

Asian-Pacific Law Deans Meeting

PARTICIPATION AND COLLABORATION IS CRUCIAL

*Hosted by Chulalongkorn University Faculty of Law
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Currently, the status quo for legal education is centralized local law according to region; as a result, the common issue that was raised amongst all of the IALS Asia-Pacific Members during the 2012 meeting at Chulalongkorn University in Bangkok, Thailand was that, “students are not equipped for the ever changing and competitive market” on a global scale. NUS/Singapore seems to be on its way to figuring out a possible solution(s) to the issue in highlighting the fact that their students, “and research focus on globalization. They balance between clinical research, perspectives and theoretical narratives. Instead of teaching what the law is, students are trained to predict and be ready for what the law will be. [Their] His logic, the law changes every day.” India brought up the idea that there needs to be curriculum that teaches students about each nations law on a comparative level, including Asian, European and American law; furthermore, the topic of ethics was also emphasized to be able to, “connect human rights and global values.” Vietnam added further to the discussion that even though change is necessary, we must also always keep in mind the need to always be sensitive and respectful of each other’s cultures and ethics, “this is because as important as it is to be international, it is also very important for schools to maintain the culture and uniqueness of each country.” Malaysia contributed to Vietnams thought by proposing the idea of combining culture/ethics into legal curriculum, i.e. a course that combines commercial law with Islamic law and ethics. A majority of the meeting focused on the need for further integration of international legal education, while always keeping in mind each other’s culture, ethical standards, and local regional law.

In order for students to be able to take on issues on an international level, the ever important role of curriculum and its future development and goals was discussed. One of the issues brought to the table was the fact there is, “tension between localization and globalization”. A solution to this issue was proposed with the idea of creating a curricular program that “balances” both regional/localized and international legal teaching, in which each student has the option of being able to pick their areas of interest to meet their own professional needs. Two concerns brought up were 1) corruption, and 2) poor ethics, so what do we do? The idea of an “ethical professionalism” class was suggested that would entail the teaching and learning of responsibilities of lawyers and judges. Dr. Gurper mentioned her teaching approach or “pillar of teaching” that includes ethics by incorporating the 3 C’s, which are 1) Care, for those who are deprived, 2) Courage, to change things, to be a reformist, to be different, and 3) Competence, to understand that globalization must be taken into consideration with innovation and excellence. Professor Vitit enumerated furthermore to the 3 C’s idea that a fourth C needed to be added, and that was C for Collaboration. It was agreed that ethics can be defined into three categories: 1) personal ethics, i.e. where religion cannot be interfered with and rather respected; 2) social or national, where it cannot be interfered with and must be respected; 3) professional ethics, which can be changed and needs to furthermore be discussed.

“The challenges we are facing can be boiled down to one question: How to strike a balance between the locals and the internationals. We are not targeting only knowledge, but attitude and skills and behavior?”
Professor Vitat

To conclude and encapsulate some of the above mentioned, the following are possible solutions towards helping better equip legal students and professionals to be able to keep up with an ever changing competitive market to successfully confront legal issues on an international level.

1. Collaborate and research to create a legal international standard (if possible) curriculum that all nations agree upon, to where a common ground is established so students are better equipped to handle law on every national level. I.e. Expand legal education options: Make sure that all law schools include comparative law (i.e. American Law versus Chinese Law) in their curriculum so that students are well equipped to handle law on an international level.

Create/add a transnational law course.

2. Targets attitude, skills, and behavior: Create legal courses that focus on ethics from a legal perspective, i.e. "ethical professionalism" class (teaching and learning the responsibilities of lawyers and judges). Create a common ground for having the best/most ideal ethical standards that all legal professionals and students must abide by. "Ethics and materials: code of conduct signed by students? – If we are advocating students code of conduct, we must also take it from an angle of professors -> lecturer code of conduct also? Learning by doing. How can legal scholarship encourage learning by doing? Summer camps?" (Professor Vitat)
3. Keeping in mind the cultural element: Create classes that combine legal curriculum with said countries culture/ethics, i.e. Commercial law with Muslim Law.
4. Funding for researchers that focus on solutions and instruct/advise on how to get to our goal(s).
5. Summer school for students to do community service, which would increase ethical standards and an understanding/empathy for the real world.
6. Networking/"Communication technology": IALS Website, where everyone is able to contribute thoughts and publish them, i.e. share ideas and lectures.
7. Create internship opportunities/"faculty mobility" for members to visit others schools, document their research, and discuss what was learned (on the IALS website).
8. Improving linguistic skills in students according to region of study, i.e. European, African, Middle Eastern, Asian, English. Language for students interested in studying international law is imperative and improves communication skills.

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Minutes

Theme:

Collaboration and Internationalization in Legal Study

Day One

Identifying problems and setting up some guidelines for discussion

Status Quo:

Local centered legal education

Issue(s):

Students are not equipped for the ever changing and competitive market. Esp. ASEAN Economic Community 2015

A set of questions that are raised:

- Is Socrates method suitable for legal teaching in Asia? More importantly is Asia ready to adopt such method?
- Is there a skill set that students are expected to have?
- How can ASEAN countries develop legal teaching?
- What is the commonality that we need to develop as a baseline for the legal education?
- In regards of teaching model, should we follow exclusively one model (the Socrates method) that 'seems' to be working? Do we accept this only paradigm? Can we contribute more in term of teaching methods?

Singapore

- NUS tide their students and research focus on globalization. They balance between clinical research, perspectives and theoretical narratives. Instead of teaching what the law is, students are trained to predict and be ready for what the law will be. His logic, the law changes every day.

India

- Mixed approach. (Symbiosis which focuses on public service)
- Law school activates public service approach
- Asian laws need to be included into the curriculum esp. in comparative law classes. Instead of just having European and American comparative law, there is a need for Asian comparative law as well. It was suggested that the ratio should be 10%

- Currently we do not have the right curriculum. There is a need to create curriculum that bridge perspectives in democratic paradigm. This newly designed curriculum would bridge communities in law schools.
- Including ethic classes in law schools. Currently there is no course that accentuates and teaches ethics. Ethic class would connect human rights and global values.
- Question is how we can link ethics, skills and knowledge?

Vietnam

- Legal education in Vietnam began after the establishment of the country after the war. The teaching style and method inspired by the French and European consists of one way communication from the teachers to the students. Over the years, Vietnam has been trying to improve the teaching method as well as its human resources. They attempted to adopt the American method but did not succeed. It was suspected that this might have been due to the suitability of American teaching method in a civil law country. Common law develops from legal rules found in cases whereas civil law is an evolution of principles. It was suggested that to improve we should combine the two ways of teachings.
- Added by Prof. Kong: it is imperative that we take political and social situation into consideration. Can education be internationalized while maintaining the cultural uniqueness of the country?
- Added by Ass. Prof. Jasmine: Once the right environment and legal culture are created, it is very possible to mix the two cultures together without losing any essence of each. Her example is the Peking Transnational School of Law
- Note: there is a culture element to be considered in terms of internationalizing legal education. This is because as important as it is to be international, it is also very important for schools to maintain the culture and uniqueness of each country.

Malaysia

- Common law country. Suggested one way they can incorporate culture/ethics into the legal teaching: teaching law and Muslim law ex. commercial law and include Islamic law/ethics into the class.

Indonesia

- Acknowledged the challenge and complexity of what we are trying to accomplish.
- Has a special curriculum: competence based curriculum. This curriculum considers a set of skills students need in order to pursue their professional aspiration.

First (morning) Session

- Defining international standards. Decide on the process in which we can have input that everyone has and start working towards a set of guidelines that we think should be followed.
- Take in mind, the differences of our students. Try to find commonality and how we integrate that identity and culture into the ever globalizing world.

Second Session: Defining the issues

Group 1

1. Harmonizing general law
 - In term of developing curriculum, there needs to be space for diversity. In business law area, for example, some uniformed system can be conceived.
2. Teaching method
 - Modeling the subject of ethics. This class would include: responsibilities of lawyers and judges.
 - How can we bring that out?
 - Ethical professionalism
3. International Standard
 - Hard to define what it is
 - Maybe can be developed by a number of collaborative programs, activities outside the classroom?
4. Uniformity
 - uniformity of cultural diversities, and method of teaching that gives freedom to the teaching methods
 - makes globalization become more effective

Group 2

1. Focuses on solutions

Group 3

1. Instance: faculties/school must satisfy the need of both international and national students who are interested in learning at the institutions. Not only does the school need to train the students but it also has to protect the society by producing legal professionals who can tackle issues at international level. In order to achieve this, the discussion focuses on the curriculum and teaching method.
2. Curriculum
 - Must respond to certain criteria
 - Contain a certain number of subject matter to acquire knowledge about regional, international and comparative law. We have to come up with a balanced ratio. Enough legal knowledge to engage in professional life.
 - must contain subject to improve student quality: communication, working skill, esp. language: international communication
 - Must be flexible. The student can choose according to his personal need.
 - Subject to contemporary development: should take the feedback from time to time. Feedback from the industry, government, society, students, parents and other stake holders.
 - Responsive to need of the society. the fact must be supportive to the need of the society

- Diverse.
- Most important: to ensure the high quality in regard of the society.

Group 4

- There is a need to identify the objective of legal education in each school because some each may produce different kind of legal partitions.
- Need to identify which stakeholder we are trying to serve.
- Need to consider satisfying the societal need as well as the lawyers themselves

Comment/Conclusion

Issues:

1. Internationalization
2. the role of law schools/faculties
 - Tension between localization and globalization: as important a globalization is, there is a need to serve local needs. How do we integrate globalization with localization?
 - This goes beyond that but to how to improve legal education? Because it is now more competitive.
 - How do we employ moving ahead as a community of the regional law schools? Can we come up with the cohesive program? A benchmark? A minimum standard that we can do to determine that our students can rise above?

What is it that we need to establish as minimum standard? And what mechanism we can employ?

- incentive
- another way to tackle curriculum problem is to get feedback from the legal practitioners on the curriculum

Suggested Solutions

1. Enriching local programs? Ex. Transferability in credits.
2. Qualification for lawyers
3. Specialized networking: ASLI
4. Knowledge transfer: bilateral agreements between universities to develop techniques and mechanism to move to other university in the form of a mutual agreement. Many schools have already done that.
 - Problem with credit transfer is the standard. This is where the quality control comes in. There is a need to consider how things can be improved. Language barrier is also a problem.
 - Opinion from Jasmine: might need to adjust the curriculum because the Chinese are more accustomed to Chinese commercial law. This shows that we need to take in cultural uniqueness. Maybe add a course: transnational law course. Accommodating the local need but at the same time maintain the quality and certain style. Third is the proportion of professional training and research? Might be 50/50? Forth is the ethical issues. We have relied heavily on technology to detect plagiarism, so

more is to be done to tackle this ongoing problem. Also the problem is English, though we have the English lab, but it hasn't worked since the students have the perception that going to the English lab equal admitting that you're English is poor.

In terms of ethics

Some guideline that can pull together they need both as an academic and profession?

Example: think religiously-think legally.

There are three basic elements we should consider:

1. International
2. Psycho methodic: some practical ability to be legal practitioners.
3. Ethics: fundamental for the students to develop their capacity.

Dr. Gurpur

Care, Courage, Competence.

The 3 Cs become the pillar of her teaching. On the practical level, the challenges are the regulatory requirement (required courses that are needed to be offered).

- Care: for those who are deprived
- Courage: to change things, to be reformist, to be different
- Competence: must take globalization into consideration; including the innovation and excellence

Ethics:

1. personal ethics
 - religion
 - cannot be interfered
2. social or national
 - cannot interfered
3. professional
 - can be discussed
 - have to identify what are profession ethics of judges and lawyers
 - How can we change attitude of our students in only one semester?
 - bpl methods involving the students into discussion
4. ethics that are contained in a substantive context

Concern

These are challenging problems

1. Corruption
2. Poor Ethics

Day Two

First Session:

Group 1

Discuss means we can develop to meet international standards

- 1st curriculum: complement the development of international law and accommodating local law. Flexibility in subjects that answer the societal and common need.
- 2nd Teaching methods: identified some universal principles, comparative components that we can internationalize. Look into the skill development of the students. There must be some program student development
- 3rd faculty development. Create identity in the group??

Group 2

Solutions

- liberal networking of law schools
- International local law school which bring the law schools together and start sharing. Collaboration
- Faculty mobility. liberally send faculty all over the world to share knowledge and experience
- using info communication technology: vid conference to share the lecture etc. to have some kind of network
- Improving linguistic ability. concentrate on improving communication skills
- minimum standard for all law schools: fix up a goal so we can start moving to the minimum standard
- incentive for internationalization so that every school should take a step to give out this incentive, not necessarily in monetary form
- uniformed policy concerning students; assessment test so it's easier to move the students around
- international curriculum

Group 3

Methods distribution, more specific, acknowledging differences in each institution try to find common ground and practices focus on 3 areas:

- professionalism:
- student co-conduct: define
- teach professional responsibility: think about international legal environment ex ethic courses...should be part of the curriculum
- Anti-discrimination and racism policy. Policy that protects people
- set up a supervising committee ex. intellectual integrity committee
- Academic vs. Practice
- How can we divide the curriculum?

- hard to apply a unified standard but should be designed according to each school's goal
- Should we come up with a model that improves effectiveness of legal teaching? introductory course combined with a follow up specialized courses

Group 4

- Aims of law faculty must respond to needs of stakeholders – public services, semi-governmental bodies, alumnus, NGOs, potential employers, judiciary, chambers?
- Curriculum design – focus on basic expectation; what our graduates should possess: knowledge, skills and attitude.
- Learners should be given problems to solve on the basis of legal reasoning.
- Learning methods should incorporate periods of internship, opportunity for creative writing, mooted, debates,
- Methods of assessment – continuous assessment or end-of-course assessment? – assessment should be lighter on students – make them less concerned about having to learn and they will consequently enjoy learning more?

Prof. Vitit

- Care, Courage and Competence. Collaboration should be added into the 3C basket. Various angles of collaboration that we can look forward to.
- Basic question is, who, for whom, how, by what means, to what ends, with what follow-ups. These questions cut across the discussion of every group on how to achieve uniformity.
- We may like to call it Diversity in Uniformity and Uniformity in Diversity?
- Sharing best practices, sharing personnel's and know-hows, bearing in mind the purposes mentioned above.
- We are revisiting the traditional dichotomy, consisting of:
 - academia or practice i.e. liberal or vocational ? The aims of each school need to be shared. Curriculum is claimed to achieve certain proportion of these aims but can this proportion be accurately measurable after all?
 - Ethical and materials: code of conduct signed by students? – if we are advocating students code of conduct, we must also take it from an angle of professors -> lecturer code of conduct also? Learning by doing. How can legal scholarship encourage learning by doing? Summer camps?
 - Should we have special, specific courses, or General ? With flexibility in the content of the course, we can do both. Current experience – incorporating ASEAN materials into existing curriculum.
 - Revolving process or static process. Exchanges between staff?
- The challenges we are facing can be boiled down to one question: How to strike a balance between the locals and the internationals. We are not targeting only knowledge, but attitude and skills and behavior ?
- Final note on the importance of linguistic skills. “Going west” doesn't necessarily mean that we have to adopt European materials and languages – what about Arabic?

- Best practices : what are the best practices? What type of knowledge, skills and attitude? How do we measure these attributes? Do we see our paths to this goal as a continuous process or we just assess the end product? When we talk of minimum standards, do we take into account available resources? How do we offer opportunities to the least endowed? How you honor your obligation owed to the legal scholar community by offering assistance to others? How can our institutions move towards the minimum standard we set?
- How do you formulate benchmark? Is benchmark necessary? Do we take into account local circumstances?
- Creating networks.
- Diversity – not limited to just about studying legal pluralism.
- Asia – is every divergent: we should not focus on ranking.
 - basic standard: rigorous entry standards.
 - Student exchanges.
- How can you be sure that the minimum standard would not amount to oversimplification? Large markets are able to absorb almost all law graduates anyway?

Second Session:

Group 1

- First step of collaboration: free to decide whether to collaborate and to what degree. Give reform: training program for curriculum.
- More profound collaboration by way of more participation: curriculum includes a number of subject matters which can be touched with the same norms and teaching method in one country and others.
- Working committee

Group 2

- diverse experience enriching administration
- for funding for researchers
- curriculum and methods
- pilot project
- summer school for student involving community service (could be credited) involve collaboration form school
- funding, university funding, government fund
- bi direction of activities

Group 3

Start with general thought: international law school=comprehensive faculty to promote

- Membership: it is beneficial to all if we make available to all countries to be members. Maybe offer discounted membership for law schools who cannot afford and let them know the privileges

- Funding challenges: if they cannot fund, maybe an observer position? Rather than participants.
- ILS sets up a database or resource center: serves as first have data available to all members on curriculum framework of law schools, teaching methods,
- evaluation of faculties and schools
- data bank can track development of member schools and publish them
- members can contribute to the data bank their research
- How to use the resource?
 - IALS should offer crediting body to the member or independent body and look at each school and suggest better practices by analyzing curriculum methods, staff...making them an authority to the members.
- Play as a platform as designation of information, highlight all meaningful activities, identify/create internship opportunity for member to connect each member. Try to create easier access legal practice in other jurisdiction
 - the ideal is legal practice without border
- Membership: we all always try to expand. In regards of discount, we do have a discount and the fee is very reasonable. At the founding meeting, there's a feeling that people should pay something to make them see the value of being a member.
- process:
 - start understanding that all members will sign recognizing IALS as legal organization

Group 4

- logic: goal is to improve
- main value: to share
- Endorsing shared curriculum but skeptical about one model of curriculum but instead should come up with some core ideas of what a curriculum should have.
- Should have grading to encourage them to improve instead of ranking but has an issue with the process. How to do it, the length of the process, money. Quality control of the ranking process.
- data base
- IALS journal? The purpose is share best practice and legal education might be interesting for next year.

Conclusion

Defining what common values are before establishing international standards we should know what local standards are. One input that we need to establish at the national and regional level, I am really concerned with IALS but are we losing international flavor by focusing on regional values. Or do we perhaps start at regional level??

