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Emerging Worldwide Strategies In Internationalizing Legal Education

Dean Louis F. Del Duca**

I. Introduction

The articles which follow are based on presentations by speakers and commentators*** for the symposium on "Emerging
Worldwide Strategies In Internationalizing Legal Education” at the Annual Meeting of the Association of American Law Schools on January 6, 2000 in Washington, D.C. at the Marriott Wardman Park Hotel. The authors cogently evaluate the challenges, opportunities and impact of globalization on legal education; address the role that legal education can play in promoting that process; and discuss strategies for internationalization of legal education. This introduction provides an overview of the issues they address in their articles.

II. Dean Robert Clark on “Bases and Prospects for Internationalization of Legal Education in the United States”

The first paper “Bases and Prospects For Internationalization of Legal Education in the United States” is by Harvard Law School Dean Robert Clark. At the outset he identifies five fundamental trends that cause or encourage internationalizing of United States legal education. They suggest a very strong and continuing phenomena that will be one of the most important in United States legal education for the next generation or two.

The first trend is the pattern of growth of law and legal education in the United States in the post-World War II period. For about forty years there was a tremendous growth of law, legal education, and the number of lawyers in the United States. During this period two areas of life - economic and social - became subject to massive regulation that did not previously exist in the areas of environment, health, telecommunications, the Internet, new forms of intellectual property, etc. This spilled over into law school curricula. The number of American Bar Association approved law schools increased greatly with a substantial increase in the number of applicants and enrolled students. This growth was followed in the past half dozen years by a decline in law school applications and applicants. A modest increase of 1.2% was recorded in the last academic year.

National University Law School; Csilla Kollonay Lehoczky, Head of Department of Legal Studies, Central European University, Budapest, Cumulative Effects of International Legal Education in the Shaping of Legal Systems of Central and Eastern Europe; Dean John Attanasio, Southern Methodist University School of Law, Partnerships, Joint Ventures and Other Forms for Building Global Law Schools; Assistant Dean Charles Cramton, Cornell Law School, Joint Degree Programs; Charlotte Ku, Executive Vice President and Executive Director, American Society of International Law, Impact of American Law in Shaping International Law B Achieving International Competence.

The moderator of the symposium was Louis F. Del Duca.
The second trend Dean Clark notes is the pattern of growth of law and legal education in the rest of the world in sharp contrast to recent developments in the United States. In many parts of the rest of the world the situation is beginning to resemble the United States growth in legal education and law of about thirty years ago. For example, fifteen or twenty years ago in China, there were virtually none, or only a handful of law schools. Reports indicate there are currently 300. The need for a minimally effective rule of law in order to have economic growth and proper relations with other economies and politics is recognized in China. This spills over into the demand for lawyers and legal education.

Dean Clark also notes a great increase in foreign student enrollment, a great upsurge in global legal activity, and a great interest in studying United States law in the United States.

The trend towards internationalization is so strong and deep that it will not be able to be met by the half dozen or dozen law schools that already have a very strong set of international activities. Rather, it will have to be met jointly along with many other law schools in the United States.

Many problems exist in reacting creatively and effectively to the challenge of implementing internationalization of legal education in the United States. The embarrassment of riches (i.e., lack of effective resources) is perhaps the most general problem. If a school is not already positioned with vast resources and contacts abroad it is wise to develop a focused type of strategies.

In developing new programs schools are well advised to utilize existing strengths and contacts to achieve carefully selected goals. Dean Clark emphasizes the importance of faculty selection and use of opportunities abroad. He counsels hiring of good international and comparative law faculty interested in developing quality new programs. Provide them with resources and time to visit other countries and take up opportunities abroad. Utilize strengths which already exist on your faculty. Build on networks you already have abroad in the form of alumni or other contacts.

III. Dean Claudio Grossman on “Building the World Community: Challenges for Legal Education”

The second paper is by Dean Claudio Grossman of the American University, Washington College of Law, on the topic of “Building the World Community: Challenges to Legal Education.” He notes dramatic global processes which question
both the content and methodology of legal education. These include: global trade, foreign investment, the breakdown of authoritarian political structures, the emergence of new nations, and the presence of new international actors such as individuals, multinational corporations and non-governmental organizations. He specifically addresses the challenges of national sovereignty, creation of a new concept of diversity, and the need to address new ethical and moral challenges in a global society.

There is growing recognition that crucial problems that challenge the human race cannot be solved only by individual states. International cooperation is required. Dean Grossman identifies two schools of thought responding to the implications of global changes and discusses their effects on legal education. The “translators” school asserts that modification of legal education is unnecessary because the global issue merely involves establishing communication to translate rules of law when foreign nationals become part of an otherwise domestic transaction. The “modernizers” school believe that mere translation is insufficient. The proper approach to legal education for them is to increase global exposure by adding courses, international faculty, more international academic programs and global research centers, and augmenting the number of formal international linkages. Both of these groups’ responses are inadequate because what is needed is qualitative as well as quantitative change in legal education.

Grossman concludes that today development of new skills and teaching methodologies are required in legal education as exemplified by development of practical and experiential training methodologies. Clinical and externship programs, moot court programs, creative use of simulations, study abroad programs, debate societies, and an increased reliance on disciplines such as economics, anthropology, and sociology are being used to expose students to the interplay between domestic and international law. Today’s law school graduates must have the skills to play the role of facilitators in international transactions. They must also be able to act as liaisons for communications between and among formally-organized legal systems with differing national histories, customs and experiences. Put simply, the philosophical foundation of Langdell’s theory is unable to prepare law students for the world that they will encounter.

In addition to simply “modernizing” its curriculum in quantitative terms, the American University Washington College of Law and other schools around the country are adopting a qualitative, process-oriented approach which sets into motion the
dynamics necessary to transform domestically-oriented legal training into training that is interconnected with the world. Much can be done with regard to the disconnection between domestic-oriented legal training and the global-oriented world system. The building blocks of this approach consist of the following:

- Creating linkages between the study of domestic and international law,
- Studying different legal systems,
- Including cultural and gender issues in the academic agenda,
- Including the perspectives of other academic disciplines in the study of law, and
- Promoting social change and international awareness through purpose-oriented programs outside of the curriculum.

IV. Dean John Sexton on “Structuring Global Law Schools”

Dean John Sexton of the New York University Law School next addresses the subject of “Structuring Global Law Schools.” He notes at the outset that his task is to talk about how one goes about structuring various approaches to globalization of legal education across an entire range of resource bases. In this context it is important to understand that the Association of American Law Schools is a composite of very different schools.

Dean Sexton next takes a quick look into the next ten to fifteen years. He agrees with Deans Clark and Grossman, that we are in a time of great change and concludes that internationalization will continue to be front-burner material ten to fifteen years out and that the whole enterprise of legal education in the United States will be fundamentally different. The aberrational model of legal education in the world today - the three-year graduate model of legal education will increasingly have to be justified. Between twenty and fifty law schools and universities will provide our current three year graduate models. “There will be 500 American law schools accredited by the ABA, half of them will be existing in cyberspace at a quarter of the tuition currently in effect.” He further opines that these changes are cataclysmic and affect curriculum and “we ought to start thinking about them.”

This is the context for discussion of “global” law school approaches. One approach is to emphasize accentuation of international law, public and private, human rights, etc.
Another is to recognize the obvious globalization of the practice and thinking about law. Our graduates are going to be involved in practices that cannot avoid transnational questions such as enforcing judgments, structuring deals, solving choice of law problems, criminal liability, human rights, etc.

A third way is to emphasize development of some “espiranto of law” - that is some ideal system.

A fourth way is to develop an attitude or perspective of humility and wisdom, looking not only to our system but outside of our system for solutions and criteria in evaluating legal institutions.

The range of methods of how one could structure the achievement of these various goals is broad. One could structure modest programs or alternatively, programs which might be almost revenue neutral in exchanging students or faculty for example. Conversely, one could invest very substantial sums in providing for student and faculty involvement in international experiences. For example, retooling the first year experience to achieve substantial integration of comparative and international law materials is a very substantial investment of time and money and other resources. However, this is being done by four volunteers from the faculty at the New York University School of Law. Dean Sexton indicates that the key to success of this type of enterprise is going to be collective action because this is a retooling of considerable dimensions. New York University Law School plans accordingly to make the materials available to share on the Internet to try to get the program moving more quickly and less expensively for legal educators as a whole.

Expanding faculty and curriculum is another method of internationalizing legal education. Team-teaching by domestic faculty in the presence of international faculty with expertise in the same area of the law inevitably produces a different qualitative course than would be the case when it is taught singly by domestic faculty. The range of costs involved in implementing faculty expansion and curriculum expansion, of course, can be from modest amounts to very heavy investments. Accordingly, resources available in various schools become a factor in the extent to which this technique can be utilized.

Another methodology is the complete integration of the comparative and international approach for the entire curriculum of the sort that was discussed regarding the first year curriculum. Dean Sexton notes that an analogy exists between the 19th century efforts of Christopher Columbus Langdell and the current
challenges to legal education. He suggests the very same paradigm shift in sovereignty, in technology, and in information distribution was occurring in the 19th century as is occurring currently. The 19th century shift was from state to nation. The 20th and 21st centuries shift is from nation to global arenas. The 19th century was a product of increased literacy and newspapers, dissemination of information, and the nationalization of markets instead of the 20th century computers and internationalization of markets.

There is a need for development of a community ethos. It is important that domestic and foreign students be integrated into a common cultural, social and educational experience which will facilitate communication and appreciation of cultural similarities and differences.

Dean Sexton closes his presentation emphasizing that our mission is to educate and to research about the most sacred instrument that civil society has created to effect change in people's lives. Globalization is a part of this mission. In this context he notes that it is important that we avoid adoption of a kind of institutional ideology and making the mistake that the Ford Foundation made when it sent all kinds of folks into "the developing world" in the 1960s with the "right answers."

V. Comments by Dean Vanistendael on “Blitz Survey of the Challenges for Legal Education in Europe”

Commentator Frans J. Vanistendael, Dean of the Law Faculty of K.U. Leuven in addressing the subject of “Blitz Survey of the Challenges for Legal Education in Europe” focuses on the following: (a) the impact on Legal Education in Europe of the Erasmus and Socrates programs, (b) the recent founding of the European Law Faculties Association (ELFA), and (c) prospects for the next century for legal education in Europe following the Sorbonne-Bologna Declaration of 1999.

A. The Erasmus-Socrates Program

The massive Erasmus-Socrates program for educational exchange at the university level in all disciplines of science including law has spawned dozens of university networks for educational exchange in Europe. The K.U. Leuven University by itself has at least 75 agreements with various networks of universities and other European law faculties. The program involves agreement amongst European law faculties that they will
accept each other's students at no additional charge on a basis of rough equivalents in numbers of students for one semester or one full academic year programs. The students receive credit at their home university for work done at the host universities and are required to take a training course in the national language of the host country prior to enrollment. Most law schools only grant credit for elective rather than required courses. In addition, most law schools have merely opened up their courses to other European students rather than adding new courses to their curriculum.

To this point there has essentially been a lack of selection of students and the problem of quality control is unresolved. However, some universities have selected universities from which students will be admitted. This selection process has upgraded the quality of student exchange to some extent. Other universities continue to essentially admit on an open admission basis and "boot out the unworthy candidates on a basis of trial and error."

Difficulties have also been experienced because of the lack of comparability of the weight and contents of courses and differences in criteria for grading. The program nevertheless has been a great success in enhancing language skills of students and sensitizing them to an awareness of common problems shared by different societies and imaginative ways in which to address the problems. The students have had an opportunity to build up a European-wide human relations network, which will facilitate communication in their later professional life.

B. Impact of the Sorbonne-Bologna Declaration of 1999

The Treaties of the European Community mandate freedom of movement for workers and freedom of establishment for entrepreneurs. The great diversity in European universities in academic titles and degrees, the wide variety of academic programs and curriculum, more than a dozen different grading systems, differences in admission programs, and differences in academic calendars are proving to be severe obstacles to free access to the European labor market guaranteed by the Treaties. European universities and ministers of education of the member states of the European Community joined together to issue the Sorbonne-Bologna Declaration of 1999 "to establish the European area of higher education and to promote the European system of higher education world-wide."
The Declaration seeks to achieve academic transparency through three separate measures: (a) comparability in academic degrees, (b) a uniform structure of the university curriculum in all disciplines, and (c) a common system of transfers for course credits. They propose a uniform name for university degrees and a "diploma supplement" listing all the courses taken and the examination scores.

Regarding a uniform framework for university studies, they propose a uniform structure for all university studies to include an undergraduate and a graduate study phase. The undergraduate phase would involve a minimum of three years. The graduate phase would involve a two-year graduate course. Professor Vanistendael discusses the relevance of these proposals to legal education in Europe and suggests that since the Declaration calls for implementation over a ten-year period, significant amendments to the proposals are likely to occur.

The Declaration also contains a third proposal for extension of the existing European Credit Transfer System to forms other than full time academic education. Continuing professional education and life-long learning would be covered by this extension.

C. The New European Law Faculties Association

The European Law Faculties Association was initiated as a result of a December 1995 meeting in Leuven in Belgium at which approximately 80 European law faculties were present. The Association now has members from approximately 150 law schools from all member states of the Union and even outside of the Union. The purpose of the Association is to act as a forum for discussion of European questions of legal education and as a representative of European law schools in matters pertaining to the European Union, international organizations and comparable organizations in other parts of the world such as the Association of American Law Schools.

VI. Professor Sang-Hyun Song on "Korean Students in U.S. Law Schools and Foreign Students at Seoul National University Law School"

Professor Song of the Seoul National University in Korea initially notes that the strong influence of United States law on domestic Korean law and on international trade laws has been both a product of and an impetus for a substantial increase in the
number of Korean law students studying in the United States. The government, as well as the private sector of Korea, has sponsored one or two-year expense-paid sabbaticals for study abroad in the United States for judges, prosecutors, and government and corporate employees to gain familiarity with American legal concepts. The majority of Korean students enrolled in the United States opt for a curriculum of general legal studies in order to acquire general familiarity with American legal concepts and education. Most of them are enrolled in LL.M or MCJ-type programs. However, a few do enter the traditional three-year J.D. programs. Korean students sometimes have difficulty in adapting to the Socratic class participation methodology. This is in part because they are used to the traditional lecture system in attending law school in Korea and also in part because of difficulty in gaining proficiency in spoken English.

Professor Song does a substantial amount of counseling of Korean students desiring to study law in the United States. He attempts to guide each student to apply to law schools that are appropriate for the individual student's abilities and goals. Professor Song also has several American student advisees studying law under his supervision at Seoul National University. An increasing number of foreign students are applying to study law in Korea.

American students studying law in Korea have considerable difficulty with the Korean language. In addition, because of the relatively small number of such students, there is no "introduction to Korean law" course for the foreign students. In the absence of a special advising program for foreign students, Professor Song has personally kept a close watch to help the students in choosing courses and professors and being available to discuss any questions they might have.

Professor Song is hopeful that someday a Korean legal studies program will be a part of the curriculum in United States law schools. In addition, he hopes that the exchange of law students between Korea and the United States will become more balanced and less of a one-way passage of Korean students to United States law schools.
VII. Dr. Csilla Kollonay Lehoczky on “Preparing Students for International Legal Practice and Improvement of Their Legal Systems”

Dr. Lehoczky, Professor of Law and Head of the Legal Studies Department of the Central European University in Budapest, states, at the outset of her paper, that the primary task of international legal educators is not only to prepare students to practice internationally but also to prepare them to be involved in modernizing and improving their legal systems. This requires legal educators to facilitate cross-cultural legal study experiences for students and to sensitize them to the need for becoming involved in improving their legal systems.

Dr. Lehoczky notes the need for approximating differing legal systems in a globalized world. Utilizing a historical perspective, she notes the important role of students in the process of achieving approximation and harmonization of legal systems. The judges of the German courts who referred for the first time to Roman law as a subsidiary system of norms to complement their fragmented territorial German laws in the Middle Ages were alumni of Italian universities who had acquired comparative knowledge based on Roman law at the famous historic Italian universities. She suggests that early training of a new generation of students not only to competently engage in an international practice but also to be involved in modernizing their legal systems will enable them to more effectively accomplish these goals in their later careers.

Dr. Lehoczky cogently describes the experience of the “transformation democracies” of Central and Eastern Europe in their movement from a controlled to a free economy and development of appropriate new legal systems. Modernization and harmonization through comparative legal scholarship was dramatically important in this process. In sharp contrast to the integration of the East German legal system and the German system, the Central and Eastern European countries faced the dilemma of “choosing” among foreign legal rules and institutions to fill the vacuum created after the decline of the USSR. Initial efforts in creating the new legal system often involved importation of slogans and concepts and transplant of legal systems which had produced democracy and well being in Western countries into Eastern European countries which had experienced total devastation. This importation was often through the media of foreign experts who had no idea or knowledge about the legal
systems of the importing country. In addition, people from the importing countries were required to learn overnight the ideas of the Western legal systems. Confusion in their value systems resulted. Importing countries had to address the question of whether everything was to be abandoned from their past heritage or, alternatively, determine what could be retained from the past. This process often created new believers. Some of these believers who were overzealous and overenthusiastic did not recognize the utility and wisdom of merging past traditions with new systems and values. Enthusiastic transplantation of Western-styled institutions in the countries of Central and Eastern Europe could not bring about the same result as in the model countries. Freedom of the press, opinion, religion, information, business organization, movement of peoples, property or competition, unlimited access to judicial review, ombudsmen, constitutional courts, enforceable prohibition of discrimination, etc., required changes in norms which in turn required changes in the minds of not only everyday people but also, most importantly, of legal minds.

Responding to this challenge, the legal systems of these countries have adjusted by incorporating very strong exposure to foreign legal systems. International legal education has a very important role in this effort. The new system attempts to produce a new generation of lawyers exposed to a variety of legal cultures and environments in the early stages of their training so that they will be able to avoid mechanical copying of other legal systems but instead aim toward an effective harmonization of new ideas into their existing legal systems.

Dr. Lehoczky notes the recognition by governments and private institutions of the great importance of speedy and effective internationalization of post-socialist legal education after the political shift. She briefly describes the large European network programs that were intended to assist the upgrading of university education in the transition countries. She notes the work of Tempus, a trans-European scheme for modernizing university systems of the ex-socialist countries. The European Union Erasmus and Socrates programs, that are European student mobility programs, have now been extended to countries applying for membership in the European Union. The TACIS program which is a parallel program assisting the former Soviet Union countries is also noted by Dr. Lehoczky. She also notes substantial funding provided in the form of loans by the World Bank's "Higher Education Development" project and the work of
the Central East European Law Initiative launched by the American Bar Association.

The use of student exchanges was greatly facilitated by the use of student grants to cover study abroad, conditioned upon the obligation undertaken in written form by their home universities to credit such foreign studies toward the degree of grant holders. In addition, the explicit adoption by the European Union of "credit transfer" requirements contributed to the revolutionization of the curriculum of law schools of the Central and Eastern European Union. The law degree in each country continues to be based primarily on the level of knowledge of national law. However, this curriculum has been supplemented with a significant number of international, supranational, and comparative law courses in comparative constitutional rights, human rights, law of the European Union, environmental law, international business law, European company law, etc. Rigid systems of legal education based on a uniform mandatory menu prescribing even the sequence of the subjects from the first year to the last have been supplanted with curricula providing for optional courses to be taken as part of the studies abroad. In Central European countries students now have a set of mandatory subjects to complete with an increased possibility for taking optional courses. Under various special programs, scholarships and exchange programs, students can now successfully complete studies in the countries of the European Union or in the United States and bring home their experience and knowledge as well as forwarding these credits towards their degree.

Dr. Lehoczky notes the importance of hard copy and electronic library development to assure the availability of foreign legal literature to familiarize faculty and students with new journals and databases, as well as modifying radically the "language of communication" in favor of English and other foreign language literature within the overall library stock. She notes that the result of changes in legal education methods is to produce a generation of new lawyers, differently trained to be builders of the new legal systems. They will operate in governmental offices, law firms, judicial positions, or as law teachers to transmit the knowledge, methodology and practice they have obtained abroad. She also comments on the development of new faculty exchange programs.

Dr. Lehoczky concludes with a description of the new Central European University established in 1989 in order to educate the intellectually elite of Central Europe and the former Soviet Union
to fulfill its mission of social development and academic improvement of the countries of the region. Its legal studies department has been in operation since 1992. Ninety percent of the law student body of over 100 is composed of top law graduates from the 28 countries of Central Europe and the former Soviet Union region. Approximately 10% are from the United States or Western Europe and some are occasionally from Asia. This is a post graduate education program which offers unlimited opportunities for international education in LL.M programs in international business law and comparative constitutional law; an MA program in human rights; and an SJD program in the fields of international business law or comparative constitutional law. The program is accredited by the New York Board of Regents. A core group of permanent faculty members teaches the international and comparative curriculum, assisted by a large number of visiting professors, many of whom are from the United States law schools such as Penn State Dickinson School of Law, New York University, Cornell, etc. The Central European University makes available to its graduates opportunities to serve on various international and government organizations and thereby have creative input and a direct influence in developing and transforming the legal systems and institutions of the countries of Eastern Europe. It also has a well-developed clinical, legal education program with 40 legal clinics in Hungary operating primarily in the field of criminal justice, public and family law.

VIII. Dean John Attanasio on “Partnerships, Joint Ventures and Other Forms for Building Global Law Schools”

Dean John Attanasio of Southern Methodist University School of Law initially notes that the emerging global economic village generates discussion of the concept of global law schools. The Asian financial and Seattle World Trade Organization crises demonstrate how badly legal globalization is trailing economic globalization. These crises may be important wake-up calls for action in achieving internationalization of legal education. United States law schools are trailing far behind United States business schools and many law schools around the world in thinking about globalization.

In launching global law schools, relationships between faculty and alumni are of much greater importance than agreements which many times do not amount to anything more than paper statements of understanding. A well-trained global faculty and
interested alumni are the two most important resources in developing internationalized legal education. The relationships can be important in attracting visiting faculty as well as partnering with other institutions for larger projects.

IX. Assistant Dean Charles Cramton on “Joint Degree Programs with Non-U.S. Law Schools”

Assistant Dean Charles Cramton of Cornell Law School focused his comments on the unique program his school has undertaken in the area of joint degree programs with non-United States Law Schools. This is not a traditional cooperative exchange program which many schools now have with foreign law schools. Rather, it is an ABA-approved joint degree program, which Cornell Law School has initiated with the Université Paris 1 Panthéon-Sorbonne and Humboldt University in Berlin. The goal of these programs is to provide students from the United States and other countries with rigorous legal training in two legal systems that will equip them to practice in an international legal environment.

In the Paris 1 program, two students from France and two students from the United States were initially chosen from each school. The French students complete the Cornell regular first-year curriculum. Their second-year curriculum is pretty much the same as other J.D. students plus a requirement that they complete a Professional Responsibility course and fulfill one of two writing requirements during this second year. The United States students complete 62 credits at Cornell. They then go to France for the final two years of study at the Sorbonne, after which they are granted advance standing of an additional 22 credits and awarded the J.D. At the end of the four years, after successful completion of their exams in Paris, they are granted a maîtrise en droit which is a first degree in law from Paris 1.

The curriculum of the American students in Paris is concentrated and more rigorous than the regular curriculum for French law students. All classes are conducted in French. American students participate along with British, Spanish and German students who are also enrolled in the joint degree program. The mix of students from different legal systems is very much liked by the faculty at Paris 1 because of the diversity of viewpoints represented and selectivity of the quality of students.

The program at Humboldt University is slightly different. The United States students go to Humboldt after completing two
years at Cornell. They receive a new degree called the "Master of German and European Law and Practice" (an M.LL.P.). The German curriculum covers both German and European law and includes internships with German and European law firms during the summer and holiday breaks. The German students enter the program after successful completion of their first state examination. They are granted advance standing under existing ABA rules for their prior work in Germany so that they can complete two years of study at Cornell leading to the J.D.

Dean Cramton comments on the challenge involved in obtaining American Bar Association approval for these programs. Difficulties result from the fact that these programs are classified by the ABA as cooperative programs subject to the usual site visits and questionnaires. However, the ABA regulations do not make much sense in a true joint degree program where you have an entire curriculum and an entire faculty involved.

In the French program, graduates can take United States, French, or both bar exams. In the German program, German students can take United States bar exams, but United States students need to undertake an extra six months of study in Germany to realistically have a significant chance of passing the first state exam in Germany.

United States firms with branch offices in France as well as English firms and some accounting firms are adjusting to the four-year time table of students in this program and their special hiring cycle. As these students are being hired as summer associates, their special skills are being recognized by prospective employers.

X. Executive Director Charlotte Ku and Director Christopher J. Borgen on "American Lawyers and International Competence"

Charlotte Ku, Executive Director of the American Society of International Law, co-authors her paper with Christopher J. Borgen, Director of Research and Outreach of the American Society of International Law. It addresses the subject of American lawyers and international competence. The authors initially note that the term "international law" has been used at various times to describe public international law, private international law, comparative law and international business law. While in the past there was a tendency to divide these areas into specialties, the practitioner today is likely to need to be competent in any and all of these facets of what can broadly be termed
“international law.” They note that globalization tends to increase vertical interaction between domestic and international law and generates the need for developing skills in public and private international law as well as comparative law. The wall between purely domestic and international law is being torn down.

The effects of globalization and internationalization are particularly evident in the European Union. An attorney within the Union must acquire competence not only in the law of his or her country but must also be competent in the legal systems of other European countries as well as the law of the European Union. This is evident from the creation of large cross-border law forms and accounting firm mergers in Europe. The creation of organizations like NAFTA and WTO further evidences the interrelationship between so-called public and private international law.

The authors note that the United States legal culture has profoundly affected a wide range of foreign and international legal regimes by: a) providing models for international legal regimes, b) acting as an example for foreign countries, and c) assisting in the evolution of public international law through vertical linkages. They cite various examples such as the impact of the UCC Article 2 on the Convention on the International Sale of Goods and the United States understanding of civil liberties on the Universal Declaration of Human Rights.

Effective participation by lawyers in the world of international law requires not only efforts of organizations like the American Society of International Law, the International Law Association, American Bar Association, etc. but also earlier preparation of such lawyers in the law schools. There has been an increase in law school classes, which assist students to enter fields of international and comparative law. This shows a flexibility and willingness of law schools to enter fields that may be beyond their traditional curriculum.

Having noted this expansion of curriculum, the authors then express concern for the lack of broad-based participation by American law students in international law-type courses. They cite a recent ABA Study that examined international law in United States law schools. This study defines international law broadly to include “traditional public international law, comparative law and international business law.” Almost all United States law schools have at least one international law class and “almost all” have multiple international law offerings. Ninety percent of the schools involved in the study stated they had five or
more such courses. However, only 37% of the students of the responding schools have taken any international law courses. The study concluded that the problem is more complex than simply the number of international or comparative law courses in the curriculum. The basic issue is that students were not actually taking these courses. The real solution may not be a proliferation of international law courses chosen by the same small self-selected group of students but rather to integrate international comparative law issues into traditionally "domestic" course areas. In the era of globalization and interdependence it is important to recognize that there are few subjects that are still purely "domestic" in nature. A lawyer who is practicing without at least a rudimentary knowledge of international law is therefore practicing with a significant blind spot.