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Introduction and Overview – Working Together: Developing Cooperation in International Legal Education

Toni M. Fine*

Globalization has become a defining theme in legal education and the legal profession today. Those within the legal academe who work with international students, who administer programs for foreign students, who have responsibility for study abroad programs, or who otherwise are involved in curricular changes brought about by globalization are among those at the forefront of changes to US legal education. Even for those in the legal academe and the profession who do not deal directly with international students or foreign programs are affected by the changing nature of US legal education and law practice. Indeed, the changes wrought by this phenomenon have become truly transformative.

Given the relatively rapid changes to US law schools brought about by globalization, this panel was developed as a means by which to share ongoing efforts towards globalization in law schools across the US. As a group, the panelists were selected for their ability to present a range of views and approaches by which law schools with differing resources and priorities can undertake globalization techniques that make sense for that particular institution. Hence, the panel which convened on January 4, 2001 by the Section on Legal Education for Foreign Lawyers,¹ was entitled “Working Together: Developing Cooperation in International Legal Education.”

The panelists formed an extraordinary group representing a remarkable range of insights into the reaction of legal education to

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1. The panel was co-sponsored with the Sections for Law school Deans, International Legal Exchange, and Post-Graduate Legal Education.

globalization. They were: Carl Monk, Executive Director of AALS; Nancy Rapoport, Dean of Houston Law Center; Professor Adrien Wing, University of Iowa College of Law; Professor Frank Upham, Faculty Director of NYU's Global Law School Program; Professor Peter Friedman, Case Western Reserve Law School; Dean John Sexton, NYU School of Law; Professor Michael Scharf of the New England School of Law; Associate Dean Louis Del Duca, The Dickinson School of Law of the Pennsylvania State University; The Honorable Myron H. Bright, Senior Circuit Judge of the US Court of Appeals for the Eighth Circuit and co-chair on the Taskforce on Education of the Committee on International Judicial Relations of the US Judicial Conference; and the Honorable Paul A. Magnuson, Chief Judge of the United States District Court for the District of Minnesota and Chair of the Committee on International Judicial Relations. The featured luncheon speaker was Jonathan D. Cahn, Esquire, partner at Coudert Brothers, and the managing (and only US) partner at the firm's offices in Almaty, Kazakhstan.

Among them, the panelists spoke about a range of topics. One speaker with a major role in the AALS gave a status report on recent discussions about the possible enlargement of the AALS to include countries beyond North America (Monk). Six speakers spoke about curricular choices that could be made at one's home school—some primarily for the benefit of domestic students (Sexton and Scharf) others with a focus on the experience of non-US attorneys (Bright, Friedman, Magnuson, and Upham). One speaker described a student exchange agreement that that brings together students from three countries bound by commercial, geographic, and other interests (Rapoport). Another speaker discussed recent changes to legal education in Europe (Del Duca), while another challenged the audience to think broadly about racial, gender, and other groups when thinking about globalization (Wing).

Mr. Monk reported on the AALS Conference of International Legal Educators that took place at La Pietra, in Florence, Italy in May 2000, which featured fifty leading legal educators from around the world and which was designed to promote cooperation and understanding of other legal systems among both law students and faculty members.

Each participant wrote a paper in which he or she described the legal system and the system of legal education in their region. The plenary session involved short presentations organized around specific themes. Working groups were appointed from among the

conference participants.² These efforts of the AALS to reach out to members of the worldwide legal academe³ promise to be the beginning of ever greater collaboration between and among US and non-US law schools.

Dean Rapoport described the North American Consortium of Legal Education (NACLE), a student exchange program that involves three law schools each in the US, Canada, and Mexico. The goals of NACLE include getting students to think “globally” through exposure to systems other than their own. This includes learning the legal language of other countries. Given the interests of the consortium members, this program focuses on NAFTA. But the NACLE consortium model can be adapted to focus on other geographic regions or specific areas of academic, commercial, or cultural interest.

Professor Wing discussed the role of culture, race, gender, and language in the globalization of legal education. She noted that legal education must train students for practice in a world that is predominantly non-white, non-US, and non-English-speaking. Professor Wing raised the consciousness of the attendees by asking a number of critical questions in this regard and offered some valuable insights into how we can ensure that the “globalization” movement is truly inclusive. How the legal academe in the US and throughout the world respond to Professor Wing’s questions and proposals will largely shape whether globalization becomes a truly “global” phenomenon.

Professor Upham discussed the new LL.M. in Public Service offered at NYU School of Law for students with a demonstrated commitment to and experience in public interest law. All students select an area of specialization within the field of “public interest law” and enroll in a year-long seminar on *The Theory and Practice of Public Interest Lawyering*. Candidates also complete a series of internships with New York-based public service organizations. After obtaining the LL.M. in Public Service Law, graduates will be expected to return to practice in their home countries or regions to utilize and share the new techniques learned and developed during their year at the law school.

2. The papers and reports from the conference will be available in a forthcoming edition of the *Journal of Legal Education*.

3. One outcome of this conference was the development of [foreign membership].

Professor Friedman discussed his use of a core doctrinal course—contracts—to teach basic issues of methodology to LL.M. students from civil law countries. Professor Friedman described his course as a traditional path through doctrinal contract law but with an emphasis on methodology (*e.g.*, federalism, sources of law, venue, jurisdiction, use of precedent) and lawyering skills (*e.g.*, strategy, procedural posture, the role of the attorney, and cross-cultural business issues). Professor Friedman’s approach inherently recognizes the value of marrying doctrinal and practical components in teaching foreign-trained attorneys, and presents a model that can be adapted to virtually any doctrinal course to maximize and provide depth to the educational experience of international LL.M. students.

Dean John Sexton and Professor Michael Scharf discussed their respective law schools’ experiences in “internationalizing” the core law school curriculum. The different approaches taken by each of these schools presents a range of options for other law schools and faculty members who may be interested in “globalizing” their curricula. Dean Sexton described the steady movement of NYU School of Law towards the inclusion of international, comparative, and foreign components into the first year core curricular courses. Sexton also noted the importance of creating environments within legal education institutions that facilitate and encourage students and faculty to continue cross-cultural dialogues that begin in the classroom. Professor Scharf described the approach taken by the New England School of Law to globalize the curriculum, which focused on integrating comparative, international, and foreign law perspectives into the entire law school curriculum. The law school gave faculty members small stipends as initiatives with which to create global materials for incorporation into their courses.

Judge Bright and Judge Magnuson described the *Judicial Observation Program for International Law Students, Lawyers, and Judges*, a program designed to match such individuals with federal and state judges. Through their exposure to federal and state professional judicial staff, international participants can learn a great deal about the judiciary and democratic processes in the US. It is hoped that the participants can bring some of these notions to their home countries, especially developing countries, to help these countries on developing the rule of law. Judge Bright and Judge Magnuson expressed the Program’s flexibility in developing programs that best meet the needs of particular law schools, and welcomed law schools to participate.

Associate Dean Louis Del Duca discussed developments in European legal education bearing on globalization. Noting that significant changes have occurred in the past fifteen years, Dean Del Duca first described the Erasmus (now Socrates) European Union Program and noted its growth and impact on the preparation of European law students for US LL.M. programs. Dean Del Duca also noted the existence and growth of the European Law Faculty Association, and discussed the Bologna-Sorbonne Declaration. Emerging cooperation amongst European legal educators can already be seen through the growth of exchange programs designed to provide for greater globalization and integration of legal education efforts within Europe.

Mr. Cahn discussed his experiences working with lawyers in an international practice setting and the culture of the global legal professional. In doing so, he provided several useful perspectives as to how academia can respond to the needs of practitioners engaged in the global practice of law. He also discussed his vision for the Global Justice Foundation, a not-for-profit corporation organized to develop and provide for the education and training of a cadre of public-minded business lawyers whose work will include economic development, international human rights, the alleviation of poverty, and the enhancement of democratic accountability.

Given this remarkable group of speakers, it was no surprise that their enthusiasm was contagious and seemed to energize the entire audience, whose excitement about the projects described by the formal speakers was palpable.

This was doubly satisfying because the reaction of the audience in turn reflected the theme of the conference: the need to share ideas, to present options from among which law schools can choose, and to communicate to the world at large that at its heart, globalization underscores the need to work together towards a common enterprise.

In closing, I note that the theme of community and sharing that was central to this program was also an important theme in the development and planning of the conference. A truly collaborative effort, I share the promising outcome of the conference with many others who contributed their ideas, labor, and organizational talents, proving yet again how vital the theme of "Working Together" is to our shared successes.

