

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

The past year has been one of growth and change for the Center for International Legal Education. The most obvious change is in personnel with the departure of Elizabeth (Bessy) Bannellick. After three years of stellar service, Bessy moved to the Institute for Shipboard Education, where she now works with Semester at Sea. She continues to work with the Center in helping arrange our summer Law at Sea Program. Perhaps indicating how valuable Bessy was, she has been replaced by three persons. Gina Clark has come to the Center from the University's Office of International Services. Sara Werner has joined us as Assistant to the Director, taking care of the daily needs of students and providing valuable organizational skills to the office. Mark Walter has become Assistant Director, focusing primarily on our cooperative programs with foreign law faculties, as well as teaching a course on Comparative Commercial Law as an Adjunct Professor. These changes indicate the growth of Center programs as well as efforts to better serve students seeking skills in international and comparative law.

The second indicator of growth is in cooperative programs. Articles below catalogue the State Department-funded exchanges with the law faculties at the University of Belgrade, Donetsk National University, the University of Pristina, and the International Relations Institute at Tara Shevchenko Kyiv University. The Donetsk and Belgrade programs have had a significant impact on students, faculty, and others at the School of Law, and we believe we are serving our partner institutions well in developing curricula that will promote the rule of law in transition societies. The addition this year of projects in Kiev and Pristina provide further opportunity to develop Center outreach and build on strong relationships. The Center has established a strong track record in working

with transition law faculties, and we appreciate the level of confidence shown in our programs by the Department of State as well as our partner law faculties. A strong alliance with the University's Center for Russian and East European Studies has given us the interdisciplinary focus and administrative strength to carry out productive programs.

The LL.M. Program for Foreign Law Graduates continues to grow in quality, even with the intentional limit on quantity provided by a fifteen student cap for each class. The Class of 2002 was by far the strongest yet, with two *summa cum laude* graduates and one *magna cum laude* graduate. Fulbright, Muskie, and Ron Brown Fellows bring special skills and intellectual stimulation to the class, and the support of the Alcoa Foundation and Franklin West, Inc. continues to help scholars who otherwise would be unable to join a U.S. LL.M. program. Valuable internships offered by major law firms and corporate legal departments have added practical training to the academic experience of each LL.M student.

On the J.D. front, the Certificate Program in International and Comparative Law continues to grow. The second year of our Law at Sea program again saw a grand tour of European legal institutions, with next year's program offering similar opportunities in the Pacific region. Increased study abroad during the academic year, either in our formal exchange with Bucerius Law School in Hamburg, Germany, or at other law schools chosen by the students, has broadened legal education opportunities for many.

Programs open to community remain a strength of the Center. The 2002 McLean Lecture on World Law by Judge Fausto Pocar of the International Criminal Tribunal for the Former Yugoslavia continued the tradition of excellence in that series, just as the U.N. Sales Convention symposium



CILE staff: Gina Clark, Secretary; Sara Werner, Assistant to the Director; Mark Walter, Assistant Director; Ronald A. Brand, Director

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sium set for February 7, 2003 builds on Pitt's pre-eminent position in CISG scholarship.

We remain excited about what the Center can offer the School of Law, its students and alumni, and the community in general. We hope you will join in this excitement as you share the developments recorded on these pages, and we invite you to contact us with expressions of interest in any of our programs.

SALES CONVENTION SYMPOSIUM SCHEDULED FOR FEBRUARY 7, 2003

On Friday, February 7, 2003, many of the world's most respected international commercial law scholars will gather at the School of Law for a conference on the United Nations Convention on Contracts for the International Sale of Goods. The Pittsburgh conference and a resulting book will expand upon exciting recent work of the United Nations Commission on International Trade Law (UNCITRAL). UNCITRAL has commissioned five Sales Convention scholars to develop a digest of all cases interpreting the Sales Convention. Each of these Digest authors will present his research at the conference, followed by commentary by other scholars.

Pitt Law Professor Harry Flechtner is one of the five UNCITRAL Digest authors. The others are Professor Franco Ferrari (University of Bologna, Italy), who will also teach a Pitt Law course in the Spring 2003 term on Uniform Sales Law and Forum Shopping, Ulrich Magnus (University of Hamburg, Germany), Peter Winship (Southern Methodist Univer-

sity, Dallas, Texas), and Claude Witz (University of the Saarland, Germany).

Commentators will include Pitt Law Professor Ronald A. Brand, Joseph Lookofsky (University of Copenhagen, Denmark), Maria del Pilar Perales Viscasillas (Universidad Carlos III, Madrid, Spain), Alejandro Garro (Columbia University, New York), John E. Murray, Jr. (Duquesne University, Pittsburgh), Michael Bridge (University College, London, United Kingdom), Johan Erauw (Faculeit de Rechtsgeleedheid, Belgium), Henry Gabriel (Loyala University, New Orleans), Filip DeLy (Erasmus University Rotterdam, The Netherlands), Paul Volken (University of Fribourg, Switzerland) and Peter Sarcevic (University of Zagreb, Croatia). The luncheon keynote address will be given by Pitt Chancellor Mark Nordenberg.

Through its *Journal of Law and Commerce* and the scholarship of its faculty, students, and alumni, the School of Law has become a major source of Sales Convention scholarship.



Professors Harry Flechtner,
Ronald A. Brand, and Vivian Curran

This has included important symposia on the Sales Convention in 1987 and 1997, both published in the *Journal*. Information on the upcoming conference and the availability of CLE credit is available on the Center website at www.law.pitt.edu/cile.

BOOKS AND ARTICLES PUBLISHED BY FACULTY AND ALUMNI ON THE U.N. SALES CONVENTION

CILE Notes 2002

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Harry Flechtner

SALES, LEASES AND ELECTRONIC COMMERCE: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS (2d ed., West Group 2000) (with John E. Murray, Jr.) (accompanied by TEACHER'S MANUAL)

SALES, LEASES AND ELECTRONIC COMMERCE: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS (West Publishing Co. 1994) (with John E. Murray, Jr.) (accompanied by TEACHER'S MANUAL)

Remedies under the CISG and Limits to their Uniform Character, Chapter 2 of THE INTERNATIONAL SALE OF GOODS REVISITED (Peter Sarcevic and Paul Volken, eds.; Kluwer, 2001) (with Johan Erauw)

Recovering Attorneys' Fees as Damages under the U.N. Sales Convention (CISG): The Role of Case Law in the New International Commercial Practice, with Comments on Zapata Hermanos v. Hearthside Baking, 22 NORTH-WESTERN J. INT'L L. & BUS. (forthcoming, 2002); draft posted on Web at <http://www.cisg.law.pace.edu/cisg/biblio/flechtner4.html#iv>.

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, 19 JOURNAL OF LAW & COMMERCE 259 (1999)

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More U.S. Decisions on the U.N. Sales Convention: Scope, Parol Evidence, "Validity" and Reduction of Price under Article 50, 14 153-76 (1995)

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Vivian Curran

COMPARATIVE LAW: AN INTRODUCTION (edited book; Carolina Academic Press, 2002)

Romantic Common Law, Enlightened Civil Law: Legal Uniformity and the Homogenization of the European Union, 7 COLUMBIA JOURNAL OF EUROPEAN LAW 63 (2001)

Interpretive Decisions Applying CISG: Translation of Claude Witz's The First Decision of France's Court of Cassation Applying the U.N. Convention on Contracts for the International Sale of Goods, 16 JOURNAL OF LAW & COMMERCE 345 (1997)

Humanity's Gain: Remarks on Similarity, Difference and the Vienna Convention (contribution by invitation in KARL HEINZ NEUMAYER, EMPTIO-VENDITIO INTERNATIONES (1997)

The Interpretive Challenge to Uniformity, a Book Review of CLAUDE WITZ, LES PREMIÈRES APPLICATIONS JURISPRUDENTIELLES DU DROIT UNIFORME DE LA VENTE INTERNATIONALE [translation: THE FIRST CASE LAW APPLICATIONS OF THE U.N. CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS], 15 JOURNAL OF LAW & COMMERCE 175 (1995)

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Danielle Alexis Thompson, *Translation of Oberlandesgericht Karlsruhe Decision of 25-06-1997 including Commentary—Buyer Beware: Germany Interpretation of the CISG Has Lead to Results Unfavorable to Buyers*, 19 JOURNAL OF LAW & COMMERCE 245 (2000)

Ericson P. Kimbel, *Nachfrist Notice and Avoidance Under the CISG*, 18 JOURNAL OF LAW & COMMERCE 301 (1999)

Paul J. Powers, *Defining the Undefinable: Good Faith and the United Nations Convention on Contracts for the International Sale of Goods*, 18 JOURNAL OF LAW & COMMERCE 333 (1999)

Frank N. Fisanich, *Application of the U.S. Sales Convention in Chinese International Commercial Arbitration: Implications for International Uniformity*, 10 AMERICAN REVIEW OF INTERNATIONAL ARBITRATION 101 (1999)

Jennifer M. Bund, *Force Majeure Clauses: Drafting Advice for the CISG Practitioner*, 17 JOURNAL OF LAW & COMMERCE 381 (1998)

V. Susanne Cook, *CISG: From the Perspective of the Practitioner*, 17 JOURNAL OF LAW & COMMERCE 343 (1998)

Victoria M. Genys, *Blazing a Trail in the "New Frontier" of the CISG: Helen Kaminsky Pty. Ltd. v. Marketing Australian Products, Inc.*, 18 JOURNAL OF LAW & COMMERCE 415 (1998)

Andrew Kennedy, *Recent Developments: Nonconforming Goods Under the CISG—What's a Buyer to Do?* 16 DICKINSON JOURNAL OF INTERNATIONAL LAW 319 (1998)

Scott D. Slater, *Overcome by Hardship: The Inapplicability of the UNIDROIT Principles' Hardship Provisions to CISG*, 12 FLORIDA JOURNAL OF INTERNATIONAL LAW 231 (1998)

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

John Fitzgerald, *CISG, Specific Performance, and the Civil Law of Louisiana and Quebec*, 16 JOURNAL OF LAW & COMMERCE 291 (1997)

Amy 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 JOURNAL OF LAW & COMMERCE 215 (1997)

Todd Weitzmann, *Validity and Excuse in the U.N. Sales Convention*, 16 JOURNAL OF LAW & COMMERCE 265 (1997)

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 JOURNAL OF LAW & COMMERCE 139 (1995)

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Joseph J. Schwerha IV, *Warranties Against Infringement in the Sale of Goods: A Comparison of U.C.C. § 2-312(3) and Article 42 of the U.N. Convention on Contracts for the International Sale of Goods*, 15 MICHIGAN JOURNAL OF INTERNATIONAL LAW 441 (1995)

Joseph J. Schwerha IV, *The Buyer's Warranty—When the Buyer of Goods Must Hold the Seller Harmless*, 46 PENNSYLVANIA BAR ASS'N Q. 38 (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 JOURNAL OF LAW & COMMERCE 1 (1993)

V. Susanne Cook, *The Need for Uniform Interpretation of the 1980 United Nations Convention on Contracts for the International Sale of Goods*, 50 UNIVERSITY OF PITTSBURGH LAW REVIEW 197 (1988)

Please note: This list of publications by alumni may be incomplete. We invite anyone with knowledge of additional such publications to contact us with the information, and apologize for any omissions from the list.

EXPANSION OF COOPERATIVE PROGRAMS CONFIRMS CILE STRENGTH

With the continued success of two existing cooperation programs between Pitt Law and overseas law faculties (University of Belgrade, Yugoslavia, and Donetsk Na-

tional University, Ukraine) and two brand new relationships set to begin this fall, we have a lot to talk about. The programs have been developed in partnership with

Pitt's Center for Russian and East European Studies (REES) and are funded primarily by grants from the United States Department of State.

New Department of State Grants Foster New Relationships with Kiev and Pristina

The team of the Center for International Legal Education and the Center for Russian and East European Studies at the University of Pittsburgh has built on remarkable success in developing programs for law schools in transition countries with the recent award of two new Partnership Program grants totaling over \$750,000. One new project will see the University of Pittsburgh School of Law working with the International Relations Institute of Tara Shevchenko Kiev University, Ukraine, to establish partnerships that build the curriculum in international commercial law. A second grant, in final stages of negotiation as *CILE Notes* went to press, would establish similar cooperation with the law faculty at the University of Pristina, Kosovo.

These partnerships add to the existing partnerships with Donetsk National University (DNU) and the University of Belgrade to provide a network of law faculties that can benefit from integrated cooperation. Mark Walter, CILE Assistant Director, will oversee the grant activities, and spend part of each year in Kiev and Prishtina working with the law faculties there to establish new courses, determine the needs for training of existing faculty, and develop library and other resources at each institution. Cooperative efforts will also include presentations in each partner law faculty of Pitt's highly successful English for Lawyers Program by Professors Teresa Brostoff and Ann Sinsheimer, as well as concentrated courses in appropriate subjects by other members of the Pitt Law School faculty.

Pitt Law's history of State Department funded cooperation began in 1987 with an exchange grant with the University of Augsburg, Germany, celebrating the bicentennial of the U.S. Constitution. This was followed in 1992 with a second grant, involving the Universities of Augsburg and Brussels, celebrating developments in the European Community. The success of the School of Law in competitions for such grants both affirms and expands on the strong international and comparative law faculty and programs at Pitt, as well as the unique relationship with other parts of the University that are possible through cooperation with the Center for Russian and East European Studies as well as the entire University Center for International Studies.

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Pitt Provides "Summer School" in Donetsk and IBT Course in Belgrade



Professor Brand works with DNU European Law Moot Court Team

Nearly 50 students at the Faculty of Economics and Law of Donetsk National University in Ukraine benefited from a three week summer school program taught by Pitt Law professors in late April and early May of 2002. The program was part of an effort to develop the DNU law curriculum through cooperative efforts of the two law faculties that are funded by a special grant from the U.S. Department of State. Professor Ronald Brand taught a 15-hour, one-week course in International Business Transactions as the first component of the program. Following Brand, Professors Teresa Brostoff and Ann Sinsheimer taught their English for Lawyers course. Finally, Professor Anthony

Infanti presented his course in International Taxation. In addition to teaching and bowling with Dean Volkov, Daniil Fedorchuck (LL.M. Class of 2001), Mariya Nizhnik (LL.M. Class of 2003), and other faculty and students from Donetsk, Professors Brand, Brostoff, Infanti, and Sinsheimer helped to pave the way for new programs and future partnerships between the two universities.

The Donetsk program was followed by a similar one-week International Business Transactions course taught by Professor Brand at the University of Belgrade Law Faculty in June. Like the Donetsk program, cooperation with the University of Belgrade is funded by a grant from the State Department.



Professors Brand and Lilic with the Belgrade International Business Transactions class, June 2002

All Roads Lead to Vienna

Pitt Law sponsored a contingent of three two-member teams and their coaches to the 2002 Willem C. Vis International Arbitration Moot in Vienna, Austria. The teams were from Pitt; Donetsk, Ukraine; and Belgrade, Yugoslavia. Gathering at the competition has become one of the most productive manifestations of the cooperative programs developed by the Center for International Legal Education.

The Vis Competition, in its ninth year, hosted 108 teams from 36 countries, representing every continent. The competition problem each year combines the

substantive law of the U.N. Sales Convention with the law of international arbitration. Students become expert in both areas of the law and experience the rigors of presenting a case before seasoned arbitrators.

The three teams met early in Vienna for intensive practice sessions before the formal competition. This not only prepared the students for the competition, but also allowed for informal discussion that strengthened the partnerships among the law faculties. The group developed a deep bond during the week of competition and

all will, of course, remember the trip with fondness.

New State Department grants for cooperation with law faculties from Kiev and Prishtina will bring to five the number of teams coordinated by Pitt Law at the 2003 Vis competition.

Team members for 2002:

Pittsburgh—Jennifer Miller and Glenys Spence

Belgrade—Nevena Ruzic and Bojan Djuric

Donetsk—Alexandra Gorak and Alexander Skulskiy



Professor Flechtner, Glenys Spence, Jennifer Miller, and Professor Brand at the Vienna Rathaus for the Vis Moot Court final banquet



The Donetsk Team, Alexander Skulskiy, Alexandrs Gorak with their coach, Professor Tatiana Kyselova



From Belgrade, one of the VIS competitors, Nevena Ruzic and coach, Mirna Kosanovic

Walter and Moiseev Team Up for Law Practice Management Seminar in Donetsk

Ukraine's transition into a more open and international society has brought with it some very interesting needs. One such need is programs to teach Ukrainian lawyers and law students how to manage a private practice. Though the same need has existed to some degree in the United States, practitioners in the U.S. have decades of practice management experience and resources to call upon. This contrasts with the situation in Ukraine, where lawyers have struggled since independence ten years ago to find the right mix of skills specific to running a law firm.

Based in part on experience gained from a 2001 trip to Pittsburgh, Donetsk Professor Yuriy Moiseev has developed his law faculty's first Law Practice Management course. In June of 2002, CILE Assistant Director Mark Walter participated in a seminar organized by Moiseev in Donetsk



Professors Nikolai Udod and Yuriy Moiseev (foreground) of the DNU Practical Training Institute, with other participants in the Law Office Management program enjoy an outing at Slavyanagorsk



to help Ukrainian lawyers develop the skills needed in private practice.

Preparation for the seminar consisted primarily of an analysis of the management needs of attorneys in Ukraine and Eastern Europe. Moiseev and Walter used informal meetings with local practitioners to determine which U.S. methods of management and management education might fit well with Ukrainian needs. The results were presented at a seminar, with Walter presenting an overview of U.S. practice management methods and education, and Moiseev presenting a revised outline of his management course. These presentations were followed by nearly two hours of discussion by academics and practitioners.

The success of this initial seminar has bred plans for a larger symposium as well as a book on the topic of practice management for Eastern European lawyers.

Institutions in Transition

Though Slavyanagorsk (pictured, above left) remained vaguely operational as an Orthodox Monastery during anti-religious Soviet times, many of its buildings were used as *Sanatoria* (rest homes) for aging and ill industrial laborers. Today, though the monastery thrives, some of the buildings remain in use as hospices for labor union members.

For now, in these years of transition from Communism to market economy, security for laborers is low. Nonetheless, the future looks bright. That the Soviet Union is history does not mean that Ukraine can no longer give a high priority to worker security. The trend for the future may be pre-paid legal insurance, a concept that has become popular in American labor unions. Pitt Law faculty and staff, and other local experts, will provide advice to Ukrainian labor unions in this effort.

English for Lawyers Goes Global

By Professors Teresa Brostoff and Ann Sinsheimer

English for Lawyers is an intensive course that introduces non-native English-speaking attorneys and law students to American law and legal terminology. This course attracts international lawyers from around the globe to the University of Pittsburgh for three weeks each July. These students are preparing to enter American LL.M. programs or will return to their home countries to continue with their international law practices. This past year, the course was also taught in Serbia, Iceland, and Ukraine.

In May 2001, we took English for Lawyers abroad for the first time to the University of Belgrade Law Faculty in Serbia under a grant from the United States Department of State. The students in the class were assistant professors, upper level and graduate law students, and lawyers from the Yugoslav Committee on Human Rights. The course focused on the American legal system, common law reasoning, and American legal English. There was lively interchange on many legal topics throughout the five-day course. It was a fascinating time to experience Belgrade as the debate on whether to send Slobodan Milosevic to the Hague tribunal was in full force, and the country was taking great strides to solidify its fledgling democracy. We were inspired by the sense of renewal and hope present in the law faculty and throughout the population in Belgrade.

In March 2002, we traveled as Fulbright Distinguished Scholars to present the English for Lawyers course in Reykjavik, Iceland at the University of Iceland Law Faculty. The students in the course were faculty members, upper level students, lawyers, and judges. The students were all quite fluent in English, and the course focused on the American legal system and common law, in addition to acquisition and use of legal vocabulary. As we shared our knowledge of American law, we learned much about Icelandic law and culture from the talented and knowledgeable students in the course. This course was a true sharing of law and culture.



Professors Sinsheimer and Brostoff with Professor Stefan Lilic, students, and faculty at the University of Belgrade



Professors Brostoff and Sinsheimer with Dean Vacheslav Volkov and faculty at Donetsk National University



Professors Brostoff and Sinsheimer in front of the Iceland Art Museum

First Person

Speaking Spanish and Practicing Law
by Scott Jablonski



As a summer associate for Duane Morris LLP, I was able to work on some exciting matters involving international law and cross-cultural issues. Duane Morris is a Philadelphia-based law firm with approximately 500 attorneys, with eighteen offices nationwide and one office in London, England. Because I have a background in the Spanish language, many of my assignments this summer involved legal research in Spanish and interaction with Spanish-speaking clients. I found that my coursework and involvement with the Center for International Legal Education as well as my previous position as research assistant to Professor Brand had really prepared me for working in such an environment.

I spent most of my time in Philadelphia, where, in addition to encountering a wide range of domestic legal issues, I worked on an assignment involving European Union

law and an assignment involving cross-border jurisdiction issues. In the firm's Miami office, where I worked for one week, I was involved with matters concerning a client from Central America. I also did research regarding international arbitration for a South American client.

One of the highlights of my summer experience was a trip to Puerto Rico. I traveled there to assist attorneys with pending litigation and general client matters. During the course of my stay in Puerto Rico, I helped attorneys work closely with the client, I attended a hearing in the United States District Court for the District of Puerto Rico and I served as a translator of important documents and legal research pertaining to the client. The level of client interaction I had was incredible, and the language and cultural experience I had was exciting to say the least.

My ability to speak Spanish and do legal research in a language other than English, together with my academic background in international law and affairs, definitely gave me an advantage this summer. I was able to take on a greater variety of assignments, travel, and interact with clients from different cultural and linguistic backgrounds. More importantly, I experienced the value and reward of having some background in international law, as I witnessed firsthand the unique demands that an attorney must face in serving clients in a global context.

English for Lawyers continued

Our final international presentation of English for Lawyers for 2002 was in May at the Law Faculty of Donetsk National University, Ukraine, again funded by a grant from the United States Department of State. The students in this course were law students, assistant professors, and English language teachers from the law faculty. The course generated great interest and energy from all of the participants. The students successfully took on the demands of the English for Lawyers course while also completing their other law school assignments and duties. We focused on helping the students acquire American legal English by discussing the United States legal system, case analysis, and common law reasoning. The students actively participated in class discussions and activities. We were also privileged to learn about the Ukrainian legal system and its developments in the ten years since independence. Our hosts generously shared glimpses of the wonderfully rich Ukrainian culture.

English for Lawyers has been very well received by all of the host institutions, and we are grateful for the opportunity to have shared our knowledge with so many interesting and talented students. We have formed lasting bonds of friendship and scholarship with students and faculty from each institution and hope to continue taking English for Lawyers to other interested law faculties. To further these types of cultural exchanges, the Fulbright Commission has named us as Senior Specialists for five-year terms. Under the Senior Specialist program, each of us is eligible for grants to fund short-term teaching projects in other countries as the host institutions request them. Through this program, we plan to continue our cultural exchange in the 2003 academic year and the years to come.

Law Students Focus on Foreign Language Study

The area studies centers of the University Center for International Studies offer Foreign Language and Area Studies fellowships (FLAS) to students in various departments around the University of Pittsburgh who are interested in focusing on a foreign language in addition to their chosen academic curriculum. The students of the School of Law are well represented by FLAS awardees for the 2002-2003 academic year. **Jeffrey Hartwig** ('04) received a FLAS from the Center for West European Studies to study

Italian; **Scott Jablonski** ('03) received a FLAS from the Center for Latin American Studies to study Portuguese; the Center for Russian and Eastern European Studies granted a FLAS to **Zakhaar Shusterman** ('05) to learn Ukrainian; and the Asian Studies Program awarded FLAS Fellowships to **Paul Clermont** ('04) to study Japanese and **Kim Luu** ('03) to study Chinese.

Niagara Competition Held at University of Pittsburgh

On March 7-9, 2002, the University of Pittsburgh School of Law hosted the Niagara International Law Moot Court Competition. Ten teams from schools in the Eastern United States and Canada participated in the events, with the University of Toronto defeating American University in the final round to take home the honors. Other teams taking part included the University of Buffalo, Case Western Reserve University, Cornell University, Loyola University of Chicago, the University of Pittsburgh, Queen's University, Washington College of Law, University of Western Ontario, and University of Windsor. Pitt's team was comprised of Brian M. Kile,

Matin Momen, Robert P. Paulson, and Nga (Jenny) Wong.

The Niagara International Law Moot Court Competition is sponsored by the Canada-United States Law Institute at Case Western Reserve University. The Institute was founded more than twenty years ago with the University of Western Ontario in recognition of the common traditions and social and economic ties that exist between Canadians and Americans living in the Great Lakes Region. Originators of the Niagara competition sought to bring together law students from both sides of the border in a moot involving an international law problem affecting both Canada and the United States.

The 2002 problem involved export control issues and the shipment of goods produced in the U.S. from Canada to Libya. Final round judges were John Ellicott, senior counsel at Covington & Burling in Washington, D.C., practicing in the fields of U.S. export trade and foreign transaction control regulations; Colleen Swords, Deputy Legal Advisor and Director General of the Canadian Bureau of Legal Affairs at the Canadian Department of Foreign Affairs and International Trade in Ottawa; and Mark Walter, who wrote the problem and is now Assistant Director of the Center for International Legal Education.

Professor Henry King Named Fellow *Honoris Causa*



Professor Henry T. King, Jr., honored as Fellow *honoris causa* of the Center for International Legal Education

Henry T. King, Jr., Professor of Law at Case Western Reserve University School of Law, was named a "Fellow *honoris causa*" of the Center for International Legal Education at the final banquet for the Niagara International Law Moot Court Competition in Pittsburgh on March 9, 2002. The certificate presented to Professor King stated that the honor was "in recognition of your life-long commitment to peaceful relations through the rule of law, including your role on the prosecution team at the Nuremberg War Crimes Tribunal, your responsibility for the study and development of positive North American relationships through the peaceful settlement of disputes, your inspirational service to hundreds of students through the development and continuation of the Niagara International Moot Court program, and your role as a teacher who leads by example."

From his time on the Nuremberg prosecution team, Professor King became the leading authority on the life of Albert Speer, one of the defendants at Nuremberg. A former Chairman of the American Bar Association's Section of International Law and Practice, King has served on the ABA's special task force on war crimes in the former Yugoslavia and as the U.S. Chairman of a joint working group, organized by the American, Canadian, and Mexican bar associations, on the settlement of international disputes.

Law at Sea Completes Second Successful Voyage

The 2002 voyage of the University of Pittsburgh's Law at Sea visited Greece, Spain, Ireland, Norway, Russia, Poland, Belgium, Italy, and Croatia between June 15 and August 19. Sue Brooks and Muhammed Mims from the University of Pittsburgh joined students from seven other law schools for a rigorous academic program in which each student takes 7 credits of law school courses during the voyage. Professor George Pike, Director of the Barco Law Library, taught the required Cultures of Law & Justice course that focused on the countries and legal systems

visited during the voyage. Elective courses included Professor Deborah Brake's comparative course on Issues of Sex Discrimination Law and two European Law courses (Contract Law in Europe and Selected Topics of European Union Law), taught jointly by Professors Marc de Vos and Hubert Bocken of the University of Ghent. Pike and Brake also each taught a course to the undergraduates on the voyage.

In addition to the classes which met daily while the ship was at sea, students participated in a variety of visits to legal in-

stitutions at the various ports of call. The law school for the voyage was the World Renaissance, a 12,000 ton ship equipped with classrooms, a library, a student union, a dining room, two swimming pools, and fitness facilities.

The 2003 voyage of Law at Sea will change itineraries, sailing to Pacific Rim Countries, including Russia, Korea, China, Vietnam, Taiwan, and Japan. Complete information and application procedures are available on the CILE Web site and at <http://www.semesteratsea.com>.

International and Comparative Law Certificate Program Grows Rapidly

Enrollment in the International and Comparative Law Certificate Program at the Law School has increased rapidly since its inception in 2000. The eight students qualifying for the certificate in the Class of 2001 grew to 18 in 2002 and to 39 members of the Class of 2003. 40 members of the Class of 2004 are now registered to complete the certificate.

The International and Comparative Law Certificate Program provides J.D. students interested in international and comparative legal issues with a foundation for careers and further study. Students enroll in the certificate program at the beginning of their second year. Each student is required to complete courses in Public International Law, International Business Transactions, and Comparative Legal Cultures. In addition, they must complete at least nine elective credits and satisfy a legal writing requirement. Electives may be satisfied from the many appropriate courses in the School of Law as well as from courses in other departments within the University. Students studying overseas during the summer or regular academic year may also apply those credits toward the certificate requirements.

Judicial Cooperation is Focus of Special Program on European Law

The University of Pittsburgh *Journal of Law and Commerce*, The Center for International Legal Education, and The European Union Center presented a symposium on "New Possibilities for Cooperation with the European Union: Community Competence for Matters of Judicial Cooperation on March 21, 2002." Michael Wilderspin, Directorate-General Competition (formerly at Justice and Home Affairs) European Commission, Brussels, spoke on "The Transfer of Competence for Judicial Cooperation from Member States to Community Insti-

tutions." Charles Kotuby (J.D. University of Pittsburgh; LL.M. University of Durham, Research Fellow, Max Planck Institute for Foreign and Private International Law, Hamburg), spoke on "Potential External Competence for Judicial Cooperation at the Hague Conference on Private International Law." Professor Ronald Brand talked on "Implications for the Negotiation of a Hague Convention on Jurisdiction and the Enforcement of Judgments." The papers from the symposium will be published in the *Journal of Law and Commerce*.



Charles Kotuby, Michael Wilderspin, and Professor Brand at "New Possibilities for Cooperation with the European Union" symposium

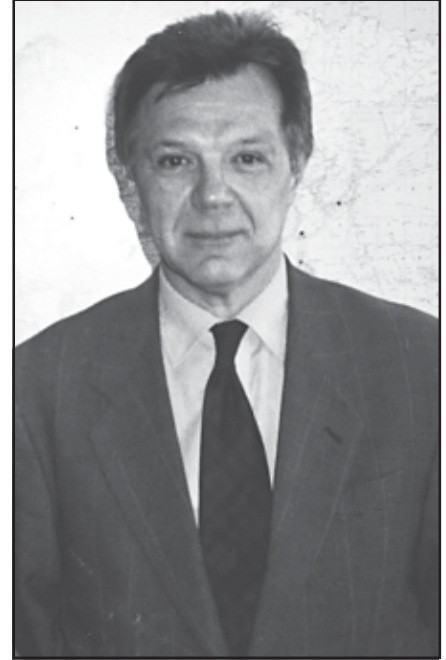
Riechenberg and Lilic Continue Tradition of Outstanding Visitors

Each year the CILE brings distinguished scholars and practitioners to the School of Law to enhance the regular curriculum in areas of international and comparative law. The past year was no exception. In addition to those visits reported elsewhere in this issue of *CILE Notes*, visits by Kurt Riechenberg and Stevan Lilic provided special opportunities for students.

Kurt Riechenberg, Chief of Staff to President Judge Gil Carlos Rodriguez Iglesias at the European Court of Justice, visited the School of Law through cooperation with Pitt's European Union Center. On February 22, 2002, he provided a lecture on "The European Union in 2002," giving highlights of legal developments in several important areas. He also spoke to the course on European Union Law, and to students at the University's Honors College. Riechenberg taught at the School of

Law in 1993 and 1996-97, and was a professor on the Law at Sea voyage in summer 2001.

Professor Stevan Lilic of the University of Belgrade also made his second visit to teach at the School of Law. Lilic is a professor of Administrative Law at Belgrade University, where he is also Editor-in-Chief of the bilingual (Serbian-English) journal, *Human Rights*, and a member of the Serbian National Assembly. His visit to Pitt during the spring 2002 term was sponsored by a Fulbright Fellowship. He taught two courses: Constitutional and Legal Reforms After Dictatorships: The Case of Serbia, and Legal Repression and Human Rights Under Milosevic. Such courses add special diversity to the existing curriculum, providing students with insights into legal issues in other parts of the world.



Professor Stevan Lilic, University of Belgrade

Congratulations to the LL.M. class of 2002!

On May 25, 2002, the LL.M. class of 2002 joined the J.D. students in the Soldiers and Sailors Auditorium for graduation ceremonies. This year's LL.M. class included two *summa cum laude*

graduates, Felix Mehler from Germany and Evelyn Kamau from Kenya, and one *magna cum laude* graduate, Milena Milutinovic from Yugoslavia. After graduation, students participated in internships

at corporations and law firms including Westinghouse Electric Company, Cohen & Grigsby, Deloitte & Touche, Alcoa, Buchanan Ingersoll, Heinz, and The Center for Constitutional Rights.



LL.M. Class of 2002

First Person

Earning an LL.M. and Discussing Terrorism in England

by Jeff Konscol



Through the support of the Center for International Legal Education and the generosity of Rotary International, I spent the 2001-2002 academic year at the University of Newcastle upon Tyne, Newcastle Law School, in England, where I earned my LL.M. in International Legal Studies.

My classes ranged from WTO law to EC law and from corporate international law to public international law. As the only American in the law school, I was often asked questions regarding U.S. politics and foreign policy, especially in light of the current war on terrorism. It was this interaction with other students that led me to my dissertation topic, which is the application of the Third Geneva Convention to the Taliban and al Qaeda detainees in Guantanamo Bay. In addition to all of the coursework, I traveled throughout the area

with the Rotary as an ambassador of goodwill. I visited different clubs and gave speeches on Pittsburgh and my experience. It was great to be able to share perspectives on world events with all of the people that I met. In addition to experiencing England, I was able to travel throughout Europe whenever I had any free time, and I was able to enjoy quite a few holiday trips.

Spending a year abroad is an exciting experience—one I would recommend to anyone interested in pursuing a career in international law. Any attorney interested in working abroad must completely comprehend the people and cultures of a certain country before he or she is able to effectively be of service. I believe that spending time in another country is an integral component of every international lawyer's education.

2003 LL.M. Class Covers the World for Pitt Law

The eighth LL.M. class at the School of Law continues a tradition of diversity and strong academic credentials. This year's class includes two Muskie Fellows, a Ron Brown Fellow, a Fulbright Fellow, and representatives selected by the law faculties at Moi University in Eldoret, Kenya, and the University of Belgrade, all bringing experiences that add to the student environment at the School of Law. Many of the students arrived in July to attend the three-week English for Lawyers course, in which they develop their language skills, become familiar with the U.S. legal education system, and visit legal institutions in the Pittsburgh region. This year's afternoon sessions included visits with Federal Circuit Judge Joseph Weis and District Judge Robert Cindrich at the federal courts, a local law firm, offices at the City-County Building (where they met with Mayor Tom Murphy), and the county jail. The members of the Class of 2003 are:

Bo-Ru Chen (Taiwan) received her LL.B. degree from the Chinese Culture University in Taipei, Taiwan. She has worked as a legal affairs assistant for Wu, Hsu & Chen in Taipei, specializing in intellectual property law. Ms. Chen participated in the Legal Services Association



Students prepare for the LL.M. year at the English for Lawyers Program in July 2002

at her University and provided pro bono legal services to people in Taipei.

Yuliya Chernyshova (Ukraine) graduated from the Law Faculty at the Kyiv National Taras Shevchenko University in Kyiv, Ukraine. She worked as a law clerk

at the Closed Joint Stock Company practicing in the areas of foreign investment and corporate law. She is the recipient of a Muskie Fellowship.

Eva Col Debella (Brazil) studied law at the Unified Learning Center of Maranhao

in Sao Luis, Brazil. In addition to working in the Office of the Attorney General, she has published a paper called Rights of Free Legal Assistance to People in Need of Financial Aid, which received a prize and was presented at a public forum. Ms. Col Debella also worked in the bidding department at the State Court of Maranhao, and as a Legal Assistant to the President Judge at the State Court. Her husband, David Col Debella, is with her in Pittsburgh.

Pablo Gil de Montes (Peru) received his General Studies and Law degrees from the Universidad de Lima in Peru. He worked as a paralegal in the legal department of Banco Latino and as Deputy Director at Enaip Sardegna in Peru, where he was responsible for the development of a project that was financed by the Italian Government and the European Union. His wife Andrea will be attending the Joseph M. Katz Graduate School of Business at the University of Pittsburgh.

Lilia Factor (Israel) earned her LL.B. degree from Haifa University in Israel and received her B.A. degree from Bloomsburg University in Pennsylvania. She worked as a lawyer in Israel for the last five years specializing in labor and real estate law. She now lives in Pittsburgh with her husband, Michael, and her two children, Adam and Dina.

Rodoljub Jovanovic (Yugoslavia) practiced law for over 15 years in the former Yugoslavia. He received his law degree from the University of Belgrade and was a self-employed lawyer mainly focusing on commercial and corporate law. Most recently, he completed an internship at Vitol SA, Inc., an oil company in Houston, Texas. He lives in Pittsburgh with his wife, Renee.

Ivana Krstic (Serbia) graduated from The Faculty of Law at the University of Belgrade with a Bachelor of Laws Degree. She has worked as a Teaching Assistant in Human Rights Law at the University of Belgrade and was a Research Fellow at the Institute of International Politics and Economics. She is the recipient of an LL.M. fellowship from the Department of State linkage grant between the Universities of Pittsburgh and Belgrade.

Celine Moguen (France) earned her bachelor's and master's degrees in Private Law from the Sorbonne in Paris, France.

She also studied at the Institute of Legal Studies in Paris. She has worked as an attorney at SCP Pinson Segers Daveau and at the Marlene Uzan Law Firm in France and was most recently a Legal Assistant at Koerner Law Offices in New Orleans, LA.

Vincent Kiplangat Mutai (Kenya) received his Diploma of Law from Kenya School of Law in Nairobi and his Bachelor of Law degree from Moi University in Eldoret. He has worked as a research assistant at Mulwa & Mulwa Advocates in Nairobi and as an intern at the United Nations Environmental Program. He plans to teach at Moi University upon completion of the LL.M. program and also will pursue his Ph.D. degree. Mr. Mutai was awarded an Alcoa Fellowship and a Franklin West Fellowship.

Mariya Nizhnik (Ukraine) received her law degree from the Donetsk National University (DNU) Economics and Law Faculty. She is currently the Assistant to the Chair of the Commercial Law Department at DNU and is working toward a postgraduate degree. In addition, she has worked as a Research Assistant to a professor in the International Law Department at DNU. After completing the LL.M. program, she plans to return to Donetsk to continue teaching.

Xie Qiang (China) graduated from Tongji University in Shanghai, China with his LL.B. degree. He has worked as a legal assistant at G.T. Law Office, where he concentrated on business law, environmental law, and international trade law. He also worked as an intern at the Regional Resource Centre for Asia and Pacific, where he participated in a study called "The Roles of Policies and Regulations in the Improvement of Water Pollution in Taihu Lake Basin, China."

Olena Rodionenko (Ukraine) received her Diploma in Law from Kyiv National Taras Shevchenko University. In addition, she has received a Diploma as a Teacher of English and French from Kyiv State Linguistic University. Ms. Rodionenko has worked at the South African Embassy in Kyiv as a Consular Clerk and Administrative Secretary. She is the recipient of the Muskie Fellowship.

Ganna Ryzhova (Ukraine) attended Kyiv National Taras Shevchenko University, where she received her bachelor's

degree in Law. She has worked as an attorney, specializing in energy legislation, at the Hunton & Williams law firm in Kyiv, as well as for a cable and satellite television company. Ms. Ryzhova is a Muskie Fellow. She plans to return to Kyiv to continue her work in the energy sector.

Patricia Serracin (Panama) received here law degree from the University of Panama. She has worked at MSD/USA AID doing research with the Criminal Tribunal in the Panamanian Supreme Court. She did pro bono work at the White and Starek law firm in Charleston, West Virginia, and has worked as a legal assistant at various law firms in Panama. Ms. Serracin is the recipient of a CILE Fellowship.

Jurgen Strobach (Peru) graduated from Pontifical Catholic University of Peru with a bachelor's degree and a law degree. He worked for Echeandia, Manini, Padron & Associates in Lima, Peru and has worked at other law firms as well as at the Ministry of Foreign Affairs of Peru. He wrote an article entitled "New Regulation of Credit Documents in Peruvian Law," which was published in *La Mondea*, a magazine edited by the National Reserve Bank of Peru. His wife, Paola, accompanies him to Pittsburgh. He is the recipient of a CILE Fellowship.

Omorou Toure (Mali) is a Fulbright Scholar who has studied law at the Lycee of Gao. He previously received a scholarship from the Ministry of National Education of Mali to study in Ukraine, where he earned a Master of Law degree from Kyiv State University. He has taught at the University of Mail Management Institute and the University of Mali. After completing the LL.M. program, Mr. Toure will teach at the Department of Legal and Economic Sciences at the University of Mali. Mr. Toure has been awarded a Fulbright Fellowship and a Franklin West Fellowship.

Tanja Unguran (Serbia) received her law degree from the University of Belgrade. She also studied at the Alternative Academic Educational Network. She has worked at the American Bar Association/Central and East European Law Initiative as a legal assistant and at the Second Municipal Court in Belgrade as a court trainee. She plans to return to Serbia to specialize in corporate law. Ms. Unguran is the recipient of a Ron Brown Fellowship.

STUDENT ACTIVITIES

Jennifer Miller ('02) and **Glenys Spence ('03)** represented the School of Law at the Willem C. Vis International Arbitration Moot in Vienna, Austria, March 20-29, 2002.

Brian Kile ('02), **Matin Momen ('02)**, **Robert P. Paulson ('02)**, and **Nga (Jenny) Wong ('02)** represented the School of Law at the Niagara International Moot Court Competition in Pittsburgh, PA, March 7-9, 2002.

Kristen Schneck ('03) and **Kia-Jacquelyn Omotalade ('03)** represented the School of Law at the Sixth Annual Inter-American Human Rights Moot Court Competition in Washington, D.C. in May 2001.

Paul Clermont ('04) has been awarded a Foreign Language Area Studies Scholarship through the Asian Studies Program. The scholarship covers tuition and stipend for the 2002-2003 academic year, during which he will be studying Japanese in addition to his law courses.

Debra Lefing ('04) will attend the London Law Program sponsored by Pace University School of Law in the Spring of 2003. She was awarded a CILE Scholarship.

Jeffrey Hartwig ('04) was awarded a Foreign Language Area Studies Scholarship from the Center for West European Studies. The scholarship covers tuition and stipend for the 2002-2003 academic year, during which he will be studying Italian in addition to his law courses.

Scott Jablonski ('03) received a Foreign Language Area Studies Scholarship through the University of Pittsburgh's Center for Latin American Studies. The scholarship covers tuition and stipend for the 2002-2003 academic year, during which he will be studying Portuguese in addition to his law courses.

First Person

**Learning about Life,
the Law, and a Coup d'Etat in Venezuela**
by Michelle Saylor



One year studying law at the Universidad Católica Andrés Bello in Venezuela would have been more than enough to fulfill my expectations for a year of law school abroad, but when I arrived in Caracas in August 2001, little did I know what the year had in store for me.

Studying International Law, the Venezuelan Constitution, and other subjects in the civil law system, not to mention living life in another culture and language, was plenty on my plate. To top it off, I was also fortunate enough to obtain an internship with an international partner at Baker & McKenzie, Caracas, in the Administrative Law Department. Aside from learning about the Civil Law system in the classroom, I was getting hands-on experi-

Kim Luu (03) was granted a Foreign Language Area Studies Scholarship from The Asian Studies Program. She will be studying Chinese for the 2002-2003 academic year in addition to her Law Courses.

Zak Shusterman ('05) received a Foreign Language Area Studies Scholarship through the University of Pittsburgh's Center for Russian and Eastern European Studies. The scholarship covers tuition and stipend for the 2002-2003 academic year, during which he will be studying Ukrainian in addition to his law courses.

Steven Brkich ('03), **Laura Manifold ('03)**, and **Cathy Wittmeyer ('03)** took part in the tuition exchange between the University of Pittsburgh and Bucerius Law School in Hamburg, Germany. This program is a one-term program of study offered in the fall term (September-December) to exchange students from partner

universities. The program is designed primarily for law students wishing to broaden their understanding of the forces shaping international business law.

ence in an international firm, working with attorneys knowledgeable in various fields of law. All of this was challenging enough, but the rising political tension in the country over discontent with President Hugo Chavez and his government also began to affect everyday life. Civil unrest and political turmoil became the norm. Getting around in the city was sometimes nearly impossible due to protests, and more than once the country came to a halt because of national strikes. Finally, in April, after three days of strikes and protest marches, rumors that had been accumulating were realized when the president was overthrown in a coup d'etat. After much confusion, the ousted Chavez returned to power in less than three days.

The activities left the country in shambles, with deep social and political divisions. However, Venezuelans continue on with life and ignore daily rumors of government corruption and more civil unrest. A U.S. State Department Travel Warning and ABA rule required my quick departure from the country, but I took with me invaluable lessons about government, politics, the law, and life in general (not to mention an interesting law review article topic). Though my year was cut short, I was able to salvage my credits. The education, both in the law and in life, was far beyond anything I had imagined.

Ryan Hopkins ('04) will be attending the University of New Castle's LL.M. program in International Trade.

The following students studied or worked abroad during the summer in 2002:

Gianni Amato ('04) studied at the Universidad de Costa Rica.

Sue Brooks ('04) attended Pitt's Law at Sea program.

Brian Carnish ('04) studied law in England at the University of Oxford. He received a CILE Scholarship.

Arthur Ford ('03) took part in the 2002 International Student Symposium on Negotiation and Conflict Resolution in the Netherlands. He received a CILE Scholarship.

Joseph Gulino ('03) interned with the U.S. department of State at the American Consulate General in Naples, Italy. Joseph received a scholarship from the Center for International Legal Education and the European Union Center to fund this program.

Naomi Jackson ('04) worked for the government of the United Kingdom and dealt with maritime law issues of the UK.

Laura Manifold ('03) studied law at the University of Munich in Germany. She received a CILE Scholarship.

Sameer Patel ('03) studied Chinese law in China in a program sponsored by the Duquesne Law School. He received a CILE scholarship.

Kristen Schneck ('03) studied at the Central European University in Budapest, Hungary. She also spent two weeks studying International Arbitration at the ICC in Paris, France.

David Slavick ('04) studied law of Eastern Europe in Prague through a program hosted by the University of San Francisco School of Law. He was awarded a CILE Scholarship.

Andrew Weber ('03) worked at Rights and Humanity, an international human rights organization in Ipswich, England. He was working on a project for the World Health Organization relating to the Convention on Elimination of all forms of Discrimination Against Women (CEDAW). He was granted a CILE scholarship.

Cathy Wittmeyer ('04) worked for the Danzer Group in Reutlingen, Germany. She worked to establish a framework for environmental compliance and international certification among the Danzer operations in Europe (East and West), and prepared an update on the state of timber-products eco-labelling.

ALUMNI NEWS

Jaime Favela Ayala's (LL.M. '99) article entitled, *¿Le Gustaria Hacer Un Negocio En Estados Unidos?* was published in the April 2002 issue of EL MUNDO DEL ABOGADO.

Rodrigo Bulnes (LL.M. '00) is now in practice in a firm with his father and two friends. He is engaged to be married in October of 2002.

Linda Dhondt (LL.M. '97) is working for the Belgian Ministry of Justice at the District Attorney's Office of the Court of Appeal of Ghent in Belgium. She was married to Steven Kielemoes on June 21, 2002.

Charles Kotuby (J.D. '01) is a Research Fellow at the Max Planck Institute for Foreign and Private International Law in Hamburg, Germany, after which he will return to Pittsburgh as a Clerk for the Honorable Joseph Weis of the Third Circuit U.S. Court of Appeals.

John Kropf (J.D. '99) has left his position as USAID Country Director in Turkmenistan to return to duties in the Office of the Legal Adviser at the U.S. Department of State.

David Meiler (LL.M. '01) is teaching International Business Negotiations at IBMEC, a law and business school in Rio de Janeiro.

Milena Milutinovic (LL.M. '02) is a full-time Teaching Assistant at the University of Belgrade Faculty of Law.

Georgia Post (LL.M. '99) has begun an MBA program at the University of Hohenheim, specializing in international sourcing.

Amit Rai (LL.M. '96) recently joined Godfrey Phillips India Ltd, an affiliate of the Phillip Morris Company.

Mark Sipper (J.D. '89) and Natalya (Stepanova) Sipper (LL.M. '99) became the proud parents of a daughter, Caroline Elizabeth, on June 9, 2002.

Joel Syquia (LL.M. '98) was recently hired by the Secretary of Budget and Management in the Phillipines as Project Manager for the Phillipine Government's Electronic Procurement System. He has also initiated a Technical Support Group for the Government Procurement Policy Board and is the Legislative Advisor for USAID-AGILE.

FACULTY ACTIVITIES

Professor Ronald Brand moderated a panel dealing with informational torts on December 19, 2001, at a Public Roundtable on Consumer Aspects of the Hague Convention on Jurisdiction and Foreign Judgments at the Federal Trade Commission in Washington, D.C. On January 4, 2002, he gave a presentation on Comparative Forum Non Conveniens and the Hague Convention on Jurisdiction and Judgments for the Conflict of Laws Section at the Association of American Law Schools Annual Meeting in New Orleans. On February 1, 2002, Professor Brand spoke on "Sovereignty: The State, the Individual, and the International Legal System in the Twenty-First Century" at the Hastings College of Law in San Francisco for the Hastings International and Comparative Law Review symposium on "The Changing Face of Sovereignty in the 21st Century." On March 21, he spoke on "Implications of EU Competence for Judicial Cooperation for the Negotiation of a Hague Convention on Jurisdiction and the Enforcement of Judgments" at the Pitt Law School symposium on "New Possibilities for Cooperation with the European Union: Community Competence for Matters of Judicial Cooperation." Papers from the symposium will be published in the JOURNAL OF LAW AND COMMERCE.

Professor Brand was in Vienna in late March for the Vis International Arbitration Moot, working with the Pitt team as well as with teams from Donetsk National Professor Curran addressed the plenary

University and the University of Belgrade. In late April, Professor Brand taught a 15-hour course on International Business Transactions to a group of 48 students at the Donetsk National University Faculty of Law in Donetsk, Ukraine. While there, he had meetings regarding the development of new courses for the Donetsk curriculum and further cooperation between their faculty and the School of Law. On April 29, Professor Brand met with members of the faculty of the Institute for International Relations at Taras Shevchenko University in Kyiv, Ukraine, to discuss future cooperative projects. On May 8, Professor Brand participated in a panel discussion of the Hague Jurisdiction and Judgments Project at the Spring Meeting of the ABA Section of International Law and Practice in New York. During the week of June 17, he taught a 15-hour International Business Transactions Course at the University of Belgrade Faculty of Law, and met with faculty members to develop the cooperative relationship with that faculty that is sponsored by the Department of State.

Professor Brand has published the following articles in the past year: *Forum Selection and Forum Rejection in US Courts: One Rationale for a Global Choice of Court Convention*, in REFORM AND DEVELOPMENT OF PRIVATE INTERNATIONAL LAW: Festschrift for Sir Peter North (James J. Fawcett, ed. 2002); *Concepts, Consensus and the Status Quo Zone: Getting to "Yes" on a Hague Jurisdiction and Judgments Convention*, in TRILATERAL PERSPECTIVES ON INTERNATIONAL LAW (C. Charmody, ed. 2002); *Current Problems, Common Ground, and First Principles: Restructuring the Preliminary Draft Convention Text*, in A GLOBAL LAW OF JURISDICTION AND JUDGMENTS: LESSONS FROM THE HAGUE CONVENTION (John J. Barcelo III and Kevin M. Clermont, eds. 2002); *Jurisdictional Common Ground: In Search of a Global Convention*, LAW AND JUSTICE IN A MULTI-STATE WORLD: ESSAYS IN HONOR OF ARTHUR T. VON MEHREN (James A.R. Nafziger and Simeon C. Symeonides, eds. 2002); *Comparative Forum Non Conveniens and the Hague Judgments Convention*, 37 TEXAS INTERNATIONAL LAW JOURNAL 467-498 (2002); *Where to from Here? Prospects for a Hague Convention on Jurisdiction and the Enforcement of Judgments*, 16 INTERNATIONAL ARBITRATION REPORT 38-45

(Issue 10, October 2001); *Uni-State Lawyers and Multinational Practice: Dealing with International, Transnational and Foreign Law*, 34 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1135-1168 (2001).

Professor Douglas Branson was chosen to be the convocation speaker for Semester at Sea. He delivered the graduation address for those 16 students whose Semester at Sea credits finished their bachelor's degree requirements. In May, he gave public lectures on "Global Convergence in Corporate Governance" to audiences at the University of Melbourne and at Deakin University, both in Australia.

Professor Branson's article, *The Very Uncertain Prospect of 'Global' Convergence in Corporate Governance*, is appearing in the CORNELL INTERNATIONAL LAW JOURNAL. His essay, *Corporate Governance Reform and the New Corporate Social Responsibility*, is appearing in the UNIVERSITY OF PITTSBURGH LAW REVIEW. His article, *The Rule That Is Not a Rule — The Business Judgment Rule*, will appear in the VALPARAISO LAW REVIEW.

Professor Branson spoke at McGeorge Law School of the University of the Pacific in Sacramento, California, on "The Social Responsibility of Multinational Corporations" in February 2002. His remarks will also appear as an article in the TRANSNATIONAL LAWYER. In February, Professor Branson also served as the first day keynote speaker at the Second Annual Corporate Governance symposium hosted by the Chinese University of Hong Kong where he spoke on "Global Convergence in Corporate Governance—An East Asian Perspective." While in Hong Kong, he appeared on a panel with the Chairman of the Hong Kong SEC and the CFO of Mitsubishi Corp. In April 2002, Professor Branson attended a conference at Columbia University on transnational mergers and acquisitions where he commented on several papers. Later that month he was the keynote speaker and co-convenor of a conference on the "New Corporate Social Responsibility" in April. His paper, *Corporate Social Responsibility Redux*, will appear in the TULANE LAW REVIEW.

Professor Teresa Brostoff taught English for Lawyers at the University of Iceland in Reykjavic in February and at Donetsk National University, Ukraine in

May. She taught a three-week English for Lawyers program in Pittsburgh in July.

Professor Vivian Curran authored *Comparative Law: An Introduction* (Carolina Academic Press, 2002), *Formalism and Anti-Formalism in French and German Judicial Methodology*, in *The Darker Legacy of European Law: Perceptions on Europe and Perspectives on a European Order in Legal Scholarship During the Era of Fascism and National Socialism and its Remnants* (Hart, 2002), *Inheritance Law* (co-authored with William F. Fratcher), *Introduction to the Law of the United States* (Kluwer, 2002). Professor Curran's most recent articles include: *Fear of Formalism: Indications from the Fascist Period in France and Germany of Judicial Methodology's Impact on Substantive Law*, CORNELL INTERNATIONAL LAW JOURNAL; *Competing Frameworks for Assessing Contemporary Holocaust-Era Claims*, FORDHAM INTERNATIONAL LAW JOURNAL; *Romantic Common Law, Enlightened Civil Law: Legal Uniformity and the Homogenization of the European Union*, COLUMBIA JOURNAL OF EUROPEAN LAW; and *Rethinking Hermann Kantorowicz: Free Law, American Legal Realism and the Legacy of Anti-Formalism*, in *Rethinking the Masters of Comparative Law* (Annelids Riles, ed., Hart, 2001).



Professor Flechtner enjoys dessert in Vienna

session of the Common Core project, University of Trento, in Trento, Italy, on July 4, 2002 with a talk entitled "The Common Core of European Private Law: Some Remarks from an American Comparative Law Perspective." On May 30, 2002, Professor Curran spoke at Touro Law School about "The Role of Judicial Methods and Legal Scholarship in the Third Reich and Vichy France." She lectured on "Politicizing the Crime Against Humanity: The Example of France" at the 13th International Conference of Europeanists held by the Council of European Studies in Chicago on March 16, 2002. Professor Curran spoke about "Of Law and Memory: Lessons of Vichy France for Contemporary Holocaust Reparations Litigation" at Fordham University School of Law's symposium on "Holocaust Restitution: Reconciling Moral Imperatives with Legal Initiatives and Diplomacy" on November 1, 2001.

Professor Harry Flechtner's article *Recovering Attorneys' Fees as Damages under the U.N. Sales Convention: A Case Study on the New International Commercial Practice and the Role of Foreign Case Law in CISG Jurisprudence*, will be published by the NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS. His article, *Comparing the General Good Faith Provisions of the Principles of European Contract Law and the UCC: Appearance and Reality*, will be published as part of a symposium issue of the PACE INTERNATIONAL LAW REVIEW.

Professor Flechtner also co-authored a chapter, "Remedies under the CISG and Limits to their Uniform Character," in *The International Sale of Goods Revisited* (Peter Sarcevic and Paul Volken, eds., Kluwer, 2001) (with Johan Erauw). His two most recent articles include: *Recovering Attorneys' Fees as Damages under the U.N. Sales Convention (CISG): The Role of Case Law in the New International Commercial Practice, with Comments on Zapata Hermanos v. Hearthside Baking*, NORTHWESTERN J. INT'L L. & BUS. (forthcoming, 2002) and *Comparing the General Good Faith Provisions of the PECL and the UCC: Appearance and Reality*, PACE INT'L L. REV.

Professor Flechtner was in Vienna from March 20-29, accompanying (as coach) the Pitt team at the oral arguments for the ninth Vis International Commercial Arbitration Moot.

While in Vienna, he attended an all-day "Experts' meeting" at the Vienna U.N. offices to discuss, with officials of UNCITRAL and with six other academic "experts" from Germany, the Netherlands, Denmark, Belgium and the U.S., a project in which he is participating—a comprehensive case digest of international decisions applying the U.N. Convention on Contracts for the International Sale of Goods.

Professor Anthony Infanti represented the Committee on U.S. Affairs of Foreigners and Tax Treaties in a panel discussion of current developments in international taxation at the May meeting of the ABA Section of Taxation in Washington, D.C. He was asked to serve as co-chair for a task force that is being established by the Committee on U.S. Affairs of Foreigners and Tax Treaties to explore e-commerce issues in international taxation. Professor Infanti spoke to the Allegheny Tax Society in April 2002 on structuring investments by foreign persons in the United States. In May, Infanti taught a course on International Taxation to a group of 48 students at the Donetsk National University Faculty of Law in Donetsk, Ukraine. In July, he published a short piece entitled *The Proposed Domestic Reverse Hybrid Entity Regulations: Can the Treasury Department Override Treaties?* in the TAX MANAGEMENT INTERNATIONAL JOURNAL. An essay entitled *Curtailing Tax Treaty Overrides: A Call to Action* will be appearing in the next issue of the UNIVERSITY OF PITTSBURGH LAW REVIEW. In August, an abbreviated version of this essay was published in TAX NOTES INTERNATIONAL. Infanti's article, *Spontaneous Tax Coordination: On Adopting a Comparative Approach to Reforming the U.S. International Tax Regime*, has been accepted for publication in October 2002 by the VANDERBILT JOURNAL OF TRANSNATIONAL LAW.

John Parry presented a paper on terrorism and collective responsibility at the Third Global Conference: Perspectives on Evil and Human Wickedness in Prague last March. His article, *Judicial Restraints on Illegal State Violence: Israel and the United States*, was published by the VANDERBILT JOURNAL OF TRANSNATIONAL LAW. *The Lost History of International Extradition Litigation* will appear in the Fall 2002 issue of the

VIRGINIA JOURNAL OF INTERNATIONAL LAW. Professor Parry also collaborated with Professor Welsh White on an essay, *Interrogating Suspected Terrorists: Should Torture be an Option?* which was published by the UNIVERSITY OF PITTSBURGH LAW REVIEW.

Professor Ann Sinsheimer taught English for Lawyers at the University of Iceland in Reykjavic in February and again at Donetsk National University, Ukraine, in May. She taught a three-week English for Lawyers program in Pittsburgh in July.

Professor Stella Smetanka spent two weeks in June 2001 at the Donetsk National University Economics and Law Faculty, Ukraine, where, besides learning about the Ukraine's rich culture and sampling its delicious food, she presented a session on interactive teaching techniques in law school clinics to faculty and students.



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I SAW SLOBODAN SMIRK

*Linda Tashbook, Esq.
Electronic Services Librarian—University of Pittsburgh School of Law*

It was on Friday, July 26, shortly after 1:00 in the afternoon, in the midst of Slobodan Milosevic's war crimes trial. I was sitting in the galley of the ICTY—the International Criminal Tribunal for the Former Yugoslavia—along with fourteen other participants from the Summer 2002 Semester at Sea voyage.

Milosevic smirked after the witness, his former Security Chief Rade Markovic, responded to the prosecutor that he had received government funds in cash. Initially, the prosecutor had attempted a compound question, asking when Marcovic had learned about the cash payment for the transport of corpses out of Kosovo and into Serbia. Milosevic, acting as his own attorney, had objected to the presumption that the payment was made in cash. The rest of us in the courtroom, stunned by the idea of taking people from a mass grave in refrigerated trucks to another country, really had not concerned ourselves with the word "cash."

For more than thirty minutes we had sat in this closely guarded courtroom, with security guards constantly rotating shifts, listening to the barter of testimony in exchange for well-asked questions that told this gruesome story. "Cash" seemed so insignificant. We were more interested in whether there would be an admission that the Milosevic government provided funds for the transport. After confirming that the government payment *was* made in cash, the witness admitted that the payment was authorized undeniably by the government to move those corpses. And we, in the galley, looked quietly at each other and then back at Milosevic, who had finished the smirk and didn't seem at all disturbed. Was he planning to deny the payment in later testimony? Having confirmed testimony that it was in cash, maybe he wanted to demonstrate that there was no documentary proof of the payment or that it was made without his knowledge.

An hour later, with the court day finished, every one of us puzzled over it in the yard in front of the court building. There was no Socratic demand from a professor, no hornbook, no precedent case that we compared. There was just this horrifying story, a calm witness, a smirking defendant, judges from all over the world, and fifteen of us now knowing that THIS was why we had to be there in person...to see why all the separate countries need this thing called international law.

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8:00-8:30	Registration	
8:30-8:45	Welcome	
8:45-9:00	Introduction – Franco Ferrari	
9:00-10:00	Part I – Franco Ferrari	Commentators: Joseph Lookofsky, Michael Bridge
10:30-11:30	Part II – Peter Winship	Commentators: Maria del Pilar Perales Viscasillas, Johan Erauw
11:30-12:30	Part III – Ulrich Magnus	Commentators: Henry Gabriel, Alejandro Garro
12:45-2:15	Luncheon	
2:30-3:30	Part IV – Harry Flechtner	Commentators: Paul Volken, Ronald Brand
3:45-4:45	Part V – Claude Witz (presented by John E. Murray, Jr.)	Commentators: Filip De Ly, Peter Sarcevic
4:45-5:15	Concluding Comments	

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