

Legal Education and Reforming the Justice System

Jon Mills, Dean Emeritus
University of Florida
Levin College of Law
May 26, 2006, Lima, Peru

6/2/2006

1

Overview

-
- * Globalization and communication have affected and will affect justice systems.
 - * Globalization is a top issue for law schools.
 - * Law schools: participate and lead or observe and react?
 - * Some hostility to democratic reforms
 - * Transition and growing pains for politics, economies, and social structures

6/2/2006

2

Overall Context

- ✦ 193 U.S. law schools (via ABA)
- ✦ Well over 350 law schools in Latin America
(via Hieros Gamos at <http://www.hg.org/latinam-schools.html>)
- ✦ 2005 export \$72,151,700,000 to L.A.
(U.S. Census Bureau)
- ✦ 2005 import \$122,842,800,000 from L.A.
(U.S. Census Bureau)
- ✦ \$1.5 billion import; \$1.25 export legal services

6/2/2006

3

Globalization affects justice systems.

- ✦ Political and Social Developments
 - Human rights movement
 - Democratic reforms
 - Environmental conservation
 - Indigenous rights
 - Populism
 - Increasing NGO activity
 - Migration and urbanization
 - Changing social structures
- ✦ Economic Considerations
 - Trade agreements
 - Free market systems
 - Multi-National Corporations
 - Foreign investment
 - Communication and technology

6/2/2006

4

Training for Transnational Legal and Professional Practice

- ✦ Educate regarding cultural, historical and social context
- ✦ Harmonize transnational ethics standards- policies and practices
- ✦ Prepare for current and emerging issues (not just indoctrinate into profession)

6/2/2006

5

Barriers of Traditional Legal Education in the U.S. and in Latin America

- ✦ United States
 - ◆ Focused on common law and U.S. law
 - ◆ Socratic method
- ✦ Latin America
 - ◆ Focused on civil law
 - ◆ Lecture
- ✦ Structural barriers
 - ◆ Overcrowding
 - ◆ Lack of funding
 - ◆ Accreditation challenges

6/2/2006

6

The Uruguayan Example

✦ Challenges:

- ◆ No fees , no admissions standards
- ◆ Faculty lost to revolution
- ◆ 18,000 students

✦ Changes:

- ◆ Fees and limited enrollment

6/2/2006

7

The Impetus for Law School Reform

- ✦ New laws (free market regulation, criminal reform, environmental conservation, ...)
- ✦ New treaties (i.e. NAFTA, CAFTA, ...)
- ✦ New demands (trade, IP, Technology, conservation, ...)

6/2/2006

8

Tools for Law Schools

- ✦ **Curriculum** - comparative law, international law, language, human rights, international trade, dispute settlement, gender rights, indigenous rights, and cultural context
- ✦ **International organizations** - student, professional, higher education
- ✦ **Degrees** – ll.m.'s, dual degrees, JD PhD
- ✦ **Exchanges** – student, faculty, and professionals
- ✦ **Clinics and centers** - tools for training and reform
- ✦ **Other schools** - communication, partnership, cooperation

6/2/2006

9

Making a Difference: Public Impact and Practical Training

- ✦ **Direct clinical legal services to citizens**
 - ◆ To specialized groups
 - ◆ To the poor
- ✦ **Policy impact - centers**
 - ◆ PUCP/Justicia Viva, IDL
 - ◆ UF/CGR
- ✦ **Examples of clinics**
 - ◆ Chile
 - ◆ UF/University of Costa Rica
- ✦ **Impact on students**
 - ◆ Training
 - ◆ Fostering public service

6/2/2006

10

Cooperating with the Profession and the Judiciary

- ✦ Participation in education and preparation of students
- ✦ Students can help the system operate.
- ✦ Continuing legal education for the bar

6/2/2006

11

What should be done?

- | | |
|---|--|
| ✦ U.S. Schools | ✦ Latin American schools |
| ◆ Increase communication | ◆ Increase communication |
| ◆ Recognize importance of international teaching | ◆ Seek needed structural changes (faculty, salary, access to education, curriculum) |
| ◆ Establish relationships with Latin American colleges | ◆ Foster changes from within |
| ◆ Facilitate exchanges | ◆ Help create transnational professional organizations and standards. |
| ◆ Teach context, language and culture | ◆ Diversify teaching methods (increase independent problem solving and active participation) |
| ◆ Recognize independent and distinct needs of Latin American partners | |
| ◆ Diversify teaching methods (collaborative) | |
| ◆ Address accreditation challenges | |

6/2/2006

12

Conclusion

- ✦ Work together to overcome challenges
- ✦ Improve efficiency, harmonization, and communication
- ✦ Increase trade, investment, and development
- ✦ Promote political stability, free markets, and social progress

6/2/2006

13