

## Why Study Law in the Heart of the Empire?

*Personal Comments of Asst. Dean Lydia Lazar, Chicago-Kent College of Law*

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To some people, 'law' is a set of rules designed by the powerful to entrench their power, while for others it is a set of rules designed by an enlightened elite to create a level playing field where people can compete to the best of their ability to make money. Still others see the law as an evolving set of rules that reflect communal efforts to live together harmoniously. Finally, many view the law as morality codified, arguing that we criminalize behavior we determine to be ethically injurious to the society as a whole. Whatever your view of the law, and of course many believe it is some combination of the above explanations, if you decide to study the law of a country other than your own you will enrich and expand your understanding of your own legal system and gain invaluable cross cultural experience that will help you no matter what you decide to do when you finally leave the student life and enter the working world.

My task is to entice you to consider and then actually decide to study law in the US, and specifically at my law school, the Chicago-Kent College of Law. I know that law students today have a wide variety of options to choose from when they look around the world for a place to do a post-graduate degree. For students from the civil law tradition, the attraction of studying in the US, the UK, Canada or Australia is the opportunity to learn about the common law –its history, methods and current applications. For many, the chance to do comparative work in an area they are already familiar with is important. For others, the most important goal for their year of study abroad is to improve their English and prepare for a career working as an international lawyer. Whatever your goal, I will argue and hopefully convince you that the US and Chicago-Kent in particular is your best choice as you prepare to take this important step in your professional life.

It is a commonplace today to say that the world is rapidly changing and that we must change with it or get left behind. We read constantly about rapid advances in technology, the inexorable forces of globalization, increased global competition for jobs of all types as a result of outsourcing –all these pressures on us as individuals are creating tremendous stress for students and their parents. You have already chosen to study law in your own country, but you may not be sure what you are going to do with your degree –will you be an attorney in a law firm? Or work in a government agency, or the judiciary? Will you work in business? Will you work within your own legal system or handle matters that cross jurisdictions? Whatever path you imagine taking, there are excellent reasons to consider spending a year with us in Chicago before you get started.

First of all, studying in another country is about opening your mind and your heart to another culture, another people. You will be transformed by the experience in ways that you cannot predict because you cannot know, in advance, the events you will experience, the skills you will sharpen, the relationships you will develop, or the intellectual insights you will have. And after you have left Chicago-Kent, as you grow and mature as a legal professional, you will continue to reap the benefits of your study year because you will have invested in your own potential as an individual, and such an investment can only increase in value as you yourself become more confident and accomplished in your field.

Second, studying law in the US is not like studying law in Germany, or China, or France or even India, a common law jurisdiction. There are several reasons for this, including the nature of the common law itself and the challenging way that US law schools teach it, the general caliber and experience of our law students, and the cost of a legal education.

Let's get the cost issue out on the table first: yes, it is expensive to study in the US. Depending on where you are admitted, the tuition costs alone can be well over \$20,000 for a one year LLM program. And that figure does not include living expenses, which can add another \$15,000 or more. I will come back to why this is a reasonable investment for you to make, but I do realize that the costs can be prohibitive. We in the US do not have a free university system, so we are used to the idea that we must pay for our schooling, and we do have a system of student loans at low interest rates that nearly all US citizens use to finance their education. But the cost issue is relative: unlike the case in many countries, US law students are graduate students, which means they have already completed - and most likely borrowed money for - a four year degree in another subject. They are therefore already in debt, and they are now committing to spend another three years in law school to earn a JD and they are usually borrowing a great deal of money to do so. One year LLM programs are only open to people who already have one law degree, which does not include Americans since our colleges and universities do not offer law degrees. So non-US jurists are lucky that they can earn a law degree in the US for the cost of only one year of study!

Studying at a US law school is challenging intellectually for several reasons. Law schools attract our best and brightest students since law is a profession that pays well in both financial and intellectual terms. Our law students are already knowledgeable about something else before they get to us—for example literature, economics, history, mathematics, political science or music – and they have often worked for a few years before entering law school, which gives them a broader, real world perspective on the study and practice of law. Non-US jurists in LLM programs are usually integrated into regular law school classes—at Chicago-Kent, there is only one class that is exclusively for the LLM students—so you are in class with the JD students and expected to participate fully in the classroom, which is obviously challenging in terms of your English language skills and which brings me to the common law and the way we teach it.

Of course, the expression 'the common law' cannot easily be defined and in fact the point of studying in the US is to learn how the common law developed over time, what it is now, and how it works in practice today. A critical element of the common law is what we call the common law method, and this relates to how we teach law: we read cases and we learn about the law from the cases. We also learn about statutory—that is, legislative—law, but it is in the reading of cases and the classroom discussion of those cases that US law schools challenge every student to participate fully in the intellectual project that is the heart of the common law method. I tell students that as we read the cases we are joining a dialogue with some of history's brightest thinkers, and we retrace their arguments in order to develop within ourselves a robust understanding of the legal issues and the reasoning employed by the judges as they made their decisions.

In a US law school the professor will challenge students in class and expect them to support their arguments with reasoned analysis based on their own understanding of the legal issues involved, the cases they have read, and their perceptions of the social, economic and other justifications for the decisions. The classroom experience is lively and fast paced, and the students learn not only from the professors and the readings but from each other as well. Now I know that cases are studied in the civil law tradition as well, but, I would suggest, they are studied and in fact used for a different legal purpose.

It might help to think of the civil law as a tapestry, a woven matrix of rules and regulations with very small spaces—gaps - between the threads where courts interpret the rules to fill the gaps when necessary. Now think of the common law as an ocean, in which swimmers and ships encounter icebergs of statutory law as they make their way to and from their various ports of call. The study of case law to fill gaps in the legislative and regulatory matrix of civil law is very different than the study of case law in order to be able to swim in the ocean, with its unpredictable currents and unexpected icebergs. Common law lawyers are master swimmers and sailors, as they use their legal reasoning skills and knowledge of precedent to survive and prosper in the roiling sea.

So why should you study the common law and why in the US and why at Chicago-Kent College of Law? You should study the common law because in fact to do so is more than merely memorizing a set of rules, as it is also more than merely a method of analyzing case law. To study the common law in a common law environment is to develop for yourself a set of swimming skills –really, thinking skills- that prepare you as an individual to make sense of and prosper in the rapidly changing, stressful world of global capitalism. But what has capitalism got to do with the common law? So far I have not really mentioned politics, but it goes without saying that the global competition for jobs that we each face is a product of the inexorable expansion of the increasingly global capitalist enterprises that now dominate our national economies. And these enterprises are, for the most part, products of the particularly fertile soil of democracy and the common law legal system, so learning about that legal system makes sense.

Why choose the US for this swimming lesson? Well, why not study global capitalism where it has developed and prospered? There is something about the American legal system and the American form of democratic governance that together have created an economic environment that both incentivises and enables individuals and enterprises to achieve substantial financial success. Now, there is no doubt that the US model of capitalism is also seriously flawed and the events of the past few years –from the stolen election of 2000 to the misguided invasion of Iraq to the botched response to Hurricane Katrina –all demonstrate that the US needs to make some substantial political changes to address persistent social inequalities, to reinvigorate our own democratic process, and to get the country back on the right track in terms of its role as a global superpower. Whether you think that the US is an imperial power on the decline or still ascendant, for the purposes of our own lifetimes I would argue it remains the go-to country for a legal education that will prepare you for the 21st century.

Finally, why choose Chicago-Kent College of Law to study American style capitalism and the common law? Chicago-Kent is a dynamic, progressive law school located in a wonderful city, Chicago, and it offers students a place where they can learn from world class scholars, get personal attention from a caring administration, and find common ground with a wide variety of students from many countries. Our graduate programs in law are flexible, we offer an incredible array of upper level law courses, and our graduates are working in some of the most important law firms, global enterprises and government agencies in the world.

We offer three different LLM programs, each one designed to give students the opportunity to do creative original legal research and writing and to learn from professors doing innovative and cutting edge legal thinking. Our program in international intellectual property is unique, challenging and directed by one of the world's leading IP thinkers, Graeme Dinwoodie. Our program in financial services law gives students the chance to study with legal professionals who are working in the world's most exciting markets: the Chicago Board of Trade and the Chicago Mercantile Exchange. Our LLM program in international and comparative law is directed by an expert in international competition law, Professor David Gerber, and we have on our faculty professors who are experts in such fields as international trade, international commercial arbitration, and international business transactions.

But even if you are not interested in business but instead are interested in subjects like human rights law or the intersection of law and technology or the development of global governance regimes to combat environmental degradation, Chicago-Kent College of Law is a great place for you to study because we have professors and faculty and students who are focused on those issues as well.

Finally, Chicago is a great place to live, with miles of lake front beaches, world class museums, fabulous blues, jazz and rock clubs, and an abundance of affordable, decent housing options. The Midwest is America's heartland, and its people are open, friendly and welcoming to strangers. Chicago is a big enough city to keep your interest but it is also a small enough place

for you to feel at home in. We have excellent public transit systems, and an effective and efficient city government –in fact, Chicago is known as ‘the city that works’ –and it will work for you!

So come study the common law in Chicago –making this investment in yourself is the best decision you can take as you contemplate competing –and winning –in the global marketplace of the 21st century. For more detailed information about our programs, go to <http://www.kentlaw.edu/international> and apply online today!

- *Lydia Lazar*