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M. E. Polen

Jay A. Thomas

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INTER-AMERICAN LEGAL STUDIES AT THE UNIVERSITY OF MIAMI

M. E. POLEN*
J. A. THOMAS*

The University of Miami has, from its very beginnings, endeavored to approach inter-American studies from a perspective of mutual learning and understanding. The president of the University, Dr. Henry King Stanford, has said that "the University of Miami since its founding has looked upon its location at the gateway of the Americas as thrusting upon it a special responsibility and a unique opportunity with regard to hemispheric affairs." But, geographical location is only one factor. The presence in the community of over 200,000 Spanish-speaking people has made Miami a truly inter-American city.

To meet its unique responsibility, the University has developed a wide range of inter-American programs which have attracted students from every nation in the Western Hemisphere. Today the University of Miami is recognized as a leading institution in the field of hemispheric studies.

The School of Law early recognized its vital role in the University's inter-American activities, and through sustained effort has developed a well balanced program in Inter-American law and related matters. Its most recent accomplishment is the establishment of an Institute for Inter-American Legal Studies.

The Institute has been established to coordinate all aspects of the Law School's inter-American activities and will supervise the academic degree programs, the non degree programs, and the institutes and services in the inter-American area. Existing major programs and projects of immediate concern to the newly established Institute are set forth below.

GRADUATE DEGREE PROGRAMS

The Master of Laws Program in Inter-American Law

This course of study, introduced in 1952, is designed to prepare attorneys, legal educators, and government officials to deal at depth with hemispheric legal, commercial, and political relations. Courses available in this program are:

*Messrs. Polen and Thomas are senior students at the University of Miami School of Law. They are both active members of the International Law Society of which Mr. Polen is Vice-President.

Aviation Law Advanced problems of domestic law of aviation; interstate and international conflicts law; international law of aviation, particularly treaties; comparative law of aviation, with emphasis on Latin America.

Civil Law. A study of the sources and institutions of the civil law; code interpretation and classification; civil law actions and remedies; basic features of civil procedure and court structure in a civil law jurisdiction.

Comparative Inter-American Law. Comparative study of the origins and development of the two principal legal systems of the Americas—the civil and common law systems—and mixed systems.

Latin American Legal Terminology. A non-credit course designed to acquaint undergraduate and graduate law students who have a basic knowledge of the Spanish language with common legal terms of Latin America and their English equivalents.

International Business Transactions Workshop. Selected legal problems involved in international trade and investment, such as regulation in labor, anti-trust, taxation, and currency control; expropriation and nationalization; and governmental barriers to international trade.

International Law. A survey of law in the world community, concentrating on legal problems of the establishment and recognition of states, sovereign immunity and diplomatic relations, sharable and strategic resources, nationality and jurisdiction.

International Law Seminar. Group study of selected problems in international law and foreign relations.

International Lawyer. A workshop calling for the preparation of legal memoranda, position papers and documents necessary to the solution of a legal problem in the international sphere.

International Organizations. Development of the institution of nations and analysis of the structure and basic problems of the United Nations, its specialized agencies, and other international organizations.

International Transactions and Relations. Study of the international legal order through an analysis of legal problems arising from the relations and transactions of individuals, business organizations, and governments in the international sphere.

Latin American Tax Systems. An analysis of the leading tax systems of Latin America using Mexico, Brazil, Colombia and Argentina as examples. Study of development legislation and special tax treatment by international and inter-American organizations and non-governmental groups.

Law of the Caribbean. Group research in the law in force both in the independent as well as dependent areas, with emphasis on constitutional developments, land, labor and taxation.

Ocean Law. A study of the legal problems of the use and development of ocean resources, including legal problems of the coastal region, the territorial sea, the continental shelf, contiguous zones, the high seas and the deep ocean floor.

Roman Law. History of Roman law and society through the classical period of the Justinian codification, with emphasis on legal principles and general trends.

The Inter-American System. A study of the legal-political problems of the Americas with emphasis on the Organization of American States and on major treaties between these states. Recent developments such as the Alliance for Progress, LAFTA, and the Central American Common Market.

United States Taxation of Foreign Income. Federal income tax problems of overseas trade investment; emphasis on tax planning. Source of income rules, foreign tax credit, restrictions on tax avoidance, tax treaties, foreign currency problems, operational forms.

The courses described above are designed to prepare the student to deal with legal problems arising from different judicial systems, international trade, economic integration, underdevelopment, and newly-created governmental institutions. Theory and practice are nicely balanced in each course to insure a firm grip of fundamentals, as well as an understanding of the living law.

The Ocean Law Program

In 1968, the School of Law initiated an ocean law program in which LL.M. students concentrate on contemporary problems of the law of the sea. The study of ocean law has an important relation to inter-American legal studies, inasmuch as the utilization of the resources of the sea and the accompanying legal problems are of concern to nearly all countries of the Western Hemisphere.

The ocean law program is an interdisciplinary undertaking in cooperation with the Institute of Marine Science of the University of Miami. Normally, the students will take the general international law course, the ocean law course, and credits in guided research and elective courses in support of the individual student's thesis topic. Up to six credits in courses at the Institute of Marine Science may be recognized to fulfill the LL.M. requirements. The marine science courses provide the student with information about the features of the ocean environment which may be useful in legal decision and public planning.

The Master of Comparative Law Program

The program is designed for graduates of foreign law schools in which the curriculum is not based on the common law. Special attention is given to the background and language qualifications of each student to insure that he will gain a thorough understanding of the common law system, particularly as applied in the United States. The student selects courses from the undergraduate curriculum corresponding to his area of interest. The program is especially valuable to Latin American attorneys who aspire to represent North American firms in Latin America, as well as for Latin American legal educators.

Students from Europe, the Middle East, the Far East, and from Latin America have earned M.C.L. degrees at the University of Miami.

NON-DEGREE PROGRAMS

Program for Latin American Law Students and Lawyers

In February, 1961 the School of Law undertook a special ten month project for Cuban refugee lawyers. Participating in the program were 467 lawyers, ranging in age from 24 to 70.

The objective of the program was to provide the Cuban lawyer with a basic knowledge of the law and legal institutions of the United States in order to enable him to increase his opportunities to secure law-related employment.

While the program was, on the whole, successful, a major handicap was the unavailability of appropriate instructional materials in the Spanish language. This problem was solved to a large extent by the time the program was offered again in 1963. Professor John C. Chommie, the Director of the program, had by then edited and published a three-volume work entitled *El Derecho de los Estados Unidos*. The addition of these valuable materials made the second program much more meaningful to the Cuban lawyers involved.

The successful experience with the Cuban lawyers provided the stimulus for a program for Latin American lawyers and students interested in learning about the law of the United States. A limited number of foreign law students, as well as graduates of foreign law schools, are eligible for this program, which is designed to acquaint them with the basic principles of the common law. The work is planned for each student in accordance with his general background, linguistic ability, and special interests.

Inter-American Conferences and Institutes

The Inter-American Aviation Law Conference, now in its consecutive sixth year, will be sponsored in the future by the Institute for Inter-American Legal Studies in cooperation with a Hispanic University, or aviation entity. The conferences provide a forum where the leading civil aviation personalities of the Western Hemisphere and Spain exchange views, review the technological, commercial, and governmental developments of the preceding year, and discuss the developments anticipated for the year ahead. Nearly every major international air carrier in the Western Hemisphere is represented at the conferences, which also attract government officials, private businessmen, and lawyers.

The annual Latin American Business Transactions Institute reviews problems of international trade and relates them to U.S.A.-Latin American relations. The speakers are government officials, leading practitioners, and outstanding professors. The 1969 Institute will be the third in the series.

Law students are encouraged to attend all Conferences and Institutes where they may broaden their legal education and meet outstanding legal, civic, business, and governmental personalities from many different countries.

Lawyer of the Americas

Departing from the format of the customary legal periodical, *Lawyer of the Americas* brings to the reader timely articles in the field of Inter-American law, as well as a series of reports on Inter-American Legal Developments, Regional and International Activities, Economic Integration, Aviation, the Oceans, Taxation, Legal Education, and Economic Developments. Special features include a list of Books, Pamphlets and Articles of Current Interest, a Calendar of Events, and a Report from the Inter-American Bar Association. Co-sponsored by the Inter-American Bar Association, *Lawyer of the Americas*, aims to provide a forum in

which the attorneys of this hemisphere may exchange their thoughts, concerns, and ideals.

Inter-American Legal Studies

In 1957, the School of Law initiated publication of the *Inter-American Legal Studies*. Publications in the fields of fisheries, law and government, aircraft mortgages, constitutional law, three bibliographies, and the three volumes used in the Cuban Lawyer's Program comprise the ten volume series which was completed in 1967. A second series, *Studies in Inter-American Law*, has been started. *Conflict of Laws: Mexico and the United States*, by Dr. S. A. Bayitch and Dr. J. L. Siqueiros of Mexico was published in 1968 and is the first publication in the new series. The second volume—*Law and Revolution*—is presently in preparation.

The programs and projects described above have been inherited by the Institute for Inter-American Legal Studies and constitute the present hard core of the Law School's inter-American activities. Planned for the future are the various courses and projects described below. These will be integrated into existing programs or assume independent identity, as applicable.

A Common Law Course for Latin American Lawyers

This course of approximately one month duration will provide Latin American legal practitioners, students and educators with a concise survey of the basic principles of the common law. The unique feature of this course is that it will be given in the Spanish language.

An Intensive Spanish Language Course

The Division of Continuing Education of the University of Miami presently offers an intensive English course for foreign students.

Under consideration by the Law School and the Division of Continuing Education is a non-credit course for English-speaking students to equip them in a short time with a working knowledge of the Spanish language.

Although a knowledge of Spanish is not necessary for the Inter-American degree programs, it can obviously enrich the student's work. It is felt that the intensive Spanish course will also answer the need of students who wish to participate in the Exchange Program.

A Faculty and Student Exchange Program

In 1952, a faculty exchange program was initiated under which an interchange of law professors took place between the School of Law of the University of Miami and law schools in Chile, Cuba, and Mexico. Being planned is an expanded program under which both faculty members and students from the University of Miami School of Law will participate in exchanges with their counterparts in the law schools of the hemisphere. A vigorous exchange program is considered a most fruitful area for inter-American scholarly cooperation.

A Latin American Forum

Also under consideration is a new lecture series which will present to the faculty, students, and the community leading personalities and their views on topics of hemispheric significance. Many government officials, dignitaries, and other potential speakers travel through Miami, and the School of Law can call upon such persons for speaking engagements. The proposed lectures will constitute an added dimension to the Inter-American program, and provide a source of valuable material to hemispheric legal periodicals.

Additional Proposed Services

It is hoped that the Institute for Inter-American Legal Studies of the University of Miami will, in due time, become a clearing house or center for the exchange and supply of legal materials and information in the Western Hemisphere. The need for such an entity has long been felt.

A logical extension of the clearing house concept is a research center staffed by faculty members involved in the Inter-American Legal Program. The research activity, using the facilities of the law school's international library, and assisted by correspondents in Latin America, should be able to do meaningful research in the inter-American legal area. Bilingual faculty members are at home in either English or Spanish.

It may appear that the University of Miami School of Law and the Institute for Inter-American Legal Studies are engaged in an ambitious undertaking. Certainly the proposed program goes beyond anything yet attempted. But, the need for an inter-American approach to hemispheric legal problems is obvious and ever increasing. The University of Miami, because of its geographical position and its background and achievements in inter-American legal studies, is in a privileged position to meet the need.

The extent to which the proposed programs will be successful depends, in large measure, on the degree of interest, cooperation, and assistance offered by colleagues throughout the Americas. With the help of persons interested in the legal problems of the hemisphere, the School of Law of the University of Miami is determined to continue and improve its past efforts on behalf of a true inter-American legal community.