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## The Role of Law Schools in the Development of Inter-American Relations and the Rule of Law, a Discussion by Law School Deans from the Americas

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laundering activities.

Training in all fronts and directions and the deep knowledge of the difficulties and risks faced by the various economic scenarios are key to allow both regulators and obligated entities to be successful in the struggle against asset laundering.

XVII. THE ROLE OF LAW SCHOOLS IN THE DEVELOPMENT OF  
INTER-AMERICAN RELATIONS AND THE RULE OF LAW,  
A DISCUSSION BY LAW SCHOOL DEANS FROM THE AMERICAS

*Jon Mills*

When we talk about the mission of our law school and actually, our entire university, we talk in terms of teaching, research, and service. Those are comparatively different activities. How might that apply to our law schools? First, I would like to start by stating what we are doing, then what we ought to do.

In terms of teaching, what do we teach our students? What is our curriculum? At the University of Florida we now have a certificate in international law, which we just introduced with a certain set of requirements. We raised the issue of whether we should give students a certificate in international law if they can speak only English. We are raising questions in terms of our own curriculum. If we want to identify our students as having some specialization in international law, we probably have to teach them generically differently. That is not to say that we should abandon our commitment to the rest of our J.D. students who are going to practice law in the State of Florida or New York or elsewhere without calling themselves international lawyers. We believe that whether they call themselves international lawyers or not, they will be compelled to deal with international law issues and issues dealing with the Americas. For example, persons who wish to practice only domestic and family law in Florida may find themselves addressing complicated international law issues not soon after they have graduated. Teaching in the 21st century, even for those who do not specialize in international law, will have to include a curriculum component exposing all of our students to the issues and potential analysis of international law.

Faculty exchange — When our faculty members go and teach somewhere else, they learn as well. They come back and teach differently than they had taught before, because they are compelled to think differently when they are teaching in another country. The benefit is not only to that faculty member but to his or her students as well. Among the other benefits of these programs would be the expanded exchange of professors between

## Latin America and the United States.

Additionally, we have student exchange programs for varying periods of time. Some of the programs are limited to one summer, while the others are as long as a regular semester or beyond. This summer, for example, we will have a program in Costa Rica. Unbelievably enough, we have not had any specific summer program in Latin America for a while, since the Mexico program, and now we hope to have one or two programs so our students would have an opportunity to take classes in a number of different law schools in Latin America.

**Research** — You have heard a series of examples today of our outstanding faculty who are doing research and writing in a range of activities that directly affects activities in Latin America, whether it is money laundering, trade, women's rights. These examples demonstrate our law school's commitment to scholarship and has a direct impact on the discussion of the rule of law in the Americas.

**Service** — There are some rather practical and direct activities in which we are currently engaged. Our College of Law received several grants through our Center for Governmental Responsibility that put people on the ground in Haiti dealing with dispute resolution — dealing with trying to deal with potential options to improve disputes in the judiciary — I was on that project and I can assure you, it was not glamorous.

The project had an actual impact. It was a public service not just for the people of Haiti, but for the people of Florida and the United States by providing at least some marginal improvement for the dispute resolution systems in Haiti.

Additionally, we had projects in Brazil addressing issues of judicial training and exchanging views on environmental law and the implementation and enforcement of environmental law.

By no means should we ever imply that we only are there to teach. We are most certainly there to learn as well. These particular projects were examples of direct service activities where I think there were actual changes in the way people did things in both countries and they have maintained those contacts.

The hiring of faculty is an important aspect. Who do we put in our law school? There were some allusions today that we hired people who have some international awareness, whether it is Professor Hernandez, or Steve Powell, who bring to their mission at the University an international focus.

We need to determine what our responsibility is as law schools in the concept of the rule of law in the Americas. Earlier, Governor Mackay discussed the damage that an absence of the application of the rule of law and corruption causes economically throughout the hemisphere. I could not help but think that one of the issues that we ought to be considering is that

if we wish to impose the rule of law fairly on citizens to produce honorable legal systems, what should we as a profession impose upon ourselves? I refer to the legal profession. Is the legal profession in the Americas uniformly honest? Held to high standards? And have we as law schools done a good job of preparing people for what will surely be an international practice?

What are the standards for practicing law professionally at a high standard ethically in the Americas for the future? Have we answered that question? Who can answer that question? I think we have a significant role and I think it is apparent that bar associations may not be individually equipped to answer these questions. One might suggest that despite globalization, despite technology growth, despite the pressures of the international corporate world for more streamlined and different answers, the legal profession, has not modernized, and perhaps is not prepared either practically or ethically for what has to be considered. We have to come to some agreement on what global professionalism is.

If in fact we are going to practice in different countries, what are our common standards and how do we set them? And are we in danger, as individual bar associations, of being viewed as protectionists? If in Florida we do everything we can to limit the practice to only those who have taken the Florida Bar, in our way, on our terms, would that be viewed as protectionist? And will there be folks who find a way around that?

John Sexton, Dean of New York University Law School, said that if we as law schools do not become more concerned about the importance of our values as professionals, we may become obsolete. That is, it may become easier to train individuals in business advising for two years, never expect them to become lawyers, and never ask them to take the oaths that we expect lawyers to take and they may be hired freely by accounting firms. Law schools could be irrelevant.

So, if we think there are values that are upheld by attorneys that are distinct from legal advisors or accounting firms, then it is up to us to explain what those are. Can we use the term harmonization, which we so often use in other trade terms, to talk about the profession? Is that a worthwhile conversation? Should we talk about harmonization of professionalism standards throughout this hemisphere, and is there a danger of not talking about that?

There are the issues of multi-jurisdictional practice which are the key words and terms that bar associations now use. As you can see in many major cities, accounting firms will have major offices right next to law firms and in some cases perform services that are indistinguishable. So is there still a value in the lawyer, in the law firm, and is it incumbent upon us to explain the values of the legal profession?

I think it is an obligation to both deal with those issues and address the issue of educating students generally to be attorneys in the Americas. I think we have a more difficult task dealing with public service for which this conference represents a beginning. We need to develop an infrastructure for a legal system that exists throughout the Americas that supports not only commerce but makes life difficult for money laundering and makes life easier for those who seek equal justice whether they be women, men, or minorities.

I think that our capacity to discuss what kind of judicial system it takes, what kind of dispute resolution system it takes, what kind of legal structure it takes, is something that can be done in law schools with the participation of folks like those in this room. We have brought experts together and we have the capacity to do that. We have the capacity as law schools to do things which may sometimes be more difficult for government. We, as law schools, and I know the history of our institutions, far outlive political institutions and individual governments, so the relationships that we can begin to establish among institutions like law schools, may allow us to perpetuate a dialogue and create an infrastructure for the rule of law in the Americas to not only survive but to prosper.

It is our obligation collectively, those of us who had the interest and focus to come to this conference, to carry on our responsibilities.

#### PANEL OF DEANS

#### XVIII. UNIVERSITIES AND THE JUDICIAL FIELD

*Dra. Maria Antonieta Sáenz Elizondo\**

#### SUMMARY

##### Preamble

- A. The Influence of the University on the Judicial Field.
- B. Role of the School of Law of the University of Costa Rica in the Development of Judicial Science and its Influence on Constitutional and Legal Reforms.
- C. Improvement and Modernization of Judicial Administration and the Colleges of Law.

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