



## Alabama Law Scholarly Commons

---

Articles

Faculty Scholarship

---

2015

### Teaching the Skilled International Lawyer

Kenneth M. Rosen

*University of Alabama - School of Law*, [krosen@law.ua.edu](mailto:krosen@law.ua.edu)

Follow this and additional works at: [https://scholarship.law.ua.edu/fac\\_articles](https://scholarship.law.ua.edu/fac_articles)

---

#### Recommended Citation

Kenneth M. Rosen, *Teaching the Skilled International Lawyer*, 109 Am. Soc'y Int'l L. Proc. 353 (2015).  
Available at: [https://scholarship.law.ua.edu/fac\\_articles/286](https://scholarship.law.ua.edu/fac_articles/286)

This Article is brought to you for free and open access by the Faculty Scholarship at Alabama Law Scholarly Commons. It has been accepted for inclusion in Articles by an authorized administrator of Alabama Law Scholarly Commons.

## TEACHING THE SKILLED INTERNATIONAL LAWYER

This panel was convened at 9:00 a.m., Saturday, April 11, by its moderator Kenneth Rosen of the University of Alabama School of Law, who introduced the panelists: Tracy Higgins of Fordham School of Law; Aparna Polavarapu of the University of South Carolina School of Law; and Paolo Galizzi of Fordham School of Law.\*

### INTRODUCTORY REMARKS BY KENNETH M. ROSEN<sup>†</sup>

The Teaching International Law Interest Group (TILIG) assembled this panel to amplify the broader focus of its upcoming efforts on service. These efforts will emphasize how the interest group can serve both those inside and outside the legal academy. More specifically, this panel represents the beginning of a dialogue with the bar, government, international organizations, civil society, and others about how the legal academy may better serve various communities. Today, that dialogue centers on the important issue of how law schools might equip our students with practical skills to engage in transnational practice after graduation.

Skills pedagogy across a variety of subject matters in legal education increasingly garners attention and discussion about which skills courses might be required and their nature. Thinking about teaching skills to international lawyers immediately brings three important issues to the forefront. First, international law requires a broad view of the nature of skills education requiring further instruction. As opposed to a limited view that might, for example, be focused on litigation, schools need to consider additional skills particularly useful to the international lawyer. For example, negotiating skills are especially significant and pedagogical methods should be developed to emphasize such skills.

In my own International Business Transactions course at the University of Alabama School of Law, I utilize a multi-session exercise, where students break into teams representing Chinese and American firms to negotiate joint venture and distributorship agreements. Negotiations combined with drafting illustrate the importance of developing these skills to students. Having different groups of students work on a variety of agreements and strategies allows students to compare distinct paths negotiations might take. This becomes particularly clear during critical evaluation sessions bringing together the entire class after the negotiations. Evaluative techniques, including peer review, make the exercise resonate with participants after the deals are done.

Moreover, it is worth noting that even more “traditional” litigation skills take on a new gloss in the international context. Students frequently trained in domestic, court-centric courses need to be made more comfortable with arbitration and alternative dispute resolution. As alternative means of dispute resolution may emphasize different skills, it is useful to expose students to these skills prior to graduation.

A second issue raised by international skills education is pedagogical methodology. Skills education across law school curricula reveal the potentially limitless variety of types of skills courses. For instance, one might engage in real client clinics or courses that emphasize simulation exercises. Transnational law only offers additional options. Whether or not real clients are utilized, international skills courses and exercises can be greatly enhanced with student exposure to real people operating in international settings. This may involve meeting

\* Ms. Higgins, Ms. Polavarapu, and Mr. Galizzi did not contribute remarks for the *Proceedings*.

<sup>†</sup> Kenneth Rosen is an Associate Professor at the University of Alabama School of Law and a Co-Chair of the American Society of International Law Teaching International Law Interest Group.

such individuals abroad, such as a course I co-taught on international and comparative banking in Switzerland that involved local bank attorneys with class exercises. It also may include utilizing communications technology to teleconference with executives abroad, as I have, for example, with a top executive located in India handling personnel related matters from Asia to Africa for her multinational enterprise. In addition, especially informative are the comments of foreign students registered in skills courses to offer insights to their U.S. counterparts.

A third issue for inquiry on international skills education is how to coordinate and integrate skills education with existing international programs at law schools. In other words, when we send our students abroad, one should consider how to insure that skills education is part of their experience to enhance their foreign studies. For international programs with activities in the United States, this is an equally relevant inquiry. Existing programs potentially offer tremendous opportunities for synergies with achieving skills education goals. In particular, the programs may be a way to harness student enthusiasm for international projects and endeavors, allowing those projects and endeavors to be even more meaningful as chances of student success are enhanced with greater knowledge of skills.

Our panelists offered significant insights into these international skills education issues. Aparna Polavarapu, an Assistant Professor at the University of South Carolina School of Law, teaches a skills course utilizing techniques such as extended exercises to help familiarize students with international human rights practice and discussed the course's nature and evolution. Paolo Galizzi, a Clinical Associate Professor and Director of the Sustainable Development Legal Initiative at the Leitner Center for International Law and Justice at Fordham University School of Law brought his experience teaching students to work with local communities in locales such as Africa. Tracy Higgins, who serves as Co-Director of Fordham's Leitner Center, brought special knowledge about how to run a large, multi-faceted international program that actively incorporates skills education.