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BEFORE COMPETITION AND BEYOND COMPLACENCY — THE INTERNATIONALISATION OF LEGAL EDUCATION IN AUSTRALIA

VAI IO LO**

I INTRODUCTION

Globalisation has an elusive meaning,¹ but its impact is being felt in various parts of the world.² Accelerated by the rapid technological advancements in communication and transportation, globalisation impacts on the legal profession in two major ways: the appellations ‘global law firms’ and ‘global lawyering’ have emerged,³ and legal practitioners, both in the public sector and in private practice, are finding it increasingly unavoidable to deal with international law

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¹ Generally, globalisation refers to a process in which economies become integrated through transportation, communication, the Internet, international trade, foreign direct investment, and the like. However, globalisation can also occur in other ways, such as cultural assimilation through the exchange of ideas and reception of popular entertainment, migration across national borders, and unification or harmonization of technical or professional standards.

² For example, more and more goods manufactured offshore are sold to consumers at home, news travels in seconds across the globe, an environmental incident in one place may have ecological effects worldwide, and any outbreak of an infectious disease can spread swiftly through transnational movements of people.

³ For example, ‘global law firm Clifford Chance has unveiled a merger with two leading Australian practices to give it greater exposure to the booming resources trade with Asia’: Chris Merritt, *Resources Boom Key to Global Law Merger* (2011) <<http://www.theaustralian.com.au/business/legal-affairs/resources-boom-key-to-global-law-merger/story-e6frg97x-1226007185967>> at 7 December 2011. The McGeorge School of Law states, ‘Pacific McGeorge’s two-year program, Global Lawyering Skills, is designed to enhance and deepen law students experience in research, writing and oral advocacy’. <http://www.mcgeorge.edu/Academic_Programs/Global_Lawyering_Skills.htm> at 7 December 2011. In this article, the dates after the URLs are the dates of access.

or the laws of foreign jurisdictions.⁴ Law schools, as the cradle of lawyers, judges, and legal academics,⁵ are facing the arduous task of training law graduates who are professionally competent and culturally dexterous to operate in an increasingly globalised legal market.

To prepare lawyers and judges who are professionally adept and culturally sensitive in a global environment, law schools in North America, Europe and Asia have undertaken initiatives to internationalise legal education.⁶ 'Internationalisation' here refers to a strategic move in which a law school adopts measures to revise its curriculum and pedagogy to give students exposure to international, comparative, and foreign laws as well as foreign cultures and societies so that law graduates can acquire the requisite legal training, in terms of both substantive content and generic legal skills, and develop intercultural competencies to provide legal services in domestic, transnational, and international settings. In other words, the law school redesigns its curriculum and pedagogy to train future graduates equipped with the necessary legal knowledge and skills and at least a modicum of cultural sensitivity to function in an increasingly globalised legal market.

Considering the Australian government's current emphasis on internationalising the university curriculum and the fact that law schools in different parts of the world have taken steps to internationalisation of legal education, this study attempts to ascertain the current situation of internationalisation in Australian law schools and to identify the challenges on their path to internationalisation. Toward these aims, the following discussion consists of five parts. To situate the Australian experience in a global context, Part II summarises the controversy over internationalisation and highlights the pedagogical models adopted by law schools worldwide to internationalise legal education. Against this backdrop, Part III first discusses the report prepared by the International Legal Education and Training (ILET) Committee of the International

⁴ Disputes and legal transactions with an international dimension can occur in two ways. First, a dispute or transaction can involve cross-border trade, foreign direct investment, or technology licensing or transfer between parties from different countries. Second, an apparently domestic dispute or transaction can also involve the law of a foreign jurisdiction or an international treaty. For example, in a divorce and child custody case, one spouse may take the children and move back to the country where the couple married; in a criminal case, a person suspected of money laundering may have committed certain acts overseas which need to be proved as crimes.

⁵ Nowadays, the three major roles of law schools are education, research, and outreach: Michael Coper, 'Educating Lawyers for What? Reshaping the Idea of Law School' (2010) 29 *Pennsylvania State International Law Review* 25, 27.

⁶ See Vai Io Lo, 'The Internationalisation of Legal Education: A Road Increasingly Travelled' in Mary Hiscock and William van Caenegem (eds), *The Internationalisation of Law: Legislating, Decision-Making, Practice and Education* (Edward Elgar, 2010) 117.

Legal Services Advisory Council (ILSAC),⁷ and then provides an up-to-date overview of the internationalisation of legal education in Australia, based on 32 online audits of Australian law schools. Taking other issues facing Australian law schools into account, Part IV examines the major factors that contribute to the current situation of internationalisation of legal education in Australia. Given the trend of internationalisation worldwide, Part V explains why it is opportune for Australian law schools to set the internationalisation of legal education as a priority. The final part draws conclusions.

II THE CHANGING LANDSCAPE OF LEGAL EDUCATION

Except for international treaties and model rules formulated by international organisations, law is basically ‘local’ because substantive and procedural rules enacted by legislatures or developed by judiciaries vary from jurisdiction to jurisdiction, and admission to practise law is administered by national or regional authorities, whether by the ministry of justice, the judiciary, or a self-regulated professional association. Since legal education is locally oriented, law schools have been focusing on teaching domestic law subjects, whether mandatory or elective, to train students to become qualified for practice within their respective jurisdictions. Nonetheless, as globalisation gathers momentum, lawyers increasingly encounter international law or the laws of foreign jurisdictions, whether the dispute or transaction is transnational or seemingly domestic. Law schools or faculties, in turn, find it strategically sound to re-examine their curricula to determine whether they should incorporate an international perspective into legal education.

Whether legal education should be internationalised is not devoid of controversy. The major arguments against internationalisation include: (1) the importance of learning basic legal principles and acquiring problem-solving skills through an in-depth study of the domestic legal system; (2) the impossibility of gaining any meaningful understanding of a foreign legal system in a short span of time; (3) the likelihood of rendering a disservice to the study of comparative law by conducting oversimplified comparisons of legal systems; and (4) the dispensability of studying international treaties due to the incorporation of international provisions into domestic law through enabling legislation.⁸ That is, if internationalisation will weaken the foundational training in domestic law but will not enhance the prospects of learning foreign and international laws,

⁷ International Legal Education and Training (ILET) Committee, International Legal Services Advisory Council (ILSAC), *Internationalisation of the Australian Law Degree* (2004). Chaired by Professor Gillian Triggs, the ILET Committee had Sir Laurence Street, Ms. Suzanne Oliver, Mr. Bill O’Shea, Mr. Russell Miller, Professor Paul Redmond, and Mr. Adrian Van Leest as members.

⁸ Lo, above n 6, 118.

law schools should not divert their resources to internationalise legal education.

Conversely, advocates for internationalisation maintain that: (1) law students will obtain a better understanding of domestic law if they have the opportunity to learn how different jurisdictions have dealt with the same or similar legal problems;⁹ (2) if law students can explore how application of legal principles in different jurisdictions has reached the same or similar outcomes, they will be able to understand the fundamental principles common to those legal systems;¹⁰ (3) if law students have the opportunity to be exposed to more than one legal system they will not think that there is only one solution to a legal problem — in which case, the negative impact of dogmatism can be averted;¹¹ (4) if legal problems are viewed through a different lens, students will learn to challenge entrenched institutionalised concepts and fundamental assumptions in their own legal system;¹² and (5) since most law programs are designed to train legal technicians who are skilful in applying the rules to the facts and solving problems based on legal reasoning, learning the laws of more than one jurisdiction from different perspectives will enable law students to understand the role of law in social ordering.¹³ In other words, the internationalisation of legal education will enable students to understand domestic law better, discern the fundamental principles of law across jurisdictions, explore alternative solutions to problems, learn critical thinking, and see the bigger picture of law and society.

With the impact of globalisation being increasingly felt in the legal community, the controversy over internationalisation has abated, and more law schools have taken steps to internationalise legal education. In trying to do so, law schools have encountered two sets of common issues. The first concerns the underlying objectives of internationalisation: should international, comparative, or foreign law courses be compulsory or elective, and should internationalisation focus on solutions to legal problems, different ways of legal thinking, or both?¹⁴ The second concerns the nuts and bolts of internationalisation, including such issues as whether internationalisation should be achieved by offering discrete courses, or by integrating them into domestic law courses, or both. Where

⁹ Ibid; James Maxeiner, 'Learning from Others: Sustaining the Internationalisation and Globalisation of US Law School Curriculum' (2008) 32 *Fordham International Law Journal* 32, 48, 54.

¹⁰ James Gordley, 'Comparative Law and Legal Education' (2001) 75 *Tulane Law Review* 1003, 1008.

¹¹ Ibid.

¹² Vivian Curran, 'Dealing in Difference: Comparative Law's Potential for Broadening Legal Perspectives' (1998) 46 *American Journal of Comparative Law* 657, 658, 663.

¹³ Lo, above n 6, 119.

¹⁴ Ibid 119–20; Maxeiner, above n 9, 36.

international, comparative, or foreign law courses are mandatory or optional, at what point should law students take them? Should internationalisation be achieved by offering separate international, comparative, or foreign law degrees, or by adding international, comparative, or foreign law courses to the core curriculum? Who should be the instructors in international, comparative, or foreign law courses?¹⁵ These pedagogical issues have generated four major approaches to internationalise legal education: inclusive, integrative, experiential, and preferential. Each is discussed below.¹⁶

In a nutshell, an *inclusive* approach refers to the offering of international, comparative, or foreign law subjects or study programs in addition to the core curriculum, including such features as compulsory or elective international, comparative, or foreign law courses;¹⁷ concentration, stream, or specialisation opted by LLB, JD or LLM students;¹⁸ and a Master's degree, diploma, or certificate

¹⁵ Lo, above n 6, 120; Maxeiner, above n 9, 36.

¹⁶ Maxeiner uses three categories (additive, integrative, and immersive) to analyse law schools' efforts to promote the internationalisation of the law curriculum. Maxeiner, above n 9, 37–44. The author believes that the four categories discussed here better reflect what has been done for the internationalisation of legal education.

¹⁷ For example, Georgetown University offers nine categories of international, comparative, and foreign law courses, including International Law Fundamentals (eg, International Courts and Tribunals), Business in a Global Context (eg, Cross-Border Transactions in Latin America), International Security and Conflict Resolution (eg, Cross-Border International Litigation and Conflicts of Law), Law and Development (eg, Infrastructure Projects in Developing and Transition Countries), International Migration Law and Policy Centre for Applied Legal Studies Citizenship (eg, Immigration and Nationality Law), Comparative and Regional Studies (eg, Comparative Corporate Governance), International Environmental Law (eg, Environmental Research Workshop), International Human Rights (eg, International Economic and Social Rights), and International Trade and Economic Law (eg, International Project Finance and Investment) <<http://www.law.georgetown.edu/otp/Curriculum2.htm>> at 15 December 2011. Generally, law schools offer international, comparative, or foreign law courses as electives. For instance, the University of Michigan has a list of international and comparative law courses for students who are interested in pursuing transnational practice <<http://web.law.umich.edu/CurriculumInterestAreas/CurriculumInterestArea.aspx?cia=INT>> at 15 December 2011. However, some law schools have compulsory international or comparative law courses. For example, Harvard University requires first-year law students to take one of its international and comparative law courses, such as Comparative Law: Introduction to European Legal Traditions, Comparative Law: Why Law?, The Constitution and the International Order, International Law, Law and the International Economy, or Public International Law <www.law.harvard.edu/current/careers/ocs/employers/about-our-students/the-new-11-curriculum.html> at 15 December 2011.

¹⁸ For example, a student in the University of Washington will have the notation of 'Asian law concentration' or 'international and comparative law concentration' on his or her transcript after completing the course language, and writing requirements: <<http://www.law.washington.edu/Students/Academics/Concentration/Asian.aspx>> and <<http://www.law.washington.edu/Students/Academics/Concentration/International.aspx>> at 16 December 2011.

in a specific area of international, comparative, or foreign law.¹⁹ In contrast, an *integrative* approach refers to the incorporation of international, comparative, or foreign law into domestic law subjects. The instructor focuses on domestic law, but discusses the laws of one or more foreign jurisdictions or relevant international treaties for the purpose of comparison.²⁰ An *experiential* approach is the most popular because it requires the least amount of resources. Under this approach, the major avenues to learning foreign or international law and acquiring overseas experience are the summer program, exchange program, dual-degree program, and special study arrangements.²¹ Where the *preferential* approach is adopted, law schools allow students to study abroad international, comparative, or foreign law courses that cater to their needs and interests in the absence of any formal partnership or exchange agreements; to conduct independent research projects under the supervision of law academics; to participate in international moot competitions; to run student-edited international and comparative law journals; and to

¹⁹ A Master's degree, diploma, or certificate in a specific area of law can be completed by either full-time or part-time study. For example, the Chinese University of Hong Kong has the LLM in Chinese Business Law and LLM in International Economic Law programs, which can be completed full-time in one to two years or part-time in two to three years: <<http://www.law.cuhk.edu.hk/programs/master-of-law-in-chinese-business-law.php>> and <<http://www.law.cuhk.edu.hk/programs/master-of-law-in-international-economic-law.php>> at 15 December 2011. Similarly, the School of Oriental and African Studies (SOAS) of the University of London offers a Diploma or Certificate in Comparative Law, and students can complete the program either full-time in one year or part-time in two or three years: <<http://www.soas.ac.uk/law/programs/dipcomplaw/>> and <<http://www.soas.ac.uk/law/programs/certcomplaw/>> at 15 December 2011.

²⁰ Most international, comparative, or foreign law materials are not taught in depth. For instance, in teaching the requirements of completeness and certainty for a legally enforceable contract, the instructor may compare Australian contract law with German contract law and briefly mention the United Nations Convention on Contracts for the International Sale of Goods.

²¹ For example, Cornell University and the Université Paris I Panthéon-Sorbonne co-sponsor a Paris Summer Institute, in which students from Cornell can spend five weeks in Paris to study international and comparative law: <http://www.lawschool.cornell.edu/international/study_abroad/paris_summer/index.cfm> at 16 December 2011. Many law schools have exchange agreements with universities overseas as, for example, the University of Toronto has exchange programs with such universities as the National University of Singapore, Lund University, University of Manchester, University of Oslo, University of Hong Kong, and University of Auckland: <http://www.law.utoronto.ca/prosp_stdn_content.asp?itemPath=3/6/19/0/0&contentId=1964> at 16 December 2011. With respect to the dual-degree program, Harvard University and Cambridge University jointly offer a JD/LLM program, in which students can earn a Harvard JD and a Cambridge LLM in three-and-a-half years: <<http://www.law.harvard.edu/academics/degrees/special-programs/joint-degrees/jd/ll.m.-program.html>> at 16 December 2011. One example of special study arrangements is the ERASMUS (European Region Action Scheme for the Mobility of University Students) program, which allows students to study law for three months to one year in another European country: <http://ec.europa.eu/education/erasmus/doc892_en.htm> at 16 December 2011.

undertake internships or externships with international organisations or international law firms.²²

These four pedagogical models are not mutually exclusive, and a law school often adopts more than one approach. Whether a law school adopts one approach, or a complementary mix of approaches, depends on the financial and human resources of the particular school, as well as the kind of law school it perceives itself to be or aspires to become. Law schools are expected to revise their strategies as a result of increased experiences and evolving needs. In any case, to further promote internationalisation, some law schools have also established research centres dedicated to research on international, comparative, or foreign law.²³

Notwithstanding their internationalisation efforts, most law schools have encountered four major challenges on the path of internationalisation. First, it is difficult to find qualified academics or legal practitioners to teach international, comparative, or foreign law.²⁴ Second, to teach international, comparative, or foreign law

²² For example, Stanford University allows a student to petition to study at a foreign law school with which it does not have any exchange arrangement if he or she can demonstrate a compelling need or interest in attending the school in question and the program to be studied warrants a semester of Stanford Law School credit: <http://www.law.stanford.edu/program/centers/spil/foreign_study/pdf/Foreign_Study_Guidelines_2009.pdf#foreign> at 16 December 2011. International moot competitions in various areas of law, such as the Philip C. Jessup International Law Moot and ELSA International on WTO, are held worldwide. Student-edited law journals are the norm among US law schools. Two examples of student-edited international and comparative law journals are *Harvard International Law Journal*: <<http://www.harvardilj.org/>> and *Vanderbilt Journal of Transnational Law*: <<http://law.vanderbilt.edu/publications/journal-of-transnational-law/index.aspx>> at 16 December 2011. Some law schools help students secure internships or externships overseas as, for example, Brigham Young University's externship program enabled 52 law students to have externships in 20 countries in 2010: <http://www.law2.byu.edu/page/?id=current_students&cat=careers&content=top_participation> at 30 November 2011.

²³ For example, Duke University has set up its Centre for International and Comparative Law <<http://www.law.duke.edu/cicl/>> at 19 December 2011, and the King's College London has set up the Centre of European Law: <<http://www.kcl.ac.uk/law/research/centres/european/index.aspx>> at 19 December 2011.

²⁴ Lo, above n 6, 126. It is easier to find academics who can teach international law, especially public international law, but it is more difficult to find law academics who specialise in comparative law or foreign laws. Since most academics are experts in certain areas of domestic law, it is common for law schools to invite visiting academics from foreign countries to teach foreign law or co-teach comparative law subjects. For instance, Columbia University has hosted more than 20 visiting professors from 11 countries during a four-year period <http://www.law.columbia.edu/jd_applicants/curriculum/intlcomp/visiting> at 19 December 2011. Moreover, some law schools participate in formal faculty exchange programs. For example, the European-American Consortium on Legal Education (currently comprised of American University, the University of Baltimore, Erasmus University Rotterdam, the University of Georgia, the University of Ghent, Helsinki University, Hofstra University, the University of Parma, Santa Clara University and Warsaw University) pairs one European university and one American university to exchange faculty members during each fall semester <<http://www.eacle.org/>> at 19 December 2011. Nevertheless, visiting arrangements also create problems. For instance, there is often a lack of coordination between foreign and domestic professors, unless the course is well planned in advance: Gordley, above n 10,

on an integrative basis, law instructors need textbooks covering more legal systems than the domestic one.²⁵ Third, since many law schools need to meet accreditation requirements, courses taught in a foreign law school can present problems when a law school applies for accreditation or re-accreditation.²⁶ Fourth, if the bar examination of a jurisdiction tests only domestic law subjects, how can law schools motivate students to take or even audit (attend without receiving credit) international, comparative, or foreign law courses?²⁷ Accordingly, many law schools have been struggling to find a feasible and effective model to internationalise legal education. Given this background, how have law schools in Australia fared in internationalising legal education?

1003 (Gordley notes that foreign and domestic professors do not systematically integrate the studies of foreign and domestic laws). Second, visiting appointments often strain the law school budget and increase administrative burden, such as the needs to procure a visa and to find temporary housing for the visitor: Lo, above n 6, 126. Likewise, lawyers engaged in transnational practice are too busy to get involved in teaching international, comparative, or foreign law courses. Despite the shortage of qualified teaching staff in different parts of the world, major law schools in Japan have full-time faculty members who specialise in foreign laws. For example, the University of Tokyo has full-time academics specialising in Anglo-American law, German law, European law, French law, Roman law, and Islamic law: <<http://www.j.u-tokyo.ac.jp/en/professors/index.html>> at 19 December 2011, and Waseda University has full-time academics specialising in Roman law, Russian law, and Chinese law: <http://www.waseda.jp/hougakubu/english/about_school/staff.html> at 19 December 2011.

²⁵ In the case of international law, textbooks on public international law and international trade law are readily available. However, there have been only a limited number of English-written textbooks or English-language materials available on comparative and foreign laws. One solution is that at the end of each chapter, the author(s) of a domestic law book briefly discuss(es) some elements of one or two foreign legal systems. See, eg, Willmott et al, *Contract Law*, (3rd ed, 2009). Moreover, most law academics and students lack the requisite language skills to study or translate foreign legal materials. Attempts to solve the scarcity of teaching materials are twofold. The first is to publish a series of topic-approach books. For example, the Global Issues Series published by Thomson-West is designed to provide instructors who have little or no knowledge of international and comparative law with cases and materials to support the international program developed at McGeorge School of Law, including such titles as civil procedure, property, contracts, and corporations. Maxeiner, above n 9, 40–1. The second is the contextual approach. For instance, Carolina Academic Press has published *Practical Global Tort Litigation: United States, Germany, and Argentina*, in which parallel examinations of a fictitious case are performed by the co-authors from three legal systems. Maxeiner, above n 9, 41–2. Recently, Edward Elgar has published *Comparative Administrative Law and Comparative Constitutional Law*, with such forthcoming titles as *Comparative Property Law*, *Comparative Civil Procedure*, *Comparative Tort Law*, *Comparative Competition Policy*, and *Comparative Contract Law*: <<http://www.elgar.com>> at 15 February 2012.

²⁶ Lo, above n 6, 127. It is difficult to assess the quality of a law course taught in a foreign country. Therefore, most law schools that give credit for an elective subject taught in a foreign country will not recognise the grade or marks earned for that course.

²⁷ Ibid. Bar examinations or qualifying examinations to obtain practice licences test only core domestic law subjects, such as obligations, contracts, criminal law and procedure, civil procedure, constitutional law, administrative law, property, and evidence.

III THE INTERNATIONALISATION EFFORTS IN AUSTRALIA

In recent years, the internationalisation of tertiary education has become a significant mandate for Australian universities. Internationalisation is one of the assessment criteria in conducting an Australian University Quality Assurance (AUQA) audit. Not only must universities formulate policies and strategies to internationalise tertiary education, but it is also the case academic disciplines within each university need to explore ways to internationalise their respective curricula. Considering the local orientation of legal education, this section examines what strategies and initiatives Australian law schools have undertaken to internationalise the law curriculum.

A *The 2004 ILET Committee Report*

In June 2004, the ILET Committee of the ILSAC published a report about the internationalisation of the Australian law degree ('ILET 2004'). The ILET Committee's working definition of internationalisation consists of four elements: the curriculum and pedagogy should prepare students to apply legal skills in transnational and international transactions; students should be able to understand and apply fundamental principles of law and legal reasoning in all international, regional, and transnational contexts; international materials should be integrated into the whole legal curriculum (not merely by adding international or comparative law electives); and overseas students should be able to obtain genuinely internationally focused law degrees from Australian universities.²⁸

The ILET Committee did not conduct a comprehensive survey of the extent of internationalisation in Australian law schools, but sought to assess informally the then-current strategies adopted by law schools to respond to the globalisation of legal services.²⁹ It sampled law schools from the 'first wave' (the University of Tasmania, the University of Melbourne, the University of Sydney, and the University of Adelaide), 'second wave' (the Australian National University, Monash University, Macquarie University, the University of New South Wales, and Queensland University of Technology), and 'third wave' (Deakin University, Bond University,

²⁸ ILET Committee, above n 7, 5. According to the ILET Committee, the internationalisation of legal education by developing the law curriculum and stressing practical legal skills entailed a fundamental revision of substantive law and teaching methodology (not by adding to existing programs): Ibid 9. Apparently, the ILET Committee's definition of 'integrated into the whole legal curriculum' is broader than the 'integrative' approach discussed above because their apparent intent is to take a comprehensive or holistic approach.

²⁹ Ibid 5.

Griffith University, and Victoria University) law schools³⁰ and noted the following strategies: integrating international and comparative materials into core subjects; encouraging an interdisciplinary approach; negotiating international exchange agreements and internships; arranging study tours; establishing specialised research centres; fostering visits and lectures by international academics; increasing the number of international and comparative law options available; making international law a core subject for the LLB; cultivating an international network of alumni; marketing law programs overseas; and offering LLM programs that specialise in international and comparative law.³¹

Based on the data collected and interviews conducted, the ILET Committee made the following findings. Most law schools did not consider the internationalisation of the law curriculum to be a priority. In fact, law schools generally considered the introduction of public and private international law and comparative law electives sufficient for preparing graduates for contemporary legal practice. Australian law schools had not adopted coordinated strategies to respond to the impact of globalisation on legal services, and they should provide a genuinely internationalised legal education to ensure that law graduates could compete effectively in a global market and to attract fee-paying students from overseas to study law in Australia.³² Moreover, the ILET Committee observed that the competing aims of legal education,³³ tokenism,³⁴ Priestley 11 requirements,³⁵ and the balance between substantive law and practical legal skills³⁶ had a negative impact on the internationalisation of legal education in Australia. Even so, since the 'first wave' law schools were well

³⁰ 'First wave' law schools were established before the 1960, 'second wave' law schools were established between 1960 and 1990, and 'third wave' law schools have been established since the 1990: *Ibid* 6.

³¹ *Ibid* 11–12.

³² *Ibid* 3.

³³ The competing aims of Australian legal education were the needs to fulfill academic and educational ideals, to secure research funding, to attract top intellectual talents, and to build a sound reputation based on academic integrity: *Ibid* 6.

³⁴ Many Australian law schools gave only a nodding response to the need for an international approach to legal education: *Ibid*.

³⁵ In 1992, Justice Priestley, Chair of the Consultative Committee of State and Territorial Law Admitting Authorities of Australia, prescribed 11 'areas of knowledge' that students must study prior to admission to legal practice: civil procedure, criminal law and procedure, contracts, torts, evidence, real and personal property, equity, professional conduct, administrative law, federal and state constitutional law, and company law. Thereafter, the Law Council of Australia recommended specific contents for each area. The ILET Committee explained that the Priestley 11 subjects had a chilling effect on the adoption of a wider vision of the 11 subject areas, which reflected a perception that the LLB curriculum was overburdened with priorities to teach basic Australian law: *Ibid* 7.

³⁶ Since law schools were under pressure to increase skills-based legal education, they were reluctant to increase the substantive content of the curriculum. In fact, many law academics thought that an internationalised curriculum would overburden the law curriculum: *Ibid* 7–8.

placed to promote changes in the content and pedagogy of the law degree, they had successfully distinguished themselves by promoting an international or comparative law focus.³⁷

The ILET Committee concluded that the impact of globalisation on the delivery of legal services required the development of a genuinely international legal education by Australian law schools, and that strategies should be adopted to promote the development of an internationalised legal education.³⁸ Accordingly, it recommended that ILSAC make the following proposals to the Attorney-General: that a representative committee be established to develop national policy and implement strategies to promote the internationalisation of Australian legal education; that incentives be developed through Commonwealth university funding to stimulate efforts to introduce global legal perspectives to substantive and skills-based legal education; that a model syllabus be developed to promote the internationalisation of core legal subjects; that practical skills necessary for the delivery of legal services in a global context be integrated into core subject areas; that an interdisciplinary approach be promoted to enable law students to engage effectively with international organisations; that a national conference be held on the impact of globalisation on legal services to raise awareness; and that internationalisation be achieved without adding significantly to the substantive content of the curriculum, including efforts to revise the Priestley 11.³⁹

B *The Current Situation of Internationalisation*

Eight years have passed since the publication of ILET 2004. To ascertain the current situation of internationalisation, 32 online audits of Australian law schools were conducted between October 2011 and January 2012.⁴⁰ These audits, guided by a set of 20 questions,⁴¹ serve to provide only a window on internationalisation,⁴² because the information posted on the websites of some law schools may not be current;⁴³ unavailability of relevant information on the website of a particular law school does not mean that the answer must be negative;⁴⁴ and information posted on the websites of some law

³⁷ Richard Johnstone and Sumitra Vignaendra, *Learning Outcomes and Curriculum Development in Law* (Australian Universities Teaching Committee, 2003) 197.

³⁸ *Ibid* 3.

³⁹ *Ibid* 13.

⁴⁰ See Appendix I for details.

⁴¹ See Appendix II for details.

⁴² Moreover, these audits are not designed for comparison purposes and do not seek to identify which law schools have adopted better strategies to internationalise legal education.

⁴³ Law schools may not upload updates or take down obsolete information frequently or regularly.

⁴⁴ For example, although no online information is available regarding internships overseas, the law school concerned might in fact have set up such arrangements.

schools may not accurately reflect what is happening in practice.⁴⁵ To obtain an accurate and complete picture, a comprehensive study based on appropriate methodologies, with the cooperation of all Australian law schools, and supported by a research grant, needs to be performed. For the time being, these online audits provide a ballpark account of the current situation of internationalisation among Australian law schools.

Although the websites of the majority of Australian universities acknowledge the importance of internationalisation and set forth their goals and strategies for internationalising their curricula,⁴⁶

⁴⁵ For example, a course listed on the website might not have been offered for two to three years, and an academic who indicates an interest in comparative law might not yet have commenced research into comparative law.

⁴⁶ For example, information regarding the importance, goals, or strategies of internationalising the tertiary curriculum can be found on the websites of University of Adelaide ('[Internationalisation is] a curriculum with an international orientation in content, aimed at preparing all students for performing (professionally/socially) in a global context ... It is an evolving and interactive process, and different disciplines will "internationalise" their curricula in different ways'): <<http://www.adelaide.edu.au/clpd/curriculum/intcurriculum/>> at 26 December 2011; Deakin University ('Deakin's goal is to have an international outlook in relation to teaching and research and to enhance the international capabilities and international understanding among students, staff and the wider community, so as to be a university of choice for international and Australian students and staff'): <<http://www.deakin.edu.au/internationalisation/index.php>> at 27 December 2011; James Cook University ('JCU has a strong commitment to internationalisation and inter-cultural knowledge in the context of the curriculum, research, staff development, student and staff mobility, and the overall student experience'): <http://www.jcu.edu.au/curriculumrefresh/resources/JCU_084648.html> at 18 November 2011; University of New England ('A working party was established ... to provide recommendations and guidelines on internationalisation at UNE, particularly for internationalisation of the curriculum ... It is suggested that UNE adopt an overall emphasis in its internationalisation activities that values the cultural capital of all its students and expands staff involvement in international research and collaboration ...'): <http://www.une.edu.au/tlc/academicdevelopment/documentation/Fleming_internationalisation-report.pdf> at 6 December 2011; University of Tasmania ('The Internationalisation Committee instigated an internationalisation of the curriculum (IoC) project as part of the Internationalisation Plan 2011-2013 ... an internationalised curriculum — that is global in perspective and facilitates intercultural competence'): <<http://www.utas.edu.au/internationalisation/internationalisation-of-the-curriculum>> at 28 October 2011; University of Technology, Sydney ('The UTS Internationalisation Strategy 2010-2012 outlines the University's internationalisation objectives, and practical initiatives to meet those objectives. It ensures inter-cultural and global perspectives are integrated into all aspects of university life ...'): <<http://www.uts.edu.au/about/international/strategy.html>> at 25 November 2011; Victoria University ('An internationalised curriculum is both international in its content and outlook and inclusive in the way that it is taught and assessed. But internationalising at Victoria University also seeks to value diversity, including students' skills in other languages as well as English'): <<http://tls.vu.edu.au/portal/site/intercurr/intercurr.aspx>> at 18 November 2011; and University of Wollongong ('An International Strategic and Management Plan is under review to identify the University's overriding Internationalisation objectives ... The University Internationalisation Committee is a representative committee overseeing the activities of its Sub-Committees and ...'): <<http://www.uow.edu.au/governance/committees/academicssenate/UOW000292.html>> at 16 November 2011.

only about one-third of the law schools specifically state their goals, plans, or strategies to internationalise legal education.⁴⁷ Nonetheless, irrespective of whether internationalisation is consciously pursued, all of the law schools display, in their curricula, features that reflect the preceding four pedagogical approaches.

All of the law schools audited offer international, comparative, or foreign law courses in their undergraduate programs, ranging from as

⁴⁷ For example, University of Canberra ('The Canberra Law School takes an international approach to everything it does. We value highly our connections with top international law schools which enable international exchange of students. Much of our research is undertaken on an international and comparative basis. Most of our staff are connected to the legal systems of other countries by origin, education or research'): <<http://www.canberra.edu.au/faculties/law/our-mission-statement>> at 18 November 2011; Deakin University ('[Y]ou can apply for international study experiences to your course through in-county [sic] programs, internships, study abroad, student exchange programs and cross-cultural collaborations ... Through such programs, our students develop a richer cultural understanding and become true global citizens'): <<http://www.deakin.edu.au/buslaw/future-students/international.php>> at 27 December 2011; the University of Melbourne ('Our international partnerships connect us to the leading law schools in the United Kingdom, Asia and North America and include our flagship joint degrees with Oxford University, New York University and Chinese University of Hong Kong'): <<http://www.law.unimelb.edu.au/melbourne-law-school/community/welcome-from-the-dean>> at 6 December 2011; Monash University ('Monash University and the Faculty of Law have made a strategic commitment to the internationalisation of educational opportunities for our students. As such the Law School has developed a number of internships that will enhance both the personal and professional developments of our students. These are internships negotiated, advertised and managed by the Faculty of Law and developed via a memorandum of understanding (MOU) with the organisation concerned'): <<http://www.law.monash.edu.au/current-students/study-opportunities/internships/faculty-managed-internships.html>> at 10 November 2011; Murdoch University ('It is important to create opportunities for students: opportunities to study overseas, to be exposed to different and various teaching methods, to discover what the world has to offer. For that reason, the programs offered by the Law School are a world of opportunity'): <<http://www.murdoch.edu.au/Courses/Law/About-the-School/>> at 10 December 2011; University of Southern Queensland ('We have a longstanding strength in the areas of commercial, corporate and taxation law. With the appointment of new staff, our teaching and research strengths have expanded to include such areas as ... international and comparative law'): <<http://www.usq.edu.au/business-law/schools/law>> 27 October 2011; Sydney ('The Law School places special emphasis on international and comparative law, maintains a strong profile in taxation, corporate and criminal law, and delivers programs in specialist areas such as environmental and health law'): <<http://sydney.edu.au/law/about/index.shtml>> at 23 December 2011; and UNSW ('The International Law and Policy Group ... was established in 2004 to contribute to the development of research in, and the teaching and dissemination of, international law through: offering a comprehensive range of contemporary and innovative courses in the field of international law ... encouraging students to develop their knowledge of international law and to gain intensive training in advocacy by supporting the international law competitive moot program ... developing the possibilities for students to undertake internships in the international law field, whether at UNSW, or in other institutions in Australia or abroad ...'): <<http://www.law.unsw.edu.au/centres/international-law-policy-group>> at 22 December 2011.

few as several courses to as many as 30 courses.⁴⁸ Except for one or two courses required by the Australian National University, Griffith University, Macquarie University, the University of Newcastle, Notre Dame University, and the University of Sydney,⁴⁹ the international, comparative, or foreign law courses are offered as electives to be taken in the second, third, or fourth year of the LLB program.⁵⁰ Apparently, most of the international, comparative, and foreign law courses listed are taught on campus, but some are taught overseas as, for example, Murdoch University has its *Introduction to the Chinese Legal System*, *Chinese Contract and Commercial Law*, and *Chinese Intellectual Property Laws in the Global Context* taught in Hong Kong and *European Union Law and Comparative Law*

⁴⁸ For instance, the University of Adelaide offers *Human Rights: International and National Perspectives*, *Jessup Moot*, and *Public International Law* as electives in its LLB program <<http://www.law.adelaide.edu.au/degrees/llb/>> at 26 December 2011; Bond offers about 30 international, comparative, or foreign law courses for its undergraduate students (eg, *International Aspects of IT Law*, *International Environmental Law*, *International Trade and Business Law*, *Law and Investment in China*, *Law and Investment in Japan*, and *Law and Society in China*) <<http://apps.bond.edu.au/subjects/subject-listing.asp?StudyOption=Undergraduate&StudyArea=Law+-+Electives&Faculty=All&Name=&Submit=Search+%3E%3E>> at 7 November 2011; the University of Sydney offers about 15 international, comparative, or foreign law courses in its LLB program (eg, *Advanced Public International Law*, *International Commercial Transactions*, *International Human Rights Law*, *International/Comparative Jurisprudence*, *Introduction to Islamic Law*, and *Japanese Law*) <<http://sydney.edu.au/law/fstudent/undergrad/combined.shtml>> at 23 December 2011; and the University of Western Australia offers *International Commercial Arbitration*, *International Humanitarian and Refugee Law*, *International Trade Law*, *Public International Law*, *Selected Topics in Public International Law*, and *Jessup International Moot Competition* in its LLB program (changing to the JD program in 2013) <<http://www.law.uwa.edu.au/students/enrolment/undergrad-options>> at 28 October 2011. Although courses with seemingly domestic law titles may have an international or comparative law dimension, this study focuses only on courses with clearly international, comparative, or foreign law titles.

⁴⁹ See Appendix III for details.

⁵⁰ For example, Flinders offers such electives as *International Humanitarian Law* and *International Trade Law and Development* to be taken in the third or fourth year <http://www.flinders.edu.au/ehl/fms/law_files/Information%20for%20Students/2012%20Law%20Handbook.pdf> at 28 January 2012; QUT's *Laws and Global Perspectives* is a foundational unit in the international law elective interest group <<http://www.courses.qut.edu.au/cgi-bin/WebObjects/Courses.woa/wa/selectUnitFromCourseDetails?idunit=42713&strUnitOutlineSelect=uclWB144%7Cuv1%7Cov17%7CctSEM-2%7Csn2011%7Cui>> at 21 November 2011; USQ offers such electives as *International Trade Law*, *Public International Law*, and *Private International Law* to be taken in the third or fourth year <<http://www.usq.edu.au/handbook/2012/buslaw/BLAW.html#programenrolment.pattern>> and <<http://www.usq.edu.au/handbook/2012/buslaw/BLAW.html#programelective.courses>> at 28 January 2012; and UTS offers such electives as *Asian Law and Legal System*, *Comparative Law*, *International Environmental Law*, *Public International Law*, *Islamic Law*, *Law of the Sea*, and *World Trade Law* to be taken from the second year onwards <<http://www.handbook.uts.edu.au/courses/c04236.html#F17>> and <<http://www.handbook.uts.edu.au/directory/cbk90592.html>> at 25 November 2011.

taught in Italy,⁵¹ while the University of Sydney has its *Development and Human Rights* and *Chinese Laws and Chinese Legal Systems* taught in Nepal and China, respectively.⁵² Although most of the international, comparative, and foreign law courses consist of public international law, human rights law, international trade law, and comparative law, about one-half of the law schools offer Asian or Islamic law courses,⁵³ almost one-third of the law schools offer European law courses,⁵⁴ three law schools offer US law courses,⁵⁵ and one law school offers Canadian law courses.⁵⁶

Apart from the offering of international, comparative, or foreign law courses, almost one-half of the law schools offer an international

⁵¹ See <<http://www.law.murdoch.edu.au/academics/docs/2011/LLB-units.pdf>> at 10 December 2011.

⁵² See <http://sydney.edu.au/law/cstudent/undergrad/docs_pdfs/2012UGunitlist.pdf> at 28 January 2012.

⁵³ See Appendix IV for details.

⁵⁴ Bond University offers *Aspects of European Law, European Business Law, and Foreign Trade Law of the European Union* <<http://apps.bond.edu.au/subjects/subject-listing.asp?StudyOption=Postgraduate&StudyArea=Law+-+Electives&Faculty=All&Name=&Submit=Search+%3E%3E>> at 7 November 2011; Griffith University offers *European Union Law and Integration* <http://www17.griffith.edu.au/cis/p_cat/program/law_electives.htm> at 27 December 2011; Macquarie University offers *European Law and Institutions* <<http://www.handbook.mq.edu.au/2012/Units/UGUnit/LAW466>> at 16 November 2011; the University of Melbourne offers *European Civil Law and Impact of the EU* <<http://undergraduate.law.unimelb.edu.au/go/current-students/subject-pages/2012-subjects/index.cfm>> at 30 January 2012; Murdoch University offers *European Union Law* <<http://www.law.murdoch.edu.au/academics/docs/2011/LLB-units.pdf>> at 10 December 2011; the University of Queensland offers *European Union Law* <http://www.uq.edu.au/study/program_list.html?acad_prog=2042> at 9 December 2011; University of Tasmania offers *Law of the European Union* <<http://www.studentcentre.utas.edu.au/structures/?year=2012&code=63A>> at 30 January 2012; UTS offers *European Union Law* <<http://www.handbook.uts.edu.au/directory/cbk90952.html>> at 25 November 2011; and Victoria University offers *European Union Law* <<http://www.vu.edu.au/courses/bachelor-of-laws-blaw>> at 18 November 2011.

⁵⁵ The Australian National University offers *Survey of United States Law and Selected Topics in Australian-United States Comparative Law* <<http://www.law.anu.edu.au/students/undergradcourses.aspx>> at 28 November 2011; the University of Melbourne offers *Comparative Tort Law: The United States and Australia, US Corporate and International Tax, and US Intellectual Property Law* <<http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects-2012>> at 30 January 2012; and the University of Sydney offers *Comparative Constitutional Law: AUS and US* <<http://sydney.edu.au/law/fstudent/undergrad/combined.shtml>> at 23 December 2011.

⁵⁶ Bond University offers four Canadian law courses (*Canadian Administrative Law, Canadian Constitutional Law, Canadian Criminal Law and Procedure, and Foundations of Canadian Law*) to its Canadian students <<http://apps.bond.edu.au/subjects/subject-listing.asp?StudyOption=Undergraduate&StudyArea=Law+-+Electives&Faculty=All&Name=&Submit=Search+%3E%3E>> at 7 November 2011.

law ‘specialisation’, ‘concentration’, or ‘stream’.⁵⁷ Likewise, about one-third of the law schools award Master’s degrees, diplomas, or certificates in specific areas of international, comparative, or foreign law.⁵⁸ Accordingly, most Australian law schools have adopted the inclusive approach in one way or another.

To provide opportunities for students to study and gain experience abroad, about two-thirds of the universities audited offer summer or short-term programs overseas for various disciplines, either on their own or in collaboration with foreign universities,⁵⁹ even though it appears that only some law schools in these two-thirds run their own intensive or short-term programs.⁶⁰ For longer periods of international

⁵⁷ See Appendix V for examples. Moreover, although University of South Australia’s Global Experience program is not law-specific, it has four mandatory components (Orientation, Global Experience Professional Development, Experience Suite, and *MyAdvantage* Development Experience). Upon completion, a student will receive a certificate of completion, a letter outlining the skills, experience, and knowledge he or she has developed in the program, and a notation on his or her academic transcript <<http://www.unisa.edu.au/globalexperience/whatisge/default.asp>> at 21 November 2011.

⁵⁸ See Appendix VI for examples.

⁵⁹ For example, Deakin University (‘The Study Abroad and Exchange Office offers various programs that allow students to study overseas’) <<http://www.deakin.edu.au/current-students/student-exchange/exchange/>> at 27 December 2011 and Wollongong (‘There are various short-term programs abroad during semester breaks’) <<http://www.uow.edu.au/student/exchange/destinations/UOW024298.html>> at 16 November 2011.

⁶⁰ Examples of law schools running intensive or short-term programs include: The Australian National University has a three-week intensive study of international organizations in Geneva <<http://law.anu.edu.au/summer/geneva.asp>>, a five-week joint summer program at the University of Alabama (US) <<http://law.anu.edu.au/summer/alabama.asp>>, and one or two weeks of Kyoto and/or Tokyo Seminars in Japanese Law <<http://law.anu.edu.au/anjel/law/anjel/>> at 18 November 2011; Bond University has the Law in the People’s Republic of China study tour <http://www.bond.edu.au/degrees-and-courses/subjects/subject-search/LAWS13-449_JAN_2012_11167_2_1> and the Kyoto and/or Tokyo Seminars in Japanese Law <<http://www.bond.edu.au/faculties-colleges/faculty-of-law/degrees-and-courses/new-and-upcoming-electives/index.htm>> at 7 November 2011; Deakin University has the Chinese Commercial Law study tour <<http://www.deakin.edu.au/buslaw/law/chinastudytour/index.php>> at 27 December 2011; Flinders University has a 12-day intensive Legal Summer Program on Chinese Law in Shanghai <http://www.flinders.edu.au/ehl/fms/law_files/news/pdf/Chinese%20Summer%20School%20Information%20Booklet.pdf> at 26 November 2011; La Trobe has a two-week intensive winter school in Shanghai <<http://www.latrobe.edu.au/law/study/overseas-study/winter-school-in-shanghai>> at 26 November 2011; Monash University runs an eight-week Global Perspective on Law program at its Sunway Campus in Malaysia <<http://www.monash.edu.au/news/monashmemo/assets/includes/content/20101006/stories-more-uni-news2.html>> at 28 October 2011; Murdoch University has a European Summer Law Program in Italy, International Human Rights Law Program in Geneva, and Postgraduate Certificate in Chinese Law Program in Hong Kong <http://www.law.murdoch.edu.au/academics/international_programs.html> at 10 December 2011; the University of Queensland has summer study programs in such places as Austria and Germany <<http://bel.uq.edu.au/summer-programs>> at 9 December 2011; the University of Sydney has a three-week intensive Shanghai Winter School <<http://sydney.edu.au/law/cstudent/shanghai/>>, the Kyoto and/or Tokyo Seminars in Japanese Law <http://sydney.edu.au/law/caplus/kyoto_tokyo_program.shtml>, and a two-and-a-half-week

exposure, such as one or two semesters abroad, all of the universities have exchange agreements with overseas universities,⁶¹ while some law schools have also signed exchange agreements with foreign law schools on their own.⁶² Apart from bilateral exchange agreements, Australian universities may join the AIM Overseas,⁶³ International Student Exchange Programs (ISEP)⁶⁴ or Australian–European Network⁶⁵ to secure overseas study opportunities for students. Furthermore, the offshore programs of Monash University (Monash Prato Centre in Italy and Monash Sunway Campus in Malaysia) and the University of Sydney (Sydney Law School in Europe) also provide students with inter-campus exchange opportunities to study

Himalayan Field School in Nepal <<http://sydney.edu.au/law/scil/fieldschool/>> at 23 December 2011; and UNSW has the Shanghai Summer School, Beijing Winter School, and European Summer School in Prato <<http://www.law.unsw.edu.au/current-students/beyond-classroom-learning/overseas-winter-summer-schools/>> at 22 December 2011.

⁶¹ Most of the exchange agreements deal with student exchanges, but it is not clear how many of these exchange agreements cover law programs.

⁶² For example, Bond University (The Faculty of Law has law-specific exchange agreements with universities in Asia, Europe, North America, and South America) <<http://www.bond.edu.au/faculties-colleges/faculty-of-law/exchange-opportunities/index.htm>> at 30 December 2011; Melbourne (The Centre for Transnational Legal Studies Program provides the University of Melbourne law students and students studying in overseas law schools with opportunities to study transnational legal issues) <<http://www.law.unimelb.edu.au/jd/course-and-subjects/subject-pages/subject-details/sid/5329>> at 6 December 2011; the University of Queensland (UQ Law has exchange agreements with law schools in Asia, Canada, Europe, and New Zealand) <<http://www.bel.uq.edu.au/exchange-law>> at 9 December 2011; the University of Sydney (Sydney Law School has exchange agreements with law schools in Asia, Europe, and North America) <<http://sydney.edu.au/law/fstudent/undergrad/exchange.shtml>> at 23 December 2011; and UNSW (UNSW offers Global Education opportunities in over 40 universities in Asia, Europe, the Americas, and South Africa) <http://www.law.unsw.edu.au/sites/law.unsw.edu.au/files/docs/forms/law_exchange_information_sheet_jd.pdf> at 22 December 2011.

⁶³ AIM Overseas is an entity specialising in short-term study programs abroad for Australian students <http://www.aimoverseas.com.au/AIM_Overseas_study_overseas.html> at 29 November 2011. For example, University of Canberra has joined the AIM Overseas to enable students to participate in short-term programs overseas <<http://www.canberra.edu.au/study-abroad/travel-os/study-os/intl-internships/aim-overseas>> at 18 November 2011.

⁶⁴ The International Student Exchange Programs (ISEP) is a network of over 300 colleges and universities in 50 countries cooperating to provide affordable access to international education for a diverse student population <<http://www.isep.org>> at 23 December 2011. For example, La Trobe University has joined the ISEP to provide overseas studying opportunities to its students university wide <<http://www.latrobe.edu.au/international/edabroad/exchange/partners>> at 26 November 2011.

⁶⁵ The Australian-European Network of seven Australian universities (Deakin University, Edith Cowan University, Griffith University, Macquarie University, the University of Tasmania, University of Western Sydney, and University of Wollongong) and 31 European universities is a collaborative effort to promote student exchanges <<http://aenonline.net/>> at 23 December 2011.

overseas.⁶⁶ In any case, Australian universities generally specify or approve what courses completed on exchange or taken through study abroad will be given credit.⁶⁷ To help students defray part or all of the travel cost, some law schools provide mobility grants, while government scholarships and loans are available for the period of overseas study.⁶⁸

Moreover, to enhance domestic law students' exposure to foreign laws and increase the number of international students, several law schools have also resorted to joint or dual-degree programs. That is, a student studying in a program jointly run by two law schools will receive one certificate issued by both schools, whereas a student in a dual-degree program will receive separate certificates from each law school.⁶⁹ Adelaide and the University of Mannheim jointly offer the Master of Comparative Laws.⁷⁰ Queensland University of Technology has collaborated with the World Intellectual Property Office, the Singapore Police, and the Indira Gandhi National Open University to offer the Master of Intellectual Property Law or the Bachelor of Justice (International Policing).⁷¹ Since the dual-degree program is a relatively new initiative, it appears that only

⁶⁶ The programs of Monash's Prato Centre and Sunway Campus enable students to conduct a full semester of law studies in each program <<http://www.law.monash.edu.au/current-students/study-opportunities/overseas-study/>> at 10 November 2011, while University of Sydney Law School in Europe offers intensive courses, which can be counted towards the LLM degree <<http://sydney.edu.au/law/fstudent/coursework/LLM/index.shtml>> at 23 December 2011.

⁶⁷ For example, ANU's summer/winter program in Geneva is fully accredited as a six-unit ANU LLB/JD and Graduate Summer School course <http://law.anu.edu.au/Summer/Geneva/2012Geneva_info.pdf> at 18 November 2011, while University of Western Australia indicates that units studied on law exchange cannot be used to satisfy the core unit requirements of the UWA Law degree <<http://www.law.uwa.edu.au/students/exchange#seven>> at 28 October 2011.

⁶⁸ For example, University of Canberra (OS-HELP interest-free government loans of up to \$5,500 for undergraduate students to undertake courses overseas) <<http://www.canberra.edu.au/study-abroad/travel-os/study-os/intl-internships/aim-overseas>> at 18 November 2011; Charles Darwin University (\$5,000 DEEWR exchange scholarships) <<http://www.cdu.edu.au/international/studyabroad/studyabroad.html>> at 22 October 2011; Flinders University (scholarships ranging from \$500 to \$16,000) <<http://www.flinders.edu.au/international-students/study-at-flinders/study-abroad-exchange/flinders-abroad-new/scholarships-new.cfm>> at 26 November 2011; La Trobe (mobility grants and scholarships) <<http://www.latrobe.edu.au/international/edabroad/exchange/fees>> at 26 November 2011; Newcastle (Student Mobility Travel Grant) <<http://www.newcastle.edu.au/students/study-abroad/short-programs.html>> at 26 November 2011; and Victoria (university exchange travel grant and Faculty of Business and Law grant of up to \$1,000 pro rata according to study load) <http://businessandlaw.vu.edu.au/international/student_exchange_.asp> at 18 November 2011.

⁶⁹ Joint or dual-degree programs here refer to programs run collaboratively by an Australian law school and a foreign law school. Thus, combined degrees run by two academic disciplines in an Australian university, such as LLB and Bachelor of International Relations, are not counted here.

⁷⁰ See <http://www.adelaide.edu.au/degree-finder/mclaw_mcomplaws.html> at 26 December 2011.

⁷¹ See <<http://www.law.qut.edu.au/study/intstudents/>> at 21 November 2011.

Melbourne, Monash, QUT, and Sydney have set up or are planning to set up such programs.⁷² In other words, Australian law schools have widely adopted the experiential approach to internationalise legal education.

With respect to the preferential approach, Australian universities may give credit to courses taken from overseas universities with which they do not have formal exchange agreements or study abroad arrangements. For instance, Canberra allows students to take courses from overseas universities with which it has not formed partnerships.⁷³ In that case, when students return from overseas, their applications for credit will be assessed on a case-by-case basis and separately from those submitted by students who have participated in exchange or study abroad programs. Moreover, Australian law schools generally allow students, especially Higher Degree Research (HDR) students, to conduct research into international, comparative, or foreign law either independently with individual professors or to fulfil certain class assignments. In fact, students studying in an Australian or New Zealand university are eligible to apply for

⁷² the University of Melbourne offers three dual-degree programs, in which the University of Melbourne JD students can also earn a Bachelor of Civil Law or Master's in Law and Finance from Oxford University (in three-and-a-half years), a LLM or JD from New York University (in three-and-a-half years or four-and-a-half years), or a Master of Laws in Chinese Business Law from the Chinese University of Hong Kong (in three years) <<http://www.law.unimelb.edu.au/jd/experience/international-study/degree-partnerships>> at 6 December 2011; Monash University has decided to align its degrees with the Bologna (European) degree cycle, which makes it easier for Monash University to establish joint or dual-degree programs with European universities <<http://opvclt.monash.edu.au/assets/files/monashbologna0-ab-012011.pdf>> at 10 November 2011; Queensland University of Technology allows students from Universidad de La Sabana who have completed three years of a LLB program to study one year in Queensland University of Technology and undertake the Graduate Diploma in Legal Practice, after which the student will receive a LLB from Universidad de La Sabana and a LLB from QUT <<http://www.law.qut.edu.au/study/intstudents/>> at 21 November 2011; and the University of Sydney has entered into an agreement with Oxford University that will allow high achieving students to be offered early admission into the Bachelor of Civil Law or the Master's in Law and Finance <http://sydney.edu.au/law/cstudent/undergrad/international_pathways.shtml> at 23 December 2011.

⁷³ According to the University of Canberra website, 'If you are unable to find an exchange program in your country of choice, you are free to research universities on your own and apply and pay tuition directly to that university' and 'If you would like to study abroad somewhere other than Germany or the Netherlands, you will need to do the research to find the appropriate university programs' <<http://www.canberra.edu.au/study-abroad/travel-os/study-os/exchange-partners2>> at 18 November 2011.

⁷⁴ See <<http://www.waikato.ac.nz/research/scholarships/pdf/HardcopySRSApplicationform20112012.pdf>> at 28 December 2011. However, one question is how many applicants to these scholarships are law students.

University of Waikato Summer Research Scholarships, which allow them to conduct 10 weeks of full-time research during the summer break.⁷⁴

Compared with the USA, Australia has a very small number of student-edited law journals,⁷⁵ let alone journals on international and comparative law. Thus, most law students do not learn international, comparative, or foreign law through this avenue. The most common way for students to learn international, comparative, or foreign law is by participation in international moot competitions. Over two-thirds of the law schools audited send students to international moot competitions, the most popular of which are the Philip C. Jessup International Law Moot and the Willem C. Vis International Commercial Arbitration Moot.⁷⁶ Most law schools treat an international moot competition as a law subject, with academic credit given to participating students.⁷⁷ In a similar vein, students gain international exposure by securing internships or externships with international organisations and law firms. About one-half of the law schools mention overseas internships or externships for law students, but some of them only provide information for students, and students have to apply directly to the organisations or law firms with which they want to do internships.⁷⁸ Indeed, less than one-third

⁷⁵ Examples of student-edited law journals are the Melbourne University Law Review <<http://mulr.law.unimelb.edu.au/go/home>> at 15 December 2011; the Melbourne Journal of International Law <<http://mjil.law.unimelb.edu.au/>> at 6 December 2011; and the University of New South Wales Law Journal <<http://www.unswlawjournal.unsw.edu.au/lj2/default.asp>> at 16 December 2011.

⁷⁶ For example, Bond University <<http://www.bond.edu.au/faculties-colleges/faculty-of-law/events-and-competitions/mooting-at-bond/mooting-opportunities/index.htm>> at 7 November 2011; the University of Queensland <<http://www.law.uq.edu.au/mooting-comp>> at 9 December 2011; University of Sydney <http://sydney.edu.au/law/scil/for_students/index.shtml#OtherOpps> at 23 December 2011; UNSW <<http://www.law.unsw.edu.au/current-students/mooting>> at 22 December 2011; and UTS <<http://datasearch2.uts.edu.au/law/mooting/index.cfm>> at 25 November 2011.

⁷⁷ For example, the University of Adelaide <<https://cp.adelaide.edu.au/courses/details.asp?year=2012&course=105084+1+3205+1>> at 30 January 2012; The Australian National University <<http://studyat.anu.edu.au/courses/LAWS2266/details.html>> at 18 November 2011; Griffith University <<http://www3.griffith.edu.au/03/STIP4/app?page=CourseEntry&service=external&sp=S5057LAW>> at 27 December 2011; the University of Melbourne <<https://handbook.unimelb.edu.au/view/2012/LAWS40036?output=PDF>> at 30 January 2012; Monash University <<http://www.monash.edu.au/pubs/handbooks/units/LAW4183.html>> at 10 November 2011; the University of Queensland <http://www.uq.edu.au/study/course.html?course_code=LAWS5165> at 9 December 2011; and UNSW <<http://www.handbook.unsw.edu.au/undergraduate/courses/2011/LAWS3086.html>> at 22 December 2011.

⁷⁸ For example, the University of Adelaide (listing internship possibilities with international law or human rights organizations) <<http://www.law.adelaide.edu.au/students/special/internship/internship-possibilities.html>> at 26 December 2011; Deakin University (listing potential internship hosts) <<http://www.deakin.edu.au/arts-ed/internships/international-host-org/human-rights-law.php>> at 27 December 2011; Edith Cowan University (introducing AIDE Internships Abroad) <<http://www.ecu.edu.au/international/study-overseas/internships>> at 23 October 2011;

of the law schools have negotiated or arranged internationally related internships or externships for their law students.⁷⁹ A more accurate picture about internships or externships, however, can be obtained only from the job placement offices of each law school.

Whether Australian law schools have adopted the integrative approach cannot be discerned from information posted on the Internet. Even if the subject outline states that international or comparative law will be incorporated into the course, it is unclear how the international or comparative legal knowledge is imparted. Given the large number of legal issues to be covered in each core subject, the instructor can teach little, if any, international or comparative law in one semester. Moreover, instruction in international, comparative, or foreign law needs qualified teaching staff. Almost all of the law schools post information on their websites regarding full-time or part-time academics who are interested in teaching or researching into international, comparative, or foreign law, ranging from as few as one to more than 30.⁸⁰ However, the majority of law academics in Australia apparently specialise in domestic law, and it is questionable how many of these academics have incorporated international,

and La Trobe University (internships in San Francisco or Toronto through the Academic Internship Council and availability of Mobility Grant) <<http://www.latrobe.edu.au/international/edabroad/exchange/shortprograms>> at 26 November 2011.

⁷⁹ For example, The Australian National University (two internships with the Centre for International and Public Law per semester) <<http://law.anu.edu.au/cipl/StudentInternships%20flyer.pdf>> at 18 November 2011; the University of Canberra (participant of Uni-Capitol Washington Internship Program) <<http://www.canberra.edu.au/study-abroad/travel-os/study-os/intl-internships/ucwip>> at 18 November 2011; Monash University (internships with law firms overseas and international organizations negotiated or arranged by Monash University, financial assistance from the Student Mobility Fund, and the Castan Centre Global Internship Program) <<http://www.law.monash.edu.au/current-students/study-opportunities/internships/faculty-managed-internships.html>> at 10 November 2011; the University of Queensland (participant of Uni-Capitol Washington Internship Program) <<http://www.uq.edu.au/sbs/?page=111419&pid=109425>> at 9 December 2011; Sydney (internships with the University of Sydney Centre for Public Law and External Placement Program) <http://sydney.edu.au/law/scil/for_students/#internships> at 23 December 2011; the University of New South Wales (internships with the Advocacy and Legal Advice Centre in Vanuatu and the Samoa Law Reform Commission) <http://www.law.unsw.edu.au/sites/law.unsw.edu.au/files/docs/forms/ug_internship_organisations_s2_2011.pdf> at 22 December 2011; and UTS (one internship with Barristers' Chamber 7 Bedford Row in London plus a travel scholarship) <<http://datasearch2.uts.edu.au/law/undergraduate/scholarship-detail.cfm?code=0000021725>> at 25 November 2011.

⁸⁰ The research and teaching profiles of law academics in Australia can be obtained only by visiting the URL on each academic. During this research, individual academics' profiles were visited online. However, listing the URLs of numerous law academics here is unmanageable. Examples of the estimated number of internationally oriented law academics are as follows: the Australian National University about 13; Monash University about 26; Melbourne about 33; the University of Notre Dame about one; the University of Queensland about 12; Queensland University of Technology about six; Sydney about 25; the University of Western Australia about three; and the University of New South Wales about 18.

comparative, or foreign law materials into their courses. Indeed, the ratio of staff who are interested in international, comparative, or foreign law depends on the size, research orientation, and available resources of the law school concerned and how committed the law school is to internationalisation. In any event, it is unclear how vigorously academics who are interested in international, comparative, or foreign law pursue such research endeavours, how often they incorporate international, comparative, or foreign law into domestic courses, and whether they incorporate domestic law into international, comparative, or foreign law electives.

Apart from qualified staff, the incorporation of international, comparative, or foreign law into domestic law courses also hinges on the availability of teaching materials. Like other jurisdictions, teaching materials on international law are readily available in Australia, but materials on comparative and foreign laws are limited. Thus, instruction in comparative and foreign laws necessitates the compilation of teaching materials, and this requires academics who are not only interested in those laws but also willing to spend extra time on preparing teaching materials that are not readily accessible. It has been reported that two researchers in Newcastle have commenced the Global Law of Contract Project,⁸¹ which may lead to the production of teaching materials for use in comparative or foreign law courses.

To support the internationalisation of legal education, some Australian law schools have also undertaken efforts to build the necessary infrastructure. First, some law schools have either set up research centres or institutes or joined research networks on international, comparative, or foreign law.⁸² Research centres or institutes can cultivate and strengthen interests in international, comparative, or foreign law through conferences, symposia,

⁸¹ See <<http://www.newcastle.edu.au/school/law/research/global-law-of-contract/>> at 26 November 2011: 'We are currently testing this hypothesis by a detailed comparison of contract law in China, the EU, the USA, and Russia. For this purpose we have created a Concordance of four major contract codes.'

⁸² For example, the Australian National University (Centre for International and Public Law, Centre for European Studies, and Australian Network for Japanese Law) (<<http://law.anu.edu.au/cipl/>>, <<http://ces.anu.edu.au/>> and <<http://law.anu.edu.au/anjel/law/anjel/>> at 18 November 2011; Bond University (Tim Fischer Centre for Global Trade and Finance and Australian Network for Japanese Law) <<http://www.bond.edu.au/faculties-colleges/faculty-of-law/research/tim-fischer-centre-for-global-trade-finance/index.htm>> and <<http://sydney.edu.au/law/anjel/index-2.html>> at 7 November 2011; La Trobe University (Sustainability and Social Marketing Australasia/Asia Pacific Research and Training Unit) <<http://www.latrobe.edu.au/ssmart>> at 26 November 2011; Macquarie University (Centre for International and Environmental Law) <<http://www.law.mq.edu.au/MUCIEL/index.htm>> at 16 November 2011; the University of Melbourne (Asian Law Centre, Asia Pacific Centre for Military Law, Centre for Comparative Constitutional Studies, Centre for Islamic Law and Society, and Institute for International Law and the Humanities) <<http://www.law.unimelb.edu.au/melbourne-law-school/research-and-expertise/centres-and-institutes>> at 6 December 2011; Monash University (Castan Centre for Human Rights Law and Commercial Law Group

publications, and research assistantships; organise training courses for academics who are interested in enhancing their knowledge in international, comparative, or foreign law; and assist in developing teaching materials for international, comparative, or foreign law courses. Even so, there are only a handful of international and/or comparative law journals in Australia, such as *International Trade and Business Law Review* (Murdoch),⁸³ *Melbourne Journal of International Law*,⁸⁴ *Macquarie Journal of International and Comparative Environmental Law*,⁸⁵ *LAWASIA Journal* (Queensland),⁸⁶ and *Australian Journal of Asian Law* (ANU, Melbourne, and University of Washington).⁸⁷ Second, several law schools have created administrative positions to promote internationalisation, such as the Associate Dean (International) and the Director of Internationalisation and International Students,⁸⁸ even though the recruitment of international students, rather than curricular development, may be their primary focus. Third, library collections of international, comparative, and foreign law materials, whether they are books, journals, or subscriptions to online databases, can play a significant role in the internationalisation of legal education. The ‘subject’ searches on international law in the library catalogues

having trade law and policy as one of its research focuses) <<http://www.law.monash.edu.au/castancentre/>> and <<http://www.law.monash.edu.au/centres/comm-ig/>> at 10 November 2011; Murdoch University (Asia Pacific Intellectual Property Law Institute <<http://www.law.murdoch.edu.au/apipli/index.html>> at 10 December 2011; the University of Queensland (Centre for Public, International and Comparative Law) <<http://www.law.uq.edu.au/cpicl>> at 9 December 2011; the University of QUT (Law and Justice Research Centre having an international focus too) <<http://www.law.qut.edu.au/research/>> at 21 November 2011; the University of South Australia (Centre for Comparative Water Policies and Law in the School of Commerce) <<http://www.unisa.edu.au/waterpolicylaw/>> at 21 November 2011; the University of Sydney (Centre for Asia and Pacific Law, the University of Sydney Centre for International Law, and Australian Network for Japanese Law) <<http://sydney.edu.au/law/about/centres.shtml>> at 23 December 2011; the University of Technology, Sydney (International Law, Human Rights, and Environmental Research Network) <<http://www.law.uts.edu.au/research/networks/international/index.html>> at 25 November 2011; the University of New South Wales (International Law and Policy Group) <<http://www.law.unsw.edu.au/centres/international-law-policy-group>> at 22 December 2011; the University of Southern Queensland (International and Comparative Law Research Concentration) <<http://www.usq.edu.au/business-law/research/law/international>> at 30 October 2011; and the University of Wollongong (Centre for Transnational Crime Prevention) <<http://ctcp.uow.edu.au/index.html>> at 16 November 2011.

⁸³ See <<http://www.law.murdoch.edu.au/publications/itbltr/>> at 10 December 2011.

⁸⁴ See <<http://mjil.law.unimelb.edu.au/>> at 6 December 2011.

⁸⁵ See <http://www.mq.edu.au/research/centres_and_groups/muciel/resources_and_publications/> at 16 November 2011.

⁸⁶ See <<http://www.law.uq.edu.au/lawasia-journal>> at 9 December 2011.

⁸⁷ See <<http://www.law.unimelb.edu.au/ajal/index.html>> at 6 December 2011.

⁸⁸ The University of Sydney (Associate Dean (International)) <<http://sydney.edu.au/law/about/structure.shtml>> at 23 December 2011 and the University of Adelaide (Director of Internationalisation and International Students) <<http://www.law.adelaide.edu.au/degrees/international.html>> at 26 December 2011.

of the universities audited reveal that there are as few as two hundred items to as many as several thousand items in their collections.⁸⁹

As a result, some Australian law schools have resorted to multiple channels to internationalise their curricula. Nevertheless, it is not clear how their strategies and concomitant measures have operated in practice. The online research reveals that most Australian law schools, including members of the Group of eight universities, have a domestic focus and have not undertaken coordinated and systematic efforts to internationalise legal education.⁹⁰ Likewise, it is unclear how many law students appreciate the importance of acquiring legal knowledge beyond domestic law subjects, have utilised the opportunities to study abroad to gain international exposure, and have received sufficient financial assistance to defray the extra cost of studying abroad.

IV FACTORS CONTRIBUTING TO THE CURRENT STATE OF INTERNATIONALISATION

The preceding findings reveal that the internationalisation of legal education in Australia has made only small strides since the publication of ILET 2004, and only a handful of the same law schools are willing to undertake systematic efforts and coordinated strategies to internationalise their curricula.⁹¹ It appears that most, if not all, of the ILET Committee's recommendations have not been

⁸⁹ For example, library searches carried out between 26 and 29 December 2011 for 'international law' yielded at the Australian National University 2115 entries; at Griffith University 822 entries; at the University of Melbourne 2938 entries; at Monash University 6798 entries; at the University of New England 215 entries; at Sydney 1850 entries; and at the University of New South Wales 3943 entries.

⁹⁰ The Group of 8 universities are the University of Adelaide, the Australian National University, Melbourne University, Monash University, the University of Queensland, the University of Sydney, the University of New South Wales, and the University of Western Australia. In December 2011, only limited information regarding the efforts to internationalise the law curriculum could be found on the websites of Western Australia and Adelaide.

⁹¹ According to the ILET Committee, the University of Tasmania and Queensland University of Technology have been leaders in the development of an internationalised curriculum. ILET Committee, above n 7, 15, 22. Based on the online audits, Australian National University, the University of Melbourne, Monash University, and the University of Sydney continue to stand out from the group in their efforts to internationalise the law curriculum. In the past seven years, the University of New South Wales and Bond University appeared to have made substantial progress. That is, in ILET 2004, the internationalisation efforts of the University of New South Wales were discussed in only two paragraphs (at 22). However, the online research reflects that the current law curriculum of the University of New South Wales is much more internationalised. Similarly, ILET 2004 states that Bond University has eight law electives on international law issues (at 23). Bond now offers about 30 subjects on international, comparative, or foreign law.

adopted or implemented.⁹² Although individual law schools operate under different circumstances, and these may facilitate or hinder the internationalisation of legal education, several common factors can be suggested to account for the continuously slow progress of internationalisation. They include tokenism; the Priestley 11 requirements; competing demands on law schools with limited resources; mounting pressure on law academics and the concomitant shortage of teaching staff conversant with international, comparative, or foreign law; and complacency.

A Tokenism

Although Australian universities have, one after the other, declared their goals and strategies to internationalise tertiary education, how vigorously and effectively those strategies have been or will be implemented by various academic disciplines is either unclear or remains to be seen. As ILET 2004 explains, most Australian law schools do not consider internationalisation to be a priority, and that tokenism has hindered the development of internationalisation. The findings from the online audits of 32 Australian law schools inevitably lead to the same conclusions.

Since legal education has been locally oriented, it is understandable that some law schools do not feel the need to put internationalisation on their lists of priorities, while law schools that purport to pursue internationalisation may not be genuinely committed. For instance, although law schools list international, comparative, or foreign law electives and arrange summer or winter schools and exchange opportunities, it is unclear whether those courses are regularly offered; whether instruction in those courses is supported by the majority of faculty members such that resources will be directed to their execution; and whether students are encouraged to take, or briefed on the utility of taking, international, comparative, or foreign law courses.

According to the ILET Committee, despite the fact that websites are replete with such words as ‘global’ and ‘international’, upon closer examination of course materials and curricula, the supposed commitment to an integrated and genuinely international approach is found to be superficial and misleading.⁹³ In essence, internationalisation requires the support and commitment of the whole law faculty, not just the efforts of a few dedicated and

⁹² According to Professor Michael Coper, in 2010, ILSAC obtained a grant from the Australian Teaching and Learning Council to work with key Australian universities on the internationalisation of the law curriculum <<http://law.anu.edu.au/news/2011/IALS%20&%20ILSAC.pdf>> at 28 December 2011. Moreover, the theme of the 2012 ALTA conference is ‘Legal Education for a Global Community’ <<http://sydney.edu.au/law/alta/index.shtml>> at 10 April 2012.

⁹³ ILET Committee, above n 7, 6.

progressive academics. Tokenism, therefore, remains a significant stumbling block on the path to internationalisation.

B *Priestley 11 Requirements*

Where law schools are committed to internationalisation, the Priestley 11 subjects and the concomitant admission criteria not only limit the number of electives that students can take, as explained in ILET 2004, but also deplete the time available for incorporation of international, comparative, or foreign law into core subjects⁹⁴ and diminish students' interest in pursuing legal knowledge beyond domestic law. Over the years, core courses have been covered in breadth rather than in depth, even without incorporating international, comparative, or foreign law materials. Thus, it is unrealistic to expect instructors in core courses to teach international or comparative law in addition to the broad range of issues to be covered under domestic law.

At the same time, since the mastery of the Priestley 11 subjects is the key to admission to practice, students are not motivated to expand their horizon by taking international, comparative, or foreign law courses. It has been argued that the Priestley 11 subjects are outmoded and inflexible, thereby preventing dynamic innovations in course methodology and content.⁹⁵ Accordingly, it may be opportune to reassess whether this list should be revised in light of the changing needs of an increasingly globalised legal market.⁹⁶

C *Competing Demands and Limited Resources*

Apart from tokenism and the Priestley 11 requirements, Australian law schools face the dilemma of having competing demands but limited time, finance, and human resources. This dilemma, a product of several pressing issues facing Australian law schools today, has decelerated the progress of internationalisation.

First and foremost, in recent years, skills-based legal training has emerged as the top priority of many Australian law schools.⁹⁷ At the outset, legal training was administered by legal practitioners, and was analogous to an apprenticeship. Thereafter, legal training was handed over to law schools housed in universities, while law itself became

⁹⁴ Four law academics interviewed by the ILET Committee expressed similar concerns: Ibid 9, 16, 23.

⁹⁵ Ibid 7 (quoting Andrew Stewart in Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System* (2000) Report No 89).

⁹⁶ Australia has the Priestley 11 subjects, but the USA also has compulsory subjects for the Multistate component of the bar exam. Thus, it will be useful to ascertain how some law schools in the USA have managed to internationalise their law curricula.

⁹⁷ See also ILET Committee, above n 7, 7 ('there are many competing pressures on law schools to increase skills-based legal education').

an academic discipline. As a result, law schools began to produce law graduates who were well versed in substantive and procedural laws, but were not equipped with ‘lawyering’ skills, such as drafting contracts, interviewing clients, conducting negotiations, and trial or appellate advocacy. Although Australian law graduates have an opportunity to receive skills-based training in the Professional Legal Training (PLT) program and normally receive on-the-job training through ‘articles of clerkship’, many legal educators believe that skill components should be incorporated into the core curriculum. Given this emphasis on skills-based legal training, which will consume a substantial amount of time available for learning in a three-year or four-year program, it is understandable that some law schools focus on incorporating skill components into, rather than expanding the substantive contents of, the current curriculum. In fact, the debate over how to teach practical skills is still going on, as, for example, whether practical skills should be incorporated into each core subject or be taught in a capsule class in the last year of law school, let alone the promotion of internationalisation.

At the same time, Australian law academics have increasingly endorsed the view that legal education should not just train ‘legal technicians’ who are adept in applying the law to the facts to solve legal problems, but that law graduates should be aware of the relevant economic, political, social, cultural, and environmental contexts in which the legal profession operates.⁹⁸ In other words, legal education should not be merely practice-oriented, but should also provide intellectual and interdisciplinary training. To an extent, this view coincides with the preference of prospective employers, such as law firms and big accounting firms, to recruit all-round and relatively mature law graduates over young graduates who have limited life experience.⁹⁹ Thus, interdisciplinary study has emerged as an important goal to achieve in administering legal education. Nonetheless, if law students are to pursue interdisciplinary study, their workload will be burdensome unless the duration of the law degree is extended or, as in the case of Sydney or UNSW, the undergraduate study of law is to be achieved in combined-degree programs. Hence, how to inform legal education by drawing on other disciplines has also taken the attention of some Australian law schools.

Some Australian law schools have likewise taken heed of the urgency of smoothing the transition from high school to university. Except for a few law schools that admit only top-performing high

⁹⁸ As the ILET Committee explains, ‘legal education should be informed by other disciplines, particular to enable responses to contemporary international issues of the environment, trade and commerce, poverty, terrorism and sovereignty’: *Ibid* 5.

⁹⁹ In the USA, the study of law can be pursued only after completion of an undergraduate degree, irrespective of majors. Melbourne has moved to a graduate JD program, and Western Australia will do the same in 2013.

school graduates, law schools are increasingly receiving cohorts of high school graduates who do not know how to spell or have not mastered even basic grammar, let alone have the ability to express themselves intelligibly. Depression among law students has also caused law schools to heed mental health and emotional well-being issues. Not only have peer mentoring programs been advanced as a solution, but discussions have also been held, and efforts made, to improve first-year law students' writing ability, impart basic research skills, foster a solid training in legal reasoning at an early stage, and ascertain ways to improve the emotional well-being of law students.¹⁰⁰

Furthermore, the importance of public service and the provision of pro bono education have recaptured the attention of some Australian law schools.¹⁰¹ In the USA, ABA-accredited law schools are required to provide substantial pro bono activities for students. In 2009, Justice Michael Kirby wrote a Foreword for the book *Community Engagement in Australian Legal Education: Some Contemporary Issues*, in which he urged Australian law schools to learn from their Canadian and US counterparts.¹⁰² As the urgency of providing legal services to the disadvantaged or indigent cannot be overstated, Australian law schools should also consider setting up pro bono programs, which will not only remind law students of the sacred task of rendering legal services without discrimination, to all walks of life, but also provide them with opportunities to gain practical experiences. As a result, community engagement or outreach has also featured as an important goal for Australian law schools.

To an extent, these competing demands reflect the contending philosophical views among law teachers regarding law teaching and the role of law schools. Some law teachers believe that the main mission of law schools is to impart vocational training, while others believe that law schools should not merely inculcate legal principles: that students should also understand the interplay between law and various facets of society. In any event, these competing demands put a heavy strain on the temporal, financial, and human resources of Australian law schools. The duration of study for a law degree cannot be too long, given the financial burdens on students and their parents. In their submission to the Review of Australian

¹⁰⁰ See, eg, 'First Year Experience in Law School: A New Beginning', a one-day conference held in 2011 to discuss various issues relating to the first-year law program <http://www.bond.edu.au/faculties-colleges/faculty-of-law/events-and-competitions/BD3_014693> at 20 December 2011.

¹⁰¹ As Professor Michael Coper explains, the wider notion of professional responsibility may play out in the promotion of pro bono practice and opportunities for students. Coper, above n 5, 31.

¹⁰² Hon. Michael Kirby AC CMG, 'Foreword' in *Community Engagement in Australian Legal Education: Some Contemporary Issues*, John Corker et al. (2009) <http://www.michaelkirby.com.au/images/stories/speeches/2000s/2009+/2373.Foreword_-_Community_Education_In_Austrn.Legal_Education,_June_2009.pdf> at 2 December 2011.

High Education 2008, 'How Better Funding of Australian Legal Education Will Add Serious Value to Australian Society', Professors Ford and Coper explained the historical underfunding of Australian law schools due to flawed assumptions about passive knowledge and high earnings.¹⁰³ The underfunding of Australian law schools, in turn, has a negative impact on human resources. For instance, if law schools are well-funded, large-theatre lectures conducted by one course coordinator can be split into smaller classes taught by several instructors, and the student–staff ratio in tutorials can be substantially lowered. Given the limited resources of Australian law schools, it is no surprise that academics advocating internationalisation have not been able to make significant inroads.

D Pressure on Academics and Shortage of Qualified Teaching Staff

Similar to law schools in other countries, one key element of the success of internationalisation in Australian law schools is the availability of instructors who are qualified and willing to teach international, comparative, or foreign law courses. As discussed above, the majority of law academics in Australia specialise in domestic law. Some law academics may be genuinely uninterested in international, comparative, or foreign law, but those who are interested are facing various types of pressure.

Ideally, teaching is aligned with research to reach the optimal level of efficiency and to impart cutting-edge knowledge to students. However, the synergy between teaching and research often does not come to fruition in Australian law schools because law academics, except for those in large and well-funded universities, are required to teach core courses with large student enrolments, regardless of what areas of research they would like to conduct.¹⁰⁴ The underlying rationale is the notion of equity. That is, despite the fact that there is little, if any, difference in terms of preparatory time and lecturing hours between teaching a core course and an elective course, equity dictates that every academic should spend a similar amount of time on marking assignments and examinations, student consultations, and responding to e-mail messages from students. Since international, comparative, and foreign laws are generally offered as elective courses and enrolments in those courses are relatively small, law academics are seldom assigned only elective classes. Thus, law academics who are interested in international, comparative, or foreign

¹⁰³ Bill Ford and Michael Coper, 'How Better Funding of Australian Legal Education Will Add Serious Value to Australian Society' (2008) <<http://www.cald.asn.au/docs/Bradley%20Submission.pdf>> at 18 October 2011.

¹⁰⁴ Except for junior law academics, instruction in core subjects is not a requirement among law schools in Asia or North America.

law have two options. They can put in extra efforts and time into studying international, comparative, or foreign law — in which case their workload will be doubled — or settle on the area(s) of domestic law that they are teaching, and try to become an expert in one or two areas of domestic law. Considering the current expectation that law academics should produce publications as frequently as possible, most find the latter option more convenient and appealing.

The nonalignment of teaching and research has been compounded by an increased emphasis on the holding of Australian Research Council (ARC) grants or other prestigious grants in evaluating promotion applications. Although most law academics agree that an ARC grant is not a prerequisite to top-quality legal scholarship because one can produce excellent research output by relying on library resources, mid-career and early-career law academics have been spending a considerable amount of time on networking so as to make friends with ARC grant holders whom they may invite to be co-investigators in their future grant applications. As the holding of an ARC grant, or any other grant, is a speedy ticket to promotion, many law academics have focused on obtaining grants for research into domestic law rather than studying international, comparative, or foreign law, except for a minority of law academics who are genuinely interested in internationally collaborative research.

In a similar vein, although the journal ranking system was abolished in 2011, senior law academics had spent substantial amounts of time on discussing the proper rankings of law journals, while mid-career and early-career law academics had focused much of their energy in getting their works published in A-rated or A*-rated law journals. In the latter case, despite the fact that the requirement of A-rated or A*-rated journal publications is not appropriate for the discipline of law because other types of publications, such as books, book chapters, case notes, and reports, can also reflect legal scholarship, members of university promotions committees still require A-rated journal publications. However, based on the 2010 ERA Journal Title List,¹⁰⁵ there are only a handful of A-rated or A*-rated international, comparative, or foreign law journals. Thus, it may be strategically sensible for a law academic to publish works in domestic law subjects, such as torts, contracts, property, and constitutional law, which are the foci of top-ranking law journals.

To solve the problem of the scarcity of qualified teaching staff, some Australian law schools, as discussed, send students abroad to study international, comparative, or foreign law courses listed on their curricula, while others invite visiting academics from overseas to teach international, comparative, or foreign law courses.

¹⁰⁵ See <http://www.arc.gov.au/xls/era2010_journal_title_list.xls> at 18 January 2012. The Excellence in Research for Australia (ERA) initiative assesses research quality within Australia's higher education institutions.

The online audits reveal that less than one-third of the law schools post information online about academics from overseas who teach regular or intensive law courses, either in the current year or over the years.¹⁰⁶ Thus, the remaining law schools may not have visiting professors or lecturers from overseas, or no information could be readily found online. Among the law schools that host visiting professors or lecturers, UTS provides a good example of securing visiting academics as a source of staffing to teach international, comparative, or foreign law courses.¹⁰⁷ Moreover, about one-half of the law schools host visiting scholars from overseas or have faculty exchange arrangements with foreign universities.¹⁰⁸ However, it is unclear how many of the overseas visitors or exchange academics teach courses, conduct research only, or do both. In any case, although visiting academics may teach subjects within their expertise, it is unlikely that they will integrate Australian law into their courses, especially because most of them visit Australia for a short period of time.

Accordingly, Australian law schools also have to deal with the issue of staffing on the path of internationalisation. With respect to teaching assignments, there is a tension between equity and efficiency. In terms of scholarship, the requirements of obtaining a research grant and publishing in A-rated or A*-rated law journals for promotion purposes have imposed another layer of pressure on law academics. Moreover, only a limited number of local academics are

¹⁰⁶ See, eg, the University of Sydney <<http://sydney.edu.au/law/news/visitors.shtml>> at 23 December 2011 and UNSW <<http://www.law.unsw.edu.au/staff?name=&unit=All&position=Visiting+Professorial+Fellow>> at 22 December 2011.

¹⁰⁷ At the University of Technology Sydney, Visiting Professor Frank Garcia teaches *International Commercial Transactions and Globalisation and Social Justice*, while Visiting Professor Udo Mayer teaches *European Union Law and International Human Rights* <<http://www.law.uts.edu.au/staff/visiting.html>> at 25 November 2011.

¹⁰⁸ See, eg, the Australian National University (Visiting Fellows, Visiting Scholars, Visiting Research Students, and John Fleming Centre Fellows) <<http://law.anu.edu.au/visitorProg/visitors.asp>> at 18 November 2011; the University of Canberra (Visitors Program) <<http://www.canberra.edu.au/faculties/law/research/visiting-researchers>> at 28 November 2011; Flinders University (International Visiting Scholar Program with Visiting Professor status given to academics who have the equivalent of Australian full professorial status at their home institutions) <<http://www.flinders.edu.au/ehl/law/fls/visitors/>> at 26 November 2011; the University of Melbourne (International Research Visitors Scheme in which up to three academics from overseas will be funded each year to perform research with one or more members of the University of Melbourne staff) <<http://www.law.unimelb.edu.au/research/grants-and-awards/research-funding-schemes/melbourne-law-school-grants-and-fellowships/international-research-visitors-scheme>> at 6 December 2011; University of Newcastle (staff exchange) <<http://www.newcastle.edu.au/faculty/business-law/about-the-faculty/international-partnerships-relations/exchange.html>> at 26 November 2011; the University of Queensland (Visiting Academic or Visiting Professor Schemes) <<http://www.law.uq.edu.au/visiting-academic-visiting-professor-scheme>> at 9 December 2011; and the University of Sydney (Sydney Law School Visitors) <<http://sydney.edu.au/law/news/visitors.shtml>> at 23 December 2011.

qualified and willing to teach international, comparative, or foreign law courses. Although visiting professors and lecturers from abroad can alleviate the staffing shortage to a limited extent, co-teaching by visiting and local academics entails much coordination, while teaching Australian and non-Australian laws in separate classes is not conducive to an integrative approach.

E *Complacency*

Having a common law system, Australia always looks to the UK, and sometimes to the US, for jurisprudential guidance. Except for international law that has an impact on Australia, such as the United Nations Convention on Contracts for the International Sale of Goods and the incorporation of its provisions into the Sale of Goods Acts, most law academics are not interested in comparative law or the laws of foreign jurisdictions.¹⁰⁹ Australians are proud of their legal system, and many people do not envisage that Australia can learn from legal systems other than those of the UK and US.¹¹⁰ In this respect, legal ethnocentrism may have played a role.

Legal ethnocentrism is common among developed countries, which is also the main cause for complacency. The proposition that legal ethnocentrism exists in Australia is very likely to generate defensive criticisms. However, one question — how often law instructors ask international students, especially those in the postgraduate programs, to explain to their classmates what the relevant legal provisions of their home countries are, or to comment on the Australian regulatory framework for particular legal issues — may shed light on the fact that most law academics in Australia are not interested in learning how other jurisdictions handle the same or similar legal problems, or in drawing lessons from foreign regulatory regimes to expand the students' horizon. It is a matter for regret that despite the resourcefulness of international students, most law teachers seldom inquire about the regulatory frameworks of these students' respective home countries during tutorials or seminars, or why comparative discussions are not conducted to affirm the effectiveness of the Australian regulatory system.

Notwithstanding that some academics, judges, and lawyers are visionary and progressive,¹¹¹ the legal profession is also known for

¹⁰⁹ One notable exception to this general lack of interest is the ANJet, most members of which have studied Japanese law in the USA.

¹¹⁰ See generally Laura Nader, 'Promise or Plunder? A Past and Future Look at Law and Development' (2007) 7.2 *Global Jurist* <<http://find.galegroup.com/gtx/infomark.do?&contentSet=IAC-Documents&type=retrieve&tabID=T002&prodId=AONE&docId=A168513392&source=gale&sreprod=AONE&userGroupName=bond&version=1.0>> at 12 July 2011.

¹¹¹ For instance, in the 1980s, Malcolm Smith, Mary Hiscock, and others took the initiative to establish the Asian Law Centre at the University of Melbourne.

its conservativeness. Coupled with conservativeness, complacency makes it difficult to discern the need for further refinement of the Australian legal system and any changes in terms of internationalising the law curriculum. Given that complacency is an obstacle to innovation and progress, legal educators should be mindful of their mission to train prospective lawyers and judges who must be professionally adept and culturally sensitive to render legal services in an increasingly globalised legal market.

V THE MERITS OF INTERNATIONALISATION

With the liberalisation of trade, the legal services sector is facing fierce competition both at home and from abroad. In a competitive environment, it will be sensible for law firms to recruit junior associates who have been properly trained for an increasingly globalised legal market. Likewise, as international and transnational disputes increase due to globalisation, it will be advantageous to have judges and arbitrators who not only understand the relevant substantive and procedural laws, but also appreciate the complexities of transnational dealings. Hence, Australian law schools should examine their present curricula to see whether their programs can accommodate the rising demand for ‘global lawyers’.

As law schools in various parts of the world have stepped up efforts to internationalise their curricula, they offer a range of undergraduate and postgraduate programs and subjects catering to the needs and interests of students. Since the market for legal education is becoming very competitive, Australian law schools need to strategically position themselves. Nowadays, law graduates are more mobile,¹¹² and are particularly interested in the portability of law degrees and reciprocal recognition of qualifications. Accordingly, the more internationalised a law program is, the more likely it will attract students both at home and from overseas.¹¹³ Put another way, if the amounts of tuition, the duration of study, and the costs of living are more or less the same, students will definitely choose those programs that will enable them to acquire better qualifications and give them a competitive edge vis-à-vis other job candidates. As a result, it is likely that the dual-degree programs will gain popularity because they enable law students to learn the basics of two legal systems

¹¹² Law graduates working for the government, global law firms, multinational corporations, and international organisations are now expected to move countries in their career life.

¹¹³ See also ILET Committee, above n 7, 10 (‘law schools will be more competitive if they ensure that their courses and the skills taught in those courses are genuinely international and transnational’ and ‘[i]f Australian legal education were to internationalise its programs, it may prove somewhat easier to attract recognition of its law degrees, particularly within the Asian region’).

and law graduates to either sit for bar examinations or satisfy the admission requirements in two jurisdictions.

Geographically, Australia is close to Asian countries. In addition, Australia has relatively warm weather and beautiful beaches. Students from Asia and their parents find Australia a palatable option for studying the common law system and enhancing English proficiency. Australian law schools can capitalise on their strengths by offering programs with an international or comparative focus or creating partnerships with law schools in Asia. Nonetheless, Australia is not the only place to study the common law system because law schools in other common law jurisdictions, especially the US, also attract a large number of international students. In the past, it generally cost less to pursue a law degree in Australia; however, with the appreciation of the Australian dollar, the saving on educational cost have become minuscule. Assuming all things (tuition, book and stationery, cost of living, and visa requirement) being equal, international students will probably choose to study more internationally oriented law degrees in North America that will prepare them better to compete in an increasingly globalised legal market than an Australian law degree, unless they are only interested in Australian law and plan to stay in Australia to pursue domestic practice.

Nevertheless, internationalisation does not equate with the recruitment of international students and the consequential enlargement of an international student body. The increased enrolment of fee-paying international students in Australian law schools will boost the revenues derived from the provision of legal education, but does not necessarily internationalise legal education in Australia. In essence, internationalisation is a two-way enterprise because international students learn Australian law by pursuing law degrees here, while domestic students learn from their international peers through class discussions and team projects. Particularly, domestic students should be encouraged to build friendships with international students, which can lay a strong foundation for an international network of alumni in both domestic and transnational legal practices.

More importantly, instruction in international, comparative, or foreign law has intrinsic academic value. That is, once students have been exposed to differences in legal approaches, they will no longer think that the Australian solution to a legal problem is the only way. This, in turn, prepares them to harness new ideas and formulate innovative solutions to legal problems. Likewise, if legal problems are viewed through different lenses, students will learn to challenge fundamental assumptions and ingrained doctrines in the Australian system, which will result in the expansion of their outlook. On one hand, the study of international, comparative, or foreign law can

reduce provincialism and promote critical thinking,¹¹⁴ which paves the way for statutory or judicial reforms in Australia. On the other hand, if diplomats, government officials, and legislators have the opportunities to study international, comparative, or foreign law when they are law students, they will be better prepared to participate in the negotiations and drafting of harmonised or unified standards worldwide in the sense that they will be more open-minded to accommodate diverse legal perspectives.

VI CONCLUSION

Whether globalisation is an irreversible trend depends on what topics are under discussion. In the realm of legal services, law schools in various parts of the world, especially those in North America and Europe, have been undertaking initiatives to train prospective lawyers and judges who have both the professional competency and cultural savvy to operate in an increasingly globalised legal market. Until now, most Australian law schools provide LLB and JD students with a locally oriented legal training. Australian law students' exposure to international, comparative, or foreign law has occurred mostly at the master's and doctoral levels, in graduate diploma or certificate programs, or through on-the-job training in law firms. Thus, most Australian law students are not receiving a legal education that will prepare them to function effectively in an increasingly globalised legal market.

The slow progress in the internationalisation of legal education in Australia stems from factors occurring both within and outside the law school. Internally, a significant reason for the slow progress is that most Australian law schools do not have internationalisation on their lists of priorities. On the path of internationalisation, it is imperative for law academics to be convinced that the internationalisation of legal education is inevitable and beneficial. This is because conviction begets commitment, and commitment effects action. Externally, the pressure for receiving high ERA research rankings has side-tracked many Australian law schools and law academics from their ultimate mission to train competent lawyers and judges who can make a difference in people's lives. Before competition and beyond complacency, it is time for Australian law schools to appreciate the wider global context for which they need to prepare their graduates and to embark on more systematic and coordinated efforts to internationalise legal education.

If Australian law schools are committed to the internationalisation of legal education, it is imperative for them to formulate well-thought-

¹¹⁴ The ILET Committee also notes that the Priestley 11 requirements can restrict the extent to which a critical perspective of the legal system can permeate the study of law: *Ibid* 6.

out strategies and conduct careful planning; otherwise, students will have only a limited and superficial understanding of the legal principles of domestic, foreign, and international laws. A shallow acquisition of substantive law may, in turn, prevent students from receiving a solid training in legal reasoning and reduce their opportunities to acquire lawyering skills. Indeed, the internationalisation of legal education entails three levels of discussion, planning, and execution.

At the national level, it will be judicious for Australian law deans to hold dialogues to identify the objectives of internationalisation, formulate guidelines, and explore what feasible initiatives can be undertaken to internationalise the law curriculum nationwide. At the faculty level, the success of internationalisation requires a comprehensive review of course offerings, a constructive re-examination of pedagogical methodologies, an open-minded revision of existing teaching materials and/or development of new teaching materials, the professional enhancement of teaching staff, the increased availability of financial aids to students who cannot afford the extra cost for studying overseas, and the re-setting of priorities. At the instructor level, the fundamental issue regarding pedagogical re-design is how to incorporate a global or international perspective into the contents, learning activities, and assessment of a course. Since any significant changes in the law curriculum necessitate the reallocation of resources and structural adjustments over time, cooperative discussions at all levels and in-depth research to ascertain how to effectuate all these tasks are warranted.

In an increasingly globalised environment, Australian law schools may choose to remain reactive; however, proactivity is the quintessence of leadership. Considering the fact that the issue of internationalisation has unfolded other interrelated issues confronting Australian legal educators, it may be apposite for Australia not only to take initiatives to internationalise the law curriculum, but also to consider more comprehensive legal education reforms. As the rule of law is one of the building blocks of Australian society, Australian law schools have a non-delegable duty to provide a legal education that will meet the evolving needs of a rapidly changing and increasingly globalised world.

Appendix I: Australian Law Schools

Australian National University (ANU)
Bond University (Bond)
Charles Darwin University (Charles Darwin)
Deakin University (Deakin)
Edith Cowan University (Edith Cowan)
Flinders University (Flinders)
Griffith University (Griffith)
James Cook University (James Cook)
La Trobe University (La Trobe)
Macquarie University (Macquarie)
Monash University (Monash)
Murdoch University (Murdoch)
Queensland University of Technology (QUT)
Royal Melbourne Institute of Technology (RMIT)
Southern Cross University (Southern Cross)
University of Adelaide (Adelaide)
University of Canberra (Canberra)
University of Melbourne (Melbourne)
University of Newcastle (Newcastle)
University of New England (New England)
University of New South Wales (UNSW)
University of Notre Dame (Notre Dame)
University of Queensland (Queensland)
University of South Australia (South Australia)
University of Southern Queensland (USQ)
University of Sydney (Sydney)
University of Tasmania (Tasmania)
University of Technology, Sydney (UTS)
University of Western Australia (Western Australia)
University of Western Sydney (Western Sydney)
University of Wollongong (Wollongong)
Victoria University

Appendix II: Twenty Questions for Online Audits

(1) Does this law school state anything (such as strategy, objective, etc.) about how to internationalise its law curriculum?
(2) Are there any international, comparative, or foreign law courses in this law school? If yes, what are they?
(3) Are the international, comparative, or foreign law courses in this law school compulsory or elective?
(4) If those courses are compulsory, are they to be taken in the first, second, third, or fourth year of law school?
(5) If those courses are electives, can they be taken in the first or second year of law school?
(6) Does this law school have any summer programs overseas? If yes, with which law schools overseas and what are the major features (duration of study, subjects offered, language requirements, etc.)?
(7) Does this law school have any exchange programs overseas? If yes, with which law schools overseas and what are the major features (duration of study, subjects offered, language requirements, etc.)?
(8) Has this law school set up any dual-degree programs with a law school overseas? If yes, what are the details?
(9) Does this law school have any LLB, LLM, or JD programs in international law, comparative law, Asian law, European law, Islamic law, or any other foreign law? If yes, what are they, how long is each program, and what are the requirements?
(10) Does this law school have visiting professors from overseas? How often?
(11) Does this law school have any visiting scholar programs?
(12) Does this law school send students to participate in international moot competitions? Which ones?
(13) Has this law school set up any research centres, or is this law school affiliated with any research centres, for conducting research on international, comparative, or foreign law? If yes, does this law school publish any law journal on international and/or comparative law?
(14) How large is the international student body in this law school?
(15) Does the library of this law school have any collection of international, comparative, or foreign law materials? How large is the collection?
(16) In international, comparative, or foreign law courses, are there prescribed textbooks? Or just course materials compiled by the instructors?

(17)	How many people in the Faculty who teach or conduct research relating to international, comparative, or foreign law issues? Who are they? What are their respective research and teaching interests (public international law, international trade law, comparative law, etc.)?
(18)	Does this law school have internship programs overseas?
(19)	Does this law school offer any “concentration” or “stream” for LLB or JD students?
(20)	Has this law school done any other things in relation to international, comparative, or foreign law?

Appendix III: Compulsory International, Comparative, or Foreign Law Courses

Compulsory Courses in LLB Programs

Law School	Courses
ANU	<i>International Law</i> to be taken in the second year < http://studyat.anu.edu.au/programs/4300XLLB;study_options.html > at 28 November 2011
Griffith	<i>Transnational Law</i> to be taken in the second year < http://www17.griffith.edu.au/cis/p_cat/require.asp?ProgCode=1366&Type=structure > at 27 December 2011
Macquarie	<i>International Law</i> to be taken in the second or third year < http://www.courses.mq.edu.au/2012/Undergraduate/Degree/Bachelor+of+Laws#WhatYouWillStudy > at 28 January 2012
Newcastle	<i>Public International Law</i> to be taken in the second or third year < http://www.newcastle.edu.au/program/10806.html > at 26 November 2011
Notre Dame	<i>International and Comparative Law</i> to be taken in the fourth year < http://www.nd.edu.au/downloads/course_flyers/BLaws%20231210.pdf > at 3 November 2011
Sydney	<i>Public International Law</i> to be taken in the third year < http://sydney.edu.au/law/fstudent/undergrad/combined.shtml > at 23 December 2011

***Examples of Compulsory Courses in
Postgraduate Programs***

Law School	Courses
Canberra	Two to three mandatory courses in its Master of International Customs Law and Administration program < http://www.canberra.edu.au/courses/index.cfm?action=detail&courseid=759aa >, Master of International Economic Law program < http://www.canberra.edu.au/courses/index.cfm?action=detail&courseid=865aa >, and Master of International Revenue Administration program < http://www.canberra.edu.au/courses/index.cfm?action=detail&courseid=961aa > at 18 November 2011
La Trobe	<i>Common Law</i> and the <i>Australian Legal System</i> as mandatory subjects for students in its Master of Global Business Law program who have no background in law < http://www.latrobe.edu.au/handbook/2012/postgraduate/law-management/law/lmgb.htm > at 28 January 2012
Monash	<i>Introduction to Australian Legal Process</i> required for LLM students who have received law degrees from non-Australian jurisdictions < http://www.monash.edu.au/pubs/2012handbooks/courses/0068.html > at 28 January 2012
RMIT	<i>International Law</i> , <i>Transnational Law</i> , and <i>International Business Law</i> to be taken in the second or third year of its JD program < http://www.rmit.edu.au/browse/?CURPOS=1?programCode=%3F&STYPE=ENTIRE&QRY=%2Btype%3Dflexible+%2Bsubtype%3Deps+%2Bnotes%3D(%22MC161%22)%22 > at 22 October 2011
UNSW	<i>Principles of International Law</i> and <i>Politics of International Law</i> as compulsory subjects in its Master of International Law and International Relations program < http://ssis.arts.unsw.edu.au/programs/master-of-international-law-international-relations-9240-61.html > at 22 December 2011
Wollongong	<i>Understanding Transnational Crime</i> and <i>Transnational Crime Prevention</i> as mandatory courses in its Master of Arts in Transnational Crime Prevention program < http://ctcp.uow.edu.au/futurestudents/aboutourdegrees/transnationalcrime/index.html > at 16 November 2011

Appendix IV: Asian and Islamic Courses

Law School	Courses
ANU	<i>Chinese Law and Society</i> and <i>Japanese Law and Society</i> < http://www.law.anu.edu.au/students/undergradcourses.aspx > at 28 November 2011
Bond	<i>Law and Investment in China</i> , <i>Law and Investment in Japan</i> , <i>Law and Society in China</i> , and <i>Law in the People's Republic of China</i> < http://apps.bond.edu.au/subjects/subject-listing.asp?StudyOption=Undergraduate&StudyArea=Law+-+Electives&Faculty=All&Name=&Submit=Search+%3E%3E > at 7 November 2011
Deakin	<i>Chinese Commercial Law</i> and <i>Indian Law</i> < http://www.deakin.edu.au/current-students/courses/course.php?course=M312 > at 27 December 2011
Flinders	<i>Introduction to China's Law and Legal System</i> < http://www.flinders.edu.au/ehl/fms/law_files/Information%20for%20Students/2012%20Law%20Handbook.pdf > at 28 January 2012
Griffith	<i>Chinese Law and Legal Tradition</i> < http://www17.griffith.edu.au/cis/p_cat/program/law_electives.htm > at 27 December 2011
James Cook	<i>Law in Greater China</i> < http://www-public.jcu.edu.au/public/groups/everyone/documents/guide/jcuprd_051791.pdf > at 18 November 2011
La Trobe	<i>Introduction to Chinese Law</i> < http://www.latrobe.edu.au/students/fbel/assets/downloads/law/LAW2ICL%202012%20(Information%20Sheet).pdf > at 26 November 2011
Macquarie	<i>China Trade and Investment Law</i> < http://www.businessandconomics.mq.edu.au/undergraduate_degrees/undergraduate_units/unit_outlines_summary/ug/2012/buslaw > at 28 January 2012

Melbourne	<i>The Challenge of Islamic Law</i> in its JD program < http://www.law.unimelb.edu.au/jd/course-and-subjects/subject-pages/subject-pages-2012#elective > and <i>Banking and Finance in Asia</i> , <i>Chinese Law</i> , <i>Commercial Law in Asia</i> , <i>Comparative Companies Laws in Asia</i> , and <i>Islamic Law and Politics in Asia</i> in its Master programs that JD students can take < http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects-2012 > at 28 January 2012
Murdoch	<i>Chinese Contract and Commercial Law</i> , <i>Chinese Intellectual Property Laws in the Global Context</i> , <i>Introduction to the Chinese Legal System</i> , and <i>Law in China: Continuity and Change</i> < http://www.law.murdoch.edu.au/academics/docs/2011/LLB-units.pdf > at 10 December 2011
Queensland	<i>Asian Legal Systems</i> and <i>Islamic Law</i> < http://www.uq.edu.au/study/program_list.html?acad_prog=2042 > at 9 December 2011
Sydney	<i>Chinese Laws and Chinese Legal Systems</i> , <i>Introduction to Islamic Law</i> , <i>Japanese Law</i> , and <i>Law and Society in Indonesia</i> < http://sydney.edu.au/law/cstudent/undergrad/docs_pdfs/2012UGunitlist.pdf > at 28 January 2012
UTS	<i>Asian Law and Legal Systems</i> , <i>Introduction to Chinese Business Law</i> , and <i>Islamic Law</i> < http://www.handbook.uts.edu.au/directory/cbk90592.html > at 25 November 2011
Victoria	<i>Asian Legal Systems</i> < http://www.vu.edu.au/courses/bachelor-of-laws-blaw > at 18 November 2011
Wollongong	<i>Contemporary Issues in Southeast Asian Law</i> < https://sols.uow.edu.au/sid/CAL.USER_SUBJECTINFO_SCREEN?p_facode=19&p_depabb=LAW&p_subcode=LLB%20353&p_cal_subject_id=141075&p_year=2012&p_cal_type=U&p_cal_types=UP&p_breadcrumb_type=1 > and <i>Islamic Law</i> < http://www.uow.edu.au/law/undergrad/UOW091467.html > at 16 November 2011

Appendix V: Examples of Specialisation, Concentration, or Stream in International, Comparative, or Foreign Law

Law School	Specialisation, Concentration, or Stream
Adelaide	Its Master of Comparative Laws allows students to choose one of the three areas of specialisation: International Business Transactions and Insurance Law in Comparative Perspective, International and European Law, and Human Rights and Humanitarian Law < http://www.adelaide.edu.au/degree-finder/mclaw_mcomplaws.html > at 26 December 2011
ANU	Its LLM and Graduate Diploma programs enable students who have a LLB degree to specialise in International Law < http://anulaw.anu.edu.au/masters-program/international-law-0 > at 18 November 2011
Bond	Offers the Master of Laws (International Legal Practice) < http://www.bond.edu.au/degrees-and-courses/postgraduate-degrees/list/master-of-laws-international-legal-practice/index.htm > and the LLM with a specialisation in International Trade Law < http://www.bond.edu.au/degrees-and-courses/postgraduate-degrees/list/master-of-laws/index.htm > at 22 December 2011
Flinders	Offers a LLM degree in International Law and International Relations, which crosses disciplinary boundaries between law and political science < http://www.flinders.edu.au/courses/postgrad/lawilir/lawilir_home.cfm > 26 November 2011
La Trobe	Offers the LLM in Global Business Law and Graduate Certificate in Global Business Law < http://www.latrobe.edu.au/courses/global-business-law/postgraduate > at 26 November 2011
Macquarie	Offers the LLM in International Environmental Law < http://www.courses.mq.edu.au/2012/Postgraduate/Master/Master+of+Laws > at 30 January 2012
Melbourne	Offers Graduate Diplomas in Asian Law, International Economic Law, International Law, and International Tax < http://www.law.unimelb.edu.au/masters/courses-and-subjects/courses-2012 > at 30 January 2012

Monash	Its LLM program has a specialisation in International and Comparative Law (students may exit with a Graduate Diploma in Law (International and Comparative Law)) < http://www.monash.edu.au/pubs/2012handbooks/courses/0068.html > at 10 November 2011
Queensland	Its LLM program allows students to pursue the International Business Stream or the International Business Stream for Global Relevance (for international students) < http://www.law.uq.edu.au/about-the-llm > at 9 December 2011
RMIT	Its JD program focuses on international and comparative business law < http://www.rmit.edu.au/browse/Study%20at%20RMIT%2FTypes%20of%20study%2FPostgraduate%2FAll%20programs%2FJ/ > at 22 October 2011
Sydney	It requires students to undertake another degree in conjunction with its LLB, and one of the combined degrees is International and Global Studies and Law < http://sydney.edu.au/law/fstudent/undergrad/combined.shtml > at 23 December 2011, which can be viewed as some kind of specialisation
Tasmania	Its LLM program allows students to specialise in Comparative Administrative Law or International Trade Law < http://www.utas.edu.au/law/postgraduate-study > at 28 October 2011
UNSW	It requires undergraduate students to pursue combined degrees, one of which is International Studies/Law < http://www.handbook.unsw.edu.au/undergraduate/specialisations/2012/Law.html >, in which students specialise in an area of study, complete a core sequence of courses, undertake the required language study, and participate in a one-year Overseas Study Program < http://www.handbook.unsw.edu.au/undergraduate/programs/2012/4765.html >, while it allows LLM students to specialise in International Law or International Business and Economic Law < http://www.law.unsw.edu.au/future-students/postgraduate/programs/master-laws-coursework-llm > at 30 January 2012

**Appendix VI: Examples of Master's Degrees, Diplomas,
or Certificates in International, Comparative,
or Foreign Law**

Law School	Master's Degrees, Diplomas, or Certificates
ANU	Offers the Master of International Law < http://studyat.anu.edu.au/programs/7310XMINTL;overview.html > and Graduate Diploma in International Law to non-law students < http://studyat.anu.edu.au/programs/6310XGDINT;overview.html > at 18 November 2011
Canberra	Offers the Master of International Customs Law and Administration (Graduate Diploma and Graduate Certificate also available), Master of International Economic Law, and Master of International Revenue Administration (Graduate Diploma and Graduate Certificate also available) < http://www.canberra.edu.au/faculties/law/courses > at 18 November 2011
La Trobe	Offers the Master of Global Business Law for non-lawyers and the Master of International Business and Law for lawyers < http://www.latrobe.edu.au/courses/global-business-law/postgraduate > at 26 November 2011
Macquarie	Offers the Master of International Environmental Law < http://www.courses.mq.edu.au/2012/Postgraduate/Master/Master+of+International+Environmental+Law >, Master of International Trade and Commerce Law < http://www.international.mq.edu.au/study/areas_coursedetails.aspx?cse=181&CourseLevelID=2&StudyOptionID=1&Location=AllLocations >, Postgraduate Diploma in International Environmental Law < http://www.international.mq.edu.au/study/areas_coursedetails.aspx?cse=208&CourseLevelID=2&StudyOptionID=1&Location=AllLocations >, and Postgraduate Certificate in International Environmental Law < http://www.international.mq.edu.au/study/areas_coursedetails.aspx?cse=207&CurrentYear=2011&Location=North%20Ryde%20(Sydney)&CourseLevelID=2&StudyOptionID=1 > at 30 January 2012

Melbourne	Offers the Master of International Tax, Master of Law and Development, and Master of Public and International Law < http://www.law.unimelb.edu.au/masters/courses-and-subjects/courses-2012 > at 30 January 2012
Monash	Offers the Master of International and Comparative Law < http://www.monash.edu.au/pubs/2012handbooks/courses/3377.html > at 30 January 2012
Murdoch	Offers the Postgraduate Certificate in Chinese Law, which entails three to four weeks of intensive study in Hong Kong and one semester of full-time study at Murdoch < http://www.law.murdoch.edu.au/academics/postgraduate_chinese_law.html > at 10 December 2011
Sydney	Offers the Master of Global Law < http://sydney.edu.au/law/fstudent/coursework/global-law.shtml >, Master of International Business and Law < http://sydney.edu.au/business/course/FC073 >, Master of or Graduate Diploma in International Law < http://sydney.edu.au/law/fstudent/coursework/intlaw.shtml >, and Master of International Taxation < http://sydney.edu.au/law/fstudent/coursework/inttaxlaw.shtml > at 23 December 2011
UNSW	Offers the Master of International Law and International Relations and Master of International Law and Security < http://www.law.unsw.edu.au/future-students/postgraduate/programs > at 22 December 2011
UTS	Offers the Graduate Certificate in International Law < http://datasearch2.uts.edu.au/postgraduate/course/detail.cfm?spk_cd=c11129 > and Master of International Law < http://datasearch2.uts.edu.au/postgraduate/course/law/detail.cfm?spk_cd=C04149&spk_ver_no=4 > at 25 November 2011
Wollongong	Offers the Master of Arts in Transnational Crime Prevention and Graduate Certificate in Transnational Crime Prevention < http://ctcp.uow.edu.au/futurestudents/aboutourdegrees/transnationalcrime/index.html > at 16 November 2011