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The Impact of Globalization on the Legal Profession

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A. Introduction

A leading book on globalization sets forth in its title, *The Lexus and the Olive Branch*,[1] a basic tension in the process. The Lexus is a modern automobile, the product of the latest technology and a global assembly line. The olive tree represents the enduring rootedness of social tradition and cohesion. Symbolically, these two forces clashed in the streets of Seattle in the protests over the World Trade Organization (WTO) meeting. Somewhat more gently they confronted each other in Davos, the situs of an annual economic summit that mobilizes the individuals who exemplify the Lexus part of international society. The legal profession is particularly torn between the forces described in that metaphor. One hears a great deal about the globalization of the law. As I write, I have before me the holiday greetings card of a major law firm showing a map of the world with star-like points of light to indicate where its offices are located. As a professor of law I am the target of glossy brochures from different law schools announcing how global they have become, with students and visiting faculty from all over the world and a wide range of courses on international and comparative law. All of that runs parallel with the perception that the world's economy is becoming one unified whole, freed from nationalistic limitations and tied together by a radically new set of technologies.[2] But in the back of one's mind echo the old claims that law is the organic product of society, of the people or the Volk, that the *esprit des lois* (or *gesunde Volksempfindung*) emerges from the local (or at least non-international) nature of the particular state in question.

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1 Thomas Friedman, *The Lexus and the Olive Branch* (1999).

2 There are in fact qualifications to globalism on the economic front too. Coca Cola has been having difficulties because people outside the US are increasingly expressing demand for their own local type of soft drink.

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Taking stock of globalization in the legal profession overall one sees a mixed bag.[3] There is a sector which has proceeded quite a way towards the cosmopolitan, a sector that is allied with global economic processes symbolized by the multinational corporation.[4] The big law firms with multiple branches and sophisticated electronic systems represent that sector. Less conspicuous is the unchanged character of the practice of law by most lawyers who deal with family problems, criminal cases, real estate transactions and the like in ways which are very different from one society to another and stay very much in the same style that they used to embody. It is impossible to quantify these respective sectors; a very rough cut would say that there are about 900,000 lawyers in the US and 73,000 work in the biggest 200 firms.[5] Of course not all of the lawyers in the top 200 do much international work and there are lawyers in smaller law firms and in the legal departments of corporations outside that circle who do. Still that comparison indicates how large the unglobalized sector is. For European countries the numbers of lawyers staffing the limited number of big firms with a transborder presence must be much smaller yet.[6] If one attempts a primitive count of the number of lawyers around the world involved in the global sector one can count the number of pages taken by law firms in the American lawyers' directory, Martindale Hubbell, as a sign of their willingness to spend money to advertise internationally. That comes to 172 pages for Paris, 95 for Milan, three for Naples, 54 for Zürich, 18 for Lagos and three for Calcutta. Again the numbers indicate that the globalized legal community is only a small fraction of the not quite two million lawyers in the world.[7] An American lawyer is tempted to analogize the present situation to that of the US around 1900 when firms such as Cravath were positioning themselves as national rather than state law firms[8] and schools such as Harvard were shifting their focus to teaching national law (which Congress and the federal administrative

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[3] Significant previous attempts to evaluate the global law situation include Trubek, Dezalay, Buchanan and Davis, 'Global Restructuring and the Law: Studies of the Internationalization of Legal Fields and the Creation of Transnational Arenas' 44 *Case W. Res. L. Rev.,* 1994, at 407 and Abel, *Transnational Law Practice*, ibid at p. 737.

[4] See Flood, 'The Cultures of Globalization: Professional Restructuring for the International Market' in Dezalay and Sugarman (eds). *Professional Competition and Professional Power: Lawyers, Accountants and the Social Construction of Markets* (1995) 139.

[5] Curran and Carlson, *The Lawyer Statistical Report: The US Legal Profession in the 1990s* (1994) p. 235.

[6] Olgiati, *Process and Policy of Legal Professionalization in Europe: the Deconstruction of a Professional Order* in Dezalay, *supra* note 4, at p. 170, attempts similar quantification in Europe. For example there were in 1988 1100 solicitors in the largest 25 English firms and 55,000 in the country.

[7] For attempts to estimate the world population of lawyers (coming out at between 1.8 and 1.9 million), see Galanter, 'News from Nowhere: The Debased Debate on Civil Justice' (1993) *71 Denver UL Rev*, at p. 77.

[8] Swaine, *The Cravath Firm and its Predecessors* (1946–1948).

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agencies were just beginning to produce). A European lawyer would be reminded of the situation in the 1960s when continental lawyers were beginning to turn their attention to European Community law, to think of Brussels and Luxembourg as centers of law production and law schools were starting to teach Community Law. Interestingly, American lawyers were among the first to see the possibilities in this type of practice. Thus the following analysis tries to portray both aspects of the legal situation as of 2000 and to illustrate the tensions that uneven development in the direction of global practice is generating.

B. The Globalized Sector

The sector of legal activity that is furthest along the path to globalization is concentrated in the corporate and commercial side. It was the business firms with worldwide operations that demanded correspondingly extensive support for their services. Thus the clients are commercial and investment banks, multinational manufacturing enterprises and the like. The services they call for would be classified in law school usage as falling into such fields as securities regulation and corporation (company) law, bankruptcy and secured transactions, banking and financial institutions law and, along with everything else, tax law. This selection of clients and subject matter ensures that operations in the globalized sector will be conducted on a generous, not to say lavish, scale. The international firms charge staggering fees for what they do and expend liberally on travel, office space, communications systems and the like. Their offices are uniformly located in the most 'representative' parts of metropolitan areas, most of them with high cost of living indices, close to the headquarters of their clients.

Those who inhabit international law firms share characteristics which set them apart from the rest of the profession. They think of themselves as belonging to an elite, admitted into this circle by virtue of superior intellectual powers. In some countries that edge is captured in academic performance, in others by state tests and in others by more traditional connective processes. They are incredibly busy, more so than any earlier elite. Technological developments, from the fax to the SST to e-mail, have done them a profound disservice by annihilating the moments of leisure which my generation of lawyers enjoyed during the days while the mails were bringing their work product out to clients and opponents and the clients' and adversaries' comments back to them. My generation of course envied *their* predecessors for whom a venture on a job to Europe meant a deck chair on the Queen Elizabeth or the Ile de France rather than a jump on an SST that leaves one's circadian rhythm disrupted. Coupled with the pressures generated by the hourly billing rate system and the omnipresent time sheets this client-centered approach to practice means that there is little time for anything else in these lawyers' lives. These habits have spread out from New York to other cities, annihilating the Parisian déjeuner and the

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Madrid siesta.[9] At the same time these practitioners have to work in increasingly specialized ways in order to avoid billing clients for learning new routines. A large firm in the 1950s would characteristically be divided into corporate lawyers and litigators with a few tax lawyers on the side. In the 1990s one young New York associate of my acquaintance spent several years working through first preferred ship mortgages on oil tankers of Liberian registry. One now sees partners in major firms whose entire careers have proceeded along such narrow paths and one wonders if they are in a position to provide the broad perspectives corporate managers expect to get from their senior advisers. For this work they get paid at rates starting well above the national average for lawyers in their country and rising to several times that amount. This is a gap that increasingly alienates them from the rest of the profession.

In political terms the global lawyers naturally share the assumptions of their clients about the beneficence of the new global order. They see clearly the gains derived from the elimination of barriers to trade in goods and in services. They operate easily in the world of cyberspace with the ready availability of masses of information on an unprecedentedly current basis. They tend to be unsympathetic towards the sources of resistance to these changes, seeing them as short-sighted and retrograde. Indeed, they tend to be unsympathetic to government restraints altogether, having grown to maturity after the deregulatory regimes of Ronald Reagan and Margaret Thatcher. Particularly in the US it has become rare for young practitioners to have spent time in the bureaucracy, acquiring an understanding of the government perspective.

One branch of government is being seriously affected by the development of the global sector – the judiciary. To a very large extent the global lawyers have withdrawn from the ordinary national court system and taken their contentious business to arbitration. International commercial arbitration has become a separate institution with its own rotating cast of highly paid, elite arbitrators and counsel.[10] Such bodies as the International Chamber of Commerce and the London Court of International Arbitration bring together a select legal community. They regard national courts as too parochial, too ignorant and too cumbersome for their clients' needs. By withdrawing from attempts to improve the operation of the regular courts the global elite works to confirm this judgment. An American observer notes that there is a similar dichotomy between the federal judiciary with their lifetime appointments and national perspective and state courts who must run for popular elections, accept campaign funds from lawyers, and then concentrate on local issues.

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[9] The spread is not without delays. In 1999 it was discovered in connection with a transborder law firm merger that London solicitors were billing substantially fewer hours than the New York and Frankfurt partners.

[10] Dezelay, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order* (1996); Vagts, 'Dispute Resolution Mechanisms in International Business' (1987) 203 *Hague Receuil des Cours* 13.

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One characteristic of many members of the globalized sector is that they are expatriates, that is, that they live for long periods in countries other than the place where they grew up and were educated. Almost inevitably they are somewhat detached from both their home country and the place where they are stationed – a little bit like professional military personnel. This tends to draw them away from active participation in the legal profession in both places, with worrisome consequences for their sense of membership and perhaps their sense of obligation to adhere to professional rules and standards.

C. Competitive Factors in the Global Sector

With such attractive opportunities to pursue there is inevitably international competition for shares of the market. As of 2000 there is relatively little effective protectionist regulation in place, much less than used to be the case. The European Union (EU) has gone to considerable lengths to eliminate restrictions on the movement of lawyers from one member state to another. While there are still barriers along truly international boundaries they seem not to be insurmountable.[11] Law firms do manage to establish law offices all over the world. Sometimes they have to pay tribute to national protectionism by employing local counsel to transact the local legal business of a branch office while members of other bars practice their home country law (and apparently whatever other types of law are not nailed down). This development has involved the elimination of rules preventing a firm from having more than one office or outlawing groupings in which qualified lawyers became partners of unqualified foreign barbarians. Continuing pressure by the US, occasionally involving threats to resort to trade sanctions, was a significant factor in progress on this front.

Without such barriers which country's law firms are most likely to prevail? American firms have several advantages. Having been in large scale mode when sole practitioners dominated other bars, they are accustomed to large scale organizations and the adaptations that they require. They are also at the lead in adapting new forms of computer-based technology to legal needs. They have, on the other hand, some disadvantages, particularly on an individual-by-individual basis. Far fewer Americans have done a tour of legal study in another country since the LLM traffic has been overwhelmingly in one direction. More generally, one sees foreign lawyers as having an edge in linguistic and social skills where Americans have been tempted to rely on the obvious greatness of American power and wealth to see them through. Thus in the year 2000 one sees that most of the globe-girdling law firms are

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[11] See Cone, *International Trade in Legal Services: Regulation of Lawyers and Firms in Global Practice* (1996); Adamson, *Free Movement of Lawyers* (2d edn, 1998).

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American in origin and still controlled by American lawyers, even though they harbour large numbers of lawyers from other countries, but that in particular the challenge emanating from the big British solicitor firms is calculated to put the Americans very much on guard.

Another American competitive asset lies in the fact that a number of the substantive fields implicated in global practice have developed in the US so that Americans have a head start. This pertains particularly to rules governing newly developed commercial specialties. For example, new derivative or hybrid securities were invented within the US securities business and exported to other markets and the work of drafting the constituent documents came naturally to American lawyers. In secured transactions new devices such as securitization of underlying interests in real estate, credit card balances and so forth followed the same path outwards from New York. American lawyers have sought with varying degrees of success to project US institutions and US rules into developing economies and states emerging from communism. One senses a mixture of idealistic pride in American institutions and a self-interested desire to get ahead in the competitive market for legality.

One feature of competition in global law is the emphasis on size. It is the general assumption of participants that one must be very big in order to be very successful. This leads to ambitious mergers and hiring programmes. Such an assumption needs closer examination. Certainly the ability to function through a variety of offices in different parts of the world can be very helpful in providing the legal services for a global transaction and so can the ability to field a team of lawyers at home in each and every relevant legal system. The added ease and speed of putting through a transaction such as the world wide British Petroleum – Amoco or Chrysler – Daimler amalgamations, with lawyers on the ground wherever assets or other interests are to be transferred, are obvious. But beyond that there is room for skepticism. The officers of multinational corporations who handle the procurement of legal services are sophisticated selectors and often have a very precise idea as to what individual they would think of as the best possible lawyer to handle a matter. If that lawyer at firm X were not available their second preference would be for a lawyer at firm Y. To some extent, of course, they would be thinking of the team that accompanies the preferred individual. In some fields that team might be quite small, as it characteristically has been in intellectual property matters, whereas in mergers and acquisitions quite a team of sub-specialists needs to be thrown into the breach. Canny purchasers of legal work know that large firms have organizational problems. It is evident that a firm that hires 50 or more new lawyers in one year is will encounter difficulty in maintaining selectivity – in the 1950s, with the biggest firms hiring no more than 10 new associates each, the annual output of lawyers from the five or six most prestigious law schools was quite enough to go around, but they have not expanded their production. Nor do lawyers tend to stay in the big firms. This has long been the case with young associates. Now instability has even spread to the partnership level. From the client's point of view it is hard to feel at ease with the prospect that a call for assistance to an old familiar firm might put one in touch with a new and unaccustomed voice. It seems to follow that there will continue to be

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competitive niches that will shelter relatively small firms that have a reputation for performing a particular function with a great deal of expertise.[12]

The prospect (or threat) of Multidisciplinary Practice (MDP) brings all of these considerations to a new level of magnitude. Under consideration in the US, and already well-established in other countries, MDP raises the scale level to a new dimension. At the globalized end of the scale we have to focus on relations between lawyers and the big five international accounting firms. The scale of these organizations is, from a legal perspective, staggering. Judges and lawyers are surprised to find themselves looking at firms with 1350 partners in the world and 350 in one city alone and 60,000 employees overall.[13] It is deemed to be possible in this environment for one supervisor to keep tabs on a team of ten to 12 accountants and for a firm to have no less than seven tiers of hierarchy. Despite their rapid growth in recent years law firms have not come near to achieving such dimensions and within firms partners are not accustomed to supervising teams of more than a half a dozen juniors.

There are differences in the functions of the two professions that go some distance in explaining how such disparities can exist. The job of auditing a client's accounts demands a great deal of very routine work that discovers nothing of any interest if the client's financial system is in fact in good order. It has to be done according to uniform, standardized rules applied to all branches of the client enterprise. It is by no means clear how MDPs will be organized when they are generally permitted. One has a sense that if they are to be successful the lawyers within these groupings will have to be free to adapt accountants' structures to the different requirements of practicing law so that teams will have a degree of autonomy similar to that they enjoy with in law firms. Another unanswered competitive question is whether the customers will in fact want 'one stop shopping' as offered by MDPs. Certainly, some corporations will put a value on the horizontal distribution that the accounting firms have developed, beyond that afforded by even the most global of regular law firms. Whether they will want to obtain their legal advice from the same source that provides their annual audit remains to be seen. Indeed, the Securities Exchange Commission (SEC) frowns upon that overlap since it regards legal partisanship as undermining the independence of auditors. There have been mutterings to the effect that corporate leaders do not even want to have both audits and management consulting advice from the same source. It will be impossible to apply traditional rules against representing clients with conflicting interests if the number of law firms shrinks to the level we see in accounting firms.

Thus it is easy to say that competition in the global market for legal advice will be sharp and quickly changing. It is not so easy to say who will prevail in it, whether it will be the large, multi-service giants or their smaller and nimbler rivals. In all

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[12] See the comments of Benjamin Heineman, General Counsel of General Electric, reported in *National Law Journal* 22 March 1999, p. A1.

[13] *Caruso* v. *Peat, Marwick Mitchell & Co*, 664 F. Supp. 144 (S.D.N.Y. 1987); *Bolkiah* v. *KPMG* [1999] WLR 25 (HL). International Law News 2 (Spring 1999).

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likelihood it is the clients who will be able to derive the maximum benefit from the competitive pressures though they may seek to obtain that benefit in the form of swift and comprehensive service rather than in cost savings.

D. Regulation of the Global Bar

In a wide variety of fields implicated in the global economy there is the fear – for some it is hope – that nation states will not be able to regulate the behaviour of private actors who can slip through increasingly porous frontiers into more permissive jurisdictions. Thus writers on securities regulation note that regulators have been more and more willing to accept disclosures in formats required by other regulatory systems that differ from what they require, and that the consequence may be that investors will have to determine by their options which national schemes are going to survive.[14] Similar things are happening in such fields as pharmaceuticals, where there is an urge to avoid overlapping and conflicting requirements. Countries fear for their ability to maintain income or sales tax levels adequate to their needs lest mobile generators of revenues will decamp to more generous locales.

Will this undermining through mobility also be the destiny of regulation of the legal profession? If so, will it threaten the welfare of clients confronted with unscrupulous lawyers who hold the bargaining advantages of greater sophistication and education? There have long been skeptics who thought that regulation of the legal profession with its apparatus of examinations, admissions requirements and so forth served no particular purpose from the client's perspective. According to such critics the only significant aspect of bar regulation was the protection of lawyers against cheaper outside competitors. In particular the type of clients we are here concerned with are well able to protect themselves and to insist on the levels of quality that they need. They will look to their experience with and the reputation of the firm – the brand name – with which they propose to work. But there are episodes which indicate that the role of bar supervision is not pointless. That is particularly likely to be the case as a sector of the profession becomes more global. Small and intimate bar groupings, where lawyers more or less all knew each other and knew that misbehaviour on their part would be noted, have been able to do without formal rules and disciplinary institutions. The dispersed and anonymous character of international practice will undermine that comfortable club-like way of looking at lawyers' behavior. The glare of publicity which the American legal profession has brought upon itself, partly by tolerating and encouraging the growth of tabloid journalism that seeks piquant news, includes the downside risk that scandals will be

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[14] For a review of these developments see Cox, 'Regulatory Duopoly in US Securities Markets' (1999) 99 *Colum L Rev* at p. 1200 .

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much more apparent than in more reticent bars. There have been cases of entirely respectable law firms having been found guilty of padding time charges and of concealing conflicts of interest.[15] Without some disciplinary mechanism such defaults would go almost unscathed. By the same token the entire topic of conflicts of interests cannot be left entirely to client choice since the first client has already committed itself to the care of that law firm in question and cannot protect itself from harm arising due to the second engagement unless it can disqualify the firm. On another front, national bars are not yet willing to let lawyers advertise without limitations even though there has been progressive relaxation on both sides of the ocean.[16] Rules about the amount and character of lawyers' fees vary widely from one country to another. Indeed, the recent class actions brought in the US to enforce claims arising from World War II transactions in Europe have made a sector of European lawyers very conscious of ways in which American lawyers' ethos differs from those of European lawyers. It seems highly unlikely that these differences between the mores of the varied national associations will be eliminated at any time in the near future. Even such endeavors as the CCBE Code leave lots of room for variations as between national systems.[17]

In a global legal profession the question therefore arises: who will lay down the rules governing conduct of lawyers operating across borders and how will they be enforced?.[18] Claims of jurisdiction will likely be asserted by the bar to which the subject belongs, by the authorities in charge at the site (or sites) of the activity, or by the home base of the affected client. It may require co-operation between different groupings to investigate the asserted wrongdoing and to impose sanctions on those found responsible. To date there is no international agreement – except as between members of the EU – about who has authority in these matters.[19] And as yet the machinery for such co-operation is not in place and serious problems could slip between the cracks.

Maintaining discipline is not the only thing that bar associations do. They supervise programmes for continuing legal education, they seek to promote legal reform and they promote *pro bono* activities for those who cannot afford regular legal help. The signs to date are that the globalized bar, in particular the expatriate segments of it, do not take part in these activities and can be regarded as, in Professor Richard Abel's word, 'deprofessionalized'.[20]

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[15] For a review of large firms' financial scandals see Lerman, 'Blue-Chip Bilking: Regulation of Billing and Expense Fraud by Lawyers' (1999) 12 *Georgetown Journal of Legal Ethics* 205.

[16] Compare *Bates* v. *State Bar of Arizona*, 433 U.S. 350 (1977), with *Casado Coca* v. *Spain*, Series A, No. 285, 18 EHRR 1 (1994).

[17] For text of the Code and extensive commentary see Henssler and Prüttig, 'Bundesrechts-anwaltsordnung; Kommentar' (1997) at p. 1435.

[18] See Vagts, 'Professional Responsibility in Transborder Practice' (2000) 13 *Georgetown Journal of Legal Ethics* 677. The American profession's views on interstate conflicts are embodied in Model Rule 8.5.

[19] Directive 98/5, JOCEL 77/96 (16 February 1998).

[20] Abel, *supra* note 3, at p. 750.

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E. The Non-Global World of Law

Although we are concerned with the realm of global lawyering we need to pay some attention to trends within the world those lawyers leave behind, the world of local lawyers providing local services. It is often difficult to learn about what is happening in that sector, particularly in developing countries where the legal profession is often small and undeveloped. To some extent, localized practitioners will be modernizing their practices to take advantage of modern technology. It is, for example, an option for individual local practitioners to join together in a network through which it is possible for each of them to draw on the resources of a central reservoir of expertise in a wide variety of subjects. Networks can even function on an international scale. A lawyer in Germany coping with the problems of an immigrant from Africa could draw upon the organization's computer file of memoranda and forms or consult directly with a specialist. Precedents exist in such fields as real estate transactions and in the work of H & R Block in preparing income tax returns for individuals and small businesses. Such arrangements might stem the rising level of expenses that has increasingly threatened the access of the middle class to useful legal assistance. It may be possible to buy software that will do the work; one finds an example in such programmes as Turbo-tax, which take over most of the work of preparing otherwise complex income tax returns. But for the rest lawyers will continue in familiar routines relying heavily on their local knowledge and local connections with local judges, bureaucrats, clerks and other lawyers. Litigating cases in their own tribunals will still give an advantage to the home town men and women. The dangerous part of this dichotomy is that localized lawyers will not take foreign aspects into account when they play a role in making decisions on the part of the bar. They will have neither knowledge of nor sympathy with international relations. One saw an example of this with the reaction of the New York bar in the 1970s to the proposal that foreign practitioners should be allowed to obtain licenses allowing them to practice their home country law in New York State.[21] The major law firms in New York City, struggling to preserve rights to practice in foreign nations that often hinged on reciprocity, fought hard for this. Practitioners in smaller cities in upstate New York looked at the idea with suspicion, especially those who practiced near the Canadian border, and fretted about the onrush of Quebec lawyers over the line. Recent negotiations to bring the US within the scope of the Brussels-Lugano Convention scheme regarding the recognition of foreign jurisdiction and foreign judgments have exposed weaknesses in the bar's comprehension of international matters. Many American litigators were unaware that foreign states have never committed themselves to give full faith and credit to American judgments. Therefore they were reluctant to scale down sweeping American jurisdictional claims in order to bring

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[21] Hoppe and Snow, 'International Legal Practice: Restrictions on the Migrant Attorney' (1974) 15 *Harv Int LJ*, p. 298, at 331.

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them into closer harmony with foreign ideas and improve their chances of being enforced. A particular threat to international legal harmony is the fact that judges tend to lag in the process of acquiring global consciousness. Indeed the judiciary are much less attuned to the needs and preferences of their colleagues abroad than are many regulators such as securities regulators and tax collectors who meet regularly with their foreign counterparts in such groupings as the Organization for Economic Co-operation and Development (OECD) and the International Organization of Securities Commissions (IOSCO) and have a reasonable idea of what they are up to. Of course, it is much easier to acquire a trans-border consciousness in Europe, where other countries are near at hand and their problems stare one in the face, than it is in the US – or India, the Mainland China, or Brazil. It will take a great deal of effort on the part of a more enlightened legal profession to move with dispatch and efficiency to harmonize legal systems around the world.

F. An Agenda for Action

It will take more than passively hoping for globalizing trends to take effect to bring the world's legal professions into mutually helpful co-operation. Any prescription would necessarily start with law schools since a lack of understanding is basic to the problems this article identifies. For all of the glossy literature about globalization that emerges from law schools, the reach of this training does not run deep. Surveys indicate that over the last decade the number of courses relating to international subjects that are offered in American law schools has risen dramatically but that the number of students taking them has not.[22] I teach at an American law school with impressive international resources but I recognize that only a small minority of our students really takes advantage of these possibilities and that many shun all overseas involvement, fail to make the acquaintance of foreign graduate students and otherwise behave as if their lives were going to be dedicated entirely to the domestic side. Perhaps things are better in Europe where it is easier to get to another country and EU programmes have eased barriers on students studying or working abroad. Interesting experiments in internationalizing legal education are being developed at Hamburg and St. Gallen. Still there is much to be done, including, I fear, imposing some compulsion on students to gain exposure to external legal systems.

There is also work to be done by the organizations of the profession. It is true that there are special groupings that bring together lawyers from different countries such as the International Law Association and the International Bar Association. There are also confederations of bar associations such as the European CBE. However,

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[22] Barrett, 'International Legal Education in US Law Schools: Plenty of Offerings but too Few Students' (1997) 31 *Int'l Law*, at p. 845.

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their membership lists are relatively short and they do not exert much influence in the professions at large. The American Bar Association (ABA) has a section on international law with 13,500 members, which has an active programme of meetings and publishes a respected journal, but the ABA does not as a whole spend much time on international matters or push its members in the direction of international consciousness.[23] An occasional plenary meeting of the ABA in London revives a consciousness of the common law heritage shared by both countries. It would be helpful if the US profession were to try to develop further ties with countries a little further away from the common law and English language traditions. Some attention to the European endeavours in this field might do quite a lot to elevate the internationalism of the American profession. Lastly, one would hope that indirectly the wisdom and perspective, as well as the technology, gained in the global sector could be brought to bear on the domestic sector so that lawyers could provide better services to the businesses and individuals who remain rooted in their homelands.

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[23] The ABA's activities on the international front are reviewed in Rivkin, 'Transnational Legal Practice' (1999) 33 *Int'l Law*, at p. 825.