

Editor-in-Chief: State of the Journal



Mohammad O. Jazil
Editor-in-Chief

Dear Alumni,

As we mark the *Florida Journal of International Law's* twenty-fifth anniversary, we have much to celebrate.

According to the most recent Washington & Lee University Law Review Rankings, the Journal is now the fourth highest ranked law journal in the state. We trail only the *Florida Law Review*, the *Florida State Law Review*, and the *University of Miami Law Review*. We outranked *Stetson Law Review* – by more than one hundred spots. Moreover, according to the EXPRESSO Law Review Rankings compiled by the University of California, Berkley, the Journal continues to be one of the premier international law journals in the country. In fact, on human rights issues, FJIL is ranked ahead of similar journals from Harvard, Yale, and Columbia.

These rankings reflect what most of you, as former Journal members, already know: the *Florida Journal of International Law* is a quality publication that makes a valuable contribution to the increasingly global legal dialogue. The Journal's contribution, however, depends on the quality of its staff. For twenty-five years the Journal has been blessed with hard-working law students who ask little of the Journal, but give it a great deal of their time and effort. To reward this hard work, the Journal has created three (of what we hope will be many) scholarships available exclusively to Journal members. The scholarships are the *Sharon E. Rush Award* (given to the Editor-in-Chief), the *Bertha Hernandez-Truyol Award* (given to the Managing Editor), and the *Shelly Smith Best Edit Awards* (given to the members who complete the two best edits on an article, as judged by the research editors).

In addition to the scholarships, we have created an advisory board for the Journal. Our hope is that the advisory board, whose members include an Israeli Supreme Court Justice and a former United States Ambassador, will increase the opportunities

available to our members, improve the quality of our publications, and add to the Journal's public profile. The advisory board has already begun to pay-off. Issue 1 of Volume 21 will feature an article by Mr. Justice Rivlin of the Supreme Court of Israel in which the Justice will examine, among other things, the schism among justices of the U.S. Supreme Court when it comes to referring to the judgments of foreign high courts. In addition, the issue will feature an article by Ambassador Dennis Jett – a noted expert on peacekeeping.

Many of the things we now celebrate were made possible because of the support and encouragement of our alumni. Thus, we now send you this, the first of our annual Alumni Newsletters, to update you on the Journal and widen our support network. Our hope is that you will want to communicate with us – your legacies – as we try to improve the reputation of our Journal, and by extension, our beloved law school.▪

Kind regards,

Mo
J.D., Class of 2009

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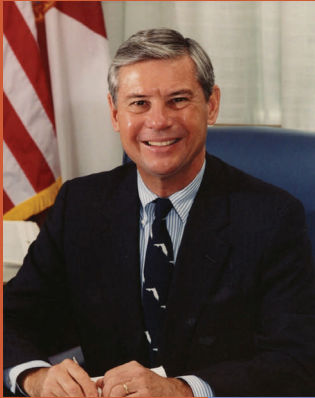
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**"FJIL is the fourth
highest ranked
journal in Florida"**

ALUMNI PUBLICATION EDITORS

Elvis Santiago
Nicole Mouakar
David N. Torre

FJIL Advisory Board



The *Florida Journal of International Law* is proud to announce the addition of **Senator Bob Graham** to the Journal's Advisory Board. The Editorial Board of the Journal decided to extend an invitation to Senator Graham based on his unparalleled commitment to public service and expertise in various topics of international concern.

Senator Graham's distinguished record of service to the state of Florida spans more than 38 years. Graham is the former two-term governor of Florida and served for 18 years in the United States Senate. During ten of those years in the Senate, Senator Graham was a member of the Senate Select Committee on Intelligence - including 18 months as chairman in 2001 and 2002.

After retiring from public life, Senator Graham served for a year as a senior fellow at the Harvard Kennedy School of Government where he lectured to undergraduate, graduate and executive management students. His primary focus was on civic education and intelligence.

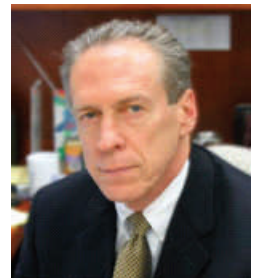
Senator Graham also has unique experience with a variety of international issues. He is currently chairing the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. Senator Graham also serves as the chair of the Board of Overseers of the Graham Center for Public Service. The Center has its home at the University of Florida.

The Journal is fortunate to have Senator Graham serve on its Advisory Board. We look forward to learning from Senator Graham's advice, experience, and scholarly contributions in the future. ■

-David N. Torre
J.D., Class of 2009

Ambassador Dennis Jett

Amb. Dennis Jett served as the U.S. ambassador to Mozambique (1993 – 1996) and Peru (1996 – 1999). He served as the dean of the International Center, and as a lecturer in political science, at the University of Florida from 2000 – 2008. Amb. Jett's research interests include American foreign policy, and international peacekeeping. He is currently a professor at the Penn State University School of International Affairs.



Professor Stuart Cohn

Prof. Cohn, a long-suffering Chicago Cubs fan, serves as the Associate Dean for International Studies, Gerald A. Sohn Scholar, and Professor of Law at the University of Florida College of Law. Prof. Cohn is also a member of American Bar Association (Committee on Federal Regulation of Securities since 1980, Subcommittee on Proxy Regulation and Tender Offers), and the Florida Bar Association (Executive Council, Business Law Section, 1995-present; Chairman, Committee on Corporations and Securities, 1995-97; Chairman, Subcommittee on Judicial Dissolution of Corporations, 1993). His research interests include corporate, securities, and franchise law.



Prof. Hernandez-Truyol

Prof. Hernandez-Truyol is the Levin Mabie & Levin Professor of Law at the University of Florida Law School. Her research interests include international law, international human rights, issues of gender and race, and employment discrimination.

Justice Eliezer Rivlin



Justice Eliezer Rivlin serves as the Vice President of the Israeli Supreme Court. His research interests include comparative tort litigation, comparative constitutional law, in particular the right to free expression, and law and economics.

Thoughts on Referral To Foreign Law, Global Chain-Novel and Novelty

The Journal is honored to have a special article written by Justice Eliezer Rivlin of the Supreme Court of Israel. Justice Rivlin's lead article as well as his continuing influence is a boon to this volume and an unparalleled asset to the *Florida Journal of International Law*.

Justice Rivlin's article examines the use, or lack thereof, of foreign legal authorities by domestic courts. Throughout his thought-provoking piece, Justice Rivlin takes aim at such legal luminaries as Judge Richard Posner and justices of both the Canadian and Israeli Supreme Courts. Taking a balanced approach to the referral of foreign sources of law, Rivlin discusses trends of use found in the United States, Canada, South Africa, and Israel. Rivlin states, "[r]eferral to foreign law does not necessarily mean the adoption of foreign choices or reliance on foreign experiences in reaching a judicial decision. It does mean a better evaluation of competing options, an available source of empirical experience and a source of novel ideas and knowledge." Foreign law, Rivlin writes, should be relevant and the referring domestic judge should be acquainted with the foreign legal system and its normative background, in addition to, the authority of the court referred to within its own jurisdiction.

The controversy over reference to foreign law often stems from disagreement over the proper approach the Supreme Court should take towards interpreting the Constitution of the United States. Rivlin states that originalists often have difficulty citing to foreign law whereas non-originalists often rely on a variety of external sources including foreign law. Notwithstanding, many countries have looked to US Supreme Court jurisprudence for guidance especially on issues of human rights. Rivlin

points to the fact that prior to its adoption of a partial Bill of Rights in 1992, the Supreme Court of Israel would openly cite to the US Supreme Court for its decisions on constitutional law.

Justice Rivlin proposes that judges that are wary of referral to foreign law should think in terms of foreign law as a global marketplace of novel ideas

"[r]eferral to foreign law does not necessarily mean the adoption of foreign choices ...

helpful in breaking out of jurisprudential ruts. To exemplify his thesis, he explores the decision-making process of the Israeli Supreme Court in a recent tort law case. The Israeli Supreme Court referred to foreign law for examples as to how to compute future earnings losses for a young girl with no employment history. By surveying many foreign jurisdictions, the Israeli Supreme Court overcame its status quo bias which aided in the development of Israel's domestic law.

Consistent with the purpose of the *Florida Journal of International Law*, Justice Rivlin's thoughtful piece on referral to foreign law is timely, relevant and will assuredly be helpful to practitioners, jurists and students alike. The Journal is proud to publish Justice Rivlin's article and we look forward to many more contributions in the future. ▀

*-David N. Torre
J.D., Class of 2009*

Alumni Spotlight: Victor Perez

By Nicole Mouakar J.D., Class of 2009

UF Law alumnus Victor Perez (JD 00) is now a partner with Holland & Knight's International Cross Border Transactions Group and concentrates his practice on the taxation of cross-border transactions and tax planning. Prior to joining Holland & Knight, Perez was a Senior Associate with the International Tax Services and Latin American Tax practice of PricewaterhouseCoopers LLP, Miami.

Born in Caracas, Venezuela, Perez moved with his family at an early age to the United States. He earned a B.A. in International Relations from James Madison College at Michigan State University. During his undergraduate studies he was exposed to Chinese Joint Ventures as an intern in the legal department of Dao Heng Bank Group Ltd., Hong Kong. Perez remembers shopping and sorting through books at a Beijing store and from thousands of miles away picking up Professor Gordon's case book on International Business and Transactions. As destiny would have it, Perez entered UF Law in 1997 and eventually came to meet Professor Gordon face-to-face.

While in law school Perez served as Secretary of the International Law Society, Executive Managing Editor of the *Florida Journal of International Law* and authored a

*"[F]ind something you enjoy
and have a passion for..."*



Victor Perez
J.D., Class of 2000

Note on international commercial arbitration in China entitled "CIETAC."

Looking back at his experience on FJIL, Perez attributes his work on the journal as taking his research and writing skills to the next level. Commenting on his experience Perez states, "[w]hile legal writing courses offer a good foundation, a new level of writing is achieved on the journal. The opportunity to see and review good quality work inspires one to produce good quality work."

Perez has also served as an officer in the U.S. Army. In 2002, while working at PricewaterhouseCoopers and pursuing an LLM in International Tax at the University of Miami, Perez was deployed to Afghanistan in support of Operation Enduring Freedom.

As to the graduating class of 2009, "it's hard to ignore the current market, new graduates need to be flexible in job opportunities given practical considerations of the environment, but don't completely settle, instead remember what drove you to law school," said Perez. His advice is to "[t]ry to find something you enjoy and have a passion for, even if it's a stepping block to your ultimate goal. Be true to your interests."■



Volume 21.1 Includes:

UNLAWFUL COMBATANTS OR INNOCENT CIVILIAN?
A Call to Change the Current Means for Determining
Status of Prisoners in the Global War on Terror

-Thomas J. Bogar

BRIDGING THE DIVIDES IN INTERNATIONAL CRIMINAL
PROCEEDINGS: An Examination into the Victim Participa-
tion Endeavor of the International Criminal Court.

-Brianna N. McGonigle

HABEAS RELIEF ABROAD: Stare Decisis or Politics as
Usual?

-Ariana Wallizada
Comment

We hope that our alumni will keep in touch with FJIL in order to serve as resources to one another. If you are interested in submitting an article, the Florida Journal of International Law accepts submissions on a rolling basis. We welcome submissions of articles relating to all aspects of international law.

We offer single volume (3 issues) and single issue rates for domestic and international subscribers. For more information about submissions or subscriptions, please visit us in the web at:

<http://www.law.ufl.edu/students/organizations/fjil>

Alumni Affairs Newsletter

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