





Georgetown Law *Goes Global*

The Center for Transnational Legal Studies Opens in London
— and Legal Education May Never Be the Same

By Anne Cassidy



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Aaron Davis (L'09), a Georgetown 3L who plans to be a patent attorney, knows exactly when global law changed his life. It was the first assignment of his legal career — to draft a patent for a Dutch company — and it convinced him that international issues are crucial to his future. So Davis is spending a semester at the Center for Transnational Legal Studies, a unique experiment in legal education that opened this fall in London. He believes that immersing himself in such classes as World Trade Law and Transnational Legal Theory — taught by professors from around the world — will serve him well no matter where he ends up.

He's not alone. Carolina Fusco Ferraz de Oliveira came to CTLS from the University of São Paulo in Brazil because she hopes some day to be a teacher of law "and the British legal system is part of my research interests." Adam Taylor (L'09) also wants an international focus — even in his chosen specialty of communications law. "There's just so much transnational stuff now, with contract and satellite issues. I know that CTLS will help me . . . even if I'm not living in another country."

Davis, Ferraz de Oliveira, Taylor and other CTLS students are on the cutting edge of legal education. "We're creating a new kind of learning space," says Dean T. Alexander Aleinikoff, an immigration scholar who has made transnational law

one of his top priorities at Georgetown and who came up with the original concept of CTLS. "This is the wave of the future," Aleinikoff says, "a new way of thinking about pedagogy and scholarship."

In taking the lead on CTLS, Georgetown Law is striving for a marriage of form — a truly global campus with professors and students from all over the world — with function — the study of international, transnational and comparative law.

The school, which is housed in the heart of legal London, brings together some of the most prestigious names in legal education. Founding schools, in addition to Georgetown, include the Free University of Berlin, Hebrew University of Jerusalem, King's College London, the National University of Singapore, University of Fribourg, University of Melbourne, University of São Paulo, University of Turin and University of Toronto.

"One of the things that's struck me, given the challenges of bringing together new faculty and courses, is how much good will and energy is brought to the enterprise by each of the partner schools," says Professor Nina Pillard, who along with Professor David Cole, is CTLS faculty co-director. (Cole and Pillard will serve for a year; other professors stay for a semester.)

Each founding school is sending one or two professors and from five to 10 students per semester (Georgetown Law will send

up to 20) for a total enrollment of approximately 50 per term the first year. Students earn credits toward graduation from their home institutions, and many classes are co-taught. CTLS seems a vision of global harmony, as inevitable as the future. But it has been years in the making, and getting it off the ground has raised a host of questions about the nature and future of legal education.

HOW IT BEGAN

The idea of a transnational legal center had long intrigued Aleinikoff, and shortly after he became dean in 2004, he broached the idea to Professor Barry Carter, then director of international and transnational programs. Carter took Aleinikoff's idea and turned it into a concept paper and, later, into formal agreements. Aleinikoff and Carter, whose contacts overseas are both broad and deep, sought the support of like-minded colleagues.

Mayo Moran, dean of the University of Toronto Law School, was an early convert. "I think I was dean for about 15 minutes when I got this call from Alex, and he said, 'Look, we're thinking of doing this. Would you be interested?' And I just thought it was a fantastic idea," Moran says. Dean Yoav Dotan of the Hebrew University of Jerusalem School of Law was another early supporter. "I instantly thought it was an interesting idea," he says.



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Eventually, from a list of many possible partners, nine other founding schools emerged. But first there were meetings — including one on the Law Center campus during a Valentine’s Day snowstorm in 2007. Classes were cancelled that day, Carter remembers, but the visitors arrived ahead of the storm so the meeting was held. “We sat at the table and tried to figure out, what’s the calendar, what kind of courses should we teach? And by the way, who are the students? In Europe and Latin America, they start studying law as undergrads, at age 18.” (That problem was eventually solved by enrolling students who were prepared for advanced legal studies, 2Ls or 3Ls in the United States.)

One of the biggest questions was where to house the Center. Some people pushed for Washington, D.C. It’s an international city and Georgetown Law’s home, after all. But Aleinikoff and others believed the new school should be abroad. “You don’t begin to challenge your fundamental assumptions until you’re outside the country,” he says. The Hague was a strong contender at one point. Germany, Switzerland and China were all possibilities. London won out, says Aleinikoff, because “it can make a pretty good claim to being the capital of the legal world at this point.”

As the idea of CTLS evolved, “it became more collaborative and we invited

more schools,” Aleinikoff says. “When we had too many common law schools, we invited civil law schools. It grew organically. And every time we added a school, we added another idea. It’s almost like a wiki site in a way. . . . It’s well beyond my initial conception at this point.”

THE LAWYER OF THE FUTURE

In many ways, CTLS is long overdue. “I don’t think there is any other academic profession that resists globalization as much as law,” Dotan says. Look at curriculums in chemistry, mathematics or agriculture, he says, and the course of studies at Georgetown or Hebrew University would be very similar. “But the curriculum of a bachelor of laws would be very different in these schools,” he notes. This is because the task of lawyers has, until the last few decades, been primarily to manage a national legal system. But the times are changing.

“I think the global lawyer of the future is already here. At firms like Skadden, where we have multiple offices across many jurisdictions, we have been practicing global law for years,” says Lynn Hiestand (F’75, L’80), a Georgetown Law Board of Visitors member whose work in corporate restructuring for Skadden Arps involves many cross-border deals. As a London resident and chair of Georgetown’s Board of Visitors’ Committee on International

Affairs, Hiestand has been instrumental in getting CTLS up and running in her adopted city. She knows there’s a need: When she went to school, international law was “trade treaties, that sort of thing — not international law as I practice it now, where lawyers are invariably encountering situations where the laws of more than one country are involved.”

Lee Miller (B’69, L’72), co-CEO of DLA Piper, agrees. “We merged with DLA overseas three years ago and we also merged with Gray Cary in the U.S. Today we have 3,750 lawyers. I think we’re the largest law firm in the world. . . . And because of the global economic markets, we’re in every financial center around the world.” No wonder that Miller, who’s also on the visiting board of Georgetown Law, gave an enthusiastic thumbs-up to the Center, and he and his co-CEO, Nigel Knowles, facilitated the search for space in legal London. “Our clients have really led us into the global market,” Miller says. He thinks CTLS can “breed a better brand of global lawyers.”

Kevin Conry (L’86), Georgetown Law’s vice president for strategic development and external affairs, found great support for CTLS from Hiestand, Miller and other alumni, and from such firms as DLA Piper, Skadden Arps, and Howrey LLP. Principals there embraced the idea of global legal



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education, as did Ted Burke (L'86), CEO of Freshfields Bruckhaus Deringer.

Robert Ruyak (L'74), managing partner and CEO of Howrey and incoming Georgetown Board of Visitors chair, says his firm has opened six offices abroad during the last seven years. "Just as we're establishing a transnational presence, it's great to know that Georgetown Law is preparing to produce transnational lawyers," he says.

In fact, it's hard to think of an area of law where transnational issues are not relevant. "I suppose if you were talking about a criminal case in a state, arguably it's up to local law," Aleinikoff says. "But even there, what role would international human rights law play in defining the constitutionality of the penalties imposed or the form of detention?" Fifty years ago, legal education shifted from primarily state- to nation-based, Aleinikoff says, and now it's experiencing a similar transformation — only this time from national to global.

A CURRICULUM LIKE NO OTHER

When Aaron Davis thinks about transnational law, he remembers the energy law seminar he took last fall at Georgetown. "There were a lot of LL.M.s in that class trained in different legal traditions and we were learning from adjunct professors with significant experience practicing law and working in industry who also brought different perspectives to the class," he says.

It's this kind of perspective-altering experience that professors are hoping for at CTLS. When asked what she thinks the Center will do for students, Professor Carrie Menkel-Meadow, who conducted an introductory exercise at CTLS, talked about Thomas Friedman's book *From Beirut to Jerusalem*. Friedman wrote about his experiences in graduate school in England, where students from all over the world and across many religious and national divides gathered at "high table" (dinner), and how he hoped that this new generation of students could remake the world in peace. "This is the kind of hope and dream I have for CTLS," says Menkel-Meadow, who (along with Professor Franz Werro of Georgetown Law and the University of Fribourg in Switzerland) will be a CTLS faculty director next year.

But planning a curriculum for such a disparate group wasn't easy. "You might have students whose experience is taking oral examinations only or students who are used to writing research papers and legal memos," Pillard says, naming just one of many differences among students who represent five continents and ten nations.

Some solutions were hashed out at a meeting held last summer at Georgetown's McGhee Center in the seacoast town of Alanya, Turkey. There, despite a host of technological challenges (including a lack of land-line phones, which meant that cell phone speakers were pressed into service

for conference calls), professors were in a particularly "inventive and collaborative mood," Pillard says. They drafted a mission statement, worked out a grading system that would dovetail with the very different systems of the various institutions, fine-tuned the co-teaching arrangements and talked about what the core course should include.

This required course, which is taught first semester by Arnulf Becker Lorca of King's College London and second semester by Hebrew University Professor Alon Harel, is "a sort of spine" that connects to all the other classes and gives students a way to understand the big debates in transnational law, Pillard says. The content and teachers will rotate each semester, she adds, and the resulting legal scholarship will form a "signature CTLS corpus."

Because nothing quite like CTLS has ever been attempted before, there's considerable interest in the research it will produce. Carter, who's an editorial adviser for his publisher, Kluwer Law International/Aspen, says editors there "would love to talk with anyone who adapts course material for the Center, because this is where legal education is going. They don't want to produce books just for the American or European market, because there are areas of the law now which are totally transnational."

In fact, University of Toronto Professor Kerry Rittich has just such a thought in mind for the Globalization, Law and Gover-



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nance class she's co-teaching at CTLS with National University of Singapore Professor Muthucumaraswamy Sornarajah. "He and I are already talking about teaching the course again in the future and coming up with teaching materials that could be published. We have no end of ideas."

Rittich says she's been impressed so far by the collaborative, pioneering spirit of the faculty, even though "I think everyone is aware that we're guinea pigs," she says. "But every single one of us finds this a genuinely exciting thing, to be able to work and talk with colleagues from different legal traditions."

Faculty Co-director David Cole agrees. "Just having lunch with a scholar from another legal culture is hugely eye-opening," he says. "If you're willing to sit with somebody and have an exchange of ideas, you get so much more out of it." Cole will co-teach National Security and Human Rights in Transnational and Comparative Perspective next spring with Ireland's Colm O'Kinneide and, together with Pillard, is organizing weekly colloquia where faculty and other scholars from around the world present papers on international subjects. Aleinikoff sees this scholarly cross-fertilization as one of the most important aspects of CTLS.

LAW IN TRANSLATION

English is widely considered the language of international law, and it will be the lingua franca of CTLS. But the extent to which other tongues are spoken, written and used is still a matter of debate and was a subject of lively discussion at the Alanya meeting.

"I think it's crucial for American legal students to understand that the world doesn't end at their borders and that there is a world out there that has other legal cultures and ways of dealing with law. That seems to be one of the possibilities this Center should offer," says Werro, who as a professor of law at both Georgetown and the University of Fribourg is uniquely positioned to make this statement. "I think what's important to understand is the diversity of cultures and diversity of legal systems. Once we translate these legal systems, these rules, into English, we betray them to some extent."

National University of Singapore Professor Gary Bell, who will teach spring semester at CTLS, knows how the law can lose a little in translation. Bell grew up speaking French in Quebec City, was educated in both civil and common law at McGill University and is now teaching Indonesian law. He realizes that synthesizing faculty who practice both civil and common law is itself a challenge. "Let's say I've been raised in the civil system and I think that the codes and laws and statutes come first and cases come

a distant second. American education and common law education says you read cases. It's a completely different approach, so co-teaching a course on civil and common law is very challenging."

Bell tells the story of how he and a German colleague, both trained in civil law and neither a native English speaker, were discussing an issue in contract law. "He kept talking to me about induced mistakes. I was talking to him about errors caused by fraud. ... We're looking at each other and we say, 'We're not sure we're talking about the same thing.' I didn't speak German and he didn't speak French. We were stuck thinking in English about the civil law. Finally I said to him, 'Dolus?' It's a Latin word for what we were talking about. He said, 'Yes, dolus! Now I know what you mean.' ... Until we went back to Latin, we didn't understand each other. A lot of the young people today in civil law don't know Latin, which is a major problem for us. We don't have a common language. The common law has English. ... The only language the civil law had in common was Latin and we don't have that now."

NUTS AND BOLTS

It's these sorts of comparative law "ah-hah!" moments that excite the CTLS faculty. Are there a few rough edges? Sure, but that only makes the place more alive with possibilities.



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No one is more aware of the possibilities — and the rough edges — than Assistant Dean Scott Foster, administrative director of CTLS. Foster began commuting to London from Georgetown Law's Washington campus last winter to prepare the Center, its meeting spaces and offices in Swan House, and additional classrooms at Birkbeck College and at King's College London for the late August opening. With senior administrators Kevin Conry and Linda Davidson, the Law Center's chief financial officer, and with university counsel, he helped establish CTLS as a new Georgetown/U.K. educational entity, worked with Georgetown's information and systems technology department to plan for computing and communication needs, made sure students had visas and housing, and worked with administrators at partner schools to create an academic calendar, a detailed schedule and course registration system. He takes care of the many administrative details of running the Center.

Starting a new school is a complicated endeavor, of course, especially when it involves 10 different legal institutions. At this point Georgetown Law is providing the administrative help and shouldering a large share of the operating costs. Founding members are making a significant financial contribution as well as sending one or two professors per semester. Conry is pleased that CTLS is proving to be such a valid fundraiser on its own, with support from

a variety of firms and individuals. Some schools, including Sciences Po in France, Bucerius in Germany and ESADE in Barcelona, have become affiliated members of CTLS and send from one to three students per semester who pay tuition directly to the Center.

Foster has had advice from Londoners on the ground, including Yvonne Burt (L'80), John McInespie (L'93), Kate Nealon (L'75) and Edward Nalbantian (C'77, L'82). Peggy Stone (I'76, L'83), the registrar at the University of London's College of Pharmacy, gave students a cross-cultural survival guide program at the beginning of the term. Stone, who's worked with foreign students for years, knows that living abroad can be an adjustment. At first everything is wonderful, she says, but after a few weeks, London can feel crowded and small. "It's a huge place, but the streets are tiny because they go back 1000 years."

What makes CTLS so unusual, though, is that, apart from the British students (and there aren't any first term), everyone is living abroad. That equality may be one of the program's greatest strengths. At CTLS, every faculty member is visiting, Cole says. Because the Center is no one's home, it's everyone's. "Many schools have study-abroad programs and many have embedded their own people in another school. But they haven't put people from 10 different institutions together in a new school," Conry says.

A GENUINE EXPERIMENT

On October 28, CTLS will celebrate with an official opening ceremony featuring representatives of all the founding and affiliated schools along with such legal luminaries as Baroness Brenda Hale, the first woman to serve on Britain's highest court. There will be panel discussions and plenty of time for transcontinental mingling. And undoubtedly, there will be talk of what the future holds for this very different kind of academic institution.

At this point, the Center is operating as a three-year pilot program. The agreement that was signed by the founding schools is in effect until June 2011. After that — and even before — there is much that can change. Several CTLS faculty members say they hope there will be a greater diversity of languages (spoken, written and taught) as the Center comes into its own. Bell says he hopes that CTLS will become even more international as it grows, with schools from Africa and another (besides his own, the National University of Singapore) that teaches Islamic law. Pillard also anticipates a focus in coming years on integrating more faculty and students from developing nations.

It's no stretch of the imagination to envision a busy continuing legal education program with an international focus, a venue for conferences on global topics, a center for the teaching of legal English



CENTER FOR TRANSNATIONAL LEGAL STUDIES LONDON

A CTLS SAMPLER

and legal translation. Conry says he can imagine a certificate program or LL.M. program eventually at the Center. “My own personal thought is that if this is successful, we might open an Asian counterpart in five years or so,” he adds. Aleinikoff wants a strong pro-bono focus for tackling some of the world’s great problems. “In other words, this should not just be a center that is educating students for large law firms in a global practice, but a place to work on major issues like poverty and justice.”

What is certain is CTLS is just beginning its adventure in global legal education, and there is much to learn. “To a large extent we are shooting in the dark,” says Dotan, the law dean of the Hebrew University of Jerusalem. It will not be easy to change the course of legal education, he says. But it is necessary. “If we don’t deal with this challenge today, if we deal with it 10 years from now, the conditions will be much less appealing. What I like about CTLS is that it is a genuine experiment in global law.”

HERE ARE SOME OF THE CLASSES OFFERED AT THE CENTER FOR TRANSNATIONAL LEGAL STUDIES THIS YEAR. MANY ARE CO-
TAUGHT; ALL OF THEM OFFER STUDENTS A GLOBAL PERSPECTIVE
ON THE LAW.

Global Practice Exercise
Core Course: Transnational Legal Theory
Transnational Law Colloquium
The Law of Work in the Global Economy
Transnational Issues in Art, Culture and Law
The Theory and Practice of Copyright Law: Comparative and Transnational Aspects
International Investment Law
Globalization, Governance and Justice
Contract Theory in Comparative Perspective
World Trade Law
Dimensions of Private Law
European Union Law I
Comparative Legal Traditions: Sustainable Diversity in Law
National Security and Human Rights in Transnational and Comparative Perspective
Commercial Contracts in a Global Economy: From National to Transnational and
International Law
European Consumer Law: Denationalization in the Field of Consumer Protection
International Legal Institutions
International Humanitarian Law
Regulation and Development
International Criminal Law
Comparative Privacy Law
European Union Antitrust Law