

American Bar Associated Mandated Disclosures
Santa Clara University School of Law
2015 Summer Abroad Program in Oxford

The following disclosures are required by Part VIII of the 2014-15 American Bar Association Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools.

1. The program begins on Tuesday, June 30, 2015 and ends on Friday, July 31, 2015. The program is offered at Magdalen College, Oxford, United Kingdom. Anticipated enrollment in the program is 15-20 students. The program consists of tutorials in selected law subjects (three units) and a seminar in selected topics (two units). For details concerning the tutorials and the seminar, see items 5 – 7 below.
2. Santa Clara University School of Law has maintained a long standing personal relationship with two law fellows of Magdalen College and with administrative and support staff of Magdalen College. Magdalen College furnishes housing and meals for students and the director and a variety of support services for students and the director (internet access, laundry facilities, housekeeping, security, mail, duplicating facilities, reception). There is no further relationship between Santa Clara University School of Law and Magdalen College.
3. Fourteen students participated in the 2014 program, four from Santa Clara University School of Law and ten from students enrolled at other United States law schools.
4. The program is not limited to United States law students. In the past, on occasion, one or two law students from Canada or the United Kingdom have participated.

5. Program description

A. Tutorials

The tutorial portion of the program is conducted in the traditional Oxford tutorial manner. When registering for the program, a student chooses from among a variety of legal subjects to study under the supervision of a tutor. For each of the five weeks of the program a tutor in that subject (the equivalent of a United States law school professor and typically referred to as a “don” or a “fellow” of Oxford University) provides the student with an extensive bibliography of readings and assigns a topic for a written essay based on the readings. Tutors generally expect an essay of 1,500-2,000 words. Toward the end of each week, or at other times mutually agreed upon between student and tutor, the student meets with the tutor for an hour and fifteen minutes. Some tutors prefer meeting with a pair of students at the same time; such tutorial meetings will be two hours long. Tutors ask that each student present and defend his or her essay and discussion of the topic ensues between tutor and student. Students earn three units for successful

completion of the tutorials, at the end of which the tutor assigns a letter grade based on the written essays and performance during the tutorial sessions.

The program offers tutorials in the following subjects:

1. International Criminal Law

This tutorial traces the historical origins of international criminal law and its sources, and its development through the jurisprudence and practice of various international criminal tribunals, from Nuremberg to the International Criminal Court in The Hague. The tutorial introduces students to the nature of the principal international crimes (genocide, war crimes, crimes against humanity), as well as forms of criminal participation and individual criminal responsibility.

Tutor: Susan Lamb

2. Transitional Justice

This tutorial explores various types of justice initiatives available to societies emerging from armed conflict or authoritarian regimes, seeking to redress historic injustices or to achieve national reconciliation. It studies responses such as truth and reconciliation commissions, commissions of enquiry, initiatives aimed at memorialization, and critically examines the supposed tension between peace and justice. It also examines mechanisms designed to ensure that the impact and legacy of international criminal tribunals extend beyond the relatively few cases these tribunals can themselves adjudicate and the extent to which these can instead inspire local justice responses or contribute to the reinvigoration of national justice systems affected by armed conflict or suffering from other systemic weaknesses.

Tutor: Susan Lamb

3. Comparative Media Law

This tutorial will explore topics in the exploding area of media law and policy throughout the world.

Tutors: Laurence Lustgarten (two sessions) and Paolo Cavaliere (three sessions)

4. Comparative Property Law

This tutorial will explore similarities and differences between the law of real property in England and that of the U.S.

Tutor: Roger Smith

5. Comparative Tort Law

This tutorial will explore similarities and differences between the tort law of England and that of the U.S.

Tutor: Roger Smith

6. Law of Armed Conflict

This tutorial examines a range of topics within this major area of international law, including the rules as to how warfare is to be conducted, the displacement of persons during armed conflict, and the legal protections for injured or captured combatants and civilians.

Tutor: Ruvi Ziegler

7. International Refugee Law

This tutorial explores a major area of public international law that regulates an exception to the principles of state sovereignty and migration control. It offers a critical understanding of the international regime of refugee protection by highlighting its virtues and shortcomings.

Tutor: Ruvi Ziegler

8. Environmental Law

This tutorial will introduce the legal, economic and social context of environmental regulation. No prior knowledge of U.S. environmental law is required, although students with past experience are welcome. During the tutorial, we will discuss: General theoretical approaches to environmental law, the structure of environmental law within the European Union – highlighting differences and similarities with the United States when relevant; and, a case study of the issue of fuel poverty that illustrates the intersection of environmental, economic and social problems on which environmental law functions

Tutor: Josephine van Zeben

9. International Law

This tutorial reviews the sources and essential principles of international law, including the peaceful settlement of disputes. It will also focus on the responsibility of the state in international law issues.

Tutor: Chaloka Beyani

10. Human Rights and International Law

This tutorial will focus on defining the concept of human rights – their origin and the place of human rights in international law. It will also introduce students to the role of treaties in securing and protecting human rights.

Tutor: Chaloka Beyani

B. Seminar

The seminar consists of five lectures plus three field trips. The lectures and the lecturers are identified in item 6 below. The field trips, accompanied by expert commentary, expose the student to the world famous Bodleian Library in Oxford, the Oxford courts, and “legal London,” consisting of a visit to the Royal Courts, the Inns of Court, and the Supreme Court. No advance preparation is required for the lectures or the field trips, but students are required to submit a paper exploring in greater depth one of the subjects treated in one of the five lectures. The paper will be due three weeks after the program ends.

Students earn two units for successful completion of the seminar. The director, a law professor at Santa Clara University School of Law, will read, evaluate, and assign a grade to the paper that, together with attendance at the lectures and field trips, will determine the student’s grade for the seminar. Missing any of the lectures or missing a field trip will adversely affect the grade.

6. Students meet with tutors at time mutually agreed with the tutors. See item 5.A. above.

Lectures, each presented in a designated room at Magdalen College, will be given at the following times:

Lecture 1: July 1, 2015, 10:00 a.m. – 12:20 p.m.

The English legal educational system, including the tutorial system, and an introduction to English land law, presented by Roger Smith

Lecture 2: July 3, 2015, 9:30 – 11:50 a.m.

The nature of parliamentary sovereignty in the United Kingdom, presented by Peter Mirfield

Lecture 3: July 6, 2015, 4:30 – 6:50 p.m.

Deconstructing environmental law, presented by Liz Fisher

Lecture 4: July 15, 2015, 4:30 – 6:50 p.m.

Governance of the arms trade, presented by Laurence Lustgarten

Lecture 5: July 20, 2015, 4:30 – 6:50 p.m.

Development of a privacy tort in the United Kingdom, presented by Roderick Bagshaw

7. The requirements for student performance and grading method are described in item 5, above.

8. Tutorial enrollment is limited to four students per tutor. Seminar enrollment is limited to 35 students. There are no prerequisites for either portion of the program.

9. Acceptance of credit or any grade for the course is subject to determination by the student's home school.

10. Professor Gary Neustadter will serve as director of the program. Professor Neustadter obtained his B.A. degree from UCLA in 1968 and his J.D from UCLA School of Law in 1971. He is a member in good standing of the California state bar. He practiced commercial litigation in Los Angeles until 1974. He has taught continuously at Santa Clara University School of Law since August 1975 and is a full-time tenured professor of law. He has served as Associate Dean for Academic Affairs of the Law School, Chair of the Law School's Admissions Committee, President of the University Faculty Senate, and Chair of the University's Athletics Advisory Board. He teaches Contracts (for which he has authored his own electronic book), Bankruptcy, and Secured Credit, and has served as a clinical supervising lawyer at the Law School's Alexander Law Center. His scholarship focuses on consumer bankruptcy law.

11. The following faculty will be teaching either a tutorial or giving a seminar lecture:

Roderick Bagshaw is fellow and tutor in law at Magdalen College and a Lecturer in the Faculty of Law. He teaches courses in Administrative Law, Constitutional Law, Tort Law, and Evidence. He was formerly on the Executive Committee of the Society of Legal Scholars and the Convener of the Society's Tort Law Subject Section. He is the co-author of McBride and Bagshaw, Tort Law (3rd ed. 2008), and a contributor to Phipson on Evidence and Butterworths Common Law Series: Tort.

Chaloka Beyani teaches International Law and Human Rights at the London School of Economics (LSE). He is a member of both the Centre for the Study of Human Rights and the Centre for Climate Change at LSE. He is also the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons. Dr. Beyani has served as a member of the official Committee of Experts that drafted the Constitution of Kenya.

Paolo Cavaliere holds a PhD in International Law and Economics (Bocconi University, Italy); LL.M. in Public Law (UCL); Combined Bachelor's and Master's Degree in Law (University of Pavia, Italy). Dr. Cavaliere is a lecturer in Digital Media & IT Law at the University of Edinburgh Law School. Prior to joining the University of Edinburgh, Dr. Cavaliere was a researcher at the Programme in Comparative Media Law and Policies of the Centre for Socio-Legal Studies of the University of Oxford, where he has also helped to coordinate the Monroe Price Media Law Moot Court Competition.

Liz Fisher is a Reader in Environmental Law at Corpus Christi College of Oxford University and a lecturer in the faculty of law. She received her B.A. and L.L.B. from the University of New South Wales and her D Phil from Oxford University. Her scholarly pursuits are in the areas of

environmental law, risk regulation, and administrative law. Her 2007 book, *Risk Regulation and Administrative Constitutionalism*, won the SLS Peter Birks Prize for Outstanding Legal Scholarship. She won an Oxford University Teaching Award in 2009 and was short listed for Oxford University Press National Law Teacher of the Year Award 2011. She also sits on the Editorial Board of the *Journal of Environmental Law* and the Editorial Committee of the *Modern Law Review* (the latter as co-editor of the Legislation Section).

Susan Lamb is a Professor, Vice Dean and Executive Director of the Centre for International Criminal Justice and International Humanitarian Law at the Jindal Global Law School in India. Prior to joining the JGLS, she had a 17 year career with various United Nations responses to atrocity crimes, serving as a Senior Legal Officer for the United Nations Assistance to the Khmer Rouge trials in Phnom Penh, Cambodia, as Chef de Cabinet for the United Nations International Criminal Tribunal for Rwanda, Tanzania and in various capacities for the the United Nations International Criminal Tribunal for the former Yugoslavia in The Hague, Netherlands. She received her Bachelor of Arts and Bachelor of Law degrees from the University of Otago in Dunedin, New Zealand and undertook doctoral studies at Balliol College, Oxford in the mid 1990s as a Rhodes Scholar. She is admitted as a barrister and solicitor of the High Court of New Zealand.

Laurence Lustgarten is a Visiting Fellow at the Oxford Institute for Ethics, Law and Armed Conflict. He was a Professor Law at the University of Southampton and Warwick Law School, Queen's University.

Roger J. Smith is a member of the Oxford faculty of law and a fellow of Magdalen College, Oxford. He received his B.A. from Cambridge, and his M.A. from both Cambridge and Oxford. He has been a lecturer in law at Birmingham University, a Fellow of Fitzwilliam College, Cambridge, and a visiting lecturer in law at the University of Melbourne. His research and teaching interests are in the areas of Real Property, Torts, Trust, Company Law, and Taxation.

Josephine van Zeben studied law at the University of Edinburgh and Harvard University. Her work is interdisciplinary, having postgraduate qualifications in law and economics and law and political theory. An important part of her work focuses on climate change mitigation efforts within the European Union, specifically through market-based regulation. At Oxford, she is a fellow of Worcester College where she teaches EU law, Constitutional law and Administrative law. She is also a visiting lecturer at the ETH Zurich where she teaches Environmental law and policy to scientists.

Reuven (Ruvi) Zeigler is a lecturer in law at the University of Reading, Editor-in -Chief of the Refugee LAW Initiative's Working Paper Series at the School of Advanced Study at the University of London, and Research Associate at the Refugee Studies Centre (RSC). He is also a researcher at the Israel Democracy Institute and participates in the "Constitutional Principles and Their Implementation" project there. In addition he is a frequent contributor to the Oxford

Human Rights Hub Blog and other legal blogs. Professor Ziegler, as a visiting researcher at Harvard Law School, was affiliated with the Immigration and Refugee Clinic and its Human Rights program.

12. The informed contact person at Santa Clara University School of Law is:

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13. Tuition for the program is \$1,000/unit. Room and board at Magdalen College (single room, not en suite + weekday breakfasts) costs approximately \$1,900 (subject to changes in exchange rate). Students are responsible for the cost of round trip airfare to London, land transportation to and from Oxford, breakfasts on weekends, lunches and dinners throughout for the duration of the program, and all incidental living expenses. The costs of these items vary depending on the student's individual circumstances. Students are responsible for the cost of necessary reading materials. The nature and amount of reading materials varies depending upon the tutor with whom a student works. Much of the reading material is accessible for free at the Bodleian Law Library. The program director will make every reasonable effort to upload electronic versions of as many of the reading materials as possible and make those materials freely accessible to students.

14. Tutorials will be held either in the office of the tutor in Oxford or in small meeting rooms at Magdalen College. Seminar lectures will be held in a medium sized meeting room at Magdalen College. The program's administrative office is the Archway Seminar Room at Magdalen College.

15. Not all facilities in the United Kingdom or Oxford are accessible to persons with disabilities. Magdalen College facilities are accessible to persons with disabilities but accommodations should be requested of and suitable documentation provided to the Santa Clara Law School's Center for Global Law and Policy in advance of the program so that appropriate arrangements can be made for accessibility.

16. Santa Clara University Law School has never cancelled the program since its inception in 1978 and does not anticipate the need to do so. However, war, natural disaster, widespread contagious disease, terrorism, or comparable events, or insufficient enrollment, could cause cancellation. Should cancellation occur, students will be notified by e-mail and all deposits and tuition paid for the program will be refunded.

17. If, prior to commencement of the program, the U.S. State Department issues a Travel Warning or Travel Alert for England, Santa Clara Law School will promptly notify all registrants in the program by e-mail and will give all registrants the opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all deposits and fees paid to Santa Clara University.

If, during the course of the program, the U.S. State Department issues a Travel Warning or Travel Alert for England, Santa Clara Law School will promptly notify all registrants in the program by e-mail and will give all registrants the opportunity to withdraw from the program. Students who withdraw will be refunded fees paid except for room and board payments used before the date of withdrawal.

For current State Department travel warnings, visit:
<http://travel.state.gov/content/passports/english/alertswarnings.html>

18. In addition to the refund policies stated in items 16 and 17, above, if significant changes are made in the course offerings or other significant aspects of the program, those changes will be communicated promptly by e-mail to any applicant who has paid a deposit or registered for the program, and an opportunity will be provided for that person to obtain a full refund of all monies paid or to transfer to another program should the student so desire.

Tutorial and lecture schedules and topics may be adjusted based on the availability of an instructor or of facilities. Site visitations may be altered according to availability (such as unscheduled closings.) Participants will be provided prompt notice of any such changes and the program director will arrange for appropriate substitutions. All such adjustments do not constitute a "significant change" in the program.

19. The program makes housing available to students at Magdalen College. Such housing consists of college dorm rooms in historic and old Magdalen College buildings. Most such rooms are not en suite; a student must use bath and shower facilities outside the room on the same floor or on a floor above or below the floor of the student's room. The rooms include a bed, desk and chair, dresser, internet access, and an ice box. The rooms and furniture are clean and neat but not modern. All rooms have windows. Housekeeping is provided. Doors to all rooms lock.