Fall 2003 Conferences

The School of Law hosted three major conferences on legal research and writing, biotechnology, and globalization.

Research, (W)riting, & Résumés: Strategies for Pedagogical and Professional Development

Legal research and writing professors from throughout the Midwest gathered at the School of Law on September 12-13, 2003, for a conference focusing on the three “Rs”: research, (w)riting, and résumés.

Topics ranged from making legal research and writing of interest to Generation Xers to breaking writer’s block; fostering creative and analytical thinking among law students through course syllabi; considering the role of professionalism in legal writing; helping students develop research strategies; and making use of atypical resources, including unpublished court decisions. 

The conference also offered sessions on how to strengthen the professors’ own résumés and on where to find resources for professional development and scholarship in legal research and writing.

“We were delighted to be chosen to host this conference at Washington University,” says Jo Ellen Lewis, associate director of legal research and writing and co-organizer of the conference with Ann Shields, director of legal research and writing. “It was a terrific way to showcase our School and to demonstrate our commitment to providing a top-notch legal research and writing program for our first-year students.”

Several of the professors discussed how current, real-world cases can enliven the curriculum. In a session on the benefits of co-teaching, Professors Cliff Zimmerman and Jonathan Gordon of Northwestern University School of Law explained how they adapted a case from Northwestern’s Legal Clinic for their second-semester moot court problem. University of Houston Professors Katherine Brem and Tobi Tabor described how they incorporated pro bono work into their program.

In other innovative approaches, Washington College of Law Professor Ian Gallagher discussed how faculty can draw upon legal fiction writers, such as John Grisham, to teach the fundamentals of good legal writing. Indiana University School of Law Professor Kenneth Chestek and Southern Illinois University School of Law Professor Melissa Marlowe-Shafer explained the benefits of enlisting their respective university’s drama students to simulate the roles of clients for certain writing assignments.

Other professors discussed specific tools and computer programs to assist professors and students, such as the use by legal instructor Anthony Palasota of Texas Southern University of the Watson-Glaser Critical Thinking Appraisal, which measures several aspects of critical thinking, including inference making, recognition of assumptions, deduction, interpretation, and evaluation of arguments.

Legal Perspective on National and International Biotechnology Disputes

In preparation for a United Nations Industrial Development Organization (UNIDO) Global Technology Forum to convene this spring in Chile, the School of Law co-hosted a workshop on global biotechnology disputes for an international group of judges, scientists, and policy advisers. Also co-hosting UNIDO’s October 12-14, 2003, Working Party on Conflict Resolution Initiatives for Biotechnology Disputes and Controversies was the Einstein Institute for Science, Health, and the Courts (EINSHAC) and the Missouri Botanical Garden.

The October 13, 2003, workshop held at the School of Law dealt with the “Legal Perspective on National and International Biotechnology Disputes.”

All the workshops were designed to provide the judges with a scientific foundation in biodiversity, biosafety, and related biotechnology and to orient the scientists about conflict resolution mechanisms and their role in international biotechnology disputes. International dispute resolution is one of the topics on the agenda for the Global Technology Forum in Chile, which will bring together representatives of governments, development agencies, industry, the scientific community, and the public to examine issues related to biotechnology and sustainable development.

“As long as biotechnology continues to provide practical solutions to important world problems of food, health, and the environment, improving the way governments resolve disputes in this field will be essential for improving the quality of life throughout the world,” says F. Scott
Kieff, associate professor of law, “UNIDO and EINSHAC are undertaking a significant role in this process, and we are pleased that the School of Law could help facilitate their international mediation efforts.”

According to Charles McManis, the Thomas and Karole Green Professor of Law, “Agricultural biotechnology in particular has become embroiled in a variety of national and international political controversies that have generally shed more heat than light, as proponents and opponents alike tend to obscure important differences in private- and public-sector uses of agricultural biotechnology. For this new technology to be used in a socially responsible way, informed public policymakers and a credible dispute resolution process are crucial.”

At the law school’s workshop, McManis and Kieff discussed the legal context underlying various biodiversity, biotechnology, and biosafety disputes. Commentators included Chief Judge Douglas H. Ginsburg, United States Court of Appeals for the District of Columbia Circuit; Judge Pauline Newman, United States Court of Appeals for the Federal Circuit; Deputy Presiding Judge Joan Zeldon, Superior Court of the District of Columbia; Justice Amadeo Santusosso, Tribunale de Milano, and president, European Network for Science, Law, and Courts; Judge Mary A. Terrell, Superior Court of the District of Columbia and United States delegate of the African Judicial Network; and Ananda M. Chakrabarty, Distinguished Professor of Microbiology and Immunology, University of Illinois at Chicago.

The sessions drew judges from the Supreme Court of the Philippines; African Judicial Network; Tribunale de Milano; Concepcion Law Courts; and supreme courts, courts of appeal, and district courts throughout the United States. Science and legal advisers represented the World Intellectual Property Organization, United States Department of Health and Human Services, United States Department of Agriculture, Berne Botanical Garden of Switzerland, Donald Danforth Plant Science Center in St. Louis, Weitzmann Institute of Israel, Missouri Botanical Garden, Monsanto Corporation, National Institute of Environmental Health Sciences, Salk Institute, and numerous universities.

Globalization, the State, and Society

With the increasing mobility of goods, services, labor, technology, and cultures across international borders, globalization creates new challenges for governments, societies, and individuals. Experts from the fields of political science, economics, and law came together to promote interdisciplinary discussion and research leading to improved understanding of globalization and better policy at a recent conference.

On November 13–14, 2003, the School’s Center for Interdisciplinary Studies and the Whitney R. Harris Institute for Global Legal Studies, along with the Department of Political Science in Arts & Sciences, presented “Globalization, the State, and Society” as part of Washington University’s year-long celebration of its Sesquicentennial.

“Participants from a broad range of disciplines explored and debated the relationship between globalization and sovereignty, as well as the changing role of the modern social welfare state and social contracts between states and individuals in an increasingly global economy,” says conference co-organizer John Drobak, the George Alexander Madill Professor of Law and director of the Center for Interdisciplinary Studies. “Conferences such as this are integral to the exchange of ideas and the promotion of future research and policy agendas.”

Four interdisciplinary panels focused on global governance and the state; globalization and labor; globalization and migration; and globalization and social welfare. Conference papers spanned such topics as governing the International Monetary Fund; sustainable labor migration policies; globalization and social policy; the effects of globalization on immigration policy and nationality; labor power and mobile capital in a global market;
and emigration and economics. The papers from the conference are being compiled into an edited volume.

According to conference co-organizer Andrew Sobel, associate professor of political science in Arts & Sciences, “Globalization presents tough challenges to the modern social welfare state and the social contracts between peoples, their societies, and their governments. Balancing growth, rights, security, and justice requires a better understanding of globalization and how the interconnectedness of societies affects their abilities to attain and allocate such goods.

“Globalization can mean increasing development, promoting justice and the distribution of opportunity, and advancing the growth of civil and political liberties,” Sobel continues. “But it also can present pitfalls as groups fear loss of identity, face economic subordination to those beyond their borders, encounter the export of environmental degradation and diffusio
School Hosts the American Law Institute

During the week of Washington University's 150th birthday party, the School of Law hosted meetings September 19–20, 2003, on three ongoing projects of the American Law Institute (ALI). An organization of approximately 3,000 attorneys, judges, and law professors, the ALI was established in 1923 "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific work." The School of Law has 12 members elected to this prestigious organization.

"The ALI publishes Restatements of the Law, Model Codes, and other volumes designed to promote law reform, but only after a long process of drafting, analysis, discussion, and approval," says Susan Frelich Appleton, the Lemma Barkeloo & Phoebe Couzins Professor of Law, an ALI member since 1987, and a member of the ALI Council (the governing board) since 1994. "Each project's reporters or drafters are selected for their expertise in the particular subject matter. The reporters share their drafts with others knowledgeable about the field—first in meetings with the given project's advisers and members consultative group, and then with the council."

"The council must approve the work for consideration by the full membership of the institute at the annual meeting," Appleton continues. "Historically, ALI projects have had a significant impact in both judicial opinions and statutory enactments. Some of the most influential projects include the Model Penal Code; Restatement of the Law, Second—Contracts; Restatement of the Law, Second—Torts; and the Uniform Commercial Code."

The ALI advisers and the members consultative group for Restatement of the Law, Third—Property (Wills & Other Donative Transfers) met with reporter Lawrence W. Waggoner of the University of Michigan and associate reporter John H. Longbein of Yale University on September 19 to discuss draft material about class gifts. The ALI advisers and the members consultative group for Restatement of the Law, Third—Restitution & Unjust Enrichment also met that day with reporter Andrew F. Kull of Boston University to discuss his treatment of "the common domain of restitution and contract law."

On September 20, the ALI advisers and the members consultative group for the Restatement of the Law, Third—Torts: Liability for Physical Harm (Basic Principles) discussed draft material on affirmative duties with reporters Michael D. Green of Wake Forest University and William C. Powers, Jr., dean of the University of Texas School of Law.

Washington University faculty and students were invited to observe the sessions, which drew ALI members from all over the country. The torts meeting proved particularly popular among first-year law students, who study that subject in a required course.

The School of Law and the ALI also co-hosted a September 19 reception in the Janit Lee Reading Room. Joel Seligman, dean and the Ethan A.H. Shepley University Professor; Lance Liebman, ALI's director; and Michael Traynor, ALI's president, made brief remarks to the reception's guests, which included those attending the ALI meetings, law school faculty, members of the School of Law's National Council, and local attorneys and judges.