

PERSPECTIVES

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International Legal Education in U.S. Law Schools: Plenty of Offerings, But Too Few Students

Given this highly global world in which we live,¹ one would expect booming business for international law professors. In many ways it is booming: course offerings are more common and varied than at any time before; almost every law school has international law offerings; there are numerous international law journals being published; summer abroad programs are growing like weeds; most schools participate in one or more of the international law moot court competitions; and most campuses have a student international law society. This is a golden era for those interested in international law. Primary and secondary sources are available, practically at the touch of a button, to more people than at any other time in history. However, despite all of these encouraging signs, a sad fact remains: the vast majority of students graduating from law school have little or no exposure to international law. The important question is whether today's students can afford to graduate without learning about international law.

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1. John B. Attanasio, *The Globalization of the American Law School*, 46 J. LEGAL EDUC. 311 (1996).

If such training is imperative for the twenty-first century, as I believe it is, the key issue is how to ensure students receive it.

This article will first examine how the global economy makes international law training necessary for today's lawyer. Then, the article will examine the benefits of studying international law. Further, the article will explore the level of internationalization currently present in U.S. law schools. This examination will be done by presenting the results of a study on the subject recently conducted by the International Legal Education Committee of the ABA's Section on International Law and Practice (ABA Survey),² in contrast to the 1963-64 Edwards Survey (Edwards Survey)³ and the 1991 Gamble Survey (Gamble Survey).⁴ Finally, it will compare various methods for increasing internationalization and suggest the addition of international components to domestic law courses as a first step.⁵

For purposes of this article, "international law" includes traditional public international law, comparative law, and international business law. The fundamental issue is whether international law, as so broadly defined, is an important element in a law student's preparation for practice. Regardless of which area encompassed within this definition is more important or relevant, the real issue is that in today's world students must obtain at least some passing familiarity with international law. Students must become familiar with the issues presented by these areas, or at a minimum, recognize when these issues may arise.

I. The Globalized World We Live in

Advancements in the modern world have significantly changed the value and usefulness of the skills and knowledge gained from international law study. These world changes make the need to study international law more pressing than ever before and the consequences of failing to study it more dire. What has changed in the world that increases the value of having the knowledge and skills provided by studying international law?

Clearly, the most significant change is that the world has become international on many different levels.⁶ Who would have guessed twenty years ago that a major U.S. television advertising campaign in 1996 would not be in English nor even

2. Conducted by the chair of the International Legal Education Committee of the Section of International Law and Practice of the ABA. It is set forth in its entirety at the end of this article in an Appendix with notes.

3. RICHARD W. EDWARDS, JR., *INTERNATIONAL LEGAL STUDIES: A SURVEY OF TEACHING IN AMERICAN LAW SCHOOLS 1963-1964* (1965).

4. JOHN KING GAMBLE, *TEACHING INTERNATIONAL LAW IN THE 1990s* (1992).

5. For a more in-depth discussion of these issues, *see generally* John A. Barrett, Jr., *International Legal Education in the United States: Where Does It Stand? How Can It Be Improved?*, 12 *AM. U. J. INT'L L. & POL'Y* No. 6.

6. *See generally* Interview with Arthur T. von Mehren, 29 *HARV. INT'L L.J.* 293, 298 (1988) [hereinafter von Mehren].

in Spanish?⁷ We have gone from a world full of largely independent societies to a multicultural, interdependent, interconnected collective. Many feel this trend will continue making the world even more international. For example, worldwide communication and transportation are convenient, commonplace, and affordable, and every day more people communicate efficiently with people outside their country, whether by phone, fax, e-mail, overnight courier, or the Internet.

On a business level, things have never been so international. The rate of growth has been exponential.⁸ The number of multinational corporations has grown from a handful in the 1960s to the point where guides to multinational corporations frequently limit themselves to only the largest five hundred companies.⁹ These multinational companies not only sell abroad, but also manufacture and incorporate subsidiaries abroad. Furthermore, this multinational trend is multidirectional: Japanese manufacturers have plants in the United States, Europe, and lesser-developed nations; U.S. companies have factories in Asia, Europe, and Latin America; and European companies are similarly expanded. Truly, it can be said that the sun never sets on IBM, Mitsubishi, Ford, or Phillips, to name but a few. Equally significant are small companies throughout the United States who look abroad for new markets, as well as face competition from abroad. Furthermore, in 1995, U.S. international trade amounted to \$753 billion in exports and \$641 billion in imports.¹⁰ Capital also moves globally, with Japanese companies developing ski resorts in Colorado and U.S. retirement plans investing in the Japanese stock market. In 1990, the United States had over \$43 billion invested in the finance and service sector in underdeveloped countries alone.¹¹ As clients move abroad, so do their lawyers. Also, the number of foreign legal consultants practicing abroad continues to grow.¹² With all this globalization, not only business but also disputes, both business and personal, become international.

On a governmental level, international issues have always been present. However, several recent changes are making governments even more concerned with international issues. First, the growth in international trade, travel,

7. IBM's current television advertising campaign features various foreigners speaking about their computer problems in their native languages with subtitles in English.

8. Interview with Oscar Schachter, 29 HARV. INT'L L.J. 273, 276 (1988) [hereinafter Schachter]; Joel R. Paul, *The New Movements in International Economic Law*, 10 AM. U. J. INT'L L. & POL'Y 607, 612-13 (1995).

9. See, e.g., DAVID S. HOOPES, *WORLDWIDE BRANCH LOCATIONS OF MULTINATIONAL COMPANIES; DIRECTORY OF MULTINATIONALS* (1994).

10. INTERNATIONAL MONETARY FUND, *DIRECTION OF TRADE STATISTICS YEARBOOK 2* (1996).

11. Alberto Bernabe-Riefkohl, *Tomorrow's Law Schools: Globalization and Legal Education*, 32 SAN DIEGO L. REV. 137, 148 (1995).

12. See generally Andrew Pardieck, *Foreign Legal Consultants: The Changing Role of the Lawyer in a Global Economy*, 3 IND. J. GLOBAL LEGAL STUD. 457 (1996); Roger J. Goebel, *Professional Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap*, 63 TUL. L. REV. 443 (1989); Bernabe-Riefkohl, *supra* note 11. For an in-depth analysis of the current state of the transnational practice of law, see generally Richard L. Abel, *Transnational Law Practice*, 44 CASE W. RES. L. REV. 737 (1994).

and communication forces governments to be concerned with protecting their citizens abroad, both bodily and financially.¹³ Consequently, an increase in the scope and nature of domestic regulation on international interaction with others has occurred. Second, problems of the modern industrial world are increasingly seen as transboundary in nature, especially pollution, which stubbornly refuses to stay within national boundaries. The result has been an explosion in the number of international conventions and treaties.¹⁴ In 1995, the number of treaties to which the United States was a party required 145 pages to list.¹⁵ Additionally, international organizations, both governmental and nongovernmental, have grown.¹⁶ By 1995, there were over fifty major intergovernmental organizations¹⁷ and in 1992, the Organization for Economic Cooperation and Development listed over 600 international nongovernmental organizations in its member states.¹⁸

Such an international world increasingly requires international legal knowledge and skills.¹⁹ For a few, the practice of law has been international for a long time. Immigration lawyers always had to consider international legal issues. For them, only particular rules and the number of clients have changed. Similarly, a few businesses and their lawyers in major urban centers have, for centuries, had to deal with international business transactions. Additionally, a handful of government employees have always had careers directed toward the international arena. However, this small group has grown into the bulk of the bar.²⁰

II. The Benefits of Studying International Law

There are numerous benefits to studying international law. By studying the laws of other societies, one will be better prepared to assist one's clients in international transactions. Additionally, by learning something about the culture and business practices of another country, one can negotiate and structure agreements more easily and effectively.²¹

13. See generally Jane L. Garwood-Cutler and R. John Pritchard, *Domestic Adjudication of International Law Violations*, 146 *NEW L. J.* 527 (1996).

14. See generally John W. Head, *Supranational Law: How the Move Toward Multilateral Solutions Is Changing the Character of "International" Law*, 42 *U. KAN. L. REV.* 605 (1994).

15. See TREATIES IN FORCE 313-458 (1996).

16. See generally Head, *supra* note 14.

17. BRIAN HUNTER, *THE STATESMAN'S YEAR-BOOK* 3-58 (1995-96).

18. *DIRECTORY OF NON-GOVERNMENTAL ENVIRONMENT AND DEVELOPMENT ORGANIZATIONS IN OECD MEMBER COUNTRIES* (1992).

19. Interview with Rudolf B. Schlesinger, 29 *HARV. INT'L L.J.* 280, 283 (1988) [hereinafter Schlesinger].

20. See generally John F. Murphy, *Present (Almost) at the Creation*, 42 *U. KAN. L. REV.* 499, 504 (1994). Pardieck, *supra* note 12.

21. See von Mehren, *supra* note 6, at 296. See generally Whitmore Gray, *The Challenge of Asian Law*, 19 *FORDHAM INT'L L.J.* 1 (1995); Goebel, *supra* note 12.

Most legal systems fit into a family of legal systems. If you have studied one legal system, you have a basic familiarity with the structure and approach of other legal systems in that family. One may not know all the particular rules of a given country, but those rules can be readily learned and will be understood in the context of how that legal system is likely to work. Therefore, studying comparative law gives a context in which to understand the particular rules of a given government.²² This understanding is crucial not only to give competent advice to clients, but also to properly interact with local counsel.

Understanding public international law provides a useful grounding in both the nature and source of one's government's power as well as the limits on that power.²³ A better understanding of the limits imposed on U.S. law by international law, for example, in the area of human rights, helps courts uphold the basic rights of its nation's citizens.²⁴ Traditionally, litigators have not looked to international law when framing legal arguments before U.S. courts and courts confronted with international law have often misapplied or misconstrued it, due to ignorance as to its sources and the relative weight to accord those sources.²⁵ However, a better understanding of international law will give the courts the tools necessary to apply properly that law, thereby encouraging litigators to argue relevant international law issues before the courts.²⁶ Additionally, the proliferation of multilateral treaties and conventions makes knowledge of them increasingly important for the typical practitioner.²⁷ Human rights and international environmental law, as well as the numerous treaties and conventions that regulate individual's actions within a state, will increasingly be subjects before domestic courts.²⁸

This penetration of international law into domestic law continues to grow, not only through international agreements but also through the creation and growth of supranational organizations.²⁹ These organizations increasingly create domestic law. Although Europe has progressed much further than the United States in this area, with decisions of the European Court of Human Rights and the European Court of Justice and regulations of the European Union Commission being binding

22. See von Mehren, *supra* note 6, at 296. See generally Gray, *supra* note 21; Goebel, *supra* note 12.

23. See generally Martin A. Rogoff, *Interpretation of International Agreements by Domestic Courts and the Politics of International Treaty Relations: Reflections on Some Recent Decisions of the United States Supreme Court*, 11 AM. U. J. INT'L L. & POL'Y 559 (1996); Patrick M. McFadden, *Provincialism in United States Courts*, 81 CORNELL L. REV. 4 (1995).

24. See generally Rogoff, *supra* note 23; McFadden, *supra* note 23.

25. *Id.*

26. See generally McFadden, *supra* note 23.

27. See generally Head, *supra* note 14; McFadden, *supra* note 23.

28. See generally *ILJ Survey: Curricula, Extracurricular Activities, and Placement Programs in International Law*, 29 HARV. INT'L L.J. 299, 305 (1988) [hereinafter *ILJ Survey*]; McFadden, *supra* note 23.

29. See generally Head, *supra* note 14.

law on member states, the United States has started.³⁰ For example, the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO) provide for various international dispute resolution panels, and although the decisions of these panels must still be incorporated into domestic U.S. law, it demonstrates that we are beginning to look beyond our own border for sources of law. Additionally, knowing how international entities work helps attorneys fully serve their clients' interests. Treaties creating these entities contain procedures for dispute settlement and provide protections to people and businesses in each country. Therefore, whether one represents a mother whose child has been taken to France, broom manufacturers, or tomato growers, knowledge of these conventions and organizations is necessary to provide complete legal representation. Today, one must know when one can get emergency protection from imports under NAFTA, as well as when anti-dumping and countervailing duties are permissible under the WTO.

This need to understand the terms of international conventions also extends to knowing the scope of activities of the ever-growing number of international nongovernmental organizations (NGOs). NGOs not only provide increasing international law job opportunities, but also become entities with which private practitioners increasingly must interact. Some NGOs, like the European Bank for Reconstruction and Development,³¹ can be valuable funding sources for projects. Other NGOs, like Earthwatch and Amnesty International, may be concerned with the activities of clients in matters like pollution or workplace conditions. One must understand how these groups function, as well as determine what their role is in creating, monitoring, and enforcing international law.³²

Studying international business transactions provides a sensitivity not only for the type, nature, and scope of the regulations governments impose on international interaction, but also the basic skills necessary to negotiate and structure international ventures. If one has never studied international business transactions, one may overlook a client's need to obtain an export license before shipping products abroad, the fact that two or more jurisdictions may want to tax the profits from the deal, or how an Italian will react to a standard thirty-five-page U.S. contract. While tax and export regulation laws may change from country to country, realizing the need to deal with these issues as well as developing common strategies for dealing with them are becoming basic skills every attorney must acquire.

30. See generally *Roundtable on the Teaching of International Law*, 85 AM. SOC'Y INT'L L. PROC. 102, 113 (1991) (remarks by Elisabeth Zoller). For an analysis of the effects of the EC and NAFTA on the practice of law, see generally David M. Trubek et al., *The Future of the Legal Profession Global Restructuring and the Law: Studies of the Internationalization of Legal Fields and the Creation of Transnational Arenas*, 44 CASE W. RES. L. REV. 407 (1994).

31. See generally Head, *supra* note 14, at 635-649.

32. See generally Tobi P. Dress, *Goals of the United Nations, Decade of International Law: Law Reform and National Programs*, 87 AM. SOC'Y INT'L L. PROC. 357, 358 (1993) (remarks by Hans Corell); *id.* at 368 (remarks by Michael Scharf).

Studying international business law also unveils a group of largely unknown U.S. laws potentially applicable to a client's transactions. Failure to know some of these regulations can lead not only to embarrassment for the attorney and the client, but also to substantial financial exposure for the client, as well as the attorney in the form of a malpractice action.³³ Numerous domestic laws can be triggered by a foreigner being involved in a transaction, even inside the United States. Some of these laws have a surprising reach and significant ramifications.³⁴ Unfortunately, most U.S. attorneys do not know enough about these laws' existence to consider their legal ramifications in a particular transaction. Imagine the number of real estate attorneys that have and will conclude sales of property to foreigners on the unresearched opinion that such sales are subject to the same legal requirements as sales to domestic parties, while remaining blissfully unaware of the potential liabilities under the Agricultural Foreign Investment Disclosure Act and the International Investment and Trade in Services Act.

The threat of malpractice is not the only reason attorneys must be educated on international business law. The depth and breadth of international business in the modern world means virtually every attorney, from New York City to Topeka, Kansas, has clients with international legal needs.³⁵ Even "America's pastime," baseball, has a significant percentage of its professional games abroad. When a player for the New York Mets earns part of his salary playing in Montreal, does the player need to pay Canadian income tax? Additionally, the trend is toward more internationalization, not less.³⁶ Given clients' increased need for legal advice on international legal matters, attorneys must either know about international law or risk losing their clients to others that can meet the need.³⁷

The need for the practitioner to know about international law is not limited to the business attorney. The proliferation of international transactions will invariably result in a growth in international disputes; therefore, litigators, finding themselves representing or suing foreigners, will need to educate themselves on

33. See *Roundtable on the Teaching of International Law*, *supra* note 30, at 120.

34. See, e.g., Agricultural Foreign Investment Disclosure Act of 1978, 7 U.S.C. §§ 3501-3508 (1994) (provides for penalties of up to 25% of the value of a parcel of land owned by a foreigner for failure to file information related to such foreign ownership); Export Administration Act, 15 C.F.R. § 769 (1979) (refusing to conduct business with certain nations/ethnic groups or providing customer lists, even inside the United States, showing one does not have business with such groups is illegal); International Investment and Trade in Services Survey Act of 1976, 22 U.S.C. §§ 3101-3108 (1988) (creates penalties for, among other things, failure to report foreign partial ownership of companies or real property inside the United States and foreign services being provided in the United States).

35. See Lucinda A. Low, *Virtually All Areas of Law Profession Face Globalization*, THE NAT'L L.J., Aug. 5, 1996, at C9; Murphy, *supra* note 20; see also Terry W. Schackmann, *Reflections in a Rock Garden: A Civic Commitment to International Understanding*, 42 U. KAN. L. REV. 531 (1994); Pardieck, *supra* note 12.

36. For further discussion of this trend, dating back to the 1950s, see Interview with Milton Katz, 29 HARV. INT'L L.J. 259 (1988).

37. See generally *Profession Watch*, 9 NO. 18 OF COUNSEL 16 (Sept. 17, 1990).

international law.³⁸ Whether trying to defend a foreigner against a product's liability claim or suing because a foreign purchaser failed to pay for a product delivered, one must know about the peculiarities of transnational legal dispute settlement. For example, will a judgment from one jurisdiction be enforced in another? Could the issue turn on how process was served?³⁹ Which law will be used to decide the case? How do these issues affect one's choice of venue? Clearly, litigators can no longer afford to be ignorant of international law either.⁴⁰

Based on the foregoing, today's law school graduates need a basic grounding in international law to be prepared for practice.⁴¹ Regardless of the type of attorney, one will need to know something about international law to compete in tomorrow's market.⁴² While most attorneys still have not incorporated international law into their daily practice, gone are the days where only a select few in the major urban areas were required to understand international legal issues. Rural and urban, big firm and small, lawyer and judge, litigator and business attorney—almost all attorneys today face international legal issues in their practices, and the frequency of such issues is only going to increase. It seems virtually impossible to ignore the need for today's law students to be exposed to international law.

III. Current State of International Legal Education

In many ways, the current state of internationalization of the U.S. legal education is encouraging. Never before have so many international law courses been offered by so many schools. Additionally, ancillary activities are flourishing.⁴³ However, the sad truth remains that the vast majority of law students continue to graduate from law school without any meaningful grounding in international law, in spite of the fact that almost everyone has the opportunity to take a course in international law. Schools responding to the recent ABA Survey indicated that they all had at least one course in the area,⁴⁴ while only 79 percent of schools had an international law course in the 1960s and only 28 percent had one in 1912.⁴⁵

38. See generally *Interview with Louis B. Sohn*, 29 HARV. INT'L L.J. 287, 291 (1988) [hereinafter Sohn].

39. See generally *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, Nov. 15, 1965, 20 U.S.T. 361-73, T.I.A.S. No. 6638, 658 U.N.T.S. 163.

40. Houston P. Lowery and Peter W. Schroth, *Survey of 1994 Developments in International Law in Connecticut*, 69 CONN. BUS. J. 143, 157 (1995).

41. *Interview with Myres S. McDougal*, 29 HARV. INT'L L.J. 266, 269 (1988); Robert A. Stein, *The Future of Legal Education*, 75 MINN. L. REV. 945, 958 (1991).

42. See Low, *supra* note 35; Schackmann, *supra* note 35; Pardieck, *supra* note 12.

43. Schachter, *supra* note 8, at 273; see generally *ILJ Survey*, *supra* note 28.

44. The ABA Survey adopted a relatively broad definition of what constitutes an international law course. Although the ABA Survey had only a 40% response rate, I believe that it is nevertheless a representative survey in terms of the responses it reflects. See *supra* note 2.

45. EDWARDS, *supra* note 3, at 5; GAMBLE, *supra* note 4, at 121.

Not only do almost all schools have at least one international law offering, but almost all have multiple international law offerings. Only one of the schools responding to the ABA Survey indicated that it offered only one course in international law, while only four more schools indicated that they offered only two courses. Encouragingly, 90 percent of the schools responding indicated that they offered five or more international courses. By comparison, only 43 percent of law schools offered three or more international law courses in 1961.⁴⁶ Furthermore, the breadth of these offerings is impressive.

One of the areas of greatest growth has been international business law course offerings. At the time of the Edwards Survey, 91 percent of law schools offered a survey course in public international law and 21 percent offered an international business law course.⁴⁷ By 1996, 99 percent of law schools offered a public international law course and 94 percent offered an international business law course. Survey courses in comparative law have also increased. 84 percent of schools had comparative law offerings in 1996, compared to 50 percent in 1961.⁴⁸

Other aspects of legal education show encouraging signs with regard to internationalization. Summer abroad programs have grown tremendously, from forty programs in 1986 to 115 in 1995.⁴⁹ More importantly, the number of schools with such programs has increased dramatically, from twenty-four schools in 1985 to sixty-one schools in 1995.⁵⁰ The increase in programs means that sufficient student interest exists to support these programs.

However, the percentage of post-graduate degree programs with an international element has remained around 30 percent.⁵¹ This is unfortunate, since schools with advanced degree programs in international law report significantly more international course offerings (which hopefully induces a higher percentage of students to take at least one international law course), as well as a higher percentage of students graduating with at least one course in international law.⁵²

Another encouraging development toward internationalization includes the fact that 11 percent of law schools offer a concentration in international law. Furthermore, over 75 percent of schools have an international law society for students and participate in the Jessup International Moot Court Competition. Additionally, 37 percent of schools have an international or comparative law journal, with seventy total international law journals being published by U.S.

46. EDWARDS, *supra* note 3, at 5.

47. *Id.* at 57 and 153.

48. *Id.* at 7.

49. Ken Meyers, *World Gets Smaller as Number of International Programs Grows*, NAT'L L.J., Dec. 11, 1995, at 1, 2; CONSULTANTS DIGEST, Nov. 1995, at 6; *see also* Bernabe-Riefkohl, *supra* note 11, at 155.

50. Meyers, *supra* note 49, at 6.

51. EDWARDS, *supra* note 3, at 23; *see generally* RICK L. MORGAN, ABA: A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES, FALL 1995 (1995).

52. Unfortunately, the reportedly higher percentage may be inaccurate since the advanced degree students take multiple international law courses, thereby inflating enrollment figures.

law schools in 1997.⁵³ Finally, over 30 percent of schools have a faculty exchange program.

With all these international offerings and activities, one would be inclined to conclude that today's law student will be well prepared for the increasingly international nature of legal practice. According to the ABA Survey, the percentage of students graduating having taken at least one course in international law is, at most, 37 percent (based on the percentage reported by the deans). As the ABA Survey indicates, however, this figure is almost certainly high. Using the maximum enrollment figures for international law courses provided by the law schools, the maximum total percentage of students that could graduate with at least one such course (even ignoring the fact that some students take more than one international law course) is often lower than the deans' reported percentage. Additionally, the broad definition of "international law" means the ABA Survey percentages will be at the high end of the spectrum.⁵⁴

These reported percentages do not show any meaningful improvement, taking into consideration the Edwards Survey in the 1960s, in spite of the internationalization of commerce and the practice of law since that time. The Edwards Survey reported that between 30 and 50 percent of students graduated from law school with at least one international law course.⁵⁵ Additionally, the Edwards Survey indicated that enrollments in such courses were increasing at 84 percent of the law schools with international law courses.⁵⁶ In 1991, the Gamble Survey reported a higher percentage than the ABA Survey—45 percent of students graduating with at least one course in international law—but this survey included Canadian law schools, which undoubtedly increased the reported percentages.⁵⁷

Equally important, a handful of schools significantly distort this percentage. Schools (a) with large international LLM programs; (b) located in major international centers, such as Washington, D.C., and Miami; (c) with the most prestigious reputations;⁵⁸ and (d) that require a course in international law skew the results significantly. Removing the four highest percentage schools in the ABA Survey of seventy schools shows that under 30 percent of students graduate with at least one course in international law.⁵⁹ These schools help obscure the fact that at most law schools across the United States, fewer than 20 percent of graduates ever take a course in international law.⁶⁰ While it is natural to assume the students at such schools know the importance of international law in their

53. See MICHAEL H. HOFFHEIMER, 1997 DIRECTORY OF LAW REVIEWS AND SCHOLARLY LEGAL PERIODICALS (1997).

54. The ABA Survey includes Civil Law, Immigration Law, English Legal History, and Maritime Law in its definition of international law courses.

55. GAMBLE, *supra* note 4, at 7 (citing the Edwards Survey).

56. EDWARDS, *supra* note 3, at 5.

57. See generally GAMBLE, *supra* note 4, at 125.

58. This distortion has been noted by Gamble as well. See GAMBLE, *supra* note 4, at 105.

59. *Id.* at 125.

60. See also *Profession Watch*, *supra* note 37.

futures and, thus, take such courses, only 10 percent of the students said that they took the course because the subject is important, while another 10 percent cited assistance in obtaining employment as their justification.⁶¹ Clearly, students are not fully aware of the role international law will play in their future.

The ABA Survey also attempted to discover other places where students might be exposed to international law, including advanced degree programs, exchange and summer abroad programs, international law societies, law journals, and moot court competitions. Unfortunately, whether or not students unexposed to international law in a course learn about it (albeit in an haphazard manner) through these other mechanisms cannot be determined. However, given the extracurricular nature of many of these activities, attracting only those students interested in the subject matter, one suspects that most of the participants in such activities also enroll in international law courses. This hypothesis has certainly been born out in my experience, and if correct, means that these activities, though worthwhile, do little to solve the problem that most law students graduate without an adequate grounding in international law.⁶²

Students also could be exposed to international law in the context of traditional domestic law courses. The ABA Survey attempted to discern the number of law professors incorporating an international law component into their domestic law courses. Unfortunately, the ABA Survey's results break down significantly on this point. While many schools failed to mark the section, those that did frequently did so incompletely. In spite of these limitations, it appears relatively clear that most schools do not make any significant effort to integrate international law into their domestic courses. Only one school indicated that most of its faculty include such a component, while one other school indicated that it had applied for funding to develop such a component. Of the remaining institutions, one indicated that more than ten domestic law courses have international content, while ten schools stated they had between six and ten such courses, six universities listed between three and five such courses, and nine schools listed only one or two courses. The current state of affairs shows that international components in domestic law courses are not adequately widespread to meaningfully educate those students who fail to take an international law course during law school.

Given the high percentage of law students that never take an international law course and given that international legal education does not appear to be adequately provided for through other means, it seems evident that most law students are graduating without any significant training in international law. The lack of exposure to international law translates into a wholly inadequate preparation for law practice in the next millennium, particularly given the nature and scope of business today.⁶³

61. GAMBLE, *supra* note 4, at 104.

62. For further discussion of the inadequacies of international extracurricular activities as a means of learning about international law, see *ILJ Survey*, *supra* note 28, at 305-312.

63. Goebel, *supra* note 12, at 458.

IV. A Modest Proposal

As soon as one accepts the premise that there are too many law students graduating from law school without any meaningful preparation in international law, one must ask how we can best remedy this situation. More international course offerings are not the solution. As has been noted, 99 percent of law schools have at least one international law course and over 90 percent have over five such courses. In spite of this growth, the percentage of students taking international law has remained relatively constant and woefully low.⁶⁴

Similarly, the invisible hand of the market does not appear to be the solution either, for the percentage of students graduating with a course in international law has remained relatively constant in spite of the dramatic internationalization of the economy. A seemingly simple solution to this problem would be to require international law at all law schools⁶⁵ or to examine international law on the bar exam,⁶⁶ but there appears to be little support for either of these ideas.⁶⁷ Additionally, requiring international law courses would demand a reallocation of existing faculty resources or necessitate the hiring of additional faculty at a time of diminished resources for higher education and during a period when law school applications are decreasing.

An apparently sensible approach is to include relevant aspects of international law in traditionally domestic law courses.⁶⁸ An immediate advantage of this approach is that all students taking core domestic law courses, with an international component included, will obtain increased awareness of international legal issues arising in domestic law. Even if the student does not come away from the domestic course with a complete understanding of the potentially relevant international legal issues, at least the student knows that international legal issues may be implicated in domestic legal transactions. Therefore, the student will know that further investigation may be needed in some circumstances. Another advantage of this approach is that by showing students that international legal issues can

64. *Id.* at Part IV.

65. Only one school in the ABA Survey had such a requirement. See GAMBLE, *supra* note 4; McFadden, *supra* note 23, at 63; *Roundtable on the Teaching of International Law*, *supra* note 30, at 113 (remarks of Mary Ellen O'Connell); Schachter, *supra* note 8, at 274 (stating a good case can be made for requiring a course in international law).

66. This has been urged at various times, without success, by both the ABA and the ASIL, *supra* note 2.

67. Only 23% of professors teaching international law indicated that a course in international law should be required. GAMBLE, *supra* note 4, at 22.

68. See L. Ali Khan, *Internationalizing the Law School Curriculum*, SYLLABUS (Spring 1991) at 8; *Roundtable on the Teaching of International Law*, *supra* note 30, at 112 (remarks of Mary Ellen O'Connell); Bernabe-Riefkohl, *supra* note 11, at 154; Harold J. Berman, *Special Feature: The State of International Legal Education in the United States*, 29 HARV. INT'L L. J. 240, 245 (1988); Jay M. Vogelson, *The Globalization of the American Law School*, 46 J. LEGAL EDUC. 311 (1996). For permutations on this idea, see Sohn, *supra* note 38, at 287-92; Robert C. Cumbow, *Educating the 21st Century Lawyer*, 32 IDAHO L. REV. 408 (1996); for discussion of teaching comparative law elements in domestic courses, see von Mehren, *supra* note 6, at 296.

arise in the domestic arena, student curiosity about international law may be stimulated. These brief introductions may lead students to take international law courses. Finally, the cost of such an approach is minimal⁶⁹ since each professor bears the relatively insignificant burden of educating him/herself on a class session or two worth of international law materials.

Few disadvantages are associated with this approach. Some may argue that such an approach to international law leaves one with an incomplete understanding of international law since there is no structure and context for the international materials.⁷⁰ Although it is clear that a day or two of international law in torts class hardly makes one an expert, this criticism fails to take into account the fact that without this minimalist beginning, the vast majority of students will continue to graduate without any exposure to international law. Requiring international law as a course may be a better approach, but since it seems unachievable at this time, including international law in domestic courses seems to be a prudent alternative.

The biggest potential disadvantage to this approach is faculty resistance. Most faculty members at any given law school are comfortable with the scope and coverage of their courses. This approach not only would require them to learn a new area with which they may have no training or experience, but also may seem to many of them like a tangential matter for the course to spend time on.⁷¹ Most professors bemoan the fact that there is not enough time to teach the "essentials" and losing classes to international issues may seem wasteful to a professor who does not see the truly international nature of modern legal practice.⁷² However, this essential trade-off must be made.

Even those willing to teach international elements in their domestic courses may be uncertain as to how to approach the topic. International law has certain elements that distinguish it from traditional law. Even knowing what the "international law" mandates on a certain subject can be the subject of extensive debate. It is, therefore, imperative that information about international legal issues relevant to domestic law courses be made understandable and readily available. Fortunately, a number of casebooks have already started including such materials. Furthermore, in an attempt to facilitate the further internationalization of U.S. law schools by promoting this approach, the International Legal Education Committee of the Section of International Law and Practice of the American Bar Association has started a project to develop international legal materials for every traditional domestic law course. These materials will ultimately be distributed to all U.S. law schools in the hope that by making such materials readily available

69. See Khan, *supra* note 68.

70. See generally Berman, *supra* note 68, at 241.

71. See Khan, *supra* note 68.

72. *Id.*

and easily understandable, professors will be inclined to include international subjects in their domestic courses.⁷³

V. Conclusion

Undoubtedly, we are living in an increasingly small world. In this era of international commerce, transportation, and communication, legal service providers must be prepared to confront international legal issues, if not on a daily, at least on a periodic basis. The lawyer of the twenty-first century will undoubtedly have an international practice, regardless of the lawyer's location or area of expertise. Given this reality, legal educators must ensure today's students are adequately prepared to deal with the international issues that lie ahead. Unfortunately, most students graduate from law school without any real exposure to international law, even though virtually every U.S. law school has not one, but multiple courses on international law. While international law offerings have exploded since the 1960s, the percentage of students taking these courses has remained relatively constant.

Faced with this reality, alternative approaches to preparing students for international practice must be devised. Since it appears international law is unlikely to become a required course or a topic for the bar exam, incorporating international legal problems into domestic law courses is a practical and cost-effective way to help prepare today's law students for tomorrow's practice.

73. Although this project is in its infancy, there are currently about 20 professors in the process of preparing international materials (reading assignments, teacher's notes, and bibliographic information) for a broad range of core curriculum and elective courses. Hopefully, every domestic course will eventually have several classes worth of international course materials available to it. After compiling a core group of materials, they will be disseminated to every U.S. law school, as well as being placed on the ABA's website. If you are willing to help prepare materials for a course, please contact the author.

Appendix: Results of Survey Regarding Internationalization at U.S. Law Schools¹

These are the results of a survey sent out by the International Legal Education Committee of the ABA's Section of International Law and Practice at the beginning of 1996 to all accredited U.S. law schools to determine the level of internationalization in U.S. law schools. The committee was concerned about the possibility that many students continue to graduate from law school without any meaningful exposure to international law. Given this concern, the survey attempted to look beyond international course offerings to see if students were being exposed to international law through other mechanisms.

A. Number of schools responding:² 70

B. Size of schools:

Large (> 901 students): 15; Medium (650-900): 15; Small (< 649): 40

Total number of foreign students:

Under 10: 23; 10-20: 5; 21-30: 5; over 30: 9

1. Where responses were given as a range that did not correspond to the breakout given, the response was credited in the category representing the majority of the range. In cases where there was no clear majority fit, the response was credited in the larger category. Generally, failure to respond to a question or a portion of a question was not noted. Some questions could have multiple responses from one school (*i.e.*, use of both adjunct and full-time professors in teaching courses), in which case both answers were noted.

2. Although this represents only about forty percent of accredited U.S. law schools, it appears to be a relatively representative cross-sample. The sample represents a disproportionate number of small schools (57% as compared with 46% on a nationwide basis), which may drive down the course offering and frequency numbers. However, the schools responding appear to be more international in outlook than those that did not respond (which could affect number of offerings, frequency, and percentage of students graduating with a course in international law). I base this statement on the facts that the schools that responded, while representing just over forty percent of U.S. accredited law schools, represent 57% of the schools with an LL.M. in international law and over 65% of the schools with summer abroad programs. LL.M.s in international law tended to correlate very closely with number and frequency of international offerings, and tended to have a dramatic impact on the percentage of students graduating with at least one international course (see footnote 4). Summer abroad programs significantly increase faculty abroad figures and can be expected to increase the number of international offerings as well as international content in domestic courses. The schools were: Albany Law School, American University, University of Arkansas-Fayetteville, University of Arkansas-Little Rock, University of Baltimore, University of California-Hastings, Campbell University, Capital University, Chicago-Kent College of Law, University of Cincinnati, University of Colorado, Columbia University, Cornell Law School, Creighton University, University of Dayton, DePaul University, District of Columbia School of Law, Drake University, University of Florida, Florida State University, Fordham University, George Washington University, University of Georgia, Georgia State University, Golden Gate University, University of Houston, University of Idaho, Indiana University-Bloomington, Indiana University-Indianapolis, University of Kentucky, University of Maine, McGeorge School of Law, Mercer University, University of Miami, University of Minnesota, Mississippi College, University of Missouri-Kansas City, University of Montana, University of New Mexico, New York University, North Carolina Central University, University of North Dakota, Northeastern University, Northern Illinois University, Notre Dame Law School, Nova Southeastern University, University of Oklahoma, Oklahoma City University, University of Oregon, Pepperdine University, University of Puerto Rico, Rutgers-The State University of New Jersey-Newark, Saint Mary's University-San Antonio, University of South Dakota, South Texas College of Law, Stetson University, Temple University, University of Texas, University of Toledo, University of Tulsa, Valparaiso University, Vanderbilt University, Vermont Law School, Washburn University, Washington University at St. Louis, Whittier, Willamette University, College of William & Mary, University of Wyoming, and Yale Law School.

C. Degree requirements:

Total credits (hours) required for degree:³

78-82: 2; 83-87: 19; 88-92: 38; 93: 2

Total credits (hours) spent in required and heavily recommended courses:

<40: 21; 40-50: 16; 51-60: 15; >60: 9

D. Percentage of students graduating with at least one international law course:⁴

1. As reported by the schools: <5%: 1; 8-12%: 5; 13-17%: 6; 18-22%: 7; 23-27%: 4; 28-33%: 4; +40%: 1; +50%: 6; +60%: 1; +70%: 2; +90%: 2; 100%: 1; Unknown: 28
2. Average Reported Average: 33.17% (27.32%)
3. Average Reported Average with Unknown Filled in Where Possible:⁵ 32.61% (28.25%)
4. Average of Maximum Percentages:⁶ 29.22% (24.98%)

3. Eight LL.M. programs indicated requirements of 23-27 credit hours.

4. A number of things need to be said about these percentages, for they are almost certainly higher than is accurate. First, many schools clearly overstated the maximum percentages given their stated enrollments in relevant courses. Second, attempts at correcting these figures were limited by the following facts: (1) some schools failed to give enrollment data for their classes; (2) when a range for enrollment was given, a figure from the upper end was used (although not always the highest number); (3) using enrollment figures does not account for multiple courses taken by the same student, which happens with significant frequency, especially at schools that offer concentrations in international law; and (4) reported enrollments were not always clear in indicating whether the number was on a yearly or per-offering basis, so the figure was generally assumed to be a per-offering number (see footnote 18). Adding to the overstatement is the fact that the definition of international law classes used by this survey is extraordinarily broad (it includes maritime and admiralty law, immigration law, and legal history courses that many would exclude from such a survey). Finally, a handful of schools skew the results toward a much higher figure. Puerto Rico requires an international law course, and three others claimed rates of up to ninety percent. Two more schools were in the seventies, one in the sixties, and up to six could be in the fifties. Several common denominators existed between these schools (other than Puerto Rico, which has an obvious reason for its high number): they have significant LL.M. programs and numbers of international students; and they are either top ten national law schools or they are located in D.C. or Florida. The success of these schools may be based on the international climate at the school (lots of offerings and foreign students) or on a perception that the need for international skills is greater for graduates from these schools. However, the high numbers from these few schools obscures the crisis that at most law schools under twenty percent of students ever take an international law course. To help highlight the dramatic effect a few schools can have, each statistic is recalculated in parentheses without the four highest scoring schools for that category.

5. At schools indicating the percentage was unknown, as set forth in C.V. 1, that supplied enrollment figures, a maximum possible percentage was obtained using enrollment figures at the high end of any range given for each course offered. For courses offered less than once per year, the figure was divided by the frequency of the offering. Since most students have only two years to take electives, if a course is offered only every other year, its enrollment covers two graduating classes. Therefore, part-time law programs may have a slightly higher percentage than indicated (since they have more years for taking electives). Obviously, with some students taking multiple international law courses, this percentage probably remains at the high.

6. As noted above, many schools reported percentages that were clearly too high given their reported enrollments. Therefore this number was calculated using the lesser of the reported percentage and the maximum possible percentage obtained using course enrollment figures. However, not all schools supplied enrollment figures, so some schools' reported percentage could not be checked. Given the general tendency to report too high a percentage (not to mention the other items discussed in footnote 4), this percentage still is likely to be too high.

5. Percentage of Students Based on Reported Average:⁷ 37.05% (30.55%)
6. Percentage of Students Based on Reported Average with Unknowns Filled in Where Possible:⁸ 36.11% (31.38%)
7. Percentage of Students Based on Maximum Possible Percentages:⁹ 32.42% (29.6%)

E. International courses/specialties offered:

- i. Is an LLM in international law offered: Yes: 16; In Development: 1
 Number of students currently enrolled:
 ≤ 10 : 3; 11-30: 2; 31-40: 5; ≥ 41 : 4
 Number of foreign students enrolled: < 10 : 4; 16-20: 2; > 20 : 8
 Describe any other programs designed to bring foreign students to your school:
 Exchange Programs: 10; LLMs in U.S. Law: 4;
 Various LLM Offerings: 7; MCL or MCJ: 3;
 Joint Law Degree Program between U.S. and Foreign Schools: 1;
 Muskie or other program to bring students from particular countries: 2;
 NAFTA Program: 1; Individual Recruitment: 1;
 Summer Abroad Program: 1
- ii. Is an SJD with international law dissertation offered:
 Yes: 7; Under Consideration: 1
 Number of students currently enrolled: ≤ 5 : 9; 6-10: 2; ≥ 15 : 1
 Number of foreign students enrolled: ≤ 5 : 4; 6-10: 1; 10-15: 1
- iii. Is a concentration in international law offered: Yes:¹⁰ 8; In Development: 1
 When was the program initiated: 1950s: 1; 1980s: 1; 1990s: 5
 No. of students completing concentration per year: ≤ 10 : 1; 11-15: 1; ≥ 20 : 3
- iv. Does your school offer a semester or summer abroad program:
 Yes:¹¹ 39; Sometimes: 1; In Development: 1
 How many of your students participate:
 ≤ 10 : 5; 11-20: 14; 21-30: 7; ≥ 31 : 8
 How many students from other schools participate:
 ≤ 10 : 9; 11-20: 4; 21-30: 9; > 31 : 8; Unknown: 1
 How many of your faculty participate:
 0: 2; 1-2: 18; 3-5: 13; ≥ 5 : 3
 How many faculty from other U.S. schools participate:
 0: 2; 1-2: 10; 3-5: 2; ≥ 5 : 2; Unknown: 2
 How many of your students participate in programs at another school:
 1-4: 3; 5-10: 6; ≥ 10 : 2; Unknown: 5
 Do they receive academic credit for such participation: Yes: 21

7. This number calculates the percentage based on total number of students in the survey. The prior method treated all schools equally, regardless of class size, giving a picture of the average percentage of students that graduate with an international law course. This method gives a more accurate picture of the true percentage of students that graduate with at least one such course.

8. This number was obtained by combining the techniques set forth in footnotes 5 and 7.

9. This number was obtained by combining the techniques set forth in footnotes 6 and 7.

10. Three additional schools indicated a concentration in International Law was offered only for LL.M. programs.

11. Includes three schools that cosponsor programs with other schools (not each other).

- v. Does your school offer any other specialized program in international law:¹²
 International Law Reviews/Publications:¹³ 13;
 Joint Degrees with Area Studies or International Affairs M.A.: 4;
 Joint JD/LLM Program: 1; Human Rights Centers: 5;
 Area/Other Specialized Centers:¹⁴ 2; International/Comparative Law Centers: 3;
 Postgraduate Foreign Court Clerkship Program: 1;
 Pairing of Exchange Students from Foreign School with Domestic Students: 1
- vi. How many faculty members have studied abroad:
 1-3: 28; 4-6: 10; 7-9: 4; ≥ 10 : 3
 How many faculty members have taught abroad:
 1-3: 14; 4-6: 16; 7-9: 3; ≥ 10 : 16
 Describe any programs at your school designed to send your faculty abroad or to attract faculty members from abroad:
 Exchange Programs: 23;
 Visiting Chair/Program/Fellowships: 4;
 Periodic Invitations to Specific Individuals: 4;
 International Speakers Series: 2;
 CEELI/Rule of Law Project/Fulbright: 2
- vii. Does your school participate in the Jessup Int'l Moot Court Competition:
 Yes: 50; Sometimes: 4
 Number of participants:
 2-3: 3; 4: 12; 5: 13; 6-15: 8; ≥ 16 : 4; Varies: 3
- viii. Does your school have an active student international law society:
 Yes: 54; Sometimes: 2
 How many members does it have:
 ≤ 10 : 11; 11-20: 10; 21-30: 16; 31-40: 1; ≥ 41 : 13
 What are its typical annual activities:
 Speakers: 37; Symposia/Round Tables: 23;
 Social Events: 5; Fundraising: 2;
 Films: 3; Awards: 1;
 Career Opportunity Information: 11; Other Information Dissemination: 3;
 Community Service: 1; Student Exchanges: 2;
 Non-Jessup Moot Court: 2; ILSA Conference: 1;
 Publications: See Footnote 13
- ix. Assess the interest (high, medium or low) and trend in recent years (increasing, decreasing, or stable) in international law courses among the following groups:¹⁵
- Faculty: High: 15; Medium: 29; Low: 12
 Increasing: 35; Stable: 19; Decreasing: 0
 - Students: High: 18; Medium: 30; Low: 8
 Increasing: 39; Stable: 16; Decreasing: 1

12. I have tried to consolidate the various types of responses into meaningful categories. For a more specific breakdown, please contact me.

13. I suspect this number may be low since there was no specific question about international law reviews. Some schools listed this as an activity of their respective international law societies, but all related responses have been consolidated here.

14. Subjects included were: Mexico; Energy; Great Lakes.

15. I found the answers given here to be particularly interesting. Some schools with lots of offerings and activities and high enrollment figures reported low or medium interest while many schools with high interest had few offerings and activities. Clearly, however, interest is high, so hopefully more internationalization will follow.

- x. For each of the following international law courses, provide the following information: frequency of offering; average enrollment; whether it is a required or recommended course; and whether it is taught by a full-time faculty member or an adjunct.¹⁶

Course Name	Frequency ¹⁷	Enrollment ¹⁸	Required/ Recommended ¹⁹	FT/Adj./ Visitor/Guest ²⁰
Public Int'l Law	S = 16; Y = 46 B = 3; ? = 4	P = 8; Q = 22 R = 27	Z = 1; X = 3 W = 18	F = 50; A = 3 V = 1
Int'l Bus. Trans.	S = 9; Y = 45 B = 6; ? = 4	P = 12; Q = 18 R = 22	Y = 1; X = 1 W = 17	F = 47; A = 11 V = 3
Comparative Law	S = 6; Y = 35 B = 6; ? = 12	P = 15; Q = 18 R = 11	Y = 1; X = 3 W = 17	F = 44; A = 6 V = 2
Civil Law	S = 1; Y = 4	R = 2	Z = 1	F = 3; V = 1
Comp. Const. Law	S = 2; Y = 10 B = 2; ? = 7	P = 8; Q = 5 R = 3	X = 2; W = 1	F = 15; A = 2 V = 2
English Legal History	S = 1; Y = 15 B = 3; ? = 10	P = 7; Q = 8 R = 4	Y = 2; X = 1 W = 3	F = 18; A = 3 V = 1
Maritime/Admiralty Law of the Sea	S = 2; Y = 16 B = 13; ? = 5	P = 7; Q = 18 R = 4	W = 18	F = 21; A = 13
Int'l Finance/Int'l Monetary Systems ²¹	S = 1; Y = 10	P = 3; Q = 7 R = 4	W = 4	F = 9; A = 4 ? = 5; V = 1
Int'l Trade/ Invest. ²²	S = 3; Y = 26 B = 2; ? = 6	P = 6; Q = 17 R = 4	W = 10	F = 28; A = 3
Int'l Litigation and Arbitration	S = 2; Y = 19 B = 3; ? = 3	P = 4; Q = 7 R = 8	Y = 1; W = 8	F = 19; A = 6 V = 1
Int'l Dispute Resolution/Int'l Use of Force	Y = 11; ? = 6	P = 5; Q = 6 R = 1	W = 7	F = 9; A = 5 V = 1

16. The results in this section are obviously heavily influenced by the size of the schools with regard to enrollment size and frequency of offerings. I can compute more detailed results if they are required. Courses focusing on a country or a region are listed under xi., *infra*. Some schools reported summer abroad offerings, but it is not clear that all schools did. All reported offerings are included.

17. S = more often than once a year; Y = once a year; B = once every two years; ? = less often than once every two years or frequency not reported. Additionally, one school included the offerings at two other schools that its students are allowed to attend. Neither of those two schools responded to the survey.

18. P = 15 or fewer; Q = 15-30; R = over 30. Some schools responded with yearly enrollments, and others responded on a per offering basis. In calculating maximum percentages of students graduating with at least one international law course, see C.v., *supra*, the response was assumed to be on a per-offering basis unless it could otherwise be seen to be otherwise. This may have raised the percentages reported in the Appendix under C.v.

19. Only one school required any of these courses, both Public International Law and Civil Law. Generally, this data seems largely useless since many schools indicated that all of their offerings are recommended. The point of the question was to try to determine which, if any, international courses were stressed as something that everyone should take even if the course is not required (like constitutional law and corporations are treated at some schools). Z = required; Y = required for LL.M.; X = one of options available to fulfill required perspectives course requirement; W = recommended.

20. A school may be credited with more than one response in this category.

21. Includes International Banking Classes and International Commercial Law.

22. I have some doubts about the accuracy of this number. Some schools appeared to include International Business Transactions for a second time on this line.

Course Name	Frequency	Enrollment	Required/ Recommended	FT/Adj./ Visitor/Guest
Int'l Tax	Y = 24; B = 7 ? = 9	P = 10; Q = 13 R = 4	Y = 2; W = 10	F = 29; A = 5
Immigration Law	S = 3; Y = 41 B = 5; ? = 7	P = 3; Q = 22 R = 14	W = 15	F = 29; A = 22 V = 1
Int'l Human Rights/ Refugee Law	S = 9; Y = 24 B = 5; ? = 11	P = 15; Q = 10 R = 10	W = 10	F = 39; A = 6 V = 4
International Communications	B = 1; ? = 1	Q = 1	W = 1	F = 1
Int'l Organizations	Y = 8; ? = 9	P = 3; Q = 6 R = 1	W = 3	F = 10; A = 2
Int'l Intellectual Prop.	S = 3; Y = 11 B = 2; ? = 6	P = 8; Q = 5 R = 4	W = 4	F = 13; A = 5 V = 2
Int'l Environ. Law	S = 3; Y = 27 B = 5; ? = 6	P = 15; Q = 11 R = 5	X = 1; W = 10	F = 26; A = 8 V = 3
EC/EU Law	S = 1; Y = 25 B = 6; ? = 6	P = 9; Q = 16 R = 5	W = 10	F = 24; A = 9 V = 2
Clinic (i.e., Immigration/ Human Rights) Other: ²³	S = 3; Y = 5	P = 3; Q = 2	W = 2	F = 5; A = 1
Int'l Research Techniques ²⁴	S = 1; Y = 1 ? = 3	P = 1; Q = 1		F = 1; V = 1
Int'l Courts	Y = 1	Q = 1		A = 1
Int'l/Comparative Criminal Law	Y = 2; ? = 1	P = 2; Q = 1		F = 2; A = 1
Comp. Employment Rights/ Int'l Labor	? = 2	Q = 1		F = 1
Comparative Judicial Systems	Y = 1; B = 1 ? = 1	Q = 1; R = 1	W = 1	F = 1; V = 1
Comp. Family Law	? = 1	P = 1		V = 1
Int'l/Comp. Art Law	B = 1; ? = 1	Q = 1		F = 1
Comp. Admin. Law	Y = 1			
Int'l Energy ²⁵	Y = 2; ? = 1	P = 1; Q = 1		F = 3
Air & Space	Y = 1; B = 1	Q = 2	W = 1	F = 1; A = 2
Ocean Resources	? = 1			F = 1
Sustainable Development	Y = 1			F = 1
Women's Int'l Rights	Y = 1; ? = 1	P = 2		F = 2; A = 1
Foreign Relations	Y = 2	P = 1		F = 1
National Security	? = 1	Q = 1		V = 1
Multilateral Corps	Y = 1	R = 1		A = 1
Socialist Law	? = 1			
Roman Law	Y = 1; ? = 1	Q = 1		V = 1
Law & Social Sciences	Y = 1	R = 1	W = 1	F = 1

23. These were all offerings not listed in the survey.

24. Includes advanced legal research courses with significant international components.

25. Includes courses on Comparative Oil & Mineral Laws, Global Energy Use, and International Energy Transactions.

xi. List and describe any law courses focusing on particular countries or regions.²⁶

Country/Region	Frequency	Enrollment	Required/ Recommended	FT/Adj./ Visitor/Guest
NAFTA	Y = 2; ? = 1	P = 2; Q = 1		F = 3
Canada/Great Lakes	Y = 1; ? = 1	P = 1; Q = 1	X = 1	F = 2
Third World/Developing Countries	Y = 1; B = 2	P = 1; Q = 1	W = 1	F = 2
Latin America	Y = 3; B = 1 ? = 6	P = 1; Q = 1 R = 2	W = 2	F = 5; A = 1 V = 1
Mexico	Y = 2; ? = 4	Q = 5; R = 1		F = 2; A = 2 V = 2
Ecuador	Y = 1			F = 1
Caribbean	Y = 1	P = 1		F = 1
Asia/Pacific	S = 1; Y = 4 B = 1; ? = 1	P = 1; R = 1	W = 1	F = 2
China	S = 1; Y = 3 B = 2; ? = 4	P = 4; Q = 1 R = 1	W = 4	F = 3; A = 3 V = 2
Japan	Y = 6; B = 1 ? = 4	P = 4; Q = 4	W = 5	F = 6; A = 3 V = 1
Korea	Y = 1			
Africa	? = 1			
South Africa	Y = 1			
Middle East ²⁷	Y = 1; ? = 1	P = 1		V = 1
Russia ²⁸	S = 2; Y = 1 ? = 3	Q = 1		F = 2
France	? = 1			
Germany	Y = 1; ? = 1	Q = 1		F = 2
Greece ²⁹	Y = 1; ? = 1	Q = 1		V = 1
Italy	Y = 1			
Norway	Y = 1	Q = 1		F = 1; A = 1

xii. For each of the following *domestic* law courses, please describe any international component that is included; whether such inclusion is at the discretion of the professor or is mandated by the curriculum; and whether such component is covered by reading assignments or classroom discussion or taught by a guest lecturer.³⁰

26. Includes specialized courses within the subject heading (*e.g.*, Japanese Law would include any courses on Japanese Business Law). However, regional studies do not include country-specific studies, which are listed separately.

27. Includes courses on Islamic Law and Israeli Law.

28. Includes Former Soviet Union and CIS.

29. Includes both ancient and modern law courses.

30. I had hoped for a much better response to this section, for it is in many ways the most novel and important section of the survey. Unfortunately it is also the most burdensome. Of the seventy schools responding to the survey, only twenty-seven marked courses in this section. Another six said they had no such content or such content was too small to comment on. Of the remaining thirty-seven schools, eight said the content varied by professor and the rest failed to respond. Although

Course	International Component(s) ³¹	Required	Manner Covered ³²
ADR/Arbitration	Int'l Dispute Resolution-1; Int'l Mediation-1		L-1; G-1; P-1
Administrative Law	INS Procedure-1		L-1
Agency/Partnership	1		
Antitrust	1		
Bankruptcy	0		
Civil Procedure	3; Conventions of Service-2; Comparative-3; Comity-1; Evidence-1; Forum-1; Jurisdiction-2	3	L-5; R-4; D-4
Clinic	0		
Commercial Paper	3; ³³ Int'l Letters of Credit/Sales-2		
Communications Law	Treaties-2; Comparative-1		R-2; D-2
Conflict of Laws	2; US Cases-3; Private Int'l Law-1; Int'l Conflicts-4		L-3; R-5; D-4
Constitutional Law	2; Comparative-1; Treaties-2; Foreign Affairs-3; American Antecedents-2	1	R-3; D-4; W-1
Contracts	1; CISG-4	1	R-4; D-1
Corporate Finance	0 (but see Commercial Paper and Banking)		
Corporations	4		
Environmental Law	4; Treaties/Custom-5; Transboundary Issues-4		L-4; R-4; D-3; W-1
Family Law	1; Comparative-1; Treaties-1; Adoption of Foreigners-1	1	R-4; D-4
Federal Jurisdiction	1		R-1; D-1
Intellectual Property	6; Conventions-4; Extraterritoriality-1		L-1; R-6; D-6; W-1; G-1
Labor/Employment Law	1; Comparative-1		L-1
Legal Ethics	0		
Natural Resources	2; Int'l Transactions-1; Transboundary Issues-1		L-1; R-3; D-2
Property	Comparative-1	1	L-1
Real Estate Development/Land Use Planning	1		
Securities Regulation	Offshore Offerings-1		L-1; R-1
Tax	2; Int'l Aspects-1		W-1
Torts	2; Cross Border Toxics-1; Comparative-3	1	L-2; R-1; D-3
Trusts & Estates/Estate Planning			L-2; R-2; D-1
UCC 2/Sales	1; CISG-7; Letters of Credit-2		L-1; R-2; D-3
UCC 9/Secured Trans.	1; CISG-1		

someone somewhere appears to have an international component for virtually every subject matter, only one school indicated most of its faculty incorporate such a component. That university had a seminar for the faculty on opportunities to do so. One other university indicated that it had applied for funding to develop international components for some of its courses. For the remainder of the schools that responded, only one listed more than ten courses with such content, ten schools listed between six and ten such courses, six listed between three and five courses, and nine listed only one or two courses. Even with this limited data, it appears there remains a huge number of law students graduating with little or no exposure to international law, even on the broadest possible definition of that term.

31. Multiple entries from one school are common in this category. The first entry is the number of generic responses, followed by any particular subject matters that were described.

32. L = Lecture; D = Classroom discussion; R = Reading assignment; W = Weaved in throughout term, G = Guest lecturer; P = Problem sets.

33. Responses include commercial transactions courses.

Course	International Component(s) ³¹	Required	Manner Covered ³²
Other: ³⁴			
Anthropology of Law	1		
Banking	1; Int'l Finance-2		R-1; D-1
Battered Woman & the Law	Women's Int'l Rights-1		R-1; D-1
Criminal Law	1; Comparative-3; Jurisdiction-1		L-3; R-3; D-1
FDA/Drug Regulation	Comparative-1		R-1; D-1
Health Law	2; WHO-1; Comparative-1		L-1; R-1; D-1; P-1
Jurisprudence	1		
National Security Law	1		
Native-American Law	3; Conventions-1		R-2; D-2
Population Law	1		
Products Liability	Comparative-1; Int'l Trade & Tort Liability-1		L-1; R-1; D-1
Sports Law	Canadian Labor Law-1		D-1

F. Please add any suggestions on ways to increase awareness of international legal issues in law school, including information, materials or programs that would be desirable to help professors integrate such issues into domestic law courses, where appropriate.

Things already heading that way: 1

Create modules suggested by cover letter: 5

Include section in domestic law casebooks: 1

Provide materials or programs to inform professors of nondomestic sources of law: 1

Have accrediting body mandate it: 1

Put on Multistate: 1

Make funding available for exchanges: 1

Create curriculum committee subcommittee on globalization: 1

Educate students about related job opportunities: 1

Introduce it as a topic at orientation: 1

31. Multiple entries from one school are common in this category. The first entry is the number of generic responses, followed by any particular subject matters that were described.

32. L= Lecture; D= Classroom discussion; R = Reading assignment; W = Weaved in throughout term, G= Guest lecturer; P= Problem sets.

34. These courses were not listed in the survey.

