Thinking from both sides

Loyola students head to London for a front-row seat to common law’s roots

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The barrister stood in the London court for his opening statement and prepared to levy a serious charge against the defendant.

“You are a weak man and a bully,” the lawyer said. “Isn’t that true?”

The defendant, on trial for child abuse, was not about to let such a charge go unchallenged.

“No,” he replied, “is it your testimony today that you are not a weak man and a bully?”

“Yeah, that’s my testimony.”

What stood out to Loyola University Chicago School of Law student Dominic LoVerde — other than the somewhat comical exchange — was seeing a defendant speak frankly on the stand.

In the United Kingdom, criminal defendants are less vulnerable on the stand than their American counterparts because the Criminal Evidence Act of 1898, along with later legislation, limits a prosecutor’s ability to impeach a defendant for past crimes.

“It puts the United States’ system and the state of Illinois’ system in perspective,” LoVerde said about his experiences in London.

The second-year law student was one of 16 Loyola students who spent 17 days in London in December and January as part of the Comparative Advocacy Program, which is now in its 26th year.

The trip spends one week on the development of the common law system with visits to the city’s four Inns of Court. The second week brings students to the Central Criminal Court, known as the Old Bailey.

“As a 2L, I’m going to be a practicing attorney in a year and a half,” said LoVerde, who works as a clerk at Clifford Law Offices. “It definitely allows a law student, or an attorney for that matter, to have a better understanding of why things are the way they are.”

That was the original goal of program founder James J. Faught.

“The purpose initially was to go over and observe the barristers in court and to use it as a comparative exercise for students who had a deep interest in advocacy,” said Faught, Loyola’s associate dean for administration, who founded the trip in 1988.

The trip added a historical slant when Faught realized that, “This was ground zero for the development of the common law.”

Loyola is one of several Illinois law schools with trips to foreign courts for the purposes of comparative law studies. Those trips include:

• The International Immersion Program at the University of Chicago Law School, taking students to Cuba, Japan, Kenya, the Netherlands and Switzerland.

• Students at DePaul University College of Law and IIT Chicago-Kent College of Law can earn certificates in international and comparative law and the University of Illinois College of Law offers courses in comparative law. And this summer, The John Marshall Law School will offer a program in Scotland.

“I think an experience like this resonates with people’s careers, particularly as they get more experience,” Faught said. “I’d like to think that (students) continue to ask good questions about how we do things here in the United States.”

That’s Lauline Gough’s plan.

“I went to London with my mother a few years ago,” said Gough, a second-year Loyola student who traveled on the most recent trip.

“I was really interested in learning more about the English legal system and how that compares to our legal system,” she said, adding that she wanted to “see if I could pick from what the barristers do over there and transition that into my own practice.”

Gough wants to be a criminal prosecutor, a career she is nurturing in an externship at the Cook County state’s attorney’s office.

The trip’s value for Gough was seeing the differences between the two systems. In the UK, the same barrister will handle both prosecution and defense matters throughout his or her career.

“Being able to ... think from both sides is something that every attorney should do and can do and should implement in practice,” Gough said.

The system left another mark on Gough.

“Everyone was very cordial to one another;” she said. “It wasn’t about winning your side. It’s about getting at the truth and being respectful of others in the courtroom and not being so cutthroat.”

• The International Team Projects at Northwestern University School of Law, which sends groups to 29 countries.

• The Legal Globalization and Comparative Law Program at Southern Illinois University School of Law, which sends students to Australia, Botswana, Cuba, Germany and South Africa.

• The International Immersion