

Course Selection Guidance for Students Interested in International Law

In the twenty-first century, international legal issues permeate virtually every area of law. Practicing international law now has almost as many meanings as practicing law. Yet students interested in a career in international law often don't know where to begin or what kinds of jobs might be available. The purpose of this memorandum is to offer some general guidance on course selection for students with a vocational interest in international law. It is not intended to be, nor could it be, comprehensive. You should speak to your professors in the various subfields of international law mentioned below for further advice and direction.

Lawyers tend to divide international law into two categories: public international law, which traditionally deals with the law governing the relations between nation-states (but, since the postwar international human rights revolution, it also focuses on, among other things, how states treat their own citizens); and private international law, which traditionally deals with the legal issues that arise in a variety of cross-border transactions between individuals, corporations, and other juridical entities. (Lawyers sometimes refer to the latter field as international conflicts of law.) This public-private division has become increasingly blurred. The burgeoning field of investor-state arbitration, for example, which has become a specialty at many of the "blue chip" law firms, typically involves individual or private corporate investors, on the one hand, bringing an arbitration against a nation-state, on the other, for the violation of, say, a public concession contract—and the law applicable in that arbitration may be a mixture of the domestic law of the nation-state involved, augmented or qualified by principles of public international law. (So, too, with trade transactions, where private parties claim rights under international trade treaties.)

Today, lawyers interested in practicing either public or private international law should be familiar with the fundamentals of both. For that reason, if you think you might want to pursue a career in international law, you should strongly consider taking an introductory course, broadly speaking, in each: **Introduction to International Law (JD927)** focuses principally, but not entirely, on public international law; and **International Business Transactions (JD842)** focuses principally, but not entirely, on private international law. Together, these courses will give you a strong foundation on which to build. They will also introduce you to many of the subfields of international law in which you may want to specialize.

Despite the limits of the public-private division, it is convenient to divide advanced course offerings, and some international law career options, into the rubrics of public and private international law. One of the advantages of a career in international law, however, is that it is possible to enjoy a diverse and rich professional life that includes aspects of both. Lawyers at large firms, for example, whose mainstay may be international commercial arbitration, increasingly become involved in public international law cases or projects, including, for example, international human rights litigation, investor-state arbitrations, litigation before the appellate body of the World Trade Organization, before the International Court of Justice on behalf of a foreign sovereign—or simply the pro bono representation of asylum seekers. You might also begin your career in a large firm that does some private international work, and then, after gaining several years of experience, move to the Office of the Legal Advisor to the U.S. State Department, where, as one of the attorney-advisers, you would have the opportunity to practice in virtually all of the subfields of public international law. Equally, it's possible to

transition from working for non-governmental organizations (NGOs) focused on international human rights or international environmental law, or from government work, to private-sector work and vice versa.

That said, here is a rough breakdown of the courses pertinent to some of the international legal careers you may want to pursue:

International Business Law

International business lawyers, like their domestic counterparts, may be involved in either transactional work or litigation. On the transactional side, the major difference is that the transactions (deals, contracts, concessions, etc.) will be between entities or individuals with diverse nationalities and may therefore involve complex, but for the same reason, interesting, cross-border legal issues. If you're interested in practicing in this area, it would be advisable to focus, not only on international courses, but on the traditional foundations of business law: **Corporations (JD816)**, **Securities Regulation (JD883)**, **Tax (JD889)**, **Bankruptcy (JD803)**, **Corporate Finance (JD985)**, **Merger and Acquisitions (JD988)**, **Antitrust (JD838)**, and so forth. (For further guidance, see the memorandum on "Careers in Business Law"). In part, this is because few lawyers can specialize entirely in international transactional work, but even more significantly, knowledge of these traditional subject areas is as essential to international as it is to domestic transactional work.

In addition to these foundational domestic law courses, however, you may want to take advanced international law course offerings in, for example, **International Development & Project Finance (JD936)**, **International Business Agreements (JD959)**, **International Trade Regulation (JD858)**, and **International Taxation (JD781)**. A course in **European Union Law (JD880)** would also be helpful, particularly if you want to cultivate a regional specialization. Because many international business transactions involve arbitral clauses, which you may be asked to draft, it would be wise to take **International Business Arbitration (JD980)**. International arbitrators often say that their job would be much easier if the transactional lawyers crafted arbitral clauses more meticulously. Finally, given the complex, interconnected nature of the laws and regulations governing international commerce, many international business lawyers spend much of their time on risk management and compliance issues. Courses in compliance, including **Introduction to Risk Management and Compliance (JD778)**, **Compliance and Risk Management in Global Commerce (JD918)**, and **Global Social Compliance (JD681)** would provide a useful background for anyone interested in international transactional law.

On the litigation side, most lawyers in the private sector who practice international law specialize in international arbitration and litigation. For this career, **International Business Transactions (JD842)** and **International Business Arbitration (JD980)** would be essential. International litigation may also involve international trade law governing matters such as anti-dumping and dispute-resolution under treaties within the framework of the World Trade Organization or of bilateral or regional trade treaties. These topics are covered in **International Trade Regulation (JD858)**. Again, however, it would be advisable not to focus on international course offerings only. Very few private-sector attorneys in the litigation departments of major law firms deal exclusively with international arbitrations and cases; most spend at least equal time on domestic

litigation even if they belong to the firm's international practice group, for example. It is equally important to get a solid background in the fundamentals of litigation. For this purpose, consider taking courses in **Evidence (JD831)**, **Administrative Law (JD801)**, **Federal Courts (JD836)**, **Complex Litigation (JD976)**, and **Conflict of Laws (JD721)**. The latter course may be particularly helpful for international lawyers because conflicts principles of U.S. law, i.e., those that apply as between the several states of the Union, will help you to understand international conflicts of law. You may also want to take some of the courses listed in the paragraph above: international litigation and arbitration typically involve an international concession, contract, deal, or other transaction gone bad.

Public International Law

In the United States, the premier way to practice public international law is as an attorney-adviser in the Office of the Legal Adviser to the U.S. Department of State. (Legal jobs in a variety of international areas exist in other bureaus of the State Department as well.) In the trade area, three major federal agencies hire international lawyers: the U.S. Trade Representative's office, the International Trade Commission, and the International Trade Administration of the Department of Commerce. The Department of Justice also has several units with an international focus, including, for example, the National Security Division, Interpol-U.S. National Central Bureau, and the Office of Special Investigations, which focuses on bringing human rights violators to justice. Competition for many of these positions is fierce, but they are by no means out of reach. Although some young lawyers may be able to transition to these jobs directly from prestigious clerkships, other lawyers who practice in the Office of the Legal Adviser or the Department of Justice typically spend a few years gaining experience in one of the major law firms, preferably one with an international practice group. During those years, as with any job, it helps to network. You should get involved with the American Society of International Law, which has its headquarters in Washington, D.C., and sponsors a variety of interest groups and activities. The American Bar Association also has a section on international law, which offers additional opportunities. These organizations will expose you to international lawyers of all kinds, and the contacts that you make may well prove invaluable to your future pursuits.

Another way to practice public international law is through work for an international organization, such as the United Nations and affiliated institutions—or a regional organization such as the Organization of American States. These institutions sometimes offer valuable and fascinating summer internships. Regrettably, however, full-time work as a lawyer for these international or regional organizations can be difficult to find, particularly early in your career—in part because the organizations often have nationality quotas, and the number of U.S. lawyers qualified for and seeking these jobs is comparatively high.

Course offerings relevant to jobs in public international law, and, in particular, work in the State Department or Department of Justice, would include **Introduction to International Law (JD927)**, **Democracy and the Rule of Law (JD848)**, **European Union Law (JD880)**, **Law and War: Contemporary Issues (JD797)**, **National Security Law & Foreign Relations Law (JD890)**, **International Business Transactions (JD842)**, **International Criminal Law (JD996)**, **International Human Rights (JD991)**, **Critical Perspectives in International Law (JD679)**, and **International Trade Regulation (JD858)**. Here again, however, from a

vocational perspective, you should try to balance your study of these subjects with the traditional upper-level course offerings in subjects like **Corporations (JD816)**, **Securities Regulation (JD883)**, **Administrative Law (JD801)**, **Evidence (JD831)**, **Antitrust (JD838)**, and **Tax (JD889)**.

International Human Rights Law

A variety of non-governmental organizations (NGOs) focus on international issues and may offer good opportunities for those interested in practicing international law. International human rights law, which falls within the rubric of public international law, is one prominent example, which will be explored below as illustrative. But other NGOs focus on other public interest issues (e.g., international environmental law), and the following advice pertains in some respects to NGO work generally.

While the practice of international human rights law includes litigation (for example, under the U.S. Alien Tort Claims Act, 28 U.S.C. § 1350), much of what international human rights lawyers do does not involve courts. As advocates, they engage in fact-finding missions to document and report on human rights conditions in different areas of the world; lobby and seek to influence legislatures, governments, corporations, and organs of the United Nations or international treaty bodies of various kinds; and engage in related public relations work. Even if they never appear in court, however, international human rights lawyers often find that courtroom advocacy skills translate well into the kind of work they do. It is no coincidence that some of the most highly regarded international human rights lawyers (e.g., Ken Roth, the Executive Director of Human Rights Watch; and Reed Brody, Special Counsel to Human Rights Watch) began their careers as state or federal prosecutors.

If you would like to tackle real international human rights issues while in law school, you should enroll in one of the relevant clinical or experiential opportunities. In the **International Human Rights Clinic**, students focus on human rights projects, by filing briefs and amicus briefs on international human rights law issues in US domestic courts, participating in universal jurisdiction claims in the US and other courts, and conducting fact-finding missions. In the **Immigrants' Rights & Human Trafficking Clinic**, students learn practical legal skills while providing *pro bono* representation to vulnerable non-citizens facing deportation and survivors of human trafficking. If you are interested in other litigation-related courses, you may find B.U.'s **moot court programs** (<https://www.bu.edu/law/academics/jd-degree/moot-court/>) or a course in **Trial Advocacy (JD894)** helpful to develop your skills as an advocate. Finally, if you are interested in spending a semester working full-time for credit at a Non-Governmental Organization (NGO) committed to the protection of human rights (such as the UNHCR and the European Center for Constitutional and Human Rights in Berlin), you may want to consider doing a **Semester-in-Practice: International Human Rights**.

Beyond foundational courses in international law, students interested in international human rights lawyering will almost certainly want to take **International Human Rights (JD991)**, and may want to take related courses such as **Human Rights in Europe (JD845)**, **Health and Human Rights (SPH LW 740)**, and **International Immigration and Refugee Law (JD747)**. Those interested in the increasing trend in international human rights law to prosecute core

international crimes such as crimes against humanity, genocide, and war crimes in domestic courts and international tribunals like the International Criminal Court, may also want to take **International Criminal Law (JD996)**. International criminal law has itself become a subfield at the intersection of international human rights law and the law of armed conflict.

International human rights law involves domestic work, too. In fact, organizations like Human Rights Watch go out of their way to show that they hold the United States to the same standards as they do other nation-states. Particularly since 9/11, many international human rights lawyers have spent a great deal of time litigating and advocating to protect human rights in the United States—a goal that requires knowledge of both constitutional and international law. If your interest in international human rights law lies in this area, a course in **National Security Law (JD890)** or **Law & War: Contemporary Issues (JD797)** would be very helpful, as would a course in **Civil Rights Litigation (JD877)** or **Immigration Law (JD968)**.

Study Abroad

Many students wonder about the value and relevance of studying abroad to a career in international law. Participating in one of the Law School's study abroad programs can be an excellent way to deepen your overall understanding of international or foreign law, or to focus on a particular area of substantive or geographic interest. The programs differ in many ways, so as a first step, you should familiarize yourself with their details by visiting:

<http://www.bu.edu/law/current-students/jd-student-resources/study-abroad/>

Studying abroad does not necessarily mean studying international law abroad; it can also be a way to learn about comparative law, regional law, or the law of a particular foreign state. So students interested in studying international, regional, or foreign law abroad should consider the following questions, among others:

1. *Are you interested in learning about the laws of a particular geographic region of the world or the laws of a particular foreign country?* Our foreign programs allow you to delve into the substantive laws and legal issues of particular areas of the world, beyond what you might find in courses at B.U. Law. Our program at Tsinghua University in Beijing, for example, exclusively focuses on the substantive law of the People's Republic of China. Our Singapore program, in contrast, offers a broader array of options in Asian law. Our Madrid and Florence programs offer courses in the substantive law of Spain and Italy, respectively, as well as some courses on E.U., international, and comparative law.
2. *Are you interested in a particular area of international law?* Other foreign programs offer intensive exposure to specific areas of international law. Our Geneva program, for example, focuses on international human rights law and international humanitarian law (a modern synonym for the law of armed conflict); the Graduate Institute for International and Development Law has built its reputation in these areas. Leiden University in The Netherlands offers courses in these topics but also offers diverse options in other areas of public international law, E.U. law, and the emerging field of law and development. Our

program at Bucerius Law School in Hamburg, Germany, focuses more on international and comparative business law.

3. *Do you have an interest being in a particular international location?* Being in a particular city may coalesce with your substantive and career interests. Leiden's location near The Hague, for example, will give you the opportunity to visit many of the international tribunals and other institutions of modern international law, including the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, and the permanent International Criminal Court. Some students have obtained internships at these tribunals or other institutions. Geneva, similarly, is home to more than 200 international organizations, providing opportunities to network and, again, potentially to intern at one of the U.N. treaty bodies, for example. Hong Kong is one of the world's leading capital markets. Many U.S. law firms have foreign offices there, and some students have spent half the summer in Hong Kong, splitting their time between Hong Kong and New York.

The Law School has recently introduced a program that allows some students to study abroad for a full year in Paris, offering J.D. students the opportunity to obtain an LL.M. in European Law from Paris II. This program is most suitable for students who already have a good sense of their career interests and prospects after graduation—for example, those who intend to practice in one of the offices of a global law firm with a strong European presence. You should know, however, that an LL.M. degree from Paris II will not, by itself, open the doors to private firms overseas immediately after graduation.

Some of the Law School's foreign programs offer LL.M. and even Ph.D. level classes, for which you may well find it useful, though not necessarily essential, first to have taken some basic international law classes. **Introduction to International Law (JD927)** or **International Business Transactions (JD842)**, for example, could provide background to enable you to focus more rapidly on advanced or specialized topics and subfields while studying abroad. The Office of Graduate and International Programs can help to advise you on this with regard to any of the Law School's study abroad programs.

Recent experience suggests that private firms value a semester spent studying abroad if it enhances your value because of a geographic or substantive law fit with the firm's business and client base. But studying abroad will not, by itself, compensate for an otherwise weak resume. What it can do is help demonstrate your seriousness of purpose and confirm that you may be a good match for firms with a global business portfolio (that is, expansive overseas offices and a robust international client base).

Because overseas public international law and related organizations do not adhere to the same kind of formal recruiting timelines and procedures as private firms, your job search in this field will likely require a higher degree of networking. Internships often provide outstanding ways to network; and study abroad programs provide an opportunity to connect with people who work at a range of NGOs or intergovernmental organizations, particularly in Leiden and Geneva.

If you're considering a semester abroad, you should consult with your adviser in the Career Development Office to discuss whether and how particular programs may contribute to your academic or career goals.