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Diane Penneys Edelman

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THE SILVER LINING OF THE COVID-19 PANDEMIC: BUILDING EFFECTIVE — AND ENDURING — INTERNATIONAL LEGAL EDUCATION OPPORTUNITIES

Diane Penneys Edelman¹

I. INTRODUCTION

If someone had told me that during a global pandemic, I would meet a Supreme Court Justice of Bangladesh, teach in Moldova, Uzbekistan, and Lithuania, participate in international conferences, and meet law students from around the world, I would not have believed them. Simply put, I had academic opportunities of a lifetime during the COVID-19 pandemic and experienced creative approaches to international legal education that we can learn from and should continue when times eventually became “normal” again.

The COVID-19 pandemic challenged the world in more ways than society could have imagined; some of the greatest challenges included the devastating effect on public health and its adverse impacts on business, employment, and travel. Furthermore, the effect of the pandemic on international legal education has been significant, even though it has not been the most obvious or important challenge stemming from the pandemic. Most, if not all, law schools in the United States canceled study abroad programs as early as the spring 2020 semester, preventing thousands of students from valuable learning in authentic international environments.² Fulbright³ and other programs canceled opportunities for scholars to participate in their prestigious programs. The U.S. Department of State issued increasing levels

¹ Professor of Law and Director of International Programs at Villanova University Charles Widger School of Law. This article is adapted from the author’s presentation at the Southern Illinois University Law Journal 2021 virtual symposium held in April 2021. Symposium, *Innovations in International Legal Education During the Pandemic: Breaking Down Physical Barriers and Borders with Technology and Cutting-Edge Teaching Pedagogies*, 45 S. ILL. U. L.J. (2021); Diane Penneys Edelman, *How to Keep It Going: Continuing to Innovate Beyond the Pandemic*, 45 S. ILL. U. L.J. (2021).

² Although the American Bar Association maintains records of international study program offerings, those records are not available to the public. By visiting websites of individual law schools, one may be able to determine which programs were cancelled during the pandemic.

³ The Fulbright Scholars Program, founded in 1946, offers an extensive variety of opportunities for scholars from the United States and abroad. See *Fulbright U.S. Scholar Program*, FULBRIGHT, <https://cies.org> (last visited Nov. 16, 2021). The Fulbright Program for Students offers multiple opportunities for U.S. students. See *Types of Awards*, FULBRIGHT U.S. STUDENT PROGRAM, <https://us.fulbrightonline.org/applicants/types-of-awards> (last visited Nov. 16, 2021).

of travel advisories that limited travel abroad or caused educational institutions to erect a variety of regulatory barriers to student and faculty travel.⁴

So how could there possibly be a silver lining for international legal education under these dire circumstances? This can be summarized in simple terms: the pandemic accelerated growth of creativity and collaboration among academic players in ways that worked to preserve and enhance the essence of international legal education. Moreover, these developments should survive the pandemic and be integrated with current educational curriculums going forward.

This growth in creativity and collaboration happened by nurturing relationships among academics, practicing lawyers, law students, legal organizations and showing the legal community that the skills we have been forced to use during the pandemic will be valuable beyond the pandemic. Through Southern Illinois University (“SIU”) Law Journal’s innovative and timely virtual conference on *Innovations in International Legal Education During the Pandemic: Breaking Down Physical Barriers and Borders with Technology and Cutting-Edge Teaching Pedagogies* in April 2021, participants of the symposium had the opportunity to share ideas on how to make sure that these changes continue past the end of the pandemic.⁵

II. VIRTUAL CONFERENCES

Before the pandemic, academics interested in issues related to international legal education relied on attendance at national or international, traditional, in-person conferences to exchange ideas. Among these in-person conferences are those held by the American Bar Association (“ABA”) International Section,⁶ the Association of American Law Schools,⁷ the

⁴ Elizabeth Redden, *A Forced Homecoming*, INSIDE HIGHER EDUC. (Apr. 3, 2020), <https://www.insidehighered.com/news/2020/04/03/among-newly-unemployed-us-prestigious-group-fulbrighters>; *COVID-19 Travel Guidance for U.S. Citizens*, U.S. DEP’T OF STATE, BUREAU OF CONSULAR AFF., <https://travel.state.gov/content/travel/en/traveladvisories/ea/covid-19-information1.html> (last visited Sept. 8, 2021).

⁵ *Innovations in International Legal Education During the Pandemic: Breaking Down Physical Barriers and Borders with Technology and Cutting-Edge Teaching Pedagogies*, *supra* note 1. Others have suggested that other mechanisms which were crucial to legal education during the pandemic, specifically distance learning, less rigid class recording policies, and a transition to use of take-home examinations, should remain beyond the pandemic as well. Morenike Saula, *Crisis-Induced Innovation in U.S. Legal Education*, 69 J. LEGAL EDUC. 679 (2020).

⁶ *International Law Section*, AM. BAR ASS’N, https://www.americanbar.org/groups/international_law/ (last visited Sept. 8, 2021).

⁷ *Home*, AALS, <https://am.aals.org/> (last visited Sept. 8, 2021). The entirely virtual January 2021 AALS Conference featured, for example, a program titled *Virtual Mobility: Innovating and Promoting Global Legal Education in Times of Crisis*. See AALS, *VIRTUAL MOBILITY: INNOVATING AND PROMOTING GLOBAL LEGAL EDUCATION IN TIMES OF CRISIS* (2021), <https://eventpower-res.cloudinary.com>. Holding a program like this, which reached a significant

International Association of Law Schools,⁸ the International Legal Education Abroad Conference,⁹ the Global Legal Skills Conference,¹⁰ the European Law Faculties Association,¹¹ the Southeastern Association of Law Schools (“SEALS”),¹² and many others.

The pandemic halted these in-person meetings, both large and small. Some were completely canceled, while many others took place online or in a hybrid (i.e., part live and part online) format.¹³ Although the pandemic forced these conferences to change form in significant ways, it also promoted meaningful creativity and collaboration. For example, the *Transnational Conference on the Future of Legal Education, the Practice of Law, and the Judiciary* in February 2021, featured speakers from the United States and numerous other countries, was hosted by law schools in the United States and Turkey, and focused on legal education, access to justice, legal practice, tech literacy, and bar admission.¹⁴ A conference of its duration—eight full days—is unusual in legal academia, and the fact that the conference was entirely virtual allowed academics and practitioners around the world to attend all or parts of the conference without the expenses of time and travel.

Holding this type of conference live in the present would likely be extremely complex considering the longer than usual length of the conference, travel costs, accommodations, staffing, meals, and the like. The pandemic prohibited the conference from being live.¹⁵ However, given that the conference focused on the role of technology in legal education and related fields, the conference planners explicitly acknowledged:

number of conference attendees, provided guidance for course and program development, training professors to teach virtually, developing teaching materials and collaborative assignments for students from different countries, administration of virtual programs, and the like.

⁸ Home, INT’L ASS’N OF L. SCHS., <https://www.ialsnet.org/> (last visited Sept. 8, 2021); *2021 Online International Legal Education Abroad and LL.M. Administrators Conference*, AM. UNIV. WASH. COLL. OF L., <https://www.wcl.american.edu/impact/initiatives-programs/international/ileac/> (last visited Sept. 8, 2021).

⁹ *Online International Legal Education Abroad and LL.M. Administrators Conference*, *supra* note 8.

¹⁰ Sofija Belajcic, *15th Global Legal Skills Conference*, STUDY LEGAL ENG., <https://studylegal.english.com/legal-english-event/15th-global-legal-skills-conference/> (last visited Sept. 8, 2021).

¹¹ Home, EUR. L. FACS. ASS’N, <https://elfa-edu.org/> (last visited Sept. 8, 2021); Home, SEALS, <https://www.sealslawschools.org/> (last visited Sept. 8, 2021) [hereinafter SEALS].

¹² SEALS, *supra* note 11.

¹³ The SEALS 2020 Conference, for example, was entirely virtual. See *Covid-19 Update: SEALS Completely Online This Year*, SEALS (July 6, 2020), <https://www.sealslawschools.org/uncategorized/covid-19-update-seals-completely-online-this-year/>.

¹⁴ *Transnational Conference on the Future of Legal Education, the Practice of Law, and the Judiciary*, ATLANTA’S J. MARSHALL L. SCH., <https://www.johnmarshall.edu/transnational-conference-on-the-future-of-legal-education-the-practice-of-law-and-the-judiciary/> (last visited Sept. 8, 2021). Countries represented by speakers and moderators at the Conference include Bangladesh, Cyprus, France, Germany, India, Israel, Qatar, Turkey, the United Kingdom, and the United States. *Id.*

¹⁵ *Id.*

[T]he impact of the global pandemic has changed the world we live in, including the legal sector from law school classroom to the courtroom. The global pandemic has forced the legal sector to embrace technologies that in the past would never have been considered, creating disruptions that are both positive and negative. This conference will explore those disruptions and the future they bring.¹⁶

Personally, my experience moderating day five of the Transnational Conference was unforgettable. I prepared for the conference by zooming and corresponding with Justice M. Imman Ali of the Supreme Court of Bangladesh and by communicating with the judges, academics, practitioners, and leaders who would address a wide breadth of subjects relating to access to and delivery of justice during the pandemic and beyond. The “and beyond” aspect of this conference is one of the brightest spots of the pandemic, providing tools to make justice and collaboration easier, less expensive, and more shareable than ever before, and that make sense to keep when the pandemic ends.

The pandemic also caused the annual SEALS conference to be hosted virtually in 2020 and in a hybrid format in 2021.¹⁷ Had I not attended this conference virtually both years, I would have missed important opportunities to develop new and valuable connections with academics, judges, and practicing lawyers around the world. SEALS has acknowledged the benefits of collaboration in international legal education and has included representatives of the European Law Faculties Association and European Legal Practice Integrated Studies (“ELPIS”), an international degree-granting network to broaden connections for academics worldwide.¹⁸

The SEALS conferences in 2020 and 2021 provide many examples of how to make connections with other legal academics during a pandemic. In 2020, while attending a workshop on internationalization focusing on collaborative teaching, I met Professor Melanie Reid, Associate Dean of Faculty and Professor of Law at Lincoln Memorial University Duncan

¹⁶ *Id.*

¹⁷ SEALS, *supra* note 11.

¹⁸ Belajic, *supra* note 10; *About Us*, EUR. LEGAL PRAC., JOINT LL.M., <http://elpis.fd.ulisboa.pt/> (last visited Sept. 8, 2021). Consisting of both a network of international universities and a Master’s program in European Legal Practice created by that network, ELPIS has recently published a collection of scholarly articles on its work. *See generally* EUR. LEGAL PRAC. INTEGRATED STUD., INNOVATIVE TEACHING IN EUROPEAN LEGAL EDUCATION: INTERNATIONAL CONFERENCE WITHIN THE FRAMEWORK OF THE 2019 ELPIS NETWORK MEETING (Claas Friedrich Germelmann ed., 2021). In 2020, ELPIS conducted a Workshop on Internationalization at SEALS. *See* SE. ASS’N OF L. SCHS., INC., SEALS 2020 CONFERENCE PROGRAM (2021), <https://www.sealslawschools.org/wp-content/uploads/2021/06/SEALS-Annual-Conference-Program-2020.pdf>.

School of Law in Knoxville, Tennessee.¹⁹ At this time, Professor Reid was developing Comparative Legal Traditions online courses in collaboration with the American Bar Association's Rule of Law Initiative ("ROLI").²⁰ Students enrolled in these courses included not only students at Duncan Law, but also students, faculty, and speakers from European and South American countries, who prepared presentations focused on learning about other legal systems, and having students from different countries work together to propose revision of existing criminal laws in various countries—an experience that is no doubt an unusual opportunity for law students at any institution.

Meeting Professor Reid virtually at SEALS was inspiring; I was eager to attend her course to see for myself how she implemented this novel and truly international approach to legal education. It is one thing to learn about different approaches to teaching international subjects—with or without colleagues or students from abroad—and another to attend those classes every week. If Professor Reid's innovative courses had been taught in person in Knoxville, without a remote option, I would not have had the chance to attend, as I live about seven hundred miles from her university. However, with Professor Reid's permission, I attended her virtual courses to learn not only more about the subject matter she teaches, but also to learn more about how she designed these courses so that I might someday design and teach a virtual course. I was able to attend nearly all of Professor Reid's class sessions in Comparative Legal Traditions courses during the 2020-2021 academic year—hundreds of miles from Professor Reid's Lincoln Memorial students and more than four thousand miles from her students and colleagues abroad. By doing so, I met and interacted with Professor Reid's colleagues and students and observed directly course presentations and discussions.

The SIU Law Journal Symposium in the spring of 2021 further exemplified the benefits of meeting virtually.²¹ At this symposium, legal academics from across the world—including the United States, Russia, India, Kenya, France, and the Netherlands—met to exchange ideas and methods for advancing international legal education by means of technology and creative adaptation.²² Speakers shared ideas on the affordability and versatility of distance learning, ways to connect and engage students from culturally different learning environments, as well as ways to teach specific subjects transnationally, such as courtroom advocacy, privacy, energy law, legal

¹⁹ SE. ASS'N OF L. SCHS., INC., *supra* note 18; See *Professor Melanie Reid*, LINCOLN MEM'L UNIV. DUNCAN SCH. OF L., <https://library.lmunet.edu/Law4061> (last visited Sept. 8, 2021), for Professor Reid's academic profile.

²⁰ This collaboration is described in Professor Reid's course syllabuses (on file with author); *see also* Interview with M. Reid (Oct. 25, 2021).

²¹ *See* S. ILL. U. L.J., *supra* note 1.

²² *See id.*

English, and workplace law.²³ Once again, the ability to meet virtually, and to discuss and brainstorm about how to incorporate these novel approaches into our courses, provided us with an opportunity that would not have otherwise existed, except in random phone calls between colleagues.

When the COVID-19 pandemic ceases, would society prefer to meet face-to-face or continue to meet virtually? Meeting in person cannot be completely replaced by online communications. However, the cost and time-saving benefits of virtual meetings should continue beyond the pandemic. Continuing to meet online will encourage creativity and allow academics and students to easily meet with others when we cannot do so in person. We should continue to hone—not abandon—this new method of collaboration.

III. TEACHING ABROAD

Meeting internationally in a virtual setting is challenging only in terms of coordinating schedules and time zones—while *teaching* internationally in a virtual setting is a more complicated matter, requiring the coordination of time zones, and implementation of effective methods of teaching and working with colleagues and students in new ways. For example, when *meeting* virtually, chances are that those meeting can communicate in a common language or languages and have different degrees of experience in academia—but still, they share that experience. When it comes to *teaching*, however, professors must consider their students' abilities and cultural differences to understand their lessons as well as be comfortable and competent with and have access to the technology being used in class.

The pandemic continues to cause the cancellation and strict regulation of study abroad programs for law students, as well as for the faculty who administer and teach these programs.²⁴ Can students have access to study abroad opportunities during this pandemic? As stated previously, technology can permit new ways for students to study abroad and faculty to teach abroad. For example, Tulane University School of Law has a well-known study abroad summer program in Siena, Italy.²⁵ In 2021, Tulane converted a portion of its Siena program to a virtual course format—which focused on international cultural heritage law—open to law students worldwide.²⁶

Similarly, law faculty can teach abroad in virtual settings. In addition to teaching remotely for their own schools, faculty can supervise remote

²³ *See id.*

²⁴ The United States Department of State has restricted student travel during the COVID-19 pandemic, as well as during other times and types of emergencies. *See, e.g., U.S. Students Abroad*, TRAVEL.STATE.GOV (Mar. 12, 2021), <https://travel.state.gov/content/travel/en/international-travel/before-you-go/travelers-with-special-considerations/students.html>.

²⁵ *Siena Program*, TUL. UNIV., <https://law.tulane.edu/summer-abroad/siena> (last visited Sept. 8, 2021).

²⁶ *Id.*

externships, which permit law students to extern abroad virtually. Faculty can also seize upon the opportunity to teach international students virtually through the American Bar Association’s Rule of Law Initiative (“ROLI”), which is “designed to promote justice, economic opportunity and human dignity through the rule of law.”²⁷

In pre-COVID times, a practicing attorney or law professor could travel abroad to work on one of ROLI’s legal projects designed to promote the rule of law.²⁸ During the pandemic, however, these opportunities to work with others internationally morphed into virtual experiences, which allowed many attorneys to continue working on ROLI projects. Additionally, for some attorneys, traveling abroad for ROLI projects may not have been possible due to conflicts with regular academics or law practice responsibilities. However, the pandemic and the virtual experiences it brought helped to make the ROLI experience available to those who could not previously travel to participate in it.

I was fortunate to have the ability to work with ROLI and legal colleagues in the United States and abroad while teaching abroad virtually in both Moldova and Uzbekistan during the pandemic. By working with experienced colleagues and ABA staff and volunteers overseas, I had the honor of using Zoom to co-teach nearly seventy-five Moldovan professors and judges about how to develop legal skills courses.²⁹ In spring 2021, I had the privilege of working with colleagues in Tashkent to develop and integrate legal skills into the legal studies curricula of law schools in Uzbekistan. Having been unable to travel to volunteer for ROLI before the pandemic, I now cannot wait to volunteer again—both in-person and virtually.³⁰

Teaching abroad virtually need not be only through an organization like the ABA. A law professor can explore teaching virtually with institutions

²⁷ *Our Origins & Principles*, AM. BAR ASS’N, https://www.americanbar.org/advocacy/rule_of_law/about/origin_principles/ (last visited Sept. 8, 2021).

²⁸ *Rule of Law Initiative*, AM. BAR ASS’N, https://americanbar.org/advocacy/rule_of_law/ (last visited Sept. 8, 2021).

²⁹ Co-teaching the Moldovan course sessions leads me to another benefit of the pandemic: mentoring. Mentoring has always taken place in person, by telephone, and likely via computer communication. However, in pandemic times, it is likely that most mentoring takes place remotely. I must thank my wonderful international law mentors: Robert E. Lutz; Paul E. Treusch, Professor of Law Emeritus in Residence at Southwestern Law School; and Christopher Kelley, Associate Professor of Law at University of Arkansas School of Law (Fayetteville). They have nurtured my development as an international law academic for many years and have invited me to join them in this project. So, please add mentoring and working together virtually to the list of unexpected benefits of the pandemic.

³⁰ On a related note, those of you who publish articles about international legal education should consider publishing in law journals abroad which can lead to virtual (and in person) international teaching opportunities. Many years ago, I published a short article in a journal abroad. See Diane Penneys Edelman, *Making a Case for Legal Writing Instruction . . . Worldwide*, 1(119) JURIS. 111 (2010). During the pandemic, law students at Mykolas Romeris University in Vilnius, Lithuania who had read the article invited me to lead a seminar on publishing law journal articles.

abroad where their home university may have an in-person study abroad program. Perhaps the partner international institution is eager to resume hosting the professor's law school study abroad program but is not ready to do so. Perhaps the partner school is interested in having them teach abroad virtually or, alternatively, have its professors teach virtually at their institution. Live programs are exciting and preferable in many ways, but creating virtual international experiences not only provides opportunities that would be prevented by the current pandemic, but can also stimulate the legal profession's creativity moving forward.³¹ There is truly no limit to creativity in this realm, and strangely, we owe some of the impetus for increasing our creativity to the pandemic.

A law professor can also take advantage of the pandemic to bring international experts into the classroom by inviting international guest speakers to speak virtually about their areas of expertise. This contrasts with the past, as law schools may not have had the opportunity for international speakers to visit due to logistics, costs, and other impracticalities associated with traveling abroad for presentations. Now, law schools can bring in speakers from all over the world not only for special events, but into individual classrooms, where students can learn more about law beyond their borders. Because of the virtual opportunities the pandemic has brought, law schools can exchange virtual guest speakers at little to no cost.

IV. STUDENT OPPORTUNITIES

The Philip C. Jessup International Law Moot Court Competition ("Jessup")—which boasts participation of students from "roughly [seven hundred] law schools in [one hundred] countries and jurisdictions—was an exciting and valuable opportunity for law students who are international law enthusiasts."³² Although the Jessup has been held in-person every year since 1960, it was held entirely in a virtual format in 2021 because of COVID-19.³³ Participation in international competitions, such as the Jessup, allows law students to connect with each other worldwide, to learn about persuasive writing and oral argument styles from different legal traditions, and to build

³¹ For more information on developing creative ideas, see the works of Tina Seelig, Ph.D., Executive Director of the Knight-Hennessy Scholars Program and Professor of the Practice, Stanford University Department of Management Science and Engineering. *Tina Seelig*, STAN. UNIV., <https://engineering.stanford.edu/person/tina-seelig> (last visited Dec. 10, 2021). Tina Seelig is also a faculty director of the Stanford Technology Ventures Program. *Id.* Dr. Seelig's work on creativity can provide many ideas about working with colleagues and teaching that can be used in legal education. *See, e.g.*, Tina Seelig, *Zooming In, Zooming Out*, TINA SEELIG (June 12, 2021), <https://tseelig.medium.com/>.

³² *About The Jessup*, ILSA, <https://www.ilsa.org/about-jessup/> (last visited Sept. 8, 2021).

³³ *Id.* The Jessup will be held virtually again in 2022. *See Jessup 2022*, ILSA, <https://www.ilsa.org/jessup-2022/> (last visited Dec. 10, 2021).

relationships with future colleagues. The fact that students were able to compete in the Jessup virtually, without the expense, and this year, the danger and relative impossibility of travel, is, in and of itself, a silver lining.

In addition to bringing virtual innovation to the forefront through the spring 2021 Symposium at Southern Illinois University School of Law, former SIU Dean and Professor Cynthia Fountaine spoke about developing an international advocacy team that consisted of students from several countries and that was co-advised by faculty members from those countries to compete virtually in the Nuremberg Moot Court Competition in Germany.³⁴ As Professor Fountaine suggested, developing international competitions and teams which can *only* prepare for and participate in these competitions virtually may provide more students with the opportunity to connect with others internationally.³⁵

V. CONCLUSION: THE SILVER LININGS

It is unquestionable that the COVID-19 pandemic cast a dark cloud over the world in ways far more serious than how we teach in legal academics, and in which the work of lawyers, the courts, and legislative bodies have been affected. However, the pandemic forced the legal community to be resourceful and creative. It provided the opportunity to teach and study internationally while staying home. The pandemic motivated individuals and institutions to foster connections and relationships with colleagues abroad in new ways that will remain useful to keep the international legal community connected in the future. We should treasure this opportunity to make these silver linings shimmer.³⁶

³⁴ Cynthia Fountaine, *When Life Gives You Lemons: Creating Meaningful International Educational Opportunities for Students Despite the Pandemic*, 45 S. ILL. U. L.J. (2021). Professor Fountaine is the Associate Dean for Academic Affairs and a Professor of Law at the University of North Texas at Dallas. *Cynthia Fountaine*, UNT DALL. DIRECTORY, <https://directory.untDallas.edu/cynthia-fountaine> (last visited Dec. 10, 2021).

³⁵ Other excellent live and hybrid international learning experiences for law students should certainly continue. See *Case Abroad at Home, Academics*, CASE W. RESV. UNIV. SCH. OF L., <https://case.edu/law/academics/study-abroad/case-abroad-home> (last visited Sept. 8, 2021); *LWOW Transforms how Law and Business Collaborate*, LAW WITHOUT WALLS, <http://lawwithoutwalls.org/> (last visited Sept. 8, 2021).

³⁶ Please consider sharing your ideas for virtual approaches to international legal education with the American Bar Association International Section's International Legal Education and Specialty Certification Committee. See *Committee Descriptions and Leadership*, AM. BAR ASS'N, https://www.americanbar.org/groups/international_law/committees/committee-descriptions-and-leadership/ (last visited Sept. 8, 2021). You can do so by contacting the author at edelman@law.villanova.edu, or by contacting other officers of the Committee listed at the American Bar Association's website. *Id.*

