

offerings in areas relating to international or global developments or increasingly diverse American populations.

Fourth are certificates and concentrations in international law and related subjects. A growing number of schools are creating structured clusters of advanced course work tied to areas of legal specialisation or student interests. Fifth, informal curriculum and service learning. A growing number of schools support law reviews specialising in international law and related topics, international clubs and moot court programs and symposia or speakers series. Sixth, integrated graduate programs, which may provide law schools with a critical mass of students interested in international and global offerings as well as enriching the range of perspectives and experiences all through the curriculum. Seventh, infusion strategies involving international personnel or professional development of American law faculty. Eighth, pervasive methods by which the incorporation of international and comparative perspectives through targeted coverage of selected international topics in standard courses can be achieved.

There are many models available for curriculum enrichment. Unfortunately, there are impediments as well. Institutional realities must be faced. In many law schools, a basic or extended array of course offerings with an international focus draws relatively sparse student enrolment because student interests are dispersed across a very wide range of elective offerings and tempered by pragmatic desires to secure employment easily or to complete courses tested on state bar exams. Faculty juggle competing priorities, often allocating time and energy toward scholarly projects rather than curricular innovation or feeling no personal impetus to move beyond well-established fields of expertise.

In the face of these challenges, it seems particularly important to find

and pursue targets of opportunity that take into account existing incentive structures. First, collaborative development of targeted supplemental course materials: it is likely that faculty will continue in their individual efforts to develop advanced electives relating to international or comparative topics, but more could be done to enrich the basic curriculum if a collaborative strategy were employed. Second, multifaceted professional development. The Association of American Law Schools could commit to include a segment on international or comparative topics as part of every annual meeting, with tapes of relevant program segments made available on a package basis for purchase by American law schools who seek to undertake more comprehensive efforts to help faculty incorporate international and comparative insights throughout the curriculum.

Third, facilitation of scholarly partnerships, academic visits, and collaboration of other sorts. Faculty often report that international linkages spring up as a result of personal contact with colleagues from abroad who share common scholarly interests. Fourth, documenting and understanding good practices in LLM programs. A growing number of law schools have created LLM programs to provide educational opportunities for students from abroad as well as to increase revenues in tight financial times.

Finally, shared commitment and accountability for progress. With the rising tide of interest in globalisation and international legal education, during a time of competing demands on scarce resources, it is important to think carefully and flexibly about the extent to which different initiatives are pursued by individuals, schools or consortia, on regional, national or international scales. While no easy answers are possible, it will be important to realise efficiencies of scale and benefits of collective insight, without creating undue delays or engaging in battles over turf. To

maintain momentum, it will also be important to develop collective commitment to make measurable progress that goes beyond ad hoc initiatives that too often result in recurring opportunities to reinvent the wheel.

Informing law curricula: modifying first year courses to reflect the information revolution

W B T Mock

51 *J Legal Educ* 4, 2001, pp 554–567

Law is generally a conservative profession. As lawyers, we rely on precedent. As law teachers, we generally wait for precedent to accumulate until there is a critical mass of it available to put into a textbook and offer to a curriculum committee. Many in the tenured world believe that serving the profession means organising and analysing materials that have served well in the decades past.

US society has been in the information age for the past few decades, yet our national law school curriculum, especially our first-year curriculum, remains firmly entrenched in the century-old industrial conceptions. Our students already have a gut feeling why Napster exists. Whether we are teaching Contracts, Torts or Property, Napster has implications for us. If we cannot analyse whether and why Napster or its users were stealing property or committing torts, our students will wonder what good the law is in today's society and our alumni will wonder whether we prepared them to practise law for tomorrow. Although there are several independent subjects that could be added to any law school's curriculum, such as computer law or Internet law, many of the traditional courses could simply be modified to take informational concepts and interests into account.

Our aim with these modifications is to train students to think about information as a new structuring principle in society, with its own set

of problems needing political, economic and legal solutions, and offering its own set of solutions to older problems. We are not merely trying to teach a few interesting new cases that offer some twists on old ideas. We are not simply teaching a handful of doctrinal topics relating to information. We are attempting to inculcate in our students an awareness of the pervasive significance of informational concepts, problems and solutions within our society as it moves forward through the twenty-first century. In many circumstances this will take a change in attitude and description as much as it will take a change in course content.

All of the familiar components of contract law — the bargaining, consideration, intent and the Statute of Frauds — have strong information law aspects that could, and should, be brought out in class. Bargaining is the simplest of these components to adapt, because it may take nothing more than adjusting the facts in our casual classroom hypotheticals. Consideration offers a slightly more sophisticated classroom opportunity to us: we can begin to look at the commodity value of information. Access to information now has a value, even if the information itself does not eventually lead to greater productivity or more sales, simply because it could have. This provides us with an opportunity to offer forms of consideration that would have appeared strange some decades ago, but which are standard fare in commerce today.

Traditional classroom discussion of intent has centred around the subjective-objective debate, the question of how do we know, and the introduction of the ‘reasonable person.’ What a magnificent time to introduce the basics of information theory! Information typically has several cost elements that impose upon someone seeking to acquire it — costs of identifying it, locating it, verifying it and analysing it.

Some portion of the first year Property course could be set aside to introduce a concept they will encounter with great frequency in coming years: information as property. Beyond intellectual property law, there are other, less familiar aspects of information-as-property that should be introduced in first-year Property, even if only briefing to provoke student deliberation. Consider who has the property rights in personal medical records or school records, for example, or who has property rights in a detailed customer list that developed while making sales calls on commission.

Certain torts are information based and some of these, the defamatory torts of libel and slander, are already taught in the typical first-year Torts course. Another information-based tort growing in social significance is identity theft, which could be added to the first-year Torts coverage.

Criminal Procedure provides the first opportunity to introduce law students both to constitutional limitations on government access to information and to the use of informational sanctions for informational misconduct. If these both sound familiar, they should, because they are already essential to every law school course on criminal procedure, but they are not always reviewed as informational policy. From a simple perspective, civil procedure is a set of rules for determining when and how information will be permitted to flow into the judicial decision-making process. In teaching Civil Procedure from an information perspective, the professor will need to keep this overarching objective of the civil procedure system in the students’ view. Informing students that Civil Procedure is a course about the civil engineering of litigation information may provide them with the perspective they need to keep the larger picture in mind.

In a way, Legal Research and Writing should be the simplest of all the first-year courses to adjust to the

information age, since it is already all about information. Legal research is about information location and the use of information resources ranging from print sources to online databases. Legal writing is about information transmission, whether it be purely informational or persuasive as well.

We have to start somewhere with altering the curriculum to fit the needs of the information age and the best place to begin is, usually, the beginning. In this case the beginning is the typical first-year curriculum. By starting here, we would give students the earliest exposure to information concepts and the students would begin to understand their significance sooner.

Essentially, the information sector has overtaken and surpassed the industrial sector in importance. In a society as large and as complex as ours, all these sectors continue to play important roles and the legal profession needs to serve all of them. The balance of our pedagogy must shift so that we pay more attention to the growing importance of information law and theory.

INDIVIDUAL SUBJECTS/ AREAS OF LAW

It began at Brooklyn: expanding boundaries for first-year law students by internationalising the legal writing curriculum

D P Edelman

27 Brooklyn J Int'l L, 2000, pp 415–37

Should international law be taught to first-year law students? Perhaps the most practical reason is that international law is becoming so important to our lives as lawyers and educators that we can no longer dismiss this idea as one that is controversial or impractical. By introducing students early on to concepts of international law, we teach them that law extends beyond the boundaries of traditional practice and show them that the law is as diverse as