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)

Volume 6, Issue 5

School of Law News, Notes and Events March 2012

**In This Issue:** London Comparative Advocacy (1-2), Comparative Law: Turkey (2-3), Comparative Law: Chile (4), New Wing-Tat Lee Chair Appointed (6)

**London Comparative Advocacy Program**

*By Joseph Cronin*

It is said that the United States and England are two countries separated by a common language. However, in the London Comparative Advocacy Program students learn they are two countries separated by a common legal tradition. From the very first semester of law school, every aspiring young lawyer—whether they want to or not—encounters the old English common law tradition. It is impossible to avoid names such as Lord Blackstone, with his still influential legal commentaries. Some may groan at reading cases from the 18th century by Lord so-and-so—although perhaps their groans are not as ineffably sad as the groans of Davies’ dying donkey *(See Davies v. Mann, 10 Mees & W. 545)*—but many such cases are cited by our own courts as standing for fundamental principles upon which our legal system is built. Our legal tradition is inexorably linked to its English common law origins.

In the London Comparative Advocacy Program, a close-knit group of about 15 to 20 students each year travels to London, the site where our legal tradition was born. Dean Faught has been conducting the program for over twenty years, and his extensive knowledge of all things English is only exceeded by his passion for the program. For approximately two weeks, students have the privilege of learning about the history of the common law from Dean Faught, Loyola Professors, and distinguished guests—while also staying in the heart of one of the world’s greatest cities. This past year, students were joined by Dean Kaufman and his family, Dean Jean Gaspardo, Professor Schoenberger and family, Dean Faught’s good friends Stuart Opdyke and Francis Wolfe, and many more.

The first week centers on the Inns of Court, which is where barristers in England traditionally came to learn and practice law. In America, all lawyers admitted to the bar may speak in court. However, until very recently, only barristers had audience in courts in England; solicitors, the other type of lawyer in the bifurcated English legal profession, are what we would traditionally think of as transactional lawyers. To this day, all barristers must be members of an Inn of Court. Students hear lectures from Professors and guests at the Middle Temple, one of the Inns of Court, on a wide-range of topics of English law and history.

During the second week the group visits the Old Bailey, which is where barristers in England traditionally came to learn and practice law. In America, all lawyers admitted to the bar may speak in court. However, until very recently, only barristers had audience in courts in England; solicitors, the other type of lawyer in the bifurcated English legal profession, are what we would traditionally think of as transactional lawyers. To this day, all barristers must be members of an Inn of Court. Students hear lectures from Professors and guests at the Middle Temple, one of the Inns of Court, on a wide-range of topics of English law and history.

Joe, not minding the gap.

*(continued on pg. 2)*
After the second week of visiting the court system, students have the privilege of speaking to an English judge at an Inn of Court. Students also have the fortunate opportunity to learn about the legislative side of the government with a personal tour of Parliament on the last day of the program.

Of course, the experience is not limited to tours and observation. There is plenty of time to enjoy local culture, see the historical sites, and unwind with good company at a pub in the evening. There are also day-trips offered, lead by different professors or guests on the trip. The day-trip to Canterbury, for instance, may have been one of my favorite parts of the trip. The Canterbury Cathedral—the one from Chaucer’s Canterbury Tales—is breathtaking.

The program is both an opportunity to learn about the English legal tradition—it is surprising in how many ways it differs from our American tradition—and to bond with fellow classmates and professors. Although one may forget what was said at a lecture in Middle Temple, nobody in the program will forget New Year’s at St. James Square, surrounded by people that come from across the world to celebrate, watching fireworks shoot from Big Ben and erupt above the Thames. The experience is more than an academic education—it is an experience that all participants will look back fondly on for the rest of their lives.

---

Turkey Comparative Law - Spring Break 2012

Amsterdam, Chicago, Tel Aviv, Rome; the Loyola law students on the spring break Comparative Law trip travelled from all different parts of the world to meet for a week together in Istanbul, Turkey. Over the course of one week, 15 second and third year law students and three Loyola faculty members rendezvoused in the old neighborhood of Sultanhamet. We celebrated our first night as a group together in Istanbul over a huge spread of flatbreads, chicken, lamb, vegetables, peppers and more. This quaint part of town was only moments away from Istanbul's famous Blue Mosque, the Islamic Arts Museum and the restaurant with the best baklava in the city.

The week of March 4th, 2012 was spent exploring— as interested tourists in one of the world's most fascinating cities, of course—but primarily as law students conducting field research. The entire group was in Istanbul with a mission: to spend the week we had together learning as much as we could from lawyers, students, aid workers, volunteers and anyone else that we might interview. With maps in hand and just a few Turkish phrases, we sought out sources across the country to learn about legal issues facing the Turkish people.

"One if by land and two if by sea"

Some groups went by boat: 3L Kathleen Tobin and I, joined fellow 3Ls Michael McClain and Olenka Waite-Wright for a ferry trip to the Asian side of the city for an afternoon at Özyeğin University Law School. There, we interviewed Dr. Osman Korkut Kanadoğlu, Professor of Constitutional Law, and Criminal Law Assistant Professor Murat Volkan Dülger about the freedom of speech laws in Turkey and the active prosecution of journalists. Meanwhile, Michael McClain and Olenka Waite-Wright interviewed Assistant Professor of Civil Law Ayse Nilay Şenol about human rights and discrimination as they researched hate crimes against minorities within Turkey.
Some groups went by plane: 2Ls Ashley Craig and Keshia Carswell flew to the Turkish capitol city of Ankara to speak with lawyers working in the highly exploited pharmaceutical industry. Certainly we all saw Istanbul by tram and on foot as well. Istanbul was a walk-able city, made even more convenient by frequent trams at the cost of only one ‘jeton.’ For the steepest of hills, we went by 'funicular', too!

"Çok iyi günler" - Very good days!
The best days in Istanbul usually included successful interviews in the morning and a bit of sightseeing or a traditional lunch as we returned to the Artefes Hotel in Sultanhamet, our home for the trip. To meet with the managing partner of the DLA Piper Istanbul office during the morning in a beautiful high-rise in the center of the commercial district, and then spend the afternoon in the Hagia Sophia, a basilica-turned-temple-turned-mosque built in 360 A.D. - was truly a traveler’s dream. It was a unique experience to see a city as a student, a ‘writer’ and a tourist.

Other special memories were of simpler moments with classmates - like a morning spent combing maps to find the addresses of tiny offices like the Istanbul Human Rights Association (which was located across the Galata bridge and down many tiny, curvy streets). After our interview with three staff members at the Human Rights Association, our group enjoyed one of the best meals of the trip at a tiny cafe called "Cook Point" a few blocks from the Association’s office. There, we joyfully reviewed the successful interview and discovered "matzi" - a traditional meat filled pasta covered in yogurt and tomato sauce. It was "Çok güzel" - very good! The owners of the cafe were friendly and helpful, and we'll never forget such a tasty lunch after our first successful interview.

Istanbul was a magical place. Beyond the interviews and appointments, there was always a hot cup of chai (tea) around every corner or a happy shopkeeper eager to discuss the price for 30 grams of spices. Every student on this trip experienced the flavors, culture and history unique to this old and famous city. It truly was a Turkish delight. Güle güle!
Chile Comparative Law: 2012  

By Niya Kelly

Over spring break this year eight law students participated in the Comparative Law Chile Seminar under the guidance of Professors Bruce Boyer, Thomas Haney and Anne Marie Rhodes. The seminar is a part of the cooperative program developed in 2003, between Loyola and Universidad Alberto Hurtado, a Jesuit university in Santiago, Chile. Prior to the trip, each student conducted preliminary research on a topic that would further research in Chile. Some of the topics included labors relations, trade agreements, and human rights issues.

Professor Rafael Blanco of Universidad Alberto Hurtado assisted in setting up individualized interviews with leaders in law, business, government and other fields who are experts in the student's field of interest. Besides assisting students with their projects Universidad Alberto Hurtado, as a host organized excursions for the group including trips to the Chilean Criminal Court, Family Court, Appellate and Supreme Court, the Museum of Memory and Human Rights, the Chilean Stock Exchange and Carey y Cía, the largest law firm in Chile. Each trip gave students a better understanding of Chile's past and Chile's emergence as a modern leader in South America.

UAH provided student guides, who not only assisted with language interpretation for non-Spanish speakers at interviews, but also went above and beyond by showing students Santiago. Students got the opportunity to get off the beaten path to sample South American cuisine, shop small markets, and attend International Women’s Day events, as well as enjoy Chile’s nightlife.

This trip presented students the opportunity to discover more about Chile’s infrastructure and their legal community’s response. Chile is, if not the most, one of the most modern countries in South America. It is a country developing new and unique practices in human rights, social, and economic development. The Comparative Law Seminar helped students gain a better understanding of Chile’s place on the world’s stage, and the importance of the connection between Chile and the United States as well as a resolve to return to Chile some day.
The International Law Review Symposium

The International Law Review hosted its annual symposium on February 10, 2012, with the topic of the day being the United States’ Impact on International Commercial Arbitration. Centered around controversial topics in International Arbitration, the event saw keynote addresses from Professor Margaret Moses of Loyola University Chicago, Lawrence Shaner of Jenner & Block, and Dean Philip McConnaughay of the Pennsylvania State University Dickinson School of Law. Prof. Moses’ scholarly address discussed ethical issues facing international commercial arbitration and the profession in general. Next, Mr. Shaner’s keynote focused on other ethical issues that he sees from a practitioner perspective, particularly the independence of party chosen arbitrators. Dean McConnaughay’s lunch keynote primarily discussed the question of whether antitrust disputes should be fair game for international commercial arbitration, or whether antitrust should remain in national courts for adjudication.

Joining the keynote speakers were panelists from both academia and practice. Professor Ron Brand of the University of Pittsburgh School of Law, Professor Amy Schmitz from the University of Colorado School of Law, and Hugh Stevenson from the U.S. Federal Trade Commission discussed the positive aspects and potential drawbacks of the movement towards online dispute resolution in the international sphere. The afternoon panel consisted of Peter Ashford from Cripps Harries Hall LLP, a London law firm, Virginie Colaiuta of Pinsent Masons LLP, also in London, David Haigh of Burnet, Duckworth, & Palmer LLP in Calgary, Alberta, and Pedro Martinez-Fraga of DLA Piper out of Miami. That panel had a spirited debate regarding the impact and future of U.S. style discovery methods in international commercial arbitration, and whether the development of expanding discovery would be either a positive or negative as international commercial arbitration gains traction around the world.

The 2012 Symposium was a large success mainly due to the efforts of International Law Review Symposium Editor Rachel Howland.

“A Conversation on Youth Movements Around the World” hosted by ILS

By: Libby Deshaies

In February, the International Law Society partnered with the Council for International Programs – Chicago (“CIP”) to host a panel discussion focusing on youth movements around the world. CIP is a non-profit international educational exchange program committed to promoting international understanding through professional development and cross-cultural exchange. (www.cipchicago.org).

Professor Shoenberger opened the discussion by revealing the connections between the “wiki-leaks” cables; protests in Madison, WI; Occupy Wall Street; and Arab Spring. Then, citizen diplomats from Mexico, the Netherlands, and South Korea provided insight into youth movements occurring in their countries and their perspectives on the issues surrounding these movements.

The speakers compared the “No More Blood” movement and reactions to drug-violence in Mexico to the more globally focused “Occupy Amsterdam” movement in the Netherlands and the uniquely peaceful “Candlelight Rally” in South Korea. The characteristics of each movement could be attributed to the country’s history, current political focus, and access to technology and media.

Learning about these varied experiences and perspectives led to a thorough discussion on the state of human rights abuses, international law, foreign policy, social media and many other issues between the speakers and audience members, including CIP members and Loyola students and staff.

The conversation drew attention to the interconnected state of the world and left everyone formulating theories for what factors have led to all these similar movements springing up at the same time.
James T. Gathii appointed as new Wing-Tat Lee Chair

Loyola’s School of Law recently announced the appointment of James T. Gathii as its new Wing-Tat Lee Chair in International Law. Gathii, who is a renowned scholar in the areas of international trade and economic law, public international law, and good governance in Africa, will assume the Chair position on July 1, 2012.

Professor Gathii joins Loyola University Chicago with a distinguished record of scholarship, teaching, and practice in the field of international law. He is currently associate dean for research and scholarship and the Governor George E. Pataki professor of international commercial law at Albany Law School in New York. He has served as the Crowe and Dunlev visiting international law professor at the University of Oklahoma College of Law, and as an assistant professor at Rutgers Business School.

“We are thrilled to have an international scholar as superb as James joining us at Loyola,” says David Yellen, dean of Loyola’s School of Law. “Our students will benefit tremendously from his broad range of expertise, especially in international trade and economic law, as well as human rights.”

Professor Gathii is an independent expert member of the Working Group on Extractive Industries, Environment, and Human Rights Violations in Africa of the African Commission on Human and Peoples’ Rights. He is a founding member of the Third World Approaches to International Law network. He serves as co-chair of the African Interest Group of the American Society of International Law and is a member of the International Law Association’s Study Committee on the Meaning of War, and the Global Faculty of the Trade Policy Training Institute (TRAPCA) in Arusha, Tanzania. The Wing-Tat Lee Chair was created to honor the generosity of Wing-Tat Lee, a Hong Kong businessman who provided the funds for the endowment in 1987. In addition to researching, teaching, and publishing in the area of international law, the Wing Tat-Lee Chair will develop and plan international programs and conferences at the law school as well as facilitate international law student and faculty exchanges for Loyola.

Professor Gathii received his LLB (Hons.) from the University of Nairobi and his SJD from Harvard Law School where he was an editor of the *Harvard Human Rights Law Journal*. He is widely published in the areas of international trade and economic law, as well as in public international law. He is the author of two books, *African Regional Trade Agreements as Legal Regimes* (Cambridge University Press, 2011) and *War, Commerce and International Law* (Oxford University Press, 2010). He is an advocate of the High Court of Kenya and writes a regular column in the *Nairobi Law Monthly*.

The Office for Democratic Institutions and Human Rights of the OSCE is recruiting monitors for planned assembly observation activities in the USA. Monitored assemblies will include protests and demonstrations organized in Chicago and, potentially, in/around Camp David, on the occasion of the forthcoming NATO and G8 summits. The G8 summit will take place in Camp David on 18 and 19 May 2012. The NATO summit will take place in Chicago on 20 and 21 May 2012.

The monitors will be part of small teams, which will generally include ODIHR staff, who will report their observations on the conduct of and interaction between assembly participants, law enforcement agents, as well as other relevant state and non-state actors. The information gathered will be used to compile a comprehensive monitoring report and to identify gaps, as well as examples of good practice, in meeting international human rights standards on the freedom of peaceful assembly.

Individuals interested in being considered for the position of assembly monitors should send, by 15 April 2012, a brief cover email (specifying the exact dates of their availability), attaching a curriculum vitae and a short unedited writing sample to this address: chloe.choquier@odihr.pl

For more information, please see: [http://www.osce.org/odihr/43618](http://www.osce.org/odihr/43618)