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## Finding inspiration in the rule of law

As a professional involved in practicing and teaching ADR, I find that while I am endlessly fascinated and inspired by the topic of dispute resolution, I spend a considerable amount of my professional life focusing on the negative aspects of the U.S. legal system. Whether I am working on skills training with students, presenting at a conference or reality testing in a mediation, I am frequently participating in conversations about the expense, delay and destruction of personal and business relationships involved in continuing a matter in court.

As an experienced lawyer, I am also aware that lawyers often become discouraged by difficult opposing counsel, long hours, demanding clients, unfair judges, and dull and seemingly endless discovery.

It is easy to forget that great things can be accomplished using the rule of law.

I was reminded of this when I participated this spring in our LLM in Rule of Law for Development Program, called PROLAW, at Loyola University Chicago's John Felice Center in Rome, Italy. Spending a week with 20 young and enthusiastic lawyers from around the world who are learning to use the law to make things better in their respective countries was incredibly moving.

PROLAW is attended primarily by students from developing countries and is designed to combine theory with a practical focus. Most of the students I met planned to put their thesis research projects to use to actually make a difference.

I was awed by the types of problems some of these young lawyers were preparing to tackle:

- A student from Botswana hoping to balance preservation of traditions and culture in her country with prevention of sex

discrimination. (Botswana has a dual legal system with a common-law system based on Roman-Dutch law as influenced by English law, and a customary law system under which a different set of courts upholds tribal traditions).

- An Azerbaijani man working to increase legal aid for the indigent in civil cases in the face of increasing illiteracy and a shortage of lawyers.

- A Nepali student looking into how to provide justice for victims of the 1996-2006 war where the promised truth and reconciliation commission has not yet come to fruition.

- A student from Kosovo researching the best ways to reduce widespread corruption based on what has worked in other countries.

- A student from Ukraine hoping to improve the independence of judges.

- An American researching the best ways to establish physical security for citizens in developing countries through improved law enforcement.

- An Ethiopian working to improve the South Sudan constitution to be adopted in 2015.

Interacting with the students was also inspiring because they have built a close community and are already helping each other. For example, a young lawyer from Argentina looking into the potential of public-private partnerships to address lack of financing for infrastructure projects received input from her classmates from Mexico and Russia on some possible pitfalls.

More importantly, this back-and-forth learning between representatives of various countries is exactly what is needed for effective knowledge sharing.

As pointed out by Rachel Kleinfeld in "Advancing the Rule of Law Abroad," "Rule of Law" reforms are often seen by locals not as attempts to develop their



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countries but as thinly veiled efforts for the United States and Europe to protect their companies while opening foreign markets."

It appeared to me that with a room full of lawyers from developing countries collaborating with one another, and an international team of rule of law professionals providing instruction, there is little perceived threat of an imperialistic motive for a particular idea.

Additionally, when these students return to their countries and assume leadership roles, the guidance and expertise they offer will be coming from an insider familiar with the culture and existing structures, thus increasing the chances of reform exponentially.

Kleinfeld emphasizes that the traditional rule of law mission of trying to replicate a developed country's laws, courthouse, etc. with no thought given to existing culture or local strengths has often resulted in a great deal of money spent with very little change. She argues for a new paradigm where rule of law solutions are based upon a set of desired ends, such as the World Justice Project Rule of Law Index:

- Governments are subject to

laws and must follow established and legally acceptable procedures to create new laws.

- Citizens are equal before the law.

- Judicial and governmental decisions are regularized and are not subject to the whims of individuals or the influence of corruption.

- All citizens have access to effective and efficient dispute-resolving mechanisms, regardless of their financial means.

- Human rights are protected by law and its implementation.

- Law and order are prevalent. The PROLAW program is part of this new way of looking at rule of law efforts.

According to program director Bill Loris, "We set out to professionalize rule of law work both for international advisers and home-grown rule of law leaders in countries currently being advised on rule of law matters. I think we are getting it right. In 30 years of rule of law practice, I have rarely seen anyone better prepared to do this kind of work than the PROLAW graduates. You will soon see these people in top leadership roles and that will be good for the pursuit of social justice around the globe."

The PROLAW program also got me thinking about rule of law at home. Do citizens in Illinois have meaningful access to justice? Is our method of selecting judges in Cook County the best way to create a pool of talented and impartial judges? Are police in Chicago better at avoiding unnecessary violence than police in other places? What can we learn from other countries about improving our own rule of law?

While we are blessed with a system that works for the most part, my hope is that more lawyers in Illinois will find time to work on such issues and that in the process they will find renewed inspiration in their professional lives.