

CILENotes

C E N T E R F O R I N T E R N A T I O N A L L E G A L E D U C A T I O N

From the Director

As we enter our fourth year at the Center for International Legal Education, we do so with our largest LL.M. class to date. Fifteen lawyers from China, Germany, Greece, Ireland, Mexico, Pakistan, Panama, Peru, Thailand, Uzbekistan, and Venezuela have joined us for what already is an exciting and intellectually stimulating adventure in legal education. While fifteen students may not seem like a lot compared to some LL.M. programs across the country, it is both the target we established for the fourth year of the program, and the limit at which we hope to continue in the future.



Professor Ronald A. Brand

This relatively small size for an LL.M. class allows each student to receive sufficient attention to avoid the pitfalls of a mass education process. By keeping the class at this size, faculty members have the time to deal with student needs on an individual basis. The required LL.M. courses (Introduction to American Law, U.S. Legal Research & Writing, and the Spring Colloquium) also are kept small enough to allow for substantial discussion and comparison with home legal systems by each student, and personal feedback on both written and oral presentations. At the same time, a class of fifteen LL.M. students is large enough to have a significant impact as they join their American colleagues in other classes. By limiting the size of the program, we are able to bring the best and brightest to the Law School from other countries.

Careful growth to a limited enrollment goal thus has both improved the quality of the program for the foreign lawyers who come to Pittsburgh, and enhanced the atmosphere in the Law School through the presence of a stimulating group of visiting scholars. In an age when revenue generation is encouraged, and numbers often rule, we are pleased that the University of Pittsburgh School of Law has seen fit to focus on quality rather than quantity in this program.

Of course, the LL.M. Program for Foreign Law Graduates has not been the only focus of the Center over the past year. Students and faculty participated in many exciting experiences and the intellectual life of the Law School has been enriched as a result of international and comparative law programs. Reports on aspects of that life are found elsewhere in this issue of *CILENotes*, but I will comment on a few items here.

Professor Harry Flechtner's "Summary with Substance" article indicates his important contribution as Acting Director of the Center in the 1998 spring term, summarizes the symposium celebrating the tenth anniversary of the U.N. Sales Convention, and provides useful discussion of its application in U.S. courts. As Professor Flechtner indicates, the Law School is a leading source of scholarship and practical commentary on the Sales Convention. This process will continue through the fall of 1998, when Professor Flechtner has scheduled an unprecedented round table discussion among three of the world's top scholars on the Sales Convention: **Professor John O. Honnold** of the University of Pennsylvania, **Professor Peter Schlechtriem** of Freiburg University in Germany, and **Professor Kazuaki Sono** of Hokkaido University in Sapporo, Japan. The recent

publication by the *JOURNAL OF LAW AND COMMERCE* of the papers from last fall's symposium should be followed by publication of a transcript of the focused discussion of important Sales Convention issues by these three remarkable individuals who have played important roles in the development of the Convention from its birth. Professor Flechtner's efforts continue to put the University of Pittsburgh School of Law and its *JOURNAL OF LAW AND COMMERCE* at the forefront of legal scholarship and practical commentary on the Sales Convention.

Two people provided opportunity for special celebration in the life of the Center during the past year. On October 17, 1997, **Professor Emeritus John O. Honnold** of the University of Pennsylvania, was the first person to be recognized as a Fellow *Honoris Causa* of the Center for International Legal Education. Anyone who has met Professor Honnold is aware of his wonderful combination of a sharp mind, a hunger for intellectual discussion, and a remarkable sense of humility in the face of numerous accomplishments. It was an honor and a privilege for the Center to recognize someone who has made such an important contribution to the development of an area of law so important to international and comparative legal studies at the Law School.

The other personal celebration was bittersweet. After three years in which she was responsible for much of the success of the Center, **Jody Hoberek** resigned her position as the sole staff person for the Center. She has gone on to become International Programs Coordinator at Pace University School of Law, where among other responsibilities she will be helping establish a new LL.M. program. Jody's constant smile, her contagious laughter, and her sincere concern for the welfare of every student will be missed. We wish her all the best in her career in international education. We also

Continued on page 2...

welcome **Elizabeth (“Bessy”) Lochbaum** to the position of Program Administrator at the Center. Bessy comes to us with experience in the administration of the honors college at Penn State University. She has managed to pick up where Jody left off, and already has saved the Director several times from his own foibles.

Professor Vivian Curran reports in this issue of *CILENotes* on the newest CILE program: English for Lawyers. This three-week introduction to English legal terminology was a resounding success in July 1998 and will be offered on an annual basis. It builds on the Law School’s leadership role established through the efforts of Professor Curran in establishing our Language for Lawyers program.

In the third year of the Center, we were able to increase our support for student initiatives in international and comparative education. **Hannah Brody’s** participation in the work of the Hague Conference on Private International Law as a Recording Secretary for treaty negotiations is only one example of the extent to which students at the Law School are involved directly in the development and application of international law. The Center encourages students to take advantage of opportunities to spend a summer or a semester studying law in another country. While still relatively small, we have significantly increased the level of financial support available, and are constantly working to expand the number and types of programs available.

We continue to benefit from the presence of foreign scholars and visiting professors. This year, **Dr. Andreas Ziegler**, a lawyer with the Swiss Ministry of Trade, continues our seven year practice of offering a course in European Union Law taught by a top European scholar. Dr. Ziegler follows the wonderful experience of last year when **Dr. Bernhard Schloh** visited to teach the course.

To all of you who read this newsletter, I hope you will share in our belief that legal education can better prepare the next generation of lawyers for service in our global village through a combination of exposure to foreign visitors, expanded course offerings, and the opportunity to seek out immersion experiences abroad. We welcome your interest, invite you to peruse further this report of our activities, and solicit your comments and suggestions for improvement of our programs.

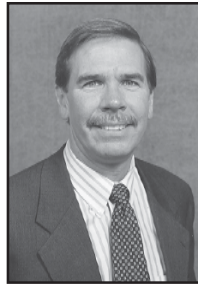
A SUMMARY WITH SUBSTANCE

A Good Semester for the Center and Another Great Year for the CISG at Pitt

by *Harry Flechtner*

Professor of Law

Acting Director of the Center for International Legal Education, Spring Term, 1998



Professor Harry Flechtner

In 1997-98, the Center for International Legal Education demonstrated remarkable reserves of strength and extraordinarily strong foundations. Drawing on the talents, experience, and energies of Jody Hoberek and the

many others who support the Center, CILE survived a semester with its founder and Director, Professor Ronald Brand, on sabbatical. Even more remarkably, the Center managed to flourish with me as Acting Director.

This impressive (some would say astounding) feat was by no means CILE’s only accomplishment last year. The Center also sponsored or supported a huge variety of projects promoting international legal education. In addition to the activities described elsewhere in this newsletter, CILE sent last year’s LL.M. students on trips to observe proceedings in the court

of Judge Robert Cindrich of the Western District of Pennsylvania, to discuss the federal appeals court system in the Chambers of Judge Joseph Weiss of the Third Circuit, and — as part of the annual three-day LL.M. field trip to Washington D.C. over spring break — to observe arguments before the Supreme Court and receive a court tour from the Clerk, General William Suter. With the Center’s support, I and several students who had benefitted from CILE initiatives presented a program on international legal education at the University of Pittsburgh to friends of the University attending the “Chancellor’s Weekend” held at the Cathedral of Learning last April. And as in years past, the Center was crucial in facilitating study-abroad and work-abroad projects of a large number of students.

Perhaps the highlight of the Center’s activities during 1997-98 occurred in October, when the CILE co-sponsored one of the most significant scholarly events in Pitt Law School history — the School’s second Symposium on the United Nations Convention on Contracts for the International Sale of Goods (“CISG”). The Symposium marked the tenth anniversary of both the effective date of the CISG in the United States and the first CISG Symposium held at Pitt Law School in the fall

CILENotes 1998

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of 1987. It was designed to exploit and enhance the Law School's international scholarly reputation with respect to a critical international commercial treaty.

The Symposium featured a faculty of leading CISG scholars from around the globe. They included the world's foremost authority on the CISG, Professor Emeritus John Honnold of the University of Pennsylvania Law School; the State Department's point man on UNCITRAL private international law projects, Harold Burman; European scholars Professor Franco Ferrari of the Catholic University of Brabant, Tilburg, the Netherlands, and Professor Volker Behr of the University of Augsburg, Germany; Professor Alejandro Garro of Columbia University, a CISG scholar with particular interest and expertise in Latin America; and President John Murray of Duquesne University, who used his national and international reputation in matters of commercial law to help establish Pitt Law School as a leader in the area during his tenure as dean. Representing the Law School's own faculty and alumni experts on the CISG were V. Suzanne Cook, Esq., (Pitt Law '88), a leading private international law practitioner in Pittsburgh, Professor Brand, and myself.

The proceedings of the Symposium appear in Volume 17, Issue 2 of the Law School's JOURNAL OF LAW AND COMMERCE, which also co-sponsored the Symposium. The Symposium is part of the JOURNAL's project to publish, annually, an issue containing translations of foreign decisions interpreting the CISG, commentary on the Convention by leading U.S. scholars, foreign scholars and Pitt Law students, the latest news on treaty ratification and reservations, and other information useful to those involved in international trade or interested in private international law. This project has established the JOURNAL OF LAW AND COMMERCE internationally as a (perhaps *the*) leading journal for information and commentary on the CISG.

Last year's CISG Symposium and the JOURNAL's annual CISG issue are components of a very ambitious program for the study of the Convention at the University of Pittsburgh School of Law. The Law School's curriculum includes my International Sales Seminar, which is devoted primarily to the Convention, as well as extensive coverage of the CISG in two other upper-division courses — Professor



Left to right: Harry Flechtner, Ronald A. Brand, John E. Murray, Jr., John O. Honnold, Franco Ferrari, Volker Behr, V. Susanne Cook, Ramsey Coates

Brand's International Business Transactions and my Commercial Transactions in Goods. Members of the Pitt Law faculty, including Professor Brand, Professor Vivian Curran, and myself, as well as a significant number of Pitt Law graduates, have published commentary and translations of foreign cases on the Convention.

In addition, this year will mark the fourth consecutive year that the CILE will sponsor a Law School team in the Willem C. Vis International Commercial Arbitration Moot. The Vis is a truly international competition (last year 58 teams from 25 countries participated) focusing on legal issues arising under the CISG. As in past years, the two law students representing the University of Pittsburgh and their coach (this year, me!) will travel to Vienna, Austria, in the spring for a week of oral arguments and the opportunity to meet law students, practitioners, and academics from around the world who are interested in the Convention. The Law School's extensive and diverse program devoted to learning and teaching about the Convention clearly makes us one of the most important centers for study of the CISG in this country, and one of the leading institutions for CISG studies in the world. The many citations to JOURNAL OF LAW AND COMMERCE commentary and case translations in the briefs submitted by teams from around the world in the Vis competition testify to this status.

A recent Court of Appeals case suggests the growing importance of the Convention for American businesses and their lawyers, and the impact the CISG program at the

University of Pittsburgh has had (and will in the future increasingly have) on CISG jurisprudence. In *MCC-Marble Ceramic Center, Inc. v. Ceramica Nuova D'Agostino, S.P.A.*, 144 F.3d 1386 (11th Cir. 1998), the president of a U.S. tile retailer attended a trade show in Italy where he orally agreed to purchase tile from an Italian manufacturer. The parties recorded the order on an Italian-language form of the seller. The form included boilerplate provisions on the reverse that (1) required the buyer to give written notice of alleged defects in the goods within ten days of delivery, and (2) specified that the seller could withhold future deliveries if the buyer defaulted on payment for the order. Later, the parties allegedly concluded an oral requirements contract and the buyer submitted more orders on the seller's Italian forms.

The buyer allegedly complained orally

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about defective tiles in some of the resulting deliveries — although it did not give the seller written notice of the claimed defects — and thereafter withheld some payments. The seller then refused to make further deliveries. The buyer sued, seeking damages for the defective shipments and arguing that the seller's failure to fill later orders breached the requirements contract. The seller's defense, as well as its counterclaim for the balance due on deliveries that it made, centered on the provisions of the order forms the buyer had signed. Under those provisions, the seller argued, the buyer lost its right to complain about alleged defects in the goods by failing to give timely written notice. Thus the buyer's refusal to pay was unjustified, and the seller had the right to withhold future deliveries under the terms of the forms. The parties agreed that, because the U.N. Sales Convention was in force in both Italy and the United States at the time of the transactions, the CISG applied to the dispute by virtue of Article 1(1)(a).

The seller moved for summary judgment. The buyer responded with three affidavits — one from its president, and two from the individuals who had represented the seller in the transactions but who, by the time of the suit, were no longer employed by the seller. The affidavits declared that all involved had been aware that the buyer's president did not understand Italian, and that the parties did not intend the boilerplate provisions on the reverse of the forms the buyer had signed to apply to the transaction. The affidavits, however, did not mention any discussion or other outward indication of this intention.

The buyer argued that under CISG Article 8(1), the affidavits raised a genuine issue of material fact precluding summary judgment. Article 8(1) provides that "statements made by and other conduct of a party are to be interpreted according to his intent where the other party knew or could not have been unaware what that intent was." Under this provision, the buyer asserted, the parties would be bound by a shared intent (as evidenced by the affidavits) to nullify the boilerplate terms of the order forms, even if that intent was not objectively manifested. The seller countered that CISG Article 8(1) did not apply to the question because that provision dealt only with interpreting the parties' contract, whereas the buyer was

attempting to contradict (rather than interpret) the terms of the written order. The District Court agreed with the seller's construction of Article 8(1), and granted seller summary judgment on the ground that the buyer's allegations of mere subjective intent without objective manifestation were of no legal effect.

The Eleventh Circuit reversed, holding that Article 8(1)—which applies to interpretation of "conduct" as well as statements—required the court to consider the buyer's evidence that the parties did not intend the act of signing the order forms to bind the buyer to their provisions. The court then held that the parol evidence rule did not prevent the buyer from introducing evidence contradicting the written forms because Article 8(3) of the Convention, which requires "due consideration... to all relevant circumstances of the case, including the negotiations..." in determining the parties' intent, constituted "a rejection of the parol evidence rule." Although the court expressed some skepticism that the buyer would be able to carry its burden of persuasion at trial, it remanded the case for further proceedings. The seller has petitioned the Appeals Court for a rehearing, but at the time this is written the petition has not been acted upon.

The *MCC-Marble* opinion clearly has considerable significance for those engaged in international trade, and for their counsel. The holding that the CISG rejects the parol evidence rule is certainly an important one, providing a clear position on an issue on which prior case law had been unclear and that had generated significant (and sometimes conflicting) scholarly commentary. The court did note that parties can preserve the benefits of the parol evidence rule by including in their written contract documents a properly drafted merger clause. Merger clauses intended for transactions governed by the CISG, however, would do well to include language expressing that the parties intend to derogate from anything in Article 8(3) or elsewhere in the Convention that would permit consideration of parol evidence. The court's broad construction of Article 8(1) concerning the binding effect of parties' shared subjective intent is also notable, signaling what may be significant differences between the CISG and more familiar domestic legal rules.

The impact of the University of Pittsburgh Law School on CISG scholarship is very evident in the Eleventh Circuit's opinion. It cites articles by Professor Brand, former Dean Murray and myself published in the *JOURNAL OF LAW AND COMMERCE*. The court also discusses (and rejects) an article written as a response to one of my Journal pieces. In the briefs submitted to the Eleventh Circuit, which I have obtained in preparation for writing an article on the decision, the parties also relied extensively on material appearing in the *JOURNAL*. Thus — not surprisingly for those of us familiar with the efforts of the Law School and the CILE in this area — the *MCC-Marble* opinion evidences that Pitt Law School is on the leading edge of studies relating to critical areas of private international law.

For the Center for International Legal Education, high impact initiatives relating to the U.N. Sales Convention are just one area where it is making crucial contributions to the Pitt Law community and to the broader international legal community it serves. Last year brought many additional successes in CILE's quest to promote a global perspective on legal issues. I was extremely proud to have been a part of the Center's efforts.

Visiting Faculty Help Expand Course Offerings

Each year, the Center for International Legal Education arranges for visitors to teach courses in topics of international and comparative law in order to expand the offerings available at the Law School. This year the courses taught by visitors include European Union Law, Arms Control Negotiation and Treaty Law. Visitors have taught the European Union Law course for the past six years, providing students with exposure to an important topic, taught through the eyes of someone directly involved in the material being covered. This year, the course is taught by **Dr. Andreas Ziegler**. Dr. Ziegler is Head of the Legal Service for International and European Economic Law at the Swiss Ministry of Trade. He began his legal studies at the University of St. Gallen, where he received a joint degree in law and international relations. He has an LL.M. in International, Comparative and European Law from the

European University Institute in Florence, Italy, and received his Doctorate in International Legal and Economic Relations from the University of St. Gallen, where he studied under Professor Ernst-Ulrich Petersmann. He completed his Habilitation at the University of St. Gallen, and also holds a Diploma in International Law from the Hague Academy of International Law, a Diploma in International Humanitarian Law from the International Committee of the Red Cross, a Diploma in European Law and European Human Rights Law from the Academy of European Law, Florence, Italy, and a Diploma de Civilizacion from the Escuela Diplomatica and the Universidad Complutense, Madrid, Spain. In 1997-98, Professor Ziegler taught European Law and International Economic Law at the European Law Centre of the University of New South Wales, in Sydney, Australia.

The Arms Control Negotiation and Treaty Law courses will be taught in the spring term by **Bernard L. Seward, Jr.**, a lawyer with the Office of General Counsel at the U.S. Arms Control and Disarmament Agency. Seward was Senior Legal Advisor for the implementation of the Strategic Arms Reduction Treaty and the Chemical Weapons Convention. He provides advice on international and U.S. law, drafts international agreements, and represents the United States in international negotiations. He has also authored the implementing legislation for the Chemical Weapons Convention. Seward is an Adjunct Professor at Georgetown University Law Center, where he teaches a course on negotiating arms control agreements.

In addition to courses offered by visitors to the School of Law, law students are also enrolled in the fall term course on "Regulation, Deregulation, Re-Regulation: Comparing the U.S. and EU Experiences," taught in the Graduate School of Public and International Affairs by **Professor Giandomenico Majone**, of the European Institute in Florence, Italy. Professor Majone is visiting GSPIA as a guest of the University's Center for West European Studies, which recently was named one of only ten programs in the United States to receive funding from the European Union Delegation in Washington, D.C., as a European Union Center. The high level of cooperation on interdisciplinary programs in international matters at the University of Pittsburgh provides constant benefit to students at the School of Law.

Ten Years of The U. N. Sales Convention, October 17, 1997:

The Sales Convention: From Idea to Practice, John O. Honnold

The Sales Convention in the Americas, Alejandro M. Garro

The Sales Convention in Europe, Volker Behr, Franco Ferrari

The Sales Convention in Context: Developments in Private International Law, Harold S. Burman

The Sales Convention in the United States, John E. Murray, Jr., Harry M. Flechtner, V. Susanne Cook

Ethical Issues and Legal Limits in International Contract Practice, F. Ramsey Coates, Ronald A. Brand

First Person

Participating in Criminal Justice Reform in the Dominican Republic

Jennifer Van Horn, '99

My goal for the summer was to study legal reform in the various countries of Latin America so that I may someday be able to participate in that reform. The Center for International Legal Education (CILE) scholarship I received helped fund six intensive weeks in the Dominican Republic as an intern at the Fundacion Institucionalidad y Justicia (FINJUS).

FINJUS is a criminal justice reform organization that pioneers advances in the protection of human rights in the Dominican court system, and organizes international symposia to educate Dominican lawyers on global legal issues. The U.S. Agency for International Development supports FINJUS in these endeavors, and, in fact, FINJUS receives the majority of USAID's project allocations in the Dominican Republic. The organization thus works closely with American officials, and incorporates many U.S. legal theories into its ideals for judicial change. As a result, the internship was especially rewarding, as I was able to see fundamental aspects of American legal theory put into action and to observe the processes for implementing such external ideas in an already existing legal system.

Though six weeks can be a relatively short time in which to understand another culture's ideals and how those ideals relate to juridical methods, it was enough to begin to appreciate the basis

of these concepts. The Dominican Republic is experiencing an exciting period of change, as it sits on the cusp of entering a new era of democracy in its social and political systems. Similar to Eastern European countries, it has suffered from dictatorships and repressive policies. Its recently elected president has much more moderate tendencies, but fights an uphill battle against the policies entrenched in its government from years of non-democratic ideology. The repercussions from years of oppression mark a legal system with skewed legal processes and little straightforward judicial thought. The experience at FINJUS opened my eyes to the legacies of a judicial regime with little security from legal pitfalls.

My internship allowed me to read Dominican legal history as well as meet with the Director of USAID and others in sister judicial reform organizations to formulate projects. I contributed to FINJUS projects by writing a proposal to the Dominican government for the structuring of the permanent International Criminal Court (whose Statute was concluded by the United Nations this summer), and a paper on plea-bargaining in the United States. I also attended an international conference hosted by FINJUS on international trade and intellectual property law. This first-hand look at the development of important aspects of another legal system was an intellectually challenging experience that significantly enhanced my legal education. The opportunity to work in the Dominican Republic solidified my commitment to work in the legal reform arena.

First Person

An Estonian Summer

Mary Cigan, '99

This summer the Center for International Legal Education made it possible for me to attend the Scandinavian/Baltic Institute on Emerging Markets and Developing Economies, a program sponsored jointly by Stetson University School of Law and Concordia International University in Tallinn, Estonia. There American and European professors lectured on the problems faced by the countries of the former Soviet bloc and the Soviet Union in moving toward a market economy structure, and the different solutions they have found.

Entire areas of law that U.S. lawyers and business people take for granted, such as corporate, banking, and bankruptcy law, securities regulation, and the mechanics of land transfer, did not exist under Soviet control and quickly had to be developed or imported. In addition, all of these countries have had to deal with the problems of restitution of government-confiscated land, privatization of state-owned enterprises, environmental degradation caused by industrial and military activities, and a work force unaccustomed to taking economic risks. The difficulties have been enormous; nevertheless, ten of these countries have signed association agreements with the EU and could become members early in the next century.

Estonia, a small country with a long history, was a particularly interesting place to study a transitional economy. First mentioned by an Arab geographer in 1154, and conquered by the Danes in 1219, the country remained under foreign control — by the Danes, the Swedes, and most recently the Russians — until 1918. While always maintaining its distinctive language and cultural heritage, until 1991 Estonia had existed as a nation only for the period between the two world wars. It is not surprising that the newly independent nation, which had always maintained some contact with the West through Finland, moved swiftly toward Westernization and a market economy. Restitution of land is already

complete; the pre-war commercial code was quickly updated and enacted; and Estonia now courts foreign investment by placing no restrictions on ownership of land and no tariffs on imports.

As a largely agricultural country with a thriving tourist industry, Estonia still lacks an industrial base. One major problem the country now faces is determining how to establish industry and improve its economy while also maintaining and improving its environment. The natural resource most attractive to Western investors is Estonia's timber reserve — but as Rein Ratas, the Minister of the Environment, told our group, Estonia is committed to preserving its forests (12 percent of Estonia is designated as government-owned nature reserve) and intends to limit harvesting to replacement growth.

Estonia and the rest of the former Soviet Bloc and Soviet Union countries still have great strides to make towards a fully realized market economy and better standard of living — but it is encouraging to see how far they have already come.

Law School Hosts Fulbright Research Scholar

Krzysztof Marcin Glibowski of Poland, is a Fulbright Visiting Researcher for the 1998-99 academic year at the School of Law. Glibowski received his law degree from Warsaw University. He did an M.A. degree at Oxford University, where he received a Stefan Batory Scholarship to do research for his thesis on the "Legal Characteristics of Future Contracts and Options in German, English, and U.S. Federal Law." Mr. Glibowski currently is pursuing a Ph.D. in law, studying the significance of the EU's regulation of financial markets on Poland.

Former Australian Solicitor General Gives McLean Lecture on the International Court of Justice

Gavan Griffith, Q.C., the former Solicitor-General of Australia, provided the seventh annual McLean Lecture on World Law at the School of Law on Thursday, October 8, 1998 at 6 p.m. His topic was "A Consumer's Guide to the International Court of Justice." Mr. Griffith was agent and counsel for Australia in *Nauru v. Australia* and the East Timor case (*Portugal v. Australia*). He also prepared written submissions in the Nuclear Tests case (*New Zealand v. France*) and appeared for Australia in the Nuclear Weapons Opinion case. He thus participated in about 30 percent of the Court's active list of cases from 1989 to 1996.

Co-sponsored by the World Federalist Association of Pittsburgh, the McLean Lecture brings major participants in international law to the Law School each year. Past lectures have focused on the International Court of Justice, the War Crimes Tribunal for the former Yugoslavia, the Nuremberg Trials, the U.N. Sales Convention, and similar public international law topics.

The 1997 McLean Lecture featured **John O. Honnold**, William A. Schnader Professor of Commercial Law Emeritus at the University of Pennsylvania School of Law, and **Harold S. Burman**, senior attorney with the Office of Private International Law at the Office of the Legal Advisor of the U.S. Department of State. Their topic was "International Law at Work: The Expanding Realm of Private International Law." Professor Honnold provided a historical perspective on the development of the U.N. Sales Convention, and Mr. Burman gave his insights on current developments in private international law and how they will affect global relationships.



Top Left: Members of LL.M. Class of 1999 on annual visit to Frank Lloyd Wright's Fallingwater

Bottom right: LL.M. Class of 1998 (left to right): Jose Syquia, Julia (Sokolova) Owen, Anthony Dubois, Claudia Maldonado, Carmen Justiniani, Arnau Muriá Tuñón, Amanda Willis Reed, Rami Ibrahim, Alejandro Osuna Gonzalez

LL.M. Graduates Move on to Careers and Further Study

The LL.M. Class of 1998 celebrated its accomplishments on the annual Gateway Clipper cruise on Friday, May 22, and again at graduation ceremonies on Saturday, May 23, 1998. The year was an eventful one for the nine members of the class, and has been followed by further accomplishments.

Anthony Dubois has returned to France and Gabon, to continue work in his family's businesses. **Rami Ibrahim** is now working for al-Haq, the West Bank Affiliate of the International Commission of Jurists-Geneva, in Ramallah. **Carmen Justiniani** has returned to Panama, where she has begun her transition from judge to private practice. **Claudia Maldonado** has begun studies toward her Ph.D. in Law at the Universidad Complutense de Madrid. **Arnau Muriá Tuñón** received word during his studies in Pittsburgh that he had won the award for best law thesis at the University of Guadalajara. Arnau's paper on the U.N. Sales Convention, written for Professor Flechtner's seminar, recently was awarded second place in the annual CISG student paper contest sponsored by Pace



University Law School. The contest was judged by Professor John O. Honnold, Professor Emeritus of the University of Pennsylvania School of Law, who praised the "rare dimensions of . . . quality and feeling" reflected in the paper, calling the work "strong, original, creative and valuable." Arnau is now working with the Mexico City firm of Garcia, Barragan and Villela, with much of his work in the area of international commercial transactions.

Alejandro Osuna Gonzalez has returned to practice in Tijuana, Mexico, with the firm of Pasero and Martin-Sanchez. **Julia V. (Sokolova) Owen** married **Jonathan Owen** (JD '98) in January 1998. They have returned to Moscow after taking the New York bar examination, and Julia is working for White & Case. **Jose Syquia** served as summer research assistant to Professor Harry Flechtner before returning to his legal career in the Philippines. His article, *State Interests and Cyberspace: A Theoretical Approach to Navigating Through Jurisdictional Problems on*

the Net, was published in two parts in the July and August issues of volume 12 of *THE LAWYERS REVIEW*, a Philippine law journal. **Amanda Willis Reed** has joined Federated Investors, Inc., as a Staff Attorney in their Pittsburgh office.

Awards Again for Niagara Moot Court Team

A Pitt student won the "Best Oralist" title in the Niagara International Law Moot Court competition for the fourth time in sixteen years when **Yellena Freeman** took that honor at the competition in Chicago on March 20-21, 1998. "Ellen" and her teammates, **Jim Brooks**, **Paul Powers**, and **Yvonne Sallis**, advanced to the final round of the competition, also receiving the award for the "Best Oral Argument" by an Applicant team.

Honnold Is First Center Fellow *Honoris Causa*

On October 17, 1997, Professor Emeritus John O. Honnold, William A. Schnader Professor of Commercial Law Emeritus at the University of Pennsylvania School of Law, became the first person to be designated a "Fellow *Honoris Causa*" of the Center for International Legal Education. With the State Department's Harold Burman, Honnold presented the Sixth Annual McLean Law Lecture on October 16, and was the keynote speaker for the symposium on the U.N. Sales Convention on October 17. Professor Honnold was Secretary of the United Nations Commission on Interna-

tional Trade Law (UNCITRAL) from 1969 to 1974, and was the Co-chair of the U.S. delegation to the diplomatic conference that produced the Sales Convention in Vienna in 1980. He has since become the leading scholar and commentator on the Convention, providing a record that will influence the interpretation and application of the Convention for years to come.

**John O. Honnold (left) and
Harold S. Burman (right) at
McLean Law Lecture**



THE CENTER FOR INTERNATIONAL LEGAL EDUCATION
OF THE UNIVERSITY OF PITTSBURGH SCHOOL OF LAW
IN RESPECTFUL ADMIRATION, CONFERS UPON

John O. Honnold

THE TITLE AND STATUS OF

Fellow *honoris causa* of the Center for International Legal Education
This seventeenth day of October, 1997

In recognition of your seminal contributions to the development, implementation and application of the United Nations Convention on Contracts for the International Sale of Goods, your inspirational role to several generations of students, scholars, civil servants and practitioners in the field of international contract law, and your substantial contributions to the development of the international rule of law, this action signifies the esteem, gratitude, and affection in which you are held by your academic colleagues at this university and around the globe.

Patricia H. Steiner
DEAN OF THE SCHOOL OF LAW

Mark A. Radtzenberg
CHANCELLOR OF THE UNIVERSITY

John O. Honnold
DIRECTOR OF THE CENTER FOR
INTERNATIONAL LEGAL EDUCATION

Links Established with University of Ghent Faculty of Law

On December 8 and 9, 1997, **Professors Martha Chamallas** and **Peter M. Shane** visited the University of Ghent Law School as participants in an international conference entitled, "New Challenges for European Law Schools—U.S. Legal Education: A Source of Inspiration for Europe?" The conference, co-sponsored by the University of Ghent Law School and the European Law Faculties Association, brought together law teachers from 20 countries (on four continents) to consider what current trends in American law schools could contribute to other systems of legal education. Professor Chamallas spoke on "Teaching Interdisciplinary and Nontraditional Courses," and on, "Mentorship and the Professional Development of Faculty." Professor Shane addressed "Alternatives to Lecturing: The Socratic Method and Other Interactive Teaching Techniques," and "Selection and Evaluation of Law School Teachers." In addition, Professor Shane appeared as guest lecturer in Ghent's "Introduction to Public Law Course," while Professor Chamallas met with faculty from several departments in Ghent and Leuven, who are interested in the further development of gender studies. The idea for the conference originated with **Professor Hubert Bocken**, dean until fall 1998 of the University of Ghent Law School, who had visited a number of American law schools during the winter of 1997 and who had met with then Dean Shane.

In addition to cooperating on the conference, Professors Bocken and Shane also concluded an agreement for future exchange between the two law faculties. Funded in part by the Commission for Educational Exchange Between the United States, Belgium, and Luxembourg, this exchange will increase cooperation between the two faculties and provide additional courses and lectures in both schools dealing comparatively with matters of common interest.

In March 1998, **Professor Ronald**

First Person

Spring Break in The Hague

Corin Stone, '98

In March of this year, I had the fortunate opportunity to be able to spend my spring break at the meeting of the Special Commission on the question of jurisdiction and recognition and enforcement of foreign judgments, in The Hague, the Netherlands. The Commission was set up under the Hague Conference on Private International Law. The trip was an incredible experience, not only educationally, but also culturally.

The meetings themselves were held at the Peace Palace, which also houses the International Court of Justice. The meetings were eye-opening. I had no real background in international treaty negotiation and did not know what to expect. The first few days were difficult because the subject matter was one with which I was not terribly familiar. I was trying to absorb not only what everyone was saying about the subject, but also the terminology used and the underlying concepts. After a day or so, however, I was pleasantly surprised to find that I understood most of what was going on and was even catching the biases that countries had toward certain issues. Having lunch with the U.S. delegation aided my understanding of which countries were for and against specific issues and why these biases existed. I now realize that the week I spent in The Hague was a crash course on international treaty negotiation and diplomacy. This experience was one of a kind and very valuable to me.

Brand became the first to take part in the exchange, spending a portion of his spring semester sabbatical in Ghent. During the visit, he provided a series of lectures in the Private International Law course of **Professor Johan Erauw**, addressing the application of the due process clauses of the U.S. Constitution to issues of jurisdiction and the relevance of those issues to the current negotiations for a global convention on jurisdiction and judgments; provided a series of lectures in the European Union Law course of **Professor Marc Maresceau**,

When the meeting was not actually taking place, I had the opportunity to meet many interesting people from countries around the world. Delegations to the meeting included Supreme Court justices, government officials, and many scholars. Everyone was very friendly and open to talking with me, so during breaks and in the evenings I took the opportunity to find out more about foreign legal systems and the way treaty negotiations are viewed in different countries.

While in The Hague, I tried to see other sites in my free time. I spent one evening in Delft, a town about 30 miles away from The Hague, and also spent a day sightseeing in Amsterdam. I also had one unexpected opportunity—seeing the International Court of Justice while it was in session. This is very rare because normally the public cannot watch an ongoing case presentation. An Australian delegate who had argued in the International Court of Justice in the past offered to take a few of us into the proceedings. It was fascinating to see the agents for countries arguing the case, each in their traditional dress, speaking their own languages.

Being able to go to this conference, learn the basics of international negotiation techniques and meet attorneys and judges from all over the world was an experience I will never forget. It was the most educational spring break I have ever had and definitely one of the most gratifying.

addressing comparative issues of direct effect of international economic law in the courts of the United States and the European Community; lectured on punitive damages and related issues in the Torts class of **Professor Hubert Bocken**; and participated in a faculty/student committee discussion of courses on legal research and writing. Brand's visit to Ghent will be followed by similar visits by other School of Law faculty. Current plans also call for the first visits from Ghent to Pitt by Professors Bocken and Maresceau in the fall of 1999.

Visitors Continue to Enrich International Curriculum

Visitors to the School of Law continue to provide a variety of perspectives on important international and comparative law matters.

On September 10, 1997, **Professor Dr. Hans D. Jarass**, Professor of German and European Public Law, and Director of the Institute for Environmental and Planning Law, Wilhelms-University Münster, spoke to the American Council on Germany on "Current Developments in Environmental Law and Environmental Protection in Germany." On September 11, he lectured on "Environmental Protection and Environmental Law in Germany: On the Background of the German Political System."

On September 16, **Dr. William Mobley**, President of Global Research International, and former President of Texas A&M University, spoke on "Doing Business in China." This was followed on September 17, by a lecture by Visiting Professor **Bernhard Schloh** on "Doing Business in the European Union." Professor Schloh lectured again on September 22 on "Lawyers and Politics: The Formal and Informal Role of the Legal Services in the European Union."

On October 29, **Professor Pedro Garcia**, Universidad Catolica de Chile, spoke to the International Law Society on "An Overview of the Chilean Economy and Legal System."

On November 3, 1997, **Myles Getlan** (J.D. '94), from the General Counsel's Office of the Office of the United States Trade Representative, spoke on "Life and Work as an International Trade Lawyer." On November 10, **Renée Martin-Nagle** (JD '84), General Counsel for Airbus-AINA, Holdings, Inc., spoke on "Antitrust and the Aviation Industry." On February 13, 1998, **Joseph Foltz** (JD '73), Senior Counsel International at the Office of General Counsel of PPG Industries, and **V. Suzanne Cook** (JD '88), of Cohen and Grigsby spoke to the International Law Society about international legal practice.

On July 13, 1998, a USIA-sponsored group of lawyers, judges and prosecutors from Donetsk, Ukraine, met with Law School faculty members to discuss legal education and legal systems in transition.

New English for Lawyers Program Proves Valuable for Foreign Scholars

by Professor Vivian Curran



Professor Vivian Curran

The Center for International Legal Education hosted its first English for Lawyers program in July of 1998, designed to teach future LL.M. students the English terminology and

language they will be expected to understand when they enter their legal studies programs at U.S. law schools. The three-week program is recommended for all future LL.M. students, even those who perform well on their TOEFL tests, because it focuses on the particular language of the law which most LL.M. students have not encountered in their prior English studies.

Pitt Law School has offered foreign language courses in a legal context since 1993, and now includes Chinese, French, German and Spanish for Lawyers courses as part of the regular JD curriculum. English for Lawyers is our latest addition and builds on our experience in language instruction geared to the field of law. We have found that LL.M. students must spend a considerable amount of time learning terminology in the legal decisions they are required to read, thus reducing the speed with which they are able to complete reading assignments. By providing intensive instruction in the kind of texts generally assigned to law students, English for Lawyers aims to facilitate the LL.M. experience by enabling students to do their work at a quicker pace from the beginning of their studies. The program is open to, and has included, future Pitt LL.M. candidates, students who will be attending LL.M. programs at other U.S. law schools, and foreign lawyers and law professors looking for an opportunity to improve their understanding of both the English language and American law.

In addition to classroom time, English for Lawyers students spend afternoons observing U.S. law at work: they visit courts, attend a trial, and tour a prison. They also

watch and analyze videos of classes taught by Pitt Law School professors. This allows future LL.M. students to become familiar with the varieties of spoken English typical of the classes they will soon be taking. Various faculty members also present their fields of specialty in person to the English for Lawyers students in an interactive setting. Students also begin to participate in the life of the Law School, meeting other law students and faculty members at numerous social events organized for the program.

Student response to the first English for Lawyers Program was extremely enthusiastic, with a general consensus that the course provided valuable training for the year ahead.

Fourth LL.M. Class Reaches Target Plateau

The LL.M. Program for Foreign Law Graduates was begun at the School of Law in 1995 with two goals in mind. The first was to bring a diverse enough group of foreign-trained lawyers to the student body to have an impact on all those in the Pitt Law community. The second was to keep the program small enough to provide a personal and focused experience for each LL.M. student. With the fourth class, both goals have been achieved. This year's class is composed of fifteen students from eleven countries.

Jaime Favela Ayala (Mexico) from Mexico City, Mexico, graduated with his law degree from the Universidad Nacional Autonoma de Mexico. He has worked with Ritch, Heather and Mueller, S.C., in Mexico City specializing in securities, corporate law, finance, and banking law. He has participated in proceedings leading to the establishment of U.S.-led financial subsidiaries in Mexico pursuant to the Financial Services Chapter of NAFTA. Mr. Favela is married to Maria Del Carmen Cantarero, and they have a daughter, Maria Jose, who celebrated her first birthday in Pittsburgh in August, 1998.

Diego Alejandro Gamero Cussianovich (Peru) graduated cum laude with a

Bachelor's Degree in Law and Political Science from the Universidad de Lima, Peru, later receiving a Master of Laws Degree at the same university. He came to Pittsburgh from the Cantuarias, Garrido Lecca & Mulanovice Law Office, where he was in charge of the firm's commercial law area and also served as Recording Secretary of its Board of Directors.

Miriam Lorna Hogan (Ireland) is from Galway, Ireland, and received her law degree from the University College Galway where she specialized in corporate law. She also studied corporate law for a year at the Universite de Poitiers, France. She received both her LL.B. and Bachelors of Corporate Law with honors. Ms. Hogan has worked in the International Legal Department and the Corporate Law Department of L'OREAL in Paris. Most recently, Ms. Hogan worked on health law matters at a firm in London during the summer of 1998. She is sponsored in part by the Alcoa Foundation.

Sofia Kokkini (Greece) of Rhodes, Greece, graduated with her law degree from the University of Athens. She worked at the largest firm in Rhodes, K. Tselios and Associates, where she practiced in the areas of civil, commercial, banking, property, and corporate law. After completing a mandatory law apprenticeship in June 1995, she ranked first in the bar examination. She participated in the University of Virginia's Center for Oceans Law and Policy seminar on the law of the sea in Rhodes. Ms. Kokkini also received a Diploma in French Studies from the University of Paris.

Ali Naqvi (Pakistan) received Bachelor of Law, Bachelor of Commerce, and Master of International Affairs degrees from the University of Karachi, Pakistan. Prior to coming to Pittsburgh he worked at Naqvi & Associates and Marques & Associates in Toronto, Canada, where he specialized in employment and tax law matters.

Fernando Noriega (Panama) of Panama City, Panama, received his law degree from the Universidad Santa Maria La Antigua in Panama. He practiced law at Arosemena, Noriega & Contreras in Panama City, where his work focused on the incorporation, reorganization, and merger of companies. He has studied English at Tulane University.

Georgia Post (Germany) studied for her

first German state exam at the University of Mannheim and her Second State Exam at Rheinland-Pfalz Law School. She has worked in criminal and juvenile courts in Ludwigshafen. She also worked for the city council and the Mayor of Frankfurt. During the spring of 1997, Ms. Post was a Summer Associate at the Pittsburgh law firm Cohen & Grigsby. Most recently, she worked at Bögner, Hensel, Gerns & Schreier in Frankfurt, a position to which she plans to return after graduation. She is sponsored in part by the Alcoa Foundation.

Alexandre Rangel (Venezuela) of Caracas, Venezuela, received his law degree from the Universidad Santa Maria in Venezuela. He has worked both at the Third Superior Court of Juvenile and Family Matters and as a legal assistant at the Rangel Rachadell Law Office in Caracas. Mr. Rangel served as Vice President of the Latino Student Association at the University of Kentucky where he has been taking classes.

Maria Alejandra Sánchez Barrientos (Venezuela) from Maracaibo, Venezuela, received her law degree from the Universidad del Zulia. Ms. Sánchez has been a legal assistant intern for Aguilar, Machado & Sosa and was a Legal Assistant for Fermin Reyes & Asociados, and a part-time English instructor at the Berlitz Language Institute in Maracaibo. She is sponsored by Fundación Gran Mariscal de Ayacucho and the Alcoa Foundation.

Raisa Sharipova (Uzbekistan) of Tashkent, Uzbekistan is a Muskie Fellow in Law for the 1998-1999 academic year. Ms. Sharipova received her law degree from the University of World Economy and Diplomacy. She has written a number of research papers on topics such as "Legislation for Social Security in the USA," and "Investment Regulations in Uzbekistan," and her thesis was on "Legal Aspects of Participation of the Republic of Uzbekistan in the International Financial System." Ms. Sharipova received a Muskie Fellowship and is also sponsored in part by the Alcoa Foundation.

Natalya Stepanova Sipper (Uzbekistan) formerly of Tashkent, Uzbekistan, now lives in Pittsburgh with her husband, Mark Sipper (JD '89). Ms. Sipper received her law degree from Tashkent State University in Uzbekistan. She was Director for Foreign Economic Relations at the international legal consulting

firm "FICON," where she provided foreign investors with legal assistance. She also worked with the Uzbekistan Banking Association as an expert on banking legislation, and took part in developing new laws on banking activity and regulations in Uzbekistan. Ms. Sipper also represented commercial banking interests before the Central Bank of the Republic of Uzbekistan and the Constitutional Court of the Republic of Uzbekistan.

Rachaya Suvanamas (Thailand) of Bangkok, Thailand, received her law degree with honors from Chulalongkorn University. She worked with her family's business, Unihome Center Company as well as Siam Premier International Law Office and the Bangkok Bank Public Company Limited. After her studies at Pitt, she plans to work in the field of environmental law. Ms. Suvanamas was awarded a Royal Thai Government Scholarship to pursue her LL.M. degree.

Varangkana Wongvidtaya (Thailand) from Bangkok, Thailand, received her law degree from Chulalongkorn University. Ms. Wongvidtaya has traveled extensively with her family, living both in Switzerland and Singapore as a child. From 1995 until coming to Pittsburgh, Ms. Wongvidtaya worked with International Legal Counsellors Thailand Limited, Russin & Vecchi L.L.P.

Wiezhong Yu (China) received her law degree from the Renmin University of China. Ms. Yu worked for the C & C Law Office in Beijing, where her work dealt with foreign investment in China, including the preparation of feasibility studies, share transfer agreements, legal opinions, and advice on real estate matters. Prior to working for the C & C Law Office, she worked for Jun He Law Office, where she provided legal services relating to investment, real estate, and intellectual property matters. She is sponsored by both the Alcoa Foundation and the Center for Asian Studies.

Ni Zhu (China) of Ruian, China, graduated from the University of Beijing, where her scores in courses in general international law are the highest in her class. She has written articles on "The ICJ Judgment in the Case Concerning Military and Paramilitary Activities in and against Nicaragua," and "The Principles of International Liability of States in Space Law." She was awarded a full-tuition scholarship from the Center for Asian Studies at the University of Pittsburgh.

First Person

"Delhi, in the summertime?"

Kirk Rys, '99

"Delhi, in the summertime? Are you mad?" I received this response from a partner in an Indian firm, referring to the heat, when I inquired about the possibility of a summer position. I arrived in India in the searing heat to participate in a study abroad program and to extern in an Indian law firm. I had thoroughly enjoyed past experiences on the Indian subcontinent, and this program presented a fantastic opportunity to increase my familiarity with other aspects of the region. It also served as the perfect excuse to once again enjoy the food, people, and geography of India, and to explore possible future employment options.

Touro College of Law sponsors the only ABA-accredited study abroad program in India. Courses were available in Indian and Tibetan Law and Philosophy, International Human Rights, and International Business Transactions (with a focus on Tibet/China issues). In addition to the course work, the school does a fantastic job arranging extracurricular activities that encourage students to learn more about the law, history, culture, and religions of India.

Thankfully, the initial part of the program took place in the hill station of Shimla, the summer capital of the British Raj. We, like the British, escaped the heat of Delhi for the cooler climate of the foothills of the Himalayas. Activities included trips to the state's high court, and to historical and religious sites in the region. Numerous lecturers were also arranged, including B.K. Nehru (nephew of Jawaharlal Nehru, first Prime Minister of independent India), the state governor, and the leader of the state's communist party. Daily classes in astrology, yoga, and Indian dance and music were also available.

After three weeks in Shimla, the program moved to Dharmasala, home of the Tibetan government in exile and the Dalai Lama. Our arrival here was planned around a two-day conference on human rights, attended by numerous NGO's (non-government organizations) from throughout Southeast Asia. We also had the opportunity to learn about Tibetan Buddhism. At the head monastery, we sat

in on prayer sessions, debates, discourses and other cultural and religious activities.

Upon our return to Delhi, I began an externship that was to continue for the remainder of the summer. With the help of a professor from the study abroad program, I arranged a position with Anand & Anand, one of the top intellectual property firms in India. Although I had no prior experience with intellectual property law, I was excited to get this position. The job was a fantastic learning opportunity, and I owe much to the members of the firm who made it a very worthwhile experience. They provided me with crash courses in intellectual property law and Indian civil procedure, and almost immediately allowed me to contribute to cases for clients such as IBM, Samsonite, and the Discovery Channel.

This combination of study abroad and work provided me with an excellent introduction to a foreign legal system. Although there are vast differences between the American and Indian systems, our common ties to England create a similar background. While the official language of the Indian legal system is English, and they share our common law traditions, striking differences do exist. In India's secular democracy, there is no set of statutory rules. The "Hindu Code" exists as the source of law on issues such as estates, family law, marriage, divorce, and adoption for those considered Hindus. Muslims are judged under their own code for similar issues. Another difference is that the Indian courts more often rely on cases and academic writings from foreign countries when faced with issues new to the Indian legal system. Standing requirements are also much less strict in India, as are the requirements for filing a case, at least for the poor and rural masses. The courts have been known to accommodate citizens who have approached judges at their homes or left notes at their doors because of their unfamiliarity with the legal system.

My 'unofficial' experiences would require a small book to relate. I think of the daily occurrences and laugh, sigh, or even cringe. I have been fortunate to have been able to share in such a fascinating place, and it makes me only more anxious to return. I hope my relationship with the region will continue.

ACTIVITIES

Faculty

Some of the international and comparative activities of the Pitt faculty over the past year include the following:

Professor Ronald A. Brand, spoke on "International Economic Organizations: Usurping Sovereignty or Enhancing the Rule of Law?" on November 1, 1997, at the national meeting of the World Federalist Association. On November 6, he gave a presentation entitled "Tort Jurisdiction in a Multilateral Convention: The Lessons of the Brussels Convention and the Due Process Clause," at a Brooklyn Law School symposium, "Enforcing Judgments Abroad: The Global Challenge." Professor Brand also spoke on the negotiation of a worldwide convention on jurisdiction and the recognition of judgments at a panel for the International Law Association International Law Weekend in New York on November 8, 1997.

On February 13 and 14, 1998, Professor Brand participated in a meeting of the Secretary of State's Advisory Committee on Private International Law and a meeting of the U.S. delegation to the Hague Conference on Private International Law Special Commission on Jurisdiction and Judgments at the State Department in Washington, D.C. From March 3 to 13, 1998, he was again a member of the U.S. Delegation to the Hague Conference on Private International Law meeting of the Special Commission on Jurisdiction and Judgments. Following the meetings at The Hague, he traveled to the University of Ghent, where he presented lectures in classes on Private International Law, European Union Law, and Torts. His visit to the University of Ghent was the first in a planned exchange of professors between the two law faculties. He also lectured in the Program on International Legal Cooperation at the Vrije Universiteit Brussel. In May of 1998, Professor Brand visited the Meiji Gakuin University Faculty of Law, in Tokyo, Japan, providing lectures on the U.N. Sales

Convention in the United States, punitive damages and contingent fees in U.S. litigation, and contract formation in U.S. law

Brand published the following articles during the past year: *Professional Responsibility in a Transnational Transactions Practice*, 17 JOURNAL OF LAW AND COMMERCE (1998); *Tort Jurisdiction in a Multilateral Convention: The Lessons of the Brussels Convention*, 24 BROOKLYN JOURNAL OF INTERNATIONAL LAW 125 (1998); *Recognition of Foreign Judgments as a Trade Law Issue: The Economics of Private International Law*, in THE ECONOMIC ANALYSIS OF INTERNATIONAL LAW (Jagdeep Bhandari & Alan O. Sykes, eds., 1988).

Professor Douglas Branson spent August and the beginning of September as a visiting professor at the University of Cape Town, Cape Town, South Africa, where he lectured in the basic corporations classes on takeover bids and corporate litigation in the U.S., Australia and New Zealand. He also conducted a seminar for LL.M. students on insider trading, and traveled to Zimbabwe, Zambia and Namibia.

Professor John Burkoff gave a talk in July, 1998, to a visiting group of Ukrainian lawyers and judges on "Mechanisms in the American Criminal Justice System to Police the Police." His new book, READINGS IN CRIMINAL LAW, was co-authored by three Americans and two English professors, adding perspectives on both American and English criminal law.

Professor Martha Chamallas participated in a conference at the University of Ghent, Belgium, on "New Challenges for European Law Schools—U.S. Legal Education: A Source of Inspiration for Europe?" on December 8 and 9, 1997, speaking on "Teaching Interdisciplinary and Nontraditional Courses," and "Mentorship and the Professional Development of Faculty." She also met with faculty from Ghent and Leuven to discuss the development of gender studies programs.

Professor Pat Chew traveled to Ireland during the summer of 1998, where she conducted research for a book on cul-

ture and conflict. While there, she also met with Miriam Hogan, an incoming member of the LL.M. Class of 1999. Professor Chew is writing an anthology about how disputes are resolved in different cultural contexts, to be published by New York University Press.

Professor Vivian Curran became President of the U.S. chapter of the International Association of Legal Methodology in June, 1998. She presented a paper entitled "U.S. Comparative Law - Quo Vadis?" at Hastings College of Law in San Francisco in September, 1997, spoke to the Bar Association of the City of New York on legal issues of Vichy France in October, 1997, and gave a talk and chaired a panel in April, 1998, at the Center for Semiotic Research in Law, Government and Economics. In July, 1998, Professor Curran attended the International Association of Comparative Law meeting in Bristol, England.

Professor Curran's book, INTRODUCTION TO COMPARATIVE LAW: THEORY AND PRACTICE will be published by Carolina Academic Press. Her article, *Cultural Immersion, Difference and Categories in U.S. Comparative Law* appeared in 46 AMERICAN JOURNAL OF COMPARATIVE LAW 43 (1998). Her annotated translation of Book I of the revised French Criminal Code, with co-author George Bermann, was published by Columbia University's Parker School of Foreign and Comparative Law. Professor Curran is the editor of Columbia Law School's FRENCH LAW project. The Tocqueville Connection, an Internet website of the French government, published her piece, *The U.S. and French Legal Systems: A Brief Comparative Overview*, and has also requested permission to publish her article, *L'Enseignement du droit aux États-Unis: Un reflet oblique de la méthodologie "common-law"*, scheduled to be published in the December, 1998 issue of the CAHIER DE MÉTHODOLOGIE JURIDIQUE.

Professor Curran's article, *The Legalization of Racism in a Constitutional State: Democracy's Suicide in Vichy France*, was accepted for publication by the HASTINGS LAW JOURNAL. Her book review of Bernhard Grossfeld's *Kernfragen der Rechtsvergleichung* will appear in the AMERICAN JOURNAL OF COMPARATIVE LAW, as will her article, *Dealing in Difference:*

Comparative Law's Potential for Broadening Legal Perspectives. Professor Curran's essay, *Semiotics and Law*, will be a chapter in HIGH-FIVES: A TRIP TO SEMIOTICS (Peter Lang, New York and Berne), and her essay, *Herder and the Holocaust: A Debate About Difference and Determinism in the Context of Comparative Law*, will appear as a chapter in THE HOLOCAUST: ART, POLITICS, LAW, EDUCATION by Frederick de Coste.

Chancellor Mark A. Nordenberg traveled to Brazil and Argentina in March 1998 with Dr. Billie DeWalt, Director of the Center for Latin American Studies, and Daniel Fogel, Director of the Brazilian Studies Center. The trip built on existing affiliations between the University of Pittsburgh and Latin American universities, and developed new relationships with public and private sector institutions in the two countries.

Professor Anne Schiff has been quoted in several Australian news articles and interviewed on nationally broadcast radio shows in Australia on recent Australian legislation and judicial decisions dealing with *in vitro* fertilization. She wrote an invited editorial entitled, *Posthumous Conception and the Interests of the Deceased* for THE MEDICAL JOURNAL OF AUSTRALIA.

Professor Peter M. Shane participated in a conference at the University of Ghent, Belgium, on "New Challenges for European Law Schools—U.S. Legal Education: A Source of Inspiration for Europe?" on December 8 and 9, 1997, speaking on "Alternatives to Lecturing: The Socratic Method and Other Interactive Teaching Techniques," and "Selection and Evaluation of Law School Teachers." He also appeared as guest lecturer in Ghent's "Introduction to Public Law Course."

Student Activities

Student activities in the area of international and comparative law during the past year include the following:

On April 1-6, 1998, **Hannah Brody** and **Frank Fisanich** represented the Law School at the Willem Vis International Arbitration Moot in Vienna, Austria.

On March 20-21, 1998, **Jim Brooks**, **Ellen Freeman**, **Paul Powers**, and **Yvonne Sallis** represented the Law School at the Niagara International Moot Court Competition held in Chicago. The team reached the final round, receiving the award for Best Applicant Argument. Ellen Freeman won the Best Oralist award.

Angela Kusturi, a first year law student, was awarded a Rotary Scholarship to pursue graduate study in Switzerland for the 1998-99 academic year.

Hannah Brody served as one of two English language Reporting Secretaries for the Hague Conference on Private International Law at the Special Commission on Jurisdiction and Enforcement of Foreign Judgments held at The Hague, the Netherlands from March 3-13, 1998.

Corin Stone also attended the Special Commission session in The Hague as an observer.

The following students were awarded scholarships for summer study abroad:

Mary Cignan received a CILE scholarship to attend Stetson University's summer law program on emerging markets in Tallinn, Estonia.

Frank Fisanich received the John Tsui Nationality Room Scholarship to do research in Beijing during the summer of 1998.

Lisa Kerszenewej received a CILE scholarship for participation in Duquesne University's summer law program in Beijing. Following in the footsteps of Pitt Law alum **Nancy Maslanka** (JD '98), Ms. Kerszenewej also took part in a legal internship, under the guidance of **David Iwinski** (JD '88) at Respiration Hong Kong, Ltd. Lisa also received a Chinese Nationality Room scholarship.

Kirk Rys received a CILE scholarship for participation in Touro College of Law's summer program in Shimla, India. After completing his summer law program, Kirk clerked at an Indian Law firm in Delhi.

Jennifer Van Horn received a CILE



1998 English for Lawyers Program Participants and Faculty

scholarship for participation in American University's summer law program in Santiago, Chile. After the program, Jennifer served as a legal consultant on a development project for Amnesty International in Santiago. She also worked as an intern at the Fundacion Institucionalidad y Justicia in the Dominican Republic for six weeks during the summer.

The following Pitt students also participated in study abroad programs the summer of 1998:

Lauren Bernick was a student in the Duquesne University program in Beijing.

Janet Burkardt, **Shannon Crombie** and **Daniel Keane** participated in the San Diego University program in Dublin, Ireland.

Michael Carasco, **David Gonzalez** and **Amy Hajduk** attended the law program in London sponsored by Pepperdine University.

Nicole Fisher was a student in the University of Houston's summer law program in Mexico City.

Karl Frankovitch participated in the Canadian Parliament program sponsored by the Center for Canadian-U.S. Law at Detroit College of Law, the London summer program of the University of San Diego, and did an internship with solicitors at the London firm of Bates, Wells, & Braithwaite.

Todd Matras was a student in the Tulane Law School program at Cambridge University.

Michael Wallander participated in the Georgetown University summer program in Florence, Italy.

News of Alumni

Class of 1988

V. Suzanne Cook (JD '88), a shareholder with the firm of Cohen and Grigsby and a member of the CILE Advisory Board, was a speaker at the October 17, 1998 sym-

posium on the U.N. Sales Convention at the School of Law.

John Whitworth Kropf (JD '88) has been given permanent attorney status at the U.S. Department of State's Office of the Legal Advisor.

Class of 1993

Steve Peepels (JD '93) will be joining the Hong Kong office of Shearman & Sterling. He has been at the Hong Kong office of Milbank, Tweed, Hadley & McCloy. Steve expects to continue advising corporate and investment banking clients in international debt and equity financing and cross-border mergers and acquisitions in China, the Philippines, Indonesia and other parts of Southeast Asia.

Jerry Surowiec (JD '93) has begun an LL.M. program in International Trade at the University of Amsterdam.

Class of 1994

Caroline West (JD '94) has taken a position with the U.S. Department of Commerce Patent & Trademark Office.

Michael Wu (JD '94) and **Chorn-Ming Wu** (JD '94) are working with Acer Incorporated in Taipei, Republic of China.

Class of 1995

John Blanck (JD '95) has finished his two-year federal clerkship with Federal District Judge Maurice Cohill in Pittsburgh, and has taken a position as an associate with the firm of Crowell & Moring in Washington, D.C., where his practice involves Customs Service litigation before the Court of International Trade and some matters of public international law. He has also been doing *pro bono* work on several political asylum cases. John spent the summer of 1997 traveling and studying Spanish in Guatemala, Honduras and El Salvador.

Myles Getlan (JD '95) graduated with honors and distinction from the LL.M. program at Georgetown Law School, and has taken a position with the Office of General Counsel at the Office of the United States Trade Representative in Washington, D.C. Among other assignments, he has traveled to Geneva to serve as co-counsel for presentations before World Trade Organization dispute settlement panels.

Tracey Schell (JD '95) has moved from practice in Philadelphia to become an associate in the Hong Kong office of Milbank, Tweed, Hadley & McCloy.

Class of 1996

Daniela Brito (LL.M. '96) completed a Masters Degree at the Graduate School of Public and International Affairs and has taken a position as Associate General Counsel-International at GNC in Pittsburgh.

James Callaghan (JD '96) has been working at Alliance Brussels in their Brussels office. They recently merged with the British firm, Linklaters & Paines, becoming the largest firm in Europe and the second largest in the world.

Joanne Darkey (JD '96) has taken a position as an associate with the New York office of O'Melveny & Myers.

David Pawlak (JD '96) has left the legal staff of the Immigration and Naturalization Service to take a position with Milbank, Tweed, Hadley & McCloy in their New York City office. David reports that during his first week on the job he worked on a project with Milbank's co-counsel firm, Ritch, Heather y Mueller of Mexico City. David had worked at the Ritch firm during the summer while he was at Law School and was pleased to have a reunion with members of that firm. **Jaime Favela Ayala**, a member of the Ritch firm, met David when he was in Mexico City, and is now a member of the Pitt LL.M. Class of 1999.

Amit Rai (LL.M. '96) is currently working with LG Electronics, Inc., a Korean corporation based in India, as head of the law department.

Ching-Yu Yen (LL.M. '96) gave birth to a boy, Stephen, in February 1998.

Class of 1997

Linda Dhondt (LL.M. '97) has completed a one-year law pedagogy course in Ghent, Belgium.

Daniela Ernlund (LL.M. '97) is working in the legal department of RNN International Marketing, Inc., an American-Brazilian trade company. She was invited by the President of the Brazilian Bar Association to participate in a seminar on "The Private Financing of Infrastructure Projects in Latin America" in Miami in October. The seminar is co-sponsored by the Inter-American Bar Association, the International Law Section of the New York State Bar Association, and the Florida Bar International Law Section. Daniela and her husband, Lucio, are expecting their first child.

Marco Gardini (LL.M. '97) passed the bar exam in Italy and is pursuing research on tort law and computers. In June, he traveled to England to conduct research and do an internship in London.

Masue Nagaoka (LL.M. '97) passed the New York Bar exam in 1997. She and her husband, Professor Toru Nagaoka, returned to Osaka, Japan, in March of 1998.

Zhou Min (LL.M. '97) recently published his article, *A Comparative Analysis of Contemporary Constitutional Procedure*, 30 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW 149 (1998).

First Person

Present at the Creation of a Treaty
Hannah Brody, '98

In the spring of my third year at the University of Pittsburgh School of Law, I had the opportunity to travel to The Hague, the Netherlands, to participate as an English Language Recording Secretary in the two week March 1998 Special Commission of the Hague Conference on Private International Law. This position opened up in the fall of 1997 and, knowing of my interest in this area, Professor Brand suggested that I apply for it. Professor Brand is a member of the United States Delegation to the Special Commission.

The participants of the Special Commission are in the process of drafting a worldwide treaty on jurisdiction and the recognition and enforcement of foreign money judgments. If successful, this convention will be the first of its kind to have the United States as a contracting state. Attending the conference allowed me the opportunity not only to learn about the opinions and legal concerns of many countries developing such a treaty, but also to take a valuable lesson in language and the law.

The delegates are government officials, professors and attorneys. They represent countries all over the world, from England to Brunei. At the March meeting, subjects were addressed according to a previously established agenda. Some of the more hotly debated topics were jurisdiction in tort and contract cases, punitive and excessive damages, and forum non conveniens. Because of the United States involvement in the treaty, there was an interesting discussion of American due process requirements. Most countries are not familiar or only vaguely familiar with these requirements, so the American delegation had to present a clear and concise explanation of the requirements. Surprisingly, the other countries were accepting of these restrictions and throughout the two weeks continued to refer to and take into consideration American due process concerns.

Four Recording Secretaries attend each Special Commission: two English-speaking, two French-speaking. Each Recording Secretary is expected to have a working knowl-

Continued on page 16...

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First Person

edge of the other language. I had studied French in school since I was young and had made it my undergraduate minor, but I was out of practice and quite nervous about my French skills. My counterpart was a Ph.D. student from Paris who was likewise unsure of her English skills. At first, it was out of necessity that we hesitantly spoke each other's language, but very soon we were able to communicate not only in simple conversation, but also in explaining to each other some very complex legal concepts and in trying to understand what had been said by the delegates at the meetings.

We worked in teams of two, one of each language, taking notes from the meeting for half a day and spending the other half of the day writing a report to be distributed to the delegates as a summary of the meeting. The meetings took place in French and in English and the reports had to be in each language in as close a mirror image of each other as possible. For the first week, my partner and I attended the afternoon meet-

ings and wrote the reports in the evenings or the following morning. The second week, we attended the morning meetings and wrote the reports in the afternoons. The hours we kept were fairly long, as summarizing everything that had been said in the meetings was often difficult. However, I was always aware of what an incredible experience I was having and the challenge of the work only added to that.

The convention is scheduled for completion in the year 2000. I hope to continue my involvement as a Recording Secretary, and am now looking forward to attending the next Special Commission meeting in November 1998. Many issues remain unresolved and all the delegates are aware that drafting the language of the convention must now begin. By the end of the November meeting, the goal is to have completed the first draft. It has been exciting for me, as a student (and now a practitioner) interested in private international law, to watch the creation of a new treaty, the first of its kind to be worldwide and to include the United States.



Hannah Brody (left) and Corin Stone (right) at the Peace Palace in The Hague