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Robel: Preparing for Seamlessly Global Profession

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What does the future hold for the law students who began their studies a few weeks ago in Bloomington and across the United States?

By Lauren K. Robel

What does the future hold for the law students who began their studies a few weeks ago in Bloomington and across the United States? As the press fills with concerns about the economic viability of a law degree, and the fragile economic climate continues, how should law schools be reimagining the education they provide to students who will be practicing well into the middle of this century? An important part of the answer to that question involves grappling seriously with the effects of globalization on legal practice and the profession.

I saw a part of what the future holds for my students in the office of Shardul Shroff, managing partner of the largest law firm in India, Amarchand & Mangaldas & Suresh A. Shroff & Co. Mr. Shroff was demonstrating the phenomenal teleconferencing system that permits the firm to engage in commercial arbitration from its Delhi offices, but attach jurisdiction anywhere in the world. In the Amarchand conference room, as in many of its U.S. counterparts, practice is seamlessly global.

I had seen the future as well in my conversations with the young cosmopolitan lawyers at S & R Associates, literally across the street. Educated in multiple countries including our own, with resumes that include Wall Street law firms, these lawyers had built a successful capital transactions practice that ignores national borders. One of their latest deals had them working with Armachand, Latham & Watkins, and Shearman & Sterling on an IPO on the NASDAQ.

The formal lawyer regulatory structure, both here and abroad, is increasingly overmatched by facts on the ground. While foreign lawyers are prohibited from joining the Indian bar, many Indian firms, like their counterparts in Brazil and China, work with foreign lawyers daily. And they have generously welcomed students from Indiana University Maurer School of Law, as have other firms, NGOs, and corporate legal offices in Delhi, São Paulo, and Beijing. These students gained legal and cultural experience and an understanding of their professional counterparts as part of the school’s Center on the Global Legal Profession’s programs. Increasing the number of our students who spend the summer after their first year in internships in these markets is a high priority for our faculty.
Need we even ask why? The economics of globalization are a stunning given in these students’ lives, and these countries have enviable growth rates: in India, close to 8 percent annually; in China, over 10 percent. As one of the students who worked in India said admiringly, “The zeitgeist of India is growth.” An increasingly large part of the legal work that emanates from business will come from these growing economies. Our students worked on an array of legal issues this summer, from resisting an Interpol “red notice” to addressing legal questions about Internet gambling, to the issues surrounding microfinance for street vendors. The legal issues our students addressed flow across borders, involve both national and supra-national regulatory structures and institutions, and increasingly involve teams of lawyers from multiple countries. Much of the legal world, both foreign and domestic, is now transnational.

And this geographically porous legal practice is not simply – or even mostly – the domain of international law. I talked last week to a lawyer in a single-person office in an Indiana town of 2,000 who has outsourced research to India – and been quite satisfied with the results. Other Indiana lawyers deal daily with the legal effects of a smaller and flatter world on families and small businesses. “Thinking like a lawyer” is, for this generation of students, necessarily a global endeavor.

If the zeitgeist of the developing world is growth, that of the academic world is global mobility. Indeed, we are awash in it, from the Indian, Chinese, and Korean lawyers who assume that career advancement includes a degree from overseas, to that admiring Maurer student who went from his Indian internship to our joint-degree MBA program in Seoul. The leader of one of our Indian partner institutions is a human-rights lawyer with degrees from India, Oxford and Harvard. His legal career took him through Singapore and Tokyo, and his understanding of the legal needs of the global future is existential and deep. He recruits faculty and students from around the world. Our academic institutions must be equally adept at understanding this future, and in close conversation with our global counterparts, if we are to prepare students to meet those challenges effectively.

While the U.S. and the U.K. have been the destinations of choice for these globally oriented lawyers and academics, nothing about that arrangement is written in stone. Asian countries increasingly offer J.D. degrees with common-law and transnational curricula, as does Australia. Keeping the U.S. law school experience attractive to these students is as important to the way we train American lawyers, who need to develop their own global networks, as it is to the Chinese lawyers who want to understand what has made the U.S. legal system so durable.

To do that, shouldn’t we assure that the educational experience of the lawyers we are now educating is as seamlessly global as that Armachand conference room? Our classrooms, and our thinking, need to be informed by that room, and by the globalization that is an inevitable part of our students’ futures. •

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