International News

“Our mission is to educate diverse, talented students to be responsible leaders in a rapidly changing, interdependent world, to prepare graduates who will be ethical advocates for justice and the rule of law....”

(School of Law Mission Statement)

May 2011

School of Law News, Notes and Events

Study Abroad

Summer Programs

Beijing
May 25-June 17, 2011

Rome
June 18-July 15, 2011

Strasbourg, France
July 17-July 22, 2011

In This Issue: Vis Moot Team in Vienna (3), International Law Courses for fall (5), Loyola Law Journal Conference: Hate Speech and International Law (2), Antitrust Colloquium talk on EU law (2), Congratulations to the International Law Summer Stipend Recipients (4)

Vis Moot: Hong Kong
By Matthew Levitt

Taking off April 1, Loyola’s 2011 Willem C. Vis (East) International Commercial Arbitration Moot team left for the annual competition in Hong Kong, China for a week of friendship and competition. The team was comprised of Michael Eurich, Benjamin Haskin, Daniel Heidtke and Matthew Levitt. The competition had 80 teams from around the world, all gathered together at the City University of Hong Kong for a four-session round-robin competition and then a playoff involving the top 16 teams. While the team did not advance to the playoff round, they had a strong showing and left with a sense of pride and accomplishment. In the round robin portion of the tournament, the Loyola team members competed against Rajiv Gandhi National University of India, Yonsei University of South Korea, Singapore Management University and Amity Law School of India.

Outside of the competition, the team members spent 10 days exploring Hong Kong and all the city has to offer. Between taking in views of Victoria Harbor, traveling to Victoria Peak on Hong Kong Island, experiencing the local cuisine and haggling over merchandise with street vendors, the team had a great time making new friends and seeing Hong Kong.

The trip was a culmination of nearly six months of hard work. All members took part in the Fall International Commercial Arbitration and CISG course with Prof. Bill Davis, which involved studying the CISG and then applying that new knowledge to the moot problem released October 1, 2010. The teams submitted a brief, then received a brief from a competing team, and submitted a response to that team. Those briefs were followed by weeks of practice oral arguments in order to prepare for the competition in Hong Kong.

In the end, the team finished in the top half of all teams after oral arguments. At the awards ceremony, Loyola was identified as having written one of the best Respondent Briefs submitted to the competition, receiving an honorable mention in that category. The team had a phenomenal experience throughout the entire process and are indebted to all of those that assisted them in preparing along the way. In particular, the team would like to thank their coach, John Calhoun, Professor Margaret Moses, tutors Brittany Kubes and Melissa Bocker, as well as the other class participants and professors who assisted with brief and oral argument preparations.
Loyola Law Journal Conference: Hate Speech, Incitement, and Genocide

By: Lauren Sarkesian

How can we regulate hate speech through international law? And when does this regulation begin to infringe upon our constitutional right to free speech in America? These were among the questions discussed by three panels of international and constitutional law scholars during the Loyola Law Journal’s annual Conference, held on Friday, April 8. Co-sponsored by Professor Tsesis and Kenneth Marcus of The Anti-Semitism Initiative, the conference brought together internationally-recognized scholars to discuss hate speech, incitement, and genocide around the world today.

The first panel, Developing a Legal Structure for Incitement and Genocide, contemplated methods of controlling hate crime and incitement, which can—and often does—lead to eventual genocide. Professor Karen Eltis pointed out that in the realm of the internet, hatred and denial can stand on par with truth, so it is important for courts, and states generally, to recognize what is the truth. Next, Professor Mary Anne Franks spoke out about gender and the genocidal script, asking, “what version of American free speech do we want to put forward?” Professor Franks, the conference’s free speech advocate, reminded us that we must maintain the marketplace of ideas, and demonstrated the difficulty of choosing a government or body to regulate that marketplace. Finally, Professor Gregory Gordon drew many questions from the crowd with his proposal that we create a new area of liability in international law for incitement to genocide, an inchoate crime.

The second panel covered Hate Speech and Genocide in Africa and the Middle East, and focused on the psychological effects of hate speech. Conference co-sponsor Kenneth Marcus presented his theory dubbed “Human Rights Inversion”: accusations that parallel the perpetrator’s intent (i.e. accusing torture victims of being torturers) are indicia of criminal intent and should also be regulated as hate speech, as they are equally inciting. Additionally, Professor Gregory Stanton advocated for earlier intervention in the hate speech-to-genocide cycle, noting both that prevention is an emerging norm in international law, and that such prevention would not conflict with the American right to free speech.

The one-day conference ended with an interesting discussion of Free Speech and Equality in the Internet Age, which left the audience abuzz. Cyber law scholar Joel Reidenberg spoke of internet hate speech as a “viral threat” and argued that this not only needs regulation, but also needs regulation tailored specifically in the online context. Professor Reidenberg used Google to demonstrate how easily search terms can be used to perpetuate hatred: type in “Jew” to your search engine, for example, and the anti-Semitic jewwatch.com will be a top suggestion—and hit. Closing out the conference, Professor Reidenberg argued that the state use technological mechanisms to detect and intervene in order to help cut off this cycle of hate, incitement, and genocide.

For more information on these topics, please look for the Law Journal’s Special Symposium Issue, which will come out in December 2011 and include articles from many of the conference’s speakers.

11th Annual Antitrust Colloquium

On Friday, April 29, Loyola’s Institute for Consumer Antitrust Studies hosted its 11th annual Antitrust Colloquium. The Colloquium featured scholars and professors of Antitrust law from all over the world. The most international paper was presented by Professor Ariel Katz of the University of Toronto to discuss the differences between European Union and US antitrust enforcement with respect to intellectual property rights. In his talk, “Beyond Refusals to Deal: Innovation, Intellectual Property and Competition Across the Atlantic,” he argued that the prevalent enforcement of “competition law” in the EU doesn’t evidence an EU preference for “competition” law over Intellectual Property, but rather it is in large part a result of the lack of EU jurisdiction on Intellectual Property issues (which is regulated by each member-state individually).
Vis Moot Court Team: Vienna

By Bradley Lorden

In April, Loyola’s International Commercial Arbitration team, comprised of Caroline Erol, Christine Hake, Bradley Lorden and Geoffrey Pariza, left for their competition in Vienna, Austria. Before arriving in Vienna, the team participated in a couple of pre-moot competitions to better prepare themselves for the final competition. The first pre-moot was held at the ICC headquarters in Paris, France. There were 16 teams at this mini competition and Loyola competed against schools from Buenos Aires, Moscow, Paris, and UC Berkeley. In our free time, the team rented some bikes to experience as much of the city as possible in the little time we had. Some of the sights we saw were the Eiffel tower, the Arc de Triomphe, Musée d’Orsay, Notre Dame and Sacré-Coeur. After Paris, the team took a train to Leuven, Belgium for another pre-competition. There, we competed against schools from Antwerp, Moscow, and New South Wales.

After months of rigorous preparation and two pre-moot competitions under our belts, the team took off for Vienna for the main event, the 18th annual Willem C. Vis International Commercial Arbitration Competition. The competition started off with an opening ceremony at the Vienna State Concert House, which was packed full with over 1000 students from 63 countries and 255 different schools. Over the next four days the team competed in the preliminary rounds against schools from East China, Rio De Janeiro, Aix-Marseilles, and El Salvador. Based on the scores from the preliminary rounds, the team advanced to the round of 64 for only the third time in Loyola history. Also, Geoffrey Pariza won an honorable mention award for best oralist. In the elimination rounds, Loyola lost a close matchup against the University of Florida. Although this marked the end of the competition for Loyola, it was an amazing experience for us and they were proud of our accomplishments. It was a once in a lifetime opportunity and we were grateful for all of the support we received along the way from their wonderful coach, Margaret Moses, and their tutors, Melissa Bocker and Brittany Kubes.
International Law Summer Stipend Recipients

- **Andrew Bashi**
  Andrew will be working at the Center for Constitutional Rights (CCR) in New York as an Ella Baker Summer Intern. The CCR plays a large role in the representation of Guantanamo Bay detainees and has fought relentlessly for their right to due process, filing countless cases on behalf of these men. The organization has challenged immigration sweeps, ghost detentions, and extraordinary rendition and pioneered the use of the Alien Tort Statute to prosecute human rights abuses committed abroad in U.S. courts.

- **Cynthia Herrera**
  Cynthia will be interning with the Immigrant Child Advocacy Project in Chicago. The mission of the Immigrant Child Advocacy Project (ICAP) is to promote the best interest of unaccompanied and separated immigrant, migrant, and refugee children in the U.S. ICAP recruits, trains, and supervises multilingual law and social work students who are assigned to serve as guardians *ad litem* for individual children in federal custody in Chicago. Cynthia will be serving as a Child Advocate for individual children and will also be doing policy research and advocacy on behalf of ICAP.

- **Suzanne Hilal**
  Suzanne will be interning with the National Democratic Institute (NDI) on the Northern Sudanese Constitution. NDI is a nonprofit, nonpartisan, nongovernmental organization that has supported democratic institutions and practices in every region of the world for more than two decades. Since its founding in 1983, NDI and its local partners have worked to establish and strengthen political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government. NDI, Khartoum has designed an inclusive constitutional review program that strengthens civil society while educating the public on constitutional concepts and the rule of law. The ultimate goal of the program is for Sudan to implement a new permanent constitution that represents the concerns of all Sudanese citizens.

- **Justin McDevitt**
  Last summer, Justin volunteered at Universidad Alberto Hurtado in Chile. At UAH Justin worked closely with Professors, helping to translate and edit articles, volunteered in local legal clinics , and helped prepare our Chilean exchange students by teaching a short class on the American legal system and helping them with their English proficiency. To learn more about Justin’s experience you can read his article in the International Newsletter found [here](#).

- **Ann Park**
  Ann will be working as an intern at the Child Protection Programme of UNICEF in Ghana, and will review international standards of child protection, produce concept notes, and compile case studies from other countries. UNICEF’s Child Protection Programme works directly with the Social Welfare and Justice sectors to ensure that a seamless response to child protection is available for Ghanaian children.

- **Jessica Sanchez**
  Jessica will be interning in Mexico City with the Gender Equality Program initiated by the Mexican Supreme Court. The goal of the Gender Equality Program is to sensitize and train those who administer justice in a gender perspective to improve access to justice, to foster work environments free from violence and discrimination, and build networks of collaboration within the government, academia, the legal forum, and civil society nationally and internationally.

- **Katie Smeenk**
  Katie Smeenk will be working for the International Center for Transitional Justice (ICTJ)- a non-profit organization that works to redress and prevent the most severe violations of human rights by confronting legacies of mass abuse and promoting accountability. Katie will be working closely with the organization's Africa Program Director on outreach and advocacy initiatives, as well as a research project on complementarity amongst international and traditional justice mechanisms.
International Certificate Courses for Fall 2011

- **Comparative Law 2591—(2)**
  This course introduces students to the purposes, methodologies and substance of comparative law as a legal discipline. The course will give students a grounding in the nature and the elements of the practice of law in different legal systems; develop in students an appreciation of the social, political, historical, economic and cultural factors that are reflected in various legal systems; and prepare students for the study of more specialized courses in the comparative law area. *(Haney)*

- **Immigration Law 3430—(3)**
  This course includes an examination of historical perspective; execution of the laws; the 1952 Act and its amendments; a review of the immigration system including judicial review and the naturalization and citizenship process; rights, privileges and obligations of aliens in the U.S.; ethics of legal practice in this area; the future of immigration law and policy. *(McCormick, Vinikoor)*

- **Int’l Business Transactions 1985—(3)**
  An introduction to the legal aspects of international business. The course emphasizes the legal problems associated with international trade in goods and foreign direct investment, and covers regulation at the private, national, and international levels, and also may include an extended treatment of international litigation problems and/or the role of the multinational enterprise in world business. *(Moses)*

- **International Commercial Arbitration and the CISG 3347—(3)**
  The course uses as a focus the Willem C. Vis International Moot Arbitration Competition. The Vis Moot is based on a problem governed by the CISG. In the spring, an oral competition is held in two different venues, Vienna and Hong Kong. Recently, Loyola has been able to send a different team of students to each of the venues. The course includes about three weeks of study of the CISG, and three weeks of study of international commercial arbitration, including basic laws and rules, how to draft an arbitration clause, how to choose an arbitrator, and how to participate in an arbitration as an advocate and as an arbitrator. *(Moses)*
  
  Permission Required

- **International Health Law 6260—(2/3)**
  This course introduces students to the structure and operation of the health systems of other countries. There are detailed discussions on how the law affects health care providers and consumers. *(Blum)*

- **International Law & Practice 2596—(3)**
  This course introduces the structure of the international legal system, examining the sources of international law, the role of international organizations, methods of dispute resolution and the international limits on national power. The course examines topics of substantive law, typically including the use of force and international human rights. Finally, the course examines how international law affects, and can be used in, domestic practice. *(Haney)*

- **Int’l Products Liability 6261—(2)**
  This course will focus on international tort issues, including products liability, medical malpractice, and the role of torts in terrorism. *(Khan)*

- **Introduction to the English Legal Profession 1990—(1)**
  This is a ten-week lecture series which explores a variety of issues pertaining to the English legal profession. It is a mandatory preparatory course for those students who have been selected to participate in the annual London Comparative Advocacy Program. As an elective course for other students, a final paper is required. Topics include the history of the common law, the development of the English legal profession, English civil and criminal procedure, the role of the European Union in English law, the modern legal profession and the history of London. *(Faught)*
  
  Permission Required

- **International Law Review**
  ILR is a semi-annual journal that focuses on topical issues in both international and comparative law. Loyola law students edit, manage, and publish the journal, including the yearly symposium issue in which established scholars and practitioners contribute articles focusing on a contemporary issue in international law.