

INTERNATIONAL LAW IMPACTS TEXAS AND THE TEXAS TECH SCHOOL OF LAW RESPONDS

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I arrived at the Texas Tech University School of Law campus in May of 2000 filled with excited anticipation about the prospect of building upon the existing work and successes that the law faculty had already achieved in the international law area. I was hired to teach in this area and to administer and expand our existing international law programs, which included a Summer Law Institute providing students an opportunity to study law at the University of Guanajuato, Mexico, and a student exchange program with the University of Jean Moulin, Lyon II in Lyon, France. A question I often confronted at that time was “why encourage our students to study international law when the vast majority will remain in Texas to practice law?”¹ The fact that you are now reading this text demonstrates that the editors of the Texas Tech Law Review know the answer to this question, and I applaud their foresight in seeking to include articles written by international authors about the law beyond our borders.

It will be almost impossible for any Twenty-first Century lawyer not to come in contact with some international legal issues during his or her career regardless of the area in which he or she chooses to practice.² This holds particularly true for Texas lawyers because of the amount of international business transacted by citizens of this state. In 2003, Texas gained recognition as the largest international trader of the fifty states in the United States, surpassing previous first-place holder, California.³ Texas trades with over 230 countries and territories around the world and shares the longest border with Mexico of any state.⁴ The implementation of NAFTA in 1994 and the subsequently planned Ports-to-Plains trade corridor that will pass through our

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1. According to Kay Patton Fletcher, Dean for Career Services at Texas Tech School of Law, an average of ninety-six percent of our graduating students have remained in Texas to practice law over the past three years.

2. Javier H. Rubinstein, *International Law's New Importance in the U.S.*, NAT'L L. J., Sept. 15, 2003 at 16 (“Globalization has touched virtually every sector of our society, including the courts.”).

3. U.S. Commercial Service, a unit of the United States Department of Commerce, *Texas Now the Nation's Top Exporting State, Texas Companies Tap Global Markets, Spur Economic Growth*, at http://www.usatrade.gov/website/website.nsf/WebBySubj/Main_WhatsNewTexas; Mike Copeland, *Commerce Officials Say Opportunities Abound for Foreign Trade*, Waco Tribune-Herald, April 12, 2003 (“[Texas] has become the biggest exporting state in America, with almost \$95 billion worth of exports in 2002, beating out California's \$92 billion.”).

4. Carole Keeton Strayhorn, Texas Comptroller of Public Accounts, *From Texas to the World*, Fiscal Notes, an online publication of the Texas Comptroller of Public Accounts, May 2003, at <http://www.window.state.tx.us/comptrol/fnotes/fn0305/from.html>.

own Lubbock, Texas in connecting the market places of Mexico, the United States, and Canada only serves to increase international opportunities for Texas lawyers. Legal institutions across the country, including the United States Supreme Court, are becoming progressively more aware of the importance of global issues and likewise acknowledge the need to make certain that future lawyers understand where, when, and how domestic law and international law merge and diverge.⁵ In this increasingly internationalized legal arena, competent Texas lawyers are finding that they must know more than the relevant international law involved in a particular transaction. With increasing frequency, legal advisors around the United States are finding they can better serve clients with global needs if they know something about the language, the culture, and the history of the country or countries involved.⁶ One can be the most brilliant international legal scholar in the field but still end up losing business for the client if one is unaware of relevant social customs, including local history and language. Such ignorance can lead to misunderstandings or faux pas that can spell disaster for a client. In many instances, and especially here in Texas, the clients themselves will be foreign citizens; thus, it again becomes critical for a Texas lawyer to know something about foreign cultures or customs. As an example, the McAllen, Texas Chamber of Commerce recently estimated "that as many as 80 percent of new businesses are owned by Mexican citizens."⁷ In addition, Texas has been recognized as one of the most diverse states in the Union, making it more and more likely that Texas lawyers will come into contact with foreign clients or U.S. clients that possess diverse cultural backgrounds.⁸ Law firms in Texas and throughout the United States have also begun to recognize the importance of having an international perspective, and more and more they seek to hire

5. See generally, e.g., Javier H. Rubinstein, *International Law's New Importance in the U.S.*, NAT'L L.J., Sept. 15, 2003 (noting the increasing frequency with which the U.S. Supreme Court has begun to refer to international law in reaching their decisions); Tony Mauro, *Court's New Trend Toward Citing Foreign Precedents*, Texas Lawyer, July 7, 2003 at 14 (citing increased international travel of U.S. Supreme Court Justices as possible reason for increased reliance on international law for persuasive support); Burton Bollag, *A Law School on the Move Takes a Global Approach*, The Chronicle of Higher Education, Jan. 12, 2001 at 43 (discussing the "internationalization of [New York University's] law program."); Jehanne Henry, *All the World's a Legal Stage, So Law Schools are Beefing Up the Training for New International Law Players*, Texas Lawyer, March 8, 1999 at 21 (explaining the need for expanded international law curriculums and how law schools are responding).

6. See generally, Department of Commerce, *Recognizing and Heeding Cultural Differences Can be Key to International Business Success*, Business America, October 1994 at 8 (reprinted in RALPH H. FOLSOM, ET. AL, INTERNATIONAL BUSINESS TRANSACTIONS 26 (6th ed. 2003) (suggesting that failure to understand a culture before beginning a business negotiation can lead to disastrous failures)).

7. Simon Romero, *Mexican Wealth Gives Texas City a New Vitality*, N.Y. TIMES, June 14, 2003 at C1.

8. See Jesse E. Harris, *State Growth Could Delay Academic Parity*, Daily Texas, July 20, 2001 ("Texas is arguably the fourth most diverse state in the country."); DeEtta Jones, *Demographic Shifts Call for Cross-Cultural Competence in Library Professionals*, at <http://www.arl.org/diversity/leading/issue12/jones.html>.

lawyers that have had an international experience, possess foreign language skills, or have some other familiarity with foreign cultures.⁹ This trend will only continue as we become an increasingly diverse society and as international business continues to expand.

Texas Tech School of Law intends to make certain that our graduates continue to have every opportunity to prepare themselves for practicing in this increasingly diverse and globalized society. For these reasons, we have greatly expanded our international law curriculum over the past five years, and we continue to expand our international study abroad programs. For example, in 2001 the Summer Law Institute, for the first time in its twelve year history, expanded its program offerings by including a two-credit externship program. This program places students in the offices of Mexican judges, attorneys, or Guanajuato State offices, providing our students with an unparalleled comparative law experience. During the summer of 2004, we will open the Summer Law Institute program to Texas Tech Law Alumni who want to expand their international law perspective or simply brush up on the knowledge they have already gained. In 2003 we signed a formal student/faculty exchange agreement with the Universidad Pablo de Olavide in Sevilla, Spain that gives our students an opportunity to study law in Spain and provides for student and faculty visitors from Spain to study and teach in our classrooms, bringing international perspectives to our students who remain here in Lubbock. Our faculty members, like our students, are traveling abroad with increasing frequency, not only to study but to teach and conduct research. As a result of these international visits, we have initiated discussions regarding a possible study abroad program with a university in the Asia/Pacific region, an area of the world that conducts much business with Texas and with which we have yet to create a formal program. As our law school curriculum and programs expand to take account of these growing international legal opportunities, the coverage of issues discussed and examined in our Law Review has also expanded. I am proud to introduce the following articles that have been researched and written here in Lubbock, Texas by two visiting law professors from the Universidad Pablo de Olavide in Sevilla, Spain. The two professors visited our university as part of the previously mentioned faculty/student exchange program between our two law schools. While Professors José Manuel Cortés Martín and María José Parejo Guzmán visited us, they not only researched and wrote these articles, but they also took time to provide guest lectures in a variety of international and

9. See *supra* Henry note 5 at 21 ("Language ability can also make the work easier to come by at the big firms . . . Spanish fluency and familiarity with Mexican culture [make attorneys] an asset to clients doing business in Latin America."); The National Jurist, September 2001 Vol. 11, No. 1 ("Graduates with strong foreign language skills, foreign travel or work experience, and who have taken corporate, IP and litigation courses, will have the easiest time getting these jobs.").

domestic law classes, providing our students with comparative and international law perspectives they might not have otherwise experienced.

As the role that the state of Texas plays in the world economy continues to grow, we must strengthen our commitment to providing our students with a legal education that will prepare them for success. Expanding our curriculum and our programs to include international law issues is critical to that success, and we will continue to expand our offerings in that area to ensure we meet that need. Likewise, we are fortunate to a Law Review that continues to solicit articles that discuss international law issues in order to provide our readers with the knowledge that will become increasingly associated with their success as practitioners of the law in the great State of Texas. These are the reasons why we teach international law to our students, and these are the reasons we are proud to present the following international law articles for your consideration.