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International Legal Education

JOHN A. BARRETT, JR.*

I. Introduction

As is clearly demonstrated by the entirety of this issue of *The International Lawyer*, the globalization of legal practice continued in 1998 despite, or possibly further fueled by, economic difficulties and armed conflicts in a number of regions of the world. Given this seemingly unstoppable march toward the day when all lawyers will need some knowledge of public or private international law in their practices, the International Legal Education Committee is working to help ensure that U.S. educated attorneys will have the requisite training and background to identify and handle international aspects of their legal problems.

Given its function, the International Legal Education Committee serves a somewhat different role from most of the committees of the Section of International Law and Practice. While most committees are concerned with, and in this year in review reporting on, the development of law in a particular substantive area, the International Legal Education Committee is concerned only that such developments, and a knowledge of international law generally, become widespread knowledge in the legal community.

Needless to say, there are thousands of law school courses, continuing legal education programs, books, articles, and other sources of information on international legal issues, with more appearing every day. Thus, it would be nearly impossible to report on every international law program or resource that has been produced in the last year. The key issue remains whether these sources of information are reaching a broad enough audience given the nature of today's legal practice. Additionally, there have been several major developments over the last year regarding international legal education in the United States that are worth noting. Our committee, therefore, commends this year in review project as an important link in helping keep the profession informed about important developments in international law in a timely, comprehensive, and easily obtainable manner.

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II. Awareness of Globalization

The globalization of legal practice received significant attention in 1998, not just from international practitioners and scholars but also from sources traditionally focused upon domestic legal matters. At January's annual meeting of the Association of American Law Schools, a central theme of the conference was the law school of the twenty-first century. In discussing how law schools will change, significant attention was paid to the increasingly international nature of legal practice. Likewise, the entire November issue of *The American Lawyer* was devoted to the "Global Boom," including a piece on the need for legal education to adjust to this change.¹

III. The Instrument of Change

As has previously been reported by this committee, unfortunately far too few law students have any meaningful exposure to international law while in law school.² In spite of a tremendous expansion in the number of international course offerings, the total percentage of law students taking at least one international law course has remained both stagnant and woefully low.³ To combat this problem, the International Legal Education Committee has proposed the use, and undertaken the development, of international course modules that can be inserted into all traditionally domestic courses. If the materials are readily available and understandable, the hope is that professors will elect to include them in their course materials. By being exposed to small amounts of international materials throughout the curriculum, students will become aware of the unique features of international law and will begin to understand the times when special international legal issues may be lurking in legal problems they confront.

This idea has clearly gathered momentum over the past year. One session of the annual meeting of the Association of American Law Schools was devoted to this idea. Similarly, the idea was presented at a panel discussion at The American Branch of the International Law Association's International Law Weekend in New York in November. Another large audience learned of this new approach in the November issue of *The American Lawyer*.⁴ A handful of additional schools appear to be undertaking this approach as well.⁵ Unfortunately, most of the schools that are adopting this approach are among the nation's most prestigious universities, places where enrollment in international law courses is already at significantly higher levels than elsewhere.⁶

Of course, the key to this project is the availability of the international course modules. The International Legal Education Committee is pleased to report that it has received modules on the following topics, which will soon be made available on the American Bar Association Section of International Law and Practice's newly redesigned web page: Service of Process

1. See Aric Press, *We've All Connected*, AM. LAW., Nov. 1998, at 5.

2. See John A. Barrett, Jr., *The Status of International Legal Education in U.S. Law Schools: Plenty of Offerings but Too Few Students*, 31 INT'L LAW. 845 (1997).

3. See *id.* at 852-55.

4. See Press, *supra* note 1, at 6.

5. In addition to the two schools that were undertaking this approach at the time of the survey by the International Legal Education Committee, it has come to the author's attention that the following schools are undertaking, or considering undertaking, this proposal: New York University, at least for its first year courses; the University of Michigan, at least with regard to comparative law issues; and Harvard Law School. See Barrett, *supra* note 2. However, the author has not confirmed the status of these undertakings.

6. See *id.* at 854-55.

Abroad for Civil Procedure; International Enforcement of Custodial Rights for Family Law; A Comparative Treatment of Hearsay for Evidence; the Recognition of Foreign Evidentiary Privileges in United States Courts for Evidence; United States Laws Affecting Foreign Ownership of Corporations for Corporations; A Comparative View of Employees Rights to Participate in Management and Profits for Corporations; Feminist Issues in International Law for Gender and the Law; and Transitional Bankruptcies for Bankruptcy Law.

This is an ongoing project, and the International Legal Education Committee is expecting to receive a number of modules from other authors in the near future. However, more contributors are needed for this project. If you would be willing to prepare one or two days worth of course material on an international topic for inclusion in a domestic course, please contact the author.⁷

IV. Other Developments

Law students are not the only group that need to learn more about international law in order to function in the global economy. For practitioners, particularly business attorneys, a plethora of continuing legal education programs are available. However, little attention has been paid to ensuring that the United States judiciary is well acquainted with the subtleties of international law. A seemingly simple issue, like determining what the international law on a given topic is, can lead the uninitiated to misleading conclusions since well-known domestic legal principles, such as *stare decisis*, may not apply.⁸ To help ensure that U.S. judges are fully prepared to deal with an increasing number of international issues in the coming years, the International Legal Education Committee has compiled a panel of speakers willing to discuss international legal issues that may arise in the courtroom setting at judicial training conferences. This group is expected to make a number of presentations in the coming years.⁹

7. The author may be contacted at: The University of Toledo College of Law, 2801 West Bancroft, Toledo, OH 43607; (419) 530-2131; fax (419) 530-3821; jbarret@pop3.utoledo.edu.

8. See generally Ian Brownlie, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 20-21 (3d ed., 1979).

9. If you have need of this panel for a judicial training function, please feel free to contact the author for more information.

