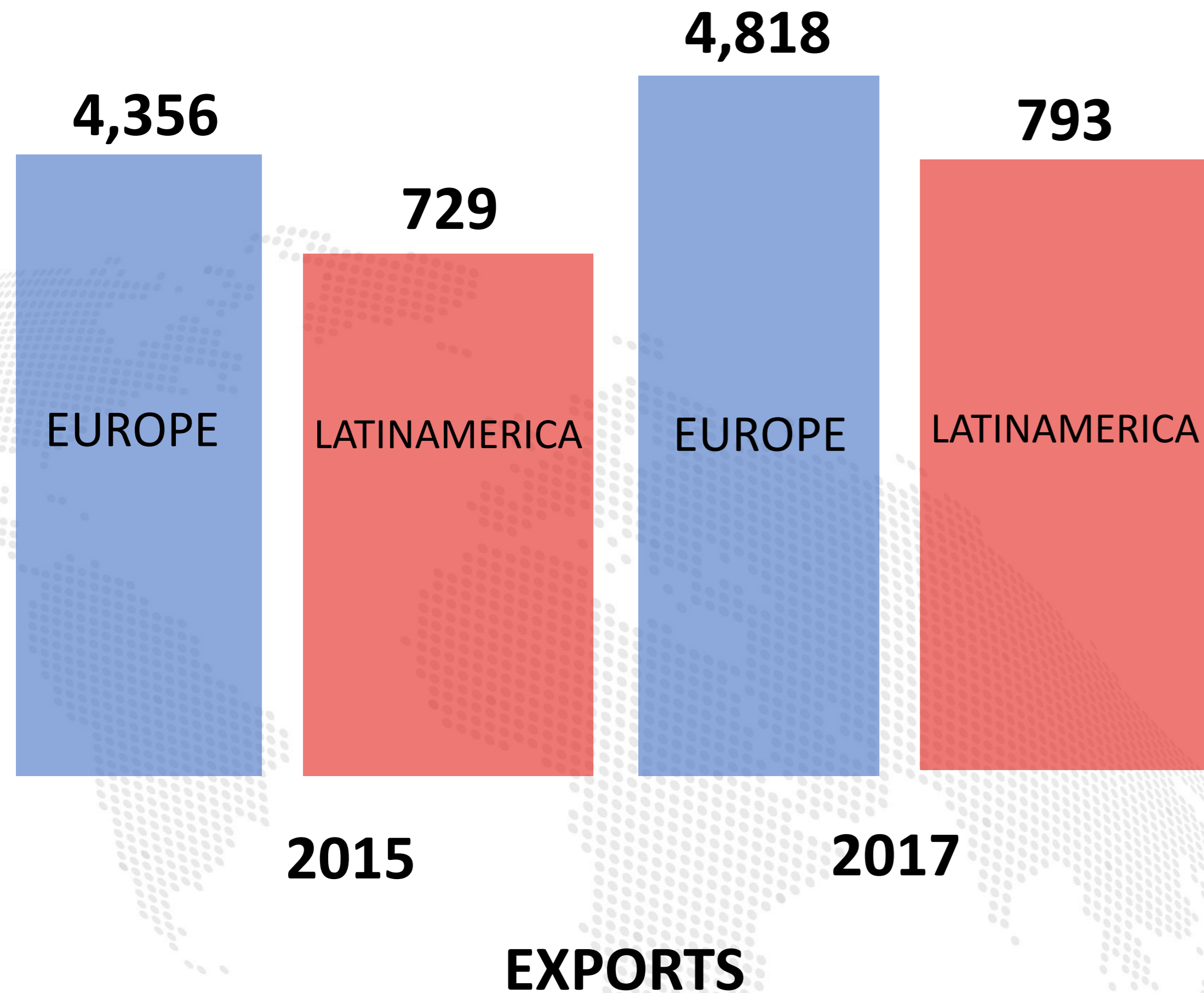




Context

Growth of Transnational Legal Services*



International Bar Association
President's Task Force on the
Future of Legal Services



Clients expectation for:

Multi-jurisdictional skills

International and cross-border law

*Table 2.2. U.S. Trade in Services, by Type of Service and by Country or Affiliation, U.S. DEP'T OF COMMERCE, BUR. ECON. AFFAIRS (Dec. 28, 2018)

Context

Joint Degree Program



In March 2011, ITAM and UT Law announced a joint degree program that would allow students to obtain both the LLB and the JD



TEXAS

The University of Texas at Austin



GOALS

To provide students with tools to be multi-jurisdictional ready minimizing re-training times and costs.

To develop a legal pedagogy design to train lawyers from different legal traditions (Common Law-Civil Law).

Into Common Law

LEGAL ENGLISH SKILLS

LEGAL RESEARCH & WRITING

CONTRACTS / TORTS

LITIGATION SKILLS (MOOT)
(JURY ORIENTED)

Into Civil Law

LEGAL SPANISH SKILLS

LEGAL RESEARCH & WRITING
(FRENCH *MÉTHODOLOGIE JURIDIQUE*)

INTRODUCTION TO CIVIL LAW / LAW
OF OBLIGATIONS

LITIGATION SKILLS (MOOT)
(BENCH ORIENTED)

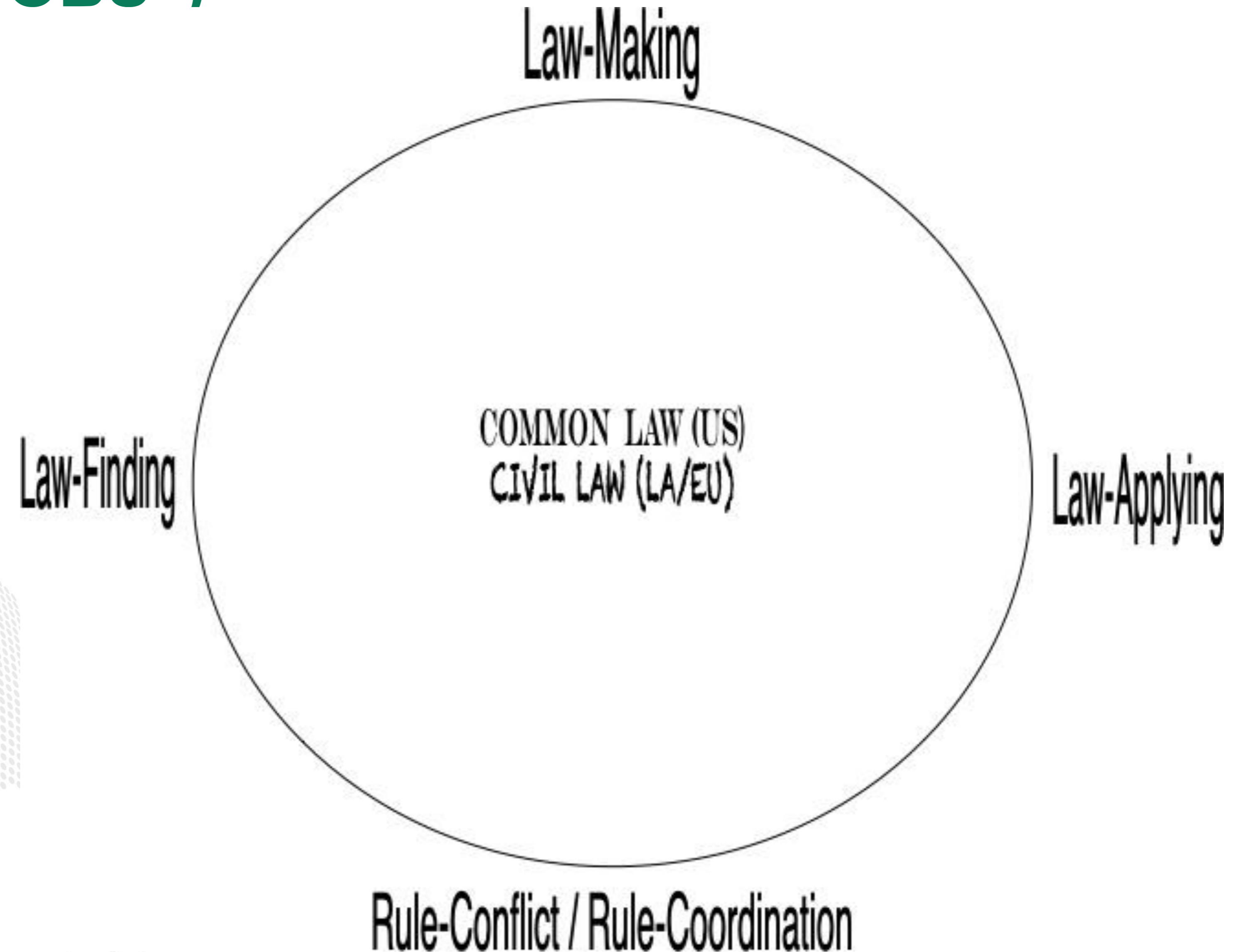
PEDAGOGY BY FAMILY RESEMBLANCE (FOUR CARDINAL “LAW-JOBS”)

-INSTITUTIONAL SETTINGS

-CULTURAL BACKGROUNDS

-TEACHING TECHNIQUES

-TEACHING INGREDIENTS



Law-Making

LEGISLATION PROCESS

LEGISLATION DRAFTING TECHNIQUES

LOBBY/LEGISLATION

CODES/LAWS/REGULATIONS

STATUTES

COMPILATIONS (CODES)

LEGAL DOCTRINE (SCIENCE)
COMMENTATORS

RESTATEMENTS

CIVIL LAW (LA/EU)

COMMON LAW (US)



Law-Finding

LEGAL SOURCES
HIERARCHIES

APPELATE COURTS (CASSATION)

CONSTITUTIONAL COURTS

SUPRA-NATIONAL COURTS

STATUTORY INTERPRETATION

LEGAL DOCTRINE (SCIENCE)

COMMENTATORS

PRECEDENTS
(STRONG STARE DECISIS)

UK-US_XIX

PRECEDENTS
(SCOTUS/CIRCUITS/STATE)
(WEAK STARE DECISIS)

RULE 11 FED. R. CIV. P.

RULES IN STATUTES

RATIO DECIDENDI

ASSIMILATION OF STATUTES
IN COMMON LAW

CASE-BOOKS/LEGAL DOCTRINE

CIVIL LAW (LA/EU)

COMMON LAW (US)



Law-Finding

PRECEDENTS
(SCOTUS/CIRCUITS/STATE)

Article 11.

“[T]he claims, defenses and other legal contentions therein are warranted by existing law or by non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.”

The Advisory Committee Note to Rule 11: “there is no violation so long as a litigant has researched the issues and found some support for its theories even in minority opinions, in law review articles, or through consultation with other attorneys.”

COMMENTATORS

CASE-BOOKS/LEGAL DOCTRINE

CIVIL LAW (LA/EU)

COMMON LAW (US)

Law-Applying

CIVIL PROCEDURE

SYLLOGISTIC REASONING
BALANCING REASONING

JURY DECISION-MAKING
(A DAY IN COURT)

ACTIONE-CAUSE OF ACTION

SPECIAL PLEADING (WRITS)
(ONE CORRECT LEGAL THEORY)

CODE PLEADING
NY C-CIV.PROC. 1848

FEDERAL RULES OF CIVIL
PROCEDURE
(A SHORT AND PLAIN STATEMENT
OF THE CLAIM)

LEGAL DOCTRINE (SCIENCE)

COMMENTATORS

CASE-BOOKS/LEGAL DOCTRINE

CIVIL LAW (LA/EU)

COMMON LAW (US)

TO SUM UP:

A PEDAGOGY BASED ON COMPARATIVE LEGAL METHODS FOR DIFFERENT “LAW JOBS”.

THE SHAPING ROLE OF “LEGAL SCIENCE” IN THE CONCEPTUALIZATION OF LAW-CREATION, FINDING AND LAW-APPLYCATION.



ITAM

THANK YOU

Prof. Jorge Cerdio
jcerdio@itam.mx