

CONFERENCE ON
EDUCATING CONSENSUS FOR TRANSNATIONAL CHALLENGES

Curriculum Changes to meet Global Challenges to Legal Education

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Globalization of markets is one of the most fascinating developments of the 20th Century. It involves the growing interdependence among the economies of the world. Globalization is a series of moves towards what may be described as a global economy. This move has been catalysed by developments in technology and communications. Technology and Communications have also changed the traditional understanding of trade and commerce. Though there is development in trade, Technology and Economic activities the political organization of the State remains the same. The world is made up of many nation states. The law was developed to sustain the nation state basically.

Students graduating from law schools are facing a new world today in which there are new modes of economic transactions. The social composition of the society is changing. For example marriages are not confined to same region, a religion or a state. Associated with this are aspects of property, succession and other related things. There is lot of outsourcing of work, which goes beyond the state territory. Law has to regulate all these transactions and relations to promote peaceful development.

If the legal profession has to face these challenges effectively the initiative for change must come from the law schools where the future lawyers and judges are trained. How can legal education meet these challenges?

To meet challenges posed by globalization legal education has to be socially relevant as well as relevant to business management. Law must promote social development as well as business development. This needs multi disciplinary legal education. Law graduates

will have to have a broad based foundation of knowledge and skills in a variety of disciplines like Economics, Sociology, Business Management, Financial Management, Sound Communication Skills, the knowledge and skills in these areas must extend to that of other countries also.

The law schools should teach not just law subjects but relate law to other subjects like economics, business, science and other disciplines. In India few National Law Schools are doing this. In India, the National Law School at Jodhpur has integrated law with science, law with management. Accordingly the law graduates will get degrees. So also the Calcutta National Law School has integrated science and law. This will help the law graduated in better comprehension of Intellectual Property Rights law and medicine, law and forensic science. Integration of law with business management will help in understanding of International business transactions better and relate law to International Business Transactions.

Integrating business with law will help lawyers becoming competent not only in transactions but also building business relations. Legal agreements and contracts are not sufficient in maintaining harmonious and fruitful relationships among business partners. If they would like to remain central to international business operations, legal professionals will need to be sensitive to relationship building¹.

Law Schools should teach law not just as national law, but it should be comparative analysis of law. Domestic law must be compared with the law of other countries and also international standards as well as agreements in the concerned area of law. For example labour law teaching in India should not be confined to Indian Labour Law. It has to be comparatively analysed with the labour law in some of the other industrially developed countries and international standards.

Legal education should produce law graduated who can think critically, analyse the complex materials effectively and articulate their opinions cogently as well as pervasively². The legal education must concentrate on building of legal skills which will guide the development of law to address the emerging challenges. The skills gain further

importance in the era of information made easily available through technology. In addition to subject content, teaching methods become equally important. The popular method of teaching through lectures will have to be adequately supplemented.

The increased course content and improved teaching methods will invariably lead to specialization in legal education. A law student cannot be learning everything about all laws. Though there is some degree of specialization available as of now. It is not adequate. Hitherto, lawyers could afford to be “generalists”, having knowledge of concepts and principles of law and legal institutions. The increasing complexity of economic and social transactions has made laws governing them more numerous and complex. Addressing these complexities require specialization coupled with interdisciplinary approaches. The next challenge is for specialization what should be the core basic knowledge. The conference will be addressing this issue. Regarding Specialization, law schools will have to offer many optional courses so that students depending on their interest will have adequate opportunities to specialize. The law schools depending on their strengths can become centres known for specialization in particular areas of law and legal skills.

The Students Exchange Programmes between universities of different countries will facilitate students ability to effectively learn law in a comparative way. It is a sort of experience learning. It helps in understanding the culture of other countries. Knowledge of culture of other countries is very important in transnational lawyering. Legal agreements should be sensitive to relationship building. The student exchange programmes will obviously encourage learning of other countries language.

The well known law schools in India have signed Memorandum of Understanding with law schools in other countries for Student Exchange Programme while the students are doing their first degree in law. The Memorandum of Understanding facilitates students to spend a semester or more with a law school in other country. The Memorandum of Understanding provides for transferring of credits. The Memorandum of Understanding also provides for students from other countries to study in the Indian Law Schools. The National Law School of India University has Memorandum of Understanding signed

with law schools in Canada, Australia, Germany, France and Singapore. Many students from the National Law School and other Law Schools in India go for an LL.M Degree abroad. This helps them a lot in specialization and transnational lawyering.

Knowledge of foreign language is important to be a lawyer in the global economy. Law students will have to be provided with opportunities to learn a foreign language of their choice. In Delhi in India the Indraprastha Guru Gobind Singh University law department expects all their law students to learn at least one foreign language.

The Law Faculty Exchange Programmes will have to be encouraged. It is difficult to change legal education without giving exposure to law teachers in law schools of other countries. When the law teachers visit other countries law school, there can be for that duration a short credit seminar courses arranged. For the students who cannot go to other countries, Faculty Exchange Programme coupled with Short Credit Courses will be of immense help. At the National Law School of India University, Bangalore one credit seminar courses are offered in selected areas of law of other country by inviting the legal scholars. The one credit seminar course involves teaching of 15 hours followed by an examination.

The technology can be used to bring comparative international experiences in to the class room. For example video conferencing can be effectively used to bring the knowledge of other countries into the class room discussion. The National Law School of India University, Bangalore and Stanford University Law Department used video conferencing and internet facility as a part of their negotiations teaching exercise. The students doing Negotiations Seminar Course at the Stanford University law department and the National Law School of India University were grouped to do simulated negotiation about corporate merger and take over. The students negotiated over a period of about 15 days using internet facility. Towards the end, video conferencing was used to discuss the negotiated settlements and for de briefing.

End Notes:

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1. Globalization of markets and its impact on domestic institutions by S. Tamer Cavusgil; *Indian Journal of Global Legal Studies*. Paper presented at the symposium; the Globalization of law, politics, and markets, implications for Domestic Law Reform, 1995.
 2. Globalization and its ambiguities: *Implications for Law School Curricular Reform* by Adelle Blakett; *Columbia Journal of Transnational Law*, 1998