

# STUDY ABROAD LEGAL ADVISORS

# A WAKE-UP CALL

## **Randy J. Aliment, Member, Williams Kastner**

Randy Aliment's legal practice emphasizes education law, commercial law advice and business litigation. Mr. Aliment has represented educational institutions before courts, administrative bodies and in private arbitration. He has negotiated agreements on behalf of education clients involved in joint ventures, real estate and other transactions in the United States, Asia and in Europe. He serves as Chair of the Board of Governors for City University and has served on both the Board and as General Counsel of the school since 2000. Mr. Aliment is a member of the Executive Committee of the International Law section of the Washington State Bar Association. He is an officer in the American Bar Association where he serves as one of four delegates to the UIA International Association of Lawyers headquartered in Paris, France.

## **Alessandro Canali, Foreign Law Consultant, Licensed in Italy and the U.S.**

The law office of Alessandro Canali is based in Rome, Italy and Washington State and serves the Italian legal needs of the English-speaking and expatriate community in Italy and with clients in the USA who have Italian legal concerns. Mr. Canali is licensed to practice as an attorney in Italy with the Rome Bar Association and as a Foreign Law Consultant with the Washington State Bar Association.

## **Studio Legale Perugini Professional Association**

The Studio Legale Perugini, among the oldest in Italy, was first established in 1792 and was settled in Rome by Senator Arturo Perugini in 1940. The law firm offers full-service legal advice and assistance, judicial and extrajudicial, and deals mainly with: civil law, with particular attention to family law, successions, bonds, condominiums and real estate.



## LEGAL ASSISTANCE AND RISK MANAGEMENT

For Students Participating in Study Abroad Programs in Italy

# RESOLVE

# OUR SERVICES

Recent events cast a very sobering light on university-sponsored study abroad programs. Studying abroad should be a positive experience filled with the promise of educational, cultural and social fulfillment. The opportunity to learn and experience a new culture is invaluable. Along with the many benefits of study abroad programs, there remain essential risks to students. To address and mitigate this exposure, the law firm of Williams Kastner has forged an alliance with Alessandro Canali PLLC and the Studio Legale Perugini A.P. law firm in Italy to provide institutions and students access to legal advice, protection from risk, training and emergency assistance.

Williams Kastner believes that the right information and access to assistance can protect students. With our Italian legal partners, we will provide

risk-management services for students. With this assurance and protection, everyone can enjoy a positive study abroad experience—particularly parents.

## RISKS FOR STUDENTS

The risks of study abroad programs for students are, for the most part, created by differences in judicial process, civil rights and cultural perspective. Typically, a student selects a course of study and the city where the program is offered when deciding upon a study abroad program.

These programs are supported by your university or college but not typically operated by these institutions. What kind of risks are presented to a student participating in these programs? Consider

these true stories from a November, 2007 report by ABC News:

- In April of 2007, two Florida State University students at the college's Panama campus died when their car plunged off a cliff on a mountainous road.
- In November, 2007, Amanda Knox was first implicated in the death of Meredith Kercher, a 21-year-old British student who was living with Knox as the two studied in Italy. Ms. Knox was found guilty by an Italian court in 2009.
- A Barnard College student was raped in Mexico in 2001.
- In 1998, three St. Mary's College students were attacked while studying in Guatemala.
- An Earlham College student was reportedly sexually harassed, then raped by her Japanese host father, who had been paid by the program.

More than 200,000 American students embark on study abroad programs every year. These examples represent some of the absolute worst risks. The rewards of participating in these programs are, however, enormous. Knowledge and fore-thought and the advantage of legal advisers on-call and on-the-ground can make this once-in-lifetime opportunity as great as it can, and should, be.

## LEGAL COVERAGE FOR STUDENTS

Nominal fixed fee—broad legal coverage:

- Randy J. Aliment of Williams Kastner will conduct comprehensive training and orientation for students and parents addressing issues such as judicial process and the legal responsibilities of students abroad. The training will cover your legal rights in a foreign country and when to ask for help and how to get it.
- Alessandros Canali, Foreign Law Consultant, educated in both the United States and in Italy will provide students with a confidentiality agreement and legal advice via email. Mr. Canali has formed an alliance with Williams Kastner to offer seamless legal advice and counsel to students and their families.
- If any matter can not be resolved via email (e.g., injury or arrest), the Perugini law firm has an agreement with Williams Kastner and Mr. Canali to provide on-the-ground protection for students in Italy pursuant to pre-determined and agreed legal fees.



Managing Risk.  
Protecting Students.

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## RISK MANAGEMENT

For Universities Sponsoring Study Abroad Programs

# RESOLVE

# OUR SERVICES

Recent events cast a very sobering light on university-sponsored study abroad programs. Studying abroad should be a positive experience filled with the promise of educational, cultural and social fulfillment. The opportunity to learn and experience a new culture is invaluable. Universities have long been aware that along with the many benefits of study abroad programs, there remain serious societal, safety and security risks to students. To address and mitigate this exposure, the law firm of Williams Kastner has forged an alliance with Alessandro Canali PLLC and the Studio Legale Perugini A.P. in Rome Italy. Through Williams Kastner's network of lawyers in Italy and throughout the world, we are able to provide institutions and students access to legal advice, protection from risk, training and emergency assistance.

## RISKS FOR STUDENTS AND UNIVERSITIES

The risks of study abroad programs for students and universities are vast and created by differences in judicial process, civil rights and cultural perspective. Here is a list of the primary legal issues related to study abroad programs.

### U.S. Legal Issues:

- Student liability and potential liability for the university for:
  - Alcohol use and substance abuse
  - Student housing
  - Harassment
  - Internet access and copyright policies
  - Criminal
  - Civil
  - Torts



Managing Risk.  
Protecting Students.

- University direct liability:
  - Obligations taken on students' behalf
  - Student injury or illness
  - Damages to student property or goods
  - Lack of assistance—academic or contractual

### Italian Legal Issues:

- Real estate and lodging contracts and obligations
- Compliancy with Italian business activity laws
- Labor laws and contracts
- Taxation, legal status and responsibility

## LEGAL COVERAGE FOR STUDENTS AND UNIVERSITIES

Student pays a nominal fixed fee for broad and protective legal coverage.

### Services Provided to Students with No Cost to the University:

- Randy J. Aliment of Williams Kastner will conduct comprehensive training and orientation for students and parents addressing issues such as judicial process and the legal responsibilities of students abroad.
- Alessandro Canali, Foreign Law Consultant, educated in both the U.S. and in Italy will

provide students, with a confidentiality agreement, legal advice via email.

- If the matter can not be resolved or addressed via email (e.g., injury or arrest), the Perugini law firm based in Rome will represent the student for pre-determined and agreed legal fees.

### Possible Services for the University:

- Contracts and disclaimers/waivers under U.S. federal and state laws mitigating risk exposure
- Legal counsel for issues regarding these contracts

### Possible Services for the Students and the Schools:

- Agreement with Perugini law firm in Rome as well as law firms in other cities, as necessary, for legal services, providing reasonable legal fees and a direct emergency telephone number.

## CURRENT CLIENTS

University of California

MOST UNIVERSITIES CURRENTLY OFFERING STUDY ABROAD PROGRAMS IN ITALY DO NOT COMPLY WITH ALL ITALIAN REGULATIONS AND LABOR LAWS. THESE INSTITUTIONS ARE AT-RISK.