

LEGAL EDUCATION IN A GLOBALIZED WORLD

JAMES P. WHITE
AMERICAN BAR ASSOCIATION

When I reflect on the changes of the past thirty years relating to legal education and the legal profession, it is clear that globalization is perhaps the most significant development that has taken place. Demands of human freedom and a growing economic prosperity are an attribute of globalization. With the growth of the European Union, now comprising twenty-seven countries, and the free movement of members of the legal profession within the Union, transcending different languages and both civil and common law, it is clear that free movement of legal professionals and corresponding reciprocity of ability to engage in the practice law is a result of globalization.

Globalization of law includes global connections, global interdependence, global information, global finance, global governance and global rights.

A discussion of the legal profession in the 21st Century must focus on the rapid changes in legal education and the legal profession that are taking place not only in the United States but throughout the world, the phenomenon that is often referred to as the globalization of legal profession. Lawyers in every country now are involved in the

whole range of legal practice with their counterparts throughout the world. Increasingly we see multinational law firms with offices and partners throughout the world.

As John Sexton, then dean of New York University Law School and now the University President observed in his 2000 remarks to the London meeting of the American Bar Association.

"today clients are represented in the same transaction by lawyers from American law firms who are graduates of American law schools and by lawyers from European firms who are products of a much more typical legal education consisting of five years of education after secondary school. These clients report that the American trained lawyers and those trained elsewhere bring comparable skills to the table. This observation, if true, will become more palpable as the American firms and the European firms begin to hire lawyers from each other's pools -and these lawyers begin to practice side by side as associates and partners."

The vast development of means of communication facilitates the globalization of law practice and the cooperation and exchange among law schools. The freer flow of students between recognized institutions in various countries, the recognition of legal studies undertaken outside of one's own country, procedures for recognizing degrees, greater integration of institutions and joint research projects all assume mutual trust. We

as legal educators must foster mutual trust. The Internet is but a tool that must be used wisely to foster cooperation and exchange.

We must consider certain issues affecting the globalization of legal education.

First, the level of resources of the institutions of different communities may be different.

Efforts at internationalization are expensive. They demand investment, which may not yield fruit immediately. The institutions of the various communities do not necessarily have equal resources for undertaking the task.

Second, the indirect resources for supporting the educational task are likewise not similar. In terms of internationalization initiatives, the funds allocated for education, which are channeled through students, may be especially significant. A student who has state-supported financing his or her participating in an international program will be much better prepared to benefit from such programs than a student who has to pay the cost of participation out of family assets.

Third, the forces favoring the internationalization of legal education sometimes clash with forces seeking to protect specifically national level interests that may also have a valid space in the life of some institutions. For example, universities in some countries feel strongly identified with the national character of the lectureships. They see the lecturer as a government employee who, barring extraordinary circumstances, by that

very fact ought to be a citizen of the country. As valid as such perceptions may be they do not encourage the internationalization of faculties. Initiatives such as those promoting joint appointment of professors between institutions in different countries as a linking mechanism, may run up against obstacles of this nature.

Fourth, the differences in the organization arrangements of law schools and departments of the different traditions also tend to impede interrelations. A North American style institution, which operates as a whole without subject-based departments, may take a long time to understand that in relating to their counterparts in another tradition they must communicate with an academic department, not simply the law school as a whole.

These are the issues that, in my judgment, influence our efforts to speed our transnational cooperation . The manner in which we deal with them can greatly affect the success of our efforts.