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Recommended Citation

Alberto Bernabe, Tomorrow's Law Schools: Globalization and Legal Education, 32 San Diego L. Rev. 137 (1995)

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Tomorrow's Law Schools: Globalization and Legal Education

ALBERTO BERNABE-RIEFKOHL*

The recent changes in world political and economic structures call for an adjustment of legal education theory. The movement toward the globalization of the economy will open opportunities for the expansion of the market of legal services. However, it will also affect the availability and accessibility of those services. This essay describes some of the effects of the globalization movement on legal education and proposes some changes to help meet the challenge of preparing lawyers for practice in this new and rapidly changing world.

I. INTRODUCTION

People graduating from law schools today are facing a new world. Not only are there new nations on the world map, there are new types of economic and political relations among nations. There is also a different social composition of our society.¹ The law, as a system of

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1. Between 1985 and 1995, the Hispanic population of the United States is expected to increase by 95%, Asian Pacific Americans by 58%, Native Americans by

social order, is also affected by these changes; and legal education, as the first step toward the practice of law, should be designed to meet the challenges presented by these changes. In trying to meet these future challenges, however, it is important not to forget the lessons of the past.

In an address to the American Bar Association in 1933, Roscoe Pound,² the dean of Harvard Law School at that time, outlined the ideal "content of a good legal education."³ He stressed the need for a solid cultural training and a grasp of the theory and techniques of the social sciences. Pound emphasized the history of the common law; the ends of the legal order; the theory and ends of the judicial and administrative processes; and the history, organization, and standards of the legal profession.⁴ Finally, he stressed the need for a thorough grasp of the organization and content of authoritative legal materials, and the techniques needed to develop and apply them.⁵ "If one has these," concluded Pound, "he has whereon he can build to the exigencies of the many demands of different types of professional activity and of the public need of enlightened judges and wise lawmakers, of law reformers and law teachers, and of legal scholars."⁶

Much has changed in both the world and in legal education since 1933, but the ideal legal education system has not been realized. Even though society and the legal profession have changed immensely, legal education has remained fairly static. Twenty years after Pound's address, Albert Harno prepared a report on legal education in the United States for the Survey of the Legal Profession.⁷ He criticized legal education for, among other reasons, not being "practical" enough.⁸ Another twenty years later, forty years after Pound's address, Chief

35%, and African Americans by 29%. Judith A. Billings, *Reflections on Law-Related Education*, WASH. ST. B. NEWS, Apr. 1992, at 12. It is projected that people of color, women, and immigrants will comprise 85% of the people entering the workforce in the next 15 years. *Id.*

2. Roscoe Pound is an enigmatic figure in American legal education history, and it has been suggested that by 1936 most people were relieved to see him give up Harvard's deanship. ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S*, at 136 (1983). There is no doubt that he advocated reforms in legal education, but he apparently did little to advance his ideas. Because of his personality and actions, he also managed to alienate many who would otherwise have been very influential allies in the movement for reform. *Id.* at 136-37.

3. This is an excerpt of a speech that Pound gave to the American Bar Association in 1933, as quoted in *LAW: A TREASURY OF ART AND LITERATURE* 302 (Sara Robbins ed., 1990).

4. *Id.*

5. *Id.*

6. *Id.*

7. ALBERT J. HARNO, *LEGAL EDUCATION IN THE UNITED STATES* (1953).

8. *Id.* at 146.

Justice Warren Burger was still attacking legal education in the United States for failing to adequately prepare students for advocacy practice.⁹

Now in 1995, sixty-two years after Pound's address, legal education is still trying to catch up with the world. Indeed, the fast changes in world political and economic structures in recent years call for an adjustment of legal education theory. The movement toward the globalization of the economy will open opportunities for the expansion of the market of legal services, but will also affect the availability and accessibility of legal services. If our educators are going to ably prepare future lawyers for practice in this rapidly changing world, it would be wise to look back at our history to find guidance. This essay will describe some of the effects of the globalization movement on legal education and will propose some changes to help meet this new challenge.

II. LEGAL EDUCATION IN THE UNITED STATES

Some American universities began to offer law lectures to undergraduate students around 1780, but it was not until the early 1800s that law schools began to be founded.¹⁰ However, even with the founding of law schools around the country, up to the end of the nineteenth century the principal model of legal education in the United States was the apprenticeship model.¹¹ Indeed, as of 1922 not one state required a person to attend a law school to be admitted to practice.¹² In fact,

9. See Warren E. Burger, *The Special Skills of Advocacy: Are Specialized Training and Certification of Advocates Essential to Our System of Justice?*, 42 *FORDHAM L. REV.* 227 (1973). Interestingly, the Chief Justice's proposal to remedy the situation was reminiscent of the apprenticeship system that dominated legal education during the 18th century. He advocated a reduction of "formal" legal education to two years, to be followed by a period of "specialization" (or practical training) under the guidance of practitioners in cooperation with professors. *Id.* at 232. In turn, this would be followed by a "pupilage period" with experienced attorneys. *Id.*

10. M. H. Hoefflich, *Plus Ça Change, Plus C'Est La Même Chose: The Integration of Theory & Practice in Legal Education*, 66 *TEMP. L. REV.* 123, 124 (1993). By 1850, there were 15 law schools in the United States; by 1860, there were 21; and by 1870, there were 31. HARNO, *supra* note 7, at 51. Twelve of these 31 law schools, in 1870, conducted one-year programs; two required one and a half years, and 17 required two years of study for graduation. *Id.*

11. HARNO, *supra* note 7, at 52; see also STEVENS, *supra* note 2, at 3, for a brief discussion of the development of the apprenticeship model.

12. STEVENS, *supra* note 2, at 172.

going to law school was seen by many as an unnecessary delay.¹³ Before the legal community accepted law schools as a necessary antecedent to practice, it debated whether legal education could really prepare the students for the actual practice of law.¹⁴ It took years for legal educators to convince the legal establishment that lawyers would benefit from a formal legal education in law schools before practice.

Before the universal adoption of the case method, legal education in the United States was designed to provide a very broad education.¹⁵ It was designed to prepare the student to be a well-educated citizen as well as a competent practicing attorney. In 1870, for example, the President of Northwestern University wrote:

The object of a law department is not precisely and only to educate young men . . . to be practicing lawyers, though it will be largely used for that purpose. It is to furnish all students who desire it the same facilities to investigate the science of human law, theoretically, historically, and thoroughly, as they have to investigate mathematics, natural sciences, or any other branch of thought.¹⁶

During this early period of legal education, however, law schools were trying to compete with the more "practical" approach to legal education provided by the apprenticeship model. Somehow legal educators would have to convince students that by attending a law school they could acquire some knowledge that would better prepare them for practice, and that this type of knowledge would not be acquired through an apprenticeship.¹⁷ This knowledge was legal theory and analysis.¹⁸

The instruction of legal theory was originated by the introduction of the "case method," usually attributed to Christopher Columbus Langdell, the first dean of Harvard Law School.¹⁹ However, it has been argued that with the acceptance and implementation of Langdell's "case

13. See STEVENS, *supra* note 2, and Robert A. Stein, *The Future of Legal Education*, 75 MINN. L. REV. 945, 946-47 (1991), for discussions on the debates surrounding legal education through apprenticeships or through law schools.

14. See Hoeflich, *supra* note 10.

15. Stein, *supra* note 13, at 947. For a discussion of the development of proprietary law schools that were adjuncts to the four-year liberal arts programs offered at universities and law schools that were more akin to trade schools, see STEVENS, *supra* note 2, at 35.

16. Stein, *supra* note 13, at 948 (footnote omitted).

17. *Id.* at 946-47.

18. Indeed, the debate at this time was the opposite of what it is now. Hoeflich, *supra* note 10, at 125. Then, the debate was motivated by a rejection of the "nontheoretical model of apprenticeship," while today the reform movement is a reaction to the theoretical model. *Id.*

19. STEVENS, *supra* note 2, at 52. Christopher Columbus Langdell was elected the first dean of Harvard Law School on September 27, 1870 and held the office until 1895. *Id.* at 35-36. Although Langdell did not create the case method, his systematic use of it gave it notoriety. *Id.*

method" of instruction, the study of law was narrowed significantly, and was confined "in a strait mold which was for years to dissociate it from the living context of the world about it."²⁰

Langdell believed that law was a science that consisted of a finite number of doctrines and principles, whose materials were found in books.²¹ The purpose of legal education, according to the Langdellian view, was thus to expose the student to the doctrines through the study of relatively few carefully selected and arranged cases. This way the student could develop the ability to apply the doctrines to factual scenarios.²²

Originally, law schools designed the new method of instruction to develop the basic skills needed by all those wishing to practice law: legal theory and analysis through the study of precedent. The new method also provided financial rewards for the law schools by allowing them to hire relatively young and inexperienced attorneys who could

20. HARNO, *supra* note 7, at 59.

21. CHRISTOPHER C. LANGDELL, A SELECTION OF CASES ON THE LAW OF CONTRACTS at vii-ix (1871), *reprinted in* HARNO, *supra* note 7, at 56-57; *see also* SUSAN K. BOYD, THE ABA'S FIRST SECTION: ASSURING A QUALIFIED BAR 3 (1993) ("Langdell . . . considered the law a science and approached it through rigid doctrinal analysis."); STEVENS, *supra* note 2, at 53 ("Langdell never wavered in his view that law was a science and that the center of legal education was the library . . .").

22. HARNO, *supra* note 7, at 57-58. Langdell himself explained his legal education theory:

Law, considered as a science consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the ever-tangled skein of human affairs, is what constitutes a true lawyer; and hence to acquire that mastery should be the business of every earnest student of law. Each of these doctrines has arrived at its present state by slow degrees; in other words, it is a growth, extending in many cases through centuries. This growth is to be traced in the main through a series of cases; and much the shortest and best, if not the only way of mastering the doctrine effectually is by studying the cases in which it is embodied. But the cases which are useful and necessary for this purpose at the present day bear an exceedingly small proportion to all that have been reported. The vast majority are useless, and worse than useless, for any purpose of systematic study. Moreover, the number of fundamental legal doctrines is much less than is commonly supposed; the many different guises in which the same doctrine is constantly making its appearance, and the great extent to which legal treatises are a repetition of each other, being a cause of much misapprehension. If these doctrines could be so classified and arranged that each should be found in its proper place, and nowhere else, they would cease to be formidable from their number.

LANGDELL, *supra* note 21, at viii-ix, *reprinted in* HARNO, *supra* note 7, at 57.

teach large groups of students at a time.²³ Although most legal educators still believed that the practical aspects of legal education should be acquired in practice after graduation, they agreed they would also have to integrate some practice-related component with the law school program.²⁴

Indeed, the legal education reformers of the period agreed that legal education should be a combination of theory and practice. The development of new moot court programs, law reviews, debate societies, and the precursors of what are now clinical education programs, were some of the methods suggested to achieve this end.²⁵ Eventually, legal education became the norm and the apprenticeship model was mostly abandoned.²⁶ Soon, however, as a result of its reliance on doctrinal analysis, some began to criticize the new legal education based on the "case method." They complained it was too theoretical and ineffective in teaching practical skills.²⁷ The debate whether legal education should be more "practical" has continued since then.²⁸

23. Regarding law professors, Langdell has been quoted as stating: "What qualifies a person, therefore, to teach law, is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of cases, not experience, in short, in using law, but experience in learning law." Talbot D'Alemberte, Keynote Address Before Conference on the MacCrate Report, in *THE MACCRATE REPORT, BUILDING THE EDUCATIONAL CONTINUUM* 4, 7 (Joan S. Howland & William H. Lindberg eds. 1994) (conference proceedings).

24. Hoeflich, *supra* note 10, at 130-31.

25. *Id.* at 130.

26. TASK FORCE ON LAW SCHS. AND THE PROFESSION, AMERICAN BAR ASS'N, *LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM* 287 (1992) [hereinafter *MACCRATE REPORT*]. Only Delaware and Vermont presently require law school graduates to serve an apprenticeship. *Id.* California, Virginia, Vermont, and Washington allow for law office study as a substitute for law school graduation. *Id.* at 108. A combination of law school and law office study is a permissible substitute for law school graduation in Maine, New York, and Wyoming. *Id.*

27. STEVENS, *supra* note 2, at 112-23. Two reports prepared during the first two decades of this century under the auspices of the Carnegie Foundation provide good examples of this debate: JOSEF REDLICH, *THE COMMON LAW AND THE CASE METHOD IN AMERICAN UNIVERSITY LAW SCHOOLS* (1914); ALFRED Z. REED, *TRAINING FOR THE PUBLIC PROFESSION OF THE LAW* (1921).

28. As recently as 1990, for example, a former president of the ABA wrote: "I can't think of any other profession that operates with so little connection between those who are practicing and those who are the gatekeepers for the profession." Talbot D'Alemberte, *Talbot D'Alemberte on Legal Education*, A.B.A. J., Sept. 1990, at 52. In his keynote address to a Conference on the MacCrate Report, D'Alemberte cited Yale Law School Clinical Director Stephen Wizner's comments on Jerome Frank's attack of Langdell: "By ignoring the actual process of litigation, the case method provides the law student with only an academic view of the law. However, the law does not exist in books; it ultimately exists in court cases between disputing parties." D'Alemberte, *supra* note 23, at 7.

In 1921, for example, Alfred Reed wrote that "[t]he failure of the modern American law school to make any adequate provision in its curriculum for practical training constitutes a remarkable educational anomaly."²⁹ In 1933, the same year Roscoe Pound described his ideal of legal education, Jerome Frank also argued that law schools had become too academic and unrelated to practice, and called for the rejection of Langdellian education theory.³⁰

Twenty years later, in 1953, a new report on legal education in the United States was published as part of a survey of the legal profession.³¹ The report summarized some of the leading complaints of the profession about legal education and suggested some solutions. It concluded that the criticisms of legal education could all be broadly grouped under one heading: that law schools inadequately equip students with the skills necessary for the practice of law.³² Law schools were criticized for failing to provide training in "practical skills."³³ Some of the suggestions the report proposed to bridge the gap between law school and practice included the use of clinical education to master practical skills,³⁴ and the development of problem-solving methods of instruction to help students learn fact-finding and problem-solving skills.³⁵

During the next forty years, legal educators attempted to deal with the problems discussed in the report of 1953, with varying degrees of success. Indeed, at first glance it seems legal education has not changed much since Langdell's time. The first year curriculum is basically the same (torts, contracts, property, civil procedure, criminal law, and constitutional law), and most of the professors still seem to be using the same case method of instruction. However, much has changed regarding the content of these courses. Also, to some extent, schools have diminished the emphasis on the Socratic-case method as the method of

29. REED, *supra* note 27, at 281.

30. Jerome Frank, *Why not a Clinical Lawyer-School?*, 81 U. PA. L. REV. 907, 908-12 (1932). Frank wrote that "students trained by the Langdell method are like dog breeders who only see stuffed dogs." *Id.* at 908. Further, he called students to "repudiate the false dogmas of Langdell." Jerome Frank, *What Constitutes a Good Legal Education?*, Address Before the A.B.A. Section of Legal Education (1933), *quoted in* STEVENS, *supra* note 2, at 157.

31. HARNO, *supra* note 7.

32. *Id.* at 137.

33. *Id.* at 146.

34. *Id.* at 173.

35. *Id.* at 184.

instruction.³⁶ The elimination of required curricula, the introduction of electives, the emphasis on skills education, and the acceptance of clinical education as a method of legal instruction also have changed the face of legal education in recent years. Finally, new legal developments have forced law schools to offer courses on new and emerging topics, such as environmental law and media law.

Unfortunately, the more things change, the more they stay the same. The debate between the "practical-professional" education model and the broader ideal rages on. Indeed, it may be more prominent now.³⁷ While law schools move toward diversity in the curriculum, the profession demands that they do a better job of preparing the students for practice.³⁸

Traditionally, the legal community in the United States has considered a law school graduate to be qualified to practice in any aspect of the profession as soon as he or she is admitted to practice in a particular jurisdiction. However, in many cases, students graduate from law school without having ever drafted or edited legal memoranda, designed a case strategy, spoken with a client, or negotiated with opposing counsel.³⁹ Even though legal education in the United States has abandoned the required period of apprenticeship, it is not designed to ensure that

36. Sandra Craig McKenzie, *Storytelling: A Different Voice for Legal Education*, 41 KAN. L. REV. 251 (1992). Problem solving is now a conceptual foundation for all aspects of legal practice and a commonly used teaching method. MACCRATE REPORT, *supra* note 26, at 135, 141-51.

37. For a historical review of the debate on integrating a practical approach to legal education in the United States, see Hoeflich, *supra* note 10, at 126-39. This debate, however, is not limited to the United States. For a discussion about a similar debate among British educators, see Julie MacFarlane, *Look Before You Leap: Knowledge and Learning in Legal Skills Education*, 19 J.L. & SOC'Y 293 (1992); Peter Leaver, *Common Education: Some Thoughts on the Future*, 135 SOLIC. J. 1084 (1991). In this last article, the author explains that to achieve any type of reform in legal education in England "it will be necessary to persuade those who are involved in the teaching of law at universities and polytechnics that their role is to assist in the education and training of people who are to become *practising* [sic] lawyers." *Id.* For a discussion on the debate among Australian educators, see Dennis Pearce, *Legal Education: The Role of the Profession—Is the Pendulum Swinging?*, 66 AUSTL. L.J. 413 (1992).

38. In a recent study of the Chicago and Missouri Bars, it was found that, although there has been some progress in the teaching of legal skills, there are notable gaps between practice and education. BRYANT G. GARTH & JOANNE MARTIN, *LAW SCHOOLS AND THE CONSTRUCTION OF COMPETENCE* (American Bar Foundation Working Paper No. 9212, 1992). The study concluded, for example, that most attorneys looking to hire recent law school graduates expect them to have good writing and oral skills, while most law school graduates complained they did not get sufficient training in these areas. *Id.* at 20-21. On the other hand, there seems to be more accord on legal reasoning and legal research skills. *Id.* at 21.

39. Henry Rose, *Legal Externships: Can They Be Valuable Clinical Experiences for Law Students?*, 12 NOVA L. REV. 95, 96 (1987).

graduates will receive a complete "practical" education. Law schools assume that its graduates are going to work in law firms where they will get the training they need to complete their education and be ready to practice law competently.⁴⁰ Dean Brest of Stanford Law School, for example, has been cited as saying:

If the student is likely to go into a solo practice, then our graduates would be badly prepared. The assumption underlying our law school is that they are going to work for firms in which they will be apprenticed. . . . In law school, we turn them over to the firms for that training.⁴¹

Given its reliance on what will happen after graduation, legal education seems to have gone back to the days of the apprenticeship model.⁴² This reality has lead many to suggest the implementation of a two-tier education system like the one followed in the Commonwealth Caribbean and in England,⁴³ or a certification system for certain types of practice.⁴⁴

The two most recent studies on legal education sponsored by the American Bar Association have recognized this new "*de-facto*" apprenticeship system, but in the end have not added much to the debate. Not surprisingly, in 1979, the *Report of the ABA Task Force on Lawyer Competency* (the "Cramton Report") concluded that law schools were not doing a very good job of training the students in practical skills.⁴⁵

More recently, in response to the concern about the gap between legal education and the practice of law, the ABA appointed a Task Force in 1989 to review the adequacy of skills training at law schools. The Task Force conducted a study of the skills needed by attorneys to competently perform in the profession and attempted to determine whether newly

40. Hiring partners in law firms apparently are also operating under this same assumption. See GARTH & MARTIN, *supra* note 38.

41. GERRY SPENCE, WITH JUSTICE FOR NONE 242 (1989).

42. In fact, the authors of the Chicago and Missouri Bars study suggest that creating an apprenticeship model could be a way to close the gaps between legal education and practice. See GARTH & MARTIN, *supra* note 38, at 49.

43. See Stephen R. Alton, *Mandatory Prelicensure Legal Internship: An Idea Whose Time Has Come Again?*, 41 KAN. L. REV. 137 (1992); Burger, *supra* note 9; Bayless Manning, *Law Schools and Lawyer Schools: Two-Tier Legal Education*, 26 J. LEGAL EDUC. 379 (1974); Robert S. Redmount, *The Future of Legal Education: Perspective and Prescription*, 30 N.Y.L. SCH. L. REV. 561 (1985).

44. Burger, *supra* note 9, at 238-41.

45. SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, AMERICAN BAR ASS'N, REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF THE LAW SCHOOLS (1979).

admitted lawyers were adequately prepared to practice law.⁴⁶ The final report was issued in July of 1992.⁴⁷

The Task Force concluded there is no gap between legal education and practice, but that there is a misunderstood relationship. The report stressed the need for both the academic and practicing bar to understand that they are parts of the same profession. Each has complementary duties toward the development of skills in new graduates.⁴⁸ As a suggestion to develop better law school graduates, the Task Force proposed a statement of skills and values that are desirable for practitioners to have.⁴⁹ The Task Force concluded that to better prepare law students for practice, law schools must do a better job in developing these skills and values. Interestingly, the report concluded that one of the few ways in which graduates were effectively acquiring practice skills was through the apprenticeship-style, in-house, or on-the-job training programs.⁵⁰

It is striking that the conclusions of this report are almost identical to the conclusions reached by Professor Harno in 1953. In his report on legal education, he stated:

We start from the premise that law-school graduates, although they have passed their bar examinations, are not (or should we say, as legal education is now dispensed by the law schools, are not) *ipso facto* qualified to assume the responsibilities of the practice of law. Additional training, at least in the simpler skills of the profession, is essential. If all individuals newly admitted to the bar were required to serve office apprenticeships, or if, in fact, all took positions in offices upon their graduation from law school, the problem would tend to disappear. In a limited number of jurisdictions the standards of admission do, indeed, provide that candidates for the bar must, in addition to studying in a law school, serve office apprenticeships. In most states there is no such requirement. Whose responsibility then is it to see to it that all applicants are qualified in the essential skills of the practice? In considering this question careful thought should be given to the views . . . that law schools should not undertake what they are not qualified or equipped to do.

...
The question before us is one of joint responsibility for the profession, the bar examiners, and the schools.⁵¹

One could use these exact same words to summarize the report of the ABA Task Force written forty years later. It is very disturbing to realize that in forty years legal education has not been able to deal effectively with the same old problems. This is the time for legal education to look

46. MACCRATE REPORT, *supra* note 26, at xi-xii.

47. *Id.*

48. *Id.* at 3.

49. *Id.* at 123.

50. *Id.* at 299-301, 314-16.

51. HARNO, *supra* note 7, at 154-55.

forward to the future. The development of the skills and values proposed by the ABA Task Force, which, in one way or another has been proposed by others since the 1950s, becomes critical in the age of globalization.

III. THE EFFECTS OF GLOBALIZATION ON THE LEGAL PROFESSION

The movement toward the so called "globalization" of the economy is the most recent manifestation of the development of capitalism as an international economic system.⁵² As has happened in the past, in the need to respond to crises, multinational entities search for new markets and maximization of profits by exporting capital and reorganizing production structures.⁵³ To escape the economic depression of the 1890s, for example, American industrial manufacturers developed an expansionist economic policy. The new markets during this early example of the globalization process were found in Latin America and East Asia.⁵⁴

In the 1950s, foreign investment was concentrated in the exploitation of raw materials and resource based manufacturing.⁵⁵ Over the past decade, however, manufacturing enterprises have spread out all over the world. By diffusing the base of operations across geographical borders, firms no longer manufacture whole products in one country. Manage-

52. As explained by the editors of Monthly Review:

[T]he recent splurge in globalization is part of an ongoing process with a long history. To begin with, capitalism was born in the process of creating a world market In the past as in the present, competitive pressures, the incessant need for capital to keep on accumulating, and the advantages of controlling raw material sources have spurred business enterprise to reach beyond its national borders.

Review of the Month: Globalization—To What End? Part I, MONTHLY REV., Feb. 1992, at 2 [hereinafter *Review of the Month: Part I*].

53. For a discussion of some of the effects of this tendency on the legal profession, see Laura B. Pincus et al., *Legal Issues Involved in Corporate Globalization*, 2 COLUM. BUS. L. REV. 269 (1991).

54. LESTER D. LANGLEY, *THE UNITED STATES AND THE CARIBBEAN IN THE TWENTIETH CENTURY* 10-11 (1989).

55. Saskia Sassen, *Economic Globalization: A New Geography, Composition, and Institutional Framework*, in GLOBAL VISIONS: BEYOND THE NEW WORLD ORDER 61, 62 (Jeremy Brecher et al. eds., 1993) [hereinafter *GLOBAL VISIONS*]; see also *Review of the Month: Part I*, *supra* note 52, at 13-14.

ment is "dispersed across continents, and personnel assignments are not bound by languages, country lines or citizenship."⁵⁶

Today, this new economic structure seems to be global. More than one third of the United States' "international trade" during the late 1980s was intra-firm trade.⁵⁷ Moreover, there has been a sharp increase in foreign investment by other sectors of the economy such as banking, finance, and insurance. Investments in finance and insurance amounted to nine percent of the United States' total foreign investment in 1966.⁵⁸ By 1990, they had reached almost twenty-five percent.⁵⁹ In fact, the amount invested in finance, insurance, and banking in the underdeveloped countries in 1990 was forty-three billion dollars, almost one-third higher than in manufacturing.⁶⁰

Against this background of globalization in the economy, however, the political organization of the world remains the same. The world is still made up of hundreds of individual national states, creating a barrier in the globalization movement. It would be logical to have a global economy in a globally-structured world, but this is not the case. One way to deal with the problem is for national states to organize into economic alliances, or transnational trading blocs. This reorganization would help eliminate the political and legal frontiers for economic purposes and facilitate the movement of capital internationally.

The European Economic Community was, of course, the first example of the globalization movement.⁶¹ However, European globalization is very different from its American counterpart. The plan for a European Economic Community has an explicit objective for the creation of a European Union: a United States of Europe.⁶² In the American continent, however, rarely has there been any mention of national unification or common government as part of the economic attempts at globalization.

56. Pincus et al., *supra* note 53, at 270.

57. Sassen, *supra* note 55, at 63.

58. *Review of the Month: Part I*, *supra* note 52, at 16.

59. *Id.*

60. *Id.*

61. The effort to create a unified market in Europe began with the Treaty of Rome in 1957, which created the European Economic Community (EEC). Six countries signed this agreement. By 1986, membership in the EEC had increased to 12 countries. In that year, the members signed the new Single European Act. The goal was to create a common market free of restrictions on the movement of goods, services, people, and capital. John Riggs, *An Overview of 1992 and EC Institutions: Executive, Legislative and Judicial Processes*, in *FRONTIERS OF EUROPEAN LITIGATION: 1992 AND BEYOND* 1-2 (1991).

62. ERNEST WISTRICH, *AFTER 1992: THE UNITED STATES OF EUROPE 2* (1991).

Notwithstanding its particular characteristics and barriers, the movement toward the globalization of the economy will have an immense impact on the legal profession. International law practice, for example, will expand greatly.⁶³ This practice can include at least seven different areas: international contracts, foreign investment, international banking, antitrust, arbitration, tax planning, and commercial trade.⁶⁴ Globalization can also lead to greater and easier mobility of products and people. Indeed, corporations and businesses are looking beyond national borders for development opportunities. For example, there are now more than 1200 American manufacturers operating "twin plants" in Mexico alone.⁶⁵

This movement toward the expansion of foreign markets which have independent regulatory systems means that many business and contractual relationships will be subject to more than one legal system. For this reason, the globalized firms have to be aware of the changing government regulations and market trends of the countries where they operate.⁶⁶ It has been argued that this will force their attorneys to become "interpreters" of legal systems and traditions, and will give them the "responsibility for bridging the gulf of disparate national experiences, traditions, institutions, and customs."⁶⁷ Obviously, for this same reason, legal education will have to adapt to new forms of the practice of law.

However, this is not the only way in which globalization will affect the practice of law. Many analysts refer to the globalization of the economy simply as an expansion process that will bring multiple benefits to those who take part in it.⁶⁸ For example, it is stated that free trade

63. For a general discussion on international law practice, see Peter Roorda, *The Internationalization of the Practice of Law*, 28 WAKE FOREST L. REV. 141, 142-47 (1993). See also Pincus et al., *supra* note 53.

64. Roorda, *supra* note 63, at 142 (citing Roger J. Goebel, *Professional Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap*, 63 TUL. L. REV. 443, 444 (1988)).

65. Pincus et al., *supra* note 53, at 269.

66. *Id.* at 270.

67. Roorda, *supra* note 63, at 143 & n.8 (quoting George W. Ball, *The Lawyers' Role in International Transactions*, 11 REC. ASS'N B. CITY N.Y. 61 (1956)).

68. See, for example, the description of the globalization movement given by James R. Holbein, the Acting Director of the Office of Latin America of the United States Department of Commerce, who is responsible for trade policy, business counseling, and export promotion for Latin America and the Caribbean:

will bring economic benefit to all nations involved⁶⁹ and will reduce inequalities among countries.⁷⁰ It is suggested that free trade generates "economic growth," which will, in turn, result in a better standard of living.⁷¹ These aspects of the economy are usually measured by the Gross National Product (GNP).⁷² In reality, however, this is only part of the picture. Globalization is a movement toward the expansion of markets, and in all market-based competitions, there are winners and losers.

In Europe, the planners of the expansion of the European Economic Community have recognized this possibility in the Single European Act.⁷³ Therefore, the Act makes it a specific goal to reduce disparities between the advanced and the economically backward regions of the European Community. In our part of the world, however, such results have not been adequately addressed.

In the Americas, unfortunately, globalization will not only bring an expansion for the business sector; it will also bring a widening of the gap between major developed countries and the countries at the periphery, and will affect both the composition of society and the living conditions of many members of society.⁷⁴ This has been the trend

The process of economic integration and trade liberalization is accelerating throughout the world, particularly in western and eastern Europe and in the Pacific Rim. The major nations of the world are becoming more and more closely tied through trade, investment, and capital transfers. Countries that do not seize the opportunities opened up by these changes are in danger of being left behind. Those that do are able to deliver rising standards of living to their citizens. Dismantling barriers to trade and investment increases trade, which in turn spurs economic growth, productivity gains, and job creation. Businesses benefit from predictable rules of doing business across their borders. Consumers benefit from lower prices and a greater variety of products. Businesses and all trading partners realize gains in efficiency. The bottom line is enhanced competitiveness for goods and services traded from liberalized economies in the global marketplace.

Expanding world trade also means greater prosperity for all.

James R. Holbein, *The Case for Free Trade*, 15 LOY. L.A. INT'L & COMP. L.J. 19, 20 (1992).

69. Richard B. Stewart, *International Trade and Environment: Lessons from the Federal Experience*, 49 WASH. & LEE L. REV. 1329, 1329-30 (1992).

70. John B. Cobb, Jr., *Growth Without Progress?*, 15 LOY. L.A. INT'L & COMP. L.J. 45 (1992).

71. See, for example, the argument advanced by Holbein, *supra* note 68, at 20.

72. Cobb, *supra* note 70, at 46.

73. WISTRICH, *supra* note 62, at 63-64.

74. See *Review of the Month: Globalization—To What End? Part II*, MONTHLY REV., Mar. 1992, at 10 [hereinafter *Review of the Month: Part II*]. This kind of attack on globalization has come both from the left and the right. Cuauhtémoc Cárdenas, the Mexican presidential candidate for the Partido de la Revolución Democrática (PRD), for example, has argued that "if one relies only on the effects of market forces, social contrasts become deeper and the gaps in the development of the economies become

since the end of World War II,⁷⁵ which has led to greater expansion of the economy by inducing greater debt and aggravating the gap between the first world and dependent countries. Countries in the periphery that do not have enough gold or foreign currency in reserve are forced to borrow more and more universally accepted currency. This borrowing in many cases has created an insurmountable debt.⁷⁶ The result of this crisis is that the legislative-regulatory power is transferred from the individual states or nations to a multinational economic institution like the International Monetary Fund and the World Bank. These organizations help the borrowing countries and the lending banks establish mechanisms allowing the countries to pay back their debts.⁷⁷

In turn, the restrictions placed on the countries trying to meet their obligations affect the living conditions of most people in all countries. Loans are made on condition that borrowers adopt policies aimed at forcing larger positive balances between exports and imports. The resulting imbalance usually results in fewer social benefits, lower wages, and reduction in imports.⁷⁸ One commentator has described this process:

A somewhat similar coalition of "haves" has functioned in the World Bank and International Monetary Fund, where conservative policymakers backed by the United States and a few wealthy allies have forced poor countries to accept "structural adjustment plans" which open their resources to foreign corporate exploitation.⁷⁹

As a result, in recent years the global expansion of the economy has been accompanied by the decline in earnings among the lower third or even the bottom half of the earnings distribution as well as a rise in unemployment in most countries.⁸⁰ Several reasons have been ad-

wider." *Introduction*, in GLOBAL VISIONS, *supra* note 55, at xii. On the other hand, James Goldsmith, a billionaire who was recently seeking a seat in the European Parliament, has argued that global free trade will produce financial bliss for a few while producing chaos for many. He has been quoted as stating that it will produce social divisions "deeper than anything Marx anticipated." See George Will, *Gatt Spawns a Dark Vision: New Proletariat*, CHI. SUN TIMES, June 12, 1994, at 50.

75. *Review of the Month: Part II*, *supra* note 74, at 11.

76. *Id.* at 14.

77. *Id.* at 15-16.

78. *Id.* at 16-17.

79. Jeremy Brecher, *The Hierarchs' New World Order—and Ours*, in GLOBAL VISIONS, *supra* note 55, at 3, 6.

80. Sassen, *supra* note 55, at 65.

vanced for this apparent contradiction. First, the underlying theories of globalization and free trade simply do not reflect reality. "Economic development," particularly as measured by a country's GNP, is not the best indicator of "progress" or of better living conditions.⁸¹ In fact, in recent years, several economists have seriously questioned this theory of "growth" based on free trade.⁸² Using more complete indicators, Professor John Cobb, for example, has concluded that the United States showed a regression in living standards between 1978 and 1988, even though it also showed traditional "economic growth."⁸³ The reality of these studies should encourage us to re-examine the social and economic consequences of the policies of economic growth based on the globalization of free trade. These consequences will affect the way the legal community practices in the future.

IV. HOW CAN LEGAL EDUCATION MEET THE GLOBALIZATION CHALLENGE?

The movement toward the globalization of the economy will have numerous consequences for business relations, corporate structure, immigration, and international relations. The globalized economic development will create new markets and trade relationships, "all of which portend new law and regulation and the need for expert legal counsel equipped to advise both government and private enterprise regarding an emerging new international legal regime."⁸⁴

All these aspects of law practice should also be important components of legal education. In order to prepare law graduates to practice law in the new world conditions, legal education programs will have to be revised. In response to the globalization of the economy and the globalization of practice, legal educators will soon have to begin the globalization of legal education itself. The main reforms should occur in the areas of curriculum, research and scholarship, relations among law schools, and the emphasis on professionalism and community service.

Moreover, to stay in touch with the movement toward globalization of the economy, lower education will have to adjust greatly. High school and college education will have to be re-evaluated to build a strong

81. See Cobb, *supra* note 70.

82. See *id.*; Herman E. Daly, *From Adjustment to Sustainable Development: The Obstacle of Free Trade*, 15 LOY. L.A. INT'L & COMP. L.J. 33 (1992).

83. Cobb, *supra* note 70, at 56; see also *Review of the Month: Part I*, *supra* note 52; *Review of the Month: Part II*, *supra* note 74; Robert W. Benson, *The Threat of Trade, the Failure of Politics and Law, and the Need for Direct Citizen Action in the Global Environmental Crisis*, 15 LOY. L.A. INT'L & COMP. L.J. 1, 7 (1992).

84. MACCRATE REPORT, *supra* note 26, at 85.

foundation for law students. The attorneys of the future will have to show sensitivity and understanding of cultural differences, qualities that must be developed early in their education. Because attorneys will become "interpreters" of the laws of different countries, lower education will have to place greater emphasis on culture and history. High school and college education will have to begin emphasizing studies on international relations.

These relations, however, are a complex collection of cultural, historical, economical, and political characteristics that have also shaped the development of law and legal institutions over the years.⁸⁵ Therefore, there should also be a rise in studies of "law related" education.⁸⁶ And, of course, there will be a renewed emphasis on the need to learn foreign languages as part of a student's general training. Firms expanding in the global market will develop the need for professionals who understand the integration of cross-cultural realities.⁸⁷ Obviously, given the effects of globalization on the legal profession, law schools will have to expand on the foundation created by lower education. This will force law schools to emphasize interdisciplinary studies, programs, and research in their effort to carry out both a broad academic mission and a narrow professional training mission.⁸⁸

The globalization of the economy will also lead to attempts to harmonize laws among countries. This harmonization will not only be based on international accords among nations, but also on common legal traditions and cultures. For any attempt toward a global economy to work in favor of all the nations involved, a "collective law" will have to develop in the affected region. This "collective law" must be based on the shared culture, traditions, and expectations of the nations involved. The collective protection of the environment, the creation of health and safety standards, and the creation of labor protection safeguards, for

85. For a discussion of some of the problems involved in accessing the necessary information to develop such a study, see Igor I. Kavaas, *International Legal Education and Access to Legal Information*, 24 L./TECH. 13 (1991).

86. Billings, *supra* note 1, at 12. Billings supports teaching legal concepts in primary grades to better develop citizenship in students. *Id.*

87. Pincus et al., *supra* note 53, at 270.

88. Stein, *supra* note 13, at 961. For example, George Washington University recently adopted a joint degree program in law and engineering. Ken Myers, *George Washington Is Combining Engineering and Legal Studies*, NAT'L L.J., Aug. 2, 1993, at 4.

example, are just a few of the legal matters that the new generation of lawyers will have to address.

Legal education must anticipate the importance of this future “collective law,” and must begin introducing students to those aspects of law and legal tradition common to the Caribbean region, Latin America, and the United States. In fact, in Europe some legal educators are already going as far as suggesting the standardization of legal education throughout the continent.⁸⁹ Although such a global legal education structure is not in the plans for the near future, the current curriculum of our legal education systems will have to expand to meet the effects of globalization on law practice.

Obviously, the expansion of international law and comparative law courses is going to be important. As there is more globalization of the economy, there will be more pressure to harmonize the laws of different countries. Further, this knowledge of foreign laws and traditions will be a valuable asset for new attorneys. Law schools cannot be expected to offer courses on all foreign laws, but they can develop a curriculum that will help law students obtain an understanding of the history and development of other legal cultures. This type of general knowledge is essential for a better understanding of the policies behind specific foreign laws. It would help determine research plans, the weight to be given to different sources of law, and legal interpretation. Law schools can and should offer this general knowledge of the different foreign law traditions. Lacking this knowledge can lead to a basic misunderstanding of the different legal systems.

Moreover, there are other ways in which law schools can incorporate an international perspective in their current curriculums. There could be a general introductory course offered during the first year to introduce new students to “the world of the law.” Many law schools offer an “introduction to the law” or “legal method” course to acquaint the students with the common law and the law as practiced in the United States. These courses could be expanded to include an introduction to international or comparative law. Another way to provide the international perspective is by incorporating it into the more traditional courses. Anticipating this need, the Association of American Law Schools

89. Jutta Brunnée, *The Reform of Legal Education in Germany: The Never-Ending Story and European Integration*, 42 J. LEGAL EDUC. 399, 402, 424 (1992); see also Henry G. Schermers, *Legal Education in Europe*, 30 COMMON MKT. L. REV. 9, 12-13 (1993).

recently held a workshop on the impact of globalization on traditional courses.⁹⁰

Furthermore, to emulate the move toward specialization in practice, law school curriculums will have to include more courses and seminars. These must include non-traditional courses and courses that are global in interest and practicality. In fact, some schools in the United States are already moving in this direction. For example, Georgetown University offers a course on "Law, Conscience and Non-Violence," George Washington offers "Legal Activism," and American University offers "Gender, Cultural Differences, and International Human Rights."⁹¹ The move toward more electives in curriculums necessarily must be accompanied by a move away from an emphasis on curriculums based on "bar passage courses."⁹² Students should be encouraged to broaden their horizons and explore new areas of the law.

Evidently, the best possible way to broaden those horizons and to add to the educational experience is by experiencing the other systems first hand. As globalization helps reduce the barriers for commerce and facilitates travel, law schools should take every opportunity to develop closer relations with foreign schools. The opportunities for cultural and educational exchanges for in-class study or research would open up outstanding avenues for the development of students' knowledge and skills in the practice of law in the international setting. Fortunately, the number of summer programs abroad has continued to increase in recent years.⁹³ Also, at the initiative of the ABA, many law schools are

90. The AALS Mini Workshop on Teaching the First Generation of Global Lawyers was held on January 6, 1993, during the annual meeting of the Association in San Francisco, California.

91. John Greenya, *The Washington Lawyer Goes Back to School: Non-Traditional Courses in D.C. Law Schools*, WASH. LAW., Nov./Dec. 1992, at 30, 32, 35-36.

92. Most law schools in the United States only require students to take the first year curriculum and a course in professional responsibility. Unfortunately, however, in most jurisdictions, law school curricula is influenced indirectly by the licensing authorities through the selection of the courses to be tested on the bar examinations. MACCRATE REPORT, *supra* note 26, at 274. In South Carolina and Indiana, on the other hand, the influence is even more direct: a substantial portion of the curriculum is dictated by rules of court. *Id.*

93. A recent survey of summer programs showed the existence of 82 ABA approved summer programs and 10 programs which were approved for one year in 1994. Section of Legal Educ. and Admissions to the Bar, American Bar Ass'n, *Growth of Foreign Programs Continues*, SYLLABUS, Spring 1994, at 14.

beginning to establish formal relations with law schools in the Eastern European countries.⁹⁴

V. LAW SCHOOLS' RESPONSE TO THE SECONDARY EFFECTS OF GLOBALIZATION

Historically, periods of economic expansion have created a need for legal services among those participating in the expansion. New skills are immediately demanded of new attorneys. In turn, when the market has called for expanded legal services for the corporate-private sector, legal education has tended to transform itself to serve those needs. In part, the Langdellian movement toward the study of law as a science is an example of this. During the years following the American Civil War, the United States began to develop and utilize technology to industrialize and to expand economically to new markets in Latin America. Legal education responded to the demand.⁹⁵

Unfortunately, a great deal of the Langdellian pedagogical theory is still present in our legal education systems. The "core curriculum" is still centered on private law doctrine, and, for the most part, courses are taught focusing on the needs of private, fee paying corporate clients. As expressed by the ABA Task Force on Legal Education:

The rise, growth and prominence of the large law firm has had a profound effect not only upon the legal profession but also upon legal education. Law schools shaped their curricula to respond to the needs of the corporate practice of large law firms, while law students viewed the large law firm as the pathway to success in the profession and shaped their career plans toward what they perceived to be the challenge and the special rewards of such practice. Nowhere in the law is the interdependence of law school with the practice of law more starkly apparent.⁹⁶

Moreover, as the economy of the world moves toward a global system ruled by a market structure, the legal profession will be hard pressed to also adopt this structure. Legal services will be considered just another commodity available to the consumers, and, like everything else in the market, they will be subject to the constant demands of competition and

94. The ABA's Central and East European Law Initiative (CEELI) sponsors a series of exchanges between U.S. law schools, judges, and lawyers, and those in some of the new republics in Eastern Europe. The ABA is also encouraging law schools in the United States to establish "sister relations" with schools in these new republics.

95. Paul D. Carrington, *Butterfly Effects: The Possibilities of Law Teaching in a Democracy*, 41 DUKE L.J. 741, 778 (1992).

96. MACCRATE REPORT, *supra* note 26, at 87-88 (footnotes omitted); *see also* Ronald W. Fox, *Legal Education Makes Service a Low Priority*, NAT'L L.J., Sept. 13, 1993, at 23 (arguing that "[f]rom the first day of school, students face pressures that undermine their confidence and redirect them from the public-interest paths they may have envisioned when they entered").

price. During the first few years of this decade, the number of large-firm branch offices grew,⁹⁷ thus enlarging their markets and the number of firms with which they competed.⁹⁸

With respect to legal services, however, it should be apparent that the marketplace has not operated to effectively provide adequate access to legal assistance for the poor.⁹⁹ "[I]ncreasing numbers of ordinary citizens are unable to obtain effective and affordable representation for their personal legal problems."¹⁰⁰ Some experts estimate that less than twenty percent of the legal needs of the indigent are met in the United States.¹⁰¹

Legal educators must be aware of the consequences of the trend that makes legal services just another commodity in the market. In England, for example, the issue was discussed openly in response to a government report on the legal profession published in 1989.¹⁰² The response of the profession and the judiciary to the reference of the legal profession as a commodity was immediate and hostile.¹⁰³ Judges considered holding a sit down strike to demonstrate their concern, while leaders of the bar proclaimed that "justice is not a consumer durable; it is the hallmark of a civilized and democratic society."¹⁰⁴

Legal education should also prepare the student to practice in a world that is trying to eliminate economic barriers while keeping existing political and cultural differences. As stated above, this type of economic development will inevitably lead to a deterioration of social relations and the growth of legal needs for many sectors of society. For this very reason, legal education in the age of globalization cannot afford to be

97. MACCRATE REPORT, *supra* note 26, at 85.

98. *Id.* at 85.

99. *Id.* at 57.

100. *Id.* at 13.

101. Ted Gest, *Doing Good is Doing Well*, U.S. NEWS & WORLD REP., Mar. 22, 1993, at 60, 61.

102. These documents, usually referred to as "The Green Papers," consisted of three government discussion documents on the legal profession that were published on January 25, 1989: *The Work and Organization of the Legal Profession* (Cm. 570); *Conveyancing by Authorized Practitioners* (Cm. 572); and *Contingency Fees* (Cm. 571). For a discussion of these documents, see Philip A. Thomas, *Thatcher's Will*, in TOMORROW'S LAWYERS 1 (Philip A. Thomas ed., 1992); R. G. Lee, *From Profession to Business: The Rise and Rise of the City Law Firm*, in TOMORROW'S LAWYERS, *supra*, at 32.

103. Thomas, *supra* note 102, at 5.

104. *Id.*

dissociated from the world around it. By the year 2000, there may be more than one million attorneys practicing in the United States.¹⁰⁵ This means there will be about one attorney for every 320 persons.¹⁰⁶ The practice for attorneys is going to be extremely diverse. But not all of them will find employment with the participants in the global expansion of the economy. Most of these attorneys will be needed to provide legal services to those who generally do not have access to legal services. These attorneys will be in a position to influence the development of public policy regarding the democratization of our legal system and legal policy for social change. Legal educators must make sure the attorneys of tomorrow realize they have to be not only ready, but committed to the improvement of society and our legal system.

Given the prospects of the legal profession in the near future, legal education must emphasize that the law should be viewed as an instrument of social change. During the 1960s, many law schools attempted to influence the profession to increase its commitment to providing legal services to the poor.¹⁰⁷ In fact, the argument for the adoption of a more socially conscious curriculum provided the impetus needed for the acceptance of clinical legal education.¹⁰⁸ Recently, a clinical director echoed this appeal: "Any legal education program purporting to close the gap between education and reality in America must, therefore, be explicit and direct about injustice in our society and the responsibility of lawyers, legal educators and students to address the problem of injustice."¹⁰⁹

Because of the effects of globalization on society, legal education must recognize its responsibility to the community. This does not simply mean that law professors should be encouraged to engage in pro-bono activities. They have already been so encouraged.¹¹⁰ This means that legal educators should attempt to create in their students an understanding of the law and the legal profession in its social context and a

105. MACCRATE REPORT, *supra* note 26, at 15.

106. *Id.* at 13.

107. *Id.* at 54.

108. *Id.*; see also STEVENS, *supra* note 2, at 240; Ana Matanzo Vicéns, *La Educación Jurídica Clínica en Puerto Rico: La Clínica de Asistencia Legal de la Universidad de Puerto Rico*, 60 REV. JUR. U. P.R. 3, 4 (1991).

109. Bernard K. Freamon, *A Blueprint for a Center for Social Justice*, 22 SETON HALL L. REV. 1225, 1228 (1992). In this article, the author discusses his proposal for new pedagogical goals in clinical education that include the development of a commitment to justice, social responsibility, and public interest, and a serious examination of poverty, race, and gender, including their relationship to the law.

110. See Association of Am. Law Schs., *Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities*, in 1992 HANDBOOK 59, 63 (1992), noted in Freamon, *supra* note 109, at 1231.

commitment to justice and social responsibility. Fortunately, some law schools in the United States have already taken initial steps in this direction.

Since 1989, the Inter-University Consortium on Poverty Law has encouraged law schools to educate students about the need to provide legal services for the poor. The Consortium is "a loosely structured group of legal academics" from different law schools working to improve scholarship and teaching about the relationship between the poor and the legal system.¹¹¹ It has strived to increase the contacts between those involved in teaching and scholarship, and people engaged in service to the poor.¹¹² As part of the Consortium's efforts, several different schools have developed programs to pursue these ends. The City University of New York (CUNY) Law School, for example, has developed its own program to encourage students to contribute to the practice of public interest law.¹¹³

In addition, at least eleven schools now require their students to perform community service before graduation.¹¹⁴ For example, Tulane University requires at least twenty hours and the University of Pennsylvania requires seventy. Other law schools are modifying their "core" curriculums to include discussions dealing with providing legal services to the poor, or are expanding their clinical programs to serve the needs of "live" clients.¹¹⁵ Nevertheless, this movement is a slow one and few legal education providers have accepted it. In fact, the ABA Section of Legal Education has opposed making public service work mandatory for law students.¹¹⁶

111. Howard S. Erlanger & Gabrielle Lessard, *Mobilizing Law Schools in Response to Poverty: A Report on Experiments in Progress*, 43 J. LEGAL EDUC. 199, 199 (1993). This article describes the different programs created to further the goals of the Consortium by professors in several law schools around the country, including the University of Pennsylvania, University of Wisconsin, Loyola University, University of Maryland, University of Michigan, District of Columbia Law School, New College of California School of Law, City University of New York, Harvard University, University of Mississippi, and University of California at Los Angeles.

112. *Id.*

113. Freamon, *supra* note 109, at 1234.

114. Gest, *supra* note 101, at 61.

115. *Id.* See also, for example, the cooperative legal education program at Northeastern University, discussed in Alton, *supra* note 43, at 158.

116. Ken Myers, *MacCrate Report Hot Issue at ABA Legal Education Meeting*, NAT'L L.J., Aug. 9, 1993, at 4.

Evidently then, law schools in the era of globalization must pursue many different goals at the same time. They must continue to prepare students to practice law while realizing that the law is more than professional education. They must help students understand the law in its social, political, and historical context. They must also help students to understand the consequences of the globalization of the practice of law. Even for those students whose practice will not involve international law, it is important to learn about comparative law in order to understand how other cultures and their systems of law would address similar problems.¹¹⁷

Obviously, the challenge for legal education today is developing a system that meets all of these goals in a limited period of time. Merely adding courses to the curriculum will not be enough. Legal educators will have to adjust the content of courses and incorporate some emphasis on professionalism and public policy. It will be important to adopt a "cubist vision of legal education"¹¹⁸ and explore the law from multiple perspectives. For example, legal educators must help students learn to understand the connection between law and social relations, such as race, gender, class, and sexual orientation. This perspective will, of course, enhance the cultural awareness of students, making them better prepared to deal with foreign legal systems in the global practice of the future.

Moreover, as a second important perspective, all courses should be designed to help students develop the skills common to legal practice in all environments and systems. The statement of skills prepared by the ABA Task Force on Legal Education certainly provides a good starting point.¹¹⁹ Some of these skills are: analytical reasoning, problem solving, analysis based on reasoning and analogy from precedent, fact-finding, ability to organize and outline, ability to develop plans and analysis in situations where the facts are unclear or are developing, legal research, and good oral and written communication skills.

Therefore, it should not be surprising to learn that in its most recent meeting, the ABA House of Delegates adopted a new resolution urging law schools "to consider the Statement of Skills and Values, from the Task Force Report, in assessing the extent to which their curricula advance their students' professional development and preparation for the practice of law."¹²⁰

117. Stein, *supra* note 13, at 959.

118. Daan Braveman, *A Cubist Vision of Legal Education*, 43 SYRACUSE L. REV. 997 (1992).

119. See *supra* notes 46-50 and accompanying text.

120. ILLINOIS STATE BAR ASSOCIATION, REPORT 8A (1994) (recently adopted by the A.B.A. House of Delegates) (on file with author). Among other things, the

VI. CONCLUSION

Historically, legal education in the United States has developed slowly in meeting the demands of the practice of law. The Socratic method of teaching how to think like a lawyer through the study of core courses originated in the 1870s and is in essence still prevalent today. The content of some of those courses has changed and schools have created some new courses to reflect new developments in the law, but many still believe that legal education is not doing enough to adequately prepare graduates for practice.

The movement toward the globalization of the economy has two basic effects on the legal profession, but most commentators only discuss the obvious one. It is argued that globalization will lead to an increase in trade, which will encourage investment, stimulate the economy, enhance productivity, increase the standard of living, and raise the gross national product of all countries involved. In turn, some argue that this will create an expansion in the practice of international law, corporate law, and the legal aspects of business relations. Therefore, legal educators should keep this in mind and prepare students to serve the interests of future clients involved in the expansion of the economy.

Unfortunately, however, the majority of the people who will be affected by the globalization movement is not included in the group of international investors and corporations. The ecological movement, the workers, the poor, and the immigrants also will need legal help. Therefore, legal educators should prepare students to serve these groups as well.

The movement toward the globalization of the economy places legal educators in a crucial juncture. Legal educators today not only have to respond to the current demands of the profession, they also have to anticipate the future needs of the students. Legal education has to adapt to a rapidly changing world. The challenge is on law schools to anticipate future demands so their graduates are ready to face them. This should not lead, however, to an integration of the legal profession into the market, making it just another commodity.

resolution also urges law schools to provide students with realistic information regarding opportunities for employment as lawyers, and to describe the skills and values that their courses will help develop in their students.

A substantial portion of the new challenges facing legal educators comes from the need to prepare students to face new economic relations without eliminating the ideals of professionalism and justice. We must look back to the ideal legal education offered by Roscoe Pound sixty years ago. Legal education is only the beginning, and the law should be an instrument of social change. In a report on legal education published in 1973 by the Carnegie Foundation, the authors expressed that:

[T]he legal job means, at a minimum, all the tasks that lawyers, *as architects of order* and *as advocates*, might do to help reconcile the interests of people and of institutions. *As architects of order* we mean those who will help build the institutions and processes to service and accommodate our continuously changing social system.¹²¹

Law schools of the globalization era should provide students with a complete education. They must prepare them to practice law by providing practical instruction that would help them develop the skills and qualities needed to be successful in any kind of practice. But law schools should also prepare students to deal with the many problems facing society by helping to make legal services more accessible for those who are most affected by the globalization process. Finally, law schools must also be a center for research, criticism, and contributions toward a better understanding of our legal system. In doing so, however, we must not forget the lessons of the past. We must learn from them and build upon them to create a better future. We must look to the past to help develop the law schools of tomorrow.

121. HERBERT L. PACKER & THOMAS EHRLICH, NEW DIRECTIONS IN LEGAL EDUCATION 5-6 (1973).