

# The Republic of Georgia

WASHBURN LAW IMPACTS LEGAL EDUCATION WHERE  
THE BLACK SEA MEETS THE DAWN OF A MODERN LEGAL ERA

The first ever academic symposium in Tbilisi, Georgia, ushered in a new era of legal and judicial independence for that country, with Washburn Law playing a vital role in this historic event.

The two-day “Symposium on Commercial Law” in March 2012 brought U.S. and Georgian experts together to discuss critical commercial law issues facing Georgia. It followed an opening ceremony for the National Center for Commercial Law (NCCL) at the Free University of Tbilisi, Georgia, with Washburn Law Dean Thomas Romig addressing the audience about the relationship between Washburn Law and the Free University, and the promising start of the new center.

Washburn Law professors have been working with their counterparts at Free University in the creation of the NCCL, as well as other legal education initiatives, during the past year. The NCCL is the product of a partnership among the U.S. Agency for International Development (USAID), the Judicial Independence and Legal Empowerment Project (JILEP), Free University of Tbilisi, and Washburn University School of Law, aimed at promoting the development of commercial law-related education and practice in Georgia. JILEP is a four-year initiative launched in December 2010, funded by USAID, and implemented by The East-West Management Institute (EWMI). As a partner in the project, Washburn Law receives funding for its role.

More than 100 representatives of the Georgian judiciary, leading Georgian law firms, and non-governmental and international organizations in Georgia working in the field of commercial law attended the lectures co-presented by both Georgian and Washburn Law professors. Associate Dean for Academic Affairs Aida Alaka and Professors Will Foster, Patricia Judd, and Michael Hunter Schwartz co-presented several symposium topics with their Georgian counterparts and conducted additional training activities following the symposium on legal writing and reasoning, intellectual property law, and teaching methodology.



Foster, at a Washburn Law faculty development meeting in April, detailed the success of the NCCL’s opening and the enthusiasm and inquiring spirit shared by the Georgians in attendance. “Basically, private property didn’t exist in Georgia until the 1990s so they didn’t have commercial law,” Foster explained. “Not only did we have these great back-and-forth presentations, we opened it up for audience questions and they couldn’t get enough.”

Foster said that the opening of the NCCL formalized its role as a “clearinghouse” for commercial law study and development in Georgia and said its impact will be bolstered by the passionate support from Georgian businessmen, some of whom serve on the NCCL board of advisors. “The Center’s board of advisors is committed to an open flow of communications with Georgians. Plans are underway for video conferences, and clinical legal education is a priority with businesses partnering to offer internships and externships for students at the university.”

Washburn Law faculty and the rest of the JILEP team first assessed Georgia’s legal education needs in the area of commercial law during a trip to the country in January 2011. And although they found general deficiencies in the Georgian legal education system,



*Professor Michael Hunter Schwartz, left, co-presented “Professional Liability Insurance for Lawyers” with Tamar Goderdzishvili, lawyer for the National Bank of Georgia, at the first ever academic symposium in Georgia.*

including a lack of experienced professors and lecturers with practical legal experience and the ability to teach using modern methodologies, Foster said the faculty at Free University possessed important attributes from which to build. “Free University has very distinguished, young, energetic, and highly educated faculty who have amazing credentials. These are folks who are open to innovative teaching styles.”

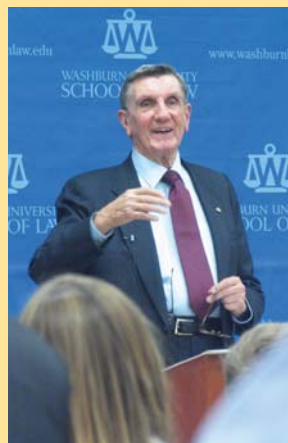
Before the official opening of the NCCL, Washburn Law Professor Amy Deen Westbrook and three Free University law professors introduced a new skills training course in January 2012 titled, “International Business Transactions and Contract Drafting,” to law students from six Georgian schools at the NCCL’s Winter School at Free University. Professor Westbrook created the course specifically for Georgian law students and shared her teaching notes and other teaching materials with her Georgian colleagues so they could teach the course themselves in the future. Washburn Law Professor Bill Rich also presented lectures on Constitutional Law at the Winter School.

Going forward, Washburn Law will remain connected to the professors and students at Free University with the continuation of bi-weekly video conferences that also include officials from EWMI. The collaborators will discuss plans for commercial law and legal writing certificates as well as clinical legal education for Georgian students, writing competitions, corporate trainings, and development of curriculum and course materials. Additional Washburn Law professors will travel to Georgia and present various topics within the next year. “Each of us will try to engage to keep energizing the project,” Judd said. Foster added, “We want to demonstrate our firm commitment to them [Free University] and the Georgian legal community. There’s a lot of momentum for this project and we’re making a big impact.”

## 35TH ANNUAL FOULSTON SIEFKIN LECTURE

### MONROE H. FREEDMAN

“PROSECUTORS’ ETHICS –  
FIGHTING TO SUSTAIN UNETHICAL AND  
UNCONSCIONABLE CONDUCT ON APPEAL”



Monroe H. Freedman, a pioneer in the field of legal ethics and one of the nation’s foremost experts in the field, delivered the 35th Annual Foulston Siefkin Lecture at Washburn Law on March 9, 2012. Freedman asserted that prosecutors’ offices too often make calculated decisions to adopt policies and practices that are unethical and/or

unconscionable. For example, it is understandable that a prosecutor, in the heat of trying a case, will sometimes engage in tactics that he or she would not choose to use after adequate reflection. However, when a prosecutor’s office justifies that kind of trial conduct on appeal or in response to collateral attack, after there has been ample time for reflection, the unethical or unconscionable conduct becomes official office policy. That kind of prosecutorial conduct is inexcusable, and should be subject to severe disciplinary sanctions.

The American Bar Association awarded Freedman its highest honor for professionalism in recognition of his “lifetime of original and influential scholarship in the field of lawyers’ ethics.” A professor at Hofstra Law School and former dean of the school, Freedman received his bachelor’s degree from Harvard University and his LL.B. and LL.M. from Harvard Law School. He has authored many pieces that are required readings at law schools around the country. His books include the treatises *LAWYERS’ ETHICS IN AN ADVERSARY SYSTEM* and *UNDERSTANDING LAWYERS’ ETHICS* (4th ed. 2010), which he co-authored with Abe Smith. Freedman has also authored articles appearing in the *Yale Law Journal*, the *Stanford Law Review*, and the *Michigan Law Review*. For the past 30 years, Freedman has lectured annually on legal ethics at Harvard Law School. He has also been a visiting professor at Georgetown University Law Center since 2007.