

## William & Mary Law Student Finds Philosophical Quest and Practical Skills in Spain

[by Erica Winter]

What can U.S. lawyers learn from European lawyers? And how can U.S. law benefit from European law? Stephanie Spirer is a good example of an answer to the former question, and she is currently working on the answer to the latter.

Spirer is a second-year law student at William & Mary's Marshall-Wythe School of Law, Williamsburg, VA. She spent part of the summer of 2004 in Madrid, Spain, on William & Mary's study abroad program there. The Madrid program "really enriched my legal education," says Spirer.

A Spanish and political science double major, Spirer did not have the chance to study abroad while an undergraduate at Ohio Northern University (class of 2003). Spirer jumped at the chance to study in Spain while in law school, even though her legal career focus is towards domestic politics and government relations, not international law.

This coming summer, Spirer will work at the Indianapolis firm of Baker & Daniels, which has a strong government relations group. Spirer will do general work at the firm. And in the fall 2005 semester, Spirer will do an externship with the Virginia State Legislature.

Studying in Spain could benefit someone working in a legal career or in the U.S. government on a practical level, Spirer said. It is as simple as communicating between different cultures. Spirer's Spanish friends told her that their opinions of Americans changed by meeting her, as did her perspective change by meeting them.

The skill of communicating with those who think differently can be carried into both political and legal career life. Two sides of a contested political issue can only come to an understanding when an effort is made by

both sides to come to a "cross-cultural" understanding. This also applies in court cases, says Spirer, when lawyers need to understand the other side's perspective.

On a philosophical level, Spirer saw the difference in how Spaniards see Americans and how Americans see ourselves, including opinions on the then-upcoming U.S. elections. Arriving in Spain soon after the March 11 train bombings, Spirer and fellow program participants saw the need for nations to support each other in the face of tragedy, she says. Having political discussions with Spanish people showed her how connected the world is and how important it is to facilitate dialogue among people internationally.

Contemplating these ideas in the context of her legal studies lead Spirer to her journal note topic. Spirer, a member of William & Mary's Bill of Rights Journal, is examining whether or not the U.S. Supreme Court should look at foreign court decisions in its own decision-making process.

As part of the note, Spirer is looking at Federalism through a comparison of the 22nd Amendment to the Constitution (repealing Prohibition) and a 1978 case that went before the European Court of Justice. She is looking at whether this comparison can help us better understand our own federalism.

Considering foreign court decisions is a hotly debated question now, says Spirer, and not only in the realm of international relations. Questions involving the death penalty for juveniles, which is still allowed in some states,

have examined international opinions on the practice, for example. And, there currently is a proposed resolution before the U.S. House of Representatives seeking to prevent U.S. courts from considering foreign court decisions when making their own rulings.

The side supporting the resolution says that the U.S. should not be bound by foreign laws and rulings, explains Spirer. The side opposing it says that U.S. courts would not be bound by foreign judicial rulings and laws by considering them but rather that the comparison of ideas that may be succeeding elsewhere could aide in decisions here.

With many law schools' international programs accepting students from other schools, Spirer originally chose the William & Mary Madrid program specifically because of the ease of transferring credits and because of the faculty. Overall, "I was really impressed with the professors," she says.

Students in the program provided an "interesting perspective," Spirer says, because they were not only studying in Spain, but also being taught by Spanish professors (in English). As yet another cross-cultural benefit of the program, one of the eight Spanish faculty members in the program, Professor José M. de Areilza, will come to William & Mary next spring to teach European Union Constitutional Foundations.

Having advised the Spanish government during the development of the European Constitution, Professor de Areilza, Academic Co-Director of the William & Mary Madrid



program and Professor of European Union Law and Vice-Dean of Legal Studies at the Instituto de Empresa in Madrid, is an expert on the European Union's new Constitution. In addition, he was an advisor to the Spanish Prime Minister on European and North American Affairs and teaches law in Poland.

As for how students relate to him, Spierer sums it up, "He was such a great professor." Not surprisingly, she plans to take his course next spring.