

Integrating International and Comparative Legal Issues into Legal Skills Classes: Their Importance in Everyday Law Practice

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Background

- 29th year of teaching Legal Writing I and II at Villanova Law
 - Integrate international legal issues into legal analysis and writing assignments
- Served as Director of the Legal Writing Program for 9 years
- Direct International Programs for 15+ years
- Co-Chair of International Law Committee of the Philadelphia Bar Association
- Co-Chair of International Legal Education and Specialist Certification Committee of the American Bar Association
- Volunteer professor for the ABA Rule of Law Initiative (teaching legal skills abroad)
- Taught legal writing skills in Lithuania and Russia
- Spoken about international legal skills and international legal education at numerous conferences

Today: Ideas for Professors and Students

For Professors

- *Why* integrate international and comparative law issues into traditional skills courses?
- *How?*
 - Classroom exercises
 - Classroom visits
 - Creative collaborative teaching

For Students

- *Why* learn about other legal systems and types of legal practice?
- *How?*
 - Network with alumni
 - Network with local and national bar associations
 - Study/extern abroad
 - Get involved with international law-related student activities

The “why”

What happens if:

- Your client is from another country?
- Your client has property in another country?
- Your client wants to transact business in or is a party to a lawsuit in another country?
- Your client wants to adopt a child from another country?
- Your client is charged with a crime in another country?
- Your client seeks political asylum in your country?

International law topics in the traditional curriculum

- *What are the issues?*
 - Examples of typical “large-scale” issues
 - Law of war and peace
 - Law of the sea
 - International human rights
 - Diplomatic immunity
 - International environmental law
- *When are they taught?*
 - Second and third year of law school

International law topics in the traditional curriculum

- *In what kinds of courses are they taught?*
 - Foundational courses, e.g., Public International Law, International Business Transactions
 - Seminars/research paper courses, e.g., International Environmental Law
 - Clinical courses, e.g., Immigration Law Clinics
 - Skills courses, e.g., International Commercial Arbitration, Drafting International Instruments

Traditional Extracurricular International Law Opportunities

- International Law Society
- Philip C. Jessup International Law Moot Court Team
- Study abroad
 - Summer programs
 - Semester programs
 - Year-long programs
 - Post-J.D. programs (LL.M., JSD)

Innovative Approaches to Integrating International Legal Issues and Experiences into the Traditional Curriculum

Intersession (winter/spring break) courses

“Embedded” components of courses

Specialized courses (for example, connecting your law school with international organizations)

Dual degree (J.D./LL.B., J.D./LL.M. etc.) programs

International Skills Training – A Definition



Training law students and lawyers -- domestically and abroad -- to know *how* to research, analyze, and communicate orally and in writing about legal problems involving foreign or international law, *to better serve their clients*, domestically and abroad.

Need for International Skills Training

- Globalization of Law Practice
- The Shrinking World
 - Instant communication
 - Increasing trade and interdependence
 - COVID-type restrictions on travel
- Need to understand . . .
 - Foreign clients
 - Foreign laws and legal systems
 - Styles of multicultural communication

Educating transnational lawyers

- If we believe that globalizing upper-level legal education is worthwhile . . . why not start during the first year?



Analysis & Writing Resources

- **First year international law Legal Writing class**
 - Hundreds of students to date
- **International law oriented *drafting* courses**
 - International Commercial Arbitration
 - Drafting International Instruments
- **International law-oriented seminars (research paper courses)**
 - International Human Rights
 - International Environmental Law
- **Experiential courses**
- **Study abroad**
- **Visiting faculty**
 - ABA ROLI
 - Fulbright Scholars
 - Local “visitor” organizations
 - Global Philadelphia
 - International Visitors Council

Planning for the next 50 years ...

- Required exposure to foreign and/or international law/skills training in law school
- Continuing legal education programs for attorneys
- Conferences
- Attorney exchanges

Traditional Legal Writing Courses

- Closed research memorandum
- Open research memorandum
- Pleadings
- Client letters
- E-mail
- Appellate brief
- Oral argument

Typical subject matter

- First-year subjects
 - Torts
 - Criminal law/procedure
 - Contracts
 - Property
 - Civil procedure
 - Constitutional law

Traditional Legal Research Courses

- Primary and secondary sources
 - Digests
 - Court reporters
 - Statutes
 - Legislative history
 - Administrative law
 - Court rules
 - Electronic research

Approaches to Internationalizing Legal Writing

- Jessup-style brief and oral argument
 - Adapt Jessup problem
 - Create original assignments
- Typical subject matter
 - Disputes between countries
 - “Big” issues – human rights, diplomatic relations, law of war, law of the sea

Evolution of Legal Writing Issues

- Shift focus to international/comparative legal issues before federal and state courts ... at least in part
- Demonstrate to students how presumed mainstream domestic law views may differ from views of other legal systems
- Train students to work with clients/counsel abroad

- *Forum non conveniens*
- Federal Rule of Civil Procedure 44.1

A party who intends to raise an issue about a foreign country's law must give notice by a pleading or other writing. In determining foreign law, the court may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under the Federal Rules of Evidence. The court's determination must be treated as a ruling on a question of law.

- Alien Tort Statute, 28 U.S.C. § 1350

The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.

Examples of Topics for U.S. Law Students

- Oklahoma [proposal to ban Shari'a law](#)
- [Inter – Country Adoption](#)
- Assistance to Foreign and International Tribunals, [28 U.S.C. § 1782](#)
- Foreign Sovereign Immunities Act, [28 U.S.C. § 1330](#)
- Extradition

More topics

My favorite tools . . .

- [International Law: 100 Ways it Shapes Our Lives](#)
- International Law in “your own backyard”
 - Finding *local* news stories that show what international issues are currently in the news
 - Finding international law cases or matters that have taken place where they live or where they plan to live or practice law in the future
- Guest speakers
 - Alumni!
 - Attorneys active in the bar (who encourage student involvement)
 - Attorneys from many practice areas and sectors (public, private, solo, NGO)

. . . *in person or via Zoom!*

Legal Research Evolution

- Integrate international legal research and foreign legal research into the first-year curriculum
- Work with legal writing professors who integrate international/foreign law issues into assignments
- Develop companion courses for upper-level international/comparative law courses

Advantages of Introducing International Legal Topics to First-Year Students *in Skills Courses*

- **Sensitizes** students to relevance and importance of international issues
- Enhances students' **intercultural competence** by making students aware that not all legal systems are the same, and that not all countries have the same viewpoints as the United States (e.g., with respect to existence of the death penalty, the breadth of discovery available)
- Requires students **to research and write** about these issues
- **Waters the seed of curiosity** – encourages students to become more competent lawyers – *even if they never practice outside of the United States* – by becoming knowledgeable and articulate about international legal issues and legal issues that arise in other countries' legal cultures

Advantages for Law Schools

- Graduate lawyers who are more well-rounded
- Attract students with a passion for international law
- Attract a more diverse student body
- Build a stronger reputation in the academic community

Opportunities and Resources . . .

For Professors

- [*Association of Legal Writing Directors](#)
- [ELPIS!](#)
- [European Law Faculties Association](#)
- [Association of American Law Schools](#)
- [American Bar Association International Law Section](#)
- [ABA Rule of Law Initiative](#)
- [Fulbright Scholar Program](#)
- [*Global Legal Skills Conference](#) – expected to resume in 2022
- [*Legal Writing Institute](#)
- Southeastern Association of Law Schools [Global Outreach Committee](#)

For Students

- [International Law Students Association](#)
- [The European Law Students' Association](#)
- [Examples](#) of global legal writing competitions
- [Google list](#) of international law competitions
- [Erasmus](#)

Please stay in touch!



I'm happy to share ideas and connections!

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