

NAFSA

2017 Global Learning Colloquium on Legal Education

Innovative Approaches to Developing Global
Competencies for Law Students:

*Educating for Global Competence Amid
the Rise of Anti-Globalism*

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Developing Global Competencies for Law Students

“This world we live in is a world where it is out of date to teach foreign law in a course called Foreign Law.”

- -Supreme Court Justice Stephen Breyer

What do we mean by “global competence” generally?

- Is there an actual consensus on meaning?
- “The capacity and disposition to understand and act on issues of global significance.”

[Source: The Center for Global Education at Asia Society]

Why Internationalize a Law Curriculum in Particular?

- ◉ Increasingly integrated world has facilitated important international and trans-border trends:
 - Progressively connected global economy
 - Significant growth in transnational business transactions
 - Increase in global regulation of global issues

What has changed over the last 20 years?

- Private international law more important in regulation of business transactions and human interactions that cross borders
- Public international law has expanded to govern pressing global issues (e.g., human rights; climate change)
- Nature of the legal profession: Significant increase in the number of global law firms

What else has changed?

- Increasingly international population in the U.S.:
 - 2013: 40 million
 - 13% of total population is foreign-born
 - International population in the U.S. has more than tripled in the last 40 years
- [Source: Contemporary Immigrant Gateways in Historical Perspective, Audrey Singer, Journal of the American Academy of Arts & Sciences, Summer 2013]

The Benefits of Globalizing Law Curriculum

- For law graduates:

- New career opportunities
- Leads to a more “vocationally” oriented education that may enhance ability to work in both legal and non-legal practice

- For the university:

- Facilitates the export of its legal education by appealing to overseas students
- Promotes the quality of its legal education and services abroad

Challenges to Establishing Global Competencies in Legal Education

- Purpose of law school is to create *nationally* competent lawyers
- There is no consensus as to what “global (or transnational) competency” means
- Legal profession (through admission standards and requirements) remains wedded to national tradition

Factors working against global competence

- ① 1. Requirement for law schools to teach domestic law and graduate lawyers able to practice in the U.S.
 - Curriculums are already crowded
- ② 2. Need to prepare lawyers for regulatory requirements
- ③ 3. Emerging anti-global elements

Emerging Anti-global Elements

- Insular viewpoints and policies may conflict with values of international education and global competence:
 - E.g., Potential new visa policies:
 - International students deterred from studying in the U.S.
 - Career advancement: one of prime motivations for international students to study in the U.S. – may be made more difficult
- Uncertainty

Potential Impact of Anti-global Elements

- Survey of 40,000 students from 118 countries (2016):
 - 60% said less inclined to come to the U.S. if Trump won presidency, compared to 3.8% who said the same if Clinton won

[Source: FPP EDU Media]

Potential Impact of Anti-Global Elements

- Of 1,000 prospective international students on the U.S. election:
 - 639 said they would be more likely to study in the U.S. if Clinton were to win
 - 91 said they would be more likely to study in the U.S. if Trump were to win

[Source: Study in the USA]

Prioritizing Global Learning Amid Anti-Global Sentiment

- Knowledge alone is not enough; need experience
 - Focus on protecting the global learning environment:
 - Opportunities for real interaction between domestic and international law students

Global Learning Case Study: The Jessup Competition

- ◉ Legal education of thousands of law students
- ◉ Served in the promotion (and perhaps development itself) of international law
- ◉ Major worldwide attention and substantial prestige

What does the Jessup Competition Accomplish?

- A more than 60-year history of creating a community of international legal scholars:
 - law students, lawyers, scholars, practitioners, volunteers and administrators
- “The Jessup is the single greatest educational experience for international law”
 - H.E. Judge James Crawford

Jessup Competition

- 2017: 650 law schools from 95 countries registered to compete
- Qualifying Rounds in 65 countries
- 140 teams from 95 countries in Washington, DC for the International Rounds
- 3 sitting International Court of Justice judges in Final Round
- 1,000 people watching Final Round in person; more than 5,000 from 99 countries watching Live Stream