



SUNSGLOW – GLOBAL TRAINING IN THE RULE OF LAW

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The Fine Art of Global Training For the Legal and Judicial Communities

**A Presentation of Basic Principles
Cornell University School of Law
The Clarke Initiative For Law and Development
in the Middle East and North Africa
Ithaca, New York**

By

Dr. Yassin El-Ayouty, Esq.

Drawing on the principles of SUNSGLOW, I should like to share with you the following as a prelude to our discussions. These principles underpin our motto:

Training for Legal and Judicial Reform, Respect for Human Rights, and the Enhancement of Good Governance Across National Borders, Time Zones and Language Barriers

First Principle:

Non-interference in the internal affairs of any country. SUNSGLOW is not an advocacy organization. It is a mechanism for training in various countries, with present emphasis on the Arab and Muslim world.

Second Principle:

Law is a reflection of sovereignty. So when SUNSGLOW brings to country X a group of judges and lawyers as trainers, they are explaining the intricacies of their own judicial systems. The host country's specialists participate as co-trainers, emanating from their own traditions and procedures. This is not an exercise in the conflict of laws. It is designed to create persuasively points of contacts which we may call fusion points. There is no auctioneering as to the superiority of any system over another.

Third Principle:

SUNSGLOW does not advertise. We do not have glossy brochures. We shun salesmanship. The needy client, knowing about us from our website, prior experience or word of mouth, comes to us. No one knows the particularities of any need like those who seek satisfaction of that need. They tell us, for example, we need a program in frivolous litigation. So we include in the faculty of that program experts in that subject. Or they may need a program in complex litigation. So we provide these judges and lawyers who know a great deal about that. An example of complex litigation is: "how would a judge in a developing country in the Middle East handle a case where there are, say, 4 million plaintiffs?" In this case we went to Senior Judge Jack Weinstein, of the Eastern District of New York, who handled the case of Agent Orange, resulting from the Vietnam war, for counseling.

Fourth Principle:

Our trainers are largely drawn from our Board of Advisors and Associates. To them we add others from outside the SUNSGLOW community. And to that mix we add trainers from the host country especially those where we have liaison centers. The basic formula is: All trainers need trainers. That is to say that a judge whom we may bring from Quebec, for example, to a training program in, say, Amman, Jordan, is in sore need to know how the brotherly judicial community in Jordan, using English Common Law, manages their cases. In essence, this is not strictly "training"; it is an exchange of experience.

Fifth Principle:

The host invites whomever it wants as trainers/presenters or audience. But we have some say in the process because we need to evaluate each exercise to improve upon our performance in the future. One of the problem areas which we encounter in this regard is the cleavage in some of the countries in North Africa and the Middle East between the judiciary and the bar. So we try to find ways to get around this thorny problem, by co-opting Bar members to be temporary staff in the SUNSGLOW side. They are all volunteers.

Sixth Principle:

Keep the language of the discourse simple in more than two languages (usually Arabic/English; or Arabic/French) per program. I do most of the translation: Reason – past poor performance by locals and a heavy cost. Yes, it is burdensome; but I stick to summaries and to brief notes by rapporteurs. And remember, legalese is a foreign tongue that needs a practitioner to do it right. And I do the same at times for the UN Security Council when it comes to its verbatim records.

Seventh Principle:

Use the local trainers as a focus group for the evaluation of the instant program and for ideas for future groups.

Eighth Principle:

If you manage a training organization, keep on practicing your field of law. Do not stop practicing. My area is what I call “trans-jurisdictional litigation.” My last case was representation of the Associated Press, together with Paul Cardephe who is now a Federal Judge at the Southern District of New York. Bilal Hussein Zeidan is an Iraqi photojournalist who, while working for the Associated press in Faluja and Ramadi was wrongly accused by the US Marines of being an insurgent. It took us more than a year to get him liberated from a military detention facility (Camp Cropper - west of Baghdad) after I pleaded our case in Arabic before the Iraqi courts. It pays to speak other languages and to be a member, in this case, of the Arab Federation of Lawyers.

Ninth Principle:

Be very careful regarding your source of funding. A funder should not project its predilections on your designing, administering and evaluating your programs. SUNSGLOW's expertise, universalism, diversity and neutrality, are not for exploitative hiring. To its credit, the US Government funded two of our programs in Egypt without the slightest interference. We only had to invite their representatives as observers, and to submit detailed accounts of our expenditure including the 20% of a standard budget of \$100,000 per program as a SUNSGLOW management fee.

Tenth Principle:

Train the Juniors; we call them Associates. They are the future of SUNSGLOW. In addition, we are connected program-wise with Fordham University School of Law in New York City through the Louis Stein Center for Law and Ethics headed by professor Bruce Green. That is where I am an adjunct professor in Islamic Law; I am also an adjunct professor at Cairo University School of Law, the seat of regional liaison center (one of twelve around the world) where I teach the law of International Organizations and US Constitutional Law in both English and Arabic. Our connectedness to Fordham avails us of a great pool of distinguished faculty. This is the context in which I had the honor to know professor Chantal Thomas as a member of that pool. We are also blessed with a great Board of Advisers and Associates; that is not to mention that our rent, through being hosted by our law firm (Spector and Feldman LLP, New York City), is quite low. SUNSGLOW is a new breed of organizations: a private corporation for public service.

Final Remark: The contingent planning for SUNSGLOW programming: A focus on piracy on the high seas, and programming for the masses in Iraq.