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# What Kind of Machinery Can Be Set in Place on an International Basis so that the Process Can Continue in a Constructive Manner in the Years Ahead?

Carl Monk\*

I'm very happy to be here to talk about this. When the AALS was founded in the 1900's, the mission of the AALS was stated very simply "the improvement of the legal profession through legal education." In 2005 it is very easy to say why the AALS is involved in efforts to promote cross-border consideration of these issues. And that is simply because, to improve the legal profession through legal education today, one cannot ignore the need to facilitate such cross-border consideration.

Although the AALS has been involved for many years in small international efforts, AALS really did not get seriously involved in this effort and how to do it until 2000. Many of our sections had worked in this area before but we really started in the year 2000, when we held our first conference of international legal educators. Some of you were there and contributed much to it. That was held at New York University's Villa la Pietra in Florence. There were fifty invited legal educators from about thirty different countries. Our mission there was to talk about the structure of legal education throughout the world and how that structure affects our ability to collaborate across borders.

What grew out of the 2000 Conference was the conference with

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which many of you are familiar and many of you attended. That was the 2004 Conference last May, "Educating Lawyers for Transnational Challenges." At that Conference, we discussed many of the ideas that the panelists are discussing today. My role here today is not to talk about what to do, but how to do it. So, I will not repeat that.

At the end of the Conference a resolution was unanimously adopted approving the concept of an international association of law schools. There is now a nineteen member working group from seventeen different countries working on creating a charter for the new International Association of Law Schools. We do not, for a moment, underestimate the challenges of bringing this into reality; there are tough issues to be addressed. Let me just mention some of those. Although, before I address the challenges, let me talk about what I believe is a reasonable consensus about what the mission of this Association should be:

- To improve the understanding of different legal systems and different cultures as a contribution to justice and a peaceful world.
- To contribute to the better preparation of lawyers who may engage in a transnational or global practice.
- To improve the quality of legal education throughout the world, not by Americans telling people how we do it in America, but by all of us having a constructive dialog about what to do and how to do it.

What will the activities of this Association be? Well, we don't know yet, that's part of the deliberation. But again, there seems to be an emerging consensus that the Association should enhance information exchange between member law schools. There is another issue, and that is, should it be institutional membership or individual? Again, I believe there's a consensus that while there might be individual members from schools that for one reason or another cannot join, it is anticipated that it would be primarily an association of law schools from different countries and different legal systems. We would hope to provide opportunities for law professors to deepen their understanding of global legal trends for the benefit of their teaching and research. We would hope to facilitate even more faculty and student exchanges than exist now.

I hope that part of the mission of the Association will be for the resource rich law schools of the world to share with, work with and cooperate with law schools in parts of the world that do not have the same resources. We need to learn from each other and we can learn from legal educators in those countries as well, but we need to recognize that those of us in the United States and in other parts of the world are very fortunate to have the resources that we do.

How often would this international association meet? We don't

know that. That will depend in part on the resources for it. We anticipate a dues structure in which the dues level probably would not be high for any school, but there would probably be at least a two-tiered structure of dues for law schools in the developed world and law schools in the developing world.

This new international association, at least at the outset, would not have membership requirements in the sense that the AALS does. We would simply ask that law schools commit to the mission of the association and to do all they can to facilitate that.

What are the challenges? We have to come up with a governing structure that's fair. Often in the United States we think of one person, one vote. We go back to *Baker vs. Carr*. Well, should it be one law school one vote for this association? Suppose there are 150 law schools in the United States that join and 150 law schools in the rest of the world combined that join at the outset. That's quite possible because since the AALS has been involved in this effort, law schools in the United States are more likely to know about it.

We must be conscious of the fact that this must not be an American dominated international association. How might we assure that? We're talking about limiting the voting strength from any one country no matter how many schools might be part of the association. The governing board will obviously have to have a structure that ensures widespread representation from throughout the world.

Official language, that was probably the hottest issue discussed in Hawaii. What will be the official language or languages? How will we address that issue given the resources that it requires? So those are some of the challenges.

But I come back to my first comment, which is that I think we cannot improve the legal profession through legal education without rising up to this challenge as legal educators. If we don't do it, who will? We're educating the next generation of lawyers. We're educating the next generation of national and world leaders. We have a responsibility. I know I'm preaching to the choir, so I'll stop preaching.

Postscript: In May 2005 the working group met in Istanbul and adopted a charter. The new Association is expected to be officially launched in late 2005 or early 2006.

