

Preparing Students for Global Practice: Developing Competencies and Providing Guidance

Theresa Kaiser-Jarvis

I. Introduction

U.S. law schools vary greatly in the attention they give to developing global competencies in their students. Some schools provide a multitude of international courses and programs, while others provide very few. Yet none, it seems, offer a clear road map to help their students navigate opportunities in a way that ensures a comprehensive and curated set of global skills that will sustain them through a lifetime of practice. Such a road map can be created and implemented at all U.S. law schools, no matter the student body size or type, institutional resources, or geographic location.

Some may ask why law schools should focus attention on anything except bar passage. Bar passage is required for licensure, evaluated for law school accreditation, and calculated for law school rankings. Global competencies are not. Moreover, bar passage rates among JD students are shockingly low. One in six U.S. law schools awarded JD degrees in 2015 to classes in which at least 20% of the graduates were unable to pass a bar exam.¹

Theresa Kaiser-Jarvis has served as Assistant Dean for International Affairs at the University of Michigan Law School for the past three years. In this position, she leads the Center for International and Comparative Law which oversees the LLM, MACL, SJD, and Research Scholar programs, provides global opportunities for JD students, and otherwise serves as the focal point for the internationally related activities of students, faculty, visitors and alumni. Dean Kaiser-Jarvis initiated the annual International Legal Education Abroad Conference, has been a member of the ABA's Foreign Programs Subcommittee, was past chair of the AALS Section on International Legal Exchange and volunteers as an ABA site visitor for law school accreditation reviews. She previously practiced law at a firm in Tampa, Florida, was an examining attorney for the U.S. Patent & Trademark Office, taught undergraduate U.S. Business Law in Europe, owned an English-as-a-second-language school in Washington, DC, and held administrative positions at American University Washington College of Law and Boston University School of Law. Dean Kaiser-Jarvis earned her JD from Emory University School of Law, her MEd from Harvard University, her BA in French and political science from the University of Kansas, and her BSJ in news/editing from the University of Kansas.

1. Doug Lederman, *A Low Bar for Bar Passage*, INSIDE HIGHER ED (Mar. 23, 2018), <https://www.insidehighered.com/news/2018/03/23/new-data-bar-passage-show-wide-variation-law-schools-rates>.

The pressure on law schools to help students succeed on this test is real, but schools need not and should not sacrifice a broader view of their mission. Teaching to pass a bar exam satisfies the short-term goal of allowing students entry to the legal profession. Teaching other competencies, of which global legal skills is one, satisfies the long-term goal of allowing students to become good lawyers with rich professional lives. Schools that struggle to achieve palatable bar pass rates must remain particularly vigilant to ensure the short-term needs do not outweigh the long-term ones. These schools must also understand that this is not a zero-sum game. With a bit of creativity and little effort, law schools can prepare their students for global legal practice without detracting from bar passage efforts.

This article seeks to explain, from the U.S. perspective, why all lawyers of the 21st century should be prepared to address international, trans-national or cross-border legal issues and how law schools of all types can help prepare their graduates for this reality.

II. Why Graduates of U.S. Law Schools Need to be Prepared for Global Practice

Forty-four percent of lawyers admitted to a U.S. state bar in 2000 dealt with clients from outside the U.S. or with cross-border issues during the 2006-2007 calendar year.² These encounters spanned practice areas with more than 60% of lawyers in large firms, corporations, legal services offices, and public defender offices reporting that they solved global legal issues during their sixth year of practice.³

Considering these numbers, it is apparent that a substantial portion of U.S. JD students already need to be prepared for global legal practice. Projections and trends for the next thirty to forty years, a timeline that approximates the professional working years of today's graduates, confirm the likelihood that all U.S. JD students must be prepared to face global legal issues. An examination of the elements that drive legal work follows and includes projections about how business, demographics, humanitarian issues, and law firms themselves will evolve during the professional lifetimes of today's graduates.

A. Business is Global

Predictions suggest that the U.S. will continue to participate enthusiastically in global commerce. Yet trends show that the balance within the global economy will likely shift away from America toward Asia. Both of these expectations call for U.S. lawyers practicing in firms, corporations and government departments to be prepared for global practice.

2. See generally Ronit Dinovitzer et al., *After the JD II: Second Results of a National Study of Legal Careers*, Joint Publication of the American Bar Foundation and the NALP Foundation for Law Career Research and Education (2009), <http://www.law.du.edu/documents/directory/publications/sterling/AJD2.pdf>.
3. See *id.*

The gross domestic product (GDP) leader for past 100 years has been the United States,⁴ but few people expect it to remain so. In 2017, the U.S. economy grew just 2.3% while China's grew 6.6% and India's grew 6.2%.⁵ If these trends continue, the Chinese economy will overtake the U.S. before 2030 and by 2050 the U.S. will fall to number three, behind both China and India.⁶

Changes among the largest revenue generating companies worldwide already demonstrate this economic swing toward Asia. Between 2000 and 2016, U.S. representation on the Fortune 500 Global list fell from a third to a fourth.⁷ In fact, the U.S. had more companies drop out of the ranking over this period than any other country.⁸ During this same time, China gained ninety-nine placements.⁹ After starting the new century with just ten companies on the list, China accounted for 109 placements in 2016.¹⁰

Though the U.S. economy will no longer be number one, it will still be a busy actor in the worldwide trade of goods and services. U.S. exports and imports have more than doubled since 2000, holding relatively steady the past five years at more than \$2 trillion each.¹¹

This international trade activity is happening throughout the country with no state left behind, meaning even small-town lawyers will face global issues or international clients from the local business world. There is no U.S. state with less than \$1 billion in both exports and imports. Even in the least populated state, Wyoming, 447 companies exported \$1.2 billion of goods and services in 2015 with their largest trading partners being Canada, Brazil, Indonesia, Japan and Chile.¹² Cheyenne, the state's capital and the 368th largest metro area reporting exports, has a population of less than 60,000 people, yet exported

4. Angus Maddison, *A History of World GDP chart in Hello America: China's economy overtakes Japan's in real terms*, THE ECONOMIST (Aug. 16, 2010), <https://www.economist.com/node/16834943>.
5. Nicholas Rapp & Anne Vandermeij, *These Are the Countries That Have Grown the Most in the Last Year*, FORTUNE (Feb. 23, 2018), <http://fortune.com/2018/02/23/global-economy-gdp-growth/>.
6. John Hawksworth, Hannah Audino, Rob Clarry, *The Long View: How will the global economic order change by 2050?*, PwC 19-20 (Feb. 2017), <https://www.pwc.com/gx/en/world-2050/assets/pwc-the-world-in-2050-full-report-feb-2017.pdf>.
7. *Global 500 2000*, FORTUNE, <http://fortune.com/global500/2000/#> (last visited June 6, 2018); *Global 500 2016*, FORTUNE, <http://fortune.com/global500/list/> (last visited June 6, 2018).
8. *Id.*
9. *Id.*
10. *Global 500 2016*, *supra* note 7.
11. *Time Series/Trend Charts*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/econ/currentdata/dbsearch?program=FTD&startYear=1992&endYear=2018&categories=BOPGS&dataType=EXP&geoLevel=US&adjusted=1&submit=GET+DATA&releaseScheduleId=> (last visited June 8, 2018).
12. *Wyoming Exports, Jobs, & Foreign Investment*, DEPARTMENT OF COMMERCE INTERNATIONAL TRADE ADMINISTRATION (Feb. 2018), <https://www.trade.gov/mas/ian/statereports/states/wy.pdf>.

goods valuing \$39 million in 2015.¹³ This activity is not expected to slow as Wyoming's goal is to increase its exports by 50% within the next two years.¹⁴

Other activity at the state level indicates continued local engagement with the global. The federal government's State Trade Expansion Program (STEP), facilitated by the Small Business Association, awarded \$18 million to forty-four states this past September with the goal of increasing exports among small businesses.¹⁵ As of May 2015, forty states have gone beyond simply trading abroad and have established physical outposts in thirty countries.¹⁶ These international trade offices demonstrate that states are eager to support foreign direct investment and promote exports abroad.

The type of businesses developing in today's new economy also indicates the need for lawyers with global competencies. These businesses know no borders. They exist in the cloud, online, in social media, in genetic codes, cybersecurity, knowledge and information. For example, privacy, something that was formerly a very domestic issue, is no longer so. Note the current scramble by U.S. companies to apply European Union privacy regulations to their American customers. Bitcoin, a decentralized cryptocurrency that did not exist until 2009, has grown up a global citizen with the world at a loss, so far, as to how to regulate it.

This new borderless economy requires lawyers to be adept at understanding views, laws, cultures and regulations from abroad. All U.S. lawyers, not just those in big cities or big firms, must be prepared for this work as the new economy is rooted in communities of all sizes and locations. Some of the most vibrant growth is happening in places like Jacksonville, Louisville, Austin, Grand Rapids, Salt Lake City, San Jose and Portland, Oregon.¹⁷

B. Demographics are Global

The U.S. population is increasingly international and increasingly internationally mobile, signifying that not only corporate lawyers, but also public defenders, solo practitioners, and any other lawyer taking on individual clients will need to be prepared for global practice.

13. *Id.*

14. *Id.*

15. *SBA Announces FY 2017 State Trade Expansion Program (STEP) Awards: SBA Awards \$18 Million to Expand Small Business Exporting*, U.S. SMALL BUSINESS ADMINISTRATION (Sept. 14, 2017), <https://www.sba.gov/node/1588156>.

16. Jennifer Burnett, *State Overseas Trade Offices*, 2015, THE COUNCIL OF STATE GOVERNMENTS (Nov. 4, 2015), <http://knowledgecenter.csg.org/kc/content/state-overseas-trade-offices-2015>.

17. Richard Florida, *The Boom Towns and Ghost Towns of the New Economy*, THE ATLANTIC (Oct. 2013), <https://www.theatlantic.com/magazine/archive/2013/10/the-boom-towns-and-ghost-towns-of-the-new-economy/309460/>.

According to the 2010 census, 13% of the U.S. population was foreign-born¹⁸ and 20% of U.S. households spoke a language other than English.¹⁹ In 2011, 21% of all married-couple households in the U.S. had at least one spouse who was born outside the US.²⁰ In addition, 11.7 million undocumented immigrants are estimated to be in the U.S.,²¹ more than one million international students now study at U.S. colleges and universities,²² and more than a quarter of a million foreign-born children have been adopted by U.S. families since 1999.²³

Michigan, a state tucked in the middle of the country, is an apt example of how clients from outside the U.S. are likely to land on the doorsteps of local lawyers. There are more than 610,000 immigrants in Michigan, a state with a total population of 9.99 million,²⁴ and the city of Detroit has requested 50,000 additional visas to rejuvenate the city with talent from abroad.²⁵ Even without these additional visas, Michigan boasts the largest Arabic speaking population outside of the Middle East and supports neighborhoods with immigrant populations of more than 40%.

Not only are potential clients with international connections coming into the U.S., but U.S. citizens are becoming more globally mobile. In 1989, only

18. *Age and Sex Composition in the United States: Table 7. Nativity and Citizenship Status by Sex and Age: 2012*, UNITED STATES CENSUS BUREAU (2012), <http://www.census.gov/population/foreign/files/cps2012/2012T1.pdf>.
19. Gustavo Lopez & Jynnah Radford, *Facts on U.S. Immigrants, 2015: Statistical portrait of the foreign-born population in the United States*, PEW RESEARCH CENTER HISPANIC TRENDS (May 3, 2017), <http://www.pewhispanic.org/2014/04/29/statistical-portrait-of-the-foreign-born-population-in-the-united-states-2012/#language-spoken-at-home-and-english-speaking-ability-by-age-and-region-of-birth-2012>.
20. *Census Bureau Reports 21 Percent of Married-Couple Households Have at Least One Foreign-Born Spouse*, UNITED STATES CENSUS BUREAU (Sept. 5, 2013), <https://www.census.gov/newsroom/press-releases/2013/cb13-157.html>.
21. *Estimates of the U.S. Unauthorized Immigrant Population, 1990-2012*, PEW RESEARCH CENTER HISPANIC TRENDS (Sept. 20, 2013), <http://www.pewhispanic.org/2013/09/23/population-decline-of-unauthorized-immigrants-stalls-may-have-reversed/ph-unauthorized-immigrants-1-01/>.
22. Open Doors Report on International Educational Exchange, *Enrollment Trends: International Student Data from the 2017 Open Doors Report*, INSTITUTE OF INTERNATIONAL EDUCATION, [HTTPS://WWW.IIE.ORG/EN/RESEARCH-AND-INSIGHTS/OPEN-DOORS/DATA/INTERNATIONAL-STUDENTS/ENROLLMENT](https://www.iie.org/en/RESEARCH-AND-INSIGHTS/OPEN-DOORS/DATA/INTERNATIONAL-STUDENTS/ENROLLMENT), (last visited June 8, 2018).
23. *Adoption Statistics*, U.S. DEPARTMENT OF STATE - BUREAU OF CONSULAR AFFAIRS, <http://travel.state.gov/content/adoptionsabroad/en/about-us/statistics.html> (last visited June 6, 2018).
24. *Michigan Population*, WORLD POPULATION REVIEW, <http://worldpopulationreview.com/states/michigan-population/> (last visited June 6, 2018).
25. *Understanding Employment-Based Visas*, MICHIGAN.GOV: OFFICE OF GOVERNOR RICK SNYDER, https://www.michigan.gov/snyder/0,4668,7-277-61409_67367-320068--,00.html (last visited June 9, 2018).

3% of U.S. citizens held passports.²⁶ Twenty-five years later, nearly half of Americans held this document, giving them access to the world.²⁷ In 2016, 80 million Americans used their passports to travel abroad, setting a new record²⁸ and providing 80 million more opportunities to introduce international considerations into local legal problems.

C. Public Interest Work is Global

Students focused on public interest work need to be prepared for global legal practice as well. The world's humanitarian issues show no sign of abating, so collaboration and engagement by international, governmental and non-governmental organizations around the world remains a necessity.

In 2016, violence, war and persecution displaced 65.6 million people, the largest number ever reported.²⁹ That same year, hurricanes, floods, earthquakes, wild fires and other catastrophic natural disasters afflicted 564.4 million people and caused \$154 billion in damages.³⁰ Other global problems such as hunger, poverty, disease and pollution persist. The victims of all of these afflictions need legal representatives who can navigate various languages, cultures, and legal systems to provide relief.

Even JD graduates heading to judicial clerkships are not immune from having to consider global issues. Judges increasingly confront cases with international implications and U.S. Supreme Court Justice Stephen G. Breyer estimates that fifteen to twenty percent of cases require judges to consult facts, laws, or decisions from abroad.³¹ Justice Breyer believes that neither he nor his colleagues could do their jobs without an understanding of foreign law and practice.³²

26. See *Passport Statistics*, U.S. DEPARTMENT OF STATE - BUREAU OF CONSULAR AFFAIRS, <https://travel.state.gov/content/travel/en/passports/after/passport-statistics.html> (last visited June 6, 2018); see also Matt Stabile, *How Many Americans Have a Passport?*, THE EXPEDITIONER (Dec. 11, 2016), <http://www.theexpeditioner.com/2010/02/17/how-many-americans-have-a-passport-2/>.

27. *Id.*

28. *U.S. Citizen Travel to International Regions*, NATIONAL TRAVEL & TOURISM OFFICE, <https://travel.trade.gov/view/m-2016-O-001/index.html> (last visited June 8, 2018).

29. Charlotte Edmond, *The number of displaced people in the world just hit a record high*, WORLD ECONOMIC FORUM (June 20, 2017), <https://www.weforum.org/agenda/2017/06/there-are-now-more-refugees-than-the-entire-population-of-the-uk/>.

30. Debarati Guha-Sapir, Philippe Hoyois, Pasacline Wallemacq, & Regina Below, *Annual Disaster Statistical Review 2016: The numbers and trends*, RELIEF WEB (Nov. 21, 2017), <https://reliefweb.int/report/world/annual-disaster-statistical-review-2016-numbers-and-trends>.

31. Robert Barnes, *Breyer says understanding foreign law is critical to Supreme Court's work*, THE WASHINGTON POST (Sept. 12, 2015), https://www.washingtonpost.com/politics/courts_law/breyer-says-understanding-foreign-law-is-critical-to-supreme-courts-work/2015/09/12/36a38212-57e9-11e5-8bb1-b488d231bba2_story.html?utm_term=.8b8ed10593bf.

32. *Id.*

D. Law Firms are Global

Finally, the behavior of law firms both reflects global trends and speaks to what the future practice of law will look like in America. As they seek to maintain clients with increasingly global interests and compete for new revenue streams, U.S. law firms are leaving bigger footprints around the globe. This global reach results in firms needing lawyers with global competencies such as inclusive worldviews, second language abilities and experience abroad.³³

Ninety-three of the top 100 grossing law firms worldwide in 2016 had offices in more than one country and seventy-four of these were homegrown U.S. firms.³⁴ U.S. firms making this top 100 list averaged eight country locations per firm.³⁵ Some of this global spread is due to law firm mergers. The record number of cross-border mergers set in 2016 was broken in 2017 and the fervor is predicted to continue in 2018.³⁶ Last year, U.S. firms announced mergers with firms in Australia, Denmark and Portugal.³⁷

III. How U.S. Law Schools Can Prepare Graduates for Global Practice

To succeed in the world of global legal practice predicted above, law schools need to provide foundational skills and competencies that will allow their graduates to grow and adapt in situations where the U.S. culture, language or legal system is not the standard. At the least, graduates should recognize they need to ask questions beyond the U.S. perspective. Even better, they should know which questions to ask, have people to ask them of, and have practice incorporating these answers into solutions.

The remainder of this article will suggest a road map of skills and competencies that can provide a solid foundation for global legal practice, explore ways to work skill-building opportunities into the JD curriculum, and propose a way to guide students along the path to global competency.

A. Develop Foundational Competencies

Reasonable minds can differ as to which foundational competencies can be woven together to create a globally competent lawyer. This question is worth discussing among alumni, professors, practitioners, and the law school's career services office to think carefully and achieve institutional consensus. This article attempts to provide a starting place for that conversation and proposes the possibility that JD students should acquire four basic competencies to lay

33. Business of Law seminar, *Going Global: Opportunity, Necessity or Threat?*, ALLEN & OVERY 4 (Sept. 30, 2013), <http://www.allenoverly.com/SiteCollectionDocuments/Going%20global.pdf>.

34. *The 2017 Global 100*, THE AMERICAN LAWYER (Sept. 25, 2017), <https://www.law.com/americanlawyer/almID/1202798544462/The-2017-Global-100/>.

35. *Id.*

36. Roy Strom, *After a Record 2017, No Signs of Law Firm Merger Mania Slowing*, THE AMERICAN LAWYER (Jan. 3, 2018), <https://www.law.com/americanlawyer/sites/americanlawyer/2018/01/03/after-a-record-2017-no-signs-of-law-firm-merger-mania-slowing/>.

37. *Id.*

a solid and balanced foundation for global legal practice. They should gain familiarity with a legal system other than the common law, achieve facility with a language other than English, build global networks, and get experience abroad.

1. Legal System Other Than Common Law

Common law is one of five legal systems in the world, but just twenty-three of the United Nations' 192 member states use it exclusively.³⁸ The GDP of countries under a common law system accounts for 36% of the world's output³⁹, meaning 64% of the world's economy functions under civil law, religious law, customary law, or some combination of legal systems. Neither China nor India, the largest economies of the future, rely on common law as the sole system for dispute resolution.⁴⁰

To serve clients well and to thrive as an attorney, U.S. lawyers need some familiarity with other legal systems. The most straightforward way for law schools to provide this knowledge is through course work and many law schools are already doing so. Some focus on a particular legal system, while others approach the subject more broadly. For example, Islamic law, Canon law, Chinese law and Civil law are taught by the University of Kansas School of Law, Villanova University School of Law, the University of California-Hastings College of Law, and Wake Forest University School of Law, respectively. Suffolk University Law School and Fordham University School of Law opted for the broader view, teaching "Comparative Law and Culture" and "Global Capital Markets and Governance," in turn.

These courses can be taught on a regular basis by tenured faculty, but they need not be. Schools can change the offering every year and hire adjuncts with expertise as they become available. As long as students must think beyond the common law, consistency over time in the precise course offered is not important.

Law schools unable or unwilling to offer a course can tap into external resources. For example, schools can allow their students to study abroad at a law school in a non-common law jurisdiction or they can let students take suitable courses at other units within their own university. Another option is to partner with an appropriate student organization to co-sponsor a series of talks on different legal systems. Local practitioners, professors from across

38. *Statistical Table of Distribution of the United Nations Member States (in number and %) According to the Legal Systems and their various Legal Components*, UNIVERSITY OF OTTAWA: JURIGLOBE, <http://www.juriglobe.ca/eng/syst-onu/tab-repartition.php> (last visited June 8, 2018).

39. *Tables of distribution of the world GDP and GNI per capita (in US \$) per legal systems and their various components*, UNIVERSITY OF OTTAWA: JURIGLOBE, <http://www.juriglobe.ca/eng/pib-rnb/entite-poli-pib-rnb.php#syst2> (last visited June 8, 2018).

40. *Alphabetical Index of 192 United Nations Member States and Corresponding Legal Systems*, UNIVERSITY OF OTTAWA: JURIGLOBE, <http://www.juriglobe.ca/eng/syst-onu/index-alpha.php> (last visited June 9, 2018). China uses a mix of civil and customary law. India incorporates common law, religious law and customary law.

campus, visiting research scholars and current LL.M. or SJD students can provide insightful perspectives and engaging presentations about systems other than the U.S.

2. Language Other Than English

Americans are lucky - English is the common language used around the world. Although it is not the most commonly spoken native language, it is by far the most studied, with 1.5 billion people learning it as a second language.⁴¹ It is not surprising, then, that much cross-border legal work is conducted in English. Yet, expecting the world to meet Americans on their linguistic terms should not lull them into laziness or complacency about learning the languages of others. There are great benefits to be gained by even an elementary understanding of another tongue, especially for lawyers whose craft relies significantly on verbal nuances and grammatical interpretations.

Native English-speaking lawyers with some knowledge of a second language are likely to be more sensitive to potential miscommunication and ask clarifying questions. For example, a French client who asks his attorney to “assist the meeting” may really want her just to “attend the meeting” (the French verb “assister” means “to attend”), which is a whole different level of commitment. At the least, U.S. lawyers who have struggled with another language will be more sympathetic to their clients and colleagues who must communicate at a professional level in a language other than their own.

Building second-language learning into the JD experience can seem daunting, but there are various ways to achieve it. Some schools have done it through credit-bearing options, while others have approached it through extra-curricular opportunities. For example, the University of Denver Sturm College of Law teaches “Civil Rights Claims for the Spanish-Speaking Client” in Spanish for JD credit. At the University of Michigan Law School, JD students can count up to twelve foreign language credits earned elsewhere on campus toward their degree, even if these courses are entry-level.

Language learning can also result in JD credit when students study for a semester at a law school outside the United States. Advanced students may be able to take one or more law courses abroad in the language of the host country, while lower level students may be able to take a language course geared to lawyers. Bucerius Law School, in Hamburg, offers “German for Lawyers” as one such possibility.

41. See *Foreign Summer and Intersession Programs*, AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, https://www.americanbar.org/groups/legal_education/resources/foreign_study/foreign_summer_winter_programs.html (last visited Oct. 3, 2018); *Semester Programs*, AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, https://www.americanbar.org/groups/legal_education/resources/foreign_study/semester_programs.html (last visited Oct. 3, 2018).

Extra-curricular opportunities to gain second-language skills abound, limited only by imagination and effort. For example, Hofstra University Law School purchased online subscriptions to Rosetta Stone for selected students to use in their spare time free of charge. Other schools may have main campus units that offer online or in person courses or tutoring. Additionally, universities may allow their law students to audit foreign language courses, instead of take them for credit. Finally, law schools could organize casual language groups for students. A brownbag lunch with students, scholars, professors, and community members grouped by language could provide a low-cost way for JD students to hone second language skills.

3. Global Networks

Global networks are friends, colleagues, and acquaintances with knowledge and experience in jurisdictions outside the U.S. These are the people a U.S. lawyer can call on for advice and expertise, not only about legal problems with global components, but also about the customs, culture, protocol, language, and history of another country.

Some network-building happens naturally, but consciously facilitating it can optimize the outcomes, especially when the goal is a global network. Law school alumni offices could enlist alumni abroad as mentors for JD students and create opportunities for them to communicate electronically. Law schools could encourage international students to join student organizations or create new ones to increase interactions between international and domestic students. Schools could inform students about reduced-fee memberships in professional affiliation groups such as the American Society of International Law, the American Bar Association's Section on International Law, or Washington, D.C.'s Washington Foreign Law Society.

Relationship development does not have to occur in an academic or professional setting. Often, strong bonds are formed from casual or social interactions. Getting domestic and international students together for games, sports, celebrations, and community service activities can result in beneficial and lasting friendships.

4. Experience Abroad

There is no substitute for immersion in a foreign environment. Students will see themselves as the "other," experience different norms, begin to think outside the U.S. mindset and learn to adapt. All these skills are necessary for lawyers to competently represent non-U.S. clients, negotiate with non-U.S. counterparts, and solve problems that have non-U.S. components. Foreign experience is crucial and U.S. law schools must do more to get their JD students abroad in a professional or academic context.

Ninety-two of the American Bar Association's 204 accredited and approved law schools offer summer, intersession, semester or year-long programs

abroad.⁴² Other schools offer externships or semester exchanges outside the U.S. Yet with all of these credit-bearing opportunities to gain international experience, only 3,048⁴³ of the country's 110,951 JD students⁴⁴ did so during the 2016-2017 academic year. That is just 2.75% of JD students and, in fact, likely over-counts students going abroad because the numbers are tracked based on program participation, not individual student participation. Students doing more than one abroad program are counted more than once.

Non-credit bearing opportunities also exist, such as summer internships or moot court competitions abroad. These numbers are not tracked law school-wide, so it is not possible to measure how many students take advantage of them. A close observer would conclude that these participation numbers are also quite low.

Considering the paucity of JD students currently studying or working outside the country, creating more of the same types of abroad opportunities is unlikely to change the status quo. The unfilled capacity of existing programs is enormous. Schools that do not provide adequate abroad opportunities for their students should look first to their peers that have excess capacity. American University Washington College of Law allows students from other U.S. law schools to use their unallocated semester exchange places. Stetson University College of Law has partnered with several other U.S. law schools to run collaborative abroad programs. Increasing cooperation among U.S. law schools in ways such as these should be seriously considered as a means of opening existing opportunities to a larger audience.

Broadening access to traditional programs is not enough. It is time to take a fresh look at the type of abroad opportunities that are most appropriate for today's JD students. Opportunities with significant work components, especially those during the first-year summer, may actually fill other needs that students are more familiar with such as gaining legal work experience for their resumes. Integrating an abroad component in an existing course may provide context, focus and comfort that students might not have otherwise. As new opportunities are considered, U.S. law schools must be committed to providing a full menu of wide-ranging options so that all of their students can find something that meets their needs and abilities.

No menu should be developed in a vacuum, however. Law schools should survey their current students or convene focus groups to understand the needs of today's JD population. They must dig deeply to determine what is keeping students from going abroad. Are students most concerned about cost, work experience, family commitments, or bar passage, for example? Would this be

42. ABA statistics from international programs web page.

43. 2,397 students participated in a summer or intersession abroad program; 144 participated in a semester or year-long program; and 507 participated in student study at a foreign institution (semester exchanges, semester abroad and international dual degrees).

44. *Statistics*, AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, https://www.americanbar.org/groups/legal_education/resources/statistics.html (last visited June 6, 2018).

their first time abroad? Schools should dig equally deeply to determine what experiences and competencies students bring to the table that can be used as building blocks. If students have gone abroad before, where did they go and in what context? Do they speak a second language? What type of legal work do they want to do after graduation? All of this information can inform program design and help create varied opportunities better suited to today's students.

B. Provide Guidance

As noted above, many U.S. law schools provide at least some of the four foundational competencies necessary for global legal skills attainment: familiarity with a legal system other than the common law, facility with a language other than English, established global networks, and experience abroad. Yet none draws a roadmap for students that alerts them to the existence of these four competencies or explains how to achieve them. Without a clear plan and proper guidance, students are unlikely to emerge with a balanced arsenal of global skills.

Even if students attend schools offering all four foundational competencies, they must rely on sheer luck or their own wiles to come away prepared for global practice. Without adequate direction, students may develop vast global networks, but no second language. They may have gone abroad numerous times, but have no familiarity with a non-common law legal system. Gaps such as these will leave graduates deficient in the basics and floundering as 21st century attorneys.

At a minimum, law schools can guide students to well-rounded global competence by letting them know why global legal skills matter, what the foundational competencies are, what opportunities exist at their institution that correspond with each foundational competency, and how to track individual progress to ensure balance is achieved. Bonus guidance would include counseling individual students about which opportunities would suit them best or providing the chance for students to reflect on what they learn about themselves and the world as they achieve the various competencies.

Schools can implement this guidance in casual or formal ways, depending on what is most appropriate for each specific institution. Most casually, schools can provide all the information to students, either verbally or in writing, during orientation and leave students to their own devices. This approach causes the least institutional resistance, requires the least amount of work, and ensures the least amount of student success. At the other extreme, schools can strictly enforce compliance at each step and make the attainment of global skills a requirement for graduation. This approach causes the most institutional resistance, requires the most amount of work, and ensures the highest level of student success. There is much middle ground to explore in between and schools should think carefully about the appropriate integration for their particular circumstances.

The best integration of any global legal skills effort will most likely occur in collaboration with a law school's career services office. Natural synergies abound between the office charged with making sure graduates find employment and the internationally minded faculty or staff who support the attainment of global skills. Developing JD students with well-rounded global competencies makes them more attractive hires and better lawyers, so global skills development can serve career services goals. At the same time, career service specialists can offer useful perspectives on how to communicate with students and stay current on the most useful types of global legal skills the profession requires.

IV. Conclusion

All U.S. JD graduates of today need to be prepared to practice law in a global environment. International trade is booming, China and India are growing into the most significant economic players, and no single legal system can contain the new economy. The U.S. population is internationally diverse and engages globally more than ever before. Humanitarian tragedies persist around the world and foreign considerations seep into judicial decision-making. Law firms expand beyond borders as they compete for a bigger share of the work. Consequently, attorneys in every sector and every state will need to possess global legal skills.

All U.S. law schools should foster the development of global legal skills in their graduates. One way of doing this is by ensuring students gain familiarity with a legal system other than the common law, achieve facility with a language other than English, build global networks, and get experience abroad. These four foundational competencies can be implemented in low cost and flexible ways. Most importantly, schools must communicate these competencies to students with context and clarity, paying special attention to ensure that opportunities corresponding with each foundational competency are evident. With this roadmap and the know-how to use it, U.S. law schools will produce JD graduates prepared for a lifetime of legal practice.