

# CILENotes

CENTER FOR INTERNATIONAL LEGAL EDUCATION

## From the Director

**F**our years of operation of the Center for International Legal Education have brought a myriad of experiences to those of us involved with the many people and programs that have come to the University of Pittsburgh School of Law. This newsletter provides a glimpse of some of the programs, experiences and relationships that have been important in the lives of students, faculty and visitors during the past year. It has been an exciting year, and the future promises to be even better as more students come from more countries to study at Pitt Law, and more Pitt students gain experience in the law and legal education abroad.



Professor Ronald A. Brand

As you read this issue of CILE Notes, you will notice that diversity has been a theme not only in terms of the effect of our foreign students on the entire Law School community and the experiences of our J.D. students abroad, but also in the types of new programs being established. While we continue to consider possibilities for formal study abroad programs and similar arrangements, we are hesitant to rush into an already saturated market just to have a presence. We have chosen instead to initiate programs with special impact in areas of particular need. A prime example for the coming year is the grant we received with the University's Center for Russian and East European Studies

from the U.S. Information Agency to fund a three-year faculty exchange program that will facilitate curriculum development at Donetsk State University in Ukraine. Our new Program on Law and Global Philanthropy, which begins officially on January 1, 2000 under the leadership of its Director, **Penina Lieber**, will provide research and resources directed at a better understanding of the impact of the non-profit sector on global developments and of national laws on the ability of that sector to operate transnationally. These are exciting new programs that recognize both existing strengths at the School of Law and opportunities to make a difference where doing so is important not only to the development of the law and legal education, but also to the experiences that can be provided for our students.

This has also been an important year in terms of global impact of programs at the School of Law. Nowhere has this been more evident than in the work of **Professor Bernard Hibbitts** through his JURIST Internet service. Since its establishment in 1996, JURIST has been named to numerous "best website" lists. This spring, it took on a special global role, moderating a unique and ongoing "real time" discussion and debate of legal issues surrounding the crisis in Kosovo; including "reports from the front" that influenced decision-makers and "scooped" even

major news services. Nowhere in legal education is there a better example of immediate discussion of international law during the course of a growing conflict. The experience was only enhanced by the disparate positions on the legal principles applicable to the situation and the importance of national and multilateral decisions on the future development of international law. The "Summary with Substance" article on JURIST provides a review of an incredible process of communication and discussion, proving that the University of Pittsburgh School of Law is at the forefront of the communication revolution and its use for law and legal education.

The McLean Lecture on World Law has continued as a staple of our international programs, and as a wonderful joint venture with the World Federalist Association of Pittsburgh. The 1998 lecture by **Gavan Griffith**, former Solicitor General of Australia, and the 1999 lecture by **Professor Edith Brown Weiss** of Georgetown University Law Center, both proved thought-provoking and informative for the sizeable audiences this lecture series now attracts.

Our catalogue of visitors, both as teachers and visiting scholars, has grown in both quantity and quality as we benefit from very special courses and lectures by prominent lawyers and professors from around the globe. In particular, the visits this fall by **Professors Hubert Bocken and Inge Govaere** from the University of Ghent provided both excellent courses and the presence of wonderful colleagues. The support of the Commission for Educational Exchange Between the United States of America, Belgium and Luxem-

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bourg has also allowed Professor Harry Flechtner and me to benefit from similar visits to Ghent in the past two years. Our experiences there have brought valuable new insights to our teaching and scholarship that we only hope will be apparent in our future work.

As we enter our fifth year at the Center, I want to acknowledge two sources of special support for our programs. Elizabeth (Bessy) Lochbaum joined us last year as our Program Administrator, moving smoothly into a position that is the heart and soul of our operations. Her special attention to the needs of students and her efficient accomplishment of administrative tasks have made life pleasant for all of us involved in Center activities. We celebrate her contributions to a very successful year. Once again, we also acknowledge the very significant contribution of the Alcoa Foundation to the Center. Its continued funding of tuition scholarships for the LL.M. Program for Foreign Law Graduates has allowed us to attract top scholars from around the globe and to continue to develop programs that provide diversity and growth for all of us in the School of Law community.

As always, we welcome your interest and invite your participation in and comments on our programs.

## A SUMMARY WITH SUBSTANCE

### Law in Action: Mobilizing the Internet in the Kosovo Conflict



Associate Dean and Professor Bernard Hibbitts

JURIST: The Law Professors' Network (<http://jurist.law.pitt.edu>), established at the University of Pittsburgh School of Law in 1996, is an Internet-based legal information and communication service developed by Associate Dean and Professor Bernard Hibbitts. While JURIST has focused on American legal issues, the outbreak of the Kosovo conflict in March of this year presented a unique opportunity to take the international stage, providing news and background on a fast-breaking international crisis with many legal aspects and implications.

Within 48 hours of the beginning of the NATO bombing campaign against Yugoslavia, JURIST set up a special "Legal Guide to the Kosovo Conflict" with information and links for legal scholars and lawyers interested in the developing situation (<http://jurist.law.pitt.edu/kosovo.htm>). JURIST also issued calls for participation, asking legal scholars and area experts to contribute their

thoughts and comments. Responses came back not only from the United States, but from law professors, lawyers and other academics in Yugoslavia. The fact that these individuals were talking to JURIST meant that a legal publication in a country at war was in immediate, direct, uncensored contact with scholars from the other side.

Soon after making contact with Yugoslavia, JURIST organized an online Q&A session on Kosovo between JURIST readers and members of the law faculty in Belgrade. Even this format, however, was quickly overtaken by events, and in practice JURIST's Yugoslav contributors became war correspondents, reporting and commenting on events as they happened. Some offered hard news, while others offered academic analyses of the background to the Kosovo problem, the legality of the bombing campaign under international law, and the case that Yugoslavia eventually brought against NATO countries in the World Court. Several writers concerned about restrictions on civil liberties provided English translation of documents relevant to the internal legal situation in Yugoslavia under the state of war, while some offered purely personal perspectives — stories of lives under fire.

## CILENotes 1999

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All these letters and messages prompted reactions from JURIST readers worldwide: mail came back from readers in the U.S., Canada, Germany, Italy, Switzerland, Romania, Estonia, Russia, Israel and elsewhere. A number of Yugoslav contributors read the responses as they came in and commented on them in turn. As the weeks passed, more members of the Yugoslav legal community became involved. At the peak of operation in mid-May, JURIST was in touch with over 20 different legal and academic correspondents and commentators inside Yugoslavia, a pool that was larger, more knowledgeable and more articulate than that commanded by some of the major news networks.

Of course, not everyone involved in the crisis was in a position to talk to JURIST, electronically or otherwise. Kosovo itself was never well-wired; the relatively poor Albanian-dominated community there had only been minimally acculturated to the Internet before the war; once "ethnic cleansing" started much of the community was on the road, and communication was almost impossible. Ironically, JURIST was only able to get in touch with Kosovo academics in May, after they had been driven to Macedonia and Montenegro, where Internet connections were better. In the first few weeks of the war, JURIST's efforts were also limited by virtue of operating in English only. As JURIST's Kosovo Guide became better known, however, it attracted lawyers and educators from both sides who spontaneously offered to translate so that material could be included from colleagues and correspondents who were not comfortable with English. JURIST then became one of a mere handful of Kosovo-related sites also capable of interacting with readers in both Albanian and Serbo-Croatian.

As the air campaign lengthened, JURIST started to receive more traditional scholarly fare: first op-eds, then full-scale papers from academics in the United States, Germany, Sweden, Macedonia, Greece, and even Yugoslavia itself. Befitting the conflict, a number of these authors actively engaged each other: in particular, a heated debate over Kosovar

independence developed between a German law professor and the Dean of the law school at the University of Belgrade. After a couple of months JURIST developed what some would recognize as a full issue of a law review on legal aspects of the Kosovo crisis, not just in case, but just in time.

But regular academics and lawyers were not JURIST's only audience. The legal focus of the Kosovo Guide, the range of the material it contained, the worldwide readership it enjoyed, and its capacity for instantaneous publication also attracted political and military decision-makers. Early on it was evident that not a little of the site traffic was coming from the .mil domain – US military officers and personnel doing online research. Soon afterwards, official advisors to international agencies and governments started asking for help in sorting out legal questions of immediate concern: a NATO official asked whether the Macedonia government could avoid certain obligations under international refugee law; a US army legal officer asked for advice on restructuring Kosovo's civil administration in a post-war environment. In this context it became obvious that the Internet was a two-way street, and that in a crisis situation the demand for timely expert legal advice went beyond what even the largest and best-staffed organizations could provide for themselves.

The conflict also showed that it was possible to use the Internet to overreach traditional media and communicate directly with leading officials in the war zone. In May, JURIST was granted an exclusive e-mail interview with the President of Albania. Similar conversations occurred with the Deputy Prime Minister of Serbia. The latter interview proved particularly revealing: Ratko Markovic, a law professor at the University of Belgrade, had been Yugoslavia's chief negotiator at the Rambouillet talks, but had not granted any interviews since his return from Paris in March. He told JURIST that, contrary to President Milosevic's party line, the peace agreement had effectively amputated Kosovo from Serbia to save the life of the state. JURIST's interview was republished

in the Yugoslav weekly NIN, was reprinted again in one of the main Belgrade dailies, and was discussed extensively on domestic radio and TV in Yugoslavia, as well as on the Voice of America and Radio Free Europe. On July 31, the French wire service, AFP, directly credited JURIST for carrying the first public statement by a top Serbian official saying that Serbia had lost Kosovo – that it had, in fact, lost the war.

JURIST's coverage of legal aspects of the crisis in Kosovo and Yugoslavia suggests that the Internet may have an important effect on the future of international law and legal scholarship. Suddenly it is possible instantly to assemble a world-wide collection of information and experts to provide perspectives on fast-breaking legal problems. In this environment, legal scholars can exercise a more direct influence on events, since it becomes possible to analyze them soon enough to influence their course and outcome. Quite literally, this is not "law in the books": law that rests in precedents and statutes, supported by law reviews and weighty monographs. Rather, it is "law in action" – law at work in a new medium which is immediate, interactive and collaborative, and which can leverage a critical mass of legal expertise in real time against problems in the real world. The potential of this applied brand of cyberspace law remains largely untapped, but JURIST's virtual expedition to Kosovo suggests it has significant possibilities, and that the University of Pittsburgh School of Law will be on the forefront of the recognition of these possibilities.

THE OFFICERS  
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## First Person

### Experiencing the Fragile Nature of International Human Rights Law

Ana Maria Mieles '01

My education and experience have been geared toward the international realm, generally focused on Latin America. I hold a personal as well as a professional interest in this region. I was born in Colombia and lived there for a number of years. Thus, I have been aware of the urgent and difficult human rights situation in this region. The internship program I participated in this summer allowed me to further my understanding of the region and the legal dynamics surrounding the international human rights system.

In March of this year I learned that the Center for Justice and International Law (CEJIL) had accepted my application for an internship in their Washington D.C. office. Although I was aware of CEJIL's role as co-petitioner in most of the cases presented before the Organization of American States (OAS) Commission on Human Rights and the Inter-American Court of Human Rights, I was amazed at the extent of this organization's involvement in the education and promotion of human rights throughout Latin America.

As most legal fellows do, I aided in the preparation of briefs for individual cases. These cases varied from torture, extra-judicial executions and forced disappearance, to the denial of the right to citizenship in the country of birth. However, this was only one aspect of my experience in CEJIL. During the first week, I attended the OAS General Assembly in order to follow a discussion on Trinidad and Tobago's denunciation of the American Convention on Human Rights. I also worked on projects geared toward lobbying for consultative status of non-governmental organizations in the OAS. In addition, I was able to attend a briefing on the status of human rights education in the Colombian military, presented by the Colombian Minister of Defense and the Commander-in-Chief of the Colom-

bian Armed Forces.

It became clear to me during my busy summer that the international legal system, specifically the international human rights system, has a fragile structure of compulsory jurisdiction. This was emphasized on June 14, 1999, when the Supreme Court of Peru issued a decision refusing to abide by two sentences imposed by the Inter-American Court. Then, on July 7, Peru's Congress voted to withdraw from the jurisdiction of the Inter-American Court. Not only does this action by Peru bring into question the legitimacy of the Court's jurisdiction and of the Inter-American human rights system as a whole, but it denies Peruvian victims redress before an international court.

My summer internship with CEJIL provided a comprehensive look into the legal and political complexities of the international human rights system. Many of these complexities raise important challenges to the full implementation of human rights norms. It indeed was a privilege to develop a better understanding of this fragile yet extremely important area of international law.

## USIA Funds Exchange with Donetsk State University

The United States Information Agency has approved a grant to the University of Pittsburgh to cover three years of faculty exchange aimed at the development of the curriculum at the Donetsk State University Faculty of Law, particularly in the areas of clinical legal education and commercial and international business law. The project is a joint venture of the School of Law and Pitt's Center for Russian and East European Studies.

During the three year term, professors from Donetsk State University will work

with professors from the University of Pittsburgh in order to develop both substantive course materials and teaching methods. The program will further existing relationships between the two law faculties, facilitate the exchange of information and experiences that will improve the law school curriculum at Donetsk State University, and sensitize professors and students at the University of Pittsburgh to the needs and developments in an NIS state. The intermediate goals are to establish a dynamic clinic program at Donetsk State University that will serve the educational needs of law students as well as the legal services needs of local citizens, and to create a strong substantive curriculum at Donetsk State University in the area of commercial and international business law, with faculty who are skilled in various methods of instruction. The long-term goal is to contribute to the rule of law in Ukraine in a manner that will serve as a strong underpinning for both foreign investment and democratic institutions.

Previous visits by Donetsk State University faculty to the University of Pittsburgh have indicated both a strong interest and a distinct need for development of the curriculum at Donetsk State University in the areas of clinical legal education and commercial and international business law. Visits by University of Pittsburgh professors to Donetsk will follow, with continued discussion of course content and teaching methods. Pittsburgh faculty will observe and critique courses taught at Donetsk State University and provide lectures in English that will strengthen the changes in curriculum and add information for students taking courses in the relevant subjects.

This is the third USIA faculty exchange grant awarded to the School of Law. From 1987 to 1991, a grant funded exchanges with the Faculty of Law at the University of Augsburg, Germany. A second grant allowed cooperation with both the University of Augsburg and the Flemish Free University of Brussels from 1992 to 1996. These programs have provided a foundation for continuing exchanges and cooperation.



# LL.M. Graduates Find Lives in the Law Awaiting Them

After the traditional Gateway Clipper cruise on Saturday, May 29, and graduation ceremonies on Sunday, May 30, members of the LL.M. Class of 1999 have dispersed once again around the globe to apply their skills in the law. The fifteen members of the largest class to date have already made an impact in both the U.S. and abroad.

Many of the students chose an internship with a local corporation or law firm as an opportunity to experience first hand the practice of law in the United States. The following is a list of students and internship placements:

- Diego Gamero ..... Cohen & Grigsby
- Sofia Kokkini ..... Alcoa
- Alexandre Rangel ..... Reed, Smith, Shaw & McClay
- Maria Sanchez ..... Rizza & Schwendinger
- Natalya Sipper ..... Reed, Smith, Shaw & McClay



Rachaya Suvanamas .. Pennsylvania Department of Environmental Protection

Weizhong Yu ..... Jones, Day, Reavis & Pogue

Ni Zhu ..... Westinghouse

After participation in the annual Brussels Summer Seminar at the Vrije Universiteit Brussel and Universitit Libre Brussel, **Jaime Favela** has returned to his position with the firm of Ritch, Heather, and Mueller, S.C. in Mexico City. **Diego Gamero** spent a portion of the summer studying intellectual property law at Franklin Pierce College of Law before re-

turning to Pittsburgh for an internship and joining the firm of Rodrigo, Elias & Medrano, Abogados, Lima, Peru. **Georgia Post** has returned to Frankfurt, Germany, where she is working for Deutsche Bank on Y2K issues.

**Miriam Hogan** has begun work at the Pittsburgh offices of Buchanon Ingersoll, focusing on health law issues in the U.S., Ireland and England. After taking the New York bar exam, **Sofia Kokkini** returned to Greece to be married on September 11, 1999 to Pavlos Papisavas. **Rachaya Suvanamas** has begun an S.J.D. program in environmental law at Indiana

University. **Varangkana Wongvidtaya** returned to Thailand and her position with International Legal Counsellors Thailand Limited, Russin & Vecchi L.L.P.



1999 LL.M. class visits the White House.



Mark Walter, second from left, with Professor Harry Flechtner, Visiting Professor Inge Govaere from the University of Ghent, and Professor Ronald Brand

## Visiting Faculty Continue Tradition of Unique Courses

During the 1998-99 academic year, the School of Law continued its tradition of offering courses taught by visitors with special experience and expertise. In the fall term, **Dr. Andreas Ziegler**, Head of the Legal Service for International and European Economic Law at the Swiss Ministry of Trade, continued a seven year practice of providing an EC/EU Law course taught by a distinguished European visitor. In the spring term, **Bernard L. Seward, Jr.**, of the Office of Legal Adviser of the Department of State, provided courses in Arms Control Negotiation and International Agreements Law.

During the current fall term, the School of Law has been particularly privileged to have two distinguished professors from the University of Ghent, Belgium. Each taught a one-credit course providing special opportunities for students. Their presence builds on lecture visits to Ghent in the past two years by **Professors Ronald Brand and Harry Flechtner**, and is funded in large part by a special grant from the Commission for Educational Exchange Between the United States of America, Belgium and Luxembourg in Brussels. This year's course on European Union Law was taught by **Professor Inge Govaere**, who also teaches at the College of Europe,

in Bruges, Belgium. Dr. Govaere received her Ph.D. from the European University Institute in Florence. She specializes in the law of the European Community, particularly matters of external relations, intellectual property rights and judicial protection.

**Professor Hubert Bocken** provided a course in the fall term on Comparative Environmental Compensation Systems. Bocken is the founder and former president of the Belgian Association for Environmental Law, a member of the Royal Academy of Arts and Sciences of Belgium, and a recipient of the Elizabeth Haub Prize for Environmental Law. He is a former Dean of the University of Ghent Faculty of Law.

**Professor Giandomenico Majone** returned to the University of Pittsburgh this year as a Visiting Distinguished Professor at the European University Center. During the fall term, he is teaching a course entitled "Free Trade, Economic Integration and Harmonization: The Experience of the European Community in Comparative Perspective." The course is cross-listed in Political Science, Law and the Graduate School of Public and International Affairs. Professor Majone's course in fall 1998

(Regulation, Deregulation, Re-Regulation: Comparing the U.S. and EU Experiences) was extremely well-received by students and his regular discussion group on issues of regulation provided a forum for interdisciplinary faculty involvement. His expertise on issues of regulation, including matters of policy and law, brings important resources to the University.

## Alumni Profile

### MARK S. WALTER

Mark S. Walter, a 1998 Pitt Law graduate, is developing a Pittsburgh-based law practice intended to help foster the growth of international business among Western Pennsylvania companies and their overseas counterparts. The practice is founded on the concept that a large measure of medium-sized import and export transactions go unnoticed and without the advantage of competent legal advice. Walter believes local businesses are more likely to venture into international trade for the first time if they are presented with a dedicated and reasonably priced legal support system that will help in reducing risk.

Prior to Law School at Pitt, Walter attended graduate school at the University of London's School of Oriental and African studies and worked for the British Broadcasting Corporation in India. He also holds a masters degree in journalism from William and Mary. Both in India and in Pittsburgh, Walter has worked extensively in the field of import/export, importing products himself and advising others in the mechanics of international trade.

During law school, Walter twice traveled to Vienna, Austria, to represent the School of Law in the Willem C. Vis International Commercial Arbitration Moot. His first trip was as a competitor; the second as coach to Pitt's team.

Following law school, Walter traveled to Tokyo, Japan, to work as an assistant to Professor Hajime Yoshino of Meiji Gakuin University. Professor Yoshino is well known for his work on the use of artificial intelligence in the application of the United Nations Convention on Contracts for the International Sale of Goods.



## Issues of International Environmental Law: Professor Edith Brown Weiss Gives 1999 McLean Lecture

Professor Edith Brown Weiss, the Francis Cabell Brown Professor of International Law at Georgetown University Law Center, gave the McLean Lecture on World Law on Thursday, October 14, 1999, at the William Pitt Union Ballroom. Professor Brown Weiss is widely recognized as the premier U.S. scholar in the area of international environmental law.

Professor Brown Weiss' talk, entitled "International Environmental Law in the Age of Globalization," dealt with the conflicting trends in globalization that contribute to integration through technology while at the same time leading to fragmentation between international elites and disenfranchised sectors of the world's population. She discussed substantive developments in environmental law that have occurred since the 1972 Stockholm Conference on the Human Environment. Although noting an apparent trend that lessens the tension between environmental degradation and economic development, Brown Weiss cautioned that there seems to be a lack of environmental accountability among non-state actors.

Co-sponsored by the World Federalist Association of Pittsburgh, the McLean Lecture brings major participants in international law to the Law School each year.

Previous McLean Lecturers have been Richard Falk (1992), Steven M. Schewbel (1993), Robert B. Rosenstock (1994), Larry D. Johnson (1995), Benjamin B. Ferencz and Henry T. King (1996), Harold S. Burman and John O. Honnold (1997), and Gavan Griffith, QC (1998).



At the 1999 McLean Lecture are Roseann P. Rife, Dr. Burkart Holzner, Janice O'Reilly, Professor Edith Brown Weiss, and Professor Ronald A. Brand.

## Program on Law and Global Philanthropy Promises New Opportunities

On January 1, 2000, the University of Pittsburgh School of Law will open a new academic research center, the Program on Law and Global Philanthropy, for the interdisciplinary study of the effect of the world's legal systems on global philanthropic giving. The Program is designed to coordinate a comparative study of the laws that regulate and define domestic and foreign philanthropic activity throughout the world. With **Adjunct Professor Penina Lieber** as Director, the Program will create academic exchange and propose policies and laws aimed at reducing barriers to effective international philanthropy. It will also study the impact of nongovernmental organizations on the development of law on a global scale.

The Program will be housed in the Center for International Legal Education and will work with existing University departments, centers and programs to coordinate an innovative study of global philanthropic legal norms and their public policy implications. The Program will create new opportunities for providing training and technical assistance to nonprofits and NGO's, governmental units, foundations, corporations and individual benefactors.

The existing curriculum in the area of nonprofit/tax exempt law will be strengthened and coordinated with important

nonprofit components in other courses. Students will be provided research opportunities in the Program, as well as "hands-on" opportunities to apply principles of international and comparative law to issues of transnational charitable giving and international nonprofit activity, thereby building on the existing foundation of substantive courses of study.

The Program will take advantage of the strength of Pitt's University Center for International Studies, and work closely with its five component centers, all of which have been designated by the federal government as National Resource Centers. Special cooperation will occur with the UCIS project, funded by the Ford Foundation, to collect, collate and develop data pertaining to international nongovernmental organizations. Cooperation will also occur with the University's International Development Project and the Graduate School of Public and International Affairs, building on Pitt's already strong programs for the study of nonprofit organizations and global relationships.

Initial funding for the Program on Law and Global Philanthropy has been provided by Provost James Maher, indicating a strong University commitment to the development of existing strengths in this area at the School of Law.



# A Second Year of a Special and Successful Program: English for Lawyers — More Than Just Grammar

The English for Lawyers program at the University of Pittsburgh School of Law, designed and taught by Professor Teresa Brostoff and Professor Ann Sinsheimer, enjoyed its second very successful summer with students entering LL.M. programs here at Pitt and at other law schools. The program is an

intensive three week course with a primary goal of helping students feel comfortable entering the American law school environment. The students enter the program with competent English language and with good analytical skills, but with limited knowledge of American legal vocabulary and usage. Although the students will need many months to fully master the language of the law, this course helps them identify and practice the strategies they will need to succeed in law school. The course also helps students understand what will be expected of them. For example, students must learn how to read cases and extract the necessary information, prepare for and address the questions professors will pose in class, take notes and organize large quantities of information, participate



Professor Teresa Brostoff

in class discussion, and write papers and exams.

During the first week of the course, students are introduced to the American legal system, legal language, and vocabulary in a variety of ways. First, they are exposed to the expectations of the law school classroom. They partici-

pate in a discussion of the United States legal system in order to experience new ways of interacting in a classroom and developing their note taking skills. They are tested on their comprehension of material in a quiz-like game, using the legal terminology they have encountered. Students also learn the important skills of rephrasing and defining words, so they can better converse with others. They end their first week by giving an oral presentation about their legal systems. Each student also provides written feedback on the presentations of others. Presentations are videotaped, allowing review of oral presentation style in order to improve pronunciation, verbal stress and intonation, as well as the use of body movements.

During the second week of classes, stu-

dents begin to apply the law as they will be required to do in class and in practice. They read more than twenty cases during

the three weeks, receiving written comments on the substance and grammar in their case briefs. As they deepen their appreciation of the use of case and statutory law, they learn to predict the outcomes of cases based on particular legal precedents and principles. Students expand their use of legal research techniques to the Internet and other computerized formats, and engage in client interviews and the preparation of written statements of the facts obtained. They then apply the law they have studied to assess the strength of the client's case.

In the third week, the emphasis shifts in order to allow students to explore their own areas of research and to encourage independent work. Students edit their own writing utilizing their improved knowledge of sentence construction and English grammar. They present a mock oral argument before an appellate court, and form "law firms" to negotiate and settle a landlord-tenant dispute. These experiences provide opportunities to use English to persuade others. Finally, students propose a topic they would like to explore further during their LL.M. programs and each student gives a formal presentation about his or her research interests and research plan.

The English for Lawyers program also includes a non-classroom component. Through visits to various legal and non-legal sites in Pittsburgh, students become familiar with the university, the city and



Professor Ann Sinsheimer



1999 English for Lawyers program students with (center front) Professors Teresa Brostoff and Ann Sinsheimer



## First Person

### Bananas, Beef and the Benefits of a Summer at the European Union Delegation

By Peter Kaldes '01

the U.S. legal system. These experiences include visits to a trial and a local prison, as well as to local cultural sites and social events with faculty members.

The opportunity to meet current JD students and former LL.M. students is a fundamental part of the English for Lawyers Program. Participants make important contacts with new colleagues, providing a crucial support network. For non-native speakers of English, friendships with JD students and former LL.M. students provide valuable resources. Each English for Lawyers student is assigned a U.S. law student as a mentor, to help the student settle into life at the law school. Students are also introduced to summer research assistants and others who will be taking courses with them in the fall. The opportunity for such encounters in the relaxed atmosphere of summer allows the development of friendships in a conducive environment. Student teaching assistants attend all extra-curricular activities with the students, providing further opportunity to talk about the law in English. The teaching assistants also serve as cultural liaisons between the students and instructors, reinforcing classroom instruction and alerting the instructors to any potential difficulties. The teaching assistants continue to maintain close contact with the LL.M. students throughout the following year.

The English for Lawyers program has helped LL.M. students feel more confident throughout their program, and has also helped to make them more visible and active in the law school. The course is rigorous and fast-paced, yet enjoyable. Students learn English and grammar, but they also learn lawyering skills and develop a basic understanding of the American legal system. Moreover, they develop lasting bonds with each other, their teachers, and members of the legal community.

Chickens, bananas, and beef – usually a list of items one would have for a trip to the grocery store. Instead, these seemingly innocent agricultural products are the source of high-level tensions between the U.S. and the EU. As a summer intern in the Trade Section of the European Union Delegation of the European Commission in Washington, D.C., I quickly understood that these tensions have spilled over into other areas of trade, straining the relationship further.

The European Union's "executive branch," the European Commission, has many Delegations around the world that function like embassies. The Delegation in Washington is divided into several sections, including Agricultural, Political, Press and Public Affairs, and Trade. As an intern, I worked closely with nine other Trade Officers and attended and reported on congressional hearings, researched U.S. and EU legislation and decisions of the International Trade Commission, and reported back to the European Commission's main offices in Brussels.

In addition to the ongoing battles over agricultural products, I worked on several other legal issues as well. I assisted the Trade counselors in researching and drafting an amicus brief arguing that Massachusetts violated the Foreign Commerce Clause by passing legislation that would place sanctions on any firm that conducts business within Massachusetts and also conducts business within Burma (Myanmar). This bill had serious ramifications for several of the Member States of the European Union, as many of their companies deal with both. Thus the EU, in a rare act of involvement, submitted an amicus brief making constitutional arguments. Having lost in the court of appeals, Massachusetts has petitioned the U.S. Supreme Court for a writ of certiorari.

I also had the opportunity to research and draft a memo on EU law. The ques-

tion focused on whether information obtained by the European Commission can then be used by the national authorities of the Member States as evidence. The European Court of Justice decided that Member States may not use as evidence unpublished information contained in replies to requests for information. In order to protect rights of the defense, the Court prohibited the use of the information for purposes other than that for which it was requested. Through this project, I quickly learned how much legal sovereignty the Member States have given up for the sake of strengthening the EU.

Finally, I worked on several consultations the EU has with the World Trade Organization alleging U.S. violations of several treaties. I researched and evaluated the economic impact of Section 337 of the Tariff Act of 1930 on European industry and the inconsistencies that may exist with the WTO. I briefed Brussels on cases that would assist the EU in putting an end to Section 211 of the US Omnibus Appropriations Act, which may violate several provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). And I drafted a report on the ongoing debate over the efficacy of US "safeguards" and anti-dumping policies regarding unfair trading practices. Finally, I assisted in agenda building and planning for the WTO "Millennium Round" beginning in Seattle.

Although the summer seemed to be tainted with chicken, banana and beef crises, I still was able to have an unbelievable educational and professional experience working with people from all over Europe and seeing how trade policy is formulated and played out. The unique opportunity to see how an international institution functions and operates from the inside was indeed a memorable experience.

My summer with the European Commission was supported by the Center for International Legal Education and made possible through assistance from the University of Pittsburgh's European Union Center.



## Fifth LL.M. Class Continues Tradition of Diversity

This year's LL.M. class brings to the School of Law eleven lawyers from ten countries. Most notably, it includes students from countries not represented in previous classes.

**Jafar Amanolahi** (Iran) completed his law degree at the Islamic Azad University, Tehran, and a master's degree in Public Administration at West Virginia University. He completed two years of military duty as an advocate in the Administration Office for Support of Veterans Rights. Additionally, he served as corporate legal advisor for Sepahan Rosoob Natural Stone Company. He enjoys volunteer work, especially with the Red Cross.

**Timur Arifdjanov** (Uzbekistan) graduated from Tashkent State University in Chemistry and from the University of World Economy and Diplomacy in Law, Tashkent. He worked for a Japanese Trading House, Kanematsu Corporation in Tashkent. Mr. Arifdjanov also conducted research at the University of World Economy and Diplomacy in Law. He has traveled extensively and enjoys Chinese gymnastics. Mr. Arifdjanov is being sponsored by the Open Society Institute through their Edmund S. Muskie Graduate Fellows program.

**Raquel Barberena** (Panama) graduated from the University of Santa Maria La Antigua, Panama City, in 1998. She worked in the legal department of Eberhard Trading Company International, S.A., doing research in areas of maritime and intellectual property law. She has also worked as an English translator. Ms. Barberena is the recipient of an Alcoa Foundation Fellowship.

**Rodrigo Bulnes** (Chile) graduated from the University of Diego Portales, Santiago, in 1997. Since graduation, he has worked for Honorate, Russi & Compañía to assist companies controlled by Coca-Cola in Chile and Argentina in the acquisition of development properties near Santiago. With a group of his friends, Mr. Bulnes is working to found a school in a low income area of Santiago.

**Silvana Cortellezzi** (Argentina) is an attorney with Industrias Metalurgicas

Pescarmona S.A. (IMPSA), which has offices in Buenos Aires and Pittsburgh, where she has spent much of her time working on contracts governed by American law. She earned her law degree from the University of Buenos Aires and is accompanied in Pittsburgh by her ten-year-old daughter, Julia Schang Viton.

**Lady Luz Guzman** (Peru) graduated from the Catholic University of Santa Maria, in Arequipa. She has been working as an environmental public interest lawyer for several years. Ms. Guzman has also been a substitute judge for three years at the Justices of the Peace of the Province of Ilo and in the Specialized Civil and Family Court. She has volunteered with Amnesty International and the Division of Protection of Women. As a member of the International Network of Public Interest Environmental Lawyers, Scientists and Non-government Organizations, she was awarded a scholarship to study English at the University of Oregon. She spoke at the International Conference of Environmental Activists and Advocates in 1998. Ms. Guzman is the recipient of an Alcoa Foundation Fellowship.

**Rossitsa Kostadinova** (Bulgaria) graduated at the top of her law class at Bourgas Free University, Bourgas. She is particularly interested in European Union Law and International Law. During her education, Ms. Kostadinova won numerous awards in music, dancing, singing, and mathematics. She is the recipient of an Alcoa Foundation Fellowship.

**Tanhuai Liu** (China) received a B.A. in Foreign Languages from Hunan Normal University, Changsa, and a law degree from China University of Political Science and Law, in Beijing. He is a practicing attorney and deputy director of the C & C Law office in Beijing, where he special-



Year 2000 LL.M. class members enjoy the annual visit to Frank Lloyd Wright's Fallingwater.

izes in banking and air financing. Mr. Liu has published articles on air financing in *LEGAL ISSUES IN CHINA* and *AIRFINANCING — GUIDE TO AVIATION LAWYERS*. Mr. Liu is the recipient of both an Asian Studies Program Tuition Remission Award and an Alcoa Foundation Fellowship.

**Francesco Mazzotta** (Italy) graduated from the University Degli Studi di Napoli Federico II, Naples. After graduation, he practiced in Cosenza in collection law, employment law and commercial law. In 1998, he taught Italian Public Law at the University of Calabria and conducted research concerning decisions of the Italian Supreme Court.

**Sol Maria Rodriguez Vazquez** (Argentina) graduated from the Catholic University of Argentina School of Law, Buenos Aires. She is a practicing attorney with the Sena & Berton Moreno Law Firm in Buenos Aires, specializing in intellectual and industrial property and advising foreign companies with trademark issues they may encounter in Argentina. Her husband, Francisco, studies at the Katz Graduate School of Business. They are the parents of Francisco Segundo.

**Chih-chin Wang** (Taiwan) graduated from the Chinese Culture University in 1999. While in law school, Ms. Wang participated in the Taiwan Regional Philip Jessup Moot Court Competition, where she received the "Best Oralist" award. She is especially interested in international law.



## ACTIVITIES

### Faculty Activities

Professor Ronald A. Brand continued his work as a member of the U.S. delegation to the Special Commission of the Hague Conference on Private International Law that is preparing a convention on jurisdiction and the effects of foreign judgments in civil and commercial matters. He attended negotiating sessions in The Hague in November 1998 and June and October 1999, and a smaller group effort to resolve difficult problems in Geneva in September 1999. He also attended a conference on the negotiations held at New York University School of Law in May 1999. On May 21, 1999, Brand chaired a discussion and presented a paper on the negotiations at the The Hague Joint Conference on International Law conference on "Contemporary Issues in International Law: a Century after the First Hague Peace Conference," sponsored by the T.M.C. Asser Instituut. On June 18, 1999, he spoke to the German American Lawyers Association, in Frankfurt, Germany, about the progress of the negotiations. On August 9, 1999, he participated in a panel providing an update on the treaty negotiations at the ABA Annual Meeting in Atlanta. He also attended the meetings of the Study Group on Judgments and the Advisory Committee on Private International Law at the U.S. Department of State in May and September of 1999.

During the past year, Professor Brand published the following articles and chapters: *Due Process as a Limitation on Jurisdiction in U.S. Courts and a Limitation on the United States at the Hague Conference on Private International Law*, 60 UNIVERSITY OF PITTSBURGH LAW REVIEW 661 (1999); *Preparing for a Hague Convention on Jurisdiction and the Recognition of Judgments*, TRANSLEX: TRANSNATIONAL LAW EXCHANGE 1 (June 1999); *Comments on Functional Change in Property Rights in the Welfare State*, WELFARE STATES IN TRANSITION EAST AND WEST 41 (Irwin Collier,

## First Person

### A Better Understanding of Spain, European Law, and Myself

Julie Roland

Studying in Barcelona, Spain, this summer was the best educational experience of my life. I attended a 4-week program sponsored by the University of San Diego and spent an extra couple weeks traveling. During my stay in Europe, I learned that a study abroad education is really two-fold. Of course, there was plenty of legal knowledge offered by prominent professors from the U.S. and Europe, but the majority of my education came from outside the classroom. Meeting law students from across the United States, as well as several students from Barcelona, enhanced the whole experience. I learned a lot about the culture and the legal profession in Spain from the people I met and some of the places I visited. The most important thing I gained from my summer travel experience is a better understanding of myself and the direction I want to take with my life. The experiences of this summer will never be forgotten.

Obviously, after a grueling first year, no one wants to go back to classes right away. Nonetheless, I had the opportunity to learn European Union Law from two prominent Spanish professors that teach at the University of Barcelona. I also studied International Litigation with Professor Russell Wientraub of the University of Texas. A very difficult class and a very demanding professor, but worth the extra bit of effort.

The majority of my knowledge about the legal system in Spain and Spanish culture was provided by one of my new friends, Amadeau Blasco. I did not know a lick of Spanish so I thought it best to befriend a local. Not only did he help me make my train reservations, but we also had great conversations about being a lawyer in Spain. Amadeau graduated law school from the University of Barcelona and was taking summer classes in order to

practice English before beginning an LL.M. program at American University this fall. He told me that being a lawyer in Spain is simply a profession like any other. An associate in a big firm is probably earning slightly more than a waiter in the restaurant below his office or the teacher in the school next door. Getting a law degree in Spain is not much different from getting a degree in biology or history. Amadeau hopes ultimately to practice in the U.S. because of our greater respect for the legal profession.

I also had the opportunity to visit a large law firm in Barcelona and the main courthouse, similar to our federal courts. The firm looked very similar to any firm in the U.S. Everyone in the office was required to speak English in his or her day-to-day affairs.

Traveling outside the United States is an experience everyone should have. Going to Europe with hotel reservations for only one night laid the foundation for quite a journey across the continent and within my life. Dealing with adversity was an important skill I learned quickly. When you are told the trains aren't running and you have to be somewhere the next day, or you end up in a city with no vacancies because the European Cup is being played, you quickly learn to think on your feet and constantly adapt to your surroundings.

I had so many wonderful opportunities and experiences I could not begin to recount them all in this short article. To those of you who might be thinking about studying abroad, do it. One little piece of advice though: find a good program, start early, and research to make sure the program is reputable and the people running it are helpful. This will make for a great experience with little or no worry.

Continued on page 12...



Herwig Roggemann, Oliver Scholz and Horst Tomann, eds. 1999).

**Professor Douglas Branson** lectured at the University of Cape Town, South Africa, where he was in residence during August and September 1998. He lectured in company law classes on corporate (shareholder) litigation in the United States, the United Kingdom, New Zealand and Australia, as well as on takeover bids in those countries and the differing systems of regulation applicable to them. He also conducted a seminar for graduate students, many of whom came to Cape Town from the Netherlands and Germany. In his leisure time, Professor Branson traveled to Zimbabwe, Botswana and Namibia.

In May 1999, Professor Branson visited Australia where he holds a permanent appointment as a Fellow, at the School of Law, University of Melbourne. For the sixth consecutive year, he co-taught (with Professor J. Farrar of Bond University, Queensland) the master of laws intensive course in comparative corporate governance to graduate students from around the Pacific Rim, including Australia, New Zealand, Indonesia, Malaysia, Thailand, Viet Nam, the Philippines, South Africa, Sri Lanka, and India. In June and July 1999, Professor Branson taught "International Corporations" at the University of Paris in a program sponsored by the University of San Diego.

**Professor John Burkoff** was appointed in 1999 by the University of Pittsburgh Dean of Arts & Sciences to a 3-year term on the Semester at Sea Academic Advisory Committee. In 1998, Professor Burkoff was employed as a consultant on the Draft Law on the Bar Association of Lithuania by Central and East European Law Initiative (CEELI) of the American Bar Association.

**Professor Vivian Curran** gave a talk and chaired a panel in June 1999 at the Sixth Biennial International European Community Studies Association conference; and gave a talk on current European Union issues to the *Alliance Française* of Pittsburgh. In June and July, she taught a course on American Law and a seminar on comparative issues at the University of Augsburg, Germany. She gave two talks

on American perspectives of European Union issues at the law schools of the Universities of Augsburg and Hanover, under the auspices of the German-American Lawyers' Association. Curran has joined the editorial board of *Science Letters*, a bilingual and interdisciplinary journal dedicated to publishing scholarly work from the natural sciences to the humanities in both French and English. She has also been working as an expert on French law in a case pending in a New York district court, and another pending in a California state court.

Curran has published the following articles: *The Legalization of Racism in a Constitutional State: Democracy's Suicide in Vichy France*, 50 HASTINGS LAW JOURNAL 1 (1999) and *L'Enseignement du Droit aux Etats-Unis: Un Reflet Oblique de la Methodologie "Common-Law,"* 13 CAHIER DE METHODOLOGIE JURIDIQUE 1543 (1998). Her book, "An Introduction to Comparative Law: Theory and Practice," is scheduled for publication by Carolina Academic Press in 2000, and she is translating into English Professor Bernhard Grossfeld's latest book on comparative law, *Kernfragen der Rechtsvergleichung*.

**Professor Harry Flechtner** co-chaired a workshop on the U.N. Sales Convention on November 13, 1998, and lectured in several courses at the Faculty of Law of the University of Ghent, Belgium, in March 1999.

In June 1999, **Professor Margaret Mahoney** participated in a conference of the International Society of Family Law, which was held in Albuquerque, NM. Her panel, entitled "Parents As Third Parties," included participants from Canada and The Netherlands.

**Professor and Chancellor Mark A. Nordenberg** visited the European Court of Justice in Luxembourg in September 1999. While there, he met with several of the judges, and with **Kurt Riechenberg**, Chief of Staff to **President Judge Gil Carlos Rodriguez Iglesias**. Riechenberg was a visiting professor at the School of Law in the fall of 1993, and again for the 1996-97 academic year.

## Student Activities

**Mark Bartolomei** studied at the University of Freiburg, Germany during the 1999 summer term. The credits he earned during the term will transfer to satisfy one semester of work toward his J.D. degree.

**Marcella Bertin** received a Foreign Language and Area Studies Scholarship for the 1999 - 2000 academic year through the Center for Russian and East European Studies. The scholarship covers full tuition and a stipend for the current academic year.

**Tiffany Ford** received a Foreign Language and Area Studies Scholarship for the 1999 - 2000 academic year through the Center for West European Studies. The scholarship covers full tuition and a stipend for the current academic year.

**Carrie Kleinmann** spent the summer of 1999 in London, England working for FirstMark Communications, a start-up international company.

**Charles Kotuby** received a Rotary Fellowship to study law at the University of Durham, England for the 1999 - 2000 academic year. He is taking courses in Durham's LL.M. program, and planning a thesis dealing with issues raised in the negotiation of a convention on jurisdiction and enforcement of judgments at the Hague Conference on Private International Law.

**Ana Maria Mieleles** received the Latin American Social and Public Policy Fellowship for the 1999 - 2000 academic year. The fellowship covers full tuition and a stipend for the current academic year. During the summer, Ms. Mieleles was an intern with the Center for Justice and International Law in Washington, D.C.

**Kristen Prechtel** worked for the Immigration and Naturalization Service in Washington, D.C. during the summer of 1999.

On March 26 to April 1, 1999 **Todd Steiner** and **Matthew Pritchard** participated in the Willem C. Vis International



Arbitration Moot in Vienna, Austria. Professor Vivian Curran accompanied them and served as their coach.

The following students were awarded scholarships for summer study abroad in 1999:

**Jaime Favela** received a CILE scholarship to participate in the Brussels Seminar sponsored by the University of Georgia.

**Tiffany Ford** received a CILE scholarship to study in France with the University of Iowa.

**Peter Kaldes** received a summer Foreign Language and Area Studies Scholarship from the Center for West European Studies to study German.

**Julie Roland** received a CILE scholarship to study in Barcelona, Spain, with the University of San Diego.

**Angela Russell** received a CILE scholarship to study in Barcelona, Spain, with the University of San Diego. After completion of the program, she received a summer Foreign Language and Area Studies Scholarship to study Spanish at the University of Pittsburgh.

**Jennifer Shewak** received a CILE scholarship to study in London, England with the University of Notre Dame.

## News of Alumni

**Joseph W. Foltz** (JD '73), formerly with the PPG Law Department, has become Senior Legal Counsel-Europe for The Timken Company, and is based at Timken's European headquarters in Colmar, France.

**Joseph J. Small Hoover** (JD '80) is a partner with Dechert, Price & Rhoads in Paris, France.

**W. Michael Zuck** (JD '90) is counsel to Formosa Transnational in Taipei, Taiwan, where he specializes in immigration, trade and U.S. trademark matters.

**Mi-Kyung Choe** (JD '94) is a Foreign Legal Consultant with Kim & Chang, the largest law firm in Korea.

**Todd Shenkin** (JD '94) left his position as an associate at the New York firm of Shereff, Friedman, Hoffman & Goodman to join the legal department at Met Life.

**Bor-shan Lin** (LL.M. '96) is a Lecturer in Law, teaching Introduction to Anglo-American Legal Systems, Anglo-American Contracts, and Copyright Law at the Chinese Culture University in Taiwan.

**Daniela Ernlund** (LL.M. '97) and her husband Lucio are the proud parents of Felipe, born on December 28, 1998. Daniela is an associate at Hapner & Kroetz in Curitiba, Brazil.

**Robert Gross** (JD '98) left his position at Harris, Beach & Wilcox in Rochester, New York, to become an associate with the Washington, D.C. office of Brown & Wood, where he is part of the real estate and Japan practice groups.

**Arnau Muria** (LL.M. '98) is studying for a Ph.D. in International Law at the Universidad Pompeu Fabra, in Barcelona, Spain.

**Alejandro Osuna** (LL.M. '98) is teaching Public International Law at the Universidad Iberoamericana, Noroeste, Mexico. He also is practicing law with Osuna, Koayashi & Olivas.

**Amanda Willis Reed** (LL.M. '98) is an attorney with Federated Investors, Inc.

**Rami Shehadah** (LL.M. '98) is working for al-Haq, a Palestinian human rights organization located in the West Bank and affiliated with the International Commission of Jurists.

**Shahran Siddiqui** (JD '98), an associate at Cozen & O'Connor in Philadelphia, was selected by the Philadelphia Bar International Law Committee to be an exchange lawyer for six months with a firm in Lyon, France.

**Ileana Simplicean** (JD '98) works for the Paris firm of Sales, Vincent and Associates.

**Jose Luis Syquia** (LL.M. '98) left the law firm of SyCip Salazar et al., for a position with the Philippine Department of Finance, where he works on loan negotiations and international investment matters. He is also teaching Obligations and Contracts at the University of Santo Tomas, his alma mater.

**Corin Stone** (JD '98) completed her clerkship with Federal District Judge Robert E. Keeton, and has accepted a position at the Philadelphia office of Pepper, Hamilton & Sheetz. In June and October of 1999, she served as a Recording Secretary at the Special Commission of the Hague Conference on Private International Law.

**Michael Laidhold** (JD '99) will have his article, "Private Party Access to the WTO: Do Recent Developments in International Trade Dispute Resolution Really Give Private Organizations a Voice in the WTO?," published in *The Transnational Lawyer*.

**Scott D. Slater** (JD '99) received the first place prize in the national writing competition sponsored by the Customs and International Trade Bar Association. His article, "Overcome by Hardship: The Inapplicability of the UNIDROIT Principles' Hardship Provisions to CISG," will be published in the *Florida Journal of International Law*.



# Historic Roundtable Builds on Journal of Law and Commerce Contributions to Sales Convention Scholarship

On November 13, 1998, a workshop and roundtable discussion on the United Nations Convention on Contracts for the International Sale of Goods ("CISG") was held in the Rare Books Room of the University of Pennsylvania Law Library. The workshop was sponsored by the University of Pittsburgh School of Law Center for International Legal Education and Meiji Gakuin University (Japan), and received generous support from the University of Pennsylvania Law School. The workshop brought together the leading CISG scholars from the U.S., Japan and Europe, several of whom were instrumental in the drafting of the CISG, and pre-eminent scholars in the area of artificial intelligence and the law.

Pitt Professors Harry Flechtner and Kevin Ashley were joined by noted scholars from Denmark, Germany and Japan, for the purpose of a focused discussion of specific problems in the application of the CISG and of the potential role for computer-generated artificial intelligence in

future application of the Convention. Other participants were Professors John O. Honnold (University of Pennsylvania), Shigeru Kagayama (Osaka University, Japan), Joseph Lookofsky (University of Copenhagen, Denmark), Curtis Reitz (University of Pennsylvania), Peter Schlechtriem (University of Freiburg, Germany), Kazuaki Sono (Tezukayana University, Japan), and Hajime Yoshino (Meiji Gakuin University, Japan).

The all-day workshop featured the presentation and discussion of hypothetical cases prepared by the participants and focusing on the CISG. During the morning session, Professor Yoshino described the program of joint research he is conducting in artificial intelligence and the CISG, and with the assistance of Professor Kagayama, presented a hypothetical case which Professor Yoshino wrote as a test case for his legal expert system computer program. The balance of the morning session was spent discussing the CISG issues raised by Professor Yoshino's hypo-

thetical case.

The afternoon focused on a hypothetical CISG case written by Professor Schlechtriem. The day ended with the presentation and discussion of a hypothetical CISG case written by Professor Flechtner with assistance from Mark Walter (JD '98), who also attended the workshop.

The workshop was limited to the direct participants in order to facilitate an open and direct discussion of issues. The transcript of the workshop proceedings will be published in volume 18 of the Journal of Law and Commerce, continuing a tradition of scholarship on the CISG published in the Journal. The Journal established itself early as one of the leading sources of important commentary on the CISG, and has provided English language translations of some of the most important foreign decisions on the Convention. The following is a complete bibliography of CISG commentary and case translations published to date:

## The Journal of Law and Commerce CISG Project

### Bibliography of CISG materials published in the Journal of Law and Commerce

#### A. Case Translations and Abstracts

*Dictamen Emitido por la Comisión Para la Protección del Comercio Exterior a Petición de Conservas la Costeña, S.A. de C.V. with Commentary*, 17 J.L. & COM. 427 (1998).

*Dictamen de la Comisión Para La Protección Del Comercio Exterior de México: Morales Y/O Son Export, S.A. Dec. v. Nez Marketing*, 16 J.L. & COM. 363 (1997).

*Oberlandesgericht Dusseldorf (Higher Regional Court)*, July 2, 1993, 71 U 73/93, 16 J.L. & COM. 357 (1997).

*Tribunale Di Monza, Sentenza 14 Gennaio 1993, Laudisio Presidente, Lapertosa*

*Estensore, Nuova Fucinati S.P.A. (Avv. Bassi, Santamaria) c. Fondmetall International A.B. (Avv. Bianchi, Ginelli, Rossi)*, 15 J.L. & COM. 153 (1995).

Appendix: *Survey of Previous Decisions by German Courts Applying CISG*, 14 J.L. & COM. 225 (1995).

Journal of Law and Commerce Case I: *Oberlandesgericht, Frankfurt am Main, January 18, 1994*, 5U 15/93, 14 J.L. & COM. 201 (1995).

Journal of Law and Commerce Case II: *Court of Appeals of Grenoble, Chambre Des Urgences*, 16 June 1993, 92/4223, 14 J.L. & COM. 209 (1995).

Journal of Law and Commerce Case III: *International Court of Arbitration, Matter No. 7153 in 1992*, 14 J.L. & COM. 217 (1995).

Journal of Law and Commerce Case I: *The Supreme Court of the Republic of Hungary, September 25, 1992*, 13 J.L. & COM. 31 (1993).

Journal of Law & Commerce Case II: *Metropolitan Court of Budapest, January 10, 1992*, 13 J.L. & COM. 49 (1993).

CISG Case I: *Translated Text, Oberlandesgericht Frankfurt am Main, September 17, 1991-5U 164/90*, 12 J.L. & COM. 263 (1993).

CISG Case II: *Translated Text, Landgericht Baden-Baden, August 14, 1991-4O113/90*, 12 J.L. & COM. 278 (1993).



## B. Commentary

Transcript of a Workshop on the Sales Convention: Leading CISG Scholars Discuss Contract Formation, Validity, Excuse for Hardship, Avoidance, *Nachfrist*, Contract Interpretation, Parole Evidence, Analogical Application, and Much More, 18 J.L. & COM. \_\_\_\_ (1999)

Harry Flechtner, *The U.N. Sales Convention (CISG) and MCC-Marble Ceramic Center, Inc. v. Ceramica Nuova D'agostino, S.p.a.: The Eleventh Circuit Weighs in on Interpretation, Subjective Intent, Procedural Limits to the Convention's Scope, and the Parol Evidence Rule*, 18 J.L. & COM. \_\_\_\_ (1999)

Ericson P. Kimbel, *Nachfrist Notice and Avoidance Under the CISG*, 18 J.L. & COM. \_\_\_\_ (1999)

Joseph Lookofsky, *Alive and Well in Scandinavia: CISG Part II*, 18 J.L. & COM. \_\_\_\_ (1999)

Paul J. Powers, *Defining the Undefinable: Good Faith and the United Nations Convention on Contracts for the International Sale of Goods*, 18 J.L. & COM. \_\_\_\_ (1999)

John O. Honnold, *The Sales Convention: From Idea to Practice*, 17 J.L. & COM. 181 (1998).

Harry M. Flechtner, *The Several Texts of the CISG in a Decentralized System: Observations on Translations, Reservations and Other Challenges to the Uniformity Principle in Article 7(1)*, 17 J.L. & COM. 187 (1998).

Alejandro M. Garro, *The U.N. Sales Convention in the Americas: Recent Developments*, 17 J.L. & COM. 219 (1998).

Franco Ferrari, *CISG Case Law: A New Challenge for Interpreters?*, 17 J.L. & COM. 245 (1998).

Professor Dr. Volker Behr, *The Sales Convention in Europe: From Problems in Drafting to Problems in Practice*, 17 J.L. & COM. 263 (1998).

Ronald A. Brand, *Professional Responsibility in a Transnational Transactions Practice*, 17 J.L. & COM. 301 (1998).

V. Susanne Cook, *CISG: From the Perspective of the Practitioner*, 17 J.L. & COM. 343 (1998).

Harold S. Burman, *Building on the CISG: International Commercial Law Developments and Trends for the 2000s*, 17 J.L. & COM. 355 (1998).

John E. Murray, Jr., *The Neglect of CISG: A Workable Solution*, 17 J.L. & COM. 365 (1998).

Jennifer M. Bund, *Force Majeure Clauses: Drafting Advice for the CISG Practitioner*, 17 J.L. & COM. 381 (1998).

Victoria M. Genys, *Blazing a Trail in the "New Frontier" of the CISG: Helen Kaminski Pty. Ltd. v. Marketing Australian Products, Inc.*, 17 J.L. & COM. 415 (1998).

V. Susanne Cook, *The U.N. Convention on Contracts for the International Sale of Goods: A Mandate to Abandon Legal Ethnocentricity*, 16 J.L. & COM. 257 (1997).

John Fitzgerald, *CISG, Specific Performance, and the Civil Law of Louisiana and Quebec*, 16 J.L. & COM. 291 (1997).

Amy A. Kirby, *Punitive Damages in Contract Actions: The Tension Between the United Nations Convention on Contracts for the International Sale of Goods and U.S. Law*, 16 J.L. & COM. 215 (1997).

Pilar Perales Viscasillas, *Contract Conclusion under CISG*, 16 J.L. & COM. 315 (1997).

Todd Weitzmann, *Validity and Excuse in the U.N. Sales Convention*, 16 J.L. & COM. 265 (1997).

Claude Witz, *The First Decision of France's Court of Cassation Applying the U.N. Convention on Contracts for the International Sale of Goods*, 16 J.L. & COM. 345 (1997).

Vivian Grosswald Curran, *The Interpretive Challenge to Uniformity by Claude Witz*, 15 J.L. & COM. 175 (1995).

Joanne M. Darkey, *A U.S. Court's Interpretation of Damage Provisions Under the U.N. Convention on Contracts for the International Sale of Goods: A Preliminary Step Towards an International Jurisprudence of CISG or a Missed Opportunity?*, 15 J.L. & COM. 139 (1995).

Franco Ferrari, *Commentary: Uniform Law of International Sales: Issues of Applicability and Private International Law*, 15 J.L. & COM. 159 (1995).

Franco Ferrari, *Specific Topics of the CISG in the Light of Judicial Application and Scholarly Writing*, 15 J.L. & COM. 1 (1995).

Harry M. Flechtner, *Another CISG Case in the U.S. Courts: Pitfalls for the Practitioner and the Potential for Regionalized Interpretations*, 15 J.L. & COM. 127 (1995).

James J. Callaghan, *U.N. Convention on Contracts for the Sale of Goods: Examining the Gap-Filling Role of CISG in Two French Decisions*, 14 J.L. & COM. 183 (1995).

Eva Diederichsen, *Commentary to Journal of Law and Commerce Case I; Oberlandesgericht, Frankfurt am Main*, 14 J.L. & COM. 177 (1995).

Harry M. Flechtner, *More U.S. Decisions on the U.N. Sales Convention: Scope, Parol Evidence, "Validity," and Reduction of Price Under Article 50*, 14 J.L. & COM. 153 (1995).

Paul Amato, *U.N. Convention on Contracts for the International Sale of Goods—The Open Price Term and Uniform Application: An Early Interpretation by the Hungarian Courts*, 13 J.L. & COM. 1 (1993).

Volker Behr, *Commentary to CISG Case I*, 12 J.L. & COM. 271 (1993).

Ronald A. Brand & Harry M. Flechtner, *Arbitration and Contract Formation in International Trade: First Interpretations of the U.N. Sales Convention*, 12 J.L. & COM. 239 (1993).

B. Blair Crawford, *Drafting Considerations Under the 1980 United Nations Convention on Contracts for the International Sale of Goods*, 8 J.L. & COM. 187 (1988).

Ronald A. Brand, *Nonconvention Issues in the Preparation of Transnational Sales Contracts*, 8 J.L. & COM. 145 (1988).

Harry M. Flechtner, *Remedies Under the New International Sales Convention: The Perspective from Article 2 of the U.C.C.*, 8 J.L. & COM. 53 (1988).

John Honnold, *The Sales Convention: Background, Status, Application*, 8 J.L. & COM. 1 (1988).

John Honnold, *The Sales Convention in Action—Uniform International Words: Uniform Application?*, 8 J.L. & COM. 207 (1988).

Errol P. Mendes, *The U.N. Sales Convention & U.S.-Canada Transactions; Enticing the World's Largest Trading Bloc to do Business Under a Global Sales Law*, 8 J.L. & COM. 109 (1988).

John E. Murray, Jr., *An Essay on the Formation of Contracts and Related Matters Under the United Nations Convention on Contracts for the International Sale of Goods*, 8 J.L. & COM. 11 (1988).





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## First Person

### **A Summer with the Immigration and Naturalization Service**

*Kristin Prechtel (JD '01)*

Working for the Department of Justice in the Immigration and Naturalization Service division provided a memorable summer experience. As an intern in the General Counsel division, the Appellate Counsel office, and at the trial division, I was exposed to a multitude of immigration issues at different levels of inquiry. The work was both challenging and interesting. I dealt with matters concerning traffic in undocumented aliens and employer sanctions for hiring illegal aliens, and questions of citizenship and eligibility for asylum. I also responded to employer questions about the

documentation aliens need to work in the United States.

In my rotation through the Office of General Counsel I was assigned to the Refugee and Asylum team which was made all the more interesting by the recent events in Kosovo. I attended a panel discussion at the Carnegie Endowment for International Peace where representatives from the European Union, the United Nations High Commissioner for Human Rights and other relief groups detailed the plight of the Kosovar refugees and the plans for their return to Kosovo. I also researched and wrote about issues relating to Kosovars in the United States who wished to remain here and those who desired to return.

The highlight of my summer was the two weeks I spent at the trial division. After

observing the attorneys in various procedures before the Immigration Court, I prepared the Service's case against an asylum application. I then performed the cross-examination of the asylum seeker and made the closing argument.

The INS also arranged for the interns to attend the General Counsel's testimony before the House Committee on International Relations regarding the Convention Against Torture, observe passport control at Dulles International Airport and tour the Forensic Documents Laboratory where officials examine and identify fraudulent documentation. I could not have asked for a better summer experience and I would highly recommend the summer law intern program to anyone interested in immigration law.