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Lessons Learned in Buenos Aires



Conference Delegates – Buenos Aires – April 2011

The association held its 7th conference in Buenos Aires, Argentina from April 13th – 15th, 2011. There were many common trends that emerged from the plenary sessions and small group discussions on Teaching, Legal Education and Strategic Planning. This was consistent across the diversity of legal regimes and traditions. The conversations covered the shortcomings of the formalistic approach to legal teaching in the civil law tradition; memorization of rules and statutes, little emphasis on critical legal reasoning.

Main Member Issues

Thus the four main issues raised by members during the two-day conference were:

1. Mainstreaming social justice issues – gender, poverty, human rights
2. Producing more humanistic lawyers
3. Increasing Interdisciplinary approaches
4. Increasing international/global outlook in our teaching and curriculum

Members Suggestions for IALS Role:

1. Put out statements/guidelines/values as minimum standards for all law schools in relation to gender, social justice and human rights issues
2. Facilitate learning from each other by uploading the experiences of other law schools or law teachers who have initiated this process of mainstreaming - their mistakes and successes which will then become a template of sorts for the others
3. Recognize and reward the efforts of those who have initiated and practiced the IALS values and goals.



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Featured Paper - Accreditation: Jay Conison

The Architecture of Accreditation, by Dean Jay Conison (Valparaiso University, USA), offers a new analysis of accreditation systems for law schools. According to Dean Conison, these accreditation systems can be classified in three dimensions. One dimension is *purpose of accreditation*, where the purpose of a given system will relate to either quality of program or quality of outcomes. The

second dimension consists of *types of accreditation norms* used to achieve these purposes. The third dimension consists of *degree of regulation*, which is a matter of prescriptiveness or extensiveness of regulation. The current U.S. accreditation system, for example, has a dominant focus on current J.D. program quality; uses mainly (what the author calls) process-quality norms and secondarily power-allocation and self-determination norms; and adopts a moderate degree of regulatory oversight. The article will be published in mid-July at 96 Iowa L. Rev. 1515 (2011), and will be available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1767004 or from the author at jay.conison@valpo.edu.



Featured Program: Innovative Legal Education in Brazil: Oscar Vilhena Vieira

Dean Oscar Vilhena Vieira heads up an innovative Brazilian law school exploring new approaches to legal education. Founded in 1944 with the main purpose of training qualified personnel for the administration of Brazil's public and private sectors, Fundação Getulio Vargas has pushed the boundaries of teaching and advanced into the research and information areas, becoming a Center of quality and excellence. A pioneer in the education field, Fundação Getulio Vargas is considered a reference not only for its undergraduate, master's and doctorate programs and for its research, but also for its constant search for modernity and innovation. It has law schools in Sao Paulo and Rio de Janeiro.



The Escola de Direito de Sao Paulo – Direito GV was founded on July 1, 2002 in Sao Paulo, Brazil by the Fundacao Getulio Vargas. DIREITO GV's academic enterprise is based on three major characteristics. First, it adopted an innovative student and ability-centered approach. Since the first day it fosters constant student participation, leading them to develop their own autonomous ways to study law. Moving beyond the

memory-based techniques of traditional pedagogy, DIREITO GV'S methodology tries to enable students to continuously adjust their theoretical bases as required in a world of fast-changing law and society. Cases, problems, exercises, role-playing and legal clinics are some of the techniques employed to develop abilities usually not explored in lecture-style classes.

The second characteristic of its program is related to the organization of the curriculum. Instead of the traditional course curriculum which mirrors the major statutes of the Brazilian Codes, most of its courses are problem based requiring a multidisciplinary approach.

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The last element is DIREITO GV commitment to contribute to the development of Brazilian society, by creating a law school that could offer new legal and institutional responses to Brazil's emergence as a pivotal player on the global stage.



Perhaps the best example of this new teaching model is the "inclusive business clinic". This clinic offered to fourth year students deals with the problem of trash collectors in São Paulo. As is common in most megalopolis in developing countries, a large number of marginalized individuals are engaged in collecting disposable materials to eke out a meager existence. These people act in the informal market, under extremely poor conditions, competing in many

circumstances with large companies acting under city contracts. They are unorganized, and many times exploited by intermediary recyclers.

This problem is both global and universal, giving the similarity of this phenomenon in cities like Buenos Aires, Mumbai, and Lagos. The challenge for our students is to assist these workers and, at the same time, assist in the recycling of waste in the city. This clinic provides the opportunity to our students to acquire several important professional skills, including attorney- client relations, public advocacy in administrative and legislative settings, as well as contract drafting. It also permits them to enrich their knowledge in several disciplines such as administrative, corporation, international and environmental law. It also provides the student with valuable insights beyond the doctrinal subject matter by engaging them in excruciating situations of human rights and labor law violations. Besides being a rich multidisciplinary pedagogical experience, it also allows the students to understand the social consequences of Brazil's development model and eventually, enables them to contribute to overcome some of its undesirable consequences.



Buenos Aires Conference (continued from page 1)

On the content side many expressed the need to incorporate issues and approaches in legal curricula ranging from gender-and-the-law to law-and- economics into core courses.

An example of integration of social justice issues and ethics was shown by the Law School of the Fundacao Getulio Vargas (Brazil). Their approach to problem-solving and the role of law to collaborate with less privileged communities, such as those who work in the streets on trash collection, using the clinical method, is relevant to many schools today.

This speaks of the need for an interdisciplinary approach, whether for courtroom lawyers or those who will be in business transactions or part of



Mohd Akram bin Shair Mohamed

International Islamic University Malaysia
Ahmad Ibrahim Kulliyah of Laws Malaysia

Valentina Smorgunova

Herzen State Pedagogical University of Russia
Russia

Cheng Han Tan

National University of Singapore Faculty of Law
Singapore

Amy Tsanga

University of Zimbabwe Faculty of Law
Zimbabwe

Fernando Villarreal-Gonda

Free Faculty of Law of Monterrey
Mexico

Teaching law is no longer a parochial or cloistered exercise within domestic realms. Although globalization has been present in law from conquest and colonization, it has surfaced to a greater level through humanitarian and international human rights law.

In addition, international investment and arbitration are also moving forces for internationalization of law school curricula. Globalization means more than looking to the global north, it involves looking south and west and among neighbors.

Curricular reforms are occurring with greater degrees of urgency, while tradition also resists such change. Teaching competencies and skills, methods of accreditation, and whether accreditation is still only a domestic issue, were other concerns raised.



Tango Night – courtesy of LSAC

CHALLENGES:

1. What do we teach? When? And How?
2. How do we take our colleagues along with us in this project?
3. Privatization and withdrawal of public funding means pressures to prepare students for the market, concentrating only on the skills and knowledge required for practice. Students become clients as they pay for their education. How do we then teach them to be more humanistic lawyers with not just professional ethics but to practice value based lawyering?

OPPORTUNITIES:

1. Our teaching has to be more student-centered. The lecture method may not best achieve the 4 goals above. Members of the IALS have the opportunity to learn from others and adjust their pedagogy. What we teach affects how we teach. The Socratic method, and the clinical method are among the best if we want our students to be involved, to think, question and analyse what they are learning. The Fundacao Getulio Vargas model may be valuable to many of our members. In addition, members suggested that new legal issues, such as gender rights, should be treated as everyday ordinary issues to be incorporated into the core curriculum of in the first two years. More theoretical matters should be taught for the third year and onwards. In addition, legal pluralism and the language we teach are also important.
2. How do we take our colleagues on board this project to get the greatest cooperation and support for the success of this project? Engage them by organizing seminars, preparing teaching materials and templates, and providing incentives and opportunities.
3. Interdisciplinarity can be achieved through joint degree programmes, such as a law degree combined with a business, social welfare, medicine, or social sciences degree. In addition, inviting professors from these disciplines to co-teach, with law professors to create an interdisciplinary course. We can also do the extra work, reading and incorporating new material into our teaching methods.
4. Privatisation is a challenge that can be converted into an opportunity as there is increased demand for clinical or experiential learning. While this is the best way to expose our students to the realities around them, be it poverty, corruption, violence against women or any other social justice or human rights issues, clinics provide a method for exposing clients and benefiting the public though clinics in commercial, family, labour or international law.

OTHER SUGGESTIONS:

1. Declaration at the end of an IALS conference – where do we go from here? Reflecting the values and guidelines
2. Create Study groups to carry on the discussions on various focus areas by setting up listserves or more interactive website
3. Competition for students and faculty to spread the IALS values and to reward the work done.
4. Review Membership structure – add value as law schools look at cost/benefit



Luncheon Discussion – Hope to see you at our next conference.

About International Association of Law Schools

The International Association of Law Schools (IALS) is a non-profit organization founded in 2005 with a membership of educational institutions, associations, and legal educators from throughout the world. Its members are committed to the proposition that the quality of legal education in any society is improved when students learn about other cultures and legal systems and the diverse approaches to solving legal problems employed in those legal systems.