Part II

The State & Future of International Economic Law Teaching
International Economic Law in US Law Schools: Evaluating Its Pedagogy and Identifying Future Challenges

KAREN E BRAVO*

I. INTRODUCTION

US law schools share with each other and with legal educational institutions worldwide the challenge of preparing students for the increasingly globalised practice of law. International economic law (IEL) encompasses a wide spectrum of subjects including trade in goods and services, financial law, economic integration, development law, business regulation and intellectual property. The expansive scope of the fields of practice and study within the discipline presents a challenge for identifying the key issues with which scholars should try to stay up to date and the relevant material that should be imparted to students.1 Because of the breadth and depth of developments in the various fields of international economic law, it is imperative that professionals who are engaged in teaching, practicing and writing about international economic law in US law schools, and indeed elsewhere, collaborate on a uniform understanding of essential components that constitute effective teaching of this fundamental subject area.

In preparation for a seminal conference of the American Society of International Law’s (ASIL) Interest Group on International Economic Law2 held 9–11 November, 2006 at the historic Mount Washington Resort in

---

* I wish to thank my Co-Rapporteurs, who assisted with the survey and analysis of the data: Craig Jackson, Professor of Law, Thurgood Marshall School of Law, Texas Southern University; and Professor Stephen Zamora, Leonard B Rosenberg Professor of Law, University of Houston Law Center. I join my co-Rapporteurs in acknowledging the invaluable assistance of Ms. Taffie Jones, JD Candidate (2008), Indiana University School of Law—Indianapolis, in administering the survey and organizing the data that form the basis of this report.


The Bretton Woods Conference, titled ‘International Economic Law—The State and Future of the Discipline’ was intended to identify: concrete actions that may be undertaken by the Group, its members and others in the field in order to aid the development of IEL.

The Co-Rapporteurs were charged by the conference chairs with fleshing out some of the critical issues or ideas relevant to teaching international economic law that would provide catalysts for future action aimed at significantly developing the discipline of teaching IEL.

A. Surveys

To help define for conference participants and parties interested in the teaching of IEL the goals and approaches for future action, the Co-Rapporteurs designed and administered two surveys to (1) provide a contemporary snapshot of the teaching of IEL, (2) identify developing trends in the substantive content and pedagogy of the subject, and (3) determine the extent of a consensus, if such did indeed exist, regarding the future of the discipline.

B. Methodology

The surveys, administered via a web-based third party site, were directed to administrators of US law schools and to professors who taught IEL at US law schools. The first survey was administered to the then-current Associate Deans of all member schools of the Association of American Law Schools (AALS) through invitations disseminated on the AALS Associate Dean

---

3 Determined to rebuild a post-war international economy, delegates from 44 nations gathered at the Mount Washington Hotel in Bretton Woods, New Hampshire to sign the Bretton Woods Agreements. These agreements led to the system that would address various economic and monetary issues on an international level through the creation of the International Monetary Fund and the International Bank for Reconstruction and Development (World Bank). See AF Lowenfeld, *International Economic Law* (Oxford University Press, 2002) 502–3.


5 To view the full results of the 2 surveys, see http://www.indylaw.indiana.edu/instructors/Bravo/FinalIEL_ADPresentation.pdf and http://www.indylaw.indiana.edu/instructors/Bravo/FinalIEL_ProfPresentation.pdf, respectively.

6 In addition, in an attempt to garner a comparative perspective on the issue, via the ASIL International Economic Law Interest Group listserv, the Co-Rapporteurs unsuccessfully solicited volunteers to adapt the survey for administration outside the United States.
In many US law schools, the position of Associate Dean is held on a rotating basis by a senior faculty member who consequently straddles the worlds of administration and academia. The responsibilities of the typical Associate Dean of academic affairs usually include class scheduling and curricular development. As a result, the Co-Rapporteurs believed that associate deans would be most familiar with the curricular offerings of individual schools. The survey of professors of IEL was administered via direct email invitation to all professors of International Business Transactions (IBT) listed in the 2005–06 AALS Directory of Law Teachers. The Co-Rapporteurs undertook to report results without attribution in order to encourage participation and to fulfill their goal of identifying overarching similarities or differences rather than trends specific to individual schools.

Since the survey of law school administrators focused on Associate Deans at AALS member schools, the surveys’ findings necessarily report only on the teaching of IEL in law schools which are members of the AALS. Consequently, the survey did not gather information from non-AALS law schools or from schools with graduate programs in related disciplines, such as business, economics or foreign relations, all of which may offer courses in IEL. The decision to target self-identified professors of IBT at AALS member schools may have affected the survey findings as follows: (1) new arrivals to the legal academy, who would not have been listed in the 2005–06 Directory; (2) professors who changed their teaching assignments to include IBT since their last report to the AALS; and (3) professors who teach IEL in undergraduate or business schools or other graduate institutions were not invited to participate. In addition, professors at AALS member schools who teach in related fields, such as Trade Regulation and Public International Law, for example, were not targeted for participation in the survey.

The initial results of the surveys were tabulated and presented at the Bretton Woods Conference. However, a final round of invitations, accompanied by the raw initial data, was disseminated to the targeted associate deans and professors following the conference and additional responses were gathered until the surveys were closed at the end of the 2006 calendar year. Associate deans representing a total of 37 AALS member schools and 70 individual IBT professors of a total of 581 invitees participated in their respective surveys.

The results are reported below, organised by individual survey and specific questions. The report concludes with the Author’s interpretation of the raw data and a report on the concrete actions suggested by participants at the Bretton Woods Conference.

---

8 In addition, the Co-Rapporteurs, who also teach international economic law courses, abstained from participating.
9 In some cases, more than one administrator from an individual school responded to the invitation distributed via the AALS Associate Dean listserv.
II. SURVEY RESULTS

A. Associate Deans’ Survey (44 respondents)

Associate Deans representing a diverse array of law schools in the United States participated in the survey. No single geographic area predominated, and schools throughout the reputational spectrum were represented among the 44 survey respondents. However, some common themes emerged from the results.

Geographic Regions Represented by the Law Schools of the Participating Associate Deans

![Geographic Regions Pie Chart]

<table>
<thead>
<tr>
<th>Region</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northeast US Region</td>
<td>14%</td>
</tr>
<tr>
<td>West US Region</td>
<td>18%</td>
</tr>
<tr>
<td>South US Region</td>
<td>32%</td>
</tr>
<tr>
<td>Midwest US Region</td>
<td>27%</td>
</tr>
<tr>
<td>Anonymous</td>
<td>9%</td>
</tr>
</tbody>
</table>

Popularity of IEL Among JD Students

![Popularity of IEL Pie Chart]

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Course Popularity</th>
</tr>
</thead>
<tbody>
<tr>
<td>60%</td>
<td>Less than 10</td>
</tr>
<tr>
<td>21%</td>
<td>Between 10–25</td>
</tr>
<tr>
<td>3%</td>
<td>Between 25–50</td>
</tr>
<tr>
<td>16%</td>
<td>More than 50</td>
</tr>
</tbody>
</table>

10 Participants responded to the following question: ‘Approximately what percentage of your students takes at least one (1) International Economic Law course during their JD studies?’
The majority (more than 60 per cent) of the responding schools reported that between 10–25 per cent of their JD students enroll in at least one IEL course during their law school studies. 21 per cent of the respondent schools reported that less than 10 per cent of their student body enrolls in at least one IEL course, while 16 per cent of the respondent schools reported that between 25–50 per cent of their student body enrolls in at least one IEL course. In addition, three per cent of the participating law schools reported that more than 50 per cent of their JD students enroll in at least one IEL course during their law school tenure.

(i) IEL Course Offerings and their Frequency

A majority of the Associate Deans who responded to the survey reported that their respective law schools offer some select IEL courses each year. However, other courses covering more specialised areas of IEL were offered only occasionally, while some survey participants reported that many courses were not currently offered at their individual institutions. The following chart indicates the frequency of the IEL course offerings at the schools represented by the respondents.

<table>
<thead>
<tr>
<th>Course</th>
<th>Annually</th>
<th>Occasionally</th>
<th>Not Currently Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Antitrust Law</td>
<td>2</td>
<td>5</td>
<td>34</td>
</tr>
<tr>
<td>International Business Transactions</td>
<td>30</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>International Commercial Law</td>
<td>7</td>
<td>16</td>
<td>19</td>
</tr>
<tr>
<td>International Economic Law</td>
<td>2</td>
<td>6</td>
<td>31</td>
</tr>
<tr>
<td>International Labor Law</td>
<td>2</td>
<td>3</td>
<td>32</td>
</tr>
<tr>
<td>International Trade Law (Law of WTO)</td>
<td>21</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>International Tax Law</td>
<td>12</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>US Customs Law (Import or Export Regulation)</td>
<td>4</td>
<td>2</td>
<td>34</td>
</tr>
<tr>
<td>International Banking Law</td>
<td>3</td>
<td>4</td>
<td>33</td>
</tr>
<tr>
<td>International Financial Law</td>
<td>2</td>
<td>8</td>
<td>33</td>
</tr>
<tr>
<td>International Capital Markets</td>
<td>1</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>(International Securities Regulation)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Trade Agreements (NAFTA or otherwise)</td>
<td>6</td>
<td>17</td>
<td>19</td>
</tr>
</tbody>
</table>

(continued)

11 Participants responded to the following question: ‘Indicate when the following International Economic Law Courses are taught.’ The course choices given are included in the list reproduced in the text (see IEL Course Offerings and their Frequency), and the respondents were asked to choose one of the following: ‘Each Year,’ ‘Occasionally’ and ‘Not Currently Offered.’
12 Participants responded to the following question: ‘Are there any other classes on International Economic Law that were not listed above and how often are they taught?’

13 Participants responded to the following question: ‘How important is International Economic Law as an element of your curriculum?’ The question was open-ended, with no pre-determined choices offered by the survey.

(ii) Additional Coverage of IEL

A number of the Associate Deans reported that their schools have incorporated some of the IEL topics into other classes, rather than offering stand-alone courses, but did not indicate the reasons for this curricular choice. Those other classes that Associate Deans considered to be IEL-related included: China Trade Simulation; Chinese Investment Law; International Insolvency; Investment and Trade Laws of the Middle East; International Financial Architecture; Stock Market Development; International Negotiations; International E-Commerce; Human Rights in the Marketplace; Islamic Law; Comparative Government Procurement; International Pharmaceutical Regulation; International Protection of Human Rights; Cross-Border Transactions in Latin America; US & EU Approaches to Regulating Chemicals; Biotechnology and Nanotechnology; and Comparative Law.

(iii) The Importance of IEL Courses to Law Schools’ Curricula

The varying responses offered by the respondents ranged from ‘essential,’ ‘very important,’ ‘significant,’ ‘moderately important,’ ‘increasingly important,’ and ‘semi-important’ to that ‘of limited importance,’ ‘not important,’ and ‘nonexistent.’ A majority of the responses indicated that the courses were either moderately or very important and/or if currently limited in importance, that courses were increasing in their significance for the schools. A small number of the participating law schools offer

<table>
<thead>
<tr>
<th>Course</th>
<th>Annually</th>
<th>Occasionally</th>
<th>Not Currently Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Intellectual Property Law</td>
<td>19</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Licensing and Technology Transfer</td>
<td>10</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>International Contracting</td>
<td>1</td>
<td>4</td>
<td>33</td>
</tr>
<tr>
<td>International Enforcement of Intellectual Property</td>
<td>4</td>
<td>6</td>
<td>29</td>
</tr>
<tr>
<td>European Economic Integration</td>
<td>11</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>Foreign Investment Law</td>
<td>5</td>
<td>4</td>
<td>29</td>
</tr>
<tr>
<td>Law and Economic Development</td>
<td>6</td>
<td>4</td>
<td>29</td>
</tr>
<tr>
<td>International Project Finance</td>
<td>4</td>
<td>1</td>
<td>32</td>
</tr>
</tbody>
</table>

12 Participants responded to the following question: ‘Are there any other classes on International Economic Law that were not listed above and how often are they taught?’

13 Participants responded to the following question: ‘How important is International Economic Law as an element of your curriculum?’ The question was open-ended, with no pre-determined choices offered by the survey.
certificate programs (to both JD and LLM students) in IEL. Other respondents reported that their schools struggle to offer IEL courses, due to unavailability of faculty to teach these subjects or a perceived lack of clear necessity to incorporate these topics into their school’s curriculum.

(iv) Adequacy of Preparation for Practice

34 of 44 respondents answered this question. A significant number of the respondents affirmatively responded that the courses currently offered at their institutions do adequately prepare outgoing law students for the practice of IEL.15 However, a number of associate deans expressed some doubts that this was the case. Some participants averred that the courses fundamentally or rudimentarily prepared students, who would later need more thorough review and instruction. Others commented that some discrete areas are likely taught more effectively than others. A lack of resources, including available faculty, was also reported in response to this question.

(v) IEL Opportunities Outside of the Classroom

(a) Moot Competitions16 36 of 44 respondents answered this question. 32 per cent of the respondents indicated that their institutions provide their students with access to the Willem VIS International Commercial Arbitration Moot program, 29 per cent reported that they provide access to the Jessup International Moot Court Competition, and 14 per cent provide access to the Georgetown University International Trade (WTO) Moot program.17 Additionally, three participants indicated that their institutions offer further opportunities in the Space Law

14 Participants responded to the following question: ‘Do the course offerings at your law school adequately prepare your students for the practice of international economic law?’

15 It is not clear how the responses to this question would compare with responses to questions regarding the adequacy of preparation in domestic law subjects. However, the Author believes that it would be unusual for law schools to express uncertainty regarding the adequacy of their preparation of students for the practice of strictly domestic legal fields.

16 Participants responded to the following question: ‘Does your law school participate in any extracurricular activities that generate interest in International Economic Law, such as the following?’ The listed options were the Willem VIS International Commercial Arbitration Moot; Georgetown University WTO Moot; Jessup International Moot Court Competition; Niagara International Moot; Space Law Moot; Inter-American Moot Court Competition; and None.

(b) Study Abroad Programs\textsuperscript{19} The majority of the responding schools do not offer a study abroad program that emphasises IEL. However, several Associate Deans reported that some of their institution’s study abroad programs may include some IEL content. Reproduced verbatim below, the responses were as follows:

International Commercial Arbitration in Austria, Vienna, Venice, Salzburg, Budapest;
Economic and Human Rights Law in Innsbruck and Austria;
Ireland, China, or Korea Summer Programs;
International Entertainment & Media in London;
Intellectual Property Law Centre in Munich;
Transnational Business in Salzburg;
NAFTA in San Diego, Mexico;
Summer institutes in Geneva or Hong Kong;
Introduction to EU Law, Comparative Labor & Employment Law,
   Introduction to Comparative Property Law in Vienna; and
Comparative Property Law in Brazil.

(c) Internships and Other Opportunities\textsuperscript{20} In addition, some Associate Deans reported that their schools provide for individual student placements in internships and externships during both the academic year and summer terms. The locations included Mexico, Switzerland, The Netherlands, Brazil, Spain, and Argentina as well as other American Bar Association (ABA) approved summer program offerings. Lastly, Associate Deans provided information on their schools’ LLM programs tailored towards IEL subjects.

B. Law Professors’ Survey (70 Respondents)\textsuperscript{21}

This survey differed from the Associate Deans’ survey, which sought an institutional/administrator’s perspective. The Law Professors’ survey, in


\textsuperscript{19} Participants responded to the following question: ‘Does your law school sponsor a study abroad program emphasizing International Economic Law?’

\textsuperscript{20} Participants responded to the following question: ‘Describe any programs for placing students in internships that emphasize International Economic Law (eg, at an international economic organisation, the Court of International Trade, or other institution).’

\textsuperscript{21} The higher raw number of responses by professors of IEL (70 responses) does not represent a higher rate of responses than the 44 respondents to the Associate Deans’ survey.
contrast, sought to elicit the individualised experience and perceptions of professors of IEL. As with the Associate Deans’ survey, no one geographic area of the U.S predominated. Many professors of both active and Emeritus status, representing diverse law schools nationwide, participated.

(i) IEL Course Offerings

IEL professors (68 respondents of 70 participants) reported that the following IEL courses were offered at their schools:

<table>
<thead>
<tr>
<th>Courses</th>
<th>Percentage of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Antitrust Law</td>
<td>2.94</td>
</tr>
<tr>
<td>International Business Transactions</td>
<td>13.03</td>
</tr>
<tr>
<td>International Commercial Law</td>
<td>4.62</td>
</tr>
<tr>
<td>International Economic Law</td>
<td>3.78</td>
</tr>
<tr>
<td>International Labor Law</td>
<td>1.47</td>
</tr>
<tr>
<td>International Trade Law (Law of WTO)</td>
<td>9.66</td>
</tr>
<tr>
<td>International Tax Law</td>
<td>9.24</td>
</tr>
<tr>
<td>US Customs Law (Import and Export Regulation)</td>
<td>1.26</td>
</tr>
<tr>
<td>International Banking Law</td>
<td>2.94</td>
</tr>
<tr>
<td>International Financial Law</td>
<td>3.78</td>
</tr>
<tr>
<td>International Capital Markets (International Securities Regulation)</td>
<td>2.52</td>
</tr>
<tr>
<td>Regional Trade Agreements (NAFTA or otherwise)</td>
<td>4.20</td>
</tr>
<tr>
<td>International Intellectual Property Law</td>
<td>6.72</td>
</tr>
<tr>
<td>Licensing and Technology Transfer</td>
<td>2.52</td>
</tr>
<tr>
<td>International Contracting</td>
<td>2.52</td>
</tr>
<tr>
<td>International Enforcement of Intellectual Property</td>
<td>2.10</td>
</tr>
<tr>
<td>European Economic Integration</td>
<td>6.51</td>
</tr>
<tr>
<td>Foreign Investment Law</td>
<td>2.52</td>
</tr>
<tr>
<td>Law and Economic Development</td>
<td>2.52</td>
</tr>
<tr>
<td>International Project Finance</td>
<td>2.10</td>
</tr>
<tr>
<td>Other</td>
<td>6.51</td>
</tr>
</tbody>
</table>

With respect to the Associate Deans’ survey, responses were received from administrators from 37 of approximately 200 AALS member schools, while only 70 of the 581 professors of IEL responded to the survey. In some instances, more than 1 Associate Dean responded from an individual school.

22 Participants were asked to ‘Select the International Economic Law courses taught at your school.’

23 Under the category ‘Other,’ 0.84% of professors indicated that International Arbitration was taught at their schools; 0.42% indicated that the following courses were taught at their school: Transnational Litigation, International Law; Globalization, and International Environmental Law; and 0.21% of professors listed International Enforcement of Intellectual Property, International Business Franchise Law, Problems of World Order, Comparative Commercial Law, International Criminal Law, International Trade Workshop/International Legal
Based on the responses, IBT, International Trade Law (Law of the WTO), International Tax Law, International Intellectual Property, and European Economic Integration are the most widely offered IEL courses in US law schools.

(ii) Professors’ Own Coverage of IEL

When asked about the courses that they teach, the IEL professors again reported IBT as the most frequently offered course—18.27 per cent of the respondents. The other courses most frequently taught by the participants include: International Trade Law (Law of WTO) (14.72 per cent), International Financial Law (7.11 per cent), IEL (6.60 per cent) and International Tax Law (6.09 per cent). Other courses taught by the respondents and the percentage of such participants who reported that they teach them are indicated in the table below.

<table>
<thead>
<tr>
<th>Course</th>
<th>Percentage of Respondents Who Teach Course</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Antitrust Law</td>
<td>1.52</td>
</tr>
<tr>
<td>International Commercial Law</td>
<td>3.05</td>
</tr>
<tr>
<td>International Banking Law</td>
<td>2.03</td>
</tr>
<tr>
<td>International Capital Markets (International Securities Regulation)</td>
<td>2.54</td>
</tr>
<tr>
<td>Regional Trade Agreements (NAFTA or otherwise)</td>
<td>3.05</td>
</tr>
<tr>
<td>International Intellectual Property Law</td>
<td>1.52</td>
</tr>
<tr>
<td>International Contracting</td>
<td>0.51</td>
</tr>
<tr>
<td>International Enforcement of Intellectual Property</td>
<td>0.51</td>
</tr>
<tr>
<td>European Economic Integration</td>
<td>3.55</td>
</tr>
<tr>
<td>Foreign Investment Law</td>
<td>3.05</td>
</tr>
<tr>
<td>Law and Economic Development</td>
<td>2.54</td>
</tr>
<tr>
<td>International Project Finance</td>
<td>1.02</td>
</tr>
</tbody>
</table>

Individual participants also reported that they teach the following courses that were not listed in the survey: International Litigation and Arbitration; International E-Commerce; International Business Franchise Law; Transnational Litigation; International Legal Regimes; International Arbitration; International Environmental Law; International Sales (commercial law); International Law Process (WTO adjudication); Globalization;


24 Participants were asked to: ‘Select the International Economic Law courses that you teach.’
Combating Corruption and Money Laundering in IBT; International Art Law; Corporate Social Responsibility in IBT; Comparative Contract Laws; Transnational Private Equity; International Commercial Arbitration; and specialised seminars.

(iii) Coverage of Individual IEL Subject Areas

The survey was also designed to ascertain the extent of the coverage of specific IEL topics in individual courses. Respondents were asked\(^\text{25}\) to indicate which of the following substantive topics were covered in their IEL courses: International Economic Organizations; Trade Liberalization & Trade Law Principles; WTO Dispute Mechanisms; International Banking; International Intellectual Property Ownership & Protection; International Competition Law; International Monetary Law; Regionalism; Customs Law; Transborder Investment; CISG, Incoterms, Unidroit, and ICC; Transborder Dispute Resolution; and Transborder Regulation of Securities’ Markets.

The responses yielded a snapshot of the coverage of IEL topics in each particular IEL course enumerated in the survey. Of the five most popular courses, IBT and IEL offered the broadest array of coverage of specific topics: each of the listed topic areas was checked by the respondents. However, with respect to each particular topic, the number of professors who covered the listed material varied with either a large majority or small minority of professors covering the listed subject areas.

For example, as shown in the table below, with respect to IBT, the subject areas most frequently covered were ‘CISG, Incoterms, Unidroit, ICC’ (29

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Number of Professors</th>
<th>Number of Professors</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Economic Organizations (ie, the Bretton Woods System)</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Trade Liberalization &amp; Trade Law Principles</td>
<td>18</td>
<td>12</td>
</tr>
<tr>
<td>WTO Dispute Mechanisms</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>International Banking</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>International Intellectual Property Ownership &amp; Protection</td>
<td>22</td>
<td>4</td>
</tr>
<tr>
<td>International Competition Law</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>International Monetary Law</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

(continued)

\(^{25}\) Participants were asked to ‘Select the International Economic Law topics that you cover in your courses.’
of 33 respondents), ‘Transborder Investment’ and ‘Transborder Dispute Resolution’ (each with 25 of 33 respondents), ‘International Intellectual Property Ownership and Protection’ (22 of 33 respondents), ‘International Economic Organizations (ie the Bretton Woods System)’ (19 of 33 respondents) and ‘Trade Liberalization and Trade Law Principles’ (18 of 33 respondents). For IEL, the subject areas most frequently covered were International Economic Organizations, Trade Liberalization and Trade Law Principles, and WTO Dispute Mechanisms.

For International Trade Law, the course ranking second with respect to the number of participants who reported that they teach it, the coverage of the specific subject areas by the 29 respondents was as follows:

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Number of Professors Who Cover Subject in International Trade Law Course</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Economic Organizations</td>
<td>21</td>
</tr>
<tr>
<td>Trade Liberalization &amp; Trade Law Principles</td>
<td>27</td>
</tr>
<tr>
<td>WTO Dispute Mechanisms</td>
<td>29</td>
</tr>
<tr>
<td>International Banking</td>
<td>1</td>
</tr>
<tr>
<td>International Intellectual Property Ownership &amp; Protection</td>
<td>13</td>
</tr>
<tr>
<td>International Competition Law</td>
<td>1</td>
</tr>
<tr>
<td>International Monetary Law</td>
<td>0</td>
</tr>
<tr>
<td>Regionalism</td>
<td>17</td>
</tr>
<tr>
<td>Customs Law</td>
<td>14</td>
</tr>
<tr>
<td>Transborder Investment</td>
<td>6</td>
</tr>
<tr>
<td>CISG, Incoterms, Unidroit, and ICC</td>
<td>0</td>
</tr>
<tr>
<td>Transborder Dispute Resolution</td>
<td>5</td>
</tr>
<tr>
<td>Transborder Regulation of Securities’ Markets</td>
<td>0</td>
</tr>
</tbody>
</table>

(Continued)
The less widely offered IEL courses do not cover as broad an array of the listed topic areas, reflecting the more specialised nature of those courses. For example, as reflected below, the four respondents who teach International Banking Law reported that they covered only the following six topics in that course: International Economic Organisations, WTO Dispute Mechanisms, International Banking, International Monetary Law, Regionalism and Transborder Investment.

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Number of Professors Who Cover Subject in International Banking Law Course</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Economic Organizations</td>
<td>3</td>
</tr>
<tr>
<td>Trade Liberalization &amp; Trade Law Principles</td>
<td>0</td>
</tr>
<tr>
<td>WTO Dispute Mechanisms</td>
<td>1</td>
</tr>
<tr>
<td>International Banking</td>
<td>4</td>
</tr>
<tr>
<td>International Intellectual Property</td>
<td>0</td>
</tr>
<tr>
<td>Ownership &amp; Protection</td>
<td>0</td>
</tr>
<tr>
<td>International Competition Law</td>
<td>0</td>
</tr>
<tr>
<td>International Monetary Law</td>
<td>3</td>
</tr>
<tr>
<td>Regionalism</td>
<td>1</td>
</tr>
<tr>
<td>Customs Law</td>
<td>0</td>
</tr>
<tr>
<td>Transborder Investment</td>
<td>1</td>
</tr>
<tr>
<td>CISG, Incoterms, Unidroit, and ICC</td>
<td>0</td>
</tr>
<tr>
<td>Transborder Dispute Resolution</td>
<td>0</td>
</tr>
<tr>
<td>Transborder Regulation of Securities Markets</td>
<td>0</td>
</tr>
</tbody>
</table>

In response to a survey question requesting additional subject areas that may not have been included in the list provided by the survey and reproduced above, the participants listed several in-depth content areas not offered as stand-alone courses that were also covered in some of their courses.

26 Participants responded to the following question: ‘Are there any additional IEL topics not outlined in Questions 3 and 4 that you teach and in which courses are these concepts taught?’

27 The responses were as follows: International Financial Crimes; the trade law cross-over in International Environmental Law; taxation in IBT; CISG as introduced in basic Contracts; Foreign Corrupt Practices Act (US); OECD Anti Bribery Convention; OAS Anti Bribery Convention; EU Directives barring bribery of foreign officials; UN Convention on Corruption Bank Secrecy Act as amended by the US Patriot Act (anti-money laundering); Financial Action Task Force (OECD anti-money laundering); and EU Directives on Money Laundering; tax evasion and anti-money laundering/anti-terrorism issues in Banking law and National Security Law; Comparative Law; Export Controls and Trade Sanctions; COGSA;
(iv) Perceived Fundamental Competences

The survey also attempted to ascertain whether a consensus existed as to the IEL topics that a student should cover in order to understand fundamental issues in the field. As reflected in the table below, the responses reflect a broad diversity of opinion regarding the core areas with which a student of IEL should be familiar.

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Percentage of Respondents in Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Economic Organizations</td>
<td>11.43</td>
</tr>
<tr>
<td>Trade Liberalization &amp; Trade Law Principles</td>
<td>12.99</td>
</tr>
<tr>
<td>Regionalism</td>
<td>7.01</td>
</tr>
<tr>
<td>Customs Law</td>
<td>4.16</td>
</tr>
<tr>
<td>WTO Dispute Mechanisms</td>
<td>10.13</td>
</tr>
<tr>
<td>International Banking</td>
<td>3.38</td>
</tr>
<tr>
<td>Transborder Investment</td>
<td>10.65</td>
</tr>
<tr>
<td>Transborder Dispute Resolution</td>
<td>9.61</td>
</tr>
<tr>
<td>International Intellectual Property Ownership &amp; Protection</td>
<td>6.23</td>
</tr>
<tr>
<td>Transborder Regulation of Securities Markets</td>
<td>2.34</td>
</tr>
<tr>
<td>International Competition Law</td>
<td>4.42</td>
</tr>
<tr>
<td>International Monetary Law</td>
<td>3.12</td>
</tr>
</tbody>
</table>

In addition to the topics listed in the survey, some respondents suggested that knowledge of the following topics was also required for a fundamental understanding of IEL: export controls and trade sanctions; comparative law; private and public international law; prohibitions on bribery of foreign officials; law of treaties, especially with respect to international environmental law; international tax; IBT; franchise opportunities a range of international financial agreements and development issues in International Financial Law; Sustainable Development Planning in International Environmental Law; Trade & Environment, Trade & Labor, and Trade & Human Rights in International Trade Law; currency transactions—how to protect oneself with forward contracts, futures, fluctuating currencies; laws regulating Offers and Sales of Business Franchises and Business Opportunities; and Relationships between Franchisors and Franchisees—taught in International Business Franchise Law; and International Dispute Resolution through Arbitration.

28 Participants responded to the following question: ‘In your opinion, which International Economic Law topics do you think an IEL student must take in order to understand fundamental issues in the field?’

29 The inclusion of IBT in response to this question and the next suggests some degree of confusion. While IBT is generally perceived as a gateway course in which a wide variety of topic areas are covered, at least one participant conceptualised ‘IBT’ itself as a topic embedded within another course.
alongside franchisor/franchisee relationships; and international business and investment arbitration.

(v) Institutional Coverage of Perceived Fundamental Competences

As indicated in the table below, the coverage of topics considered fundamental by the respondents generally tracked the responding professor's expressed perception of the importance of the specific subject matter. In combination, the responses from these two questions suggest either a great deal of autonomy or buy-in on the part of IEL professors in US law schools with respect to the specific subject areas covered in their courses.

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Institutional Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Economic Organizations</td>
<td>11.76</td>
</tr>
<tr>
<td>Trade Liberalization &amp; Trade Law Principles</td>
<td>12.02</td>
</tr>
<tr>
<td>Regionalism</td>
<td>5.37</td>
</tr>
<tr>
<td>Customs Law</td>
<td>9.97</td>
</tr>
<tr>
<td>WTO Dispute Mechanisms</td>
<td>4.35</td>
</tr>
<tr>
<td>International Banking</td>
<td>9.72</td>
</tr>
<tr>
<td>Transborder Investment</td>
<td>7.93</td>
</tr>
<tr>
<td>Transborder Dispute Resolution</td>
<td>6.39</td>
</tr>
<tr>
<td>International Intellectual Property Ownership &amp; Protection</td>
<td>7.42</td>
</tr>
<tr>
<td>Transborder Regulation of Securities Markets</td>
<td>2.81</td>
</tr>
<tr>
<td>International Competition Law</td>
<td>4.09</td>
</tr>
<tr>
<td>International Monetary Law</td>
<td>3.32</td>
</tr>
</tbody>
</table>

In addition to the topics listed in the survey, some respondents identified as fundamental a number of other topics taught at their schools: international environmental law; public international law; IBT; export controls and trade sanctions; international business arbitration; and franchise opportunities alongside franchisor/franchisee relationships.

(vi) Non-Traditional Pedagogical Choices

As detailed in the table below, respondents reported that all of the non-traditional pedagogical methodologies listed in the survey were utilised in their courses, although in varying proportions.

---

30 Participants responded to the following question: ‘Which of the topics that you checked or wrote in above does your school cover?’

31 See above n 29.

32 Participants responded to the following question: ‘In addition to lectures, which of the following methodologies do you use in your IEL classes?’
Methodologies | Percentage of Reported Usage
--- | ---
Negotiation and conduct of mock transactions | 35.14
Internships | 10.81
Moot court | 16.22
Seminar-style discussion/dialogue | 4.39
Problem solving approach and exercises | 6.75
WTO case-law research | 1.35
Papers | 1.35
Videoconferencing | 1.35
Student presentations | 1.35
Documentary films | 1.35
Field trips (ie, to the stock exchange) | 1.35
Class debates | 1.35

(vii) Suggestions for Teaching IEL in US Schools

The suggestions of IEL professors responding to the survey revealed several broad themes. These included the need for earlier and more coherent introduction of students to IEL concepts; broader course offerings—including specialised subject areas; increased institutional support aimed at the better integration of IEL concepts in the core curriculum; and an increased profile highlighting the importance of IEL in light of the more globalised practice environment that awaits students.

Among the specific suggestions were: (i) that students be required to take either a public international law or IEL course earlier in their law school careers; (ii) a broader focus on the transnational or comparative perspective, rather than the current focus on US domestic law treatment of IEL issues; (iii) the introduction and integration of more IEL elements into other courses, such as intellectual property, antitrust and securities law; (iv) broader coverage in the curriculum of more specialised IEL courses, such as international banking, taxation and securities regulation; (v) greater coordination of course content by IEL faculty to avoid potential conflicts or redundancies in the subject areas covered in particular courses; (vi) greater exposure to and contact with other parts of the world; (vi) more institutional support; (vii) public relations outreach to students and institutions regarding the importance of IEL; and (viii) an increase in the course offerings of individual schools.

33 Participants responded to the following two questions: ‘Please describe your suggestions for changes in the teaching of IEL courses in your school?’ and ‘Please describe your suggestions for changes in teaching IEL courses in US law schools?’
Survey participants identified various types of institutional support that would enhance the teaching of IEL. These included: research grants for the development of new courses, including faculty’s onsite research outside the United States; funding for faculty exchanges and expert speakers, including IEL practitioners and government lawyers, as well as policy makers from IEL institutions; funding for student internships with IEL institutions, such as the Bretton Woods institutions and the WTO; and increased use of available fora, such as the American Bar Association, ASIL and AALS, for the exchange of knowledge and ideas.

III. INTERPRETING THE DATA

The data arising from the two surveys yields a contemporary portrait of the teaching of IEL in US law schools, and identifies trends that will impact the development of pedagogy utilised with respect to the discipline. Survey participants among both the Associate Deans and the targeted professors expressed some frustration regarding institutional support for IEL and its place (perceived and desired) in the law school curriculum. In particular, survey participants expressed a strong strain of doubt regarding the adequacy of the preparation for practice offered by US schools to their students. Other concerns included the manner in which IEL should be, and has been, integrated into the curriculum, and the lack of available resources that might otherwise be aimed at expansion of course offerings. The need to provide more practical experiences for students and greater coordination of course content was also mentioned. Some aspects of the data are discussed below.

A. Gateway Courses

IBT and International Trade Law (Law of WTO) have emerged as the two most widely offered courses. There is a general consensus as to the content of the IBT course, in that some or all participants reported inclusion of all the suggested specific subject areas listed in the survey. This wider substantive coverage would appear to be appropriate, offering law students exposure to a wide range of concepts and topics and revealing the fundamental interconnections among superficially stand-alone areas of

---

34 Participants responded to the following question: ‘What kinds of institutional support (research grants, teaching assistants, faculty exchanges, etc) do you think would be helpful for the teaching of IEL courses—and what possible sources of such support can be suggested (government, foundations, etc)?’

35 See Perceived Fundamental Competences, above.
law. The widespread offering of International Trade Law indicates that it, too, is a gateway course. Its popularity no doubt stems from greater general awareness of the impact of multi- and bi-lateral trade negotiations and treaties on global economic relations, as well as their implications for US domestic law and economic conditions. Although not offering coverage as extensive as that provided in IBT courses, International Trade Law appears to provide a good foundation for a student's initial exploration of IEL courses dispelling, through the WTO jurisprudence and domestic trade regulation and disputes, for example, the separation of public and private international law.

B. Depth and Breadth of Expertise

US law schools, as a group, offer a wide variety of IEL courses. Participants reported that more than 20 different IEL courses are taught in US law schools. In addition, responses to the Associate Deans’ survey indicated that IEL concepts are embedded in other curricular offerings. Further, a diverse array of more specialised courses illustrates the range of interests of teachers of the discipline. Those specialised courses included International Antitrust, International Securities Regulation, International Licensing and Technology Transfer, Franchising, and others. Using the offering and teaching of these courses as an indicator, it is possible to identify a considerable expertise in the various IEL subject areas within the US legal academy. That pool of expertise represents a valuable resource for the continued development of the discipline of teaching IEL, one which is perhaps not fully tapped.

However, while the apparent depth and breadth of expertise may indeed exist, it is unclear whether that expertise is concentrated in and perhaps limited to particular institutions which have decided to offer curricular concentrations in the area of IEL or international law in general. Such a conclusion would be supported by Associate Dean complaints of limited faculty availability. That is, IEL faculty may indeed be in short supply in a significant number of US law schools outside a circumscribed geographic and/or reputational sphere.

The interrelationships of other factors revealed by the surveys are worth exploring. As discussed above, the breadth of coverage of specific subject areas within the discipline varies, depending on the more specialised

36 Such as international trade law and international economic institutions, eg.
37 See Additional Coverage of IEL, above, listing China Trade Simulation and Investment and Trade in the Middle East, among others.
38 See Importance of IEL Courses to Law School Curricula, above.
39 See Coverage of Individual IEL Subject Areas, above.
nature of particular courses. Also noted is the fact that the coverage of specific subject areas appeared to track the respondent professors’ opinions regarding fundamental competences.\textsuperscript{40} In combination, these factors suggest that professors of IEL have marked control in directing the substantive content of their courses. If the survey results do reveal that degree of autonomy, it highlights the power of IEL professors in the United States to direct the substantive content of their institutions’ IEL offerings. This further suggests that a coordinated effort by IEL professors to standardise or harmonise IEL offerings and coverage in US law schools could effectuate concrete changes. Alternatively, the professors’ responses may reflect institutional biases regarding the desired content of IEL courses, biases that they have absorbed and now hold. Whatever the reasons for the congruence in the two responses, the relative uniformity of reported beliefs about fundamental competences across institutions reflects an apparently widespread consensus regarding some aspects of the pedagogy of IEL topics in US law schools—at a minimum, with respect to the identity and substantive content of the introductory IEL courses.

C. Institutional Support and Student Participation

In light of the apparent depth and breadth of expertise among faculty, the lack of institutional support reported by both Associate Deans and faculty, as well as the relatively low student participation in IEL courses call for further investigation. The low levels of student interest\textsuperscript{41} may be related to the low institutional support. That is, the low student participation rates may be based upon such factors as students’ perception of the lack of relevance of or need for IEL in practice and/or lack of professional opportunities after graduation. Further the very names of the courses may seem daunting to students and feed into student perception of the IEL subject area as overly technical, requiring math-based skills and/or overly tedious, thus negatively affecting their rates of participation in IEL courses. In addition, in some regions of the United States, integration in the global economy may appear to be less advanced than in others, so that the geographic location of the law school that the student attends may play a role in student perceptions of the importance of the IEL subject area. Institutional support, exemplified in such factors as the placement of IEL courses in the law school’s class schedule and/or lack of moot court and other experiential offerings, may interact with those student misperceptions to lower the rate of student participation in such courses. Therefore, the low participation rates may

\textsuperscript{40} See Perceived Fundamental Competences and Institutional Coverage of Perceived Fundamental Competences, above.

\textsuperscript{41} See Popularity Among JD Students, above.
be symbiotic with low rates of institutional support, since institutions may be leery of devoting resources to courses in which students appear to have little interest.

The foregoing discussion suggests that increased institutional support would stimulate student participation in IEL subject areas. Such support could include, for example, greater care directed toward the placement of IEL courses in class schedules and public relations efforts directed toward introducing students to the importance and interest of the subject area. Additionally, if IEL professors enjoy the freedom to mold their curriculum suggested by the data, the professors have the ability to design the courses they teach to maximise student interest, participation and satisfaction.

IV. CONFERENCE PROCEEDINGS

Following the Co-Rapporteurs’ presentations of their findings at the Bretton Woods conference, the wider discussion centred on the following issues: (1) the place of IEL in the law school curriculum; (2) the role of practical or more experiential pedagogical methodologies in the teaching of IEL; and (3) institutional and outside support for the teaching of IEL and the discipline of IEL in general. Broad consensus emerged during the discussion of the foregoing matters, to the following effect.

A. Curricular Changes

In order to meet the challenge of preparing law students for practice in an increasingly globalised world, a more interventionist model of curricular development is recommended. Continuing a wait-and-see approach, whereby only interested students are exposed to IEL and/or international law would be detrimental. IEL (and public international law, more generally) including a strong comparative perspective, should be introduced earlier in students’ law school training. Such earlier introduction could take place on either a stand-alone basis or through greater integration of IEL and international law subjects in the core curriculum of law schools. In order to meet this goal, conference participants acknowledged that some changes in course design would be required, including the use of supplementary materials not currently utilised in core domestic law courses in US law schools. In this regard, the responses of Associate Deans summarised above under ‘Additional Coverage of IEL’ supra, is worthy

42 There was some discussion of Harvard Law School’s recent announcement that international law would be a required course in the first year for all their JD students. See Harvard Law School, http://www.law.harvard.edu/news/2006/10/06_curriculum.php (last visited 8 Jan, 2007).
of further exploration. The reported embedding of IEL concepts in alternate courses may reflect an already existing trend toward integration of IEL into the current curriculum. This reported trend may be the result of attempts to overcome limited institutional and/or faculty resources in the IEL field by the efficient use of limited resources. Under current circumstances, institutional and other resource constraints may already be leading toward the coordinated approach advocated by the conference participants and some survey respondents. The possible pre-existence of that trend does not, however, undercut the expressed need for a more directed and interventionist approach to curricular reform. It may indicate, however, that such coordination already may be occurring due to the confluence of other factors.

B. Adoption of Available Technology

As technology advances, so should the variety of pedagogical methods utilised by law professors. More concretely, attendees supported the use of video-conferencing to offer transborder courses to students within and outside the United States. The experience of being in a transborder class (even virtually) would foster cross-cultural and comparative legal understanding among students in the United States, as well as their counterparts in other countries. In furtherance of the goal of greater utilisation of available and helpful technology, attendees suggested greater coordination and integration among IEL professors and their schools to form networks both inside and outside the United States that could facilitate such transborder interactions. The participants also discussed the creation of a database of course materials that would utilise an experiential pedagogical approach.

C. Moot Court Competitions

Similarly, conference attendees agreed that participation in international moot competitions creates invaluable experiences for students. As such, additional moots and other competitions (such as arbitration and/or negotiation) specialising in IEL issues would improve students’ preparation for global practice. Other experiential learning opportunities that attendees believed would foster a comparative perspective and greater understanding of IEL include: student and faculty transborder exchanges, internships outside the United States, and summer abroad programs with a focus on the practice of IEL.

Finally, in order to address these issues, the conference participants concurred with survey respondents regarding the need to seek out greater support for teaching the discipline of IEL. That is, in addition to
institutional support at individual law schools, participants pointed to the AALS and ASIL as domestic US fora with influence outside the United States which could provide an interested audience for discussion of the curricular and other changes suggested above. Furthermore, IEL private practitioners attending the conference suggested that law firms and other institutions, such as corporations or IEL intergovernmental institutions, represented other potential sources of support. Finally, conference participants indicated that institutions and fora outside the United States also constitute potential avenues for deepening the opportunities for experiential learning.

V. CONCLUSION

In accordance with the charge to the Co-Rapporteurs, the information gathered by the two surveys provides a contemporary picture of the status of the teaching of IEL in US law schools, revealing trends in pedagogy, substantive content, and the types of courses offered by US law schools. The two surveys also allowed the Co-Rapporteurs and the attendees of the Bretton Woods Conference to identify concerns widely held among professors and administrators about the role and status of the discipline in their individual schools and in the United States generally, as well as the need and desire for more institutional support to improve the preparation of students.

Conference participants identified fundamental issues that should be acted upon by IEL practitioners, ASIL IEL Interest Group members, and others interested in the discipline.43 The focus rests on the need for greater resources, both institutional and faculty; alternate teaching methods, including incorporation of video conference and other technology; and greater coordination among state and private practitioners and the academy. Further, in the Author’s opinion, a fundamental next step toward enhancing the study and teaching of IEL is the administration outside the United States of a similar information gathering survey that will facilitate both a comparative perspective and a movement toward international harmonisation.

43 See Curricular Changes, Adoption of Available Technology and Moot Court Competitions, above.