), LL.M from Dhaka University and PhD from University of London. She was awarded Commonwealth Post-Doctoral Fellowship in the University of London. She was awarded Fulbright Specialist Exchange Program from 26th March – 4th May, 2007 to teach in University of PENNSTATE Altoona. She has also taught in post graduate and under graduate students from 1st of June 2009 to 31st July 2009 in University of Malaya, Kuala Lumpur. She is associated with different institutions and organizations. She is a life and executive member of BNWLA (Bangladesh National Women Lawyers Association), Consultant of Multi-sectoral Programme on Violence against Women (MSP-VAW), Consultant Judicial Exchange Project of the British Council, Consultant of

IDHRB (Action Research Study on the Institutional Development of Human Rights in Bangladesh). Member of ENBS (European Network of Bangladesh Studies), Consultant of BMRC (Bangladesh Medical Research Council) and was Legal Advisor of Bangladesh Girls Guides Association, Students Advisor of the faculty of Law, Consultant of WID (Women in Development) mission of UNDP, Vice President of BWCCI Bangladesh Women Chamber of Commerce and Industry).



Bradford Morse
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Bradford Morse is the Dean and Professor of Law at Te Piringa - Faculty of Law. He remains a Professor of Law in the Faculty of Law, at the University of Ottawa where he served in the past as Vice-Dean and Director of Graduate Studies, among a variety of other administrative duties since joining the faculty in 1976. He has taught a wide variety of courses concerning Canadian and comparative Indigenous law issues, as well as in labour, trusts, property and civil liberties. His career includes appointments as Executive Director of the Native Legal Task Force of British Columbia (1974-75); Research Director of the Aboriginal Justice Inquiry of Manitoba (1988-91); and Chief of Staff to the Hon. Ronald A. Irwin, Canadian Minister of Indian Affairs and Northern Development (1993-1996).



Le Vu Nam
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Dr. Le Vu Nam has been appointed Dean of School of Law of the University of Economics and Law, member of the Viet Nam National University in Ho Chi Minh city. He obtained his PhD of Law in Russia in 1998. His main fields of research are securities law, banking law, corporate governance and clinical legal education. He is the Head of Coordinators Board of Law Institutes operating Clinical Legal education Group. He was the Head of Research and market development Department of Ho Chi Minh City Stock Exchange from 2000 to 2006. Dr. Nam has published a myriad of articles related to securities, banking and corporate governance in academic law journals in Vietnam.



Nguyen Thi Hong Nhung
Vice Dean
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Presently designated as a Vice-Dean of Faculty of Law, University of Economics and Law - Vietnam National University in Ho Chi Minh City. From 2005, Master in Business Law at Université Libre de Bruxelles, Belgium. From January 2012, PhD of Business Law at University of Lyon 3, France. Used to work for Faculty of Commerce and Tourism, Ho Chi Minh City University of Industry. From September 2007 to now, working at Faculty of Law – University of Economics and Law - Vietnam National University in

Ho Chi Minh City. Main majors of teaching: intellectual property rights, business law, maritime law.



Simon Rice
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Simon Rice is Professor of Law, and Director of Law Reform and Social Justice at the ANU College of Law. He is currently Chair of the Australian Capital Territory Law Reform Advisory Council, and a member of the Steering Committee of the Global Alliance for Justice education (GAJE). Previously, he has been Director of the NSW Law and Justice Foundation, President of Australian Lawyers for Human Rights, a Board member of the NSW Legal Aid Commission, a consultant to the NSW Law Reform Commission,

and a part-time judicial member of the NSW Administrative Decisions Tribunal. He has previously held academic posts at the University of NSW, the University of Sydney, and Macquarie University. Simon has practised extensively in poverty law in community legal centres, particularly anti-discrimination law, which a principal area of academic research. He has written and researched on human rights, anti-discrimination law, access to justice and clinical legal education, and has designed and conducted training courses in Australia, Indonesia and Vietnam.



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Johan is the Dean of the Faculty of Law University of Malaya. He has been lecturing at this Faculty for the past 23 years after obtaining his Masters in Law from UCL in London and subsequently his PhD from SOAS also in London. His subject areas are Constitutional Law, Law and Society, Legal Education and Terrorism and the law. He is a member of the Board of Governors of ASLI, and is a founding member of ALIN. He heads various research groups in Constitutional and Parliamentary reform in Malaysia.



Sanjeevy Shanthakumar

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Prof. S. Shanthakumar is currently Director of ITM Law School, ITM University, Gurgaon, India. Prior to this assignment he was Director of MATS Law School, MATS University, Raipur; Controller of Examinations of Hidayatullah National Law University, Raipur; Associate Professor of Law at Hidayatullah National Law University, Raipur; Senior Lecturer at Government, Law College, Madurai;

Senior Lecturer at Government Law College, Chennai. His areas of specialization are International Law, Constitutional Law, Human Rights Law, Environmental Law, International Trade Law and Science, Technology and Law. He has authored books on Environmental Law and Human Rights Law. He has published a number of research articles on various contemporary legal issues in various reputed national and international journals and edited volumes. He had his training on teaching law at the National Law School, Bangalore under a World Bank Funded Project and at the Cardiff Law School, Cardiff, Wales, U.K. under a British Council funded Project. He has been involved in training the Law Teachers on Law Teaching and Legal Research at various Universities in India as part of the British Council Funded Project.



Sihabudin

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Dr. Sihabudin, S.H. M.H. is the Dean of Faculty of Law, Brawijaya University, Malang, East Java - Indonesia. He was born on December 16th, 1976. He finished undergraduated degree in Faculty of Law Brawijaya University (1985). He received his PHd degree (2003) as well as Master degree (1989) from University of Indonesia. Before elected as Dean, Mr. Sihabudin was the Vice Dean for Academic Affair of Faculty of Law, Brawijaya University (2007 –

2011). He teaches several subjects such as Commercial Law, Insurance Law, Business Law, Economy Law. He is also supervising students' research, doing some community service and assisting students' community service.



Duong Anh Son

Dean

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Professor Dương Anh Sơn has been appointed Dean of School of Economics Law of the University of Economics and Law, member of the Viet Nam National University in Ho Chi Minh city. He obtained his PhD of Law in Russia in 2002. He has taken part in profuse scientific research projects on tax law, enterprise law, contract law and trade law. His international paper in English " Economic development and Constitutional reforms in Viet Nam

"Constitutionalism in Southeast Asia" March, 2008, Singapore- Volume 3 Cross-Cutting Issues.



Nguyen Ngoc Son
Vice Dean
University of Economics & Law, Vietnam National University
Vietnam

Dr. Nguyen Ngoc Son has been appointed Vice Dean School of Economic Law of the University of Economics and Law, member of the Viet Nam National University in Ho Chi Minh city. He obtained his PhD of Law from Ho Chi Minh City University of Law – Vietnam in 2011. His specialised areas are Economics Law, law on business entities, Anti-trust law, law on anti-dumping, and law on bankruptcy and dispute settlement.

His research areas are Legal principles and theories on competition law; and Establishment of a mechanism for the enforcement of competition law in the context of Vietnam. He published profuse articles such as Discussing the Notion of Dumping in International Commerce - Legal Science Journal, Issue No. 05/2004, Pages 33-39; Discrimination Regarding Commercial Conditions among Different Customers - Legislature Journal, Issue No. 6/2005, Pages 56-65; Fixing Minimum Reselling Prices Thereby Causing Loss to Customers -Legislature Journal, Issue No. 09/2005; Determining the Legal Nature of Making the Conclusion of Contracts for Sale and Purchase of Goods or Services Subject to the Acceptance of Supplementary Obligations Having No Direct Connection with the Subject of Such Contracts under Competition Law - Legal Science Journal, Issue No. 10/2005; Competition Law and Abuses of Dominant Market Position to Restrict Competition - Legislature Journal, Issue No. 02/2006, Pages 13-18; Nature of the Fixing of Unreasonable Purchase or Selling Prices of Goods or Services - Legal Science Journal, Issue No. 06/2006, Pages 29- 36.



Paripurna Sugarda
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Paripurna P Sugarda, Dean of the Faculty of Law University of Gadjah Mada, was born in Yogyakarta, 21 September 1957. He took his Ph.D in Law at the Faculty of Law University of Gadjah Mada, Indonesia in the year of 2012. His LL.M was taken at the Faculty of Law University of Groningen, the Netherlands on 2008 and at the Faculty of Law Gadjah Mada University on 1999. He used to be sent to Harvard Law School, USA for Research and Training on Economic Law, in the Program on International Financial Systems January-July 1996 and to the Department of Commercial Law and Taxation, Faculty of Commerce and Economics the University of New South Wales, Sydney, Australia, April-July 1998 for Training on Commercial Law. In his country, Paripurna P Sugarda is currently member of ASAHI (Indonesian Legal Auditors Association), LFIP (Law and Finance Institutional Partnership), Indonesia (Faculty of Law UGM, Faculty of Law UI, and University of South Carolina Law School), Investment Commission at Indonesian Investment Coordination Board (BKPM), and Academic Legal Drafters for the New Indonesian Contract Law, at the Indonesian National Law Development Board (BPHN), Ministry of Law and Human Rights. Paripurna P Sugarda teaches some subjects in his faculty such as Banking Law, Company Law, Antitrust Law, and International Commercial Contract.



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By 2003, Indonesia just established Constitutional Court when he finished his study in Leeds, he applied for a job in Constitutional Court and he accepted to be a Judge Assistant of Indonesia Constitutional Court of Republic of Indonesia (CCRI) . By 2009, he had one period of service within 5 years in CCRI and after that he was appointed to be Vice Dean in Esa Unggul University until 2001. After that he was elected to be a Dean of Faculty of Law of Esa Unggul University up till now. Besides teaching in Esa Unggul, he also teaches in several university as a part time lecturer, such as : Swiss German University and Bina Nusantara University. Hi areas of interest are: Constitutional Law, Legislative Drafting and Legislation in Business field.



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Francis SL Wang is the Executive Director of The Wang Family Foundation. He is one of the founding Governors and presently serves as the President of the International Association of Law Schools. He is one of founders and a member of the Advisory Council to the Human Rights Resource Center, a university based research institute headquartered in Jakarta, Indonesia with supporting centers at universities throughout the ASEAN countries. He is a member of the Superintendent's Advisory Board of the Napa Valley Unified School District, as well as a member on the Board of Advisors of the C.V. Starr East Asia Library at the University of California at Berkeley. He co-chairs the Chinese Jurisprudence Commission. Professor Wang is the Dean Emeritus and Professor of Law at the Kenneth Wang School of Law, Soochow University, Suzhou, China. He serves as the Honorary Chair of the Board of Regents of Soochow University. He is a Visiting Professor of Law and Distinguished Scholar in Residence at the University of Pacific – McGeorge School of Law. He is the co-founder and the Senior Counsel of the War Crimes Studies Center at U.C. Berkeley. He is a Fellow of the Nigerian Institute of Advanced Legal Studies.



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Prof. Xiaobing Xu is currently the Vice Dean for International Programs at the Shanghai Jiao Tong University, KoGuan Law School. He has been a lecturer and a visiting scholar since 1985 at various programs including the International Law Institute, Foreign Affairs College; Harvard Law School, Stanford University, and Columbia University.



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Stephen Yandle is Acting Dean of the Peking University School of Transnational Law, having served as the school's Associate Dean since 2009. He holds a Bachelor's degree and a Juris Doctor degree from the University of Virginia. He has served as Assistant Dean at the University of Virginia, as Associate Dean at the Northwestern University Law School, as Associate Dean of the Yale Law School, as Deputy Consultant on Legal Education and Admission to the Bar of the American Bar Association, and as Vice President for Global Law School Programs at LexisNexis. He has also served as Chairperson of the Section on Administration of Law Schools of the Association of American Law Schools ("AALS"), President of the National Association for Law Placement, and member of the AALS Committee on Legal Education Exchange with China. At the Yale Law School he taught about diversity in higher education.



**2nd Annual
Asia-Pacific Law Deans' Forum**

**Law School Leadership in the 21st Century:
Meeting the Global Challenge**

Forum Outline

Forum Outline

- ❖ **Law School Leadership in the 21st Century**
 - Local Perspective
 - International Perspective

- ❖ **Issues brought on by globalization**
 - How has globalization affected our responses to the following questions?
 - Who are we?
 - Who do we teach?
 - For What?

- ❖ **What does it mean to have a legal education?**
 - Is there a commonality for all law students as to having a basic legal education?
 - Knowledge
 - Skills
 - Values

- ❖ **What are the core competencies which every law graduate should have?**

- ❖ **These are questions which need to be addressed before we set guidelines or standards**

Outline of Outcomes and Inputs in Legal Education

❖ **Outcomes**

❖ **Knowledge**

1. Fundamental doctrines, concepts, principles, and values of the laws of the jurisdiction, including:
 - a. Core areas of substantive law
 - b. The context, sources and structure of how laws are enacted and administered
 - c. The principles of ethical conduct and responsibilities necessary for a rule of law

❖ **Skills**

1. To understand, analyze, research, reason and solve problems within the legal and broader societal contexts
2. Proficiency in reading statutory, case, treatise and other legal materials.
3. Proficiency to effectively communicate (both orally and in writing) in a legal context

❖ **Values**

1. To understand and model the values which form the basis for ethical and professional conduct

❖ **Inputs**

❖ **Students**

1. Selection
2. Outcomes for graduates
3. Curriculum
4. Assessment
5. Course of Study

❖ **Faculty**

1. Qualifications
2. Selection
3. Assessment
4. Academic Freedom and Responsibility

❖ **Law School**

1. Physical Infrastructure
2. Research Support and Facilities
3. Governance and Administration

❖ **Regulation and Accreditation**

1. University Relationship
2. Accreditations and Regulators (Professional Association /Government and/or Other)

❖ **A Plan**

- Phase I
 - Collect basic data – IALS student fellows
 - Programs and curricular
 - Accreditation standards
 - Who sets standards?
 - Who supervises legal education?
 - What are the outcomes for students?
 - *Employment in the law*
 - *others*
 - Lawyers
 - *Who establishes criteria?*
 - *Who supervises?*
 - *What are the qualifications necessary?*
 - Budget
 - Funding
 - Time line
- Phase II
 - Review Phase I study
 - Define commonalities
 - Define Differences
 - Do we bifurcate
 - *Academic vs. Professional*
 - *Graduate vs. Undergraduate*
 - *Developed vs. Developing*
 - Budget
 - Funding
 - Timeline
- Phase III
 - Development of Guidelines or Standards

❖ **Organization**

- Steering Committee (International)
 - 8 members
 - Call for interest
 - Board members
 - Responsibilities
- Regional Committees
 - Americas
 - Asia
 - Africa
 - Europe

❖ **Specific Issues raised and to be considered in study**

- Faculty
 - Tenure
 - Retention
 - Evaluating Scholarship
 - Collaborative Research and Scholarship
- Students
 - Selection
 - Where do they go? And is the education preparing them?
 - Student life issues on campus
- Institutional
 - Relationship of law school or department with the University
 - Internal governance
 - External governance
 - *Professional Association*
 - *Government*
 - *Other institutions – private accrediting bodies, etc.*
- Alumni
- Employers
- Community at large
- Legal Education Community
 - Locally
 - Nationally
 - Internationally
- The Elites and the rest of us
 - Resources
 - Preservation of the status quo



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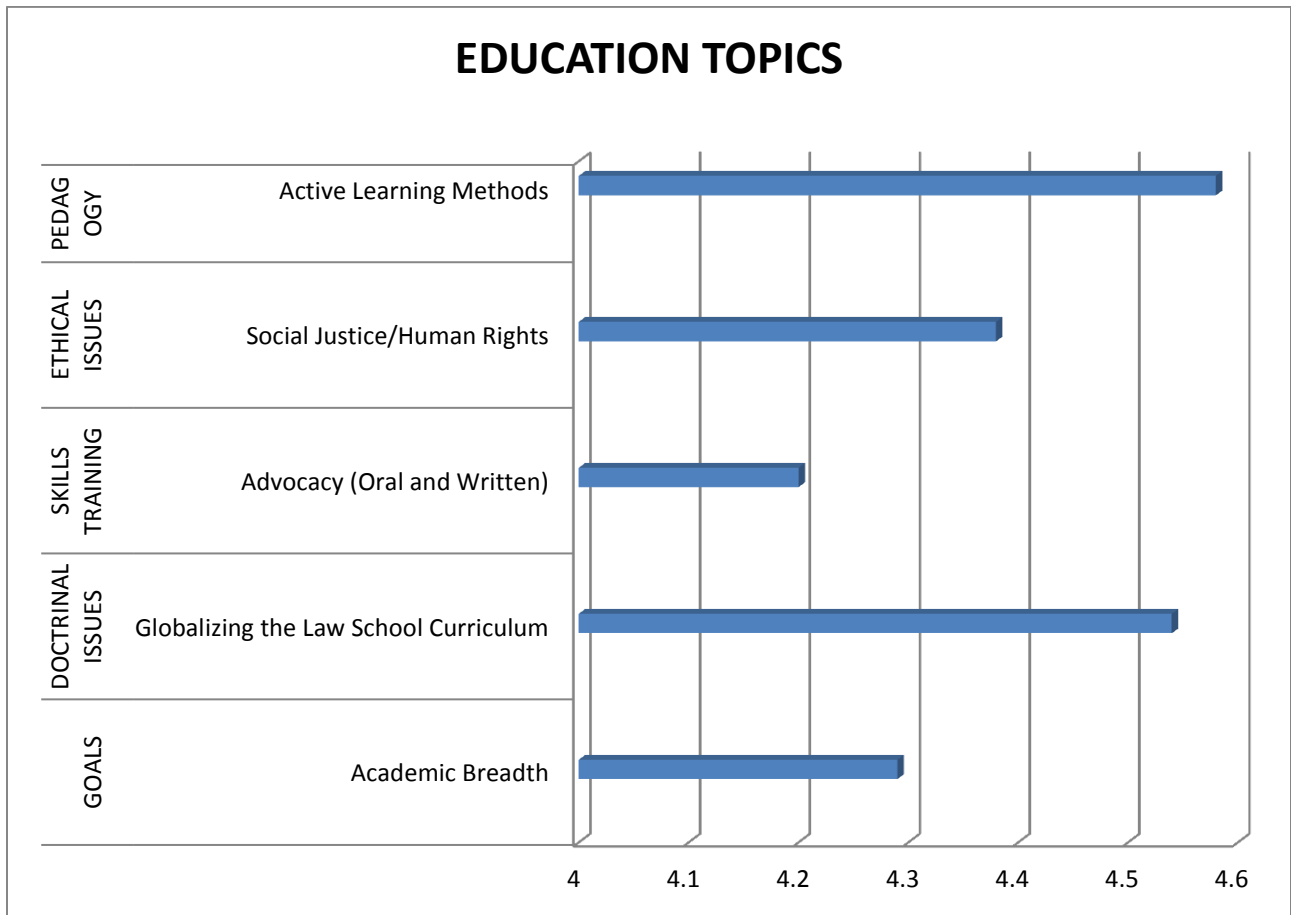
2012 Law Deans' Survey

2012 Regional Law Deans' Forum Survey Result Summary

The IALS held its first round of Regional Law Deans' Forums in 2012 from March through August. All member schools were categorized into four regions – Americas, African, Asia-Pacific, and European. Before the forums, a survey was taken of all the member law school Deans, 62 Deans responded. The aim of the survey was to gather information as to which topics the Deans found to be of importance to discuss amongst their colleagues.

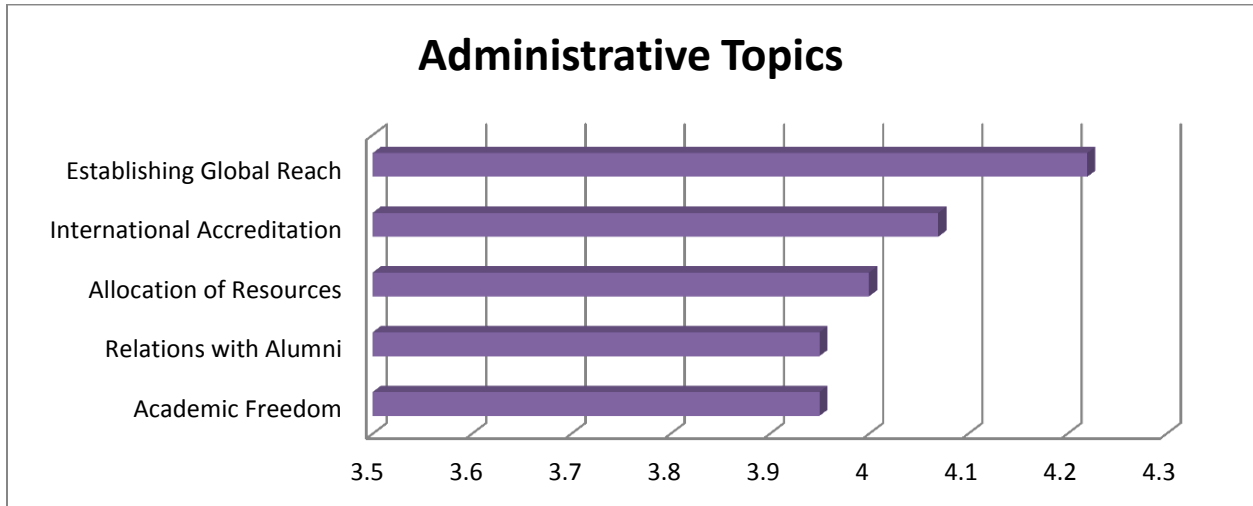
EDUCATION

There were five categories presented, and sub-topics were rated according to how interested each person was. The following chart shows the sub-topics that garnered most of the "Highly Interested" votes. In addition to these, there were suggested topics such as "Internationalizing legal learning" and "Multi-centered research output on legal research and its impact on legislative and administrative reforms."



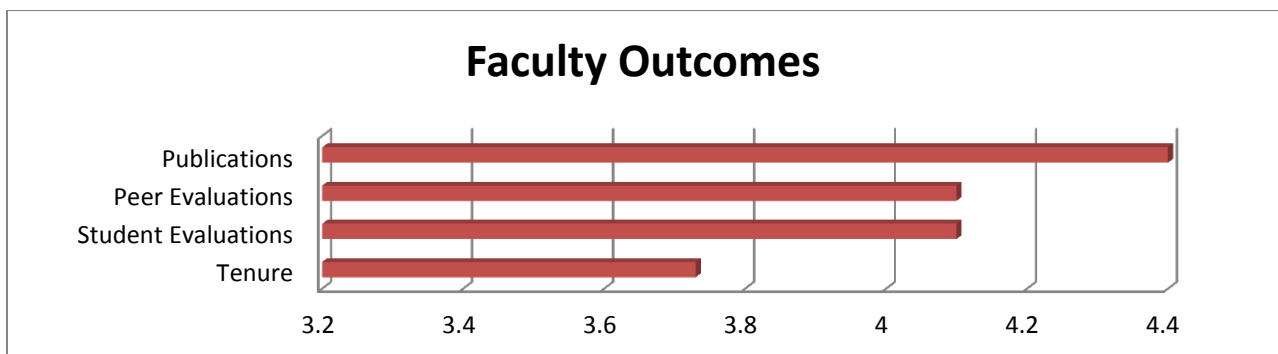
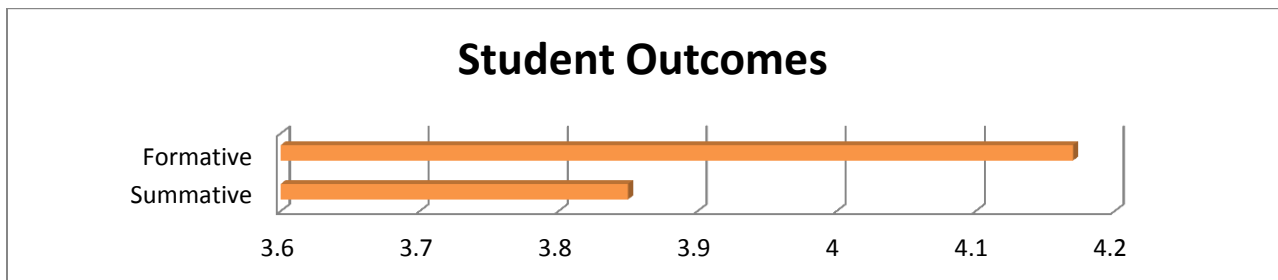
Administrative

In coherence with the previous sub-topic of a globalized curriculum, most of the respondents felt that there should be an administrative priority in establishing a global reach, alongside international accreditation. The topics shown on the chart were favored over topics such as student placement, and criteria and selectivity in admissions.



Student and Faculty Outcomes

There was a general agreement in placing importance on wanting a more formative outcome for students rather than summative. As for faculty, respondents felt that putting out publications and having positive student and peer evaluations were of more importance than tenure. One respondent also suggested that there should be an avenue of “accreditation of graduates in other jurisdictions.”





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**Report of Special Committee on Foreign Law
Schools Seeking Approval under ABA Standards
July 19, 2010**

Committee Chair: Professor Mary Kay Kane

July 19, 2010

**Report of Special Committee on Foreign Law Schools Seeking
Approval under ABA Standards**

This Special Committee was appointed on June 10, 2010 and asked to report to the Council of the Section of Legal Education and Admissions to the Bar at its August 2010 meeting on the policy questions surrounding the question whether law schools located outside the United States or its territories, which have modeled their educational programs on the American model, should be allowed to seek accreditation under the governing *Section Standards and Rules of Procedure for Approval of Law Schools*. Notably, this inquiry follows the thorough July 15, 2009 *Report of the Special Committee on International Issues*, chaired by Justice Elizabeth Lacy. That report examined the impact of international issues on legal education and admissions to the bar, as well as the question of the various ways in which the Section should respond to those pressures, including the accreditation of non-U.S. law schools.¹

After a brief introduction, this report falls into three parts. The first discusses the policy implications and justifications for expanding the accreditation role of the ABA Section to encompass law schools located outside the United States or its territories. The second considers what special rules or concerns might need to be addressed should the Council determine to proceed to consider applications coming from such law schools. Because of the limited time frame in which this report was composed, no attempt is made to provide a detailed assessment of exactly how to address the possible concerns raised or to set out special rules that should be adopted. Instead, this latter section is designed to inform the Council of the kinds of matters that need further decisions or adjustments should it be

As a result of the 2009 report the Council agreed to the appointment of a standing International Issues Committee, which currently is being chaired by Professor Dennis Lynch. That committee is examining issues related to the use of an LL.M. degree as a qualifying credential for foreign trained lawyers to be able to sit for a state bar examination in the United States and whether special bar-admissions consideration also is merited for graduates in common law countries that follow a graduate law school model similar to that used in the United States. Thus, this report omits examination of those issues.

determined to move forward on the question of accrediting non-U.S. territorially based law schools. Finally, the report concludes with a series of recommendations.

Introduction

There appears to be nothing in the current ABA *Standards and Rules of Procedure* that specifically addresses whether a law school seeking provisional approval must be located in the United States. Nonetheless, the Preface to the *Standards* notes that "The Council grants provisional and full ABA approval to law schools located in the United States, its territories, and possessions." (p. vi) And the Bylaws of the Section state: "The purposes of this Section as stated in its Mission Statement are ... to provide a fair, effective, and efficient accrediting system for American law schools." This quoted language certainly accurately describes the historic role of the Section's accreditation function. The question is whether it should remain so limited in the future.

The 2009 Report details how the increasing globalization of law practice has placed greater pressures on the state supreme courts and bar admissions administrators, as well as clients and foreign lawyers, to develop better information for making determinations as to the admission of foreign lawyers to the practice of law in this country. It notes that overwhelmingly the accreditation function of the Section informs the state supreme courts and bar administrators about the quality of the educational experience of an applicant so that expanding that function to include foreign educational experiences could be an important way to provide the type of information needed. Thus, it concludes:

Probably the most compelling justification for why the scope of the Section's current accreditation efforts should be expanded is that in doing so the Section would be able to provide state supreme courts with a basis for deciding whether a person holding one of the degrees under these programs should be permitted to sit for their bar examinations and perhaps other conditions. (p. 25)

It also notes that the increased pressures for foreign practice in the U.S. and for Americans to practice abroad will continue regardless of U.S. cooperation so that the Section should help to ensure the intellectual and educational fitness of bar applicants to the extent their educational backgrounds justify ABA accreditation. Finally, it concludes on this issue that any expansion of the ABA accreditation function to accommodate these globalization pressures should be limited to foreign law schools modeling their programs under and meeting fully the prevailing ABA standards and that no specialized, separate accreditation system should be established for foreign law schools generally. Rather, in exercising its existing accreditation function, "the Section should abandon any notion of territorial restrictions in

accreditation." (p. 28)

This committee's charge, therefore, is to examine more carefully that conclusion, including what its implications may be.

I. Policy Considerations

A. Reasons supporting expansion of ABA accreditation to schools located outside the United States and its territories

(1) As described in the 2009 Report, such an expansion would provide additional guidance for state supreme courts when lawyers trained outside the United States seek to be allowed to sit for a U.S. bar examination. Since that is a key function of the accreditation process generally, the expansion would be consistent with the historic role of the Section in aiding the state supreme courts in the bar admissions area.

(2) If the Section does nothing to expand accreditation to schools located outside the U.S., pressures to find other routes to U.S. licensure will continue to increase and two negative things will occur. First, states will be forced to make decisions about what education is good enough to allow foreign-trained individuals to sit for the bar exam and some states undoubtedly will authorize lawyers to enter the U.S. legal profession with weaker and less reliable training than is provided in ABA approved law schools. Second, because these decisions will be made from state to state, there will not be just one standard for evaluating educational credentials, but many of them, and that will result in a lack of clarity and consistency. These effects are harmful to the profession and the public. They also will put more pressure on bar examiners to raise bar-passage requirements since the bar exam will be the primary means to ensure minimal quality and this will have adverse consequences for the graduates of many U.S. law schools as well. Thus, if the ABA Section is irrelevant in decision-making concerning the realities of the globalization of the legal profession, it will undermine its historic role as a leader on these matters. Yet inaction will have no impact on whether more schools located abroad will open, as they will simply find other routes for their graduates to enter the profession.

(3) Statistics produced by the National Conference of Bar Examiners show that every year between 4,000 and 5,000 foreign-trained law graduates take a bar exam in the United States, mostly in New York and California. Although some of these foreign applicants complete a J.D. degree as an avenue of admission, most do not. Some of the non-J.D. graduates have additional education in the U.S. (typically a 20-hour LL.M. program), but some do not even have that educational exposure. Thus, most of these foreign applicants for bar admission do not have the benefit of a J.D. program meeting ABA Standards, and it can be argued that a J.D. degree from a foreign law school that teaches a U.S. law curriculum and meets ABA Standards is preferable to the current

situation.

(4) If we believe that the American legal education model is the "gold standard" for legal education world-wide and that well-trained lawyers are critical to the global economy, then a willingness to expand accreditation to schools embracing the American model is an appropriate way to improve the training of lawyers globally and contribute to the modern economy and the international legal profession.

(5) We are in a period in which different legal systems are converging as part of the expanding global economy. Expanding accreditation to schools outside U.S. borders that focus on U.S. law will allow these schools to be in a position potentially to develop cutting-edge curricula to address these trends and the Section thus will be in a position to be an active player in the dialogue about how to develop high quality legal training for the global economy.

(6) Expanding accreditation would clarify that ABA approved U.S. law schools can open branch campuses to further the various international programs that they now conduct and therefore would provide another opportunity for U.S. law schools to compete internationally in the legal market place. Failing to make such a clarification raises questions.

B. Reasons against expansion of ABA accreditation to schools located outside the United States and its territories

(1) This development could result in enlarging practice opportunities for foreign lawyers in the United States because graduates of foreign ABA approved schools then would be eligible to sit for a bar exam without any reciprocity or parallel opportunities provided by other countries for U.S. lawyers.

(2) If the foreign school is government-sponsored, political difficulties could arise if the Council failed to approve an application for accreditation and, depending on the issues presented, this could create problems or pressures both within the larger ABA and potentially with the Department of State.

(3) Foreign students who never spend any time studying in the United States will not have the benefit of the acculturation process that naturally occurs when study is accomplished here and that provides context for understanding the development of U.S. law and professional ethics.

II. Concerns and the Need for Special Rules

As indicated earlier, if the accreditation function is to be expanded it is recommended that it only be done for the limited purpose of approving law schools that meet all the prevailing

accreditation Standards. However, because the current Standards were premised on an understanding that the law schools being accredited were within the United States several matters that most would see as inherent in a law school program operating here may need to be made explicit, rather than implicit, to avoid any confusion when the Standards are applied outside the U.S. The following discussion highlights what we have identified as basic assumptions about programs currently approved under the standards, and the need to clarify that these assumptions are correct. It also raises other practical concerns that need to be considered.

(1) The Standards do not expressly note that U.S. law must be the dominant focus of the curriculum, although that clearly is the case currently in ABA approved schools. For a school outside the country, we need to clarify this assumption that U.S. law must be the primary core of the educational program to satisfy the obligation to prepare students who are able to practice in the U.S.. Standard 302(a)(1), which requires substantial instruction in "the substantive law generally regarded as necessary to effective and responsible participation in the legal profession" should be read to mean "U.S. substantive law" and in the "U.S. legal profession". Similarly, Standard 302(a)(5), which requires substantial instruction in "the history, goals, structure, values, rules and responsibilities of the legal profession and its members" should be read to mean the "U.S. legal profession and its members".

(2) The Standards dealing with faculty speak in terms of the need to have a well-qualified faculty. While many U.S. based law schools today have faculty members who are not primarily trained in U.S. law (as part of the internationalization of their curricula), or are not even trained in law itself, but in some other discipline, the core curriculum generally relies on faculty who have J.D. degrees. We need to make clear that the faculty at schools located abroad must be predominantly U.S. trained law faculty holding J.D. degrees from ABA-approved law schools to ensure that they are in the best position to offer quality instruction in U.S. law.

(3) In order to ensure that the training abroad is comparable to that in the U.S. and that graduates of such programs are able to practice in the U.S., English language facility, both spoken and written, is critical. Thus, it is important to have the curriculum taught predominantly in English. We recognize that the ABA already accredits law schools in Puerto Rico that teach solely in Spanish. While we do not know the history surrounding that allowance, we would note that Puerto Rico is a U.S. territory and the basis of the law in the federal courts there is U.S. common and statutory law. Further, the capacity of the Section to accredit schools regardless of language is minimal, if not nonexistent, and we would treat the Puerto Rico schools as an historic anomaly--one that should not be repeated as we look to the future of training lawyers in U.S.

law for a globalized practice.

(4) In countries that have a very different social and governmental system, there is a concern about how we can ensure that the students studying at the foreign law school have been introduced to the social and political context in which U.S. law evolves since it is unlikely their undergraduate training would have exposed them to our system. Although many foreign students now coming to the U.S., both for J.D. programs and for LL.M. programs, have the same lack of background, their study in the U.S. should help to eliminate that gap. But there may be a need to require some basic education in the American governmental system for foreign students that we simply assume most U.S. students obtain prior to entering law school.

(5) If the accreditation function is expanded to schools outside U.S. borders, a suggestion has been raised that there should be a clear policy providing that the Section can refuse to review an application, as well as on what grounds. We see the issues that might invoke the possible exercise of such discretion as falling into two types. First, and easiest, would be when a school is located in a country that is on a U.S. "Banned List" (today, North Korea, Cuba, and Iran) so that travel to its location is not possible. Necessarily, those schools should be rejected out of hand (not that they are likely to apply). However, there are various standards that cover "softer issues" that reflect the U.S. cultural and legal values that may be inconsistent with at least the traditional values in some other countries. These include, for example, the standards on academic freedom, on faculty governance by the full-time faculty, and on nondiscrimination and diversity. It should be determined whether the Section should have the right to reject an applicant school when it has concerns that those values will not be honored. Additionally, the factors or procedures that should govern the exercise of that discretion need to be clarified.

(6) A concern was raised as to whether the expansion of the accreditation function outside U.S. borders might have any implications for the Council's recognition by the U.S. Department of Education as the national accrediting body for U.S. law schools. Preliminary indications from our outside Counsel indicate the answer is no.

(7) A concern was raised that if the issue of increased opportunities for entry of foreign trained lawyers into the U.S. legal profession is one on which different sections and individuals in the larger ABA are deeply divided, then proceeding with this expansion could create additional contentious issues for the Section within the ABA. In fact, however, leadership of the ABA in the last several years has been very globally-minded.

(8) There is some question whether the expansion of the accreditation function outside U.S. borders will create a potentially undue burden on the Section's staff and volunteers to

meet the additional workload. To the extent that greater efforts are required for these types of inspections and reviews, we believe that all those costs should be passed on to the applicant schools and inspection and accreditation fees adjusted accordingly. Along similar lines, if it is agreed to go forward with this expansion of accreditation, it is naturally difficult to decide all the issues that may emerge until one has some experience. Thus, it may be appropriate, at least in the early years, for some special pre-screening of applicant schools before a site-inspection team is assembled and sent in order to avoid misunderstandings and the expense of time and money if the applicant school is far from being in compliance.

III. Recommendations

Based on the preceding discussion, the Committee makes four recommendations.

(1) The Council should approve going forward to allow the possibility of accrediting law schools outside the United States borders that meet all of the prevailing Section Accreditation Standards for the policy reasons discussed in Part I.

(2) The Council should request the Standards Review Committee in its ongoing comprehensive review to look at all the Standards to ensure that none of them unintentionally sets up barriers to this geographic expansion and to remove any such barriers that do not implicate the substantive standards ensuring a quality legal education.

(3) The Council should consider drafting a policy statement to clarify the matters highlighted in Part II that deal with the underlying assumptions in the current standards, such as that the curriculum is primarily focused on U.S. law, the instruction is primarily in English, and the faculty are primarily J.D. graduates of ABA approved law schools.

(4) If the Council agrees with the preceding recommendations, recognizing that it is very difficult to consider in a vacuum all the issues that may arise when the Section has not before entered this arena, the Council should consider whether it might be advisable to allow a site visit on a trial basis of a foreign applicant school that wants to see whether it can meet all the standards.

Respectfully submitted,
Mary Kay Kane, Chair
Elizabeth Lacy
Dennis Lynch
Randall Shepard
David Tang



**2nd Annual
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**African Law Deans'
Concept Note**

CONCEPT NOTE ON THE ESTABLISHMENT OF REGIONAL LAW DEANS FORUMS

(Emanating from the African Law Deans' Forum)

Introduction

Despite the growing number of law schools that are producing lawyers, few countries have association of law deans or legal educators operating at continental wide level. In fact, only a handful of countries have national associations, let alone regional ones. There is a dire need for regional associations or forums that will provide the much needed space to develop a common approach and position in legal education with regards to curriculum and standard setting for the accreditation of law schools; explore collaborative projects that would improve teaching, research, and maximize the role of law in the development of various continents. More importantly, they would facilitate experience sharing, enhance staff and student exchange, promote legal scholarship that takes into account each continent's peculiarities, and overall, ensure high quality legal education.

Given potential benefits, the first ever Africa's Deans Forum, held in South Africa from 15-17 August 2012 recommended that such a continent wide Forum is established in the case of Africa whose overall objective will be to increase collaboration among African law schools and to share best practices on legal education.

It is in this light that this concept note, which is the output of a task team established at the Africa's Deans Forum, sets out some broad principles for IALS's consideration that could inform such regional Forums.

It is proposed that each continent (Africa, Asia, Americas, and Europe) should look at establishing a regional deans' forum where such does not exist because deans are the focal point of any law school. As such, interaction with other law schools on various continents will likely be enhanced and become more effective when the dean, as head of the school, interacts, is aware and informed about what exists elsewhere and importantly, is positioned to take advantage of such towards improved legal education.

IALS affiliates

It is not intended that the deans' forums replace the operation of the IALS on the continent, but rather that they supplement and bolster its activities at regional level, while ensuring each continent's effective participation at the international arena. The Regional Deans Forums would in essence be Chapters of the IALS.

Objectives of the Deans Forums

The objectives of the Association among others specific to each region would generally be to:

- provide a forum to exchange ideas and share experiences and best practices on legal education and training.
- facilitate inter-faculty staff and student exchange programs.
- explore ways and means of enhancing joint research and publications on legal education and training.

Membership

IALS membership is presently open to all law schools that are accredited by the relevant national bodies in their respective countries. As such, membership of each region's Dean's Forum would be confined to members of the IALS.

Funding

The IALS has limited funding as a fairly new body and as such the regional forum should be self-sustaining as much as possible. As affiliates of the IALS, no additional fees should be required especially as only regional deans' forums are being proposed. Since each law school would be expected to finance their dean's attendance to the Forum's meetings, administrative costs should be minimal and easily absorbable by the host law school. The anticipated costs are costs relating to organizing the annual general assembly, publication materials, and administrative expenses. It is proposed that the IALS should dedicate on its website sections for regional forums to post their promotion and awareness information as well as any other material that a regional forum may wish to send to its members.

It is also proposed that the Deans Forums meet annually for face to face interaction for them to achieve their intended objectives more speedily. While the forums would use e-communication to the fullest extent possible, physical meetings are seen as key to building viable associations, especially at the beginning phase.

Governance and Administration

The management of the regional body should be elected by the member law schools. The principle to be observed is that continental realities and diversities should be taken into account in each region's management body. It is proposed that there should be a Chairperson, Vice Chair and a Secretariat for each regional Dean's Forum to lead different activities. Their role would be to coordinate the Forum, render administrative services, and prepare reports to the IALS. The secretariat should not be fixed but should ideally be elected at each region's Deans Forum every two years. This would encourage participation and prevent placing too much strain on just a few law deans. While rotation is important, it should not be prescriptive until an adequate number of law schools on each continent have become members of the IALS.

To begin with, the secretariat for each region should be provided by individual law schools/regions who host the general assembly.

Agenda

To encourage taking relevant sub-regional issues into account, the items on the agenda for each Dean's Forum should be determined by the region of the organizing Law School; the issues raised at previous meetings of the Deans' Forum; and, the input from the IALS through the International Law Deans' Forum.

For the second Law Deans' Forums in 2013, the Agenda should be determined by the issues raised at the First Forum. Thus, for example, some important issues raised at the first African Deans Forum include the status of African Law, information on accreditation format, curriculum development, and staff support. These should be carried forward for further deliberations and resolutions in the case of the African Deans Forum.

Activities

It will be appropriate for activities to be worked out at Forum meetings in the light of the regional needs of each Forum and global visions of the IALS.

Immediate activities to facilitate the establishment of Deans Forums should center on the following:

- (i) Preparing draft Articles or Constitution establishing each Region's Forum
- (ii) Disseminating the draft for comments and inputs from all law schools in each region
- (iii) Finalization of the draft
- (iv) Tabling for adoption before the next meeting for each region

The outcome of the activities should be shared through an online newsletter.

Task Team

Prepared by Task team consisting of Joy Ezeilo (Host 2013: University of Nigeria); Annette Lansink (Dean & host of the 2012 African Law Deans Forum, University of Venda, South Africa) James Odek (Dean: University of Nairobi, Kenya); Pamela Tibihikirra – Kalyegira (Dean: Uganda Christian University, Uganda); Tahir Mamman (IALS Board member: Nigeria); Fatou Camara Kine (IALS Board member: Senegal) Amy Tsanga (IALS Board member: Zimbabwe).



**2nd Annual
Asia-Pacific Law Deans' Forum**

**Law School Leadership in the 21st Century:
Meeting the Global Challenge**

**2013 European Law
Deans' Forum Minutes**



**Minutes of 2nd European Law Deans' Forum
Tallinn Law School, Estonia
April 2013**

(Thursday 11 April 10:00 – 16:30; Friday 12 April 10:00 – 16:00)

Present

1. Norma Martin Clement	University of Leeds, England
2. Javier de Cendra	Instituto Empresa Law School, Spain
3. Edita Gruodyte	Vytautas Magnus University, Lithuania
4. Michal Hudzik	Kozminski Law School, Poland
5. Mary Kay Kane	University of California, Hastings, USA
6. Jukka Kekkonen	University of Helsinki, Finland
7. Tanel Kerikmäe	Tallinn Law School, Estonia
8. Sulev Mäeltsemees	Tallinn University of Technology, Estonia
9. Zaza Maruashvili	Caucasus School of Law, Georgia
10. Lehte Roots	Tallinn Law School, Estonia
11. Addi Rull	Tallinn University of Technology, Estonia
12. Valentina Smorgunova	Herzen State Univ. of Russia, Russia
13. Francis SL Wang	Kenneth Wang School of Law, China

Welcome - Prof. Tanel Kerikmäe

Prof. Kerikmäe started by introducing Tallinn University of Technology, and the Tallinn Law School (TLS). Compared to other law schools in Estonia, they are more cosmopolitan and diverse. They have professors of Indian, Moldavian, Ukrainian, and Swedish origins among others. Of the 850 students, ¼ study in English and most of their foreign students are Finnish and Georgian. He discussed the structure of TLS and who they partner with. The following were introduced as TLS professors: Katrin Nyman Metcalf, Evhen Tsybulenko, Tanel Kerikmäe, Katarina Pijetlovic, Pawan Kumar Dutt, Kari Käsper, Addi Rull. TLS also utilize guest and visiting lecturers in their curriculum.

Prof. Wang introduced the International Association of Law Schools (IALS) as a non-political, non-profit volunteer service association with over 150 member schools from more than 50 different countries representing over 6,000 law teaching faculty worldwide. The IALS is dedicated to improving legal education through the exchange of ideas and learning from each other. This is the second Deans' forum in the region.

Last year there was a similar discussion amongst the deans and one of the major themes explored was setting common criteria in terms of legal education. This is very hard to do since there are differences between law schools. For instance, law education in most countries is at the undergraduate level. In the United States, legal education is at the graduate level. It is a fine education, but it is expensive. Its standards may not be appropriate for other countries.

For many of our members, the majority of our graduates do not go into the "law business" (judges, prosecutors, or practicing attorneys). Rather, most go into government service, private sector, etc. in a variety of different occupations. This fact that many law school graduates do not go on to practice law is true in many countries.

Given that, is there a commonality in legal education no matter whether it is undergraduate or graduate, public or private, common or civil law, etc.? Is there a commonality in legal education by region? What does it mean to have received a "legal education?" What voice do legal educators have with respect to the inputs and outcomes of a legal education?

Would a basic criteria for judging the outcome of a legal education, no matter where received, is to have our graduates proficient in analyzing, reasoning, thinking, and persuading from a specific "legal" perspective? Is there a difference when one studies law vs. chemistry or sociology, etc? Should a student who receives a legal education, no matter where and from whom, be proficient in a set of skills necessary to fully utilize the tools necessary in a legal context? Perhaps, the commonality in legal education is in the way of thinking. Finally, how do we measure these outcomes and what inputs are necessary to achieve them?

First, let us turn to comparing some regional differences in legal education.

Session 1: Current Issues Facing Europe in Legal Education – Prof. Jukka Kekkonen

"I usually do not use PowerPoint, but I always have points."

One of the reasons for holding this forum is that there are common problems despite the diversity in legal education. That is why it is important to learn about each other's best practices.

The University of Helsinki (UH) is a public university where 60% of the money comes from the state and 40% come from private sources. The new legislation was modelled after Austria, UK, Japan, and Denmark where it is more of a top-down structure. UH aims to be among the 50 top research universities. They are at 52 at the present. There is too much effort put on strategic planning.

In law, only 15% of applicants are accepted after passing an entrance examination. Upon graduating, all advocates are paid well. There is no unemployment at all.

How to generate top-class research and teaching?

Through less bureaucracy and administrative tasks. There is difficulty in cooperating within the university. As a result, the best talents are lost to private companies. The concern here is that the students may not be trained in the best manner.

What is the role of the Universities in creating innovations and in general?

Cooperation – Finnish law faculties have a variety of cooperation agreements with academic and other institutions. For instance, we are cooperating with the Chinese Academy of Social Sciences in discussing common problems and promoting the rule of the law.

Session 2: Open Discussion

The "Rule of Law" is an accepted concept across all borders. With respect to the "law", much of our vocabulary is the same. However, are our perspectives the same? Are those perspectives affected by the way we teach our students? What other "inputs" beyond what and how we teach will affect the outcomes? Should our outcomes be similar, and, if so, in which respect? Should there be a commonality of perspective or approach for those trained in the law?

How normative should curriculum be?

This is a challenge for professors. In Eastern Europe, the State is strong and students are very conservative. They only want to study doctrinal law. They do not want to learn legal theory, sociology, Roman law, etc. The state, market, students, and the university should have their interests balanced.

Some students though, do not know what they want so there is a desire to expose these students to things they may not be aware of. The undergraduate level has to be broader than the master's level. At the master's level is when they should specialize.

In Tallinn Law School, Prof. Kerikmäe lets the students use different theories and approaches so that they can understand that there can be different solutions. It is more important to find the law than it is to know the law by heart.

Politicians (the ones who did not study law) think that those who studied law only memorize civil codes. That is why it is important for those who receive a legal education to have an understanding of the values of the rule of law and model those values. They also need to have basic skills – analysis, research, writing, etc. Skills stay, but the law changes. Knowledge is important, but how can lawyers distinguish themselves? The law student graduates are trained in a specific way that a chemistry student is not. These include textual analysis, problem solving, working with language, and analyzing.

Beyond doctrinal curriculum, skills are extremely important. Persuasion is a core value. The students have to adapt to a multi-level legal system and thus must be able to use as much elements as possible to protect their argument. Certainly the western discipline of rhetoric plays an important part in defining a "legal perspective". It is that argumentation before third parties who will decide which provides the underlayment for the advocacy process.

Faculty groups also posed some significance to this. In Spain, teaching methods courses are open to all professors. The cases are shared. There is the curiosity to attend other courses to see how young students learn. In Poland, there is no formal training. The one common program they have is that the "old lecturers" guide new ones. The problem is that we end up teaching the way we have been taught. In Europe there is too much emphasis on the lecture format.

Successful lawyers defend their clients and win because they take care of procedural rules. The substance of the law is not important, they see technicalities. However, the public needs to understand that there are values underlying these procedures. So, are the legislators doing a good job of explaining that to the society? Is it also the role of the law school to educate public as to the law and its significance in ordering a civil society?

In Russia, a Master's education has now become more of the norm. The undergraduate law program used to be an elite program. However, standards have risen, particularly if a law graduate wants to join the government. It is now almost compulsory to have a Master's degree. In the Master's program, about half are devoted to research work. Educational standards were increased in 2010. The standards stipulate all the subjects which should be taught, all the notions of what should be taught, including all the materials that should be given to the students.

Session 3: The American Experience – Prof. Mary Kay Kane

The ABA report is about "Foreign Law Schools Seeking Approval under ABA Standards." Prof. Kane describes how if one is in the U.S. and wants to accredit a law school, it would take about 2 -3 years. A Chinese law school (Beijing University School of Transnational Law) wanted to go through ABA accreditation, and it took them longer, but in 2010 they petitioned for accreditation stating they complied with all the standards. 2008 was a critical time in the U.S., with the collapse of the economy. This made a lot of people anxious about expanding accreditation when the request was made, so the ABA Council appointed a committee in June 2010 to review this issue. This committee was chaired by Prof. Kane. The recommendation of that committee was that in general the ABA should allow it if all the standards are met (see recommendation in materials). After the recommendation was presented, there was a public comment period and negative comments came back. As a result, another committee was formed, and they recommended in the summer of 2012 that the ABA never adopt and/or accredit a law school which is not on U.S. soil.

It is important to recognize that in the beginning there was public, private support for legal education. In addition, 90 % of U.S. students used loans to finance their legal education, which are normally guaranteed by the government. This makes these loans easy to securitize in the secondary market. Law school tuition increased dramatically along with significant investments by schools into new facilities, along with faculty and staff. The legal economy was booming.

However, the financial crisis of 2008 exposed some significant vulnerabilities to this system. There was a sharp decrease in legal employment. Also, the ABA established a more transparent employment reporting regime. With the downturn in legal employment, as well as more accurate employment numbers, potential applicants realized that a legal education did not guarantee the lucrative future that their loan indebtedness should have provided. Applications dropped. The ripple effect is felt throughout the industry. By 2012, things had changed for the worse.

Students in the American system study 4 years as an undergraduate. They do not study law as an undergraduate. Legal education is a graduate program of an additional 3 years at the graduate level for a J.D. degree. Social and political context are focused on during training. There must be substantial full-time faculty and they must be dedicated to have teaching and research programs.

In addition, the programs reflect cultural values. Academic freedom is present. Course requirements highlight training and skills, intensive writing, and small classes (16 students). The U.S. system believes a lot in small group work and pro-bono activities as well. The current standards' baseline is that students must know the history, goals, and values of the legal profession.

It is important to analyze differences in values because it will help in implementation and figuring out how to build the base values. One never stops learning.

Session 4: Open Discussion

Student Selection

Socio-economic factors/status (SES) as criteria for student selection was deliberated in this section.

In Russia, entrance to university is determined by entrance procedures which include state exams. Entrance is determined based on the grades. SES is not taken into consideration. However, some flexibility is shown, e.g., orphans who have passed all the necessary State exams may be admitted with a lower score.

In the UK, universities do look at socio-economic factors. Sometimes once in the program already, those from a lower SES actually do better than those from a higher SES.

Prof. Kane explained that in the US, the Supreme Court states that you cannot take race as a basis for admissions. However you can take into consideration the SES.

Prof. Wang elaborated that in China university entrance is based strictly on the score a student achieves on the College Entrance Exam. There has been a movement to provide some flexibility to certain schools whereby 5% of the entering class may be selected on some additional basis. Additionally, if a student is from one of the designated minorities, then that gives him/her extra points on the college entrance exam. Students must select their major at the time of application.

Selection processes differ from country to country – from extremely selective judging on the basis of grades, test scores and other activities and recommendations to entrance based solely on the results of one test, to open enrollment whereby all graduates of secondary education are admitted. This depends on the country's policy as well as private vs. public institutions.

Challenges Facing American Law Schools

There was also a dialogue on the state of law schools. Prof. Kane stated that because of the economic situation in the US, some law schools will be closing. In the US, with the law school applicant market shrinking, the smaller private schools get the "bottom" students. A higher proportion of these students after graduation will be unable to pass the bar exam. The students feel cheated. One alternative is for programs to be designed so that the students coming out would be happy even if they cannot practice. If this format is to be followed, there will have to be changes to the curricula, and some accreditation rules will change (one or two years instead of three, etc.). The difficulty of changing the structure is that it will require cooperation of tenured faculty. This may prove to be difficult.

For instance, at UC Hastings, historically 400 students are admitted each year. This is projected to be reduced by 20%, which means less tuition and a need to downsize staff. The problem is that tenured faculty cannot be laid off, so support services will suffer. In the US, the 1st year of law school is focused on core courses, 2nd year builds on the 1st year courses, and the 3rd year should be focused on skills training. There's a need to see what can be taken out and what can be put in.

There are discussions in California about a new one-year degree where one can be competent in doing simple contracts. There wouldn't be a lot of prestige associated with it and it wouldn't pay as much either. Once again, a difficult strategy for established law schools to embrace.

In addition, there is an uneven distribution of lawyers. There is an oversupply in large urban areas and an undersupply in rural areas. Both public and private sectors are cutting back. Some students may still want to experience a law learning process but not necessarily want to practice law.

Aside from the economic downturn, the recent ABA report on employment statistics of graduates from ABA accredited law schools has also contributed to the precipitous drop in applications. Law schools were required to report the number of students who had full-time jobs 9 months after graduation in various categories including (1) jobs requiring bar passage, (2) where a JD degree was an advantage. For the first time, this afforded potential students a realistic outlook as to their employment possibilities. In the past, some schools manipulated the system by employing students who did not have a job after 9 months of graduation. In addition, under the old system any employment was included versus differentiating jobs requiring bar passage or JD degree advantaged.

Accreditation

Prof. Kane went into detail about how in the U.S., accreditation is every 7 years done by the American Bar Association (ABA), which has been designated by the Department of Education as the accrediting agency for American law schools. This is accordance with the Standards for Law School Accreditation published by the ABA.

In Russia, Prof. Smorgunova explained the multiple levels of accreditation bodies. This movement towards stricter accreditation is motivated by increasingly higher standards imposed on the schools and the desire to limit the number of law schools accredited. To be accredited, one must first pass public accreditation from the association of lawyers in Russia. This is followed by accreditation from the ministry, and then there's the state accreditation. There are different sets of criteria for each accrediting body. In addition, there are different entrance examinations for admission to university. Because of the increasing demand on the part of employers (particularly the government) for Masters degree students, students are more inclined to apply to schools with a Master's programs, rather than just an undergraduate degree.

Session 5: Who are we? Who do we teach? For What?

The commonality among all of us is that we teach some aspect of law or the legal system to students. The types of student, the structure of the environment as well as what and how we teach vary from jurisdiction to jurisdiction. The trajectories of our graduates also differ from jurisdiction to jurisdiction as well as from institution to institution.

Prof. Wang discussed the cultural difference in the manner that some students might have parents who value working more than education. Prof. Kane brought up that some students come to learn after working or gaining some "life experience" first.

Prof. Kerikmäe expressed the importance of learning outcomes especially in the EU. Surveys and assessments are needed for this. He said that the universities, market, and students should work together. Everything must be taken into account. The market is always smart, but the university should be the leader.

What should be the outcomes we want to see in our graduates – no matter what of selection or how they were taught? Are there basic foundational factors which all those receiving a legal education should possess at graduation? And how do we model and instruct them so that at graduation they have inculcated these attributes as part of their perspective of law and the rule of law? Students are tested on facts (provisions or principles of law), but that there is also a need to focus on communication skills and other competencies like problem solving, and analytical thinking. Law is very much about training one's mind to think and analyze in a specific way.

Session 6: What are the core competencies every law graduate should have?

Reference was made to an article by Professor Majorie Shultz and her colleagues at UC Berkeley "Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions" as to the core competencies which successful lawyers should possess as defined by practicing lawyers and judges.

Her study revealed 28 such competencies which could be subject to psychological testing. Her thesis was that the selection for entry to a law school should rely on more than a single test which is academically centered. Other competencies are necessary for success in the practice of law. These competencies ranged from the purely academic competencies (e.g. Researching the Law, Fact Finding, Analysis and Reasoning) to administrative competencies (e.g. Organizing and Managing one's own and other's work) to personality traits or skills (e.g. Diligence, Stress Management, Passion and Engagement). Several competencies were a combination of these categories (e.g. Negotiation Skills, Influencing and Advocating, Strategic Planning).

This is a difficult area and much more work needs to be done to identify these competencies and determine the law school's role in teaching and shaping them in the students. Teaching and/or shaping some of these competencies were discussed with the conclusion that presently some of them are beyond the scope of a legal education.

Session 7: Standards Project (Outcomes and Inputs) – Phase I, II, and III

The European Union in its effort to continue European harmonization and integration has developed a variety of programs to foster collaboration and integration in higher education. These programs are Eurocentric with some exceptions (e.g. Erasmus Mundus, and Jean Monnet). The Commission's establishment of the European Higher Education Area is supported by a variety of programs which provide grants, scholarships and other funding to encourage improvement and integration of European higher education. In addition, uniform criteria and standards are applied by the different programs for universities seeking certification, grants or participation in the programs. Most significant to law schools and faculties are the following:

The projects are described as follows:

1) Bologna Process

The Bologna Declaration is a voluntary undertaking by each signatory country to reform its own education system; this reform is not imposed on the national governments or universities. As for Member States of the European Union (EU), Article 165 of the Treaty on the Functioning of the European Union states that the Union "shall contribute to the development of quality education by encouraging

cooperation between Member States and, if necessary, by supporting and supplementing their action.”

- A. The Bologna Declaration involves six actions relating to:
1. a system of academic degrees that are easy to recognize and compare. It includes the introduction of a shared diploma supplement to improve transparency;
 2. a system based essentially on two cycles: a first cycle geared to the labor market and lasting at least three years, and a second cycle (Master) conditional on the completion of the first cycle;
 3. a system of accumulation and transfer of credits of the ECTS type used in the Erasmus exchange scheme;
 4. mobility of students, teachers and researchers: elimination of all obstacles to freedom of movement;
 5. cooperation with regard to quality assurance;
 6. the European dimension in higher education: increase the number of modules and teaching and study areas where the content, guidance or organization has a European dimension.

In the Bucharest Communiqué, April 2012, the Ministers identified three key priorities - mobility, employability and quality, and emphasized the importance of higher education for Europe's capacity to deal with the economic crisis and to contribute to growth and jobs. Ministers also committed to making automatic recognition of comparable academic degrees a long-term goal of the European Higher Education Area.

2) Erasmus

Of particular interest to our members would be the Erasmus Mundus Program. This is a cooperation mobility program in the field of higher education that aims to enhance the quality of European higher education and to promote dialogue and understanding between people and cultures through cooperation with Third-Countries. In addition, it hopes to contribute to the development of human resources and the international cooperation capacity of Higher education institutions in Third Countries by increasing mobility between the European Union and these countries.

The Erasmus Mundus program provides support to:

- 1) higher education institutions that wish to implement joint program at postgraduate level or to set-up inter-institutional cooperation partnerships between universities from Europe and targeted Third-Countries;
- 2) individual students, researchers and university staff who wish to spend a study / research / teaching period in the context of one of the above mentioned joint programs or cooperation partnerships;
- 3) any organization active in the field of higher education that wishes to develop projects aimed at enhancing the attractiveness, profile, visibility and image of European higher education worldwide.

3) ECTS System – European Credit Transfer and Accumulation System

ECTS makes teaching and learning in higher education more transparent across Europe and facilitates the recognition of all studies. The system allows for the transfer of course credits between different institutions thereby creating greater student mobility and more flexible routes to gain degrees. It also aids curriculum design and quality assurance.

Institutions which apply ECTS publish their course catalogues on the web, including detailed descriptions of study program, units of learning, university regulations and student services.

Course descriptions contain 'learning outcomes' (i.e. what students are expected to know, understand and be able to do) and workload (i.e. the time students typically need to achieve these outcomes). Each learning outcome is expressed in terms of credits, with a student workload ranging from 1 500 to 1 800 hours for an academic year, and one credit generally corresponds to 25-30 hours of work.

4) The Jean Monnet Program

The Jean Monnet Program serves to stimulate teaching, research and reflection on European integration in higher education institutions. It includes the creation of Jean Monnet Chairs, Centers of Excellence, Modules, information and research activities as well as support for academic associations of professors and researchers in European integration.

Jean Monnet projects are selected on the basis of their academic merits and following a process of rigorous and independent peer review.

Originally launched in 1989, these projects are present in 72 countries across the five continents between 1990 and 2011.

The program beneficiaries include higher education institutions and/or associations of professors and researchers specializing in European integration. To support their work the Jean Monnet program funds the following actions:

Key Activity 1: Jean Monnet Action

The program beneficiaries include higher education institutions and/or associations of professors and researchers specializing in European integration. To support their work the Jean Monnet program funds the following actions:

- Jean Monnet Chair
- "Ad personam" Jean Monnet Chair
- Jean Monnet Centre of Excellence
- European Module
- Association of professors and researchers
- Information and research activities
- Jean Monnet multilateral research groups

Key Activity 2: Support specified institutions dealing with issues relating to European integration

The Jean Monnet program also supports certain key institutions and associations active at European level in the field of education and training. Operating grants are awarded to support certain operational and administrative costs of these institutions pursuing an aim of European interest.

Key Activity 3: European associations active at European level in the field of European integration and education and training

Key Activity 3 of the Jean Monnet Program provides co-funding in the form of operating grants to support certain operational and administrative costs of European associations active in the fields of European integration and education and training.

Source – EU - http://europa.eu/legislation_summaries/education

A comparison between the efforts of the EU in higher education integration was discussed. The efforts of ASEAN (Association of Southeast Asian Nations) in its integration was identified as a ripe area for cross regional interactions. There were comments on how the Bologna process was the vision, but that some negativity can already be seen. Schools appear to have had a mixed experience with it, though many of their students have taken advantage of it. Regionalism still exists and the free movement of academics is still rocky. A major challenge to a more robust integration of education in Europe stems from the fact that education is not one of the EU authorities' competencies – it is left largely to the member states. The above initiatives are a step forward in the integration and harmonization process, but much more needs to be done.

Prof. de Cendra said that the goal in Spain is a single market – to break internal barriers in the different regions. Spain is unhappy with the Bologna process since the autonomy of Spanish Universities is threatened. They would lose control. They would have to hire foreign professors and change the curricula. Students hate the Bologna process too, as it is expensive. Students have to pay for LL.M.

EU has no competence (authority to regulate) in the education field. This has been left to the individual nation states. In the recent EU budget negotiations, education and innovation were last on the agenda. However, these programs which encourage efforts at harmonization and integration will over time bring institutions closer together.

In Poland, the Bologna process is not acceptable. This is the same for Slovenia, although ECTS is accepted so there may be some advantages coming. In the UK, Bologna harmonization is found to be interesting. More British students want to study in EU countries for free.

In conclusion, the Bologna process sets standards for cooperation. However, there is no drive or push. It is more effective for some disciplines (science), but not so much with others, (e.g. more effective for engineering students than for law students). The governments are also to blame since they encourage science studies over law studies.

Prof. Smorgunova explained that Russia signed the Bologna Agreement in the 1990s. There were already a lot of developments and modernizations that took place before the Bologna agreement was signed. However, the law program was a problem. It was only in 2010 that the law faculties became Bologna compliant. New students from the 5-year law program were better prepared. In Russia, there is limited funding for the Bologna process, so there has not been a robust integration with the process. Russia has made significant strides in modernizing its higher education institutions. These recent reforms will continue to improve the overall quality of Russia's universities as more resources are devoted to this effort.

Who regulates and sets standards for legal education? Does that have an impact on who, how and what you teach?

Every institution would love to be independent and have its own guaranteed source of funding to which it is only answerable to itself. Unfortunately, this is never true. Normally, law schools or faculties answer to a larger university system which in turn must be answerable to state or private oversight. Legal education itself is usually regulated by state and/or professional associations.

There was a suggestion that the IALS conduct a survey and develop minimum requirements for a sound legal education which can then be used by members to educate their regulators as to outmoded or deficient local standards set by government or professional

organizations. Law schools lack a serious voice in the setting of the criteria under which they are judged. There are no international standards, nor any movement to develop one. Legal educators are acutely aware of increasing globalization and the need to educate our students for the world they will confront. Regulators (state and professionals) systemically by their very nature are domestically focused. The necessity of a globalized legal education cuts against their natural parochial perspectives.

There was a clear sentiment that law schools should develop its own voice and have a dialog with its stakeholders. Law schools need to show leadership in this area.

Session 8: Standards (Outcomes and Input) Project – Specific Issues to be Considered

In discussing standards, the traditional starting point has been the input (size of faculty, number of books, curriculum, etc). Prof. Kane has suggested reversing the approach. In trying to distill commonalities for a global legal education why not first look for common outcomes for our students and faculty and then explore a variety of inputs which will help us achieve those outcomes. Those inputs would certainly be influenced by the myriad of differences we have among legal education institutions.

A study from South Africa, "The Legal Education Reform Project" (see attachment) was introduced which outlined legal education outcomes in the following categories:

1. The ability to understand, analyze, investigate, and solve problems
2. Proficiency in reading, writing, and speaking English
3. The ability to read and interpret statutes and legal documents
4. The ability to construct and communicate an argument
5. Understanding of the principles of law and how they apply in practice
6. Research skills, both in general and specific to the profession

The proposals of this study were never adopted in South Africa.

Other areas were discussed such as the types of assessments of students, both summative and formative. Staffing was another issue. How should the hiring and firing of faculty, support staff, etc. be decided? Should government officials and judges be part of the faculty? Would it be better if they were part-time academics rather than full-time? Should practicing lawyers be teachers?

How do we assess the outcome?

Exit exams, bar exams, and state exams only test the stock knowledge. It should be a combination of assessing one's knowledge, skills, and values. This should include employability skills such as time management.

There was a suggestion to ask employers (law firms, banks, big companies) how the students are faring over the years and see what the factors are. Employers could also assess/examine students in law school.

There were objections to this suggestion citing as reasons that it goes against the philosophy of the law school and education in general. There is the chance that it might end up becoming a trade (vocational) school. There is a mix-up between a good law graduate and a good lawyer. In addition, asking employers to design a curriculum is problematic

because lawyers have different areas of expertise. It is better to ask employers for general advice.

The discussion went back to the topic of what the core competencies of a law graduate must be. One was the ability to think like a professional. He/she must be able to think legally. A balance between practical and academic approach is needed. Law schools must decide competencies. Feedback from lawyers will be helpful. Law schools keep these amongst themselves and constantly upgrade it. However, they must be willing to admit that they need to open up to outside cooperation so that they can prosper through support. A cooperation between law school faculties should be present. The next question then is, how?

Establishment of regional deans' councils:

There was a discussion of the proposal by the African Deans' Forum on the formation of regional deans' councils for the IALS. There was interest in this proposal but the consensus was that it was premature. "We should do something first, then see what structure we need". What was expressed that we for the time being need to be more flexible and move matters forward under the general IALS umbrella as a group of global deans rather than fixing in place a regional structure.

There was consensus that as most faculty members are not interested in their Dean's areas of responsibilities, Deans need to develop their institutions. As the administrative as well as intellectual leaders of their respective institutions, it is very helpful to share experiences and challenges with similarly situated colleagues not only in their own country but worldwide.

However, individual faculty may well be interested in working with their world wide colleagues in their same area of teaching and scholarship to help develop specific outcomes and inputs for that doctrinal field. This should be explored as possible sub-sections to the annual meeting.

The Association's focus should be on legal education globally, as that is the strength of this group. It is critical that law schools learn from each other (mission of IALS) and be able to give access to deans of law schools in third world countries who do not always have these opportunities (e.g. Visiting Scholar program).