

PUNCHING ABOVE OUR WEIGHT: INTERNATIONAL LEGAL STUDIES AT CALIFORNIA WESTERN SCHOOL OF LAW

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It is an honor to follow an essay from Judge Juan Guzmán (retired) of Chile, the legendary jurist who was the first to indict Chilean *caudillo*, ex-President, and Head of the Armed Forces, and Senator for Life, General Augusto Pinochet Ugarte. It was after General Pinochet returned from London in 2000 after more than 500 days under house arrest that Judge Guzmán was able to formally charge him. Judge Guzmán consolidated roughly two hundred criminal complaints filed against members of the Chilean armed forces and DINA (later the CNI), the Chilean secret police, which took place during the seventeen-year dictatorship. Judge Guzmán came to California Western School of Law to give the S. Houston Lay Lecture for 2014, a lecture series that has hosted distinguished jurists and law professors to speak to the assembled law school community. Judge Guzmán also spoke to California Western's Amnesty International chapter and met with faculty and students to promote a dialogue about the rule of law in the Americas.

This essay catalogues some of the likewise amazing things that California Western School of Law is doing in international and comparative law and why this work matters to our institution, our region, and the world. A lot of law schools talk about international law. California Western School of Law does more than talk. We actually do international law. Sure, doctrine is important—the law of treaties, the understanding of customs and what it is to be a civilized nation. But, fieldwork is also important—a place to put the theory into practice. It is critical that we prepare students for practice—

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including in the expanding area of transnational practice in human rights litigation, corporate transactions, and rule of law building initiatives. We live in an interconnected world so we have to make our students ready to engage with clients, issues, and solutions that span our globe. This has to be achieved through an understanding of public and private international law, cultural competencies, and a comparative perspective that being situated on the U.S.-Mexico border can bring.

The International Legal Studies Program at California Western School of Law, established in 1986, has a long history of doing that. We have offered an enriched Juris Doctor degree curriculum in international and comparative law with a robust Area of Concentration. The emphasis on theory and practice is complemented by curricular programs that highlight the role of international law in today's global economy. The program promotes scholarly work in international and comparative law through faculty development, research support, internship opportunities, and scholarly exchange.

Professor John Noyes' scholarship on the Law of the Sea is a case in point. Professor Noyes has offered significant contributions to legal scholarship while also serving as a senior member of the American Branch of the International Law Association. Professor William Aceves' real work in the field of human rights, even while working as the Vice-Dean for Academic Affairs at California Western School of Law, is an example of the faculty's commitment to social justice. He finds time to write and edit books, author law review articles, and draft amicus briefs for the United States Supreme Court on behalf of Amnesty International and Human Rights Watch.

And it is not just faculty who publish. Indeed, students have published in law reviews both nationally and internationally. Lauren Dellinger, Stephen P. Smith, and Linda Praast have all expanded their written work from their classes and made significant contributions to legal literature in their chosen subjects through publication.

Additional opportunities for students include the Jessup International Law Moot Court Team, the California Western International Law Journal, and several student organizations including the International Law Society, Amnesty International, the South Asian Law Students Association, the Middle Eastern Law Students Association, and La Raza Student Bar Association.

What our law students do when they graduate is an important thing to measure. Like other law schools, we have our share of judges currently sitting on the bench (some 130 across the country). At the international level, the esteemed graduates of our programs do amazing things. Alumnus Tom Nassif was U.S. Ambassador to Morocco during the Reagan Administration. Alumnus Michael Tsai teaches at National Taichung University of Science and Technology, among other law schools around Taiwan. Before that he was in the Legislative Assembly of Taiwan and served as Minister of National Defense. Our graduates work in the Department of Justice, Department of State, Patent and Trademark offices, and other law enforcement agencies.

Clearly, our students make a difference in the world and do so even before they graduate. Students work with practitioners and learn from scholars. They grow their networks in the field and experience level, and then they graduate “practice ready” for the globalized practice of law. The Clinical Internship Program at California Western has enjoyed great success as our students experience real life legal practice over a 14-week trimester period. From the Chilean Public Defenders Office to international offices of the Big Four Accounting Firms, from top litigation firms in Tokyo to transnational arbitration in Buenos Aires, our students undertake some of the most cutting edge internship and clerkship experiences. Our students have interned at the unit of the United Nations Office on Drugs and Crime that fights human trafficking, the United Nations Space Agency, the International Tribunal for War Crimes in the Former Yugoslavia, the Organization of American States, OCEANA (a leading environmental non-government organization), the Chilean Attorney General’s Office, and leading law firms and international institutions in Bogota, Buenos Aires, Mexico City, Tokyo, Vienna, and Washington D.C.

Our students also get access to great summer study abroad programs. We are the home of the Chile Summer Program, part of the CILE summer programs which also include Malta, Prague, Galway, Ireland, and London, England. Based in Santiago, a city at the foot of the Andes mountains, and a bustling metropolis with six million inhabitants, the Chile Summer Program provides students with a first-hand look at how Latin America’s most dynamic economy is adjusting to a new era of democratic governance and human rights. With classes at the Heidelberg Center for Latin America, and real life

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internship opportunities and workshops throughout the region, students learn comparative and international law while enjoying the natural wonders and culture of the region. There are two sessions over a 9-week period, with the second session including intensive field placements in the practicum component (mini-internships). Some 190 students have attended this program over last six years.

Our legal education work in Latin America is built on over a decade and a half of building programs to strengthen the rule of law in the region. Over the last 16 years, *Proyecto ACCESO* has taken a leading role in helping to implement legal reform throughout Latin America, and to help the public better understand its legal rights. We have assisted in the transition of criminal procedures of countries around the region from the inquisitorial system to the adversarial system. Our flagship training work in Latin America—*ACCESO Capacitación*—has provided legal skills to over four thousand lawyers and judges around the region. Sabbas Chauán, Attorney General of Chile (Fiscal General de Chile), is a graduate of an ACCESO program. So is Minister of Justice Patricia Pérez Goldberg of Chile, who received an honorary degree from California Western School of Law during Commencement in April 2013. It is no surprise that the *ACCESO* programs at California Western School of Law have trained thousands of lawyers, judges, and judicial administrators around the Americas.

Building on the successes of *Proyecto ACCESO* and the pioneering work of the California Innocence Project (CIP) at California Western School of Law, we have partnered to create a network for innocence projects around Latin America called *Red Inocente*. *Red Inocente* helps promote advocacy programs around the Americas dedicated to the release of wrongly convicted people and the reform of laws that lead to wrongful conviction. *Red Inocente* was launched during the inaugural annual conference for innocence projects in Latin America, which was attended by more than 70 representatives from seven different countries, including the former president of Bolivia and the National Public Defender of Chile. To kick off the conference we screened the acclaimed film *El Rati Horror Show* by Argentine filmmaker Enrique Piñeyro. The documentary tells the story of Ariel Fernando Carrera, wrongfully convicted of the high-profile murder of three people. Just weeks before the inaugural conference, Carrera was released by the Argentine Supreme Court

after spending seven years in prison. The film details Carrera's time in prison and the reasons behind his wrongful conviction: manipulation and alteration of evidence at the crime scene, questionable tactics used by police investigating the crime, and a lack of key witnesses called to testify during the trial.

With the CIP team, Professor Brooks and I have established innocence projects in Argentina, Chile, Mexico, and Peru. A second conference occurred in October 2013 with California Western Dean Niels B. Schaumann attending, along with delegates from nine countries in the region. The launch of *Red Inocente* has helped facilitate legal reforms that will improve human and civil rights in Latin America. Students, through the *Inocente* Scholarship at California Western, intern in these projects during their third year of studies.

In addition, the joint post-graduate program in Latin America demonstrates California Western School of Law's commitment to international and comparative law. Since 2004, California Western has assisted in building a joint international educational post-graduate program with leading law schools around the world, including the Universidad de Chile Facultad de Derecho, the University of Heidelberg through the Heidelberg Center for Latin America, and the Max Planck Institute for Comparative Public and International Law. This program has been executed in Chile (2004-2007), Paraguay (2007-2008), Mexico (2009), Argentina (2011), and Bolivia (2011).

We are also committed to exposing students, faculty, and our legal community to new ideas on campus. We have partnered for a dozen years with the Institute for International, Comparative, and Area Studies at University of California, San Diego to produce an annual speakers series. Previous programs have included such themes as NAFTA: 20 Year After, Morality, Humanitarianism, and International Law; From Climate Change to Global Sustainability; Speaking Truth to Power; Transplanting Law; After Outrage; The Future of International Humanitarian Law; Border Wars: The Law, Politics, and Ethics of Immigration; A Human Rights in the New Age of Terror; and Human Rights and International Institutions after Iraq.

We have had wonderful speakers at the law school, scholars and practitioners from around the world. Judge Baltazar Garzón, Spain's celebrated activist judge, has been a speaker at California Western. Likewise, Judge Richard Goldstone, from the Supreme Court of South

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Africa, has also spoken. Paraguay's Dr. Joel Filártiga, one of the great human rights activists, has also spoken on campus.

Real life policy makers like U.S. Under Secretary of State Kevin O'Reilly, Chilean Supreme Court President Marcos Libedinsky, the Minister of Justice of Chile Patricia Pérez Goldberg, former Minister of Foreign Affairs of Canada the Honorable William C. Graham, Senator Marcelo Duarte Manzoni of Paraguay, and Jeffrey Davidow, former U.S. Ambassador to Mexico and Venezuela, have met with students and faculty to share their views on the most pressing and salient legal issues of the day. Young academicians like Germany's Dr. Ignaz Stegmiller and Poland's Dr. Adam Andrzejewski, have graced our institution and shared their new ideas and approaches.

In addition, the International Legal Studies Program offers a Visiting Scholar Program to enable foreign legal academics and lawyers, by invitation, to conduct independent research on a major project in the United States. The law school has welcomed Visiting Scholars from a variety of countries, including Canada, Chile, Denmark, Finland, Germany, Iran, New Zealand, Nigeria, and Taiwan. We also bring international teachers and practitioners of international law from around the world through the ILSP Speakers Series. We have many speakers enlighten us on campus, bringing their experiences from the field to San Diego. Recent lecturers have included Senator Marcelo Duarte Manzoni of Paraguay, a former National University of Paraguay professor, and Professor Carlos Ruffinelli of the Centro de Estudios de Derecho, Economía y Política in Asuncion, Paraguay. In October 2011, Luis Valentín Ferrada Walker, a lawyer with Chile's Defense Ministry and Ministry of Foreign Affairs, spoke on the international legal issues surrounding Antarctica. In March 2013, Dr. Kevin Tsai from Taiwan, the managing partner of Farmer Law Firm in Taipei and Supervising Attorney to several California Western students, spoke on the future of Intellectual Property rights in Asia.

Since 2001, California Western has administered the Castetter Visiting Foreign Law Professor Program, which has featured short courses taught by foreign law professors that enrich the international and multicultural atmosphere at the law school. We have hosted a number of top-flight academicians and public servants including Professor Thomas Lundmark of Germany, Professor Erik Franckx of Belgium, and Professor Michael Tsai, former National Defense

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Minister of Taiwan. In 2012, Professor Dino Kritsiotis of the University of Nottingham and Professor Thilo Marauhn of Germany both joined as Castetter Visiting Foreign Law Professors.

Clearly, we are taking international law seriously and so are California Western students. There is much about which to be proud. Our students are getting ready for the world, and the world will be a better place because of our students.