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# LOYOLA UNIVERSITY CHICAGO INTERNATIONAL LAW REVIEW 2005-2006

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# INTERNATIONAL FOCUS AT LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

#### Curriculum

Loyola University Chicago School of Law provides an environment where a global perspective is respected and encouraged. International and comparative law is not studied only in theoretical, abstract terms but primarily in the context of valuesbased professional practice. In addition to purely international classes, courses in other disciplines—health law, child and family law, advocacy, business and tax, antitrust, intellectual property—have strong international and comparative components.

#### **International Centers**

The United Nations has designated The School of Law as the home of its Children's International Human Rights Initiative. The Children's International Human Rights Initiative promotes the physical, emotional, educational, spiritual and legal rights of children around the world through a program of interdisciplinary research, teaching, outreach and service. It is part of Loyola's Civitas ChildLaw Center, a program committed to preparing lawyers and other leaders to be effective advocates for children, their families, and their communities.

#### **Study Abroad**

Loyola's international curriculum is expanded by its foreign programs and field study opportunities:

#### International Programs

– A four-week summer program at Loyola's permanent campus in Rome focuses on international and comparative law.

– A four-week summer program on European legal institutions includes visits to the Council of Europe in Strasbourg, France, the European Court of Justice in Luxembourg, and the Commission of the European Union and the headquarters of NATO in Brussels, Belgium, followed by two weeks of international courses in Oxford, England.

International Field Study

- A ten-day, between-semester course in London on comparative advocacy, where students observe trials at Old Bailey, and afterward meet with judges and barristers to discuss the substantive and procedural aspects of the trial that are uniquely British. Students also visit the Inns of the Court and the Law Society, and have the opportunity to visit the offices of barristers and solicitors.

- A comparative law seminar on *Legal Systems of the Americas* which offers students the opportunity for travel to Chile over the spring break for on-site study and research. In Santiago, participants meet with faculty and students at the Law Faculty of Universidad Alberto Hurtado, as well as with a variety of lawyers, judges and business people.

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- A one-week site visit experience in San Juan, Puerto Rico. While in Puerto Rico, students have the opportunity to research the island-wide health program for indigents as well as focus on Puerto Rico's managed care and regulation.

- A comparative law seminar focused on African legal systems. The seminar uses a collaborative immersion approach to learning about a particular country and its legal system, with particular emphasis on legal issues affecting children and families. The course includes a required field study component over spring break in Tanzania, focusing on community development and volunteerism.

#### **International Moot Court Competition**

Students also hone their international skills in three moot competitions: (1) the Phillip Jessup Competition, which involves a moot court argument on a problem of public international law; (2) the Niagara Cup Competition which involves a moot court argument on a problem involving an area of dispute between the United States and Canada, with teams representing both U.S. and Canadian law schools; (3) the Willem C. Vis International Commercial Moot Arbitration, involving a problem under the United Nations Convention on Contracts for the International Sale of Goods. Two separate teams of student oralists argue against law school teams from all over the world, one team competing in Hong Kong, and the other in Vienna, Austria.

#### Wing-Tat Lee Lecture Series

Mr. Wing-Tat Lee, a Hong Kong businessman, established a lecture series with a grant to the School of Law. The lectures focus on an aspect of international or comparative law.

This year's guest speaker was Professor Richard B. Bilder, Foley & Lardner – Bascom Emeritus Professor of Law at the University of Wisconsin Law School. Professor Bilder addressed students on the importance of lawyer involvement in foreign relations and the qualities necessary for lawyers to adequately involve themselves in international law.

#### Acknowledgements

We would like to recognize friends and alumni of the law school who have contributed within the past year to our international law program, specifically to the Willem Vis International Commercial Moot Arbitration Program:

> Mayer, Brown, Rowe & Maw Cezar M. Froelich Peter B. Carey John H. Calhoun Cara Boyle Alexander Jeglic Michael Barranda Jennifer Diamond Kate Doyle Anthony Cartee

# FROM THE EDITORS

China is at a crossroads in the development of a modern legal system. Traditional tenets of law, modified by nearly sixty years of communist doctrine, have come into conflict with laws necessary to secure foreign investment and enable China to fulfill its global ambition. The legal community would be remiss if it did not acknowledge the impact the legal changes in China will have on the future of international law and on the world itself.

With the support of Fr. Michael Garanzini, Dean David Yellen, and the administration and faculty of the law school, the Loyola University Chicago International Law Review brought together scholars and practitioners from throughout the United States and China for a symposium titled *Emerging Legal Issues in China*, held on February 16-17, 2006. The school's support of our endeavor and the willingness of our panelists to speak at the symposium demonstrate the importance China's legal future will have on the global community.

We decided upon three areas of law to focus on at the symposium: commercial law, health law, and human rights law. Speakers on the commercial law panel included Professor Jerold Friedland, Director of the Asian Legal Studies Program at DePaul University School of Law; Professor Hilary K. Josephs, at Syracuse University College of Law; and Ms. Ying White, Counsel in the Legal Vice Presidency/ Corporate Finance Group at the World Bank. The complexities of health law in China were addressed by Professor John Blum, John J. Waldron Research Professor at Loyola University Chicago School of Law; Dr. Yanzhong Huang, Ph.D., Assistant Professor at the Whitehead School of Diplomacy and International Relations at Seton Hall University; and Mr. Jia Ping, lawyer and researcher with the Aizhixing Institute of Health Education in Beijing. The final panel of the symposium featured Professor Michael Davis, J. Landis Martin Visiting Professor of Law at Northwestern Law School; Mr. John Foarde, Staff Director of the Congressional-Executive Commission on the People's Republic of China; and Professor Margaret Y.K. Woo, at Syracuse University College of Law. Keynote speeches delivered by Ms. Ying White and Mr. Max Gu, speaking in the stead of Mr. William Spence of the law firm Freeborn & Peters, served as fitting bookends to the program.

Readers will find articles in this issue corresponding to the symposium, with one exception. The opening piece contained within is the text of the 2006 Wing-Tat Lee Lecture, delivered by Professor Richard B. Bilder, Foley & Lardner – Bascom Emeritus Professor of Law at the University of Wisconsin Law School. The Wing-Tat Lee Lecture is an annual address given to the Loyola legal community by a leader in international or comparative law.

It is fitting that Professor Bilder's commentary on the duty of international lawyers concludes with the hope that lawyers will use law to bring about a better and more peaceful world. Our approach in this issue to the legal developments in China, we think, effectuates Professor Bilder's charge.

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