

American University Washington College of Law

Digital Commons @ American University Washington College of Law

Articles in Law Reviews & Other Academic Journals

Scholarship & Research

1996

Projecting the Washington College of Law into the Future

Claudio Grossman

Follow this and additional works at: https://digitalcommons.wcl.american.edu/facsch_lawrev



Part of the [Human Rights Law Commons](#), [Legal Education Commons](#), [Legal History Commons](#), [Legal Profession Commons](#), and the [Rule of Law Commons](#)

PROJECTING THE WASHINGTON COLLEGE OF LAW INTO THE FUTURE

CLAUDIO GROSSMAN*

I deeply appreciate the invitation from *The American University Law Review* to the former deans and myself to present our views of the Washington College of Law (WCL) on the occasion of our Centennial Anniversary. This invitation gives all of us the opportunity to reflect on our particular experiences and to share our perspectives with the broader community.

These are times of dramatic change and transformation in the world. The universal aspiration of human beings to live in democratic and humane societies, the development of a global economy, emerging technologies, and unprecedented channels of communication have changed the world and society as we once knew them. Together with so much progress, however, lies great uncertainty. This new environment poses serious challenges to legal systems as we try to give coherence and moral structure to the new global reality. Law schools, as key institutions shaping the legal order, have the unavoidable task of trying to decode and resolve the complex dilemmas of the new world order. Law schools do not exist in a vacuum. Therefore, we must perform any analysis of law schools—and of their administrations—in the context of their position in the exciting, but perplexing, new global reality.

Increasingly, the global dimension surfaces in “national systems,” collapsing the previously unquestioned distinction between neatly autonomous “domestic” and “international” systems. As sovereignty is redefined, the speed of communications and computerized access to information undermine the hegemony of learning “by the book,”

* Claudio Grossman, Dean, *Washington College of Law, American University*, 1995-present; Ray Geraldson Scholar for International and Humanitarian Law, *Washington College of Law, American University*, 1985-present. President of the Inter-American Commission on Human Rights, 1996. Acting Dean, *Washington College of Law, American University*, 1993-94; Professor and Director of the International Legal Studies Program, *Washington College of Law, American University*, 1983-93.

the traditional classroom structure, and the idea that academic inquiry should be organized around the study of our past experiences as opposed to practical experiments and anticipatory future scenarios. But, for an educational institution, the process of planning for the future cannot be an exercise in witchcraft. Anticipating the future means thoroughly examining the institution, understanding its capabilities and seeing how it can develop itself to confront the challenges of a new era. The first step is to hold a mirror up to the institution and reveal its essence.

If we engage in such an exercise for the Washington College of Law, one of the first images we see is that of our revered founders, Ellen Spencer Mussey and Emma Gillett. These pioneering women challenged a system which excluded women from the legal profession. WCL is the first law school in the country founded by women with the goal of providing legal education to all, men and women alike. This foundation continues to define our mission of promoting gender equality, social justice, and visionary service to the community. From a broader perspective, WCL's dynamic founders established a strong link between the reality of public life and the crucial role that the legal profession must play in making social changes.

Looking in the mirror, we also see a strong commitment to excellence in teaching and scholarship. In the culture of the institution, students and professors alike highly regard excellence in teaching. No faculty member can achieve tenure at WCL without a strong commitment to teaching, and WCL requires strong teaching evaluations for such promotion. An essential component of the teaching tradition at WCL is ensuring that faculty are accessible to students, thereby enhancing the learning environment and enriching the students educational experience. Because the teaching process is largely a collaborative exercise, we give serious attention to innovative approaches to legal education, with special emphasis placed on increasing the dynamism, effectiveness and excellence of the curriculum.

While scholarship has always played an important role at WCL, the institution experienced a turning point in the '80s when scholarship became an essential component of the community's self-definition. Teaching had traditionally dominated the academic self-image of WCL. The hiring of new faculty and the decision by the law school administration to support and recognize the scholastic contribution of faculty members through their articles, books, monographs and essays, has enabled scholarship at WCL to flourish. Because there is no agreed upon paradigm as to what constitutes "real" legal research,

WCL scholarship covers the full gamut of possibilities, including doctrinal studies, clinical explorations, theoretical works and scholarship that challenges the most basic assumptions of the legal system.

Another prominent characteristic of our school is the existence of a strong and rich "civil society." The energetic community of faculty, staff, students, and administrators provides an endless reservoir for new and exciting projects and developments. The Center for Human Rights and Humanitarian Law, the Tax Clinic, the Women and the Law Program, and the Law and Government Program were all developed and nurtured, not as a result of central planning, but by groups of individuals who wanted to collaborate and bring their ideas to a broader audience. The institution is, thus, not merely a universe of isolated individuals, but of groups of scholars and students who work together in the interests of advancing knowledge and justice.

WCL takes pride in its participatory view of governance. All the members of the WCL community have the rightful expectation that the administration will design opportunities for full consultation and participation in the community's most important decisions. Faculty and students are able to participate together in the hiring of faculty, in defining the curricular needs of the school, and in planning the law school's priorities and future. All of this collaboration leads to a very busy community, but one which is truly self-governing.

The mirror of WCL shows an institution anchored in the world, committed to service, teaching and scholarship. It is a pluralistic, creative and participatory community. In the framework of a dynamic global and local environment, the challenge for the administration is to develop the institution to its highest potential. I will canvass the programs that we are currently implementing or are considering for the future, not with a view toward specificity, but in order to indicate the general course being mapped out.

The commitment of the institution to today's society requires many efforts. Concerning gender, it is essential that women's issues not be restricted to our (very successful) Women and the Law Program. From a conceptual and practical point of view, that program would expand and benefit from links with faculty in the international arena, business law, and human rights law. To motivate and promote such cross-fertilization, let me comment on two initiatives that I am actively supporting. The first is a conference on Women's Rights in the Hemisphere in March 1996. That conference will bring together faculty with a broad range of interests, with experts from around the globe working in areas of government, academia, and the non-governmental sector. The conference will result in a program of

action covering women's rights in terms of domestic violence, business discrimination, and participation in decisionmaking and government, thereby also strengthening the possibilities of joint projects both within WCL and with external organizations. A second initiative is the creation of a working group on issues concerning women within the institution. My intention is that the group will conduct research and report on the opportunities for women professors, staff, and students as they compare with their male counterparts. Again, this project will create a space for communication and dialogue, which I hope will result in the breaking down of existing barriers that conspire against the full achievement of gender equality. Further, to promote the importance of women's issues, not as a single program but rather as a value of the institution as a whole, as newly appointed Dean I decided that the first issue of *The Advocate* under my tenure would be devoted to highlighting women's contributions to WCL. That issue was published in the Spring of 1996, and focuses on the contribution of women in scholarship, business, and clinical education, while also presenting the experience of successful role models by highlighting faculty, students and alumnae of the institution.

We are currently strengthening and expanding the Human Rights and Humanitarian Law Center. Created in 1994, the Center is a project that reflects WCL's commitment to values of human dignity. This year, for example, the Dutch government awarded WCL a grant of \$360,000 for a two-year program designed to analyze the jurisprudence of international human rights organizations. By providing invaluable assistance to NGOs, practitioners, government representatives, and international civil servants who currently have no access to authoritative interpretations of internationally recognized rights, this project will place WCL in the forefront of the development of human rights jurisprudence. Additionally, to promote hemispheric human rights and to underscore WCL's position in the vanguard of human rights advocacy, we will host an Inter-American Moot Court Competition in Human Rights in summer 1996. The first of its genre in the hemisphere, this competition has already attracted twenty teams from around the globe. These efforts demonstrate the existence of a critical mix of scholars, students, and staff at WCL, engaged in implementing creative endeavors, providing leadership, generating projects, and attracting funding from all over the world.

WCL's social mission requires giving pro bono activities extraordinary priority in the institution. We see the promotion of a spirit of generosity and volunteerism as an integral component of the legal profession. Accordingly, by emphasizing public interest law, WCL

faculty introduce a spirit of service into the school's programs which helps to create future lawyers who are committed to pro bono activities. As a product of a pluralistic community, pro bono service at WCL has different manifestations, it is neither liberal nor conservative, rather its importance supercedes political preferences. The promotion of pro bono work is currently taking many different forms, including the pro bono newsletter and the support of a powerful pro bono committee within the institution. I am especially proud of the Oak Hill Project, sponsored by the Program on Law and Government and the Criminal Law Society, which sends our students to tutor, teach street law, and represent young people in the District of Columbia's juvenile detention facility.

To further promote the links with the legal profession and our alumni, one of the first acts of my tenure as a Dean was to reconstruct and redefine the Dean's Advisory Council. Created in 1981, the Council had been inactive for many years. Distinguished lawyers, representing a broad spectrum of the legal profession, alumni and non-alumni, have accepted the invitation to advise us on the needs of a constantly evolving profession that requires an ongoing dialogue with academia to ensure that our graduates are better prepared to face tomorrow's legal challenges. Already, our first meeting produced invaluable insights that led to the creation of subcommittees where members of the faculty will have a continuous dialogue with practicing lawyers in key areas such as: professional responsibility, technology, ethics, and business law. I expect this relationship to open new opportunities in externships and employment to our students and graduates. Additionally, I started a program to visit law firms and government agencies as well as inviting personalities of the bar to appear at the law school. Consistent with the school's commitment to diversity—a crucial value to participating in today's world—I have met with leaders of the Hispanic Bars of the District of Columbia, Maryland and Virginia and we will co-sponsor their conference at our facility in May of 1996.

The importance of teaching in the institution requires additional efforts to adapt our curriculum to new developments in our environment. For example, skills and values are not offered in a systematic way in the curriculum, global issues have not yet made their way to the first-year classes and experiential learning has not been thoroughly developed. We have not yet completely explored all our opportunities to use the school's location to its fullest in a city as exciting as Washington, D.C. Our new building, a state-of-the-art facility with far reaching audiovisual capabilities, has to be meaningfully integrated

into the teaching process. In recent years, we have seen the development of a renowned clinical program and the development of numerous initiatives of successful and innovative teaching at WCL. Now the time has come to take stock of all these developments and fully project them. For that purpose I have asked the curriculum committee to reopen a high level debate on curricular issues, as well as to prepare two studies, one on Skills and Values and the other on Global Issues. I am also encouraging those professors who want to experiment with new concepts in the first year curriculum. In addition, I intend to hold a faculty retreat in the Spring of 1997 to make progress on the curricular front. In accordance with my participatory view of the institution, stressing the elements of consensus and experimentation in curricular matters is more important than seeing these issues as a zero-sum game.

The retreat will also be a way to further consolidate a consensus emerging in the institution on the critical importance of scholarship. We are already examining ways in which our new facility creates the best conditions for scholarly pursuits, and the support we provide through grants and the allocation of staff resources to the faculty. We have allocated additional resources to strengthen our speaker series and have revised the class schedule to ensure increased time availability by faculty, so that discussions of scholarship are possible. This year, for the first time, three research awards will be given to distinguish those scholars who excelled in their writings. During the fall of 1996, I will create a committee whose purpose will be to prepare additional concrete proposals on the promotion of scholarship to ensure that it is recognized in our community as a top priority.

The rich participatory society that defines the Washington College of Law has resulted in renowned clinical and international programs. Those programs are extremely important for our admissions process; many students choose to attend WCL because of its national and international recognition. From an administrative point of view it is critical to continue supporting the development of such programs. In this respect, promoting cross-fertilization between the programs and the law school at large is essential. For that purpose, in the case of the clinics, we will conduct a mini-retreat in April, 1996 to discuss the ways in which the clinical faculty can share its vast experience in teaching and experiential learning with the rest of the faculty. If we succeed in creating an environment where law clinic faculty can benefit from coordination with "traditional teachers," the result would be an educational experience of a higher value for all our students. At the same time, both clinical and non-clinical professors

would engage in more educational experimentation, creating space for different types of models for skills and value reflection. These types of coordination and cooperation also apply to the international offerings at the law school. Structured around a dynamic Master of Law program that has resulted in almost forty international course offerings each semester, the promotion of initiatives that embrace both "international and non-international" professors result in richer course offerings and scholarship to the benefit of our community. Summer programs are an exciting mechanism to attract participation of faculty and students in the new global reality. The law school has a program in Chile in which professors of both international and domestic courses are already participating. This program has resulted in new scholarship and teaching that incorporate international and comparative law concepts. Moreover, this year we have started a program in Europe (France and Geneva); we are organizing a joint conference with the University of Paris Nanterre, with which we have an excellent exchange program. The program started two years ago and WCL is currently exploring similar initiatives with the University of Hong Kong. These initiatives will undoubtedly present new opportunities for both faculty and students and further strengthen the international component of WCL. New and important developments are being implemented to strengthen our Law and Government Program. The Program currently organizes conferences and seminars in constitutional and administrative law, and serves as a forum for scholarly exchanges of high caliber. This year, thanks to the Law and Government Program, WCL will offer new courses in legislative and other related fields during our summer session.

Another noteworthy programmatic initiative relates to our emerging law and business program. In the area of tax, business associations, international business transactions, and corporate law, a group of faculty and students are promoting exciting initiatives, including conferences and seminars in business, the supervision and development of an even stronger business curricula, as well as the design and implementation of business-related research projects. To give coherence to such an important area of the legal profession, I have appointed an Acting Business Director to serve as the focal point for various efforts designed to promote further the business programs of WCL.

Similar initiatives of expansion are taking place in other key areas. While WCL currently offers specialized teaching and scholarship in the field of environmental law, principally in its international applications, we are now pursuing the addition of three domestic

environmental courses in the Fall of 1996. Conferences, seminars, and a program of externships are also being organized in this area. Efforts to monitor the needs of the legal profession and to evaluate the types of courses and seminars that will respond to its strategic concerns have led to additional initiatives. For example, intellectual property and communications law are areas in which the law school may fortify its offerings. The Administration is responding to these needs by hiring adjunct and visiting professors in these fields, while the need for the establishment of permanent positions is assessed.

My colleagues and I are also attempting to respond to the practical needs of different fields within the legal profession. For instance, given that approximately thirty percent of WCL graduates are solo practitioners, we are promoting efforts to address the practical challenges that practitioners encounter. The realization of these and other goals calls for community participation as a key element in creating a consensus on the course to follow. This participation in the consideration of goals and new initiatives will be fostered by a series of mini-retreats with interested faculty and students.

The 1995-96 academic year has been full of exciting changes and growth. First, because of the move to our new, technologically enhanced facility, WCL has the space and means necessary for exploring new possibilities in the development of the institution. In addition, this year marks WCL's Centennial Anniversary. I see a tremendous opportunity in the Centennial Celebration and Building Dedication to invigorate my visions for WCL. To begin the Centennial Celebration, students, staff, and faculty are hosting a diverse range of activities. Our Academic Program, entitled *The Past, Present and Future of Law and the Legal System*, includes fifteen academic panels covering numerous topics such as securities litigation reform, the role of law in the information age, and the future of the international protection of human rights. Each topic will be covered in round table discussions, attracting academicians, members of the bar, and of the judiciary. For the first time also, CLE credit will be offered in all of our academic panels, to secure broader participation by the practicing bar, particularly our alumni. Additionally, WCL will host a Career Services Day and a Pro Bono/Community Service Day that will give faculty and students an opportunity to showcase our myriad of projects and activities. All of these efforts will allow the WCL community to embark on a review of its programs, its character, and its future.

The Washington College of Law is a community committed to excellence at the highest standards of teaching, scholarship and

service. I have no doubt that our next hundred years will show WCL to be a place for experimentation and renewal in teaching in a cutting-edge technological environment. WCL will be a place of high quality scholarship that asks the most important questions facing law and society, constantly reexamining the paradigms that organize legal thought. It will be a place that, in the spirit of its founders, will continue to be committed to serving justice and promoting fairness. I have no doubt that WCL will be a place where individuals will find ways to work cooperatively with others inside and outside the institution to organize exciting programs and initiatives that will address the needs of a society in a dramatic process of transformation.

My optimism in the future of WCL is the result of my own experience. Over twelve years ago, Dean Burgenthal and my colleagues invited me to direct a new program in international law that had only a handful of students. Today, WCL is one of the pre-eminent centers for the study of international law in this country and the world. That reflects the unique space for creativity and experimentation that defines our institution. In the face of the uncertainties we confront on earth today, the space to create, innovate and excel defines and ensures WCL's exclusive place in the world of law.