



Center for International Legal Education

November Symposium to Celebrate 25th Anniversary of U.N. Sales Convention



**United Nations Commission on
International Trade Law
(UNCITRAL)**

Cosponsors:

American Bar Association Business Law Section
American Society of International Law (ASIL)
Pennsylvania Bar Association International and Comparative Law Section
University of Augsburg Faculty of Law
University of Ghent Faculty of Law
University of Pittsburgh Joseph M. Katz Graduate School of Business

On November 4–5, 2005, CILE and the United Nations Commission on International Trade Law (UNCITRAL) will host a symposium celebrating the 25th anniversary of the Diplomatic Conference creating the United Nations Convention on Contracts for the International Sale of Goods (CISG). The Pittsburgh conference, to be held at the School of Law, will focus on contract drafting issues. It will include exploration of the impact of the UNCITRAL Digest of Case Law on the CISG, a critically important new resource

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From the Director: 10 Years of Progress

This fall we mark the 10th anniversary of the Center for International Legal Education (CILE) at the University of Pittsburgh School of Law pretty much the same way we began: with continuing efforts to create programs and opportunities in international and comparative law for our students, alumni, and colleagues. As you will discover in the pages that follow, however, at the University of Pittsburgh School of Law we are not only preparing the stage for international and comparative law scholarship, we have become consistent actors on that stage. The United Nations Commission on International Trade Law (UNCITRAL) has asked CILE to organize and host the only American symposium to mark the 25th anniversary of the United Nations Convention on Contracts for the International Sale of Goods. The U.S. Department of State has appointed **Professor Harry Flechtner** to serve as a national correspondent to UNCITRAL's Case Law on UNCITRAL Texts. The State Department has appointed

Professor Vivian Curran to serve as the only U.S. member of the Austrian General Settlement Fund Claims Committee for Holocaust claims. **Professor Flechtner** has been selected to edit the third edition of Professor John O. Honnold's authoritative treatise on the U.N. Sales Convention. **Professor Elena Baylis** has won the American Society of International Law's New Voices competition for her scholarship and is doing groundbreaking research on parallel courts in Kosovo. Our English for Lawyers program has been invited to law faculties throughout the world, with **Professors Teresa Brostoff** and **Ann Sinsheimer** making repeat visits, many with Fulbright grants. **Linda Tashbook**, our international, foreign, and comparative law librarian, has become a requested Fulbright visitor to help establish new law libraries in other countries. I have been fortunate to serve as a member of the U.S. delegation to the Hague Conference on Private International Law that completed a Convention on Choice of Court

Agreements on June 30 of this year. We have established strong relationships with four law faculties in Ukraine, Serbia, and Kosovo, through work funded by the U.S. State Department. We have established one of the nation's only Languages for Lawyers programs housed entirely in a law school. Pitt's Journal of Law and Commerce has

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Symposium *continued*

in the developing infrastructure of special CISG research tools. This developing infrastructure forms the basis of what has been called “the new practice of international commercial law.” Over the course of the two days, internationally recognized experts will delve into general and specific contract drafting issues.

A list of conference speakers can be found on page 3 of this *CILE Notes*. Professor Peter Schlechtriem of the University of Fribourg, Germany, will deliver the keynote address at the Friday luncheon, titled “25 Years of CISG—An International *lingua franca* for Drafting Contracts, Legal Principles, and Domestic Legislation.” Conference presentations from the symposium will be published as a volume of the *CILE Studies* series.

The conference is one of a series of conferences in 2005 held to recognize the 25th anniversary of the Sales Convention. Others have been held in Vienna, Austria; Cairo, Egypt; and Singapore. UNCITRAL’s invitation to the School of Law to host the North American celebration of the CISG acknowledges Pitt’s leading role in Sales Convention scholarship. This will be the fourth major conference on the CISG to be held at the School of Law, with previous conferences in 1987, 1997, and 2003.

The publication of the papers from the first two conferences, as well as annual issues devoted to the CISG, have made the *Journal of Law and Commerce* a leading source of Sales Convention scholarship. UNCITRAL recognized this fact earlier this year when it asked the *Journal* to publish the papers from the first 25th anniversary conference, held in March 2005 in Vienna.

The November symposium follows the successful February 2003 conference hosted by CILE, which was the first to recognize the importance of the UNCITRAL digest of cases interpreting the CISG. A draft digest, along with the conference papers, was published in October 2003 in a book edited by Professor Flechtner along with Professor Ronald A. Brand, and Professor Franco Ferrari of the University of Verona, titled *The Draft UNCITRAL DIGEST and Beyond: Cases, Analysis, and Unresolved Issues in the U.N. Sales Convention*. The digest itself was published online by UNCITRAL in late 2004. The *Draft Digest* book has now been republished as the first volume of the center’s innovative *CILE Studies* series.

The digest authors, a group of five leading CISG scholars that includes Flechtner, were given the opportunity at the 2003 conference to present their views on the case law—something that is not part of the digest itself. Each presentation by a digest author was followed by commentary from distinguished CISG scholars and opportunity for dialogue with all those attending. Four of the five digest authors will be participating in the November 2005 symposium in Pittsburgh.

The conference will be cosponsored by the International and Comparative Law Section of the Pennsylvania Bar Association, the American Society of International Law, the Business Law Section of the American Bar Association, the Joseph M. Katz Graduate School of Business at the University of Pittsburgh, the University of Augsburg Faculty of Law, and the University of Ghent Faculty of Law. It has been approved by the Pennsylvania Continuing Legal Education Board for 12 hours of substantive CLE credits.

Further information on the conference can be found at the CILE Web site: www.law.pitt.edu/cile.

From the Director *continued*

become the leading regular hard-copy publication of scholarship and cases on the U.N. Sales Convention. And our students and alumni continue to chart the course of legal developments around the globe through study, internships, and careers.

As we begin our second decade of existence, CILE also begins a new endeavor we hope will increase the exposure of the center as a major source of international and comparative law scholarship. With West/Thomson Publishers and Westlaw, we have initiated *CILE Studies*, a series of hardcover volumes that will make available cutting-edge legal scholarship in print and electronic formats. We hope you will find this publication as valuable as we think it can be, and look forward to contributions from our friends and colleagues around the globe.

We have reached our 10-year milestone with the help of many. Alcoa Inc., and the Alcoa Foundation have been consistent supporters from the first year of the center. That support has many times made the dif-

ference necessary to make good programs excellent programs. Franklin West Inc. continues to provide support as the next generation of the West family arrives on the scene and we mourn the loss of Frank West and his warm support of our students and visiting faculty members. The center staff of **Mark Walter**, **Gina Clark**, and **Caroline West** have continued to provide students and colleagues with advice and support, and have initiated new programs that are beyond what we could have imagined in 1995. Many of the faculty and staff at the School of Law have helped turn these efforts into lasting and meaningful programs. We especially welcome **Dean Mary Crossley** as she joins in our work.

While we have enjoyed setting the stage over the past 10 years, we know that we do our work in a competitive environment and that the next 10 years will require even more dedication and effort. We look forward to that challenge and invite you to continue the journey with us both in these pages and in our programs.

cile notes 2005

University of Pittsburgh School of Law
Center for International Legal Education

Ronald A. Brand, Director

Mark Walter, Assistant Director

Gina Clark, Program Administrator

Caroline S. West, Special Programs
Coordinator

Please direct all correspondence to:

University of Pittsburgh
School of Law
Center for International Legal
Education
318 Law School
3900 Forbes Avenue
Pittsburgh, PA 15260

Phone: 412-648-7023

Fax: 412-648-2648

E-mail: cile@law.pitt.edu

Web Site: www.law.pitt.edu/cile

CISG Conference Schedule

November 4, 2005

- 8:30 a.m. **Registration**
- 9 a.m. **Welcome**
- 9:15 a.m. **The CISG challenge in drafting contracts**
- **Jernej Sekolec, Harold Burman:** Introduction to the CISG, the Digest, and the work of UNCITRAL
 - **Peter Winship:** A historical perspective on the CISG
 - **Vivian Curran:** A comparative perspective on the CISG
 - **Albert Kritzer:** Using the Digest and other CISG resources
- 11 a.m. **Break**
- 11:15 a.m. **General contract drafting issues: choosing the CISG (or not), choosing the forum, choosing supplementary law**
- **Michael Bridge:** Choice of law: opting in and opting out (Articles 1, 2, 3, 4, 6, 7(2), 9, 12, 28, 96)
 - **Franco Ferrari:** Choice of forum
 - **Filip De Ly:** Arbitration: the relationship between choice of forum and choice of law
 - **Ronald A. Brand:** General panel commentary
- 12:45 p.m. **Lunch: Keynote Address by Peter Schlechtriem: 25 Years of CISG—An International lingua franca for Drafting Contracts, Legal Principles, and Domestic Legislation**
- 2 p.m. **Business economics of drafting for the CISG**
- **Marco Torsello:** Preliminary agreements and CISG contracts
 - **Sandra Saiegh:** The business lawyer's perspective
 - **Kenneth Lehn:** The economics perspective
- 3:15 p.m. **Break**
- 3:30 p.m. **Specific contract drafting issues: formation**
- Purchase orders, acknowledgments, and confirmations (Part II: Articles 14-24)
 - **John E. Murray Jr.:** A common law perspective
 - **Pilar Perales Viscasillas:** A civil law perspective
 - **Harry Flechtner:** The parol evidence question and merger clauses (Article 8)
- 4:45 p.m. **Reception**

Register online at:
www.law.pitt.edu/cile/conference

November 5, 2005

- 9:30 a.m. **Specific contract drafting issues: performance**
- **Joseph Lookofsky:** Warranty provisions (Articles 35, 41, 42)
 - **Alejandro Garro:** Force majeure (Article 79)
 - **Johan Erauw:** Price-delivery terms (Articles 9, 36, 38, 57, 58, 66-70)
- 10:45 a.m. **Break**
- 11 a.m. **Specific contract drafting issues: breach and remedies**
- **Mark Walter:** Dealing with insecurity and prospective breach (Articles 71, 72, 73(2))
 - **Volker Behr:** Dealing with nonconformity (Articles 38, 39, 40, 43, 44)
 - **Ulrich Magnus:** Dealing with delays in performance (Articles 25, 26, 47-49, 51, 63, 64)
- 12:15 p.m. **Lunch**
- 1:30 p.m. **Specific contract drafting issues: breach and remedies (continued)**
- **Alejandro Osuna:** Dealing with avoidance and its consequences (Articles 49(2), 64(2), 81-88)
 - **Henry Gabriel:** Liquidated damages/specific performance clauses/limitations on remedies/attorney fees (Articles 28, 45-52, 74-77)
 - **Michael Van Alstine:** Interest (78, 84)
- 2:45 p.m. **Break**
- 3 p.m. **Reflections on the Digest and its importance for uniformity in the interpretation and application of the CISG for contract drafting purposes**
- Moderator: **Harry Flechtner**
- Panelists: **Harold Burman, Franco Ferrari, Peter Schlechtriem, Jernej Sekolec, Peter Winship**

Registration Fee:
\$200 (\$260 with PA CLE credits)

Students: free (except lunches)

Please make your check payable to "University of Pittsburgh" and mail to the address below. We are sorry, but we cannot accept credit cards.

For hotel and other information please contact:

University of Pittsburgh School of Law
Center for International Legal Education
3900 Forbes Avenue
Pittsburgh, PA 15260
Phone: 412-648-7023
Fax: 412-648-2648
E-mail: cile@law.pitt.edu

Speakers Note the Importance of Upcoming CISG Conference

“The significance of the upcoming symposium at the University of Pittsburgh is, of course, linked to the fact that the contract of sale (involving an exchange of goods for money) is the single most important contract type, both at the national and the international levels,” said Professor Joseph Lookofsky of the University of Copenhagen in Denmark. As regards the gap-filling rules for international sales, he noted, the 1980 Vienna Convention (CISG) is now in effect in more than 60 nations, including the United States and its key trading partners in China, Europe, Russia, and elsewhere.

“The importance of [the November 2005 symposium] for the international commercial law practitioner cannot be understated,” stressed Alejandro Osuna, another participant. “It is not often that you get the opportunity to listen to world-class commentators on a topic as important as the CISG.” As a practitioner in the United States and Mexico, Osuna lamented, “Unfortunately, the existence of the Sales Convention is still ignored by many practitioners and judges, in spite of the fact that it has been ratified by over 60 states. I often see cases where the Convention was applicable, but where none of the parties raised the issue of its application.”

Lookofsky, who also spoke at the 2003 Pitt conference, reflected on the symbiotic relationship between the two conferences: “As with the highly successful symposium in 2003, the conference to be held this November will focus on *The Case Digest*, i.e., the new online publication which helps organize the growing mountain of CISG case law under one roof. In this way, the digest makes it easier for courts and lawyers to have regard for the Convention’s international character and the need to promote uniformity in its application. Indeed, the CISG requires courts in the USA and elsewhere to take account of decisions rendered by foreign courts.”

Although he is now mainly an academic, Lookofsky, a member of the New York State Bar, said, “I know that business lawyers will like the new digest, since it provides access to a large amount of well-organized CISG information compressed into a compact and readily usable format. But since the digest does not itself spell out the implications of CISG case law for the drafting of interna-

tional sales contracts, those who have been invited to participate in the 2005 symposium will help take up the slack by supplying model sales contract clauses, so commercial practitioners can better apply the lessons to be learned from the digest reports.”

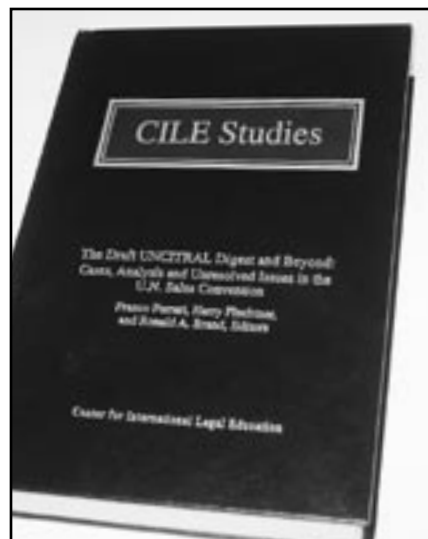
Stressing that the 2005 symposium at the University of Pittsburgh will be both “important and unique,” Professor Perales Viscasillas of Carlos III University of Madrid, Spain, echoed Lookofsky’s sentiments. “It is an important event because it gives the opportunity to analyze one of the most important commercial legal texts around the world. It is unique because it is the only one to be held on the American continent ... and because it uses an original approach to the CISG.” Says Perales Viscasillas, “the [Pittsburgh] conference [will] contribute to a better understanding of the CISG among practitioners through the merger of case law (the digest) and contract law (drafting technique of contract clauses). Through the cases, the real problems in international commercial sales contracts will be identified, and thus solutions can be proposed for contract clauses. This is an original and unique approach.

The conference promises to be even more comprehensive because the double point of view—civil and common law—will be offered.”

Lookofsky noted that the conference is an example of the way in which “the University of Pittsburgh continues to make its mark as a leading center for CISG scholarship.” This sentiment was emphasized by Osuna, who stated that “the *Journal of Law & Commerce* enjoys international recognition for its contribution to the study and practice of international commercial law. Academics and practitioners from around the world frequently cite the *JLC* for its translations and commentaries on the CISG. Simply put, it has done a great service towards the goal of uniform interpretation of the Sales Convention.”

For Osuna, returning to Pittsburgh as a speaker in the 2005 symposium holds special meaning. As a 1998 graduate of the LL.M. program, he recalls attending the 1997 conference. “It is an amazing feeling to know that I will be ‘sharing the stage’ so to speak, with some of the people I saw back then.”

CILE Studies to Provide Source of Important Legal Scholarship



The Center for International Legal Education (CILE) and West/Thomson Publishers have established a new series of

hardcover books that will be titled *CILE Studies*. While the center has established itself as a source of programming for Pitt students and faculty as well as for law faculties and institutions throughout the world, *CILE Studies* will highlight the center as a source of important intellectual content in the areas of international and comparative law. Volume 1 of the series is a reissue of the successful *The Draft UNCITRAL Digest and Beyond: Cases, Analysis, and Unresolved Issues in the U.N. Sales Convention*, originally published in 2004 by Sellier European Law Publishers, including the papers from the November 2003 conference at Pitt’s School of Law. Volume 2 includes the papers from the May 2004 conference cosponsored by Pitt’s European Union Center and titled *Private Law, Private International Law, and Judicial Cooperation in the E.U.-U.S. Relationship*.

ASIL Insight

July 26, 2005

The New Hague Convention on Choice of Court Agreements

By Ronald A. Brand

Introduction

On June 30, 2005, the Final Act of the Twentieth Session of the Hague Conference on Private International Law was signed on behalf of the Member States of the Conference in the Peace Palace at The Hague. The Final Act includes a new multilateral treaty, the Convention on Choice of Court Agreements. This new Hague Convention is perhaps most easily understood as the litigation counterpart to the New York Arbitration Convention. Like the New York Convention, it will establish rules for enforcing private party agreements regarding the forum for the resolution of disputes, and rules for recognizing and enforcing the decisions issued by the chosen forum.

The Convention on Choice of Court Agreements concludes more than a decade of negotiations that began in 1992 with a request from the United States for the negotiation of a convention on jurisdiction and the recognition and enforcement of foreign court judgments. The original effort resulted in a Preliminary Draft Convention prepared in October 1999, which was further revised during a Diplomatic Conference in June 2001. The 2001 text left many problems unresolved. It became clear that some countries, particularly the United States, could not agree to the convention being considered, and efforts were redirected at a convention of more limited focus.

The Scope: International Business-to-Business Agreements

Designed to "promote international trade and investment through enhanced judicial co-operation," the new Convention will govern international business-to-business agreements that designate a single court, or the courts of a single country, for resolution of disputes ("exclusive choice of court agreements"). It will not apply to agreements that include a consumer as a party. Nor will it apply to purely domestic agreements in which "the parties are resident in the same Contracting State and ... all other elements relevant to the dispute ... are connected only with that State."

The Basic Rules

The Convention sets out three basic rules:

- 1) the court chosen by the parties in an exclusive choice of court agreement has jurisdiction;
- 2) if an exclusive choice of court agreement exists, a court not chosen by the parties does not have jurisdiction, and must decline to hear the case; and
- 3) a judgment resulting from jurisdiction exercised in accordance with an exclusive choice of court agreement must be recognized and enforced in the courts of other Contracting States (other countries that are parties to the Convention).

Through a declaration process, the Convention offers an optional fourth rule. Contracting States may declare that their courts will recognize and enforce judgments given by courts of other Contracting States designated in a non-exclusive choice of court agreement. This provision recognizes that, once the parties have agreed that a tribunal is acceptable, there is value in the free movement of its judgment. It is a response to discussions during the negotiations indicating that a significant number of industries rely on non-exclusive choice of court clauses. If Contracting States exercise this declaration option, it will substantially expand the recognition and enforcement benefits of the Convention.

These rules are intended to enhance predictability in international trade by insuring that private party agreements will be honored, and that the results of litigation consistent with those agreements will be enforced. If ratified by the United States, this will be the first U.S. treaty that has the recognition and enforcement of judgments as a principal focus. While the New York Arbitration Convention provides for recognition and enforcement of arbitration agreements and the resulting awards in over 130 Contracting States, no such global convention exists for the recognition and enforcement of judgments. If the Hague Convention becomes as widely accepted as the New York Convention, parties entering into international trade contracts should have a more balanced choice between selecting arbitration or litigation as the method for settling disputes.

Special Issues

The Convention includes safeguards acknowledging governmental interests that might otherwise be frustrated by the parties' choice of court. Thus, in addition to the exclusion of consumer transactions, it excludes application to employment relationships, family law matters, insolvency proceedings, nuclear damage, and personal injury claims, among others. It also allows courts not chosen to ignore choice of court agreements and courts asked to recognize judgments to refuse recognition and enforcement under limited circumstances that are consistent with traditional rules found in national and regional law. Thus, for example, recognition or enforcement of a judgment may be refused if it "would be manifestly incompatible with the public policy of the requested State."

Of particular concern during the negotiations was the application of the Convention to matters of intellectual property rights. Patent, trademark, and other such rights are often considered to be within the exclusive jurisdiction of the courts of the state granting the right, particularly where registration is involved. At the same time, many international transactions include the transfer of intellectual property rights in some manner. Thus, full exclusion of intellectual property rights matters from the Convention would have left it with limited value. The solution chosen was to exclude most issues of validity and infringement of intellectual property rights (other than copyright and related rights) from the scope of the Convention, but to make clear that the exclusion does not apply when those issues arise only as preliminary matters in reaching the main object of the proceedings.

An additional safeguard is found in Article 11 of the Convention, which allows refusal of recognition and enforcement of a judgment "if, and only to the extent that, the judgment awards damages, including exemplary or punitive damages, that do not compensate a party for actual loss or harm suffered." This provision recognizes existing practice in the use of public policy defenses to refuse recognition and enforcement of punitive damage awards, and responds to concerns about judgments that may be considered excessive in amount.

Conclusion

With over 130 Contracting States, the New York Arbitration Convention has had a significant impact on dispute resolution practice in international transactions. The existence of a system that supports the enforcement of both agreements to arbitrate and the resulting arbitral awards adds predictability and efficiency that cause business parties often to favor arbitration over litigation. The new Hague Convention on Choice of Court Agreements offers a convention that could do for litigation what the New York Convention has done for arbitration. If enough countries become parties, it can serve to place litigation and arbitration on a more equal footing in global commerce, thus allowing parties to transnational transactions the opportunity to select a form of dispute resolution based on its individual merits.



Professor Brand signs the Final Act as Hague Conference Secretary-General Hans Van Loon looks on.

Waking Up to New Challenges

by Mark Walter

For more than three years, I awoke every morning either in, or anticipating a near-future visit to, one of CILE's foreign partner schools. Much of my time was spent traveling or preparing to travel. Donetsk, Kyiv, Belgrade, Prishtina. I taught courses, prepared seminars and small conferences, administered projects, shopped for the best deals on computers for the resource centers we established, ordered books, shuffled papers, drank a lot of coffee, ate a lot of local food, and lived in a lot of hotels. Life as a field coordinator for our U.S. State Department-funded educational exchange partnerships was hectic, strange, sometimes uncomfortable, and even dangerous on a couple of occasions. But at the end of the grants, on the morning of June 27 of this year, I awoke jet-lagged from the previous night's return from Kosovo without a clear idea of when my next trip would be—and for the first time I fully realized how much I loved doing it. As I drank my first cup of coffee of the day, I amused my groggy self with a little stock taking. They tell my story and I'll explain.

During these three years, I:

- spent approximately 450 nights in hotels and temporarily rented flats;
- developed countless friendships;
- was, once or twice, willing to sacrifice my left arm for a Starbucks or Krispy Kreme;
- was frustrated in my work several times;
- experienced satisfaction in my work at least twice as much as I was frustrated;
- made blunders, the number of which may never be known; and
- learned more than I have since I was 5.

There are two points to be made by these statistics. First, the partnerships have been my life ... and vice versa. Second, the mistakes I made were, of course, lessons learned and, more than anything else, make me anxious to get

out there and do it again ... better than the first time.

The short version of the story of our partnerships: The U.S. Department of State awarded CILE grant money (about \$1.3 million over the past five years) to advance the rule of law and democracy in Ukraine and the former Yugoslavia by working on curriculum development, developing training programs, and educating junior faculty. My first participation in the projects was in March 2002 when I traveled to Belgrade and Donetsk to work with students who would be participating in the Willem Vis International Arbitration Moot Competition (*see related article on page 11*). At that time, the partnerships were pretty much purely “exchange” oriented. We sent professors *over there* for a week or so to teach short courses and brought their junior faculty *over here* for LL.M.s. CILE lacked the administrative ability at the time to do much more than that. Since then, so much has developed. We established, and coadminister, international law resource centers in Donetsk, Kyiv, and Prishtina. These centers are loci of activity for students and faculty, and are now thriving independently of the initial funding provided by CILE. We held a groundbreaking conference in Crimea on law practice management in Ukraine, set up a prototypical program in Kosovo that will train law students to teach primary school students about their legal rights and responsibilities, held seven summer schools in partner cities, helped establish a clinical law program in Donetsk, established numerous internship programs for Pitt School of Law JD students, and have now set the stage for a small business law clinic in Kyiv and a postgraduate business law clinic in Prishtina.

There are countless people I want to thank. So many who earned graduate degrees at Pitt have returned to their home countries to teach exciting new courses. They have been genuinely appreciative of the opportunities given to them but also deserve deep thanks for teaching us so much in return. To **Daniil Fedorchuk,**

Mariya Nizhnik, and **Alexandra Gorak,** from Donetsk; **Milena Milutinovic,** **Ivana Krstic,** **Vuk Radovic,** and **Jelena Arsic** from Belgrade; **Dima Taranyk** from Kyiv; and **Vjosa Osmoni** and **Korab Rexhepi** from Prishtina, thank you.

I thank everyone who has been involved in the partnerships in some way or other, but I'd like to focus on a few who have been particularly helpful in our work.

Dean Vyacheslav Volkov (economics and law faculty, Donetsk): You were skeptical at first, but then embraced us and our work. **Tatiana Kyselova** and **Roman Petrov** (economics and law faculty, Donetsk): Thank you for being two of the kindest and dedicated people I've ever met. **Alexey Kostromov** (Institute of International Relations, Kyiv): Thank you for making lemonade when you were often given only lemons. **Beth Miller,** **Ilir Gaxha,** **Arta Rama,** and **Enver Hasani** (Prishtina): Thank you for making everything easy for me. **Judge D. Brooks Smith:** You have always stepped up to provide advice and friendship. The trips you made to Kyiv and Prishtina were without much comfort (sometimes without heat or water) but were filled with productivity. There is not a time now when I visit those two cities that a dozen people do not ask fondly after you.

The end of the initial grant periods is upon us. When I awoke on June 27 without the certainty that I would be visiting our partner cities ever again, I should have known how silly a fear that really was. I, and everyone at CILE, will return. The process has already begun. We still have much work to do, and we will not rest until it is complete. There is a postgraduate legal clinic to build and maintain in Prishtina, a student clinic to establish in Kyiv, dozens of junior faculty members to educate, and a million more friends to be made.

CILE Explores Asia



Professor Bor-shan Lin (LL.M. '98), Mark Walter, and Stephen Tan (JD '96)

In November 2004, Assistant Director Mark Walter traveled to Asia to meet with Pitt School of Law alumni and forge new friendships in law schools in Hong Kong; Taipei, Republic of China; and Seoul, South Korea. Walter's trip coincided with a visit to the region by Pitt Chancellor Mark A. Nordenberg and representatives from Pitt's University Center for International Studies, Asian Studies Center, and Graduate School of Public and International Affairs.

Although it was a whirlwind 10-day visit, Walter managed to meet with Pitt alumni and deliver lectures on U.S. legal education and international commercial law in all three cities, as well as meet with representatives from nine law schools.

Special thanks go out to Stephen Tan (JD '96), Bor-shan Lin (LL.M. '98), and Michael Zuck (JD '90) for all their help in organizing Walter's visit to Taipei.

Funded Phase of Partnership with DNU Concludes; Productive Work Continues

CILE's partnership with Donetsk National University (DNU) concluded its State Department-funded phase after five years of productive activity in August 2004. The DNU project was the first of four partnerships CILE and Pitt's School of Law have administered under grants from the Bureau of Educational and Cultural Affairs of the U.S. Department of State. This partnership served as an excellent proving ground for ideas and programs that have been adapted for implementation in other universities.

During the five years at DNU, CILE has opened the jointly administered International and European Law Center;

graduated three outstanding junior faculty members from the Master of Laws program (with generous grants of tuition from the University Center for International Studies and the Muskie Fellowship Program); provided two summer academic programs; taken four teams of students and faculty coaches to Vienna, Austria, for moot competitions; held a conference on Ukrainian legal practice; sent two Pitt law students to Donetsk for semesters abroad; and provided extensive library materials, curricular advice, and faculty training.

"During that same five years," CILE Assistant Director Mark Walter said, "we went from tolerated, but distrusted,

Western meddlers to partners in the most important sense of the word. We have forged relationships with our friends in Donetsk that will only prosper and foster the continuation of the institutional relationship that has been established."

Walter further noted, "It is these interpersonal relationships that have led to greater understanding and cooperation between the members of our two law faculties. Longevity of the partnership at the institutional level must follow from the friendship of the people involved and can only prosper if new generations of faculty and students are given opportunities to participate and, in turn, develop their own relationships."

Curran Appointed to Austrian Holocaust Committee

LL.M. Director and Professor of Law Vivian Curran was appointed by the U.S. Department of State in September 2004 as the U.S. representative to the Austrian government's General Settlement Fund Claims Committee. The fund provides compensation to surviving victims of the Austrian Holocaust for property and professional losses suffered at the hands of the Nazis. The State Department chose Curran, widely regarded as one of the leading com-

parative law scholars in the United States and an expert in property and inheritance law, as well as one of the country's premier legal scholars on the Holocaust.

Fluent in German and French, Curran serves on the three-person committee with former Austrian Vice President Dr. Kurt Hofmann and Sir Franklin Berman of Great Britain. The \$360 million settlement fund was established with contributions from the Austrian government and Austrian private

sector. Once lawsuits related to Holocaust claims are dismissed in U.S. courts, the fund will begin to make payments to cover a variety of claims for property losses, including the nonpayment of insurance policies. "The work of the fund is a testament to and reflection of the goodwill of the Austrian government, which is attempting to ensure a measure of justice for Holocaust victims and in recognition of their lost lives," Curran said.

Alcoa, United States Steel, and Franklin West Provide Support for CILE Programs



Top: Max Laun (Alcoa), Professor Brand, Dean Mary Crossley, and John F. Wilson (United States Steel); bottom: Franklin West Fellows Ines Litzenberger (left) and Annick Imboua-Niava (center), with Sara West, Caroline West, and Antonio Castrocani of Franklin West Inc.)

Center programs were given a boost during the past year through grants from three important local sources of support.

The award of \$13,750 to the Center for International Legal Education by Alcoa

Inc. in August 2004 was followed by an additional grant of \$50,000 from Alcoa and the Alcoa Foundation in December. These grants continue the tradition of Alcoa support for the center from its

inception in 1995. Each year, those funds have been used primarily to provide scholarships for foreign lawyers enrolled in the LL.M. Program for Foreign Law Graduates at the University of Pittsburgh School of Law. The Alcoa legal department also regularly provides a summer internship opportunity for an LL.M. graduate.

In August 2005, the United States Steel Foundation Inc. announced a three-year \$30,000 grant to the center to provide scholarships for students in the LL.M. program.

By enhancing scholarship support for LL.M. students, the Alcoa and United States Steel grants in turn create opportunities as a result of the tuition-funded budget of the center. In this way, all of the programs at the center are strengthened. The partnership with both Alcoa and US Steel is further strengthened by the presence of Alcoa lawyers Russell Porter and Max Laun and US Steel lawyer John (Jack) Wilson on the center's Advisory Board.

For the fifth straight year, Franklin West Inc. has provided a fully furnished apartment in the Shadyside neighborhood for the use of two LL.M. students. This year the Franklin West Fellowship is shared by Annick Imboua-Niava and Ines Litzenberger. The apartment represents a significant investment in the LL.M. program and has allowed the center to bring students from countries that often would not otherwise be represented in the LL.M. program. The West family's personal attention to the needs of the students receiving the fellowship adds a special dimension to a very special gift.

CILE to Provide Legal Training at US Steel Kosice Site

The Center for International Legal Education (CILE) will provide legal training to US Steel legal counsel in Kosice, Slovakia, beginning in December 2005. The program was officially announced by CILE Director Ronald Brand and Jack Wilson, US Steel Corporation senior gen-

eral attorney for international and intellectual property. One-week courses in English for Lawyers, Professional Responsibility, Introduction to American Law, and Comparative Corporate Governance are planned for the coming months.

Lawyers from US Steel facilities in both Slovakia and Serbia will take the courses. In announcing the arrangement, Professor Brand called the agreement a significant development in the outreach of CILE to the international legal community.

Reflections from an Outsider

by Ann Sinsheimer

On October 15, 2004, my colleague, Professor Teresa Brostoff, and I returned from our second visit as Fulbright senior specialists at the University of Ghent, Faculty of Law, in Ghent, Belgium. We were invited to teach a two-week preparatory course for international lawyers who will enter an LL.M. program at the University of Ghent, a yearlong graduate program on the law of the European Union taught in English.

Our short course is based on the summer course we teach at the University of Pittsburgh School of Law for international lawyers entering graduate law programs in the United States. The course we teach in the United States and the course we teach in Belgium are similar. In both settings, our students come from all over the world and are, for the most part, non-native speakers of English. The students share the fact that they, as we, are lawyers in their home countries so although the legal traditions are different, the reasoning process and basic concepts within the law are similar. While their specific motivations

for studying vary, they share a desire to obtain a higher degree in law. We focus on language and reasoning and look at legal discourse in context, asking students to participate in a variety of practical exercises designed to increase their English skills and lawyering skills.

In the United States when we teach our course, we are insiders. We know the language, we know the culture: the culture of the United States, Pittsburgh culture, and legal culture and its traditions. We are at home, and the students are outsiders. However, when we teach in Belgium, we are outsiders, like the students. Of course, we do not mean to imply that we are treated as outsiders. Our students are welcoming, and our hosts make us feel completely at home, but we are away from home, away from familiar cultural cues, away from the legal traditions we have studied, and while we teach in English and the students will use English throughout their program at Ghent, English is a foreign language and Flemish is the first language.

This feeling of being an outsider is what we have found to be so very educational

and so very rewarding. We see aspects of our legal system in a new light because we are teaching to an audience interested in the European legal system, an audience who sees issues in a way we have never seen them before. We learn how different legal cultures approach similar problems differently and the different problems legal cultures face. We have conversations that force us to articulate our nation's belief system and our own belief systems. And we feel the sense of disorientation that our students often feel when adapting to a new culture.

As a result of this experience, we become more informed teachers and researchers, and more empathetic mentors, in Belgium and in the United States. The experience has changed us, and although we have returned home, we are no longer the same insiders. We are now ever more aware that our way is not the only way, our perspective not shared by all. Instead we know that there is so much more out there, and we thank the Fulbright program for giving us this opportunity.

Fulbright Grant Extended for EFL in Ghent

English for Lawyers (EFL) Professors Teresa Brostoff and Ann Sinsheimer continued their globe-trotting ways and returned to Ghent, Belgium, to teach a two-week course to members of the University of Ghent LL.M. program in October 2004. The program has been so successful that Professors Sinsheimer and Brostoff have been awarded a second two-year Fulbright senior specialist grant to continue their work with the students at the University of Ghent, and will return in October 2005.

Brostoff said the students "were very talented and eager to learn about American law and legal language." The focus on international law topics in the Ghent program led to an overall restructuring of the substantive components of the EFL program. "We adjusted the program for Ghent so that it is not based on U.S. law

or attending a U.S. law school," Sinsheimer said. "We introduced legal reasoning and English legal vocabulary in the context of international law." Brostoff and Sinsheimer used hypothetical problems based on the United Nations Convention on Contracts for the International Sale of Goods, international moot competitions, and international trade law, as well as cases from European Union countries focusing on international human rights.

Sinsheimer explained that the restructuring of EFL's substantive components was designed to "meet the needs of the audience. We are doing this to be less U.S.-centric and to appeal to a more globalized practice of law. We also felt that students wouldn't see the relevance of learning just about U.S. law or U.S. law schools, although they like to know something about U.S. law and common law rea-

soning since this influences the practice of law worldwide."

In May 2005, Brostoff and Assistant Dean Kevin Deasy gave a legal skills presentation at a conference held in Prague, Czech Republic, after which they taught English for Lawyers to students at the University of Prishtina in Kosovo. While in Kosovo, they also taught legal writing seminars to the legal departments of the Office of Security and Cooperation in Europe and at the U.N. Department of Justice.

In July 2005, students from around the world gathered in Pittsburgh for the annual three-week English for Lawyers course. The course included Lexis/Nexis and Westlaw training sessions and field trips to the City County Building and the Allegheny County Jail. Students also met with Judge Joseph Weis of the Third Circuit U.S. Court of Appeals and attorneys at Meyer, Unkovic & Scott LLP.

Franklin A. West: CILE Loses a Local Friend with International Reach



Franklin A. West (second from left) with Evelyn Kamau (LL.M. '02), Sara West, and Tuyet Dinh (LL.M. '02)

The Center for International Legal Education (CILE) lost a good friend and supporter when Franklin Arthur West, 72, died on Sunday, March 6, 2005 of pancreatic cancer in Pittsburgh. West was a CILE Advisory Board member as well as a supporter of the arts and many local educational and charitable causes. Since 2001, the apartment management company he founded, Franklin West Inc., has supported CILE by providing the Franklin West Fellowship, consisting of a fully furnished apartment for LL.M. students from around the world.

One of the first students to receive the Franklin West Fellowship, Tuyet Dinh (LL.M. '02, Vietnam), remembered West as "a great man." "Besides my admiration for him as a great businessman and developer, I still have a lot of good memories about Frank and his wife, Sara, and his sense of humor and kindness," Dinh said.

At the request of West's family, a memorial fund was established with CILE in his name. The Franklin West Fellowship will continue as well. For the 2005–06 academic year, Annick Imboua-Niava (Ivory Coast) and Ines Litzenberger (Germany) will reside in the new Franklin West apartment, a spacious two-bedroom apartment located in a historic landmark building in Shadyside. During the 2005 English for Lawyers program, the apartment was shared by Adriana Chironda (Moldova), Jianhua Shang (China), and Chialu Chang (Taiwan).

An urban planner and architect with a vision for combining historic restoration with the development and growth of Shadyside and East Liberty, West is credited with renovating or building more than 80 residential apartment buildings and townhouses in the local area, as well as building residential apartment complexes

in the greater Pittsburgh area. Along Shady Avenue, Howe Street, and many other small streets in Pittsburgh's East End, West's dedication to excellence and attention to detail live on in the neighborhood and buildings he lovingly restored and the family-owned management company he founded.

West lives on, too, in the memories of CILE associates and LL.M. students worldwide. He is survived by his wife, Sara Borrego West, and two daughters, Caroline Sara West and Rebecca Sara West. Sara West, now president of Franklin West Inc., is also a member of CILE's Advisory Board. Caroline West is CILE's special programs coordinator. Also surviving are two sons-in-law, Antonio Castracani and Charles Hulbert, and two grandchildren, Nicolas Castracani and Sara Hulbert.

"Frank West will be missed by many," CILE Director Ronald Brand said. "He carried a vision of better things wherever he went, from his approach to urban planning in Pittsburgh, to his world travels, to his personal interaction with students and faculty visiting Pittsburgh. His positive impact will continue through the lives he touched."

For me, Franklin West was not just a supporter of CILE and its programs, but also a father and a very, very good friend. We shared unforgettable moments with him during parties he generously offered us. So, not only is he survived by his family and relatives, but also by those of us who stayed in his apartment and were lucky to know him better. May almighty God bless his soul. Let's pray for him and keep his name for eternity. Amen.

*Best,
Omorou Toure
(LL.M. 2003, Mali)*

2005 LL.M. Graduates Tackle Internships

The members of the 2005 LL.M. class participated in a variety of internships following graduation in May. The internships are one of the unique aspects of the LL.M. Program for Foreign Law Graduates at the School of Law, offering each graduate the opportunity for practical training during the summer following graduation.

This year, Jelena Arsic of Serbia-Montenegro interned with Judge Kimberly Berkeley-Clark in the Family Court Division of the Allegheny County Court of Common Pleas. Alexandra Jurewicz of Poland interned with the law firm of Obermeyer, Rebmann, Maxwell & Hippel LLP, and Vjosa Osmani of Kosovo worked with Buchanon Ingersoll. Meihua Xu of

China completed her internship with the corporate legal department at H.J. Heinz Company. Two students, Korab Rexhepi of Kosovo and Nataliya Dromina of Russia, headed to Washington, D.C., to participate in internships with the National Center for State Courts and the American Society of International Law.

CILE Summer Fellowships Support Law Students in Internships and Study Abroad

Nineteen JD students spent summer 2005 engaged in international work and study with the help of CILE Summer Fellowship Awards totaling over \$20,000. Once again, the fellowships awarded by CILE showcase the diverse skills, interests, and abilities of Pitt School of Law students.

Elizabeth Shackelford, a second-year law/Graduate School of Public and International Affairs joint degree candidate, traveled to Sierra Leone to intern with the defense team for the alleged leader of the former Revolutionary United Front, who was indicted by the Special Court of

Sierra Leone. Established jointly by the government of Sierra Leone and the United Nations, this court has jurisdiction to try those accused of serious violations of international humanitarian law and the laws of Sierra Leone during the recent civil war. As her summer began, Shackelford hoped “to get a sense of the efficacy of trying alleged war criminals in a hybrid domestic court. Working for [the] defense will give me a unique perspective from which to perceive the extent of legitimacy of this form of transitional justice.”

Second-year law student Erika Borkoski interned with a law firm in Beirut, Lebanon,

also taking classes in the Arabic language. While Borkoski already speaks Arabic, her further language studies allowed her to become familiar with the dialect spoken in Beirut.

Ravi Reddy, a second-year student, traveled to Belgrade to work on the Serbian World Trade Organization Accession Project. First-year student Sarah Cowart interned with the law firm of Estudio Ferrero Abogados in Lima, Peru, working primarily in Spanish on corporate legal matters.

Please see *Student Activities* for a full list of CILE Fellowship Recipients.

Pitt Law and CILE Partnership Vis Teams Excel in Vienna

Pitt's 2005 Vis International Commercial Arbitration Moot team once again came home with awards from the competition. Second-year students Erin Farabaugh, Jennifer Rellis, Elizabeth Shackelford, and Gregory Walker took third place for

their Claimant's Memorandum and honorable mention for their Respondent's Memorandum in the competition that brought 151 teams from 47 countries to Vienna, Austria, in March. The Pitt team was the only one of 35 teams from U.S.

law schools that received honors for both memoranda.

CILE's partner team from the University of Belgrade (Serbia) was one of only 32 teams that advanced out of the preliminary rounds of the oral argument phase. Belgrade is one of the universities with which CILE works under a State Department grant. Participation in the Vis moot by teams from the University of Belgrade, the University of Prishtina (Kosovo), the University of Kiev (Ukraine), and, in years past, the University of Donetsk (Ukraine), has been an important focus of the CILE's work under State Department grants.

Each year, those teams join the Pitt team in Vienna to prepare for and participate in the moot. “All these teams performed very admirably at the moot,” Pitt Professor and Faculty Adviser Harry Flechtner said. “It took the Harvard team to finally knock Belgrade from the advanced rounds in the oral argument phase.”

The goal of the Vis Arbitration Moot is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train the legal leaders of tomorrow in the practice of arbitration.



Pitt's 2005 Vist team members: Jennifer Rellis, Elizabeth Shakelford, Erin Farabaugh, and Greg Walker. Inset: Professor Flechtner enjoys the wurst of Vienna.

2005 EFL Class Welcomed



The 2005 EFL class members join Dean Mary Crossley (right) for the closing of three weeks of study

In July 2005, CILE welcomed 11 students from around the world to Pittsburgh for the annual three-week-long English for Lawyers (EFL) program.

This year's class members—five of whom will remain in Pittsburgh for the LL.M. program—came from eight countries. The participants were Juan Sebastian Barrientos, Colombia; Maria Castorena, Mexico; Chialu Chang, Taiwan; Adriana Chironda, Moldova; Anita Kant, India; Tatyana Khandazheska, Ukraine; Chi-Yin Lui, Taiwan; Borys Lobovyk, Ukraine; Olena Polyakova, Ukraine; Jianhua Shang, China; and Lucas Tassara, Argentina.

Chironda, who holds a bachelor's degree in international law and a master's degree in philology, is a lecturer in the Translation, Interpretation, and Applied Linguistics Department at Moldova State University in Chisinau, Moldova. She teaches translator/interpreter ethics, simultaneous interpretation, and international law terminology. She has received a nine-month Fulbright grant to conduct research in the United States in translation and interpretation. She has also received a Franklin West Fellowship.

Barrientos, a corporate lawyer in Medellín, Colombia, came to improve his communication skills to prepare for a future LL.M. program.

Three law students from Kyiv Taras National Shevchenko University (KTNSU) in Ukraine—Polyakova, Khandazhevskaya, and Lobovyk—attended EFL. They received scholarships from CILE and support through the partnership between the University of Pittsburgh and KTNSU, funded by the U.S. State Department.

Upon completion of the EFL program, five participants—Chang, Kant, Lui, Shang, and Tassara—remained in Pittsburgh for the LL.M. Program for Foreign Law Graduates. *See 2005–06 LL.M. Class Arrives in Pittsburgh, page 17.*

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Niagara Team Takes Top Memorial Award

The 2005 Pitt Niagara International Moot Court team of Cynthia Yializis, David Beichner, Joshua Stein, and Jacob Simon once again captured writing awards at the competition held in Windsor, Ontario in March. This was the second year in a row that Pitt has brought home the award for Best Applicant's Memorial, following on the success of the 2004 team of Richard Birch, Catherine Nadirov, Zak Shusterman, and Cathy Wittmeyer.

Tashbook is Fulbright to Chinese University of Hong Kong

Linda Tashbook, the foreign, international, and comparative law librarian at the University of Pittsburgh School of Law, provided consulting services in January 2005 to the university library system at the Chinese University of Hong Kong, where a new law school is scheduled to open in 2006.

Selected for this appointment through a competitive proposal process of the Fulbright senior specialist program, her work involved training reference librarians to provide law reference services and drafting a collection development plan for selecting and maintaining law resources.

A Fulbright in Hong Kong

by Linda Tashbook

Foreign, International Comparative Law Librarian

In the heaven that is just for librarians, the clouds rain endless reference questions, and every inspiration opens a vast and quiet new room with ample space for all of the grand new thoughts that follow it. There is a fountain flowing with ideas that stimulate wonderful searches. To work in this glorious place is a librarian's reward for a truly well-spent life.

I sampled this heaven in Hong Kong last spring. Soaring on the wings of a Fulbright grant, though cramped in coach class on a 747, I went to consult at the Chinese University of Hong Kong, which is establishing a brand new law library collection for the law school it is starting in 2006. With no old commitments to journal runs, nary a limit on how many subjects to cover, and not a single obligation to any legal publisher, all of the decisions about what it collects will establish its great hereafter—by way of a collection development plan.

A collection development plan is the document librarians write to explain how they will manage all of their subscriptions and acquisitions. It is the place where they promise their degrees of thoroughness and explain why they won't buy everything. They waive this plan to declare a need for funding and hide behind it whenever there's a resource they're not going to get. It embodies the library's identity and explicates its mission. Every now and then it needs editing to include new formats or redefine subject priorities, but it is held as an eternal decree that cannot be altered without significant confession and repentance. It must be written carefully.

In Hong Kong, they sought my guidance on writing such a plan for law materials and also on providing legal reference service. I put together a series of lectures to show how law reference differs from other kinds of reference service and to demonstrate the skills involved in doing legal research. These presentations were to be just for the reference staff, but first I would do a keynote address for *all* of the university's librarians with the hope



Shirley Leung and Linda Tashbook survey the library collection at Chinese University of Hong Kong.

of exciting them about this major new component of their library. For that, I told the story of a ruined Iraqi library in the context of international law.

The story is really compelling because it begins in 2003 with a librarian who steals almost all of the books from her employer, the public library in Basra. Knowing that as a municipal building in the middle of the city's center the library would likely be damaged in the war, she sought the local government's approval to move the books away from the predictable danger zone, but was denied. So, instead she got her neighbors and friends to help her cart away the books and stash them in their private homes and businesses. It was a risky and horrible undertaking until, just as she had feared, the library was burned in a bombing campaign and the remaining 9,000-odd books in the collection were destroyed. She had saved 30,000 of them. In library heaven, she'll have a golden throne, but in Basra she is only a lucky criminal.

With this story, I introduced the Hong Kong librarians to the intrigue of legal research. I showed them what the Hague Convention says about attacking cultural

property in wartime and told about the evolution of cultural protection treaties. I talked of tribunals and repairs and restitution ... boring stuff in an ordinary context but great when it related to their kind of work. It made them eager to come to my subsequent lessons on topics such as separating facts from law in legal research, the writing done in legal academia, and how to use reporters and digests.

They asked me lots of smart questions all the time, sometimes about the research topics, but mostly about the planning: If we could buy anything, what should we choose? How can we best make our space desirable? They didn't need my help in making those decisions; their campus already has six amazing libraries and lots of imaginative people. But, I had connected with them and for that they let me see their utopia. Instead of mere meetings, the consultation was a garden washed with brainstorming, a palace of ever-emerging rooms for our expanding view of perfection. We dreamt of the perfect law library, and I had a glimpse of the promised land.

Working for the Defense at the Special Court for Sierra Leone

By Elizabeth Shackelford



Elizabeth Shackelford (right) with colleagues at the Special Court for Sierra Leone

Upon arrival in Freetown, Sierra Leone, I was wary of what I had gotten myself into as I climbed into the rickety Russian-built MI-8 helicopter at Lungi Airport to catch a ride to Freetown proper from the peninsula. In early May, while my classmates were still busy studying for their final exams, I found myself landing in war-torn West Africa—in almost total darkness.

Had I arrived in daylight, I would have flown in with a view of the stunning coastline that once upon a time attracted Europeans for glamorous and exotic beach getaways. As I arrived after dark, however, all I saw was darkness—evidence of the serious infrastructure problem that has plagued Sierra Leone since its brutal civil war that ended only three years ago.

Sierra Leone's decade-long war entailed the clash of an abusive government, a rebel group, and a military coup. The war made headlines internationally in the mid- to late 1990s as horrible atrocities against civilians accumulated rapidly from all sides. Most notable in the international press were the amputee civilians who became the image of the war in the West. After two failed attempts at a ceasefire, and violations of the Lomé Peace Agreement signed by the government and the Revolutionary United Front in 1999, the war was finally declared officially over in 2002.

Following the civil war, the Sierra Leonean government and the United

Nations jointly created the Special Court for Sierra Leone to try those “bearing the greatest responsibility” for the atrocities committed in the war since 1996 (Statute of the Special Court for Sierra Leone, Art. 1.1). Beyond this express aim, the work of the court should provide a foundation for the rule of law in Sierra Leone's future by resolving the conflict of the past through a just legal process. Although only nine individuals are currently standing trial, the importance of invoking this process in order to impress some form of accountability is vital in order to encourage trust in the legal system's ability to redress wrongs. In accordance with the Lomé agreement, a Truth and Reconciliation Commission also was established to address atrocities committed by those not meeting the high standard of accountability required by the Statute of the Special Court (and interpreted very narrowly).

I came to Freetown this summer to work as a legal assistant for the defense team for Issa Hassan Sesay, formerly of the Revolutionary United Front. Predictably, working for the defense in the wake of such a brutal conflict has its challenges. Before I left for Freetown, I was plagued with queries of how I could spend my summer defending war criminals! “*Alleged* war criminals,” I would reply. Then I would follow up with my prepackaged speech about the importance of the process in establishing the rule of law, rights of the accused, everyone must have a defense, etc., etc.

At that time, however, I was still trying to convince myself. Now, after five weeks of working on the Sesay defense team, I am no longer a skeptic.

The aims of transitional justice systems, such as hybrid national-international efforts like the Special Court, simply cannot be achieved if those accused are deprived a legitimate defense. Contrary to popular belief, those indicted are not all necessarily war criminals. In the International Criminal Tribunals for Rwanda and the former Yugoslavia, for example, a handful of accused have been acquitted. War crimes and crimes against humanity have elements

that must be met for guilt, just as domestic crimes do. While this is an obvious point, it is often forgotten in the inevitably politicized aftermath of a war.

A nation cannot build a future on a foundation not based in the rule of law. Under the laws of Sierra Leone and the Statute of the Special Court, criminal defendants are entitled to basic rights and guarantees, including the right to a fair opportunity and the facilities necessary to present a defense. These rights must be respected so the process is a legitimate basis from which the nation can move forward within the parameters of its own asserted values.

In order to ensure that the rights of the accused are respected, the Special Court has established the Office of the Principal Defender, an innovative development in the realm of international criminal justice. The office engages in oversight of the individual defense teams and provides them with assistance and advice.

Individual defense teams, as well as the prosecution, also are provided with vital support from the outreach section of the Special Court. Outreach's role is to disseminate information about the court to the public throughout Sierra Leone and to encourage dialogue between the people and the court. This role is imperative so that the court can be effective in sending a message to the public that impunity will not continue and that the rule of law can effectively overcome it. In addition to its role in publicizing the aims of the court, outreach plays a major role in assisting both the prosecution and the defense in reaching the people for the purposes of investigation. Many individuals are wary of the work of the court and fear retaliation if they testify, so outreach people are on the ground throughout the provinces to educate the public and make introductions to the community where necessary. This has been a key component in developing trust in the court and a willingness to participate in the process. In addition, a witness and victims' support unit also has been established to provide protections and support where necessary.

Working with an individual defense team, I have the opportunity to be involved in a number of different areas. As the court has only two trial chambers and three trials, our trial is generally in session for about four to six weeks and then out of session for roughly the same time period, in rotation with another trial. With this setup, about half my summer will be spent in trial and half in recess in preparation for the upcoming trial sessions. During trial periods, I spend most of my time in trial and assisting with preparation for cross-examination of upcoming witnesses and with drafting motions. In recess periods, I work extensively with the client gathering information to assist with cross-examining upcoming prosecution witnesses. As this trial has proceeded on and off for almost a year now, the team also is transitioning towards preparing the defense case. In this regard, I also have been organizing investigation trips up country for our investigation team. This entails both logistical and administrative work as well as substantive work on the investigation plan.

Working at the special court with the Sesay defense team has given me an education not only in transitional justice and international law, but also in the basic functions of criminal defense work. The learning curve has been quite steep, but working hard to match that curve has been very rewarding. Furthermore, I am grateful for the opportunity to be involved in such an important process. Just as the war in Sierra Leone was very complex, recovery after the war has been incredibly challenging. I think the success of this court will have a great impact on how Sierra Leone moves forward into the future, and its ability to leave this war in the past.

CILE and Elizabeth Shackelford wish to thank native Sierra Leoneans Ahmed L. Sheriff and Blyden O. Terry of Pittsburgh's Cotton Tree Association for their kind assistance and guidance as Shackelford prepared to depart Pittsburgh for this internship.

LL.M. Students Dine with the Secretary of State



Korab Rexhepi, former Secretary of State Colin Powell, and Vjosa Osmani

Two students from the LL.M. Class of 2005, Vjosa Osmani and Korab Rexhepi, both of Prishtina, Kosovo, had dinner with Secretary of State Colin Powell on November 18, 2004, when Powell hosted a Ramadan Iftaar dinner at the U.S. State Department for American Muslim and Arab American community leaders. In his welcoming remarks, Powell said diversity, spirituality, and tolerance are America's greatest strengths, and extremism and violence are its greatest foes.

Struck by Secretary Powell's "wonderful personality and great sense of humor," Osmani said she was impressed

by his speech. "He specifically talked about America's efforts, and success, in stopping the slaughter and terror in Kosovo, and about the opportunities given to Kosovar students to come and study in the U.S., and then go back and share that knowledge with fellow citizens and be engaged toward freedom and democracy."

Iftaar is the traditional sundown meal that breaks the Ramadan fast observed by Muslims around the world. The event began with a call to the maghreb (evening) prayers by a local imam, followed by a prayer in an adjacent room.

Although there were more than 100 guests, Osmani and Rexhepi were the only law students studying in the United States who were invited to attend this event, and were seated at the Secretary's table for dinner. Osmani said she, Rexhepi, and Secretary Powell had a chance to "chat about different challenges Kosovo is facing these days. We talked about the elections that were taking place in Kosovo, the international presence, student life, and the changes that need to be made for a better future."

CILE Investigates Development of Small Business Clinic in Ukraine

As part of the State Department-sponsored partnership with the Institute of International Relations at Kyiv National Taras Shevchenko University, Visiting Assistant Clinical Professor Daniel Friedson and Joe Gulino (JD '04) traveled to Ukraine in May 2005 to lay the groundwork for a small business clinic. With the assistance of Kyiv students Borys Lubovyk, Tatyana Khandazheva, and Olena Polyakova, they also completed the rough translation of a business planning guide reflective of the Ukrainian culture. The three students also were members of the Kyiv Willem C. Vis International Arbitration Moot team in March in Vienna, Austria, and attended English for Lawyers in Pittsburgh in July.

"The concepts of 'private ownership' are new in Ukraine," said Friedson, so concepts like equity are also new, and appropriate terms have to be found in translation. Despite these initial difficulties, Gulino

said the students did an "excellent" job. The business planning guide is designed for the person who has, or wants to, set up a business over a five-year period. Ideally, Friedson said, it would be used in a clinic environment in which students would conduct client interviews and counsel small businesses. The clinic's duties would include providing advice on registration, preparing internal business structures, preparing and reviewing external agreements, and ancillary issues such as trademark registration. The clinic also would address issues such as risk analysis—economic and legal—for start-up businesses.

The next step, Gulino said, is to work with students and faculty to refine and implement the plan. The clinic will require funding, faculty support and supervision, is strong. "Law students saw value in this project," Friedson said, "because it provides transferable skills."

CILE Opens International Law Resource Center in Kosovo



University of Prishtina students in class at the International Law Resource Center

The International Law Resource Center (ILRC) at the University of Prishtina Faculty of Law opened in May 2005 as a lasting element of the partnership between the Pitt and Prishtina law faculties. The ILRC benefits faculty and students conducting research in the fields of international and comparative law. The room, made permanently available by the administration of the Prishtina law faculty, was renovated and equipped through funds provided by the U.S. Department of State. Furniture, computers, and books were provided. Student volunteers now oversee the daily operational activities of the ILRC.

The development of the ILRC will allow important activities to take place, such as faculty and student research into international and foreign law, faculty and student collaboration via the Internet with colleagues of other institutions, faculty and student exploration of study/research/teaching abroad opportunities, seminars taught by local and visiting instructors, meetings between partnership participants, and research and practice for participants in international law moot competitions.

JD/LL.M. Friendship Evolves into Business Partnership

Alexandre Rangel (LL.M. '99) was born in the United States but raised in Venezuela by his Venezuelan parents. Michelangelo Croce (JD '02) was born in Switzerland but raised in the United States by his Italian and Swiss parents. Despite such diverse backgrounds, when the two met in Pittsburgh in the summer of 1999, they became fast friends.

Six years later, that relationship turned professional when Croce and Rangel created Global Tongues LLC, a full-service language company based in Miami, Fla. "Our personal and professional experiences have provided us the insight into the need for quality language translation in the legal and other professions," Rangel said. "We believe that one of the reasons we became good friends is because we were able to bridge the communication

and cultural gap by speaking the same language."

Croce grew up multilingual, working in Europe, South America, and Canada. Language, however, was only one ingredient in the friendship's recipe. The other component was a shared interest in immigration law. After completing his LL.M., Rangel participated in a yearlong internship with Joel Pfeffer (JD '85), a partner in Meyer, Unkovic & Scott LLP and a member of the firm's international and immigration law group, focusing on immigration law. After completing the internship, he accepted an offer to work as a legal advisor in the immigration and international departments of a large law firm in Miami.

Croce, too, was interested in immigration law. After working in this field for several years in Pittsburgh, Rangel encouraged him and his wife to visit

Miami. Croce ultimately decided to relocate to South Florida to practice immigration and real estate law, and it wasn't long before they created Global Tongues (www.globaltongues.com). Although they are currently running the fledgling business as a part-time venture in addition to their regular jobs as immigration attorneys, Rangel said the partners have already amassed an "excellent team of translators from around the world with varying backgrounds." Countries represented include China, Colombia, France, Italy, Israel, Japan, Korea, Malaysia, Singapore, and Venezuela. So far, their clients include law firms, healthcare institutions, and multinational companies. Rangel and Croce are confident that, like their Pittsburgh-born friendship, their Miami-based business partnership will grow stronger as the years go by.

2005–06 LL.M. Class Arrives in Pittsburgh

Pitt's 11th LL.M. class promises to continue a tradition of diversity as well as academic and professional strength as it arrives for the coming year of study. The following is a brief introduction to its members:

Himashe Blapatabendi (Sri Lanka) is a 2003 graduate of Sri Lanka Law College and a 2005 recipient of a diploma in intellectual property law. From 2004–05, he served as an attorney-at-law in the Corporation Division of the Attorney General's Office of Sri Lanka. In July 2004, he was appointed acting state counsel and became responsible for all civil litigation on behalf of the Attorney General in the Provincial Court of Matugama, Sri Lanka.

Chialu Chang (Taiwan) is a 2002 graduate of Chinese Culture University in Taipei, Taiwan. She has worked as an attorney with Taiwan Keelson Electronic Co. Ltd.

Yi-Fan Chen (Taiwan), a 1998 graduate of Tung Hai University in Taichung, Taiwan, served as the manager of the Legal Affairs Section of TMT Co. Ltd., a maritime shipping company in Taipei, from 2004–05. Previously, she served as the section chief of the legal office of ERA Communication Co. Ltd.

Yi-Ting Cheng (Taiwan) is a 2005 graduate of Soochow University in Taipei. She has worked as a project assistant with the Chung-Hua Institute for Economic Research-Taiwan World Trade Organization Center. A three-year competitor in the Philip C. Jessup International Law Moot Court Competition, Cheng was named outstanding oralist for the Taiwan region in 2003. In 2004, her team won the regional competition and advanced to the International Rounds of the Jessup Competition in Washington, D.C. She is the recipient of an Alcoa Foundation scholarship and an alumni scholarship.

Malin Dellings (Sweden) received her Master of Law degree in 2005 from the University of Gothenburg in Sweden. Prior to moving to Pittsburgh in March 2005, she handled legal issues as a claims adjuster for Sweden's largest corporate insurer.

Annick Imboua-Niava (Ivory Coast) is a 1997 law graduate of the University of

Picardie Jules Vernes in Amiens, France. She received a master's degree in business law from the University of Portiers, France, in 1998. She has worked as an associate with the law firm of SCPA Bile-Aka, Brizoua-Bi & Associates in Ivory Coast. Imboua-Niava is the recipient of a tuition scholarship from the University Center for International Studies and a Franklin West fellowship.

Anita Kant (India) graduated from Kerala Law Academy in Trivandrum, India in 2002. From 2002–04, she was an associate with Fox Mandal & Co. in New Delhi. An accomplished moot court participant in India, she represented her country in the eighth annual Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, in 2001.

Markiian Kliuchkovskiy (Ukraine) is a 2004 graduate of Kyiv National Taras Shevchenko University. From 2004–05, he was a junior associate with the law firm Magister & Partners in Kyiv. In 2004, he represented his university at the 11th annual Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria. Kliuchkovskiy is the recipient of a tuition scholarship from the University Center for International Studies. He also received a scholarship from the Center for Russian and East European Studies and the CILE through a grant funded by the U.S. State Department's Bureau of Educational and Cultural Affairs NIS Colleges and University Partnership Program.

Ines Litzenger (Germany) studied law at the University of Augsburg School of Law. She was a student assistant at the law firm of Obermaier, Lechner and Colleagues in Augsburg and competed in the 2005 Philip C. Jessup International Law Moot Court Competition. She is the recipient of a tuition scholarship from the University Center for International Studies and a Franklin West fellowship.

Chi-Yin Lui (Taiwan) is a 2004 graduate of Tung Hai University in Taichung, Taiwan. She served as the regulatory affairs specialist in the Taiwan branch of Stryker Far East Inc., an international company that manufactures medical devices. In 2003, she competed in the Philip C. Jessup International Law Moot Court Competition.

Luljeta Plakolli (Kosovo) is a 2004 graduate of the University of Prishtina Faculty of Law. On behalf of her university, she competed in the 11th annual Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria in 2004. From 2002–05, she served as a legal assistant for the Council of Europe Secretariat Office in Kosovo. Plakolli is the recipient of a tuition scholarship from the University Center for International Studies. She also received a scholarship from the Center for Russian and East European Studies and the CILE through a grant funded by the U.S. State Department's Bureau of Educational and Cultural Affairs NIS College and University Partnership Program.

Jianhua Shang (China) received her law degree from Fudan University in Shanghai, China in 1992. From 1995–2005, she served as legal adviser, economist, and client-manager to the Shenzhen branch of the Bank of Communications. She is the recipient of an Alcoa Foundation scholarship.

I-Wen Shyur (Taiwan) is a 2005 graduate of Soochow University in Taipei, Taiwan. He is the recipient of an Alcoa Foundation scholarship.

Lucas Tassara (Argentina) received his law degree from the University of Buenos Aires in Buenos Aires, Argentina in 2000. In 2004, he received a specialization in the administration of justice. He served as an assistant professor in criminology and criminal law at the University of Buenos Aires and as an attorney for the general prosecutor before the Criminal Court of Appeals. He has published several articles related to criminal law in Argentina. Tassara is the recipient of a Fulbright grant from the Institute of International Education. He also is the recipient of a scholarship from the Alcoa Foundation.

Michelle Todescato-Douglass (Brazil) is a 1999 law graduate of the Universidade do Vale do Itajai, Brazil. She has specialized in labor law, working for Empresa Brasileira de Vigilancia as an attorney. She was a legal trainee with the Labor Court of Appeals and the Central Bank of Brazil for the State of Santa Catarina. Todescato is the recipient of an Alcoa Foundation scholarship.

CILE Visiting Professors Add International Depth to Law School Curriculum



Professor Bernhard Schloh with EU Law students Monique Thomas (left) and Tahira Bland (right)

In spring 2005, **Professor Jose Manuel Sobrino**, professor of public international law, international relations, and the Jean Monnet Chair of European Law at the University of La Coruna, Spain, taught the course in European Union law at the School of Law. His experience as a former clerk at the European Court of Justice in Luxembourg brought a special background to the subject matter.

Professor Bernhard Schloh returns to the University of Pittsburgh School of Law for the third time in fall 2005 to teach European Union law during the first seven weeks of the term. Schloh is a professor emeritus at the Vrije Universiteit Brussel Faculty of Law. From 1964–94, he was a member of the legal service of the Council of the European Communities/Union in Brussels and, since 1973, held the rank of legal counsellor. He advised working groups, committees, and the council on legal problems in decision making on issues including the internal market, external relations, agricultural policy, and energy policy. He also served as agent of the council before the Court of Justice of the European Communities in Luxembourg in approximately 50 cases, arguing in five languages (Dutch, English, French, German, and Italian). Professor Schloh received his Doctor of Laws from the University of Hamburg School of Law in 1960.

Professor Bor-shan Lin will teach Comparative Contract Law: Greater China, Korea, and Japan during the first seven weeks of the spring 2006 term. Now a professor at the Chinese Culture University in Taipei, Taiwan, Lin is a 1997 graduate of Pitt's LL.M. program. He received his bachelor's and master's degrees in law from the Chinese Culture University Department of Law in 1981 and 1983, respectively. From 1987–2001, Lin was a lecturer in law at the Chinese Culture University teaching courses on civil law, copyright law, and legal logic. He is pursuing a PhD in law at the Renmin University of China School of Law in Beijing. Lin taught in Pitt's summer law program on the 2004 Summer at Sea voyage.

Judge Alexander Rogier Oscar Mooy of the Court of Appeal in the Netherlands also

will teach in spring 2006, offering a one-credit course, European Court of Human Rights. A former police officer and public prosecutor, Judge Mooy was nominated to the bench at the Court of Appeal in the Netherlands in 2004. Handling the appeal of criminal cases, he also has served as the substitute Advocate General at the Court of Appeal in Amsterdam and the substitute Advocate General at the Court of Appeal at The Hague since 2002. He received his Master of Law (1992) and Master of Business Administration (1994) degrees from the University of Rotterdam. His recent publications include "The Deprivation of Criminal Assets in the United States" and "New Legislation, Confiscation of Criminal Assets in the European Union."

Professor Johan Erauw will join Professor Ronald Brand for one week in September 2005 to coteach International Business Transactions. A professor of law at the University of Ghent, Belgium, where he earned his law degree and wrote his doctorate, Erauw will teach issues of international licensing. In addition to his teaching in Ghent he has been corporate counsel for a major Belgian retail company and active in international licensing of technology for the University of Ghent. Erauw has been an adviser to the United Nations Commission on International Trade Law, as well as to the Belgian Ministry of Justice for the drafting of the new Belgian Code of Private International Law.

International Law Society

Brynne Berry, President

Monique Thomas, Vice President

Tahira Bland, Secretary

Lisa Zeises, Treasurer

STUDENT ACTIVITIES

Erika Borkowski (JD '06) received a 2005 CILE fellowship to pursue an intensive language study program and a five-week internship in Beirut, Lebanon, organized by the Suffolk Law School and the Center for International Legal Studies in Austria.

Alex Braden (JD '07) received a 2005 CILE fellowship to participate in an internship at the Department of Justice at the United Nations Interim Mission in Kosovo.

Sarah Cowart (JD '07) received a 2005 CILE fellowship to pursue an internship with Estudio Ferrero Abogados in Lima, Peru.

Gabriel Deadwyler (JD '07) received a 2005 CILE fellowship to participate in an internship program with the Human Rights Lawyers Network in New Dehli, India.

John Dundon (JD '06) received a 2005 CILE fellowship to participate in an internship with the World Trade Organization Accession Project in Belgrade, Serbia, and Montenegro.

David DuMont (JD '06) received a 2005 CILE fellowship to participate in the Pitt/Moscow 5+5 Program for advanced training in Russian through the Russian and East European Summer Language Institute in Russia.

Brandon Gardner (JD '06) received a 2005 CILE fellowship to participate in an internship at the Department of Justice at the United Nations Interim Mission in Kosovo (UNMIK). His duties involve researching proposed UNMIK regulations for viability.

Anthony Giaramita (JD '07) received a 2005 CILE fellowship to participate in the Brussels Seminar on the Law and Institutions of the European Union in Brussels, Belgium.

Sarah Gordon (JD '06) was awarded a Foreign Language and Area Studies Fellowship for the 2004–05 academic year by the Center for West European Studies.

Julia Hozakowski (JD '06) participated in an LL.M. program through the London School of Economics during the 2004–05 academic year.

Ha eun Kim (JD '06) received a 2005 CILE fellowship to intern at Yoon & Yang, a law firm in South Korea.

Erica Lane (JD '06) received a 2005 CILE fellowship to participate in an internship at the Immediate Office of the Registrar of the International Criminal Court at the Hague for a six-month period beginning in January 2005. During the fall of 2005, Lane will be serving as assistant legal officer to the victims and witnesses unit at the International Criminal Court.

Eva Marcotrigiano (JD '06) received a 2005 CILE fellowship to participate in the University of Pittsburgh Law at Sea summer program.

Tatyana Margolin (JD '07) received a 2005 CILE fellowship to assist her in her studies at the University of Nottingham in the United Kingdom. During the 2005–06 academic year, Margolin will be pursuing an LL.M. in international human rights law.

Francesco Mazzotta (JD '05, LL.M. '01) was awarded first prize in the 2004 Clive M. Schmitthoff Essay Competition sponsored by Pace University School of Law for articles related to the United Nations Convention on Contracts for the International Sale of Goods or International Institute for the Unification of Private Law principles. The award is accompanied by an honorarium in the amount of \$5,000. Mazzotta also received a CILE fellowship to serve as an arbitrator for the 12th annual Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, in March, and to participate in the United Nations Commission on International Trade Law internship program in Vienna during the summer.

Sarah Miller (JD '07) received a 2005 CILE fellowship to attend the Penn State Dickinson School of Law summer program in Florence, Rome, and Siena, Italy.

Joshua Murnen (JD '07) received a 2005 CILE fellowship to assist him in his studies at the University of Nottingham in the United Kingdom. During the 2005–06 academic year, Murnen will be pursuing an LL.M. in international law with a concentration in human rights.

Angela Onikepe (JD '06) received a 2005 CILE fellowship for LL.M. study in 2005–06 at the University of Newcastle-Upon-Tyne.

Ravi Reddy (JD '06) completed his LL.M. at the University of Nottingham in the United Kingdom in May. Before returning to the United States to finish his third year of law school, with the help of a 2005 CILE fellowship, he interned with the World Trade Organization Accession Project in Belgrade, Serbia, and Montenegro.

Jill Roche (JD '07) will be pursuing her LL.M. in international human rights law at the University of Maastricht during the 2005–06 academic year.

Elizabeth Shackelford (JD '07) received a 2005 CILE fellowship to serve as a legal assistant in the case of *Prosecutor v. Sesay*, which is pending before the Special Court of Sierra Leone in Freetown, Sierra Leone. See *First Person*, page 14.

Mariam Tadros (JD '07) was awarded a 2005 CILE fellowship to participate in a summer study program sponsored by Cornell University and the University of Paris 1 Pantheon-Sorbonne.

Greg Venbrux (JD '06) received a 2005 CILE fellowship to attend the Summer Study of Law in Ireland International Program sponsored by Duquesne University School of Law.

Gregory Walker (JD '06) received a 2005 CILE fellowship to assist him with his LL.M. degree at the Universitat Augsburg in Germany during the 2005–06 academic year.

FACULTY ACTIVITIES

Adjunct Professor Robert Barker organized and chaired an international seminar at Duquesne University School of Law titled *Federalism in the Americas ... and Beyond* in November 2004. In May 2005, he participated in a teleconference presentation on “*Debido Proceso y Defensa de Derechos Constitucionales*” to the Colegio de Lima, Peru. In June 2005, he delivered a series of lectures on the administration of justice in the United States to various academic, professional, and governmental audiences in Panama City, Panama. Also in June, he gave a presentation titled “*La Jurisprudencia de la Corte Suprema de los Estados Unidos*” at the Inter-American Bar Association conference in Buenos Aires, Argentina. In July, Barker taught a seminar on the same topic at the University of Buenos Aires Law School and delivered a series of lectures on constitutional law and the administration of justice to academic, professional, and governmental audiences in Asunción, Paraguay.

Professor Elena Baylis was a panelist on “*Conflicts and the Refugee Crisis in Eastern Africa*,” sponsored by the Global Issues Forum and held in Pittsburgh in September 2004. In October 2004, she served as a panelist on comparative law and African traditions for the American Society of Comparative Law conference held at the University of Michigan Law School; a panelist on international and U.S. law on trafficking in women at the University of Pittsburgh; a media panelist on foreign policy issues in the second presidential debate held at the Ridgway Center for International Security Studies in Pittsburgh; and moderator for a discussion on the use of foreign law in U.S. courts sponsored by the International Law Society at the School of Law.

In January 2005, Baylis spoke on “*Prosecuting Saddam Hussein*” at the Rodef Shalom Synagogue in Pittsburgh in January 2005, and spoke about ethnic conflict during the International Law Colloquium series at George Washington University Law School in Washington, D.C. In February, she was the corecipient of a \$20,000 grant for a September 2005 workshop on immigration, security, and civil liberties in the United States, Russia,

and the European Union. In March, she was a visiting scholar and International Law Colloquium speaker on ethnic conflict at the Whittier Law School in Los Angeles, Calif. Baylis also was elected to the Executive Board of the Brother’s Brother Foundation. In April, she won the American Society of International Law’s (ASIL) New Voices competition for a minority rights paper. The paper was presented at the ASIL’s annual meeting in Washington, D.C. Baylis traveled to Kosovo in May 2005 for research on Kosovo’s parallel court systems as part of CILE’s U.S. State Department-sponsored linkage program with the University of Prishtina.

Professor Ronald Brand moderated a panel and participated as a speaker on “*International Issues in National Courts*” at the International Law Weekend program at the Association of the Bar of the City of New York, sponsored by the International Law Association, on October 15, 2004. He spoke on “*Federalism and the Allocation of Sovereignty Beyond the State in the European Union*” at a conference on *Federalism in the Americas ... and Beyond* at Duquesne University School of Law in November 2004. In December 2004 he was named to the foreign law faculty at the Garrigues Chair in Global Law at the University of Navarra in Pamplona, Spain. He will periodically teach short courses in the Anglo-American Law Program for the Garrigues Chair.

Brand presented the Wing-Tat Lee Lecture in International and Comparative Law at the Loyola University of Chicago School of Law on January 26, speaking on “*The European Union’s New Role in International Private Litigation*.” He also consulted over the course of three days with Loyola faculty and students on the development of their international programs, and presented a faculty workshop on “*A Comparative Look at Private Law and Public Regulation in U.S. Courts*.” On January 31, Professor Brand attended the European Commission’s hearing in Brussels on the Hague Draft Convention on Exclusive Choice of Court Agreements. He also participated in a two-day meeting

of the Drafting Committee in Brussels on February 1 and 2 to discuss the Convention on Choice of Court Agreements in order to be ready for negotiations at the Diplomatic Conference of the Hague Conference on Private International Law held in June 2005.

Professor Brand spoke on “*CISG Article 31: Place of Performance and the Inter-relationship of Substantive Law, Jurisdiction, and Applicable Law*,” at a conference in Vienna, Austria, on March 15–16, 2005, celebrating the 25th anniversary of the United Nations Sales Convention and hosted by the United Nations Commission on International Trade Law (UNCITRAL). On March 17, he presented a lecture on “*An American Perspective on Expanding Community Competence for Private International Law and Judicial Cooperation*” at the Institute for European Law at the University of Graz, Austria. On March 29, Professor Brand gave a presentation on “*A U.S. Perspective on Changing Competence for Private International Law in Europe*” at the International Conference to Launch the *Journal of Private International Law* at King’s College, University of Aberdeen, Scotland. For the months of April and May 2005, Professor Brand was visiting fellow at the Institute for Advanced Studies at the University of Bologna, Italy. He gave the following presentations during the fellowship: “*Who Decides Who Owns the Intellectual Property?*” at “*Who Owns the Ideas?*,” an Institute of Advanced Studies workshop, at the Villa Gandolfi Pallavicini, University of Bologna, April 15, 2005; “*An Introduction to the American Judicial System*,” University of Modena Faculty of Law, Modena, Italy, May 6, 2005; “*An Introduction to U.S. Legal Education*,” University of Bologna Faculty of Law, Bologna, Italy, May 14, 2005 (with Professor Harry Flechtner); “*Understanding U.S. Legal Education*,” University of Bologna Collegio Superiore, May 23, 2005 (with Professor Harry Flechtner); and “*The U.S., the E.U., and the Coming Hague Convention on Exclusive Choice of Court Agreements*,” University of Bologna Faculty of Law Honors College, Bologna, Italy, May 24, 2005.

FACULTY ACTIVITIES *continued*

Professor Brand was a member of the U.S. delegation to the Hague Conference on Private International Law for the June 14–30, 2005 Diplomatic Conference, which concluded a Convention on Exclusive Choice of Court Agreements after more than 13 years of work. He presented a talk titled “The United States and the Hague Convention on Exclusive Choice of Court Agreements” at the Temple Law School U.S.-China Private International Law Roundtable on July 11, 2005, and participated in the final roundtable program on July 26. On August 2–4, Brand was an invited participant in a workshop on “Globalizing the Law School Curriculum” at Lake Tahoe, sponsored by the University of Pacific McGeorge School of Law.

Along with Professor Barry Carter of the Georgetown Law Center, Professor Brand signed a contract with Aspen Publishers to coauthor a casebook on international business transactions. His article, “The 1999 Hague Preliminary Draft Convention Text on Jurisdiction and Judgments: A View From the United States,” has been published at *XL Rivista di Diritto Internazionale Privato e Processuale* 31 (2004). Brand edited each of the first two volumes of *CILE Studies: 1 CILE Studies, the Draft UNCITRAL Digest and Beyond—Cases, Analysis, and Unresolved Issues in the U.N. Sales Convention* (with Franco Ferrari and Harry Flechtner, 2005); and *2 CILE Studies, Private Law, Private International Law, and Judicial Cooperation in the E.U.-U.S. Relationship* (2005).

Professor John Burkoff's review essay, “Defeating Terrorism Without Fighting a War,” will appear in the winter 2005 issue of *Criminal Justice Ethics*.

Professor Pat Chew completed her new coauthored text, *International Conflict Resolution: Consensual ADR Approaches* (West Publisher), in 2005. In addition, her article “Pervasiveness of Culture in Conflict” is being featured and linked to the Web site for the Negotiation and Conflict Management Programme at Dalhousie University in Halifax, Nova Scotia.

Professor Vivian Curran chaired a panel on African legal traditions at the American Society of Comparative Law at the University of Michigan in October 2004. She gave a talk on “Fact and Fiction in European Legal Integration” at Duke University Law School in November. In December, she was elected to the American Law Institute. Professor Curran chaired the section on comparative law at the Association of American Law Schools (AALS) on January 8, 2005, and moderated a panel discussion. She also spoke on another AALS panel on the role of foreign languages in educating law students for transnational law.

Professor Curran's translation of a German book, *Core Questions on Comparative Law*, was published by Carolina Academic Press. In December and May, she traveled to Vienna, Austria, for two sets of three-day meetings as the U.S. member of the Austrian General Settlement Fund, which decides property compensation claims dating from the Nazi occupation of Austria in 1938–45. Her article, “Re-Membering Law in the Internationalizing World,” will be published in *34 Hofstra Law Review*. “The Role of Foreign Languages for Transnational Legal Education” will be published in the *Penn State International Law Review*, and the book chapter “The Pursuit of Law” will be published in *Harmonizing Law in an Era of Globalization* (Larry Backer, ed., Carolina Academic Press). “Plurijuridisme et Convergence Entre le Droit Commun et Civil” will be published in *Plurijuridismes* (Preses universitaires d'Aix-Marseille). Curran also published “Law's Past and Europe's Future,” in *6 German Law Journal* 483 (2005).

Professor Harry Flechtner delivered a paper on “Buyers' Performance-Oriented Remedies” at a conference in Vienna, Austria on March 15 marking the 25th anniversary of the United Nations Convention on Contracts for the International Sale of Goods (CISG). The conference was organized by the United Nations Commission on International

Trade Law (UNCITRAL). Following the UNCITRAL CISG conference, Professor Flechtner coached the team representing the University of Pittsburgh at the Vis International Commercial Arbitration Moot in Vienna. As has happened for the past several years, the Pitt Vis team worked with teams from other law schools (the Universities of Belgrade, Serbia; Kyiv, Ukraine; and Prishtina, Kosovo) under the direction of Professors Brand and Walter, pursuant to a U.S. State Department grant awarded to CILE.

Professor Larry Frolik chaired the panel “Consent and Capacity” and presented a paper titled “Contrasting Contractual with Testamentary Capacity” in Paris in July 2005 at the 29th International Congress on Law and Mental Health organized by the International Academy of Law and Mental Health.

Professor Anthony Infanti has agreed to revise the chapter on tax treaty overrides in the Rhoades & Langer treatise titled *U.S. International Taxation and Tax Treaties*.

Professor Janice Mueller hosted guest lecturers Dr. Armin Bohmann, a European patent attorney from Munich, Germany, in her patent law class; and Dr. Victoria Henson-Apollonio, intellectual property manager for the Consultative Group for International Agricultural Research, in her international intellectual property law class in November 2004. Also in November, Mueller attended the annual meeting of the Inter-American Association for Industrial Property in Santo Domingo, Dominican Republic. She was awarded a \$2,500 Hewlett International Small Grant in spring 2005 for the proposal she submitted on “The Impact of Patent Law Reform on the Pharmaceutical Industry of India.” During the summer of 2005, she taught an international intellectual property law course in Baylor Law School's summer program in Guadalajara, Mexico.

ALUMNI NEWS

Edwin Brown (JD '81), a U.S. Foreign Service officer, is assigned to the European Union desk of the U.S. Department of State, where he is responsible for transportation security, energy, and environmental issues.

Luz María Cárdenas (LL.M. '01) welcomed a baby girl last year and is expecting her second child in summer 2005. She continues to work as an attorney in Mexico, specializing in intellectual property.

Michelangelo Croce (JD '02) and **Alexandre Rangel (LL.M. '99)** have opened a foreign language translation services company in Miami, Fla. The company, Global Tongues, provides foreign language services to individuals and corporate clients worldwide. *For more information about their new venture, read the article on page 16.*

Tuyet Dinh (LL.M. '02) founded a law firm, IDVN, in Vietnam in 2003. She now employs six associates, one certified public accountant, and four other staff members in Hanoi and Ho Chi Minh City. She represents the Vietnam shrimp industry and the Government of Vietnam in the shrimp antidumping case pending in the World Trade Organization. With a number of other local and foreign clients, and other *pro bono* clients, she commented (with a smile), "I really need a second partner; if you know anyone interested in practicing in Vietnam, please tell me."

Daniela Ernlund (LL.M. '97) has recently joined the legal department of Electrolux do Brasil S/A as a senior lawyer. She is also a professor of commercial law at the School of Law of Tuiuti University of Parana State, Brazil.

Daniil Fedorchuk (LL.M. '01) returned to his university responsibilities in Donetsk, Ukraine, after completing an internship in Geneva with the Appellate Body Division of the World Trade Organization. In the course of the internship, in addition to many other legal responsibilities, Fedorchuk had the opportunity to write memoranda on the Byrd amendment and actionable subsidies under the SCM Agreement. As an associate professor of law at Donetsk National University, he teaches civil law (parts I and II) and comparative contracts. He is also director of the International and

European Law Center in the University's Economics and Law Faculty.

Elke Flores-Suber (JD '96) has left her Philadelphia-based position at CIGNA to become intellectual property counsel for Microsoft's Copyright Group in Redmond, Wash. She provides copyright counsel to Microsoft's Home and Entertainment Division (which includes the Xbox), MSN, and Microsoft research.

John Kropf (JD '88) recently moved from the U.S. Department of State's Office of the Legal Advisor to become the Department of Homeland Security's director of international privacy programs. He is responsible for working with foreign governments on information sharing arrangements such as advance passenger information for airlines and watch list information. He published "Privacy of Foreign Nationals Under U.S. Law" in the November 15, 2004 issue of BNA's magazine, *Privacy and Security Law*.

Dmitry Lysenko (LL.M. '04), an associate in the Moscow office of Baker & McKenzie since October 2004, specializes in arbitration and litigation. Prior to joining Baker & McKenzie, he was an intern at the Open Society Institute in New York, and Obermayer Rebmann Maxwell & Hippel LLP in Pittsburgh.

Bor-shan Lin (LL.M. '97) is a lecturer in law at Chinese Culture University Department of Law in Taipei, Taiwan. Bor-shan taught on the summer 2004 voyage of Law at Sea and provided logistical assistance and support during CILE Assistant Director Mark Walter's trip to Taipei in November 2004. He will teach a course in Asian contract law at the School of Law in spring 2006.

Tanhai Liu (LL.M. '00) is an attorney with the Transking Law Office in Beijing, focusing on international legal issues.

Victor Mosoti (LL.M. '01) published "Reforming the Laws on Public Procurement in the Developing World: The Example of Kenya" in 54 *International & Comparative Law Quarterly* 621 (2005).

Samuel Nazzaro (JD '85), an assistant U.S. Attorney, is on assignment in Serbia until October 2005.

Irina Nurzad (LL.M. '02), an associate with Baker & McKenzie in Kyiv since November 2004, was recently awarded a Diploma of Candidate of Legal Science, a degree similar to that of a PhD in law, by Kyiv National Taras Shevchenko University. Her thesis topic was "Legal Regulation of Bank Activities in the Securities Market in Ukraine." Reflecting on her accomplishment, Nurzad said, "This stage is over and I am delighted that studying at Pitt law school broadened my views, and thereby contributed to writing the thesis." Nurzad's practice with Baker & McKenzie is in the area of banking and finance, with a primary focus on capital markets and project finance. She was previously an associate with Magisters & Partners.

Maurice Oduor (LL.M. '04) published "Resolving Trade Disputes in Africa: Choosing Between Multilateralism and Regionalism: The Case of COMESA and the WTO" in 13 *Tulane Journal of International & Comparative Law* 177 (2005).

Joel Pfeffer (JD '85), a partner with Meyer, Unkovic & Scott and a member of the firm's international and immigration law group, served as a panelist for the American Immigration Lawyers Association annual conference in Salt Lake City, Utah in June. His talk focused on strategies and procedures for immigration status in the United States for employees of religious organizations.

Georgia Post (LL.M. '99), an attorney in the corporate security department of Deutsche Bank AG, completed the International Security Management Association Leadership Program in May 2005 at Georgetown University.

Areeya Ratanayu (LL.M. '01) returned to Bangkok, Thailand, where she is a legal consultant to Tilleke & Gibbins International, a prominent intellectual property law firm. Ratanayu works in the firm's enforcement department, which includes counterfeiting investigation and litigation.

Patricia Serracin Rickard (LL.M. '03) is an international licensee contracts administrator in the licensing department of Electrolux International. As part of her job, she traveled this past year to Greece, Italy,

ALUMNI NEWS *continued*

Great Britain, and Sweden to negotiate contracts. In April 2005, she became responsible for the division's intellectual property issues, including trademark oppositions, counterfeiting, and parallel imports.

Corin Stone (JD '98) returned to the United States from Iraq, where she had been serving as legal advisor to Ambassador John Negroponte at the U.S. Embassy in Baghdad. In 2005 she was appointed General Counsel to Negroponte at the Office of the Director of National Intelligence.

Natalya Sipper (LL.M. '99) taught Introduction to Russian, Ukrainian, and Uzbek Legal Systems this past year at the School of Law. She has taught this course three times and expresses her gratitude to LL.M. alumni Daniil Fedorchuk, Olena Rodionenko, Mariya Nizhnik, and Nataliya Dryomina for being guest speakers over the years. Sipper also has been working as a legal consultant for Gibson, Dunn & Crutcher; Westinghouse; and others. She and her husband, **Mark Sipper (JD '89)**, recently welcomed their second child, a son named Michael.

James M. Singer (JD '94), a partner with Pepper Hamilton LLP in Pittsburgh, spoke at the seminar "Intellectual Property Rights in Labour Relations and Service Provision," held in Madrid, Spain, sponsored by the International Association of Young Lawyers.

Monica Stump (JD '02) recently began serving as an attorney-advisor in the Office of General Counsel with the International Trade Commission. She lives in Alexandria, Va., with her husband and two small children, Meredith and Jonathan. **Stephen Tan (JD '96)** has been named a partner in Baker & McKenzie's Taipei, Taiwan office. His areas of practice include mergers and acquisitions, corporate restructuring, international securities, telecommunications, and international trade regulation and customs. Tan and his firm provided important logistical assistance and support during CILE Assistant Director Mark Walter's trip to Taipei in November 2004.

Neil Boyden Tanner (JD '97) recently left his position as an associate with Pepper Hamilton LLP in Philadelphia, Pa., to become associate general counsel-interna-

tional for Aramark Corporation. In spring 2005, he was elected by the executive committee of the International Association of Young Lawyers as its United States national representative.

Petya Vakarelska (LL.M. '01) works as a legal assistant in Newport Beach, Calif. Her practice focuses on business, tax, bankruptcy, and securities litigation. Her "greatest joy" is her 2-year-old daughter, Vicky.

Jill Ching-Yu Yen (LL.M. '96) recently moved back to Hsinchu City, Taiwan, after living seven years in Pittsburgh while her husband completed his PhD degree in electrical and computer engineering at Carnegie Mellon University. A full-time mom to three children (all born in Pittsburgh), Yen still calls Pittsburgh her hometown.

Michael Zuck (JD '90) is a legal consultant with Formosa Transnational in Taipei, Taiwan. He specializes in U.S. immigration, intellectual property, and contract law. Zuck and his firm provided important logistical assistance and support during CILE Assistant Director Mark Walter's trip to Taipei in November 2004.



Congratulations to the LL.M. Class of 2005



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