

# The Globalization of Legal Education in the United States

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## A. Theoretical Underpinnings: The Need for a Global Legal Education

As the word itself implies, 'globalization' is a ubiquitous term,<sup>1</sup> used by everyone and

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<sup>1</sup> 'It is hard to escape talk of globalization. Globalization is, by definition, everywhere. It is big. All else pales in comparison, and, according to the prevailing view, it is ineluctable. Whether globalization is as encompassing and inevitable as imagined may be less important than that perception, and its ability to affect policy and action. This is evident in the fated meeting of globalization talk and legal education reform'. Adelle Blackett, 'Globalization and Its Ambiguities: Implications for Law School Curricular Reform' (1998) 37 *Colum J Transnat'l Law*, pp. 57, 58; 'Let's cut to the chase. Globalization is both hype and an inescapable reality. Either way it can be scary. For no matter how you slice it, the bottom line is that globalization – real or perceived – is altering how business is done and hence how we, as in-house legal professionals, need to service such business'. Gabe Shawn Varges, 'Coping With Global Angst: Five Practical Prescriptions' 17 No. 4 *ACCA Docket* pp. 20, 34. As one author has stated, '[g]lobalization has replaced the Cold War as the unifying theme of our era . . . It has the potential to define the (twentyfirst century) and even the next millennium . . . It is hard to read the news without finding a politician, business leader, or pundit commenting on this trend'. Alfred E. Eckes, Thomas L. Freidman, 'The Lexus and the Olive Tree: Understanding Globalization' (2000) 9 *Minn J Global Trade*, pp. 132, 132–33. Globalization has also been described as 'the process of denationalization of markets, laws and politics in the sense of interlacing peoples and individuals for the sake of the common good. While science and communications have fostered a global economy they have also complicated the adoption and enforcement of legal rules, creating new problems for international lawyers'. Stephen Zamorra, 'NAFTA and the Harmonization of Domestic Legal Systems: The Side Effects of Free Trade' (1995) 12 *Ariz J Int'l & Comp L* 401, pp. 405–06, quoting Jose Delbruck, 'Globalization of Law, Politics, and Markets – Implications for Domestic law – A European Perspective' (1993) 1 *Ind J Global Legal Studies*, pp. 9, 11. New York Times columnist Thomas Friedman observes that globalization is eradicating

understood by nearly no one.<sup>2</sup> But globalization is most often thought of as the movement towards an increasingly small and interdependent world in which legal issues and transactions more and more transcend national boundaries.<sup>3</sup>

Given these realities, the need for a global legal education is well-recognized today. While there may be no real challenge to the growing need for changes in legal education in order to prepare students for the changing world wrought by globalization, there is neither a consensus as to what constitutes a 'global' legal education nor an obvious approach to teaching law on a 'global' basis.

### ***I. The Trend Towards Globalization***

The need for a global legal education is of course premised on the increasing globalization of the law and legal practice. While international law as a discipline has existed for many, many years,<sup>4</sup> the globalization movement in legal education goes far beyond the traditional study of international law. The underlying basis for the globalization of legal education is the recognition that lawyers in the 21st century more than ever before will need to represent multinational and foreign corporations, and to do so in an increasing number of foreign and international jurisdictions. In the most fundamental sense, globalization in legal education presumes that attorneys need to have a general understanding of the ways in which other systems operate and to have the basic vocabulary to understand the issues their clients face, and the means by which to help resolve them.

Several phenomena explain this trend, primary among them the rapid changes in

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'the traditional boundaries between politics, culture, technology, finance, national security and ecology'. Thomas L. Friedman, 'The Lexus and the Olive Tree', *supra* at p. 15.

<sup>2</sup> 'At the heart of the ambiguity of globalization lies one simple question: "What is it?" However, its terrain may well be too multifaceted and contested to be reduced to a unifying definition that captures anything more meaningful than the externalization of matters that were once considered to be purely national' Adelle Blackett, *supra* note 1, pp. 57, 60.

<sup>3</sup> The term globalization as a succinct expression of process, still captures – better than any other single term I know – the awesomeness of the profusion of forces being unleashed by the advances in technology, travel, and political and economic liberalization. It connotes powerfully the notion that more industries, companies, and professions (including in-house counsel) can increasingly expect their fate to be influenced, if not shaped, by factors beyond the parameters of their own countries and regions, and suggests that these factors are likely to be so interconnected and fast moving as to be beyond the control of any single nation, let alone company, industry, or profession. And it hints thus that success in the years ahead will be increasingly about leveraging – and not sidestepping – these momentous developments. Gabe Shawn Varges, *supra* note 1.

<sup>4</sup> 'The discipline of international law traces its lineage to ancient times ... Late in the eighteenth century, Jeremy Bentham introduced the term "international law" that we use today'. Paul B. Stephan, 'The New International Law – Legitimacy, Accountability, Authority, and Freedom in the New Global Order' (1999) 70 *U Colo L Rev* 1555, p. 1564.

communications and technology, and the exploding interest and activity in international investment and business.<sup>5</sup>

### *1. Technological Advances*

The recent movement towards globalization is largely attributable to technological advances, particularly in the areas of telecommunications and transportation. Business travel throughout the world has become easy and commonplace. And the ease in international communications brought about by the advent and ready availability of cellular phones, the world-wide web, and e-mail make transnational communications simple, quick, and inexpensive. These technological advances have made expedient the growth of international investments and business transactions.<sup>6</sup>

### *2. Growth in Foreign Investment and Development*

The growth of foreign investments in previously ignored, often underdeveloped countries has also blossomed in recent years. Foreign investment has reached an all-time high,<sup>7</sup> thereby contributing to the need to understand and work within other legal systems.

### *3. Growth in International Business Transactions*

With the increase in foreign investment and development, expertise in developing and executing international business transactions is an important skill in today's legal market.<sup>8</sup> The importance of global business has been said to affect any entity that sells goods or services to customers outside the US, purchases products from abroad, invests in companies that operate outside the US, enters into joint ventures with foreign companies, or pays taxes to foreign governments.<sup>9</sup>

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<sup>5</sup> 'There are ... powerful forces of globalization at work in the modern world, and they are drawing law along behind them'. Benjamin R. Barber, 'Global Democracy or Global Law: Which Comes First?' (1993) 1 *Ind J Global Legal Stud* 119, p. 119.

<sup>6</sup> '[G]lobalization is most often understood to mean the growth and interconnection in trade and financial markets across – and often irrespective of – national boundaries, which is facilitated by the increasing ability to use and disseminate technology rapidly and widely ...'. See also Adelle Blackett, *supra* note 1, p. 60.

<sup>7</sup> According to data released by the Bureau of Economic Analysis of the US Department of Commerce, goods imports increased from USD447bn in 1988 to USD917bn in 1998. Service imports rose from USD99bn in 1988 to USD181bn in 1998. See Christopher L. Bach, US Dep't of Commerce, US International Transactions, Revised Estimates for 1982–1998, Survey of Contemporary Business at 2 (July 1999). See also Alberto Bernabe-Riefkohl, 'Tomorrow's Law Schools: Globalization and Legal Education' (1995) 32 *San Diego L Rev* 137, p. 148.

<sup>8</sup> See Peter L. Murray and Jens Drolshammer, 'The Education and Training of a New International Lawyer' above, p. 505.

<sup>9</sup> Kenneth Winer, 'Doing it Right – Overseas' (1999) 9 *Bus L Today* 45, December.

## II. The Globalization of Law and the Legal Profession

The law and legal profession have reacted swiftly to the changes in how the world now does business.<sup>10</sup>

First, both domestic and international laws have needed to respond to the new ways in which the world has begun to operate.<sup>11</sup> Global economic development and the accompanying development of new market and trade relationships also lead to new laws and regulations, which require a cadre of lawyers able to deal effectively with such laws.<sup>12</sup> The internationalization of laws, many based on the growth of international trade, is another explanation for the trend towards global law. Relatively recent phenomena like the General Agreement on Trade in Services (GATS), the North American Free Trade Agreement (NAFTA), the Common Market of the Southern Cone (MERCOSUR), the Association of South-East Asian Nations (ASEAN), and the opening of US trade with China, will also bring about new legal issues as well as new opportunities. Moreover, many of the technological advances described above<sup>13</sup> posit movement toward the internationalization of laws, such as those regarding the Internet.

The transnational nature of business transactions has also led to the development of important legal reform and commentary regarding the enforcement of foreign judgments;<sup>14</sup> environmental concerns on a global scale;<sup>15</sup> and human rights. New judicial fora for the resolution of disputes involving international human rights violations, such as European Court of Human Rights and the European Commission of Human Rights, and the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights, have renewed focus on this field as a global discipline.<sup>16</sup> Even family law – once thought to be the purest form of domestic law – now involves important transnational components.<sup>17</sup>

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<sup>10</sup> 'There are . . . powerful forces of globalization at work in the modern world, and they are drawing law along behind them'. Benjamin R. Barber, 'Global Democracy or Global Law: Which Comes First?' (1993) 1 *Ind J Global Legal Stud* 119, p. 119. See also the other articles in this Special Edition of this Journal and separate book on 'The Future of the International Practice of Law from a Global Perspective'.

<sup>11</sup> See Peter L. Murray and Jens Drolshammer, *supra* note 8.

<sup>12</sup> See Alberto Bernabe-Riefkohl, *supra* note 7, p. 152.

<sup>13</sup> See text accompanying note 6 *supra*.

<sup>14</sup> 'If the future of business is global, so, too, is the business of law'. 'Global Roundtable: Taking On the World' (1998) *Am Law* 97.

<sup>15</sup> Environmental regulation is a quintessential area in which international standards are needed. As one author notes, 'globalization merely continues what humanity has been doing since the glaciers last retreated: subdue every niche within its reach'. Jim Chen, 'Globalization and its Losers' (2000) 9 *Minn J Global Trade* 157, p. 157.

<sup>16</sup> See Jerome J. Shestack, 'Globalization of Human Rights' (1997) 21 *Fordham Int'l L J* 558, pp. 564–65; Peter L. Murray and Jens Drolshammer, *supra* note 8.

<sup>17</sup> For example, the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 'represents a revolutionary step towards a global law, breaking down national walls to achieve a common goal: ensuring the welfare and rights of homeless

The legal profession has reacted swiftly to the internationalization of laws and the rapid increase in international business transactions.<sup>18</sup> Law firms<sup>19</sup> have sought to satisfy this new market niche<sup>20</sup> in several important ways. First, they have developed alliances or opened branch offices in foreign countries,<sup>21</sup> especially those that have become major venues of foreign investment and business transactions.<sup>22</sup> A

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children'. Lisa Hilis, 'Intercountry Adoption Under the Hague Convention: Still an Attractive Option for Homosexuals Seeking to Adopt' (1998) 6 *Ind J Global Legal Stud* 237, p. 237.

<sup>18</sup> 'As we go forward into the 21st century, business lawyers who do not keep pace with the dynamic changes wrought by the era of globalization will be left behind. If ever it was enough for them to know just the relevant law of the jurisdiction in which they may be admitted to practice, it no longer is'. Morton Moskin, 'Don't Let Globalization Leave you Behind' (2000) 9 *Bus L Today* 38, February. See also Detlev Vagts, 'The Impact of Globalization on the Legal Profession' above, p. 403.

<sup>19</sup> These changes are not limited to large or even mid-sized law firms; even small law firms are effected by globalization. See Gloria M. Sanchez, 'A Paradigm Shift in Legal Education: Preparing Law Students for the Twenty-First Century: Teaching Foreign Law, Culture, and Legal Language of the Major US American Trading Partners' (1997) 34 *San Diego L Rev* 635, p. 635.

<sup>20</sup> 'The factor most driving international expansion for law firms is the need to support a client base that's going global. One way these firms can maintain and effectively serve their clients is to have operations in the same locations. In order to accomplish this, lawyers must have the resources to be able to understand local business customs and laws, so that they can identify business opportunities abroad, both for themselves and their clients'. Jacob Weichholz, 'Why – and How – Firms Go Global' (1999) 12:12 *Acct for L Firms* 1, p. 1.

<sup>21</sup> 'American law firms are at the forefront of transnational legal practice. They have established branches in virtually all parts of the world'. David S. Clark, 'Transnational Legal Practice: The Need for Global Law Schools' (1998) 46 *Am J Comp L* 261, p. 273. For example, White and Case has offices in at least 24 countries; almost half of the 778 lawyers are overseas. Baker & McKenzie, the world's largest law firm, employs 1815 lawyers outside of the US, a number which constitutes 80 per cent of its total number of 2,300 attorneys. This trend towards globalization applies to in-house counsel, as well. For example, 157 of the 650 lawyers employed by the General Electric Company are located outside of the US. 'As more and more companies are expanding their operations by penetrating the global marketplace, law firms are finding it necessary to keep up with their clients by entering the international arena themselves. In fact, of the top 100 US law firms, 75 are currently running offices outside the country, and that number is growing. 'Global Roundtable: Taking on the World' (1998) *Am Law* 97.

<sup>22</sup> Noting the infusion of US law firm offices in Sao Paulo, Brazil, one author observed the connection between that movement and the strength of the local economy. 'Brazil is simply one of the world's biggest economies, and major law firms want their piece of the action, especially on behalf of multinational business interests drawn to the country by its insatiable appetite for foreign capital'. Steven T. Tyler, 'From the Of Counsel 700 ... Law Firms Open Unprecedented Number of New Branch Offices Nationwide' (1999) 18:14 *Of Counsel* 1. See also Thom Weislich, 'Lawyers Increasing Global Presence' (1991) *Nat'l L J* S3 (col. 1) (noting growth of US law firms in Eastern Europe).

substantial number of foreign-trained lawyers are employed at these offices,<sup>23</sup> and foreign law firms are also establishing an increasing presence in the US.<sup>24</sup> Alliances are developing among law firms from various regions and countries.<sup>25</sup>

Secondly, the globalization of law practice has indeed become big business – US law firms have developed an enormous foundation of foreign-based clientele that may be served from their domestic and/or foreign offices.<sup>26</sup> A number of global associations have even been established to help primarily mid-sized law firms globalize their practice.<sup>27</sup> One writer has described the changes in law practice as a ‘seemingly unstoppable march toward the day when all lawyers will need some knowledge of public or private international law in their practices’.<sup>28</sup>

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<sup>23</sup> David S. Clark, *supra* note 21, p 274.

<sup>24</sup> *Ibid.*

<sup>25</sup> See, e.g., Catherine Monte and Regina O’Shea, ‘Globalization and its Impact on Today’s Law Practice’ (2000) 595 *PLI/Pat* 13. See also ‘Shedding Light on the Global Legal Behemoth’ (2000) 1 *NYLJ* 5, describing the merger between New York law firm Rogers & Wells with Germany’s Punder, Volhard, Weber & Axster and England’s Clifford Chance, the result being a 3000 lawyer conglomerate with an estimated USD1.2bn revenue during its first full year).

<sup>26</sup> ‘United States lawyers have become very successful world-wide, both in establishing law firms or alliances abroad as well as in obtaining foreign clients for domestic offices. This latter activity has generated USD 1.6 billion in 1994, about ten percent of the total revenue of the largest 100 firms. This is an increase from USD 451 million in 1990’: David S. Clark, *supra* note 21, p. 273 (footnotes omitted).

<sup>27</sup> Global law associations, many of which cater to midsize law firms, include the following: American Law Firm Association, <[www.alfanet.org](http://www.alfanet.org)> (having connections with 115 midsize firms with 5,700 lawyers in some 20 countries); Commercial Law Affiliates, <[www.claonline.org](http://www.claonline.org)> (claiming as clientele 210 firms with nearly 5,000 lawyers in 70 countries. The association focuses on commercial law and has a 13 member administrative staff responsible for following up on all referrals to ensure that service is up to par); Interlaw, <[www.interlaw.org](http://www.interlaw.org)>, founded in 1981 representing 48 mostly midsize firms with 2,300 lawyers in some 40 countries); Interlex, <[www.inlex.com](http://www.inlex.com)> (having a heavy European focus, it has 34 firms with some 3,000 lawyers in 27 countries); International Lawyers Network, <[www.lawinternational.com](http://www.lawinternational.com)> (having a focus on middle-market clients, representing some 65 firms with 2,800 lawyers in more than 50 countries); Jurisphere, <[www.jurisphere.com](http://www.jurisphere.com)> (founded in 1997, focuses on 40 major business centres around the world and plans to have firms in most of those jurisdictions later this year; has 23 firms with 2,000 lawyers in 31 countries); Multilaw, <[www.multilaw.com](http://www.multilaw.com)> (based in London, plans to slowly expand to Eastern Europe, the Middle East, and the US. It has 46 firms with 2,700 lawyers in 35 countries); Terralex, <[www.terrallex.org](http://www.terrallex.org)> (having 21 firms with 6,000 lawyers in 81 countries, plans to expand to Asia); Lex Mundi, <[www.lexmundi.org](http://www.lexmundi.org)> and <[www.hg.org](http://www.hg.org)> (founded in 1989, the Houston-based association currently has 145 firms with 10,500 lawyers in some 80 countries); and World Law Group, <[www.wlg.com.br](http://www.wlg.com.br)> (having 39 firms with 6,500 lawyers in 30 countries). See 99-1 Partner’s Rep. 9.

<sup>28</sup> John A. Barrett, ‘International Legal Education’ (1999) 33 *Int’l Law* 587, p. 587.

### ***III. The Need for a Global Legal Education***

This trend in law practice is accompanied by the need to retain attorneys – whether they are indigenous to the country of the foreign branch or from a US office – who are trained to deal in other legal systems<sup>29</sup> and are sensitive to linguistic and cultural nuances – especially as they involve law negotiations and transactions. If law schools are to be training grounds for lawyers in any real sense, as they undoubtedly must be, then law schools must prepare their graduates to operate effectively and competitively in the kind of legal community they now confront, i.e., one that is increasingly global in nature.<sup>30</sup> As one commentator has observed:

The recent changes in world political and economic structures call for an adjustment of legal education theory. The movement toward the globalization of the economy will open opportunities for the expansion of the market of legal services.

People graduating from law school today are facing a new world. Not only are there new nations on the world map, there are new types of economic and political relations among nations. There is also a different social composition of our society. The law, as a system of social order, is also affected by these changes; and legal education, as the first step toward the practice of law, should be designed to meet the challenges presented by these changes.<sup>31</sup>

The importance of globalization of legal education thus rests on the premise that, given the increasing interconnectedness of the emerging world order, including the growth of cross-border transactions and the ease of instantaneous communications, law schools must introduce students (and hence faculty) to diverse systems, viewpoints, and legal cultures.<sup>32</sup> As social, political, and economic systems of

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<sup>29</sup> ‘International law firms and increasingly any law firm will want students conversant in comparative and international law’. David S. Clark, *supra* note 21, p. 269.

<sup>30</sup> ‘The paradigm shift that is occurring in the legal profession due to globalization should be the impetus for a concomitant paradigm shift in legal education’. Gloria M. Sanchez, *supra* note 19, at p. 640; ‘Legal education should “train future practitioners to be competitive in the expanding legal marketplace by furnishing courses that will provide a minimum level of competence in areas of practice regarding foreign law, culture, and legal language”’. *Ibid.* at p. 642 (footnotes omitted). See also Peter L. Murray and Jens Drolshammer, *supra* note 8.

<sup>31</sup> Alberto Bernabe-Riefkohl, *supra* note 7, pp. 137–38 (footnotes omitted). See also Adelle Blackett, *supra* note 1, p. 67 (‘One of the most striking underlying concerns reflected in globalization talk in legal education is the perception that aspiring legal professionals need to be prepared to deal with a changing, diverse and even interdisciplinary environment . . . Legal education designed to produce students who not only ‘know’ the law, but students who can think critically, analyze complex material effectively, articulate their opinions cogently and persuasively, write forcefully, and represent their clients with integrity. These lawyers should be able to develop the skills not only to learn the law, but to recognize that they can influence and are developing its constant – and according to discourse on globalization, rapid, but certainly not linear – development’. *Ibid.* at pp. 68–69. See also Peter L. Murray and Jens Drolshammer, *supra* note 8.

<sup>32</sup> ‘Legal education should . . . prepare the student to practice in a world that is trying to eliminate economic barriers while keeping existing political and cultural differences . . . For

different nations become ever more interconnected and interdependent, so too will their legal systems; it is thus not appropriate for any legal system to view itself in isolation – especially common law systems which are greatly outnumbered by civil law jurisdictions. As one writer agrees:

[T]here is much to be gained from looking beyond the confines of one's own domestic legal system. Hopefully, studying international law also conveys to students an appreciation for the different meanings of 'law' and raises questions of authority, legitimacy, and acceptance. Studying law conveys the idea that there may be more than one way to address a particular legal problem. Approaches to grappling with and resolving legal problems reflect the traditions and cultures of members of a given society. Perhaps more importantly, they shed light on how legal scholars in that society think. Studying transactional law introduces students to questions of legal pluralism, as they reconsider the state's claims of exclusivity over law-making power and juxtapose it with cultural pluralism and emerging transnational legal practices ...<sup>33</sup>

How has US legal education responded thus far to globalization? What have law schools done and what should they do to prepare students for the world that they will confront in practice? When the rhetoric of globalization is stripped to its core, legal educators are confronted with real dilemmas as to how to go about teaching law in this era of globalization. Section B *post* discusses the innovations that US law schools have developed in response to globalization. Section C *post* discusses a number of organizations whose mission includes the facilitation of global legal education. Finally, Section D *post* discusses ways in which the legal academe can respond to globalization given different resources, institutional abilities, and priorities.

## **B. Global Legal Education in The US**

Law schools in the US have begun to respond to the movement towards globalization. Given wide variations among law schools in terms of institutional priorities and strengths, size, resources, geographic location, and other factors, law

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this reason, legal education cannot afford to be dissociated from the world around it. 'Alberto Bernabe-Riefkohl, *supra* note 7, pp. 157–58; Elizabeth Amon, 'Law Schools in the Future Will Become Global And Professional' (1996) *Nat'l L J* A16, Vol. 2, quoting Deputy Consultant on Legal Education for the American Bar Association ('globalization is a big issue').

<sup>33</sup> Adelle Blackett, *supra* note 1, p. 67.



schools have approached the need for a global legal education differently both qualitatively and quantitatively.

Section I *post* discusses the Global Law School Program at New York University School of Law, which is generally credited with being the most important global initiative adopted by any US law school. Section II *post* discusses other programmes at US law schools that are designed to prepare law students for the transnational legal community in which they will work.

### ***I. NYU Law School's Global Law School Program***

New York University School of Law (NYU) is largely credited with developing the first Global Law School Program (GLSP) – and the first programme anywhere of its kind. While other schools may have international influences among their student body and curricula,<sup>34</sup> NYU's programme is generally recognized as being the first systematic and comprehensive initiative of its type.<sup>35</sup> Through its Global Law School Program, NYU has created and nourished a unique *international* programme in law (as contrasted with a programme in *international* law).

The GLSP is premised on the recognition of the 'growing interdependence of the social, political, and economic systems of nations around the world'.<sup>36</sup> NYU Law School's Global Law School Program is designed to bring to NYU the world's leading law professors, jurists, and law students to study, teach, research in an environment that facilitates a genuine sharing of ideas. By exchanging ideas and developing lasting relationships that transcend national borders and substantive fields, faculty and students will participate in the transformation of US legal education.

Rather than being a 'programme' in the traditional sense, the GLSP is more an overall approach towards and attitude about the learning and teaching of law. As NYU's Dean John Sexton noted, the GLSP gives 'a global focus to everything in

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<sup>34</sup> See Section C:II *infra*.

<sup>35</sup> 'New York University's "Global Law School Program" has been the most heavily publicized undertaking for giving a substantial number of prominent foreign legal scholars a formal affiliation with, and opportunities for a regular, intermittent presence at an American law school. More typical are visiting appointments, or the permanent but part-time appointments that some foreign legal academics hold on US law faculties in conjunction with retained appointments at universities in their home countries'. Jacques deLisle, 'Lex Americana?: United States Legal Assistance, American Legal Models, and Legal Change in the Post-Communist World and Beyond' (1999) 20 *U Pa J Int'l Econ L* 179, p. 308 note 74. 'At this level of commitment, as foreign and American faculty and students spend time together, they will both learn about the international legal order in a more denationalized manner as well as gain new perspectives on American law'. David S. Clark, *supra* note 21, p. 269. The deputy consultant for legal education to the American Bar Association called the NYU programme 'a very exciting concept'. Ken Myers, 'NYU's International Approach is Education on a Global Scale' (1994) *Nat'l L J A* 18 col. 2.

<sup>36</sup> Cynthia Cotts, 'NYU and White House Launch All-Day Forum on Globalization' (1998) 3 *Nat'l L J B4*.

law. We are going to look at everything with a different lens'.<sup>37</sup> Premised on the notion that legal education must embrace and incorporate foreign, international, and comparative elements and approaches, the programme strives to integrate these elements into all components – academic, professional, and social – of the law school community.

### *1. The Integrated Global Community at NYU*

#### (A) CONSTITUENTS OF THE GLOBAL LAW COMMUNITY

One of the most important elements of the GLSP is the assimilation of its many constituents – global faculty with domestic faculty with international students with domestic students – all working together to teach and learn about other legal systems and other countries' laws.

##### (i) Global law faculty

The global law faculty programme supplements NYU's already distinguished law faculty by assembling some of the world's leading law professors from around the world to teach how they think about law and learn how we do. These faculty members contribute to the international academic culture of the law school, but more importantly they enhance and broaden the law school curriculum by teaching and co-teaching (with permanent law school faculty members) courses in international, comparative, and foreign law. Obviously, no matter how well trained a US law professor, the advantages of having talented academics from abroad teaching classes that deal directly with their own education and experience should be obvious.

What distinguishes these visitors from the typical type of foreign academic visitors at other schools is that these visitors remain for an entire semester and that they visit the law school regularly.<sup>38</sup> In this way, they become true 'colleagues' of the permanent faculty, often working with permanent faculty members on research and other projects, and they become fully integrated into the law school community. While they remain affiliated with their home universities, global law faculty members have an ongoing relationship with NYU. Each academic year some 15 of these faculty members come to NYU to teach specially designed courses, engage in research, and interact with each other and with NYU's permanent resident faculty, students, and alumni. From its inception in 1994 until now, the global law faculty has represented scholars from more than 20 countries on five continents.<sup>39</sup>

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<sup>37</sup> Quoted in Ken Myers, *supra* note 35. Sexton has also remarked that the GLSP represents 'a new way of seeing and understanding the law'. See Elizabeth Amon, *supra* note 32.

<sup>38</sup> See *supra* note 35, p. 308 note 74.

<sup>39</sup> Countries represented by global law faculty include Argentina, Australia, Canada, Egypt, Finland, France, Germany, Hungary, India, Israel, Italy, Japan, Kenya, Korea, the Netherlands, South Africa, Spain, Sri Lanka, Sweden, Taiwan, and United Kingdom.

Global law faculty members teach a wide range of courses that cut across the law school curriculum, from the relatively traditional<sup>40</sup> to extremely specialized courses.<sup>41</sup> All told, courses taught by global law faculty provide enormous enrichment to the law school curriculum.

(ii) Other Professional Visitors

The law school regularly hosts three other categories of professional visitors – Distinguished Global Fellows, Visiting Scholars/Visiting Researchers, and groups of professors or others from abroad who come to the US on short-term visits.

Distinguished Global Fellows are usually high level jurists and government officials who do not have the time to spend an entire semester in residence. These visitors provide similar benefits to the global law faculty – they meet with students and faculty, attend classes, give lectures, and in other ways contribute to the overall intellectual life of the community.<sup>42</sup>

Visiting Scholars are academics, jurists, and government officials who come to the law school to perform research for a period of time that may range from a few weeks to a year. More junior individuals may also come as Visiting Researchers. Visiting Scholars and Visiting Researchers contribute to the intellectual life of the law school through participation in classes, colloquia, and symposia. At times, these visitors may be called upon to speak to the law school community about an issue of interest regarding their research or an aspect of their legal system.<sup>43</sup>

The law school from time to time hosts relatively small groups of visitors from abroad seeking to learn more about US legal education, the US legal system, or US law. Many of these visitors come through the former United States Information Agency (now part of the US State Department). Others come from private organizations, such as the International Law Institute.<sup>44</sup> Yet others come through personal contacts between faculty at NYU law school and foreign law faculties or other groups.

When groups such as these visit the law school, they generally meet with members of the law school faculty and administration, tour the premises, and attend classes. Through these visits, foreign law faculty members, government officials, students, and others, get a better sense of the US system of law and legal education, which they can then carry home. At the same time, those faculty members and administrators who work with these visitors learn a great deal about

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<sup>40</sup> For example, Tax Policy, International Business Transactions, Human Rights, Public Law, and Comparative Constitutional Law.

<sup>41</sup> For example, Corruption Prevention: National and Transnational Attempts; Comparative Public Interest Lawyering; Transitional Societies and Retroactive Justice; and From Roman Law to Modern Law: Abortion, Homosexuality, and Capital Punishment.

<sup>42</sup> See <[www.law.nyu.edu/global/school/5yr\\_report](http://www.law.nyu.edu/global/school/5yr_report)> .

<sup>43</sup> See <[www.law.nyu.edu/global/school/5yr\\_report](http://www.law.nyu.edu/global/school/5yr_report)> .

<sup>44</sup> For example, the GLSP hosted a group of law professors from Albania in 1999 during a visit hosted by the International Law Institute.

the system from which the visitors come. Often, close contacts develop among the visitors and hosts.<sup>45</sup>

### (iii) Foreign-Trained Graduate Students

The presence of international law students at NYU has long existed but has recently taken on new importance. The international student body – which comprises some 80 per cent of NYU's graduate law students<sup>46</sup> – has by now come to be seen as an integral part of the law school.<sup>47</sup> For the most part, they take classes with the general law school population<sup>48</sup> and are relied upon to contribute to academic, social, language, and other forms of dialogue inside and outside of the classroom. Through these discussions, students from abroad reveal important nuances of the legal systems and laws of their own countries.<sup>49</sup>

One special component of the international student body at NYU is the Hauser Global Scholars Program. This programme offers a generous scholarship to (and creates a special programme for) between ten and 15 foreign graduate students each year. These students are selected through a highly competitive process from among a large group of qualified lawyers from throughout the world.<sup>50</sup> The Hauser Global Scholars enroll in a special seminar developed for them, and in a series of discussions featuring a legal issue of interest from each scholar's country. In addition, the Hauser Global Scholars are expected to participate fully in the intellectual life of the law school and are charged with a special responsibility to foster integration among

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<sup>45</sup> For example, the author organized and participated in a visit by Egyptian law professors to NYU law school that took place in 1997. As a result, she was invited to speak at a conference on legal education in Monsoura, Egypt in March 1999.

<sup>46</sup> This figure excludes students in the general tax programme. Graduate tax programmes have historically been dominated by US students. NYU does have an international graduate tax programme which accepts only students who have received their law degrees from law schools outside of the US.

<sup>47</sup> For example, in 1997, NYU's graduate programmes included 225 foreign citizens. David S. Clark, *supra* note 21, p. 269. That number continues to grow each year.

<sup>48</sup> This, with the exception of a few courses that are designed exclusively for foreign students.

<sup>49</sup> 'The large number of foreign law students currently enrolled in LLM programmes throughout the United States also provide a unique and valuable source of information that can be utilized in seminar or traditional classes. The interest of foreign students in practice qualification rules in the United States and, conversely, the interest of US students in practice qualification rules abroad, generates enthusiasm for exchange of information on the subject. Foreign students can bring their expertise to bear on original source materials, as well as the usual secondary types of materials generally available'. Louis F. Del Duca and Vanessa P. Sciarra, 'Developing Cross-Border Practice Rules: Challenges and Opportunities for Legal Education' (1998) 21 *Fordham Int'l L J* 1109, p. 1122.

<sup>50</sup> The Hauser Global Scholars Program has been described by NYU Dean John Sexton as 'an American Rhodes Scholar programme for international law students . . . We are trying to choose students who will be leaders of their countries 10 or 15 years from now'. Ken Myers, *supra* note 35.

US and foreign students.<sup>51</sup> The presence of these extraordinary students at the law school has also been said to contribute to the increasing quality of the pool of foreign-trained applicants.<sup>52</sup>

#### (B) INTEGRATION OF GLOBAL AND DOMESTIC CONSTITUENTS

The notion of integration – that global law faculty and international students must become fully integrated into the law school’s social and academic life – is central to the success and underlying philosophy of the GLSP. Among other things, integration fosters knowledge and cross-cultural understanding that is important to the international practice of law; gives US law students an opportunity to forge a set of relationships that can serve as professional contacts, which are an enormously valuable commodity in the ‘global’ legal community; and often makes for more interesting transnational courses when professors at NYU co-teach courses of global impact.

Integration between and among foreign and US law students is of such centrality to the GLSP that the programme employs a global fellow who has primary responsibility for academic and social integration. Among the tasks that are undertaken is a system of pairing domestic and international law students. These pairings are meant to maximize the linguistic, academic, geographic, and other interests as expressed by the respective students. These and other efforts are made to encourage first year JD students (who cannot take courses with the global law faculty)<sup>53</sup> to meet and get to know global law faculty.<sup>54</sup>

First, the primary benefit of the presence of a large number of faculty, students, and other visitors from abroad is of course in the learning experience that this offers domestic law students. This kind of learning happens in the classroom and in other academic events at the law school, where foreign students often provide unique perspectives, and in social settings where students from other countries reveal a range of customs and patterns of behaviour from numerous regions of the world that may not have been familiar to many domestic students. Even law school housing arrangements are made so as to maximize student exposure to their law school classmates from other countries.

Indeed, foreign students attend and participate actively in virtually the full range of social events at the law school. For example, Austrian students discussed the political situation in Austria with a group of US and foreign law students from other countries. A group of Russian and non-Russian law students also met after the presidential elections to discuss politics in Russia and the likely effect of the election

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<sup>51</sup> See Section C:I:b *infra*.

<sup>52</sup> See <[www.law.nyu.edu/global/school/5yr\\_report](http://www.law.nyu.edu/global/school/5yr_report)> .

<sup>53</sup> At most law schools, the first year curriculum is fixed and first year students are generally not entitled to take elective courses.

<sup>54</sup> Lunches are arranged for each global law faculty member to which several first year JD students may attend. Some of the global law faculty also present lectures on issues of international law that are designed for first year law students.

on the future of Russia. A student from South Africa spoke on a panel with faculty members and others discussing affirmative action in South Africa. Language roundtables in which domestic and JD students participate also foster international integration and promote cultural awareness.

Second, students at NYU have ample opportunities to develop professional networks that they carry with them throughout their professional lives. As the practice of law becomes increasingly global, these contacts can become invaluable commodities to both the foreign and US lawyers. In addition, the social relationships that develop and that are known to last a lifetime allow useful insights into the cultural mores of other systems, knowledge that may do much to foster one's professional development in the global legal marketplace.<sup>55</sup>

Third, US and foreign law professors at NYU often co-teach courses of global impact, an experience that offers important perspectives to the students and that allows professors from different educational and academic backgrounds to better understand teaching methods and learning environments in other systems.

(i) New Courses

The presence of members of the global law faculty has greatly enriched the course offerings at the law school. Other courses designed and taught by regular NYU faculty members have also been instrumental in promoting a global law curriculum. These include Law and Society in Japan; South Asian Law; EU law; Foreign Tax; International Economic Transactions; and International Arbitration.<sup>56</sup>

(ii) Global Public Service Law Project

The Global Public Service Law Project is one of the newest GLSP initiatives. Funded by an anonymous USD11.4m gift, this programme is designed to train public interest lawyers how to do public interest lawyering more effectively. The project provides for full scholarships for about ten full-time LLM students from foreign countries and the possibility of law school funded internships after receiving the LLM. The centrepiece of the LLM programme in public service law is a six-credit seminar, with field placement. Students also specialize in one of six area groups and take classes concentrated in that area. After completing the LLM programme, these students are expected to return to their home countries and to form part of an ongoing network of public service lawyers around the world.<sup>57</sup>

(iii) Integrated approach to core domestic courses

Because first year law students at NYU (and most other law schools) are not permitted to take elective courses, global perspectives have been methodically introduced into the first year curriculum. During the 1999–2000 academic year, every

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<sup>55</sup> See Section E:II:I:j *infra*.

<sup>56</sup> < [nyu.law.edu/recordsregistration/fall00/coursedescription](http://nyu.law.edu/recordsregistration/fall00/coursedescription) > .

<sup>57</sup> See < [www.nyu.edu/globalawschool/5yr\\_report](http://www.nyu.edu/globalawschool/5yr_report) > .

first year student at NYU law school was introduced to at least one unit of international, comparative, or foreign law in one or more of their core first year courses.<sup>58</sup>

(iv) Clinics for international law students

The law school has among its clinical offerings courses that encourage participation by LLM students, among them the International Environmental Law Clinic and the International Human Rights Clinic.<sup>59</sup> The Comparative Criminal Justice Clinic to be offered for the first time in the spring 2001 semester, is designed specifically to comprise 50 per cent US students and 50 per cent international LLM students.<sup>60</sup>

(v) Project on Transitional Justice

The NYU School of Law Project on Transitional Justice is Chaired by Alex Boraine, former co-chair of Truth and Reconciliation Commission in South Africa. This project includes a course on transitional justice and restorative justice. It also sponsors conferences on issues relating to transitional justice. For example, in late 1999, a major international conference sponsored by the Project on Transitional Justice and the GLSP on the Kosovo conflict was held at the law school.<sup>61</sup>

## *2. Sending US Law Students Abroad*

NYU's Global Law School Program has encouraged domestic law students to study and/or work abroad. Such programmes allow US law students to learn more about other legal systems (foreign and international) and the operation of the rule of law in other regions throughout the world. It also allows US law students to bring to and share with other regions of the world their talents and experiences.

The movement of NYU law school students to areas outside the US is accomplished through several mechanisms, notably internships abroad and student study abroad programmes.

### (A) OVERSEAS INTERNSHIPS AND OTHER OPPORTUNITIES

The law school encourages students to spend time abroad working with NGOs, at international courts and other tribunals, or other foreign-based entities. The law school facilitates these opportunities by providing financial assistance through several programmes. For example, the newly created internships at the International Court of Justice provide a limited number of internships for recent LLM and JD graduates of the law school. In addition, the GLSP provides student funding for

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<sup>58</sup> See < [www.law.nyu.edu/globalaw/school/5yr\\_report](http://www.law.nyu.edu/globalaw/school/5yr_report) > .

<sup>59</sup> See < <http://www.nyu.law.edu/recordsregistration> > .

<sup>60</sup> See < <http://www.nyu.law.edu/recordsregistration> > .

<sup>61</sup> See < [www.law.nyu.edu/dialogue/kosovo](http://www.law.nyu.edu/dialogue/kosovo) > .

select programmes abroad that relate to a student's research or other scholarly endeavors.<sup>62</sup>

#### (B) STUDY ABROAD PROGRAMMES

NYU's study abroad programmes are sponsored and administered by the Global Law School Program. The law school has exchange and co-operative arrangements with numerous law faculties around the world. There are also several university-wide exchange programmes that are suitable for law students.

In the past year or so, the law school has also begun to encourage 'Individual Study Abroad Programs' under which students can work with GLSP personnel and other law school faculty members to develop a programme of study at a law faculty not among law school or university exchange partners. Because the NYU law faculty and GLSP personnel have extensive contacts throughout the world, students can usually be accommodated in any country in which his or her academic or research interests lie.

### 3. Conferences

NYU law school is also a frequent organizer and sponsor of conferences that involve important 'global' issues. Conferences and other events held at NYU in the recent past include the September 1998 programme on 'Strengthening Democracy on the Global Economy: An Opening Dialogue,' featuring President Clinton and First Lady Hillary Rodham Clinton and other dignitaries;<sup>63</sup> a ceremony in honor of Archbishop Desmond Tutu and Dr. Alex Boraine for their work on South Africa's Truth and Reconciliation Commission, at which Mrs. Rodham Clinton presented the awards;<sup>64</sup> a conference on the death penalty featuring several members of the Italian Parliament and representatives of the United Nations;<sup>65</sup> and a conference on the proposed Hague Convention on International Jurisdiction and the effects of foreign judgments.<sup>66</sup> Numerous other conferences were organized and took place at NYU, with ample participation by NYU faculty members.

NYU also sponsors (and its faculty members actively participate in) major conferences abroad. For example, NYU co-sponsored a conference in Florence, Italy on 'Progressive Governance in the Twenty-First Century'. Participants included the President of the US, British Prime Minister Tony Blair, Brazilian President Fernando Cardoso, then- Italian Prime Minister Massimo D'Alema,

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<sup>62</sup> See < [www.law.nyu.edu/globalawsschool/5yr\\_report](http://www.law.nyu.edu/globalawsschool/5yr_report) > .

<sup>63</sup> See < [www.law.nyu.edu/forum](http://www.law.nyu.edu/forum) > .

<sup>64</sup> See < [www.law.nyu.edu/hrc/hrc](http://www.law.nyu.edu/hrc/hrc) > .

<sup>65</sup> See < [www.law.nyu.edu/globalawsschool/5yr\\_report](http://www.law.nyu.edu/globalawsschool/5yr_report) > . See also Toni M. Fine, 'Moratorium 2000: An International Dialogue Toward A Ban on Capital Punishment' (1999) 30 *Hum Rights L Rev* 421.

<sup>66</sup> See < [www.law.nyu.edu/globalawsschool/5yr\\_report](http://www.law.nyu.edu/globalawsschool/5yr_report) > .



French Prime Minister Lionel Jospin, and German Chancellor Gerhard Schroeder.<sup>67</sup>

#### *4. Global Law Library Initiatives*

The NYU law library has undertaken several initiatives in response to the movement towards globalization. First, it has expanded its holdings to include important foreign, international, and comparative collections. Second, it has participated in a network of law libraries around the world to share information that would not otherwise be widely accessible.

##### (A) GLOBAL LAW COLLECTIONS AND EXPERTISE

Under the stewardship of the head librarian and her staff, the law school has undertaken to complement its global law curriculum with a library collection that meets the needs of students, faculty, and visitors. Several members of the library staff are experts in the fields of international, foreign, and comparative law, and help to develop these collections. Members of the global law faculty and students from abroad are also asked to assist the library staff in selecting appropriate collections from their home countries.

##### (B) THE GLOBAL INFORMATION TRANSFER NETWORK (ITN)

The NYU library and partner libraries around the world have developed ITN through which these libraries will share resources and reference services with each other and provide resources available to developing countries. The ITN will allow students and researchers everywhere to call up a world-wide virtual reference desk with access to information from legal institutions in developing and developed countries.

## *II. Global Legal Education at Other US Law Schools*

While NYU's Global Law School Program is widely regarded as being the first and most extensive initiative of its kind, it is not alone among US law schools in recognizing the need for a global legal education and in developing programmes to promote that end.<sup>68</sup> Indeed, institutional global initiatives are now becoming widely

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<sup>67</sup> See <[www.law.nyu.edu/dialogue/index](http://www.law.nyu.edu/dialogue/index)>. Several JD and LLM students were selected to attend this conference at the law school's expense.

<sup>68</sup> It should be noted, however, that not everyone agrees as to what efforts to promote global legal education has accomplished. Detractors note, for example, that law schools have not been successful at globalizing legal education. As one commentator has argued, '[l]aw in the United States is "lagging far behind on the global playing field"' noting that ambivalence persists among law faculties and practitioners. David J. Bederman and Jonathon C. Hamilton, 'Agents of International Discourse: A Conspectus on the Future of International Law Journals' (2000) 40 *Va J Int'l L* 817, p. 825. See also George P.

implemented, and certain elements have become commonplace.<sup>69</sup> Initiatives include the growth of programmes for international law students, programme and curricular changes, foreign study programmes for US law students, the growth of law school publications devoted to international, comparative, foreign, or 'global' legal issues, and other student programmes.<sup>70</sup>

### 1. International Programmes at US Law Schools

A number of US law schools have developed programmes or centres that focus on international or transnational legal issues. For example, the Global Legal Studies Program at Indiana University School of Law is designed to 'provide students with opportunities to prepare for practicing law in the global era and to promote

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*cont.*

Fletcher, 'Comparative Law as a Subversive Discipline' (1998) 46 *Am J Comp L* 683, p. 690. 'Despite the cant about globalization and global law programmes, we teach law much the same way as we have since the time of Langdell'. Others agree that US legal education has its particular failings in this regard. As Dean Stephen Zamorra of the Houston Law Centre and an expert in Mexican law and NAFTA argues, US legal education gives short shrift to the laws of neighbouring countries. Stephen Zamorra, *supra* note 1, p. 423. 'Course offerings for international law classes are more common and varied than ever before. Almost every law school has international law classes ... [describing other international law initiatives at US law schools]. Despite all of these encouraging signs, the vast majority of students graduating from law school have little or no exposure to international law'. See also John A. Barrett, Jr, 'International Legal Education in the United States: Being Educated for Domestic Practice While Living in a Global Society' (1997) 12 *Am U J Int'l L & Pol'y* 975, p. 976 (footnote omitted). See also *ibid.* at 991-93. One estimate concludes that the percentage of students having had at least one course in international law to be at most 37 per cent. See *ibid.* at p. 993, citing ABA survey.

<sup>69</sup> 'There is a multitude of law schools that now engage in foreign programmes ... It's increasing geometrically ... This global interest is spreading like wildfire ... The world is shrinking'. Ken Myers, *supra* note 35. Another writer has noted that '[I]n recent years it has become fashionable to talk about the globalization of law. A number of eminent schools led by New York University have made clear their commitment to a global law programme'. Ugo Mattei, 'An Opportunity Not To Be Missed: The Future of Comparative Law In the United States' (1998) 46 *Am J Comp L* 709, p. 709.

<sup>70</sup> The law schools mentioned below constitute an extremely random listing. See generally ABA-approved law school websites, collected at <[www.abanet.org](http://www.abanet.org)>. It should also be noted that similar efforts are being undertaken in Europe and elsewhere. See, e.g., Peter L. Murray and Jens Drolshammer, *supra* note 8. See also <[www.uni-muenster.de/Jura.history/Europa](http://www.uni-muenster.de/Jura.history/Europa)>, describing the Foreign Law Programme at the Faculty of Law of the Westphalian Wilhelms University of Munster. The two-year programme, which enrolls approximately 700 students, requires students to study in English or French, and offers a choice between a course of study focused on British or US law. The programme, chaired by Professor Dr. Thomas Lundmark, is practice-oriented – the programme relies heavily on instructors who have practice experience and requires students to do an internship that in most cases takes place in a foreign country. Many of the students enrolled in this programme go on to receive LLM degrees from US or British law schools.

scholarship that recognizes the increasingly global dimension of law'. The programme includes a curriculum 'designed to provide students with diverse and challenging opportunities to develop international perspectives to use in practicing law in the global age'.<sup>71</sup>

The Georgetown University Law Centre professes to be:

widely recognized as one of the foremost institutions of international and comparative law scholarship and teaching in the world . . . [T]he international dimension of the Law Centre has been enlarging in scope and vigor at a very rapid pace.<sup>72</sup>

Other law schools making similar claims about their programmes include the following:<sup>73</sup>

- Cornell Law School  
Cornell Law School's Berger International Legal Studies Program presents a broad-based international curriculum and has a large complement of law professors from distinguished law faculties abroad, and visiting scholars.<sup>74</sup>
- Harvard Law School  
'Harvard University School of Law has vigorously proclaimed the strength of its International and Comparative Legal Studies Programs. It has pledged to renew and deepen its existing commitment to globalization and is convening a special congress of faculty and alumni to assist in developing Harvard's "long-range commitment to internationalization and legal training for the twenty-first century"'.<sup>75</sup>
- The University of Michigan Law School  
Michigan Law School is said to offer a 'global outlook on the study of law. An internationally diverse student body, the presence of prominent foreign visitors, and the large number of Law School faculty who engage in teaching and research abroad, or consider international and comparative aspects of their own students'. This programme is premised on the belief that 'in the future our students will face even greater demands for familiarity with other legal systems and laws and with international rules emerging from a variety of intergovernmental institutions, regardless of their chosen field of practice'.<sup>76</sup>  
The Centre for International and Comparative Law at the law school is the 'focal point for those interested in international law, international economic

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<sup>71</sup> < [www.law.indiana.edu/aca/global](http://www.law.indiana.edu/aca/global) > .

<sup>72</sup> < [www.law.georgetown.edu/intl](http://www.law.georgetown.edu/intl) > .

<sup>73</sup> This is a very limited and random listing of schools and programmes.

<sup>74</sup> < [www.lawschool.cornell.edu/international/berger](http://www.lawschool.cornell.edu/international/berger) > .

<sup>75</sup> Mary C. Daly, 'The Ethical Implications of The Globalization of The Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century' (1998) 21 *Fordham Int'l L J* 1239, p. 1243 (footnotes omitted).

<sup>76</sup> < [www.law.umich.edu/international/center](http://www.law.umich.edu/international/center) > .

law, international human rights, and foreign and comparative law. The Center serves as a resource for students on the extensive international and foreign academic opportunities at the Law School, as well as international internships, fellowships, and study abroad programmes. In addition, it provides support to student organizations, and to faculty and student initiatives, such as symposia, conferences, and workshops. The Center also helps co-ordinate faculty-initiated programmes on South Africa, Cambodia, and Refugee and Asylum Law.<sup>77</sup>

- George Mason University School of Law

The Centre for Global Education at George Mason University is described as a 'hub for international educational activities at George Mason University'. The promotional materials for the Centre describes its goal as:

enhance[ing] George Mason University's firm commitment to global education by offering a wide range of international study, research, service, and leadership opportunities to its students, faculty, staff and members of the Northern Virginia and Greater Washington community.

The main activities of the Centre include student and faculty exchanges and the hosting of visitors. Through such programmes, the university seeks to:

enable undergraduate students, graduate students, and professionals to acquire knowledge and sharpen skills necessary to succeed in the culturally diverse global society of the 21st century.<sup>78</sup>

- Syracuse College of Law

Syracuse Law School boasts a Centre for Global Law and Practice, in cooperation with the Syracuse Journal of International Law and Commerce. The mission of the Centre is to 'meet[ ] the challenge to the American legal profession posed by globalization'. In particular, the programme:

is designed to offer students a unique blend of theory and experience. Technological developments, increasing economic interdependence among nations, and the end of the Cold War have all challenged legal education to keep pace in the expanding field of global studies. A broadened scope and new modes of learning are the exciting result . . . .

The programme includes an 'abundant global curriculum,' the availability of a Certificate in Global Law and Practice, and a number of extracurricular programmes and activities.<sup>79</sup> As this sampling of a few law schools reveals, US law schools have been moving rapidly in providing their students with opportunities for a transnational legal education.

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<sup>77</sup> Ibid.

<sup>78</sup> < [www.gmu.edu/departments/cge-mission-statement](http://www.gmu.edu/departments/cge-mission-statement) > .

<sup>79</sup> < [www.law.syr.edu/academics/centers/glap](http://www.law.syr.edu/academics/centers/glap) > .

## 2. Curricular Changes

### (A) TRANSNATIONAL COURSE OFFERINGS

Law schools in the US have undergone numerous curricular reforms, including adding a multitude of offerings in international, foreign, and comparative law.<sup>80</sup> Some programmes boast significant curricular offerings in ‘global’ law areas.<sup>81</sup> Many law schools have graduate degree programmes in international or comparative law. At least one programme offers students a certificate in Global Law and Practice.<sup>82</sup> Several law schools offer specialized programmes on topics of interest to lawyers in the global age. For example, the University of Miami School of Law offers a programme in Inter-American Law.<sup>83</sup>

### (B) INTRODUCING GLOBAL INITIATIVES INTO CORE DOMESTIC COURSES

Law schools have begun to extend of this concept into all traditional law school courses would represent a global law school curriculum at its best.<sup>84</sup> Interest and experience in integrating international and comparative law factors into traditionally domestic core course offerings has also been growing.<sup>85</sup> Indeed, this was the topic of a programme at the 1999 annual meeting of the American Society of International

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<sup>80</sup> See, e.g., John A. Barrett, Jr, *supra* note 68, pp. 976, 991–93.

<sup>81</sup> Boalt Hall offers a range of courses involving foreign, international, or comparative law elements. These include Chinese Law and Society, European Law, Japanese Law and Society, Comparative Family Law, International Human Rights, War and Other Armed Conflict, Human Rights Writing Seminar, and Refugee Law. See < [www.law.berkeley.edu/academics/ils/programmes](http://www.law.berkeley.edu/academics/ils/programmes) > .

Syracuse College of Law, located in upstate New York, boasts a Centre for Global Law and Practice, in co-operation with the Syracuse Journal of International Law and Commerce. The mission of the Centre is to ‘meet[...] the challenge to the American legal profession posed by globalization’.

<sup>82</sup> See Syracuse College of Law Centre for Global Law and Practice, < [www.law.syr.edu/academics/centers/glap](http://www.law.syr.edu/academics/centers/glap) > .

<sup>83</sup> See < [www.law.miami.edu/graduate/interamerican](http://www.law.miami.edu/graduate/interamerican) > .

<sup>84</sup> As one author has noted, ‘[t]he more profound proposal for increasing global content in law school is that international, comparative and transnational legal study should not be compartmentalized and taught separately. Instead, those dimensions of legal study should be integrated into the traditionally domestic core of law school curriculum. Thus, for example, “labor law” should not simply be the study of US or Canadian labor law but at its core should be comparative, evaluating how other legal systems address similar matters, and considering regional or international norms that may relate to particular questions’. Adelle Blackett, *supra* note 1, p. 69 and footnotes 50, 51. See also *ibid.* at p. 6; W. Michael Reisman, ‘Designing Law Curricula for a Transnational Industrial and Science-Based Civilization’ (1996) 46 *J Leg Ed* 322; John Edward Sexton, ‘The Global Law School Program at New York University’ (1996) 46 *J Legal Ed* 329.

<sup>85</sup> See, e.g., See John A. Barrett, ‘International Legal Education in US Law Schools: Plenty of Offerings But Too Few Students’ (1997) 31 *Int'l Law* 845, p. 856 and note 68.

Law entitled 'The Challenges and Methods of Integrating International and Comparative Law into Traditional Law School Classes'.<sup>86</sup> At this meeting, it was reported that several law schools integrate transnational legal concepts into core curricular courses.<sup>87</sup>

#### (C) INTERNATIONAL LAW CENTRES

Some law schools have established centres that are the focal point for various international activities, or specific programmes with missions in the transnational arena. For example, there are three such centres at the University of Michigan Law School. First, a Program for Cambodian Law and Development, under which research projects solicited from NGOs in Cambodia are matched with students who perform legal research in Ann Arbor. This programme also organizes internships for students to work in Cambodia over the summer. The South Africa Program offers externship opportunities for Michigan students in South African governmental agencies and NGOs. Finally, the Program in Refugee and Asylum Law is an integrated teaching and research initiative providing opportunities for students to study refugee law from international, comparative, and multidisciplinary perspectives. This programme combines formal educational programmes with summer fellowship funding.<sup>88</sup>

At Columbia School of Law, The Parker School of Foreign and Comparative Law prepares law students for contributions in international affairs.<sup>89</sup> Georgetown Law Centre hosts the Asian Law and Policy Studies Program and the Law Centre of the Americas.<sup>90</sup>

#### (D) INTERNATIONAL CLINICAL PROGRAMMES

Clinical legal education at a number of law schools other than NYU have also responded to the globalization movement. For example, clinics in international human rights have been developed at Columbia and Boalt Hall.<sup>91</sup>

#### (E) FOREIGN LANGUAGE CLASSES

A small number of US law schools offer courses in foreign legal language. The University of Pittsburgh Law School offers one course in Foreign Languages for

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<sup>86</sup> See 2 Newsletter of the Teaching International Law Interest Group of the American Society of International Law 2-7 (Winter 2000).

<sup>87</sup> *Ibid.* at 3.

<sup>88</sup> < [www.law.umich.edu/international/center](http://www.law.umich.edu/international/center) > .

<sup>89</sup> < [www.law.columbia.edu/centers/parker.future.htm](http://www.law.columbia.edu/centers/parker.future.htm) > .

<sup>90</sup> < [www.law.georgetown.edu/intl](http://www.law.georgetown.edu/intl) > .

<sup>91</sup> < [www.law.columbia.edu/clinics/rights](http://www.law.columbia.edu/clinics/rights) > ; < [www.berkeley.edu/academics/clinics/center3](http://www.berkeley.edu/academics/clinics/center3) > .  
See also Elizabeth Amon, *supra* note 32.

Lawyers<sup>92</sup> and another in Languages for Lawyers.<sup>93</sup> Chinese for Legal Studies is offered at Duke University School of Law.<sup>94</sup> From time to time similar courses are offered in French, German, Japanese, Russian, and Spanish.<sup>95</sup> The University of Denver law School offers a course in Russian for Lawyers.<sup>96</sup> Legal Spanish is taught at the University of Miami.<sup>97</sup>

#### (F) JOINT DEGREE PROGRAMMES

At least two US law schools have joint degree programmes with foreign law faculties. Columbia Law School offers a double degree programme from Columbia and the University of Paris I. After four years of study – two years at each institution – students can receive a JD from Columbia and a *Maitrise en Droit* from Paris I. This degree qualifies students to sit for the bar both in France and the US:

The aim of the programme, which offers a complete grounding in both civil and common law, is to train lawyers who are exceptionally well qualified to practice law at the international level.<sup>98</sup>

Cornell offers a three-year JD/LLM in International Comparative Law and four-year JD/*Matrise en Droit* with Paris I and a four-year JD/MLLP with Humboldt-Universität. These joint-degree programmes operate like the Columbia programme, and all have ABA approval.<sup>99</sup>

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<sup>92</sup> See <<http://www.law.pitt.edu/cile/intlintl.htm#Foreign>>. That course ‘aims to provide a knowledge of French sufficient to permit an American lawyer to communicate effectively with French-speaking clients and to understand references to the French legal system and the European Community likely to arise in the course of an international law practice in the United States or an American law practice conducted in France’. Vivian Curran, ‘Developing and Teaching a Foreign-Language Course for Law Students’ (1993) 43 *J Legal Educ* 598, p. 598.

<sup>93</sup> See <<http://www.law.pitt.edu/STUDAFF/99SPRING.htm>>.

<sup>94</sup> See <<http://www.law.duke.edu/curriculum/upper.html#international>>.

<sup>95</sup> *Ibid.*

<sup>96</sup> See <<http://www.law.du.edu/registra/fall99.htm>>.

<sup>97</sup> See <<http://www.law.miami.edu/news/27.html>>.

Legal language courses are taught at many other schools and institutes throughout the world, among them the following: French Institute/Alliance Francaise, <<http://www.fiaf.org/school/schoolcourse.html>>; Goethe Institute; <<http://www.goethe.de/i/en-ikdjbo.htm>>; Modern Language Centre, King’s College, London, <<http://www.kcl.ac.uk/depsta/mlc/ltec/mlc2.html>>; European Law and Language Studies (Maastricht University); <<http://www2.unimaas.nl/~elsweb/els.html>>; University College London, <<http://www.ucl.ac.uk/language-centre/pipvic/spanish1.htm>> and <<http://www.ucl.ac.uk/language-centre/pipvic/french1.htm>>; Law Society of Ireland, <<http://www.lawso-ciety.ie/diplegalgerman.htm>>; Instituto Hemingway de Espanol, <<http://www.law.fsu.edu/alumni/bkawrd98.html>>.

<sup>98</sup> <<http://www.law.columbia.edu/internationalprogrammes/abroad.htm>>.

<sup>99</sup> <<http://www.lawschool.cornell.edu/international/berger.htm>>.

### 3. Growth of Graduate Programmes for Foreign Students

Recent years have reflected a notable trend towards an increase in LLM programmes and in the number of LLM students attending law schools in the US.<sup>100</sup> As one writer has observed, 'foreign law students are pounding on the gates'.<sup>101</sup> In recent years, many new LLM programmes have been instituted.<sup>102</sup> These programmes are designed largely to attract graduates of foreign law faculties.<sup>103</sup> The number of LLM students graduating from US law schools, many of them foreign-trained, rose from 669 in 1981 to 2,443 in 1995.<sup>104</sup> In the fall of 1999, there were a reported 5,889 post-graduate students enrolled in US law schools.<sup>105</sup> By all accounts, these numbers are likely to grow.

Graduate law programmes offered at US law schools have also taken on an increasingly transcontinental flavour. Many such programmes are now offered with specializations in American Law/American and Comparative Law/American Jurisprudence (11); Asian and Comparative Law (1); Comparative Law/Comparative Legal Studies/Comparative Jurisprudence (12); International/International and Comparative Law/Comparative and International Law/International Legal Studies (16); International Business and Trade Law/Transnational Business Practice (5); International Economic Law (1); International Environmental Law (1); International Human Rights (1); International Taxation (2); Inter-American Law (1); and Sustainable International Development (1). Several LLM programmes are listed as being designed exclusively for foreign lawyers (19).<sup>106</sup> General (and General Legal Studies) LLM programmes also provide ample opportunities for students enrolled in those programmes to take courses with a transnational element, as do other LLM specialty programmes.

### 4. Foreign Faculty/Other Visitors

It is now commonplace for US law schools to have foreign academics visit and serve as faculty and visiting scholars or in some other capacity. These visitors perform a range of activities, from teaching to participating in symposia and colloquia and researching areas of interest to them.

Some law schools have special programmes for visitors. For example, the Stanford Program in International Legal Studies (SPILS) offers visitors a unique opportunity to engage in 'advanced policy-oriented research on topics of immediate

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<sup>100</sup> There is an 'explosion of international programmes, [including] graduate law programmes for foreign lawyers'. Elizabeth Amon, *supra* note 32, quoting the Deputy Consultant on Legal Education for the American Bar Association.

<sup>101</sup> David S. Clark, *supra* note 21, p. 269 (noting steady growth of foreign law student enrolment since 1980).

<sup>102</sup> ABA website.

<sup>103</sup> See <<http://www.abanet.org/legaled/postjd>>.

<sup>104</sup> <[www.abanet.org/legaled/degrees](http://www.abanet.org/legaled/degrees)>.

<sup>105</sup> <[www.abanet.org/legaled/degrees](http://www.abanet.org/legaled/degrees)>.

<sup>106</sup> See <<http://www.abanet.org/legaled/postjd.html>>.



concern to various regions of the world and to the international community as a whole'. SPILS each year invites lawyers, public officials, academics and other professionals primarily from outside the US to work with Stanford students, faculty, and visitors. These visitors 'generate law reform and policy proposals with which SPILS Fellows will be involved when they leave Stanford'. Ongoing international research networks are developed around numerous areas of concentration 'to provide a collaborative framework for interdisciplinary research' by SPILS Fellows, both while in residence and after leaving Stanford.<sup>107</sup>

### 5. Foreign Study Programmes for US Law Students and Faculty

#### (A) PROGRAMMES FOR LAW STUDENTS

There are several different types of programmes that allow JD students to earn law school credit for study abroad.<sup>108</sup> These include summer programmes, semester or year long exchange or co-operative programmes, independent programmes for study abroad, and joint-degree programmes.<sup>109</sup>

Study abroad programmes have grown over the years,<sup>110</sup> and with good reason: The benefits to a student of going abroad for a summer, a semester, or a year,<sup>111</sup> are obvious and profound. These programmes also offer potential benefits to the home and the host institution. The returning student can share with his or her classmates many important lessons not only about the legal system in which he or she studied but also about living and studying in another country, and what general lessons can be learned (i.e., *non-specific* to particular country or legal system). This includes the importance of comparative legal strategies, culture, language, and respect for other systems. Some schools offer scholarships for student internships abroad.<sup>112</sup> Moreover, the ABA now permits students to receive credit for up to one year of law school credit for study abroad programmes.<sup>113</sup>

<sup>107</sup> < <http://www.law.stanford.edu/programmes/spils/htm> > .

<sup>108</sup> < [www.abanet.org/legaled/abroad](http://www.abanet.org/legaled/abroad) > . See also John A. Barrett, Jr, *supra* note 68, pp. 976, 992.

<sup>109</sup> 'US law schools have been expanding their overseas programmes rapidly in recent years. There are now 150 programmes operating in foreign countries on six continents'. Randall T. Shepard, 'Globalization Leads Changes Affecting Practice of Law' (1998) *Nat'l L J C 9*, col. 2.

<sup>110</sup> See Section C:II *supra*.

<sup>111</sup> NYU grants law school credit for students studying abroad for a semester, but it does not generally award credit for summer study abroad. Nor does the law school at present allow students to receive credit for study abroad for a full academic year.

<sup>112</sup> See, e.g., Snyder Scholarship offered to a student at the Indiana University School of Law for a summer internship at the Lauterpacht Research Centre for International Law at Cambridge University. See < <http://www/gmu.edu/departments/cge-mission-statement.html> > . Columbia law school has a strongly funded internship programme that places students in human rights organizations in domestic and international contexts. See Adelle Blackett, *supra* note 1, p. 75 note 68.

<sup>113</sup> < [www.abanet.org/legaled/abroad](http://www.abanet.org/legaled/abroad) > .

A caveat to the benefits of summer programmes should be made: many summer abroad programmes do not present the best possibilities for US law students. They are generally run by US law schools, and the courses that comprise these programmes are most often taught by US law professors. At times, the courses do not even deal with transnational legal issues. In order to make these experiences more beneficial for law students, they should be designed so as to be integrated with classes at the host faculty, even if it means that some courses cannot be completed by the US law students. Of course there are exceptions. One notable one is the Mexican Legal Studies Program offered by the University of Houston Law Centre in which many of the instructors either live and work in Mexico, or have been educated in Mexico.<sup>114</sup>

Funding for international internships has also become more commonplace. For instance, the Dean Acheson Stagiaire Program at the Georgetown University Law Centre enables a limited number of US law students to work with judges and officials of the European Court of Justice in Luxembourg.

Georgetown offers other international internship programmes providing opportunities for JD students to work during the summer at law firms and companies in other countries. During the past summer, internships were provided in 23 countries in Europe, Asia, Latin America, and Africa. Michigan law school provides funding for internships in the international arena, both in the US and abroad. The programme also offers Bates Overseas Travel Fellowship for internships or research overseas.<sup>115</sup>

#### (B) PROGRAMMES FOR LAW FACULTY

Exchange programmes for professors are also becoming more popular. It has been reported that more than 30 per cent of US law schools have faculty exchange programmes.<sup>116</sup> This does not even include informal arrangements for teaching abroad, which many professors do during vacation months and sabbatical semesters. Teaching in a summer programme abroad can also broaden US law professors' international intellectual horizons, even when the courses in a programme are taught exclusively by US law faculty members.<sup>117</sup>

### 6. *Law Journals with a Global Flavour*

The number of peer-edited and student-edited law journals in the US relating to foreign, international, comparative, or 'global' legal issues also reflects the extent of current interest in these issues.<sup>118</sup> There are more than a dozen such journals.<sup>119</sup>

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<sup>114</sup> See <<http://www.law.uh.edu/MLSP/hompage.html>> .

<sup>115</sup> See <[www.law.umich.edu/international/center](http://www.law.umich.edu/international/center)> .

<sup>116</sup> See John A. Barrett, 'International Legal Education in US Law Schools: Plenty of Offerings But Too Few Students,' (1997) 31 *Int'l Law* 845, p. 854.

<sup>117</sup> See Section C:II:5:a *supra*.

<sup>118</sup> See, e.g., John A. Barrett, Jr, *supra* note 68, p. 976; See David S. Clark, *supra* note 21, p. 271.

<sup>119</sup> See <[www.andersonpublishing.com/law\\_school/directory](http://www.andersonpublishing.com/law_school/directory)> .

Among the law journals based on international, transnational, foreign, or comparative law issues are the American Journal of Comparative Law (University of California School of Law); Cornell International Law Journal; the Journal of Global Legal Studies (Indiana University School of Law); Law and Policy in International Business (Georgetown University Law Centre); China Law Reporter (Georgetown); International Environmental Law Review (Georgetown); the Georgetown Immigration Journal; the American Journal of International Law (NYU); Journal of International Law and Politics (NYU); Annual Survey of International and Comparative Law (Golden Gate University School of Law); Columbia Journal of European Law; East European Constitutional Review (University of Chicago Law School); The International Lawyer (Southern Methodist University School of Law); Ocean Development and International Law (University of Oregon School of Law); St. Louis-Warsaw Transatlantic Law Journal (St. Louis University School of Law); and Tulane European and Civil Law Forum. In addition to these specialized law reviews, many other journals often publish articles in these areas.

These and many other law journals have both foreign and domestic law students participating in the editorial and publication process.

### *7. Student Organizations and Activities*

There has been a reported increase in student ‘global’ activities, including participation in international moot court competitions and student international law societies.<sup>120</sup> Other student organizations have taken on an international dimension both in terms of foreign student participation in law student groups and in terms of student organizations devoted to issues of international and foreign law.

For example, at Georgetown, ‘[m]ore than ten student organizations devote a considerable portion of their energies to issues of international and foreign law’.<sup>121</sup> The Foreign Lawyers Association of Georgetown (FLAG) is a student organization of international students at Georgetown, whose aim is to:

promote international legal and cultural understanding ... through social, academic and professional integration among the members of the association; between the Association and other organizations at Georgetown; and between the Association and other law schools in the United States and other countries.

FLAG hosts social and professional events, such as speeches by international law figures, round table discussions, and excursions of interest to the international and domestic law school communities.<sup>122</sup> At Cornell, the Briggs Society of International

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<sup>120</sup> See, e.g., John A. Barrett, Jr, *supra* note 68, p. 991. See also Syracuse College of Law Centre for Global Law and Practice, <[www.law.syr.edu/academics/centers/glap](http://www.law.syr.edu/academics/centers/glap)> .

<sup>121</sup> <[www.law.georgetown.edu/intl](http://www.law.georgetown.edu/intl)> .

<sup>122</sup> <[www.law.georgetown.edu/intl](http://www.law.georgetown.edu/intl)> .

Law co-sponsors speaker events, hosts foreign graduate students, and organizes Cornell's participation in international moot court competitions. This student organization has more than 50 active members.<sup>123</sup>

### *8. Non-Degree Programmes for Foreign Lawyers*

Several law schools and institutes have developed programmes that are designed to provide foreign lawyers with a concise overview of the US legal system.<sup>124</sup> These programmes are generally offered in the summer months, and are often attended by foreign law school graduates who are about to enter LLM programmes in the US. Some of these programmes include training in legal English.<sup>125</sup> Other programmes are emerging that are suited for foreign-trained attorneys who want to learn about US law.<sup>126</sup>

### *9. Conferences*

Many US law schools now sponsor conferences, colloquia, and speeches by renowned foreign visitors and on international legal issues. While the type, number, and scope of these programmes differ among law schools, it has become quite common to hear of such conferences taking place at many law schools.

## **C. US Legal Organizations and the Quest for a Global Legal Education**

There are several organizations in the US that have worked to promote the globalization of legal education. Some of these organizations are long-standing, while others have developed under the current atmosphere of globalization. This Section introduces and discusses the work of some of these organizations.

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<sup>123</sup> < [www.lawschool.cornell.edu/international/berger](http://www.lawschool.cornell.edu/international/berger) > .

<sup>124</sup> Such programmes include the International Law Institute in affiliation with Georgetown University Law Centre, [www.ili.org/Orientation](http://www.ili.org/Orientation); Pace University School of Law, < [www.law.pace.edu/pacelaw/complim/summer\\_programme](http://www.law.pace.edu/pacelaw/complim/summer_programme); < [www.law.pace.edu/pacelaw/complle/summerprogramme.htm](http://www.law.pace.edu/pacelaw/complle/summerprogramme.htm) >; the Southwestern Legal Foundation, < [www.ut-dallas.edu/dept/swlegal.html](http://www.ut-dallas.edu/dept/swlegal.html) >, and the University of California at Davis, < [www.universityextension.ucdavis.edu/international/law](http://www.universityextension.ucdavis.edu/international/law) > .

<sup>125</sup> See cites in *supra* note 124. See also Legal English Program at Boston University, < [www.bu.edu/celop/AP/LegalEnglish](http://www.bu.edu/celop/AP/LegalEnglish) > .

<sup>126</sup> For example, the NYU School of Continuing and Professional Studies offers a Certificate in Law programme. Foreign-trained lawyers in the US are among the students in this programme.

## ***1. Legal Organizations With Global Missions and Perspectives***

### ***1. American Bar Association (ABA)***

The American Bar Association Section of International Law and Practice has been active in promoting global ideals.<sup>127</sup> The Section has approximately 60 committees divided into the following five divisions: the General Division, the Business Transactions and Disputes Division, the Business Regulation Division, the Comparative Law Division, and the Public International Law Division.<sup>128</sup>

The International Human Rights Committee has recently developed six new subcommittees 'to better respond to various regional and topical developments in international human rights law'.<sup>129</sup>

The International Legal Education Committee, a section of the Public International Law Division, states as its primary mission 'to better inform practitioners, law students and the judiciary of relevant aspects of public and private international law that may affect their work, both currently and in the increasingly international future'.<sup>130</sup> Among other things, the Section on International Law and Practice sponsors conferences on issues of interest to the global law movement. The ABA Section on Legal Education also participates in such conferences.<sup>131</sup>

### ***2. Association of American Law Schools (AALS)***

The AALS is the primary working group for US law professors. All ABA accredited law schools and their full-time faculty, as well as senior level administrators, are members of the AALS. In addition, a number of AALS sections deal with issues involving global law topics, including the sections on Comparative Law, International Law, North American Co-operation, International Legal Exchange, and

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<sup>127</sup> The American Bar Association Section on Legal Education and Admissions to the Bar 'is focusing increasingly on how to educate lawyers for the new world, how to reform both legal education and bar admissions, and how to build bridges with both the practicing bar and universities that house America's law schools. The . . . section is particularly interested in opportunities for American students to conduct part of their education abroad, and for foreign lawyers to learn about US law by visiting the United States'. Randall T. Shepard, 'Globalization Leads Changes Affecting Practice of Law' (1998) *Nat'l L J* C9, col. 2, 9.

<sup>128</sup> See <<http://www.abanet.org/intlaw/divisions/home.html>>.

<sup>129</sup> See <<http://www.abanet.org/intlaw/divisions/home.html>>.

<sup>130</sup> See <[www.abanet.org/intlaw/divisions/public/intl\\_legal.html](http://www.abanet.org/intlaw/divisions/public/intl_legal.html)>.

<sup>131</sup> At the 1995 American Bar Association annual meeting, the Section of Legal Education and the Section of International Law and Practice co-sponsored a programme entitled 'The Globalization of the American Law School'. David S. Clark, *supra* note 21, p. 268. At this conference, '[p]anel members noted that globalization is opening up new legal markets. Lawyers trained in foreign, comparative, and international law will come to dominate these markets . . . [N]ew methods for training lawyers and practicing law will be necessary'.

Graduate Legal Education.<sup>132</sup> The section on Graduate Education for Foreign Lawyers has as its primary mission legal education for foreign-trained students. These sections often host meetings on issues relating to global law and legal education. Indeed, globalization of the profession was the topic of the 1998 AALS annual meeting.<sup>133</sup>

### *3. International Law Institute (ILI)*

The International Law Institute was founded in 1955:

to provide Western Europe and the United States with a better understanding of the legal problems of international trade ... Now an independent educational institution, the Institute's activities encompass research, publishing, and training on legal and economics policy and practice.<sup>134</sup>

Since its inception, more than 8,000 lawyers and other professional from 180 countries have attended ILI courses.<sup>135</sup>

### *4. American Society of International Law (ASIL)*

The American Society of International Law, founded in 1906, has as its mission:

to educate and engage the public in international law, and to expand its frontiers as a vehicle for resolving disputes and international conflict.<sup>136</sup>

Noting recent changes in the world, ASIL recognizes that:

[I]nternational law is a factor in economics, trade, the environment, communications, transportation, health and human rights, through conferences, meetings, publications, as well as electronic communications and information resources.<sup>137</sup>

The 'Teaching International Law Interest Group' of the ASIL is the society's 'clearinghouse for the collection and dissemination of teaching techniques and materials to a broader range of audiences'.<sup>138</sup> Recent activities of the interest group include the following programmes that relate to teaching from a global perspective: 'A New Vision for International Law Instruction: The Changing Roles/Relationships of Professors, Librarians, and Students';<sup>139</sup> 'Facing the Challenges of

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<sup>132</sup> < [www.aals.org/sections/index](http://www.aals.org/sections/index) > .

<sup>133</sup> See David S. Clark, *supra* note 21, p. 269. See also Ugo Mattei, *supra* note 69, p. 709.

<sup>134</sup> < <http://www.ili.org/Orientaton.html> > .

<sup>135</sup> < <http://www.ili.org/Welcome.html> > .

<sup>136</sup> < <http://www.asil.org/org.htm> > .

<sup>137</sup> *Ibid.*

<sup>138</sup> 2 Newsletter of the Teaching International Law Interest Group of the American Society of International Law 1 (Winter 2000).

<sup>139</sup> *Ibid.*

Globalization of the New Millennium’;<sup>140</sup> and ‘The Challenges and Methods of Integrating International and Comparative Law Into Traditional Law School Classes’.<sup>141</sup>

### *5. International Bar Association*

The International Bar Association, founded in 1947, describes itself as ‘the world’s largest international organization of Law Societies, Bar Associations and individual lawyers engaged in international practice’.<sup>142</sup> The IBA has almost sixty specialty committees which taken together cover a wide range of practice activities.<sup>143</sup> The aims and activities of the IBA are to promote an exchange of information among legal associations world-wide, to support the independence of the judiciary and the right of lawyers to practice without interference, to keep informed of legal developments, and to improve and help make new laws.<sup>144</sup>

Sections of the IBA include the Inter-American Bar Association, Inter-Pacific Bar Association, International Council of Environmental Law, International Trademark Association, and Law Association for Asia and Pacific.<sup>145</sup>

### *6. World Jurist Association*

The World Jurist Association (WJA), established in 1963, has as its founding mission ‘[a] world ruled by law, not force’. The WJA was formed in response to the need for a:

forum where judges, lawyers, law professors and others from around the world could work cooperatively to raise public support for the institutions that govern and enforce the administration of international law.

The WJA represents 140 countries world-wide and ‘lists among [its] supporters many former and current US and foreign leaders, over 100 retired and sitting Justices from nations around the world’.<sup>146</sup>

### *7. American Law Institute*

The American Law Institute (ALI), established in 1923, was designed ‘to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work’. Among other things, ALI drafts and publishes

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<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> < [www.ibanet.org/aboutiba/index.asp](http://www.ibanet.org/aboutiba/index.asp) > .

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> See < <http://www.hg.org/international-assoc.html> > .

<sup>146</sup> < <http://www.worldjurist.org/> > .

Restatements of the Law, Model Codes, and other proposals for law reform.<sup>147</sup> The ALI is also part of the ALI-ABA, a provider of continuing legal education services.<sup>148</sup>

## ***II. The Role of US Legal Organizations in Global Legal Education***

US legal organizations with a global mission or a substantial international focus are well situated to promote transnational legal education – in the US and throughout the world. This is because many of these organizations are well established and/or have access to resources that allow multinational connections and the sharing of ideas and perspectives on a global level.

An example of how this may be accomplished is already in process: the AALS has appointed a special committee to consider the prospect of internationalizing the organization by incorporating law professors from abroad. A meeting on that topic took place in May 2000 among US and foreign law professors.

Institutes, whether they are developed within the legal academe or as part of existing or new legal organizations, or are free standing organizations, should be developed to deal with the growing globalization of law and legal education. Institutes can provide a variety of benefits – from publication of books and other materials for the classroom, to the development of transnational learning, and the funding and/or implementation of programmes for transnational practice or education.

## **D. Providing a Global Legal Education for US Law Students**

If it is widely agreed that the world is facing a rapid era of globalization and that there is the need for law schools to respond to this trend by preparing lawyers who are well equipped to practice in the 21st century, the question remains: what should law schools do? Is there a singular response that the legal academe should have towards to globalization? What should the legal academe do to prepare students for the global era?

### ***I. No Blueprint for the Globalization of Legal Education***

Quite clearly, there is no blueprint for an ideal programme of globalization. Nor can there be, given differing institutional resources, competencies, and priorities. Other differences, including location, faculty areas of specialization, composition of

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<sup>147</sup> See <<http://www.ali.org>>.

<sup>148</sup> See Section D:I:1 *supra*.



student body, centres and programmes at a law school, all influence the type of globalization efforts that are appropriate for any given institution.<sup>149</sup>

A law school like NYU – large, well-funded by private donations, and located in one of the nation’s prime centres of commercial activity and international governance – does not necessarily present a viable model for the globalization of legal education at other schools. So the question becomes, given the importance of a global legal education, how can smaller, less endowed law schools, not located in a major urban centre of international activity, provide their students with similar or at least suitable experiences so that they can operate effectively in the global legal marketplace? There are a number of programmes and approaches that can be adopted by any law school in an effort to provide their students with the necessary transnational legal educational experiences.

There is a second reason why there can and should be no fixed design for global initiatives – that our experience with such programmes is extremely limited, and there is simply no way at this early juncture to know how efforts in the legal academe translate into practice; an analogy to the concept of ‘percolation’ has relevance here. Rather than adopting uniformity in these programmes, encouraging the development of different programmes among law schools is the best way to ensure that different strategies and their respective merits can be assessed. If a single model were to be favoured, the experimentation that is so essential to academic innovation would be undermined.<sup>150</sup>

## ***II. Important Elements for a Global Legal Education***

Despite the lack of a singular response that the legal academe should take in preparing US attorneys for the era of globalization, there are several important elements that should be included in any ‘global’ law school initiatives. These features are discussed below. It will of course be up to each law school to determine the mechanisms by which to introduce these elements and the priorities given to each.

There is an initial challenge that needs to be confronted – that of convincing US law faculty members and JD students that there is a benefit to having a community of international students and scholars. Until the major constituencies of US law schools perceive the benefits to be derived from the presence of such a community, the benefits of the presence of such individuals will not be fully realized. This is an effort that takes time<sup>151</sup> and the gradual introduction of these elements into US law

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<sup>149</sup> [A] school can be more or less global depending on its resources, its setting, and its commitment to competing missions’. David S. Clark, *supra* note 21, p. 270.

<sup>150</sup> ‘The challenge is to develop various alternatives and then to assess which approach works best’. David S. Clark, *supra* note 21, p. 270.

<sup>151</sup> See John A. Barrett, Jr, *supra* note 68, p. 998 (discussing faculty resistance to globalization efforts in legal education). See also Ali Khan, ‘Internationalizing the Law School Curriculum’ (1991) 22 *Syllabus* 8, p. 8.

schools, so that the benefits of the presence of these visitors can be felt, is the best way to overcome institutional and individual resistance.<sup>152</sup> Despite the conservative nature of even many younger law professors, there is some hope that global legal education will be familiar to the newer generation of law professors, who therefore may feel more comfortable with such innovations.

### *1. Teaching Skills Lawyers Need in the Global Era*

#### (A) INTRODUCTION AND OVERVIEW

The need for curricular reform includes at least two major elements: first, global law courses need to be developed and emphasized as a part of the typical law student's curriculum; second, global law perspectives must be integrated into traditionally domestic courses. Other elements are also desirable and may well be necessary for any significant level of preparing US law students for a global legal practice.

Law schools that have not yet developed a significant core of courses related to the globalization of law need to do so. This should include courses on varying aspects of foreign, international, and comparative law,<sup>153</sup> but also – importantly – courses on the history and development of laws and legal systems.<sup>154</sup>

In order to be most effective, global (comparative, foreign, and international) law elements should be truly integrated into domestic courses.<sup>155</sup> This will ensure that all students are exposed to global law issues even if they do not elect to take courses in that area. It will also help to reinforce the importance of global legal elements to domestic practice, and may stimulate student interest in global law matters.<sup>156</sup> The importance of integrating global components into traditionally domestic law courses has been well stated by one commentator:

The more profound proposal for increasing global content in law school is that international, comparative and transnational legal study should not be compartmentalized and taught separately. Instead, those dimensions of legal study should be integrated into the traditionally domestic core of law school

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<sup>152</sup> Although it is beyond the scope of this paper, cross-border practice rules will need to be addressed and relaxed so that practice in the global era can be made more practical and efficient. See generally Sidney M. Cone III, 'MDP in Selected Jurisdiction Abroad'; Mary C. Daly, *supra* note 75.

<sup>153</sup> There is a 'need for law schools to provide a range of international, comparative and transnational law courses as electives so that students may inform themselves of external developments and, usually, of their country's role in them'. Adelle Blackett, *supra* note 1, p. 69 and footnote 44; Alberto Bernabe-Riefkohl, *supra* note 7, p. 154.

<sup>154</sup> Alberto Bernabe-Riefkohl, *supra* note 7, p. 154.

<sup>155</sup> See, e.g., John E. Sexton, *Supra* note 83 at 331; L. Ali Khan, *Supra* note 151 at p. 8; Jay M. Vogel, 'A Practitioner Looks at Globalization: II' (1996) 26 *J Legal Ed* 315, p. 315; John A. Barrett, Jr, *supra* note 68, pp. 997–98.

<sup>156</sup> John A. Barrett, Jr, *supra* note 68, p. 998.

curriculum. Thus, for example, 'labor law' should not simply be the study of US or Canadian labor law but should at its core be comparative, evaluating how other legal systems address similar matters, and considering regional or international norms that may relate to particular questions.<sup>157</sup>

Legal education must begin to develop more concrete notions about what the legal and related skills that will be needed by lawyers in the 21st century. Some of these skills are obvious: sensitivity to various cultures and knowledge of languages<sup>158</sup> that play a major role in global law practice or in the area in which one intends to practice law.<sup>159</sup> Law school clinics should also respond to the globalization process. Clinics should first of all deal with international and other transnational legal issues so as to provide students with the benefits of a clinical legal education that will prepare them for the new world order. In addition, international law students should be welcome in law clinics – both as a means of fostering integration and the related benefits, and also because doing so will advance the benefits of their education experience in the US. For all students, the benefits of doing clinical type work with students from different legal backgrounds, will be the best proxy for the real world experiences they can expect to confront.

#### (B) BASIC TRAINING IN THE CIVIL LAW

At the very least, law schools in the US should include in their required curricula a basic course, comparative or otherwise, on civil law. No lawyer in today's marketplace should be unaware of the fundamental differences between the civil law and common law systems, and the implications of each system that may be relevant to transnational law practice.

#### (C) BASIC INTERNATIONAL LAW NORMS

In order to be effective in the international legal scene, lawyers must have familiarity with basic international law conventions and institutions. Law schools should do more to introduce these basic norms to all students.

Moreover, when we speak of international law, emphasis must be placed on practical training for working within recent regulatory structures like the European Community, NAFTA, GATS, GATT, MERCOSUR, and ASEAN. Students must also learn of the operation and impact of the World Bank, the International

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<sup>157</sup> Adelle Blackett, *supra* note 1, p. 69; see also Louis F. Del Duca and Vanesa P. Sciarra, *Supra* note 48 at p. 1124.

<sup>158</sup> See Section E:II:1:i and j *supra*.

<sup>159</sup> For example, a US lawyer who will be working on inter-American trade issues should be at least conversant in French and Spanish. But a lawyer who plans to participate in a more generalized international law practice would do well to be proficient in French and German.

Monetary Fund, and other organizations that play a major role in the world economies.

**(D) BASIC COMPARATIVE LAW TOOLS**

Given the importance of comparative law to transnational law practice, it is important for US law students to become familiar with the basic methodologies of comparative law practice. This will enable them, when in practice, to deal effectively with the laws of multiple jurisdictions, a skill that will be a mainstay of transnational law practice.

**(E) BASIC INTERNATIONAL AND FOREIGN RESEARCH TOOLS**

If lawyers entering the profession are to become valuable in the currency of transnational law practice, then they must be able to perform the tasks that young associates are often called upon to perform – legal research. Accordingly, legal research and writing courses, now well developed at most US law schools, should include an element of international and foreign legal research techniques.

**(F) RULES OF CROSS BORDER PRACTICE AND TRANSNATIONAL ETHICAL CONSIDERATIONS**

As law practice becomes an increasingly interconnected phenomenon and there is an increased need for lawyers to transact business across jurisdictions, it will be important for attorneys to understand the rules of ethics and cross-border services so that they do not run afoul of such rules. While ethics courses are required at all US law schools, there should be a greater recognition of the importance of and emphasis on rules of cross border practice and transnational ethical considerations to the globalization of law practice.

**(G) MECHANISMS OF DISPUTE RESOLUTION AND ENFORCEMENT OF FOREIGN JUDGMENTS**

Critical to the practice of law on an international basis is an understanding of dispute resolution mechanisms and procedures and rules for the enforcement of foreign judgments. These concepts should be introduced in US law schools.

Alternative Dispute Resolution (ADR) is an area of law that is growing in importance in the global field. Given the enormity of the difficulties – legal, logistic, and otherwise – associated with international litigation (issues of jurisdiction, venue, choice of law, enforcement of judgments, etc.), there is likely to be a trend towards increase use of alternative dispute resolution mechanisms. The legal academe must recognize the importance of teaching students how to use ADR mechanisms on an international or basis.<sup>160</sup>

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<sup>160</sup> See generally Robert Briner, ‘Globalization and Future of the Courts of Arbitration’ above, p. 439; Peter L. Murray and Jens Drolshammer, *supra*, note 8.

## (H) UNDERSTANDING OF BASIC INTERNATIONAL FINANCIAL TRANSACTIONS

Because so much of transnational law practice involves international business and related transactions, US law schools should introduce students to the fundamental issues related to such transactions. At least having a basic understanding of the nature of these transactions will serve a student well in his or her career.

## (I) FOREIGN LANGUAGE ABILITY

It is critical that lawyers engaged in transnational legal practice be conversant in languages of the jurisdictions in which they will practice. This of course includes general foreign language ability. But it also involves the ability to be able to identify legal terms and discuss legal issues in a fairly coherent and learned manner.<sup>161</sup> As for general language skills, primary and secondary educational institutions in the US should be called upon to encourage (if not require) students to learn a foreign language. Law schools must then take control and prepare students with language tools for transnational law practice. Language roundtables and other student events can help in this process, but law schools need to develop legal language courses that will really force students to learn to converse in the legal language of a particular country.

## (J) UNDERSTANDING FOREIGN LEGAL CULTURES

Understanding foreign legal culture in the context of law practice is of extraordinary importance. As with language,<sup>162</sup> general customs indigenous to a country or region is

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<sup>161</sup> 'One basic dimension is language. Practitioners have underscored the importance of encouraging US law students to develop foreign-language skills so that they may participate meaningfully in transnational fora'. Adelle Blackett, *supra* note 1, p. 75 and footnote 72. See also Roberta Cooper Ramo, 'A Practitioner Looks at Globalization I' (1996) 46 *J Legal Ed* 313, p. 313.

Other commentators agree: 'There are signs ... that jurists are becoming increasingly sensitive to how local legal knowledge continues to thrive in the transnational commercial setting, and early assumptions that any single language would suffice for transnational law have quietly been called into question ... [G]lobal law expressed only in English is not global law,' Nicholas Kaiser, 'Lex-Iconographie Mercatoria' (1999) 47 *Am J Comp L*, p. 653; 'Diverse lexical nuances have had an impact on how the legal systems of Latin America evolved, posing stark contrast to the more rigid and coherent Anglo-American model'. Cindy Collins, 'Guests, Not Strangers ... Refining the Inner "Ear" To Strengthening Global Client Ties (1999) 18:20 *Of Counsel* 14. See also See Adelle Blackett, *supra* note 1, pp. 74-76; Importance of learning foreign law in the language of the country to which the law relates. See Gloria M. Sanchez, *supra* note 19, at pp. 666-667 and note 187. See Gloria M. Sanchez, *supra* note 19, at p. 669 and note 171, providing humorous yet egregious examples of cultural and linguistic errors by US firms in marketing consumer products abroad.

<sup>162</sup> Indeed, language and culture really are two sides of the same coin. See Gloria M. Sanchez, *supra* note 19, at p. 658.

important;<sup>163</sup> but of far greater significance for a transnational lawyer is an appreciation for cultural elements that relate to the practice of law (e.g., negotiating patterns, contract practices).<sup>164</sup> Law schools should offer courses and other programmes<sup>165</sup> that allow students to develop skills to facilitate cross-cultural lawyering.

## 2. *More Specialized Programmes and Options for Domestic and International Law Students*

### (A) MORE INTERNATIONAL GRADUATE PROGRAMMES

As noted,<sup>166</sup> several law schools offer special degree or certificate programmes in international, comparative, or transnational law.<sup>167</sup> More such programmes should be developed, including in areas of transnational specialization.<sup>168</sup> As the demand for lawyers in specialized transnational fields increases, so too will the number of programmes granting certificates, concentrations, and degrees in these areas.

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<sup>163</sup> On the importance of cultural intelligence, see Gloria M. Sanchez, *supra* note 19, at pp. 649–652.

<sup>164</sup> See, e.g., Adelle Blackett, *supra* note 1, p. 75 (noting the need for students to develop ‘cross-cultural sensitivity’).

As another commentator has remarked:

Globalization has forced change and, to a greater extent than ever, Americans and non-Americans have begun to find a happy middle ground in their business dealings. In part, that’s because competition has forced lawyers and accountants and consultants to become more sensitive and more learned in the ways of other cultures . . . [A]s foreign capitals and trade centers crowd up with US branch offices, the extent to which a lawyer is instinctively attuned to local custom and behaviour can have a decisive effect on client development and retention . . . Alliances and affiliations with local law firms aren’t just important as strategic referral sources. The affiliate firms can also be key advisors on how to behave once the referrals are made . . . Vicariously ‘living among the people’ by at least reading ritualistic contemporary literature is one good way to get into the ‘soul’ of the populace.

Cindy Collins, ‘Guests, Not Strangers . . . Refining the Inner “Ear” To Strengthening Global Client Ties’ (1999) 18:20 *Of Counsel* 14. See also Peter L. Murray and Jens Drolshammer, *supra* note 8.

<sup>165</sup> See Section C:II:1 *supra*. The Foreign Law Programme at the University of Muenster also places a heavy emphasis on the importance of culture and language. See <[www.uni-muenster.de/Jura.history/Europa](http://www.uni-muenster.de/Jura.history/Europa)>.

<sup>166</sup> See Section C:II:8 *supra*.

<sup>167</sup> See, e.g., David S. Clark, *supra* note 21, p. 271.

<sup>168</sup> Some such specialized post-JD programmes exist. For example, LLM in International Trade Law (University of Arizona), LLM in International Economic Law (Houston University), LLM in Inter-American Law (University of Miami), LLM in International Legal Studies (NYU), LLM in International Taxation (Regent University, NYU), LLM in International Law and Business (Stetson University), LLM in Latin American Studies (Tulane University), LLM Asian and Comparative Law (University of Washington), LLM in International Environmental Law (University of Washington).

**(B) CERTIFICATES AND SPECIALIZATIONS**

The American Bar Association and law schools should work together to develop certificate programmes and other recognized areas of specializations in areas of law relating to the internationalization of law practice. These practice areas could relate either to specific skills required for the transnational practice of law (e.g., international arbitration or international business), or for specific practice areas (e.g., NAFTA, EU, or GATS).

### *3. Co-operative Arrangements between US and International Law Schools*

Co-operative arrangements between US and foreign law schools are the best way to maximize the curricular and other objectives of a transnational legal education.

As noted,<sup>169</sup> a few US law schools offer joint degree programmes with foreign universities. These programmes are perhaps the best way to ensure that students receive a truly international legal education.<sup>170</sup> One suggestion has been made to create a series of co-operative arrangements among groups of US and foreign law schools in different regions.<sup>171</sup> Several models are possible with such co-operative arrangements, among them teaching rotations, student exchanges, joint degrees or certificates, conferences, and other co-ordinated activities.<sup>172</sup>

### *4. Develop Integrated Community of International Students and/or Scholars*

One of the most profitable ways to expose domestic law students to the existence and nature of different legal systems is to develop a community of international lawyers at US law schools.

The integration of these foreign components of the community is critical to receiving the benefits of this community. As one writer has emphasized:

Since students live from each other and teachers learn from students, foreigners are vital to the quality of teaching. This is true not only in courses with an explicit international dimension, but in all courses where comparison with another approach lends insight on the issues. Foreign students

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<sup>169</sup> See Section C:II:2:f *supra*.

<sup>170</sup> The drawback to these programmes, however, are significant. First, relatively few US law students can or will spend more than three years on their formal education. Second, joint degree programmes necessarily involve a limited number of foreign institutions, and a programme offered by any particular US law school may not be appropriate for a specific law student.

<sup>171</sup> See Mary C. Daly, 'Thinking Globally: Will National Borders Matter to Lawyers A Century from Now' (1996) 1 *J Inst for Study of Legal Ethics* 297, pp. 307–308.

<sup>172</sup> See *ibid*.

challenge assumptions about law; they remind us that each culture might have a distinctive way of dealing with conflicts and human behaviour in general.<sup>173</sup>

If foreign instructors, students, jurists, and others are left to their own devices, the benefits of having such visitors will not be fully realized and the experience of all parties will have been severely compromised. Thus, faculty members<sup>174</sup> must participate in the full range of activities associated with US law faculty members, including teaching courses, attending and participating in colloquia and symposia, and supervision of student papers.<sup>175</sup> Foreign students must take classes with domestic students, and be encouraged to participate actively in classroom dialogues. This participation should not be limited to responding to Socratic questions about the subject-matter at hand, but to commenting on the treatment of the particular issue in student's home legal system. Encouraging such participation introduces a comparative approach that the professor may not otherwise be willing or able to foster.<sup>176</sup>

### *5. Fostering Experiences Abroad for Faculty and Students*

There are few experiences that can substitute for spending time studying, teaching, or working in a foreign country – particularly one that coincides with an individual's professional goals. There are opportunities abroad for both students and professors, and these should be seized even more than they have been to date. These opportunities must be further developed and utilized, so that they become far more commonplace than they currently are. Indeed, the routinization of travel abroad for purposes of study, teaching, researching, or working will provide benefits that transcend the individual<sup>177</sup> – they can also have enormous impact on both the

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<sup>173</sup> David S. Clark, *supra* note 21, p. 272.

<sup>174</sup> The model adopted by NYU of having a cadre of global law faculty members come for repeated visits, some with long-term arrangements, is designed to encourage a more complete sense of integration into the academic and social life of the law school.

<sup>175</sup> While it would be helpful to have foreign faculty members participate in law school committee work, this may be impractical for any number of reasons.

<sup>176</sup> 'The large number of foreign law students currently enrolled in LLM programmes throughout the United States also provide a unique and valuable source of information that can be utilized in seminar or traditional classes ... Foreign students can bring their expertise to bear on original source materials, as well as the usual secondary types of materials generally available'. Louis F. Del Duca and Vanesa P. Sciarra, *supra* note 48, p. 1122.

<sup>177</sup> One author has suggested that the best way to achieve true global education is for US law schools to develop a series of regional consortia of law schools and allow students to spend two semesters outside their own school. Professor Mary Daly divides into four the US law firm reactions to globalization. See Mary C. Daly, 'Thinking Globally: Will National Borders Matter to Lawyers A Century from Now' (1996) 1 *J Inst for Study of Legal Ethics* 297, pp. 303–304.



student/faculty member's home institution and the institutions in the countries visited.

#### (A) OPPORTUNITIES FOR STUDENTS

Whilst bringing law students and faculty members provides enormous benefit to the institution and its domestic population as a whole, the benefits to individuals of spending time abroad in an academic or learning environment can not be matched in a domestic setting, no matter how 'global' such a setting may be.<sup>178</sup> Possibilities for such visits include semester abroad programmes, summer programmes, individual study abroad programmes,<sup>179</sup> and internships either at law firms, NGOs, government, or other organizations. Researching abroad, whether as part of a study abroad programme, an internship, or independent work, can also prove to be a valuable learning experience.

Joint degree programmes also provide excellent global education opportunities for students.<sup>180</sup>

#### (B) OPPORTUNITIES FOR FACULTY

US law professors cannot be left out of this learning process. The more law professors that teach, lecture, and research abroad, the better they will be able to prepare their students for the new legal world order.

Law professors should also publish more in law journals with foreign homes. This will help to spread the word outside of the US about different ways of thinking about law and legal issues, and will also facilitate contacts between the author and the foreign legal academe.

### 6. *Global Conferences in the US and Abroad*

Conferences, colloquia, and similar events provide excellent opportunities for academicians and other professionals to share ideas and to meet people with common interests. When law schools take the initiative to convene on a global level, there are benefits with an immediate and desirable impact on global legal education. This is true whether the substantive topic under discussion is a 'global' legal issue or whether the topic is inherently national, so long as there are foreigners actively participating in the dialogue. The sharing of ideas on essentially domestic issues, indeed, can have some of the globalization benefits that are recognized in encouraging the integration of global law topics into traditionally domestic law courses.<sup>181</sup>

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<sup>178</sup> See, e.g., David S. Clark, *supra* note 21, p. 271.

<sup>179</sup> See <[www.abanet.org/legaled/abroad](http://www.abanet.org/legaled/abroad)>.

<sup>180</sup> See Section C:II:2:f *supra*.

<sup>181</sup> See Section C:I:1:b:iii *supra*.

### 7. *Greater Use of Technology for the Sharing of Ideas and Practice Methods*

Given the state of computer and Internet technology and its broad-based availability, technological tools should be used to foster learning on a transnational level. There are numerous ways in which to use technology for cross-border learning. For instance, links can be set up on teaching issues and curricula, to allow viewing of and participation in conferences, workshops, and colloquia, and to share papers that might not otherwise be readily available to foreign audiences.<sup>182</sup>

Distance learning has taken on new dimensions as online law schools have begun to emerge. There is only one known degree-conferring programme in the US that is entirely 'virtual'.<sup>183</sup> Whilst Internet learning is not particularly well suited to US methods of legal education,<sup>184</sup> the possibilities that such a programme offers for sharing ideas and methods of learning on a transnational basis are enormous.

### 8. *Continuing Legal Education*

Because globalization is a relatively new phenomenon, generations of lawyers who completed their formal education before the 1980s may well be lacking in substantive understanding of major transnational legal issues. Of course, many such attorneys have practiced in these areas and have developed the skills necessary for such practice. But many other attorneys, no doubt, have been totally left out of the globalization trend. If these lawyers want to remain current – either to practice in transnational legal areas or to at least be able to 'talk the talk' of globalization, programmes must be available for them to develop these skills.

Continuing legal education (CLE) is probably the best tool by which to encourage learning of transnational legal issues by attorneys whose formal education pre-dated the global trend.<sup>185</sup> Because most state bars require that active attorneys in that jurisdiction take a certain number of continuing legal education credits in order to

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<sup>182</sup> See, e.g., Elizabeth Amon, *supra* note 32 ('Long-distance lectures through real-time video transmissions, online textbooks with Internet case links and other innovations will eventually be so commonplace that the law school classroom is likely to be transformed').

<sup>183</sup> *Ibid.* (describing Concord University School of Law, owned and operated by the Kaplan Educational Centre, as being an entirely on-line programme for the study of law.). It should be noted that Concord is not ABA-approved.

<sup>184</sup> US legal education is premised on variations and combinations of the Socratic method, the problem method, and clinical methods. Common to all of these teaching methods is the importance of factual development and dialogue between faculty and students, skills which are infinitely more difficult on a virtual basis.

<sup>185</sup> This also goes for lawyers who may have gone to law school more recently but who did not have or take advantage of opportunities for the types of global law offerings that have now become much more common.

maintain their licenses, CLE presents an ideal opportunity to expose heretofore uninitiated lawyers into the language of global law practice.<sup>186</sup>

It is unfortunate that, at least among the major providers of CLE services, there do not seem to be any courses or programmes geared specifically towards the transnational practice of law.<sup>187</sup>

### 9. *Student Activities*

Law school student activities should take on an increasingly global flavor and should involve international students.<sup>188</sup> These activities include student groups on international law, comparative law, foreign language, newsletters, and international moot court competitions.<sup>189</sup> Colloquia and other dialogues featuring global law topics and foreign students should be initiated. More types of student organizations should be developed and more students – both domestic and foreign – must get involved in these activities.

### 10. *Internationalization of Traditional Legal Education Materials*

Traditional legal education materials should also be revised to integrate transnational legal issues. For example, civil procedure casebooks and basic resource materials should include basic primary and other materials on civil proceedings in common law jurisdictions, choice of law issues in an international context, and the enforcement of foreign judgments.

## E. Conclusion

US legal education has responded in numerous ways to the increasing globalization of law and business brought about in large measure by technological advances in communications and transportation.

Led by the Global Law School Program at NYU School of Law, significant

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<sup>186</sup> See Peter L. Murray and Jens Drolshammer, *supra* note 8.

<sup>187</sup> See, e.g., course offerings by the ALI-ABA, <[www.ali-aba.org](http://www.ali-aba.org); [www.pli.edu](http://www.pli.edu)>, <http://www.pli.edu/>>.

<sup>188</sup> See Section C:II:7 *supra*.

<sup>189</sup> International moot court and arbitration competitions held each year include the Jessup International Moot Court Competition, Niagara Cup International Moot Court Competition, International Environmental Law Moot Court Competition, Inter-American Human Rights System Moot Court, Telders International Law Moot Court Competition, International Institute of Space Law Moot Court Competition, the European Law Moot Court and Willem C. Vis International Commercial Arbitration Moot. See 2 Newsletter of the Teaching International Law Interest Group of the American Society of International Law 6–8 (Winter 2000).

efforts are underway at many other law schools. Still, many US law schools have not yet made globalization a significant part of their learning environments.

Given the importance of globalization to the world economy, business, and law practice, there is a need for all lawyers in the 21st century to recognize the importance of international, foreign, and comparative legal issues and systems. Although there is no singular or ideal approach to global legal education, global elements must be brought to all law schools and the importance of these issues must be made known to lawyers throughout the US. There are numerous mechanisms by which to accomplish this relatively modest yet imperative goal. All law schools and related organizations should reinforce the importance of these issues so that the current and emerging generation of lawyers, at the very least, is sensitized to the existence of other systems, and possesses the ability to recognize legal issues with a global perspective/component, and thereby reinforcing the importance of these issues in the years to come.