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Articles

Symposium on Developing Mechanisms to Enhance Internationalization of Legal Education

Louis F. Del Duca*

Introduction

New technologies and globalization have generated expanded world commerce; worldwide environmental, commercial and human rights concerns; regional and global political and economic organizations; and a plethora of treaties, monologues, legal guidelines, standard form contracts, and domestic legislation attempting to respond to new problems and opportunities for creative resolution of these problems. Response of the legal profession and legal education communities of the world is no longer exclusively based on national perspectives; increasingly, response has been based on a transnational and global perspective.

There are numerous examples of this global perspective.

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1. <http://www.ibanet.org>.

International and comparative law sections and divisions of local, state, national and international bar associations are responding creatively to new challenges. The London-based International Bar Association¹ energetically addresses matters of interest to lawyers engaged in private and public law practice. The International Law and Practice Section² and other sections of the American Bar Association³ systematically address comparative and international practice and legal education issues. The prestigious American Law Institute (“ALI”)⁴ in the United States has traditionally addressed important domestic law issues. In recent years, it has expanded its areas of interest to international and global projects including *“Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes”*; *“International Jurisdiction and Judgments Project”*; *“Principles and Rules of Transnational Civil Procedure”*; and *“Principles of Trade Law: The World Trade Organization.”*⁵ Bringing together common law and civil law experts for the first time, the ALI has jointly undertaken its *“Principles and Rules of Transnational Civil Procedure”* project with the Rome based UNIDROIT organization.

In her address to the annual meeting of the American Law Institute on May 15, 2002, United States Supreme Court Associate Justice Sandra Day O’Connor, asked the question “Why does information about international law matter so much? Why should judges and lawyers, who are concerned about the intricacies of ERISA, the Americans with Disabilities Act, and the Bankruptcy Code care about issues of foreign law, and of international and transnational law?” She notes that “international law is no longer confined in relevance to a few treaties and international business agreements. Rather it has taken on the character of ‘transnational law’—what Philip Jessup has defined as ‘all law which regulates actions or events that transcend national frontiers. Both public and private international law are included, as are other rules which do not wholly fit into such standard categories.’” She continues on to say that “[b]ecause of the scope of the problems we face, understanding international law is no longer just a legal specialty; it is becoming a duty.”

The legal education community in the United States and legal

2. <http://www.abanet.org/iintlaw>.

3. <http://w3.abanet.org/home.cfm>.

4. <http://www.ali.org>.

5. http://www.ali.org/ali/ProjPart_Main.htm.

educators worldwide have developed increasingly higher levels of interest in addressing the challenges of internationalization and globalization. Far reaching changes have already occurred in curriculum and methodology. The Association of American Law Schools (“AALS”) in the last decade has consistently featured significant programs at its annual meetings. In the year 2000, the AALS sponsored the Conference of International Legal Educators at New York University’s “La Pietra” in Florence, Italy, for fifty international legal educators to discuss international cooperation in legal education. This watershed conference, believed to be the first of its kind, highlighted the world’s diverse systems of law and legal education and explored the desirability and feasibility of greater global cooperation among legal educators.”⁶ The AALS⁷ Conference on Educating Lawyers for Transnational Challenges, held on May 26-29, 2004, is an extension of this ongoing interest. The conference explored possible changes in curriculum, teaching methodologies, and opportunities for student and faculty cross-border exchanges. The conference also considered possible organizational support for participating law schools and ways of forming networks for cooperation.

The papers produced in this symposium are valuable building blocks in the continuing exchange of ideas for new programs, curriculum changes, new methodologies and new forms of organization and cooperation in addressing the needs of a globalized society.

6. *Papers From The La Pietra Conference Of International Legal Educators*, 51 J. LEGAL EDUC. 313 (2001).

7. <http://www.aals.org>.

