

EDUCATING LAWYERS FOR TRANSNATIONAL CHALLENGES

HAWAII, MAY 2004

PROPOSAL FOR AN INTERNATIONAL ASSOCIATION OF LAW SCHOOLS

DISCUSSION PAPER

BACKGROUND

This Discussion Paper has been prepared to assist consideration in Hawaii of the proposal to establish an International Association of Law Schools. The proposal has its origins in a conference sponsored at New York University's Villa La Pietra, Florence, Italy in May 2000.

The La Pietra Conference was attended by about 50 of the world's leading legal educators from 27 countries. Many issues were canvassed at the Conference and it was decided that working groups should be established. Over the next year, various suggestions were considered. The main recommendation was that a further conference, with wider participation, be convened to focus on curriculum issues pertinent to the transnational study and practice of law. In addition, it was suggested that the conference consider the establishment of a new international association which would focus on the changing nature of legal education in an increasingly transnational world.

There was some hesitation about the idea of a new body, bearing in mind the number of associations and organisations that are already connected with law and legal education. Nevertheless, it was felt that a new body such as this should be considered because no current entity has the mission to understand and react to the implications for legal education of global legal changes.

Set out below are some ideas to do with the mission, focus and organisation of the new body. These ideas are intended only as devices to assist discussion at the Hawaii

Conference. If there is sufficient agreement in Hawaii to take the matter further, it is likely that a planning group will be required to work on specific proposals capable of adoption.

MISSION OF THE ASSOCIATION

The proposed mission of the International Association of Law Schools falls into two parts:

- (a) To improve understanding of the world's varied and changing legal systems and cultures as a contribution to justice and a peaceful world.
- (b) To contribute to the better preparation of lawyers who may engage in transnational or global legal practice.
- (c) To improve the quality of worldwide legal education.

The Association is not about international law, in its public or private aspects, although such laws are clearly important. The premise of the Association is that increasingly all laws are being influenced by international trends, even those areas of law which we have tended to regard as domestic or national only. Complex and sometimes inconsistent trends are at work that have implications for all in legal education, even though those implications are obscure at times. The Association will provide a forum for discussion of these matters and the formulation of proposals on which action may be taken or recommended.

MAIN ACTIVITIES

We expect that, at least in its early years, the Association will focus on:

- (a) Enhancing information exchange between member law schools from different countries and legal systems.
- (b) Preparing guidelines about curriculum content and teaching methods which, in the experience of members, help to prepare their graduates for transnational legal practice.
- (c) Providing opportunities for law professors to deepen their understanding of global legal trends, for the benefit of their teaching and research.
- (d) Facilitating faculty and student exchanges.

ELIGIBILITY FOR MEMBERSHIP

The alternatives include one or more of (i) membership by individual law professors; (ii) membership by law school or law program; (iii) membership through existing national or transnational associations of law schools.

In our view membership of the Association should be institutional, not individual, and should be open to any law school or law program that offers a degree designed to satisfy the academic requirements for entry into legal practice, and to any national or transnational associations of law schools.

REQUIREMENTS FOR MEMBERSHIP

The two basic requirements for membership should be:

- (a) A commitment to the mission of the International Association.
- (b) Payment of membership dues.

It would be premature to set dues at present. Almost certainly, however, there would have to be differential rates, perhaps based on size of the law program or the region or circumstances of the member. This is the kind of question that a planning group established after the Hawaii Conference would consider. We think it is important however, to establish at the outset, that part of the purpose of the Association is to provide assistance to legal educators in less well resourced parts of the world. This means that membership dues probably will be established in part on expected capacity to pay.

MEETINGS

It is proposed that there be a full meeting of the Association at least once every five years, at a time and place to be selected by the governing board.

Unless otherwise decided by the governing board, meetings should be open to faculty and staff from non-member law schools, although there may be a differential registration fee for conferences, etc. At any business meeting, each member of the international association will have one vote, which will be cast by a representative named by the member law school or association.

GOVERNING BOARD

It is proposed that the International Association be governed by a board consisting of 12 people, all of whom must be employed in a teaching or administrative position at a member organisation.

Board members should have terms of three years. All twelve of the first Board members should have a full three-year term. After the first three years staggered terms should be instituted, with the terms of four members to lapse each year thereafter. In due course, therefore, there would be a regular and orderly turnover of membership.

Elections for the board should be conducted under rules prescribed by the governing board, or under rules contained in the constitution of the International Association (yet to be considered).

There is a need to ensure national or regional representation on the board. In this way, the board will have access to expertise from all around the world and the perception or reality of dominance by any particular region will be avoided. The Hawaii Conference may wish to give guidance to the Planning Group, which would work on alternative models.

It is proposed that no board member may serve more than two full three-year terms unless that person is chosen as president-elect of the Association.

Election to the board will be by vote of members, with each member entitled to one vote, except that no individual country will be entitled to more than 20% of the total votes cast. If one country has more than 20% of the votes cast, those votes will be mathematically weighted to reduce the total to 20%.

OFFICERS

The governing board will elect a president, president-elect and general secretary/treasurer. Although it is anticipated that these officers will generally have prior service on the Board, this is not a requirement. In addition, the immediate past president will remain a member of the board for one year. No more than one officer can be from the same country.

Guidance from the Hawaii Conference will be necessary before more concrete proposals can be developed by the Planning Group.

ADMINISTRATION

It is anticipated that, at least in the early years, the administrative offices will be located at the Association of American Law Schools (AALS) and that, to the extent feasible, AALS staff will perform the necessary duties for operating the International Association. Although a staff person may soon need to be hired specifically for the International Association, the AALS has volunteered to provide initial staff support.

CONSTITUTION AND LEGAL FORM

We suggest that the new body should be either a not-for-profit corporation or an unincorporated association governed by a constitution, to which members make a commitment when joining the Association. Drafting of the constitution should take place by, or under the direction of, the Planning Group.

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