

University of San Diego

Digital USD

---

Conversations in Legal Education

Legal Research Center Archives

---

12-5-2005

## Conversations in Legal Education: Herbert Lazerow, December 5, 2005

Herbert Lazerow

*University of San Diego School of Law*

Follow this and additional works at: [https://digital.sandiego.edu/law\\_oral\\_histories](https://digital.sandiego.edu/law_oral_histories)



Part of the [Law Commons](#)

---

### Digital USD Citation

Lazerow, Herbert, "Conversations in Legal Education: Herbert Lazerow, December 5, 2005" (2005).  
*Conversations in Legal Education*. 11.

[https://digital.sandiego.edu/law\\_oral\\_histories/11](https://digital.sandiego.edu/law_oral_histories/11)

This Oral History is brought to you for free and open access by the Legal Research Center Archives at Digital USD. It has been accepted for inclusion in Conversations in Legal Education by an authorized administrator of Digital USD. For more information, please contact [digital@sandiego.edu](mailto:digital@sandiego.edu).

---

Narrator: Professor Herbert Lazerow

Interviewer: Ruth Levor

Recorder: Ruth Levor

Date: December 5, 2005

Accession No.: OH-LRC-Lazerow-2B

TAPE 3A: SIDE a

RL: This is an interview of Professor Bert Lazerow for the project: Conversations in Legal Education: Oral Histories of the First Half-Century of the University of San Diego School of Law. The interview is being conducted by Ruth Levor at the University of San Diego Legal Research Center on December fifth, two thousand and five. This is the third session of this set of interviews. Tapes and transcripts of this interview will be archived at the University of San Diego's Copley Library.

RL: You assumed, or perhaps created, a role here that really has been critical to the law school's national and international reputation when you founded and became Director of the Institute for Foreign and International Law. How did that come about?

HL: I suppose the genesis was twofold. I am not a very original thinker, but I am pretty good at taking the thoughts of other people and putting them together in useful and practical ways. Around 1970, three schools set up summer programs abroad. Houston set up a summer program in Mexico City; William and Mary set up a summer program in Exeter, England, and Notre Dame set up a summer program in London.

My contact with any of them was in the capacity of having students who wanted to go on those programs who applied what I thought was in a reasonably timely fashion, they applied in

March, and they were told by the Notre Dame program that that program was full already and that they couldn't go. The students came to see me distraught and wondered whether there was anything that I, as a person with international interests, could do, so I called the Notre Dame Director, and we had a long chat. At the outset, it didn't seem as though there was anything that he could do for the student, but eventually, he was willing to put the student on a waiting list, and eventually the student did get into the program off the waiting list.

Then, in the summer of 1970, I'm not sure if this was the winter of 1970 or the winter of '69, but in the summer of 1970, I went to Paris. The ostensible reason for this trip was that I had completed an article on the income tax convention between the United States and France, and before I had it published, I wanted to have my French counterpart on the treaty negotiating team have a look at it. The reason for that was that unlike previous articles on tax treaties, I tried to interweave the provisions of the domestic tax law of both countries with the treaty provisions, and I was none too sure that I had gotten correctly the provisions of French tax law.

Besides it would be a good opportunity for a little vacation in France, so my wife and I went, and my sister-in-law, her kid sister, tagged along. The idea was that we'd spend a week in Paris during which I would meet with my cohort, and then we'd spend two weeks traveling around France. I met with my cohort, and I liked Paris as much as I had remembered it from 1960, which was the last time I had been there. It occurred to me that, if I set up one of these summer programs, I could go back, so I went to the cultural attaché, I think is his technical name, of the American embassy in Paris, which is located on the Rue de Rivoli at the Rue Saint Florentin, so right there at the place de la Concorde.

In those days, you did not have to go through a lot of security; you simply flashed your passport, and you were admitted to the building, and they sent you to whatever office you wanted. I explained what I wanted to do and that my problem was I didn't know anyone at the law schools in Paris and could they help me? The answer to that was yes, they certainly could. The attaché asked his secretary to call people at the appropriate law schools, at the time there were only two, because this was immediately in the aftermath of the revolution of 1968. The result of that was that the French educational system was in the process of being reorganized.

She set up appointments for me to visit with Bertrand de Juvenal and with Pierre Izard. I think the contact with Bertrand de Juvenal was simply because he was one of those people who

spoke law who interested in American law. I later learned that his father was one of Colette's lovers. It was apparently quite a riotous relationship, at least according to her many biographers, but I don't think Bertrand was the result of that liaison.

At any rate, I got to the door at the appointed time. It took me a while to figure out how to ring the doorbell, but I eventually did figure it out, and I was ushered into the room of a courtly gentleman who looked like he was in his nineties but probably was only in his sixties, because at that time, I was barely thirty. We had a very pleasant chat at the end of which he said that it sounded like an extremely interesting project to him, but he was no longer in a position of being able to make things like that happen. The appropriate person to talk to was the new dean of the law faculty, whose name was Charles Eisenman, and if I wanted to, he would try to set up an appointment for me. Of course, the reason all these people needed to set up appointments for me, I thought, was because my French was none too good in 1970, and the likelihood that I could call on the telephone and have any French person understand me was fairly small, and the likelihood that I would understand what they said back to me was even less, but it turned out that one of the things that I did not know about France was that in France, you don't simply give an appointment to any Tom, Dick and Harry who calls on the telephone. It is important to know that they are recommended by someone in whom you have confidence.

The appointment with de Juvenal probably would not have been made but for the fact that it was the embassy calling, and the appointment with Eisenman probably would not have been made but for the fact that it was de Juvenal calling.

On a Saturday, as I recall, I trekked out to Charles Eisenman's palatial apartment out in the Bois de Boulogne. We had, again, a very pleasant talk in English, at the end of which he said, "Well, you know, it does sound like a very intriguing academic prospect. The problem that we have is that as a result of the disturbances of 1968, the French academic system is in a serious state of disarray, and furthermore, the French academic system is very much centrally controlled.

"This would need to receive the approval of my faculty, my approval, and then it would have to be approved by the Ministry of Education, so much as I would like to do this, my advice to you would be to seek a private law school or maybe an institution that is not a law school but that teaches law like the Institut de Sciences Politiques."

So then I had an interview with Pierre Izard in his rather nice but quite unusual apartment on the Avenue de Suffren with a view of the Eiffel Tower. He was extremely enthusiastic about this. Pierre Izard was a man who incidentally has an honorary degree from the University of San Diego, honorary LL.D. Pierre had received his law degree in France at a time that was not very propitious. The situation in France is this: Law teachers are civil servants. In order to become a law teacher, you first get your undergraduate degree in law usually. You then get a maîtrise in law. You then write your doctoral dissertation, and you become docteur en droit. That qualifies you after whatever period you would like to have of independent study to sit for an examination called the “agrégation.”

The agrégation is not the sort of exam that we are familiar with in the United States. The agrégation is a combination written and oral exam, and people are ranked on their result in the exam. If there are twelve places for law teachers in the French educational system this year, there will be twelve people who will pass the agrégation. Everyone else will not pass the agrégation. They will have to present themselves at a future year, and the positions that are available will be offered first to the number one person and then to the number two person.

The French system being what it is, everybody tries to get to Paris, so when a position opens in Paris, people who are already in the system bid for it. They try to move from the provinces to Paris. But, of course, this was back just after World War II, and the French Ministry of Education had to fund not only all of the universities in France but all of the universities in the French colonies. So that year, as I took the agrégation, there was another fellow taking the agrégation. His name was André Tinqué, and he eventually became professor of law at the University of Paris and a frequent visitor to the United States, and he was number one in the agrégation, and Pierre Izard was number two, and so Tinqué chose whatever post was available in France, and that left Pierre with a choice of a number of positions in French colonies. Pierre chose to go to the law school in the capitol of North Vietnam, where he started his teaching career.

Well, it wasn't very long before Dien Bien Phu. By that time, French professors were just as unwelcome in Vietnam as French soldiers, so Pierre, looking around for a job, was offered the deanship of the civil law section at the University of Ottawa law faculty, Ottawa being one of those faculties in Canada that had both common law and civil law. He did that for a number of

years, and then he was asked to come back to Paris to be the dean of the law school at the Institut Catholique de Paris.

Now the Institut Catholique is a private school. In France, they have a strict separation of church and state, although it's very different from the kind of separation that we have in the United States. This means that the Institut Catholique was a private school, but the French educational system is quite centralized and run by the government. The result of that is that in order to have a degree that people will recognize, you need to go to the state school to take your exams. Now this was not a significant financial burden. You could pay the minimal tuition at the Institut Catholique de Paris and at the end of the year, you simply took your exams at the state school.

But after a while, people began to wonder why they should pay any tuition at all at the Institut Catholique if they were not going to be graded by the same professors who were teaching them. Enrollment began to dwindle at the Institut Catholique law school. Of course, I was unaware of this, and Pierre was very excited at the prospect of having this program, which would be an international contact, which would get his students more into comparative law, etc., etc.

He immediately became my coconspirator in putting together this program. We visited the facilities at the Institut Catholique. They would not make anybody's heart leap. I would say one could characterize them as 1920s high school construction on an extremely historic site that dated back before the revolution. It was held by the church as a monastery before the revolution. Unfortunately, the monastery buildings were not the buildings that we were going to have classes in.

We worked out all the details. Everything seemed to be arranged, and I came back back ready to present this to Joe Sinclitico, who was the dean of the law school, but Joe Sinclitico was going away on sabbatical, and in his place Joe Brock was the acting dean. I presented all of the advantages of this great program, and Joe said, "You know, Bert, I'm only an acting dean, and this is a major curricular innovation for the University of San Diego. We have never had study abroad before. This should not be something that is instituted by an acting dean, but I think it's a very good idea. Try to save all of these contacts so that when we have Joe Sinclitico back, we can move forward with this."

Well, of course, the history was that Joe Sinclitico did not come back. Some time during the year, the bishop informed us that Joe Sinclitico was not coming back as dean, that Joe Broack would be acting dean for a second year. We did a dean search and selected Don Weckstein as our next dean, but of course, now we were at the fall of 1972, and when Don arrived, waiting for him with my proposal for a summer program in Paris.

Don thought this was an absolutely wonderful idea, but he was a little skeptical about the financing of it. After talking to Art, we made this deal. We would advertise the program, and if on the first of April, there were sixty students, our break-even point, the program would run. Otherwise, the University of San Diego would cancel the program.

Tuition at that time, I believe, was three hundred dollars for the six credits we were offering in Paris, and each of the faculty members was paid three thousand dollars to teach. The first faculty were Joe Darby and me, and then I got the idea to do something that other programs abroad did not do, and that was to try to attract students by getting very distinguished teachers from other schools. So I went to Don with a list of people, and he said, "Well, go ahead, see what you can do."

I said, "Now, the only thing, Don, is that it's fine to tell Darby and Lazerow that if not enough people sign up, you're not going to get paid, but when I start talking to these important people, we've got to give them a guarantee."

So Don said, "Okay, do it."

So I called Rudy Schlesinger at Cornell. Rudy was one of the great names in comparative law in the United States, and he said, "Yes, that sounds like a wonderful idea. I love Paris, and are you looking for someone else to teach there?"

I had no idea what was coming, and he said, "I have an old friend, Carl Fulda at the University of Texas, and if you're looking for someone to teach commercial courses like international business transactions, Carl would be very good."

I thanked him very much for the suggestion and went to talk to Don, and Don said, "Oh, yes, Carl is a very good teacher. He taught at the University of Texas when I was a student there. I think Carl would be excellent, but you know, Carl can be a little prickly sometimes, and you have to know how to approach Carl. Why don't you call Rudy back and ask him whether it

would be better for you, who does not know Carl to call, for me, who knows Carl a little but mostly as a student to call, or would it be better for Rudy to make the first contact?"

So I called Rudy, whom I never met. We were doing all this by telephone. Rudy thought for a moment, and he said, "I think it would be best that I call Carl. I'm going to remind Carl that in Paris in the summer, you can eat raspberries every day."

And so Rudy called Carl and explained the situation, and then he called me back, and he said, "I think Carl will be very receptive to your call."

And so I called Carl, and he was in fact receptive to my call, and so that's how we put together the faculty for the first program.

There was one other thing, however, that I knew we needed, and that was an administrative assistant who could handle herself in French. We happened to have working in the records office a young woman who had just graduated from UCSD with a major in French named Gilyn Heidelberg. She was familiar with USD's procedures, and she also spoke French. Gilyn agreed to be our administrative assistant.

Everything was now in place. We printed out a brochure. It was one color, unlike today's brochures, which are very fancy, four-color jobs. It was an eight-and-a-half-by-eleven sheet that was folded over three ways, and it described the program.

I guess before that I felt that I needed to go back to Paris and nail down various things. In the dead of winter, I flew to Paris, and the Izards were extremely hospitable. They had me to dinner. They kind of made suggestions as to what we would want our students to do so that they would get a good idea both of French legal culture and also of French culture, and with that, I came back and prepared the brochure. Then it was a matter of sending out the brochure and the poster and figuring out how we could bring this to the attention of students and hope to get lots of people registered.

On the first of April, we had fifty-five registrations, and so Don and I went to see Art, and I told him, "Look, we got fifty-five. Surely we'll get five more, and even if we don't get five more, that's only a loss of fifteen hundred dollars, and Don has already guaranteed the salaries for these two faculty members, so we'd probably lose more if we canceled now and had to refund everybody's tuition than we would if we went ahead with only fifty-five students."

Well, of course, this was the first time I'd ever done one of these programs. What I didn't realize is that we weren't going to get any more applicants, that is, we were going to get some more applicants, but the number of people we were going to lose was going to be somewhat greater than the number of applicants . . . .

---

Narrator: Professor Herbert Lazerow

Interviewer: Ruth Levor

Recorder: Ruth Levor

Date: December 5, 2005

Accession No.: OH-LRC-Lazerow-2B

TAPE 3A: SIDE b

HL: So the short of it is that we did not have sixty students that first year. We did operate somewhat at a loss. We had housing for all of the students in the Fondation des États-Unis, a dormitory built by the Carnegie Foundation on the outskirts of Paris. Pierre Izard said, “Your students will not know France if they stay in Paris throughout the six weeks of the program.”

RL: But the school was in Paris. They would have to commute.

HL: The school was in Paris. They had a very easy commute. At that point, they took a little train for about three minutes, and then they transferred to the subway for about ten minutes. It was a very easy commute.

So Pierre said, “I will call my old student, Jean-Remy Chandon-Moët, and see if we can bring your students out to Épernay in order to see what the countryside is like and in order to find out how champagne is made.”

Yes, Jean-Remy was happy to receive the students and received the students in his private estate. It seems that his family had bought after the Revolution, the monastery in which Dom Pérignon had invented champagne, and he had constructed there a little champagne museum, so he was happy to show us around his little town of Eau Vieille, which is a town just

above Épernay, as I say where champagne was invented, and then sent us down to Moët et Chandon, the family business in those days, for a tour of the cellars and a little sample glass of champagne in the garden where Napoleon had tasted it a few years before.

Izard would do things like that. He would say, “You really should see how different Normandy is from Champagne. Why don’t you bring all of the students up to our house in Lison du Lys for lunch.”

Well, I thought this was quite extraordinary to want to have fifty-some students and four faculty members and their wives out to lunch, but apparently Pierre did this all the time. At one point, when he was dean of the civil law section in Ottawa, his wife received a call in the middle of the morning that basically said, “My dear, we’re having a hundred and twenty visiting French lawyers for dinner tonight.”

So we went out to Normandy, and we were treated royally. We had lunch under a huge weeping—I’m not sure what the kind of tree is. I want to say alder, but that may not be right. It was planted around 1800, and on a hot day, which it was that first summer, you could get about fifty people at tables under these spreading arms of the tree.

He also made use of his contacts in Paris. He called somebody at the French Senate so that M. le president du sénat would not only invite us for a tour of the Senate but also invite us to his residence on the grounds of the Senate for a nice champagne reception afterwards. He called a friend at the Conseille d’État, and we were received at the Conseille d’État.

So basically setting up the first program was dead easy because Pierre did all the local logistical work and made things work very nicely. Well, that was very successful, and so when I got back, of course the following year was going to be even more successful. We had that knocked. We got appropriate faculty lined up. Little did we know that there was going to be an energy crisis, and transatlantic air fares were going to go through the roof. This time, fortunately, Art had not reserved the right to cancel the program if sufficient people did not sign up, and in fact, only thirty-seven signed up, so the theory that you always do better the second year than the first year turns out not to be true with summer programs abroad, but there were some special circumstances here.

Another special circumstance was that Don thought that this was such a great idea that we could apply to Mexico, and Gil Otto had this summer program in Guadalajara that we could

simply tack two law course onto, and so we offered two law course in Guadalajara. We got a reasonable number of people to sign up. Of course, some of them might have gone to Paris if they had not been signed up for Guadalajara. So basically, in two years, we had two summer programs abroad.

After that, the programs tended to grow with interest of people who were on the faculty. We acquired two summer programs in England because about that time Ron Maudsley began visiting at USD. Now, Ron was somebody who lived in Oxford but who was on the faculty at Kings College, London. He obviously had many friends both in Oxford and in London and was able to find very good facilities for us in 1977 at Merton College in Oxford and in 1978 at Magdalen College to set up a summer program in Oxford.

Then I thought that over the long run, London was the more promising place because it was much more center of international law practice, and so Ron was able to call on his contacts at Kings College to find us facilities to have a summer program at Kings, which we started in 1979.

Then we set up the programs in Dublin and in Alexandria in 1983, in each case because there was a faculty member who was interested, and there was an opportunity there. In Alexandria, both Joe Darby and Sheldon Krantz were very interested in the program. Sheldon and I wanted to have a program that would spend four weeks in Israel and two weeks in Egypt. We were persuaded by a visitor that we had from Alexandria, Borum Attalla, that Cairo was not a fit place to be in the summer, that it was impossibly hot, and that anyone who was anyone in Egyptian legal circles would leave Cairo in the summer, and usually they went to Alexandria, which was on the coast, much more temperate, and we would be able to tap into this group of people as a resource.

The Israel part of this just didn't work out, so we started the program in Alexandria. We got a very small enrollment. Students were not terribly pleased with Alexandria or with the quality of instruction, although one of the alumni of that summer program went on to establish a very successful practice of law advising people making investments in the Soviet Union. He set up his law firm in Paris and basically shuttled from there into the Soviet Union.

It turns out that whether or not legal figures from Cairo actually went to Alexandria in the summer, we were not able to induce very many of them to participate in the program even on a

one-lecture basis, and there really wasn't anybody on the faculty who was terribly wild to do Alexandria again, and we hadn't been able to put together the Israeli side of it or to figure out the logistics of going from Israel to Egypt or from Egypt to Israel, so we closed the Alexandria program after one summer.

One of the reasons that Sheldon had been so entranced by this possibility is that during the previous year, we had had visits from a number of Israeli law professors who were trying to do what had never been done before in Israel and that was to draft a constitution. Israel like Britain operated on the basis of an unwritten constitution, and so Sheldon saw us at the forefront of constitution drafting, which also didn't happen.

The Dublin program was a matter of the people at Trinity College looking to fill their dorms. They sent around publicity to a lot of people, including us. I wasn't terribly interested in Dublin. It didn't occur to me that a decent program could be run there, but I circulated this as a possibility to the faculty, and several members of the faculty were quite enthusiastic. Ed Philbin had Irish ancestry as did Jack Kelleher. Now we didn't realize that Ed Philbin was about to leave the law school to become part of the Reagan administration. So we put together a program on international human rights in Dublin, and that's been reasonably successful over the years.

Around that time, I was asked by the American Bar Association in some desperation to inspect a summer program in the People's Republic of China. I think that I was the fifty-third person who had been asked to do this, and it was rather short notice. But I'd never been to China before, and I was certainly happy to get the ABA to pay for my trip.

What I saw was very discouraging in terms of the quality of that program but very encouraging in terms of what I thought we could do. This was a program that was taught by Chinese law professors who did not know English, and so the Chinese professor would stand there and lecture, and then somebody would stand next to him and do a simultaneous translation into English, which meant that instead of being in class for three hours a day, students were in class for six hours a day.

I got the idea of a program that would go from Beijing to Shanghai to Hong Kong. It would spend two weeks in each of those places, and it would get an opportunity to see three different Chinese, if you will, locations. It would get an opportunity to see what life was like behind the Bamboo Curtain and once you crossed over into Hong Kong what it was like. We put

the program together pretty well, and at that time, we had a number of people who seemed very interested. Ralph Folsom and Jack Minan together with a travel agent had put together a series of trips for lawyers, first to the Soviet Union and then to the People's Republic of China. In connection with the trip to the People's Republic of China, they had actually published a book on Chinese law. So there were two potential faculty members. Grant Morris had gone on one of their trips as the supervising faculty member, as had Terry Player, and they were both very enthusiastic about China.

So we had this plan and very apologetically, I went to these four faculty members and explained that they couldn't all go the first year, but there was going to be plenty of room for everybody, and who wanted to go the first year and who was willing to wait, and they basically all said, "What, me be responsible for thirty Americans for six weeks in the People's Republic of China? You've got to be crazy!"

The faculty had already approved the program, but one of the things that I've learned by then is that these things don't administer themselves. You have to have somebody to do it, and since we didn't have somebody to do it, we never started that program.

We did acquire a program from American University. In 1979, a fellow by the name of Bob Lubeck, who I think has since retired from teaching, set up a summer program that spent time in Moscow and St. Petersburg and Warsaw. He felt that he was not getting any support from American University, and so the University of San Diego offered to take over the program. American University was apparently quite delighted to get program out from under their auspices and into ours. We ran that program quite successfully for ten, twelve years. After the fall of the Soviet Union, we got into a situation where people were not in a position to deliver or were not willing to deliver in June what they had promised us the previous September. We stopped that program of a couple of years. We found somebody on site who was in fact an alumnus of that program, who had graduated from law school at Berkeley, had a couple of years with a big U.S. law firm who then married her Russian sweetheart and moved to Moscow and set up a law practice there, divorced him, married another Russian, and she today runs the program that we have in Moscow.

RL: That's funny.

HL: Her name is Marian Dent.

RL: Are all of these programs strictly tuition funded?

HL: Oh, yes. Well, let me qualify that. You know, university accounting is to cost accounting as military music is to music. If you use university accounting, all of these programs together show a profit, even when you lump in half of my salary and all of Cindy's and Darlene's salaries. On the other hand, the number of USD students who go on these programs has grown greatly. In 1973 when we set up the first program, two of the fifty-some students on that program were USD students, so roughly five percent. By the middle of the 1980s, almost twenty percent of the students on our summer programs were USD students. Now it's more like thirty-five percent.

Now when a USD student goes on the program that may or may not be new money. It depends on what they do in their later law school career. Many of the students who are going on these programs are students who entered as evening students, and they are trying to make up the credits, so that they can become day students, graduate in three years from the time that they entered. For those students, the tuition that we get in the summer replaces tuition that we would have gotten during the academic year or tuition that we would have gotten if they had stayed here in the summer. If you were really doing cost accounting, you wouldn't count that tuition as revenue of the foreign programs.

Likewise, students who are in the full time program may use the credits that they get in the summer to lighten their load somewhat during the academic year, in which case there's no tuition loss, because the student pays the same tuition for twelve credits as they do for sixteen credits. So one would have to go through and actually study and see what students do with it, but the short of it is that I believe that if you did a real cost accounting, there isn't a summer program in the country that really makes money when you do all of the allocated overhead, etcetera. As long as people are happy thinking that we're making a lot of money, that's fine with me. I mean, we don't get to spend any of that money. Any surplus that we have at the end of the year I tell the dean about, and he tries to get permission from the provost to spend it on something that the law school needs.

RL: But then you are not allocated a budget in the next year. Your budget is . . .

HL: We basically have a budget where we are supposed to bring in ten percent more than we spend, but I am not under the sort of budget constraints that other people are, because I tend to budget revenue very low and expenses very low, and it always turns out that we have a lot more revenue with which I can use to justify more expenses.

The other thing is I think I have developed a reputation around the law school of being the Ebenezer Scrooge of the law school, someone who will pinch a dollar even as tightly as Grant Morris does, and so no one suggests that I'm wasting money on these things. I'm perfectly happy to stay in hotels that cost sixty dollars a night when most people are staying in hotels that cost a hundred and fifty dollars a night.

RL: How about that lodging part of it? Does the university have to front a deposit and then the students pay for that out of their own pockets or how does that work?

HL: It depends on the location. In some places, the housing market is so favorable to us that we can house people in the community. For instance, Paris has the reputation of being a place where housing is very difficult to find, and that is absolutely true from the first of October to the end of June, but the French have this delightful habit of going to the countryside for the summer, so sometime between the last day of school for schoolchildren, which is usually the last Thursday in June, and Bastille Day, most Parisians abandon the city.

Paris is a city that has a serious burglary problem. Many people who are leaving their apartments are very happy to have some foreigner in the apartment for five weeks, collect a little rent money to help finance the vacation. What we do in Paris, about ten days before the program starts, we put advertisements in the paper, and people always call us and offer twice, three, four times the number of apartments we can possibly dispose of. They vary in price from quite reasonable to absolutely outrageous, and as you can well imagine, the ones that are within walking distance and quite reasonable tend to go before the ones that are far away and very outrageous.

On the other hand, there is no such tradition in London of Londoners abandoning the city for the whole summer, and so what we do in London is we rent dormitory rooms. In that case, yes, the University of San Diego sends a deposit of somewhere between a quarter and a half of the cost that we estimate. Then the students pay us what the cost is going to be, and we pay the other half at the end of the year. Unlike some other programs, we basically guarantee the exchange rate, that is, we charge the students a fixed amount. If the exchange rate is better than that, we pocket the proceeds. If the exchange rate is worse than that, we suffer the loss. It tends to even out over the years, although in some particular years like last year, you can really get stung.

RL: And does the program assist the students with the processing of their visas and passport issues and things like that, or are they on their own for that?

HL: It depends on the situation. The only program for which a U.S. citizen needs a visa is the program in Russia. In all of the other places, a U.S. citizen coming as a tourist can stay for up to ninety days without a visa. We not only help the students, we do process the visas for the students going to Russia. That has been a source of continual problem, because the Russians are not very good at getting the visas back, and they must have the student's passport, so that means that the student cannot leave the United States early.

We also help students who are coming from various other countries, because if a student is coming, for instance, from Iran or from Russia to our program in England, that student needs a visa. We manage to get letters to support their visas.

RL: Now you mentioned some of the people who taught in the early programs. Looking first at the non-USD faculty, who are some of the more prominent names that have come to teach in the program?

HL: There are a lot of prominent names. Almost anybody who is anybody in international and comparative law has taught for us. Probably the names that students recognize the most were Allan Farnsworth of Columbia and Yale Kamisar of Michigan. Allan has taught several times for

us in Paris, and Yale taught comparative criminal justice in Dublin, I think back in the early nineties.

Because these are people who are authors of commonly used first-year casebooks, students sign up in droves. They also signed up in droves when Justice Scalia taught for us in Dublin. The principle casebook in international business transaction is Folsom, Gordon and Spanoble. Ralph Folsom directed the Paris program in alternate years from 1975 to about 1990. Andy Spanogle has taught for us frequently. Mike Gordon has taught for us frequently. The other major casebook in international business transactions is Vagts, Koh and Dodge. Bill Dodge has taught for us. Detlev Vogts has taught for us. Harold Koh has somehow escaped us. I thought we were on the verge of making a deal for him to teach for us when President Clinton appointed him Assistant Secretary of State for Human Rights, and then when he got out of that, he became dean of the Yale law school, so our timing just hasn't been very good with Harold.

Anne-Marie Slaughter, who is now dean of the Woodrow Wilson School at Princeton, taught for us. George Bermann has taught probably ten out of the last twelve years.



## CONVERSATIONS IN LEGAL EDUCATION:

ORAL HISTORIES OF THE FIRST HALF-CENTURY OF THE UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

---

Narrator: Professor

Herbert Lazerow

Interviewer: Ruth Levor

Recorder: Ruth Levor

Date: December 5, 2005

Accession No.: OH-LRC-Lazerow-3B

TAPE 3B: SIDE a

RL: You were giving us the list of luminaries who taught at the program.

HL: Yes, and I think I finished with . . .

RL: George Bermann

HL: . . . George Bermann, who is the author of the casebook on European Union law. He has three co-authors. Eleanor Fox has taught for us frequently. His other two co-authors have somehow escaped us. We've had a number of appeals court judges—Diane Wood from the Seventh Circuit, Margaret McKeown on the Ninth Circuit, Malcolm Wilkey from the D.C. Circuit, Judge Wallace from the Ninth Circuit, Diarmuid O'Scannlain from the Ninth Circuit. It's been a great opportunity for our faculty to spend time with some of the luminaries of the legal world.

RL: How has that worked in terms of making these positions available to our faculty? Has it been more of a doling out of goodies or has it been more of you having to work hard to convince people to continue teaching the program?

HL: Well, a little of both, actually. The thing that I think makes it a little difficult for some of our faculty is that sometime in the nineteen eighties, USD began making available research grants to the faculty. Those research grants are now in the amount of eight thousand dollars for an ordinary grant or fifteen thousand for a super grant. Another factor is that in order to teach on the summer program, you have to teach a course that is either international or comparative in nature, the idea here being to try to use the summer program and the lure of teaching on it as a way to stretch people to find out something about how other countries handle the fields that they teach on a purely domestic basis.

A little over half of our faculty have taught on the summer programs abroad, but I think some people are deterred from it by the necessity to international or comparatize their course. Some people are deterred from it because they have working spouses, and they don't want to be away from their spouse for that long, and some people are deterred from it because it is not a good way to become wealthy beyond your wildest dreams, because if your choice is between getting eight-nine hundred dollars to teach in Paris, but then out of that eighty-nine hundred dollars, you have to pay your airfare, your housing, your food and airfare, housing and food for your family, and not everyone is able to rent out their house while they're gone from San Diego, although you should be able to with a little effort.

For whatever reason, some members of the faculty have chosen not to take advantage of this opportunity. Some members of the faculty have chosen to do it once and not a second time, and there are people who like to do it quite frequently. They tend to be, I suppose it should not be surprising, people who are not much into scholarship.

RL: And some have administered the program rather than taught in it, is that correct?

HL: Right, you can either teach or administer, or you can do both.

RL: What about people from other countries who have taught in the program? Who are some of those?

HL: We have had a very successful run of people in other countries who have taught. We have tended to be tipped off to them by colleagues. For instance, Jack Beatson was a young faculty member at Oxford when Ron Maudsley recommended him as the onsite director for our Oxford program. Jack did this for five or six years, and in the course of doing that, he recommended a couple of young people at Oxford who taught for us. Jack later got a professorship at Cambridge and is now on the high court.

Meanwhile, one of the people that he recommended, Paul Craig, wrote a major casebook on European Union law and is regarded as one of the major players in that field today. We have done very well by that. Pierre Legrand in Paris is certainly one of the most original thinkers in the comparative law field today, and it happens that he teaches in the same building as our program, so we were very happy to latch on to him, and that has led to his visiting in San Diego. I might add that we have had quite a number of really outstanding teachers who we have not been able to bring to San Diego simply because we haven't been sufficiently organized to commit the funds far enough in advance.

RL: As visitors?

HL: As visitors, but we could get, say, Dermot Walsh here to teach either international human rights or comparative criminal justice or even a regular U.S. criminal justice course. Neville Cox is a fabulous teacher in comparative civil liberties or European Union law. We have two people in our Barcelona program who are very good, one in public international law, one in private international law, and all of these are people that we could have in San Diego if we could plan far enough in advance.

RL: Tell me something about the students who have gone through this program over the years. I'll bet you that I could ask that question and then sit back for about five or six hours and hear some wonderful stories.

HL: Well, that is right.

RL: I'll let you pick and choose about that.

HL: Well, it's hard to know quite what to say about the students who have been on the program. They are a very varied lot. Some of them are clearly only there because this was a way to finance a vacation in Europe. Some of them are there because they think they might be interested in a career in international law. Some of them are there because they know they want to live in London, and this is their first step toward doing that.

We have ex-students who are now judges. Carol Muhling was a USD student, went on the summer program, I think, in 1974. She is now a, I think, a U.S. magistrate, and obviously probably on the verge of retiring. The same year, we had a young girl who had just begun her studies of law in England, but she knew about the program because her father was Ron Maudsley, and he had taught at USD, and so Claire Maudsley went on the program and met a lot of people from San Diego and got interested in San Diego, moved to San Diego after she had gotten her law degree in England and has been in practice in San Diego for probably twenty-five years or so.

RL: I didn't realize that.

HL: A third member of the group in 1974 was a fellow who was a student, I want to say at Marquette, a guy who was very interested in trial work. After he graduated from law school, he came to San Diego and nosed around and met a fellow named Mike Thorsnes, and they formed the firm of Thorsnes, Bartolatta, and I've forgotten Mickey's last name, but he's the third name in this wildly successful trial law firm in San Diego.<sup>1</sup>

We have had a large number of students who have gone into the foreign service. One of our students on the summer program abroad is Fran Fragos Townsend, who is, I believe her technical title is Deputy Director of the Department of Homeland Security.

One of the most interesting cases involved John Spinato. Now John was student at the University of Dayton, and he came on our summer program in Paris in 1977, kind of as a lark.

---

<sup>1</sup> Thorsnes Bartolotta McGuire

During the course of the summer, he fell in love with France and international law, although I'm not sure which order it was, and he decided that he was going to practice international law.

Well, part of the problem was that his law school was not one of the more prestigious law schools that tends to feed students into international law. Part of the problem was that John was not at the top of the class, but he tried very hard to get an international law job, and at the end of his three years at the University of Dayton, the best offer he had was from the State of Iowa ombudsman. But John had student loans to pay off, and so he packed his old clunker of a car, and he drove out to Iowa. He got himself an apartment with a couple of other people in a not absolutely luxurious area of town, but that was fine with John, because that enabled him to save a fair amount of money. At the end of two years, he could see that he was almost at the point of paying off his student loans. I'm not sure that that can be done today in two years.

He realized what he had always known, that there wasn't an awful lot of international law work at the State of Iowa ombudsman's office, and so he realized that if he was going to realize his dream, he was going to have to get out of there, so he applied for graduate work in international law to all the usual suspects and basically got a lot of thin letters back, but he got the thick letter back from Georgetown. He gave his notice and packed that same old clunker of a car and moved to Washington, D.C., where he interviewed with everybody who came through Georgetown who had something that looked like it was international law.

There were a lot more people who came through Georgetown with that description than there were who came through Dayton. At the end of his graduate work, the best offer he got was from the general counsel's office of an aircraft manufacturer in Connecticut. Well, again, John was a very practical guy. It wasn't international law, but it was a job, and so he moved to Connecticut. But every six months or so, he'd pick up the phone, and he called the people with whom he thought he had had particularly good interviews, who were doing international law. On one of those calls to the general counsel of Elf Aquitaine, the large French oil and petrochemical company, the guy said, "Well, you know, the person we hired instead of you is leaving us, and so if you're really still interested in this job, it's yours."

John was delighted. He gave notice at the aircraft manufacturer, and he moved to Paris. He got an apartment in the Marais, seventeenth century building, exposed beams. John was in heaven, but unfortunately, there was one minor detail that John had neglected. Despite the fact

that he has an Italian sounding name, John is a hundred percent American, and that means that if you want to work in France, you need to get what is called a *carte de séjour*, a residence card, which is very easy the first year. You go down to the *préfecture de police*. You fill out a bunch of papers. You have a little interview, and they stamp your ticket. And the second year they stamped his ticket, and the third year. The policemen said, “Monsieur Spinato, I’m afraid that this is the last year we’re going to renew your *carte de séjour*.”

Well, if there was one thing that John had learned from his time in Paris, it was that large corporations like Elf Aquitaine have a lot of clout, so he went to his boss and explained the situation, and the boss said, “I’ll see what I can do.”

And he came back a couple of weeks later, and he said, “You know, given the political situation now, immigration being a hot issue and all that stuff, there’s probably not much we can do about this, but as you know, we have a subsidiary in the United States, and that subsidiary has been paying outside counsel for legal advice, which was fine when it was a small subsidiary, but it has now grown considerably, and to make a long story short, we’d like you to become general counsel of Sanofi in New York.”

John took the job. It is not living in Paris, but he does get to go to Paris with some frequency at the expense of the company, and he heads a ten-person general counsel’s office in New York.

RL: Wow, he really had the bug!

HL: Well, he was persistent.

RL: Yes. What about some of the travel stories? What’s your favorite?

HL: Well, this story illustrates that students do not always take their professors’ advice, at least initially and very frequently live to regret it. One student, who shall remain nameless, a USD student, decided to take her comparative law very seriously. In her time in Paris, she wanted to compare the men of as many different nationalities as she possibly could. She ended up after a couple of weeks of the program with a boyfriend from Morocco. At one point, we were

standing around in the lounge, where there was a very nice espresso machine, and she said, “Well, I’m going with my boyfriend. I’m going to visit with his parents in Fez this weekend.”

I said, “You’re leaving Friday afternoon.”

“Yeah.”

“And you’re coming back Monday morning?”

“Yeah.”

I said, “Well, let’s see. From Paris to the Spanish border at Hendaye is roughly the equivalent in miles of driving from San Diego to San Francisco, but of course, it’s not freeway all the way. And then from Hendaye to the Mediterranean, it is again roughly the equivalent of driving from San Diego to San Francisco, and then you take the ferry across to Morocco, and then you’re still not in Fez. Fez is up in the mountains, My hunch is that if you drive straight through, you can probably get to Fez just in time to turn around and come back.”

And she thanked me very much for my advice, but said that she was going to do it nonetheless. Well, the report the following Monday, she was back for class Monday morning, was that when they got to Biarritz, they thought that it was awfully pleasant in Biarritz, and since they were not halfway to Fez yet, they decided that they’d stay the weekend in Biarritz.

RL: Not a bad decision at all.

HL: But one of the things that Americans tend to do is to underrate distances in Europe. Europe is a small continent, but it’s not that small. What we try to do is plan weekend trips on the first, second and third weekends in the Paris program. Then the fourth weekend is the weekend before exams, so nobody wants to go away, and we try to encourage students in the literature to travel either before the program starts or after the program is over, because I mean, a lot of people want to go to Greece, and that’s perfectly understandable, or a lot of people want to go to Italy, but it doesn’t make any sense to try to do that over a weekend. You don’t see enough of either Greece or Italy, and you spend a lot of money flying there.

RL: How many different classes are offered in each particular program? I go on a summer program to Paris. How many different courses am I going to take?

HL: You're going to take two, probably, although it's up to you. You can take only one, if you want. It varies with the programs. There's always the option to get two courses. In the short programs, there'll be two two-credit courses. In the longer programs, there'll be two three-credit courses.

In addition to that, in places where English is not the native language, we offer language courses. We do all sorts of cultural visits. For instance, we do Wednesday night at the Louvre with Jane,<sup>2</sup> where Jane takes people around the Louvre and shows them, basically either paintings that have something to do with law—for instance the Louvre has the Code of Hammurabi. They have paintings illustrating famous legal themes, like the judgment of Solomon. There's a wonderful painting by Pierre Prudhomme called "The Criminal Pursued by Human Vengeance and Divine Justice."

We show them things that have to do with places we visited or things that we've talked about, so we go to the Loire Valley, and they see places that are associated with Henry the Third, Henry the Second. We go to the Louvre, and we see portraits of Henry the Third and Henry the Second, and then some things just to get them used to what you might think about as you look at art. Why is everybody in this painting looking at one thing, but there's one guy who's looking at something else—and that guy is the artist.

The truth is that there's not enough time on these programs between the academic stuff and the extra-curricular stuff. People have lives also. If somebody is used to working out every day, they're not going to not work out for five weeks. We had one woman who was a marathon runner, and every day, she ran from her dormitory at the southern end of Paris up to the top of Montmartre and back.

RL: Wow, that's impressive. What's involved in developing the curricula?

HL: The curricula is fairly easy. You try to figure out what is it that students will take, what it is that you have faculty to teach. It's not as though you're providing a whole law school experience. You're trying to give people two opportunities. Most of our students are students

---

<sup>2</sup> Mrs. Jane Lazerow, wife of Prof. Bert Lazerow

who have just finished the first year of law school, so you want to give those students the opportunity to get an introduction to international comparative law. Then we have a number of students who have finished the second year of law school, and they've already had the basic international law course, and we have some graduates, and we have a fair number, now about twenty-five percent of our students, are students from outside the United States, and most of those people have certainly had more years of law study. We try in each place to give basically two basic courses and two more advanced courses.

RL: And of the four, the students will pick two that they prefer.

HL: Yes, and they don't always pick consistently, and they don't always pick what we would call rationally. They pick whatever they want to do. Sometimes they've heard that X is a great teacher, and they want to take that course.

RL: Are there hoops that you have to go through to insure the quality of the classes or insure that they're credited or acceptable?

HL: Well, we have an ABA inspection every seven years. It used to be every five years, but they have decided that we can be let go for seven years without an inspection. The most significant thing is to choose, I mean, faculty members have a certain amount of self-motivation, and the instructions we give them are a three-credit course in Dublin is supposed to be the equivalent of a three-credit course in San Diego. It's just compressed, but then again, you've got them every day. They're not distracted by a lot of other courses.

RL: Do the inspectors actually come to the location?

HL: Yup, it's only, they send one inspector. The inspectors come to the location. They sit in on each of the classes, one session usually. They talk to the students. They talk to the faculty. They look at the exam questions. They look at the grade distribution, which follows USD's grade distribution in San Diego. That's it.

The one thing that is very different about the summer programs, and this is probably more true of our summer programs because we have a lot of students from other schools, is that the students vary quite a lot, both in terms of smarts and in terms of background. At any law school in the United States, students fall within a relatively narrow band, because we use LSAT and GPA as our admissions criteria. We don't do that on the summer program abroad. All you have to do is be a student at an ABA school in good standing or a student at a non-ABA school who can persuade the director that you have the ability to do the work.

What that means is that you get some people who are very smart, some people who are not very smart, a lot of people in between, and what USD students don't realize is that they are very smart, that when they go out there compared to students from most law schools, they stand out.

Then we have foreign students. The Israeli students, the German students, the Russian students tend to have a much better preparation than American students do. They are much more into substantive law. They are much more used to working very hard. The Italian students . . .