

Internationalizing U.S. Law Education

Toni M. Fine

Fordham Law School

tfine@law.fordham.edu

Introduction

- Underlying Assumptions:
 - Impact of globalization on law practice.
 - Need for legal education to reflect reality of globalization.
 - Personal Reflections on the Rapid Pace of Globalization.
-

Overview

- What U.S. law schools are doing to meet the challenges of globalization.
 - Categories:
 - Academic and extracurricular
 - Primary audiences – U.S. students, non-U.S. students, faculty members.
 - Include:
 - Well-established, pervasive practices;
 - Trends; and
 - Novel innovations.
-

Academic Responses to Globalization: Curricular

- “Global”/transnational law courses
 - Broadening and deepening of curricular choices.
 - Larger number of students enrolling in at least one such course.
 - Offered at more and more law schools.
-

Academic Responses to Globalization: Curricular

- “Global”/transnational law courses
 - Basic courses – international law, comparative law, civil law, foreign law, IBT, international trade law, EU law, international arbitration.
 - More specialized courses (next slide).
 - International law clinics, *e.g.*, Walter Leitner International Human Rights Clinic (Fordham).
-

Academic Responses to Globalization: Curricular

□ “Global”/Transnational Law Courses

■ More specialized – examples from Fordham 2008-09:

- Advanced Legal Research: Transnational Practice
 - Advanced Legal Research: International and Comparative
 - Advanced Legal Research: International Trade Law
 - Civil Rights: 9/11 and Non-Citizens
 - Doing Business in India
 - European and International Antitrust Law
 - Globalization of American Corporations: Tax and Regulatory Policy
 - Immigrants’ Rights and Access to Justice
 - Immigration Law for Business Professionals
 - International and Comparative Patent Law
 - International Development Project: Millennium Development Goals
 - International Human Rights Scholarship
-

Academic Responses to Globalization: Curricular

□ “Global”/Transnational Law Courses

■ More specialized – examples from Fordham 2008-09:

- International Law of Development
 - International Litigation in U.S. Courts
 - International Cartel Enforcement
 - Introduction to Chinese Law
 - Islamic Law
 - Jewish Law
 - Law and Governance in Comparative Perspective
 - Law and Policy of Climate Change
 - Multinational Corporations
 - NAFTA
 - National Security Law
 - Professional Responsibility in Multinational Practice
 - Transnational Business & Human Rights
 - U.S. Foreign relations Law
-

Academic Responses to Globalization: Curricular

- Models for Introduction of “Global” Materials:
 - Upper class course offerings:
 - Generally elective
 - Mandatory requirement: Harvard
 - Incorporation into upper-level doctrinal courses (*e.g.*, McGeorge)
 - 1L curriculum:
 - Required separate course:
 - Michigan: “Transnational Law” – organizing course to introduce basic concepts
 - Georgetown: “Law in a Global Context.”
 - Integration of global perspectives into 1L core doctrinal classes (*e.g.*, NYU, WCL)
 - Mini-stipends for faculty development (*e.g.* New England).
 - Elective:
 - Columbia – students select one of seven electives, including Lawyering Across Multiple Legal Orders.
 - Minnesota -- students select from a list of four electives, including International Law.
-

Academic Responses to Globalization: Curricular

- For these courses, new materials are needed, *e.g.*:
 - West's Global Issues Series: Civil Procedure, Constitutional Law, Contract Law, Corporate Law, Criminal Law, Family Law, Labor Law, Legal Ethics, Property Law, Employment Discrimination, Employment Law, Income Taxation, Tort Law.
-

Academic Responses to Globalization: Curricular Models

- Models for Introduction of “Global” Materials:
 - Study Abroad/Exchange Opportunities:
 - Full year exchange programs.
 - Semester exchange programs.
 - Summer study abroad programs.
 - Short-term study trips:
 - Leitner Missions (Fordham)
 - International Team Projects (Northwestern)
 - Study Abroad Consortia:
 - NACLE
 - ATLAS (Association of Transnational Law Schools)
-

Academic Responses to Globalization: Curricular Models

- Models for Introduction of “Global” Materials:
 - Study Abroad/Exchange Opportunities:
 - Joint and dual degree programs with foreign universities (below).
 - LL.M. programs after J.D. (rare).
-

Academic Responses to Globalization: Curricular Models

- Models for Introduction of “Global” Materials:
 - J.D. Concentrations/Certificates:
 - Yale: “Graduate Certificates of Concentration” in International Development Studies, International Security Studies, African Studies, European Studies, Latin American Studies, Modern Middle East Studies.
 - Penn State: Certificate in International, Comparative and Foreign Law.
 - Santa Clara – Certificate in International Law.
-

Academic Responses to Globalization: Curricular Models

- Models for Introduction of “Global” Materials:
 - Joint & Dual Degree Programs – Foreign
 - Fordham + Paris II = J.D. + Master in European Law (pending)
 - Harvard + Cambridge = J.D. + LL.M.
 - Columbia + Paris I = J.D. + Master in French Law
 - Columbia + Paris I = J.D. + *DESS*
 - Columbia + University of London = J.D. + LL.M.
 - Columbia + Institute for Law & Finance (Frankfurt) = J.D. + LL.M.
 - Cornell + Paris I = J.D. + Master *en Droit*
-

Academic Responses to Globalization: Curricular Models

- Models for Introduction of “Global” Materials:
 - Joint & Dual Degree Programs – Foreign:
 - Cornell + Humboldt = J.D. + Master of German & European Law & Practice
 - Cornell + Sciences Po = J.D. + Master in Global Business Law
 - U. Southern California+ LSE = J.D./LL.B.
 - NYU + National University of Singapore = LL.M. in Law and the Global Economy (NYU); LL.M. from National University of Singapore.
 - NYU + Osgoode = J.D. (NYU) + LL.B. (Osgoode)
 - University of Puerto Rico + University of Barcelona = J.D. + *lic. en derecho*
-

Academic Responses to Globalization: Curricular Models

- Joint Degree Programs: U.S.
 - J.D./LL.M.:
 - Duke: J.D./LL.M. in International and Comparative Law.
 - NYU: J.D./LL.M. in International Law.
 - J.D./M.A. – Michigan University: Law +:
 - Modern Middle Eastern Studies.
 - North African Studies.
 - Chinese Studies.
 - Japanese Studies.
-

Academic Responses to Globalization: Curricular Models

- LL.M. Programs with Global Emphasis for U.S. and Foreign Students:
 - International Legal Studies/Comparative Law (23)
 - Comparative Law/Comparative Legal Studies (11)
 - International Business/Trade Law; Transnational Business Practice (10)
 - International Human Rights (3)
 - International Taxation (3)
 - American and International Legal Practice
 - Asian and Comparative Law
 - Global Law and Technology
 - Governance and Rule of Law
 - International Economic Law
 - International Environmental Law
 - Inter-American Law
 - Sustainable International Development
-

Academic Responses to Globalization: Centers/Programs

- Centers with Transnational Focus, *e.g.*, Fordham Centers:
 - Leitner Center for International Law & Justice, including
 - Program on National Security Law
 - Sustainable Development Legal Initiative
 - International Law and the Constitution Initiative
 - Institute for the Rule of Law in Asia
 - Center on European Union Law
 - Others with substantial transnational component:
 - Center on Law and Information policy
 - Center on Competition Law
 - Center on Intellectual Property Law
-

Academic Responses to Globalization: Curricular

- For Foreign Lawyers/Law Students
 - LL.M. programs:
 - Above specialized programs;
 - LL.M. programs in U.S. designed specifically for foreign lawyers (*e.g.* Fordham – LL.M. in U.S. and Comparative Law (pending)); and
 - U.S. LL.M. degrees offered abroad (*e.g.* NYU, Temple, Northwestern, Indiana).
 - Summer Programs (*e.g.*, Fordham Law Summer Institute in NYC).
 - 2 year J.D. programs.
 - Visiting Research Fellow programs.
 - U.S. internships for foreign lawyers.
-

Academic Responses to Globalization: Curricular

- For Foreign Lawyers/Law Students
 - Distance programs – real time video or webcam classes.
 - *E.g.*, International Development Project: Millennium Development Goals Implementation in Ghana (Fordham).
 - CLE courses via web or live in locations with large concentration of, *e.g.*, New York lawyers.
 - Blogs, discussion boards, etc.
-

Extra-Curricular Responses to Globalization

- Journals with Global Focus:
 - Many law schools with comparative/ foreign/international journal.
 - Some highly specialized:
 - [*Asian-Pacific Law & Policy Journal*](#), William S. Richardson School of Law
 - [*Colorado Journal of International Environmental Law and Policy*](#)
 - [*Columbia Journal of Asian Law*](#)
 - [*Currents - International Trade Journal*](#), South Texas College of Law
 - [*East European Constitutional Review*](#), New York University
 - [*Georgetown International Environmental Law Review*](#)
 - [*Journal of International Economic Law*](#), University of Pennsylvania
 - [*Journal of International Law & Dispute Resolution*](#), Willamette University
 - [*Journal of International Law and Business*](#), Northwestern University
 - [*Journal of International Law and Politics*](#), New York University.
 - [*Law and Business Review of the Americas*](#), Southern Methodist University
 - [*Minnesota Journal of Global Trade*](#)
 - [*North Carolina Journal of International Law and Commercial Regulation*](#)
 - [*Pacific Rim Law & Policy Journal*](#), University of Washington
 - [*Saint Louis-Warsaw Transatlantic Law Journal*](#), Saint Louis University
 - [*Southwestern Journal of Law and Trade in the Americas*](#)
 - [*Transnational Law & Contemporary Problems*](#), University of Iowa
 - [*Yale Human Rights and Development Law Journal*](#)
-

Extra-Curricular Responses to Globalization

- Conferences, etc. with transnational focus – Fordham examples:
 - Major Events:
 - International Intellectual Property Conference.
 - Annual Conference on International Antitrust Law and Policy.
 - Annual Conference on International Arbitration and Mediation.
 - Smaller Events (last week):
 - *The Dynamic of Law & Development in Ghana: The Case for Judicial Reform in an Emergent Democracy.*
 - *Islam and Diversity.*
 - *Structuring the Evaluation of Institutions: Constitutional Adjudication.*
-

Extra-Curricular Responses to Globalization

□ Legal Language Courses

- Fordham – non-credit courses taught by foreign LL.M. students.
- [Courses taught in language other than English.]

□ Internships (Fordham)

- Leitner Center summer internships.
 - Leitner term-time internships and externships.
-

Extra-Curricular Responses to Globalization

□ Student Activities:

- International moot courts
- Wilhelm C. Vis International Commercial Arbitration Moot

□ Student Organizations – Examples:

- International Law Student Association (ILSA)
 - Global Law Society (Fordham)
 - Asian Law Students' Association
-

Extra-Curricular Responses to Globalization

J.D./LL.M. Integration

- Importance for domestic and foreign students.
 - Academic perspectives.
 - Cultural identities.
 - In and out of the classroom:
 - Events and organizations (above)
 - J.D./LL.M. "buddy" system.
-

Responses to Globalization: Faculty Members

- Curricular Changes (above).
 - Co-teaching with Foreign Academics.
 - Research/Writing Agendas:
 - Transnational law topics;
 - Co-authorships w/foreign academics;
and
 - Publication in foreign journals.
-

Responses to Globalization: Faculty Members

□ Transnational Law Associations

- International Association of Law Schools (IALS)
 - American Society of International Law (ASIL)
 - International Law Institute (ILI)
 - International Bar Association (IBA)
 - Associations with transnational sections:
 - AALS: Sections on International Law, Comparative Law, North American Cooperation; International Legal Exchange; Graduate Programs for Foreign Lawyers.
 - ABA:
 - Sections on International Law & Practice; International Human Rights.
 - Committees on International Legal Education.
 - Public International Law Division
-

Responses to Globalization: Faculty Members

□ International Travel

- Conferences.
 - Lectures.
 - Short-term visits (e.g., 2-3 days).
 - Visiting Scholars (varying duration).
 - Teaching abroad – solo or joint with international counterparts.
-

The End

I look forward to
our discussion!
