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The SMU Dedman Law School - a “Global Law Center” for Seven Decades

Introduction

With his experience from the Nürenberg Trials¹, SMU Law Dean Robert Storey saw the world growing smaller and smaller and the need for international cooperation greater and greater. In this context, he recognized the critical importance of developing international institutions and international law and of promoting of the rule of law and democratic values. He also recognized how little American lawyers and law students knew about these new international challenges and about the importance of building bridges among the differing legal systems in the world (i.e., the need for fostering a sound comparative law methodology). Thus, it is not by coincidence that in 1947 when Dean Storey articulated his vision of the SMU Law School as a “Legal Center”, he set about to establish a major international and comparative law program (one of the first in the country).

The Tradition

A. The Storey Era

In that same year of 1947, Dean Storey brought to SMU Professor A.J. Thomas, Jr. from the University of Michigan. Professor Thomas was soon to become the driving force behind the Law School’s international and graduate law programs. Also, in 1949, Dean Storey hired Professor Whitney Harris (a fellow Nürenberg Trial prosecutor). Professor Harris was to become the first director of the soon-to-be created Law Institute of the Americas. In fact, it was in 1947 that Dean Storey himself taught SMU’s first course in international law; and, the affiliated Southwestern Legal Foundation (now Center for American & International Law) held its first international law conference on public and private law issues.

Also, in 1947, Dean Storey “poached” the Assistant Law Librarian from the University of Texas, Ms. Hibernia Turbeville, to become the Law School’s law librarian (the Library, as was the Law School, was then located in the basement of Dallas Hall). Ms. Turbeville oversaw, until her retirement in 1979, the remarkable development of our Law Library and, particularly, of its renowned international and comparative law

¹ In fact, The SMU Law School had the unique distinctions of having four of its professors involved in these Trials (i.e., Storey, Whitney Harris, Charles Brudno and Jan Charmatz).

collection. “Ms. T’s” commitment to this collection was further enhanced through successor librarians, Professor Earl Borgeson,, Professor Gail Daly, and our current Librarian, Associate Dean Greg Ivy.

In the early 1950s, Dean Storey created a high quality Master of Laws program. His conceptualization of postgraduate legal education was of a “Graduate School of American and Foreign Law,” which was to be a cooperative endeavor between the Law School and the Southwestern Legal Foundation created to meet the challenges of world leadership that had been pressed upon the legal institutions of the United States by international developments following WWII. The components of the original Graduate School comprised: SMU Law Institute of the Americas, the Academy of American Law, and the Foreign Specialist Program.

The Law Institute of the Americas (established in 1952) brought together on the SMU campus U.S., Canadian, and Latin American scholars. The Institute obtained significant funding from the Braniff Foundation, the Agency for International Development, and other major corporate and foundation sponsors. Also of historical note, the Institute conducted a joint Doctor of Comparative Law (D.C.L.) degree program with the Autonomous National University of Mexico during the 1950s.

The Academy of American Law (established in 1955) had as its primary purpose to provide a comprehensive program of legal study to a select group of foreign lawyers, judges, prosecutors, and professors who had not received training in Anglo-American law -- particularly those whose governments have manifested a desire to include certain American legal principles in the framework of their legal systems (the main geographical emphasis being on the Asia-Pacific area).

The Foreign Specialist Program (a one-year graduate program) was designed for American attorneys who wished to train for service abroad, with U.S. corporations engaged in foreign operations, with governmental agencies operating abroad or with foreign clients.

Dean Storey continued to add to the Law Faculty, during the 1950s, Professors of international background and standing. For example, Professors Julio Cueto-Rua and Genaro Ruben Carrio, both of Argentina, were full-Faculty members; Professor Robert Reigert was added as a comparative law scholar; and Professor Andrew Lee, Dean of Soochow Law School, Taipei, became a frequent visitor. Also, during the 1950s, Professor A.J. Thomas, Jr. established himself as a recognized scholar on Latin American legal institutions and on Inter-American organizations. Professors Thomas and Cueto-Rua, with Dean Storey’s strong support, helped develop the core of SMU’s acclaimed international and comparative law library collection during this period.

In 1955 Dean Storey brought to SMU Professor Joseph W. McKnight, a Rhodes Scholar (Oxford law graduate). Professor McKnight came to teach such courses as English Legal History and Roman Law. He also brought to SMU close Oxford and European academic contacts that provided a basis for our current Oxford Summer Law

Program and for periodic distinguished visitors. In addition, Professor McKnight established himself as a leading legal historian on Spanish law influences on Texas law, brought close Spanish and Mexican legal connections. Even more significantly, Professor McKnight guided the development of one of the finest Commonwealth, Spanish and Mexican law library collections in the United States.

Coming to SMU in the late 1950s was Professor Jan Charnatz, a leading comparative law scholar. He had law training at Yale and in Prague, Czechoslovakia; and, he had served as an Associate Prosecutor at Nürenberg. Professor Charnatz reinforced SMU's strengths in the comparative law area.

B. Dean Rheim and the Professor Taubenfeld Hiring

Professor John W. Rheim, Jr. (1959-63) brought to SMU a young international lawyer, Howard J. Taubenfeld. Until his passing in 1996, Professor Taubenfeld came to establish himself as a pathfinder in the area of air and space law and also in the areas of women's rights and multicultural societies. Professor Taubenfeld was responsible for the *Journal of Air Law and Commerce* coming to SMU.

Also coming to SMU in 1960 was Professor Boris Kozolchyk, who had been educated in Cuba and had taught at the Universities of Chile and of Miami. Professor Kozolchyk introduced the "thread" of comparative research in the commercial law area to SMU's international dimension.

In the 1960s, emphasis was still placed on foreign Professors and scholars from Latin America (e.g., from Argentina and Chile) and Southeast Asia (e.g., China, Korea and Japan), though funding became more limited. Also, a joint D.C.L. degree with the University of Buenos Aires was established.

C. The Galvin Era

As with Dean Storey, Dean Charles O. Galvin (1963-1978) provided strong support for the international graduate program, and for the development of a world-class international and comparative law collection (which came to be housed in the state-of-the-art Underwood Law Library, one of Dean Galvin's most significant contributions to the Law School).

Dean Galvin and his wife, Peggy, were noted around the world for their generosity and hospitality as they hosted countless international students and visitors and as they visited abroad. The same was the case with Professors A.J. and Ann Thomas, who became "adopted parents" to scores of international students.

Dean Galvin further solidified and expanded the Law School's "international faculty" through a series of significant faculty hirings. For example, in 1966 the Faculty hired Professor Charles J. Morris (who was to become an internationally recognized labor law scholar). He also added key administrative staff (e.g., Ms. Doris Beale and Ms. Jean

Jury), who provided invaluable “nurturing” support for our international students and visitors.

In the mid-1960s, the Law School graduated its first Doctor of Juridical Science (S.J.D.) candidate, Dr. M. Aboul-Enein (until his recent passing, Vice-President of the Egyptian Constitutional Court and Director of the Cairo Regional Centre for International Commercial Arbitration).

In 1972, Professor Beverly Carl joined the Faculty. She brought with her extensive governmental and legal educational experiences in the international area. Though her primary area of international interest was Latin America, Professor Carl came to serve as the Law School’s “roving ambassador,” opening new and important academic relationships in Brazil, the P.R.C., Indonesia, Peru, and Venezuela. She developed a “new generation” of international law courses in the area of trade and investment in developing countries and in international dispute resolution.

Next in 1973, Dean Galvin and Professor Thomas talked to a then young Dallas lawyer, Joseph J. Norton (who had studied at Edinburgh and had received his S.J.D. in international law from Michigan), to serve as an adjunct professor in a number of international courses. Professor Norton joined the Faculty full-time in 1981 at the urging of Dean Salacuse and Dean Ad Interim Thomas. Professor Norton since has established himself as an internationally recognized scholar in banking and finance law (also jointly holding the Chair of Banking Law at the University of London from 1993-2015).

In 1974, Professor Cliff Thompson (who later became Law Dean at the University of Wisconsin) joined the Faculty. He was a graduate of Harvard and Oxford University and had significant and contrasting legal educational experiences in Europe and North Africa.

Furthermore, in 1974, Dean Galvin convinced Professor William Streng (a tax lawyer by training and the Deputy General Counsel of the Export-Import Bank of the United States) to come to SMU. Professor Streng developed courses in international business and taxation and became a nationally recognized scholar in these areas.

Professor Peter Winship joined the Faculty in 1975. Educated at Harvard and London, Professor Winship also had served as an adviser to the Ethiopian Government. Over the past twenty-plus years Professor Winship has established himself as an internationally recognized commercial law scholar. He has been most active with respect to UNCITRAL and the International Institute for the Unification of Private Law and has expended considerable energy in the area of commercial law reform in developing and emerging economies. He is a leading expert on the Convention for the International Sale of Goods.

In 1978, Professor Jeswald W. Salacuse (later to become SMU Law Dean from 1980-86) joined the Faculty from the Ford Foundation and from extensive legal experience in Africa. Dean Salacuse quickly established himself as an internationally

recognized scholar in international business law and dispute resolution areas. He and Professor Streng co-authored the leading multi-volume text on doing international business.

In that same year, Professor William Bridge (educated at Columbia and Paris) joined the faculty to help fill the comparative law void left by Professor Charmatz's retirement. Professor Bridge, in addition to his comparative law teaching, was to become one of the catalysts for our Oxford Summer Law Program and for our Jessup International Moot Court Competition and Wilhelm Vis Mock Arbitration Competition.

The 1970s, however, presented an unfortunate event: the strains between the Law School and the Southwestern Legal Foundation increased to the point that the Foundation left the SMU campus to locate at the new University of Texas at Dallas.

D. A. J. Thomas, Jr.

From 1978-1980, Professor A.J. Thomas, Jr. served as Dean Ad Interim, guiding the institution through one of its most tumultuous periods. "A.J.'s" contribution to the "international dimension" cannot be overstated. As discussed above, Professor Thomas was the anchor for the Law Institute of the Americas for two decades and for the Graduate Law Program generally for three decades until his untimely death in 1983; and, he was a public international law scholar of international reputation.

E. The Salacuse Period

In 1980 Professor Jeswald W. Salacuse succeeded as Dean. This was a "window in time" when Dallas was aspiring to be an "international-class business and financial center." Dean Salacuse became the driving force for the expansion of both the Law School's and the University's international profile. He encouraged faculty members in their international activities and increased the number of foreign Visiting Professors (e.g., Sir Guenter Trietel of Oxford, Dr. Bernard Grossfeld of Muenster, and Professor John Cairns of Edinburgh). In addition, Dr. Werner Ebke joined the Faculty for several years before assuming the Chair of International Business Law at the University of Konstanz, Germany and later the Chair in Heidelberg

In 1983, Dean Salacuse, with Professor Norton, was instrumental in the establishment of the University-wide Institute of International Banking and Finance, which has generated a series of international conferences on-campus and of scholarly books and publications.

Dean Salacuse promoted, with Professors McKnight and Bridge and then Professor Paul Rogers, the creation of Summer Law Programs at University College, Oxford University and at the University of Edinburgh. The Oxford Program remains vibrant today and the Law School maintains close Faculty relations with Edinburgh.

The Academy of International Taxation in Taipei was also found during Dean Salacuse's tenure, with the assistance of Professors Lischer and Norton. The Academy remains active today in the training of Chinese and other Southeast Asian tax officials, thanks in large part to the on-going efforts of Professors Emeriti Lischer and Mylan, and Professor Hanna.

F. Dean Penegar

In 1986, Dean L Penegar came to SMU with a broad international perspective, having studied in London and having served as a Visiting Professor for a period at the University of Delhi, India. Dean Penegar's decanal tenure came at one of the most difficult times in the academic and financial life of the University and in the economic life of Dallas and Texas. However, Dean Penegar continued to expand the international activities of the Law School. He helped bring to the Law School *The International Lawyer* (the most widely distributed English language international law journal in the world); he oversaw the curriculum creation for several new international courses; he supported major international conferences and resulting book publications; he brought to the Faculty our first interdisciplinary and third-world scholar, Professor Ndiva Kofele-Kale; and he encouraged and supported numerous Faculty members in their research, travels, and sabbaticals outside the U.S. Also, of significance, Dean Penegar appointed Professor Marc Steinberg from the Maryland Law Faculty as our Radford Professor in business law and securities regulation. Professor Steinberg is not only one of the leading experts in U.S. securities law but he soon became a leading expert in international securities regulation. In addition, Marc is the editor-in-chief of *Securities Regulation Law Journal* and is the current professional editor-in-chief of *The International Lawyer*, the most widely distributed international law journal in the English-speaking world. Over the years, Professor Steinberg's experience has come to include appointments as a Visiting Professor, Scholar or Fellow at law schools outside of the United States, including at Universities in Argentina, Australia, China, England, Finland, Germany, Israel, Japan, New Zealand, Scotland, South Africa, and Sweden.

G. Dean Rogers and The Renewal

Though most difficult financial constraints prevailed from the late 1980s until 1992-93, Dean C. Paul Rogers III (1988-97) continued the decanal tradition of strong support of the Law School's international programs. As a result of this support, we now have a fully accredited *International Law Review Association* comprising over sixty J.D. students. He also facilitated the creation of the *NAFTA: Law and Business Review of the Americas* and brought to SMU the *Inter-American Legal Materials*.

Dean Rogers was instrumental in the hiring of Professor John Lowe as Hutchinson Professor of Energy Law, an internationally recognized expert on energy law. He also made two significant young Faculty hires: Professor Christopher Hanna and Professor Jane Winn, each of whom significantly enhanced the Law School's international strength. Professor Hanna (an expert in domestic and international tax)

became a driving force behind the formation of the Centre for Pacific Rim Legal Studies, of which he remains a Co-Director. Professor Winn (now at the University of Washington) brought particular knowledge and experience (including fluency in Mandarin Chinese) in the Greater China Region. She was also at the forefront of law and technology developments (internationally and domestically) and she served as a Co-Director of the Pacific Rim Centre.

As the University and Dallas began to emerge from their difficult economic times in 1992-93, Dean Rogers and the Law School's Executive Board quickly recognized that legal and business environments were becoming more and more internationalized. He began a series of major visits abroad, reactivated a major on-campus annual international conference, and helped establish the Centre for Pacific Rim Legal Studies and the interim Centre for NAFTA and Latin American Legal Studies (which later became expanded into a reactivated Law Institute of the Americas).

H. Dean Ad Interim Harvey Wingo

In the Fall semester of 1997, Professor Harvey Wingo was requested (for the second time in his distinguished 30 year career at SMU) to serve as Dean Ad Interim. Dean Wingo had engaged in significant comparative constitutional law school research in Canada and had been a Visiting Professor in Taiwan. One of Dean Wingo's first acts as Dean was to consult with the Provost, University Development Officers, and key international law Faculty to ensure that the international section and priorities of the Law School's "Long-Term Strategic Plan" be given continuing support.

Dean Wingo secured financial support to assist SMU Faculty members to deliver lectures in Buenos Aires, Caracas, Mexico City, London, Edinburgh, Germany, Australia, Beijing, and Hong Kong; and to organize several international conferences/roundtables on campus. Additionally, he helped secure (with Professors Rogers, Daly, and Winn) funding of \$1 million from the Hillcrest Foundation for new Law School technology, part of which will be designed to enhance the Law School's international programs. Dean Wingo also secured funding (with assistance from Professors Lischer, Norton, and Rogers) for the Law Institute of the Americas from H.D. Vest Financial Services, Incorporated. In the Spring of 1998, Dean Wingo oversaw a major one-week *Celebration of 50 Years of Legal Education at SMU*.

I. Dean John B. Attanasio

In July 1998, Dean John B. Attanasio became the 10th Dean of our Law School. Dean Attanasio was an expert in the field of constitutional law with an international focus on constitutional development in emerging democracies.

Dean Attanasio undertook significant efforts to expand our international dimensions and to create a solid foundation for a true *Global Legal Center*. For example, he helped orchestrate conference visits by members of the South African Constitutional Court, the Russian Constitutional Court and the European Court of Justice (with members of the U.S. Supreme Court); a global series of six conferences at major law faculties around the world (including at SMU) on the “New International Financial Architecture” (producing four book publications and two major Symposium Issues of *The International Lawyer*); the dedication of the Sir Joseph Gold memorial library collection in international monetary and economic law (including a related major international conference on campus); and a major international and comparative law conference celebrating the 75th birthday of Professor Joseph McKnight. Dean Attanasio has also been a tireless “ambassador” for our Law School, with his travels throughout Asia, Latin America and Europe. He (with former Dean Rogers) was instrumental in establishing the Helmut Sohmen Endowed Scholarships for Chinese Graduate Students.

Also, during Dean Attanasio’s tenure, there were a number of major international Faculty hires: (Prof. Jenia Turner, Prof. Jeff Kahn, Prof. Anthony Colangelo, Prof. Joshua Tate, Prof. Nathan Cortez, Prof. Keith Robinson, Prof. David Taylor, Prof. Chris Jenks and Prof. Orly Mazur.

J. Dean ad Interim Julie Forrester

During 2013-2014, our Professor Julie Forrester served as Dean ad Interim. Dean Forrester, with former Dean Rogers, took an alumni relations trip to Southeast Asia. They reestablished relations with certain of our illustrious Taiwanese alumni, which relationship has been followed up by and concluded by Dean Collins. Dean Forrester also revitalized relations with Hon. Helmut Sohmen, OBE from Hong Kong and benefactor of our prestigious Sohmen Scholarships for Chinese graduate students. In addition, Dean Forrester helped raise the funds for our two new, major clinics, one of which deals with human trafficking issue (a subject of increasing international concern).

K. Dean Jennifer Collins

In June, 2014, Jennifer Collins, Associate Provost and Professor of Law from Wake Forest, was appointed Dean of the Law School . Dean Collins took over the reins at a time when Legal Education was undergoing significant strains and challenges (including a nationally declining application pool) and when SMU, as a University, was embarked upon a major institutional and financial reassessment, Though her initial days at the Law School were preoccupied with such difficult matters, Dean Collins, with her **Associate Dean Becca Henley**, have made major improvements in the quality of life for our domestic and international law students.

In June 2015, Dean Collins appointed our Assistant Dean for Student Affairs, **Martin Camp**, as Assistant Dean for Graduate and International Programs. Martin (who

has significant international experience, has been charged with restructuring our international efforts. Martin is assisted by Ms **Bobbye Heine**, Assistant Director for Graduate Legal Programs. Complementing Martin and Bobbye was the appointment of **Stephen Yeager** as Martin's replacement as Assistant Dean for Student Affairs. Stephen has been highly proactive in establishing (with Prof. Steinberg) such programs as the **Corporate Counsel Externship**, which involves over 50 major corporations (many of which has significant international dimensions).

Dean Collins also has finalized the structuring and funding of our **Tsai Center** and our **two new Clinics**. In the Summer/Fall 2017, Dean Collins is planning a major tour to visit alumni in Southeast Asia, and she has authorized Assistant Dean Camp to undertake several overseas trips to help promote further our international programs.

The Fruits of the Tradition

In sum, the "fruits" of our Law School's *global* tradition include the following:

- an international alumni base of over 2000 in over 100 countries, many of whom are now at the highest levels of government, legal practice and business in their respective countries;
- one of the most developed and longstanding LL.M programs for international students;
- a library rich in international and comparative legal resources;
- a faculty, over half of which are actively involved in international studies;
- a "top twelve" curriculum long-known for its strengths in business, commercial, taxation and international law and in dispute resolution;
- a well-functioning visiting scholar and SJD program designed to promote postgraduate international legal scholarship;
- a program for the regular visits of distinguished law professors from around the world
- the most comprehensive array of student-edited and faculty supervised international publications of any law school (i.e., with *The International Lawyer*, *Law and Business Review of the Americas*, , and a *Kluwer International Book Series on International Economic Development Law*);
- three active, student international moot dispute resolution programs;
- a high quality summer program at University College, Oxford;
- worldwide academic institutional links that can offer students a semester abroad or postgraduate legal studies abroad;
- Faculty regularly studying and lecturing abroad and being involved with law reform efforts on a global basis;
- regular, high-level international conferences, research seminars, roundtables and distinguished lecture series;
- regular, co-sponsorship of international conferences in Europe, Africa, Asia and Latin America;
- an external Executive Board that is committed to assisting in the establishment of a *global law school environment*; and

- a local community containing a highly sophisticated legal profession, one of the largest arrays of multinational firms in the country, one of the major high tech bases, and one of the major international airports and transportation networks in the country.

Our Current Challenge: A Relevant Global Legal Education

Our concept of a **Global Law Center** is a “legal education center” that interconnects law committed faculty members with a core of domestic and international law students and dynamic external elements of the local, national and international legal and business communities in order to create a synergistic environment for training and retooling lawyers, domestic and international, who will help build the global marketplace in the 21st century. This emerging “global environment” will necessitate the development of alternative legal and quasi-legal arrangements, standards, and institutions and fundamental constitutional, economic, and commercial law reform within and among the nation-states of the world. This will require lawyers capable of shaping and functioning within this new “law-based” environment and being sufficiently agile to respond to our quickly changing international and domestic legal/political environments. In doing this, we recognize the need to address the conflicting strands and pressures of modern-day populism-nationalism, anti-globalization, anti-multilateralism, anti-statism/anti-regulatory state, anti-free trade and anti-open borders. A revised and critical teaching and promotion of the role of law and the rule of law, along with sound domestic, regional and international institutions, are even more important for our Law School and its students today than they were in the “Storey Era” immediately after WWII.

This concept of a relevant and modern-day **Global Law Center** is not just about traditional international and comparative law teaching or about producing lawyers to work in a select group of international law firms or intergovernmental institutions: it is about educating lawyers working in a local-domestic environment to understand and to be responsive to the sundry effects and implications (good and bad) of globalization and about lawyers who can assist in affecting appropriate and meaningful policy, legal and institutional reforms conducive to sustaining and expanding a viable, sustainable and equitable global environment. This new global environment significantly will impact most (but, not all) areas of traditional legal education. One of our Law School’s goals is to provide *each* of our students, domestic and international, with a practical and ethical opportunity to prepare him/herself for the ever-changing and ever-challenging global environment of the 21st Century.