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I. Introduction

What if law students in Mexico could talk to law students in Canada about same-sex marriage? Or, if law students in Texas could talk to law students in Arizona about the enforcement of agreements between cohabitants? What if all of these students could converse with one another about the law’s response to domestic violence? These were some of the questions that family law professors tossed around at a curriculum development workshop sponsored by the North American Consortium of Legal Education (NACLE) in 2001. From that first gathering, an experimental cross-border course was created, and it has now been offered three times to American, Canadian, and Mexican law students since its debut in 2003.

Those of us in the NACLE program share the view that legal education must respond to the globalization of law.¹ Many law schools have enriched their curricula with more offerings in international and comparative law and have sought out scholars with expertise in foreign legal systems.² New international clinical offerings, exchange programs, and graduate studies now enable students to experience first-hand a foreign legal system.³ Teams of academics are beginning to experiment with new technology to offer a course simultaneously at more than one

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¹ Professor Catherine Valcke offers a provocative discussion of what it might mean to teach students to think like “global lawyers” in Global Law Teaching, 54 J. LEGAL EDUC. 160 (2004). For efforts to incorporate global dimensions into the teaching of property law, see M.C. Mirow, Globalizing Property: Incorporating Comparative and International Law into First-Year Property Classes, 54 J. LEGAL EDUC. 183 (2004).


³ See Valcke, supra note 1, at 176-82.
A number of commentators have noted the positive aspects of exposing teacher and students to different legal traditions.\^\textsuperscript{5}

The NACLE Family Law Module offers another alternative, allowing students to remain at “home” while interacting with and learning from students grounded in a different legal regime. To that extent, we view the NACLE course as a worthwhile addition to the various ways in which legal educators are responding to the global nature of today’s law.

This article describes the development of the NACLE Family Law Module. By focusing on the experience of students and teachers during the three semesters in which the NACLE cross-border course has been offered, we will reflect on the pedagogical value of cross-border teaching for law students as well as faculty. After first describing the project, we will examine the benefits and challenges of teaching across national boundaries. Finally, the review of our experience over three years will lead us to examine a few implications for future iterations of the course.

II. A Transnational Family Law Experiment

A. NACLE

The NACLE consists of nine law schools from the three jurisdictions party to the North American Free Trade Agreement,\^\textsuperscript{6} namely Canada, the United States, and Mexico.\^\textsuperscript{7} A primary

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6 The North American Free Trade Agreement between the Government of the United States, the
purpose of this consortium is to facilitate international dialogue at the various universities and to build a global perspective on law among faculty and students. Through conferences, student exchanges, and course work, the NACLE participants promote an understanding of the legal systems of neighboring countries as well as the study of common cross-border legal issues. It is worth noting that the NACLE members represents two different legal traditions, civil and common law, and three languages, English, French and Spanish.

At a curriculum development workshop held in Boerne, Texas, in November 2001, law professors from the NACLE law schools explored the possibility of fashioning courses that would give students a comparative law experience in certain subject areas. Gathering in the serene high desert of central Texas, we were far removed from the recent devastation of September 11. Still, the terrorist attacks had left us all with the keen realization that international communication and understanding were more essential than ever. We felt strongly that universities around the world ought to be devising structures to enable students to converse across nationalities and cultures. Doing our small part toward fulfilling that global responsibility, a group of family law teachers from Arizona, Texas, Canada, and Mexico


7 The NACLE schools are Dalhousie University, McGill University, Ottawa University, George Washington University, the University of Houston Law Center, the University of Arizona James E. Rogers College of Law, Universidad Panamericana , Instituto Tecnologico & Estudio Superiores de Monterrey, and Universidad Nacional Autonoma de Mexico

8 See www.nacle.org.
tentatively agreed to develop an international family law course offering. Our goal was to create a cross-border and comparative law module that could enrich the content of an existing course in Family Law or Conflict of Laws, or could be offered as a free-standing independent study project. We identified several objectives for the teaching module. First, we wanted a project that would allow students from each jurisdiction to actually interact with each other. We realized this would require us to make use of new teaching technologies, such as video conferencing, web sites and electronic bulletin boards. Second, we needed to select family law issues that could highlight legal differences in each jurisdictions, and at the same time could be transformed into actual court orders to be exchanged between the students. Students would therefore be called upon to research not only family law, but also questions relating to conflict of laws. Finally, several logistical issues, such as scheduling and language barriers, needed to be overcome in order for the inter-jurisdictional project to be offered.

B. A Description of Our Cross-Border Family Law Module

The Family Law Module evolved over the three semesters in which we offered it, but the basic design remained the same. Our most recent course assignments (Fall 2004) are included at Appendix A, and the student work generated during that course offering is posted on the NACLE web site. We will start by describing the very first offering of the NACLE family law module.

9 After the dust settled, the Family Law Module participating schools were Ottawa, Houston, Arizona, and Panamericana. Panamericana ultimately participated in only one course offering because of ongoing scheduling and technological problems. The Universidad de Sonora later joined the project. See notes 15-16, infra, and accompanying text.

10 See supra note 8. To access these materials, one should visit the web site and go to
1. The Winter 2003 Project

The project became a reality in the Winter of 2003 when faculty from the law schools of the University of Arizona, Houston and Ottawa decide to offer the new transnational project as either a component of an existing family or conflicts of law course, or as an independent research project.

As family law teachers, we welcomed the chance to devise family law problems that would highlight differences in substantive law among the jurisdictions. There is little time in the basic family law survey course to explore the fascinating variations in family law around the world. Indeed, unless one teaches comparative family law, the most that one can do is offer occasional comparisons from a fairly superficial perspective. In a Conflict of Laws course, little time can be spent exclusively on family law issues, as the basic rules governing jurisdiction, enforcement of judgments, and choice of law dominate most introductory courses. We felt that having students research family law problems in depth under their own jurisdiction’s laws and then having them share the results of that research with students from other nations would provide a much more meaningful learning experience. After returning from the Texas workshop to our home institutions, we continued to refine the plans developed in Boerne by e-mail correspondence and conference calls.

We ultimately agreed that the course should be taught in a problem format with two phases. In the initial phase, students would be given fact patterns raising legal questions and

“Academic Exchange.” A link to “Course Materials” should then be visible.

11 We applaud the recent publication of a comparative family law text. See Marianne Blair and Merle Weiner, Family Law in the World Community (2003).
would research the law of their home jurisdiction to resolve the questions. For the first phase, we decided initially that the two main areas of focus should be (i) the dissolution of a traditional marriage in which spousal support is at issue, and (ii) the breakdown of a same-sex relationship in which support and property division are at issue. We asked students to assume the role of a law clerk for a judge faced with two sets of disputing partners. In one problem, a long-married heterosexual couple with disparate earning capacities were seeking a divorce. In the second problem, students encountered a same-sex cohabiting couple who had made oral agreements regarding property and support to govern their rights if the relationship ended.

In a second phase of the project, we introduced the concept of inter-jurisdictional enforcement of court orders. In that phase, we wanted to expose students not only to the differences in law among the various jurisdictions but also to the practical problems of enforcing rights established under foreign decrees. Students were to assume that one of the parties in each original problem had moved from his or her home forum to one of the other participating jurisdictions and that the enforcement of the original forum’s order was at issue. Again, the teams of students had to consult their home jurisdiction’s domestic law on foreign judgment enforcement. Significantly, this phase also engaged the students in exploring international enforcement measures. Wanting to give the problem a practical flavor, we asked the students to outline the steps a lawyer would need to pursue to enforce the foreign order or to explain why enforcement would not be available. Again, after the enforcement memoranda were revised based on comments by supervising faculty members, the documents were to be posted on the web site.
Both the substantive law and enforcement memoranda were to be shared electronically with all other participating students. The file sharing could be accomplished either through an electronic mail list serve or through a bulletin board at the NACLE web site. In the end, the NACLE web site was used to post the memoranda from all three jurisdictions.

By way of introductions, students and faculty members emailed the whole group a brief description of themselves, including information about their law studies, their future professional plans, and some aspect of their lives that was not related to law. This was a useful first step as students were able to personalize the project by getting to know each other as well as the participating faculty.

Believing that law students in general can benefit from collaborative work assignments in law school, we built a team concept into our project. If possible, students would work on the project in pairs; each team would write a bench memo and a proposed court order analyzing the legal consequences of the relationship’s demise under the law of the forum. For reasons set forth below, we created hypothetical fact patterns that would result in a court order to pay money in the future.

We structured the project so that supervising faculty would have several days in which to offer editorial comments to the students on their memoranda and proposed court orders. After incorporating the suggested changes, students would send their work to the NACLE web site administrator who would then post the documents on the site.12 In this first offering of the cross-border project, all participating students were asked to write their memoranda in English, despite

12 We are grateful to Ms. Susan (“Nita”) Jackson at the University of Houston Law Center for her expert management of the NACLE website.
the fact that the teaching language for the students from the University of Ottawa was French.\textsuperscript{13}

Finally, once all students had an opportunity to complete both memoranda and read those of the other participating students, we chose to conclude the module with a video conference. In the conference, students conversed face to face, or at least screen to screen, about the contrasts in substantive law that they had discovered, and the obstacles they encountered when asked to enforce a family law order from either Ontario, Arizona or Texas. Fortunately, all of our universities were equipped with the necessary technology.

2. The Fall 2003 & Fall 2004 Projects

The success of the first initiative led us to review the project with the goal of expanding and improving the transnational educational experience. Expansion was achieved by enlisting faculty members from two Mexican institutions. In 2003, a faculty member from the Universidad de Panamericana joined the project.\textsuperscript{14} In 2003 and 2004, we were able to enlist the participation of an additional Mexican institution – the Universidad de Sonora, in Hermosillo, Sonora, Mexico.\textsuperscript{15} While not a NACLE school, this last addition enriched the comparative experience for the students and the faculty and ensured that we would have Mexican representation in the

\textsuperscript{13} When we later expanded the project to include Mexican institutions and thus had three languages in the mix, we developed a protocol for translations. See notes 15-16, \textit{infra}, and accompanying text.

\textsuperscript{14} Professor Felipe de la Mata Pizaña of the Universidad Panamericana supervised the family law module in the Fall of 2003.

\textsuperscript{15} Professor Graciela Jasa Silveira of Universidad de Sonora joined the project in the Fall of 2003.
Over the three semesters in which we offered the NACLE Family Law Module, we tried to enhance the intellectual value of the project. We restructured the working problems by adding domestic violence and child custody issues, topics that clearly transcend culture and nationality. Some faculty members began to assign outside readings on comparative civil justice so that students would have a fuller understanding of the foreign jurisdictions involved. Also, the publication of student memoranda on the NACLE Web site seemed to spur student enthusiasm and to produce greater sophistication in their written work.

We also worked hard to incorporate previous participants’ suggestions for improvements to the project. Students enjoyed the video conference but wanted more than one, so we added a video conference about five weeks into the semester. This first conference came immediately after the initial memoranda and court orders had been submitted, and it enabled students to interact at an earlier stage. They could now put faces to names and could question one another about confusing features of a particular jurisdiction’s law. We also added the use of an electronic

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16 The addition of the U. of Sonora was especially important, since the Universidad Panamericana was unable to continue participating in the program in 2004. At the same time, the non-NACLE status of the institution meant that certain funding opportunities weren’t available.

17 NACLE generously facilitated this process by funding two subsequent planning sessions among the Family Law Module participants, one in Eugene, Oregon, in the summer of 2003 (to coincide with the Regional Conference of the International Society of Family Law), and one in Houston, Texas, in the spring of 2004.

18 Students at the University of Arizona, for example, read two short introductions to the structure of legal education within Mexico and Canada. See James F. Smith, Confronting Differences in the United States and Mexican Legal Systems in the Era of NAFTA, 1 UNITED STATES-MEXICO LAW J. 85 (1993); Aline Grennon & Louis Perret, Globalization and Canadian Legal Education, 43 S. TEX. L. REV. 543 (2002).
bulletin board, on the NACLE web site, to facilitate student and faculty introductions as well as commentary during the course.

III. The Benefits of Cross-Border Teaching

A. Substantive and Comparative Learning

We generally found that students were quite interested in participating in a practical exercise in comparative law. All of the participants seemed intrigued by the differences in legal education in the three countries, and that topic occupied a portion of the discussion on each video conference. Moreover, the students often had no idea that both significant contrasts and intriguing similarities existed in the family law area; they simply hadn’t thought extensively about the law outside the borders of their particular country.

For example, in Texas post-divorce maintenance in and of itself is very hard to obtain, and a maximum duration of three years is set forth for all but those situations where there is a permanent disability.\(^\text{19}\) Students at other campuses seemed shocked by such a rule, since the spousal support laws in Arizona, Ontario, and Mexico were decidedly more generous.\(^\text{20}\) Similarly, Mexican and American students were surprised that under Canadian law, unmarried partners have certain status rights – without regard to individual intent – if their relationship lasts

\(^{19}\)See Tex. Fam. Code § 8.051.

\(^{20}\)In Arizona, for example, spousal maintenance can be of indefinite duration if the circumstances warrant, and “reimbursement alimony” is a feature of the statutory scheme. See Ariz. Rev. Stat. § 25-319; .
The marked contrasts in family law regimes became most apparent after the Ontario Court of Appeal decision in *Halpern v. Canada* in June 2003. In that case, the Ontario high court held that the unavailability of marriage to same-sex couples violated the Canadian Charter of Rights and Freedoms. In the two NACLE courses offered after that decision, the Canadian students enlightened the NACLE participants from other jurisdictions about the significance of *Halpern* within Canada. At the same time, students from outside Canada examined the possible recognition elsewhere of rights flowing from the newly-available same-sex marriage – a question of profound practical importance. In fact, this issue allowed students to explore the content of the public policy exception in their respective conflict of law rules. Moreover, shortly after *Halpern* was decided, the United States Supreme Court decided *Lawrence v. Texas*, holding that the criminalization of same-sex sodomy was unconstitutional under the Due Process Clause of the Fourteenth Amendment. *Lawrence*, in turn, figured prominently in the American students’ analyses of the validity of most domestic states’ ban on same-sex marriage and of the recognition due to the Canadian same-sex marriage.

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22 172 O.A.C. 276 (Ont. 2003).


24 The decision in *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003), declaring the ban on same-sex marriage to be unconstitutional under the Massachusetts state
sex relationships in Canada, the United States, and Mexico, there was much animated discussion in the video conferences.

We believe the students and faculty benefitted in a variety of ways from this experiment. Students acquired a more focused understanding of their own jurisdictions’ substantive law. As all academics know, teaching is the best way of learning a subject. In our project, the student teams were, in effect, teaching foreign students about the law. They had to produce memoranda in clear prose accessible to others, including undergraduates. Moreover, as others have recognized, one’s understanding of a legal regime or legal structure is sharpened when it is contrasted with possible alternatives situated in different legal cultures. In this project, as students became more aware of the range of possible legal responses to common family disputes, they were able to situate their own jurisdiction’s law within a broader constitution, only served to heighten interest in this topic for the NACLE participants.

25 The Civil Code of the Mexican Federal District currently defines marriage as “the free union of a man and a woman with the purpose of forming a life society, in which both have mutual respect, equality and help, with the possibility of reproducing in a free, responsible and informed way.” CODIGO CIVIL PARA EL DISTRICTO FEDERAL (2002). Although the Code applies only in the Federal District (Mexico City and environs), it serves as a model for state law and effectively precludes the recognition of same-sex marriage. Nevertheless, other avenues of relief exist through private contract and court-ordered partition of jointly owned property. See ART. 1949, CODIGO CIVIL PARA EL ESTADO DE SONORA (providing for basic obligation of contract with no formalities unless law otherwise requires); ART. 1110, id. (providing for court-ordered partition where property is indivisible and owners do not agree as to its division).

26 Since legal education is an undergraduate program in Mexico, the participants from Sonora were typically younger and at an earlier stage in their educational careers than the students from the other participating institutions.

27 As Professor Valcke puts it, “[A] global outlook seems invaluable for the purpose of understanding domestic law if only because understanding what is entails getting a sense of what is not.” Valcke, supra note 1, at 169.
framework.

The project also engaged the students in learning about foreign law in a highly practical context. They had to understand the legal foundations of the foreign decree in order to effectively analyze the question of its enforcement. We found that many students were completely unfamiliar with some of the common sources of law governing foreign judgment enforcement – United Nations conventions, bilateral agreements, and even the domestic law of a student’s home jurisdiction governing the recognition and enforcement of foreign court orders.

We found that the NACLE family law experience may well have picqued the interest of some students to learn more about different legal systems. One student from Ottawa later came to Houston for a semester, and a few Houston students later enrolled for a semester in a Mexican or Canadian school.

The faculty members themselves also learned a great deal about the differences among the family law rules of the various jurisdictions. In our attempts to arrive at facts relating to hypothetical couples who were breaking up, we struggled to create fact patterns that would present interesting issues in all four forums. There’s also the sheer fun of collaborating with colleagues from other institutions and other countries on a teaching experiment.

B. Practical Skills Development

Faculty took different approaches toward instructing the students on these questions, but in general students engaged in independent research with some loose guidance from teachers. The main skills required to complete the assignments included legal research, collaborative team work, legal writing, and, through the video conferences, oral presentations. In their evaluations
of the course, several students praised the research and writing component of the project and commented on the useful feedback they received not only from the instructor but also from their team members as well as the participants from the other jurisdictions.28

The main pedagogical goal of the project was to encourage each student team to research and analyze the legal questions on their own, much as they will have to do after graduation, either as a law clerk for a judge or a lawyer in a firm. In addition, they also had to transform their legal research into an actual court order. This forced them to investigate the form and content of family law orders in their jurisdiction. Finally, questions of foreign order enforcement are frequently encountered in practice, and this project gave the student a taste of that real-life challenge. In the second stage of the module, each team had to play the role of a lawyer contacted by foreign client. We expect that our students, when faced with that increasingly familiar situation in practice, will now know how to proceed with the enforcement of a foreign court order. At the very least, they will know a bit more about which sources to consult.

C.  **Technological Literacy**

Students today are often well ahead of faculty on applications of new technology to the study and practice of law, and the NACLE students were no exception. However, very few of the participating students had any experience with video conferencing or inter-jurisdictional instruction. Given that this technology is becoming more central to the practice of law, it was an

28One American student commented that the NACLE course “gave me good practice in legal writing with feedback in a small group setting.” Another stated that the NACLE course “was one of the most helpful law school courses I’ve taken . . . The NACLE project gave students the opportunity to produce several pieces of writing that we received feedback on from [the instructor] and then through the video.”
exciting introduction for both students and faculty. Video conferencing is used increasingly by courts.\textsuperscript{29} “Live” testimony from witnesses thousands of miles from the courtroom is not uncommon. Moreover, law firms rely heavily on email communications,\textsuperscript{30} and electronic bulletin boards are an essential tool in twenty-first century networking.

The NACLE Family Law Module gave us a sense of the potential for this technology as a tool for learning and as a vehicle for international communication. For the students, this was an innovative and forward looking approach to teaching.\textsuperscript{31} In fact, several alumni of the family law module have specifically highlighted the module on their curriculum vitae to demonstrate their international and technological experience.

D. Multicultural Learning

All participants benefitted from communicating with students and faculty from other jurisdictions. Students were particularly interested in learning about differences in legal education in Mexico, Canada, and the United States. In Mexico, where the study of law is an undergraduate program, the participating students were somewhat younger than the graduate-level students in Canada and the United States, but their enthusiasm for the project transcended differences in age and educational level.


\textsuperscript{30} The widespread attention to electronic discovery in civil litigation is just one indication of the central place of electronic communication in the practice of law. See, e.g., Zubulake v. UBS Warburg, L.L.C., 217 F.R.D. 309 (S.D.N.Y. 2003).

\textsuperscript{31} An Arizona student wrote that she particularly enjoyed the video conferencing because of the opportunity “to ask [the other students] questions and hear their response to our laws.”
The differences between the civil law tradition of Mexico and the common law traditions of the United States and Canada were also the focus of lively discussion during the video conferences. In addition, although all three nations are “federal” systems, intriguing contrasts between federal and state (or provincial) jurisdiction in the family law domain became apparent as students compared their analyses of the Module problems.

Finally, we benefitted from truly multi-lingual exchanges, since many students and faculty surprised us with their abilities to speak multiple languages. We heard French in Houston, Spanish in Arizona, and even English from a French exchange student in Ottawa. The multicultural experience was enriching for all of us.

IV. The Challenges: Some Practical Problems We Encountered

Although cross-border teaching modules have unlimited potential throughout the curriculum, any faculty member interested in such innovative courses should be familiar with the practical problems that one may encounter. In this part, we summarize some of the challenges we faced in offering the NACLE Family Law Module.

A. Drafting a Workable Hypothetical

We discovered that, in light of the many differences among the legal systems involved, a hypothetical fact situation that was rich in the context of one legal tradition was not useful or workable in another. It was a challenge to devise two separate fact scenarios that could provide students in each jurisdiction with a realistic legal problem within the context of their family law regime. We also needed to create a problem of sufficient complexity in order to require the
students to research the law, apply it to the facts, and finally to formulate an enforceable order.

Differences in the legal rights and responsibilities of married and unmarried partners, heterosexual and homosexual, were at times dramatic among the participating jurisdictions. For example, spousal support payments in Mexico are generally not paid out to a spouse deemed responsible for the breakdown of the marriage, while in Ontario and Arizona marital fault is not considered when determining spousal support awards. Texas does not enforce oral agreements between cohabitants, yet Arizona courts will enforce such agreements under specific circumstances. In light of such contrasts in the governing legal rules, we needed to be careful that each fact scenario would be of sufficient relevance and have sufficient traction within the domestic law of each jurisdiction to provide students with a rewarding learning experience.

B. Developing an Effective Format for Student Assignments

Assigning a Realistic Project

Some of us naively assumed that the drafting of legal memoranda was common to all legal traditions, and the initial assignments instructed students to draft a legal memorandum to a supervising lawyer or judge. Our Mexican colleagues informed us that legal memoranda were

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32 Article 453, Código Civil para el Estado de Sonora, Ley No. 32, Boletín Oficial del Estado de Sonora No. 2, Sección II, 24 de Agosto de 1949, including amendment to Article 453 in 1990 (Decreto No. 201, B.O. No. 12, Sección I).

33 See Ariz. Rev. Stat. § 25-319(a) (2004); (Ontario law)


largely unknown in Mexican law practice and that their students were unsure about the requirements of the written assignment. As a result, the participating Mexican professor developed a guide to help her students adapt to the legal memorandum format common in the United States and Canada. In addition, we asked all students to include in their initial memorandum a brief explanation of the structure of the legal system within their home jurisdiction for the benefit of a foreign reader. The students, in effect, were instructed to teach one another about their legal systems, an exercise that surely benefitted the writer as much as the reader. Many of the students made an effort to explain the local practices and customs that could impact the outcome of the hypothetical problems.\(^{36}\)

In addition, due to procedural differences among the legal systems, the requirements and contents of a court order varied substantially from one jurisdiction to another, so we asked students to limit their court order to only the substantive law issues. At the same time, to make the problem as realistic as possible we asked them to draft the order using the forms their own courts would use. Thus, in the enforcement phase of the course, students received court orders composed in unfamiliar formats using unfamiliar language. Students had to interpret these orders and determine how to enforce them within their own legal system. The distinct legal terminology used within the various jurisdictions was challenging yet illuminating for the students. Sometimes the difference in the meaning and use of a legal word was striking, despite

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\(^{36}\) Professor Jasa found that the use of the American/Canadian legal memorandum format helped the Mexican students by requiring them to provide an in-depth analysis of the reasoning behind their answers, a dimension of legal writing they had not encountered previously.
the term’s apparent similarity across English, French, and Spanish.\textsuperscript{37}

C. Overcoming Language Barriers

C. Dealing with Language Issues

Language differences are an important factor that must be accommodated in any inter-jurisdictional project. We encountered two different challenges relating to language. First, we had to be sure that anything posted on the web site was understandable by all students. In our project, this required that, before any document was posted, it needed to be translated so that English, French, and Spanish versions existed. We translated the hypothetical problems and the assignment directives in advance, but thus required that the documents be finalized significantly in advance of the Module’s start date. By the time of the third offering of the Family Law Module, we required that there be an English, French and Spanish version of every document to be posted, with each jurisdiction bearing responsibility for the translations of its students’ work.\textsuperscript{38}

We also needed to translate the student memoranda after they were completed, an added time constraint. Not only did we want to give feedback to our students so that they could improve their work before it was posted, but we needed to have enough time to complete translations of their revised written work. In 2004, each institution was responsible for providing at least one student memorandum per hypothetical problem in English and in Spanish. Fortunately, most of the French speaking students in Ottawa were able to read either English or Spanish, so

\textsuperscript{37}For example, “sentencia” is commonly used in Mexico to mean a judicial decree, while “sentence” in American and Canadian English generally refers to a criminal sanction and is not commonly used within the civil law context.

\textsuperscript{38}The French-speaking Canadian students obligingly translated their work into English for purposes of posting.
this spared us from having to provide the memoranda in French as well. Faculty members were able to call on different resources for these translations: their own abilities, the use of research assistants and funds provided by NACLE.

The University of Sonora used translation software for the project. Because the electronic translations were sometimes imprecise or too literal, the Mexican students and faculty had to expend significant time in proofreading and correcting the electronic translations. Moreover, in order to proofread and correct the final draft of the translations, one needed to understand both languages. Thus, the translating software will be most effective in producing a quality translation if it is used by those who already know the language.

The second challenge relating to language concerned our video conferences. We had to have real-time oral translation during the video conferences to ensure that all of the students were able to follow the discussion. English remained the most commonly shared language, but all faculty were required to ensure quick translations if a language other than English was used. Some simultaneous translation/interpretation service was needed at each venue so that all students could understand each other, imposing additional costs.

The need for translation during the video conferences caused some technical challenges, since most sites used a sound-sensitive video technology. If one person at one location was speaking and another person was simultaneously translating at a different location, the result was technological gridlock. By trial and error, we learned to wait until all audio transmissions were

39The program Wordmagic was used for the project. Word Magic Software, Inc., is a software development company based in Houston, Texas, that offers a set of complementary software products geared for the English-Spanish language translation, corporate communications, and education markets. See http://wordmagicsoft.com/aboutus.shtml.
completed at one site before a student at another site would start speaking. We also came to realize that most of our schools did not have reliable, affordable translation/interpretation services.

Although the need for translations, both written and oral, did create additional time and monetary constraints, the very recognition of language differences and the efforts we made to surmount those differences were worthwhile lessons for the participating students. The need to address language differences and to facilitate the production of translated documents is an ongoing reality in international law practice, and any lawyer with a significant international practice will face many of the same difficulties that we faced within the Family Law Module. Law schools could certainly do more toward producing “global lawyers” by facilitating foreign language instruction for law students.41

D. Bringing the NACLE Family Law Module into the Law School Curriculum

To date, most participating faculty have not taken the steps needed to formally add the NACLE Family Law Module to the law school curriculum as a separate course. Instead, the Module has been offered as an “independent study” or as a component of an existing family or conflict of laws course, and each professor tailored the workload and evaluation requirements to meet the different criteria. As a result, the structure of the course varied greatly from school to school.

40 Dealing with language differences in the Family Law Module is a continuing challenge and may become a greater challenge because the initial funding for this initiative through 2005 has ended.

41 Just as Canadian law schools typically offer both a civil law (French) and common law (English) curriculum, perhaps other schools could emphasize the importance of language in international practice by offering select courses in a foreign language or requiring students to take credits in foreign language study.
school. In Mexico, students worked in large groups on one hypothetical problem, while in Arizona multiple teams of two students each were required to draft memoranda for both of the hypothetical problems. Different schools treated the course differently in terms of how students were solicited, how many credits they received, and how they were graded.\textsuperscript{42}

Another uncertainty posed by courses such as the Family Law Module is determining how the host institution should credit faculty for teaching such a course. Possibly due to the effects of global warming, all faculty in this project voluntarily assumed these teaching duties in addition to their other regular duties. It is unlikely that a law school would reduce a faculty member’s course load in recognition of a cross-border teaching module like ours, no matter how valuable the experience. Consequently, each participating faculty member was required to take on what amounted to additional instructional responsibilities. Except for our Mexican colleagues,\textsuperscript{43} this additional workload led us to agree to limit the number of students in each

\textsuperscript{42}For example, in Houston and Arizona, the course was treated as an independent study experience in which the students were graded on a pass/fail basis and received 1-2 units of academic credit. In contrast, in Ottawa, the students engaged in the project in conjunction with a three-credit course in Family Law or Conflict of Laws (depending on the year of the Module). Their assignments counted for 35 percent of their final grade in that course. In Sonora, the students were enrolled in an introductory course on Conflicts of Laws and were graded on their participation. The University of Sonora underwent a substantial law school curriculum review in 2004, and one of the reforms was the inclusion of an International Family Law course, based on the participation of the University in this NACLE project. However, the course will not actually be offered as part of the regular curriculum until 2006/2007.

\textsuperscript{43}In Sonora, credit and some compensation is available for assuming duties of this kind due to a “bonus system” established by the Secretary of Education pursuant to the Programa de Estímulos al Desempeño Académico, Programa para el Mejoramiento de Profesorado, Sistema Nacional de Investigadores. Nevertheless, the bonuses that are available (after a long, formalistic, and bureaucratic process) are so insignificant that many professors will decline to participate in such projects.
section. We also wanted to keep the video conferences as intimate as possible. Thus, four to eight students participated at each site other than those in Mexico. Still, if a faculty member gets no credit or compensation for assuming these duties, it seems unlikely that many will voluntarily offer such courses.

E. Overcoming Technological Hurdles

E. Technology

Potential logistical problems posed by the use of technology surfaced almost immediately, but we were able to address many of these issues as we progressed through the three semesters. With current technological developments, video conferencing is essentially free, once one has the appropriate equipment. In the 2004 videoconferencing, one of the tools used to interconnect was “Internet 2.” Internet2 is a consortium of over two-hundred universities working in affiliation with industry and government in advanced network applications and technologies. Participating universities are required to upgrade their campus networks and to connect to a national Internet2 backbone network, thus making high-performance networking available on their campuses. Of special relevance to the Family Law Module, participation in Internet2 also allows for free videoconferencing if the member has the necessary technological equipment.

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44 See Michel Marriot, “Waving Hello, From a Distance,” THE NEW YORK TIMES, Nov. 25, 2004. The cost of connecting all sites is essentially that of a long distance phone call. On the other hand, technical staff are required to assist and monitor the conferences; thus, their time and labor are an added expense.


46 Because the University of Sonora is not a NACLE member, funds were not available to pay
In our project, one of the institutions served as the “bridge,” and technical staff at each school communicated with the director at the bridge school to make necessary arrangements. Because the participating schools were in three different time zones, and school terms and exam periods varied a great deal, we found it challenging to identify a date and time that would work for all students and teachers and would be compatible with the technology’s availability. The video conferences themselves were fairly structured, with a revolving format to lend a semblance of order: we proceeded from one school to another for questions and comments, working our way around the Northern Hemisphere. In any given video conference, we might make two or three “loops” to pick up lingering questions and comments.

V. Conclusion

We hope to continue this project, and we encourage others to try similar multi-national experiments utilizing existing technology. It is a relatively inexpensive way of bringing students into face-to-face contact with law students from other jurisdictions and cultures. After puzzling through the assigned legal problems and then having the opportunity to talk about their work, the students seemed energized about the prospect of international practice. They certainly were for project expenses. Great strides were made in 2003 to fund the video conference because it was done through dial-up technology, at a cost of about 300 dollars for both sessions.

47The University of Ottawa, also an Internet 2 member, served as the bridge for all video-conferencing.

48Two students stated that while they enjoyed the video conferences, they would have liked greater interaction with participants from other jurisdictions. One suggested that instead of using teams composed of students from the same state or province, an alternative format would be to use international teams composed of students from different jurisdictions. In such a structure, participants could develop a working relationship with their counterparts in other nations.
more aware than before of the profound differences in family law that exist across North America and the tools available for giving international recognition to court decrees regarding support, child custody, and other aspects of family relations.

In this era of increasing cross-border communication, commerce, and migration, all law has global implications and all law schools are producing “global lawyers,” whether deliberately or not. The only question is whether legal education is preparing students to be competent, informed global lawyers. Through the Family Law Module, students and faculty at least began to think globally as they researched, analyzed, and debated some common family law questions in a transnational classroom. 49

49 As one American student put it, “I think it was an excellent introduction to international law and the complexities that it presents, which are not presented as part of the traditional law school curriculum. . . . To me, it represents a basic cultural flaw, that the US is self-centered and assumes that the rest of the world revolves around whatever it does. . . . Within the next 50 years, or the course of many students’ professional lives, international issues will be more and more important and should be included.”