The Commentator

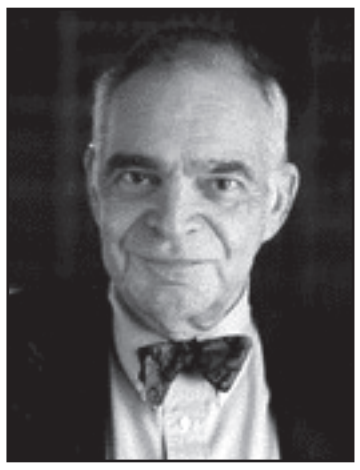
Vol. XLI, No. 14 *The Student Newspaper of the New York University School of Law* **April 19, 2007**

Lowenfeld: A Man of Many Accomplishments

By Jocelyn L. Burgos '06

At its 101st annual meeting, the American Society of International Law awarded its prestigious Manley O. Hudson medal to NYU Professor Andreas Lowenfeld, in honor of his prolific scholarship and outstanding achievements in the field of international law. Thus far, Lowenfeld has written 18 books, 115 articles, and 34 book reviews on such diverse topics as aviation law, conflict of laws, international economic law, and international litigation and arbitration. He has also served as counsel, expert, or *amicus* in some of the most prominent international law cases before the Supreme Court, the Iran-US Claims Tribunal, and the International Court of Justice. In addition, he was Associate Reporter for the American Law Institute's *Restatement (Third) of the Foreign Relations Law of the United States* and co-Reporter for the ALI's project on Recognition and Enforcement of Foreign Judgments: Analysis and Proposed Federal Statute.

During the Hudson Medal Luncheon that was held in Professor Lowenfeld's honor, he and Harold Koh, Dean of Yale Law School, engaged in a conversation about a topic that has long been of interest to Lowenfeld – that of the distinction, or lack thereof, between public and private international law. Nearly twenty-five years ago, Lowenfeld expressed his opinion on the topic in a report on teaching international economic transactions: "In international law (and perhaps in all law) the distinction between the 'private' and the 'public' side doesn't really belong. One cannot advise or defend private clients without an understanding of the powers and limitations of governments, and one cannot advise or participate in government without a grasp of how private firms and their legal counsel operate." It is this position which underlies Lowenfeld's work, both as a scholar and as a practitioner. He believes it even more today than he did twenty-five years ago.



According to Lowenfeld, he did not set out to be a legal scholar – or even a lawyer, for that matter. His decision to attend law school was motivated by a desire "to learn something useful and see what comes of it." After a year of working at Harvard's Russian Research Center, he was accepted to and enrolled in Harvard Law School. Although he studied both international and comparative law, Lowenfeld's favorite law school courses were Civil Procedure and Conflict of Laws. Nearly forty years later, Lowenfeld's interest and expertise in procedure, conflict of laws, and international and comparative law would lead him to write one of the legal academy's leading international litigation casebooks, *International Litigation and Arbitration* (now in its second edition).

In 1955, shortly after his graduation from Harvard Law School, Lowenfeld was drafted into the U.S. Army; he served for

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Students Open Dialogue with Professors About 1L Pedagogy

By Julia Fuma '07

On March 1, 2006, five NYU law students presented a best practices document to a number of 1L professors. The document came about after a series of meetings with Vice Dean Clay Gillette and Assistant Dean for Student Affairs Yvette Bravo-Weber about how NYU could do a better job of making the 1L classroom experience a more inclusive environment for a diverse range of students.

The group of students in the conversations included two students from each ALSA and CoLR. The conversation came as a result of the fact that while "there is a general feeling that 1L year is terrible for everyone, there is a specific type of isolation that seems to be common among 1Ls that come from traditionally marginalized groups," said Navneet Grewal '07, one of the student involved in the initial conversations. "There is a lot of literature on better ways to bring these voices into the classroom." After a few conversations with Gillette and Bravo, the two of them indicated that many 1Ls were interested in the issue and wanted to meet directly with students. About 20 students showed up to the March 1st meeting. According to Grewal: "The response was overwhelmingly positive. There were a couple of eye rollers, but for the most part, the professors were quite engaged, asking questions and sharing their own strategies and concerns. A few were even taking notes!"

According to Diana Reddy '08, the best practices document is important because, for the most part, professors do not have training as teachers. She said that the most important part of the document is the one that asks professors to situate themselves and examine their own assumptions. Professors will sometimes have perspectives about the law of which they do not realize that students are not cognizant.

Gillette has been very pleased with the document and the meetings. He said that he had not heard from many faculty but those he had heard from had been positive. "I know that some faculty have adjusted their teaching style in response to the concerns expressed. For instance, some faculty have sought student feedback prior to the end-of-semester evaluations, and some faculty have been more explicit in explaining their own perspectives on a subject and inviting disagreement. The faculty and administration truly appreciate these efforts to make create a more educationally productive environment," said Gillette.

Grewal has said that while she is not sure of the extent of the change in professors, she has heard from current 1Ls that their professors have done things like making explicit what theoretical perspective they teach from (for instance, law and economics), that being of the suggestions developed in the best practices meeting.

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NYU Teams Excel in International Arbitration Moot Competition

By Wangui W. Kaniaru '07

NYU School of Law gave a strong performance at the recently concluded Willem C. Vis International Arbitration Moot Competition in Vienna and Hong Kong. The Moot featured more than 200 universities from all over the world. Both NYU teams successfully advanced through four rounds of competition, marking the first time for NYU to have two teams place in the top 10 at both the Vis Moot East and the Vis Moot Vienna. In addition to Honorable Mentions for their separate written submissions, several members of both teams were recognized for outstanding advocacy skills. Rashida Allie (LLM '07), Philipp Groz (LLM '07), Michael Howe (LLM '07), Wangui Kaniaru (JD '07), Rahim Moloo (LLM '07), Jeena Shah (JD '07), Stacia Sowerby (JD '08), and Ramona Vijeyarasa (LLM '07) participated in the moot. The competitions took place from March 19-25 in Hong Kong and March 31-April 5 in Vienna.

Jocelyn Burgos (LLM '06), who had previously participated in the Vis Moot, coached the Hong Kong team. In addition, Flavia Mange (LLM '07) provided extensive research assistance during the drafting of written submissions and preparation for oral arguments. "The Moot was definitely one of the highlights of my time at NYU," said Mange. Mange, who is currently writing a dissertation on interim measures in litigation and arbitration in Brazil, noted that the level of arbitrator panelists and student advocacy was illuminating. "Being part of a team inspired me to pursue establishing a Vis team in Sao Paolo when I return to complete my Masters at the Universidade de Sao Paolo," she said. Inaugurated in 2004, the rapidly growing Vis Moot East in Hong Kong featured 48 universities from Australia, the U.S., Canada, Germany, Brazil, Thailand, India, Indonesia, Japan, and Korea. In addition to advancing to the final elimination rounds, the team, featuring Allie, Kaniaru, Shah, and Sowerby, placed second out of 48 schools in the general rounds. All four participants also received Honorable Mentions for outstanding advocacy skills. "In a field that has traditionally been dominated by men, it was very empowering to be part of a six-woman team in Hong Kong and perform so well," Shah said. "Participating in the Vis Moot refined my brief writing and oral advocacy skills in a way that no law school class had been able to do, and opened up a legal field to me that is not really emphasized in the law school curriculum."

Giorgio Mandelli (LLM '07), who previously participated as an arbitrator and coach while working as an international arbitration solicitor in London, coached the Vienna team. In its 14th year of existence, the Vienna Moot featured a record number of 177 teams from universities from all over Europe, North America, Brazil, Asia and Australia. The NYU team, featuring Groz, Howe, Moloo, and Vijeyarasa, placed 11th in the general rounds and, ultimately tied for ninth place in the final rounds. In addition, Groz and Vijeyarasa received Honorable Mentions for outstanding advocacy skills. "As a Swiss-trained lawyer, the Moot was a great opportunity to develop my advocacy skills in English," Groz noted. "It also gave me valuable first-hand experience in understanding the different approaches lawyers trained in civil law and common law jurisdictions bring to the same issues."

"The Vis Moot in Vienna was definitely the highlight of my year," Howe noted. "I started this process in September knowing nothing about international sales or commercial arbitration. I left Vienna with a great deal more knowledge, a new-found confidence in my oral advocacy skills, and a large new group of friends from around the world. I would recommend the experience to anyone," Howe said. Named after the late Willem Cornelis Vis, Executive Secretary of the Vienna Diplomatic Conference that created the UN Convention on Contracts for the International Sale of Goods (CISG), the Vis Moot aims to promote the study and practice of international commercial arbitration. Students prepare written submissions and oral arguments on a legal problem applying the CISG and other uniform commercial law in the context of arbitration. The long-running competition has been the basis of international arbitration seminars at various schools, where students participate in a semester-long research, writing, and oral advocacy course in preparation for the Moot. NYU's team was selected in September 2006 and prepared independently while being coached by current and former students.

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