



## U.S. Embassy's Quarterly E-Bulletin

May 2003



### Welcome!

Welcome to the first issue of **LINUS** - *Legal Innovations in the U.S.* - the U.S. Embassy's new quarterly e-bulletin. Our goal for this e-bulletin is to provide you with timely and relevant information. **LINUS** will also enhance and expand your legal expertise by showcasing innovative legal practices, ideas, experiments, organizations, and references. While we recognize that the U.S. and Israel have different theories and practices of law, we also see many similarities. By sharing information on U.S. law, we hope to provide practices that you may be able to adapt and that will benefit both you and those whom you serve.

We chose the name **LINUS** to convey the innovations and dynamic events which help to shape the continuing changes in U.S. society and culture. Integral elements of U.S. democracy include the rule of law, limits on federal power, states' rights, freedom of speech and religion, respect for the rights of women and minorities, and ethnic tolerance. The creation of innovative legal practices - to strengthen and provide more efficient and effective judicial processes - is an essential aspect of our society.

We welcome your comments and suggestions for future topics. If you are interested in contributing to a future issue, or know of someone in the legal field who would enjoy receiving **LINUS**, please e-mail the e-bulletin's editor, Felicity Aziz, at [fa@usembassy-israel.org.il](mailto:fa@usembassy-israel.org.il).

We hope you enjoy and benefit from **LINUS**!

Sincerely,

Ambassador Daniel C. Kurtzer  
U.S. Embassy, Tel Aviv





## LINUS Legal Innovations in the U.S.

Welcome to the U.S. Embassy's inaugural quarterly online bulletin, **LINUS**, dedicated to tracking current and groundbreaking U.S. legal issues and processes. The purpose of **LINUS**, an acronym for Legal Innovations in the U.S., is to provide an informative, timely, accessible, and comprehensive picture of specific U.S. legal models to a wide, interdisciplinary Israeli audience. We hope that the dissemination of this information will raise the awareness of these legal issues and encourage openness and debate. The first edition of **LINUS** focuses on *Continuing Legal Education in the United States* and the need for career-long training in a dynamic legal environment.

The U.S. legal system reflects the growing complexity of its society. Owing to complicated court cases, rapid technological changes, and increasing regulation, legal professionals today need to expand their knowledge and understand each other's constraints in order to provide more effective and efficient services to their clients, whether in the corporation or the courtroom.

The rule of law, fundamental to the existence of a free and democratic society, is our area of focus and activity. Since 1995, the U.S. Embassy has brought together American and Israeli legal professionals to share ideas and processes and to interact with each other. This exchange has enriched, and continues to enrich, both U.S. and Israeli legal professionals, broadening awareness of alternative legal approaches and innovations.

In providing these bulletins, our central objective is to inform and update the legal community of current legal developments and processes in the U.S.

Areas of focus will vary with each bulletin but will include the following topics:

- **Alternative Dispute Resolution**
- **Community Mediation Methods**
- **Continuing Legal Education**
- **Ethics and the Law**
- **Innovative Court Practices**
- **Intellectual Property Rights**
- **Restorative Justice**



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Each bulletin will include a bibliography relating to that issue's central topic. For latest information on legal issues, please visit:  
<http://israel.usembassy.gov/publish/law.html>.

Through its Office of Public Affairs and The American Center Jerusalem's Information Resource Center, the U.S. Embassy offers a variety of activities to strengthen the public's understanding of American society; it also conducts educational and professional exchanges between the United States and Israel.

We welcome your feedback and, in particular, we welcome any comments on the content of this bulletin. Please send your emails to [fa@usembassy-israel.org.il](mailto:fa@usembassy-israel.org.il).

### **Disclaimer of Liability:**

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### CONTINUING LEGAL EDUCATION IN THE UNITED STATES

As guardians of the rule of law and democratic processes, legal professionals hold a special obligation toward the larger society to contribute to the public's confidence in the judicial system. Regardless of the specific legal field in which they practice, legal professionals remain officers of the court. As such, they not only hold moral and professional obligations but also legal obligations to support the law, maintain professionalism and decorum, and ensure fair-mindedness and the integrity of the legal process.

Although law schools have a responsibility to ensure that students graduate with a basic degree of proficiency, university education is only the initial step in converting students into full-fledged lawyers able to handle all legal matters. A majority of states, through their universities and Bar Associations, continue legal education as a lifelong commitment. These institutions play a critical role in teaching the skills and values which lawyers need in order to maintain professional standards.

In 1992, the American Bar Association formed a Task Force that was directed by its Section of Legal Education and Admissions to the Bar. Formally known as the "Task Force on Law Schools and the Profession: Narrowing the Gap," but more commonly known as the "MacCrate Task Force" (after its chairperson, former ABA President Robert MacCrate), the Task Force issued a report on the state of legal education and post-graduation training of its members of the bar.

The MacCrate Report (<http://www.courts.state.ny.us/prof.html>) sets forth a detailed inventory of the fundamental skills and professional values needed for competent practice, as well as an ambitious blueprint for ensuring that new members of the profession would have adequate opportunities to acquire these essential skills and values.

Since the MacCrate Report was issued in 1992, it has become a major topic of study and discussion by legal educators and state and local bar associations throughout the U.S. Law schools have re-examined their curricula, often adopting significant reforms in the ways in which professional skills and values are taught. State and local bar associations have also devoted considerable attention to improving the opportunities for professional development after law school.



The following sites, articles, and bibliography introduce the subject of *Continuing Legal Education in the U.S.*

**The Internet Legal Resource Guide:**

A categorized index of more than 4,000 select web sites in 238 nations with an emphasis on the United States. The site was established in 1995 to serve as a comprehensive resource of information available on the Internet concerning law and the legal professions.

<http://www.ilrg.com>

**The Association for Continuing Legal Education:**

The ACLE is an incorporated, non-profit association with more than 500 members representing some 200 providers of continuing legal education. It is a dynamic organization devoted to providing educational opportunities and professional interaction for its members. The activities are designed and conducted primarily by member volunteers.

<http://www.aclea.org>

**American Bar Association Center for Continuing Legal Education:**

The ABA-CLE site offers information and insight into the latest developments in continuing legal education.

<http://www.abanet.org/cle/home.html>

**American Law Institute - American Bar Association:**

(Committee on Continuing Professional Education)

ALI-ABA is a premier provider of continuing legal education in the U.S. Since 1947, the Institute has offered a comprehensive curriculum of post-admission legal education - courses and course materials.

<http://www.ali-aba.org>

**Institute of Judicial Administration:**

Since its founding in 1952, the IJA has been a leading non-partisan judicial education and administration organization.

<http://www.law.nyu.edu/institutes/judicial/contact.html>



### **New York's Judicial Institute:**

The recent establishment of the Judicial Institute on the Pace Law School campus provides a permanent, year-round facility for the court system's judicial education programs. The Institute is the first judicial training and research facility in the nation built by and for a state court system. Pace Law School will soon establish the Center for Judicial Studies, which will serve as an adjunct to the Institute and provide students with research opportunities.

<http://appserv.pace.edu/newsboard/wwboard/2000/messages/76.html>

### **The National Judicial College:**

Since 1963, The National Judicial College, located on the campus of the University of Nevada - Reno, has provided educational and professional development opportunities to more than 58,000 students worldwide. Its chief objective is to improve justice through national programs of education and training directed toward judicial proficiency, competency, skills and productivity.

[http://www.judges.org/about\\_njc.html](http://www.judges.org/about_njc.html)

### **West LegalEdCenter:**

This online source offers information on continuing legal education programs.

<http://westlegaledcenter.com>

### **National Practice Institute:**

Founded in 1976, NPI's mission is to fulfill the continuing education needs of attorneys and provide relevant and practical continuing legal education seminars and self-study programs.

<http://www.npilaw.com>

### **NITA -- National Institute for Trial Advocacy:**

A non-profit continuing legal education institute, headquartered at the University of Notre Dame, NITA is committed to promoting professionalism and ethical behavior in the legal profession. Each NITA program addresses these issues on a formal and informal level and includes special segments on professional responsibility.

<http://www.nita.org>

It may appear from the above-mentioned organizations that there is a uniform standard on programs and methods of continuing legal education. However, the ABA Model Rule for Minimum Continuing Legal Education (MCLE), developed by the American Bar Association Standing Committee on Continuing Education of the Bar, and passed in 1986, acts merely as a model for the adoption of uniform standards and means of accreditation of continuing legal education programs and providers. Each of the 40 states that has adopted MCLE promulgates its own set of rules and defines continuing legal education differently.



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The following sites are offered as examples of the varying levels and options available throughout the U.S. concerning continuing legal education.

**Center for Continuing Education - California:**

<http://www.cce-mcle.com>

**Illinois Institute for Continuing Legal Education:**

<http://www.illinoiscle.com>

**Kansas Continuing Legal Education Commission:**

<http://www.kscle.org>

**University of Kentucky Continuing Legal Education:**

<http://www.uky.edu/Law/CLE>

**Mandatory Continuing Legal Education - Rhode Island:**

The Education Office of the Rhode Island Supreme Court administers all judicial education programs for court judges and oversees mandatory continuing education programs for Rhode Island's 6,000 licensed attorneys.

<http://www.ribar.com/cle/default.asp>

<http://courts.state.ri.us/mcle/defaultmcle.htm>

**Ohio CLE Institute:**

<http://www.ohioabar.org>

**Washington State Bar Association:**

<http://www.wsba.org/cle/default.htm>





The following is a bibliography of available books at The American Center's Information Resource Center. For general information regarding the IRC, visit:  
<http://israel.usembassy.gov/publish/accjer.htm>

### U.S. Legal System

**American Law in the 20th Century**, by Lawrence M. Friedman. New Haven, Yale University Press, 2002.

**Beyond Our Control? Confronting the Limits of Our Legal System in the Age of Cyberspace**, by Stuart Biegel. Cambridge, Mass., The MIT Press, 2001.

**Brandeis and the Progressive Constitution: Erie, the Judicial Power, and the Politics of the Federal Courts in Twentieth-Century America**, by Edward A. Purcell, Jr. New Haven, Yale University Press, 2000.

**Breaking the Deadlock: The 2000 Election, the Constitution and the Courts**, by Richard A. Posner. Princeton University Press, 2001.

**Bush v. Gore: The Question of Legitimacy**, edited by Bruce Ackerman. New Haven, Yale University Press, 2002.

**Congress Confronts the Courts: The Struggle for Legitimacy and Authority in Lawmaking**, by Campbell and Stack (eds.). Rowman & Littlefield, 2001.

**Constitutional Law for a Changing America: Institutional Powers and Constraints**, by Lee Epstein and Thomas G. Walker. Washington, D.C., CQ Press, 2001.

**The Federal Appointments Process: A Constitutional and Historical Analysis**, by Michael J. Gerhardt. Durham, Duke University Press, 2000.

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**The First Amendment and The Fifth Estate: Regulation of Electronic Mass Media**, by T. Barton Carter, Marc A. Franklin and Jay B. Wright. New York, Foundation Press, 1999.

**Independent Council: The Law and the Investigations**, by Charles A. Johnson and Danette Brickman. Washington, D.C., CQ Press, 2001.

**Intellectual Property: The Law of Trademarks, Copyrights, Patents, and Trade Secrets**, by Deborah E. Bouchoux. Albany, N.Y., West Legal Studies/Thomson Learning, 2000.

**Judicial Policies: Implementation and Impact**, by Bradley C. Canon and Charles A. Johnson. Washington, D.C., CQ Press, 1999.

**Judicial Process in America**, by Robert A. Carp and Ronald Stidham. Washington D.C., CQ Press, 2001.

**The Priestly Tribe: The Supreme Court's Image in the American Mind**, by Barbara A. Perry. Westport, Conn., Praeger, 1999.

**The Role of the Supreme Court in American Politics: The Least Dangerous Branch?**, by Richard L. Pacelle. Westview Press, 2002.

**The Rule of Law in America**, by Ronald A. Cass. Baltimore, Md., The Johns Hopkins University Press, 2001.

**The Spirit of American Law**, by George Grossman (ed.). Westview Press, 2000.

**"The Supremes": Essays on the Current Justices of the Supreme Court of the United States**, by Barbara A. Perry. New York, Peter Lang Publishing, 2001.

**Tribes, Treaties, and Constitutional Tribulations**, by Vine Deloria, Jr. and David E. Wilkins. Austin, University of Texas Press, 1999.

**The Vote: Bush, Gore & The Supreme Court**, edited by Cass R. Sunstein & Richard A. Epstein. Chicago, University of Chicago Press, 2001.



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